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• (1105)

[English]

The Chair (Ms. Lena Metlege Diab (Halifax West, Lib.)): I call the meeting to order.

Welcome to meeting number 96 of the House of Commons Standing Committee on Justice and Human Rights.

Pursuant to the order adopted by the House on February 7, 2023, the committee is meeting in public to continue its study of Bill C-332, an act to amend the Criminal Code regarding controlling or coercive conduct. Today's meeting is taking place in a hybrid format, pursuant to the Standing Orders. Members are attending in person in the room and remotely, using the Zoom application.

We have witnesses in the room and witnesses on Zoom, so for the benefit of everyone, let me take a minute to read some of the comments.

Please wait until I recognize you by name before speaking. For those participating by video conference, click on the microphone icon to activate your mic. Please mute it when you are not speaking. For interpretation for those on Zoom, you have the choice at the bottom of your screen of floor, English or French. For those in the room, you can use the earpiece and select the desired channel.

This is a reminder that all comments must be addressed through the chair. For members in the room, if you wish to speak, please raise your hand. For members on Zoom, please used the “raise hand” function.

We have a substitute clerk today. I welcome you here today.

We have some substitute help as well. Welcome. We have others virtually.

The clerk and I will manage the speaking order as best we can, and we appreciate your patience and understanding in this regard.

I will now welcome our witnesses for our first panel.

[Translation]

Before we begin, I want to inform the committee that witnesses and members participating remotely in this meeting have completed sound tests.

We have three witnesses appearing in the first hour.

We will start with Pamela Cross, advocacy director at Luke's Place Support and Resource Centre for Women and Children.

Next, we have two representatives from the Regroupement des maisons des femmes victimes de violence conjugale. They are Karine Barrette, lawyer and project manager, and Louise Riendeau, who is jointly responsible for political affairs.

Finally, by video conference, we have Jennifer Koshan, a professor in the faculty of law at the University of Calgary, appearing as an individual.

[English]

Welcome to our witnesses.

Each of the three of you has up to five minutes for your opening remarks.

Because we have witnesses and we have lots of members who want to ask really important and good questions, I will say in the beginning that if we terminate the one hour and you have not had an opportunity to say everything you wanted to—this goes for the members as well in posing their questions—or an opportunity to respond, we urge you to please send us in writing whatever you believe would also help this committee. I have to keep track of the time because we also have three witnesses in the second panel.

[Translation]

Thank you very much.

We'll start with Ms. Pamela Cross.

Ms. Cross, you have five minutes.

[English]

Ms. Pamela Cross (Advocacy Director, Luke's Place Support and Resource Centre for Women and Children): Good morning. Thank you very much for this opportunity to speak with you. We provided our brief, and I hope you've all had an opportunity to take a look at that because it elaborates on the points I'm going to make very briefly here this morning.

Luke's Place works with women in Ontario who have been subjected to intimate partner abuse. We do this through both the delivery of direct services to those who are involved with the family law system and engagement in system-change work.

While we acknowledge that there are a number of reasons to think criminalizing coercive control could have positive outcomes, we believe that the problems with criminalization are greater than the potential benefits.

Over the past 40 years, we've seen the many ways in which the criminal law has failed survivors of intimate partner violence. Despite the many legal interventions and initiatives, IPV, including lethal violence, remains a serious social problem in this country. While we absolutely need to find ways to validate the experiences of those subjected to coercive control, we don't think creating a criminal offence is the best way to do this. As with any law reform, criminalizing coercive control will have an impact beyond the criminal law itself. In particular, the intersections between criminal and family law are so deep that it's not possible to make changes to one without impacting the other.

We are also concerned, based on the negative consequences that have flowed from Canada's long-standing mandatory charging policies, that a new criminal offence of coercive control could likewise lead to women being inappropriately charged, which would have disastrous impacts, including on their family law cases.

With respect to Bill C-332 specifically, we have three concerns.

First, coercively controlling behaviours are insidious, subtle and often invisible to anyone outside the relationship. What constitutes coercive control is different from one relationship to another. It builds, with one incident leading to another and then another. Only when all of them are examined in totality can the pattern of abuse be recognized—by the survivor herself, as well as by outsiders. For this reason, the bill needs a clear and inclusive definition of the prohibited behaviours and what constitutes repeated or continuous engagement if it's to be effective.

Second, it also requires a clear and inclusive definition of who it is intended to protect. We encourage you to consider the language used by Ontario's domestic violence death review committee, which I'm happy to share in the question period.

Third, given the reality that abuse often continues long after separation, especially for women with children, the two-year time limitation should be removed.

What do we recommend?

First, we recommend that Parliament not move ahead with Bill C-332 at this time.

Second, we recommend following the Mass Casualty Commission's recommendation to establish an expert advisory group to examine whether and how criminal law could better address coercive control.

Third, we recommend providing training, with real accountability measures, for police to ensure that they understand the prevalence of IPV, including coercive control.

Fourth, we recommend developing new and mandatory education for Crowns and judges, with accountability measures.

Fifth, we recommend funding access to free independent legal advice for survivors of gender-based violence who are considering accessing the criminal system.

Sixth, we recommend creating a criminal court support worker program to work in collaboration with existing criminal court victim assistance programs.

Seventh, we recommend funding national stakeholder consultations and discussions about the appropriate use of transformative and restorative justice models as a response to gender-based violence, in addition to the existing criminal system.

Then, and only then, consider how the criminal law might need adaptation to respond effectively to coercive control, using a collaborative and consultative process with all stakeholders.

Thank you, and I look forward to your questions.

• (1110)

The Chair: Thank you very much.

[*Translation*]

I will now give the floor to the representatives of the Regroupement des maisons pour femmes victimes de violence conjugale.

Ms. Louise Riendeau (Co-responsible, Political Affairs, Regroupement des maisons pour femmes victimes de violence conjugale): Good morning.

We thank the committee for the opportunity to speak on such an important topic as the criminalization of coercive control. We also want to thank Mr. Garrison and Ms. Collins, members of Parliament, for having persevered in their efforts to create this offence.

Our association comprises 46 shelters, located throughout Quebec, for women and children who are victims of domestic violence.

Our position in favour of criminalizing coercive control is based on our members' expertise, numerous consultations with our partners and a major project to improve legal practices by including coercive control among the factors for consideration. As a result of this project, over 4,000 stakeholders in Quebec's justice system have been trained over the past year.

Finally, we also met with a number of stakeholders in England and Scotland to determine how to move forward and what has been learned from the criminalization of coercive control. Everyone agrees that they wouldn't go back to the way things were. Criminalization has led to a change in the fundamental conversation about how to better intervene in situations involving domestic violence.

Women who are victims of domestic violence are subject to a variety of types of control and violence. Physical violence isn't the main reason why the majority of women being supported by our members seek our services. Indeed, women requesting our services outside the shelter environment did so for a past relationship. That comes as no surprise, since we know that domestic violence can continue many years after the relationship ends.

Criminalizing coercive control would bring about some major improvements.

Recognizing the impact of coercive control on women and children would constitute a major step forward for victims. Deprivation of liberty and constant control, hallmarks of the dynamics of violence and coercive control, often have more significant and longer-term repercussions than physical violence does.

Coercive control has an impact on the entire family as well. The arbitrary rules, constant tension and fear imposed on the family are harmful to children's well-being. The children are victims too. They too can be subject to arbitrary rules. I'm referring to their limited access to resources, control over their activities and movements, and restrictions on seeing loved ones or friends.

Instead of taking a limited view based on isolated incidents, which is not representative of the lived experience of victims and their children, it is important to consider their accounts as a whole. Criminalizing coercive control would validate their experience.

Criminalization, if accompanied by enforcement measures, has the potential to increase victims' confidence in the justice system.

Ms. Karine Barrette (Lawyer and Project Manager, Regroupement des maisons pour femmes victimes de violence conjugale): The societal implications are that criminalization would demonstrate that this socially unacceptable behaviour needs to be taken seriously. Although physical violence and femicides are universally condemned, all too often, non-physical intimate partner violence continues to be normalized and trivialized. However, the vast majority of women availing themselves of services for victims of domestic violence have suffered from coercive control, including the use of multiple methods to scare, isolate and control them, in addition to abuse and threats.

Criminalizing coercive control would constitute a major step forward for human rights, namely a woman's right to safety, dignity, autonomy and freedom.

Adding coercive control to the Criminal Code has the potential to ensure not only that intervention is more consistent with the lived experience of victims, but also that it takes place earlier.

Although coercive control is at the core of domestic violence, the current lack of legislative tools to convict the perpetrators leaves the justice system with very few legal levers and tools to take effective action in such situations. During our training sessions, many police officers said that they were aware of or had witnessed situations of concern involving victims who'd been isolated, terrorized or humiliated by their partners. However, the officers were unable to take legal action, in the absence of an offence covering such behaviour. These situations fall into a legal loophole, as a result.

Criminalizing coercive control would allow the legal system to take into account the context in which domestic violence occurs and the history of those dynamics, at any stage in the process, from the moment the police get involved through to parole.

Finally, since coercive control is an important predictor of homicide, creating a new offence would provide another effective tool to help break the cycle of violence earlier and ensure an adequate as-

essment of how dangerous a domestic violence situation is, at any time in the process.

We support the introduction in the Criminal Code of a new offence for coercive control; however, we believe that this change is insufficient on its own. Additional measures, such as training for all stakeholders, be they police officers, prosecutors or judges, is essential. Public awareness is also essential, along with other measures, which we can speak to later.

We hope that Bill C-332 will be passed, but we would like it to be accompanied by a government bill setting out funding conditions for adjustment measures.

• (1115)

The Chair: Thank you very much, Ms. Barrette. You will undoubtedly have the opportunity to tell us more in your answers to our questions.

[English]

Now we will move virtually to our third witness, Jennifer Koshan, for up to five minutes.

Professor Jennifer Koshan (Professor, Faculty of Law, University of Calgary, As an Individual): Thank you.

Good morning, and thank you very much for the invitation to provide input on Bill C-332.

I'm joining you this morning from Treaty 7 territory here in Mohkinstsis, which is the traditional territory of the Blackfoot peoples.

