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Chair

Mr. Mike Wallace

Standing Committee on Justice and Human Rights

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• (1530)

[English]

The Chair (Mr. Mike Wallace (Burlington, CPC)): Ladies and gentlemen, I call this meeting to order. This is the Standing Committee on Justice and Human Rights, meeting number 52.

Pursuant to the order of reference of Friday, June 20, 2014, we're dealing today with Bill C-32, which is an act to enact the Canadian victims bill of rights and to amend certain acts.

We have a number of witnesses. I think we have six witness groups or individuals with us tonight.

From the Canadian Coalition Against Terror, we have Madam Basnicki, who is the co-founder. From the Canadian Centre for Abuse Awareness, we have Ms. Campbell, who is the CEO and founder, and Mr. Reilly. From Victims of Violence Canadian Centre for Missing Children, we have Ms. Rosenfeldt. From the International Organization for Victim Assistance, we have Mr. Waller. From the Association of Families of Persons Assassinated or Disappeared, we have Madam Mallet and Madam Albert. Mr. Gilhooly is here today as an individual.

We are going to go through the witness list as presented on the agenda. You each have 10 minutes to make your presentation. After that, there will be a round of questions. We will finish around 5:30.

The Canadian Coalition Against Terror has the floor first.

Ms. Maureen Basnicki (Co-founder, Canadian Coalition Against Terror): I must say I was scheduled to be here in October, the day after the terrorist attacks in Ottawa, so that was a real trigger for me.

Today I come here after the attack in Jerusalem. The co-founder of CCAT, the Canadian Coalition Against Terror, is in Israel at this moment in time, and it is a friend of his who has been greatly injured, the gentleman who lived in Toronto. All this affects me needless to say. Bear with me, please.

Good afternoon, everybody, Mr. Chairman and honourable members of the justice committee. I am grateful to be here today to lend my support and to thank the current government for initiating Bill C-32 for all victims.

This particular bill has been a passion of mine ever since I became a member of the victims of crime club. It was the murder of my husband on 9/11 that put me in this club.

Like many average Canadians, before the murder of my husband by terrorists, I could never envision my life changing so drastically.

Never could I imagine being called a victim. You will note on the written statement that I always capitalize victim because it denotes respect.

Many people ask why I continue to identify myself as a Canadian 9/11 widow and a victim. I respond with a reply that makes most Canadians uncomfortable. I am a living Canadian victim, and my late husband is the dead victim. I will continue to label myself as a victim, and not a survivor or victorious, until such time as my beloved country Canada finds the balance between rights for criminals, or in my case terrorists, and the rights of victims.

My experience as a Canadian victim living in Canada, as did my late husband, was not something Canadians would be proud of if they knew all the issues I was faced with in the aftermath of Ken's murder. In the question and answer period after my testimony, I will be pleased to give any details this honourable committee wants to hear.

The point I would like to make is that there was no plan or policy in place for victims of terrorism in the aftermath of 9/11. Most Canadians just assume, first, that they will never enter the victims of crime club, and second, that if a Canadian is victimized, there will be basic rights and victim services to help them in their darkest moments.

The very basic rights of respect, compassion, and courtesy were not enforceable for me and my family after 9/11. I'm not talking about average Canadians, but rather the political powers, the government at the time of the terrorist attack in New York City.

I became a victim of politics. Even from the recent past, politicians are debating whether the murders of Corporal Nathan Cirillo and Patrice Vincent were acts of terror or cold-blooded murders. One does not need to debate whether or not they were victims. Even though they resided in different provinces and were victims of a terror attack or a violent crime, there should be rights at the federal level and a sense of fairness for the victims of these heinous crimes.

In the aftermath of 9/11, at the highest level of our Canadian political leaders, I was dismissed. Initially our former prime minister at the time of the 9/11 terrorist attack discounted that Canadians were in New York. Six months after 9/11, following an outcry to have a public 9/11 memorial in Canada, the former PM said that these things happen from time to time and he saw no reason to mark that occasion.

To add to the pain of losing my husband to such a heinous crime, the prime minister publicly blamed the victims on the first anniversary of the 9/11 attacks. The prime minister was interviewed on CBC by Peter Mansbridge and publicly blamed western greed for the 9/11 attacks. I repeat, our Canadian prime minister blamed the victims.

When the fog of disbelief and hurt began to dissipate, I started to look into my rights as a victim of violent crime, albeit outside of our Canadian border.

• (1535)

We are not here to discuss victim services which victims should rightfully count on to navigate through the trauma they have been sentenced to for the rest of their lives. What is important to note, however, is that when I began to question what victim services were available at the provincial level, I was told that I did not qualify because my husband's murder occurred outside our borders. I have to qualify that, too, and right now, because sitting beside me is somebody who was instrumental in the Ontario victims of crime organization, Sharon Rosenfeldt. There was an outreach at the time, but they were tied by provincial mandates that didn't include terrorism. Everything was done that could possibly be done at that time. It was only later when there was a change of government that things changed.

At this time, I would like to have the committee look at the current definition of who is considered a victim of crime. As stated by the current Government of Canada Office of the Federal Ombudsman for Victims of Crime:

The law defines a victim as someone who has experienced emotional or physical harm as the result of a crime [committed in Canada]. Family members, legal guardians or dependants are considered victims when the victim is deceased, is a child, or is unable to act for him/herself due to illness or incapacity.

If we are to strengthen the victims bill of rights, it is most important to remember that a Canadian who resides in Canada is no less a Canadian if they happen to become a victim of traditional violent crime or terrorism outside our borders. Please ensure that victims' rights are enshrined when the crime is committed outside our border. After all, terrorists who are Canadian citizens and have been successfully convicted as terrorists—and I refer to Omar Khadr—are able to demand their rights. There should be a balance. I understand that there has been a lawsuit initiated against the Canadian government by Mr. Khadr.

At this time I would like to once again commend the current government for their initiative in proposing the VBR. I would like to invite all political parties to help draft the final result. Victims' rights are a non-partisan issue. I remind all the MPs here that they themselves narrowly escaped becoming victims of terrorism. Terrorists don't know borders. They don't care what political party you represent. They don't differentiate in regard to what one's ethnic or religious belief is when they decide to attack innocent civilians.

In my closing remarks, I would like to add the following. It was after my appearance in regard to the ATA that the Honourable Peter MacKay suggested that a Canadian ombudsman be created in order to have a federal government office that works to have victims of crime and their families heard. This was a giant step. However, I am still waiting for the Office of the Federal Ombudsman for Victims of

Crime to be empowered to represent victims in situations when victims' needs are not being met. It is difficult to insist on victim services when the Province of Ontario and the Government of Canada have not seen fit to include Canadians who have been victimized outside our borders in the definition of "victim".

I'd like to refer to a quote by an Irish barrister: "All Canadian victims, including cases where the crime occurred abroad, shall have the right to access and receive, at least, a minimum standard of nationally consistent victim services and supports." This quote could have come from the forum that was initiated by our ombudsman's office. I was fortunate to participate in this forum in September of this year.

It was at this conference that Maria McDonald, an Irish barrister, explained what was happening with the victims' rights directive in the EU. The victims' rights directive is a European law that requires all EU member states to implement legislation to give all victims of crime minimum rights, supports, and protection. This law will apply regardless of where the crime was committed in the EU.

• (1540)

I would like to echo the submissions of other members of the victims of crime club. Victims' voices of traditional types of crime have been heard by you from my friends Joe Wamback and Yvonne Harvey, and by wonderful victims organizations such as the CRCVC—I believe it was Heidi Illingworth—and of course, the federal ombudsman's office. Actually, Sue O'Sullivan, our current ombudsman, is supporting me today with her presence. Thank you, Sue. I know I will agree with Sharon Rosenfeldt, who is sitting next to me. I haven't read her testimony yet, but I know ahead of time that I will support her statements, because she shares membership in the victims of crime club.

I wish to go on record as supporting all the recommendations to strengthen this bill. I wanted to add my concerns through the lens of a victim of terrorism. I urge politicians of all our Canadian political parties to pass Bill C-32, but to strengthen it by listening to what other victims have stated before me. I sincerely hope that the Canada I know and love will be a leader in the global community and make the statement through the victims bill of rights that will enshrine our values as Canadians, and declare a national victims bill of rights that will be enforceable.

Thank you.

The Chair: Thank you for your presentation.

Our next presenters are from the Canadian Centre for Abuse Awareness. The floor is yours for 10 minutes.

Ms. Ellen Campbell (Chief Executive Officer and Founder, Canadian Centre for Abuse Awareness): Thank you, honourable chair, and committee.

I need to make a correction, because I think my friend here is having a little heart attack. He is not a witness; he's just a guest. He won't be speaking.

• (1545)

The Chair: No, we're going to ask him questions later.

Voices: Oh, oh!

The Chair: The floor is yours.

Ms. Ellen Campbell: Okay. Thank you.

First of all thank you so much for inviting me to speak today. I really appreciate it. I am extremely grateful for this bill.

I'll give you a little background on myself and why I can speak to this issue. I myself am a survivor of childhood sexual abuse. As a child I was sexually abused for two years by a boarder in our home. I ended up with a very destructive life and ended up in suicide prevention at the hospital, so I speak as a survivor and a victim.

As a result, 22 years ago I also started the agency called the Canadian Centre for Abuse Awareness. We are a national agency, and we service over 200,000 victims a year. We have just opened up in the United States. I think there are a few of them down there. We are the only non-native agency working with the first nations residential school survivors. We were the agency that worked with Maple Leaf Gardens survivors and we continue to do that as, unfortunately, Gardens survivors are still coming forward. We've done 16 conferences with the OPP for male survivors. We have a national television show and two monthly e-zines, Canadian and U. S., and we have several programs. That's just a little background so that you understand that when I speak, I'm coming at this from both sides.

