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CANADA

THE PROTECTION OF MONUMENTS DEDICATED TO CANADIAN VETERANS

Report of the Standing Committee on Veterans Affairs

Emmanuel Dubourg, Chair

**JUNE 2022
44th PARLIAMENT, 1st SESSION**

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Chair**

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NOTICE TO READER

Reports from committees presented to the House of Commons

Presenting a report to the House is the way a committee makes public its findings and recommendations on a particular topic. Substantive reports on a subject-matter study usually contain a synopsis of the testimony heard, the recommendations made by the committee, as well as the reasons for those recommendations.

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THE STANDING COMMITTEE ON VETERANS AFFAIRS

has the honour to present its

FIFTH REPORT

Pursuant to its mandate under Standing Order 108(2), the committee has studied the desecration of monuments honouring Veterans and has agreed to report the following:

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LIST OF RECOMMENDATIONS

As a result of their deliberations committees may make recommendations which they include in their reports for the consideration of the House of Commons or the Government. Recommendations related to this study are listed below.

Recommendation 1

That Public Services and Procurement Canada:

- **develop a response plan specifically for federal memorials, and that this plan be distributed widely to serve as a guide for similar plans by all public, community and private organizations responsible for the custodianship or maintenance of memorials.**
- **review its security incident playbook following the events of the 2022 occupation of the National War Memorial site, in consultation with federal and municipal partners and stakeholders, to ensure it will meet the needs for potential future mass protests or gatherings..... 9**

Recommendation 2

That the government of Canada ensure increased coordination between federal departments including Public Services and Procurement Canada, Veterans Affairs Canada, the Department of National Defence, the National Capital Commission, and others as needed for the maintenance and security of federal monuments and memorials. 9

Recommendation 3

That the government of Canada increase public education and awareness campaigns on the importance of all of Canada’s national war memorials and monuments to ensure all Canadians know the significance of these sacred sites. 9

Declaration

That the House of Commons Standing Committee on Veterans Affairs supports all initiatives to promote alternative dispute resolution mechanisms in cases of charges laid under section 430(4.11) of the Criminal Code or under the Public Works Nuisances Regulations. 10



“The House of Commons Standing Committee on Veterans Affairs unilaterally and unequivocally condemns the desecration of any War Memorial in Canada, including the National War Memorial, the Tomb of the Unknown Soldier and the National Aboriginal Veterans Monument in Ottawa. The committee calls upon law enforcement to continue their investigations of these incidents and reports this motion to the House.”

(Motion adopted by the House of Commons Standing Committee
on Veterans Affairs on 1 March 2022)

THE PROTECTION OF MONUMENTS DEDICATED TO CANADIAN VETERANS

INTRODUCTION

During the early days of the protests, when truckers parked their vehicles on the streets of downtown Ottawa, there were media reports of disrespectful incidents occurring in the vicinity of the monuments honouring Canadian veterans. It was reported that protesters were “parking their vehicles on the National War Memorial.”¹ Stéphan Déry, assistant deputy minister at the department of Public Works and Government Services, reported that “People used the monuments as public toilets. Others danced on the Tomb of the Unknown Soldier.”² The following day, the Ottawa Police Service issued a news release seeking information about a woman “suspected of desecrating the National War Memorial.”³

1 Janice Dickson and Salmaan Farooqui, “Ottawa police probe desecration of monuments by trucker convoy protesters”, *Globe and Mail*, 30 January 2022.

2 ACVA, Evidence, 15 February 2022, 1900 (Mr. Stéphan Déry, Assistant Deputy Minister, Real Property Services Branch, Department of Public Works and Government Services).

