



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

Standing Committee on Justice and Human Rights

JUST • NUMBER 048 • 2nd SESSION • 41st PARLIAMENT

EVIDENCE

Tuesday, October 28, 2014

—
Chair

Mr. Mike Wallace

Standing Committee on Justice and Human Rights

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• (1530)

[English]

The Vice-Chair (Ms. Françoise Boivin (Gatineau, NDP)): I call the meeting to order.

I am not Mike Wallace, just to make that clear. I gladly replace Mike today; he was at the funeral of Corporal Nathan Cirillo.

[Translation]

This is an emotional situation, both for the witnesses who have come to discuss Bill C-32, An Act to enact the Canadian Victims Bill of Rights and to amend certain Acts, and for the members around this table. This is the first time we are meeting since last week's tragic events.

We are thinking deeply about the most recent victim, Corporal Nathan Cirillo, who died defending our values and rights. Nathan Cirillo's death was not in vain. Our sympathies go out to his family, friends and colleagues. The whole country feels their pain, especially today, on the day of his funeral.

That said, we will continue the study on Bill C-32. Today, we are hearing from several groups of witnesses. If memory serves, each group will have 10 minutes for their presentation. We will then move on to questions from my colleagues.

The notice of meeting indicates that we will first hear from Arlène Gaudreault, President of the Association québécoise Plaidoyer-Victimes.

Ms. Gaudreault, the floor is yours.

Ms. Arlène Gaudreault (President, Association québécoise Plaidoyer-Victimes): Thank you, Madam Chair.

I want to begin by thanking the committee for having us and giving us an opportunity to participate in this consultation.

The Association québécoise Plaidoyer-Victimes is an organization that promotes and defends the rights of victims of crime. It has existed for 30 years and mainly operates in Quebec.

When the bill was announced by the Prime Minister, Stephen Harper, it was presented as a first in Canadian history—a piece of legislation that would fundamentally transform and clarify victims' rights, and create a better balance between victims' and offenders' rights. His message was very powerful.

However, despite the proposed amendments—most of which we agree with—we believe that the current bill will not make it possible to achieve such ambitious objectives.

Since our allocated time is limited, we will mostly tell you about our concerns over this bill's scope and its capacity to strengthen victims' rights. We will also share our concerns about the legislation's implementation. We will submit a brief over the next few days, and we hope that you will welcome our feedback. Of course, our objective is to enhance the bill and strengthen victims' rights in Canada.

I will begin with two comments.

First, the bill's title is not the same in English and in French. We feel that the title should be the same in both languages.

Second, this bill does not cover victims' social entitlements—the right to assistance and the right to compensation. To make the message clearer for victims and the general public, the bill should instead provide for victims' rights in criminal proceedings or in the framework of the criminal justice system.

My next comments are about the rights afforded to victims.

I will first talk about rights as stipulated in clauses 25 and 29. The bill sets out rights in a general sense, as was the case in the 1989 Statement of Principle and the Canadian Statement of Basic Principles of Justice for Victims of Crime, 2003. Over the past few years, all the groups have asked that victims' rights be clarified, so that victims can know what rights are afforded to them, how they can exercise them and whose responsibility it is to enforce those rights. In that regard, Bill C-32 is disappointing. It does not go as far as the Ontario and Manitoba legislation, which is much more specific.

When it comes to the right to information, for instance, this piece of legislation contains no proactive rights. It contains only rights victims have to ask for. The Manitoba legislation lists proactive rights, rights victims can obtain upon request and rights that involve certain restrictions owing to other existing legislation and policies.

Another very important element is the fact that the obligations of criminal justice system agencies and representatives are not specified. This has been an issue for years. Our organization has participated in all the consultations, and this issue has often come up. It is important for victims to know where to turn to obtain information, participate in proceedings or obtain protection. They must also be familiar with the responsibilities of various justice system players, at various stages, and know what to expect.

Inspiration could have been drawn from the experience of other countries, such as England and Wales, or the directives issued by the European Union, but Bill C-32 does not reflect those improvements. So it will be up to the federal, provincial and territorial departments to do all that detail work. I want to point out that all provinces have disparate interpretation legislation. The definition of “victim” varies. Complementarity and consistency are being talked about, but there is a tremendous amount of work to be done in that area.

Third, discretionary rights are at play here, and they are clearly set out in clause 20. All representatives—the police, departments, prosecutors and others—have a significant amount of discretion in deciding what is or is not reasonable, what can be granted and what comes under their discretion. Numerous provisions, both in the Criminal Code and in the Corrections and Conditional Release Act, grant all those representatives discretion.

Presenting this bill as a quasi-constitutional tool meant to strengthen victims' rights indicates to victims that their rights will be taken into account and enforced. However, that is a misleading message. It fails to make the necessary distinctions and creates false expectations. Therefore, it is bound to lead to dissatisfaction among victims.

● (1535)

I don't think this is the bill's objective.

I will now move on to clauses 21 and 22, which concern rights largely established or defined in other pieces of legislation. It is said that this bill should take precedence over other federal statutes, with the exception of the Canadian Charter of Rights and Freedoms, as well as other quasi-constitutional laws. In Canada, declaratory statutes have rarely been tested before the courts. That has been done in three provinces. There have been three cases and, in all three, the judges came to the conclusion that the statutes had no legal force or effect.

I will now talk about recourse.

It is true that Bill C-32 provides for a remedy. This can be considered a step forward, but the step is a small one because there is so much left to be done to set out remedies. Federal entities only provide for the complaint process. A lot of work remains to be done to clarify the responsibilities of various departments and federal organizations, as well as to define the mandate of the Office of the Federal Ombudsman for Victims of Crime and its authority to act. Procedures and policies will also have to be established, so that this statutory obligation can take effect.

The problem is even more complex in the provinces and territories. As you know, the complaint mechanisms vary from one region to another, and even from one organization to another. What is the situation on the ground? Complaint mechanisms are not well-known and are rarely used. Victims do not distinguish among the organizations of different levels of government. They have to navigate through the complex organizational machinery and often receive no guidance in this process, which they experience as a re-victimization. We also note that a number of victims do not use their recourse because the system is too complex. It's a real obstacle course. We also note that many organizations do not document the number of complaints received or the follow-up provided.

There are two stages to the process. First, the organizations must report on their work to the complainants, and second, they must analyze the complaints and process them other than on a case-by-case basis. That is the work of an ombudsman. There are recurring problems with and obstacles to the recognition of the rights of victims of crime. These rights must be represented to the appropriate authorities and all levels of government. It would be complicated to determine the responsibilities in the provinces. I know that the federal Minister of Justice said that he had started working with provincial ombudsmen.

However, if you look at section 18 of the legislation on Quebec's ombudsman, you see that this individual's area of jurisdiction and oversight is limited compared with the whole legal community, if I may call it that. Consequently, many recourse-related issues are still unresolved. This is extremely important in relation to the Canadian Charter of Rights and Freedoms.

I now want to move on to clauses 27 and 28. They do not grant any rights and do not provide for the appeal of a decision or an order.

What lessons can we learn when we consider the bill's scope? There is no point in promising victims that the bill will be enforceable if their rights largely depend on the discretionary power of justice officials, and if victims cannot take action and appeal decisions. There is also no sense in promising victims they will have recourse if we cannot rely on clear and coordinated mechanisms, which have no constraining effects, and if organizations are not reporting on their actions and decisions.

I would now like to add a few comments on the restitution provided for in clause 5. That measure should be clearer and talk about the entitlement to a remedy, which better reflects victims' needs and the progress made in this area. The entitlement to a remedy includes the right to restitution of goods or to a refund of costs incurred when testifying in court, as well as the right to restitution and to restorative justice. The bill should provide a definition of restorative justice. Protection safeguards should also be added when victims participate in restorative justice programs.

Let's now talk about the amendments to the Criminal Code and, more specifically, to section 7. That provision grants the right to representation by legal counsel.

● (1540)

Following its review of the production of records in sexual offence proceedings, the Standing Senate Committee on Legal and Constitutional Affairs published a report in 2012. That report looked at equity and victim protection in those records. The committee very clearly recommended that victims be entitled to a lawyer. That was stated in black and white.

Clause 7 mentions the right to be represented by counsel. That term choice is not insignificant. It greatly mitigates the Senate committee's recommendation. That term was chosen because it makes the process much less expensive for the government, since no promise is made to cover the complainant's legal costs.

As for the victim's right to representation, we will certainly recommend that the right to counsel be replaced with a right to a lawyer when records are produced in sexual offence proceedings.

We will also recommend that the agreement be reviewed because it currently covers only offenders and not complainants.

I will now comment on the victim impact statement.

The bill introduces the community impact statement. We are wondering about the scope and usefulness of such a statement. We feel that this is not a priority, given the current extent of victims' needs.

We are also wondering about the inclusion of a drawing, poem or letter in a victim impact statement. Those measures could make sense in a therapeutic context, with a psychologist or a psychiatrist, but we are wondering how they can be used. Couldn't this harm victims' interests by making them more vulnerable? I could perhaps elaborate on this issue during the question period.

I have some other comments about the victim impact statement. The court or the review board has the discretionary power to grant victims the permission to convey their views about the decision. However, according to the current jurisprudence, comments on sentencing are not accepted in the victim impact statement. This remains a discretionary power of the courts, of course, but we are wondering how it will be used by them and how eligibility will be determined. We feel that there are bigger problems currently when it comes to the use of the victim impact statement. We have many concerns in that regard.

• (1545)

The Vice-Chair (Ms. Françoise Boivin): Thank you, Ms. Gaudreault, but I have to stop you there. I did give you 13 minutes to be fair to everyone. We do have to stay within the allotted time, so that we can hold a discussion and ask questions. We could come back to what you were saying at that time.

We will now hear from the representative of the Comité des Orphelins de Duplessis Victimes d'Abus.

Mr. Landry, go ahead.

Mr. Lucien Landry (President, Comité des Orphelins de Duplessis Victimes d'Abus): Good afternoon, Madam Chair, members of the Standing Committee on Justice and Human Rights.