I'm very pleased with this bill. There are a few things in the bill that I would really like to emphasize. The proposed Corrections and Conditional Release Act amendments to increase victim access to information about the person who harmed them are very necessary so victims can feel empowered and can have a sense of control. As I'm sure this committee has heard many times, the most healing thing for a victim is to be heard.

I'm in agreement with the amendments that entitle a registered victim to certain things, but in particular to information regarding the date, destination, and conditions of an offender's conditional release. This information is critical. We are working with the Maple Leaf Gardens survivors, and when Gordon Stuckless was released the first time, they were not allowed to go before the parole board. They didn't even know that Gordon Stuckless had been released after serving two-thirds of his sentence, and they were devastated and revictimized. I know how critical it is for the victims to have a say in and a presence at the parole hearings and to understand what's happening with the perpetrator.

The definition of a victim needs to be expanded. In the case of death or if someone is unable to act on their own behalf, a family member or relative should be allowed to act on their behalf. Again, I'm speaking from experience. A lot of the victims I work with are male. One of the Stuckless victims recently came forward. He was so traumatized by having to go to court and face Gordon Stuckless that during the trial we had to have several recesses just because of the trauma he felt sitting in front of Stuckless, who sat there with a smirk on his face. I have to work through the victim's wife even to get him counselling. This would be a wonderful example of how his wife could represent him at a parole hearing, because I don't think he could handle one. A lot of the victims I work with are extremely traumatized, and such situations re-traumatize them.

I think it's important for a victim to know about all the support programs that are available to them and what their rights are, including registering with Correctional Services or the parole board. I just think there's a disconnect between what the provinces are doing and what the federal government is doing. I know the federal ombudsman does an amazing job. I just feel more needs to be done for victims, not only at the time of the sentencing but also, for a lot of the victims we work with, long term. There needs to be a better way of letting everybody else know what everybody's doing. I know in my own case, I've been at this for 23 years, and I'm still finding out about agencies that could help victims.

There should be a mechanism in place to handle complaints with the federal organizations and there should be a right to participation. Victims who need to face perpetrators in court require support. Again I would emphasize that when victims go before the perpetrators in court, as great as victims assistance is, they really need therapeutic support. I see them traumatized and I see them being re-traumatized. They really could use some serious therapeutic help at the time. As I said, I just sat through the Gordon Stuckless trial and there were many breaks because the victim was so traumatized.

● (1550)

Acknowledging the harm done to victims is critical to the victim. They need to feel that they have been heard and the community has heard them. I like the idea of a standard victim impact statement and community impact statement, because my experience is that victims have a very difficult time even putting thoughts together. This is re-traumatizing. I can speak as a victim myself. The trauma doesn't go away until you deal with it. There's a saying that what you don't work out, you act out. The trauma comes up and every time a victim has to face his perpetrator or just the process, it's re-traumatizing.

All attempts must be made to secure the safety at a parole hearing. For instance, the victim should not have to be in the waiting room with their perpetrator. The right to restitution is another point that is very critical to me, because I do work with victims, for instance, women coming out of a domestic abuse situation. I know at the time they can give a list of all the things they need. We have a huge warehouse and we provide a lot of support for the women. For instance, we give them sheets but they don't have a bed. It isn't just the immediate time when sentencing takes place; I realize that's when you go through the first list. But I do think it's critical that this can be re-evaluated on a regular basis. I also want to say that it's not just women. I work with a lot of men. A lot of the Stuckless survivors have been in prison, have been sick, have drug problems. How do you assess at the time of sentencing everything that man needs? It's a lifelong process. I'd like to see something that is looked at on an ongoing basis.

There is a reference to referrals for counselling, but I would like the language to be stronger, that the judge would automatically know that there has to be money for counselling. To assume that any victim doesn't need counselling, I haven't seen one yet who doesn't. They may not even realize it. There should be something that is consistent in the restitution so that counselling is covered. We work with the first nations people and even though they get money, some of the money just goes to some of their life needs. They all need counselling and there is so little counselling available, especially for men. I would like that language to be stronger.

There's the right to protection. It's as simple as providing a woman with a cellphone. We work with women in domestic abuse situations. Some of those things should be automatic, as well as counselling. What other things can you provide a victim with for safety?

We work with children as well. It's critical that the children can ask to testify outside the court. I think that's done more and more now, but it needs to be really emphasized that children need the process to be as normal as possible. In the Toronto sex crimes unit interview room we hid a camera in a tree. The child was in the room with some toys and didn't realize they were being interviewed. It is critical that we make it as normal as we can for children, and that there be as much support as we can give them to normalize what's happened.

In closing, there are two really important points for me. Number one, it has to happen as quickly as possible. I don't think anything that slows the process is really good for a victim. They're traumatized and they need to get through the process as quickly as possible and with the support they need. Also, there's counselling. I can't emphasize enough that if we provide the counselling, even for the perpetrator.... The perpetrators do get counselling, but a lot of the men who perpetrate domestic abuse were abused themselves, so it's about stopping the cycle. There are women who keep going back to their abusive partners. If the counselling was in place, you would stop the cycle for them and the children.

I really am so grateful to the government for bringing this bill forward and I really support it.

Thank you very much.

The Chair: Thank you very much for your presentation.

Our next presenter is from the Victims of Violence Canadian Centre for Missing Children.

The floor is yours for 10 minutes.

•(1555)

Ms. Sharon Rosenfeldt (President, Victims of Violence Canadian Centre for Missing Children): Good afternoon, members of the standing committee. Thank you for inviting our organization, Victims of Violence, to present on Bill C-32, an act to enact the Canadian victims bill of rights and to amend certain acts.

Victims of Violence was incorporated as a national organization on November 27, 1984, which is 30 years ago. Part of our mandate is to provide support and assistance to victims of violent crime as they make their journey through Canada's justice system. Needless to say, it has been quite a journey, mostly positive. An important lesson that we learned was to be very very patient, that good things will happen when they are supposed to happen.

That is why I am here today. We view Bill C-32 as a well-thought-out piece of legislation which is fair and responsible for where we are currently in Canada in relation to being more responsive to victims of crime and their vast array of needs, concerns, services, and issues.

Since we do not have lawyers who can analyze this bill in a professional manner, I am going to present to you in the manner that I know best:

Thirty-three years ago when we reported our son missing to police, they told us that they would not take his name for 48 hours because he had just turned 16 and perhaps he was a runaway. That no longer happens in Canada. When we took his picture to newspapers, they said they could not print it as police would not authorize it. That no longer happens in Canada.

When his little body was found a month later, I was informed by telephone. I fainted. That no longer happens in Canada. When I asked how he died, I was told it was from a blow to the head. I asked if he was found with his clothes on or off. I was told that they could not give us this information. However, I found out from the headlines in the newspapers which had my son's picture on the front page. The headlines said that his nude, raped and bludgeoned body had been found by a person walking his dog. That no longer happens in Canada.

When I wanted to see his body to make sure it was my son, the police told us which funeral home his body was at. When we arrived, the funeral directors were shocked to see my husband and me and questioned who had sent us. We said it was the police. They took us into a separate room and had to explain that we would never recognize our son as his remains had to be scraped up and placed in a glass bottle. That no longer happens in Canada. When the killer was caught and charged, we learned by way of watching the news on television. It showed the killer's picture and 11 children. My son's picture was one of them. That no longer happens in Canada.

When we, the families, had the one and only meeting with the attorney general and crown prosecutor due to the controversial cash-for-bodies plea bargain deal, the prosecutor looked at all of us and said, "Look, I don't know why you're all so upset. The 11 children could just as easily have been killed in a school bus accident. I mean, if they're dead, they're dead". That no longer happens in Canada.

I share this with you only as an example. I share it to let you know that although there have been great strides to change what took place with our family and many other families across Canada over the years, Bill C-32 now enshrines in federal legislation the right to information, in clauses 6, 7, and 8 of the Canadian victims bill of rights.

Further, that example is what is meant by the wording in the preamble, which states in particular, "Whereas victims of crime and their families deserve to be treated with courtesy, compassion and respect". These are not just nice hollow words as they have true long-term impact on the direct victim and/or the victim's family if their loved one has been murdered. When Canada first adopted the United Nations declaration of basic principles of justice for victims of crime, the declaration stated that victims should be treated with courtesy, compassion and respect for their dignity.

I identified with those words so much because they explained the lack of personal respect for my dignity and why we were treated as we were by the various components in the justice system. This had severely injured me. In particular, there was the lack of respect for my dead son's dignity with the manner in which his case was handled. He could no longer speak for himself, so I took on the lack of respect for his dignity and combined it with mine. That is why when we buried him, I felt burning shame and I could not hold my head up. I promised him that I would not return to his grave until I could stand before him with my head up and with dignity.

● (1600)

It took 16 years to return to his grave. Throughout those years there were many more victims and victim advocates speaking out and governments were beginning to listen to what we were trying to explain as it relates to those words. Those feelings of lack of respect for their dignity have been coined the second injury and/or revictimization, when victims are dealing with the criminal justice system.

However, what was most significant was that at Clifford Olson's faint hope clause hearing in Vancouver, the RCMP invited all the families into a room at the courthouse and made a formal apology to all of us for the manner in which we had all been treated. They informed us that throughout the years positive changes had been made to the manner in which they dealt with crime victims and

missing persons, etc. On our way home to Ottawa, we stopped in Saskatoon where our son is buried, and we went to Daryn's grave with our heads held high and a sense of respect for my son's dignity had begun to return.

