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# Standing Committee on the Status of Women

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Chair: Mrs. Karen Vecchio





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• (1300)

[English]

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

Welcome to meeting number 20 of the Standing Committee on the Status of Women.

I know that many of you are online and some people are just getting online right now. We have a very important day and the time is tight.

Pursuant to the order of reference of Friday April 29, 2022, the committee will begin its clause-by-clause study of Bill C-233, an act to amend the Criminal Code and the Judges Act (violence against an intimate partner).

Today's meeting is taking place in a hybrid format, pursuant to the House order of November 25, 2021. Members are attending in person in the room and remotely, using the Zoom application.

I would like to make a few comments for the benefit of our witnesses and members. Please wait until I recognize you by name before speaking. For those participating by video conference, click on the microphone icon to activate your mike and please mute it when you are not speaking. For interpretation for those on Zoom, you have the choice at the bottom of the screen of the floor, English or French. For those in the room, you can use the earpiece and select the desired channel.

I would remind you that all comments should be addressed through the chair.

Before we begin, I would like to welcome the Department of Justice officials who are here and will be discussing Bill C-233 with us. We have Shannon Davis-Ermuth, senior counsel in the criminal law and policy section of the policy sector; Claire Farid, director and general counsel in the family and children's law team of the policy sector; and Melissa Moor, counsel in the judicial affairs section of public law and legislative services.

We will be proceeding, but for some reason, Philippe, you are not in my introduction. I am sitting beside the legislative clerk, Philippe, who will keep this all in order and assist me with this if we have questions.

Because these were all confidential, there are some amendments that we may have questions on. You may want to ask one of the legal professionals about these, so that we can have a better under-

standing. I don't believe there are many lawyers in the room. I think we're all advocates for women and women's health.

We are going to proceed with clause-by-clause. I am going to move now to the agenda for clause-by-clause.

Do we have all of our members? I see Michelle and Shelby are on there. Fantastic.

Is Marc Serré here today?

**Ms. Pam Damoff (Oakville North—Burlington, Lib.):** No. I'm replacing him.

**The Chair:** I want to make sure we have everybody here today. This is fantastic.

Welcome to Mike Morrice as well.

We're going to be going clause-by-clause. I'm going to be honest. This is my first time doing clause-by-clause, so I'll be turning my head a lot to the legislative clerk to ensure that we're getting this piece of legislation right.

(On clause 1)

**The Chair:** I'm going to pass it over to Leah Gazan to introduce NDP-1.

**Ms. Leah Gazan (Winnipeg Centre, NDP):** I move that section 515 of the act be amended by adding the following after subsection (4.2):

(4.21) If the Attorney General requests that an accused who is charged with an offence against their intimate partner wear an electronic monitoring device, the Attorney General must take all reasonable measures to ensure that

(a) a device is available that makes the monitoring possible, regardless of the geographic area in which the accused has been directed to remain; and

(b) if the accused were to approach any place where any victim, witness or other person identified in an order made under subsection (2) might reasonably be found, emergency services would be available to provide any necessary assistance to that person.

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

We can now discuss that. If there's some background that you want to provide, Leah, on the reasoning for this amendment and what you think we should do, please provide it. Then we can open discussion of this and move forward.

Leah, would you like to provide any...?

**Ms. Leah Gazan:** Sure. In the committee meetings on this bill, one of the criticisms that was raised was access to this specific resource, meaning the electronic monitoring device. There were issues with when a person would be able to have an electronic device and if there were the appropriate supports in place to ensure that the individual were safe.

Those are the purposes of the amendment.

**The Chair:** I'm going to go through the speakers list. If you are online, put up your hand on the little thing.

Pam, I'll see you in the room.

• (1305)

**Ms. Pam Damoff:** Thank you.

I want to start by acknowledging our chair, who is beyond outstanding and has really done tremendous work on this bill. I mean that sincerely. This is only the second bill that has ever come to the status of women committee, so it's groundbreaking for all of us to be here and making a difference.

I agree with everything Leah talked about. We did hear about it during testimony. The problem we have with the amendment is that when you talk about ensuring that emergency services would be available, we can't direct emergency services as a federal government. It's the same for the piece that delves into provincial-territorial jurisdiction.

I hope those watching this meeting—and I know there are many—are paying really close attention to the intent of what this committee wants, which is to make sure that we're keeping women safe. It's only a tool. We've all acknowledged that there are issues in rural, remote, and indigenous communities with access to the Internet. It's the same with access to emergency services. I suspect that the Justice officials would agree, if we were to ask them, that this is outside the scope of what we're able to do federally.

**The Chair:** Next, I have on my list Andréanne, followed by Dominique, and then we'll ask for justice department support and advice.

Andréanne, please go ahead.

[*Translation*]

**Ms. Andréanne Larouche (Shefford, BQ):** Madam Chair, I would like to follow up on what Ms. Damoff said.

I think that officials and witnesses have told us that the application of this device is a provincial and Quebec responsibility. Everyone agrees that it's within provincial jurisdiction. So I'm trying to see how this amendment could realistically be applied. The Department of Justice officials could confirm whether this is feasible. In addition, I would like to know how this could be imposed on the Attorney General.

In short, we want to attach conditions to both what the Attorney General should do and how it should be done. In both cases, I think it doesn't pass the test.

At the moment there is money available. The network is expanding everywhere. The money has been transferred, at least for Que-

bec, and the Quebec government is working on the issue of connectivity and Internet access.

Unfortunately, I don't see how this amendment could be applied.

[*English*]

**The Chair:** Dominique, the floor is yours.

[*Translation*]

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

I do not see things quite the same way as my colleagues. Unless the legal experts say otherwise, I believe that the amendment is sound. It says: "... the Attorney General must take all reasonable measures to ensure that..." I see this as part of their recommendation. This must not be allowed to become unenforceable. The Attorney General will not recommend or request that an accused person wear a monitoring bracelet in a particular area if he or she knows that there is no Internet connection and that it will be impossible to use the device there. That is how I interpret it.

The Attorney General is not asked to ensure that all the necessary measures or arrangements are in place to enable the mechanism to function. I don't think that's what it's about.

Furthermore, as I have already mentioned, it seems to me that a judge cannot request that an accused person wear a monitoring bracelet. This request must come from the Attorney General.

Since the debate on this bill is coming to an end, I would like to be assured that this is the case. We have legal experts from the department here, and they have had a few days to think about this issue.

It is written in black and white that it is the Attorney General who must make the request. As far as I can see, it is not written anywhere that the judge can go ahead on their own without the Attorney General having requested it.

Thank you very much, Madam Chair.

[*English*]

**The Chair:** Excellent. I'm going to now ask for some legal advice, and then we'll come back to Michelle and Shelby.

Go ahead, Ms. Davis-Ermuth.

**Ms. Shannon Davis-Ermuth (Senior Counsel and Team Lead, Criminal Law and Policy Section, Policy Sector, Department of Justice):** Thank you very much. I'd be happy to speak to that.

I'll start with the last point first, because that's a question that I've heard come up over the course of some of the testimony you've heard from witnesses, namely, this question about whether the judge can only impose the condition if the Attorney General requests it.

That's not the case. Even if this bill were not to pass, it's still possible for judges to impose this condition.

Under the Criminal Code and the bail provisions, before a justice releases somebody who's held in custody, there are three reasons for detention they have to consider. They wouldn't release somebody if they had a concern that any of these things would not be protected if they released them. Those three factors they have to consider are whether or not the accused person will attend court; whether they can also detain them for the protection or safety of the public, including victims; and whether they can maintain confidence in the administration of justice.

Subsection 515(4) of the Criminal Code lists the most commonly applied conditions of bail, and two particular paragraphs under those lists—and these apply to any case—are paragraph (g), where justices can impose any condition that they consider “necessary to ensure the safety and security of any victim or witness to the offence”. Under paragraph (h), they may impose any condition that they consider desirable.

The Criminal Code does already permit justices to impose electronic monitoring as a condition of release for any offence. What this bill proposes is that, in certain cases, it would mandate that a judge had to consider whether or not they should impose a condition of electronic monitoring.

That's the difference the bill makes. If it were to pass, and electronic monitoring is specific.... Right now, electronic monitoring itself is not mentioned by name in the bail conditions. It could be imposed if the judge felt that it were appropriate under the considerations they have to take into account, but it's not explicitly listed. This bill would explicitly list electronic monitoring as a condition that a judge would have to consider. In the way the bill is currently worded, any time there was an alleged offence before the judge where somebody was alleged to have committed an offence against an intimate partner, the judge would have to consider imposing this condition.