I am speaking on my own behalf this morning, but some colleagues and I did file a submission with the Department of Justice for its study of coercive control in October of 2023. My co-authors are Janet Mosher, Wanda Wieggers and Shushanna Harris. I'm relying on that submission for my remarks this morning.

We argue that it is crucial for all actors in the legal system to gain a nuanced, contextual and intersectional understanding of coercive control to be able to, for example, support risk assessments and safety planning. However, we do not support the criminalization of coercive control in Bill C-332 because of problems with the current legal treatment of intimate partner violence.

We identify several concerns. I'll focus on three sets of those concerns today.

First are concerns about the current criminal legal system's handling of intimate partner violence. The current focus of the criminal law is on incidents of abuse—for example, assault—in which the seriousness of the incident is often tied to physical injury. Embedding an understanding of coercive control, which focuses on patterns rather than on incidents of abuse, poses significant challenges for police, prosecutors and judges.

Legal actors may also fail to recognize the range of coercive and controlling tactics that are influenced by systemic racism, colonialism and other systems of oppression. For example, immigration status can be used as a tool of abuse.

However, the current treatment of intimate partner violence by the criminal legal system and its actors raises concerns about their ability to gain this sort of nuanced understanding. For example, police continue to lay dual charges in intimate partner violence cases, with Black, racialized and indigenous women being disproportionately criminalized.

These problems and broader issues with systemic racism and colonialism have led many women to turn away from the criminal legal system. As I argued before this committee in 2021, we can no longer call these “unintended consequences” because we know the likelihood that they will occur.

Our second set of concerns is with respect to how coercive control is being addressed in the family law system. We're currently reviewing cases under the Divorce Act amendments from 2021, and our early review suggests several concerns.

Family law courts are struggling to understand coercive control and continue to approach allegations on an incident-focused basis. Like the criminal legal system, family courts also characterize intimate partner violence as mutual in many cases, which may minimize the harms of the violence to women and children.

Family courts have also characterized women's attempts to protect their children from violence as amounting to coercive control itself. Given the willingness of family courts to accept allegations of so-called parental alienation, this feeds into potential findings of coercive control against mothers, who risk being criminalized or facing adverse parenting outcomes.

These are examples of perpetrators manipulating the legal system against the real victims of coercive control. Unfortunately, courts are sometimes persuaded by these types of arguments because of the ongoing influence of myths and stereotypes about intimate partner violence and its victims, which is again of heightened concern for women experiencing intersecting inequalities. For example, women are often wrongly accused of making false allegations of intimate partner violence to gain a so-called upper hand in family law proceedings.

If coercive control were criminalized, yet difficult to prove, that would likely feed into these assumptions and work against women and children in parenting disputes as well as undermine their safety.

It's also important to note that coercive control is defined differently in the proposed criminal amendments from the way it is defined in the Divorce Act, which could lead to misunderstandings and misinterpretations.

- (1120)

Then our third set of concerns is with respect to Bill C-332 specifically.

The provision has no explicit connection to intimate partner violence. The prohibited conduct is not defined, and it's unclear how

many repetitions of behaviour are required. This vagueness is susceptible—

The Chair: Thank you very much. I hate to interrupt. Thank you very much, and we appreciate your understanding.

We will now move into our first round of questioning, with six minutes each. I will start with Mr. Moore.

Hon. Rob Moore (Fundy Royal, CPC): Thank you, Madam Chair.

Professor Koshan, if you want to take 30 seconds to finish your thought, you can go ahead and do that before I begin my questions.

Prof. Jennifer Koshan: Thanks very much. I appreciate it.

Yes, another concern is with respect to the wording of Bill C-332 and its focus on the “significant impact” on the complainant, which means its interpretation in the bill will very much rely on the complainant's testimony, which is potentially retraumatizing.

We also have concerns with the “best interests” defence in proposed subsection 264.01(5). This defence is also subject to manipulation by abusers and can reinforce myths and stereotypes about supposedly benevolent domestic violence, which may adversely impact disabled survivors especially.

Thank you.

Hon. Rob Moore: Thank you.

In January, a woman was killed outside a school in Calgary by a man who had been previously charged on three separate occasions, but he was released each time with conditions, including a no-contact order. In this case, despite a clear and established pattern of behaviour, this man was released multiple times and, as we all know, with tragic consequences.

We feel that there have to be improvements to the bail system to prevent those who are engaging in domestic violence from being repeatedly released.

Professor Koshan, would you care to comment on that situation and on whether you see a need for improvements to the bail system in light of cases like this one?

Prof. Jennifer Koshan: Thank you for that question.

I think something that's significant about that incident is that we still don't know a lot about it. We don't know, for example, if coercive control was an element of the intimate partner violence that was experienced by the woman who was killed in that case. Unfortunately, I think that this example actually supports the submission that my colleagues and I make, which is that the current criminal legal system is not working as intended. Even in cases where there are clear incidents of physical intimate partner violence, the system is not protecting women.

Our concern is that more training, more responses for the actors in the criminal legal system, are needed. That may include reforms to bail, but that alone will not be sufficient.

Hon. Rob Moore: We couldn't agree with you more that the current system is not working. We've seen a remarkable increase in crime, and part of that should be laid at the feet of our bail system, which allows people to continue to revictimize communities and intimate partners as well.

I have a question for Ms. Barrette.

In the bill there's a two-year period that you're probably familiar with. During this period, someone who has exited a relationship can then go back, as long as it's under two years, to seek a remedy under this legislation for a charge of coercive and controlling conduct.

What do you make of that two-year period? Do you think it should be reduced? Do you think it should be increased? Do you have any comment on it?

• (1125)

[*Translation*]

Ms. Karine Barrette: Thank you very much for the question.

Indeed, that's one of the amendments we'd like to see in Bill C-332. In particular, we want the two-year time limit set out in the bill to be removed. We're not even proposing that the period be increased, because in reality, there's no time limit on domestic violence following a separation. We've heard of many cases where victims are subjected to violence over many years, even decades, after a separation.

The Criminal Code already sets out time limitations, and we'll leave it up to the prosecutors. However, there's no need to impose a two-year period, because it wouldn't reflect victims' experiences.

[*English*]

Hon. Rob Moore: Thank you.

Ms. Barrette, some of our contemporaries globally, including the United Kingdom, have passed legislation criminalizing controlling or coercive conduct. What do you make of their experiences? Are there lessons to be learned as we consider at this committee this particular piece of legislation?

Are there potential traps that we should avoid? Obviously we want legislation that serves its intended purpose, which is to protect the victims of intimate partner violence.

[*Translation*]

Ms. Karine Barrette: Thank you for the question.

I actually had the opportunity to go to London and Edinburgh to meet partners in jurisdictions where coercive control had been criminalized. There are many lessons to be learned. Canada's fortunate to be able to propose such measures after those countries did, because it can learn from their experience.

One of the first things to note is that violence following a separation was excluded in the initial version of the British statute.

Another major difference is the fact that Scotland, which passed its bill after England, decided to use an objective approach. Professor Koshan spoke about victims bearing the burden and the significant consequences on their lives. That is why Scotland decided to adopt an objective approach, meaning to use the reasonable person test, and that has made a significant difference. After talking with our partners, we realized that this was probably one of the keys to the success of the Scottish legislation. By using the reasonable person test, victims aren't re-victimized during questioning or cross-examination, and it makes the prosecutors' jobs easier too.

Another important aspect that was mentioned is training for stakeholders before the bill comes into force, so that everyone is prepared.

The Chair: Thank you very much, Ms. Barrette.

It's Ms. Brière's turn now.

Mrs. Élisabeth Brière (Sherbrooke, Lib.): Thank you very much, Madam Chair.

Ms. Barrette and Ms. Riendeau, thank you for taking part in our meeting today. I had the opportunity to meet you beforehand. Thank you for your time. I also thank you for the document you've tabled, which will be a great help to us.

I also thank you for the work you do with abused women so that the situation improves not only for them, but for all of us, in the end.

In your remarks, you talked about the tools needed to make things easier and ensure proper implementation of this new measure. I'd love to hear your comments on this, but really from a very concrete point of view.

Ms. Louise Riendeau: As my colleague just said, I think training is an essential tool if we want all the players to understand what coercive control is.

It's also important to give guidelines to prosecutors, police officers, everyone in the chain, right down to parole officers, so they know how to handle this aspect.

We need to hold awareness campaigns so that the victims themselves and the public understand what coercive control is.

We also need to talk to those dealing with the categories of people who are currently over-represented in the justice system, to avoid this new measure making their situation worse.

So there are measures to be put in place. To that end, we'd really like to see a government bill that would complement what a private member's bill can't do.

Mrs. Élisabeth Brière: Bill C-332 terminology is not the same as the definition of "intimate partner" found in section 2 of the Criminal Code.

Do you think this could cause confusion?

• (1130)

Ms. Karine Barrette: Yes, it certainly could.

In our opinion, the definition that appears in section 2 of the Criminal Code is really hyper-inclusive. It's a very broad definition. A case law review has been done on this subject. This definition has no time limit, nor does it refer to a couple intending to marry, for example. It is therefore a very broad definition.

As case law has already addressed the issue, it would be really easy to use a less restrictive definition. However, section 2 of the Criminal Code already provides this possibility. This is therefore the option that should be retained, in our opinion.

Mrs. Élisabeth Brière: Should we consider including children in the bill?

Ms. Karine Barrette: Yes, absolutely. There are two levels, one that includes children and loved ones.

For children, we propose proceeding by presumption, i.e., establishing that any child who is part of the family relationship is a victim of controlling and coercive behaviours. The legislator should reflect the fact that, regardless of whether or not they are physically present at the time of the actions or witness them visually or audibly, these children suffer all the consequences, simply by virtue of being in the family relationship.

This should also be part of the aggravating factors at sentencing.

Mrs. Élisabeth Brière: Thank you very much.

You heard what Professor Koshan had to say during her opening presentation. Do think it will be difficult to detect or prove coercive control?

Ms. Karine Barrette: You raise a very good point. Indeed, it is important to be able to do this.

