



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

Standing Committee on the Status of Women

FEWO • NUMBER 054 • 1st SESSION • 42nd PARLIAMENT

EVIDENCE

Tuesday, April 4, 2017

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Chair

Ms. Marilyn Gladu

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• (0850)

[English]

The Chair (Ms. Marilyn Gladu (Sarnia—Lambton, CPC)): Good morning, everyone. We'll call the meeting to order.

I understand that a number of people have girls from Carleton University here in the House today, so I think we would want to introduce them and welcome them here.

We'll start with Ms. Damoff. Would you introduce your girl.

Ms. Pam Damoff (Oakville North—Burlington, Lib.): I'm very fortunate today to have a young lady from Carleton with me, Caitlin, who's part of the Women in House program.

Welcome, and we look forward to spending the day with you. I hope this gives you a great impression of what Parliament is like, and hopefully you'll consider it as a career going forward.

The Chair: Ms. Vecchio.

Mrs. Karen Vecchio (Elgin—Middlesex—London, CPC): My ghost person today, Delany Leitch, is a university student at Carleton as well. She is awesome because she was here as part of the Daughters of the Vote. It's great to have her back with us. She is on her way and will be here soon.

I wish them all the best.

The Chair: And Ms. Malcolmson.

Ms. Sheila Malcolmson (Nanaimo—Ladysmith, NDP): I'm honoured to be shadowed today by Olivia Botelho. She she said she's especially excited to be here for the discussion of this bill, which is so high profile. She's very much looking forward to this. It's a great opportunity for future women leaders.

The Chair: Excellent.

I'm fortunate to have with me Bonnie Guthrie, also from Daughter of the Vote. I'm pleased to have her here for these proceedings.

I'm extremely delighted to be able to have with us Rona Ambrose, Her Majesty's leader of the official opposition. Rona, we're pleased that you're here. We're looking forward to hearing more about your bill, and you'll have 10 minutes for your comments, and then we'll go into our rounds of questions.

You may begin.

Hon. Rona Ambrose (Sturgeon River—Parkland, CPC): Thank you, Madam Chair.

Thank you to all the members of the status of women committee for all the great work that you do. As the opposition critic for status

of women, I watch closely and I wanted to commend you right off the bat for the great report you just produced. I thank you for all of your great efforts and advocacy inside and outside this House.

[Translation]

I would like to thank the committee for having me today. This is an excellent opportunity to talk about an issue that is extremely important, not just to me, but also to Canadians.

[English]

Now, this all started when I was a university student. I volunteered in my spare time at a rape crisis centre, and that obviously had a profound impact on me. But at the same time, I participated in a research project with another advocacy organization called the Status of Women Action Group. It was doing a lot of good work on behalf of women, but one of the projects they were working on was a court watch program. This was many years ago when I was in university in British Columbia. This project basically had student volunteers like me sitting in courtrooms during sexual assault and sexual abuse cases, taking notes about how victims and complainants were treated. It was shocking. The whole point of that program was to amass evidence necessary to convince, at that time, the British Columbia government to mandate training for judges on sexual assault and sexual abuse. Well, here we are many years later, and we still don't have that.

Some things have improved, but I think we have a long way to go. Some of the things that I saw in the courtroom were shocking then, and sadly we still see these kinds of things. I remember sitting in a courtroom taking notes when a prosecutor was questioning a little girl—when I say little girl, I mean under the age of 12—about how she sat on a defendant's lap. The insinuation was that she was flirting with this man who was in his fifties.

These kinds of stereotypes still exist, these kinds of mythologies continue, and we see them in our courtrooms. I don't have to raise some of the high-profile cases that you've seen. The truth is, the reason we know about those cases is that there happened to be a reporter in the room. That's the only reason we know. These kinds of things do go on day in and day out. I think there's an opportunity for us to make a change.

We've seen examples where judges seemingly didn't understand the law or didn't apply the law. It was as upsetting then as it is now. Unfortunately, as I said, it's still happening.

[*Translation*]

In the past few years, I have noted a disturbing number of sexual assault cases that have shaken the public's confidence in our justice system. These are cases in which those whom the justice system was supposed to serve, especially women who were victims of sexual assault, were harmed by comments, attitudes, or the application of the law.

[*English*]

What Bill C-337 proposes is very simple. First, the bill would require the Canadian judiciary to produce every year a report detailing how many judges have completed training in sexual assault law, how many cases were heard by judges who had not been trained, as well as a description of the courses that were taken. Second, it would require any lawyer applying for a position in the judiciary to have first completed sexual assault case training and education. Third, it would result in a greater number of written decisions from judges presiding over sexual assault trials.

Let me say how pleased I was to see your recent report, "Taking Action To End Violence Against Young Women and Girls in Canada". I know that this report, in particular, touched on the need to improve training in the field of sexual assault law for the Canadian judiciary, so it seems that we're thinking along the same, parallel lines.