Somewhere between 1988 and 2004 the word "dignity" has been taken out and shortened to just simply treating victims with respect. It seems to occur more on federal documents and websites as some provinces still maintain the words "respect for their dignity". We would like to see the Canadian Bill of Rights changed back to the original intent of the wording in the United Nations declaration of basic principles. I know that is victim talk, but the words "respect for their dignity" indicates strength and has significant meaning to victims of crime.

The Canadian victims bill of rights is a significant piece of legislation that seeks to create statutory rights at the federal level for victims of crime for the first time in Canadian history. The fact that this bill is a quasi-constitutional document is profound. The bill specifically states in clause 2 that it is an act for the recognition of victims' rights, which means that the federal government has acknowledged that crime causes harm, loss, and injury to people, not to the state.

The preamble of the Canadian victims bill of rights is helpful in ascertaining its purposes, including: recognizing the harm of crime on victims and society; the need to treat victims with courtesy, compassion, and respect; the importance of considering victims throughout the justice system; realizing the rights of victims under the Charter of Rights and Freedoms; and acknowledging that the administration of justice is served by recognizing victims' rights.

The preamble is especially noteworthy as preambles may assist the courts in understanding and construing legislation. Judges sometimes refer to the preamble in writing their decisions. Where courts are called on to consider how a statute that impacts victims should be interpreted, the Canadian victims bill of rights preamble is now available to assist in clarifying Parliament's intention.

The Canadian victims bill of rights will create an administrative complaint process where victims are to go to the relevant federal department, agency, or body if they believe their rights have been infringed upon or violated. These government organizations are required to develop a complaints mechanism that includes a process to review alleged infringements or denials of victims' rights, authority to make recommendations to remedy violations of these rights, and an obligation to notify victims about the outcome of the complaint and any recommendations.

If victims are not satisfied with the response to their complaint, they can seek a review by any authority that has jurisdiction to review complaints in relation to that department, agency, or body.

The federal government may not have hands-on jurisdiction in relation to provincial victims' services, but it certainly has a role as a leader with regard to the treatment of victims of crime.

We view the Canadian victims bill of rights as a first step in beginning to develop a national framework for treatment of victims of crime across Canada. The federal victims ombudsman's office could help create a national standard or framework for victim services and operate as a partner for regional offices or provincial victims ombudsmen to help ensure the national standard is encouraged. Of course, there is the issue of provincial jurisdiction; however, this is an area where concerns should be put aside to work together. It is not a question of the federal government telling provinces what they have to do, so why would the provinces not want to have the best victim service programs they can have? To be clear, the federal victims ombudsman's office would work hand in hand with each province and territory and develop that framework and standard of service across Canada.

Whether the Canadian victims bill of rights would accomplish this of course remains to be seen. We would like to see consistency in the provision of services right across Canada.

•(1605)

The dominating reality of the Canadian criminal justice system is that of its divided responsibilities between the federal and provincial governments. While the federal government has the constitutional jurisdiction to enact criminal legislation, it is the provinces and territories that have the responsibility over the administration of justice, which will be the key aspect of how or whether these newly articulated victims' rights are given practical meaning. Equally, as Justice Minister MacKay has himself noted, the way these articulated rights are implemented will not be something that happens overnight, but will instead evolve over time.

In closing, much of what the government is entrenching in this bill is done regularly and routinely across this country. This bill is meant to bring together and consolidate a greater flow of information. A federal victims bill of rights is what has been lacking, and once it is amended and passed, we will be able to move forward and work toward more consistency in the provision of victims' services right across Canada.

Thank you very much.

The Chair: Thank you very much for that presentation

The next presenter is the International Organization for Victim Assistance. The floor is yours for 10 minutes.

[*Translation*]

Dr. Irvin Waller (President, International Organization for Victim Assistance): Good afternoon, Mr. Chair and esteemed members of the committee.

[*English*]

Thank you for inviting me here.

I am going to make a pitch that if this is going to be a first step in providing a cornerstone for victim rights in this country, it needs some additional help to what is already in the legislation. I'm particularly going to focus on funding, on the vital importance of a

modern country actually evaluating how its legislation is implemented, and on not forgetting that the prevention of violence is absolutely critical to this.

I've provided members of the committee with a brief in both English and French, and I'm going to skip around in that brief.

The first point I want to make is that we are extraordinarily lucky in Canada to be leading the world by having a federal ombudsman for victims of crime. She needs to be congratulated for the work she's done to bring together expert organizations and victim groups such as those you've heard from today to try to propose what could be in a federal victims' rights bill, and—she has done it more carefully than I have—what could be done by the provinces. I fully endorse all the amendments that she has proposed, and I don't propose to revisit those.

I'm always inspired by Sharon Rosenfeldt, whom I've known for a long time. I would just like to mention that the way I got into the victim issue is that yes, I'm a member of the victim club, but I had the good fortune to be able to devote my professional life to trying to change the way we deal with victims in this country and others. I got recognition for the work I did for the UN declaration, which has already been mentioned, and I've been involved in bipartisan meetings in the U.S. Congress, which I think are a model for what we do here, and in many other activities, including writing a book for legislators on rights for victims of crime.

The main recommendations I want to leave with you have to do with, first, the fact that you can't get something for nothing. Passing a bill is nice, but if you actually want to see it not only enforceable, but also enforced, somebody has to put some money there. We live in a country where we have almost doubled the spending on criminal justice, particularly in the policing area, and we've given almost nothing to the victim area. I think there's a real need for some leadership here. I would like to see us actually set a target, and I would like to see it in the legislation as you would see in American legislation. I propose that over the next five years we get to a point where as much as 10% of what's spent federally on policing, corrections and justice goes into stirring and encouraging services, rights, and prevention.

I would also like to see an amendment to the RCMP Act, which, I think unfortunately, has been omitted from this bill, so that the RCMP can become a model for policing from coast to coast in providing information and referral to victims. You may or may not be aware that we have one of the lowest proportions of victims who report to the police in the affluent democratic world. It has dropped over the last 20 years from about 40%, which is the rate in the U.S. and in Quebec, by the way, to about 30%. This shows that victims generally do not have that much confidence in the criminal justice system. So a bill like this is necessary, but by simply requiring police to provide information and orientation, we can make a difference.

I was very impressed to hear the chief of police in Toronto in the aftermath of the Jian Ghomeshi affair say that the way we can get victims of sexual assault to come to the police is by referring them to agencies that can help them. This is a first in Canada, and I think it is important. Mr. McMurtry, when he looked at the Ontario bill of rights, specifically said that we should be changing action by police. This is not a high-cost item; it is an item that would make victims aware of services, of restitution, of compensation, of a number of things, through a relatively small amendment to the act.

I want to quote Chief McFee, probably Canada's best-known supercop, now the deputy minister of corrections and policing in Saskatchewan, who said quite simply that what gets measured gets done.

• (1610)

Unless Canada comes up to the plate and actually has a victimization survey every year instead of every five years, which is what we do at the moment, and unless we actually look at how this legislation is implemented, we are not going to learn from it. We're not going to be able to, in five years' time, say that yes, we passed that bill of rights, but look, victims are still being treated the way some of the witnesses have said. We need to get better at measuring. We need to ensure that Statistics Canada does an annual victimization survey and that they also do a special survey on intimate partner and sexual violence.

You're probably aware that when the U.S. Congress adopted its victim rights legislation in 2004—that's 2004—it required the general accounting office to look at how it was implemented. I think it's a very good model for us to look at here.

I also want to emphasize the importance of prevention. Most of us in this room think that crime is going down in this country because police reports are going down. Well, when you move from about 40% reporting to 30% reporting, it's not surprising that you get a 30% drop in what the police take on. If you look at those victimization surveys, even if they're only done every five years, you see that they remain very steady.

We need to begin to realize that one of the most important rights for victims is for government to take the right action in stopping violence. I'm very proud that in May our current government adopted at the World Health Assembly the violence prevention resolution, but I think we need to begin to see how that can be put into practice.

I want to take a few minutes to mention a few other items.

When you're looking at bills of rights, as I do in different countries—in the United States or in regard to the European directive, as has been mentioned—the number one criticism is that they make no difference because they're never implemented. The Americans with their 2004 act made sure that it was implemented and made sure that the policing changed, the prosecutors changed, and the judges changed. We need to be looking at that.

The European Union directive that was mentioned actually followed a framework in 2001 that had evaluation built into the legislation, as I would like to see. Because of the results of that evaluation, which were basically that victims were not getting their rights, particularly in the justice system, they came up with a new directive for 28 countries and in 25 languages. Surely, in this country with our 13 jurisdictions—or, if you count the federal one, 14 jurisdictions—and only two languages, we could actually do the same or better. I fully endorse the proposal by Sharon Rosenfeldt to ask the federal ombudsman to take this on, but she of course is going to need some funds to be able to take this on. I think it's an extraordinarily high priority.

If you look at individual states, you see that Oregon, for instance, has enforced its rights. There has been a Supreme Court decision in Oregon that reversed a sentencing decision because the victim was not given their rights. Arizona has done some of the same things.

I will just mention one other issue that relates to funding. Let's look at the United States. In 1984 it introduced what looked like our fine-surtax system. Today it raises over a billion dollars every year through fines on corporate offenders. They've actually raised \$16 billion, which is used to encourage individual states to set up services that have been talked about, to set up compensation, and to help organizations like those at this table to actually be effective lobbyists. I think one way we could look at funding—I'm not proposing it as an amendment here—is to see what we can learn from the United States in positive terms in regard to getting the funding we need.

