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Chair

Mr. Dave MacKenzie

Standing Committee on Justice and Human Rights

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• (0850)

[English]

The Chair (Mr. Dave MacKenzie (Oxford, CPC)): I will call the meeting to order because time is always of the essence with the committee and we do have a quorum. This is meeting number eight of the Standing Committee on Justice and Human Rights, and we are studying Bill C-10.

We have a panel. I have spoken to most of them, but I will reiterate that there is a five-minute opening opportunity to address the group. I will let you know at four minutes where we are, so you can judge your time.

Mrs. Campbell, please start.

Mrs. Ellen Campbell (President, Chief Executive Officer and Founder, Canadian Centre for Abuse Awareness): Thank you. I appreciate the opportunity to speak here.

I am speaking on behalf of victims. I'm with the Canadian Centre for Abuse Awareness. I am a victim. I can tell you as a victim what happens when you are sexually abused as a child. I had a destructive life and was suicidal 20 years ago. It also brings up another person you may remember, Martin Kruze, from the Maple Leaf Gardens, who was sexually abused. He was one of the first of 200 men who came forward. Martin's perpetrator Gordon Stuckless got two years less a day, and Martin took his own life. I am sorry to say that survivors deal with depression, addictions and, unfortunately, many times, suicide.

We did round table discussions seven years ago throughout Ontario on recommendations for protecting children. This was with crown attorneys and police. We saw all the front-line workers. The number one issue with the front-line agencies was minimum sentencing.

We work with the prisons, and about 85% of the women in prison have been sexually abused. With the men, I believe it's even higher. Of course, billions of dollars are spent every year on health care.

I firmly believe that a pedophile cannot be rehabilitated, so I feel very strongly that the minimum sentencing should be even longer. With this bill, I am encouraged that perhaps someone who is just at the entry point—maybe it's for Internet child porn—may be discouraged from moving forward and perhaps acting out on a child.

I was on the advisory committee for judicial appointments. We recommended some really good judges. With all due respect, I feel that judges don't use the legislation they have as it is. I feel strongly that minimum sentencing is absolutely necessary. Canada has a

reputation as a place where pedophiles like to come, because of our judicial system. I really believe this is also going to be a deterrent to people coming here.

I would like to take it even further. I would like to see, in addition to the minimum sentencing, electronic monitoring after release. Right now, for instance, Gordon Stuckless is out there somewhere. We don't know where he is. Monitoring works. It's in use in Florida, for instance. They get a minimum sentence, and when they get out, there is monitoring.

I am very encouraged that we are starting to do minimum sentencing. It tells victims that there is value to their lives. As a victim, I can tell you that we have been wanting this for a long time. We are a national organization. We have had such a great response to our raising awareness about this issue. I encourage this committee to go beyond what we are doing now. I'm hoping that this is a first step and that we can actually increase the minimum sentencing down the road, with the addition of electronic monitoring. Since we work with victims, we are also working with drug-endangered children, along with the chiefs of police. We have a safe haven law that we're working on. As a victim who works in this area, and on behalf of all the victims, I can tell you that this is absolutely necessary. I want to take the ability away from the judges to give house arrest.

Thank you so much, and I appreciate that we've been able to say today.

The Chair: Thank you.

Mr. Cooper.

[Translation]

Mr. David Cooper (Director, Government Relations, Centre for Israel and Jewish Affairs): Good morning. It is a pleasure for me to be here today. I will be making my presentation in English, but you may ask me questions in French.

[English]

Good morning, and thank you for providing me this opportunity to comment on Bill C-10, specifically part 1 pertaining to the Justice for Victims of Terrorism Act.

The Centre for Israel and Jewish Affairs welcomes the government's reintroduction of the proposed Safe Streets and Communities Act within Bill C-10. As most of you are aware, the idea for this specific legislation was conceived seven years ago, and has died and been revived several times. We hope that with your resolve the act will finally be passed.

Before I move to the substantive part of my address, I'd be remiss not to applaud the perseverance and hard work of those who initiated this legislation, specifically the Canadian Coalition Against Terror and their volunteers, Danny Eisen, Maureen Basnicki, and Sheryl Saperia. I am also heartened by the fact that over the years this legislation in its various iterations has generally received all-party support.

In principle, the organized Jewish community, for whom I speak, is highly supportive of this important measure to support victims of terror. Domestically, the Jewish community has been the target of terror plots. As you will recall, in August, 1999 two members of an Algerian cell in Montreal discussed detonating a gasoline tanker-truck in an area of town frequented by a large community of orthodox Jews. It has also been the real target of politically motivated violence, for example, in April, 2004, a fire bomb was thrown at a Montreal Jewish school.

Outside of Canada, in July, 1990 a young Jewish woman named Marnie Kimmelman was killed by a pipe bomb when sitting on a beach while visiting Israel.

As a community at risk, we believe that Canadian victims of terrorism should have the ability to seek direct civil redress from those who commit and support acts of terrorism, including foreign states. It is our hope that this bill will serve as a significant deterrent to future acts of terrorism against Canadian citizens. Having said that, we do think that some amendments, as expressed Tuesday morning by Ms. Basnicki of C-CAT, can be made to improve its efficacy.

Our first concern relates to subclause 4(2), dealing with access to Canadian courts by potential victims of terror when incidents occur abroad. As the legislation stands now, it states that: "A court may hear and determine the action referred to in subsection (1) only if the action has a real and substantial connection to Canada."

Our concern is with this ambiguous language. We would like to see it tightened up so that access to the courts is guaranteed on the basis of Canadian citizenship, or permanent residence status alone.

The second matter of concern is that the present legislation only allows suits against states that sponsor a listed entity. As Ms. Basnicki noted on Tuesday, this would effectively limit or shield countries that directly carry out acts of terrorism by state institutions, such as in the case of Libya and the Lockerbie bombing. While most governments like Iran tend to sub-contract terrorism to agents such as Hezbollah or Hamas, it's not inconceivable that in the case of Iran, it would use the Revolutionary Guard, an instrument of the Iranian state, to carry out direct attacks.

To safeguard against frivolous suits, we are open to both of the remedies proposed by C-CAT in their brief, or contained in Irwin Cotler's private member's Bill C-483.

On a related matter, the current legislation allows for a foreign state to be sued only if it provides support to a listed terrorist entity under subsection 83.01 of the Criminal Code. While we have great faith in the listing process, it is often time consuming, and many terror organizations often commit acts under different aliases, or outsource their acts of terrorism to other terrorist bodies that may not yet be listed. To close this gap in the legislation and to prevent states or terrorist organizations from evading responsibility by masking their activities, we would propose amending paragraph 4(1)(b) to include "terrorist groups acting at the direction of or in association with a listed entity."

Our third concern relates to causation. Since many acts of terrorism will inevitably occur in locations where effective tracking of evidence linking specific funds or acts of assistance to the terror attack will be difficult, if not impossible, in our view the mere evidentiary proof that a state has sponsored the listed entity involved in the attack should be sufficient grounds for liability. We therefore concur with the recommendations made by C-CAT on this matter.

• (0855)

The Chair: You have four minutes left.

Mr. David Cooper: Okay.

Finally, we'd like to ensure that states cannot shield assets through instrumentalities or proxies they direct or control. Again, we concur with C-CAT's proposed amendment to the bill on this matter, both in terms of referencing them and adding a provision that the government assist in identifying them.

Distinguished members of the committee, the world has largely failed in its efforts to go after terrorists, to punish them and make them pay for their heinous crimes. This is our chance as Canadians to do more, and to do what is right, to empower victims to take some sort of control in their efforts to go after those who have gotten away with terror. The passage of this bill will allow everyone who has been harmed to mobilize in their fight against terrorism at the civil litigation level.

The Chair: Thank you, Mr. Cooper.

Mr. Trudell, go ahead. I will let you know when you are at four minutes.

Mr. William Trudell (Chair, Canadian Council of Criminal Defence Lawyers): Thank you very much, Mr. Chair, and members of the committee.

I was thinking this morning as I got on a plane that the CCCDL, the Canadian Council of Criminal Defence Lawyers, will celebrate its 20th anniversary next year, and throughout the years, we have appreciated the opportunity to come here many times to assist where we could on proposed legislation.

As a defence counsel, I know there are a couple of aspects of the bill that you have heard some concerns about. I don't intend to spend time on those. There are aspects of the bill that I think are important and positive. For instance, we welcome the five-year review. We welcome the direct indication in this bill that terrorism will not be accepted. I echo the comments of my friend Mr. Cooper.

One of the other provisions of the bill that we laud and are very grateful for is the clause—I believe it's clause 43—that calls for a drug treatment program, which may indeed allow a judge to consider something other than a mandatory minimum sentence. As you know, of course, we are concerned about the latter, as it erodes judicial discretion.

But the most important message I would like to leave with you today is the following. In almost 40 years of practice, I don't think I have ever experienced a groundswell like the one being experienced in this country right now on the issue of mental health. From the police to the judges to the crowns to the defence counsel, to witnesses to government leaders and members of the public—and in this regard there's the example Bell Canada's wonderful "Let's Talk" program—we have reached a point in this country such that we are leading in the discussion on mental health. There is no difficulty in giving great credit to the government of this country, which has been proactive in establishing the Mental Health Commission.

In May, I had the privilege of attending a conference sponsored by Justice Canada and Justice Alberta called "Building Bridges", at which representatives of the whole industry, from victims to police officers, from defence counsel to doctors, got together and talked about mental health as it affects the criminal justice system. Minister Toews was there to discuss it.

The main thing I would like to leave with you today is this: The bill does not specifically address mental health. I would respectfully submit on behalf of the council that this is an incredibly important time to do it. This bill reflects laudable principles—having safe streets and communities—but it is silent on mental health. Whatever party you are from, whatever area you come from, whatever discipline you are in, there's one thing we all have in common: we are concerned about mental health.

