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Chair: Mrs. Karen Vecchio



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• (1100)

[English]

The Chair (Mrs. Karen Vecchio (Elgin—Middlesex—London, CPC)): I call this meeting to order.

Welcome to meeting number 87 of the House of Commons Standing Committee on the Status of Women.

I would like to make a few comments for the benefit of members.

Please wait until I recognize you by name before speaking. For those participating by video conference, click on the microphone icon to activate your mike, and please mute yourself when you are not speaking.

For interpretation for those on Zoom, you have the choice at the bottom of your screen of floor, English, or French. For those in the room, please use your earpiece. You will find—you may already see this—your English, French and floor options as well.

Although this room is equipped with a powerful audio system, feedback events can occur. These can be extremely harmful to our interpreters, so I'm going to remind everybody to be careful with their mikes and be careful with their earpieces. Take all of those things into consideration on their behalf.

This is a reminder that all comments should come through the chair.

For members in the room, if you wish to speak, just raise your hand. For those on Zoom, use the “raise hand” function.

Today we're going to be continuing with Bill S-205. I am going to give a trigger warning, because after my husband watched our meeting the other day, he said it is mandatory that we give a trigger warning.

Before we welcome our witnesses, I would like to provide this trigger warning. We will be discussing experiences related to violence and assault. This may be triggering to viewers with similar experiences. If you feel distressed or if you need help, please advise the clerk or look at me and we will do whatever we can to help. Let's get through all of this.

Now I would like to welcome our witnesses. It is wonderful to have our witnesses here today.

I would like to welcome Emilie Coyle in the room. She is executive director for the Canadian Association of Elizabeth Fry Societies. We have Sarah Niman, the senior director of legal services at

the Native Women's Association of Canada, who is also right here. We also have Roxana Parsa, who is a staff lawyer with the Women's Legal Education and Action Fund, and we welcome her online.

What we will be doing is providing everybody with five minutes for their opening statements. I ask that you keep them to those five minutes so that we can have as much time for questions and answers as possible. When you see me start to move my arms, please bring your remarks to a close within about 15 seconds.

Today, as we continue with Bill S-205, I would like to invite Emilie for the first five minutes.

Go ahead, Emilie.

Ms. Emilie Coyle (Executive Director, Canadian Association of Elizabeth Fry Societies): Thank you, honourable members and Chair. It is such a pleasure to be with you today, although, as you said, this is a very difficult topic.

I work as the executive director of the Canadian Association of Elizabeth Fry Societies. Our work is situated predominantly here on the territory of the Algonquin nation, although our work takes place across Turtle Island.

We work primarily to address the persistent ways that criminalized women and gender-diverse people are denied their humanity and excluded from community.

To begin, I wish to delve into the recommendations emanating from two recent inquiries that relate to intimate partner violence: the Renfrew inquiry, which happened not too far from here, and the Mass Casualty Commission from Nova Scotia.

Both inquiries advocate treating intimate partner violence as an epidemic, emphasizing the necessity for a comprehensive, all-government effort to eradicate this pervasive form of violence. They also underscore the urgency of epidemic-level funding for gender-based violence prevention and interventions and urge a society-wide response.

The Mass Casualty Commission report, at recommendation 16, specifically highlights the vital need to shift funding away from carceral responses and towards primary prevention, including by addressing poverty and promoting healthy masculinities.

My focus today, then, is on the carceral response to intimate partner violence— that is, the electronic monitoring piece contained in Bill S-205.

Obviously, we share the goal of addressing and preventing intimate partner violence, or IPV. Women and gender-diverse people disproportionately experience IPV due to the ongoing patriarchy and misogyny that we all experience, and this is even more pronounced for the indigenous women and gender-diverse people we work with who are contending with colonial oppression and also experiencing higher rates of intimate partner violence.

Many of the people we work with and alongside have experienced such violence. Data from the Correctional Service of Canada indicates a higher prevalence of physical and/or sexual abuse among the women and gender-diverse people we work with in prisons. These people represent some of the most vulnerable members of our society.

Despite these stark realities, those we work with are not considered ideal victims, and that circumstance can lead to insufficient contemplation of the consequences of implementing carceral solutions, such as electronic monitoring, in their lives.

Legislative changes aimed at protecting vulnerable populations necessitate a critical examination of potential unintended consequences. In pursuing our goals of eradicating intimate partner violence, we must ask whether our efforts could inadvertently render already vulnerable individuals more susceptible.

With regard to this legislation, I question whether it will effectively curtail intimate partner violence in Canada or divert necessary resources that could be invested in prevention. Will it genuinely address the root causes of intimate partner violence, namely misogyny and patriarchy? I'll leave you to answer these questions for yourself.

Historically, well-intended legislation rooted in carceral responses has backfired, causing more harm than good. For instance, I'm sure you've heard of mandatory charging policies in intimate partner violence cases, which were obviously initially lauded by the sector advocating against violence against women. However, these policies resulted in dual charging—punishing both parties due to the perceived inability to determine the instigator, even though the “weapon” that may have been used by one party could have been a child's toy thrown as they were fleeing.

Similarly, there's a tangible risk that if this bill passes, the most vulnerable individuals may be the ones who end up wearing the electronic monitoring bracelets, further exacerbating their marginalization. The stigma associated with wearing these bracelets could intensify the challenges faced by individuals who are already over-surveilled and overly punished.

You are all very aware of the statistics regarding the overincarceration—or what some refer to as the mass incarceration—of indigenous women and gender-diverse people in this country. It is a crisis and it is shameful.

Electronic monitoring, as a reactive carceral response, falls short in addressing the deeper issues surrounding this violence. Tackling gender-based and intimate partner violence requires a multi-faceted

approach that delves into the root causes of harm. Our focus should shift from a carceral response to a more sustainable, long-term approach.

● (1105)

Survivors have emphasized the need for social workers, financial assistance, housing, culturally specific—

The Chair: You have only 10 more seconds.

Ms. Emilie Coyle: Thank you.

I think these also involve national awareness campaigns, basic universal incomes, easy access to counselling services and acknowledgement that intimate partner violence is a societal issue, not a private one.

Thank you.

The Chair: Thank you so much.

We're going to continue with Sarah Niman.

Sarah, you have five minutes.

Ms. Sarah Niman (Senior Director, Legal Services, Native Women's Association of Canada): Hello. *Bonjour. Boozhoo.*

Honourable committee members and Chair, thank you for inviting NWAC to bring indigenous women's voices into your study on Bill S-205 here on unceded Algonquin territory.

The indigenous women, girls, two-spirit, trans and gender-diverse people NWAC represents remind us that it is one thing to be heard in these hallowed halls, but it's another to see change in their communities.

Indigenous women are much more vulnerable to domestic violence than other women in Canada. They face the highest, most disproportionate rates of domestic violence and are targeted in an ongoing MMIWG genocide.

In this committee's study of Bill S-205, I want to talk about power. Bill S-205 gives victims more power, but it does not account for indigenous women's systemic disempowerment. Here is what I mean.

Bill S-205 would not have helped the Inuk woman and domestic violence survivor in *R. v. L.P.* at the Quebec Court of Appeal in 2020. She was displaced from her community by colonial policies. She was unhealthy because she lived in poverty and without supports to get well. She was dependent on her abusive partner and was vulnerable to his repeated and increasingly aggressive physical and sexual assaults.

If Bill S-205 had been enacted at the time, she would not have gone to the police for help or would not have asked a court to lay an information to protect her.

Violence is one of the key means through which abusers control women's agency and power. This Inuk woman was not empowered to ask for help, because in her lived experience, and in that of most indigenous women, the police are not there to protect them, and the trust is broken.

Indigenous women recently told NWAC that on the one hand, police are always watching them and are ready to catch them violating a condition or to alert social workers to remove their children from their care. On the other hand, when they are being abused within their homes, the police don't seem to be watching closely enough to be able to step in. This distrust poses a significant barrier that will prevent indigenous women from accessing the victim supports intended by Bill S-205.

This bill must incorporate indigenous justice principles. Many indigenous legal orders hold specific laws against gender-based violence. They hold offenders responsible and they aim to repair relationships between the victim and the community.

Victims also have a role in determining the abuser's punishment while receiving healing services of their own. Indigenous communities need indigenous-led approaches to resolving gender-based violence, and they need resources and supports to do this work. Much of this need is reflected in the findings of the MMIWG calls for justice.

NWAC recommends that this committee amend Bill S-205 by adding conditions under subsection 515(4) that are recommended by indigenous governing bodies with the authority to govern the accused. Where this bill allows a provincial court judge to lay an information before any physical family violence occurs, it could go further and could mandate judges to consider the available indigenous support services.

The UN Declaration on the Rights of Indigenous Peoples directs legislators, including this committee, to work with indigenous people to protect indigenous women from all forms of violence.

Before I conclude, I want to raise the point that it is very important for this committee to study Bill S-205 in a way that does not worsen indigenous women's mass incarceration. Canada's correctional investigator's recent update noted that indigenous women make up more than half the adult prison population. In some prisons this is as high as 75%.

We heard in the other place that indigenous women often face double charging when police attend a domestic violence call. That means the police charge both the aggressor and the victim. At bail hearings for those charges, courts are still using unnecessary and

unreasonable bail conditions against indigenous people at disproportionate rates.

NWAC agrees with the amendments to Bill S-205 that remove some reliance on electronic monitoring bracelets but presses this committee to remove all references to them.

As a grassroots organization, NWAC walks with indigenous women who seek help. We can provide resources, tool kits and supports, but there are systemic forces at play that are much too powerful for our organization to remedy on its own.

Bill S-205 must go further to account for indigenous women's lived realities if it is going to help reduce violence for all victims, especially the marginalized and vulnerable within this group.

Thank you, and NWAC remains available for further questions.

Meegwetch.

● (1110)

The Chair: Thank you so much.

We're now going to move online, where we have Roxana Parsa with LEAF.

Roxana, you have the floor. You're a little more difficult to get hold of, so I'll probably interrupt before the end to say that you have 15 seconds left.

Ms. Roxana Parsa (Staff Lawyer, Women's Legal Education and Action Fund): Thank you.

Good morning. My name is Roxana Parsa. I am a staff lawyer at the Women's Legal Education and Action Fund, also known as LEAF.

I'm grateful to appear today from what is now known as Toronto, which is on the traditional land of the Mississaugas of the Credit, Wendat, Anishinabe and Haudenosaunee nations.

LEAF is a national charitable organization that works to advance the equality rights of women, girls, trans and non-binary people through litigation, law reform and public education. For the past 38 years, LEAF has advocated for the need to improve the justice system's response to gender-based violence. We are grateful for the opportunity to be here today to share our views on this bill.