• (1615)

I think I've used my time. This is a plea to look at the implementation issue through funding, through measuring, and through prevention.

[Translation]

Thank you very much.

[English]

The Chair: Thank you very much for that presentation.

Our next group is the Association of Families of Persons Assassinated or Disappeared. The floor is yours for 10 minutes.

[Translation]

Ms. Dolores Mallet (President, Association of Families of Persons Assassinated or Disappeared): Good afternoon, members of the committee.

My name is Dolores Mallet, and I am the mother of Yves Albert, who was murdered on March 14, 2002, because of mistaken identity during the bikers' war. Such a tragedy leaves complex sequels. I had to find the strength to continue to live for those I love.

I joined the Association of Families of Persons Assassinated or Disappeared, or AFPAD, when it was created. I have been the president of that association since September 2014. During all the years of my involvement, I was in a position to observe the scope of the concerns and needs of the families of persons who were assassinated or disappeared.

The AFPAD now has 600 member families, and unfortunately, other families will join us. That situation justifies a careful study of the measures to strengthen the rights of victims. I am pleased that Bill C-32 has been tabled, and I must take this opportunity to tell you that when this bill was announced, some members of AFPAD wrote to us to express their enthusiasm. The efforts of the legislator and of the various stakeholders who worked to make this bill a reality are welcomed by AFPAD, despite certain concerns.

Some of the amendments proposed to the Criminal Code will meet some of the victims' needs. Nevertheless, AFPAD fears that the enforcement of Bill C-32 will be complex. The provinces have to get involved so that the enforcement of this new act becomes a priority. We hope that appropriate measures will be taken to facilitate the sharing of jurisdictions regarding criminal justice among the various levels of government, provincial or territorial, so as to better help the families of victims of criminal acts. The AFPAD strongly urges provincial governments to follow the federal government's lead and to enforce this new act so as to recognize the rights of victims properly.

Clauses 6 to 8—Information: We are confident that victims will have better access to all information concerning the services and programs they are entitled to, as well as to any relevant information on the offender regarding his release, as well as to the dates, hours and location of proceedings. We are also very much in favour of the fact that the victims will have the right to obtain a photograph of the offender when he is released.

Clauses 9 to 13—Protection: AFPAD is in favour of the provisions contained in clauses 9 to 13, according to which everything will be done to help the victims feel respected and supported, and to avoid that they be subject to intimidation or threatening words or looks when they are present in court, which threats can subject them to very worrisome periods of anguish.

Clauses 16 and 17—Restitution: AFPAD welcomes the provisions in Bill C-32 and the amendments to the Criminal Code regarding restitution. However, in the interest of natural and restorative justice, restitution should always be mandated by an order. If the judge does not order restitution, he or she should explain the grounds for that decision in the judgment.

In our experiences with the families of victims, we have seen that they are impoverished because of the many expenses imposed by the tragedy, for instance funeral arrangements, travel, and having to be absent from work.

• (1620)

It is a good thing that if an offender fails to pay all of the amount that was ordered to be paid at the end of his sentence, the victims may file a claim regarding any amount that remains unpaid in court, as stipulated in section 741.1. In that way, the victims will be able to closely follow the reimbursement.

AFPAD thinks that the new forms that will allow victims to share with the judge their physical, moral, material and economic losses are beneficial. It is also a good thing that the judge may adjourn the proceedings to allow the victims to fill out these statements properly. We think it is relevant that the victims, or even the persons who represent them, be able to submit a drawing, letter, or even a photo to represent the victim before the offence was perpetrated.

We strongly support section 718, which stipulates that the courts will be able to impose a sentence that reflects the severity of the crime and the harm done to the victim, following their statement for the purpose of making the offender feel accountable. We strongly hope that Bill C-32 will make those involved in the justice system more aware of the realities experienced by the victims following the offences, and change attitudes, so that the victims do not feel pushed around or harried during the legal proceedings.

I thank you for your invitation. On behalf of the members of AFPAD, I hope that our recommendations will be heard and taken into account, so that the rights of offenders and those of the families of the victims can be given equal weight. Thank you very much.

[English]

The Chair: *Merci, madame.*

Our final presenter for this panel is Mr. Gilhooly, as an individual. The floor is yours for 10 minutes.

Mr. Gregory Gilhooly (As an Individual): Thanks again for having me appear before this committee.

For those who don't know, my name is Greg Gilhooly. My claim to fame, for lack of a better phrase, is that for a number of years I was victimized by hockey coach Graham James, perhaps Canada's most notorious convicted serial sexual predator.

My first day away from Graham was my first day as an undergrad in the United States. I eventually came back to Canada and studied law and became a lawyer, so I very much lived the tension between that of being a victim and that of operating with knowledge of the law and why our legal system is structured the way that it is. The interesting thing when we refer to the word "victim" is that while people are victimized when actions occur under the law, there truly isn't a victim until you have a convicted individual who has been proven guilty, or the court has deemed that the individual actually has committed the offence. Therein lies the difficulty, because if you have had something done to you, if you are a victim of an act, if you find yourself in a situation where you are suffering pain, there is still this process that has to take place before we actually do have a convicted criminal. Until that time, we have an accused.

As a victim, do you deserve standing in the process? The answer unfortunately is likely not, because the way that our traditions have developed you are nothing as a victim but a witness. You have a story to tell and that's that, and in the extent to which the system skews beyond that, we are potentially tainting the system. As a lawyer, I get it. I understand it. I understand why victims have to be put here and listened to and dealt with the way they are until such time as we have a defined victim.

That said, a victim can be treated with dignity and respect throughout the process, and that's why I was so encouraged to hear that this government was bringing forward the proposed Canadian victims bill of rights.

I don't agree with everything this government does, but the government, in my view, is clearly on the side of the angels when it comes to this. If there were nothing other than a victims bill of rights proposed, and that bill said that you will be listened to throughout the process, that is manna from the gods for someone who is a victim or has been a victim and goes through the process, because, as was said earlier, as a victim, you want to be heard. You want to be respected. You want to be treated with dignity and respect. You have a story to tell. You are a witness, but my goodness, you are also going through so much pain, you have no idea, and whatever can be done to ensure that the process you go through at that time treats you with dignity and respect is something to be encouraged. To the extent that we can move forward with a bill of rights that enshrines those rights or that behaviour, that is a good thing in my view.

The law can't solve all problems. My run-in with Graham took place in Manitoba. When I came forward along with Theo Fleury and Todd Holt, the second round after Sheldon had come forward many years before, we were in Manitoba, in the Manitoba system. There is a Victims' Bill of Rights in Manitoba. The very essence of the rights that are to be enshrined in the draft bill are, for the most part, in the Manitoba legislation, and I can tell you as a victim who has gone through the process, simply writing things down doesn't mean they are going to happen.

As a lawyer, I sat through a process where Graham came back voluntarily from Mexico and was immediately released on bail. He was given credit for voluntarily coming forward and participating in the process. We had no voice in the bail hearing. Graham was effectively given credit for good behaviour and volunteering to adhere to a process, and he was out. We didn't know where he was. We didn't know what's going on. We had no information as to his whereabouts. Graham then dealt with the charges that were eventually laid, and decided to play around with the crown in a back-and-forth set of negotiations that went on for the better part of 13 months after the charges were laid.

In the end, Graham decided to plead guilty to the charges from two of those who came forward and not with respect to me. We always thought he was going to play around with Theo. In the end he decided to play around with me. We think we know why he did these things, but mine is not ever to jump into the mind of Graham James. One Friday I picked up the phone and a social worker in Manitoba who had been assigned to my case said, "There's good news. Graham is agreeing to a plea, but unfortunately, he's not going to plead guilty to the charges with respect to you. We'll talk to you next week." I can tell you that was perhaps the worst phone call of my life.

●(1625)

The lawyer in me absolutely understood what took place. Graham was in a position of power. The crown got away with a conviction. The crown did not have to take Graham to trial. We were dealing with incidents that took place decades ago. Others who were involved who hadn't yet wanted to come forward would likely have

been subpoenaed to testify. It was an ugly situation waiting to happen.

The problem is that in effecting a good, common sense legal result, the crowns made that decision on their own. Think of the opportunity lost. They were dealing with me, and I'm a lawyer. All it would have taken was a phone call earlier that day when the crowns in Manitoba were getting together. Apparently this took place at the highest level. They brought a group of crowns together and tried to figure out what they were going to do. If they had called me on speakerphone and said they had a tough situation, I could have been involved in this decision and could potentially have saved other victims who hadn't yet come forward from having to testify. I could save Todd Holt and Theo Fleury from having to testify. I could go along with this and be a part of a good result that worked out for all involved, knowing that even if I did come forward, chances were Graham's sentence wasn't going to be materially longer in any event, given the concept of totality that we have in our sentencing.

I could have been a part of something wonderful. I could have felt that I was a positive element of what was going on. I could have objected, and at least felt that my views were listened to. In the end I received a phone call not from a crown—none of them had the guts to pick up the phone and call me—but from the social worker who'd been assigned to the case.

The good thing is that the law in Manitoba had it so a social worker was assigned to the case. The good thing is that I was kept apprised of the process all the way through. The good thing is the basket of rights which for the most part is reflected in the proposed bill of rights we have in front of us. Those good things were all a part of what I was dealing with, and that empowered me and made me feel as if I knew what was going on. That is good, but I bring up my example simply to point out that we can write all the wonderful law we want, but it's not going to be a guarantee that it happens. That said, just because the right thing may not happen doesn't mean we shouldn't move forward in trying to bring about the right basket of rights that we need. To the extent that victims are treated with dignity and respect on a go-forward basis and are listened to, the system can only benefit.

