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Chair: Ms. Iqra Khalid



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• (1105)

[English]

The Chair (Ms. Iqra Khalid (Mississauga—Erin Mills, Lib.)): I call this meeting to order.

Welcome to meeting number 37 of the House of Commons Standing Committee on Justice and Human Rights.

Before we get into our study on the Victims Bill of Rights, I'll just remind members of a couple of housekeeping items. First and foremost, if you are requiring interpretation, just take a look at the bottom of your Zoom screen, where you will see a globe icon. Please select the language that you would like to listen to. You can speak in any of our official languages.

Secondly, when you are speaking, please ensure that your microphone is unmuted and speak slowly and clearly. When you have finished speaking, please make sure that you are back on mute. Mr. Clerk and I will do our best to maintain a speaking list and a speaking order. Please raise your hand if you have anything to raise. Thank you for your co-operation on this.

Before we start our study on the Victims Bill of Rights, we have to approve the report from the subcommittee meeting that we had on Tuesday. The report was distributed to all members electronically yesterday. Are there any comments on it? If members agree with it, we'll go ahead and carry it.

I'll see a thumbs-up for carrying the report. Great. So carried.

I have just a note for members and witnesses. At the same time this committee meeting is happening, there is a virtual ceremony commemorating the release of the national action plan for the missing and murdered indigenous women and girls, coinciding with the second anniversary of the release of the final report on the missing and murdered indigenous women and girls, and the 2SLGBTQIA+ report.

Thank you, members, for being here today. At this point, I'll invite our witnesses who are here to speak about the Victims Bill of Rights, which I feel is very fitting on this anniversary.

We have with us the Department of Justice, represented by Carole Morency and Stéphanie Bouchard; the Department of Public Safety and Emergency Preparedness, represented by Julie Thompson and Suzanne Wallace-Capretta; the Parole Board of Canada, represented by Ian Broom; and the Correctional Service of Canada, represented by Kirstan Gagnon.

I welcome all of our officials. I note that the Correctional Service of Canada and the Parole Board of Canada will not be offering opening remarks today. We'll go ahead and start with the Department of Justice.

As I'm sure you're aware, I have a one-minute card and a 30-second card that will help you in keeping time for your five-minute remarks.

Madam Morency, please go ahead for your five minutes.

Ms. Carole Morency (Director General and Senior General Counsel, Criminal Law Policy Section, Policy Sector, Department of Justice): Thank you.

[Translation]

We are pleased to be here today to discuss the Canadian Victims Bill of Rights and related efforts by the Department of Justice.

Ensuring access to justice for victims of crime and giving them a more effective voice in the criminal justice system has been a long-standing commitment of the federal government.

[English]

Federal policy and legislative and programmatic measures in support of this commitment have been coordinated through the federal victims strategy. Established in 2000, this horizontal strategy is led by Justice Canada and includes Public Safety Canada, Correctional Service Canada, the Parole Board of Canada and the Public Prosecution Service of Canada.

The Canadian Victims Bill of Rights is an important cornerstone for continuing federal efforts to support victims of crime. Enacted in 2015, the CVBR gives victims of crime four statutory rights: the rights to information, to protection, to participation and to seek restitution. These rights apply throughout the criminal justice process. The CVBR also requires, to the extent possible, that all federal statutes be interpreted in a manner consistent with victims' rights under the CVBR. It provides a mechanism for victims to file a complaint when these rights have been breached by a federal department or agency.

As the committee knows, responsibility for our criminal justice system is shared between the federal, provincial and territorial governments. The federal government is responsible for criminal law and procedure, much of which is set out in the Criminal Code, as well as the Corrections and Conditional Release Act. Provincial and territorial governments are responsible for the administration of justice, which includes enforcing and prosecuting Criminal Code offences, delivery of victim services and enacting their own victim legislation.

Since 2015, significant individual and collaborative measures have been taken by all governments to advance and strengthen implementation of victims' rights. For example, at the federal level, early actions to support the right to information focused on creating a series of fact sheets about victims' rights and related Criminal Code provisions. These have recently been made available in 11 indigenous languages.

Federal funding was also made available to provincial and territorial victim services to create or update their public legal education and information materials for victims, victims' advocates and criminal justice professionals, in addition to training on the CVBR.

The right to information has also been supported through the design and delivery of new models of victim-centred services. The creation of family information liaison units across Canada in 2016 has ensured that family members of missing and murdered indigenous women and girls have all the available information they are seeking about their loved ones as well as access to community-based supports. Justice Canada has also supported the right to participation through funding to the provinces and territories for the provision of testimonial aids to facilitate victim testimony.

Victims' rights to information, protection and participation have also been supported by federal funding for independent legal advice and representation programs for victims and survivors of sexual assault. These are currently being piloted in a number of jurisdictions in Canada. Justice Canada has also worked closely with provincial and territorial victim services to fund their design and delivery of jurisdiction-specific restitution programs.

Law reform continues to be an important tool to affect change and to implement victims' rights. In addition to the criminal law reforms that accompanied the CVBR, some recent legislative reforms support victims' participation and protection rights. For example, the recently enacted Bill C-3 requires candidates seeking appointment to a provincial superior court to participate in continuing education in sexual assault law and social context. It also requires judges to provide reasons for their decisions in sexual assault cases.

The former Bill C-75 on criminal justice system delays enhanced victim safety, particularly for victims of intimate partner violence, including at bail and sentencing. It also re-enacted a new victim surcharge regime—an important source of revenue for provinces and territories—in response to the Supreme Court's decision in *R. v. Boudreault*.

Following enactment of the CVBR, federal departments and agencies whose mandates involve working with victims of crime have implemented formal complaints mechanisms for victims. Justice Canada prepares an annual report on complaints and publishes

it online. Provinces and territories also have their own complaint mechanisms.

Those are the items I'd like to highlight for Justice Canada.

Thank you.

• (1110)

The Chair: Thank you very much, Madam.

We'll now go to the Department of Public Safety for five minutes.

Ms. Julie Thompson (Director General, Crime Prevention, Corrections, Criminal Justice and Aboriginal Policing Policy Directorate, Department of Public Safety and Emergency Preparedness): Good morning. Thank you very much for having me here today.

[*Translation*]

Thank you for inviting me to share with you the work of Public Safety Canada with respect to the implementation of the Canadian Victims Bill of Rights Act.

[*English*]

I am joined today by my colleagues from the Correctional Service and the Parole Board of Canada, who also have roles to play in upholding victims' rights under the CVBR.

Public Safety Canada is responsible for the Corrections and Conditional Release Act, which guides CSC and the PBC on how federal sentences of over two years or more are carried out. It gives life to the rights that can be exercised by the victims of federal offenders.

Within Public Safety, the national office for victims is a resource that is working to improve victims' interactions with the federal corrections and conditional release system by supporting a victims' lens during policy development. It shares information with victims and the general public regarding federal corrections and conditional release through the development of products such as the publication entitled "Victims of Crime: Staying Informed", which is available in 20 languages, including seven indigenous languages. The office supports and complements the work of the policy centre for victim issues at Justice Canada through portfolio coordination and engagement with victims and other key stakeholders.

In addition, the national office for victims and Public Safety agency partners have developed a number of information products to ensure that victims are aware of their rights and of the services provided to them by the federal government.

[*Translation*]

We continuously strive to improve these products and develop new ones with feedback from victims.

[*English*]

Additionally, appropriate redress is a key element of the CVBR, which established a means by which victims can complain directly to federal departments and agencies if they feel their rights have been denied or infringed, in order to address issues quickly and with satisfaction. Should a victim not be satisfied with the outcomes of a complaint, they can contact the Office of the Federal Ombudsman for Victims of Crime.

As part of its coordination role, the national office for victims annually publishes information on CVBR-related complaints to the Public Safety portfolio agencies and Public Safety itself regarding how these complaints were resolved.

Since the coming into force of the CVBR in 2015, the national office for victims also held annual round tables between 2016 and 2020 with victims, their advocates and victim-serving organizations, to discuss the implementation of the CVBR in the context of federal corrections and conditional release. Themes raised at these tables are broad ranging. Examples of themes include accountability, offender reintegration, restorative justice, outreach and engagement. Summary reports of these discussions are all available online at the Public Safety Canada website.

[*Translation*]

Importantly, we heard that information is essential for victims to be able to exercise their rights to participation and protection.

[*English*]

In 2019-20, CSC provided information to some 8,800 victims who requested information about the offender who harmed them.

The Public Safety portfolio is committed to implementing the CVBR to ensure victims of federal offenders are treated with compassion and respect, including receiving the timely information that is required to exercise their CVBR rights.

Recently, an internal audit by Correctional Service of their national victim services program found that Correctional Service offers services to victims in compliance with all relevant legislation, policy and procedures.

To further consider victims' needs in their operations, the Parole Board of Canada has established a national victim advisory committee and CSC has launched an internal victim engagement task team to ensure greater consideration of victims' concerns in decision-making.

I would also like to acknowledge that the current COVID global pandemic is a difficult time for vulnerable victims and families. To ensure that victims' rights have been respected, corrections and conditional release operations have had to pivot and use new meth-

ods and practices to fulfill their mandates in a way that conforms with public health and safety protocols.