3 Radio-Canada, “La police tente d’identifier une femme ayant profané le Monument commémoratif de guerre,” 2 February 2022. [in French only]



These incidents were obviously condemned by the Government of Canada and the Veteran community. On the same day that the incidents were reported, the Royal Canadian Legion issued the following statement:

The Royal Canadian Legion strongly condemns the shocking actions of protestors who encroached upon the National War Memorial in Ottawa on Saturday. ... This sacred memorial site commemorates those who fought and fell for the very freedoms that allow people in Canada the right to protest peacefully. We are dismayed and saddened by this overt lack of respect.⁴

During his appearance before the Committee, the Minister of Veterans Affairs, the Honourable Lawrence MacAulay, said the following:

Everyone has the right to protest in this country, but the disrespect shown to the National War Memorial, the Tomb of the Unknown Soldier and the National Aboriginal Veterans Monument was completely disgusting. The National War Memorial represents all those who have served, fought and died for our country. A Canadian soldier was murdered on the very spot, and there were people climbing and celebrating on the tomb of another. To see that from the protestors was shocking, disgusting and a slap in the face to every Canadian veteran. I hope we never ever see anything like that again in this country.⁵

As well, the First Nations Veterans Council:

wholeheartedly [condemned] the actions of those participating in the blatant disrespect towards the National War monument and the Tomb of the Unknown Soldier. ... The ability to voice concern and march in protest is a right; however, defacing and disrespecting the monuments intended to honour the brave people who gave their lives for this freedom is very concerning and disheartening.⁶

In response to these incidents, the Committee agreed to “undertake an urgent study to review these actions.”⁷ As investigations are ongoing, it is difficult to clearly establish the facts and the number of individuals involved. That is why this study is intended to be more of a general exploration of what steps could be taken to prevent such incidents from happening again. The members of the Committee wish to sincerely thank the

4 Bruce Julian, Dominion President of The Royal Canadian Legion, “[Protestors disrespect site of National War Memorial](#),” 30 January 2022.

5 House of Commons, Standing Committee on Veterans Affairs (ACVA), Evidence, 1 February 2022, 1930 (Hon. Lawrence MacAulay, Minister of Veterans Affairs).

6 “Statement by the First Nations Veterans,” Brief submitted to ACVA, 11 March 2022.

7 ACVA, [Minutes of Proceedings](#), 8 February 2022.

individuals and organizations who participated during the two meetings dedicated to this study.

SITE GOVERNANCE

Pursuant to the *Public Works Nuisances Regulations*, the Real Property Services Branch of Public Services and Procurement Canada (PSPC) is the “custodian of special purpose and iconic assets, including bridges, dams and monuments such as the National War Memorial and the Tomb of the Unknown Soldier.”⁸ Custodianship of these two monuments is shared with the National Capital Commission (NCC), which is responsible for maintenance. Since 2020, PSPC owns the west and east sides of the monument, while the lawn and the front are owned by the NCC.⁹ The Parliamentary Precinct Security Operations Centre maintains around the clock video surveillance.¹⁰ “A patrol goes to the monument twice at night and twice after dinner, at nine o’clock, eleven o’clock, and one o’clock and three o’clock in the morning. We have the patrol of a commissioner who goes around the site to make sure that everything is okay in addition to the camera monitoring 24-7.”¹¹

While several organizations are involved to varying degrees in coordinating site security, the Ottawa Police Service is responsible for maintaining order at the site and responding to security incidents, including desecration. Violations of these regulations can result in a fine of up to \$400, as can any refusal to obey an order to remove personal property from a public site. Stéphan Déry of PSPC remarked that the “protests require a delicate balance between applying our authority under the *Public Works Nuisances Regulations* and the need to balance jurisdiction, legislation, the right to protest and human rights.”¹²

8 ACVA, Evidence, 15 February 2022, 1835 (Mr. Stéphan Déry, Assistant Deputy Minister, Real Property Services Branch, Department of Public Works and Government Services).

9 ACVA, Evidence, 15 February 2022, 1915 (Mr. Stéphan Déry, Assistant Deputy Minister, Real Property Services Branch, Department of Public Works and Government Services).

10 ACVA, Evidence, 15 February 2022, 1850 (Mr. Stéphan Déry, Assistant Deputy Minister, Real Property Services Branch, Department of Public Works and Government Services).