This is our second appearance, although our appearance in 2012 was not before this committee, but it was in relation to legal and constitutional affairs. Access to justice for the most disadvantaged is still our concern.

On behalf of the Comité des Orphelins de Duplessis Victimes d'Abus, I want to thank the members of the Standing Committee on Justice and Human Rights. I would like to begin by telling you about our organization to put things in perspective. Our organization represents individuals who lived in the institutional network—residential schools, orphanages and religious community institutions—from 1930 to 1965. The Comité des Orphelins de Duplessis Victimes d'Abus more specifically helps the Duplessis orphans in Quebec.

As I told the committee clerk, we also represent associations of people who have lived in other institutions across Canada, such as the Mount Cashel Orphanage, the Alfred school and a number of other non-aboriginal institutions. This is referred to as the Indian residential school file. Our organization has created a Canada-wide coalition to represent those people. So we are the voice of the people who are before you today.

They are now mostly aged 50 and over and are still suffering the consequences of the abuse they endured in their youth. We are not the only ones to take an interest in this matter. The Canadian Human Rights Commission prepared a lengthy report on the problem of children who have lived in those institutions across Canada. That report was published in the 2000s, and I have a copy of it.

Our organization has several files that relate specifically to victims. I will now talk about our concerns over Bill C-32. From the very beginning, in September, we have attended a number of meetings with the representatives of the Department of Justice and the Solicitor General of Canada. We also attended the conference that followed this process.

From 2011, we have also expressed our interest in participating in the study of this bill to Senator Pierre-Hugues Boisvenu in order to discuss a specific aspect of our file. We may not have the skills or the expertise required to consider this bill, but we thought we would submit our main concerns to you.

Following its analysis as a user of various Canadian courts, our committee hopes that the Canadian Victims Bill of Rights will successfully strike a balance in justice to make it favourable to victims.

Our organization represents victims whenever they need us, not only before the courts, but also before the administrators of various government or private organizations, or community associations. When it comes to victims of sexual assault, our organization's main concerns are the period of limitation and the onus of proof regarding the inability to act, the testimony and the cross-examination, the victim's financial capacity, and the care for and the recognition of victims.

• (1550)

With your permission, Madam Chair, Tony Doussot will continue the presentation.

Mr. Tony Doussot (Representative, Comité des Orphelins de Duplessis Victimes d'Abus): Good afternoon, Madam Chair.

I would just like to underscore the level of victimization that the Duplessis orphans have endured. They were stolen from their biological parents, locked up in orphanages, and subjected to deprivation, as well as years of physical, psychological, spiritual and sexual abuse.

They were then thrown out of atrocious care facilities. No one knew quite what to do with them, so they were turned out in the street. And their victimization was never acknowledged. Why, then, were they compensated? To help them overcome poverty. Their victimization was never acknowledged. The Duplessis orphans are victims who have never been recognized as such.

And they appear before you today with some recommendations. The orphans committee has been working on them for some time, despite the fact that it has not received a cent. From time to time, we are given pennies to carry out specific projects, but nothing else. The orphans committee has no regular funding that it can use to assist victims as they try to help themselves.

The orphans committee is proposing that a victimology study, examining crimes that have actually been committed against victims, be conducted annually. It is important to determine the actual number of crimes suffered by victims, as compared with the number of reported crimes and those in which the perpetrator was prosecuted and convicted. Losses have occurred, and in order to know what they were, they need to be counted every year to determine if progress is really being made.

The second recommendation concerns the right to access information. The head of Quebec's professional association of journalists, Pierre Craig, criticized Quebec's access to information legislation, likening its restrictive nature to that of a prison. What's more, a victim has to pay for information that falls under federal jurisdiction. The government makes them pay for it.

The committee's third recommendation is to adopt a practice used in Europe. There, victims can take their complaint directly to the Crown prosecutor, given that so many of them are afraid of police. Valid or not, the fear of police remains. Why not allow victims or victims advocates to take their complaints right to Crown prosecutors?

The Comité des orphelins de Duplessis victimes d'abus is also concerned about the appeal mechanisms in the victims bill of rights. We understand that the goal is to simplify things for victims, but simplifying does not equate to doing nothing. Instead, it is a matter of knowing how many complaints have been filed, at every stage, how many were carried through till the end and how many victims gave up because they could not get time with the prosecutor, were too poor and lacked the necessary resources or came up against too many roadblocks.

Obviously, we welcome this bill of rights for victims, but it has its limitations. Mr. Landry, for example, is not considered a victim by any of the country's courts. Must he show every single time that he has been the victim of a crime? You will say, yes, he is a victim, but is it a crime to falsely diagnose someone as mentally ill? I think it is and I think you agree, but will a judge think the same way?

We are also worried about other victims. Would the proposed bill of rights apply to a Canadian who fell victim to a crime abroad? Would it apply to a foreigner who fell victim to a crime in Canada? It is simple questions like these that have yet to be answered. Our committee's primary focus is, of course, the Duplessis orphans, but we are also worried about other victims. The Duplessis orphans were

horribly mistreated and have still not been recognized as the victims they are.

• (1555)

Mr. Lucien Landry: I would like to conclude by saying that what the Duplessis orphans are asking of this committee is not that complicated. It is straightforward, really: the ability to regain their dignity.

Madam Chair, we have high hopes for this victims bill of rights. We hope that these voiceless victims will have the opportunity to regain their dignity.

The Vice-Chair (Ms. Françoise Boivin): Thank you very much.

We will now continue with the next group:

[*English*]

Walk With Me Canada Victim Services, and Ms. Nagy.

Ms. Timea E. Nagy (Founder and Program Director, Walk With Me Canada Victim Services): Thank you very much.

It's a pleasure to be back at this committee. I think it's my third time here.

I'm so glad to see everybody in good health. I would like to thank you all, as MPs, leaders, and your staff, for coming back and working hard. We want you to know that we really appreciate it. Again, I'm really happy to see you all in good health.

My name is Timea Nagy. I'm the founder of an agency called Walk With Me Canada Victim Services. I am a survivor of human trafficking, and my agency works mainly on the front line with victims of human trafficking here in Canada. Since 2009 we've assisted up to 300 victims of human trafficking. We brought about 80% of those victims through the whole court process as well.

I am a survivor, and I went to court 17 years ago for my own case. At the time there were no laws about human trafficking. Everything was different. The court system and everything was completely different. Now, 15, 17 years later, when we walk our victims through these doors, we see differences. I believe we've grown together.

We have also seen a lot of flaws in the system, where our victims of human trafficking are not protected properly. It's not just victims of human trafficking, but I can only specifically speak to the victims we work with.

I was extremely excited to study Bill C-32. When I studied further, I realized that for the first time in a long time in Canada—again, I am speaking to my personal experience—I feel that victims of crime will be treated with more dignity in certain areas and more care, but most of all more compassion. I'm certainly not an expert, and not a lawyer, but when I read this bill as a survivor and as somebody working on the front lines, I felt that the amendments were written to create a healthier environment for the victims in the court system. I do believe the intent of this bill is to recognize the victims as human beings, as victims of something, and for all of us to actually bring back compassion.

What really struck me about this bill is that sometimes, as sad as it is, we have to put things in law and make it law so that people follow through with it, meaning that some of the wording is just encouraging us to be more compassionate. That's what I believe this bill is creating overall.

Bill C-32 has given real attention to victims and the rights for their voices to be heard throughout the court procedure. Again, that's something we've been wanting for a long time on the front lines. I'm extremely happy about proposed section 486.31. I'd be happy to elaborate on that later if anybody has any questions. I'm very excited to see clause 15; proposed paragraph 718(a); and I am very happy to see the content around protection of the victims and witnesses, and restitution.

One concern that we have around the restitution is that while we are extremely happy to see the effort and the language and the intent behind restitution, we don't believe the victims should have to go through civil court and more bureaucracy to be able to get their money from the accused. We do believe that the intent behind this is extremely amazing, and we have celebrated the fact that it even showed up in the bill.

I know it's hard to believe, but that was my statement. I'm looking forward to any questions you may have.

Thank you.

• (1600)

The Vice-Chair (Ms. Françoise Boivin): Excellent. Thank you very much, Ms. Nagy.

Now, on with the Association des femmes autochtones du Canada, with Dawn Harvard and Teresa Edwards.

Welcome, ladies.

Dr. Dawn Harvard (Vice-President, Native Women's Association of Canada): Thank you very much.

Good afternoon. I want to start today by acknowledging the Algonquin nation on whose traditional territory we are gathered here today.

Thank you all for being here and for inviting us, the Native Women's Association of Canada, to speak to this committee on an issue that is important to our aboriginal women, our children, and their families and communities. I am Dr. Dawn Harvard from the Wikwemikong First Nation on Manitoulin Island here in Ontario. I'm accompanied by Ms. Edwards, who will be able to help answer any questions afterwards.

We have 12 provincial and territorial member associations across this country. We have been supporting, empowering, and working with indigenous women for the last 40 years hoping to help them build a better life.

Historically, our women were caretakers of our land, caretakers of this nation. We were respected, valued, and honoured. We held influential positions and we were actively involved in our communities socially, economically, and politically. Our women were central to maintaining our culture, our language, our traditions, and our knowledge systems. Today aboriginal women continue to play a central role in our communities as the knowledge holders and

we are integral to the well-being of our families and communities. However, as I'm sure many of you are well aware and have heard, we face devastating rates of abuse, violence, and death, much more so than any other population in this country.

Aboriginal peoples in general are twice as likely as non-aboriginals to be victims of violent crime, and our women are even more vulnerable. Even according to Statistics Canada's own research, we are three-and-a-half times more likely to be victimized and five times more likely to die of violence, in which case the families left behind are the real victims. Over 80% of the missing and murdered aboriginal women in this country were mothers, which means children are other victims in these situations. According to this StatsCan research, eight out of ten aboriginal women experienced abuse in the two to three years prior to their study—eight out of ten. Since an estimated 76% of non-spousal violence is not even reported to the police, what we are talking about here is just the tip of the iceberg. This is a much, much larger problem than you and I can even imagine.