We acknowledge that more can be done and as such, we're committed to working with stakeholder suggestions from round tables to do this.

Thank you for the opportunity to appear today.

• (1115)

The Chair: Thank you very much for that, Ms. Thompson.

We'll now go into our rounds of questions.

Members, note that we do have the Parole Board of Canada and Correctional Service of Canada here with us today to answer questions as well, should you have any for them.

We'll start with our first round of six minutes each, beginning with Mr. Moore.

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

I think Madam Findlay or Mr. Cooper was going to be up this round, so I don't want to take somebody's spot. I think it was Mr. Cooper.

Mr. Michael Cooper (St. Albert—Edmonton, CPC): Yes.

The Chair: Mr. Cooper, please go ahead.

Mr. Michael Cooper: Thank you very much, Madam Chair.

I will direct my questions to the Parole Board witness. I want to say first of all that the passage of the Victims Bill of Rights is a significant step in the right direction to protect the rights of victims who have so often been overlooked in Canada's criminal justice system.

In that regard, I certainly acknowledge the important role that Senator Pierre Boisvenu, whom I consider a friend, played in advancing the Victims Bill of Rights. Senator Boisvenu, of course, was a victim himself, his daughter having been brutally murdered.

As the report of the victims ombudsman demonstrates, there are still serious gaps in seeing that those rights are, in fact, realized in practice. One of the areas of concern is with respect to a lack of transparency or a perceived lack of transparency when it comes to the right to information for victims in respect of Parole Board hearings.

I want to just touch upon that, because Carol Freeman, whose father was brutally murdered in Oshawa, Ontario in 1991, was caught off guard when she suddenly received notice that the man who had brutally killed her father, and who had been sentenced to life in prison without eligibility for parole for 25 years, was suddenly up for parole after serving only 20 years. She had not been provided any sort of explanation about the dates or conditions that resulted in his eligibility for parole.

I would ask the Parole Board representative to discuss that, because it is a common concern of victims, who are caught off guard regarding these dates and who are informed with very little notice of parole hearings, which are often very difficult experiences for victims, particularly in instances of brutal crimes like murder.

Mr. Ian Broom (Director General, Policy and Operations, Parole Board of Canada): Thank you.

I would just like to begin by saying that the Parole Board is definitely committed to openness and transparency in the way we provide information, and we ensure the participation of victims in respect of the conditional release process.

In terms of information that registered victims can receive, we may end up touching on this a little bit more later through the course of the meeting, but there is a victims portal in place where registered victims can access a variety of information. For example, they can receive information regarding the offender's name, the offence and the court of conviction. In addition, there is access to information such as the eligibility dates for release. I would say that when victims are registered and they seek this information, there is a fair amount that can be received, like the date of release, for example, on escorted temporary absence. The board has approved this, the reasons behind this and, in addition, victims can also request a copy of decisions through the decision registry.

• (1120)

Mr. Michael Cooper: I'm sorry to interrupt. I should just correct for the record. I think I said Carol Freeman. I meant to say Lisa Freeman. I just wanted the record to be corrected in that regard.

Ms. Freeman said there are “no supports in place”, and she basically felt she was on her own because there was no transparency about the reasons for that eligibility date, which was, again, five years ahead of what she thought it would be. She thought there were five more years, and all of a sudden that notice came.

Would you not acknowledge that that is an issue?

Mr. Ian Broom: I would acknowledge that there is a great deal of importance in ensuring that victims are able to receive the support and information that they require throughout the hearing process. Our regional communication officers are there to work with victims, to provide information and answer questions throughout the entire hearing process and, in addition, to refer any victims who are experiencing trauma, for example, to appropriate services.

Mr. Michael Cooper: I see that my time has expired.

The Chair: Thank you very much, Mr. Cooper.

We'll now go to Mr. Kelloway for six minutes, please.

Mr. Mike Kelloway (Cape Breton—Canso, Lib.): Thank you, Madam Chair.

Hello, colleagues.

Thank you to all of the witnesses for their testimony today.

This study is very important. As members of the justice committee and, of course, as parliamentarians, it's really incumbent on us to hear testimony from officials, groups and individuals on how victims of crime can be better supported.

My first question is for Ms. Morency.

I understand that through the victims fund we've made more than \$20 million available to provincial and territorial governments and non-governmental organizations. Can you take some time to talk about some of these projects and how they have benefited Canadians?

Ms. Carole Morency: Yes, I'll start, and if I may, I'll turn to my colleague, Madam Bouchard, to continue.

To start with, the federal government made available through the Victims Fund, for provinces and territories, approximately \$10.6 million over the years from 2016 to 2020 to help support the implementation of the CVBR in their jurisdictions. That's in addition to funding that is otherwise provided through the Victims Fund more specifically.

I would ask my colleague to provide a bit more detail on some examples of how the federal government has funded different provinces and territories through annual agreements and Gs and Cs.

Ms. Stéphanie Bouchard (Senior Legal Counsel and Director, Policy Centre for Victim Issues, Criminal Law Policy Section, Department of Justice): Hello.

The federal victims strategy includes the victims fund, which has provided \$125 million from 2015 to 2020 in support of support projects and initiatives, to provide for victims and different issues to help support them in different aspects of it. It's a grants and contributions program that is made available to provinces and territories, and also to groups and organizations. Through this victims fund—as mentioned in the speech by my colleague, Ms. Morency, at the beginning—the family information liaison units have been supported through it. Since 2016, we have supported a number of initiatives, including independent legal advice and independent legal review programs that are being piloted across the country, which the budget has announced there will be increased support and funding for throughout.

They are all projects aimed at providing supports. Provinces and territories themselves have agreements that are specific to them, to provide for needs based on their assessment of the situation in their province in different areas and communities—rural, non-rural, and cities. There is a lot of flexibility and work being done with the objective of improving services for victims, including information supports, such as ensuring that cellphones are being provided to more remote communities when there is need and such.

I don't know if that provides enough context.

• (1125)

Mr. Mike Kelloway: That really does provide a bit of an in-depth lens on it, and I appreciate it very much.

This could be for Ms. Morency or you, or others who want to chime in, but primarily it would be for you two.

The government created a federal victims strategy to support the Canadian Victims Bill of Rights. Again, I'd like to have you or others talk about some of the initiatives that were part of that strategy. I think it's important for Canadians to hear the ins and outs of that particular strategy and the initiatives attached to it.

Ms. Carole Morency: Again, as I mentioned in my opening remarks, the federal victim strategy has been in place since 2000. It's gone through a number of updates, modernizations and overhauls.

The key components to that strategy at the federal level are coordination of the different departments and agencies that have mandates to serve and work with victims. I've mentioned some of our key partners, some of whom are with us in the meeting today.

Also, key partners in delivering on the strategy are the provinces and territories, with whom we work very closely to share information and best practices, and to identify whether there are gaps in services and maybe in law, or if there are maybe new or different trends developing that we can work together on to address and better support victims throughout the country and the criminal justice continuum.

As my colleague just noted, much of that work occurs through FPT meeting forums. We have funding agreements. We have a grants and contributions program that's available to organizations that serve victims as well.

All of that is done under the auspices of the federal victim strategy, and funding as a key component of that.

Mr. Mike Kelloway: That's wonderful.

Madam Chair, how much time do I have left?

The Chair: You have eight seconds.

Mr. Mike Kelloway: Okay.

Thank you very much for your testimony. It's very much appreciated.

The Chair: Thank you, Mr. Kelloway.

We'll now go to Monsieur Fortin for six minutes.

[*Translation*]

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

I'd like to thank the witnesses for being with us today.

My question is for Ms. Morency or Ms. Bouchard.

Ms. Bouchard, I think it was you who mentioned earlier the amount transferred to the provinces, but I didn't take note of it.

What is the amount transferred every year to the provinces to help victims or the families of victims of crime? Can you provide us with that amount?

Ms. Stéphanie Bouchard: I can't give you the exact amount that is transferred to the provinces and territories for each agreement. I could confirm the amount with my colleagues who manage the monetary aspect of the program and with whom we work very closely.

Mr. Rhéal Fortin: Okay.

Has that amount varied since 2000, or is the amount the same?

Ms. Stéphanie Bouchard: It has probably varied. As you know, the funds are approved by the Treasury Board. There are some initiatives—

Mr. Rhéal Fortin: Ms. Bouchard, please excuse me. I don't want to interrupt you and seem impolite, but we don't really have a lot of time.

• (1130)

Ms. Stéphanie Bouchard: Okay.

Mr. Rhéal Fortin: If you don't know, just tell me.

To your knowledge, has this amount increased over the years, or has the amount remained the same since 2000?

Ms. Stéphanie Bouchard: The amount has increased significantly over the years.

Mr. Rhéal Fortin: Ms. Bouchard, has the pandemic had an impact on budgets allocated to help victims or families of victims?

Ms. Stéphanie Bouchard: Yes, the pandemic has had an impact on several aspects of victim assistance. The federal government invested a lot of money to meet an imminent need related to new situations. As you probably know, the provinces and territories also contributed and invested a lot of money.

