



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

# **Standing Committee on Justice and Human Rights**

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JUST • NUMBER 060 • 1st SESSION • 42nd PARLIAMENT

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**EVIDENCE**

**Thursday, June 8, 2017**

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**Chair**

**Mr. Anthony Housefather**



## Standing Committee on Justice and Human Rights

Thursday, June 8, 2017

• (1535)

[English]

**The Chair (Mr. Anthony Housefather (Mount Royal, Lib.)):** Ladies and gentlemen, I would like to bring the meeting to order.

Today we have a variety of things we just need to do, and a couple of them are housekeeping.

I'll just go through the agenda. Number one is to give the final approval to this letter that was previously approved. Now we have the French translation of the letter, related to Bill S-217. It's the letter that we are sending to the minister, which we carried on division.

Number two would be going through the three notices of motion that we received. Mr. Boissonnault is being replaced for the first part of the meeting and he'll be here after, so perhaps we could do the other two and then come back to his at the end when he is here, if that's okay. Number three, we will do our instructions to the analyst on the report on legal aid.

I just want to remind all members that for the proposed witnesses for our study on Bill C-46 could you please send those in to the clerk by tomorrow at five o'clock, or let him know that you can't get it to him by tomorrow at five but to expect it by a certain time. Could we do that so that we can talk about it on Tuesday and he can get everything circulated?

Is that good with everyone?

**Some hon. members:** Agreed.

**The Chair:** Perfect.

I'd like to start by asking if anyone has any concerns related to the previously approved English letter or its French translation?

[Translation]

The analyst proposes that we replace “les cours” with “les tribunaux” in the following sentence: “Nous appuyons tous l'intention du projet de loi, qui est de s'assurer que les cours de cautionnement [...]” Agreed.

[English]

**Ms. Lyne Casavant (Committee Researcher):** It's the same thing in here, where I would say replacing “cours” by “tribunaux”.

**The Chair:** I agree. The only recommendation we have from Lyne is to replace “cours”, for courts, with “tribunaux” in two places.

Is that okay with everybody?

Mr. Fraser.

**Mr. Colin Fraser (West Nova, Lib.):** Yes, there's just a minor thing. In the third paragraph, it says “Bill S-217” in the English version. I don't have the French one in front of me, but there is no hyphen between the S and the 217.

**The Chair:** Yes, the hyphen between the S and the 217.

**Mr. Colin Fraser:** I don't know if it's the same mistake in the French or not.

**Ms. Lyne Casavant:** No, it's not in the French.

**The Chair:** I think in French there is an extra space that would have to be removed as well.

Are there any other comments?

Not hearing any, I'll assume that with those changes we've approved the letter, on division, and we'll just go ahead and send this off.

**Some hon. members:** Agreed.

**The Chair:** Thank you.

Now we're going to come to the first notice of motion, which is from Mr. MacGregor. Mr. MacGregor has asked that this be done in public.

Mr. MacGregor, the floor is yours, sir.

**Mr. Alistair MacGregor (Cowichan—Malahat—Langford, NDP):** Thank you, Mr. Chair, and I appreciate your granting me my request to have this in public.

I just want to bring to the attention of my honourable colleagues on the committee that last week I had the honour of meeting two jurors, Mr. Mark Farrant and Mr. Patrick Fleming, and these two individuals organized the 12 Angry Letters campaign.

It's a campaign on behalf of jurors across Canada who have all been witness to some of the most horrific and graphic crimes imaginable, but unlike every employee in the court system, they are let loose at the end of the trial with absolutely no supports.

We are hearing a lot of information and evidence these days about first responders in a variety of jobs. No matter what you do, if you are exposed to some graphic scenes it can affect you mentally later on, and we're starting to learn a lot more about PTSD.

I have copies of the 12 angry letters that prompted this motion. I won't go through all of them, but the common theme through all of these letters is that all of these jurors were exposed to some pretty troubling images and have suffered from it. This is a duty that is imposed upon jury members. They are basically dragooned into service, they are made to witness these trials and to help render a verdict. To let them loose without support I think is a critical oversight in our justice system.

That's why I move the motion that we study this issue and make a recommendation to the Minister of Justice on what kinds of supports we can offer these men and women who do this service on our behalf.

Thank you.

**The Chair:** Thank you very much.

Mr. Nicholson.

**Hon. Rob Nicholson (Niagara Falls, CPC):** Thank you very much, Mr. Chair.

Thank you to Mr. MacGregor for coming forward with this. I too met those two gentlemen and did read those letters, as well.

One of the key things that our colleague here has talked about is oversight, in the sense that they have not been focused on. I believe that is something that goes throughout our criminal justice system with respect to jurors. We pay these people either nothing or very little; sometimes they are co-opted for months because of their sense of duty, sometimes a couple of years; then when the trial is completed they are just let out the back door and goodbye, that's it. I think some of these jurors' stories of the effect that this has on them are very believable.

These, again, are people who are serving the public, just like the RCMP, just like members of our armed forces. These are people who are doing what is right by society, and I think it would be groundbreaking for this committee to have a look at this. In many areas there are dozens of reports, on all different subjects, and that's great, but I know of no report or of any study that has ever focused on this particular problem.

I think this would be one of the real benchmarks that will mark our job as part of this justice committee, if we go ahead with this. I don't think it would take a huge amount of time. I think we would be able to come to a consensus on what it is that we recommend. This would be something that would be referred to—I guarantee—for many years to come. I think this would be a breakthrough, here. I am very supportive of this.

• (1540)

**The Chair:** That's excellent.

Go ahead, Mr. Bittle.