So although we are very supportive of this bill of rights for victims of crime, we know that aboriginal victims must have a role within the justice system. We have continually expressed our dissatisfaction with our lack of rights. Our victims are often found both inside and outside the prison walls. All of our people need enforceable rights. We must have not only the legal rights but the supports throughout the process so the system can achieve justice for the crimes that our people have suffered, that our women have suffered.

There are inadequate safeguards built into the legislation to ensure our participation and involvement in a manner consistent with the proper administration of justice, in a manner consistent so that we will be heard. After a long history of being unseen and unheard, aboriginal victims need to have a real voice in our justice system, and that means supports to be able to access the services that are out there. We need only look to the B.C. Missing Women Commission of Inquiry, when numerous complaints of missing victims were ignored because they were made by aboriginal women. They were misinterpreted and set aside. No supports were allocated to parties such as the Native Women's Association of Canada, who may have had the ability to communicate. We had the knowledge of these issues but we didn't have the support to be able to participate.

Generations of our communities have seen our lives, our families, our lands, and our culture exploited, appropriated, disrespected, and harmed. We have seen generations of abuse in the residential school system and the impacts continue to plague our people today, resulting in the high rates of violence, the high rates of the victimization of our people and our communities.

Unfortunately, in Canadian society aboriginal women in particular are among the most disadvantaged and vulnerable. We continue to suffer from marginalization, poverty, inequity, and ongoing discrimination within the laws, programs, and policies that govern our nation.

•(1605)

Poverty, a lack of access to adequate, affordable, safe housing, and high rates of violence, whether our women live in a first nations community or in an urban or rural setting, is the reality. We often think that aboriginal people are only in first nations, and we don't think about the ones who are down the streets, who are living in shelters, who are living day to day trying to escape the violence. Often, making the decision to leave our home community and move to an urban centre is not an easy consideration. Contrary to what people believe, most of our women do not leave the communities to seek education or employment. They're fleeing violence. They're hoping to find somewhere where they can be safe, and coming to the urban centres, we often find the reality is much worse. We face additional discrimination. We are made victims by predators. We are in the cities with no supports.

Many of our women struggle on a daily basis with homelessness. How can you be safe if you're living in your car or in a shelter from day to day? More than 40% of our aboriginal families had to leave homes because of domestic violence. In these instances, our women do not have the same protections and the same rights as other women in Canada. I know this is not the particular forum to discuss the matrimonial property rights, but this is exactly the same situation where we have seen legislation go through without adequate forethought into the consequences of putting in place legislation and not enough supports. We have actually seen violence levels increase as women try to assert their rights where they have not previously had them in communities that are not necessarily willing to support or grant these rights.

Almost half of aboriginal women in Canada live in poverty. This poverty exacerbates the situations of violence, abuse, and addictions, and often, sadly, leads to incarceration. We have heard talk of the missing and murdered aboriginal women in Canada, and many people say that these women go missing, that they are murdered because they lead high-risk lifestyles. I say to you that our women do not choose to lead high-risk lifestyles. They're born at risk. They're born into communities where they do not have clean water, adequate education, chances for employment, or opportunities to live a positive lifestyle.

It's been reported that over 80% of aboriginal households are headed by single female parents, and our women are raising these families, most often in poverty. They often come into contact with the child welfare authorities because they don't have enough money to provide lunches in that last week of every month. When those children are taken away, that is often the first step in a vicious cycle that leads to those children potentially being victimized within the system, but also very often ending up on the streets and in the sex trade.

Fundamentally, poverty is a denial of choices, it's a denial of opportunity, and it's a violation of our human dignity. When you live in poverty, you're forced to make choices that you would otherwise never have made. Many of our women live in situations where they are forced to choose between paying rent or putting food on the table. Many of our women end up in the prison systems for petty, small crimes of theft and end up with indeterminate sentences where again the children become victims in our communities.

No one in a country as wealthy as Canada should be in this situation. When we look at the growing gap between the funding for first nations child welfare, we see that as a prime example of how the discrimination and the lack of equity in Canada results in situations where our women and children are vulnerable.

Even though we represent less than 4% of the total Canadian population, our children make up a staggering 30% of children in care, and in some regions it's as high as 70% and 80% of the children in care. Like the children in residential schools, these children are being raised without their language, their culture, or their families, and are often re-victimized while they're in care. The latest case of Tina Fontaine is something that should make us all aware of this.

If these negative outcomes continue, aboriginal children will continue to be removed from their homes and become wards of the child welfare system. NWAC regards this situation as urgent and one that must be addressed.

•(1610)

If upstream investments were made to support families through culturally appropriate services, and if investments were made so that we could access things such as victims services in a language that we understood and we had the opportunity to access our rights, our children and women would be protected.

In theory this bill seems like a good proposition, one that would address the situations that put aboriginal women and children into vulnerable situations involving violence. However, the reality is that this plan does not provide for the many additional resources or supports that will be required by aboriginal women. It does not account for the many services that are required to implement the rights that are proposed on paper.

In order for our women to benefit from this legislation, we will need supports: funding for legal and other culturally appropriate services and investments so that our women can benefit. This bill only demonstrates further the need to address the issue of violence in a comprehensive manner from our victims' perspective.

Bureaucratic wrangling between the provinces and the federal government as to who is responsible for providing for aboriginal families has often resulted in tragedy as people argue back and forth over whose responsibility it is, and nobody is responsible. In particular, aboriginal women who live off reserve and who have had to flee their communities because of violence are often left in limbo feeling that nobody is responsible. These distinctions between being on reserve and off reserve result in increased victimization and increased lack of supports.

As we've mentioned, the deplorable conditions that have resulted in almost 1,200 missing and murdered aboriginal women and girls are alarming, shocking, and truly a crime. Our women routinely face human rights violations. Our women are targeted by predators, by those who traffic in human flesh and who approach our girls as young as eight years old while they are in the park. These are the victims in our communities, and these are the young people who will need supports if this bill is to be anything other than yet another empty promise in a long trail of promises.

As affirmed in the United Nations Declaration on the Rights of Indigenous Peoples, we as indigenous peoples have the right, without discrimination, to the improvement of our economic and social conditions and to live lives free of violence. We have to have these protections not only written within legislation but to have these principles actually implemented in our day-to-day lives if we're going to make a difference for anybody.

The Vice-Chair (Ms. Françoise Boivin): Thank you so much.
[Translation]

We will now hear from the representatives of the Canadian Association of Chiefs of Police, Paul Smith and Jill Skinner.

[English]

Chief Paul Smith (Chief of Police, Victims of Crime Committee, Canadian Association of Chiefs of Police): Thank you, Madam Chair.

Let me begin by thanking the chair and members of the standing committee for allowing us to appear today with regard to Bill C-32, an act to enact the Canadian Victims Bill of Rights and to amend certain acts.

This is very important legislation. It is a step forward in victim-focused reform. It should allow victims a greater opportunity to make meaningful representation, and will ultimately instill more confidence in the criminal justice system for victims of crime.

By way of introduction, my name is Paul Smith. I am speaking in my role as vice-president of the Canadian Association of Chiefs of Police, and I'm also the chief of the Charlottetown Police Service. I am joined by Jill Skinner, deputy chief of the Ottawa Police Service. Both Deputy Skinner and I are also members of the CACP victims of crime committee.

As law enforcement leaders, our focus is always to ensure the safety of our communities, our officers, and the most vulnerable among us. Our members are dedicated to the protection and security of the people of Canada. Likewise, our colleagues in the Canadian Armed Forces proudly serve Canadians by defending our values, interests, and sovereignty, both at home and abroad.

As Canadians, we are all proud of our collective resolve in the face of the senseless acts and threats of last week. We continue to join together in mourning the loss of Warrant Officer Vincent and Corporal Cirillo.

We also wish to recognize the members of the RCMP, the Ottawa Police Service, the House and Senate security staff, and including one of our own CACP members, Sergeant-at-Arms Kevin Vickers, for their actions last week here in Ottawa.

Much of the work in pursuit of its mandate, "safety and security for all Canadians through innovative police leadership", is done through the activities and special projects of a number of committees, and through active liaison with ministries in all levels of government having legislative or executive responsibility in law and policing.

Since its inception in May of 2012, the victims of crime committee has demonstrated the Canadian Association of Chiefs of Police national policing commitment to ensuring the rights and

protection of victims. Representing police at the federal, aboriginal, provincial, and municipal levels, the committee is mandated to enhance the Canadian police community's capacity to respond effectively to the needs of victims of crime.

During the Government of Canada's consultations on its proposal to develop Bill C-32, the Canadian Association of Chiefs of Police expressed support and commitment in the development and implementation of the Canadian Victims Bill of Rights.

Police agencies across Canada share the vision to serve and protect the public. For many individuals, however, their first substantial involvement with police comes when, through unfortunate circumstance, they become the victim of a crime.

Law enforcement agencies, particularly over recent years, have come to understand that achievement of their mission involves appropriate response to the needs of victims of crime. Police personnel are a victim's first point of contact with the criminal justice system, and that interaction is proven to have a lasting impact upon the victim's perspective of the criminal justice system.

Police chiefs across the country recognize that the sooner victims receive assistance, the less traumatic the recovery process will be. The initial response provided by police affects a victim's knowledge of available services and their decision to access this assistance. The sooner a victim receives this information and support, the sooner he or she is able to begin the recovery process. For this reason, the Canadian victims bill of rights should complement law enforcement's existing duties to victims and their families.

All persons have the right to live without being harmed by others. When this right is infringed, law enforcement and all criminal justice authorities have a duty to treat a victim with courtesy, compassion, and respect. These principles are reflected in this new legislation. The proposed Canadian victims bill of rights takes a positive step forward by recognizing the rights of victims on a national level throughout the criminal justice process and by ensuring their voices are heard.