Mr. Rhéal Fortin: So you have invested more money over the past year than in previous years. Do I have that correct?

Ms. Stéphanie Bouchard: I can't give you any information on the victims fund because it is funded according to certain terms and conditions, and the money is allocated by the Treasury Board, but there has been a lot of other money coming in related to victim assistance.

Mr. Rhéal Fortin: So you don't know if there was more money invested in helping victims in the last year than in the previous year, for instance.

Ms. Carole Morency: I could add a comment. It is true that the federal government announced funds to support victims during the pandemic.

[English]

We can undertake to provide the committee with some information about the funding provided, particularly that announced through Women and Gender Equality Canada.

[Translation]

Mr. Rhéal Fortin: Thank you, Ms. Morency.

I'll change the subject. I don't know which one of you would be in a better position to tell me about this, but I'd like to hear about the programs that exist to help victims and their families.

Then, I will ask you to tell me about the evolution of these programs since 2000.

Ms. Stéphanie Bouchard: On the federal side, there has certainly been an evolution in terms of various services through partnerships with the provinces and territories. There's a lot more information out there and childhood support centres. It's an initiative—

Mr. Rhéal Fortin: Excuse me, I know that it's not polite to interrupt, but six minutes goes by quickly. There must be less than two minutes left.

I understand there are counselling programs, for example, for victims and their families. There are probably legal aid programs, as was discussed earlier, to advise them.

Would you be able to list the programs that exist to help victims and their families?

If you're unable to do so, please let me know.

Ms. Stéphanie Bouchard: The only thing I can say is that immediate victim services and the administration of justice are the responsibility of the provinces and territories. So there are a variety of programs across the country that provide an immediate link for people.

Mr. Rhéal Fortin: So, Ms. Bouchard, the programs are different from province to province. I understand that your role is more to ensure the transfer of funds to the provinces.

I also understand, Ms. Morency, that you will send us the details of the amounts transferred to the provinces for assistance to victims and victims' families since 2000. The hearings will end next week. Will you be able to do that by early next week?

I think Ms. Morency is having some technical difficulties.

Ms. Stéphanie Bouchard: I can answer.

We should be able to get you the figures in question.

Mr. Rhéal Fortin: You're very kind. I see my time is up, so thank you.

[English]

The Chair: Thank you very much, Monsieur Fortin. I appreciate that.

We'll now go to Mr. Garrison for six minutes.

Mr. Randall Garrison (Esquimalt—Saanich—Sooke, NDP): Thank you very much, Madam Chair.

I want to give a special thanks to all of our witnesses for being with us for this important study on what I know was short notice for them.

The fact that we're commencing this study this week raises one of the concerns I've always had about our approach to victims' rights: It has been focused on individual victims and cases. I thank the chair of the committee for mentioning missing and murdered indigenous women and girls this morning. We know that many thousands of women and girls have been lost to indigenous communities, never to return. This week we discovered 215 bodies of children at the Kamloops residential school. The many hundreds of children who died in residential schools and their families are also victims.

We have some categories of Canadians who are more likely to be subject to high levels of violence and to become victims. They of course include transgender Canadians and other members of the SOGI community, like the racialized members of the Toronto community who were subject to a gay serial killer for more than 10 years [Technical difficulty—Editor] high levels of violence in Canada.

I know it's a long preface, so here's my question. Because the act and the funding seem to be focused on services for individual victims, which is very important, I want to ask about support to victims organizations, and particularly community-based victims organizations. They quite often are able to work with and serve the larger communities of victims, if I can use that term, and help communities cope with the toll of loss in the community and the challenges of the legal system in achieving justice in those cases.

Do the funds actually serve community-based and victims organizations, as well as individual victims?

• (1135)

Ms. Stéphanie Bouchard: Yes, the funding does support victims organizations and community services. They're not simply targeting individuals themselves. They go to bigger and broader initiatives, such as the family information liaison units that have been mentioned as well as child advocacy centres. The fund also receives applications for different initiatives and promising practices. It's of wide breadth.

Mr. Randall Garrison: Have the funds been adequate to fund all of the requests for service that you have evaluated as positive applications, or are you in the unenviable position of turning down some very good requests?

Ms. Stéphanie Bouchard: There are, of course, always different needs, but we do our best to allocate the funds to the maximum capacity that we're provided with for the year. There are new announcements in the budget that will increase a lot of the funding for some of these initiatives that have been announced recently, in particular for the independent legal advice for sexual assault victims.

Mr. Randall Garrison: But really what we're saying now, or what that acknowledges, is that there have been some unmet needs in the past. Certainly, an increase in funding is welcome to help meet those challenges. I will grant you that.

Among those victims organizations, is there support going to victims organizations from indigenous communities across the country? Is there any support going to residential school survivors? We do have the unfortunate situation where the federal government is fighting in court against some of those residential school survivors. Are they as victims receiving support at the same time for those legal challenges?

Ms. Carole Morency: I would say that for sure a big part of our recent efforts since 2016 though Justice Canada has been support through the FILUs, the family information liaison units, with regard to murdered and missing indigenous women. In addition to that, we do continue to work and to look at, for example, working with individual communities for even more lessons learned about some of these different issues that have been identified as ways to improve responses on a go-forward basis. Of course, we work with the provinces and territories, who directly engage and provide support to individuals and work with organizations and communities in their jurisdiction as well.

I don't know if my colleague has anything else to add.

• (1140)

Mr. Randall Garrison: Not hearing anything, maybe I'll ask very specifically about the residential school survivors from St. Anne's. They are in a kind of David and Goliath court struggle. Is legal assistance funding being provided to the residential school survivors from St. Anne's in their fight with the federal government in court?

Ms. Carole Morency: I'm not aware; I'm not in a position to respond to that. It could be that it's outside of the victims strategy. We're not in a position to comment or to answer the question.

Mr. Randall Garrison: Thank you very much.

Thank you, Madam Chair.

The Chair: Thank you very much, Mr. Garrison.

We'll now go to our second round of questions, starting with Madam Findlay, for five minutes.

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

Thank you to the witnesses for being with us today. This is an important topic.

I'd like to begin by noting that section 2.1 of Bill C-32, the victims bill of rights act, called for a parliamentary review to be conducted five years after the bill coming into force. As we all know, July 2015 was six years ago. That comprehensive review needs to take place separate from our study. [*Technical difficulty—Editor*] victims and their families is something we should all care deeply about. I believe we do, so I'm glad we are at least taking the time to study it here.

This is for the Department of Justice officials, for Ms. Morency or Ms. Bouchard. Under subsection 515(13) of the Criminal Code, added through Bill C-32 with respect to bail hearings, justices are now required to include in the record a statement that the justice "considered the safety and security of every victim of the offence".

Could you speak to the impact this new requirement has had on the safety of victims over the past six years?

That's for either one of you.

Ms. Stéphanie Bouchard: As you will know, the CVBR is the overarching bill, and when it was passed, a number of Criminal Code amendments were provided. There have been many changes to the Criminal Code to provide for different measures, including testimonial aids and publication bans.

Accompanying all those legislative measures aiming to provide more security for the victims, there have been investments. Through the federal victims fund, money was provided to PTs to purchase more testimonial aids, and they were able to adapt different rooms for victims to wait in. Some have improved some of the rooms in this pandemic to make them bigger and to be able to have the victim support and still maintain the social distancing.

Hon. Kerry-Lynne Findlay: Thank you.

Clause 29 of the bill now requires the court to consider making a restitution order in all cases, not just fraud, and if it's not granted, to include reasons in the record. This is section 737.1 of the Criminal Code.

Has this requirement led to more restitution orders since its enactment? Do we have any data on this?

Ms. Stéphanie Bouchard: We are currently monitoring the case law to see if, in effect, the amendments to the Criminal Code are having the impact that was envisioned when they were implemented to ensure the victim is not forgotten, and that there's real attention paid to restitution.

We're still analyzing the data. We're working with criminal justice at StatsCan. It's difficult. I'm sure the committee is aware of the data difficulties based on the different PT systems of collecting data. We're still in the process of assessing and looking at whether or not they impact. The civil remedy and enforcement measures are under the PT administration of justice.

Funding also was made available through the victims fund to help support them to implement restitution programs in order to facilitate the collection and enforcement of the orders that have been made by judges, for them to be reimbursed for some of the readily ascertainable losses they might have gotten.

• (1145)

Hon. Kerry-Lynne Findlay: Thank you.

Again, for you or the Parole Board officials, section 15 of the Victims Bill of Rights sets out that "Every victim has the right to present a victim impact statement to the appropriate authorities". Clause 49 provides that victims may present that at conditional release hearings. Impact statements help with decision-making, but also are important to victims in coping.

I heard in October of a victim's family being told that because of the pandemic they wouldn't be allowed to give their impact statement in person. Without reference to any specific case, do you see this as a violation of victims' rights? Was this happening in every province during the pandemic?

Mr. Ian Broom: If I can respond to the question—

Ms. Kerry-Lynne Findlay: Yes, thank you, quickly.