I'd like to start by expressing appreciation for Senator Boisvenu's efforts to address intimate partner violence. Intimate partner violence accounts for 45% of all violence reported by women. These risks are greater for women who are indigenous, Black and racialized, as well as for women with disabilities and migrant women. These risks are also greatly increased for people who are 2-spirit, non-binary, trans and gender non-conforming.

Responding to intimate partner violence requires an immense systemic approach that considers the needs of diverse survivors of violence. However, we encourage committee members and all parliamentarians to resist focusing on the criminal law as the sole response. Taking a carceral approach and expanding provisions in the Criminal Code do not address the systemic issues that underlie violence. We are concerned today that the focus on electronic monitoring in this bill diverts resources that could instead be spent on preventive measures and direct support of survivors, while also increasing surveillance and promoting a false sense of security.

Before sharing our concerns, we would like to first commend this bill for its provisions on sharing information with survivors during the legal process. As we have all heard numerous times, for many survivors of violence, the process of reporting an incident and engaging the legal system is retraumatizing. It often does not offer what they need to move forward with justice and safety. Survivors are often left in the dark, unaware of their own rights during the process. Requiring judges to ask prosecutors whether the intimate partner of the accused has been consulted, as well as providing them with a copy of the bail order, can have a positive impact by providing survivors with much-needed information. This is a positive step towards an approach that considers survivors to be integral parts of the criminal legal system.

However, we remain very concerned about this bill's focus on electronic monitoring. We understand the desire and the intent behind exploring more paths to safety for survivors. However, in our opinion, electronic monitoring serves as a band-aid. Electronic monitoring does not necessarily function as an effective means to increase safety. Reliance on this technology can lead to malfunctions, such as false alarms and delayed notifications. This risk is heightened in remote and geographically isolated communities, where a lack of connectivity and sometimes extreme weather conditions can also cause monitoring systems to fail. These failures lead to the inability of law enforcement to effectively respond. In effect, while some survivors may feel an increased sense of safety, this does not translate into reality.

Electronic monitoring was also already available to judges as an option when, through Bill C-233, it was recently introduced into the law, specifically in the context of intimate partner violence. This proposed legislation is redundant and serves to increase surveillance of offenders and their families, many of whom may already be from oversurveilled and marginalized communities. As Senator Pate pointed out, studies in the U.S. show a disproportionate use of electronic monitoring on racialized and low-income families.

Finally, electronic monitoring devices are expensive, costing hundreds of dollars a month. When we are thinking about how to best spend resources, we need to think about what will have the most meaningful impact. We urge the government to reconsider spending valuable resources on criminal legal solutions that have

not proved to protect women. These are resources that could be allocated to services that provide direct support for survivors and the mechanisms to seek safety.

While new laws can give the illusion of concrete action, the criminal law is not the solution. Repeated legislative amendments and expansions have not reduced the number of deaths. Moreover, when policing is seen as the primary solution to intimate partner violence, it inadvertently excludes survivors from marginalized communities, who may not seek the support, and only deepens the existing inequities in seeking safety.

The answer, we suggest, is properly supporting and funding education, prevention and frontline services that respond to the needs of survivors while working to end gender-based violence. It is time we look beyond the criminal legal system and focus our resources on developing the social systems that are necessary for violence prevention.

Thank you for your time.

• (1115)

The Chair: Thank you so much.

We'll start with our first round of questions. It's for six minutes each, and we'll pass the floor now to Dominique.

Dominique, you have six minutes.

[*Translation*]

Mrs. Dominique Vien (Bellechasse—Les Etchemins—Lévis, CPC): Thank you, Madam Chair.

I thank the three witnesses who have made themselves available today.

I am going to come back to the testimony of the two victims of spousal violence who addressed the committee at the start of the week.

I am a bit amazed at what I heard this morning. I have the feeling that tools that could be put in place if Bill S-205 was adopted are being treated as an either-or situation. This morning, a lot has been said about therapy, but also about the revision of section 810 of the Criminal Code, with which we are familiar and which really needs a good crank, as they say in Quebec. There was also discussion of the possibility of adopting electronic bracelets, an experiment that is being conducted in Quebec at present.

I think Bill S-205 will not in any way eliminate the right to rehabilitation. That is absolutely not its objective. Similarly, it will also not infringe the rights of accused persons or anyone else in civil society.

Where I come from, in Quebec, we say you cannot be too careful. If we can go for both belt and braces, we should do it, particularly when there are victims involved.

Before giving the floor back to the witnesses, and to Ms. Coyle in particular, I would like to read—if you will permit me, Madam Chair—an excerpt from the testimony we heard from Martine Jeanson at the start of the week, who had—

The Chair: Forgive me for interrupting you, Mrs. Vien.

[*English*]

I'm sorry. The bells are going. There are lights going on in the room. We are going to stall for a second and ask. I'm not sure what the vote is on, but we do have a vote for which the bells have just gone.

• (1120)

[*Translation*]

Ms. Andr anne Larouche (Shefford, BQ): It is a vote that parliamentary procedure provides for, Madam Chair.

[*English*]

The Chair: One moment, please; we have to address you because your microphone wasn't open.

What I need to do is bring it to the committee, because we need to decide how to proceed. We have options, of course.

We can continue for another 15 minutes if people wish to walk across and vote in person. We can continue in the room and all vote by device. I am seeing right now that people are looking at their devices as the option. Those are the decisions we have to make. We need to be unanimous on this, so here's the choice. We can work up to another 15 minutes and end. How would we like to proceed? I'd like to hear from the committee.

Go ahead.

Ms. Anita Vandenbeld (Ottawa West—Nepean, Lib.): If we vote with our devices, we can even push it to just five minutes before the vote and then come back with the witnesses. We have some very important witnesses to hear from.

The Chair: Okay.

Is everybody okay with voting with their devices?

Some hon. members: Agreed.

The Chair: We will vote with our devices.

There will be a couple of minutes when we're all looking at ourselves on our phones. We apologize. We're really not that vain here—

Voices: Oh, oh!

The Chair: —and we recognize the importance of hearing from everybody today. We will suspend for a couple of minutes prior to the vote so that everybody can get in and do our thing. Once everybody has voted, it's back to work.

I'm going to pass it right back to you, ladies.

You have four minutes and 28 seconds remaining.

[*Translation*]

Mrs. Dominique Vien: I was on a roll when I was interrupted, but I know where I was.

I am going to read an excerpt from the testimony given by Martine Jeanson, who said:

If my former spouse had been wearing an electronic bracelet, I would have been shielded from his attempted murder and all his other victims would have been informed.

And others had said it before her.

The way things stand, it's impossible to protect ourselves properly from a violent ex-spouse, because we have no warning that he is coming. The group of 100 women we worked with on the project consists exclusively of spousal violence victims, at least half of whom endured an attempted murder. We all agree that the only thing that might protect us is an electronic bracelet, because there is nothing to protect us right now.

Over the past 20 years, I've worked with hundreds of women who needed help. There is no way to hide them. Men can track them down at their place of work or through their family. They can follow children to school or to their friends' homes. The man will never stop stalking them, following them, harassing them and harming them. Until wearing an electronic bracelet is required, women and their children will never be protected.

The two witnesses who spoke to us are women who were stalked by their spouses for years. What they told us is not just that we have to adopt Bill S-205, but that we have to adopt it as it stands, with no amendments.

I will conclude by saying that Senator Boisvenu is not a hothead; he is a poised, calm, very moderate and very progressive person. He experienced the murder of his daughter and he came, with evidence and statistics, to beg us to support this bill.

How can it be argued today that it is not a good idea to support Bill S-205, when it also includes everything that has been mentioned, including therapy and revision of section 810 of the Criminal Code?

[*English*]

The Chair: Who is your question to, specifically?

[*Translation*]

Mrs. Dominique Vien: My question is for Ms. Coyle.

[*English*]

Ms. Emilie Coyle: I hope you're okay if I respond in English.

It's devastating. We all have experience in our families, in our personal lives and with our friends. Intimate partner violence, as I said at the outset, is an epidemic in this country. We all want to do something about it.

I come from the experience that most of the people we work with, who are criminalized and who are in our prisons and our jails, have experienced intimate partner violence or violence of some kind. They continue to be punished and harmed by the way our criminal law is utilized against them, rather than for them. We come to any kind of legislative reform with this in mind, especially given that most of the people we work with are the most marginalized and vulnerable people in our societies.

We want to ensure that we do this very carefully....

The Chair: Go ahead. You have time.

Ms. Emilie Coyle: Okay.

I also wanted to bring the Renfrew inquiry into this discussion, because the Renfrew inquiry mentions electronic monitoring as a potential solution for intimate partner violence. The recommendations do not go so far as to say it must be implemented, but rather that we should be studying it.

We want to be very careful with any kind of legislation that criminalizes or uses carceral responses. Who is it going to harm in the long run, and who is it going to protect?

• (1125)

The Chair: You have 45 seconds.

[*Translation*]

Mrs. Dominique Vien: I was surprised to hear you treating electronic bracelets and other tools as an either-or situation based solely on budgetary considerations, and saying that allocating financial resources for electronic bracelets might jeopardize other tools. That needs to be explained, because I do not see how those two things can be regarded as either-or.

Thank you.

[*English*]

The Chair: Okay.

You have 25 seconds to respond.

Ms. Emilie Coyle: It's very simple: It is among one of the criticisms that I have of this particular tool.

The Chair: Thanks very much.

We'll now pass the floor over to Lisa. You have the floor for six minutes.

Ms. Lisa Hefner (Hamilton Mountain, Lib.): Thank you, Chair.

Thank you very much to all the witnesses for being here and for your testimony today.

I'll just pick up from my colleague, if you want to flesh out that answer a bit. What exactly do you mean in saying that the resources could be better used?

You said the electronic bracelets could make women more susceptible and they could do more harm than good. Flesh that out for us. What exactly are you saying?

Ms. Emilie Coyle: In my remarks, what I said was what we witness every time there is an attempt to address really critical issues in our society by utilizing carceral responses like dual or mandatory charging, or potentially the electronic monitoring bracelet, is how that is utilized, because we have bias in our system. We can't ignore that. We have bias. We have racism in our system. It's evidenced by the fact that there are more indigenous women and Black people in prison than there are white people, proportional to the percentage of their population in our country.

When you look at responses like electronic monitoring, you would see, for example—

I'm sorry.

The Chair: Your microphone was not on.

Now it's okay. It's all good.

Ms. Emilie Coyle: You would see, for example, that this could be utilized against the very vulnerable people we work with, the more susceptible people.