According to the Scottish experience, it turned out that prosecutors and police ultimately found it easier to prove coercive control than isolated incidents of physical violence. Coercive control will often manifest itself in a slightly more legitimized or trivialized way. So there is evidence, particularly evidence linked to electronic technologies, such as bank statements. What's more, there are witnesses among family or colleagues.

First of all, you have to understand what coercive control is. Once you understand it well, it's no more difficult to prove than other types of violence. Even in the presence of contradictory versions, if we look at the context and the history, we're able to better determine who the main aggressor is, especially in the context of cross-complaints, and we're very sensitive to this concern. By investigating much more broadly, by having this broader vision, we're better able to gather evidence, track down aggressors and sort out who's responsible in the case of cross-complaints.

Mrs. Élisabeth Brière: It goes back to what you were saying earlier: you have to take the context into account.

Ms. Karine Barrette: Yes, that's exactly it.

It also helps preclude cases where victims would be falsely accused. Having spoken to stakeholders in England and Scotland, we understand that the fear of false accusations was one of their concerns, but it has not proved to be well founded in either England or Scotland.

Mrs. Élisabeth Brière: In your text, you say that you have a concern about the length of the sentence. Under the Criminal Code, criminal harassment is punishable by ten years' imprisonment. In the case of the offence covered by the bill, the sentence is set at five years.

I'd like to hear your opinion on this.

Ms. Karine Barrette: In our opinion, it is important that the sentence reflect not only the consequences of these actions on the victims and on the women's lives, but also their objective seriousness.

Stalking is one of the tactics, one of the manifestations of coercive control. So, we simply find it logical that the maximum sentence should be at least ten years, and not five years as currently provided for in Bill C-332.

Mrs. Élisabeth Brière: Do I have a bit of time left, Madam Chair?

The Chair: You have 40 seconds.

Mrs. Élisabeth Brière: You may be aware that we MPs have received a series of letters asking us to include animals in the bill. We'll be receiving a witness shortly who will tell us more about this, but I'd still like to hear your views on it.

Ms. Louise Riendeau: It's obvious that, for spouses exercising coercive control, all means are good. Some will go after animals to get to their victim, to worry her, to tell her that next time they'll go after her rather than their pet or farm animal.

Ms. Karine Barrette: I'd like to take the liberty of adding something. In Scotland, survivors were invited to participate in the consultation on the wording of the law, and pets were among the examples that were subsequently added.

The Chair: Thank you very much.

Mr. Fortin now has the floor for six minutes.

Mr. Rhéal Éloi Fortin (Rivière-du-Nord, BQ): Thank you, Madam Chair.

Ms. Barrette, Ms. Riendeau and Ms. Cross, thank you for being with us today.

I'll start quickly with you, Ms. Cross. In your testimony, you proposed a number of recommendations. I think there were seven, but I'm not sure. I was looking for them because I hadn't written them down. Five minutes ago, you tabled your document in the committee's digital binder, but I haven't had time to read it either, as you can imagine. I did, however, consult it briefly, and did not see the recommendations.

Could we have your recommendations in writing if they are not already included in the brief?

• (1135)

[English]

Ms. Pamela Cross: They appear at the end of the brief. I am also happy to provide you with my speaking notes, which list them.

[Translation]

Mr. Rhéal Éloi Fortin: Thank you.

Ms. Barrette, you answered a question from my colleague Ms. Brière by saying that it may be easier to prove controlling and coercive behaviours than to prove certain other acts of violence.

Don't you fear that the ease with which such proof can be established could lead to abuse? For example, people could be accused or found guilty of certain things when in reality, these were not necessarily the kind of actions the bill was intended to punish.

Ms. Karine Barrette: In fact, not everything becomes coercive control. We're really talking about the presence of behavioural patterns. An investigation would still be done. It's really by looking at the history and the context that we can see if, indeed, there's a repetition or a pattern of behaviour that's ongoing and that built up over time. The idea is not to qualify each individual gesture as coercive control. Rather, it's to look at the experiences of victims who have endured such a situation over a long period of time.

In fact, the presence of a broad and inclusive definition, accompanied by examples, would come to set parameters and facilitate the work of police officers and prosecutors in this process.

Ms. Louise Riendeau: If I may, I would add that, in our work with victims of domestic violence, we see quite clearly that they are dealing with behaviour that is ongoing, that is repeated over time, not a few isolated acts. This behaviour extends over weeks, even months. Sometimes, control can set in more quickly. Either way, it comes through very clearly in our talks with victims.

Mr. Rhéal Éloi Fortin: You just spoke, Ms. Barrette, about the possibility of a list of behaviours. Can you or Ms. Riendeau give me examples of what could be included in this list?

There are the classic examples that everyone understands, like controlling or withholding ID, withholding car keys, or not wanting your spouse to work. Are there any other examples, apart from those, that might shed some light?

Ms. Karine Barrette: There are basically two ways of looking at things.

Generally speaking, we can think of examples such as isolation, abuse, surveillance, threatening behaviours, control, monitoring of daily activities, micromanagement of daily life, humiliation or blame.

For more concrete and detailed examples, you could consult Australian law in Queensland. We can provide you with the information following the meeting. This law really goes into detail by mentioning very concrete acts, much like what you're proposing.

As part of the project on improving judicial practice, we've developed tools with multiple real-life examples. So it's important to us that these examples be part of the wording.

Mr. Rhéal Éloi Fortin: Thank you. If you have any examples to submit, that could indeed be helpful to us.

I'll move on to another topic. You'll excuse me for going from soup to nuts, but you'll understand that we don't have much time.

Proposed subsection 264.01(3) reads:

(3) For the purposes of subsection (1), two persons are connected if

(b) they are members of the same household, and [...]

(ii) are relatives, or [...]

For the purposes of interpreting this provision, should it be made clear that we are talking here about parents of the same child? I'm thinking, for example, of a situation where two roommates each had their own children. Could they find themselves stuck in an awkward situation because of the way this provision is interpreted?

Have you given any thought to this part of the bill?

Ms. Louise Riendeau: What we wanted, in fact, was to replace this proposed provision completely, so as to make greater use of the definition of "intimate partner" already in the Criminal Code. So we didn't go into those details.

Ms. Karine Barrette: I'd just like to add one thing. Whether it's a case where the parents have a child together or a case where one of the parents has a child from another relationship, for example, the child can be the victim of coercive control. I would even say that the danger to the child's safety increases when we're dealing with a child from another relationship.

Mr. Rhéal Éloi Fortin: I still have several questions about children who are victims of controlling and coercive behaviour.

Of course, we want parents to be able to control their children. Where do you draw the line between essential behaviours, those that should be tolerated, and intolerable behaviours, in parent-child relationships?

• (1140)

Ms. Louise Riendeau: We're not talking here about parents disciplining their children. We're talking about children who are victims of domestic violence. As soon as coercive control is exercised by a spouse, it becomes important to examine the impact this has on children.

Mr. Rhéal Éloi Fortin: Can you give me some examples, please?

Ms. Louise Riendeau: For example, I think of a child who lives in a climate of terror because his mother is abused by her partner. We consider this child to be a covictim of domestic violence or coercive control. I'm also thinking of a child who gets hurt trying to defend their mother. That's a more direct example. That said, it's really being exposed to domestic violence, as described in Quebec's Youth Protection Act.

The Chair: Thank you very much, Ms. Riendeau.

[English]

The final six minutes in the first round will go to Mr. Garrison, please.

Mr. Randall Garrison (Esquimalt—Saanich—Sooke, NDP): Thank you very much, Madam Chair, and I want to thank the witnesses for being with us today.

I also want to start with a reminder that literally hundreds and hundreds of women, primarily, are working to serve victims of intimate partner violence in this country, and give a reminder of the important work that your groups do each and every day in providing that support.

I think most of you will know the context at the beginning of the pandemic. When I talked to the frontline social service agencies about what was happening then, the social service agencies and the police both reported a spike in intimate partner violence.

To the representatives of Regroupement des maisons pour victimes de violence conjugale—that's a mouthful for me in French—have you seen a decline in that spike as the pandemic restrictions have receded, or has it stayed at very high levels?

[Translation]

Ms. Louise Riendeau: We've seen an increase in the number of requests. In Quebec, especially during the pandemic, there were a lot of awareness campaigns, because we wanted the message to reach isolated women. The Quebec government ran an excellent campaign on coercive control, as did groups like ours, and women heard the message. Right now, women are asking for help. It's always difficult to measure prevalence, but it's clear that requests for help have increased.

Also, we see that the police and prosecutors, who are our partners in the project, are much more sensitive and alert to this issue. For example, prosecutors have been instructed to consider coercive control taking place when people are released.

[English]

Mr. Randall Garrison: I think everyone around the table is clear that the idea of this bill is to provide another tool rather than to provide a solution. I know that all of the witnesses have mentioned other things that are needed. I want to thank the Regroupement des maisons again for pointing out that we can't do that in a private member's bill. A private member's bill can't require the government to spend money, so your call for a parallel government bill is quite welcome. I thank you for that.

I want to turn back to your experience with the U.K. and Scotland. You said something, Ms. Riendeau, about the positive impacts that they saw from this bill. There had been some discussion about how there was a slow uptake at the beginning in both the U.K. and

Scotland, with prosecutors and police not really understanding. I'm assuming that your visit was very recent, so maybe you can give us an update on the impacts.

[Translation]

Ms. Karine Barrette: Of course, the pandemic was a contributing factor in slowing down the implementation of this legislation. That said, none of the stakeholders we spoke to said they would backtrack on criminalizing coercive control. They said it had brought about a major and essential change in the conversation and helped judicial actors better understand domestic violence.

Moreover, we need to understand all the danger associated with coercive control. This legislation is in fact a way for the system to respond to this danger.

So this measure has an impact. Of course, it's one tool among many others, like training, which will have an even greater impact over time. The more judicial actors are trained and have a good understanding of coercive control, the better they'll be able to detect the phenomenon and better welcome victims at the same time.

Victims also need to be aware of what coercive control is.

So it's all of these things that need to be put in place.

Indeed, on criminalizing coercive control, none of the players would change their minds.

Ms. Louise Riendeau: Please allow me to add a comment.