11 ACVA, Evidence, 15 February 2022, 1925 (Mr. Stéphan Déry, Assistant Deputy Minister, Real Property Services Branch, Department of Public Works and Government Services).

12 ACVA, Evidence, 15 February 2022, 1835 (Mr. Stéphan Déry, Assistant Deputy Minister, Real Property Services Branch, Department of Public Works and Government Services).



However, the regulations do not apply to the National Aboriginal Veterans Monument or the Monument to Canadian Fallen, which are the NCC's responsibility.¹³

Since 19 June 2014, following passage of Bill C-217 sponsored by David Tilson, section 430(4.11) of the Criminal Code stipulates that “Everyone who commits mischief in relation to property ... that primarily serves as a monument to honour persons who were killed or died as a consequence of a war” is liable to a punishment of anywhere between a \$1,000 fine and 10 years in prison.

According to Statistics Canada, Canadian police services reported 37 offences under section 430(4.11) of the Criminal Code, including thirteen in 2020 alone. Three individuals were charged, although the disposition of these charges is unknown.

PREVIOUS DISRESPECTFUL INCIDENTS AT MEMORIALS

According to Mr. Déry, in the past five years, there have been 17 reported incidents of desecration at the National War Memorial, the Tomb of the Unknown Soldier and the National Aboriginal Veterans Monument, including five since the protests that began on 28 January 2022. All of these were reported to the Ottawa Police Service, although it is unknown at this time if arrests have been made. No costs were incurred for these five incidents.¹⁴

Stephen Clark of the Royal Canadian Legion recalled similar incidents:

In 2006, three males were caught urinating on the National War Memorial. At that time there were calls for more security at the site. In 2009, the provincial cenotaph in Fredericton was vandalized. In 2012, the Inukshuk memorial for Afghan veterans, erected at Legion headquarters in Ottawa, was toppled. The individual responsible for desecrating this memorial—which was donated by Richard and Claire Léger, the National Silver Cross Mother for 2005—never owned up to their actions. Just last year in 2021, the memorial wall in Cranbrook, British Columbia, was vandalized.¹⁵

13 ACVA, Evidence, 15 February 2022, 1910 (Mr. Stéphan Déry, Assistant Deputy Minister, Real Property Services Branch, Department of Public Works and Government Services).

14 ACVA, Evidence, 15 February 2022, 1915 (Mr. Stéphan Déry, Assistant Deputy Minister, Real Property Services Branch, Department of Public Works and Government Services).

15 ACVA, Evidence, 1 March 2022, 1835 (Mr. Steven Clark, National Executive Director, The Royal Canadian Legion).

PROTECTIVE FENCING

On 4 February, after media reports of the desecrations, the City of Ottawa and the NCC requested that PSPC install temporary fencing and barriers around several monuments, including the National War Memorial, the National Aboriginal Veterans Monument and the Monument to Canadian Fallen, to protect them from vandalism.¹⁶ Lower fencing is sometimes installed during special events such as Remembrance Day for crowd control, but according to Stephen Harris, Chief Historian at the Department of National Defence, apart from construction and reconstitution work, this was the first time that fencing was installed to protect these monuments.¹⁷

Some criticized this decision, claiming that the fencing came between the monument and the public, preventing people from coming to pay their respects and “imprisoning” the memory of those who had died in the defense of freedom.¹⁸ Mr. Déry replied that the fencing was temporary and that the decision was made in consultation with Veterans Affairs Canada and the Department of National Defence in order to protect the monuments’ integrity and not at all to interfere with their public purpose: “It’s a shame, in our view, to have to fence around a monument to protect it. It’s also a public place to allow more than a million people to pay their respects to those who have given their lives to make this country what it is today.”¹⁹

The fencing that had been installed around the National War Memorial was dismantled by protesters on 12 February. Without more information, no one can judge the intentions of those who did it. However, the decision to install the fencing was agreed upon by the appropriate authorities. The Committee believes that while everyone is entitled to criticize government decisions, no one is permitted to take it upon themselves to override them. On the advice of the OPS, PSPC decided to not reinstall the fencing. The OPS feared that parts could be used as projectiles.²⁰

16 ACVA, Evidence, 15 February 2022, 1835 (Mr. Stéphan Déry, Assistant Deputy Minister, Real Property Services Branch, Department of Public Works and Government Services).