Amendments to the Criminal Code and the Corrections and Conditional Release Act strike a balance between keeping victims informed and preventing undue additional delays in the criminal justice system. The bill also addresses both personal and privacy concerns of victims. By requiring that the victim will always be considered, Bill C-32 strives to change the principles of the criminal justice system with respect to inclusion of victims. However, we believe there are some key areas in which greater clarification would benefit both victims and the criminal justice authorities, both within the proposed legislation and during the implementation of the Canadian victims bill of rights.

● (1615)

D/Chief Jill Skinner (Deputy Chief of Police, Victims of Crime Committee, Canadian Association of Chiefs of Police): Good afternoon.

While this legislation certainly does address important principles for victims' assistance, the language of rights employed in the new legislation, combined with the requirement that the rights of victims under the act are to be exercised through the mechanisms provided by law, may make it difficult for victims to identify their enforceable legal rights and corresponding remedies.

We suggest that clear, identifiable, enforceable legal rights and the corresponding mechanisms for exercising these rights will go a long way to assisting victims in navigating the criminal justice system. As Benjamin Perrin stated in his paper entitled "More Than Words", on Bill C-32, "...a 'right' without a remedy in the event of its breach is no right at all."

Second, responsibilities for implementing victims' rights are directed to "the appropriate authorities in the criminal justice system" and not to specific agencies, which may make it difficult for criminal justice partners to identify their respective legal responsibilities. Added clarity in this regard will direct victims to the appropriate agency and, where necessary, will allow them to take up any concerns through the appropriate complaints mechanism.

As indicated, the police are the most common first point of contact for victims and their families and play a critical role in ensuring victims know their rights. The consequences of inadequate or untimely information can be detrimental to a victim. Victims should have rights to timely, relevant, and easy-to-understand information regarding safety, programs and services, and the investigative, court, correctional, and parole process. In keeping with this goal of ensuring that all victims receive the same high-quality resources and supports, funding and support to police and justice partners will be critical in the implementation of the Canadian victims bill of rights.

Firstly, to ensure that victims have access to programs and services, consideration should be given to how accurate and consistent information will be provided to victims, particularly those who live in remote locations. The CACP supports the government's intention, as outlined in budget 2014, to "provide victims with online resources that will help individuals access the federal programs and services available for victims of crime". In addition, the CACP supports the government's intention to create a web portal that will allow victims of federal offenders to view a current photo of the offender prior to the release.

Secondly, the Canadian Association of Chiefs of Police requests timely and complete information for law enforcement agencies to create victim response enhancements to be integrated within current training. Chiefs of police look to the Government of Canada to coordinate with a training institution—like the Canadian Police Knowledge Network—and to provide funding to develop education and training modules. Consistent federal funding would expedite the process of implementing the Canadian victims bill of rights within the provinces and territories and ensure these important rights can be implemented as immediately as possible.

Thirdly, in order to implement and deliver effective victim services and thereby increase confidence in our justice system, funding for sufficient resources across the country is imperative. The establishment of a police victims support fund, similar to the former police officers recruitment fund, to this initiative would help to provide the necessary supports.

Furthermore, in creating and funding victim resources and services, chiefs of police stress the importance of recognizing the historical trauma, unique awareness of, and respect for tradition and culture of first nations, Inuit, and Métis groups. The Canadian victims bill of rights should respond to the needs of victims in these groups in a holistic and culturally sensitive way. It should also consider Canada's multicultural composition, specifically in ensuring access to information in diverse languages, which is critical in ensuring meaningful participation by all victims.

The Canadian victims bill of rights should enshrine core enforceable rights of victims of crime and the effective recognition of and respect for a victim's human rights and should ensure that needs, concerns, and interests of victims are valued and considered in a participatory environment.

The Canadian Association of Chiefs of Police victims of crime committee supports the principles advanced by the Canadian victims bill of rights. Chiefs of police stress the importance of ensuring resources are in place to ensure victims across the country clearly understand their enforceable rights and have timely and accurate access to information and services.

The CACP looks forward to continued participation during the consideration and implementation process of the Canadian victims bill of rights. We recognize that the victim-focused approach of Bill C-32 creates a solid foundation for victims and is the first step in enhancing victims' participatory and service rights throughout the criminal justice process.

• (1620)

Merci.

The Vice-Chair (Ms. Françoise Boivin): Thank you very much.

Our chair has great timing, because I have so many questions for all of you and I'm so happy to be taking back my seat. That's awesome.

It's my pleasure to introduce the Kristen French Child Advocacy Centre from Niagara, with Ms. Janet Handy to testify for 10 minutes.

Ms. Janet Handy (Executive Director, Kristen French Child Advocacy Centre Niagara): Thank you.

Madam Chair and honourable members, the right honourable clerk, and fellow presenters, thank you so much for having me here.

Bill C-32 provides victims of crime with a right to information, a right to participation, a right to protection, and a right to restitution.

Many people think of victims as adults who, given the right supports, will be able to more easily navigate and to be better represented in our judicial system with this new bill. However, on behalf of the board of directors, I'm here to represent child and youth victims who disclose their experiences at the Kristen French Child Advocacy Centre Niagara, as their needs are addressed by the victims bill of rights.

Because we are speaking about children, we must begin with the right to participation, something not automatically assumed for children to be a right.

When we think of the needs of child victims, we must recognize the great courage it takes for children and youth to come forward and to speak with adults about their experiences. These are young victims of sexual, physical, and psychological abuse, those who have experienced Internet luring, and those who are victimized due to the witnessing of violence.

There is a particular kind of courage needed, especially when these crimes against their persons have been perpetrated within the adult world and more often than not carried out by people they know and trust. Further to this courage, we must recognize their unique developmental needs within the judicial system as child and youth victims when they're expected to disclose their experiences to yet another group of adults who they hope will redress the wrongs done to them.

We also need to be cognizant of the secondary victims, those non-offending family members who are often reeling from the new information that the most vulnerable member of their family has been violated in some way.

Child advocacy centres are at the forefront of providing coordinated services that increase the sense of safety for children and youth and their families by recognizing the age-specific developmental needs required to participate in the justice system.

The Kristen French Child Advocacy Centre applauds the Government of Canada for recognizing the need to create the victims bill of rights. This bill strengthens and underpins the collaborative mandates of child advocacy centres across Canada.

The federal government has shown its commitment to supporting victims of crime, particularly the most vulnerable among us—our children and youth—with its support of the development of new child advocacy centres and enhancements of existing child advocacy centres across the country.

As CACs aim to minimize the trauma of being a child and youth victim of crime, the government's commitment to enact this bill emphasizes the critical importance of ensuring that our laws, programs, and policies reflect the basic principle that every victim, no matter what age—but especially our children, who depend upon the adult world to speak for them—should be treated with courtesy, compassion, and respect and can in fact effectively participate in the justice system.

In regard to the right to protection, there is, based on police reports, a significant increase over the last couple of years of incidents of sexual violations against children. It raises an alarm that while other crime may be down, sexual assaults and in particular sexual exploitation crimes against children are increasing, so for these victims it's of little comfort to say that crime is down overall.

As the incidence of child victimization increases, so does the need to protect and strengthen the disclosure opportunities for child victims. Our centre is named after Kristen French, one of several victims of Paul Bernardo. The Paul Bernardo case revealed the need for more collaboration among investigative services.

Likewise, the Cornwall public inquiry and the Jeffrey Baldwin inquiry revealed the need for accountability on behalf of victim safety throughout the justice system, among policing, child welfare,

mental health services, forensic evaluation, and judicial professionals.

By addressing through collaborative protocols the specialized developmental nature and unique circumstances of being a child and youth victim of crime, children, youth, and their families should be better able to navigate the justice system at large.

While the justice partners have mandates requiring the gathering of evidence, protection, and the well-being of child victims, and the justice system seeks to redress the wrongs done and balance the scales of justice between offenders and victims, we believe this new bill, as it finds its real-time footing in the courts, will serve to enhance the already-begun collaboration of these services on a nationwide scale to address the special navigational and protection needs of child and youth victims.

•(1625)

Where child advocacy centres can create standardization to the extent possible across the country, they also facilitate the ability to share personal information where there is a legitimate need among collaborating partners involved in investigating these crimes against children and families. These collaborative measures increase protection from further potential harm and trauma while reducing costs for medical attention, lost wages, missed school days, and personal out-of-pocket expenses of being a victim who might otherwise have to travel to many separate places for these services.

CACs attempt to close the loop on the coordinated response of investigators by further connecting children, youth, and non-offending family members with secondary services for mental health and other costs that may be associated with victim autonomy and protection, such as housing, education, and financial supports.

On the right to information, each CAC across Canada—there are 12 now established, 10 more operating as pilot projects and in development, and four communities undertaking feasibility studies—seeks to offer varied levels of collaborative service to child and youth victims, depending on financial, geographic, service capacity, and jurisdictional differences. While there are local community and provincial variations, these services include the provision of information about the investigation process, a safe place for children and youth to disclose abuse in recorded interviews, referrals to community services, short-term counselling, court preparation and accompaniment, assistance in the completion of victim impact statements, and corrections information. Child advocacy centres ensure that these services are carried out by those trained in child and youth specific and trauma-informed victim engagement skills, that they operate in close co-locations or one location, and play a coordinating role to assist the families as they navigate the sometimes overpowering justice system. This approach provides critical and accessible information to child and youth victims and their non-offending family members.

Child advocacy centres ensure standardization, fair treatment, and consistency of jurisdictionally appropriate information across the country. Both the recognized benefits of child advocacy centres and comprehensive research indicate that early and effective investigation and intervention reduces the long-term personal and social costs for victims and their families. CACs balance the priorities of child and youth best interests, well-being, and finding truth and justice with accessible education and understanding of the justice system.

But this brings me to the most difficult topic of the bill, and that is restitution. The work of the CAC staff can greatly reduce the emotional and mental harm to child and youth victims, and their approach can also improve the quality of evidence brought forward in trials. Better evidence can lead to more charges laid, a higher rate of guilty pleas and convictions, and more appropriate sentences and a greater understanding of the potential for long-term support needed by victims in their recovery from such crimes. Effective early investigation and intervention reduces social and personal costs that commonly arise from child abuse left untreated.