• (1310)

**The Chair:** Okay, thank you.

I'm going to pass it to Michelle and then Shelby.

**Ms. Michelle Ferreri (Peterborough—Kawartha, CPC):** Thank you, Chair.

I think my questions might have been answered there, so thank you for that.

I was just curious if there's a double benefit to this, and maybe I missed this part as well when we explained how the electronic bracelet works, but I'm just wondering if there could be an extended benefit to this clause in pushing forward more access to Internet and services in more rural areas. It could bleed into that.

It's just a thought, because I see them as, in response to what Dominique said, reasonable measures. I think the way that it's worded by Ms. Gazan, it says that it's within reasonable measures, but I also see a positive coming out of this amendment in that it's saying we do need access to more Internet, if I'm understanding correctly how the electronic bracelet works.

What I'm talking about in particular in my experience here is that we as MPs have an emergency fob when we're out, and we can

click it wherever we are, and it will engage the police, but it only works if there's cell service. Those are my thoughts.

**The Chair:** Thanks very much.

I'll pass it over to Shelby.

**Mrs. Shelby Kramp-Neuman (Hastings—Lennox and Addington, CPC):** Just for clarification, I think on behalf of all of us, I agree 100% and can voice that none of us have malicious intentions. We all agree that we're here for the right reasons to look after women and children, but what we need to recognize is that, whenever we're going clause by clause, it's really important that we reflect the true testimony that was given.

We can't add, we can't take away, and we can't amend it to our liking. We have to make sure that it really echoes the voices that were heard in the testimony because, all too often, if committees add amendments and changes here and there, we really have to be cautious that they echo what exactly went on during testimony and not just our interpretation of it.

• (1315)

**The Chair:** I'm just going to take the chair's prerogative and give it back to Leah, because I think one of the biggest things is that we do know that this is probably what we want across the entire country. The problem is that it is a cell service. If anything, there could be a resolution from us that we could take back to the House of Commons saying, get some cell service out there for all of these people who absolutely need it.

I don't know if it could be part of the Criminal Code. That's the only thing. I fully support where this goes, absolutely. I'm just concerned with—

**Mrs. Shelby Kramp-Neuman:** Sorry to interrupt, Karen.

I do agree and recognize with Leah Gazan that everything is in order, but just moving forward as we progress through the different amendments, as long as we have that in the back of our minds....

**The Chair:** Okay. I'm going to go back to Leah, Pam and then Andréanne.

**Ms. Leah Gazan:** Thank you, Chair.

I just so appreciate this committee. I really do love this committee. It's so weird, because you would think this wasn't politics.

Just going back to some of the feedback, this actually is directly related to the feedback about accessibility. I take Pam's points about the second one. It has to be within the confines of the law. I appreciate that, with the intent, however, to reflect the deep concerns that were raised by some of the witness testimony.

In proposed subsection (4.21)—and again I'm not a lawyer—it says, “all reasonable measures”. It says “a device is available that makes the monitoring possible, regardless of the geographic area in which the accused has been directed to remain”. So I think it's all reasonable, knowing that there are issues with cell service. But with regard to “all reasonable”, I could be wrong, but I think covers that disparity in access.

**The Chair:** Pam.

**Ms. Pam Damoff:** Just on your point, I recall doing this with another bill that we studied. When we studied Bill C-71 at the public safety committee, we sent it back with a note for the things that were outside of federal jurisdiction. I think it would be completely reasonable to send this bill back with a resolution from the committee that recognizes this, because it's not just with electronic monitoring. We heard testimony about how women are at risk when there's a lack of cell service.

It doesn't mean there's a requirement on the government to act on it, but I think it recognizes the concerns that we all heard, while not trying to get into provincial jurisdiction with the legislation or trying to make requirements, because this is also talking about the Attorney General. The rest of the bill is about judges considering e-monitoring, so I think we could come up with something about how, while this is outside the scope of the bill, the committee recognizes that a lack of cell service can put women at risk.

**The Chair:** We're having a really good discussion because I'm going back and forth on this one myself: Do we support it or do we not support it? This is great debate.

Andréanne and then Shelby.

[*Translation*]

**Ms. Andréanne Larouche:** I would like some clarification from the officials. There is talk of electronic bracelets or of the imposition of conditions. Unless I am mistaken, this is already being done. The bill proposes to add the requirement "that the accused wear an electronic monitoring device, if the Attorney General makes the request." I want to make sure I understand that, because we are told that this is already being done.

I know that Ms. Gazan's intention is to try as much as possible to ensure that there is an Internet connection. When I read the proposed wording, however, I am afraid that it becomes a condition. In some cases, if it is known that the device will not work in a given area for lack of an Internet connection, will it still be recommended? I'm trying to figure out how that would apply.

As Ms. Damoff said, we are already working on the issue of the electronic bracelet. At least, that is the case in Quebec. I would like the officials to clarify this. It was clearly stated that implementation was the responsibility of Quebec and the provinces. Then, when we tried to find out what the federal government could do, we were told that enforcement was their responsibility. I am therefore trying to find out, once again, how this amendment could realistically be applied. I would especially like clarification on the conditions, because this is already being done. I want to make sure I understand.

[*English*]

**The Chair:** Sorry, Shelby, I'm going to go back to the justice department officials.

I'm going to pass that back to you, Ms. Davis.

[*Translation*]

**Ms. Shannon Davis-Ermuth:** Thank you very much for the question.

You're right that it's already possible to impose the wearing of an electronic bracelet as a condition. What the bill would do is require the judge to impose that condition in certain cases, such as when

someone is accused of having committed a crime against their intimate partner.

● (1320)

[*English*]

When I answered the previous question, I hadn't specifically spoken to NDP-1 and what its effect would be.

It is true that it is not typical that a provincial Attorney General would be directed to do something in the Criminal Code. Looking at it from a legal perspective, it's possible that, as has been raised, this is not necessarily enforceable. It says that the Attorney General "must take all reasonable measures to ensure" something after the fact. That's after it would be imposed, basically.

As has been described, it's not necessarily a criterion that a justice must take into consideration, but already in the way that bail courts operate now, there are a number of provisions that require judges to consider the safety of witnesses. If a judge is imposing a condition for an electronic bracelet, it would be the normal course for them to look into the availability, the logistics, of it. Is it a jurisdiction where there's a funded program and where that province itself has a program to make it available?

Right now, in some of the provinces where they don't have programs, an electronic monitoring condition would probably be something that would be proposed by the accused person who has means to pay and doesn't want to be detained. They would say, "Look, you don't think I'm a good risk? I'll tell you what; I'll pay for this. Here are the details." These are the types of details that judges would be considering and then, as has been mentioned, some of the other details in paragraph (b) are things that would fall under provincial jurisdiction in terms of ensuring safety and emergency services.

Another matter that the committee might want to consider, Madam Chair, is the way that paragraph (b) is written, "if the accused were to approach any place where any victim, witness or other person identified in an order made under subsection (2) might reasonably be found, emergency services would be available".

Some possible concerns that arise sometimes in bail court are how you know where that victim might reasonably be found. Right now, the usual course with a condition like an electronic monitoring condition would be to prohibit an accused person from leaving a certain boundary, so they would make sure that there were sufficient services to cover the boundary that the accused person was supposed to be within, and the bracelet would provide an alert as to whether the accused person left that boundary, or they could probably program it to indicate if the accused attended at certain addresses.

One thing they need to consider when they're in a bail court is whether they want to identify the places where a victim might reasonably be found, because they might want to have places where they go that the accused person is not going to know about. Whether a condition like that would require a victim to share information that might better not be known to the accused is something they have to think about when they craft the conditions in a certain circumstance. Those are a couple of considerations for the committee with regard to that portion.

**The Chair:** Excellent. Thank you so much, Shannon.

I always like to give Leah the last opportunity to speak since this is her response.

Are there any other questions? Are we all happy? I'm passing it to Leah for her final words on this.

**Ms. Leah Gazan:** I actually have a question. We're talking about policing being a provincial jurisdiction, but that's not actually true on reserve or in certain areas where it's within the RCMP's jurisdiction. Does that fall outside of provincial jurisdiction, or would that be within provincial jurisdictions? For example, if the RCMP are policing on reserve, is that provincial or federal jurisdiction? I'm just wondering.

**The Chair:** Let's discuss that.

Pam, you bring a lot to the table. Let's discuss it.

**Ms. Pam Damoff:** The justice officials can probably correct me, but they would still.... Any charges related.... I'm not a lawyer, but I'm pretty sure that if they were charges laid under the Criminal Code, that would be federal or provincial jurisdiction. They aren't separate.