I was disheartened when I read the testimony from your last meeting, when the head of the crowns organization objected to having an obligation to consult with victims before any plea was heard or given. I can't for the life of me understand how having to receive input from a victim can in any way muddy or get in the way of what that person's job description should be on a go-forward basis. I would hope that every crown working in our communities would want to hear from a victim, and would want input from a victim, and would encourage victims to give voice to what the victim thought appropriate in the circumstance, or at least to be a part of the discussion.

As a lawyer I understand why I can't be anything more than a witness, but for the life of me I don't understand why a crown would object to my having input into what goes on. It's interesting; when you take a step back from everything, victims as a class often have a viewpoint that others may or may not be able to appreciate. Think of the recent case of NFL football player Ray Rice, the gentleman who punched his wife in the elevator. His case came forward in the U.S., and there was much discussion about whether the NFL had gone too far or not far enough in suspending the player for two games on the rumour of the spousal assault. Then a video of the assault came forward. You can't unwatch the video, and when you see the video, all of a sudden I have before me, oh my God, what was I thinking when I even considered two games as an appropriate sanction? I say this to flip into the concept of a victim generally. A victim sees the crime take place, and a victim has to suffer through the intelligentsia, the law professors, the lawyers, whoever, discussing what appropriate sentences are in certain circumstances.

• (1630)

I know that as a victim in the Graham situation, I saw any number of editorials out there about how the initial sentence of two and a half years was, well, maybe not the best, but on appeal when it was kicked up to five years, that was probably okay. I'm not a lock-'em-up-and-throw-away-the-key person, but I put it to everybody here that when you come across a serial sexual predator who has committed more than 400—admitted to more than 400—individual sexual assaults along the way in his two previous convictions, chances are that five years are not enough. But that's neither here nor there.

What I'm getting to is that the perspective of a victim is important, and I welcome questions down the road.

I thank you for the opportunity to present here.

• (1635)

The Chair: Thank you very much for that presentation.

We are now going to go to rounds of questions, and based on the time and the number of presenters we have, I'm going to be very strict on the five minutes, or do the best I can. That's a heads-up to everybody, including the ones providing answers.

Our first questioner is from the New Democratic Party, Madame Boivin.

Ms. Françoise Boivin (Gatineau, NDP): I'm the biggest guilty party, usually.

[Translation]

Thank you for your testimony. What you and all of the witnesses who are here today have experienced touches us, and gives a face to the Canadian Victims Bill of Rights. We can only express our deepest sympathy to you.

[English]

There are no words to say what you must have felt at different levels. That being said, I think there's a current theme in a lot of your exposés to us. One that reaches me particularly is to make this enforceable, and to make sure that it has success, we need to have the provinces on board. I've heard it from many of you during your testimony. What worries me a bit is that, not due to lack of effort

from our clerk, because he did everything he could, we had one minister of justice from one province who had the guts—and I'll use the word and I'll pay the price afterwards, even from my own minister in the Province of Quebec—to come and address the committee on how he views this. I read a press release from the minister of justice of my province, in Quebec.

[Translation]

Concerning the Canadian Victims Bill of Rights, following a federal, provincial, and territorial meeting of ministers of Justice, it was said that Quebec had its own way of doing things and that things were already working well.

[English]

I strongly feel that the provinces...I don't know if they don't take this charter seriously. That scares the hell out of me because as soon as we adopt this it goes to the other camps, because it'll be done. Our job is pretty limited, other than to adopt these clauses and hope that it's going to be treated fairly, and to use your words, Mr. Gilhooly, “with dignity and respect”. I do hope it gets there, but you heard the same testimony we heard from crown attorneys, who at least I would feel would be on your side, on the side of victims. Even though they're not your lawyers, they're the closest to being your lawyers, and they seem to have difficulty seeing the role they can play just to inform.

I know that has taken up a lot of my five minutes, but I think we see where you're all coming from, and I think I understood your message.

I have very quick questions, though, on the right to information, because I find you all very generous with the bill in giving it your support. I support it also, so don't worry; I think all parties will agree. I always strive for better, and maybe that's my upbringing.

The right to information, I always understood, was one of the most important points. You said so. Sometimes just the way they could have talked to you, with the same result, would have made a world of difference, Gregory.

The fact that every victim has the right, on request, is again putting the burden on the victims to ask for the information, because if they don't demand it

[Translation]

—in French, it is on demand—

[English]

they won't get it, necessarily. There's no real obligation. Shouldn't we maybe remove the expression “on request” and force the charter to state that every victim has a right to the information. Would you agree with that?

Mr. Gregory Gilhooly: Well, it's potentially difficult.

In concept, it would be nice if that information could be presented without there having to be a request. I think the issue then goes to what information is going to be presented, and—

Ms. Françoise Boivin: The same ones that are listed here.

Mr. Gregory Gilhooly: Yes.

I have sympathy for the crown in not wanting to excessively disclose what's going on in the midst of a case. If I were drafting legislation—and no draft legislation is ever going to be perfect—I don't need to know everything that's going on; I need to know major hurdles that are going on.

Ms. Françoise Boivin: I don't want to stop you, but time is limited.

In the same clause, it says that every victim has the right—I suggest to remove the “on request”—to information about “the criminal justice system and the role of victims in it”, “services and programs available to them as a victim, including restorative justice programs”, and “their right to file a complaint for an infringement or denial of any of any of their rights...”.

• (1640)

Mr. Gregory Gilhooly: Absolutely right.

There's no—

Ms. Françoise Boivin: What's wrong with removing the “on request”?

Mr. Gregory Gilhooly: I agree.

Ms. Françoise Boivin: Okay, thank you. That's clear.

The Chair: Thank you for those questions and answers.

Our next questioner is Monsieur Goguen. You have five minutes, sir.

Mr. Robert Goguen (Moncton—Riverview—Dieppe, CPC): Five minutes, it is.

Thank you for all the testimonies, and thank you for your continued work on victims' rights. Certainly there has been a concerted effort by all of you to better the plight of victims.

For those of you who are victims or are related to victims, I think it takes great courage to come forward. It's only by having testimony like this that we can ensure that the bill of rights deals with victims with dignity and respect. Colouring in the picture is a big part of the solution, so I certainly thank you for that.

[*Translation*]

Ms. Mallet, I would like to ask you a question concerning the importance of the victim's statement.

During the consultations held by the minister, some people complained about delays in the system. It was said that these delays affected the rehabilitation process. According to the law, the judge may, if he considers that this will not cause injustice, adjourn a proceeding to receive a statement from the victim if for one reason or another that statement was not made.

Do you think the importance of the victim's statement justifies adjourning the proceedings?

Ms. Dolores Mallet: In my opinion, yes, it does.

During the process, during the time period covered by the trial, it can happen that the person did not include everything in her statement and that consequently there are gaps. If the victim or victim's representative realizes that she will not have time to remedy

that, it would be good in my opinion to give them some time in order to add to the statement so that it is really complete.

Mr. Robert Goguen: It can be difficult for the person to fill out the statement in light particularly of all the anxiety generated by the trial.

Based on your experience, can you talk to us about cases where the victim's statement really had an important impact on the sentencing at a court hearing?

Ms. Dolores Mallet: I can tell you about the recent case of a woman whose daughter had been murdered. The man who had committed the murder was found 15 years later. After all of the court proceedings and all of the time that had elapsed, the woman thought that she had grieved her daughter. But there was an adjournment, and up till the last minute, she wrote out her statement and included everything she had been through. For her, the fact of being able to express that to the man who had murdered her daughter was really cathartic.

Mr. Robert Goguen: That is in itself a type of rehabilitation.

Ms. Dolores Mallet: Yes, it was really a deliverance for her. She read what she had written to us and it was excellent. Hats off to her. It was really worth it...

Mr. Robert Goguen: ...to take the time to write that statement.

Ms. Dolores Mallet: Yes, there was an adjournment until the next day to allow her to finish her statement. I do believe in this.

Mr. Robert Goguen: Thank you.

[*English*]

Mrs. Rosenfeldt, 30 years of work; I mean, take this in the way it's intended, but you're almost a pioneer—not to age you—in victims' rights. I say that in the kindest fashion. Thank you for your continued work

With regard to the ability to bring a picture of the victim to the sentencing hearing, what are your thoughts on that? Does that really have an impact? Does it help in the rehabilitation of the victims? Does it help the court?

Ms. Sharon Rosenfeldt: By all means, absolutely.

I'll give you an example. When we went through the section 745 hearing a number of years ago—and it's a little bit different in relation to a victim impact statement—I took Daryn's picture with me. It was an eight by ten; it was in a frame; it was in the court. Now, at that particular time, we were very well supported by the crown counsel who was going to look after us going through the court system. We wanted to read our victim impact statements. It had not yet been legislated, although courts throughout the country were already allowing victims to read their victim impact statement.

We weren't allowed to because the crown counsel took his time and told us why he didn't think we should. He said the offender would be able to cross-examine us—Clifford Olson was representing himself—and he thought that would be very, very harmful for us. So we took his advice. During that whole time, I had Daryn's picture and it was close to my heart, because he was at the hearing with me. Although he was not there in body, he was very much there in spirit. When you're going to do a victim impact statement, I totally agree with that. However, if you're going to bring all kinds of paraphernalia, you have to remember that a court is a court. It's not a memorial, and you shouldn't bring in a huge picture. I think there has to be some discretion there.