I wanted to point out that we really strived, in crafting this bill, to keep it effective, while keeping our measures within the realm of the possible. We know that the first test it needs to pass is to demonstrate that it does not interfere with a free and independent judiciary, and we believe it passes that test. These are changes that apply to federal law and are within Parliament's right to amend, namely the Judges Act and the Criminal Code. We do expect and welcome debate on this issue, but in my view, it's time this debate is held out in the open and with representation from all sides. Every time another story of a survivor's case being mishandled by our court system hits the news, there are questions whispered and fretted over, but rarely spoken aloud.

Allow me to address a few of them early on and to tell you where my colleagues and I fall on these issues.

There's a question that comes up quite often. Does this bill unfairly tip the balance in favour of the complainant? We would argue that it does not. The training proposed in this bill is intended to level the playing field. An accused does not have a right to use myths and stereotypes about the complainant. Canada's laws against sexual assault are robust, and there is a responsibility upon our judiciary to ensure that there is clear knowledge of the Criminal Code provisions intended to protect complainants from those myths and stereotypes. By increasing our judiciary's knowledge of Canada's sexual assault law, both sides benefit.

Another question I often encounter is why focus on sexual assault trials over other kinds of crime or assault? My answer, simply put, is because these trials are, in fact, different, and our system already acknowledges that.

● (0855)

[*Translation*]

We have family courts, youth courts, and courts specifically for drug-related offences. I see no reason not to recognize the distinct nature of sexual crimes as well.

[*English*]

In fact, amendments made to the Canadian Criminal Code in the 1980s took the important step of singling out crimes of this nature. I want to point out that in the U.K., our cousins in parliament, the chief justice actually uses a system called a "rape-ticketing" system, which only allows those who have been trained in sexual assault to oversee these trials. So they are a bit ahead of us.

Finally, while there is an assumption among the public that members of our judiciary are already trained in these sensitive areas of the law, the reality is only half true. Yes, there is training available. It's definitely not mandatory, and it is held over just a two-week period, and it covers multiple areas of law, from contract law to criminal law. Given the low rate of trust among Canadians, and specifically among those who have encountered our criminal justice system in connection with an act of sexual violence, it's clear that more must be done.

Ultimately, we want Canadians to have faith in their justice system. The judiciary, I believe, has not stepped up to ensure that all of its judges are trained and do not unintentionally or intentionally re-victimize sexual assault complainants or, frankly, any party involved in these types of proceedings. This bill would take steps to build a more accountable and transparent judiciary.

That's why we're here today, Madam Chair. I look forward to having a discussion and doing my best to answer all of your questions.

Thanks so much.

The Chair: Excellent. We'll begin our round of questioning with Mr. Fraser, for seven minutes.

Mr. Sean Fraser (Central Nova, Lib.): Thank you very much, Ms. Ambrose, for being with us today, and thank you for choosing this topic for your private member's bill. As you referenced, it's something that's important to all members of this committee. We did make recommendations in our recent report, as you highlighted, to the effect that further training of judges was needed.

When we went through that study, we heard from, I believe, 99 witnesses, and one of the themes that leapt out of the testimony for me was the explicit need to consider the intersectional nature of gender-based violence.

One of the things we heard repeatedly was that from the time victims or survivors are assaulted until they reach the end of a trial process, there is a lack of understanding of how gender-based violence can impact women from different backgrounds differently. Certainly, the focus of the bill on judicial training is laudable. I for one think it could be further enhanced if we required that the training consider the intersectional nature of violence.

Would you support any kind of amendment to the bill that required judges to understand how trans women experience sexual assault, how indigenous women experience sexual assault, and how other marginalized groups experience sexual assault differently?

Hon. Rona Ambrose: I'm open to anything that will provide judges with better training about gender-based violence. At the end of the day—and I'm sure all of you know this—judges are just lawyers who are appointed to the bench; they don't come with all the training.

Someone said to me the other day that it's the government's fault, that they should only appoint criminal lawyers. That's not necessarily what always happens. It's not always criminal layers who apply for the bench. We have people who have backgrounds in corporate law, and oil and gas law who are overseeing some of these trials. That's not good enough. They need to have the training in criminal law and particularly in these kinds of cases, I believe. We know from research that's conclusive now that these kinds of crimes and this kind of trauma, especially at a young age, have a massive impact on girls and women. We know that women who experience violence are at least twice as likely to suffer from mental health issues, and they deal with these issues for the rest of their lives.

Yes, there is a way that we can make this system much more responsive and effective for women. All you have to do is to look at the numbers of women who report, and talk to them. Everyone knows someone who has gone through this, but rarely do we know someone who took it to trial. Women don't even want to go to the police. Why? Because they feel humiliated and ashamed. It should be the perpetrator who feels ashamed and humiliated. Yet, we have a system in which, right from the get-go, women feel that their character is under assault.

There are a lot of ways. To your point about an amendment, I'm obviously open to looking at it anyway. Right now we need to get the Canadian Judicial Council and the judiciary to admit that they need more comprehensive training in this area, and it should be mandated.