17 ACVA, Evidence, 15 February 2022, 1910 (Dr. Stephen Harris, Chief Historian, Directorate of History and Heritage, Department of National Defence).

18 See for example, [“Clôturer un monument symbolique n’est pas une solution,”](#) *Journal de Montréal*, 8 February 2022. [In French only]

19 ACVA, Evidence, 15 February 2022, 1920 (Mr. Stéphan Déry, Assistant Deputy Minister, Real Property Services Branch, Department of Public Works and Government Services).

20 ACVA, Evidence, 15 February 2022, 1905 (Mr. Stéphan Déry, Assistant Deputy Minister, Real Property Services Branch, Department of Public Works and Government Services).



As Stephen Clark of the Royal Canadian Legion so aptly put it, “Memorials are symbols of a grateful nation’s collective reminiscence, where we pause to honour, thank and remember [the fallen].”²¹ The installation of protective fencing was not at all done to restrict access to these sites; it was installed in response to an imminent threat, not in an attempt to make them less accessible to the millions who visit them each year.

Improved signage was also considered as a deterrent. However, it is difficult to have to put up signage explicitly stating things that should be self-evident. As well, it would be surprising if individuals who disrespect monuments were to suddenly feel ashamed about their behaviour when they see a sign. Such obvious measures could even have the opposite effect. Maintaining the current approach of having discreet signage seems to be preferable.²²

The final point of discussion was about education and awareness. Mr. Clark suggested that the federal government could support the provinces in educating young people about the historical events that led to the sacrifice of the fallen whose memory is honoured by these monuments.²³ Each year, branches of the Royal Canadian Legion, as well as Veterans Affairs Canada remembrance programming, strive to educate young people by providing learning material to schools. The Committee supports the overall objectives but believes that more direct involvement by the Government of Canada in educational material would raise obvious jurisdictional issues.

A significant issue that would warrant a recommendation by the Committee concerns coordinating the several organizations with a potential role in the custodianship and maintenance of these monuments. As Mr. Déry said, “there should be better coordination between all stakeholders.”²⁴ Although these organizations appear to have been well coordinated in January and February, their response was adlibbed. Other than a general response guide covering all federal public buildings, there was no coordination plan where each organization could anticipate the role that they would have to play in these kinds of incidents, other than to report them to police. The limited number of

21 ACVA, Evidence, 1 March 2022, 1835 (Mr. Steven Clark, National Executive Director, The Royal Canadian Legion).

22 ACVA, Evidence, 1 March 2022, 1910 (Mr. Steven Clark, National Executive Director, The Royal Canadian Legion).

23 ACVA, Evidence, 1 March 2022, 1850 (Mr. Steven Clark, National Executive Director, The Royal Canadian Legion).

24 ACVA, Evidence, 15 February 2022, 1950 (Mr. Stéphan Déry, Assistant Deputy Minister, Real Property Services Branch, Department of Public Works and Government Services).

these types of incidents to date may not have warranted a more robust plan specific to the memorials, but that could change. The Committee therefore recommends:

Recommendation 1

That Public Services and Procurement Canada:

- **develop a response plan specifically for federal memorials, and that this plan be distributed widely to serve as a guide for similar plans by all public, community and private organizations responsible for the custodianship or maintenance of memorials.**
- **review its security incident playbook following the events of the 2022 occupation of the National War Memorial site, in consultation with federal and municipal partners and stakeholders, to ensure it will meet the needs for potential future mass protests or gatherings.**

Recommendation 2

That the government of Canada ensure increased coordination between federal departments including Public Services and Procurement Canada, Veterans Affairs Canada, the Department of National Defence, the National Capital Commission, and others as needed for the maintenance and security of federal monuments and memorials.