Other than Akwesasne, which has its own courts to deal with offences—and I think those are mostly offences that are bylaw related, Leah—even if you're living on reserve, you're still coming under the criminal justice system of the Government of Canada or of the province where the reserve is located. Can the justice department officials confirm that?

• (1325)

**The Chair:** I was going to say that. I think what Leah was asking...and I really appreciate what you came with, Pam.

Shannon, maybe you can comment on this. If we're looking at something that's happening on a reserve, where we know it's indigenous compared with where we have the OPP or the city police around, who has jurisdiction over that one section?

No, let's ask Leah. We're going to go to Leah, then Andréanne, and then we're going to come back to you, Shannon.

**Ms. Leah Gazan:** Yes, particularly related to the policing piece—not the courts piece but the policing piece. Whose jurisdiction is that? Do you know what I mean?

**Ms. Pam Damoff:** It's still enforcing the laws from the Criminal Code and the bylaws that may have been passed. If we're talking about family violence and domestic violence, which is what was contemplated in this bill, they would be policing under the laws of the Government of Canada. The police would be responding based on Canada's laws when it relates to domestic violence and family violence.

**The Chair:** But they would be provincially regulated, operating—

**Ms. Pam Damoff:** If it went to court, it would be going to a provincial or a federal court—

**Ms. Leah Gazan:** Right—that piece I understand. It's the policing piece that I don't.

**Ms. Pam Damoff:** Yes, and it depends on the reserve who is responding. Even if it were the RCMP responding or if it were the NAN police service or Akwesasne police service—

**Ms. Leah Gazan:** That's tribal police.

**Ms. Pam Damoff:** It is, but they're enforcing Canada's laws, though, Leah, when it comes to violence.

**The Chair:** I'm going to take it to Shannon and then we're going to come back to Andréanne.

Shannon, on this policing thing, I know that it's not directly under Justice Canada, but perhaps you can give us a little insight from what you know. Then we're going to Andréanne.

**Ms. Shannon Davis-Ermuth:** Thank you very much.

My knowledge in this area is not complete. It's a very complex area.

One thing to begin with in terms of when we were talking about the not reserve area and whether RCMP...we know there are jurisdictions where the RCMP is providing policing services in provinces. There are provinces where the RCMP is under a contract with the province to provide services. Those policing services.... It's quite complex. Although the RCMP employees themselves have a federal employer, through providing contract policing services in those jurisdictions, they would also be bound by...they would be providing a provincial service.

In terms of reserves, there are different arrangements. It's not the same everywhere. In terms of how we're thinking about this for the purpose of the bill, as has been said, it's a federal law. Everything in the Criminal Code is a federal law that applies across the country. Where we're talking about the relevancy of provincial jurisdiction here in terms of what the motion is proposing, under the Constitution of Canada, as I'm sure you all know, there's a division of powers for different responsibilities. The criminal law is a federal responsibility, but the administration of criminal justice is a provincial responsibility, with provincial prosecutors, and the administration of justice for the criminal courts is within provincial jurisdiction.

The administration of the devices themselves falls under provincial jurisdiction—making them available, if that's something they choose to do, as well as monitoring their use and enforcement—as is the provision of emergency services, so that things that are being proposed to be written into the bill itself generally fall within provincial responsibility.

It's confusing with the Criminal Code, because there is overlap. That's why we call it a “shared responsibility”. It's not unusual that the Criminal Code would direct a police officer.... What's in the Criminal Code essentially might define police officers' powers in certain instances, but it's not typical that the Criminal Code would speak to the operational details of how their operations should be run.

• (1330)

**The Chair:** Andréanne, you had your hand up.

Then, Leah, I will always give you the last word.

[*Translation*]

**Ms. Andréanne Larouche:** Okay, thank you.

We understand that, when it comes to implementing these provisions, there is no real connection with the Criminal Code.

Can we send the bill back and specify that certain aspects do not concern the federal government, but rather Quebec and the provinces? If so, what is the process?

I'm trying to see the feasibility of this, especially in this area. There's a real grey area between what we can recommend in the Criminal Code, what a judge can ask for, and the enforcement afterwards.

When we talk about coverage problems in certain regions, it really has to do with the implementation of the bracelet, and this very technical aspect is really a matter for Quebec and the provinces.

With regard to this aspect, then, can we send the bill back? If so, what is the process?

[*English*]

**The Chair:** There was a discussion of the option of bringing forward a resolution. When we're discussing bringing that forward, we could bring forward all the other problems that we found in this bill that we have not addressed. That's another option.

Leah, you get the last word.

**Ms. Leah Gazan:** I'd like to thank everybody for their feedback relating to the proposed amendment. I'm certainly not attached to it.

I'll go back to what Pam recommended at the beginning, in terms of not necessarily excluding it as an opportunity to discuss some of the gaps, particularly around cell service and accessibility. It's to ensure that the testimony that was provided is very well reflected in the bill or, even if it doesn't make it into the bill, that the discussions around the bill are reflected.

**The Chair:** As the committee chair, I will make a note to ask the clerk to ensure that we do have these outside recommendations. When I report this back, we can point out that we recognized many outstanding factors that we need to bring forward. Then we can even put forward a clear resolution from our committee in time, for sure.

I would like to know if this clause shall carry. This will be a recorded vote. Is that correct?

We're going to start with the question on the amendment from Leah Gazan.

(Amendment negated: nays 10; yeas 0 [*See Minutes of Proceedings*])

**The Chair:** At least we can laugh when we are doing such a serious bill. We can at least still find hope.

I'm going now to amendment LIB-1.

Ms. Sidhu, I'm passing you the floor.

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

I won't read my amendment because I think everyone has it in front of them.

The rationale behind this, Madam Chair, is that I know that we will all agree that the bill's changes to bail practices are an important objective. At the same time, we need to ensure that the measures do not result in unintended negative consequences. Based on some of the testimony we heard, I'm concerned that [*Technical difficulty—Editor*] further than necessary and will result in the routine imposition of electronic monitoring as a condition of bail.

● (1335)

**The Chair:** Is there discussion on this amendment?

Andréanne.

[*Translation*]

**Ms. Andréanne Larouche:** I just want to say that it's very logical and consistent with what the witnesses have said.

[*English*]

**The Chair:** Is there any further discussion?

Dominique.

[*Translation*]

**Mrs. Dominique Vien:** Thank you, Madam Chair.

I understand the amendment and I completely agree with the idea. However, there is one question I have when I compare the text of the bill I have before me with the text proposed in the amendment. The latter would specify that it is an offence "in the commission of which violence against a person was used, threatened or attempted". Wouldn't circumscribing the offence in this way have the effect of excluding other situations that might otherwise be included?

I may be wrong, but it seems to me that the bill as currently drafted does not impose any restrictions. I'm not saying that it will if these words related to violence are added, but it qualifies the offence, as if a condition were added.

[*English*]

**The Chair:** Sonia's hand is up, but I'd like to pass this over to Shannon.

Shannon, what would the impact of this be on this bill and the Criminal Code?

**Ms. Shannon Davis-Ermuth:** As I had mentioned, the focus of these amendments in relation to the bill's provisions is to define the situations in which the judge is obligated to consider imposing this question, so the effect of making this amendment would actually be to.... There is a list of offences in paragraph subsection 515(4.3) of the Criminal Code. It lists certain offences, or offence groups, for which the judge has to consider imposing the conditions that are listed in subsection (4.2).

Those are offences, like a terrorism offence, criminal harassment and intimidation. It does currently list “an offence in the commission of which violence against a person was used, threatened, or attempted”. There are also offences in relation to the Security of Information Act.

By making this amendment and slightly narrowing the situations in which a judge would have to consider imposing this condition, it brings it more into alignment with the other types of offences that are currently listed in the Criminal Code, which trigger the imposition of these specific conditions.

It also lines it up with the considerations that a justice must make, which I mentioned before. There were three of them, and one of them was related to safety, so it links it to that safety aspect.

It's true that there are other situations where there might have been an offence against an intimate partner that could indicate there was a concern about violence, but, as I mentioned before, the judge could still impose it in those situations, so it doesn't take away the ability to impose it in those situations. It just helps narrow the focus for the way this section of the Criminal Code tends to be used.

**The Chair:** I really do appreciate this feedback.

What you're describing is what you're going to see in here. As you said, it's narrowing it, but it's also getting it very focused on what we need to do, which is to talk about the violence—sexual, physical, and abusive—we're seeing in intimate partner violence. It's just narrowing down on IPV.