Mr. Ian Broom: —I would say that throughout the pandemic the Parole Board of Canada has ensured that we've respected the legislative rights of our victims. In terms of participation, victims have been able to submit statements and to have the statements considered by board members.

In respect of hearings where a victim statement was to be read, initially in the pandemic, in the early days, it was a challenging time technologically, I think for us and for others. What we ended up doing is putting in place a stable and secure teleconference system, and then we shifted to a video conferencing solution, which was piloted towards the end of 2020 and launched nationally in 2021.

Since that time, the board has facilitated the participation of over 500 victims at over 300 hearings, so actually 12% more than the year before, and specifically in terms of presentations—

The Chair: I'll stop you there, Mr. Broom. My apologies, but we're a minute over.

Ms. Kerry-Lynne Findlay: Thank you.

The Chair: We'll go next to Mr. Maloney.

Please go ahead for five minutes.

Mr. James Maloney (Etobicoke—Lakeshore, Lib.): Thanks, Madam Chair.

Thank you to all our witnesses.

I'll say what many of you have said. This is an important discussion. Victims' rights are paramount.

This occurred to me when we were getting ready to have this discussion today, and some of the comments made today reinforced this notion. Mr. Cooper was talking about the transparency of the parole process. Ms. Findlay was just alluding to it. Correct me if I'm wrong, but children of the criminals themselves, I would argue, are victims of crime, too, and I don't believe they are considered under this legislation. Is that true? Does anybody want to answer? It's a yes-or-no question.

The Chair: Is that for anyone specifically, Mr. Maloney?

Mr. James Maloney: It's for anybody who can answer the question.

The children of people who have committed crimes do not benefit under this legislation as it currently stands. Is that fair?

Ms. Stéphanie Bouchard: The definition of victim is provided in the CVBR and in the Criminal Code. It depends on the correlation, if the children of the offender were offended against themselves by the offender who has been....

Mr. James Maloney: I looked at the definition, and I don't see that a child of somebody who is in prison, who has committed a crime, would fall under the definition of victim. However, if you're talking about things like parole hearings and the benefits available and access to information, there are situations where children have parents who have committed crimes of whatever nature and who are now suffering through no fault of their own.

Anybody can answer this question. Would you think it's a good idea that they be incorporated into the definition of victim somehow?

Mrs. Julie Thompson: If I could, I will attempt to offer some information in response to this question. While I can't offer an opinion on whether or not the definition should be adjusted to include children, I did want to offer that there are some information publications available to children who have parents who are being incarcerated. Not to put my colleague from Correctional Services on the spot, I've forgotten the name of the organization that provides that service. I'd be happy to provide it, but I'm wondering if Correctional Services might....

• (1150)

Mr. James Maloney: You might be referring to KIP Canada, Kids with Incarcerated Parents. That's one organization I know of.

I see Ms. Wallace-Capretta is shaking her head.

Ms. Kirstan Gagnon: It's the Canadian Families and Corrections Network, whom we work with closely.

Mr. James Maloney: Are there structures in place that do work with the children of perpetrators? Is that along the same lines as might be considered under the Victims Bill of Rights?

Ms. Kirstan Gagnon: They do, yes.

Mr. James Maloney: Of the enumerated rights under the legislation, what would you say has been the biggest? If I can put it this way, which "right" has served to be the most beneficial and had the most use since the legislation was passed in 2015?

Ms. Morency.

Ms. Carole Morency: If I might take a stab at part of the answer, we are still awaiting some research that's in the process of being wrapped up, so we hope to get some better information on that in the months to come.

One of the things that was really important in the development of what became the CVBR is there were quite a few consultations held by the government—the minister at the time—with Canadians, the victims themselves and victim-serving organizations. One of the issues that was incredibly important to them was information along the continuum of the criminal justice process, and being able to participate, to be consulted and engaged by police and Crown on the progress of their case throughout the system.

To the extent that those were important in developing the CVBR and that the CVBR recognizes those rights and enhances the opportunity to receive that, I would say it has been successful, but we await the research.

Mr. James Maloney: This is an unfair question with 20 seconds left perhaps. Does the legislation apply to family members of victims of crimes that have been committed abroad? If so, what is your experience with dealing with that? Maybe somebody could just answer the first part of that question.

Ms. Stéphanie Bouchard: May I continue? I'm hearing a....

Mr. James Maloney: That was my timer, but you could give a quick answer. I'm sure the chair will—

The Chair: Answer very briefly. Thank you.

Ms. Stéphanie Bouchard: Those who are victimized abroad have funding through the federal victims fund to help support them, and the Province of Quebec has just amended their provincial victim legislation, which has just come to pass and will be in force by the fall. They now recognize and will be providing services to victims who are victimized abroad so that they can have full services offered at the provincial level when the victim returns to the province of Quebec, their province of residence.

Mr. James Maloney: Thank you.

Thank you, Madam Chair.

The Chair: Thank you very much, Mr. Maloney.

We'll now go to Monsieur Fortin for two and a half minutes.

[*Translation*]

Mr. Rhéal Fortin: Thank you, Madam Chair.

I apologize in advance if I'm rude and proceed quickly. As I said, a two-and-a-half-minute round starts before you even begin.

I would like Ms. Bouchard or Ms. Morency to tell us about the services offered.

I liked Mr. Maloney's question about the families of convicted individuals, but I would add "abroad" to it. For example, would a mother whose son had been charged and convicted in a foreign country and detained there have access to services to help her defend her son and apply for transfers here in Canada?

Ms. Stéphanie Bouchard: Each province and territory has its own support service, since each is responsible for direct service to victims. There are different agencies, different measures and different programs. It's very varied.

Mr. Rhéal Fortin: With respect to the Canadian Victims Bill of Rights, you were saying that the definition was quite broad. A victim is defined as an individual who has suffered harm as the result of the commission or alleged commission of an offence. In my view, this should indeed include the families of criminals as well as those of the victims of crime, or indeed anyone who suffers the consequences associated with it.

I want to make sure that you understand that this exists and that it's a given. Federal funding to the provinces includes assistance to the families of convicted persons. Is that how you understand it?

• (1155)

Ms. Stéphanie Bouchard: Are you referring to people who have been convicted in Canada only or abroad?

Mr. Rhéal Fortin: If there's a distinction, you can make it, because I'm interested in both.

What I'm really interested in is what's being done for the families of people who are convicted.

Ms. Stéphanie Bouchard: Victim services are varied and widespread across the country and come in many forms.

Mr. Rhéal Fortin: Do you get a lot of requests each year from families of people who have been convicted? Is it frequent?

Ms. Stéphanie Bouchard: Unfortunately, I'm unable to answer that question.

Mr. Rhéal Fortin: Perhaps Ms. Morency would be able to do so, but she's shaking her head. So no one here can answer that question.

To your knowledge, should amendments be made to the charter as it stands? Do you find the text satisfactory?

Ms. Stéphanie Bouchard: Excuse me, but I'm having technical problems. I think my network is the problem.

Mr. Rhéal Fortin: Since I have just a few seconds left, would Ms. Morency be able to—

[*English*]

The Chair: My apologies.

[*Translation*]

Mr. Rhéal Fortin: Madam Chair—

[*English*]

The Chair: You don't have a few seconds left at all, Monsieur Fortin.

[*Translation*]

Mr. Rhéal Fortin: The technical problems lasted almost a minute. You will understand that this is quite a long time, given the two and a half minutes I was allotted.

[*English*]

The Chair: You're at three and a half minutes now, Monsieur Fortin. You've had a minute extra.

I appreciate your passion on this. Thank you so much.

We'll go to Mr. Garrison now for two and a half minutes.

Mr. Randall Garrison: Thank you, Madam Chair.

I want to go back to the Justice officials.

This week Justice Fish released his report on military justice. It's a 400-page report; I don't expect everyone in the country to have read it. I have only managed to make it through one read.

One of the things he talks about is the fact that victims in the military justice system do not have the same rights as they do in the public justice system. Bill C-77 hasn't been fully proclaimed, even though it was passed two years ago. He suggests that there should be some kind of joint working group between Justice and Defence to try to harmonize or make sure that the National Defence Act provides the same victims' rights and protections that are provided in our civilian system.

Are either of you aware of any work that's gone on with the Department of Defence on trying to make sure that victims' rights are fully implemented in the military justice system?

Ms. Carole Morency: I will try to briefly respond.

Since the development of what became the CVBR in Bill C-32, Justice Canada has worked closely with the Department of National Defence in developing what has become the "civilian VBR". They weren't in a position to bring forward similar amendments on their part because it's a much more complicated regime. As you know, Bill C-77 is still to come into force.

We do continue to work with them on various Criminal Code reforms, including on victim support and, over the last few years, in supporting particular interests on how to support victims of sexual assault through the process.

On a go-forward basis, I think the government has indicated that it will work to address that. We, in the Department of Justice, will do our best to support the government, moving forward, in addressing the issues.

Mr. Randall Garrison: Thank you for that answer. It's very good news indeed.