So we are very grateful for clause 43, which I will call the exemption provision for a drug treatment program. It maintains the theory and purpose of this act, to have safe streets. I can tell you that one of the most impressive leadership-type movements on this issue of mental health and drug treatment comes from the police community. We have suggested a provision for your consideration, which may be of assistance, and I have given it to the clerk. In drawing up this provision, we have borrowed from the existing clauses and wording in the bill.

The proposed clause says this:

- a) Upon conviction of an offence for which a minimum punishment is prescribed, the Court may when satisfied that a person requires mental health care, delay sentencing to enable the person to receive treatment or participate in a mental health program approved by the Attorney General;

—which brings in the provinces, and—

- b) If the court is satisfied that the person has successfully completed a program referred to in subsection (a) or that mental health treatment is ongoing it is not required to impose the minimum punishment for the offence for which the person was convicted.

This mirrors the clause 43 that you have put in. It doesn't change the purpose of the bill, but recognizes mental health as something that we must deal with—and again, this is something that this government has been leading on. I ask you to consider this provision when you're looking at this bill.

● (0900)

Thank you very much.

The Chair: Thank you, Mr. Trudell.

Ms. Jong.

[Translation]

Ms. Joanne Jong (As an Individual): Good morning, ladies and gentlemen. My name is Joanne Jong.

My father, an 88-year-old farmer, who was independent, active, clear-headed and in good health, was tortured and killed by two blood-thirsty, depraved individuals. They then hid my father's body and eliminated all traces of their carnage. Fortunately, they were forced to abandon the next step in their sadistic plan, the dissection of his body in order to scatter his remains.

My father, like other honest citizens who are victims of violent crime, was the innocent target of thugs. He didn't go looking for it. Throughout his life, he contributed to the general welfare of society. He was attacked at his home in broad daylight. His life ended in abominable fashion, and the atrocities were inflicted on him by killers, of whom one was a minor and the other had just turned 18.

As a victim, I am relieved to see that the government is taking statutory measures to ensure the protection of citizens. The Canadian Charter of Rights and Freedoms gives us the right to life and security of the person, and the government, through this bill, is shouldering its responsibility to support those rights. Respect for life and security of the person is a fundamental value of our society, and no one can claim the right to kill another human being.

Killers choose to kill. There is absolutely no justification for killing. It goes without saying that, by killing, killers cause victims: not only the persons they kill but also the relatives of those individuals. We victims are not victims by choice. We become victims as a result of the choices made by others and of the crimes they commit. It is a life sentence that we serve.

It is as a victim that I am appearing before this committee to comment on this bill, particularly the clauses concerning killers. Briefly stated, I would remove nothing from the bill under study because it concerns the most serious crimes and the most dangerous criminals. On the contrary, I would enhance it.

I think it is very important to disclose the identity of individuals accused of murder, even in the case of minors, because it is imperative that we protect the lives and security of citizens from the most violent and most dangerous individuals in society, regardless of their age. I am absolutely in favour of this proposal contained in Bill C-10.

If certain measures in Bill C-10 concerning adolescents had been in effect, my father would still be alive today. His killers began their criminal careers with numerous break and enter offences and car thefts for which they were not prosecuted.

The Youth Criminal Justice Act enables the provinces to recover from adolescents or their parents the fees paid to the lawyers who defend them. I believe this recovery process should be made mandatory.

I would like to ensure that the notion of victims of crime under federal legislation includes the immediate family, that is to say grandparents, parents, children, brothers and sisters, in murder cases.

Sentencing serves a number of purposes, including ensuring compensation for harm caused to victims or the community.

Compensation must therefore be an integral part of the sentence. However, compensation is currently optional and imposed only if the amount can easily be determined. It is important for victims that compensation and reparations for harm done be mandatory components of every sentence.

Under clause 54 of the bill, entitled "Purpose and Principles", I would add a section 3.2 to establish compensation and reparation for harm done as a fundamental principle of restorative justice.

That principle of restorative justice should be the first point of clause 55 of the bill, entitled "Correctional Plans". As inmates have the opportunity to do paid work, the value of their work would serve to pay damages and compensation for the acts for which they have been convicted by the court. There should be no right to release until they have paid the amount of the order in full because failure to comply with such an order should be considered as contempt of court.

When we say that killers must repay their debt to society, that obligation must be a priority. In my opinion, the fact that a killer winds up behind bars, spending his time watching television, playing cards and receiving visits, is inconsistent with the principle of repaying his debt to society.

● (0905)

As for pardons, I consider it imperative that there be no pardons for killers, in order to protect the lives and security of the person of citizens from the most violent and dangerous individuals in society.

Furthermore, killers must automatically be declared dangerous offenders, starting with the first conviction, because killing another human being is the worst crime of all, and it is imperative to protect society from these criminals.

[English]

The Chair: Sorry, Ms. Jong, we're out of time. Perhaps one of the other questioners here will allow you to finish, so mark your spot.

[Translation]

Ms. Joanne Jong: Thank you very much.

[English]

The Chair: Mr. Harris.

Mr. Jack Harris (St. John's East, NDP): Thank you, Chair, and I want to thank all of the presenters for coming to share their views with us.

Ms. Campbell, thank you for telling us your story and your views.

I have great sympathy for the consequences of sexual assault for its victims. I represent a large number of people who were victims of sexual assault by the Christian Brothers in an orphanage in Newfoundland in the 1990s.

On the sentencing side, you mentioned the minimum sentence that we have here. Some of these perpetrators received sentences as high as 13 years, which were upheld on appeal. There certainly wasn't any sense of leniency, because the circumstances and the effects on the victims were taken into account. All of that is possible in the current justice system. I think you should get some comfort from that. Obviously there are individual cases about which people complain.

Mr. Trudell helped us by pointing out the mental illness issue, which is also a big factor for offenders. I just received something yesterday from the Mood Disorders Society of Canada suggesting that the numbers on women offenders in our prisons who have histories of physical and/or sexual abuse are as follows: 72% of provincially sentenced women, 82% of federally sentenced women, and 90% of federally sentenced aboriginal women. So in addition to the pain and suffering you've talked about and that we're all aware of, in terms of addictions, post-traumatic stress disorder, and all of the other things that go along with that, many women show up in our prison population as a result of what has happened in their lives.

We have Internet luring—and some of the new provisions in this bill to deal with this, we support. By the way, I moved a motion in the House of Commons yesterday to take the sexual abuse of children section out of this bill and have it fast-tracked through the House of Commons and the Senate, because it's been there before. There are other aspects of this bill that are controversial. We've had some witnesses tell us that it will lead to greater crime and not less crime. We need to look at that clearly and more intensely.

I was told that the government objected to this, saying it was a frivolous motion. But I don't agree with them.

But I want to ask you if there are some things we should be focusing on in terms of prevention. Making Internet luring and the putting of pornography to children offences could have the effect of stopping perpetrators before they actually offend physically. Are there other things that we and society should be doing to focus on the prevention of sexual abuse and of crime in general?

● (0910)

Mrs. Ellen Campbell: Absolutely. Our agency is the Canadian Centre for Abuse Awareness, and that is our mandate. We're getting better at it. How to teach children to be safe and parents to be safe with their children is part of the curriculum in schools.

One of our big issues is Internet child porn. That is really increasing. For instance, Holly Jones was a young girl on her way home from school. The man was watching Internet porn. It was a crime of opportunity. She just happened to be there.

But my understanding is that because Internet porn is so available and so many more people are participating in it, people who normally wouldn't act out their desires on children are, and crimes against children are going up. It's like any addiction. After a while you go higher and higher, and eventually you act out.

On prevention, absolutely, we agree with you. The bottom line is that we need to protect our children at any cost, so prevention is huge. When you're dealing with a sexual addiction, once somebody has crossed into that addiction mode, as stated by my friend here, it's also a mental health issue. Then you have a dual diagnosis and you get into addiction.

It's very complicated. The bottom line is: what can we do to protect the children? First is sentencing. We just need to get them off the streets.

The Chair: Mr. Harris, excuse me—

Mr. Jack Harris: Would you see the individuals in prison as victims, as well, the women we're talking about here who need help as well?

The Chair: Mr. Harris, your time is up.

Mrs. Ellen Campbell: Absolutely. We go in and help. A lot of people who have—

Mr. Brian Jean (Fort McMurray—Athabasca, CPC): On a point of order, Mr. Chair, we have a full round of people who want to ask questions, and as the last man on the totem pole here, I'm usually cut off. I notice that you did refer Mr. Harris to his time being out. I would appreciate the opportunity to have questioning time, too.

The Chair: Thank you. Mr. Harris, you actually used up a fair bit of time in your question. I'm sorry, but we have to end it there.

We'll go to Mr. Goguen.

Mr. Robert Goguen (Moncton—Riverview—Dieppe, CPC): Thank you, Mr. Chair.

[Translation]

I want to thank all the witnesses.

[English]

Thank you all for coming.

[Translation]

Ms. Jong, as you were unable to finish your statement, I'm going to afford you the opportunity to do so.

• (0915)

Ms. Joanne Jong: Thank you very much. Thanks as well to committee members for allowing me to comment on Bill C-10 and to express my point of view.

We often hear criticism of the cost of implementing Bill C-10. I do not view those amounts as costs, but rather as an investment in the protection of our lives and security, guarantees conferred by the Charter. My taxes will be well invested as a result. Furthermore, what these critics fail to mention is that the costs associated with victimization, with lost productivity, will decline substantially as citizens are given better protection from the worst criminals. The imposition of restitution orders on criminals and recovery of legal fees from persons responsible will reduce costs even further.

I would like to emphasize that, according to one poll that has been published, 77% of Quebecers feel that crime is not punished enough.