• (0900)

Mr. Sean Fraser: I would suggest that one of the differences you might see is that women from different marginalized backgrounds may not report at the same rate that other women do.

Hon. Rona Ambrose: Of course. I'm sure.

Mr. Sean Fraser: You mentioned that judges are just lawyers who are appointed. The focus of the bill seems to be in part on providing training for potential judges, but not for sitting judges. Do you think there should be a component of this bill that would also provide training for judges who are sitting today and have issued bad decisions in the past?

Hon. Rona Ambrose: We were very careful working with the drafters to not infringe on judicial independence. Unfortunately,

Parliament can't tell sitting judges what to do. We tried to get around that by first of all making sure that those who are lawyers and who want to be appointed to the bench receive that training. We can do that. We have a mandate to amend the Judges Act so that lawyers who want to be appointed to the bench do have to undergo the training. That is within our scope.

Also, the reporting items that we've put in this bill are another way to impose a level of transparency and accountability on the current sitting judges for the kind of training that's available and how many people have taken it, without directly mandating sitting judges to do this.

Mr. Sean Fraser: I'm quite pleased that, fortunately, we can't tell judges what to do. I think we also have a responsibility, as we saw in the last budget, to fund training for judges, which I think is a very positive thing that would work complementarily toward some of the measures you've proposed.

The short title of the bill suggests—I forget the precise wording—that it's about judicial accountability. To me, the object of judicial training is about justice for victims and survivors of sexual assault.

Would you agree as a general theme the main purpose is not necessarily to hold judges accountable, but to provide justice for those people who are going through the system?

Hon. Rona Ambrose: I think we want to focus on making the system more transparent and fairer. We're not looking to tip the balance in any way. Right now, we have a system whereby judges are presiding over cases, and they're not trained. That's not appropriate. It makes no sense.

If you go through something as horrific as a sexual assault and you take it as far as to go to trial, I would hope you would at least have someone presiding over the trial who understands the law.

Mr. Sean Fraser: Thank you.

You mentioned that mandatory training for judges was on your radar as an issue for years, from your time at UBC. You also mentioned that some judges, like Robin Camp, come in with oil and gas backgrounds. That decision was heard in 2014. He wasn't appointed to the Federal Court until 2015. If this were on the radar for such a long time, why wasn't it dealt with in the last government, when you had a seat at the cabinet table?

Hon. Rona Ambrose: I've been asked that question a few times, and the truth is that it never occurred to me that they weren't taking training.

When I started looking at my private members' bill, I was actually looking at ways to amend the Criminal Code, potentially to find ways to make the current criminal law more effective for victims of sexual assault. The more work I did with advocates, the more I realized that our laws on sexual assault are robust and good in Canada, so I started to look at the training. I actually started at the bottom, looking at police training, and it didn't occur to me that this actually....

I remember asking Moira to get a list of all the provinces that have mandatory training for judges. There aren't any. I didn't know—

● (0905)

The Chair: All right, very good.

Mr. Sean Fraser: Thank you.

Hon. Rona Ambrose: —so I was happy to move forward with this.

The Chair: We're going to Ms. Harder now, for seven minutes.

Ms. Rachael Harder (Lethbridge, CPC): Thank you very much, Ms. Ambrose, for being with us today and for bringing forward this important piece of legislation.

My first question here concerns the judiciary. It would appear to some that it's already self-regulated and that perhaps a bill like this isn't needed. Could you comment on that?

Hon. Rona Ambrose: After the bill was introduced—I think it was the next day or the day after that—the Judicial Council responsible for some of this pointed out that they do have some training and that they might look to make it mandatory.

That was a positive response, but I think that Canadians, who need to have more confidence in our judicial system, want to hear is, in fact, “We have very good comprehensive training and here's what it looks like. We've worked with experts to make sure it is the best possible training, and were offering it. We're not just offering it; we're mandating it, and we will make sure that before the Chief Justice assigns a case, the judge who oversees that case has taken that training.” I think that's what people want to hear. They expect that. I think people are shocked to find out that, in fact, this happens. Robin Camp is just one example, but to find out that there are judges who oversee these trials and don't actually have the training in sexual assault is shocking.

The law is one thing; the other is the rape mythology, the stereotypes. When you hear these kinds of commentaries, it's just a lack of understanding about the issues, and training goes a long way in explaining these kinds of issues. I think it's the least we can expect, and this is one area in which Parliament does have an opportunity to make a difference.

Right now, the only criterion to become a judge is that you've sat for 10 years or have been a lawyer for 10 years. That's in the Judges Act, but the whole point of the Judges Act was to create the criteria. There's no reason we can't add an amendment to the Judges Act to ask lawyers who want to become judges that they meet this kind of criterion. I think it's expected.

Ms. Rachael Harder: Thank you.

Could you outline some of the specific changes you would want or hope to see result from this training, in terms of how a judge presides over a case such as we're talking about today?