One of the things that Justice Fish said, which I know you will not be able to comment on, but I will, is that until the victims' rights in the military justice system are the same as those of the civilian system, sexual assault cases should not be handled by the military justice system.

I want to thank you for that work that you're doing with the Department of Defence and acknowledge that it's very, very important work.

And with that, I'll end my questioning, Madam Chair.

The Chair: Thank you very much, Mr. Garrison. You're on the dot with your two and a half minutes. I appreciate that.

That concludes our round of questions. Before we suspend for the next panel, I really want to thank MP Tim Louis who joined us today, replacing Mr. Virani for a little bit there.

Tim, thank you so much for joining us in our justice meeting today.

Thank you, everyone.

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

We'll suspend for one to two minutes as we let in our witness for the next hour.

• (1155)

(Pause)

• (1200)

The Chair: Welcome back, everyone, for our second hour of this justice committee meeting on the Victims Bill of Rights.

I understand that Ms. Illingworth has been here before and she knows the rules, but I'll just reinforce them so that everybody is aware.

When you are speaking, please ensure that you are unmuted and that you speak slowly and clearly for interpreters. When you are done speaking, please ensure that you are back on mute. You have the same interpretation services that are available to members. At the bottom of your screen, select the language that you'd like to listen to. You can speak in any of our official languages.

With that, I would like to welcome Ms. Illingworth, who will be providing opening remarks for five minutes. For members who don't know her, she is from the Office of the Federal Ombudsman for Victims of Crime.

Welcome, and thank you for your time, Ms. Illingworth.

Please go ahead. You have five minutes to make your opening remarks.

[Translation]

Ms. Heidi Illingworth (Ombudsman, Office of the Federal Ombudsman for Victims of Crime): Thank you, Madam Chair.

[English]

I want to begin by expressing my sorrow for the indigenous families who are grieving the discovery of 215 children found in a mass grave at the residential school in Kamloops. I stand in solidarity with all indigenous peoples seeking justice.

Today, we also mark the release of the national action plan on missing and murdered indigenous women and girls and 2SLGBTQQIA+ people in response to the calls for justice of the national inquiry released two years ago, and I am just here from that ceremony, which is actually ongoing right now.

It's timely that I'm here this morning to discuss the Canadian Victims Bill of Rights, which came into force in 2015, because more than five years later a number of fundamental gaps and challenges remain for victims, especially racialized and 2SLGBTQQIA+ people. It is our view that the CVBR must be strengthened to better support all victims and survivors of crime.

Last November, my office launched a progress report on the CVBR, informed by what we hear every day from stakeholders in our frontline work—survivors and the people who work with victims and criminal justice personnel all across the country. Based on our analysis of the data available to us, we would say that the justice system really falls short on delivering the promised rights and that it is time to conduct a statutory review of this legislation.

Every year, more than two million Canadians report criminal incidents to the police, almost a quarter of which are violent, but we don't know how many of these victims are being informed of their rights at all, let alone whether these rights are upheld as victims make their way through the justice system. I believe that the right to information is a foundational or a gateway right and that without information being provided to them, victims are unable to access any of the other rights outlined in the CVBR or any other legislation.

Currently, victims receive information only upon request, meaning that they must know to ask for it. However, unless an official actually tells them they have rights, they are unlikely to know that these rights exist. It is my view that criminal justice officials must be mandated to inform victims of their rights. As written, the CVBR puts the onus on victims to know, understand and assert their rights. Therefore, the implementation of this CVBR over the last six years has been sporadic and inconsistent. There has been no major effort to systematically inform citizens of their rights, which would ensure that people are less marginalized when they come into contact with the justice system. Criminal justice personnel have not been assigned clear roles and responsibilities in regard to delivering victims' rights, and training opportunities for officials have been limited. Many are not fully aware of the act and its implications, and data that we have about victims is not collected or published in a consistent manner across the country.

We believe that Parliament can strengthen this act to hold officials accountable for respecting victims' rights and to require institutions to collect and report data to measure their compliance with

the act. Parliament should also amend the legislation to guarantee access to support services for victims with regard to their medical, psychological, legal and safety needs. That means we need to increase the capacity of victim-serving organizations and community-based restorative justice programs through sustainable core funding to ensure that victims can access services in every part of this country.

The last issue I would like to raise, and probably most critical in my view, is the legal recourse or remedy that victims have if their rights are violated. Currently, victims do not have a way to enforce the rights given to them in law; they only have a right to make a complaint to various agencies. This means that victims have to rely on the goodwill of criminal justice officials and corrections officials to give effect to or implement their statutory rights under the bill. This means victims count on police, Crown prosecutors, courts, review boards, corrections officials and parole boards to deliver, uphold and respect their rights.

But my office continues to receive complaints from victims that are common across all jurisdictions in Canada. Victims report to us that they are not consistently provided information about their rights or how to exercise them, they feel overlooked in all of the processes, and they have no recourse when officials don't respect their rights.

I'm looking forward to sharing our progress report with all of you, honourable members. We made 15 recommendations last year to strengthen this legislation. When victims' rights in law are fully respected, we will help victims recover; we will strengthen the rule of law; we will enhance public safety, and we will contribute to offender rehabilitation as well.

● (1205)

I welcome the opportunity to answer your questions. Thank you. *Meegwetch.*

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

We will now go to Mr. Moore for the first round of questions for six minutes.

Hon. Rob Moore: Thank you, Madam Chair.

Thank you, Ms. Illingworth, for appearing today on what is no doubt a busy day for you.

I want to get your thoughts. I know that you have written to members of this committee about the importance of the review that's contained in the Canadian Victims Bill of Rights. As you know, his legislation came into force almost six years ago and there is supposed to be a review within five years. That's part of the reason why we wanted to do this brief committee study: to hear from you, from victims and from other stakeholders on, obviously, how things are working and what can be improved.

Can you speak to the importance that we do the full review that's provided for in the legislation, and what would you like to see by way of outcomes? Without prejudging the review, what are the types of outcomes that you would like to see?

• (1210)

Ms. Heidi Illingworth: Thank you so much.

Yes. I think it's critically important that the review happen. From the point of view of our office, like I said, we continue to receive complaints from victims in every province and territory about their treatment, about the lack of access that they have to their rights at certain times and to being provided information about their rights. We really need to see the legislation reviewed at this time so that we can look at the gaps and the challenges that still exist. We have highlighted a number of those in our progress report, which I will share for you.

Critically, what we hear from victims.... The largest gap in the bill in its current form is that there's no ability to enforce the rights within the act. I think that's a really critical issue that the review will need to look at: How do we actually hold the officials and the system accountable for ensuring that victims' rights are delivered to them in a practical way?

The other thing we really care about is a lack of access to the services and supports that people need, including mental health supports. It will be important to look at that gap, as well, across the country, especially in remote rural areas where there just isn't funding and capacity to deliver all those services at times.

Hon. Rob Moore: Can you speak to a couple of things?

I think one of the themes we hear is the overlapping jurisdictions, responsibility when it comes to victims' rights. As you mentioned, the Canadian Victims Bill of Rights enshrines in law certain rights, but enforceability becomes the issue.

What do you see as the main cause of someone's not being aware of their rights or not receiving the services they should be provided with under the Canadian Victims Bill of Rights? Is there, within the Canadian context, some example that you would hold out as a standard that we should aspire to, or do we have to look internationally for that when it comes to victims' rights? Is there some jurisdiction you could point us to about which you would say, "They are getting it right, and victims services have been improved in this jurisdiction"?

Ms. Heidi Illingworth: Thank you.

We have a challenge in Canada, certainly, because the law is made at the federal level but the provinces administer the justice system. They're responsible for victim services, as well, in large part. This is a shared responsibility. Service for victims—support-

ing victims in the aftermath of violence—is a shared responsibility, so I really want to advocate that we work together at the federal and provincial levels to improve our response to victims.

As I said, it doesn't matter in which province or territory you live in this country, because we are hearing common complaints from victims across all of these jurisdictions. They're not necessarily being informed of their rights and when they report to the police, they're not aware.

We really need to look at how to make sure that officials within the system—the gatekeepers—are accountable to victims, that there are requirements they have to fulfill when it comes to informing victims. It all starts with that information about their rights, so they can exercise their other rights—to protection, to participation and to seek restitution—as they progress through the criminal justice system.

I don't want to be critical and say that no one's getting it right. I think there are jurisdictions in Canada that are doing a good job, but we certainly recognize that improvements can be made. It starts with strengthening this legislation to give victims a more equitable situation in the justice system. Right now they consistently report that they're overlooked, that people don't provide them the information they need and that they aren't aware of services.

We need to ensure that justice system officials are responsible for delivering the information, support and access to services that victims need, whether it's protection, safety, housing, mental health...all of that.

• (1215)

Hon. Rob Moore: Thank you.

The Chair: Thank you very much, Mr. Moore.

We'll now go to Mr. Virani for six minutes.

Mr. Arif Virani (Parkdale—High Park, Lib.): Thank you very much, Ms. Illingworth. It's a pleasure to have you back at the committee. Your insights are invaluable, and I acknowledge the ceremony you were just at.