The cost of untreated or ongoing abuse impacts were estimated to be close to \$15 billion in a 2004 study out of the economics department of the University of Western Ontario. This study did not factor in the cost of child abuse through Internet luring and, due to the age of the study, remains a conservative estimate. The cost of child abuse, therefore, is not just to the victims but to society and its social support systems as well, although the broader burden remains on the shoulders of victims and their families. On this large scale of costs, and without significant changes in our coordinated approach to respond more adequately to victims, individual restitution is almost unattainable, and so restitution and prevention must go hand in hand.

While restitution is a necessary aspect of gaining justice, the greater longer-term hope is a reduction overall in the number of first-time and chronic experiences of child abuse and youth victims of these crimes. Restitution is also, then, a philosophy of justice that seeks to mitigate the expense of crime that victims must endure, while leading to a prevention of and reduction in costs to further victims.

•(1630)

As children's and youth's needs are addressed early on, we have the potential to change the child's life trajectory and increase the awareness adults, children, and youth have about abuse itself and its signs and symptoms, by providing this vital access to disclosure models that are child and youth focused

It is evident that the federal government is committed to ensuring child and youth victims and their families have the proper resources and support when dealing with the various professionals who are tasked with ensuring justice. We applaud the government's continued effort to enshrine children's rights.

To serve the cause of justice, restitution must include the mitigation of real costs, an increase in early intervention, and the creation of standards of victim care in the aftermath of crime. We believe CACs speak to an enhanced model that meets these rights on a basic level, if children have adequate access to disclosure in the first place. But we also need a mandated collaboration to meet these rights in real time and in real lives.

Thank you.

•(1635)

The Chair (Mr. Mike Wallace (Burlington, CPC)): Thank you very much.

Thank you for those presentations. I'm sorry I missed them. I was at the funeral of Corporal Cirillo.

Thank you very much for filling in for me as vice-chair, Madame Boivin. You are the first questioner. The time is yours. If you could indicate which organization you would like to answer, that would be helpful.

Ms. Françoise Boivin: I will try to do that.

[*Translation*]

I would like to thank all the witnesses joining us today.

Many similarities can be found in the various perspectives that each of you presented, but what distinguishes them is the specific expertise each of your organizations brings. My sincerest thanks.

I'd like to say a few words to Mr. Landry.

We have been in contact for a long time now, so I've heard about the hardship that the Duplessis orphans have endured. I feel for you tremendously, and I thank you for what you are doing. Your heart knows no bounds.

[*English*]

Thank you to you, Ms. Handy. It's fantastic what you and your organization are doing.

Teresa and Dawn, thank you for what you do for first nations. It is awesome and scary at the same time, because from what I heard, it's not easy to find solutions. But we are all trying. I'll stay positive today.

[*Translation*]

Ms. Gaudreault, you've hit the nail on the head. I believe you identified the aspects of Bill C-32 that I hear people complain about the most.

While you were talking to us about the problems in Bill C-32, I went back over a legislative summary prepared for us by the Legal and Social Affairs Division of the Parliamentary Information and Research Service. One statistic really struck me. In 2008 alone, the social and economic costs of crime in Canada, for victims, totalled \$99.6 billion.

Of course, the figure represents not just the tangible costs of crime—such as medical treatment, loss of income and productivity, and damage to property—but also intangible costs. Often the hardest to quantify, the intangible costs associated with crime have a tremendous impact; victims have to endure stress, pain, loss of quality of life and so forth. According to the research, victims bear most of the costs arising from crime: 83% of both the tangible and intangible costs. It goes without saying what an enormous burden that is, not to mention the fact that our justice system is not always what it should be.

Young lawyers just starting out find the system intimidating, so you can imagine how it feels for a victim. The first day the committee heard from victims on the legislation, Mr. Laferrière, I believe, told us that he, too, felt the bill lacked teeth. To sum it up, a whole lot of wishing is going on.

He suggested that clause 20 be taken out of the bill. In terms of amendments, I'd like to know whether you consider removing clause 20 a reasonable solution. The whole preamble of the bill explains what the legislation does and what rights it confers, but the legislation goes on to specify that it does not apply in this circumstance or that circumstance. That is my first question.

I think you said that Ontario's and Manitoba's systems were much further along. I think Mr. Murie, of Mothers Against Drunk Driving, told us that 90% of the bill would have to be applied by the provinces. In light of that, then, I am curious to know how Manitoba's and Ontario's systems are better.

Ms. Arlène Gaudreault: I am not a lawyer, but I read Mr. Laferrière's comments. Our view on the discretionary power provided for in the bill is that it cannot be avoided. The police and prosecutor have discretion. And it's logical that the judge would have the ability to tailor the sentence to the circumstances of the case and that the Parole Board of Canada would exercise discretion in its decision making.

If you look at the legislation out there, whether in the U.S., Canada or elsewhere, justice officials have discretion at their disposal. What we should be doing instead is looking for ways to improve how that discretion is used and what methods are available to assert those rights. I don't think it would be realistic to suggest that clause 20 be removed. I think it's important to improve it and ensure that victims have more options, that they are familiar with the complaint mechanisms and know how to use them, and that the provinces have ombudsmen to systematically address complaints. A whole series of things need to happen.

Canada opted to pass legislation. Other countries such as the U.K. opted to establish bills that do not enshrine rights, but that require commitments from police, prosecutors and the parole board to ensure that victims know what to expect.

The rights provided for in the bill already exist. This isn't anything new. Canada led the way when the UN adopted the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power in 1985. Existing rights are repeated and minor changes are made to the Criminal Code and the Corrections and Conditional Release Act, all in one piece of legislation. Once the bill is passed, we need to be able to tell victims what exactly it contains and what their rights are, given that three definitions of a victim exist. We are talking about amendments. Only legal experts will be able to understand them.

I didn't have time to mention this earlier, but we are concerned that, if the provinces don't take action to implement the bill, all of this will be nothing more than political rhetoric. The bulk of the responsibility associated with the bill is actually on the provinces. Organizations are worried. When people read the papers, they see that Quebec, for instance, is tightening its belt and cutting costs. We learned that the compensation plan would undergo cuts because it was one of the most costly in Canada. Ontario cut services. This isn't a time when services will receive more funding.

The experiences of other countries has shown us that support services will pay the price across the entire network. In fact, those who deliver support services to victims will be the ones responsible for providing most of the information. Recent studies show that underfunding has put many of these services on very shaky ground. If the provinces don't take action, nothing will happen.

Canada's provincial justice ministers haven't shown much enthusiasm. Not a single one said the bill was a good one. That's worrisome.

● (1640)

[English]

The Chair: Thank you for that question and that answer.

That is your time, Madame Boivin.

Our next questioner is Monsieur Goguen from the Conservative Party.

[Translation]

Mr. Robert Goguen (Moncton—Riverview—Dieppe, CPC): I'd like to begin by thanking all the witnesses for their input. We heard a wide range of viewpoints, all of which will feed a healthy debate and, in turn, make the bill better.

[English]

We very much know that the purpose of this bill is to make a more comfortable setting, as Mrs. Nagy pointed out, for victims who are dragged into a system unwittingly. Obviously the justice system can be quite daunting for a victim who is potentially not treated, as they should be, sympathetically, and that's the intent.

My question is directed towards Chief Paul Smith and Deputy Chief Jill Skinner.

Your submission in the consultations process made mention of undue delays in the criminal justice process. To quote you, "A VBOR should not create unreasonable delay or prejudice within the process." The point about delay has been raised by other witnesses as well as by your organization. Can you share your opinion, or the opinion of the Canadian Association of Chiefs of Police, with regard to the issue of delay within the system?

Chief Paul Smith: Our position basically is that the bill itself is a very good first step. What we would like to have is some clarity within the bill in terms of a number of areas. But from that, basically what we're looking at is to put some framework, if you will, around the bill so that at the end of the day, when you're looking at, as some have suggested in terms of proposed section 20 and those areas...

Those are particular pieces that today are actually in play. From a law enforcement perspective, we do have discretionary power now. It's utilized from time to time, but that basically is one of those areas where it would not create an undue delay or put additional things in front of the courts.

•(1645)

Mr. Robert Goguen: As you know, proposed section 20 deals with the act not being construed to create unreasonable delay to interfere with proper administration of justice, to interfere with prosecutorial discretion, or to interfere with the investigative authorities or the authority of the minister, of course. There is always discretion, as Madame Gaudreault has pointed out.

One of the previous witnesses on another panel suggested that this proposed section 20 should be completely struck out. He felt that somehow it was giving an immunity to the police and the crown against possible civil lawsuits against them. He thought that this would open the door for the police or the crown to engage in criminal lawsuits against victims following their negative comments in the media. Do you have any reaction to that? I don't think that's clearly what the section is intended to do, but I'm wondering about your perspective.

Chief Paul Smith: I think the section that appears in the bill is basically putting in writing what actually exists today. The crown has a discretionary mechanism to determine whether or not a matter will proceed before the courts. Our officers have discretionary power in terms of whether or not to lay a charge. When we do that, what the bill will put in place at the end of the day—I particularly speak for smaller agencies where we work closer with victims—is the hope that this goes right across the board, that when we do utilise that discretionary power, we have absolutely had that discussion with victims so they know exactly what's going on.

Mr. Robert Goguen: So in essence it's possible within the system as it now is for the crown to exercise its discretion, the police to exercise discretion, and the system can still be compassionate towards victims as they go throughout.

Chief Paul Smith: Certainly; it's basically putting in words what exists now.

Mr. Robert Goguen: Thank you.

[*Translation*]

Mr. Landry, I'd like to discuss a much-talked-about topic with you, the victim surcharge.

We noted your request for additional funding.

The victim surcharge is an amount paid to the provinces to fund agencies that advocate for victims. The surcharge has come under fire by those who argue that some criminals cannot afford to pay it.

In the situation you talked about, clergy members or the clergy ended up having to pay the surcharge. It's a different story when individuals can't afford to pay the surcharge.

Do you support the mandatory victim surcharge, as proposed in Bill C-32?