Thank you.

Mr. Robert Goguen: Thank you, Ms. Jong.

[English]

The Chair: Thank you. You have three and a half minutes.

Mr. Robert Goguen: Thank you, Chair.

Mrs. Campbell, you're a survivor of being sexually abused as a child. At an early age, you made a choice either to live in fear or to voice your claim—and certainly, you're to be commended for that. Despite your fear of the typical abuse, you founded the Canadian Centre for Abuse Awareness so that others wouldn't have to endure that hardship—and again, kudos to you for that.

In your opinion, how is our government's Bill C-10 going to help address the serious problem of sexual exploitation of children in Canada?

Mrs. Ellen Campbell: I just think it's a deterrent. As I said earlier, I'm calling it an entry stage problem. It's just as serious when somebody is watching child porn: It is an entry point. They haven't actually perpetrated any acts on a child, other than, obviously, watching the Internet porn, which is also not right. But I think if at that level there is tougher sentencing, people are going to think twice about even watching Internet porn, let alone purchasing it.

Again, I would like to see the sentences be even tougher, but at least we're giving a message. I applaud this government, because I think this government is very tough on crime, and they're giving the message that it's not okay. As I was saying a little earlier, once someone crosses that line into a serious addiction, I can't guarantee that this is going to deter a serious pedophile, but what it would do is to get him off the street. We just need to get them off the street and protect our children and create a safe place.

Mr. Robert Goguen: Thank you.

Obviously the government has introduced mandatory prison sentences in response to the concerns expressed by Canadians. The idea is to be tough on serious crime. I note your agreement that by imposing longer sentences for serious crime, we're better able to protect Canadians. That would be your view on that.

Mrs. Ellen Campbell: Absolutely. That's correct. Thank you.

Mr. Robert Goguen: Do I have time left?

The Chair: You have a minute and a half.

Mr. Robert Goguen: I'm going to give my time to Mr. Jean.

Mr. Brian Jean: Thank you, Mr. Chair, and thank you, witnesses, for attending today.

Mr. Trudell, I'm interested in your proposed amendment or provision dealing with mental health.

The 40 years of experience you have is certainly invaluable. I found that in my time as a criminal lawyer, I became desensitized to the realities of what Canadians expected and what judges were imposing. I can see by your reaction and the nod of your head that you understand. I'm sure you've seen the same thing.

Would you suggest that these people receive less of a sentence? For instance, if they sexually assaulted a child and received mental treatment for three months, would that mean the judge should take into consideration those three months of time and impose a sentence of much less than the minimum mandatory sentence this government is putting forward?

Mr. William Trudell: I think my answer to the question is this. If it's recognized that a mental health or health issue is connected to the offence, then obviously that should be taken into consideration by the court. Our proposal says, just as with drug treatment, that the judge can delay sentencing if there is a treatment program that the person successfully completes, because that contributes to safer streets. And if there is treatment needed, that's addressed.

What we're doing is looking at the bigger picture. In other words, if it is clearly established that there's a mental health issue present—not just because somebody suggests it, but because it's there—then I think we would all agree that we want that addressed, because if that's not addressed—

● (0920)

The Chair: Sorry, your time's up. Maybe we can expand on that

Mr. William Trudell: Okay. Sorry.

The Chair: That's no problem.

Mr. Cotler.

Hon. Irwin Cotler (Mount Royal, Lib.): Thank you, Mr. Chairman.

I also want to commend the witnesses. Two of you, Ms. Campbell, Madame Jong, *vous êtes vous-mêmes des victimes*, you yourselves have been victims, and two of you are effectively here on behalf of victims in one form or another.

I want to commend Mr. Cooper for his presentation on a very difficult subject. People still ask why Canadians don't have a civil remedy against the perpetrators of acts of terror. I think it's important to point out, because it's not always appreciated, that the State Immunity Act at this point shields foreign governments, their agents, and perpetrators of acts of terror, from civil remedy. So the core of this legislation is an amendment to the State Immunity Act, because we have an anomalous situation. If a foreign state breaches a contract, there is a commercial exception and you have a civil remedy; but if a foreign state engages in an act of terrorism against Canadians, itself or through its agents, Canadians don't have a civil remedy. So the legislation as it now exists, not by intention but by consequence, privileges the foreign states committing acts of terror over the rights of Canadians. So I want to commend you, Mr. Cooper, for your presentation and putting so succinctly the remedies that are needed.

Because of the time factor, I want to ask Mr. Trudell to continue where he was just recently obliged to conclude.

Mr. William Trudell: Thank you, Mr. Cotler.

What I was saying was that if it's demonstrated that a mental health issue has contributed to the offence, it's in the interest of all of us that it be dealt with, including delaying sentencing for a treatment program to be successfully completed. It allows the court to recognize that there's some health concern present and that it should

be addressed. I think we all agree that if there's a health concern, a health issue, that has contributed to the offence, then the answer is not just to lock someone up; it's to deal with it so that when they are released, the streets are safer.

The Chair: You still have two-and-a-half minutes, sir.

Hon. Irwin Cotler: I'd like to pursue this underlying premise, Mr. Chair.

I can appreciate that your whole approach here is that mental health is effectively underrepresented, or not represented, in this legislation.

We recently had a debate in this House on suicide prevention and having a national suicide prevention strategy. One of the datums in that debate was that 90% of those who commit suicide have mental health-related issues or psychiatric and psychological problems.

Do you see the particular set of amendments you are proposing as having an important preventive dimension in that regard?

Mr. William Trudell: Quite frankly, Mr. Cotler, we were surprised that mental health was not mentioned in the bill, because it's something that every one of the parties is concerned about, and it tracks the drug prevention section. Also, in the section on release from prison you'll find that mental health care is a phrase that's mentioned.

We feel this is in the spirit of having safer communities and suggest that it was perhaps overlooked. And if it were in, it wouldn't really change anything, but it would signal that the government and members of Parliament, whom we respect.... It is your job to change the law and introduce laws as you see fit. But we just feel there's a vacuum in dealing with mental health, and everyone will tell you that it is a real problem in criminal justice, an enormous problem.

Hon. Irwin Cotler: Thank you.

Mr. William Trudell: I think the statistics indicate that after sentencing, 37% of persons in our correctional facilities are suffering from a mental disorder of some nature. That was a statistic presented at the conference, "Building Bridges: Mental Health and the Justice System in Calgary".

● (0925)

Hon. Irwin Cotler: Thank you for making that important point. I think that's a lacuna in the legislation that I hope we can correct.

The Chair: Mr. Rathgeber.

Mr. Brent Rathgeber (Edmonton—St. Albert, CPC): Thank you, Mr. Chair, and my thanks to the witnesses for your attendance and your testimony.

Mr. Trudell, it's good to see you again.

I want to follow up on the mental health provision that Mr. Jean and my friend Mr. Cotler referred to. How would this work exactly? What would the interaction be with sections 16 and 672 of the Criminal Code, which allow an individual to be held not criminally responsible if he or she is suffering from a mental illness? I'm assuming—but I don't want to put words in your mouth—that you're talking about mental illness of a less grave kind than that qualifying one for being held not criminally responsible. Is that correct?

Mr. William Trudell: Yes. The issue of someone's not being criminally responsible because of mental illness has been in our Criminal Code forever. In other words, we don't punish someone who doesn't understand the nature and quality of his or her act. However, what we are faced with in this country are various mental disorders and various forms of mental illness that keep people away from work, that contribute to their addictions, and that cause them to be brought before the criminal justice system.

I think if you had a police officer here, he would probably tell you that they spend a lot of time in emergency departments with persons who are suffering from mental disorders. They don't know what to do with them and it keeps them from being out there policing. We are not discussing that specific issue, though; we are looking at the more general concern, where the mental illness, however defined, has contributed to the offence.

Mr. Brent Rathgeber: No, I understand that.

I'm fairly familiar with the operation of the drug treatment courts. We have a very functional one operating in Edmonton that I visit from time to time. I see that your proposed amendment is crafted similarly to subclause 43(1). But the difficulty I'm having, number one, is with infrastructure. The drug treatment courts exist. They don't exist everywhere but they exist in many jurisdictions. They monitor an individual over the course of, usually, 18 to 24 months, to ensure that the individual completes drug treatment and rehab successfully, and then they suspend the sentence.

I have two questions. I know mental health courts exist, but they're assessment courts, not monitoring courts. In the absence of mental health courts that do monitoring, how would this work? Second, an individual can come to court and testify that a person has been successfully treated for his or her addiction. I don't know that this can be done in any reasonable length of time with respect to a mental health issue such as you're describing.

Mr. William Trudell: In relation to the mental health courts, they do exist and they're growing throughout the country. Some mental health court provisions have monitoring, not just assessments. Toronto is a good example of a place with mental health courts that continue with monitoring. These are being introduced across the country. I understand that Manitoba now has one; I think B.C. has one; Alberta has one. The infrastructure is starting to develop because we're recognizing the problem. With the cooperation of the provincial governments, if something is important, we'll make sure —

Mr. Brent Rathgeber: What about the second part? When do you determine that a person has successfully completed treatment and is entitled not to have a minimum sentence imposed? That has to be a difficult determination vis-à-vis drug rehab.

Mr. William Trudell: Some persons suffer throughout their lives and it would never change. But with the help of experts, doctors, and treatment programs, a judge would have some level of comfort that the risk is being minimized. Nothing is forever; there's always a risk. But if there's enough evidence and treatment and facilities to make judges believe that public safety can be maintained without sending this person into custody, or by sending the person to a different form of custody, then I think we've accomplished it. There's no definitive answer, but we all recognize the problem.

Mr. Brent Rathgeber: Thank you.

The Chair: Mr. Jacob.

[Translation]

Mr. Pierre Jacob (Brome—Missisquoi, NDP): Good morning. My question is for Mr. Trudell.