Recommendation 3

That the government of Canada increase public education and awareness campaigns on the importance of all of Canada's national war memorials and monuments to ensure all Canadians know the significance of these sacred sites.

Another issue that was discussed was the importance of taking a restorative justice approach to this kind of mischief. The criminal penalties in place are already severe and it is unclear how they could be toughened to serve as a deterrent. According to Mr. Clark:

Back in 2006, when a gentleman was caught urinating on the National War Memorial, he didn't receive a financial penalty for his infraction. However, there was a day of restorative justice. He came to Legion headquarters. He spoke with veterans. He learned about the importance of remembrance. He spent time. That, I think, had a much greater impact on him and his future actions than if he had paid a fine of a thousand dollars.



The Committee obviously does not wish to interfere in the court's discretion by making such a recommendation, but it does wish to publicly support the use of alternative sentencing for the desecration of memorials. It therefore declares:

Declaration

That the House of Commons Standing Committee on Veterans Affairs supports all initiatives to promote alternative dispute resolution mechanisms in cases of charges laid under section 430(4.11) of the Criminal Code or under the Public Works Nuisances Regulations.

CONCLUSION

The acts of desecration that occurred at the War Memorial, on the Tomb of the Unknown Soldier, were widely condemned as soon as they were reported. While deeply deplorable, such acts have so far been infrequent and limited in severity. The applicable statutes and regulations impose stiff penalties. Therefore, the police and the courts have the necessary tools. Regarding the penalties available, the Committee believes that alternative dispute resolution mechanisms would more likely have a positive impact in terms of both deterrence and awareness. That is why the Committee is issuing a statement to that effect.

On the issue of prevention, two aspects were raised. There is the prevention that results from education and awareness, and then there is the prevention from the physical protection in place at the monuments. In the first case, Veterans Affairs Canada's remembrance programs and the work of organizations such as the Royal Canadian Legion play a large part in educating the public about the sacrifice made by the 116,000 individuals who gave their lives to protect the values that we cherish. In the second, there were weaknesses in terms of planning and coordinating the response when such incidents occur, or when there is a greater risk of such incidents occurring, for example during protests or any large gathering events.

Each year there are an estimated 1,000,000 visitors to the memorials in the national capital. Protecting these sites is vitally important, but it must not be done in a way that makes them inaccessible. That is why the Committee favours temporary protective measures when the situation poses an immediate risk to the monuments' integrity, but it opposes any measure that would result in permanently restricting access to these sites.

Each Canadian must feel absolutely free and safe to visit any of these monuments, either by themselves or in a group, regardless of their motivations or the other values or causes that they hold dear. That is the best sign that the sacrifice of the fallen who are honoured by these monuments continues to mean something.

APPENDIX A LIST OF WITNESSES

The following table lists the witnesses who appeared before the committee at its meetings related to this report. Transcripts of all public meetings related to this report are available on the committee's [webpage for this study](#).

Organizations and Individuals	Date	Meeting
Department of National Defence Stephen Harris, Chief Historian Directorate of History and Heritage	2022/02/15	4
Department of Public Works and Government Services Stéphan Déry, Assistant Deputy Minister Real Property Services Branch	2022/02/15	4
Department of Veterans Affairs Crystal Garrett-Baird, Acting Assistant Deputy Minister Strategic Policy and Commemoration	2022/02/15	4
The Royal Canadian Legion Steven Clark, National Executive Director	2022/03/01	5

APPENDIX B LIST OF BRIEFS

The following is an alphabetical list of organizations and individuals who submitted briefs to the committee related to this report. For more information, please consult the committee's [webpage for this study](#).

Assembly of First Nations

REQUEST FOR GOVERNMENT RESPONSE

Pursuant to Standing Order 109, the committee requests that the government table a comprehensive response to this Report.

A copy of the relevant *Minutes of Proceedings* ([Meetings Nos. 4, 5, 10 and 16](#)) is tabled.

Respectfully submitted,

Emmanuel Dubourg
Chair