Mr. Lucien Landry: Yes, we fully support it. In fact, we had expressed to you our support for Bill C-32 in its entirety.

With the chair's permission, I'd like to say that we were forced to seek out a really innovative solution in light of our meagre resources. What we did was use community agency support programs to access the expertise of university law faculties. And thanks to Pro Bono

Québec, we were able to get law students working with us to help prepare our comments.

I'm speaking to the committee chair. The students are in exams right now. They have to finish what they are working on and present it to us. We could then forward it to you. We saw that Bill C-32 has 56 pages, which is an enormous amount of information for us to cover. So we got creative and partnered with law faculties to help us prepare the recommendations and questions we have for you.

We've told you today what we plan to do, but we are, of course, requesting your permission to send the document to you, as well as to the government party and the official opposition.

[*English*]

The Chair: Is the document in both official languages?

Any further documentation that you need to send, send it to the clerk. He will get it translated and distribute it to all members of the committee. You're more than welcome to do that, and we'd appreciate it if that could happen before we finish this study in about three weeks.

•(1650)

[*Translation*]

Mr. Lucien Landry: You can count on us. We will definitely send it.

[*English*]

The Chair: Okay, thank you very much.

Thank you for those questions and those answers.

Our next questioner is from the Liberal Party of Canada, Madam Bennett.

Hon. Carolyn Bennett (St. Paul's, Lib.): Thank you very much.

Thank you to the witnesses. This was extremely helpful.

We've heard that this bill is a good first step but that there have to be resources to back it up. I would like to ask any of you, if you felt there were amendments that would make the bill stronger or some commitments of resources, how those would look. I was particularly taken with Ms. Handy's remarks around having places for safe disclosure for children, because then you're more likely to get a conviction. I think a conviction is part of a victim's rights. The perpetrator shouldn't get off because there weren't resources to take the testimony in a safe way where people tell the whole story. I think we see that in...in abuse of physicians, by physicians, in women's situations.

I also heard from the police that you would like to see remedies; that means access to information in many languages, and how that could look. Should that be explained in the act? Particularly with indigenous languages, do people feel they really do know what their rights are as they enter into this place, as Timea has done with her clients? Maybe the police association or the native women would have an idea of what it would cost to actually support this bill properly. What kind of budget commitment would it take to show that this government takes this seriously?

The Chair: Madam Bennett, is there anyone in particular you'd like to answer that question?

Hon. Carolyn Bennett: We'll start with the law enforcement people and see if they can give us some numbers.

D/Chief Jill Skinner: One of the specific areas we spoke about was the cost of training. The Canadian Police Knowledge Network is one example of an opportunity for police officers across the country to receive consistent information. This allows them to receive the training through electronic means. They go on the web and they receive that training. We provide them training through CPKN right now for thousands of topics. This could be an additional topic they would receive.

I think consistency across the country is one of the most important things for us. Each of our provinces has different legislation from a victim's perspective, but if we provide the training to our front-line folks, I think we're going to get the final message out to them. They are the pointy end of the stick. They are the ones dealing with victims every single day. For us to be able to provide that training, I think, is essential. Preparing that training is obviously one area that would require funding.

Hon. Carolyn Bennett: Timea has her hand up.

Certainly the indigenous victims quite often feel uncomfortable or feel that nobody has their back as they walk through the system.

Ms. Timea E. Nagy: I think what's extremely unique about our organization, and the reason we have been so successful, is that we walk the victim, which is why we're called Walk With Me, through the system from the minute we meet them. We are successful at getting them to actually give a statement, to stay with their stories, to go through the court, and to get those convictions of human trafficking, which you have seen striking Canada. I like to think we have done the work we have partly because we walk them through the system.

We do have victim services and we have victim and witness assistance programs in certain provinces. I have travelled in Canada and there are provinces or territories in which they do not exist. Cases in places where it does exist and where the victims of any crime are put in touch directly with victim services and with a victim and witness assistance program are extremely successful at the end of the day. Those programs, like victim services, are not only helping police officers by taking the load off of them having to be there constantly for the victim but also helping the victim tremendously by guiding them through the process.

There are a lot of organizations already in place. There are a lot of things we don't actually need to reinvent in the bill. It's just a simple matter of education and of being consistent.

• (1655)

Hon. Carolyn Bennett: Who funds you?

Ms. Timea E. Nagy: Our agency is a little bit different from victims services and the victim-witness assistance program. We just started five years ago. Everybody funds us except the government—yet.

Voices: Oh, oh!

Ms. Timea E. Nagy: It's private funding so far.

There are many reasons why we...The truth is that we haven't really applied for bigger grants yet from the government because we

are a small agency and because we don't have the specific requirements that victims services or the victim-witness assistance program would have. That is the truth. That's why. We have been approached many times that they would like to fund our programs; we are just not ready yet as an agency to get that on the record.

But there are programs out there. Consistency would be great, and just more education for those agencies that are already in place.

The Chair: Would the Native Women's Association like to respond?

Ms. Teresa Edwards (Director, International Affairs and Human Rights, Native Women's Association of Canada): Sure.

I don't have a specific amount I could list, but I know for aboriginal victims they feel completely lost within the system. In fact they face added discrimination by not having access to information in their own language and in their own culture. Cultural behaviours are interpreted wrongly by judges, lawyers, and those in the courtroom. Victims are re-victimized in the process and don't have the supports available to them in a cultural way or in their own language certainly.

Having online services just demonstrates the lack of knowledge that people have of what aboriginal people have in communities. They don't have clean water, let alone computers to access online services for victims. So when we're talking about the ability to access these great services that accompany this bill, it's for very privileged people, right? That discounts many aboriginal victims, just so we're clear.

The Chair: Thank you very much for those questions. Thank you for those answers.

Our next questioner from the Conservative Party is Mr. Dechert.

Mr. Bob Dechert (Mississauga—Erindale, CPC): Thank you, Mr. Chair, and thanks to each of our witnesses.

Ms. Nagy, it's good to see you again. I want to take this opportunity to thank you for your leadership in helping the victims of human trafficking. We last met at the Freedom Walk in Toronto a few weeks ago, and you made a very inspiring speech there. I know you've written at least two books to help police officers and those who counsel the victims of human trafficking. I think it's very important that we acknowledge that work that you and your organization have done.

You mentioned in your opening remarks that you were happy with the new section 486.31 of the Criminal Code as proposed by clause 17 of Bill C-32. I note it provides for the non-disclosure of the identity of a witness, in a number of circumstances, and requires the court to consider whether the witness needs protection from intimidation or retaliation, whether there's a need to protect the security of anyone who is known to the witness—I guess a family member, or friend, or associate of the witness—and also for the purposes of encouraging the reporting of offences.

Can you tell us why that's important to victims of human trafficking and the people who you serve?

Ms. Timea E. Nagy: Sure. I'll start with my own story. When I was in court testifying against my perpetrator, his brother was sitting in the crowd constantly showing me in court that he was going to cut my throat when I finished my statement, and there was nothing done about it. That happened in court, so it certainly made me think twice about coming back to testify the next day; I did anyway.

With regard to the victims we're working with, and ourselves, there are two things. When we work with victims, we become targets also, and sometimes we actually get called to testify as a witness in court. This means they actually ask for our full name, where we work, our office address, and so on. In one of the human trafficking cases in Hamilton, it later became public knowledge that a contract killer was supposed to come after everybody who helped the victims, including me. I was on that list. So I really wasn't happy to hear that I might be called as a witness where I would have to disclose my full name, address, and licence plate, and name everybody that we work with. That's a constant concern for our front-line workers, and even myself, when we have to go to court and testify against traffickers and brutal criminal organizations, so I am very happy to see these amendments.

When we talk about witnesses and victims, if you look at the bigger picture for human trafficking victims, currently there's nothing in it for them to come forward. They get nothing out of it. They don't even get their truth out. They don't even get the satisfaction to go to court and be heard. It's not only that they're not being heard, they're actually crucified by the defence lawyer, and usually, by the end of the court proceedings, she feels more victimized than she ever had before.

We were in court only a few weeks ago and the victim was asked where she was staying at that time, while the trafficker was in the room. We had been trying to hide her, and she was trying to say that she didn't want to say because she didn't feel safe and comfortable disclosing that information, while the judge ordered the defence lawyer to actually get where she was staying on the record. Then they asked where her family was. It cost us \$5,000 to relocate the entire family, and then in court we needed to disclose where the family just moved to. So there's a—

● (1700)

Mr. Bob Dechert: Thank you; I know that time's running a little short, so I'd like to ask you another question.

You also mentioned proposed paragraph 718(a) and the amendment to the Criminal Code that would require the court to consider the harm done to victims, or the community, with respect to whatever the unlawful offence was. Mr. Hooper also referred to this when he appeared before our committee last week.

Can you tell us why you think that would be important to the victims of human trafficking?

Ms. Timea E. Nagy: In the past, their story was only heard through their victim impact statement during sentencing. For the most part, in every case, we heard from the judge and the defence lawyer a lot about the accused's past and why we should take that into consideration, but we heard very, very little about what was done to the victim, and most judges didn't usually voice the victim's story.

We felt that the court and the justice system wasn't really hearing the victim when it came to sentencing. It is almost as if the victim is not even part of her own case; the victim has nothing to do with the outcome. So we are really happy to see that from now on the judges will have to include the victim's story and the impact on the victim in their sentencing.

The Chair: One minute.

Mr. Bob Dechert: Thank you, Mr. Chair.

I have a question for the Native Women's Association and Dr. Harvard.

You'll know, Dr. Harvard, that when the Special Committee on Violence Against Indigenous Women heard from some of the families of victims of missing and murdered aboriginal women, almost every one of them mentioned a concern about the lack of information. One of the biggest complaints was that when their loved one went missing, they rarely got information from the police on what was being done to find the person. When there was a prosecution, they found it very difficult to get information on the prosecution, on the process before, during, and after trial, or at the time of sentencing.

So the victims bill of rights, Bill C-32, guarantees certain rights to information for victims. How do you think that will be viewed by aboriginal victims?