**Ms. Shannon Davis-Ermuth:** Also, note that the wording that's proposed in the amendment is “violence against a person was used, threatened or attempted”, so in the Criminal Code that would include other things, like uttering threats, criminal harassment, and those other types of things. Violence isn't just physical violence.

**The Chair:** Absolutely.

Andréanne, did you have your hand up?

[*Translation*]

**Ms. Andréanne Larouche:** No, Madam Chair.

[*English*]

**The Chair:** I'd like to go back to Sonia as the person who brought it forward.

Do you have any last comments?

**Ms. Sonia Sidhu:** Yes, absolutely.

As we heard, this change continues to advance the objectives of the bill, and judges will still be able to impose electronic monitoring for any offence where it is more appropriate, as the bill seeks to do under the existing powers. As with all aspects of criminality, we need to ensure that measures do not have any negative consequences.

With that, Madam Chair, I would be happy to go to a vote if there is no more discussion.

• (1340)

**The Chair:** That is not a problem.

I am going to ask for a recorded vote on LIB-1.

(Amendment agreed to: yeas 10; nays 0 [*See Minutes of Proceedings*])

**The Chair:** We are a unanimous kind of a committee today. Way to go, everybody.

Shall clause 1 carry as amended?

Do we have a recorded vote on this one?

**Ms. Pam Damoff:** We can do it on division.

**The Chair:** Philippe is telling me what to do, and he really knows.

Shall clause 1 carry as amended?

We will have a recorded vote, please.

(Clause 1 as amended agreed to: yeas 10; nays 0 [*See Minutes of Proceedings*])

**The Chair:** We'll now move to new clause 1.1. The amendment is LIB-2.

Ms. Sidhu, can you please share it with us?

**Ms. Sonia Sidhu:** Madam Chair, we are proposing a new clause, which Pam will speak to.

Over to you, Pam.

**Ms. Pam Damoff:** Is that okay, Chair?

**The Chair:** Yes, of course.

**Ms. Pam Damoff:** I know that Jennifer Kagan is watching right now. This was the amendment that Jennifer and Philip felt very strongly should be brought forward in the bill. It will include the requirement that a new judge undertakes to take training on intimate partner violence and coercive control.

There's another thing that this amendment does. You'll notice that the wording is different from what is already in the bill in another clause. I'd like to just explain that to colleagues.

It originally was just “intimate partner violence” and “coercive control”. We're proposing that since coercive control doesn't exist in the Criminal Code, it be defined to include “in intimate partner and family relationships”, and that the words appear prior to the words “social context”. It would ensure that social context is taken into account not only under sexual assault law but also in intimate partner violence and coercive control.

This would add a new clause to the bill that's not there now. It does bring it in line with what the original Judges Act contemplated—that new judges would undertake to take training and that seminars would be provided for current judges.

I think it follows the intent of the original Judges Act, which we passed unanimously. I'd like to ask colleagues to support including this clause and recognize why the additional wording around coercive control is there as well as moving it in front of “social context” to reflect testimony that we heard.

**The Chair:** Thanks very much, Pam.

I'm going to pass it over to you, Shannon, to give us a look at how this would apply to the Criminal Code. If it's admissible, everything's good and everything's in line, please let me know.

**Ms. Shannon Davis-Ermuth:** Thank you very much.

I'm sorry. I think I was looking at the wrong one in the package. Are we looking at LIB-3 right now?

• (1345)

**The Chair:** We're looking at LIB-2 on this one.

**Ms. Shannon Davis-Ermuth:** Oh. Okay. Thank you very much.

As this one would amend the Judges Act, I will ask my colleague from judicial affairs, Melissa Moor, if she could answer this question, please.

**Ms. Melissa Moor (Counsel, Judicial Affairs Section, Public Law and Legislative Services Sector, Department of Justice):** Certainly. Thank you, Shannon.

As the member noted, this new clause that's being proposed to the bill would expand the undertaking that's currently found in section 3 of the Judges Act. At the moment, the undertaking in the Judges Act relates to seminars on sexual assault law and social context. It means that in order to be eligible for an appointment to a provincial superior court as a judge, a candidate must undertake to participate in continuing education on sexual assault law and social context.

From my understanding of this proposed amendment that would add a new clause to the bill, it would expand that undertaking so that a candidate seeking judicial appointment to a provincial superior court would also be required to undertake to participate in continuing education on intimate partner violence and coercive control.

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

The third edition of *House of Commons Procedure and Practice* states the following at page 770: "An amendment to a bill that was referred to a committee *after* second reading is out of order if it is beyond the scope and principle of the bill."

Unfortunately, I believe this is outside the scope of the bill, after the support I've had from the clerks and people working in this. In the opinion of the chair, the amendment goes beyond the scope of the bill, since the conditions of the appointment of judges is not envisioned in the bill. Therefore, I rule the amendment inadmissible.

Go ahead, Andréanne.

[*Translation*]

**Ms. Andréanne Larouche:** I would like to mention that, for a while, there was no interpretation, because the interpreter said he did not have the text.

Could you repeat what you said?

[*English*]

**The Chair:** Okay.

The third edition of *House of Commons Procedure and Practice* states the following at page 770: "An amendment to a bill that was referred to a committee *after* second reading is out of order if it is beyond the scope and principle of the bill." In the opinion of the

chair, the amendment goes beyond the scope of the bill, since the conditions of appointment of judges is not envisioned in the bill. Therefore, I rule the amendment inadmissible.

We also have to recognize that there will be many opportunities. I think this bill creates an excellent foundation, in addition to what we have seen from the previous bills, when we talk about the Judges Act. I think we need to continue to work on this, but, unfortunately, we won't be able to speak on this today.

(On clause 2)

**The Chair:** Everybody, we're on clause 2, LIB-3. If the sponsor of LIB-3.... Let's see who that may be.

I'm going to pass it to Ms. Sidhu.

Ms. Sidhu, could you introduce it, please?

**Ms. Sonia Sidhu:** Madam Chair, Pam is speaking on that, as well.

**The Chair:** Go ahead, Pam.

**Ms. Pam Damoff:** Thank you, Madam Chair.

As I spoke to previously, it's moving the wording "intimate partner violence" and "coercive control" so that it precedes the words "social context", as well as adding "coercive control in intimate partner and family relationships and social context".

The French wording needs to be corrected, too, because the term "intimate partner violence" is currently used throughout the bill. Use of the term "family violence" in the French text of the bill would create inconsistencies within the bill and corresponding legislation.

I'm checking whether I have the French words that should be here.

We should modify the French version of the bill to mirror the English, as that would be consistent with the other provisions of the bill.

**The Chair:** Let's deal with the English and French issue first, and then we'll get to equality and everything to do with that.

To the legislative clerk, can we...? I don't know if you're the one answering on this, but when it comes to a change in the wording, what should we do, sir?

**Mr. Philippe Méla (Legislative Clerk):** Thank you, Madam Chair.

Do you have the wording already, by any chance?

• (1350)

**Ms. Pam Damoff:** Do I have the wording? I'm looking at the French version, but I don't read French well enough.

I'm wondering whether the officials can provide us with the wording that should reflect the English in the bill.

**The Chair:** I'm also going to look to Virginie.

Virginie, can you...?

She's excellent on French and English.

Is there something you would suggest, too?

We're going to go to the officials, but if there's something we can think of within our group—words or something like that, as well...I'm going to pass it over.

**Ms. Shannon Davis-Ermuth:** Thank you, Madam Chair.

I'm taking a look, since I'm thinking on my feet on this one. I'm taking a look to see if I had any suggestions for how exactly that would be worded.

**Ms. Claire Farid (Director and General Counsel, Family and Children's Law Team, Policy Sector, Department of Justice):** Shannon, if I could jump in, I think it was "*violence entre partenaires intimes*".

**Ms. Shannon Davis-Ermuth:** Thanks, Claire.

That's how it's already used in the other parts of the bill, so this would make it consistent with the terminology in the bill.

**The Chair:** Okay, Pam. Did you want to provide it to.... Do you want to read it into the record, or what would you like to do? What's the best thing to do?

**Ms. Pam Damoff:** The wording should be "*violence entre partenaires intimes*".

**The Chair:** Is that the only difference there? According to Philippe, that is what's there from the original.

**Mr. Philippe Méla:** I'm not sure if we are looking at the same thing.

**Ms. Pam Damoff:** No, right now where we say "intimate partner violence", here it says "*violence familiale*".

**The Chair:** Okay.

**Ms. Shannon Davis-Ermuth:** You would need to replace "*violence familiale*" in the French with "*violence entre partenaires intimes*".