Ms. Lisa Hefner: To be clear on that, you're saying the victims would have the electronic monitoring, not the aggressors.

Ms. Emilie Coyle: Right. That's what I'm worried about. Exactly.

We looked at another bill, for example, that was looking at bail reform recently. It looked at the reverse onus provision for people who had a discharge for intimate partner violence. We see women and gender diverse people whom we work with often going to domestic violence courts and receiving a discharge because they are told, "This is going to let you get back to your family faster, because you are the main caregiver." Those are the very people who will then have the reverse onus when they go back to court if there's another intimate partner violence charge against them.

It's very nuanced and complicated, but it harms the people we work with.

Ms. Lisa Hefner: I don't know if it was you or one of the other witnesses who talked about a false sense of security. Maybe Ms. Niman can talk about that.

Is it because we're not sure how well they work and we're not sure how well they work across the country? Is it that women may feel safe when, in fact, the bracelets aren't working?

Ms. Sarah Niman: I'm going to defer to my colleague from LEAF. That was her point.

Ms. Lisa Hefner: Okay. Thank you.

Ms. Roxana Parsa: Thank you.

It is exactly what you're saying. There are many technological faults that can occur when using these devices.

In rural areas, for example, there might not be a constant signal between a device and the receiving unit. I've read about cases where there's a battery that is losing power and causes false alarms or doesn't work properly. One of the problems that arises, too, when these false alarms happen is that there's often less attention paid to them if there are false alarms going off. Even in urban areas, there can be challenges with GPS technology. There's something called "GPS drift" that occurs when the signals bounce off buildings and cause inaccuracies.

All of these different technological issues come into play and can lead to a situation of women feeling that because they have this electronic bracelet, there is the security that police will be alerted right away, but that's not really the case. It can often lead to this false sense of security, as I was talking about.

Ms. Lisa Hefner: Thank you.

To follow up with you, Ms. Parsa, you were also talking about something that you liked in the legislation, in that it gives victims more of a voice in their own security, but I think this legislation also impels victims to give this advice in open court. Do you see any problems with that in terms of being trauma-informed and sensitive to what victims have been going through? Do you think victims are going to be able to speak in open court about what they need to maintain their own security?

• (1130)

Ms. Roxana Parsa: I think that's a great question, and I think it's definitely something that needs to be considered with this bill. I agree that going to court is often retraumatizing for any victim.

As well, it can be difficult to share your thoughts on security when the abuser is there. Oftentimes, the court becomes a place of abuse. I think that needs to be carefully considered with this bill.

Ms. Lisa Hefner: Is there anything, then, that you would keep with this legislation, or do you not support this legislation whatsoever?

I'll start with you, Ms. Parsa.

Ms. Roxana Parsa: We support the idea that victims should be given the order of the bail and that victims should be involved in that process and heard, but we do not support the electronic monitoring provisions or the peace bond provision, as we also believe that it is repetitive of section 810 on peace bonds, and we question the usefulness of adding this new provision.

Ms. Lisa Hefner: I'll turn to Ms. Coyle or Ms. Niman.

Do you have anything else that you would add to what you like in this legislation? Is there anything here that you would keep?

The Chair: You have 20 seconds to respond.

Ms. Sarah Niman: NWAC honours that this bill gives victims a voice but questions whether this bill provides access to the benefits intended by this bill to indigenous women.

Ms. Emilie Coyle: I concur with everything that everyone else has said.

Thank you.

The Chair: Thank you so much.

We'll now go to Andr anne Larouche for six minutes.

Andr anne, you have the floor.

[*Translation*]

Ms. Andr anne Larouche: Thank you, Madam Chair.

Ms. Niman, Ms. Coyle and Ms. Parsa, thank you for your testimony.

The committee held its first meeting on Bill S-205 on Monday. We heard victims testify and explain the importance of this bill, to protect them. As victims, they asked us, as legislators, to move forward. We also heard the testimony of Senator Boisvenu.

I spoke with Senator Dalphond, who collaborated on this bill. He has had serious discussions, in particular with representatives of as-

sociations of shelters for victims of spousal violence in Quebec, who asked him to work to have this bill enacted.

The Government of Quebec worked conscientiously to produce the "Reb tir la confiance" report, which contains hundreds of pages and is the result of non-partisan collaboration. All political parties in Quebec worked on the report, taking a feminist approach, and perhaps a less partisan approach than elsewhere. It is great to see how they were able to produce this report and how they gave it a very meaningful title, one that means rebuilding confidence. The loss of confidence is at the heart of the problem in the system at present. Victims have no confidence. They need tools, they need concrete action that shows them we are acting and we want to restore their confidence in the system, we want to hear them and listen to them.

This summer, I met with a member of the provincial legislature of Quebec who told me that the ball was now in the federal government's court. The Government of Quebec has done its share of the work. It has enacted a bill concerning electronic bracelets and launched a pilot project of courts specializing in sexual violence. Listening to victims and having better trained judges can happen in tandem with using anti-approach bracelets. At present, this system is operating in various places in Quebec.

Some hesitation has been expressed, particularly as regards connectivity, but Senator Dalphond told me yesterday that this was not a valid objection since cellphone coverage will continue to expand in Quebec and elsewhere, in rural areas. In Quebec, as elsewhere in Canada, there is still work to be done in certain rural areas, but it is being done and it is moving ahead. The senator is confident that coverage is going to expand.

Ms. Parsa, as I explained, electronic monitoring has therefore been one of the options that judges can consider for some time now, particularly in provinces like Quebec, which has launched its pilot project, its anti-approach bracelet program. Have you started to examine that project and look into the results? Although it is a pilot project, have you studied what is being done in Quebec? Could you explain a bit of what you have learned?

• (1135)

[*English*]

Ms. Roxana Parsa: Thank you for that question.

I have not been looking too in depth at what has been happening in Quebec. I have read studies from other places in Europe where electronic monitoring has been used.

One thing that's important to point out and that I've seen emerge is that it's often found to be successful when it's paired with other interventions and other programming. It's very rare that electronic monitoring as a stand-alone measure is a comprehensive plan for protecting survivors of violence. That's something I have seen come up in studies. It's often in alliance with community integration supports, with training, police and other measures that are more preventive in focus.

I have not read too many of the details of the Quebec situation.

[Translation]

Ms. Andr anne Larouche: Thank you.

Yes, when we examine the international situation, we see that it has worked in Spain and it is also being considered in France and Australia. That is why, in Quebec, it is part of a continuum of services for victims. So it is more than a recommendation; I think there are over 90 recommendations in the "Reb tir la confiance" report. It is a full range, but it includes this measure. Obviously, it has to be expanded.

We know that subclause 1(2) of the bill amends the Criminal Code to add having the accused wear an electronic monitoring device to the list of conditions set out in subsection 515(4) that may also be included in an interim release order: release on bail. There has also been a study by the Standing Committee on Justice and Human Rights on this subject. I know that my colleague, the justice critic, has also studied this issue in that committee. Judges may therefore already consider ordering that a bracelet be worn, but now we are told that its use must be expanded and that is what this bill means to do.

Ms. Coyle, apart from the experiments underway in Quebec and abroad and the study of the subject conducted by the Standing Committee on Justice and Human Rights, do you see other possibilities for improvement? What would you add to the continuum of services? Are there things that should not be left out?

[English]

Ms. Emilie Coyle: I want to remind everyone, before I answer, that I come here bringing the voices of people who are often forgotten in these conversations, so—

The Chair: It's already over the time, so you have 15 seconds or less.

Ms. Emilie Coyle: Oh, my goodness. Okay.

Well, we need social workers. We need universal basic income. We need robust mental health care. We need accessible counselling and legal, drug and alcohol services. The list goes on.

I'll stop. I'm sorry.

The Chair: No, it's perfect. You have a lot to add. Thank you so much.

We're going to pass it over to Leah. Leah, you have six minutes.

Ms. Leah Gazan (Winnipeg Centre, NDP): Thank you so much.

My first question is for Madam Parsa.

I know that in the Senate committee on November 16, 2022, your colleague Rosel Kim stated, "Ultimately, electronic monitoring is a reactive tool that provides a false sense of security for many survivors and does not address the systemic causes of domestic violence or the underlying issues that survivors face, like isolation and the lack of resources."

I know we've spoken about.... Other witnesses have indicated that certain groups, such as indigenous groups, are oversurveilled. We know through the National Inquiry into Missing and Murdered Indigenous Women and Girls that when there are issues of safety, the very systems that are supposed to protect us don't. We're oversurveilled, and when we need support, we're not. Because of this, we've heard there's distrust of current systems. Now we're supposed to rely on those very systems as the main tools for safety. They have been proven—we know through research—not to protect us.

Can you expand on how electronic bracelets may be reactive tools that don't address the root causes in our current systems, which are perpetuating increases in intimate partner violence?

● (1140)

Ms. Roxana Parsa: Sure. Thank you for that question.

I think it's very important to point out what you were just highlighting: Relying on something like electronic monitoring, which is embedded in the criminal legal system, pushes a lot of survivors away from accessing support. Indigenous and Black women, racialized communities and migrant women.... Many people will not go to the police for many of the reasons you stated. The safety mechanism is not even available to them and will not be used by women in these communities.

When we talk about how this is a reactive response, what we mean is that we need to think about where we're putting our resources. Our resources should be funnelled more towards proactive, preventive responses. The real solutions to intimate partner violence lie in investments in community services and housing, in expanding shelter systems and in providing mental health resources. We see that shelters are constantly full and women are being turned away.

There are resources being spent on the criminal law that could be turned into an effective and functioning social support system—

Ms. Leah Gazan: I have a limited amount of time.

I know the current government cut \$150 million from shelters. We know that by the time we get legal interventions, people have either been murdered or don't want to access the systems in the first place.

Why is there a concern that if we put this system in place, we'll see further cuts to the resources that keep people alive and safe and give them the programs and services they need to exit violence?

Ms. Roxana Parsa: I'm sorry. I didn't fully understand the question you're asking.

Ms. Leah Gazan: There's a concern that resources that could be used for things like shelter and prevention programs.... Why do you have a concern that those resources would instead be allocated to electronic bracelets?

Ms. Roxana Parsa: I guess we can't say exactly which resources the government will choose to spend on. What we can say is that electronic monitoring devices are very expensive. We know this.

This money does not need to be spent on them. It could be spent on—and we would encourage the government to think about spending it on—social support mechanisms. As Ms. Coyle said, the Renfrew inquest and the Mass Casualty Commission recommendations point to prioritizing preventive work. That is where we will really see change with intimate partner violence.