• (1645)

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

Our next questioner is from the Liberal Party. Mr. Casey.

Mr. Sean Casey (Charlottetown, Lib.): Thank you to all of the witnesses.

Mr. Waller and Mr. Gilhooly in particular focused on something that has preoccupied me as we've gone through the hearings.

Mr. Waller, you said you can't get something for nothing.

Mr. Gilhooly, you said that the law can't solve all the problems and that simply writing things down doesn't mean they're going to happen.

Here we are discussing legislative provisions when the real key to giving some meaning to what we want to do isn't so much legislative provisions as it is resources.

I want to start with you, Mr. Waller, and I'd like to focus on a couple of things you said in your brief. You talked about how the federal and provincial governments in Canada have not increased funding for victims services and rights despite a significant increase in budgets for policing. I'd just like to drill down on that. Can you give us some sense of what the present level of support is and how it breaks down? If I look over on the next page of your brief, you set a specific goal for victims as 10% of what's spent federally for policing, courts, and corrections. I'm trying to get some sense of what these numbers mean in terms of where we are now and where we need to be for a victims bill of rights to have any real meaning in terms of dedication of resources.

Dr. Irvin Waller: I'll quote a Justice Canada publication that says the estimated dollar equivalent of harm to victims is \$83 billion. That same document talks about \$20 billion being spent on police, courts, and corrections, and about something in the order of half a billion dollars going toward various sorts of victim services. You have to remember, though, that the Province of Quebec spends more on compensation than probably the rest of Canada put together. It also has professional victim services. As I say to my students, if you're going to be a victim of violence, please just cross the bridge, because you will get somebody. You don't have to wait to ask; you will get somebody who will explain to you what services are available, about restitution, how to apply for compensation, what will happen in the courtroom. They will accompany you, and they're professional people. By the way, the reporting rate to the police in Quebec is about 40%, which is 10 percentage points above the rest of Canada.

It's hard to see exactly what we should be doing, but I think we should be in line with what other similarly situated democracies are doing. I would like us to be looking at what England and Wales are spending. They spend roughly the same amount per capita as Quebec on compensation. They also spend for professional services. I think in that 10% figure is some money for prevention. One of the problems in this country is that we don't have an annual victimization survey, which we should. You're proposing legislation that you hope is a start for a better world, but you're not going to measure how it's implemented. You should be looking at the general accounting office in the U.S. which has done this.

The estimates I use come from looking at a number of different countries. They are ballpark estimates, but they give you some idea of what would happen. That would enable us to have professional people from coast to coast, as in Quebec. It would enable us to, like the State of Vermont, actually pay out restitution and then recover from offenders. It would enable us to pay the sorts of amounts that are paid in Quebec for compensation. It would enable us to ensure that victims are accompanied—the vast majority of victims won't get to court, by the way, and compensation is payable even if you don't get to court—by somebody when going through the police process, through the bail process, which is incredibly important, incredibly important, and through the trial process and of course into the parole area.

I'd be happy to give you a more detailed calculation. I just don't have all the figures with me.

• (1650)

The Chair: I'm sorry, Mr. Casey. That's five minutes. Thank you very much for that question and answer.

Our next questioner is Mr. Dechert.

Mr. Bob Dechert (Mississauga—Erindale, CPC): Thanks to each of our guests for being here today.

Mr. Gilhooly, I'd like to begin my questions with you.

You mentioned your thoughts on the duty to inform a victim regarding a plea bargain, in clause 21 of Bill C-32, and you also mentioned the testimony that we heard from a representative of the crown prosecutors service. You probably also know that the Canadian Bar Association and the Criminal Lawyers Association expressed concern that the provision that requires the court to ask if the victim has been informed of the acceptance of a plea bargain would somehow delay the court process and would be something that we couldn't allow because it would lead to too long a delay in the court process. As a lawyer, what's your response to that?

Mr. Gregory Gilhooly: Well, quite frankly, I think it's a joke. I gave you my personal experience having lived through it as a victim, and quite literally it would have taken 15 minutes to have kept me apprised, to have received input from me, and to have moved forward. It's as simple as that. Look, I don't have a horse in this race. So many of the witnesses have horses in this race. If you're a criminal defence lawyer, anything that makes it more difficult for you to defend a client is bad. If you're a crown, anything that takes up your time is potentially bad, you know? I'm not an NGO looking to curry favour to get funding. I'm just a guy.

So, just commonsensically, bring the victim up to speed, check in, get feedback, and move forward.

Mr. Bob Dechert: Fair enough.

Ms. Rosenfeldt, what is your view of the duty, described in clause 21 of the bill, to inform a victim of a plea bargain?

Ms. Sharon Rosenfeldt: Actually, as well as Mr. Gilhooly, I could probably speak from a personal level on the \$100,000 payment. Hindsight is always great, but as victims at that particular time, had the crown and the attorney general approached the families—they knew the families were all getting together—rather than treating us in the manner that they did, and had they taken the time to explain to us that a number of bodies of other children had not been found.... In our particular case, our son's body had already been found. For the sake of being able to have disclosed by the killer where the bodies were and to take them to the locations so that the families could recover their children and have a proper burial, we would have definitely—definitely—been in favour of it. We were very new to the justice system, but had it been explained to us....

Can I just read for you what a victim said during the plea bargain?

Mr. Bob Dechert: Sure.

Ms. Sharon Rosenfeldt: It won't take long. She asked me if I could share this with you. She said:

After two years, the crown, after seeing us in court for so long—

Their case took three years, and there were five offenders.

—decided to call us in one day to explain a plea bargain that had to take place. Just being invited was a big thing for us. To be acknowledged was a big thing for us. We sat there and she put it to us very well why she was caught in a catch-22: If we go this way, here's what could happen, and if we go this way, here's what could happen, so I'm using this way, which I think is best for all.

Yes, we could see it. Yes, we weren't stupid. We understood exactly what was happening. Yes, the crown had no choice. We told her she had no choice and to go ahead.

I mean, we had no say anyway, but at least we felt part of it. We certainly understood her position. That's the way the law works, and we weren't happy about it, but we understood her position, respected it, and never gave her any trouble or backtalk or whatever.

The biggest thing that she said was that at least when they went into court their family knew what was going to happen.

Thank you.

• (1655)

Mr. Bob Dechert: Fair enough.

I have a question for Mr. Gilhooly.

Mr. Gilhooly, are you familiar with clause 17 of the bill, which allows, in certain very controlled circumstances, the identity of a witness to be kept confidential? As a lawyer, what's your view of that?

Mr. Gregory Gilhooly: It's a tool. I guess I err on the side of wanting there to be tools that can be used. If the usage of the tool is warranted, let's allow there to be the tool that is potentially used. If it turns out that the use was or wasn't appropriate, that can be viewed after the fact.

The Chair: Thank you for those questions and answers.

Our next questioner is Madam Péclet from the New Democratic Party.

[*Translation*]

Ms. Ève Péclet (La Pointe-de-l'Île, NDP): I want to thank all of you.

My first question is about the territoriality of the bill.

Ms. Basnicki, you referred to this earlier. I was really sorry to hear that you had to wage such a battle to have your rights recognized. It says here that this applies only to investigations and prosecutions for offences committed in Canada. I would like to summarize your viewpoint on the bill's territoriality. If I understand correctly, you are of the opinion that this charter should also cover crimes committed against Canadian men and women outside of Canada.

[*English*]

Ms. Maureen Basnicki: With the translation I understood the question to be: do I think that Canadians who are victimized outside the borders of our country still should be classified as victims? Absolutely.

Certainly, perpetrators of crimes are still demanding their rights as Canadian citizens when they've been successfully prosecuted for crimes outside the country, and I want to bring balance to this. This is not a new step. It's new for Canadians, perhaps, but other countries do this, many other countries. Most other countries do. It saddens me, and most Canadians who become aware of this. They just assume that when they come back to Canada, especially if they're living in Canada, they will be treated with the same amount of respect and dignity as if the crime weren't committed outside our country. That was not the case for me. I was penalized because my late husband was a Canadian. Even though he resided in Ontario, the act happened in the U.S., and I was penalized in many ways.

Ms. Ève Péclet: Have you met other people who, like you, have been penalized because of a situation like this? Is it often the case?

Ms. Maureen Basnicki: Yes. The numbers are small. You'll hear that 24 Canadians were killed in 9/11. Most of them lived in the United States, so they came under a different umbrella. There's only a handful of us, and I'm the outspoken one. Most of them are too traumatized. They were just shocked that they didn't come under this. Certainly, if you get sick, you can come back to the country and say, "I got sick through no fault of my own. Here's my OHIP card. I'm entitled to certain services." But it's a different thing if you're a victim of crime outside the country, and you cannot get insurance.

Ms. Ève Péclet: Thank you very much for that answer, and thank you very much for sharing your story. I think it's going to help us amend the law to make it a little better.

Mr. Waller, your comments were very interesting. If I'm not mistaken, one of your recommendations was that the federal bureau of the ombudsman be in charge of the complaints mechanism. Or was that just a proposal?

• (1700)

Dr. Irvin Waller: This legislation lacks any specificity as to what the complaint procedures will be. We already have some complaint procedures within the RCMP, so I assume those would be adapted to this. I think the federal ombudsman office is an obvious place to concentrate issues of complaints against federal parties. I think there's a real need to help the federal ombudsman with resources to ensure that we learn from what is working and not working in this legislation, so that it can be improved for the future.

Ms. Ève Pécelet: Do you foresee a problem because there's a law but there's no complaint mechanism?

Dr. Irvin Waller: Absolutely. The most fundamental thing if you want rights is to set up the way they're going to be enforced, and this is a major lack in this legislation.