**The Chair:** Just give me a second, I do have something here. We are working with this because it is the difference between "*violence familiale*" and "intimate partners".

We are just going to work on that, everybody, so just one moment.

**Ms. Emmanuella Lambropoulos (Saint-Laurent, Lib.):** In the clause itself, it's written "*violence entre partenaires intimes*".

It's just in the recommended change that it's written differently, so perhaps we could use the wording that's already in the clause itself and replace the amendment with the correct words.

**The Chair:** Perfect. I know Philippe is just working on it just now, so we will come back with the suggestion, but thank you very much, Emmanuella. That's what we have seen as well, so thank you.

**Mr. Philippe Méla:** Thank you, Madam Chair.

In the English version, the first line reads "an assault law, intimate partner violence", and that's where the problem lies.

[*Translation*]

In French, the line starts with "sexuelles, à la violence familiale", whereas it should be "sexuelles, à la violence entre partenaires intimes". It is therefore a question of replacing "violence familiale" with "violence entre partenaires intimes".

[*English*]

**The Chair:** Okay. I see that's a pretty clear suggestion. I know Emmanuella has brought it up. It's just ensuring that "family violence" is not used in French in that part of the clause. We want to make sure it's "intimate partner violence".

The change would be "*violence entre partenaires intimes*".

That would be what we're looking at.

I think the discussion is pretty simple on this one because I do believe that we'd all be in agreement. We'd just need to accept the subamendment to ensure that the French version is in line with the English version.

**Mr. Philippe Méla:** Thank you, Madam Chair.

I don't think it's a subamendment. Ms. Damoff moved it at the same time, so it's included in the original version.

**The Chair:** So there's no reason to have a vote on this. We're good to go on that amendment when it comes to the French language.

● (1355)

**Mr. Philippe Méla:** That's it, yes.

**The Chair:** Excellent.

Okay, so is there any discussion?

What I'm doing with the waiting list is that if anyone has questions, comments, or anything like that....

Leah, over to you.

**Ms. Leah Gazan:** Thank you, Chair.

I do support the amendment and in light of that, I like to withdraw my amendment to the next one because it's reflected in the motion.

**The Chair:** It is requested that NDP-2 be withdrawn. I don't see that's being a problem, unless everybody is saying, no. Fantastic.

Okay, is there additional conversation on the Liberal motion? Are there any additional questions or comments on this?

Go ahead, Andréanne.

[*Translation*]

**Ms. Andréanne Larouche:** Once again, I think this is consistent with the evidence we've heard here in committee. There was a lot of talk about that during the discussions. For all these reasons, I think we should move forward.

[*English*]

**The Chair:** Absolutely, so I think this is just a simple one there.

Is there any other discussion on this?

Pam, I'm giving you the last words.

**Ms. Pam Damoff:** Thanks, everybody, for your support on this.

**The Chair:** Fantastic.

Okay. Let me get my rules as to what I need to do next.

We're going to be voting on amendment LIB-3. Shall amendment LIB-3 carry? We're going to start off with a recorded vote, please.

(Amendment agreed to: yeas 10; nays 0 [*See Minutes of Proceedings*])

**The Chair:** Fantastic. Okay, let's keep on winning.

Shall clause 2 carry as amended?

Could we have a recorded vote, please?

(Clause 2 as amended agreed to: yeas 10; nays 0 [*See Minutes of Proceedings*])

(On clause 3)

**The Chair:** Fantastic.

Ms. Sidhu, I'm going to pass this over to you for amendment LIB-4. Are you passing the floor to Pam, or are you going to...?

**Ms. Sonia Sidhu:** Madam Chair, Emmanuella will be speaking on the next two.

**The Chair:** Okay, Emmanuella, I'm passing it to you.

**Ms. Emmanuella Lambropoulos:** Just to throw you off a little, Madam Chair, in this one, we're actually going to be changing it so that in clause 3, lines four to seven on page two are replaced with the following: "matters related to sexual assault law, intimate partner violence, coercive control in intimate partner and family relationships and social context, which includes systemic racism and systemic discrimination, that were offered in the preceding".

**The Chair:** That's excellent. Thank you so much.

Do you have any comment on that, Emmanuella?

**Ms. Emmanuella Lambropoulos:** It's just a change in the way it is written, but pretty much all of the same things have been captured. It reads better. It's better placed like this. It sounds better.

**The Chair:** So is this the English teacher coming out of you right now? Is this what's happening? The teacher is coming out.

I'm going to pass it over to Shannon to discuss the impacts of this change.

**Ms. Shannon Davis-Ermuth:** Thank you very much.

I'll ask my colleague Melissa Moor to speak to this one as well.

Go ahead, please.

**Ms. Melissa Moor:** Certainly. Thank you.

This motion is in relation to subsection 62.1(1) of the Judges Act, which encourages the CJC to report on certain seminars. Currently the bill would expand that report to include seminars on intimate partner violence and coercive control.

My understanding of this motion is that it would mirror the changes made to another section of the Judges Act in amendment LIB-3. It would change the order in which the topics are referred to.

It would read, "sexual assault law" and then it would say, "intimate partner violence and coercive control" rather than adding those two at the end of the clause.

It would also specify, as in amendment LIB-2, that coercive control is "coercive control in intimate partner and family relationships".

• (1400)

**The Chair:** Okay.

Are there any comments, questions or discussion on this?

Go ahead.

[*Translation*]

**Ms. Andréanne Larouche:** I would just like to say that it is consistent, given the amendments we have just adopted.

[*English*]

**The Chair:** Absolutely. It's just really staying in line with or tightening up the language.

Okay. We are going to move on this.

Shall Liberal-4 carry?

Could we have a recorded vote, please?

(Amendment agreed to: 10 yeas; 0 nays)

**The Chair:** Shall clause 3 carry as amended?

Could we have a recorded vote, please?

(Clause 3 as amended agreed to: 10 yeas; 0 nays [*See Minutes of Proceedings*])

**The Chair:** We're moving on to Liberal-5, which is for a new clause 4.

Emmanuella, I'll turn the floor over to you.

**Ms. Emmanuella Lambropoulos:** It is that Bill C-233 be amended by adding, after line 9 on page 2, the following new clause after the title "Coming into Force": "This Act comes into force on the 30th day after the day on which it receives royal assent."

**The Chair:** My only comment is this. Is the purpose of this so that we can get it as soon as possible and make sure that everybody is safe? Is that the plan, Emmanuella?

**Ms. Emmanuella Lambropoulos:** Of course, that is the plan.

**The Chair:** I'll pass it over to Shannon for some insight.

**Ms. Shannon Davis-Ermuth:** If this amendment were not passed, then the bill would come into force, I believe, upon royal assent. Delaying the coming into force of the bill for 30 days gives the provinces and territories some time to familiarize themselves with the law to put anything in place that they need to do to facilitate their operations. It's something that they very much appreciate. Otherwise, the law changes overnight, and the people in the justice system are not necessarily there. It just gives everybody time to inform themselves of their obligations and how best to implement the new laws.

**The Chair:** Are there any questions or comments?

Go ahead, Andréanne.

[*Translation*]

**Ms. Andréanne Larouche:** I just want to remind you that the point of the 30-day period is also to give Quebec and the provinces time to apply the new provisions. It's much more reasonable.

[*English*]

**The Chair:** Are there any questions or comments on that?

Emmanuella, do you have any follow-up or thoughts?

I'm sorry, but I just want to check on this, Andréanne, because maybe I wasn't listening for a second here. On that 30th day, are you saying that's good, that you're good with the 30th day? Are you positive that you're in support of that?

[*Translation*]

**Ms. Andréanne Larouche:** Yes, absolutely. I was saying that this period gave Quebec and the provinces time to apply the new provisions.

[*English*]

**The Chair:** Excellent. Thank you so much. I just want to make sure we're on the same page.

Emmanuella has no other comments.

Shall Liberal-5 carry?

Can we have a recorded vote, please?

(Amendment agreed to: yeas 10; nays 0)

**The Chair:** Excellent. Thank you so much.

I just want to make sure we have everything going here. Everything looks like it's fine.

Now let's get to the title of this. It is An Act to amend the Criminal Code and the Judges Act (violence against an intimate partner).

Shall the title carry?

(Title agreed to: yeas 10; nays 0)

**The Chair:** You guys are just being too easy on the chair today.

Shall the bill as amended be carried?

(Bill C-233 as amended agreed to: yeas 10; nays 0)

**The Chair:** Excellent.

Shall the chair report the bill as amended to the House?

Is there a question?