Ms. Leah Gazan: Just to add on to prevention, one of the things that I've put forward is a bill in support of a guaranteed livable basic income, because we know through the national inquiry call for justice 4.5 that often people wanting to exit intimate partner violence can't because they don't have the financial resources to do so.

I know that in terms of the sector that works in IPV, there's been almost unanimous support to put in place a guaranteed livable basic income as one of the key ways to mitigate gender-based violence. I know that NWAC supports it. I know that the Elizabeth Fry Society supports it. I believe LEAF supports a guaranteed livable basic income.

Why is that necessary if we're going to get real about ending gender-based violence?

I'll ask Sarah.

The Chair: We have 45 seconds.

Ms. Sarah Niman: Alleviating some of the economic strife that is experienced predominantly by indigenous women and victims of gender-based violence and domestic violence is one key tool for reducing and eliminating gender-based violence. However, it isn't the only tool, so it needs to work in concert with community-based solutions and indigenous-led solutions, building into legislation opportunities and avenues for the legislature to consult with the indigenous community directly affected.

Ms. Leah Gazan: How long do I have?

The Chair: You have 10 seconds left.

Ms. Leah Gazan: Do you want to add something, Emilie?

Ms. Emilie Coyle: What comes to mind is this: If you don't have a house, if you don't have anywhere to go, is this electronic monitoring bracelet going to help you in any way?

The Chair: Perfect. Thank you so much.

We're now going to start our next round. I've gone through the time. We'll be voting at 11:49, and by the time Michelle's done, it will be 11:49. We can start off the first round with Michelle for five

minutes before we take a break to vote. After that, we'll go to Anita, and then we'll continue from there.

Michelle, go ahead for five minutes.

• (1145)

Ms. Michelle Ferreri (Peterborough—Kawartha, CPC): Thanks, Madam Chair.

I have a quick question for each of the three witnesses. I have to be pretty quick with our time.

Do you think that policy should be led by victims or by people who work in the industry but have lived experience?

I'll start with Ms. Coyle.

Ms. Emilie Coyle: The voices of—

Ms. Michelle Ferreri: Just tell me if it should be people with lived experience or not, yes or no.

Ms. Emilie Coyle: We bring the voices of people with lived experience.

Ms. Michelle Ferreri: Okay, so it should be lived experience.

Ms. Niman, do you think policy should be set by people with lived experience or by people who don't have lived experience?

Ms. Sarah Niman: I have a nuanced answer.

Ms. Michelle Ferreri: Okay.

Now I'll turn to the third lady—I'm not sure of your name.

The Chair: It's Roxana.

Ms. Michelle Ferreri: Thank you, Madam Chair.

Roxana, do you think that policy should be set by people who have lived experience or not?

Ms. Roxana Parsa: I also have a nuanced answer to that.

Ms. Michelle Ferreri: What I've heard here today is—I'm going to be honest—deeply upsetting. It's deeply upsetting what you have put forward.

We've had victims sit in this chair.... There is the senator whose daughter was raped and murdered, who comes to this with a very personal perspective. These victims have testified that this bill needs to be passed with no amendments.

I'm curious. You keep going into the prevention end of things. A thousand per cent, you need prevention. A thousand per cent, you need that. That's not what we're talking about today. We're talking about a bill that will help victims, and it's shameful what you have said here today on behalf of these victims.

Mr. Marc Serré (Nickel Belt, Lib.): I have a point of order, Madam Chair.

Madam Chair, I just want to ask this: Do we have any witnesses coming to the committee who are indigenous women? Do we have any witnesses coming to the committee who are Black women?

The Chair: We have requested....

That's not a point of order, specifically. I appreciate that.

Mr. Marc Serré: However, attacking witnesses is not a good thing either.

The Chair: Just be judicial with your comments.

Ms. Michelle Ferreri: I want to—

Ms. Lisa Hepfner: I have a point of order.

The Chair: Okay.

One moment, please.

Ms. Lisa Hepfner: I just want to point out that we have witnesses here today who work on the front lines and who live this, probably, every day of their lives. They are listening to victims every day, and I think it's really insulting to not even listen to an answer.

The Chair: That is debate.

I appreciate this, Lisa—

Ms. Michelle Ferreri: I hear you, Lisa, and I want—

The Chair: The chair has the floor.

Let's just have respectful language. That is what I ask. I recognize that we come to this with a lot of passion. We may come from very different, opposing sides on this issue. I respect that, but let's just ensure that we get the right testimony out here.

Michelle, you can continue with your time.

Ms. Michelle Ferreri: Thank you.

I do not disrespect the work you do. It just feels very....

It is shameful what they've said, so I would like to read into the record what the victims have said.

This is from Martine Jeansen: "I'm telling you that the group of 100 women and everyone we work with, they're just waiting for you to accept the bill. They're just waiting for that. This group is still there. We're talking and they're there: 'Martine, are we going forward? Martine, where are we now?'"

This is from Martine as well: "We go to the women who don't want to report abusers. However, if they know they're going to be listened to, if we start to see that electronic bracelets are being put on and if we start to see there are judgments in favour of women, they will tell themselves that if they speak, we will put a bracelet on the aggressor so he will not come back to attack her afterwards."

I think what I hear that I'm saying is shameful.... It's not personal: It's that you're saying criminals are allowed to walk free. What about the women and children who are sitting at home, terrified, right now? Their attacker is at large. Because of the Liberal Bill C-5, you can serve a sentence for a violent crime, a gun crime, under house arrest. These children, these women, are living in fear, and there is a very small window for when you can do this. That's

what this bill does. That is what I'm saying about how it feels shameful what you've said to these victims today. I know the work you do. Elizabeth Fry does amazing work in my community, but what you've said today feels insulting.

The prevention end of it is critical, 100%, and that's not what this legislation is. Do we need to teach men how to be kind? Do we need to teach the difference between violence and anger? Yes. Do we need to teach all of those things? We do, 100%, but if you don't see the value, in that this bill will protect women and children today, then we have a very strong disagreement.

Thank you, Madam Chair. There are no real questions except this: Are they going to support this legislation, yes or no? That would be my final question for everyone.

The Chair: We'll start.

We have Emilie and then Sarah, followed by Roxana.

Ms. Emilie Coyle: I want to say that we are on the same side. We are a 100% on the same side, and it is shameful that there is an epidemic of intimate partner violence in this country, and we all want to do something about it. I simply bring the voices of the criminalized women and gender-diverse people that I work with to these tables, because they're often forgotten and they are the most victimized vulnerable people in our community.

• (1150)

The Chair: You have 20 seconds left. Thank you.

Ms. Sarah Niman: It's our understanding that NWAC was invited here today so that this committee could hear the perspectives of the disproportionately impacted indigenous women. If you want to hear how this bill will impact indigenous women, then my comments are that they won't be able to access it and they won't be able to benefit from the intended outcomes of this bill unless you consider making amendments that tailor it to their identities as indigenous women.

The Chair: Thank you very much.

That was the end of the five minutes. We are going to suspend to allow us to vote. Then we'll be coming back and continuing with our round. We're suspended until everybody has voted.

• (1150)

(Pause)

• (1156)

The Chair: We're reconvening. Thank you, everybody.

We've all had the opportunity to vote. We're going to start the clock now.

I'm going to pass it over to Anita for five minutes.

Ms. Anita Vandenberg: Thank you very much, Madam Chair.

First of all, I think we would all like to respect the expertise you are bringing here and thank you for coming and providing that to us.

Ms. Niman and Ms. Parsa, when you were presented with a binary yes-or-no 10-second question—which I think is unfair to ask witnesses—you said that you had a more nuanced response. I would ask both of you to give us your nuanced response.

Ms. Sarah Niman: Thank you.

A lot of the data and research that my response relies upon is contained within the volumes of the final report of the national inquiry into MMIWG. Those tell us the specific answers that inform indigenous women's experiences. In terms of their disproportionate representation among victims of gender-based violence and domestic violence, I don't want NWAC's position on this bill to be characterized as pitting different kinds of victims against each other. We are all on the same page in terms of advancing rights and voices of victims.

Ms. Roxana Parsa: I would agree with that and say that I think we are all here with the same goal, which is ending gender-based violence.

Speaking from LEAF, our work is developed through research and consultation with a range of individuals, some of whom are survivors and some of whom are experts.

I also think that it's a bit of a false binary to say that many experts are not also survivors. I think intimate partner violence affects a very large variety of people.

I think it is important to keep in mind that we are here to bring to light some of the perspectives of the most marginalized communities, who are often not here, as Ms. Coyle said as well.

Ms. Anita Vandenberg: Thank you. I very much appreciate those voices that you are bringing here today.

My next question is for Ms. Coyle.

I'm going back to some of the things you said. It sounds that a lot of the arguments to amend this bill are around the fact that there are things that are redundant, things that may not be necessary, things that...well, the money would be better spent elsewhere.

What I'm not hearing is whether this bill would actually cause harm. When you're looking at something and saying it's already in the criminal law, that's very different from saying that if this bill is passed, there will actually be unintended consequences that would not have been in the legislative intent.

I also consider that when we heard witnesses previously, they talked not just about the sense of security or safety but also about the deterrent effect, for instance, that a bracelet would have, and also being able to prove in court where that person was if they did break their conditions.

I see Ms. Niman nodding. I'll give it to Ms. Coyle, and then if there's time, I'll have the other witnesses also respond.

• (1200)

Ms. Emilie Coyle: In my initial remarks, I used the example of mandatory charging as an unintended legislative reform that has ended up harming the people we work with. I'm sure you've heard multiple stories.

I used to be a defence counsel. I represented someone who used a toy that was characterized as a weapon. She was charged with assault with a weapon. She was defending herself when she was running away, and she threw the toy. When the police arrived at the home, they had to charge someone and they didn't know who the aggressor was.

Often in cases of intimate partner violence, the person who is harming the other person knows very well how to use the law against the person they are already harming. We have to be really careful when we look at utilizing the new tools in our tool box not to continue to harm people through a system that already has bias at its core.

Ms. Anita Vandenberg: Go ahead, Ms. Niman.

Ms. Sarah Niman: Thank you.

I'm going to lean on two truths that we hold to be true: One is that disproportionately, indigenous women are victims of domestic and intimate partner violence, and that indigenous women are overincarcerated in our federal prisons.

NWAC's position on Bill S-205, to respond to your question about whether there are unintended harms, is to ask that this committee, in its study, be alive to some of those unintended consequences vis-à-vis overincarceration of indigenous women.

Ms. Anita Vandenberg: Thank you.

Ms. Parsa, would you comment?

The Chair: There are 10 seconds.

Ms. Anita Vandenberg: Ms. Parsa, you have 10 seconds.