Dr. Dawn Harvard: It's very often known that in society in general, knowledge is power. One of the biggest concerns of the families has been lack of access to information, lack of knowledge. It makes the victims feel, as you mentioned, even more victimized, and it prevents the families, the victims from having the opportunity to basically be human beings in this society, to have human dignity, when it is their family member who has gone missing. They are just left feeling excluded and therefore re-victimized by the process.

Anything that is going to allow an additional access to information is positive, but as mentioned before, given language differences, given educational differences, given lack of access to basic communication—phone, Internet, these types of things—there are going to be differences, and there will be difficulties in having access to the information if we don't acknowledge those differences.

● (1705)

The Chair: Thank you for that question, and thank you for those answers.

Our next questioner is Madame Pécelet from the New Democratic Party.

[*Translation*]

Ms. Ève Pécelet (La Pointe-de-l'Île, NDP): Thank you, Mr. Chair.

I'd also like to thank all the witnesses who are here today. This important group of experts has supplied us with a lot of information. I will try to keep my questions for the various witnesses brief.

Ms. Gaudreault, in your professional and personal experience, what is the biggest barrier victims face when it comes to accessing justice and having their rights recognized? What is the most common complaint you hear?

Ms. Arlène Gaudreault: I would say it's the lack of information and understanding around the complexity of the justice system and the difficulty victims encounter in trying to have their views considered.

When a bill like this one proposes that victims be informed after guilty plea agreements are reached, in the absence of any mechanism compelling prosecutors to inform victims before a guilty plea agreement is made and assure them that their views will be taken into account, we have to recognize how upsetting that is for victims. That is something that has been criticized for years. In terms of the victim's right to be heard, that is a component of the bill that could be beefed up.

As far as I'm concerned, the problem has to do with information at every stage of the judicial process. It's important that the victims bill of rights enshrine the right to information, but how will that measure be implemented? That will affect, for instance, the Young Offenders Act and therefore thousands of victims. But that is a different system when it comes to sentencing and its underlying principles. Victims within that system also have the right to information, whether it's knowing the identity of the young offender or obtaining detailed information about the judicial and extrajudicial sanctions, something the bill does not provide for. Nor does the bill address witnesses' rights.

There is still a long way to go in order to clarify what victims will be entitled to at every single stage and what responsibilities each member of the justice system will have.

In my view, clearer information is available to victims at the time of sentencing. Information around the mechanism is also clearer thanks to the ombudsman's involvement at that stage. Clarity around all the other stages leading up to the sentence is necessary. Bear in mind that the right to information dates back to 1989.

Earlier, Ms. Bennett asked a question about funding for resources. If the intention was to improve things for victims through restitution—as you mentioned, Ms. Handy—all the provinces would've had compensation programs long ago. That provision has been in the Criminal Code since 1988, and yet Manitoba is the only province that currently offers such a program. It's still being talked about, and the thinking is that someone who cannot afford it will be the one who has to pay, despite the fact that no compensation program exists. If there really was a will to do something, compensation programs would be set up in every province with the federal government's help. Up until 1993, the federal government funded compensation programs; after that, it stopped. Some territories and provinces, such as Newfoundland and Labrador, have no compensation programs, while others have programs that provide very little in the way of compensation.

When you talk about victims' needs, it's important to understand that only a minority turn to the justice system. Some 10% of sexual assault victims do not file a complaint, and only 25% to 28% of domestic violence victims file a complaint. Other victims need access to services, and compensation programs do not provide them with that. It is not the judges—

• (1710)

Ms. Ève Pécelet: Forgive me for interrupting, Ms. Gaudreault. In summary, you have a lot—

Ms. Arlène Gaudreault: I wanted to talk about compensation and information.

Ms. Ève Pécelet: Basically—

Ms. Arlène Gaudreault: We agree that compensation does not fall under the justice system.

Ms. Ève Pécelet: The proposed bill—

Ms. Arlène Gaudreault: The first right is the right to information.

Ms. Ève Pécelet: Do you think the bill will rectify the problems that exist today?

Ms. Arlène Gaudreault: No. If the provinces and territories don't take action to implement the bill and if the federal government does not allocate any resources, we will be in the same boat. This will not change things for victims.

Ms. Ève Pécelet: The federal government, then, should instead fund programs for victims.

Ms. Arlène Gaudreault: It has to support all the efforts of the provinces and come to an agreement with them on what they intend to do. As things stand, we don't know what they will do with this bill of rights. No provincial justice minister has said that they support the bill or that it will achieve all kinds of things.

Ms. Ève Pécelet: That's quite interesting. It really shows that these practices are already commonplace and that the problem does not necessarily lie in the legislation but, rather, in its implementation.

Ms. Arlène Gaudreault: It should, nevertheless, be said that a lot of things are being done in Canada.

Ms. Ève Pécelet: I don't have much time left. I have a question for the Canadian Association of Chiefs of Police.

Clause 9 of the bill concerns the security of victims. Not much has been said about that clause. We've talked a lot about the right to information—which I know is the biggest problem—but clause 9 states that the appropriate authorities in the criminal justice system must see to victims' security.

What does that mean for government and police, who are the appropriate authorities in the criminal justice system with the responsibility of ensuring victims' security? How will that right be implemented by the appropriate authorities? At this point, we don't know much about how that provision will be implemented.

[English]

The Chair: Can you give a very succinct answer to that question, please?

Chief Paul Smith: Policing takes responsibility for the safety of victims very seriously. We would have to work collectively with all our partners to ensure this is underscored, and those safety measures are put in place from our discussions with the crown, right through to the courts.

The Chair: Thank you very much for those questions and answers.

Our next questioner is Mr. Calkins from the Conservative Party.

Mr. Blaine Calkins (Wetaskiwin, CPC): Thank you very much, Mr. Chair.

Let me start by saying something that's on my mind, given the time of year that we're approaching and the recent events we've had here; I thank everybody for acknowledging that. You know, for the freedoms and rights that we enjoyed yesterday, we should always remember to thank our veterans. For the peace, safety, and order that we have every day, we should thank our peace officers. For the freedoms and rights and liberties we'll have tomorrow, we should thank our soldiers. On behalf of my constituents, I want to thank you in the law enforcement field for what you do every day to keep us safe, and thank you for your kind words at the start of the meeting.

However, my comments and questions will go to Ms. Handy, to start with, just to make sure that everybody gets an opportunity to answer some questions here.

First of all, I want to acknowledge the work your organization does. You recently changed your name to the Kristen French Child Advocacy Centre. Is that correct?

Ms. Janet Handy: That's correct, yes.

Mr. Blaine Calkins: That was obviously named after a victim of what was, at least in my lifetime, one of the most horrific things in Canada that we've ever seen portrayed through the news and through the courts and so on. I want to say thank you for the good work that you and your folks do there.

I'm wondering what your organization's opinion would be of the provisions that we have in the bill to release an updated picture of an offender to the victim once their incarceration is over. How important is that, and what value would that particular change have?

Ms. Janet Handy: I would want to say that the victims themselves should determine that, what the value is to them, that this isn't a uniform requirement that victims have. Some people never want to see the perpetrator again, and others do want to see them. I think this provision is important, for people to have the choice as a victim. I'm not sure it should be automatic.

Mr. Blaine Calkins: No, I agree. That's an important distinction to have, obviously.

The victims bill of rights also provides the opportunity to have a representative be with the victim for their testimony, and when they present their impact statement, if I have this right. Could you give us some examples or tell us how this will have an impact or benefit, particularly for young people?

• (1715)

Ms. Janet Handy: The child advocacy centres have a model of a family advocate, who is the touch person they can connect with from the beginning, from the moment they walk in the door through to the trial. If that family connects with that family advocate, then that person can go to court. They often become the familiar face throughout the process and lessen the fear. It keeps consistency in terms of information about the system itself, and allows people, especially young people, to have a sense of security throughout the system. The idea of the family advocate is to change the interview process to one time telling their story from what was previously up to seven times telling their story, over and over again.

For a child, developmentally it's critical to have a single secure person for them to relate to and to be available at any point that testimony is given. Hopefully the recorded information goes forward

rather than the child, but in the event that the child is asked to come to court, having that extra person is important. Having a special prosecutor who has child-relating skills is important, and also having child-friendly courts, where the child doesn't see the perpetrator.

Mr. Blaine Calkins: That leads in to my next question. In the event that a young person is required to eventually go to court through the process, subsection 486.2(1) of the act is amended—in clause 15—to include the possibility for a witness to ask to be able to testify outside of the courtroom or behind a screen, or whatever the case might be.

How often does this happen, in your experience, and how important is it to be able to have these...? This does break some of the conventions of the court where you're able to face your accuser, and all these kinds of things. How important is this from a victim's perspective, particularly a young person's?

Ms. Janet Handy: From a child victim's perspective, it's very important. Children will automatically appeal to the adult world around them and make sure that everybody is okay except themselves. That's an emotional response; that's automatic in development. They will take care of the parent; they'll even take care of the parent who may have abused them. It's important to understand what's happening with children developmentally, to begin with.

Second, there's a couple of initiatives, and one is the child-friendly court where they don't see the perpetrator. The other is remote testimony. In the event that a statement that has been recorded is not taken into court, the child may be able to testify remotely to the court.

It's unconventional, but I think it's absolutely necessary for the emotional well-being of the victim at that age. They are in no position to compete with the adult issues or challenges that are going on around them.

Mr. Blaine Calkins: That's very good to know.

One of the things you said in your testimony was that even though generally speaking overall crime statistics are going down, there seems to be an increase in certain types of crime.

Do you have any information as to why we would see that, or what kinds of increases we're seeing when it comes to exploitation, sexual violations against children?

Ms. Janet Handy: The biggest increase is with Internet luring. We now have a law that's challenging some of that. Internet luring, possession of child pornography, etc., are probably going up.

To me, if we enact the right laws, we're going to get more reporting, more disclosure, and that's going to make it better for us to respond. It's going to overpower the system for sure, because people are going to come forward who are experiencing it. But our experience is that if you make it a possibility for people to disclose, they will disclose.