• (1405)

**Ms. Pam Damoff:** Yes, it is a question. I was going give two recommendations to go back with the bill.

Do I need to do that now or after we pass the bill? I just want to make sure that when it's reported back, these go with it.

**The Chair:** Hold on for one second.

I've been told I cannot provide recommendations, but I do know that we need to talk about some resolutions that we want to make sure we see in there.

**Ms. Pam Damoff:** We did include recommendations when we reported Bill C-71 back, so it must be possible to do that.

**The Chair:** Please, Philippe.

**Mr. Philippe Méla:** Thank you, Madam Chair.

When a committee studies a bill, the only thing that appears in the report on the bill are amendments that were adopted by the committee or clauses that were removed from the bill by the committee. Those are the only things that can appear in the report on a bill.

You could have a second, separate report that's based on the study of the subject matter of the bill. That's where you could do it, but it would be separate from the report of the bill.

**Ms. Pam Damoff:** Okay. It sounds good.

**The Chair:** We have a lot to talk about on that, Pam, because you and I are probably already in that next lane thinking, "Where do we go next?" I fully understand where you want to go with that.

Shall the chair report the bill as amended to the House?

(Reporting of the bill to the House agreed to: yeas 10; nays 0)

**The Chair:** Shall the committee order a reprint of the bill as amended for the use of the House at the report stage?

(Reprint of the bill agreed to: yeas 10; nays 0)

**The Chair:** That's fantastic. Congratulations.

I know that this may not be exactly what people want to see, but we have this bill as a great foundation and it's being reported back to the House next week, so congratulations, guys. We got this all done.

I want to move forward, though, on the discussion that we had, where we were talking about that resolution. We know that there are some things that we want to see and discuss.

Perhaps Philippe can tell me.... I can report the bill back—which I can do—but can I then continue and say, “But we have a heck of a lot more ideas that we have”, where we discuss the things that Leah brought up and discuss the motion or an amendment that was out of order? Is there a way that our committee can report back to the House and talk about some of these issues that we did not address? I know it's different, but we're the status of women committee, so we're always different.

What do you say, Philippe?

• (1410)

**Mr. Philippe Méla:** No, not really. However, what you could do is address the situation that you have not covered here today or during your studies at third reading.

**Ms. Pam Damoff:** I'm going to disagree with you here.

**The Chair:** Pam's going to disagree. I'm going to pass the floor over to—

**Ms. Pam Damoff:** I very specifically remember sitting at the public safety committee having concerns around a number of issues, including a red flag that we were unable to address in the bill, and when the chair reported the bill back, we included those concerns in some way. It happened at committee. I know, I drafted it. I know that it was done. I know you're an amazing legislative clerk and you were probably the person who was sitting in the chair. I don't know how we do it.

Can we pass a resolution here today that...? The chair can report other resolutions back to the House, so could we pass a motion today that the chair report to the House on two issues? She would table the bill, and then we could pass a motion that the status of women calls on the Government of Canada to....

Could we do that?

**Mr. Philippe Méla:** That's more of a question for my colleague.

**Ms. Sonia Sidhu:** I have a point of order, Madam Chair.

**The Chair:** Sonia, is it on what we're discussing right now? How can I help you?

**Ms. Sonia Sidhu:** Madam Chair, can we let the officials go and then we can discuss it?

**The Chair:** That's a great idea, Sonia.

I would really like to thank the officials who are here with us today. Thank you so much to Shannon, Claire and Melissa for being here to provide your insight on this bill.

I would like to thank you for being witnesses and relieve you from your role here today. Thank you so much.

Philippe, I'm not sure if we're going to get rid of you or not. You might be stuck with us.

**Ms. Shannon Davis-Ermuth:** Thank you very much.

**The Chair:** Thanks, Sonia, for bringing that forward. I appreciate that.

From this discussion that we're having, this may be an opportunity for us to put forward this resolution. This is something that we've all discussed. It's important to everybody, so perhaps we can work on a resolution.

I could say, “Here's a report. I'm reporting it back, but then our committee has also adopted this resolution on this.” Perhaps we can get started on a resolution, because Bill C-233 has opened up a can of worms. We know there's more to be done.

Is that okay? Am I working it okay, or am I just making up my own rules?

**Mr. Philippe Méla:** I can provide something for you.

**The Chair:** Go for it.

**Mr. Philippe Méla:** At page 776 of *House of Commons Procedure and Practice* on the report to the House, it says:

The committee is bound by its order of reference—the bill—and may report the bill only with or without amendment to the House. Consequently, the committee may not include substantive recommendations in its report.

And further down the paragraph:

However, there is nothing to prevent a standing committee, under its permanent mandate in the Standing Orders, from presenting a separate report in which it sets out substantive recommendations with respect to the subject matter of the bill.

The chair would report the bill to the House as adopted today with the amendments. Basically, the report would contain all the amendments that were adopted today, and when you table the report, you could also say that there are other recommendations that may come down later on in a separate report from the committee.

**Ms. Pam Damoff:** That would accomplish what I wanted.

**The Chair:** Yes. I think it's really important that we do that. We can come up with a resolution. Can you get Conor on this, Pam? I know we work a lot with Conor. I'm looking at Scott over here. Just to everybody—

**Ms. Pam Damoff:** It's Sarah now.

**The Chair:** I'm just looking around and thinking that I like it's when it's old staff day.

Andréanne, we're still on this discussion here, but I would really like our committee to perhaps do that.

Pam, I'm going to go to Andréanne.

Is it on the same subject, or is it different?

[*Translation*]

**Ms. Andréanne Larouche:** Actually, I have a concern. My understanding is that we could do a separate report on things that were not included in the bill, but that reflect some of the things we've heard from witnesses. Is that right?

In order to do that, we'd have to have time to look at the recommendations in terms of judicial training, but I don't see how we can do that by three o'clock today.

So should we schedule a meeting just to discuss a report that would accompany the bill? What would be the next steps?

• (1415)

[English]

**The Chair:** I do really appreciate that.

I'm going to pass this over to the clerk for a second, and then I'll let you know where we're at. You're absolutely right. Every minute in this committee really counts right now, so let me pass it to the clerk.

**Mr. Philippe Méla:** The committee could adopt a motion pursuant to Standing Order 108(2), in which the committee would make recommendations and pass the committee report back to the House. It would just consist of any other motions. It would need to be put on notice 48 hours in advance, unless there is a committee business meeting where motions don't need to be put on notice if they are related to matters being discussed in the committee business portion of the next meeting. It could be something that could be presented and moved at the next committee business meeting, and then the committee could debate it and vote on it.

**The Chair:** Another question for you is about when we report back to the House. I do not believe there is any dissenting report. There is nothing. Is that correct, Philippe?

When I'm reporting back to the House, I wouldn't have a member from any other party; it would just be me as the chair. Is that correct?

**Mr. Philippe Méla:** Yes.

**The Chair:** I was just going to ask if there is way that we could work that out.

Go ahead, Pam.

**Ms. Pam Damoff:** I have a question, Chair.

I think there are two issues the committee would be concerned with. One is self-service, which was Leah's amendment that we didn't include. Also, I know there's tremendous disappointment that the amendment about the undertaking for judges wasn't included, so I think those are the two issues.

I think maybe the clerk could clarify it, but, if the motion has to do with what we're discussing today, I don't think we need 48 hours' notice if we want to do it today. I have some draft wording. That way Karen could present it at the same time as the bill rather than waiting. If members would prefer to wait, that's fine.

I know there's a lot of disappointment around the one amendment being ruled out of order, which I know the chair had no choice but do. There are also the grave concerns we have about self-service in the e-monitoring.

Is that possible? Would members want to entertain that?

**The Chair:** I'm going to pass it over to the clerk, please.

**Mr. Philippe Méla:** If the motion is moved today, debated and adopted today, there is nothing stopping the chair from reporting back to the House. She could table two reports, one report after the other.

**The Chair:** Okay.

I'll go to Andréanne and then over to Leah.

[Translation]

**Ms. Andréanne Larouche:** I had not raised my hand, but I certainly have a concern. As Ms. Damoff said, one amendment was rejected, but we can add recommendations. However, we will need more time to do it properly.

**The Chair:** Yes, absolutely.

[English]

So, there are no recommendations that would be added to this bill that we're discussing. It would just be comments or resolutions and working out some of those things. I absolutely understand where you're coming from. I think we do have to have a broader discussion on this. It's just not something we can do in five minutes.

Leah, I'm going to pass it to you.

**Ms. Leah Gazan:** Thank you, Chair. I do support moving a motion today for a couple of reasons.

One is out of respect for Jennifer Kagan, who put forward an amendment that fell outside.... I think we owe that to the sacrifice that she and her family made. I think that's critical.