Ms. Roxana Parsa: I would agree with everything that has been said.

With respect to the deterrent effect, there is not much evidence showing that electronic monitoring has a deterrent effect. Harshness of penalties does not lead to deterrence, and I also think there are technological faults—

The Chair: Perfect. Just wrap it up really quickly.

Ms. Roxana Parsa: I was just going to say that many of the technological barriers that arise can also lead to failures in deterring, because they know it won't work, really.

The Chair: Excellent.

Now I'm going to switch it over to Andréanne Larouche. You have two and a half minutes, Andréanne.

[Translation]

Ms. Andr anne Larouche: Thank you, Madam Chair.

After reviewing the “Reb tir la confiance” report, I had in mind that it was more than 100 recommendations, but it contains 190, more precisely. As I said earlier, that report really did examine the question of spousal violence on a continuum, from the court to prevention, and including electronic bracelets. I would be very curious to see the study that Quebec is doing on this subject now. What would be important is to see the positive effects that are being observed on the ground after the report was done.

This bill has been introduced against a backdrop where again this morning, after Toronto, the counties of Prescott and Russell are describing this violence as an “epidemic”. Even Ant nio Guterres declared that violence against individuals during the COVID-19 pandemic was a shadow epidemic.

We can see that violence has consequences and that some people are more affected than others. The final report of the National Inquiry into Missing and Murdered Indigenous Women and Girls shone a light on how difficult it is for these women and girls to turn to the system, report their situation, and have confidence in the system.

Ms. Niman, I would like you to talk to us about what could be added to the bill, or what could be improved in it, to better support indigenous women and girls. What more could we do?

[English]

Ms. Sarah Niman: Thank you for your question.

Our suggestions to the text of this bill to improve it for indigenous women are to make an amendment by adding a condition at proposed subsection 515(4), providing courts with the option to look to indigenous governing bodies that have authority to govern the accused to contribute community-based solutions as part of the conditions.

The Chair: You have 30 seconds left.

[Translation]

Ms. Andr anne Larouche: Thank you, Madam Chair.

Ms. Coyle, I am going to turn to you for one last little question. In a few seconds, what can we learn from mass murders? The report talks about coercive control during mass murders and about expanding the types of violence recognized by the system.

• (1205)

[English]

Ms. Emilie Coyle: Can you repeat that? I'm sorry. I want to make sure I understand what you're saying.

[Translation]

Ms. Andr anne Larouche: In the mass murder report, there are several connections with violence against individuals. It talked about the issue...

[English]

The Chair: Answer really quickly, please.

[Translation]

Ms. Andr anne Larouche: Madam Chair, Ms. Coyle misunderstood the question. Can I have a few seconds more to repeat it for her, please?

[English]

The Chair: Be really quick. It's just that your time is already up.

[Translation]

Ms. Andr anne Larouche: One of the recommendations is to expand the types of violence recognized in cases of intimate partner violence, particularly the issue of coercive control. In a few seconds, what can we learn from the mass murder report regarding the bill?

[English]

The Chair: You have only five seconds to give an answer, so I will ask for that to be in writing. That was just way over time.

Ms. Emilie Coyle: Okay. I will write the answer.

The Chair: You can give a quick reply now and then give the rest in writing, please.

Ms. Emilie Coyle: Okay.

Coercive control is a whole other issue that I would love to speak to you about. I'm also eager to hear about this recommendation from Quebec. I think there's a lot to learn.

The Chair: Perfect. Thanks very much. I know it's a much bigger issue than in a 10-second reply, so if you wish to put that in writing, that would be wonderful. I know there's lots of work being done on that as well.

Leah, you have two and a half minutes.

Ms. Leah Gazan: Thank you so much, Chair.

I want to acknowledge that I think all of us are on the same page in terms of wanting to address intimate partner violence. We're all pretty intense about it. I know I've spent a career being intense about it.

In saying that, I think one thing we need to remember as legislators is that many of us haven't had this lived experience and we're making the laws. One of my concerns is specifically the fact that the very people who are overrepresented in terms of experiencing intimate partner violence will not even use this system, because they don't get a response. We know this from the national inquiry. When indigenous women and girls and 2SLGBTQQIA call for help, whether it's to deal with it or even look for them, nobody shows up.

I want you to expand on that, Sarah. You spoke to an amendment. Why is that amendment so critical if we're going to address the statistical majority of people experiencing intimate partner violence?

Ms. Sarah Niman: Thank you for the question.

My answer relies on the lens of the UNDRIP. What that obligates legislators to do is craft legislation that takes into consideration indigenous peoples' rights. Under article 22 of that international human rights treaty and domestic legislation, there's an obligation for states to take action to protect the vulnerable, specifically indigenous women, from violence.

While this bill seeks to reduce intimate partner violence, and prevent it in some cases, it's just not tailored to indigenous women's lived experiences. Therefore, our concern is that while it will help some victims, it won't impact the lived experiences of those who have distrust of the colonial system that oppresses them and have distrust in the people who are legislated to protect them, but oftentimes don't.

Ms. Leah Gazan: I asked because we passed legislation in the last parliament, Bill C-15, and all legislation going forward has to be consistent with the articles contained in the United Nations Declaration on the Rights of Indigenous Peoples.

Does this bill do that? It's a legal obligation for us now. Does it do that?

Ms. Sarah Niman: No. I understand that there's not an UNDRIP lens through which each bill is being examined, the same way that it's done for the charter and for gender-based analysis.

We suggest that in the near future—and why not now?—we begin by making sure that all legislation passed aligns with an indigenous-led approach.

Ms. Leah Gazan: That's actually Canadian law now.

The Chair: Thank you so much.

We're past our time, so we're going to do the last couple of seconds. We'll have five minutes for Dominique and then five minutes for Sonia.

Dominique, you have the floor.

[*Translation*]

Mrs. Dominique Vien: Thank you, Madam Chair.

I would just like to respond to the argument that this bill duplicates what was done by Bill C-233, if memory serves. These two bills affect two completely different parts of a process. This is a bill that comes into play upstream, when women experience spousal violence and are completely without resources. I say women, because it is much more often women.

We heard some pretty poignant testimony on Monday, probably among the worst I have ever heard. You heard me react. At one point, it became unbearable to hear. So I have trouble imagining how these women can continue to survive as they do, with so much strength, after experiencing that violence.

I would also like to point out that the Quebec Native Women association supported the Quebec initiative to use electronic bracelets, about which Ms. Larouche and I have said a lot today, which is a beacon in this area. It is a positive experience. In this field, as in others, we can take inspiration from Quebec, and I do not hesitate to say it.

This is what we are trying to do with this bill, which was introduced and sponsored by Senator Boisvenu, with all his passion and heart. I would remind us that he has experienced a major tragedy, the loss of his daughter, who was murdered. He has devoted his life to this cause: to protecting women.

At the beginning of the week, we heard testimony from two witnesses: Diane Tremblay and Martine Jeanson. They came to tell us, bluntly and unequivocally, how important it is to support this bill. I do not think that anyone here intends to play petty politics with this issue. I do not sense that, in any case. We are trying to identify the best possible elements of this bill, but we all heard these women's testimony on Monday. They told us not to waste time, and that we had to support this bill, with no amendments. They spoke to us from the heart.

I would like to read you a short passage from Ms. Tremblay's testimony: "I can't tell you just how important the electronic bracelet will be once the bill is adopted."

No one said that this bill was the only solution. In fact, it provides for other tools, including therapy and revision of section 810 of the Criminal Code, which serves virtually no purpose. Quoting Ms. Tremblay again: "We have our reasons for requesting that there be no amendments to the bill. We are here before you to tell you what actually happens. We are the ones who really know. We want to be protected and we want to protect our children."

Ladies, I hear what you are saying today and I thank you. You have taken the time to prepare your briefs. However, it is apparent that we do not agree with you, and we want to say so for the record. We want this bill to go through all the steps. We thank you for coming to meet with us, but evidently we will not find common ground, because to us, the bill is fundamental. It is a major tool that will offer concrete help for women everywhere in Canada who are afraid for themselves, but also for their children.

Madam Chair, I therefore urge all parliamentarians, the witnesses who are here and the associations they represent to reconsider their position on this bill and join us. Nothing is perfect. No one is saying it is perfect, but everyone is saying it is better than nothing. From that perspective, I believe we have to move forward.

● (1210)

(no text)

[*English*]

The Chair: Thank you very much.

There are no questions from that, so I'll pass it over to Sonia. Sonia, you have five minutes.

Ms. Sonia Sidhu (Brampton South, Lib.): Thank you, Madam Chair.

I want to make a comment before I start my questions.

As my colleague said, we want to find the best of the bill. Policies aren't made with yes-or-no questions. Nuances matter. Today these nuances mean respecting racialized and indigenous victims.

My question is to you, Ms. Niman.

In very brief terms, what amendments would you like to see that aim to protect indigenous women and women?

• (1215)

Ms. Sarah Niman: Thank you for your question.

NWAC would like to see an amendment to subsection 515(4) that provides judicial decision-makers with the option to consult with indigenous governing bodies when they're dealing with an indigenous accused or victim.

Ms. Sonia Sidhu: Thank you.

On October 31, Minister Ien announced \$5.5 million for several organizations, including LEAF, to address gender-based violence in Ontario and across the country.

Ms. Parsa, how are you going to approach your work in the implementation of this funding? I also want to point out that intimate partner violence can drastically impact victims' lives. What support measures do you provide to victims who are experiencing this violence?

Ms. Roxana Parsa: We don't provide direct support at our organization.

Something LEAF is very passionate about pursuing is looking at alternative avenues to justice outside the criminal legal system. We recently released a report on restorative and transformative models of justice and how survivors who may not want to go through the criminal legal system can seek mechanisms of justice and safety through other models. That is an area we are very eager to continue working in.

Ms. Sonia Sidhu: It is essential for the Criminal Code to adequately address intimate partner violence. We also need to make sure we are working to stop the problem at its root.

What action can government and communities take to improve education about, and prevention of, intimate partner violence?

Anybody can chime in. We can start with Elizabeth Fry.

Ms. Emilie Coyle: We are spending a lot of time thinking about the issue of intimate partner violence with regard to a specific piece of legislation. This specific piece of legislation certainly focuses on section 810 and increasing the voices of people who have experienced intimate partner violence.

However, what we aren't doing is taking a step back and doing what the Mass Casualty Commission inquiry asked us to do, what the Renfrew inquest asked us to do, what the missing and murdered indigenous women and girls report asked us to do, and what the Truth and Reconciliation Commission report, particularly recommendation number 30, asked us to do: reduce the number of indigenous people in our prisons. We're not stepping back and doing that. Instead, we're spending all of our time and energy on a very tiny piece of legislation that is not going to do what we need it to do in order to address the epidemic of intimate partner violence.