Mr. Trudell, you expressed some reservations about making any in-depth change to the spirit of the Youth Criminal Justice Act through former Bill C-4, most of the content of which is included in Part 4 of Bill C-10. Can you tell this committee what those main reservations are?

• (0930)

[English]

Mr. William Trudell: I think the one main reservation is that young offenders, even though some of them commit heinous crimes, are still persons we recognize as being in need of guidance, protection, and less accountability or responsibility. We don't let them vote, and that's a recognition of there being some difference.

One of the things we're concerned about is that young people don't have discipline. They're into immediate gratification. They don't sit back and weigh the consequences, and it's hard to impose on that. We think that the Youth Criminal Justice Act is a remarkable piece of legislation that this country and all parties who contributed to it should be credited for. We're concerned that if you change the spirit of this legislation, it's going to damage what has been a remarkably successful bill.

We understand there is certain tweaking to this bill that may be necessary, from a parliamentary point of view, but there are other aspects of the bill that we were concerned about. For instance, the definition of a serious offence. I said in my submissions on the bill originally that if “knowingly” were built in—I think in proposed paragraph 167(3)(c)—so that the sentence said “knowingly endangers life”, and “knowingly” is not just direct knowledge, but can be wilful blindness or recklessness, as opposed to just the act itself, it might be an important measure.

Denunciation is obviously something that is important, but if denunciation were put into this and it changes what we've done over the last number of years, we are concerned that the legislation might then be headed in the wrong direction—while still respecting the fact there are offences committed by young persons that are horrific and attention-grabbing. But that happens with every bad case, and we don't make legislation for just the bad cases.

So we are concerned about the change in the tenor of the legislation, which, really, you should be commended for, because it has worked remarkably well throughout the country.

[Translation]

Mr. Pierre Jacob: Thank you.

My second question is also for Mr. Trudell.

You mentioned mental health problems. Does that concern young offenders? To what extent does Bill C-10 effectively address mental health issues among young offenders?

[English]

Mr. William Trudell: The mental health issues that young people are facing are staggering—depression, and suicide. I just think of the pressure that young people are under. And then there are people who come from broken families. And then there's the Internet and what they're exposed to. And there's the lack of discipline, the choices to make, the fractured families, and the association with gangs. We find over and over and over again, that young people, who by their very nature live in their heads—and here I would say, try to get your teenager to talk to you—are carrying around tremendous emotional burdens.

Mental health is a serious issue before the youth justice courts. So if you flag, as parliamentarians, that mental health is an issue that we must look at.... And so this section can be expanded to say that judges should be taking into consideration a mental health issue. And here I'm not talking about letting somebody just escape, but about serious health issues.

I must tell you that from some of the stories I'm hearing from people who work with youth, the mental health problems they are seeing and experiencing are staggering and frightening.

• (0935)

The Chair: Mr. Woodworth.

[Translation]

Mr. Stephen Woodworth (Kitchener Centre, CPC): Thank you, Mr. Chairman.

Welcome to all the witnesses. Thank you for being with us today. I particularly want to welcome Ms. Campbell and Ms. Jong. I know it is very difficult for them to talk about these matters, but it is very important for us and for our country as a whole.

As my English is better than my French, I will speak in English.

[English]

You made a statement, Madam Jong, that if some of the provisions in Bill C-10 had been in effect at the time of the terrible events that overtook you, your father might still be alive today. I would like to ask you to elaborate on that and why you think that.

Ms. Joanne Jong: Thank you, sir.

Of the two monsters who killed my father, one was not yet an adult and the other one had just become an adult, and their careers had started a long time before. They're not poor angels who didn't know what they were doing; they knew very well what they were doing. They had something like 50

[Translation]

break and enter offences

[English]

and 10

[Translation]

car thefts

[English]

that they had done prior. This is not a rumour; this came out at the trials.

To perpetrate their crimes, they put on gloves and they—

[Translation]

Pardon me, I have to say it in French. I'm too stressed.

[English]

The Chair: If you prefer to answer in French, that's fine.

[Translation]

Ms. Joanne Jong: They eliminate the evidence. In the case of my father's murder, they washed away traces of blood and burned their clothing and anything that might constitute evidence. The other crimes they had previously committed, the 50 break and enter offences and 10 car thefts, were premeditated. However, there wasn't enough evidence to prosecute them, even though authorities knew they had committed those crimes. Furthermore, in the case of the car thefts, they had already found customers before they stole the cars.

That shows that young people today are very well organized. They think; they know the consequences of their actions. If they steal a car, they know where to take it, the Montreal address where they have to go. They know in advance how much they will get for the car.

I don't find them pitiable at all.

[English]

Mr. Stephen Woodworth: Do you know whether the young person who was convicted of murdering your father had any previous convictions in court before that?

Ms. Joanne Jong: No. That's what I want to stress. They had no previous convictions, which does not mean they hadn't committed previous crimes.

Mr. Stephen Woodworth: All right.

You have also spoken a little bit about the importance of disclosing the identity of young offenders. Can you elaborate on that? Why do you think that is important?

Ms. Joanne Jong: It's a very important fact because the criminals were renting a place that my father owned. If he had known beforehand what type of people they were, he would not have rented to them. The Sûreté du Québec and other officials could not let my father know. Even if he had made a background check, it would not have come out.

Mr. Stephen Woodworth: Thank you.

I'm trying to recall your comments about the cost of victimization. Could you give us some idea of how you assess the costs, not just the financial costs but also the intangible costs to you, of the crime that was committed against you and your father?

• (0940)

The Chair: I'm sorry. Your time is up, Mr. Woodworth. Someone else can perhaps explore that.

Ms. Boivin.

[Translation]

Ms. Françoise Boivin (Gatineau, NDP): Thank you, Mr. Chairman.

What you're telling us is terrible, Ms. Jong. To go back to Mr. Woodworth's question, in my opinion, we can't attribute a monetary value to it. We can't associate a cost with the consequences for you or for the victims. There's no price for that. I exhaust myself telling people not to try to associate a dollar sign with this. That's not at all what is at issue in the case of Bill C-10. A life is priceless. The victims will suffer all their lives.

When I look at the two witnesses, Ms. Jong and Mr. Trudell, I see the entire issue of Bill C-10: how to reconcile two extremely important concepts? I can't say whether one is more important than the other.

We talk with people in the communities about youth in trouble and mental health problems. I talk about it with the people of Gatineau, whom I represent. I hosted a radio phone-in show on which mental health problems in the region were the topic of the day. The statistics on the subject are quite awful. At the same time, certain criminal trials were being conducted, such as the Turcotte case, which everybody in Quebec followed. We still wonder today what happened, how a father was able to kill his children and not be sentenced. This annoys us. When we hear these kinds of stories, we almost feel like having these people hanged. However, that's not what we want.

So how can we reconcile these concepts?

[English]

Some people get away with murder, with your suggestion on taking mental health into consideration. What would your answer be to the public that is so worried or claims sentences are not strong enough?

Mr. William Trudell: We are at a very interesting time in terms of collaboration in the criminal justice system.

For instance, there are talk shows. People are talking. There's Bell Canada's "Let's Talk" campaign. People are talking about the issues and mental health.

We don't do a very good job at communicating how the criminal justice system works. People get certain ideas that people are getting away with crimes and judges are too soft. If everyone tried to collaborate and work together to explain where we're coming from and what some of the issues are, I think we'd begin to understand some of the tragic circumstances that victims go through, and we'd start talking about this.

I have to tell you that the level of cooperation and collaboration among the police, the defence bar, the courts, crown counsel, and victim groups has grown significantly in the last two years. As we understand one another's points of view and start communicating what we do, I think we're going to see changes so that we won't have so many tragic stories.

[Translation]

Ms. Françoise Boivin: Thank you.

[English]

Madam Campbell, you said a pedophile can be rehabilitated.

Mrs. Ellen Campbell: I said "can't".

Ms. Françoise Boivin: That's what I meant to say.

[Translation]

You say they can't be rehabilitated. I seriously tend to think as you do on this subject. That doesn't come from me personally.

On the program I hosted at the time, we talked about a case that had occurred in the community. The issue of castration had been raised. I don't want to address that subject; that's a completely different matter. To put it briefly, a pedophile called in during the show. That's something I will never forget. You're discussing pedophilia, and an individual calls and says he's a pedophile. He told us that, regardless of what might happen, it was something in him. It's something you may not be able to control.

I think pedophilia is one of the most terrible and abject crimes in society. People hurt children and they can't respond. I have one concern regarding pedophilia-related offences. How do we solve this problem in a system of sentencing? How can a minimum sentence have the desired effect?

If we say the individual cannot be rehabilitated, I believe the case requires more than a sentence. It requires something else. Coming back to the individual who called in to the radio show, he wondered what he would be able to do when he got out of prison. He said he had literally been removed from society, that he had been sent in a place where he was in contact with no one. He had voluntarily withdrawn from society.

What do we do?

• (0945)

[English]

The Chair: Sorry, we've run out of time, Ms. Boivin.

Ms. Françoise Boivin: Sorry, I talked too long.

The Chair: I'd like to thank the panel for being here today. As you can tell, time is always of the essence and we do run out of it.

We'll take a two-minute break to switch panels.

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• (0950)

The Chair: For the second panel we have two witnesses with us in the room, and we have two witnesses who are going to join us by teleconferencing.

The witnesses will have an opportunity to make a five-minute address to the committee. I will let you know at four minutes that you have one minute left.

Perhaps we can start with Mr. Sullivan.

Mr. Steve Sullivan (Former Federal Ombudsman for Victims of Crime, As an Individual): Thank you, Mr. Chair, and thank you, members of the committee, for allowing me to come here today to talk to you a little about our views on the bill.