I want to ask you about the indigenous perspective in particular, given that this is top of mind right now, as it should be.

You mentioned that the Victims Bill of Rights hasn't been assisting racialized people and those from the LGBTQ2 community the way that it needs to. I know that in your work you have implemented an indigenous advisory circle to help shape your upcoming projects and plans.

Could you speak to what that is and how it is working? I have two more questions, so it would be great if we could keep each response to about 90 seconds.

Thank you.

Ms. Heidi Illingworth: Sure. Thanks so much.

At our office, we have created an indigenous advisory circle. We have knowledge keepers from across the country, who are affected family members of MMIWG, service providers, elders, two-spirit individuals and survivors. Sometimes they are working for a provincial association representing indigenous people; sometimes they are working for the federal government and sometimes they are academics, but they're all indigenous and right now they are all women. The circle meets quarterly and advises us about the work we're doing.

As we try to strengthen victims' rights in Canada and ensure that the voices of victims are being heard by our office, they're advising us on how to do this and how to reach more indigenous communities. Our office has struggled to build trust across first nations, Métis and Inuit communities. They're helping us to do that and to inform and improve the work we do. This can include recommendations to government when we're looking at the complaints that victims bring to us.

Mr. Arif Virani: I want to pivot to an aspect of victim safety, which is firearm safety. I know you've spoken out about supporting expanded "red flag" laws to include family members, victims and other community members to allow them to report potentially dangerous individuals, especially in regard to reducing suicides and intimate partner violence.

You know that red flag laws are currently a subject of discussion in Parliament. That's part of what Bill C-21 considers, if my numbers are correct.

Could you elaborate on what "red flag" laws would do in assisting victims?

Ms. Heidi Illingworth: Yes, we are interested in the use of red flag laws to help to potentially remove firearms in situations where there may be a risk, particularly in cases of domestic violence against women and children in the home. We have some reservations about putting the onus on family members to do this reporting. Certainly, we do recognize the importance of sometimes having neighbours or extended family members be able to flag concerns—and physicians as well.

Right now there's kind of a delay in this process, because there has to be an application, I think, to the chief firearms officer to do this. We're really interested in how we can speed this process up to have firearms removed from a situation where there is increased risk and in how perhaps community agencies can be involved in supporting the people who need it—the victims and survivors who might reach out for help. Perhaps they, themselves, can't report this immediately, because it increases the risks they face from the abuser who may have access to weapons.

How can we do this and ensure that police are able to respond in a swifter and timely manner?

• (1220)

Mr. Arif Virani: Thank you, Ms. Illingworth.

Last, we recently achieved royal assent of Bill C-3, the bill that dealt with judicial training, specifically on matters relating to sexual assault. It was widened to consider social context, including things like systemic racism and systemic discrimination. Those, I think, are useful changes in the right direction.

Can you comment on what a bill like Bill C-3 does, broadly speaking, in the context of victims, particularly victims of things like domestic violence or sexual assault?

Ms. Heidi Illingworth: Certainly it's important for judges to have training on the law on sexual assault and how to apply it, and context is important as well for that. We're pleased that the legislation was passed recently.

We hope that provinces and territories will enact similar legislation to ensure that training is applied to judges at the provincial court level as well. We know that's where the majority of these sorts of cases are heard. We want to make sure that we can stop the situations we've seen recently, where the law was applied inappropriately or sexual assault myths were allowed to invade the courtroom. Those stereotypes are really negative and have a negative impact on the outcomes of justice.

It's definitely a positive that it's passed, and we're looking forward to the provinces hopefully following suit.

Mr. Arif Virani: Thank you so much for your responses.

The Chair: Thank you, Mr. Virani.

We'll now go to Monsieur Fortin for six minutes.

[*Translation*]

Mr. Rhéal Fortin: Thank you, Madam Chair.

Good afternoon, Ms. Illingworth. I'm happy to see you today.

I would like to address an issue that we discussed earlier with other witnesses and that has to do with the families of people who are convicted of crimes. For example, it could be the children of a criminal or the parents of a young person who is convicted of a crime.

Under the Canadian Victims Bill of Rights, are they considered victims? According to the definition in section 2, I would think so, but I would like to have your opinion on that.

Also, what services will be offered to these people?

[*English*]

Ms. Heidi Illingworth: If I understood that correctly, you're asking if families of people who are found guilty of crimes should be considered victims under the bill. To me, I think we would have to look at the context here. If the family members of that person who's been convicted are the victims in that situation, then, yes, certainly. It would depend on who the offender has victimized.

We know there are gaps when it comes to family members of offenders. There are some NGOs who work to support families in this area, but I think we have improvements to make in Canada when it comes to services here, as well as for victims of crime.

[Translation]

Mr. Rhéal Fortin: Let's take a more common example. If a man kills someone he knows, is convicted of murder and goes to jail, his children will be affected by their father's crime. In school, they may be marginalized by other children or by teachers. They will also be marginalized by their neighbours who won't want to see them. These crimes have an impact on the convicted person's family, spouse and children.

The same is true when young people are convicted. Their parents, who will seek to rehabilitate them, may suffer consequences in their workplaces, in the family and in their relationships with their neighbours.

Is this a common phenomenon, or am I talking to you about something that doesn't exist? Do you receive requests for this? Is this a concern for you?

[English]

Ms. Heidi Illingworth: This is not an area that comes to the attention of my office, but I understand what you're saying. We recognize that having a parent incarcerated is an adverse childhood experience, and the more adverse childhood experiences that people have growing up as they are developing, the more that can lead to negative social and health consequences down the road.

This is a concern. Part of the work that we've been doing at our office is to call for more funding for prevention of violence across Canada and preventing these sort of traumatic adverse childhood experiences from happening in the first place. We can do a lot more to prevent family violence and these experiences from happening.

I think this is where we can do work collectively to address—

• (1225)

[Translation]

Mr. Rhéal Fortin: If I may interrupt—

[English]

Ms. Heidi Illingworth: —families of offenders and victims.

[Translation]

Mr. Rhéal Fortin: Excuse me, but time is of the essence, Ms. Illingworth.

I understand your point very well, and I agree with you completely. However, I don't want to talk about domestic violence, because it's kind of a given. We know that if the father kills the mother, the children are collateral victims. That goes without saying, and we agree on that. I wanted to talk about the more conventional crimes, such as when a person kills someone who isn't part of their family.

I'll quickly come back to another topic before we conclude our discussion. You said earlier that victims weren't well-informed about their rights. I think that's a concern we should have, because it's important.

Do you have frequent meetings on this subject with people from the Department of Justice Canada or Public Safety Canada? Do you frequently discuss this issue with your colleagues in other departments involved in this?

[English]

Ms. Heidi Illingworth: Yes, it is, and it is part of the work that has been ongoing since my office was created in 2007, but especially since the bill was passed in 2015.

Last year, we launched our progress report, highlighting what we hear from victims across the country. We just launched a recent report as well, about access to information for victims and how information is that gateway or foundational right that needs to be provided to victims, because they can't exercise their other rights.

[Translation]

Mr. Rhéal Fortin: In the 30 seconds we have left, can you tell me what you plan to do to improve the situation?

[English]

Ms. Heidi Illingworth: Well, I believe that criminal justice officials must be mandated to provide it to victims. I think the bill needs to be amended to say that. That's going to make a big difference on the front line for people getting the information about their rights that they need.

[Translation]

Mr. Rhéal Fortin: How will they get that information?

[English]

Ms. Heidi Illingworth: Criminal justice officials, police, Crowns, people working in the system, victims services—all across the line—have to be mandated to provide the information to victims about their rights and the services available to them.

[Translation]

Mr. Rhéal Fortin: Thank you, Ms. Illingworth.

[English]

The Chair: Thank you, Monsieur Fortin.

We'll now go to Mr. Garrison for six minutes.

Mr. Randall Garrison: Thank you very much, Madam Chair.

I want to thank Ms. Illingworth for being with us today, and for all of the work that she and her office do on behalf of victims across the country, and, of course, express our apologies. When we scheduled this discussion, we had no way of knowing that we would have such a horrific discovery in Kamloops, or that the national action plan on missing and murdered aboriginal women would be released today. I'm sorry that we tore you away from that important ceremony. However, I think this is an important session that we are undertaking here, because of the lack of a statutory review.

I wonder if you could comment briefly on any communication you've had with the minister about the delay in the statutory review, and what response you had from the government as to why this review hasn't taken place.

Ms. Heidi Illingworth: I have discussed it with the minister, and he's well aware that it's due and he expects the House leaders to work together to set the review. At my office we've sent letters to the House leaders to request that the review take place, and I know there have been some petitions submitted to the House as well, so we're hopeful that it's going to take place soon.

Mr. Randall Garrison: I will consider that homework assigned to me, and I hope that the rest of the members of the committee will also consider that homework, to speak to their House leaders to echo the importance of getting that review under way.

I know your report from last November, I believe, was quite comprehensive, and you made recommendations for everything from legislative amendments to very practical suggestions on how to get information out.