Survivors will tell you that they need social workers. They need universal basic income, financial assistance, housing, culturally specific resources, mediators, domestic violence specialists, shelters, peers, community intervention or de-escalation, faith community supports, legal services, crisis prevention measures, drug and alcohol services, and mental health services. There is a raft of things we should be doing.

We should not be spending all of our time looking at this tiny piece of law that is not going to do what we want it to do.

Ms. Sarah Niman: In terms of education, one thing I want to raise that hasn't been raised today—I think it answers your question—is how proceedings in the criminal court are “R. v.”—it's “the Crown versus”, not “the victim versus”. One thing this bill does that we haven't seen frequently enough is give victims a voice in those proceedings. Previous to this bill, they have not enjoyed that.

NWAC honours and celebrates the fact that if Bill S-205 passes, there will be legislated opportunities that require those who hold all the power to consult with the otherwise powerless victims and ensure they're at least made aware and consulted throughout processes that are typically stacked against them.

The Chair: You have 15 seconds.

Ms. Sonia Sidhu: Ms. Parsa, do you want to chime in?

Ms. Roxana Parsa: I agree with everything that's been said and I would reiterate that we think it is really time to move our perspective beyond just focusing on the criminal legal system. Prevention work is what is crucial.

The Chair: That's perfect.

I'm looking at the time. We are right at the very end of this panel. We've used every second we possibly could.

On behalf of the committee, I would like to thank Sarah, Emilie and Roxana for being on today. Thank you for bringing your perspectives.

We are going to suspend because we need to get right back on. We have one check to do, so we'll suspend and start back up in about a minute.

• (1219) _____ (Pause) _____

• (1220)

The Chair: We are starting, so we want to switch it up. I'd ask the witnesses from the last panel to move out, because our next panel is trying to get in.

Right now I would like to welcome the two people on the next panel. We have Deepa Mattoo, who is the executive director of the Barbra Schlifer Commemorative Clinic. She is with us via video conference. We also have Catherine Latimer, who is the executive director of the John Howard Society of Canada.

I hope everybody has come back and is good.

I'm going to pass it over for the first five minutes to you, Deepa.

Ms. Deepa Mattoo (Executive Director, Barbra Schlifer Commemorative Clinic): Good afternoon, everyone.

Thank you, honourable chair and committee members. I am Deepa Mattoo, lawyer and executive director of the Barbra Schlifer Commemorative Clinic in Toronto.

I truly appreciate this opportunity to address you today and to present the submissions on behalf of the clinic.

The clinic offers trauma-informed legal services and representation, counselling, multilingual interpretation, and system transformation support to women and gender-diverse people who have experienced violence. Our efforts are rooted in the foundational principles of intersectionality, trauma-informed care, and a resolute dedication to a client-centred approach.

In my submissions today I want to focus on the voice of our clients. I will articulate four key points in response to the proposed amendments. I will talk about how these changes relate to the experiences of survivors of gender-based violence, the implications for the marginalized communities, an assessment of the current conditions of our system and finally a recommendation for evidence-based law reform.

Starting with the voice of survivors, I would like to begin by expressing my support for proposed subsection 515(3.1). We think it's a step in the right direction to require the justice overseeing a bail hearing to inquire with the prosecutor about whether the accused's intimate partner has been consulted regarding their safety and security needs.

This underscores the importance of taking into account the well-being and concerns of the intimate partner and provides an opportunity for survivors to explain what they are afraid of and what court orders might help them. We question, however, whether the provision goes far enough. Is there a way to ensure not only that survivors are consulted but that their concerns are actually presented to the court to assess how the conditions address them?

With a similar view, proposed subsection 515(14.1) helpfully requires the judge to ask if the survivor has been informed of their right to a copy of the court's order. We submit that the amendment could also require that a copy be provided to the survivor. In the clinic's experience, survivors can wait for a week to obtain a copy of the bail conditions, which are usually very general in nature,

rather than tailored to the specific safety concerns during the ongoing legal proceeding.

With respect to the amendment to proposed section 810.03, which creates a recognizance order specifically for situations of intimate partner violence, we recommend an additional survivor-centred approach. Protection should be available for both current and previous intimate partners, as our experience shows that violence can persist after partners have separated and in many cases actually escalates to lethality at the time of the separation. In addition, informants seeking the recognizance order should be given the option to attend court on a different day than the defendant.

I wish to emphasize that many of the amendments in Bill S-205 are a step toward empowering individuals who fear potential harm from their intimate partners and reflect your commitment to creating a safer and more responsive legal environment. However, I want to submit that there are inadvertent repercussions for historically marginalized communities from indigenous backgrounds, Black backgrounds, non-status people, migrant communities and disabled people. From our observations, these consequences may include the following.

The first is misuse or false accusations against the survivors themselves. You have heard in detail from Elizabeth Fry Societies how the system is sometimes challenging for the survivors themselves when they have this complex relationship and they get charged.

The second is the chilling effect on reporting. That's another fear that we have: The legal repercussions may unintentionally deter people who are genuinely in need from reporting their concerns. It is vital to address any barriers that might discourage individuals from seeking the protections they require.

The third is the strain on already limited legal resources. I'm sure this committee has heard from other people on this aspect too. There is already a very stretched legal resources issue in this country. Adequate measures should be implemented to manage potential backlogs and maintain the efficiency of the legal system if these amendments go forward.

The fourth is the stigmatization of accused individuals. We must be vigilant about the unintended societal stigma that accused individuals may face, even if later proven innocent. Public perceptions can have lasting impacts on people's personal and professional lives. It can also lead to increased criminalization of marginalized communities—survivors who don't speak English, survivors who are from the migrant communities, and indigenous and Black survivors.

I submit that changes to the legal landscape like this need to go hand in hand with additional legal aid support for survivors and options—

• (1225)

The Chair: You have 30 seconds left.

Ms. Deepa Mattoo: —for free independent legal advice to ensure a fair and informed process.

I also share some of the concerns that were presented around the electronic monitoring and the bodily substance sampling.

In conclusion, the voices of survivors echo with an urgency that demands our attention. The fear of domestic violence is not just physical; it's a pervasive threat that lingers in the shadows of survivors' lives.

In your commitment to transforming this system, I ask that you think about the calls to action for a framework that is not only dedicated towards breaking the cycle and building a future without—

The Chair: Thank you so much.

I know you're trying to get so much in. I know you've sent in speaking notes, so we'll ask that those be sent out to the committee so that everybody can get all of that information you sent. I know there's a ton.

In the room, we have Catherine.

Catherine, I'm going to pass the floor over to you for five minutes.

Ms. Catherine Latimer (Executive Director, John Howard Society of Canada): Thank you, Madam Chair, and thank you, committee members. It's a great pleasure to be here. I want to thank you very much for seeking the views of the John Howard Society on Bill S-205.

As a charity, we're committed to effective, just and humane responses to the causes and consequences of crime. The John Howard Society is concerned about preventing crime, and about appropriate and effective consequences for having committed crimes.

Preventing intimate partner violence is a shared goal, but our assessment is that there's very little in Bill S-205 that would make a difference in preventing violence.

Bill S-205 amendments really pertain to two areas. One is the judicial interim release provisions, or bail provisions, and the other is the new category of recognizance orders relating to the fear of domestic violence.

In terms of the judicial interim release provisions, there is a heavy reliance, as the other witnesses have mentioned, on electronic monitoring as a condition of pretrial release if it is sought by the Attorney General.

We would first point out that the research on electronic monitoring has been inconclusive in terms of its effectiveness in preventing crime.

Second, the technology is very expensive, and it is important to note who would be paying for the device and for its monitoring. Given that it is the AG who is seeking it, can we safely assume that it would be the AG who is paying for it? That's not always the case; often, individuals who are released on bail or on community sentences are being asked to pay for the monitoring. This actually worsens a class bias in the criminal justice system through which the affluent are more likely to benefit and the marginalized and im-

poverished, including members of the indigenous and Black communities, are more likely to be denied.

The reverse onus provisions that are being proposed in paragraph 515(6)(b.1) mirror the contentious provisions that were included in Bill C-48, which make prior discharges equivalent to convictions, triggering the reverse onus provision for bail for prior intimate partner violence offences. Many witnesses appearing before the Senate on Bill C-48 cautioned that including discharges would raise charter concerns.

There is almost a retroactive application to this provision, which is troubling. Many accused, including women who are also often charged when it is unclear who initiated the domestic conflict, might have agreed to plead guilty to an offence that might otherwise have been successfully contested at trial on the understanding that the discharge would have no future negative criminal justice implications for them. Now it would.

In any event, the equivalent of this section will have already been accepted or dropped in Bill C-48, making this section duplicative or possibly inconsistent with the will of Parliament.

The second major area is the recognizance orders. Our view is that the proliferation of section 810 orders to reflect the fear of certain types of future crimes is unnecessary and bad policy. Existing sections 810 and 810.2, which specifically refer to intimate partner violence, are adequate to cover those fearing domestic violent offences.

It should be noted that the proposed intimate personal violence recognizance in this bill is triggered by a fear of a personal injury offence, yet section 810.2 recognizance is triggered by a fear of a "serious personal injury offence". This indicates that the latter category applies to persons who pose more of a threat of serious harm, yet Bill S-205 proposes much harsher treatment of the former for the 810 order than for the 810.2 orders, and this will create a sense of a disproportionate, unfair response based on the severity of the risk posed.

There are also some amendments to the Youth Criminal Justice Act, but I won't get into those for fear of running overtime.

• (1230)

The Chair: You have 45 seconds.

Ms. Catherine Latimer: In conclusion, the John Howard Society of Canada urges the committee not to pass Bill S-205 at this time, as the House has unanimously passed Bill C-48 and the bill is now in the Senate, which gave attention to the issue of intimate partner violence during the bail process and already includes a key measure that is proposed in this bill. Further, the range of section 810 recognizance orders is already adequate to deal with the fear of intimate partner violence, and the proposals in Bill S-205 are disproportionately harsh.

I agree with what the witnesses had to say before. The criminal justice system has a very limited range of tools that it can use to assist with intimate partner violence. The better answers lie outside the criminal justice system.

The Chair: Excellent. Thank you so much.

I'm looking at the time, which is 12:32, meaning we have 28 minutes. I'm looking at everybody to say that there are a few suggestions. We can do one round of six minutes and then a lightning round for one minute each, or we can just kind of reduce it by a few minutes so that we get two rounds through.