Just briefly, I am the former Federal Ombudsman for Victims of Crime and I'm currently with Ottawa Victim Services. There are provisions in the bill that we do support, particularly the enhancements of victims' rights within the Corrections and Conditional Release Act. Those are enhancements that many victims' advocates have been calling for, for some time. They originally crept up, I think, in 2000 in the committee's report on the review of the CCRA, and were first introduced through similar amendments by the Liberal government in 2005. So we've been waiting for these provisions to become a reality for a long time.

I know the current ombudsman talked about the report on the CCRA by his ombudsman's office and some further enhancements to those rights. I would encourage members, if you haven't already, to take a look at that report as you deliberate the bill.

I will offer support for the provisions regarding victims of terrorism. I don't pretend to understand the complexities and subtleties of how that process will unfold and, frankly, whether it will be available or useful to many victims of terrorism, but I do support the principles. I know that some of my friends who have been victims of terrorism support those provisions, so I would echo their support.

Our biggest concern about the bill is what I think victims are being told they can expect from it. I've heard some of the testimony of some of my good friends, including Sharon Rosenfeldt and Yvonne Harvey. I think the government has talked about this as a further pillar of its commitment to victims of crime, that the bill is going to enhance victims' rights. I take a different view. From working on the front line and having discussions with many of my colleagues there and with a lot of our networks, the issues in this bill, frankly, are not the issues that come up when we talk about the day-to-day challenges of victims of crime.

Mr. Brian Jean: Mr. Chair, on a point of order, I'm curious about something and wanted to have confirmation of it.

Don't worry, it won't be taken off your time, Mr. Sullivan.

On our witness list, it indicates that Mr. Sullivan is appearing as an individual, but he has referred several times to "we" as if he were representing a group. I just want to have confirmation from Mr. Sullivan whether he is here as an individual and is giving his opinion, or whether he's here for a group.

Mr. Steve Sullivan: I'm here as an individual. I'm saying "we" in terms of this being a collective process.

Mr. Brian Jean: Great.

Thank you, Mr. Chair.

Mr. Steve Sullivan: The issues that we talk about, and I say "we" when I mean colleagues in the field who work in similar capacities as I do, are not the issues I hear when I attend and participate in their meetings. One of our concerns in this age of limited resources—and we all know the financial challenges that our country faces—is that we are not sure this is the best use of resources, if the goal is to benefit victims of crime. Here I refer, for example, to the provisions to enhance the sentencing of sex offenders.

Let me say to the previous witness that many of the people targeted by this bill are actually not pedophiles. Not everyone who offends against a child is a pedophile, and many of those who offend against their children or members of their family are not pedophiles and are at a low risk reoffending. Perhaps we can discuss that in questioning. But we're spending five times as much on punishing offenders as the government is spending on child advocacy centres, which would actually help heal the hearts and minds of their victims. I think that's an important point to make.

I have yet to see—and I've attended some of the hearings—any evidence that would convince me that this bill will actually make victims safer or society safer in the long run. I think the challenge or concern I have with the bill is that it is being promoted as a pillar of the commitment to victims of crime, when we see—without the provisions I talked about—very little that will change the day-to-day circumstances of those people who are victimized by crime.

I've heard the cost of victimization being referred to. The cost of crime is a huge burden on victims. Again, I don't see anything in this bill that's going to alleviate the burden on Ms. Harvey, for example, who talked about the costs she incurred after the murder of her daughter. Again, it would be nice if the government kept its commitment from a year and half ago to making the victim-of-crime surcharge mandatory. That would actually enhance victim services in the community. It might actually enhance some compensation programs that would alleviate some of those concerns.

The other concern I have with the bill is the notion that it will enhance victims' rights. One of the things we know from research is that when we actually include victims in discussions throughout the process, when we give them information about how the process works and what's happening with their cases, and give them a voice and listen to them and ask what their opinions are, we know that they will be much more satisfied, even if the sentence isn't what they thought it might have been. We know with victim impact statements, for example, that one of the most important factors with regard to satisfaction is whether the judge acknowledges the harm done to a victim, even if the sentence might not be what they thought it should be.

My concern, based on the testimony from James Chaffé of the Crown Counsel Association, is that crowns are going to be busier. They're going to have more trials; there will be more plea bargains and more stays. That's not an agenda that's going to help the victims of crime who are seeking justice.

The last point I'll make, Mr. Chair, to wrap up quickly, is that the majority of crime victims don't report in the first place. This bill will not offer any solace to most victims of crime.

I was testifying yesterday at the Senate. It's reviewing Bill C-46, which was passed in the 1990s to protect records of sexual assault complainants. The panel that we had, all of them front-line people, all agreed that sentencing has very little to do with whether or not victims are going to come forward and report. It really is not even a factor in whether a woman decides whether she's going to report a crime. There are so many other barriers.

I would rather see us take scarce resources and provide them to communities and to programs that are actually going to help the majority of victims heal and begin that healing process. I'm afraid this bill is not going to do that very well.

Thank you, Mr. Chair.

• (0955)

The Chair: Thank you.

Chief MacKnight.

Mr. Barry MacKnight (Police Chief, Chair, Drug Abuse Committee, Canadian Association of Chiefs of Police, Fredericton Police Force): Thank you, Mr. Chair, and committee members.

Let me begin by thanking each of you for inviting me to appear today regarding this very important bill.

My name is Barry MacKnight, and in addition to my position with the Canadian Association of Chiefs of Police, I'm the Chief of Police in Fredericton, New Brunswick.

In 2007, CACP adopted a drug policy developed by the drug abuse committee, which I chair. This policy sets out the position of CACP on this very important national issue that has direct impacts on Canadians on a day-to-day basis.

Beyond the pain and suffering Canadians endure because of the use and abuse of drugs, the best research we have from the Canadian Centre on Substance Abuse shows that the social cost of illegal drugs in Canada is \$8.2 billion per year.

Let me provide a brief overview of our CACP drug policy. We believe in a balanced approach to the issue of substance use and abuse in Canada to counter Canada's drug problems. It consists of prevention, education, enforcement, counselling, treatment, rehabilitation and, where appropriate, alternative measures and the diversion of offenders. We believe in a balanced continuum of practice distributed across each component.

In addition, the policy components must be fundamentally lawful and ethical, must consider the interests of all, and must strive to achieve a balance between societal and individual interests. We believe that to the greatest extent possible, initiatives should be evidence based.

We strongly believe that prevention is the most important component. Drug education and positive youth development to build resistance strategies towards substance use, as a regular and sustained part of the school curriculum, is imperative.

We are committed to enforcement practices that target the criminal infrastructure that supports and perpetuates the cycle of crime, violence, disorder, and the victimization of the most vulnerable citizens in our communities.

We endorse the practice of police discretion in individual communities, but believe that there should be emphasis on the enforcement of laws against the possession and illegal use of drugs, where the users are engaged in behaviours that harm or interfere with the lawful use or enjoyment of public and private property and contribute to street disorder. In particular, we believe that enforcement should be a priority in parks, in and around schools, and in other locations where vulnerable people, including children and youths, are placed at risk.

We support a range of strategies that serve to reduce harm in society and, in the past, have expressed qualified support for certain activities that reduce harm, such as needle exchange programs, for example. We acknowledge that the reduction of harm is necessary to support public health objectives, such as reducing transmission rates of HIV and hepatitis, and to prevent drug overdoses. But reducing harm should reflect temporary measures to prevent those suffering from addiction from contracting disease, injuring themselves, or dying before they have an opportunity to access and eventually succeed at treatment.

Some initiatives designed to reduce harm to drug abusers may conflict with law enforcement activities intended to address public safety issues. Therefore, we encourage the management and mitigation of those impacts through communication with community partners.

Treatment will reduce the number of people suffering from addiction and reduce addiction-related behaviours that harm society, to which the police must devote valuable and limited resources. We support legislated and properly resourced programs, such as drug courts and other initiatives, which facilitate and enforce mandated treatment programs.

The amendments to the CDSA in this bill are aligned with the CACP's focus on dealing with the most serious drug crimes that impact our communities. The clear message to Canadians from these drug crime amendments is that these are serious crimes that warrant serious consequences.

• (1000)

The Chair: You have one minute left.

Mr. Barry MacKnight: Thank you.

The aggravating factors speak for themselves: offences committed for a criminal organization; offences involving the use or threat of violence or weapons; offences by those previously incarcerated for drug crime; offences in or near schools; offences in prison; and offences involving a child in the commission of the offence.

The proposed amendments in the bill are a welcome aspect of a balanced approach that must, in the end, define our collective response to drug crime in Canada. The safety of our police officers, and indeed of our citizens in general, depends on our success in implementing just such a balanced approach.

Thank you, Mr. Chair.

The Chair: Thank you, Chief.

Just to clarify, does CACP mean Canadian Association of Chiefs of Police?

Mr. Barry MacKnight: Yes, Mr. Chair.

The Chair: Thank you.

Now, Ms. Pate, would you be prepared to give us an opening address? You have five minutes.

Ms. Kim Pate (Executive Director, Canadian Association of Elizabeth Fry Societies): Yes, thank you very much.

Thank you for accommodating this. I know it was short notice for all of us, so I appreciate the opportunity to appear.

I'm representing the Canadian Association of Elizabeth Fry Societies, and we are 26 members across the country, who provide services to women and girls who have been victimized, marginalized, criminalized, and institutionalized.

Like many Canadians, we are extremely concerned about the cost of the proposed law, concerned that the rolling out of all of this legislation will cost many billions of dollars. We're very concerned about how, in fact, this will be paid for.

I want to thank the panellists who went ahead of me, Mr. Sullivan, and Chief MacKnight. We would certainly support their views, as well as those of groups like the Canadian Bar Association, and others who have presented.