The other thing is—and I'm saying this because I want it on record—that lots of these programs that come about, including e-bracelets, don't impact a population that's been identified with the highest rates of violence, indigenous women and girls, many of whom will not benefit from this program. I just want to be on the record saying that.

I think having that in a motion and making sure that the motion gets out today is really critical, and in honour of the crisis of murdered and missing indigenous women and girls as well.

Thank you.

• (1420)

**The Chair:** I'm going to take the opportunity to take the time as well.

I would like to suggest to the community that we suspend and take about a seven-minute break. That would give time for Pam to work with us to get things written and time for me to go down the hall.

We'll suspend.

• (1420)

(Pause)

• (1435)

**The Chair:** Andréanne has received a translation. It's tight, but it's not from the interpretation centre, so I'm going to ask Pam to read it into the record, so that Andréanne can hear the interpretation, and then we'll allow it to go to debate.

The most important thing right now—and I say it from all the of these committee members—is that we all want this, so let's get this stuff going.

When Pam is ready, I will pass the floor to her and we will have this read into the record.

**Ms. Pam Damoff:** Sorry, Madam Chair, there is a part to put at the beginning that is exactly the same as what we used previously. I don't have that written down.

I move:

Pursuant to Standing Order 108(2), the committee has considered Bill C-233, An Act to amend the Criminal Code and the Judges Act (violence against an intimate partner), and wishes to make the following recommendations to the government:

The recommendations would be:

That the committee considered issues and consequences around the availability of cell service in the use of e-monitoring and recommends the Government of Canada move as soon as possible to ensure access to cell service is available across Canada, and that the committee feels strongly and recommends that when developing training for new judges, that issues of intimate partner violence, coercive control in intimate partner and family relationships, and social context be included.

**The Chair:** Is there any discussion on that resolution?

Taking the chair's prerogative, thank you, Pam. I think these are extraordinary and very important to this.

Thank you for working with Leah to ensure that this discussion is brought in as well. Although we know there's some provincial jurisdiction, we do know that the federal government needs to work on that.

Is there any further discussion?

How about we do a recorded vote to make sure everything's in line?

(Motion agreed to: yeas 10; nays 0)

**Chair:** Can you make that 11? I want to vote on this one, too.

**Mr. Mike Morrice (Kitchener Centre, GP):** Can I get a vote?

**The Chair:** I'm sorry, Mike.

I am proud to be able to report this back with the bill in that report.

Seeing no other business on the schedule today, I would like to adjourn this meeting.

Emmanuella?

**Ms. Emmanuella Lambropoulos:** My hand was up.

**The Chair:** I'm sorry. I was just happy about getting this through because it's so important.

Go ahead, Emmanuella.

**Ms. Emmanuella Lambropoulos:** I'd like to move my motion that I brought at the last meeting. I'd like to read it once again and officially move it.

I move:

That the Standing Committee on the Status of Women report to the House that (a) access and availability to reproduction health services no matter where one

lives in Canada, including safe and legal abortion, is a Charter right, and is ensured under the Canada Health Act, and (b) the decision to have an abortion made by women, transgender, and non-binary individuals for any reason, is their freedom of choice and theirs alone.

● (1440)

**The Chair:** Okay, fantastic. Is there any discussion from this?

Shelby, your hand is up.

**Mrs. Shelby Kramp-Neuman:** We've come so far and we're making so much progress with this current study, so I would move to adjourn debate on this particular motion, with conditions.

I'm suggesting that we could discuss the motion once Bill C-233 is completely done and reported back to the House and all is good, the intimate partner violence study has been completed, and all of the witnesses for the resource development and violence against women and girls study have been heard.

**The Chair:** Okay.

So I hear a lot of chatter on this, and I'm going to take the chair's prerogative once again. We can choose to actually discuss this or we can choose to use this as a political football, like I have seen for the last few months. I'm actually going to put my foot down on this one right now, because I'll be honest—a little upset. We have just come through an extraordinary study of Bill C-233, where we have proven that we can work together very, very well.

I'm going to let you guys know: This is not going to be coming up in the next three years. You're in a minority government with the support of the NDP. I fully respect that.

I know that people want to respond—I see your hand—but I'm just hoping that this committee can continue to do the excellent work that we want to do and that, instead of bringing in the politics, we actually worry about women in this committee.

I am...I understand that. But I really get annoyed when I think that people think they are more right on this one. I'm going to discuss this. We can carry this out. We have a decision, as the status of women committee, on whether we want to join in the politics of divisiveness that are being brought in or whether we want to actually do what's right for women.

We know what the vote's going to end up like today. Perhaps I can ask this committee if we can just go. I know how the resolution is going to be. I know what I'll be taking to the committee, and I know the votes are actually fine, but what happens when we take it to the House? Are we going to waste three and four hours of concurrence? Yup.

Is there perhaps a way of putting this through such that we have the vote today, I report it back to the House, and there is no concurrence motion, so that we don't waste four hours of debate in the House of Commons? And “waste” is not a time, but if you can tell me that abortions are going to end tomorrow in this country, or if you can tell me that in the next three years abortions are going to end in this country, then I will take this as not a political football. I will take this as the urgency for all Canadians. We need to make sure that there are different things....

Anita, I see you are getting angry. It's great that you've come here—

**Ms. Anita Vandenberg (Ottawa West—Nepean, Lib.):** I just wanted—

**The Chair:** No.

**Ms. Anita Vandenberg:** —to join the time—

**The Chair:** No. I am the chair. It's my time.

**Ms. Anita Vandenberg:** —on the speaking list.

**The Chair:** It's my time at this moment.

Go ahead, Ms. Damoff.

**Ms. Pam Damoff:** On a point of order, Chair, there was a dilatory motion put forward to adjourn debate. There's no debate on a motion to adjourn debate, so we should probably move to that.

**The Chair:** Okay. Not a problem.

Go ahead....

Yes. That's what I thought. It's because there are conditions. It is a dilatory motion with conditions, which is a debatable motion, just to let you know. But we can't have two debatable motions at the same time. The debatable motion is now on the adjournment with conditions.

Because we've gone from one, when we've gone from.... Something that currently is debatable has an end. She's asked for a dilatory motion with conditions, but the conditions put in there now become what we're also debating. If we adjourn with these conditions, the conditions are that Bill C-233 needs to be reported and intimate partner violence needs to be addressed and tabled. That's what's really important. Do we want to make sure that we're putting in the time on intimate partner violence and make sure that those studies get done? Or do we want to continue to debate this?

So the debate is on whether we adjourn with conditions.

Go ahead.

**Ms. Anita Vandenberg:** I did not hear the conditions.

• (1445)

**The Chair:** Shelby, go ahead and put forward the conditions.

**Mrs. Shelby Kramp-Neuman:** Thank you, Chair.

I'm suggesting that we discuss this motion once Bill C-233 is reported back to the House, the intimate partner study has been completed, and all witnesses on the resource development and violence against women and girls study have been heard.

Thank you.

**The Chair:** The conditions are that we finish all the witness testimony on natural resources and the indigenous, which is all scheduled. We should be done that shortly. We will also be finishing Bill C-233, which we'll be tabling on Tuesday. We'll also be starting the draft on Tuesday of intimate partner violence. With that, we also have the estimates that come up. We also have the ministers next Friday.

I just want to make sure that everybody is aware of what the time frame is for this committee and that we are doing the work for the people who need the urgent assistance today, not something that comes in here that has absolutely no teeth to it. This is virtue signalling at its best.

Thank you very much.

Anita, go ahead. Then it will be back to Shelby and then Emanuella.

**Ms. Anita Vandenberg:** On the adjournment and on making sure that the good work of this committee continues, I am 100% for that. What I would like to say is that, to me, this should have been a very simple, very quick motion. To say that standing up for a woman's right over her own body is political or politicizing and that it would somehow take time out of this committee is very disappointing to me.

I have a family member who had to go in front five male doctors in the eighties to have them tell her that she could not have an abortion, and she almost committed suicide. She was part of the Morgentaler decision. This is a close family member of mine. I grew up knowing that this was something that she fought for; for me, for our generation and for future generations to have this right.

For anyone in this committee to say that this is politicizing, that a woman's right to choose—which is a hard-fought right—is somehow politicizing, I find that very offensive. It should have been that we could have gone to a vote instantly, maybe a few of us would have commented on it and then we would have all supported it. That's what should have happened today. It should have taken five minutes. Since it's not—

**The Chair:** It's taken five minutes so far.

**Ms. Anita Vandenberg:** Madam Chair, I have the floor.

I'm speaking to the motion to adjourn with the conditions. I will support the conditions, because I believe that we need to do good work in this committee, but I am very disappointed that this isn't something that this committee would have unanimously supported. We have had these rights as women for a generation, and I'm very offended that this is being considered.