We're all good. I'm looking at anyone....

Okay, I'm just going to go ahead. We're going to do four minutes for the first round. From there, I'll divide up my time. Okay.

We'll start off with Dominique for four minutes.

[Translation]

Mrs. Dominique Vien: Thank you, Madam Chair.

Ms. Latimer, thank you for travelling today to appear before our committee.

We have the transcripts of the testimony that was heard on Monday, and I am going to read you a short excerpt from Diane Tremblay's testimony:

An electronic bracelet establishes a safety perimeter between victims and their abusers and can prove any failure to comply with conditions. ... Even though I frequently reported my abuser, he always got off scot-free, unlike me. So I'm begging you to seriously consider requiring the wearing of an electronic bracelet. I believe it's a no-brainer. We deserve to be heard, and for our rights and essential needs to be respected.

I am a bit surprised that you have told us today not to adopt Bill S-205, at least not right now. I think you were in the room earlier. I am really very surprised, and even speechless, given the...

[English]

Ms. Catherine Latimer: Well, I think there are technical reasons as well as substantive reasons for not proceeding now with Bill S-205. The primary one is that Parliament has already looked at almost the exact wording of the provision in the judicial interim release reverse onus provision, so it will already have made a determination. That bill, Bill C-48, includes a review provision so that the effect of those particular provisions can be looked at and changed more if need be.

[Translation]

Mrs. Dominique Vien: It seems to me that the testimony we have heard and the experience we have had in Quebec with anti-approach bracelets compel us to act and to adopt Bill S-205. Sincere-

ly, I find it hard to see how technical effects can try to persuade us not to adopt this bill.

I am going to stop here, because I do not have much time, Ms. Latimer. It would have been interesting to continue the discussion.

Ms. Mattoo, you are in virtual mode, is that right? Are you there?

• (1235)

[English]

Ms. Deepa Mattoo: Yes.

[Translation]

Mrs. Dominique Vien: Hello, Ms. Mattoo.

If I understand correctly, you support the bill. You may want there to be improvements, but you support Bill S-205, is that right?

[English]

Ms. Deepa Mattoo: I agree with some portions of the bill. I don't agree with the entire bill. I don't agree with all the amendments that are being proposed. I do agree with the voice of the survivors that's been proposed in the bill.

[Translation]

Mrs. Dominique Vien: Have you read the testimony that we heard on Monday?

[English]

Ms. Deepa Mattoo: No, unfortunately, I did not. I'm sorry.

[Translation]

Mrs. Dominique Vien: Do the excerpts that I read just now, from the testimony of women who came here to the committee, not reflect the reality and very concrete lived experience that urge us to adopt Bill S-205? Does that testimony not say something like: "We are the ones who experience it, we have experienced this situation and we help women, hundreds of women, to try to get out of it"? Should that not be enough to persuade us to take action today?

[English]

Ms. Deepa Mattoo: Unfortunately, because I haven't seen the transcript, I can't say that you should be convinced or not. Absolutely, if you think you should be convinced....

However, what I want to say is that maybe who you need to also hear from are the survivors who, unfortunately, see themselves getting criminalized in the system. I think that's the piece that is missing in the equation.

The Chair: Thank you so much.

We're now going to pass it over to Emmanuella. Emmanuella, you have four minutes.

Ms. Emmanuella Lambropoulos (Saint-Laurent, Lib.): Thank you, Madam Chair.

I'd like to begin by thanking our witnesses for being here, the ones who are on the current panel and also the ones on the previous panel, who have come here to express the views they have and all of their experiences working with these communities who are under-represented and who are overly incarcerated. I appreciate the views that are being brought forward, because it's important to take into account all perspectives when putting forward legislation. I just want to make sure that it's known that I very much appreciate your presence here today.

To both of the witnesses on this panel, you've spoken to some of the shortcomings in Bill S-205. You specifically mentioned shortcomings with regard to prevention and how the bill does little to prevent intimate partner violence. Also, you mentioned the fact that it could put certain communities more in danger than they already are. It could make certain victims get the negative parts of this bill applied to them as well, so it will just increase the amount of inequality that exists in our society.

I am hoping that you heard the previous testimony as well, because there were certain recommendations that were brought forward by previous witnesses, including amendments that could be made to the bill in its current form.

Is there anything that you would like to add in terms of specific amendments that haven't been mentioned already that you think can help bring that prevention piece in or that you think can help those who don't feel protected by the justice system, by police, etc.? What are some of the things that you think we should be including in here if we weren't to completely reject the bill and we were to pass it eventually? What is missing from it, and could you be a little bit more specific?

I'll start with Ms. Mattoo because I see her on the screen, and then we'll go to Ms. Latimer.

Ms. Deepa Mattoo: There are two things in addition to what I said in my proposed amendments in the beginning that are really important.

In none of the amendments proposed do I see any connection or any comprehensive approach that addresses the causes of the criminal behaviour. There is nothing that explores the integration of mental health services, addiction treatments and social support to facilitate that sense of rehabilitation. While there is a lot of emphasis on these new conditions, there is nothing to say that these conditions should also work with all of those other services that are really crucial for preventing criminal behaviour.

I also think that there is ambiguity in the language of the bill, especially around the recognizance conditions, and there is a lot left to interpretation and application, which can lead to legal challenges. That's one thing, but also I think that there needs to be some concerted effort so that the system is not laced with the bias that we are currently facing for marginalized communities. There needs to be clarification of the legal language for more consistent and transparent applications.

Those would be two things. If the bill has to pass, those would be the two things that I would say should be considered.

Thank you.

• (1240)

Ms. Emmanuella Lambropoulos: Thank you.

Ms. Latimer, do you have anything to add?

The Chair: You have 15 seconds, Ms. Latimer.

Ms. Catherine Latimer: Thank you very much.

I don't have much to add, except that I think that what has been proven successful in terms of reducing intimate partner violence—and more work needs to be done—is working on preventing repeat offending, and my hat's off to the government's initiative on the federal framework to reduce recidivism. I think more work needs to be done on that.

The Chair: Thank you so much.

I'm now going to pass the floor over to Andréanne for four minutes.

[*Translation*]

Ms. Andréanne Larouche: Thank you, Madam Chair.

Ms. Latimer and Ms. Mattoo, thank you for being with us today to speak about Bill S-205.

Ms. Mattoo, regarding new subsection 515(3.1) that it is proposed to add to the Criminal Code, the justice hearing the application for interim release must first "ask the prosecutor whether the intimate partner of the accused has been consulted about their safety and security needs", where the intimate partner is the victim of the offence alleged.

The present subsection 515(3) states that the justice making an order shall consider "whether the accused is charged with an offence in the commission of which violence was used, threatened or attempted against their intimate partner". In a case in which the presumed victim is not the intimate partner of the accused, are there other things that should be done to protect the intimate partner or the victim?

[*English*]

Ms. Deepa Mattoo: In many situations the person is not necessarily an intimate partner. That intimate partner line can be really restricting. I'm really glad you asked that question. In terms of what else needs to be asked about, it is where the threat is coming from, who this person is, what safety concerns are being raised and what safety resources are being offered.

I feel, as I said in my submission, that the language being proposed right now is very minimalist. Although I do really celebrate that there is a proposal to create space for the voice of the survivors, it seems that it is very limiting. There needs to be more inquiry into what is going to happen when someone discloses the threat. You can't just ask what threat someone is facing and then not offer safety to the person. That's the big missing link.

[Translation]

Ms. Andréanne Larouche: I know that a lot of things are happening at the international level, particularly in Spain, where measures like electronic bracelets, which are included in this bill, are in place. France and Australia are both showing interest in that. In other words, for other models, at the international level, measures included in the bill we are studying today have been considered.

Have you had a look at other laws, here or abroad, that require a judge to ask whether a victim has been consulted about their safety and security? Have you consulted people outside Canada?

[English]

Ms. Deepa Mattoo: In my work, one area that I am really keen on that could be potentially utilized is making sure the voice of survivors is heard by doing an expert risk assessment that is focused on the survivor's experience and not necessarily just on the perpetrator which, unfortunately, is currently what happens. If there is that expert opinion taken from a court support worker—maybe a social worker who is working with the survivor—that looks at the risk assessment and looks at the indicators of the risk and the safety planning, it could definitely be very helpful for a judge who is making the decision in making sure that the decision is really holistic in nature.

In my work here at the clinic, that's the area of focus that we have been advocating and asking for. There's definitely room for that amendment here.

• (1245)

[Translation]

Ms. Andréanne Larouche: Can you tell me in a few seconds whether you think it will be difficult to get prosecutors and judges to apply this provision?

[English]

Ms. Deepa Mattoo: It would not, other than in terms of the fact that our system is already overburdened with respect to the resources. From that perspective I do feel as though there might not be enough time or there might be a delay in the system, but legally speaking, I don't see why there should be a problem with hearing from an expert while asking the prosecutor to support the judge in that process. There is a huge—

The Chair: Thank you very much.

We're passing it over to Leah. Leah, you have four minutes.

Ms. Leah Gazan: Thank you very much, Chair.

My first question is for Madam Mattoo.

You spoke a little bit about recognizance orders that are in the bill. You said that was concerning. Can you expand on that, please?

Ms. Deepa Mattoo: I can, absolutely. Thank you so much for asking.

My concerns are that in our experience here at the clinic—I just want to share this with all of you—we receive at least five calls every week from women survivors or gender-diverse survivors who are living under coercive control and who now experience criminalization because of the manner in which we charge people.

My challenge with these changes is that, as we know, there is criminalization of survivors from specific communities: racialized communities, indigenous, Black, non-status and migrant communities. This change could create an environment in which false accusations are coming forward from the actual aggressors—the men, in our case. That can create a chilling effect on reporting by the survivors.

While I think, notionally speaking, that it is an excellent idea that there should be room for people to come and get support and step forward—it gives them that environment—there is a real practical challenge that can create strain on the limited resources. I would not want a survivor to access this without getting independent legal advice. That's a big piece of the puzzle that I haven't seen anywhere in the bill. Are survivors expected to do all of this by themselves?

While this can also be weaponized against them, they are—

Ms. Leah Gazan: I have limited time, but you're saying that the bill as it is places victims of the violence at greater risk.

Ms. Deepa Mattoo: But then—

Ms. Leah Gazan: Okay, I'm going to leave it there because I want to ask Madam Latimer a couple of questions.

This is where my concern is: We know that the justice system is riddled with systemic racism. You made some comments before. Are you concerned that this bill is a bit premature because we haven't dealt with the already existing systemic racism in our justice system? Does it place people who are already overrepresented, or in the case of what Madam Mattoo said in terms of the victims who are often Black or indigenous people, more at risk of being criminalized?