One of those really did catch my attention. That's your recommendation 13, where you talk about replacing the concept of restitution with the notion of reparation. I think that's a very important concept to introduce into victims' rights, and I'd like you to say a little more about what you see as the importance of this recommendation in practice.

• (1230)

Ms. Heidi Illingworth: I think it's very important to recognize that victims of crime suffer a number of losses when they're victimized. It might be financial, and their safety is impacted, their feelings of security, their overall health, their mental health.

I think certainly the right to seek restitution is important, but allowing victims to seek reparation is a broader concept. It brings more restorative practice, perhaps, into the frame. We know that being a part of restorative justice can be incredibly powerful for victims. They have an actual voice in telling the offender, those other members of the community, how this has affected them, how they have been harmed.

We want to see, because Canada has moved towards.... All the provinces and territories have endorsed the use of restorative justice, but we still don't see it widely enough available. If we had more access to such programs and communities, it would give victims far more opportunities to seek reparation, not just necessarily monetary, but also ways to adjust their safety and these other issues that I've raised.

Mr. Randall Garrison: Thank you for that.

Certainly the victims I've met with have suffered financial losses, but the other losses are much more important to them, and their being able to have restorative justice is really what they're looking for, rather than some kind of cash settlement for the losses they've suffered.

Thank you for that recommendation. I hope we do get to it soon.

In your opening remarks you talked about services for indigenous people in particular, and this week that is certainly on everyone's mind. Your office has set a pretty high benchmark on how to involve indigenous people in the work, and I congratulate you for that.

I want to know if you have any comment on federal government victims programs generally, because what I've noticed is that there's

a tendency to say, "Well, these are for victims", and indigenous people should go somewhere else for special funding. There's a tendency to not think about indigenous people in the general programs aimed at victims.

Have you found this to be the case in your experience?

Ms. Heidi Illingworth: Yes, I think we certainly need to think about how we can provide more culturally competent and culturally humble services within the realm of victim services, which includes the federal government's providing funding—as through the victims fund—to agencies to hire indigenous staff so that community members feel comfortable to come forward.

We know the federal government has funded the family information liaison units, which have seen a lot of success working with families of MMIWG. In my view, because these are cultural supports that are available to do work with the families, whether it's gatherings, seeking medicine or seeking information that they need, and supporting their healing work, we need to see more of these. They need to be permanent and to be funded and more widely accessible. Let's give money to NGOs that are doing this work, to hire the diverse staff they need. There needs to be representation in all of victim services—Black, indigenous, people of colour—so that community members feel comfortable to come forward. Then we can also fund these very specialized programs as well, like the FILUs.

Mr. Randall Garrison: How are we doing for time, Madam Chair? We have some delays going on here.

The Chair: Go ahead for one more question.

Mr. Randall Garrison: In my opening remarks, I mentioned that some members of the Canadian public suffer much higher levels of crime as victims: indigenous people, racialized Canadians, the SOGI—sexual orientation and gender identity—community, a term I use, and sex workers. I wonder whether you have seen an adequate response from the federal programs that takes into account this differential impact of crime on certain communities.

• (1235)

Ms. Heidi Illingworth: There's always room to improve and put more money here. I think I saw a comment in the House this week that \$28 million has been allocated through the victims fund over the last six years around the Canadian Victims Bill of Rights. This goes to programming for the provinces and territories and NGOs. However, to me, it is not nearly enough funding to do the work that needs to be done to support communities that are overrepresented as victims, as you said. We need to provide more specialized services, and certainly we can improve that at the federal level, and at the provincial, territorial and local levels as well. It's a shared responsibility and we need to keep talking about this.

The Chair: Thank you, Mr. Garrison.

We'll now go to Mr. Lewis for five minutes.

Go ahead, Mr. Lewis.

Mr. Chris Lewis (Essex, CPC): Thank you, Madam Chair.

Thanks very much, Ms. Illingworth. I think this is the third time I've seen you as a witness somewhere. As usual, your testimony was very in depth and very well-thought-out, so I thank you for that.

You mentioned in your opening remarks that the system often overlooks the victims' concerns and focuses on the accused, and that too often, authorities are not trained to inform victims about the supports and resources that are available. Can you elaborate on what you have heard and how we can make changes to ensure that authorities are knowledgeable of support for victims?

Ms. Heidi Illingworth: Yes, sure. We have heard that victims are not always treated as such when they come forward to report crimes. We know that in the case of sexual assault, there are particular challenges with being believed when survivors come forward to report to police. We need to make sure that victims are offered the information right from the outset about their rights. They should be, first of all, informed that they have rights and, second of all, informed that there are services to support them, including restorative justice services, if they're interested in them. It's important to provide this information so that survivors have choice at the outset and can decide whether proceeding through the criminal justice system is what they want to do.

We need to ensure there's proper training for officials as well, whether it's on the front line at reporting, in the courts or at the end of the system of corrections and parole, so that at every stage, people are given the proper information they need to exercise their rights and make choices that are best for them in their circumstances.

Mr. Chris Lewis: Thank you very much for that answer.

I believe there have been situations where offenders were able to access social media and use it to post pictures and comments about their victim or victims. Do you have any thoughts on how offenders use social media to continue to harass victims?

Ms. Heidi Illingworth: Yes. I hear every day from frontline service providers who are concerned about technology abuse, especially in intimate partner scenarios. We hear a lot about this when it comes to young people and not having consent for sharing intimate images. This is an ongoing concern for sure, and a violation of people's rights. When they're being stalked and harassed through technology, they're very fearful, which causes immense fear as well.

We need to do more to recognize all the harms that can come from social media and that people access different forms of technology to commit further abuses against victims, particularly in the context of intimate relationships. Again, we need to ensure there is training on these issues so that the people responding understand how serious these are and that people who are going through this need support. It's a matter of safety, in many instances. We don't want things to escalate to the point of serious violence or someone being killed, which has happened in the past.

• (1240)

Mr. Chris Lewis: Thank you very much.

Madam Chair, what do I have left, about one minute?

Thank you very much.

I have one final question, Ms. Illingworth. Can you expand or talk about the restitution orders? I know you mentioned those in your opening remarks. Talk about the restitution orders and how government should assist in the enforcement of court-ordered restitution.

Thank you.

Ms. Heidi Illingworth: I am happy to.

This is one of our concerns, and we have a special report coming out on this issue later this year.

Victims of crime tell us that when they have a court order for restitution, depending on where they live, it falls upon the victim to enforce this order. People tell us that they have to hire lawyers to garnishee wages. They have to figure out where offenders are living and they have to serve them with papers and hire legal representation, all at additional costs when they are trying to recoup what was stolen from them or the losses they suffered during the crime. This is problematic.

We know that some provinces have programs that assist with enforcement and collection of restitution and that these are very successful. Saskatchewan, British Columbia and, I think, Nova Scotia have these programs, but we need to see programs implemented in all the provinces and territories to help victims collect what the court has ordered.

The Chair: Thank you.

Thank you, Mr. Lewis.

We'll now go to Mr. Sarai for five minutes.

Mr. Randeep Sarai (Surrey Centre, Lib.): Thank you, Madam Chair.

Thank you, Ms. Illingworth.

In the 2020 progress report on the Canadian Victims Bill of Rights, you mentioned that the vast majority of persons who are victimized by crime in Canada choose not to engage or cannot engage in the justice system. How, in your opinion, might strengthening the bill of rights impact the willingness of those who are able to engage with the justice system?

Ms. Heidi Illingworth: I think it's really important to acknowledge that people don't trust the justice system right now. People are fearful about coming forward as they feel they won't be believed. They've seen how other survivors are responded to.

If we strengthen victims' rights, if we ensure that victims have the ability to enforce their rights to make sure they can seek a remedy if their rights are overlooked, that will give people increased confidence that the system is going to take them seriously when they come forward, and that people are actually responsible for not causing further harm.

That's really important. Right now we hear a lot from especially newcomer families, indigenous families, and racialized families and individuals that they don't feel safe to come forward to report what has happened to them.

Mr. Randeep Sarai: I'm sorry to interrupt. It's just because of the time.

How do you think we could actually, in concrete terms, enable them to do so?

I have a riding that includes everyone you just described. How do you empower them to come forward to not only utilize their rights but also voice their pain and their issues?

Ms. Heidi Illingworth: We need to improve training in cultural humility for officials. We need to have more third party reporting programs that allow victims to go to community agencies that they trust and that they have been working with to help them to report crime to the police.

When people start to see that they actually have rights that are real and not just statements of principles, and that others can be held accountable for overlooking their rights, for example, then perhaps when we amend the act eventually through a judicial review or through other administrative reviews, people will be confident that they're going to be taken seriously; they're going to be believed, and they're going to be supported as they go through the system because there has been a change of culture in the system to respect victims' rights in law.

Mr. Randeep Sarai: Thank you.

In recommendation 11 of that progress report, you suggested having a national public education campaign, using TV and social media to inform Canadians of their rights as victims of crime.

Can you elaborate more on how this might look and what else we can do to ensure that Canadians know their rights, especially those who may have become victims of crime, and that they understand what resources are available to them?