Hon. Rona Ambrose: One of the things I would say is this. I know you have witnesses coming, and I would ask the committee, if you do have a chance, to talk to them about their interactions with the Judicial Council and others who put together the training for both lawyers and sitting judges.

My understanding right now is that there really is no interaction and no transparency. We can't even see the kind of training that's offered at this point, so experts have asked, “Can we at least look at it and give you some advice on whether or not this is the most up-to-date, best kind of training?”

I think it would be a great step in the right direction for the training to be transparent and that they be willing to work with experts. A lot has changed over the last number of years in the understanding of the impact and trauma of sexual assault, and even of how sexual assault victims go through the experience or report the experience. A lot of times, they report it by way of sound and what they hear, not so much in a linear way.

There are all kinds of ways in which we could raise awareness and understanding among those who deal with victims of sexual assault, to help them understand why they are reacting the way they react as they go through the process.

Those are just a few examples. At the end of the day, I think everybody expects that if you are a professional doing a job, you should be trained.

Ms. Rachael Harder: Thank you.

In your opening statement, you disclosed one anecdote with regard to your motivation for bringing this bill forward. Could you talk a bit more about what you've heard from stakeholders or about the personal stories that have come forward to you in terms of why this training is so important and why this legislation is so vital for our justice system?

● (0910)

Hon. Rona Ambrose: I think it takes just one comment like some of the high-profile comments we've heard to make victims decide that this isn't a route they're going to take. It was already bad enough before the advent social media, but now it's widespread. Some of these comments are widespread. Just imagine the impact these have on a victim who's thinking about reporting.

We already know that we have issues at the policing level just in terms of training. When a victim goes through all of those steps, and then to think of going through the court and trial process, it is a re-victimization. It takes a lot of courage to do that and to go through the process, and then to think that you might be in front of either a prosecutor or a judge who doesn't understand the law and might make a comment like that.... Really, at the end of the day, it's about attacking the character of the complainant.

To be honest, I think it's ridiculous that we have a situation where people aren't trained and they're dealing with issues like this that are extremely traumatic for people.

It's timely. I saw an article the other day where someone wrote that these kinds of issues should be left up to judges to make the decisions. They're human beings, and we see these kinds of issues.... Again, I'll reiterate that the only reason we know about some of these cases is that there happened to be a reporter sitting in a courtroom.

Again, often these are oral decisions, not written decisions. When they're oral decisions, yes, they're transcribed, but if you want to get access to that document, usually you have to go through the FOIP process. You have to pay for it. It's cumbersome, even if you're trying to do research on the accumulation of these kinds of comments. There's a woman—I think it's Dr. Craig—at Dalhousie who has spent a fortune just in trying to accumulate the kind of information and research that goes to make the case that we need better training.

We need to see more written decisions and more transparency. Frankly, the Judicial Council should just step up and say that we're going to have better training, it's going to be transparent, we're going to work with experts to make sure it's good, and we're going to mandate it.

The Chair: Very good.

We'll go to Ms. Malcolmson for seven minutes.

Ms. Sheila Malcolmson: Thanks, Chair.

Thank you, MP Ambrose, for bringing this forward.

On the New Democrat side, absolutely, we've been calling for some time for that federal leadership to try to bring some uniformity to how every element of the justice system interacts with sexual assault victims. We've certainly been hearing a lot of testimony at this committee, in a whole range of areas, that victims have a very uneven experience. Also, thank goodness for *The Globe and Mail*, for really sounding the alarm on the rate of unfounded sexual assault cases.

I'm going to talk for a minute about my own riding. It turns out that Nanaimo, where I was elected, has the lowest rate of unfounded cases in the country. Only four out of 114 allegations were dismissed as unfounded. The fantastic NGOs in my community think their work has something to do with that. Actually, I'm extrapolating that. They're not bragging quite that much.

The Haven Society, the Nanaimo Women's Resource Centre, and the family access centre in Nanaimo have all worked together to partner with the Nanaimo RCMP. In British Columbia, police services are delivered by the RCMP. They attend an orientation. They believe victims because of the training they've received. They've also worked together to establish community coordination for domestic safety that includes the crown and corrections, so that everybody who has some handle on the justice system within the city of Nanaimo works together. They also have a domestic violence unit, which is a formal partnership with the RCMP. We're getting good results in working together and having a consistent approach to training.

I'm hoping that you can talk a bit about how a model like that might give us hope that training at the judicial level also might also get us better results, better justice for victims, and a better experience, so that victims of sexual assault are more willing to go through the process in good faith. Also, what can you tell me about how the experience of front-line organizations might be able to inform this training that you'd like to see delivered?

• (0915)

Hon. Rona Ambrose: First of all, thank you for the support of the NDP, and particularly the support of your leader, Tom Mulcair, who has been instrumental in supporting this bill and moving it forward. I can't thank him enough. He was amazing to help out. I know how important it is to him and to your party.