**Mr. Chris Bittle (St. Catharines, Lib.):** I want to commend Mr. MacGregor for bringing this forward.

I don't want to speak on behalf of Mr. Nicholson, but in Niagara, I know it's 25 years ago but it seems like yesterday, and the wounds are still real in terms of the Bernardo trial. I remember, back then, the judge in that case asking for supports for the jurors who were subjected to horrible images.

This is definitely something worthy of study, and I look forward to that. I know we have a number of bills upcoming, but I'm sure we can fit this in.

I agree with Mr. Nicholson that it probably isn't a lengthy study. I think we do have to be cognizant of the fact, going into it, that this is primarily an area of provincial jurisdiction. If there are areas in which the federal government can assist, I know I would look forward to hearing the evidence and keeping an open mind going into it.

**The Chair:** Mr. Fraser.

**Mr. Colin Fraser:** Thank you, Mr. Chair.

Thank you, Mr. MacGregor, for bringing this motion forward. I too support it.

I want to say that I know that in Nova Scotia there has been some publicity around the fact that some people don't show up for jury duty. It's an essential element of our criminal justice system to have members of the public coming forward.

If we can study this and make some recommendations about ways to show that we support this public service of jurors who are actually serving in that capacity in our system, then I think we will have done a good service. It would send that strong signal that jury duty is important, we do value that service to the public, and we want to make sure that jurors are taken care of for the duty they have served.

I support the motion.

**The Chair:** Go ahead, Mr. Falk.

**Mr. Ted Falk (Provencher, CPC):** I too am very thankful to my NDP colleague here for bringing this motion forward.

I read yesterday that they have 14 jurors at the murder trial of Derek Saretzky, which is being conducted now in Alberta. They do anticipate that, because of the gruesome nature of the evidence, two may possibly drop off, and they don't want to have a mistrial because of lack of jurors.

That just goes to indicate that these folks do suffer from PTSD. To show them support in this way, I think is very meaningful.

**The Chair:** It's interesting that one of the letters from the 12 jurors was from somebody who was dropped from a jury, because he was an extra juror and he wasn't part of the deliberations, which also caused him stress.

Are there any other comments?

(Motion agreed to [*See Minutes of Proceedings*])

**The Chair:** Since Mr. Boissonnault is not here, out of deference to him, perhaps we can move over his study and come back to it at the end of the meeting. He's going to come a little bit later.

Ms. Khalid has a proposal as well.

**Ms. Iqra Khalid (Mississauga—Erin Mills, Lib.):** Thank you, Mr. Chair.

I understand that the notice of motion was sent out today, although I did briefly speak about this at our last meeting. I just wanted to go over it. We don't have to vote on this today, with respect to the rules of this committee.

I wanted to talk a bit about human trafficking. You would think that the nature of the crime is international, but studies have shown that here in Canada it is very much domestic. It's a very complex crime that is lacking data. In terms of really understanding the different provinces and regions and how human trafficking occurs within the different regions, I think a study on a national level would be great, as the victims of human trafficking are mainly vulnerable young girls. I think we should undertake this and try to bring support to the vast majority of these minors and these young women who really require our help.

**The Chair:** Mr. Nicholson.

**Hon. Rob Nicholson:** I very much like this as well. I think we'll have to sort out what we do in terms of one or the other. I like the idea of proceeding as soon as possible with Mr. MacGregor's, but I do have to say, Ms. Khalid, that this is a very good topic for us to have a look at. As you point out, this is not just an international problem. This is a domestic problem.

Part of what I would like to see, if we do this, is to have witnesses come forward and talk about the hotels here in Canada that co-operate, that know that this is going on. I'd like to hear from them. Also, I'd like to hear what facilities within the banking industry here are provided to people, in the sense that they can move money in and out without any questions being asked. There are all kinds of different aspects to this.

There's an individual in my constituency by the name of Peter Warwick, who worked in the financial industry. He started to see evidence that the banking industry was being used to handle the money that goes into this industry. He has now left the private sector and is part of groups that are investigating this and having a look at it. I hear stories about how hotels know this is happening; they should be able to suspect this. As long as the trafficker is paying for the room, there's no questioning...this is the kind of stuff that we have to focus on as well. I'm very pleased to see this motion.

• (1545)

**The Chair:** Mr. McKinnon.

**Mr. Ron McKinnon (Coquitlam—Port Coquitlam, Lib.):** I too thank Ms. Khalid for bringing this forward. I think it is an important motion.

I can't really add to the comments from Mr. Nicholson or Ms. Khalid. I've had a number of representations in my office from people who are concerned about this very subject. I certainly will support this. I would be prepared to vote on this today.

**The Chair:** It's up to the committee.

Mr. MacGregor, do you have anything?

**Mr. Alistair MacGregor:** I'm okay.

**The Chair:** Are there any thoughts from members of the committee?

Do people want until Tuesday to think about it or are we ready to vote today?

**Hon. Rob Nicholson:** I'm not going change my mind before Tuesday. I know that.

**The Chair:** No, it's just because it only got circulated this afternoon. Thoughts?

Is everybody good to vote?

All right. Those in favour of undertaking the study?

(Motion agreed to [See *Minutes of Proceedings*])

**The Chair:** Okay. It's on the list we have for a number of studies. My guess is that when we get to the end of Bill C-46, provided we have no other bills before us, we'll decide at that point what study we want to undertake first.

Out of deference to Mr. Boissonnault, we'll come back to his notice of motion when he joins us today. Is that good with everybody?

**Some hon. members:** Agreed.

**The Chair:** Let's go in camera and talk about our recommendations to the analysts related to legal aid.

[*Proceedings continue in camera*]

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