What are your thoughts on that?

Ms. Catherine Latimer: I think the mandatory charging policies, though well-intended, have led to a lot of people who are more likely to be victims than perpetrators being charged with the offences.

There are attempts made to try to correct that by giving people discharges, right? They get an absolute discharge: "It was probably a mistake that you were charged in the first place, but we have mandatory charging policies, so we had to do it." They're stuck with a charge. They try to address it by giving them an absolute discharge. However, absolute discharges are now going to be part of the provision that leads to a reverse onus on bail, so you could end up seeing further numbers of indigenous women and Black women facing pretrial detention unnecessarily because of this bill.

Ms. Leah Gazan: These are women who are victims.

Ms. Catherine Latimer: Absolutely, yes.

Ms. Leah Gazan: In terms of research that I have read, that's one of my main concerns.

I want to be very clear. I understand the good intentions behind the bill. Would you be in support if there were amendments to the bill, or do you just not support the whole bill?

• (1250)

The Chair: Your time is up. We have one final round, so you'll get the question at the end.

I'm looking at the time. You know how sticky I am with time.

We are down to 10 minutes. I thought we had 15, but we're down to 10, so it will be Michelle for three, and three minutes over here to Sonia, and then two minutes and two minutes.

Go ahead, Michelle, for three minutes.

Ms. Michelle Ferreri: Thank you so much.

Thank you to the witnesses for being here. My question is for both witnesses.

One thing that I think has been a bit conflated today is that this bill is about the rights of victims, not prevention. It's not intended to be a preventive measure. Do the witnesses believe that this bill will give more power and voice to the victims?

I can start with you, Ms. Latimer.

Ms. Catherine Latimer: There already is a Victims Bill of Rights, which is supposed to be giving victims a voice in all decisions being made by the criminal justice system. There's already something on paper. If that's not resulting in people getting access and having an opportunity to give voice, then I'm not sure how more paper changes are going to deliver that. There needs to be an operational change and not just a legal change.

Ms. Michelle Ferreri: For the record, I know we were supposed to have the Liberal minister update that Victims Bill of Rights, but that hasn't been done.

Regarding bail reform, the Liberals passed Bill C-5, which allows dangerous sexual offenders to serve their sentences out on bail. You can imagine how this makes victims feel.

Given this legislative change, do you think that victims deserve initiatives and policy and legislation, such as Bill S-205, to give them more rights? Obviously, they are going to be consulted regarding electronic bracelets, which gives them a lot more power.

I will go to Ms. Mattoo to answer that.

Ms. Deepa Mattoo: Thank you so much for the question.

In terms of whether we should have more client-centric and victim-centric—I use the language of survivors—and survivor-centric language in the bills and whether there should be more law reforms around that, absolutely, but my point in response to you is that none of the law reforms should be without an evidence-based approach. There should be funding of appropriate research around law reform. There should be an impact assessment of law reform and the bills. There should be implementation of external independent evaluation of [*Technical difficulty—Editor*] the new changes, and there should be funding for doing all of this work.

Unfortunately, the reason you're hearing a lot of us having a visceral reaction to this bill is that it might actually deepen the problem rather than solve it. From our experience on the ground, there are lots of survivors who have found that the laws that were meant to protect them have been weaponized against them.

I hope that helps.

Ms. Michelle Ferreri: Thank you.

I have 30 seconds left.

My colleague Todd Doherty, who is sitting in today, has a quick question.

Mr. Todd Doherty (Cariboo—Prince George, CPC): Thank you. I appreciate the testimony.

Ms. Latimer, was it your testimony today that some of the criminals who are released on electronic monitoring are told to pay for the monitoring?

Ms. Catherine Latimer: Yes.

Mr. Todd Doherty: Can you share evidence of that with us?

During this time, I've spoken to a friend of mine who's in the RCMP, and he says that's not even plausible. If you can table that evidence with this committee, I think it's.... I'd hate to say that your testimony is wrong or mistaken, but I would love to have that evidence, if possible.

Ms. Catherine Latimer: Sure, I can do that. I actually used to contribute to help someone pay for their electronic monitoring.

The Chair: That's perfect.

Thank you so much, Catherine. If you can make sure that's sent in, we'd really appreciate it.

We're now going to give the floor to Sonia. Sonia, you have three minutes.

Ms. Sonia Sidhu: Thank you, Madam Chair.

Thank you to all the witnesses.

My question is for Ms. Mattoo.

Ms. Mattoo, you talked about the causes of the criminal behaviour and about mental health. You talked about rehabilitation. What testimony can you give to the committee on the importance of such an approach when dealing with the racialized survivors and the marginalized communities?

Ms. Deepa Mattoo: In terms of the causes of the gender-based violence and intimate partner violence, it's very well documented from various researchers that mental health, addiction, poverty and homelessness all go hand in hand in terms of the experiences of the survivors and the perpetrators who commit these crimes.

In the conditions that are being proposed in the recognizance, I didn't see anything proposing that there will be attention paid to all of those supports, along with other conditions that are being proposed. That's where my submissions were; they were around the fact that you can't really solve a problem by just putting on more restrictions and impositions and making it a more criminalized environment for people instead of actually giving them supports to rehabilitate themselves. That's what the basic ethos of the criminal justice system is.

● (1255)

Ms. Sonia Sidhu: Ms. Latimer, can you talk about the priority of the support for the survivors? If this bill is amended, can we enforce existing support systems that protect survivors? Can you talk about that?

Ms. Catherine Latimer: I am not sure of the extent to which this bill or others are actually protecting survivors. Frankly, I think recognizance and the section 810 orders stand a good chance of keeping apart people who are aggressive with each other, because there is a legal order that they stay apart. They're not foolproof by a long shot, but I think the existing section 810 orders make sense.

I worry that the order that's being proposed here is going to be found to be disproportionately harsh, given the other restraining orders or recognizances that are meant to deal with "serious" personal injury offences, and this is only meant to deal with personal injury offences. There is a problem there.

I think that probably your best shot is looking at these section 810 orders.

The Chair: Thanks so much.

I'm going to pass it over to Andréanne.

Let's stay right to the two minutes, Andréanne.

[*Translation*]

Ms. Andréanne Larouche: Thank you, Madam Chair.

Ms. Latimer, electronic monitoring has been one of the options that judges can consider for some time now. Recently, some provinces have even instituted programs to promote its use. In particular, following on the "Rebâtir la confiance" report, Quebec has launched its anti-approach bracelet program in various locations within the province.

Do you know of any programs like the one that has been implemented in Quebec? Have you had a look at the "Rebâtir la confiance" report?

[*English*]

Ms. Catherine Latimer: I have not examined that report, no. I'm unfamiliar with it.

[*Translation*]

Ms. Andréanne Larouche: Right.

It is interesting, because that report was produced on a non-partisan basis in Quebec City by all of the parties, regardless of their political allegiance.

I have looked at the composition of the committee of experts. It includes: Élisabeth Corte, Chief Judge of the Court of Quebec from 2009 to 2016; Maggie Fredette, coordinator of CALACS Estrie; Jean-Thierry Popieul, social worker and clinical coordinator of CAVAC Montreal; Sylvain Guertin, specialized investigator; Deborah Trent, social worker and director of the Montreal Sexual Assault Centre; Éliane Beaulieu, criminal and penal prosecutor; Julie Desrosiers, researcher and full professor in the law faculty at Université Laval; Michel Dorais, researcher and full professor in the school of social work and criminology at Université Laval; Patricia Tulasne, actor and member of Les Courageuses, but also a victim; Pierre Picard, senior consultant with the Groupe de recherche et d'interventions psychosociales en milieu autochtone; Arlene Gaudreault, president of the Quebec Association for Victim Advocacy; Jean-Marc Bouchard, founder of the Emphase group in Trois-Rivières; Hélène Cadrin, a retired public servant and specialist in

spousal violence; and Simon Lapierre, researcher and professor at the University of Ottawa. I will conclude with Cathy Allen, coordinator of the Alternative pour Elles women's shelter.

There are many others, and there was very broad consultation. The document contains 190 recommendations. Because the issue of gender-based violence must be tackled comprehensively, the recommendations include the subject of electronic bracelets, which is currently being studied.

The Chair: Thank you for the comment.

[*English*]

I am now going to pass it over to Leah for two minutes.

Ms. Leah Gazan: Thank you very much.

In the committee today, I think we have different perspectives but a similar goal, which is to address violence, in this case particularly violence against women. My concern in this, though, is that I think we need more of an understanding about how this bill, which is supposed to protect, often criminalizes the victims, who are often BIPOC—Black, indigenous and people of colour. Instead of helping them, they criminalize them. How does that happen?

You have a minute and 45 seconds.

● (1300)

The Chair: It's a minute and 20 seconds, actually. We're on different clocks.

Ms. Leah Gazan: Okay.

Ms. Catherine Latimer: I'm certainly not an expert in this, but I think marginalized communities are less likely to be reliant on police. If they start to get into a disagreement or an argument, there may be a tendency to want to fight back themselves, which will certainly lead to the dual charging in domestic situations.

Ms. Leah Gazan: Going back to the systemic racism piece, because we know through different reports that it's true about not going to police because of a history of systemic racism, do you think this bill is premature because we haven't dealt with the current mess we're in?

Ms. Catherine Latimer: You know, I would like to see us deal with that current mess, but I think we would get no legislation passed at all if we had to wait for the systemic racism issues to be addressed. I think we have to chip away at it and be mindful of the implications of any piece of legislation being passed in terms of its likelihood of exacerbating an already bad situation. I think this bill might well do that.

The Chair: Awesome. Thank you so much.

On behalf of the committee, I would really like to thank Deepa and Catherine—

Ms. Lisa Hepfner: Madam Chair...?

The Chair: Sorry. Go ahead.

Ms. Lisa Hefner: I'm sorry to interrupt.

Just quickly, both witnesses offered really interesting amendments. Through you, could they submit them to this committee—very soon, please—so that we can take those amendments into consideration?

The Chair: Absolutely.

If you have additional information and amendments that you would like to send in, please send them in. We do have a deadline. Everything has to be in by next Wednesday at noon. That would be greatly appreciated.

I would really like to thank Deepa and Catherine for being here today.

I have a couple of comments. On Monday we'll continue our consideration of the human trafficking study. Version two will be coming out at any time, but we have a conclusion and a few extra things done. We will be looking at that plus the recommendations. On Thursday we will go back to the economic empowerment study. On Monday we'll do clause-by-clause consideration. On Thursday we'll have Minister Ien.

If there are no further questions, today's meeting is adjourned.

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