You hit the nail on the head. The reason it's working in your riding with the help of your NGOs—and I'm sure the police in your riding would say the exact same thing—is partnership and the fact they're learning from one another. The police want this kind of support; they want this kind of help in training. There is no doubt about it and they are equally frustrated. I have spoken to a number of police who say they do all that hard work to get it to the next stage, then they deal with some of these issues themselves in the courtrooms, and they see it all fall apart for the victims they are trying to support.

It's at every level and it's wonderful that in Nanaimo there is such a partnership, but these organizations on the front lines know the issues. They know them first hand, since they're the ones who have been part of a lot of the good research. They have developed good training over the years and they know it works, so it just makes sense. My hope is that when you have witnesses come forward and we talk about this kind of training, we will find a way to provide them with access to see the training that's happening—and not only that, but also that they may have some kind of role to play in either helping to develop the training or just being able to comment on the training and to give advice about the kind of training people are taking.

Right now, there is training available, but it's minimal, it's not mandatory, and it doesn't go into the depths that we expect it to. We are very thankful for those places where those partnerships work. Sometimes it takes leadership from an NGO. It takes leadership from the police to create that, but we need to see that across the whole country.

Some statistics show that one in three women will suffer sexual violence in their lifetime. When you think about the unfounded cases, it really blew everyone out of the water to see those numbers, and then you have the police who are faced with that. Some police forces have said they are going to review these cases again. Okay, but now let's look at them with a fresh set of eyes, which is good, but a really trained, educated, and aware set of eyes is even better. Here is a great opportunity to get the organizations, like the ones you and I have worked with, to come and help. They are so willing to do that.

This is a good opportunity for people to come together and talk about what this training needs to look like. It's not just at the judicial level; it's at the police level as well. I know that you and I talked about what we can do. I've posed the question twice now to the Minister of Public Safety about what we can do, at least in the federal realm. Can we have mandatory training for RCMP? Is there something we can do to increase the level of understanding, at least in the RCMP?

This is a conversation we need to be having at all levels, because it concerns 50% of the population and has an impact on millions of women. There are effects on the mental health of women and on their careers and relationships. This kind of trauma lasts a lifetime.

Ms. Sheila Malcolmson: In the final moments, I'll just reinforce that NGOs have filled this gap because of the failure of federal leadership by both parties. We want to make sure they are supported in engaging in this process and funded to be able to give the kind of critique and constructive input we'd like to see.

Just to echo some of the concern I have been hearing, we need general support for the direction that your bill is going. We definitely want to make sure that this does not become or be viewed as a failed system for supporting victims of domestic violence and that the training doesn't inadvertently reinforce the bad practices of the past, but that the training is really opened up instead.

We're talking more about implementation now. I'm presuming that this bill is going to pass, but I look forward to further conversation.

Thanks, Chair.

• (0920)

The Chair: Thank you. I do too.

We will now go to my friend, Ms. Damoff, for seven minutes.

Ms. Pam Damoff: Thank you.

Thank you, Ms. Ambrose, for being here and for bringing this bill forward. As you mentioned, our committee recently studied this issue and came up with what I'm really proud of, recommendations for the government.

Our government is also really committed to this issue. Our Minister of Status of Women is also the first full minister for the status of women. She has been travelling the country working on a gender-based violence strategy, as you know. It's something that we're quite committed to.

With regard to your bill, the preamble talks about the judge's interpretation of the law. I want to talk a little bit about the actual appointments, because I see extraordinarily poor judicial appointments as a real issue. One thing we have done since taking

government is to reconstitute the judicial advisory committee. It's unprecedented now in its diversity. It has 70% women, and for the first time ever they're receiving training on diversity, unconscious bias, and the assessment of merit.

When we look at former Justice Robin Camp, he admitted that he had very limited knowledge of criminal law. His background was in bankruptcy in oil and gas. In 2014 he stated that the victim should just keep her legs together or sink her bottom into a bathroom sink to avoid being raped. That was in 2014, and yet former Minister of Justice Peter MacKay appointed him to serve in the Federal Court in 2015. That was after he made those statements. So I mean....

Hon. Rona Ambrose: Are you suggesting that Peter MacKay is responsible for that? Look, these are grown people who accept an appointment after applying and going through all kinds application processes. The least we could expect is that they don't make comments like that. When they do, no matter if a Liberal or a Conservative appoints them, they should be held accountable.

Right now we don't have a system that does that. It doesn't matter what government is in power. The judiciary does not have enough accountability on these issues. That's what this bill is about. It's not about assigning blame to any particular minister of justice.

Ms. Pam Damoff: I'm just wondering how he could even get appointed to the Federal Court after making those comments.

Hon. Rona Ambrose: As I said, first of all, they go through a process. I am not going to sit here and defend any judge. And believe me, I would watch your comments, because you have no idea what some judge might say—or has said or done—whom your government might appoint. These people are supposed to be capable of the job.