We're also extremely concerned that the direction of this bill is to encourage more use of imprisonment—in fact, unprecedented use of imprisonment in Canada—and that the cost of that will detract from other services and resources. It will make prisons more overcrowded, and it will ensure that we have more women, people with mental health issues and, particularly, indigenous people in prison. We're extremely concerned about that.

Canada has a long and proud history of being a defender of human rights and of having a strong criminal justice system, one that is recognized as being among the best internationally, and we're in danger of losing that. We're following a direction that is being rejected by many jurisdictions in the United States, and yet we're heading headlong onto this path.

Rather than speaking to all of the individual portions of the bill, because you've had many excellent representations on those, I would like to speak to a proposed amendment of ours to the bill. That amendment focuses on the fact that many people who are in prison, as has long been recognized by those who run prisons, are not necessarily violent or a risk to public safety, and that some are there largely because of other issues like their mental health or poverty. In situations where they are committing criminal offences and being convicted, there should be opportunities for them to pay back and to

be held accountable in the community in a way that isn't a further drain on taxpayers.

We know that most of the services that will be expanded by this bill are policing services and in the federal and provincial prison areas. We know that two of the bills that were introduced last session have already impacted at least 150 to 160 women by Correctional Service Canada's own estimation. Those are significant increases when you see the relatively small number of women serving federal sentences. And we're already seeing overcrowding as the numbers increasing.

I was in an Edmonton institution this past weekend, and it was very overcrowded. They've had to use the visiting area to house women. They've had to use interview rooms from time to time, and they've also had to use the gymnasium.

We know that Quebec has already voiced concerns and that Nunavut, British Columbia, and other provinces are also voicing concerns. We're suggesting that the amendments to the bill be just that until we have a full costing of how the omnibus bill will be funded by the provinces, the territories, and every federal department; until we have a clear understanding of the price tag attached to each piece of the proposed legislation or policy reform included in the bill; and until Parliament can assure taxpayers that the increased costs will be accommodated without exceeding 100% of the capacity at correctional institutions, and without decreasing other resources that are currently available.

So we are suggesting that amendment. We respectfully submit that it should be made a component of the act and that the act not be enacted and brought into force until such time as all provinces, territories, and the respective federal departments to be impacted have signed off that it's affordable. Otherwise, we consider it a breach of the fiduciary obligation that members of Parliament have to taxpayers in this country, to have a clear and transparent understanding of what the cost will be and how it will impact all of us in the future.

Thank you.

• (1005)

The Chair: Thank you, Ms. Pate.

Mr. Piché, we have five minutes for an opening address, if you wish.

Mr. Justin Piché (Assistant Professor, As an Individual): Thank you. My name is Justin Piché, and I am an assistant professor of sociology at Memorial University. I am also a Ph.D. candidate in sociology at Carleton University, preparing to defend my dissertation next month, which examines the scope and factors shaping prison expansion at this time.

My remarks today outline some of my findings, which I've included and fully referenced within the brief I submitted to the clerk of your committee, entitled "Prison Expansion in Canada". I will keep this short.

Prior to the tabling of Bill C-10, the provinces and territories had already earmarked nearly \$3.4 billion in recent years to building 22 new prisons and 17 additions to existing facilities to add over 6,300 new prisoner beds. Most of these penal infrastructure projects have been undertaken to cope with persistent facility overcrowding associated with a massive increase in the number and proportion of prisoners awaiting trial and sentencing in provincial and territorial prisons over the past decade and a half.

According to the most recent information provided to me, only Newfoundland and Labrador, Prince Edward Island, and Ontario have factored federal sentencing measures into their recently completed or ongoing penal infrastructure initiatives.

Bill C-10 contains many measures, including further eligibility restrictions for conditional sentences, and mandatory minimums for drug-related offences under two years, that could potentially lead to a significant increase in provincial and territorial prison populations. If this happens, the provinces and territories may very well find themselves at square one when it comes to facility overcrowding, leading to more prison construction down the road.

I don't have time to get into the federal penal infrastructure component in the five minutes provided to me, but I will ask you whether these are the institutions we should be building in Canada when many of the young people from my generation are accumulating large debts to go to school or are out of work, and people from my parent's generation are entering or nearing retirement, and people from my grandparents' generation are requiring robust health care.

There is a cost to all of this, and we can't lose sight of that.

Our approach to criminalization and victimization in Canada is expensive and ineffective. According to a recent Justice Canada study, the cost of policing, courts, prosecution, legal aid, corrections, and Criminal Code review boards was estimated to be \$15 billion in 2008. The study also estimates the tangible costs to victims—in health care, damaged property, productivity losses—and to third parties as \$14.3 billion and \$2.1 billion respectively. The study also attempts to make tangible the intangible costs of pain, suffering, and loss of life, with an estimate of nearly \$68.2 billion. If we build more ineffective prisons that will not prevent victimization in the long term, these costs will only grow.

Irrespective of whether crime, reported or unreported, is going up, down, or remaining stable, no one is disputing that something should be done. However, what the debate needs to focus on is how we can prevent victimization and best address the unique—not uniform—needs of those who are impacted by the complex conflicts and harms in our communities that we call crime, in a manner that is effective and humane, and that provides best value for money to taxpayers.

Given its economic costs, ineffectiveness, and harms it perpetuates, imprisonment ought to be used as a scarce resource to incarcerate only those who are unrepentant and pose an immediate threat to the safety of others. They could have access to the resources they may need one day to safely reintegrate into society rather than encountering the long waiting lists for programs we see in Canadian prisons today.

Moving forward, I strongly recommended that the Government of Canada enact a federal punishment legislation moratorium and adopt a justice reinvestment strategy that would see the moneys allocated for Bill C-10 diverted towards community-based resources to prevent victimization by addressing its root causes.

Prisons are not schools. They are not employment readiness centres. They are not mental health hospitals. They are not drug treatment centres and the like. It's time that we abandoned prison as a panacea, and further invest in our communities.

In the interim, I urge you, in your important work, to ask every provincial-territorial minister of justice and public safety to appear before this committee to disclose the forecast impacts of Bill C-10 on their prison systems, so we can know what we are getting ourselves into.

● (1010)

The Chair: You have one minute left.

Mr. Justin Piché: With that said, I am very much looking forward to the thoughtful and respectful discussion that will follow.

I thank you for your time.

The Chair: Thank you.

We will start with Mrs. Borg.

[Translation]

Ms. Charmaine Borg (Terrebonne—Blainville, NDP): Thank you very much.

Thanks to the witnesses for being with us today. My first question is for Mr. Piché.

In my riding, there are three federal penitentiaries, one of which, Sainte-Anne-des-Plaines Institution, has already undergone a \$10-million expansion, just to accommodate the adjustment to changes that have already been made and the number of criminals who must currently be incarcerated there.

You mentioned other programs in effect, the costs of which are very high. In addition, expansions worth \$209.9 million and construction worth \$3.1655 billion are currently scheduled in the provinces and territories. The federal government has planned for development costs of \$601 million.

I would like to know how much time it will take and how much money it will cost the federal and provincial governments to do this development and to adjust to the measures that will have to be implemented under Bill C-10. In addition, in the meantime, what kind of environment will we have created in the prisons?

[English]

Mr. Justin Piché: In thinking about the impacts of Bill C-10, the problem is that we really don't know what they will be, because the provinces and territories have not advanced their estimates related to this bill. That is why we'd urge your committee to have them appear before you to disclose those costs and what infrastructure plans would be associated with them.

On what's happening federally, we know that between August 2010 and January 2011, they announced the equivalent of 34 additions to existing facilities. These will cost \$601 million to construct, on top of the operational and management costs. That's for the Truth in Sentencing Act.

Going forward, I think you need to ask Mr. Head, the commissioner of the CSC, what type of construction they anticipate relating to this bill. I'm not in a position to know because, apparently, the federal government has decided that we don't have a right to know as Canadians.

●(1015)

[Translation]

Ms. Charmaine Borg: Thank you for your answer. I have another question for you.

In your speech, you mentioned that there would not be any substantial program expenditures corresponding to the amounts we are spending to expand existing prisons or build new prisons. I would like to know what influence, perhaps what negative influence, that could have on individuals who want to get out of the correctional system and try to rehabilitate.

[English]

Mr. Justin Piché: If I understand the bill correctly, they'll be moving toward a system requiring prisoners to complete all of their programming in order to move through their correctional plans.

In a context where we're spending hundreds of millions of dollars on construction and not making similar investments in programming to that same degree, we will have people on longer waiting lists for those programs. That means we'll have more prisoners inside those institutions without a chance to work their way through their own correctional plans.

The Office of the Correctional Investigator has repeatedly noted that well under 5% of CSC's budget is actually dedicated to programming. This is going to create some problems for people who already have long waiting lists for programs.

[Translation]

Ms. Charmaine Borg: Thank you very much.

I'm sorry; were you answering?

[English]

Sorry, Ms. Pate, are you trying to answer?

Ms. Kim Pate: Yes.

Ms. Charmaine Borg: Go ahead.

Ms. Kim Pate: Thank you.

We're already seeing the impact of the changes that have occurred due to the overcrowding in women's prisons. For instance, women are not getting access to programs they need. They are therefore not able to complete the requirements of their correctional treatment plans and to have the least restrictive measures and earliest opportunity to be released to the community in a way that's safe for them and others. So we're already seeing some of those issues.

People I'm speaking to in the prisons, the staff in particular, are also concerned about this issue. As more and more people,

particularly women, are being put in prison, there are fewer opportunities to meet their needs. When I was in the maximum security unit, for instance, there was the additional pressure of every unit being double-bunked. So we're likely to see less access to programs.

In the long term, the interests of victims and public safety are not being served. I would echo the calls for more resources for things like assistance for those with children, including child care; victims services; rape crisis centres; sexual assault centres; distress centres; mental health—

The Chair: We'll have to cut it off there. We're a little over our time.