In the lessons learned, we saw that, in a certain case, the police had been trained but the prosecutors had not. The police mobilized and reported the complaints. However, the prosecutors didn't deal with them, which subsequently discouraged the police.

This is why, in our opinion, everyone needs to be trained at the same time. We therefore propose passing a bill and delaying its entry into force, to give ourselves time to train people, in order to avoid mistakes like those.

• (1145)

[English]

Mr. Randall Garrison: There have been some concerns raised about the impact of this bill on marginalized women, including immigrant women and indigenous women.

I'm going to ask the Regroupement des maisons about your experience with marginalized women and coercive and controlling behaviour and intimate partner violence and how you think this bill might impact them.

[Translation]

Ms. Karine Barrette: Of course, women from marginalized communities also experience coercive control. That's what's happening. In our opinion, one of the solutions would really be for them to be part of the conversation, the discussion and the consultations. They must be invited to the table to talk about the problems and fears they may experience. That's a critical piece.

Furthermore, the wording itself will not prevent overrepresentation, just as the rest of the Criminal Code does not do that either. We really need to address the overrepresentation in conjunction with the work we do on coercive control.

In short, women from marginalized communities definitely need to be part of the discussion.

[English]

Mr. Randall Garrison: Okay.

You didn't get a chance to talk about your recommendations. I know it's very quick, but maybe you can say something about the recommendations for changes that you were thinking about.

[Translation]

Ms. Karine Barrette: Thank you very much for the opportunity.

In terms of the approach, as I mentioned earlier, we propose removing the notion of "significant impact" from the bill and instead talking about an objective approach, whereby the following question would be asked: Would a reasonable person placed in the same circumstances likely believe that there would be an impact?

We also recommend a change with respect to *mens rea*. The perpetrator must know that the victim feels controlled or that, even though they know it, they don't care.

On the notion of "connected", we've talked about this before. We suggest removing the two-year period and using the definition of "intimate partner" found in section 2 of the Criminal Code.

The Chair: Thank you very much.

We will now begin the second round of questions.

[English]

We'll go for five minutes, five minutes and then two and a half minutes and two and a half minutes. We'll allow all of that, but we'll watch the timing.

Go ahead, Mr. Van Popta, please.

Mr. Tako Van Popta (Langley—Aldergrove, CPC): Thank you, Madam Chair.

I will start by ceding a couple of minutes to my colleague Ms. Findlay.

Hon. Kerry-Lynne Findlay (South Surrey—White Rock, CPC): Thank you.

Madam Chair, having practised in the family law field for many years before I became a member of Parliament, I want to say that I am very familiar with the mental and physical devastation of the pattern of coercive control in intimate relationships. With the utmost respect to our witnesses here, I am going to take a few min-

utes to interrupt their testimony to address another important matter of justice for women and families in British Columbia.

In a moment, I will move a motion that I expect will receive a short debate and hopefully unanimous support, so that we can return to this important witness testimony on Bill C-332.

Mr. Moore gave proper notice of this motion last week, and as his substitute, then, I move:

That the committee call on the Liberal government to ensure that Robert Pickton spends the rest of his life in prison and prevent any re-traumatization of the families of his victims through unnecessary parole hearings, and that this be reported to the House.

Madam Chair, with your indulgence I would like the committee to hear these names: Sereena Abotsway, Mona Wilson, Andrea Joesbury, Brenda Wolfe, Georgina Papin, Marnie Frey, Jacqueline McDonell, Dianne Rock, Heather Bottomley, Jennifer Furminger, Helen Hallmark, Patricia Johnson, Heather Chinnock, Tanya Holyk, Sherry Irving, Inga Hall, Tiffany Drew, Sarah de Vries, Cynthia Feliks, Angela Jardine, Diana Melnick, Debra Jones, Wendy Crawford, Kerry Lynn Koski, Andrea Borhaven, Cara Ellis.

Chair, these women are the known victims of vile serial killer and rapist Robert Pickton. This monster has bragged of murdering 49 women, with a stated objective of murdering 50. Most of these women and their families will never receive the justice they deserve.

He was known to prey on vulnerable women suffering from addiction. Pickton would take his victims to his pig farm in Coquitlam, where he would torture them and commit brutal murders, stabbing some while they were handcuffed, injecting others with anitfreeze. After killing his victims, he would feed their bodies to the pigs, leaving behind very little evidence. Needless to say, monsters like him should only leave prison in a body bag.

Last week we learned that Robert Pickton has become eligible to apply for day parole. Should his case be reviewed by the Parole Board, the families of his victims will be forced to relive the trauma they experienced all over again. This is an outrageous insult to the families, who continue to suffer. They should not be subjected to further re-traumatization.

I want to share their words with this committee. The mother of Stephanie Lane said, "Pickton should not walk on this earth. He doesn't deserve to take one step out of where he is. He needs to stay where he is until he dies." She added, "I've been living in hell. It's been horrible. I always say that I am living in a Stephen King novel. I think of my daughter every single day, but I don't want to think of Robert Pickton every day."

Tanya Holyk's cousin said, "The fact that he can actually apply is horrific.... That threw me right off. I didn't know and the other families that I'm close to didn't know...Our justice system is horrific." She also said, "I already don't trust the justice system, and this just makes me not trust it even more because the fact that a person like this could be let out of jail...it's disgusting."

The community recently held a vigil at the Pickton farm as they braced for the possibility of a parole hearing for the man who has caused them so much pain.

At the very least, Canadians should expect our justice system to protect victims of the most heinous crimes. Under Justin Trudeau's watch, the rights of criminals have been consistently prioritized over the rights of victims. I won't relitigate every case, but we have seen a flagrant disregard for victims in the cases of Paul Bernardo's transfer to medium security and Terri-Lynne McClintic's transfer to a healing lodge.

Just last week, Jeremy Vojkovic, a man who raped a woman and burned her alive, was granted temporary leave on Vancouver Island despite a psychiatric assessment that expressed "grave concern" over the risk he poses to the public and over the objections of the victim's family.

Eight years of Trudeau's radical left agenda have created a system of injustice. Canadians have lost faith in our systems. That's why this committee should take the first step toward restoring this trust.

• (1150)

My motion calls on Trudeau's government to ensure that Robert Pickton spends the rest of his life in prison and prevent any re-traumatization of the families of his victims through unnecessary parole hearings. The Minister of Justice has a department full of lawyers who can prepare options that are charter-compliant and that protect the families of his victims. I call on my colleagues at this table to support this motion and stand up for these victims. They've been traumatized enough.

Thank you, Chair.

The Chair: Thank you very much.

We will move to debate. Would anybody like to say anything...?

Before we start that, if you don't mind, I think the witnesses in front of us can tell that our first panel has now ended.

If there's anything you didn't have an opportunity to provide verbally, please submit it to us in writing. Thank you very much for coming.

Mr. James Maloney (Etobicoke—Lakeshore, Lib.): Madam Chair, if I may, before you dismiss the panel, is it Ms. Findlay's proposal that we debate and vote on this motion today, or is it just being tabled now?

Hon. Kerry-Lynne Findlay: I'm seeking debate and a passage of the motion.

Mr. James Maloney: All right.

I'm sorry to interrupt, Madam Chair. I will have some comments.

The Chair: The motion was distributed Friday, so if that is her wish, yes, that was my understanding.

Thank you for clarifying that, just to ensure that we're correct.

Am I okay to dismiss the witnesses, Ms. Findlay?

Hon. Kerry-Lynne Findlay: Yes.

The Chair: Okay.

Thank you very much. We very much appreciate the information you provided to us.

Mr. Maloney, go ahead, please.

Mr. James Maloney: Thank you, Madam Chair.

I want to thank Ms. Findlay for tabling this motion.

I will say this individual's name once and only once. To suggest that any member of Parliament from any political party holds any view other than the fact that this person is a monster and should be punished to the full extent of the law is over the line. If I had my way, I would never hear this person's name again. It's as simple as that. I think politicizing this discussion in the way that has been done, bringing it to this committee, is a form of retraumatization in itself. It's unfortunate, given the view that I believe every member of Parliament holds.

I don't propose that we debate this motion, because there's nothing to debate. I suggest a small amendment. I would take the word "Liberal" out of the proposed wording, before "government", and I would remove the words "and that this be reported to the House". I believe we can move forward very quickly, dispense with this motion in a way that would be satisfactory to everybody and not have to either debate something that we shouldn't be talking about or mention this individual's name ever again.

Those are the two amendments, Madam Chair.

• (1155)

The Chair: Thank you.

That's a valid amendment.

I have two people up. I apologize. I don't know who's first. It's Ms. Findlay and Mr. Garrison.

Hon. Kerry-Lynne Findlay: I am comfortable with the word "Liberal" coming out before "government", as long as "government" is a capital G, because "government" refers to the government today.

I am not comfortable with taking out "that this be reported to the House". This is a very serious matter. One of the easiest ways to ensure that we don't have to mention Robert Picton's name again is to pass this motion, have it go to the House and ensure that the parole hearings don't keep coming up. Then we can thankfully stop talking about this perpetrator.

The Chair: Mr. Garrison, go ahead, please.

Mr. Randall Garrison: Thank you, Madam Chair.

I first have to express my disappointment that we did not get to hear the remainder of the testimony from witnesses. It flags my concern that we have all-party agreement on coercive and controlling behaviour and we tried to finish expeditiously with our hearings and any amendments and get it through the House. This does not bode well for that. That is disappointing.

On the proposed amendment, with the amendment suggested by Mr. Maloney, I can support this motion. I think Mr. Maloney put it very well, and I'm trying not to say the name. I appreciate Ms. Findlay reading out the names of the victims. I think that is much more important.

My problem with the motion as it stood originally was that there are other ways. If we are serious about dealing with the problems that the Conservatives have identified, then a study in the public safety committee, which is responsible for the corrections act, is a way that could move forward with concrete suggestions. As this stands, this simply makes it a public debate and a retraumatization without providing any solutions. If this were being referred to as a study to look for solutions to those problems, we could have that debate. The public safety committee is probably a better place.

With those amendments, I could support this motion today.

Thank you, Madam Chair.

The Chair: Thank you.

Mr. Housefather, go ahead, please.

Mr. Anthony Housefather (Mount Royal, Lib.): Thank you, Madam Chair.