Ms. Pam Damoff: I agree with you, except I would hope that any appointments would be looked at, after someone makes comments like that about a woman—

Hon. Rona Ambrose: That's exactly what I hope we do here—

Ms. Pam Damoff: Okay.

Hon. Rona Ambrose: —that we ask every single lawyer....

I should ask you, has your Minister of Justice asked every single person she's appointed in the last number of months if they had taken comprehensive sexual assault training? I haven't asked her that, because I'm hoping that we can pass this bill and we can move forward together. It's not about assigning blame. It's about everyone taking responsibility.

Look, the training is available for these judges. They can take it, but they're not, and this is the problem. We're trying to hold them accountable to a certain extent.

Ms. Pam Damoff: I agree with you, except the Canadian Judicial Council said, in former Justice Camp's case, that "In these circumstances, the impact of an after-the-fact commitment to education and reform as an adequate remedial measure is significantly diminished."

Hon. Rona Ambrose: Well, again I would ask you, was the question asked of every single person who's been appointed to the bench since your government took office?

Ms. Pam Damoff: I don't know—

Hon. Rona Ambrose: Right.

Ms. Pam Damoff: —but I can find out.

Hon. Rona Ambrose: I'm not here to assign blame. What I'm here to say is, look, we can make the system better.

Ms. Pam Damoff: We agree on that 100%.

Hon. Rona Ambrose: So let's do that.

Ms. Pam Damoff: In terms of the training, I wonder if you could speak a little bit more about what we can do about sitting judges, then.

Hon. Rona Ambrose: We worked really hard to make sure, as I mentioned before, that we didn't infringe on judicial accountability, because of the constitutionality of it. We wanted to make sure that this bill could pass and that it would be viable, but that we could also make it effective and try to effect some change.

That is why we target lawyers and the criteria for a lawyer to be appointed to the bench by the justice minister. They would, as I said, have to meet the criterion that they have had comprehensive training in sexual assault law.

Furthermore, concerning the reporting mechanism for sitting judges, we're not directly telling the Judicial Council that they have to mandate training, but we're trying to effect some level of accountability and transparency by making the case that they make the type of training known very transparently, because right now they don't; that we know how many trials a judge would oversee before receiving the training; and that we know how many judges have received the training. That's about as close as we could come to imposing some level of transparency and accountability without infringing on judicial independence.

• (0925)

Ms. Pam Damoff: Will your bill be able to deal with poor judicial appointments that are made, such as in the case of former Justice Camp?

Hon. Rona Ambrose: There are mechanisms for that—you saw this take effect, obviously—when a judge makes a bad ruling or there are issues. There are reviews, and there is a process. This is about training for judges.

Ms. Pam Damoff: I only have 20 seconds left, so....

The Chair: We'll go to Ms. Vecchio for five minutes.

Mrs. Karen Vecchio: Thank you so much for appearing today in front of our committee.

Last week I was at a grade 10 civics class where we were discussing the reports and the fact that one in four young students has a sexual assault case in the first eight weeks of going to school.

We started talking about the judges. I don't believe many Canadians know—I know that the teacher, who is very up on what goes on in Canadian law, could not believe it—that Canadian judges do not already have experience in understanding sexual violence when appointed to the bench. I explained that you could be a bankruptcy lawyer, or somebody who does real estate law—you could be any of those things—so I think it's really important.

But recently we have seen the Province of Ontario coming out—I think it was on March 15.... This is how the conversation continued with the students. They were concerned too: why would we see some provinces say they were not going to make this happen, when we know that we have had cases in which it's very obvious that because of a lack of training and a lack of understanding we aren't getting appointments that provide the best results for the judicial system?

What do we do when some provinces do not want to do this? I recognize that we're talking about specifically new judges here, which is great, but what about current judges who are sitting on the bench? Is there anything we would be able to do, or is that area going to be 100% within provincial jurisdiction?

Hon. Rona Ambrose: One thing we can do without infringing on judicial independence is to advocate and put pressure on the judiciary and even on governments—sitting ministers of justice—concerning, for instance, the administration of the court. I think there's nothing wrong with shining some light on whether the chief justice is assigning sexual assault trials to a judge who doesn't have any training. The more transparency we can impose and the more pressure we can put on the provincial system, the more helpful we can be, and advocates are already doing that. There are many advocates who have picked up on this bill and have started to put pressure on provincial governments.

I've had very good conversations with Premier Christy Clark, who's very supportive of this bill and is looking to see what she can do at the provincial level. I've had conversations with Premier Brad Wall, with Premier Brian Pallister, and also with leaders in the Atlantic region, and I've either sent a letter or spoken with every single premier and also sent letters to all of the ministers of justice and attorneys general about how this can be done without imposing or infringing on judicial independence and saying why this would be important. It's as simple as amending the criteria.

• (0930)

Mrs. Karen Vecchio: Thank you so much.

At the very beginning of your comments you talked about the court watch program, and I think that must have been a fascinating time. What were some of the things you saw during your time as a student, looking at what happened in the courtrooms to some of the issues?