This term “virtue signalling”.... I'm sorry, but if standing up for women's rights is virtue signalling, then, absolutely, I will do that every day.

I will support that motion, because I know we have a lot of good work in this committee, but I would like it to be on the record that this should not have been something that we're still debating. Worse yet, yesterday, we had members out on the lawn of Parliament. There were members of Parliament who were trying to take away women's rights to choose. I'm very disappointed and I wish that it wasn't the case that we still had to battle this in this day and age.

Thank you.

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

I hope it's on the record that it was Karen Vecchio, the chair of the status of women committee, and not a member of the CPC or members of this committee. Those are my words, so I'm hoping that when you take that out, it says it was Karen Vecchio who said that, because it's very important to me that we all fight for all rights, absolutely. Anyone who knows me knows that's the case.

We're going to Andr anne and then Leah.

**Ms. Emmanuella Lambropoulos:** I'm sorry. I had my hand up.

**The Chair:** I'm sorry. I was looking in the room.

I'm going to go to Andr anne as well.

Welcome back to you, Emmanuella.

[*Translation*]

**Ms. Andr anne Larouche:** I think that, precisely for the reasons you have given, Madam Chair, this is not a debate we can have in a few moments. I am in favour of the dilatory motion because I too had an amendment to propose to Ms. Lambropoulos' motion. So, in order for us to take the time to debate it properly, I am in favour of the dilatory motion, even though the subject is important. If we start debating the motion and the amendments, we will not manage. I think we had better take the time to finish what we have before us.

I would like to remind the committee that I will have an amendment to propose if we come back to this debate later.

[*English*]

**The Chair:** Fantastic.

I'm going to go to Emmanuella and then back to Leah.

**Ms. Emmanuella Lambropoulos:** Thank you, Madam Chair.

I don't think those accusations were fair. I've never been a partisan member. I've never used any issue for political gain, ever. I don't think that's fair.

I think that it was the right moment to bring it up, especially coming out of the situation in Ukraine where hundreds of women have been raped by Russians and have gotten to the Polish border and are not given the right to abort. They are currently not given this option, and they have to live with this trauma and carry it through. Many of them are not being given the option. I think it's the right moment to be bringing it forward. It's absolutely not political.

I stand up for a woman's right to choose because I believe that.... I was a teacher. As a teacher, I worked with a lot of young people and many young girls—12 to 14 years old—who made a mistake and didn't want to go through with the pregnancy when they found out they were pregnant. I supported them, because I support young people. I support young women and their ability to fully develop and become whatever they want and have that right without having to deal with the consequences of one mistake or something that might have happened to them against their will.

It's definitely an important conversation and one we should have around this table at the status of women committee. I don't take away from the important conversations that we've been having on other issues, as well, but to say this isn't the moment to be discussing it when it's being openly debated elsewhere—very close to

Canada—and when we see demonstrations happening on the Hill right here in Canada.... I think that's not an accurate representation of when we should or should not be moving this motion.

Again, I don't take it well when it's called a partisan move on my part, because it's absolutely not. Fighting for women's rights is what we should be doing on this committee. As my colleague Anita mentioned, this should have been moved quickly, in my view.

I know your views, Madam Chair. I've heard you on this, as well, and I know where you stand on this issue, so it's surprising to me—the way you've taken it. You've spun it around to make it seem like I'm doing something wrong.

Those are my thoughts.

● (1450)

**The Chair:** I will take the floor to take the opportunity to say that I apologize to you, Emmanuella. I do apologize. This is not personal to you. I know the excellent job you do.

I'll pass it over to Leah.

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

I just want to start out by saying that I don't think it's my position to assume the intent of anybody in the room. You have done a very outstanding job as chair. I'm really honoured to be part of a committee where we actually get things done.

That aside, as the status of women committee, with that wording, amendments could happen. It's important that we stand up for the rights of women that are stipulated in the charter without qualification. We're the only ones doing it in the House of Commons. There are very few of us who are standing up for the rights of women, including a right that's been affirmed through the Supreme Court and is part of our Canadian charter: to be able to have a safe and accessible abortion.

I certainly was in support of the motion without thought, as it's my obligation as a member of Parliament. It's without question. I just want to share that I am surprised. I don't really see this, as well, as a partisan issue. I support the motion to adjourn for now, so we can continue getting the bill through. I do think this is a critical discussion to have in committee. I don't think this is a discussion that we can sidestep. I think it's something critical. However, we need to do it. We need to discuss this as a committee.

I have a final thought: The most difficult changes come from difficult discussions. I think, because our committee has done such a good job—even in accepting my study, which is a very difficult study for people to go through—I have faith in the committee members that we can get through some of these discussions, which may be difficult for some. I just want to leave it there.

**The Chair:** Thank you very much. There are a few more things.

Once again, I do really appreciate the committee. Anita, I know I strongly offended you and I do apologize for that. This is a very difficult discussion to have and I guess the thing is that we just came out of Bill C-233 that we are so passionate about, and I don't mean to cry but I think that the work we needed to get done got done.

Anytime I see things brought up like this, when we're not working together, when we know—and I think everybody in this room knows—we want what's right for women.... We do. We all do. That is why Bill C-233 went through like that, because we actually were all working together.

My fear is not the status of women committee; my fear is when those people you do talk of weaponize this. Those are my concerns.

Perhaps you've never been a Conservative woman like me who gets yelled at by people who don't understand where I stand. Maybe that's part of the problem. We do need to have a bigger discussion and, you know, my language was very offensive, so I do apologize to you, Anita. It was very offensive, and I think it's because I have fought for the same rights that everyone like you, Anita, have fought for. I will continue to fight for those rights.

I don't trust the people outside this room to be able to have the adult conversation that we need to have, and so my thing is that the political football never be in this room. It is the moment that we hit outside of this room. It's the moment that becomes the headline, yet people are dying. We know this and that's my concern here, that we are starting the ball rolling down a really steep hill where the only people who lose are the women and never anybody else.

When I say things aren't going to change, it's because in reality we know things aren't going to change in the next three years and during that three years we should be doing work. We know we're in a government where all around that entire chamber, you will have support and it doesn't matter what side you're on. I will be standing along with those women just like I would today on a vote. I will be standing, just as I always have, and my concern is that when we go over there, that is where the people who are here and here don't want to talk.

We know that there's a whole bunch of us here, but we can't have that adult conversation because as a person, a Conservative woman, I've had it politicized for probably 25 years and that's the problem.

If I knew we were doing the right thing. I would be 100% about it, but I can tell you that when I get into that House, just like last Wednesday, I will have to leave because I'm disgusted when I have people yelling at me, just like I yell at them, but it's very hard.

Jenna, I see your hand up.

● (1455)

**Mrs. Jenna Sudds (Kanata—Carleton, Lib.):** Thank you, Chair, and I feel compelled, first of all, to acknowledge the success that we've all just witnessed in moving through Bill C-233. With that, thanks to everyone because I think it really demonstrates the spirit of the work we do here at this committee and how well we do it together, and I think it's important to acknowledge that.

I thank Emmanuella for bringing this motion forward. I do think it's obviously an important discussion. Having said that, and as Leah so eloquently put it, hard things are hard. This is a hard topic. This is a hard discussion. I don't think we're going to be able to resolve it or to have as fulsome discussion today on this particular issues as perhaps we need to, but I appreciate the brief discussion we've had and I think that at this point the next step is to move to adjourn. I don't think we're going to get any further than that at this point, and we can revisit this at an appropriate time.

**The Chair:** That was a dilatory motion there to adjourn. So I'm going to ask you if you could record a vote.

(Motion agree to: yeas 10; nays 0)

**The Chair:** Go ahead, Pam.

● (1500)

**Ms. Pam Damoff:** I want to take a moment, on behalf of all of us, to thank the chair. Thank you for sharing your perspective and for working the way you do across party lines. We've worked together for almost seven years now, and it's really important to recognize your passion and commitment.

I know this position of chair wasn't something you wanted at the time, but I don't think anyone could do it any better than you do, Karen. I speak for all of us in saying that you bring a really balanced approach to what you do, and if there were more people in politics who treated issues in the way you do, our country would be a better place.

I just want to put that on the record.

**The Chair:** Does that come with hugs? Thank you very much, Pam.

The meeting is adjourned.





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