I have two short points I want to make.

The first is that I've had a study on anti-Semitism on the table since December. I've politely waited to move it at committee until the steering committee has had the opportunity to consider it. My Conservative colleagues, who seem to want that, continue to put forward motions without going through the steering committee. I'm disappointed in that.

The second point is that I think it is absolutely unfair to start making claims that any party at this table has ever voted for anything that would change the parole eligibility of the individual mentioned in the motion.

I agree with everything Mr. Maloney said. I don't think anybody here thinks anything other than this man should be imprisoned for the rest of his life. This gentleman was sentenced in 2007, and he has the same eligibility he had when he was sentenced in 2007. There have been no legislative changes since 2015 that anyone here has voted for that have extended his parole eligibility. There have been court judgments that struck down laws that were passed before 2015, but nobody here has been part of anything that has extended this gentleman's parole eligibility. It's important to say that. To start claiming that one party or another party has been responsible for traumatizing people is exceptionally offensive.

Thank you, Madam Chair. I support the amendment.

• (1200)

The Chair: Thank you.

[*Translation*]

Mr. Fortin, you have the floor.

Mr. Rhéal Éloi Fortin: Thank you, Madam Chair.

This individual is a special case. I'm one of those people who hopes they never get out of prison. Of course, revenge is always

possible, but I'm thinking above all of protecting the public. Unless someone comes and explains to us that they're completely cured—which would surprise me—I think they're a sick and dangerous person and they should stay in prison.

I have no problem with Mr. Maloney's proposal. That said, we do have a justice system. The motion calls on the government to ensure that this individual never gets out of prison. Does that mean that we want the government to relieve the Parole Board of Canada of its mandate? I take issue with that. I don't think it can be done that way. In my opinion, we need to trust in the system.

I think that individual should stay in prison. I get the impression that the motion expresses a wish that all of us around the table likely share. We all want that to happen. However, in our role as legislators, can we ask the government to ensure that this individual will remain in prison, regardless of what the Parole Board of Canada would say? That seems a bit questionable to me.

Although I agree with the spirit of what's being proposed, I find it hard to see how we could rationally ask the government to disregard the established processes in all cases. If it turns out that it can be done, we'll have to establish where to draw the line, to determine at what point existing parole measures will no longer be taken into account. That seems a little awkward to me.

[*English*]

The Chair: Go ahead, Mr. Caputo.

Mr. Frank Caputo (Kamloops—Thompson—Cariboo, CPC): Thank you, Madam Chair.

I'd like to thank my honourable colleague Ms. Findlay for moving this motion and for remembering the names of the victims.

The reality is that we as parliamentarians have a duty. We have a duty to be proactive, and we also have a duty to be reactive. Rarely are we proactive and too often we have to be reactive. The reality is that nobody wants to discuss this, but in 2007 he was sentenced to life without parole eligibility for 20 years. We're not at 20 years yet—and a lot of people don't realize you can apply for day parole before the end of that period of ineligibility for parole—and it's incumbent upon us as parliamentarians to be reactive at times. This is one of those times. This is an emerging issue.

I'm sympathetic to Mr. Housefather, for whom I have great respect, and to the motion he put forward, but the reality is that this is a headline today. It wasn't a headline a week ago or a month ago, and we as parliamentarians have the duty, in my view, to speak and to speak with one voice and to speak firmly at the earliest opportunity. This is a timely measure, and I fully support its being reported to the House.

Thank you.

The Chair: Ms. Findlay, go ahead, please.

Hon. Kerry-Lynne Findlay: I would just add, Madam Chair, that we are not talking necessarily about changing the whole parole system. What we're talking about is dealing with serial murderers and torturers differently from others when it comes to parole hearings. There is the ability to make changes, legislative changes that would affect the way someone like this is treated through the parole system. That is what we're calling for. That's what we think needs to happen. We are asking this committee and Parliament to take a look at this type of situation with this type of convicted offender and to make changes that support victims and prevent their re-traumatization through these parole hearings.

Thank you.

The Chair: Go ahead, Mr. Maloney, and again I remind everyone that we're speaking to the amendment.

• (1205)

Mr. James Maloney: I'm fine.

I would just move that we vote on the amendment.

The Chair: You are moving to vote on the amendment.

Mr. James Maloney: If there are no more speakers, I'm in favour of moving to vote on the amendment.

The Chair: No, that was it.

We will vote on the amendment. Would you please remind us again? I have the original in front of me.

Mr. James Maloney: Thank you, Madam Chair.

I would remove the word "Liberal", and I'm fine with capitalizing the "G" in government. I would also remove the words at the end, starting with "and that this be reported to the House".

The Chair: I'm going to read the amendment that we are now voting on:

That the committee call on the Government to ensure that [RP] spends the rest of his life in prison and prevent any re-traumatization of the families of his victims through unnecessary parole hearings.

(Amendment agreed to: yeas 7; nays 4)

(Motion as amended agreed to: yeas 11; nays 0)

Hon. Kerry-Lynne Findlay: Thank you, Madam Chair.

[*Translation*]

The Chair: Thank you very much.

[*English*]

We will now move to the second panel of witnesses.

• (1205)

(Pause)

• (1210)

The Chair: We're calling it back to order. It's 10 minutes after the hour.

We will start our second hour with our panel of witnesses.

[*Translation*]

First, we welcome Emilie Coyle, executive director of the Canadian Association of Elizabeth Fry Societies.

We also have Barbara Cartwright, chief executive officer of Humane Canada.

[*English*]

Shannon Ritchie is appearing by video conference.

[*Translation*]

She is founder and clinical director of Currents Counselling.

I welcome you.

[*English*]

Each one of you has five minutes to make your presentation. It will be followed by questioning. I will watch the time as best I can.

I will now ask you to proceed. We will start with Ms. Coyle.

Ms. Emilie Coyle (Executive Director, Canadian Association of Elizabeth Fry Societies): It is a great honour and responsibility, as always, to appear in front of this important committee. Thank you very much for having us here.

We at the Canadian Association of Elizabeth Fry Societies, or CAEFS, have a statement of purpose that I want to bring to you today. It is to address the persistent ways that criminalized women and gender-diverse people are routinely denied their humanity and excluded from considerations of community.

I felt it was important to read that statement of purpose in the context of the discussion around Bill C-332.

Intimate partner violence, including coercive control, is—as we all agree—a social issue of epidemic concern. Many inquiries and reports on coercive control, including one from this very committee, have emphasized the necessity of a comprehensive, all-government effort to eradicate pervasive and fatal forms of intimate partner violence. The Mass Casualty Commission, which I'm sure you are all aware of, specifically highlights the vital need to prioritize women's safety by shifting funding away from carceral responses towards primary prevention.

Unfortunately, we see Bill C-332 falling under the category of a carceral response, and we do not support it.

I'll ask this: Who are we protecting with this bill? CAEFS is particularly concerned about the continuing reliance on carceral approaches to social issues like intimate partner violence, because we see the failure of this type of response every day in our work. I ask that you query this: Why do we believe adding another law to our Criminal Code will guarantee people who have experienced coercive control safety? These are people like an 18-year-old who is now under a life sentence because she was coercively controlled by her violent boyfriend, who then forced her to participate in the killing of his rival. Would it protect her, or the young woman who was forcibly taken out of the limits of her probation order to be sexually exploited, only to be charged with and found guilty of breaching her conditions when she turned to the police for help?

In our work, we encounter these stories regularly. So many of the criminalized women and gender-diverse people we work with and alongside have endured ongoing and often appalling levels of control and violence throughout their lives, beginning at very young ages. When they defend themselves, when they push back or when they do something that puts them "in conflict with the law" because they are trying to survive, we punish them.

Criminalization has unequal and often destructive impacts on indigenous peoples, Black people, trans people, sex workers and others who struggle under the weight of poverty, addiction, mental health disabilities, precarious immigration status and more. Unfortunately, these are not the people who will benefit from the protection of this law or other criminal legal reforms enacted with the express purpose of keeping women and gender-diverse people safe. In short, those with whom we work are not the picture of the ideal victim.

I would be remiss if I did not narrow in specifically on two interconnected but important issues in this country.

Indigenous women in Canada are more likely than non-indigenous women to have experienced intimate partner violence in their lifetimes. We have a crisis of mass incarceration of indigenous women and gender-diverse people in our provincial and federal systems. This means we are not only under-protecting indigenous women and gender-diverse people but also regularly criminalizing them. In a country committed to reconciliation, this has to be part of the intimate partner violence conversation and cannot be ignored.

When it comes to children, when you see mandatory and dual-charging laws, women and gender-diverse people can themselves be and are charged with intimate partner violence. When we criminalize women and gender-diverse people, we are also punishing families.

Our legal system responds after harm has happened. It is not prevention. I think we all care here about victims of harm. On that we can all agree. If we take that to be true, we should centre people who have or will experience harm in everything we do. A response after the fact is never going to be as good as prevention.

I completely understand the instinct to use the criminal law as a tool to assist in responding to harm. However, when it is the only option presented time and again as a solution, of course women and others may feel compelled to support it. What we are essentially

saying is, "Please pay attention to this issue. This is not the answer." Unfortunately, the criminal law has been proven at best to be ineffective and inconsistently used, and at worst to cause irreparable harm to people who are already routinely denied their humanity and excluded from considerations of community.

I have several other solutions I'd like to propose. I'd like to bring them up during the question period, if I may.

● (1215)

Thank you so much.

The Chair: We have Ms. Cartwright, please.

Ms. Barbara Cartwright (Chief Executive Officer, Humane Canada): Thank you, and good afternoon.

Humane Canada is the Canadian Federation of Humane Societies and SPCAs, with members in all 10 provinces and two territories, from the largest urban centres, like B.C. SPCA, to the smallest coastal communities, like Happy Valley-Goose Bay SPCA. These are the organizations in your ridings that Canadians depend upon to care for abused and abandoned animals, to enforce the law, to advocate for greater care and protection, and to provide resources to their communities.

Humane Canada is the founder of the Canadian violence link coalition, which brings together more than 40 stakeholders, from both human and animal services, who are interested in the links between animal violence and human violence, and the weaknesses in our justice system that often ignore this link, especially in the intimate partner and family violence contexts.