The Chair: That's your time, I'm sorry.

Thank you for those questions and answers.

Our next questioner is Mr. Wilks from the Conservative Party. You also have only five minutes.

Mr. David Wilks (Kootenay—Columbia, CPC): I'll be quick.

Thank you very much for your testimony today. Ms. Rosenfeldt, I was with the RCMP during that unfortunate time with your son, and I knew the lead investigator, Fred Maile. I don't know if you've met him.

Ms. Sharon Rosenfeldt: Yes, I have.

Mr. David Wilks: I'm curious about the perspective you mentioned with regard to jurisdiction being a key aspect. Certainly, in the case of that investigation there were multiple jurisdictions, and that was part of the problem. I wonder if you have any suggestions with regard to jurisdiction and how information can be provided to victims when there are multiple layers of jurisdiction.

Ms. Sharon Rosenfeldt: There are multiple layers of jurisdiction as well as.... There's RCMP in some jurisdictions. There's municipal police in some jurisdictions, and in our particular set of circumstances, that is what happened.

Throughout the years—it's been a long time—I've always been under the assumption that there is a concerted effort between police departments, those being RCMP and municipal and/or city police, to try their best to share information. I believe they've used the Olson situation as a prime example for what could happen. When I say the RCMP came and gathered us together and did an apology, I can't quite remember what the actual circumstances were, because we were dealing with city police and municipal police as well. It was a huge boggle at the time.

My understanding is that it has gotten better. Do I have an answer for that or how it could be changed? I don't. That's a police matter.

Mr. David Wilks: Thank you for that.

Ms. Sharon Rosenfeldt: It's as difficult as the victim's situation. It really is. It takes the effort. It takes advocating, and it takes certain people who can do the advocating. It's the same with police; some police are stronger than others.

Mr. David Wilks: Thank you.

Mr. Gilhooly, when I read through clause 21, or proposed section 606, it talks about notifying the victim on a plea bargain. I wonder if it's potentially possible to change two words that would make it better for the victims. That is if the accused is charged with an offence and the accused and the prosecutor have entered into an agreement referred to in proposed subsection (4.1) right now it reads:

the court shall, after accepting the plea of guilty, inquire of the prosecutor whether any of the victims had advised the prosecutor of their desire to be informed if such an agreement

I wonder if you just changed the words from “after” to “prior to”....

In (4.4) there's a clause that says:

Neither the failure of the court to inquire of the prosecutor, nor the failure of the prosecutor to take reasonable steps to inform the victims of the agreement, affects the validity of the plea.

Could you speak to that for a minute or two?

Mr. Gregory Gilhooly: I think that as a victim what we're looking for is to be involved in the process and to have a sense as to what's going on, and to have been a part of the process. Nobody wants to create a rubric of rights that gets in the way of effective negotiation of a plea deal with the accused or whatever, so long as we've been reasonably involved throughout the process. I'm now speaking on behalf of all victims I guess, but in my case I would have been comfortable with having been apprised that there were discussions going on through the process. This would mean: here's what could happen on a go-forward basis; this was within the realm of possibility; what are your thoughts on this; here's where we're going potentially, and then have that happen. I'm not so fussed on there being a trigger event for that right of notification to kick in.

• (1705)

Mr. David Wilks: Mr. Waller, you mentioned something with regard to an amendment to the RCMP Act. My only concern on that would be that you're only going to deal with the RCMP and not with any other jurisdiction whether it be provincial and their police. I wonder if you have a thought on that.

Dr. Irvin Waller: I'm saying it's in the federal area so it's something that you can do as a committee. As you probably know, Bob Lunney in the late seventies had a provision like this in Edmonton. He doubled the number of people who applied for compensation across the whole of Alberta. The RCMP are the provincial police in Surrey, in Red Deer, etc. If you could just get that happening, I think this would be fabulous publicity for the RCMP to show that they really care about victims, and so much so that they're actually going to give them information. You already have some services in some of these places that are doing something similar, but to make it across the board I think would be fabulous publicity.

The Chair: Thank you for those questions and answers.

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

Mr. Philip Toone (Gaspésie—Îles-de-la-Madeleine, NDP): Mr. Chair, thank you for your militantly equitable chairing today.

Thank you to all of the witnesses. Honestly what you bring to the table today is much appreciated. We need to be very cognizant of what you're saying.

[*Translation*]

My question is for Ms. Mallet and perhaps also for Ms. Albert.

You said you fear that the enforcement of the charter might be complex. I found that comment interesting. You urge the provinces to take that into account. Do you have any other comments to make on that?

As such, the bill of rights is a federal matter, but the administration of justice is a provincial one. People fear, of course, that the provinces may not be as motivated as we would like.

In your opinion, how could we urge the provinces to take the bill of rights seriously?

Ms. Dolores Mallet: In my opinion, they are going to need support and funds in order to be able to proceed with this. What we are talking about here is a new mentality. They are going to have to include new elements in their processes. We read that the federal government was going to allocate funds to the provinces, but I think we are going to have to force their hand a bit if they are to follow suit.

Mr. Philip Toone: I think the provinces always have a slight reservation when it comes to funds the federal level allocates to them.

Ms. Dolores Mallet: Yes, but I must say that my perspective on these matters is not very political.

Mr. Philip Toone: That is fine.

You also referred to the restitution orders. As we know, judges issue those orders, but in many cases the persons who would benefit from them have to have them ratified, that is to say they have to submit them to the court individually.

Do you see that as an obstacle?

Ms. Sylvie Albert (Member, Association of Families of Persons Assassinated or Disappeared): Yes. The victim, who has already been harmed, must in addition face her aggressor or the offender. If on top of everything she has to justify to the court her right to obtain that to which she is entitled, I think that is asking a lot. That person did not ask to have this status: she is enduring it. This isn't a situation one prepares for. If it were an automatic process and if that responsibility could be withdrawn from the victim, I think that would be greatly appreciated.

• (1710)

Mr. Philip Toone: So there should be an amendment to the bill of rights in that regard.

Ms. Sylvie Albert: I think so. Currently, it says that the victim has the right to make this request, but in my opinion this should be done automatically, which would free the victim from that responsibility.

Mr. Philip Toone: And is that AFPAD's position?

Ms. Dolores Mallet: For my part and on behalf of AFPAD, I think that that is one step. It could be an automatic process, as suggested by my daughter Sylvie. That would be ideal, but nothing on this earth is perfect. Moreover, according to what I understood,

the offender would be forced to do so after his release. So there is a follow-up.

Mr. Philip Toone: The bill says that the judge could grant an extension.

Ms. Dolores Mallet: That is correct.

Mr. Philip Toone: Someone criticized that. If the offender were granted an extension, he could declare bankruptcy before having to reimburse these amounts.

What is the position of the AFPAD on that?

Ms. Dolores Mallet: Let us say that the AFPAD would like see the best-case scenario, which is that the victim would receive restitution and the offender would not have the opportunity to declare bankruptcy before having made restitution.

Mr. Philip Toone: Thank you very much.

[*English*]

The Chair: Thank you for those questions and answers.

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

Mr. Blaine Calkins (Wetaskiwin, CPC): I want to thank our witnesses at the committee today, particularly those who told very personal stories about their own incidents of being a victim. It's not the easiest thing to listen to, to be quite honest with you, but I certainly appreciate your candour. I'm very pleased with our bill and I respect the fact that a lot of you have come here today offering not only support for it, but also the constructive feedback that is trying to make something good even better. I look forward to the deliberations we're going to have as we go on.

Ellen, a change in the bill proposes a right to request testimonial aids. I think that's going to be very beneficial, specifically when it deals with children who have to appear. Do you have any thoughts on that?

Ms. Ellen Campbell: With regard to...?

Mr. Blaine Calkins: The amendment on testimonial aids and how it would benefit other people when they're in the system.

Ms. Ellen Campbell: I think I mentioned the more natural it can feel for a child, if a child did not have to go before the perpetrator at any time. They could be videotaped. It's done a lot now, but I think it could be done more and more. For instance now they have the Sheldon Kennedy Child Advocacy Centre in Calgary. We have something in Toronto now too that helps the child through the whole process. It's a one-stop shop. The testimonial aids in any way, absolutely.... It's already there. I think we can probably tighten it up and increase what can happen.

Mr. Blaine Calkins: Okay. Fantastic.

My next question is for you, Greg. You're a pretty sophisticated victim, and I say that with the greatest of respect. A lot of folks don't have.... I have very limited legal training due to my law enforcement background, and that only gets me so far into the system before folks like crown prosecutors and so on take over. My questions are based from that kind of perspective.

You're a very sophisticated person, who became sophisticated and knew what was going on, and yet you still felt like you were a victim. The interesting thing I got out of all of this was that a victim starts feeling like a victim right away. The legal system—I'll call it a legal system, and I'll get to my next question after this—doesn't produce a result until we go through the legal process. Meanwhile, all the way through that process the victim still feels like a victim.

I'm just wondering; you talked about their not being guilty until proven so in a court of law and so on. Do the provisions in this bill go far enough insofar as making the victim feel like they're more adequately taken care of, in your opinion? You said you agreed with the government's perspective on this bill. Have we actually gone far enough in the legislation?

• (1715)

Mr. Gregory Gilhooly: I think the unfortunate reality is that you can never go far enough to make a victim feel whole in the process. The fact that this is a start is a good thing. To be frank, I don't know how much further you could go at this stage. In my view, like most of what happens....