Mr. Goguen.

Mr. Robert Goguen: Mr. Chair, first off, thank you to all the witnesses for attending.

[Translation]

Thank you for attending this meeting.

[English]

My question is for Barry MacKnight. My greetings from Moncton—Riverview—Dieppe, Mr. MacKnight.

A recent Statistics Canada survey reported increases in rates of child pornography of 36%; firearm offences, 11%; drug offences, 10%; criminal harassment, 5%; sexual assault, 5%. Now this is, of course, criminal activity that our government has specifically targeted in the past and in current legislation, including the measures proposed in Bill C-10.

I'd like to canvass your thoughts. What's the perception of this by your police force? What specific provisions do you support in this bill? Is this going to be beneficial for the prevention of crime?

●(1020)

Mr. Barry MacKnight: Thank you, Mr. Chair, through you to the honourable member.

While my focus primarily is on the drug amendments, I think there are various aspects of the bill that focus on priorities that CACP has expressed over the years, including our strong denunciation of organized crime because of its impacts on our communities. That's certainly the case with the drug crime issues, but you also mentioned the statistics regarding the victimization of the most vulnerable people in our communities through Internet child exploitation. There are serious issues there as well.

While Internet child exploitation is not classically seen as an organized crime activity, we are seeing in certain circumstances groups of people who are organized to some degree—organization that would qualify under the Criminal Code definition of criminal organizations—to exploit children and to profit from their exploitation. So any of the aspects of the bill focus on strong denunciation and providing tools to the police to deal with the criminal infrastructure are certainly going to be beneficial in dealing with that slice of the response to any of these complex societal issues.

Again, I've talked about a balanced approach, which requires each of the components to be addressed. It's the view of CACP in supporting this bill that this bill helps us in particular in dealing with those enforcement issues around criminal infrastructure.

Mr. Robert Goguen: Thank you, Chief.

I'm mindful that you're focusing perhaps more on the drug offences, but again, I want to canvass your thoughts on sexual offences, particularly dealing with children. Of course, the child pornography offence is increasing by 36%. Bill C-10 proposes two new offences. One of those is to ban anyone from providing sexually explicit material to a child for the purposes of committing a sexual offence against that child. The second one is to ban anyone from using means of telecommunications—the Internet—to make arrangements with another person to commit sexual offences against a child.

Now in your mind, would you say that Bill C-10 proposes exactly the sort of modernization of the Criminal Code that the members of the police force really need to deal with technologically savvy criminals?

Mr. Barry MacKnight: Again, thank you, Mr. Chair, and through you to the honourable member, I can give you some of my individual views on those—

Mr. Robert Goguen: Please do.

Mr. Barry MacKnight: —which I think is what you were asking for, rather than the CACP's position on those issues.

Again, with any of those offences where the victimization of the most vulnerable members of our community is involved, we require strong measures to deal with these crimes, to ensure that when they are dealt with in the law courts, the sentencing essentially fits the nature of the crime. That has certainly been our position for many years.

In many cases within our communities, we have begun to see an erosion of confidence in the judicial system, when it becomes unclear to people that these inconsistencies in sentencing are being addressed. I would hearken back to the comments made by the earlier group, when Mr. Trudell was here, about the clear benefits of communicating what's happening in the justice system. It is certainly helpful to the public's understanding, because we all have an interest in ensuring that the public has strong faith in the judicial system.

Mr. Robert Goguen: Thank you, Chief.

The Chair: Thank you.

Mr. Cotler.

Hon. Irwin Cotler: Thank you, Mr. Chairman.

My question is to Steve Sullivan—and if there's time at all, I'll put another one to Mr. Piché.

We've heard testimony from victims today and throughout our hearings suggesting that mandatory minimums are necessary, and that this approach can be characterized as being tough on crime. Now, I understand when victims say this. It's almost counter-intuitive to say we should not have mandatory minimums. But my question is this. Is this being smart on crime? How do you respond to victims who say this with respect to mandatory minimums?

Mr. Steve Sullivan: I've actually had the debate with some of those who have testified before you, and I respectfully disagree with them. For me, in an age where resources are very scarce in communities and we see children not getting the services they need, I think if you're concerned about victims of crime, you're better off spending money on serving them than on punishing offenders. If there were evidence that these mandatory minimums worked for a broad scope of offenders—and here I would say I don't oppose mandatory minimum penalties completely for any offence—I'd be standing with those victims. If there were evidence that they reduced revictimization and recidivism, if they actually helped someone begin the healing process, I would stand with them.

In my experience, mandatory minimums don't do those things. I would rather see more services. We're going to spend \$10 million over two years on these penalties for sex offenders, to punish sex offenders. Some of those penalties may be warranted. Some sex offenders may deserve that kind of punishment, but we're using a blanket approach. The government is only spending \$1 million a year for five years for child advocacy centres. To me those priorities are mixed up. If you really care about helping the children, then help the children.

• (1025)

Hon. Irwin Cotler: That's along the lines of what you were saying earlier, that you don't see evidence that this legislation in fact enhances victims' rights.

So my question, just to turn it around, is what would you specifically propose be included in this legislation, how should it be amended, so it would enhance victims' rights?

Mr. Steve Sullivan: I'm not sure what you would put in to enhance it.

I think the provisions for CCR are important.

I think if we're looking just at the particulars of the bill, it really doesn't deal with the majority of challenges that victims face on a day-to-day basis. There's a host of other things I could recommend that could do that. We work with women in my community who have a choice between staying in an abusive relationship or going into a shelter—which I know in the Ottawa area are often full—or maybe staying with a friend for a while. They risk actually ending up homeless. I would rather spend money on giving her a choice on what it is she's going to do to live violence free.

There is a concern of people not reporting. You might actually encourage reporting, if you give women and children choices about how to live safely.

Hon. Irwin Cotler: I have a question for—

The Chair: You have two minutes.

Hon. Irwin Cotler: Professor Piché.

You've addressed the question of prison overcrowding. So my question is this. Before this legislation was tabled, my understanding was that we had a serious problem with prison overcrowding. Certain provinces have reported that they are now at 200% of capacity. The United States Supreme Court has said that anything over 137% capacity puts one on the verge of cruel and unusual punishment.

You talked about the building of prisons. Can it be said that if one builds prisons, this will alleviate overcrowding, as some have suggested? Or is the whole approach of this legislation going to exacerbate the overcrowding and thereby bring us into a constitutional concern regarding cruel and unusual punishment, and inmate violence, and in fact end up increasing crime when these prisoners are released rather than helping to combat crime?

Mr. Justin Piché: We've had longstanding overcrowding issues in our Canadian prisons, particularly in the last decade and a half. If you look at Ontario, in 11 out of 31 of the institutions there are often double and triple bunks. Alberta and B.C. also report frequent double and triple bunking. Double bunking is pretty common across the country. That is in violation of our being a signatory to the UN's standard minimum rules for the treatment of prisoners. If we continue adding pieces of legislation that will—

The Chair: The time is up.

Mr. Justin Piché: —generate an influx of new prisoners, we will see an exacerbation of this.

The Chair: Mr. Rathgeber.

Mr. Brent Rathgeber: Thank you, Mr. Chair, and thank you to all the witnesses.

My first question is for Professor Piché. You indicated in your opening comments and in fact challenged the committee to bring before it the head of the Correctional Service of Canada, Mr. Don Head, regarding the cost. I was curious if you had an opportunity, sir, to watch or otherwise review the televised hearing of this committee on October 18 when Mr. Head did in fact appear in front of this committee and provided us with those very costs.

• (1030)

Mr. Justin Piché: I saw his testimony and I would note that Mr. Head repeatedly said that the Correctional Service of Canada is challenged by the legislation that's being put forward.

Mr. Brent Rathgeber: Thank you.

I don't want anybody who's watching this televised committee hearing to be left with the impression, as you suggested, that somehow Canadians do not have a right to know what those costs are.

My next questions are—

Mr. Justin Piché: We could talk about the provincial-territorial components.

Mr. Brent Rathgeber: My next questions are for Mr. Sullivan.

Mr. Sullivan, you're the former Federal Ombudsman for Victims of Crime and you currently work with Ottawa Victims Services .

Mr. Steve Sullivan: Yes.

Mr. Brent Rathgeber: Maybe you can help me square this circle. You have concerns about this bill. In fact, if I heard you correctly, you do not believe that this bill will do much to benefit victims or to prevent victimization.

How do you explain that every time actual victims appear before this committee—and we had two on the previous panel—they all unequivocally support this initiative? They all support minimum mandatory sentences. They all support amendments to the Youth

Criminal Justice Act, including publication of offenders' names. How is it that actual victims support this legislation, but you as the spokesman for at least some of these victims tend not to?

Mr. Steve Sullivan: I would answer in a couple of ways. I think Mrs. Rosenfeldt mentioned when she was here that she didn't speak for all victims of crime. You've had a couple here, and I commend you for that. I know most of them and I have nothing but respect for all of them. But they don't represent the views of all victims of crime. I work with families where there have been homicides, and I've worked with sexual assault victims. Some have a different view. If the committee had time to hear from them, and if I could get their permission, I'd be happy to provide you with their names.

I would also say that many of the people we work with are not the type of people who are going to come to the committee and present. Women who are wondering if they're going to flee an abusive relationship and parents who are dealing with children who have been victimized, these are victims who generally do not have the opportunity. I also think that many of the victims who are most victimized are the most vulnerable—people with disabilities, new Canadians, people with low incomes. I've been part of the victims' movement and I speak only for myself. We haven't done a very good job of including those voices in a lot of our work.

Mr. Brent Rathgeber: But the current ombudsman for victims of crime supports this legislation, and her mandate is to speak for all victims.