My question is twofold. When we're looking at this bill, there has been talk about whether this will make it biased towards the complainant rather than the accused. What are some things we should look at there?

Could you talk about the court watch program and why this is really balancing the judicial system rather than putting it towards one side?

Hon. Rona Ambrose: To expect that people who are involved in the justice system have the appropriate training seems a no-brainer to me. That someone would say that somehow this would bias the system is ludicrous. We're talking about basic knowledge of the law in sexual assault, and then furthermore, a level of comprehension and understanding of rape mythology, stereotypes, and language—all of these things. It's not present right now.

I've spoken to a lot of people in the system who would welcome this, who think it's a wonderful idea, that it's a long time in coming and will be a good thing. These people are judges, lawyers, police, and advocates.

I can't see why we wouldn't do something such as this. But no, it's not about creating bias; it's about creating a more informed, educated, trained, and transparent system.

On the issue of the court watch program, that was just an example. I've done lots of advocacy work in my life, but that just happened to be one project I was involved in. In every single case that we sat in on, we heard things such as that, particularly around sexual abuse cases. Those stereotypes are still prevalent. That's the problem with stereotypes and myths: unless people learn differently, they bring that to the courtroom. So I think training goes a long way, and that's what this is about. It's about making our system more transparent.

Really, to be honest, for me it's about building confidence. Women do not have confidence in our justice system when it comes to sexual assault law.

The Chair: I'm sorry, but that's your time on that question.

Very good.

We'll go to Ms. Vandenbeld now for five minutes.

Ms. Anita Vandenbeld (Ottawa West—Nepean, Lib.): Thank you very much, Ms. Ambrose. I appreciate very much your evident understanding and appreciation of the severity of this issue and the systemic barriers that women are facing in the judicial system. Also, thank you for your acknowledgement of this committee's report on violence against young women and girls.

First of all, before I get to my questions, I'd like to go to something you said, that you've been advocating on this since you were in grad school. You were the Minister of Status of Women. Your government was in power for 10 years. You just said that it didn't occur to you that judges weren't getting training, but it has been in the media. Advocacy groups have been pushing for this for a number of years. Was it never considered in your government, over 10 years in the previous government, to act on something such as this?

Hon. Rona Ambrose: I was a minister for 10 years. I didn't have a chance to do a private member's bill. I've worked in the area of ending violence against women my whole life. After this research project that I did at university, I didn't turn my attention back to training of judges until the last few years that I've been the leader of the party and an MP again. When I had an opportunity to have a private member's bill, I started to look at ways to amend the Criminal Code around sexual assault. As I said, the more research I did, the more I realized that our laws were robust, so I started to turn my attention to how we can make the system better.

The truth is that there is a widespread consensus now that the way to make the system better is through education and training. This is a very basic thing for us to be able to do.

It's timely. I truly believe that it's not just advocates anymore; it's people in the judiciary as well who welcome this change.

Ms. Anita Vandenbeld: Then, you would also welcome in budget 2017 the gender-based violence strategy of \$100 million, including the creation of a centre of excellence to address gender-based violence, and the \$2.7 million targeted towards supporting judicial education, ethics, and conduct relating to gender and diversity. Can we count on your support for those measures in the budget?

● (0935)

Hon. Rona Ambrose: I think those are great measures, and one thing I spoke with Sheila about is the hope that you consider, when you talk to some of the experts in training, that perhaps some of that \$2.7 million be used with some of the NGOs who have the opportunity or really want the opportunity to give advice on how that training should look.

Ms. Anita Vandenbeld: I'd like to pick up on some of the things that Ms. Damoff said.

You talked about the need for change in the system. In terms of the criteria and appointment of judges, we have implemented an independent judicial advisory committee. That committee has 70% women on it, and will only look at making merit-based appointments. They are provided training on diversity, on unconscious bias, and the assessment of merit.

Just going back to the fact that the previous government appointed somebody who was on the public record as having told a woman to keep her knees together, with this change in the system, this independent merit-based system that takes into consideration all of these issues, do you think that kind of appointment would happen under the current system that our government implemented?

Hon. Rona Ambrose: There's a very good chance it would, because, look, there was a judicial committee before, and it was not MPs or partisans who were sitting on it. It was made up of independent members as well. It's all well and good that the people sitting on your judicial action committee have diversity training, but we still haven't amended the Judges Act to make sure.... I don't see on the application form, a specific question being asked of everyone who is going through that committee if they've taken comprehensive training on sexual assault law.

Ms. Anita Vandenbeld: In the very premise of your bill, which we all agree with, I think this is the minimum we can do. Training is the very foundation of that, the fact that people do need training, including the people who are appointing the judges.

I would very much like to think that at a minimum a Google search would be done to see what kinds of statements judges have made before a minister would appoint someone like Justice Camp. I think, at this point, having that training is just as important for the judges as it is for the people who are selecting the judges. Wouldn't you agree?