We are also the founders of the National Centre for the Prosecution of Animal Cruelty and a trusted partner of Women and Gender Equality.

We are here today to advocate for animal-owning survivors and their animals.

More than 60% of houses in Canada own a companion animal. Women and younger Canadians are more likely to have a pet, and of those, 70% identify that pet as a family member. That makes those animals vulnerable to being used as a tool of coercive control, and it makes the human victim more vulnerable, because of their love and dedication to that animal.

As part of our work with pet-owning women survivors of violence and with family lawyers and prosecutors, we are aware that animals are commonly and effectively used as a tool of coercive control, and even more effectively because the link goes unnoticed by enforcement and often the courts, even if a criminal animal cruelty charge has been laid.

As previous witnesses have shared, legislation to criminalize coercive control is necessary, because it reflects a pattern of behaviour over time as opposed to a single incident that might otherwise fall under another part of the Criminal Code. Similarly, animals must be included in coercive control legislation, because the animal cruelty sections of the Criminal Code do not have a mechanism that adequately reflects the kinds of behaviour patterns that are seen in coercive and controlling behaviour that target animals as a tool, which is not a rare incident.

In a 2018 survey, 89% of survivors reported the perpetration of animal abuse by their partners. A 2019 study of survivors highlighted some of what those acts included: 65% reported threats to get rid of their pet, 60% reported scaring or intimidating a pet on purpose and 56% reported smacking a pet, while 50% reported throwing an object at the pet. In the most severe cases, 20% reported injury of a pet, and 14% reported the killing of a pet. These findings are significant, because they indicate the perpetrators of the abuse are more likely to engage in those less physical and overt forms of animal abuse that leave a victim unclear as to whether or not it should be reported to police, because it is unclear if a crime actually was committed.

I want to take a few moments to share with you some survivor stories from our network that illustrate how animals are used in coercive control.

A rural woman from Saskatchewan fled a violent home. Her abuser refused to feed or care for their beef cattle and their horses, so that she had to come back onto the property to do so. When she would return, he would attempt to intimidate her. The police would not intervene because they felt, if she would return to the farm, that would be evidence that she was not actually afraid of her abuser.

An abusive partner threatened to poison the survivor's dog. The dog died, but she didn't have the money for an autopsy, so she was never clear as to whether or not he actually poisoned the dog. Shortly thereafter she broke up with him, but he would call and leave messages on her phone simply saying, "Remember what happened to Bobby", which was their dog.

A survivor left an abusive situation, but her partner refused to let her take the dog. He brought the dog to meet her at Starbucks a week later and leveraged that relationship by allowing her to spend time with the dog if she complied and did all the things he wanted. The dog became a source of continual control and abuse.

This bill needs to clearly identify that these actions are an act of coercive control. Abuse towards animals is not always considered by the law or the courts, particularly in the absence of physical injury. Enshrining patterns of controlling and coercive behaviours with explicit inclusion of animals would add clarity to the law for law enforcement agencies, prosecutors and criminal justice stakeholders, but more importantly for victims and survivors. Therefore,

we recommend adding animals to proposed subsection 264.01(2), "Interpretation—significant impact".

In closing, this committee recognized the role of animals in coercive control in its 2021 report on this subject. The Mass Casualty Commission's report made recommendations on animals and coercive control.

- (1220)

Finally, we are pleased to have MP Collins's support for the inclusion of animals in this bill.

Thank you very much for your time.

The Chair: Thank you very much.

Our third and final testimony will come from Ms. Ritchie for five minutes.

Ms. Shannon Ritchie (Founder and Clinical Director, Currents Counselling): Thank you so much for having me. It's an honour to be here.

I first want to acknowledge with gratitude that I'm joining as an uninvited guest on the traditional unceded territory of the Secwepemc people.

I am providing evidence in support of Bill C-332 from my experience of working with perpetrators and victims of violence.

To provide a bit of information about myself, I am a registered clinical counsellor with a master's degree in counselling. I'm the owner and clinical director of Currents Counselling, which is a private counselling practice located in the Okanagan and B.C. interior. I support a team of clinical counsellors. My practice is focused on working with couples and families, including those in high conflict. I have more than 10 years' experience working with victims and perpetrators of violence, and I have specialized training in completing violence risk assessments for perpetrators of family-based violence and sexualized violence.

In my experience and training, coercive and controlling violence is often disguised or mutualized. You'll often hear language like domestic violence or relationship conflict, which doesn't identify what is going on and who is doing what to who, or ideas that justify the controlling behaviour. This is language like, "it's in her best interest," or "she's not good with money," which then justifies the controlling of the family finances.

Systems and professionals are often complicit in this mutualizing and disguising of the violence because it's sometimes hard to identify. The victim is often pathologized and blamed for the violence and control being perpetrated against them. It can be overt or subtle and covert. The violence is often concealed, and resistance to violence is often minimized and retaliated against by the perpetrator.

Often, the victim can believe they're responsible for the violence. However, when we properly assess for violence, we learn many things about it. We learn that the victim often has insider information about what happens when they resist the violence. When you start to ask the victim questions like, "What would happen if you left the relationship?", they tend to be able to provide descriptions that reveal their real fears for their safety.

Victims of coercive and controlling violence often have a lot of fear of leaving the relationship. I have an example from a personal client I had the privilege of working with a number of years ago. I've changed her identifying information and I'm going to refer to her as "Tracy".

Tracy initially attended counselling with her husband, who is nearly 30 years older than her. She's an indigenous woman who, at the time, was in her early twenties, and she was with a white man in his fifties. He was an incredibly wealthy man. When I met them, he wanted to control the narrative for the reason why they were in therapy. The reasons they were having relational issues were that she had trauma and she had a drinking problem.

When I met her individually, I learned that her life was very closely controlled. She had to attend the church he attended. He controlled all of the family's finances. Her movements were closely monitored. She was not able to establish credit or independence, and when she asked to further her education, he created many barriers to this. She had to hold his hand when they walked, and if she didn't, there would be conflict when they got home. She was isolated from her friends and family. There was strict monitoring of her weight and image. He coerced her into getting a breast enhancement, which he paid for and she truly did not want. She also had to dress conservatively and maintain a small physique.

As a response to the violence she was experiencing, her mental health declined rapidly. She was drinking a lot, and at times, while she was drinking, she would act aggressively towards him. When she started to leave the relationship, the retaliation was swift. She was out of town for a medical procedure when he hired a lawyer and was successfully able to position a case to a judge for a no-contact order against her—without her consent.

When she was released from the hospital, she realized that not only could she not go home; she could not see her children unsupervised. Her mental health continued to decline and she got a DUI. She now had even fewer options and had no choice but to return to their relationship.

This woman will navigate this for her entire life unless the perpetrator is held accountable for his actions. There are so many other victims who have to navigate the realities not only of having their lives controlled but of facing real consequences when they try to stand up or take a position.

• (1225)

In summary, Bill C-332 provides legislation to not only offer clear language for what is happening to the victim. It also provides a recourse to support victims' experiences in coercive and controlling behaviour, and it invites accountability for the perpetrator and for the behaviour.

The Chair: Thank you, Ms. Ritchie.

We'll now move to our six-minute round. We will begin with Ms. Gladu.

Ms. Marilyn Gladu (Sarnia—Lambton, CPC): Thank you, Chair.

Thank you to all of the witnesses for being here to help us with this very important subject.

Every six days in Canada a woman is killed by intimate partner violence. It's clear to me that none of the actions that have been put in place works. Many of these women don't leave. I'm certainly well acquainted with coercive control. Even if they get a no-contact order, it doesn't work. People violate them. Nothing happens, and then they kill their partner.

I'd like to start with Ms. Coyle.

You talked about preventive actions that we might take. Could you elaborate on those?

Ms. Emilie Coyle: Thank you so much.

First and foremost, give organizations that work with survivors of violence epidemic-level funding and make it ongoing. This came out of the recommendations from the Mass Casualty Commission. If a person who is experiencing coercive control has access to a safe place to escape to and can bring her children and her pets with her, then that is one of the first hurdles. I understand that this bill cannot require funding to be brought forward, but I do think that is an important piece of this discussion.

If you want to bring awareness to what is known as coercive control, then start a very public campaign about it. Teach children about it in school. We need to start early.

Provide financial supports and training—all of the people who have appeared before you have spoken about training—and employment opportunities for people who are escaping coercive control.

Provide adequate funding for legal aid lawyers and legal aid certificates, so that lawyers who are representing criminalized survivors of coercive control can tell their stories.

Finally, we should be utilizing the defence of coercive control much more than we are criminalizing coercive control.

Thank you.

Ms. Marilyn Gladu: Another question I have is for Ms. Ritchie.

I see in the bill that there is a defence where you would claim that what you were doing was in the person's best interest. While I can see situations where that might be true—somebody has Alzheimer's disease or something and you have to take care of them and make sure they don't harm themselves—in fact, one characteristic of coercive control is that the perpetrator is telling somebody that they are doing this because it's in their best interest.

Could you tell me whether you think that this defence is appropriate as it is written?

Ms. Shannon Ritchie: I do think it's appropriate as it is written because the perpetrator is in control of the victim. The perpetrator is using specific tactics in order to manage the victim and make the victim feel as though they are responsible for the violence being perpetrated against them.

They will convince the victim that it is in their best interest, such as around controlling the family finances or maybe, in subtle ways, that they shouldn't be able to go out and see family and friends.

It wouldn't.... Excuse me. I'm just a little bit nervous.

• (1230)

Ms. Marilyn Gladu: That's okay.

Really, that's exactly the point. Although the perpetrator may say, "It's in your best interest", why should "I was doing it because it's in their best interest" be able to be used as a defence? I think there is a problem there.

Let me ask you one other question.

They suggested that there should be this two years—it's if you're experiencing this with a partner you've been with within the last two years.

Do you think there should be any kind of a limit at all? Should we just remove that two-year part?

Ms. Shannon Ritchie: I think you're trying to establish a pattern. We know that sometimes this can happen quite quickly, where there is this sort of grooming behaviour and this pattern of behaviour starts soon.