• (1245)

Ms. Heidi Illingworth: Yes, this is a critically important gap that we had following the passage of the bill, and we continue to hear, as I said, that people just don't know that they have rights as victims of crime. We need to put some funding into public education campaigns, public legal education around the rights that people have should they be victimized.

Nobody ever expects this is going to happen to them, so when it does, they are thrust into a really complex system. If we can increase the public awareness of the rights that people have, they're going to be less marginalized. They're going to feel more comfortable to come forward. They'll think, "Oh, wait a minute. I heard this somewhere. Maybe it was on TV, on the radio, on social media, or on Facebook somewhere, but I do have rights," and they can bet-

ter recognize what is happening to them. Maybe it is abuse or violence. They can come forward to seek help and feel that the system is going to take them seriously and support them as they move forward.

Mr. Randeep Sarai: Thank you.

How much time do I have, Madam Chair?

The Chair: You have 15 seconds.

Mr. Randeep Sarai: Okay, thank you. I'll pass it over to the next colleague.

The Chair: Thank you very much, Mr. Sarai.

We'll go to Monsieur Fortin for two and a half minutes.

[*Translation*]

Mr. Rhéal Fortin: Thank you, Madam Chair.

Ms. Illingworth, I'd like to get your comments on the victims of crimes committed abroad. Are Canadians and Quebeckers who are victims of a crime committed abroad also covered by the programs established under the Canadian Victims Bill of Rights?

Furthermore, do Canadians and Quebeckers who are themselves abroad and who are victims of a crime benefit from some protection or services under the bill of rights?

[*English*]

Ms. Heidi Illingworth: Thank you for that.

The Canadian Victims Bill of Rights only applies to crimes committed in Canada, so Canadians and Quebeckers who are victimized when they are travelling or living outside of the country do not fall under this bill because it applies to our justice system in the context of our criminal justice system. However, there is a funding program through the Department of Justice that allows victims to access some emergency financial assistance when they've been victimized abroad, outside of Canada.

[*Translation*]

Mr. Rhéal Fortin: In your opinion, Ms. Illingworth, is that satisfactory as it is, or is that the kind of thing that should be changed?

Do you think the Canadian Victims Bill of Rights should include a provision for people who are victims of crimes committed abroad?

[*English*]

Ms. Heidi Illingworth: This is a tough question because it's difficult for Canada to.... Canada can't give rights to people in other criminal justice contexts, so I think that is why it wasn't included.

What we suggested in our progress report to address this issue is that if we amend the bill to guarantee support services to all victims of crime, that would allow people who are victimized outside of Canada to, when they come back home, be able to seek support through services that are on the ground in the community in which they live, or federal services or what have you. It would ensure that people can get support when they're at home and are aware that they can get funding to travel back to participate in criminal justice processes abroad as well.

[*Translation*]

Mr. Rhéal Fortin: Have you received a lot of requests for—

The Chair: Thank you, Mr. Fortin.

Mr. Rhéal Fortin: Thank you, Madam Chair.

[*English*]

The Chair: Thank you, Monsieur Fortin.

Mr. Garrison, you have two and a half minutes. Please go ahead.

Mr. Randall Garrison: Thank you, Madam Chair.

It appears I'm having some Internet connection problems here on my end, but I will go ahead and try.

Ms. Illingworth, in recommendation 8 of your report from last November, you talk about making the Office of the Federal Ombudsman for Victims of Crime “the single authority with jurisdiction to review complaints by victims of crime” with regard to any federal department or agency.

My question is about your relationship with the Department of National Defence sexual misconduct response centre and things that I've heard at the defence committee as the defence critic about a lack of confidence in that centre and its independence.

• (1250)

Ms. Heidi Illingworth: The recommendation in our report is more around the process of making complaints for victims, which is very complex. They first have to complain to the agency that they are having an issue with. Then, if they're not satisfied with the response they receive, they can come to our office, for example. A lot of times, victims are discouraged from making complaints in the first place. The processes are overwhelming. There's a lot of paperwork to be completed.

So the idea around that recommendation was to have one office where it's very clear that victims of crime can make a complaint and try to have it resolved, just to make the system more trauma-informed and sensitive to people. It's asking a lot to file a complaint and go through those processes and wait those out.

With regard to the SMRC, I know they're doing good work to support survivors. We direct military sexual trauma victims there if they contact our office. I do understand that there's some hesitation, because they report to the chain of command. I think the SMRC does a lot of really good work when it comes to counselling and support and things like that. That's a very important service. But when we're talking about complaints about bigger systems like that, there needs to be an outside office that can take those and review those independently.

Mr. Randall Garrison: Thank you.

The Chair: Thank you very much, Mr. Garrison.

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

Mr. Michael Cooper: Thank you, Madam Chair.

Thank you, Ms. Illingworth, for making yourself available today.

I want to ask you two questions regarding the rights of victims in the context of parole board hearings. The first is in the COVID context. Early in the pandemic, back in April of 2020, you wrote to the chair of the Parole Board of Canada that victims were being denied their right to participate in person at parole hearings. They were told that they could just submit a written statement, and all the while offenders, in certain instances, had assistance present in person. I see that since then, more recently, the Parole Board of Canada has set up a piloting video conference solution. Are you concerned that victims are still being denied their rights due to COVID-related concerns, or are you satisfied that this has largely been addressed or completely addressed by the Parole Board?

Second of all, on a non-COVID-related matter, there's concern from many victims about the lack of transparency with respect to information regarding dates with regard to eligibility for such things as temporary absences, parole, or statutory releases. In particular, there's just a lack of explanation as to how those dates have been arrived at. As a result, in many instances victims have been caught off guard. All of a sudden there's a hearing that they had no idea was about to happen. Obviously, it can have a profound impact on vulnerable victims.

Ms. Heidi Illingworth: First, yes, the problem of victims not being able to attend physically has been addressed, for the most part, with the ability to participate through teleconference or video conference during the pandemic. It took a little while to get going, but it has been up and running now for over a year or just around the year mark. Participation is actually up. We think this is positive and should remain as an option for victims of crime, because people are feeling safer, I think, participating from home. Their travel is not involved. Applying to the fund to access funds to travel—all of that has been eliminated. It's actually quite efficient to participate from home.

So I think that's a good thing. It must continue after the pandemic. Victims need choices. Yes, some will want to attend physically in person at the prison, but many don't want to do that. They don't feel safe to do that. The video conference and teleconference options are very important.

With regard to eligibility dates, that is a challenge that corrections and parole have in terms of delivering information that victims can understand. The sentence calculation process is very complex. I know that right now the national office is working on some information to help decipher this and make it more plain-language for victims about how eligibility dates are calculated and things like that. When you do register as a victim with Corrections Canada and the Parole Board, you are provided the dates for your offender at that time on when they will be eligible to apply for day parole and passes.

• (1255)

The Chair: Thank you very much.

Thank you, Mr. Cooper.

Lastly, we'll go to Mr. Maloney for three minutes.

Mr. James Maloney: Thank you, Madam Chair.

Ms. Illingworth, thank you for being here today, particularly given the important conflicts you have. We're all very grateful.

If I am the victim of an assault, it's obvious that I get the benefit of the rights in this act. If I am the teenaged child of a victim of assault, I meet the definition of "victim" and am I entitled to the enumerated rights in the act.

What is not clear to me is whether or not I am entitled to the benefits of the rights in the act if I am the teenaged child of the perpetrator of that assault.

Ms. Heidi Illingworth: My assessment would be that you are not.

Mr. James Maloney: That's what I thought. I posed this question to the earlier panel and they weren't clear on it.

You said earlier that the two important characteristics of victims, particularly if they're children, are security issues, financial instability, and—I think you added—emotional challenges.

Those same problems are experienced by a teenaged child of somebody who's committed a crime and whose parent may be in prison for a long term. Wouldn't you agree with that?

Ms. Heidi Illingworth: Yes, I do.

Mr. James Maloney: Therefore, in your opinion, would it be fair to add children or family members of people who have committed crimes to the definition of "victim" under the act?

Ms. Heidi Illingworth: We'd have to think carefully about that and about how to do that. Certainly there are harms that result from a parent being incarcerated.

I'm not sure if I know the answer to that or how to add that to the act in a way that wouldn't be offensive to the people who are harmed by the act of the offender directly. Do you know what I'm saying?

Mr. James Maloney: I completely agree with you and I share your concern.

I'm thinking particularly of children. There are many children—and there's no other way of looking at it—who are innocent victims when their parent has committed an act. Now they are left in circumstances and, through no fault of their own, they have to live with the stigma and the problems, whether they are emotional or financial.

I think it would serve two purposes. First, it would help those children and give them the services we're talking about for victims. Also, it would also help break the cycle. Often you'll see that children who have parents who have been incarcerated are more disposed to committing crimes themselves.

I'm running out of time, but I appreciate your opinion. I'm grateful you agree with me.

Thank you, Madam Chair.

The Chair: Thank you very much.

I love it that Mr. Maloney times himself.

Thank you, Ms. Illingworth, for your time today, for your very compelling testimony and for answering questions from members on this very important topic.

With that, members, I will adjourn this meeting until next time.

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