Hon. Rona Ambrose: Look, I think the more training the better, but at the end of the day, I have seen people appointed who come with incredible CVs and who then do things that surprised everyone, so it's not enough. It's just not enough because you can't control who applies. You can't control the flow of people who apply, and you're not necessarily going to get people who have strong criminal law backgrounds.

At the end of the day, regardless of who gets through those committees, we need them to have training.

Ms. Anita Vandenberg: Yes, and I think we all—

Hon. Rona Ambrose: They need to have the training, because they're the ones who are not being held accountable when it comes to the training part of this.

Ms. Anita Vandenberg: Yes, and I think we all agree on the training. We definitely need that, and we appreciate that you brought that forward.

The Chair: Very good.

I think we have five minutes left, and we'll go to Ms. Harder.

Ms. Rachael Harder: Thank you so much. I think we're going to split our time.

Ms. Ambrose, I'm wondering if you can comment on the following. Right now there's been a bit of a stall in the appointment of judges. It would appear to me that, in addition to a lack of training, that would have quite an impact on hearing these cases adequately.

Can you comment a little on that?

Hon. Rona Ambrose: Well, there are a number of factors, but, yes, not only are a number of the judicial action committees not constituted or took a long time to be constituted, but there is also a lack of judges appointed. Yes, we've seen a number of cases dismissed for very serious issues and, obviously, that's a big concern for people who are seeking justice in the courts.

To the point that everyone wants to see this happen, we just had a slate of people appointed, and did they all take training? I don't know. The good will is wonderful, but we need to get this done so that it's clear that everyone gets the training. These are different kind of cases. The reality is that the kind of trauma that women and men go through in dealing with sexual assault and sexual abuse lasts a lifetime, and the least we can expect is that when people go to court, they will be in front of a judge who has adequate training and who especially understands the stereotypes and the mythology around these issues.

• (0940)

Ms. Rachael Harder: Thank you.

Mrs. Karen Vecchio: You commented that you would like to see written rather than just oral presentations on what their judgment is

going to be. One of the concerns is that that's going to delay cases and that the people involved already have enough work.

I recognize, and I think there are quite a few gaps among those being appointed, but why do you think the best thing to do is to have a written response rather than just an oral one?

Hon. Rona Ambrose: Written decisions are of higher quality. That's the bottom line.

When a judge, like any person, has to write out their arguments, they do it in a more thoughtful way. The hope is that they'll use more thoughtful language, because a lot of times when we see these things happen, it's in oral decisions.

Another issue is that complainants want to have a record of the decision. We've heard from various advocacy groups who emphasize how important it is for complainants to have a copy of the decision. Currently if a judge gives a decision orally, a complainant leaves the courtroom with no record of what they've just been through. Obviously, with the traumatic nature of the proceedings, complainants want to be able to review that, especially after the fact, when a lot of times they can process it more easily. When they do want to have access to an oral decision, they have to jump through all kinds of hoops, and it's also costly to get a copy of the trial proceedings. That's just one issue.

It's also about increasing transparency. When a decision is written, it's much more accessible or available not just to complainants but also to researchers, advocates, and academics who are trying to do work in this area. Also, as I said earlier, on, sometimes the only reason we know these things are happening is that reporters in the courtroom heard it and wrote about it. Written decisions also ensure that decisions can be scrutinized by the public and the parties to the case. This is an area where we need more scrutiny. There is no doubt about it.

I think there are concerns about written decisions being more costly. My hope is that at least we will have more written decisions. If that is a huge cost burden, then I hope that oral decisions will at least be transcribed and be readily available, that you don't have to go through a FOIP system—freedom of information—and that you don't have to pay for it. I particularly hope that the complainant does not have to pay to get access to these records and decisions. There are ways in which I think we could make the system much more accessible and transparent.

Mrs. Karen Vecchio: As you're indicating, I think a written decision will also ensure that the persons speaking will be much more thoughtful in their comments, especially to the victim, and to the accused as well. I think this also deals with the issue of the harsh words that may have been said in the past. Now that it would have to be on a piece of paper that could be distributed to every media source throughout the world, they're going to have to be much more accountable as well.

Hon. Rona Ambrose: Yes, it's funny how that happens, but it does.

Mrs. Karen Vecchio: Thank you very much.

The Chair: Excellent.

I want to thank you, Ms. Ambrose, for bringing this bill forward.

As you've heard from the committee, when we brought our report forward on taking action against violence against women and young girls, we saw the need for better training from the start of the process to the end. We thank you for your time today.

At this point, we're going to go into a steering committee meeting. If I could ask members of the committee to remain seated for a minute or two after we suspend, I believe there are people at the back who want to take pictures of our wonderful committee.

Hon. Rona Ambrose: Thank you, Madam Chair, and thank you to all the members of the committee for all your hard work in this area.

I want to wish you all the luck when you have your witnesses here and thank you for considering this bill. I know it's not just important to me, but to a lot of women out there.

Thank you very much.

The Chair: The meeting is adjourned.

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