I don't know exactly how long of a time frame there should be, although I do think there should be a period of time where you can start to look at the behaviour over time. In the beginning, it can look kind of subtle and then it can become normalized in the relationship and develop into something more significant.

I don't specifically have a timeline to suggest, but I do know that some sort of a timeline in order to establish that pattern would be helpful.

Ms. Marilyn Gladu: We did hear that, over time, especially if you have children together, sometimes the behaviour can escalate.

Another question I have is for Ms. Cartwright.

England put a list of things in its legislation that were indicative of coercive controlling behaviour, including but not limited to phraseology. I see that they put in here, "threatening to hurt or physically harming a family pet".

Do you believe the Canadian legislation should contain a similar list with something like that?

Ms. Barbara Cartwright: Yes. We put forward two amendments, one in recognition that our human services partners feel that there needs to be a definition of coercive control. We recommended in our submission to use the one from the Divorce Act, since it also recognizes animal violence, and then also to include it in the "significant impact" section. The impact is not only to the victim's ability to protect themselves or their children. It should also be to their ability to care for and protect their pets.

Ms. Marilyn Gladu: Very good.

I may run out of time on this one, Chair, but my question for all of them is this: If you have considered the U.K. legislation, the Scottish legislation and other legislation, which one do you feel we should closely model this after?

The Chair: I will ask you to keep that thought for the next round.

[*Translation*]

Ms. Brière, you have the floor for six minutes.

Mrs. Élisabeth Brière: Thank you, Madam Chair.

I'll turn to Ms. Coyle.

You said that people from racialized communities were overrepresented in the justice system. The bill uses the concept of fear, meaning that fear must be proven. I would like to hear your opinion on this issue.

Moreover, doesn't the fact that the victim must be questioned and then cross-examined victimize the individual even more?

[*English*]

Ms. Emilie Coyle: I do think that is a problem. In the legal system as it exists, we know that most of the people who experience intimate partner violence do not come forward. We know that many times, if they have come forward and are brought before the courts, they are made to relive the trauma that they've had to endure.

Often, if it's a specific action that has been taken, maybe we can focus on just that particular action, but when it comes to coercive control, because it is something that is experienced by people over a long period of time and is very nuanced, you're going to have a person in front of the court who is experiencing cross-examination on multiple points of pain and trauma in her life. We worry very much about what that would look like for the person who has been harmed.

[*Translation*]

Mrs. Élisabeth Brière: Do you have a solution? What would you recommend?

[English]

Ms. Emilie Coyle: I mean, we've already discussed training. Training is always important when it comes to the legal system and when we're talking about prosecutors, criminal defence and judges understanding the experiences of people who've experienced intimate partner violence. Not criminalizing coercive control until we've figured everything else out might be another way that we could go.

Also, I certainly think it's important to try to prevent people from being harmed in the first place. How do we do that? It's a huge task, but we have to tackle it. We have to tackle poverty. We have to tackle racism, misogyny.... These are the big issues of our time, and we can be creative here. This is the opportunity to do so, because we're talking about intimate partner violence all the time now and we understand the problem with it. We can't see the criminal law as the band-aid solution to this huge gushing wound we have.

• (1235)

[Translation]

Mrs. Élisabeth Brière: Thank you.

Section 2 of the Criminal Code defines “intimate partner,” but the bill proposes a new definition, along with the concept of “connection.”

Should we refer to this definition, rather than include a new concept in the bill?

[English]

Ms. Emilie Coyle: Yes, I think we have a good definition of coercive control. I'm not an expert on coercive control, actually, and I would defer to those who are.

I think one of the recommendations that came out of many of the inquiries into intimate partner violence was to create a panel of experts on coercive control, and that might be something else that we could do in order to inform the steps that we are taking moving forward.

I also want to say that when it comes to proposed subsection 264.01(5) in the proposed law around the defence of “best interests”, I worry about the infantilization and what that places on the person who is bringing forward a claim of coercive control. Where could a claim of “best interests” ever be used as a defence? That would be a query that I would have.

Anyway, I'll leave it there.

[Translation]

Mrs. Élisabeth Brière: At the end of your opening remarks, you were giving us a list. Could you please continue?

[English]

Ms. Emilie Coyle: It's exhaustive, but I will be presenting a brief to you by the end of this week. I'll include it there as well.

Thank you.

[Translation]

Mrs. Élisabeth Brière: My next question concerns children.

Should the bill include children when it comes to coercive control situations?

Should even having a child under the age of 18 involved in the situation be considered an aggravating factor?

[English]

Ms. Emilie Coyle: It's hard for me to talk about what to include in a law that I don't actually think should be moving forward.

As I said, when we criminalize women and gender-diverse people, we are punishing families. When a caregiver is charged—I have this in my notes, but I didn't say this—and is held on remand, so denied bail for even a short period of time, this can have lasting detrimental effects on her keeping her job, keeping her housing and caring for her children. It is the children who will suffer if a parent is removed from them with a charge of coercive control.

We actually know of innocent people who will probably plead guilty to violence towards their partners, so that they can leave jail and get back to their families faster. They will have a criminal record that will follow them for the rest of their lives. It's a really nuanced issue that we have to examine closely.

[Translation]

The Chair: Thank you, Ms. Brière.

I also want to thank the witnesses.

I now give the floor to Mr. Fortin for six minutes.

Mr. Rhéal Éloi Fortin: Thank you, Madam Chair.

Ms. Cartwright and Ms. Coyle, thank you for joining us today.

I had some questions, but I want to focus on the issues raised by my colleague, Mrs. Brière. I'm wondering about some kind of trap when it comes to children. I don't want to make a faulty comparison, but more or less the same reasoning applies in the case of children and animals. I gather that conduct towards children wouldn't be punished, but that children would be indirect victims, a bit like an animal facing threats. For example, a spouse tells his partner that, if she doesn't do what he says, her dog will suffer. Understandably, the dog would become a type of indirect victim. That said, the victim of the controlling and coercive behaviour is the partner.

Doesn't the same reasoning apply to children? As you rightly said, the child is bound to be affected by any charges against a parent or by a criminal trial. Do you consider the child an indirect victim of the situation between the two parents?

Should a parent's controlling and coercive behaviour towards a child, even if the parent doesn't have a spouse, constitute an offence under this bill?

• (1240)

Ms. Emilie Coyle: Thank you for the question.

[English]

I don't think I can answer that question, because I don't think I have the expertise to answer that properly. I'm just going to remove myself from answering that at this point.

Thank you.

[Translation]

Mr. Rhéal Éloi Fortin: Okay.

We're talking about repeated or continuous controlling and coercive behaviour. In your opinion, Ms. Coyle, where do we draw the line? Is there a minimum duration? Is it enough to commit a single act of controlling and coercive behaviour, such as withholding a passport or identification documents, or should a minimum number of acts must be committed before we can talk about a repeated and continuous offence?

[English]

Ms. Emilie Coyle: Again, I'm not an expert in coercive control. However, we know that the existing laws that surround intimate partner violence, and the way that women and gender-diverse people are criminalized, are often manipulated by people who are abusing or harming their partners.

If there is a way that a person could manipulate the system to harm their partner, they will do it. It's going to be really difficult, I think, for our legal system to respond to such a nuanced and complicated way of harming someone.

[Translation]

Mr. Rhéal Éloi Fortin: Thank you, Ms. Coyle.

Ms. Ritchie, I don't know whether you heard the questions put to Ms. Coyle. I would like to hear your thoughts on the same topics.

Let's start with the issue of repeated and continuous behaviour. In your opinion, is there a minimum number of acts?

[English]

Ms. Shannon Ritchie: Thank you for the question.

I don't know about a specific number, but I do know that you will see a pattern of behaviour. You'll see a pattern of behaviour that starts fairly early on. It may act as a precursor, a bit as a red flag, but it's not enough for her to disengage necessarily from that perpetrator. While I can't speak to the number of acts, you will start to see an increase in behaviour. Once she's more vulnerable or more involved in the relationship, you'll start to see those increase. I can't speak to a specific number, but I think it's establishing that pattern of behaviour and watching as it increases over time.

[Translation]

Mr. Rhéal Éloi Fortin: Thank you, Ms. Ritchie.

I have another question about children. There's talk of including children as victims under the bill.

According to your interpretation, should children be considered indirect victims of controlling or coercive behaviour by one parent

towards the other parent, for example, or should controlling or coercive behaviour by one parent towards the child be taken into account?

[English]

Ms. Shannon Ritchie: I think the children are direct victims, and I can think of many examples where, because of the behaviour of a perpetrator, the child of the perpetrator who is engaging in this kind behaviour will identify with the perpetrator and believe that the victim is the problem. I've seen extreme alienation, where a child is so supportive of the perpetrator that they actually have no relationship at all with the victim, who is the mother.

• (1245)

The Chair: Thank you.

Mr. Garrison, go ahead, please.

Mr. Randall Garrison: Thank you, Madam Chair.

I want to start with a question for Ms. Ritchie and, of course, express thanks for the frontline work she does on these issues. To start with, I'm going to ask a somewhat leading question.

Since I began working on this issue three years ago, we've had lots of women contact our office saying that they hadn't recognized that they were a victim of coercive controlling behaviour because no one had ever talked to them about it. I wonder whether you find in your counselling practice that people somehow think it's their problem, an individual problem, and that it's something that's not really recognized. Do you find that?

Ms. Shannon Ritchie: Yes, that's exactly what we find. Very rarely do I see a client who's initiating services because they're presenting the problem that they're a victim of controlling coercive behaviour violence. We see them coming in and maybe expressing that they're feeling depressed, anxious, overwhelmed or stressed, or that they have trauma or relationship issues. It's through an assessment of what's going on in their relationship that you start to see this pattern of behaviour.

They might even mutualize it in the beginning and say very blanket statements like, "Everybody fights," or, "We have some conflict, and I contributed." It's actually through digging deeper into that and finding out who was doing what to whom, the level of vulnerability, etc., that you start to see that this is what's actually happening.

Mr. Randall Garrison: Do you find that there's a recognition among victims that coercive controlling behaviour is a form of violence in itself, or is it excused as being non-violent?