Mr. Steve Sullivan: I heard her testimony and I heard her speak about the provisions for the CCRA. I didn't hear her say she supported the entire legislation.

Mr. Brent Rathgeber: Well, she's certainly not as critical as you are. I was hoping that you could at least acknowledge that this legislation will benefit victims by allowing them to attend parole hearings. That will become legislative, where currently it's discretionary.

Mr. Steve Sullivan: Yes, it's policy right now. So we support that.

Mr. Brent Rathgeber: But that'll become legislation, assuming this bill passes.

With respect to individuals who've been victims of child abuse, we heard compelling testimony from Mr. Sheldon Kennedy last week that the enhanced penalties for child abuse will be of benefit to victims.

Mr. Steve Sullivan: I've met Sheldon and he's one of the nicest guys in the world. I don't lose sleep over sex offenders spending time in prison; that doesn't bother me. If you heard Sheldon's testimony, one of the things he said was that in his own case the offender got three years. I'm not sure under which provisions he was convicted, but my understanding is that under this bill, there will be a one-year mandatory minimum penalty. If you're looking to increase sentences to satisfy victims, I'm afraid these numbers aren't going to do it. In a year or two from now, there'll be a family whose offender gets a year and they're going to say that's not enough. I've spent some time in Texas where the sentences are completely off the charts compared with ours, and there are victims there who say that's not enough either.

Mr. Brent Rathgeber: I have a supplemental question about Mrs. Rosenfeldt, who's appeared before this committee a number of times in the last Parliament as well as this one—

The Chair: Your time is up, Mr. Rathgeber.

Ms. Boivin.

[Translation]

Ms. Françoise Boivin: Thank you, Mr. Chairman.

Yesterday, the Association des centres jeunesse du Québec, the Société de criminologie du Québec, the Institut Philippe-Pinel, the Canadian Criminal Justice Association and the Association des services de réhabilitation sociale du Québec formed a common front in declaring that the bill would have a harmful impact on the public. Those organizations talked about over-populated prisons, wasted money, an ineffective system and impaired social reintegration.

Patrick Altimas, who is director general of the Association des services de réhabilitation sociale du Québec, said that what the government was offering was a solution looking for a problem. Michel Gagnon, from the CCJA, said: "This intransigent attitude toward individuals in trouble with the law is a major concern for us."

All members of Quebec's National Assembly have rejected the omnibus Bill C-10, and the Barreau du Québec recently denounced the proposed measures, saying that they met no real need in the justice system. That, moreover, is the argument the government often advances when defending Bill C-10, that is to say that it meets a genuine need.

Mr. Sullivan, listening to your testimony put me in mind of that of Susan O'Sullivan. I believe she appeared last week. She only told us about the good aspects of the bill, about the fact that the government wanted victims to be consulted more, particularly at parole hearings, and about the need for dialogue with those victims.

This bill is enormous because it concerns a large number of acts. We're told that its purpose is to make the streets safer, to ensure that sentences are proportionate to and more representative of the crimes committed, so that violent crimes, serious crimes, are punished. I hear an individual who has worked and is still working with victims telling us that's not at all the case. That's what a number of specialists also assert. As an individual who is studying this bill for the first time, I must admit that it troubles me a great deal. When I associate it with other comments that we have heard, yours does not surprise me.

I would like to ask Ms. Pate the following question.

Our prisons are already quite over-populated. This will have an impact on women incarcerated at prisons for women. Prisons were not always built for women.

In your opinion, is this an additional problem of Bill C-10?

• (1035)

[English]

Ms. Kim Pate: Yes, I do. I think that in order to fund this bill, as we've already heard and a number of witnesses have stated, we're likely to see resources taken out of other areas.

As Mr. Sullivan said, we already know what women and children need. They need more equality. We've had cuts to Status of Women, rape crisis centres, and to shelters, which are overcrowded and can't take everybody. We've had cuts to mental health services, where women have historically been overrepresented, and we've had cuts to social services. So we're seeing more women in particular coming in for essentially trying to survive in a community that is increasingly inhospitable. Looking at indigenous women in particular, when I started in this work almost three decades ago, they were around 10% of the federal jail population. They're now at 34%, and it's growing. I was just at the Edmonton Institution for Women, and the maximum security unit was full of indigenous women. As I said, the overcrowding is already problematic. This is only going to increase that.

As well, when people come out of prison, if they haven't had access to the services and some of the supports they need, not only will they come out with potentially more mental health issues and challenges, they'll also go into a community that will be less able to deal with their issues and less able to support them, and they'll be less able to contribute because of all the cuts to those areas. As the National Council of Welfare pointed out in a report on poverty they recently released, in countries where you have more humane, more human rights focused, criminal justice systems you see less poverty as well, and you tend to have those policies go hand in hand.

In terms of the issue of victims attending parole and parole board hearings and having information, that already exists. I know it's only policy, but that's the perfect example of a piece of legislation that is not required, because if a victim wants to attend, I don't know of any parole hearing where they have not been permitted to attend and have not been funded. Now I can understand—

• (1040)

The Chair: The time is up.

Mr. Woodworth.

Mr. Stephen Woodworth: Thank you very much, Mr. Chair.

And thank you to our witnesses here today.

There's so much that I would like to ask about, but I'm going to begin by reassuring Ms. Pate a little bit regarding correctional programs for women. I want you and others who may be listening to know that our government is not simply cutting back such programs, and I will offer up to you, as an example, a program that was recently funded in my own community. It's a new approach to women's programs to assist them transition into the community. Here I refer to the community justice initiatives' stride circles program. It's a great innovation, which I suggest you look into.

I would like to ask Mr. Sullivan about something. I'm not sure, but I think I heard you say that the things that are in this bill are not what you hear victims talking about. Did I hear that correctly?

Mr. Steve Sullivan: Yes.

Mr. Stephen Woodworth: All right.

And this intrigues and puzzles me, because, in point of fact, almost all—in fact, I would say, every—victim this committee has heard from over the last two-and-a-half years or so that I've been sitting on the committee has raised his or her voice to say that, indeed, sentences are not proportionate to the crimes committed against them in Canada, that the balance isn't right. In fact, I will say that without exception, every victim who has come to this committee has made that point loud and clear. And I have every confidence in my colleagues from the opposition that they're out there scouring the country for victims who would say otherwise, and yet they have not been able to produce one for this committee.

Even today, for example, we heard evidence from Madam Jong that 67% of Quebecers believe that penalties are insufficient for the crimes. We heard evidence from Ms. Campbell even today that minimum sentencing is very important to front-line workers in abuse. We have heard from victims such as Sheldon Kennedy, and from Ms. Sharon Rosenfeldt, who heads an organization dedicated to victims of violence.

Even apart from what this committee has heard, CBC has ran a great program in the last week or so on victims of abuse in the Boy Scouts. Every victim they had on camera made the point that they didn't feel their abusers were being treated proportionately to the injury and destruction they had caused them, the victims.

Now, you're not the only person who I've heard say they haven't heard these voices of victims. In spite of all of the voices of victims who have said this, you're not the only person. Academics and others don't seem to hear these voices.

I wonder if you can tell me how it is that you haven't heard these voices.

Mr. Steve Sullivan: Let me clarify. I have heard those voices.

Mr. Stephen Woodworth: Good.

Mr. Steve Sullivan: What I'm telling you, though, is for someone who works on the front line—and I've worked on a variety of different issues—when victims come to me and tell me what their biggest challenges are, it's not the sentencing of the offender, but where am I going to get the money to pay my mortgage? Nothing in this bill addresses that. And if the challenge is for me to find you victims who will come—

Mr. Stephen Woodworth: Let me stop you, because I have only five minutes and you've answered my question.

Mr. Steve Sullivan: Yes, and you've asked me a question. You've asked me a question and I'd like to follow up.

Mr. Stephen Woodworth: I've asked you how you didn't hear the same voices that I was hearing—

Mr. Steve Sullivan: If you want names of victims who will come to you and tell you something different—

Mr. Stephen Woodworth: —and you've now told me that you did hear them.

Mr. Steve Sullivan: —I will give you names.

Mr. Stephen Woodworth: Mr. Chair, I don't want to speak over the witness. On a point of order, the witness has answered my question. He's giving me information that he give someone else, if they want it, but I'd like to continue with my examination.

The Chair: Carry on.

Mr. Stephen Woodworth: Thank you very much.

And just for the record, I wish to be clear that we've now clarified that this witness does hear the same voices that I hear calling for proportionate sentencing for offences.

Hon. Irwin Cotler: On a point of order, I think that's a mischaracterization of the witness's testimony.

You did not permit him to answer the question that you took some three minutes to ask, and I think we have to show respect for witnesses before this committee.

Mr. Stephen Woodworth: I agree, but my question was to challenge him on the statement that he did not hear the victims' voices.

Hon. Irwin Cotler: I'd allow the witness to answer the question, sir.

The Chair: With all due respect, Mr. Cotler, I think we do have limited time, and if a witness takes up the time of a questioner—

Hon. Irwin Cotler: The witness wasn't taking up the time. The questioner took up the time, and then wouldn't let the witness answer. And, frankly, either we're going to conduct—

Mr. Stephen Woodworth: The witness answered my question, Mr. Chair.

Hon. Irwin Cotler: —hearings fairly, or we shouldn't be having these hearings.

• (1045)

Mr. Brian Jean: Mr. Chair, on that point of order, Mr. Cotler is now taking up my time, because I will not have an opportunity to question any witness. So I'd appreciate the opportunity to do so.

Ms. Françoise Boivin: And on a point of order, I think it should be my colleague who should complain about all of this time being taken, but you know what? I actually agree with Mr. Cotler. I think it's pathetic when we don't—

The Chair: We're out of time. The bells are going to ring, but we are out of time.

The meeting is adjourned.

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