Twenty years ago the big debate around the justice system, or the "legal results system", as I prefer to call it—there's no justice in the legal results system—

Mr. Blaine Calkins: Don't steal my thunder.

Mr. Gregory Gilhooly: —was incarceration versus rehabilitation. Now we've moved to a time when we can consider a victims bill of rights and the focus on the cost to society of victims. This will be a continuing societal change where we increasingly focus on victims, the cost to society that victims themselves have, beyond the cost of incarcerating a criminal.

Mr. Blaine Calkins: I want to go to the numbers that were put out there. I think Irvin quoted these numbers as well.

In Quebec they have a fairly sophisticated system where they have a caseworker assigned right away and so on and we talked about the reporting of crime being at 40%. Right now we're talking about the reporting level being at approximately 30%. Do you see the differences between the provinces and the differences at the international level for the reporting of crime having anything to do with how victims...?

I think you were making that case, but can you refer to anything specific to edify this committee, a study or whatever the case might be, to clearly draw the line between, or connect the dots, so to speak, and show that when victims are a part of the process, after a while, when the legal structure and the framework are in place, it actually results in a higher reporting of crime?

Dr. Irvin Waller: I think the comparison between Quebec and the rest of Canada speaks for itself. If you look at what is already available in Quebec in terms of professional services, in terms of compensation—

Mr. Blaine Calkins: But it shouldn't be just anecdotal, or cultural. Has anybody actually done an actual study based on the actual implementation? It's a different legal system in Quebec as well, right?

Dr. Irvin Waller: It's not a different criminal justice system.

Mr. Blaine Calkins: Okay. Fair enough.

Dr. Irvin Waller: The police, courts, corrections are in general terms the same. All I've done is I've made a comparative between countries. I think what is shocking is that Canada, the rest of Canada in simple terms, is an outlier with these very low rates.

If you look at where we've gotten, we are a long way behind those other countries. If you look at the U.S. or the European Union, which has been talked about, or Australia, any of these countries are doing a lot better than we are. France even has lawyers for victims in the courtroom, and the world doesn't collapse.

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

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

Ms. Françoise Boivin: I will stay a bit on that trend, because I think there are two very important things for victims. To feel at ease to report is one major point, in my opinion.

When I look at the statistics in your report, Professor Waller, that's one thing. I'm from Quebec, and I'm a bit surprised by what you're saying. I know we have some type of support to victims.

[*Translation*]

Nevertheless, I do not think Ms. Mallet would necessarily say that support is so extraordinary in Quebec that people can claim that victims are better treated there.

[*English*]

We also heard from some experts who deal with victims on a day-to-day basis that each province had their system for protecting victims or supporting victims. My colleagues might correct me, but I think I heard that Manitoba, or one province in the west, had a pretty good system, a bit better than others, but I don't want to say who or what is better.

On the 31% statistic that you mention here, the percentage of victimization *par crime rapporté*, it's different types of crimes, I suspect. It's not necessarily all sexual aggression. It could be theft. Or is it a specific type of crime?

Dr. Irvin Waller: The statistics in both the graphs you're looking at are taken from the Statistics Canada general social survey. These give you information on assaults and robberies. There is not very good information on sexual assaults, but it is included there. They also give you information on very high-frequency crimes such as break-ins and car thefts.

• (1720)

Ms. Françoise Boivin: Am I correct in assuming that the reporting of sex crimes is even lower than that statistic of 30%?

Dr. Irvin Waller: Absolutely. Sorry; I had only so much space. The same survey shows that less than 10% of victims of sexual assault report it to the police in Canada. We don't have this between different provinces.

Ms. Françoise Boivin: Ms. Campbell, you deal with those types of victims through your association. I'm trying to find out how we can make victims feel at ease with the system for reporting. In your opinion, what would be the number one factor that would make a victim feel at ease to report?

Ms. Ellen Campbell: First of all, I have to tell you that you have no idea how just seeing that you are doing this victims bill of rights is affecting the community. I know there are a lot of problems with how we're going to make it work, but just doing that, you have no idea. That alone is going to encourage people to come forward. I feel there's a disconnect with regard to the amount of support that's out there, and maybe it is the federal ombudsman's office that will be able to pull all of this together. I know when I sit with somebody, they need a lot of ongoing support.

Ms. Françoise Boivin: Do you agree that we'll need to educate a lot after the passage of the bill and that the success of the bill will depend on getting into the provinces and making sure that everybody knows that it exists, that's it's available, that it's a right they have, and that there are different rights that they have, and also so the courts and the judges know what type of role they have? Sometimes they have to check with the crown attorney to see if they have checked with the victim to see if they're okay with something and they have taken reasonable measures to make sure they're informed of what's happening. I think it's going to be a key to its success.

Ms. Ellen Campbell: Absolutely, and again that's going to cost some money.

Ms. Françoise Boivin: We agree on that. I'm NDP and we like to spend. So we will spend it next year.

Voices: Oh, oh!

Ms. Françoise Boivin: I was just waiting for the zinger, guys. Don't get yourself too excited. I already said that I would give so much more leeway to make sure that victims were treated fairly.

Thank you for your comments.

The Chair: Thank you for those questions and answers.

Our final questioner for this afternoon is Mr. Seeback from the Conservative Party.

Mr. Kyle Seeback (Brampton West, CPC): Mr. Chair, I'm just so thrown off by Madame Boivin's candour on enjoying spending.

Ms. Françoise Boivin: If it's on victims, then any time, my friend.

Mr. Kyle Seeback: Mr. Waller, I wanted to talk to you, because you were mentioning the 2004 U.S. Congress's Crime Victims' Rights Act, which I had not heard of, so that was interesting for me. Are there things in that bill that you think are not in the legislation we have before us today? Are there significant differences between the two? Are you able to give me any idea on that?

Dr. Irvin Waller: Yes, there are very big differences, so I think there are things you could learn from that piece of legislation.

Mr. Kyle Seeback: Do you have a specific example?

Dr. Irvin Waller: The one that I focus on more than anything is the importance of the General Accounting Office being involved in seeing how it's implemented. They've had this for a number of years now, so there is feedback to the police, feedback to prosecutors, and feedback to judges. It really is a cornerstone that is gradually

improving the way victims are treated at the federal level. There are six items in it. Restitution is one of them. I'm sure information is one of them. It gives more standing than the one here does. I actually have a comparison in the textbook that's coming out. I could supply it to you, but I just don't have it in my head.

Mr. Kyle Seeback: What body do you think would be appropriate to do a review of this legislation? Do you think that would be something Parliament should look at in the future, or would you ask the ombudsman to take on a review of that nature? Where would you see that happening?

● (1725)

Dr. Irvin Waller: Well, I'm a fan of the ombudsman, as you've heard. I think it's one of the best things your government has done for Canada and to put us on the world map, in terms of victims.

I think you have to require Statistics Canada to collect data around this. I think you also have to look at the role, possibly, of the Auditor General. I'm not quite sure what the division would be.

I think that if you look at the U.S. legislation, you will see it is built in there, and that's what's so important. It really does become a living way of improving what's going on.

If you also look at the European framework in 2001, which was a good framework, you will see the requirement for independent evaluation. The independent evaluation was done by an institute on victimology—and I'm too old to run one of those myself, but I would like to see one in this country—and the various victim assistance groups. It was their recommendations that led to this new directive, which sets minimal standards all the way across the European Union and has money from the European Union to get it implemented.

It's incredibly important that there be more money than has been proposed so far to help this be implemented and be evaluated. Also, I would like to see more money going into actually preventing victimization, into bringing those straight lines about the rates of general victimization down, and saving money, by the way.

Mr. Kyle Seeback: I'm reading from your review. You say the bill should be amended to provide gradually increased expenditures to 10%. How do you arrive at that number? How do you see those moneys being spent to support victims? The provinces are the ones that actually fund victim services, so how would you see that?

Dr. Irvin Waller: Well, two parliamentary committees in the 1990s recommended that 5% of federal money should be spent on prevention, so that's where 5% comes from. The other 5% comes from an analysis that I've done in my book of what it would cost to implement the sorts of things you're talking about. Of that \$21 billion, I don't recall exactly what the federal government spends, but it's around \$6 billion, so 10% of that is not such a huge amount. I'm talking about moving gradually up to 2020, so that you don't get inflation and so that you do actually ensure through evaluation that this will go to where it's needed.

The Chair: Thank you very, very much to the panel today for their presentations.

I also want to thank my colleagues around the table for their cooperation on timing. We all had an opportunity to ask questions.

What will happen now, ladies and gentlemen and members of the committee, is that as you know, we've scheduled next Tuesday for clause-by-clause study. Any amendments are required by the clerk, hopefully by Friday at noon, so the administrative clerks can look at them to see if there's anything that isn't legally able to be put forward as an amendment. Then we will do clause-by-clause study next Tuesday.

For Thursday, you should make sure you check your e-mail, because the questions that were asked about the miscellaneous amendments piece, which we're going to deal with first of all on Thursday, was sent to you this afternoon. All the questions that were asked were answered. Whether you like the answers or not, the answers are there.

Ms. Françoise Boivin: I didn't—

The Chair: We got them, and we are asking officials to be here to answer any questions and deal with that on Thursday. Then we will do the rest of the agenda for December.

I will talk to each one of you on the leadership side to see if we can come to an agreement even before the meeting so we have an idea when we have our discussion.

Ms. Françoise Boivin: May I ask one quick question? I saw that the Privacy Commissioner of Canada submitted a brief and was willing to appear. Am I to understand that we're not having him appear? Is there no interest?

The Chair: No, thank you. The answer is no, so there you go.

Thanks very much.

The meeting is adjourned.

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