Ms. Shannon Ritchie: Yes, I think it's excused as being non-violent. This type of behaviour is nuanced and subtle, and it's confusing to the victim because it is often a pattern of behaviour over a period of time. They may recognize some parts of it that they don't like. It could also be more subtle, where they're slowly not allowed to spend time with friends and family, and that's justified for various reasons. I'm not sure if you want me to continue.

Mr. Randall Garrison: Do you think that this bill would help people recognize that problem earlier on and perhaps seek assistance earlier on?

Ms. Shannon Ritchie: My hope would be that this is another tool. I'm hearing the other witnesses. I understand these positions and I agree, but I see this as being an opportunity for us to point at legislation with victims of violence and perpetrators of violence and say, "Let's use clear language for what's happening, look at the legislation, look at potential options for victims and also invite accountability for perpetrators."

Mr. Randall Garrison: Thank you, Ms. Ritchie.

I want to turn to Ms. Coyle.

Again, thank you for being with the committee again. I was hoping you would be here even though I know—and knew in advance—your position on the bill.

I guess I'm going to ask you somewhat argumentatively.... Some people say that what we have now is a failure to recognize coercive control as violence. Therefore, rather than create a new criminalization, what we're doing is taking the point at which we criminalize and moving it from bruises and broken bones to the behaviour that leads to the bruises and broken bones. Therefore, it's not a new criminalization but a moving of the point at which we recognize that the behaviour is criminal. What would you say to that argument?

Ms. Emilie Coyle: Any time there is a creation of a new criminal law that will result in people being sentenced for behaviour, you're going to see an increase in the criminalization of people who are already overly criminalized. That's the only point we wanted to bring here today.

We are not in any way arguing that this isn't an issue. We all agree that it is an issue, and it's an important issue. We are really grateful that we are discussing this issue at such length. I think it's wonderful that this continues to be something that is brought forward. However, we caution and continue to caution—as we do with everything—that any time we create new opportunities for people to be caught up in the web of criminalization, it's very hard to extract yourself once you're in it, and it becomes a form of harm in itself.

Mr. Randall Garrison: I think a very valid perspective that you always bring to the committee is that reminder.

I have one final question for Ms. Cartwright.

Do you believe the bill, as it is written, does not cover abuse of pets as part of it, or are you simply arguing that it would be better to make it more explicit?

Ms. Barbara Cartwright: It's both. I don't think it includes animals, and it needs to be made explicit because, in our society, the way the criminal justice system is set up is that animal offences are often pleaded out. If they are there, they're often not recognized and not recognized by the courts. Therefore, the explicit need to refer to animals will provide the judiciary, the prosecutors and the enforcement officers, as well as the victims, with the understanding that this is what's happening.

• (1250)

Mr. Randall Garrison: When I was originally dealing with legislative drafters on this, one of the arguments they made was that exhaustive lists in the U.K. are included in prosecutorial guidelines

and not in the actual legislation because of the dangers in the way our criminal system works. If you don't list everything, then judges may decide that, if something is not on the list, it's not covered.

Would it be sufficient, do you think, if prosecutorial guidelines included this specific example of pets?

Ms. Barbara Cartwright: I would recommend that it stays where we suggested, around significant impact. It already mentions the victim's ability to care for herself and her children, so it makes sense to add the pets because it sees the whole family or the whole system. Also, I would broaden that out to say "all animals that are owned" by a victim. That would include farmed animals as well.

The Chair: Thank you very much.

To take us to time, I will have us go to the second round of three minutes for the Conservatives and Liberals and one and a half minutes for the rest. That will take us to time.

I will call on Mr. Caputo for three minutes, please.

Mr. Frank Caputo: Thank you.

Thank you to the panellists.

Ms. Coyle, I was surprised that you're not supportive of the legislation. The reason is this: We deal with what we call a cycle of violence, and it perpetuates. I think one of the examples you used was that a woman or a victim would be subject to cross-examination, and that's not right, not fair and not appropriate. When that goes wrong, we call that secondary victimization.

However, what's the alternative? The alternative is repeated violence, then repeated violence after that and then repeated violence after that. We just heard the statistic today that every six days a woman is killed. Therefore, when we bear that in mind, how can we not criminalize this behaviour?

Ms. Emilie Coyle: I think we've had discussions about criminal law before in this committee, and it does sometimes come as a surprise to people that an organization that works with the most vulnerable women and gender-diverse people in this country doesn't support the creation of new laws that would potentially protect them. The reason is that we see the law is used against them time and time again.

I even think of the example that was used by my co-panellist. This person's partner started all the actions behind her back. She got a DUI. She became the one who was criminalized in the end, and he was not criminalized at all.

These examples we see time and time again, so it's not just a theory. This is what is happening in practice. People are being harmed by the criminal law in our country because we don't have a fully functioning system that is able to protect people and prevent harm from happening.

Mr. Frank Caputo: Therein is the problem. She got the DUI because of his coercive conduct, and what are we trying to do here? We're trying to penalize the very thing that was the genesis of her downward spiral.

Ms. Emilie Coyle: Exactly.

Mr. Frank Caputo: If that's the case, why are we not criminalizing it?

Ms. Emilie Coyle: It would seem that we would be on the same page about this, but you can see what happens. Coercive control is so hard to prove. He was somebody who, potentially, could have harmed her in a physical way. There are laws on the books that already deal with potential financial abuse and physical abuse. These are the kinds of things that we could utilize already, but they aren't being utilized in our criminal system.

Mr. Frank Caputo: As a former prosecutor, I can say that there are already enough impediments to dealing with intimate partner violence and related offences. I will say that I fully support the broadening of it, because this victim group spans relationships of the rich, relationships of professionals and others. When you talk about just dealing with poverty or things like that, that's the macro issue. The micro issue is the person who's in the relationship today, here and now, who could end up dead and is statistically most likely to end up dead. That's why we need to address this.

The Chair: Thank you for that.

We'll go to Mr. Arya for three minutes, please.

Mr. Chandra Arya (Nepean, Lib.): Thank you, Madam Chair.

Madam Chair, I fully support the objective of this legislation, but at the same time I also recognize that we can't fully change behaviour by just passing legislation. Education and training also have to go hand in hand with it.

I'm glad that we 339 members of Parliament can technically pass any legislation, but the process in which this is passed allows us to listen. For example, Ms. Jennifer Koshan, the professor in the faculty of law, mentioned the "unintended consequences" of this legislation and that, while some of the things are unclear and undefined, it has effects.

Ms. Emilie Coyle, some of the sentences you said stuck with me. You said that criminal law cannot be used as a band-aid for a gushing wound that we have. You also said that criminalizing behaviour will affect the people who are already mainly criminalized. In the criminal justice system, we see that most of the people in our jails are indigenous people and those from racialized communities.

It is very difficult for me. Obviously, when we hear the stories of how this intimate partner violence has affected individuals, we need to take action. Our blood boils. We need to throw them in jail, lock them up and throw away the key. That is the first reaction we have, but we also have to listen to people like you and see that we don't overreact.

I don't have any solutions. I'm sure that you have offered your thoughts. Hopefully the committee will consider more.

If you have anything more to add, you can always submit more in writing.

• (1255)

The Chair: Do you have anything to say? You have 45 seconds.

Ms. Emilie Coyle: I want to bring us back to the issue that I narrowed in on in my remarks, which is the fact that we have a crisis of mass incarceration of indigenous women and gender-diverse

people in this country. In the federal prison system, 50% of the people we see are indigenous. As you all know, they make up only about 4% of our population. In the provincial jails, that number is even higher.

Why? It's because we are criminalizing indigenous people in this country at higher rates than we are anybody else, and the number of women who are being incarcerated is growing faster than the number of men. We need to pay attention to that. If we continue to address social issues with criminal law, we will continue to have this mass incarceration issue.

The Chair: Thank you very much.

[Translation]

Mr. Fortin, you have the floor for 90 seconds.

Mr. Rhéal Éloi Fortin: Thank you, Madam Chair.

I'll turn to Ms. Ritchie.

The issue of the person's best interests bothers me a bit. Obviously, a factor in establishing the absence of *mens rea* would be that the person exercised improper control over an individual, but that the act was in the individual's best interests. Take the example of a situation where an individual wants to jump off a bridge and a person holds the individual back to prevent them from doing so. In these types of cases, the issue is quite clear.

That said, why is this exception being introduced in the bill? In your opinion, is it a good idea to add to the Criminal Code proposed subsection 264.01(5), whereby an accused who is charged can, as a defence, say that the act was in the victim's best interests? Shouldn't the courts interpret what constitutes an offence, taking into account *mens rea* and *actus reus*?

Could you shed some light on this?

[English]

The Chair: There are fewer than 30 seconds left.

Please go ahead.

Ms. Shannon Ritchie: Thank you.

I think it would be appropriate for the courts to establish that, because it is important—when you are acting in the best interests of someone—that this is not misunderstood. Looking at how that is used in a coercive way, specifically.... It would be helpful to leave it in there and let the courts distinguish that.

The Chair: Thank you.

Mr. Garrison, go ahead with your last 90 seconds.

Thank you.

Mr. Randall Garrison: Thanks very much.

I want to clarify that the bill doesn't say that just claiming it's in their "best interests" is a defence. It says that you have to demonstrate "beyond a reasonable doubt" that it's in their best interests. I think we got off...a little there.

I want to go back to Ms. Ritchie.

I think people around the table know that I regard the Okanagan as my second home.

What resources do you find are available? I've heard people talking about how we need other resources, and I think it's a particular problem outside of urban areas. Do you find there are resources available for women seeking to leave those relationships in the communities you serve?

• (1300)

Ms. Shannon Ritchie: There are resources. They're just not overly collaborative. A very resourceful victim can find resources, but it often takes an enormous amount of resiliency and work to do that. There are resources, but if they were more collaborative, connected and accessible.... We definitely need more.

Mr. Randall Garrison: Thank you very much.

The Chair: Thank you, Mr. Garrison.

Thank you very much to all of our witnesses.

Again, I heard some of you say you will be submitting further information to us. Thank you for being here this afternoon.

Thank you to my colleagues here on the committee. I'll see you on Thursday morning.

The committee is adjourned.

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