Mr. Blaine Calkins: Right.

That's my time. Thank you very much.

The Chair: Thank you very much for those questions and answers.

Our next questioner is from the New Democratic Party, Mr. Toone.

Mr. Philip Toone (Gaspésie—Îles-de-la-Madeleine, NDP): Thank you, Mr. Chair.

[*Translation*]

I'd like to thank you for your input, which has been extremely insightful and helpful. I was profoundly moved by the account of what victims groups experience. I applaud you.

I won't have time to ask all my questions in the five minutes I have. Even if we were to spend the rest of the day here, we would only be scratching the surface as far as discussing what really matters is concerned.

I want to start by talking about victims' access to justice. Ms. Gaudreault said that making restitution to victims was not enough. The first thing that needs to be done is prevent people from becoming victims.

There is a problem. According to the definition in the bill, a victim is someone who has been harmed as the result of a crime.

• (1720)

[*English*]

As you said, Ms. Harvard, it's not always the case that victims are going to want to bring themselves forward and declare themselves a victim, to go through that process. It might even bring greater harm to them. That's a serious question, and I think we really need to look at that in this bill. We owe it to ourselves to look at that very carefully.

To the chief of police and the deputy chief, you said that often victims' first point of reference will in fact be with police services. You mentioned that possibly more training would need to be brought forward. I wonder if you could just elaborate. Was it understanding victims' situations better, or what kind of training were you referring to when you brought that up?

D/Chief Jill Skinner: It would definitely be directly in relation to what this bill provides; so that they would understand that victims have a right to protection and information; so that they get the exact points of this bill—rather than a general feeling of looking after someone, understand that there are rights that victims have and that they are required to provide those services.

It's really important that as a police officer... What we try to tell our police officers in reality is "If this were a family member of yours, how would you want them to be served?" That's really the best piece of advice I could give anybody who's trying to create a bill: that's what we're trying to provide through this bill and through our training.

Mr. Philip Toone: If there were more training afforded to our police services, what kind of impact would that have on the rate of people actually coming forward? Again, I think there's a consensus here that for victims to get justice, there has to be a better access, so that they know those rights are there. You mentioned that we need to explain better to victims what services and what tools they have at their disposal.

But how can we do that proactively, so that people know from the get-go that, when they come to police services, they can feel comfortable that their rights are going to be addressed and that they're not exposing themselves to greater danger?

D/Chief Jill Skinner: Well, the police base themselves on public trust, and if we deal with one victim in a very positive way, that information will get out. It's like a snowball and it will continue to be communicated throughout our community.

I speak for my own police service. There are police services that take very strong consideration of victims, and my police service is one of those. We go out of our way not only to provide them with the information but to do the follow-up to find out what kind of service they actually received, asking those questions as to whether or not there was something that could be changed.

None of us is perfect, and we know that everyone's going to have a bad day occasionally, but we want to make sure that whatever service we're providing is the absolute best. If something doesn't go right, we also need to hear about that. We need to hear that a particular service wasn't up to the standard that we require, so that we can make amends, whether it's with that one member or with our procedures.

Mr. Philip Toone: Thank you.

Did you have something to add to that?

Ms. Teresa Edwards: I wanted to say that for us, at NWAC, we get calls weekly, as recently as within the last two weeks, from aboriginal women who are victims of violence who have called 911 and been told... In particular, a woman was attacked in her neighbourhood, remembered that the inside door was unlocked, made her way inside after fighting her attacker off, and called 911 when she got in. She was told that she was safe in her apartment now, that she probably got the better of him, and that if she continued calling—she had called twice previously in prior weeks about women who were being beaten in their apartments by their boyfriends, because she lives in a low-income, rougher neighbourhood—she would be charged with obstructing justice and complaining, and the misuse of 911 calls. And she had been physically assaulted and struck on the head five times.

It's really difficult for me to hear everything on paper of what it's like and how great the relationships are for victims, but for aboriginal victims this is simply not the case. I totally would never want to compare victims, but in the same summer that Kristen French and Leslie Mahaffy went missing, five aboriginal women were brutally murdered by a serial killer, and Canadians had no outrage or knowledge of it whatsoever.

So it's a completely different story when we're talking about aboriginal victims of violence. We have a long way to go, and I really hope this legislation is not just another piece of paper that the government can point to and say it's doing something about victimization. We really need to translate that into action. We're always talking about taking action. I do want to see action. I want to see results, and I want to see measured, concrete steps of how it's actually going to impact the lives of aboriginal women victims, so that we don't have to keep coming here. I'm getting to know you guys far too well.

• (1725)

Mr. Philip Toone: Thank you so much.

The Chair: Ms. Nagy had her hand up, and Mr. Landry has his hand up.

Be very brief, if you can.

Ms. Timea E. Nagy: Yes.

I'm not dismissing anything she said; I'm just speaking with regard to my province and my victims and the work.

How can that information be relayed to victims? It's just in the way we're working with victims right now. The deputy chief said training. Some investigators within human trafficking know that they can put on a screen, if the victim doesn't want to see the trafficker in court, but they have to put a lot of paperwork forward, and some investigators have no idea that they even have the option.

I can go through the whole bill and give you examples of how this bill is very helpful, if we actually implement the new amendments. It's just really going back to training and education.

The Chair: Thank you.

Mr. Landry, we'll go to you very briefly, sir.

[Translation]

Mr. Lucien Landry: Thank you, Mr. Chair.

I'd like to comment on the current situation in our province.

In the 1990s, Quebec provincial police conducted an extensive investigation into the complaints of the orphans, collecting 22,000 pages of evidence. And only 142 out of 2,000 complaints were accepted. Situations like that make you wonder whether any independence exists, and if so, how independent are police from those with political power. We fell victim to such a situation, Mr. Chair. Police flatly rejected orphans' complaints of physical and sexual abuse. The orphans were even asked to move forward and waive their right to appeal.

The only thing I care about in this bill is assurance that police will have independence in doing their jobs and that those in political office will not be able to interfere in the process.

[English]

The Chair: *Merci, monsieur.*

Thank you, Mr. Toone, for those questions. And thank you for those answers from everyone.

Our final questioner for the day is Mr. Wilks. You have about five minutes.

Mr. David Wilks (Kootenay—Columbia, CPC): Thank you very much, Chair.

I want to continue with the questions that Mr. Dechert put before, to Ms. Harvard and/or Ms. Edwards—whoever wants to answer.

This question has to do with the victim impact statements and the community impact statement forms that are brought forward in this bill. I don't know whether you have seen these or not. It has to do with the amendment in proposed subsection 722(4) that goes along and allows for expression of cultural issues and cultural methods of

expression, such as poems and drawings, which are more accessible by some than by others who have oral traditions.

Will these terms assist aboriginal victims to better articulate cultural-specific expression of how the crime affected them and their broader community? Could you provide me with what that might look like from the perspective of first nations?

This is for whoever wants to answer.

Ms. Teresa Edwards: It may; as you see currently, you have the work of Christi Belcourt, of Jackie Traverse, and of many aboriginal women who have used art to bring forward the issue of missing and murdered as a measure of expressing themselves. But this is only a tiny area that will advance their ability to feel comfortable in this vast system, in which aboriginal women are continuously re-victimized and made to feel as though they're the criminals themselves. They're told that they put themselves into high-risk lifestyles, but as Dr. Harvard said, they are facing high-risk lifestyles just by being born aboriginal and by being born women.

So although that language might be open to some kind of cultural expression to advance their views, I don't see that it's enough to really have aboriginal victims be heard.

• (1730)

Mr. David Wilks: There's one further thing that I want to touch on, if I may. In my years as a police officer, I was stationed for two years at New Aiyansh, which is three hours north of Prince Rupert. One thing that became effective especially was healing circles.

Could you dwell upon that? Is there a place for healing circles in this bill? They are extremely effective, or I think they are extremely effective, especially through the aboriginal community.

Dr. Dawn Harvard: I think one of the most important things with the healing circle is that it takes away that adversarial approach, which is not culturally appropriate in our communities. It's also putting the conversation in a different context. One of the biggest challenges with any of these rights is that because of the long history of abuse of indigenous peoples by government, by police enforcement—I'm not pointing fingers now, it's just to explain the context—a lot of aboriginal children and aboriginal women won't go to the police.

I've had that situation myself. A friend was suicidal on the phone with me and then hung up. She was gone and I had no idea what to do. My first instinct was to call 911, but I stopped and thought about whether I would be putting her at risk of increased harm. I knew she was intoxicated, so was having the police storming her door going to make things worse, and then I would be reading about a shooting the next day because of that history?

If we have a clear knowledge of that history, that sometimes, even though the police are the first point of contact, they may not necessarily be the best point of contact for victim services, it's a good first point to turn them to...you know, talking about a safe space. If there is a history of abuse and fear of police forces, then they're not going to be accessed if you have to go to the police station or to the court systems to get that. But somewhere—such as going to your services—where you feel safe, where you feel that it's culturally appropriate, that's going to make the difference. That's where you're going to have people who give you the knowledge. You can't have access to rights if you don't know you even have rights, whether that's education rights....

I mean, we're all familiar with that, as parents. We don't ask for things for our children because we don't know we have the right to ask. So often, if we don't have that right in these situations, if we don't have somebody like a navigator to tell us that we have rights to this, this, and this, then we're not going to demand it. We've seen where people are overworked, the system is overstretched—we get that—but we need to make sure that people understand their rights.

That's where something like the Native Women's Association has produced common, plain language documents that say, not in big subsection....

I have a Ph.D., and I'll be honest, I don't understand half of this; we need to put it into something that the average woman understands. The average person in Canada has a grade 5 literacy level. So we need to look at something that's understandable so that people know what their rights are, so that they can actually exercise them.

The Chair: Thank you very much to the panellists for all those answers today, and thank you to the members for the questions.

We'll be meeting again on Thursday on this particular topic, and at that time I'll be providing the committee with an update on where we are with witnesses and what we've done with the witnesses because of the meeting that was cancelled last week.

With that, thank you very much. We'll adjourn until Thursday.

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