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Chair

Mr. Dave MacKenzie

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•(0845)

[English]

The Chair (Mr. Dave MacKenzie (Oxford, CPC)): I call this meeting to order. This is meeting number nine of the Standing Committee on Justice and Human Rights. We're dealing with Bill C-10.

We have a panel with us today. I want everybody to understand the rules. The committee has decided that each witness will be allowed a total of five minutes for an opening address. The questions and answers are five minutes per member. Today is a little different. We have the minister from Quebec. He is here at the request of the opposition side. They have just one witness today and so the minister will be given ten minutes. We try to keep it fairly tight because time is of the essence.

For the committee members, we have a small piece of business we need to deal with. We need two minutes at the end of the next session. Please be prepared.

We will start with Deputy Chief Lemcke.

Mr. Warren Lemcke (Deputy Chief Constable, Vancouver Police Department): Thank you and good morning.

My name is Warren Lemcke, deputy chief commanding the investigation division of the Vancouver Police Department. It's my honour to be here today.

I wish to present the views of the Canadian Association of Chiefs of Police on part 2 of the Safe Streets and Communities Act, as this part of the bill pertains to changes in legislation regarding conditional sentence orders.

While a useful and appropriate tool for the courts, conditional sentence orders should be used only where appropriate and the law should reflect that by eliminating their use when the crimes are serious in nature. On behalf of the CACP and, I hope, the citizens we serve in communities across Canada, we support this proposed legislation. Conditional sentence orders are an appropriate sentencing tool in cases of convictions for minor criminal offences, especially where the offender does not have an aggravating criminal history.

People make mistakes in life. We accept that. For those who've had little or no contact with the criminal justice system in the past and have committed a minor offence, these orders are appropriate and should be encouraged. However, where a more serious offence is involved, especially crimes of violence against a person or serious

crimes against property, conditional sentence orders are not appropriate.

This act removes the possibility of conditional sentence orders for people convicted of committing such offences. It focuses on serious penalties for serious offences. Canadians want this, especially the victims of crime. Canadians need to know that if they are the victims of a serious crime, the sentence given to the person who committed the crime will be one that acts as a deterrent, denounces the act, and protects citizens through the incarceration of the criminal. Anything else will lessen their faith in the criminal justice system.

When I was in the police academy 26 years ago, there was a great deal of focus on the Charter of Rights and Freedoms in our lectures. In particular, there was considerable discussion about section 24, where it states that if there's a breach of the charter such that the admission of evidence would bring the administration of justice into disrepute, the evidence should not be admitted. This section deals with bringing the administration of justice into disrepute in the eyes of society. When a person is convicted of a serious criminal offence and he receives a conditional sentence order, this is exactly what happens. In the eyes of the victim and society, the administration of justice has been brought into disrepute.

It is not uncommon for Canadians to hear media reports of criminals being convicted of serious crimes only to be given conditional sentence orders. I will not comment on the specifics of the cases, nor will I criticize the courts, but I would like to include two recent cases profiled in the Vancouver media where conditional sentences were given and caused tremendous public concern. I'll leave it to the committee to review those. I believe they're in the package going to you.

Canadians want to know that if they become victims of crime, the perpetrators will be dealt with properly by the criminal justice system and will face appropriate consequences for their actions. We believe that this legislation provides appropriate consequences for serious criminal acts and that it will strengthen the public's faith in the criminal justice system. Canadians need to have their confidence in the criminal justice system restored, perhaps reinvigorated. Victims need to know that if they are victimized the criminal justice system will respond appropriately. Criminals need to know that they will face serious consequences for their actions.

I'd be pleased to answer any questions you may have.

•(0850)

The Chair: Thank you.

Minister, would you like to begin now?

[Translation]

Mr. Jean-Marc Fournier (Minister of Justice and Attorney General of Quebec, Government of Quebec): Thank you very much.

Mr. Chairman, members of the Committee, I have the honour of appearing before this Committee to present Quebec's position on Bill C-10. Although there are precedents, only exceptionally does the Quebec government appear before a parliamentary committee studying a piece of Federal legislation. The seriousness of the situation explains my presence here today. I am appearing on the strength of a motion tabled by the member for Joliette and passed unanimously by the Quebec legislature.

As a mark of the wide-spread support for the position I will be sharing with you, I am accompanied today by representatives of the Quebec Bar, the chief prosecutor, Criminal Prosecution Service, Ms. Murphy, the Commission des droits de la personne et des droits de la jeunesse, the Association des centres jeunesse du Québec, the Association québécoise Plaidoyer-Victimes, the Canadian Paediatrics Society and the Regroupement des organismes de justice alternative du Québec. I would like to make it clear that we are not challenging the Government but rather the provisions of a Bill, which negatively impact the long-term protection of the public. May I remind you that it was in the much the same mindset that I came last June to urge the leader of the Green Party, Ms. May to expedite the study of Bill C-2 on megatrials. When something is good, we say so and when it is not we also speak out.

I would like to make it clear from the outset that we cannot agree to the removal of the concept of long-term protection of the public. By removing the reference to long term, you are opting for temporary protection of the public. It is difficult to see how this is a tough-on-crime proposal. In actual fact, the removal of this concept and the amendment of other provisions means that Bill C-10 will actually encourage repeat offenses and increases the number of victims. Many studies, including some by the Federal Government, have demonstrated that prison sentences do not reduce crime or recidivism. Quite the opposite in fact. Prison may actually serve as crime school, thus encouraging inmates to reoffend. One thing is certain, an effective, long-term anti-crime strategy cannot focus solely on sending offenders to prison. At some point, offenders are released from prison and return to society. Any long-term anti-crime initiative requires special focus on their reintegration into the community. A strategy purely focused on locking up offenders for a time is nothing more than a temporary, superficial solution. It is a springboard to more crime. However, if you teach a young offender acceptable behaviour, you can stop them repeating the same mistakes. Failing to provide offenders with instruction or follow-up on how to behave in society is tantamount to encouraging them to offend again. The solutions proposed in Bill C-10 do not meet the stated goal of making the public safer. They also fail to address effective penalties for offenders or the prevention of crime and recidivism.

I would like to point out that Quebec has, on several occasions, expressed its misgivings and disagreement with regard to the initiatives put forward by the Federal Government. We even took the step of suggesting amendments in writing to Minister Nicholson on the now defunct Bill C-4. Simply put, this Bill does not contain the

right provisions to ensure the long-term protection of society and victims. For decades now, Quebec has developed a unique strategy for the long-term protection of its citizens. We have done this with the involvement of the police. We have chosen to focus on reeducation, rehabilitation and social reintegration of young offenders. This involves sensitizing them to the harm they have caused their victims. In actual fact, the rehabilitation approach provides a greater role for victims than does the custodial sentence model. Indeed, young offender initiatives must consider the best interests of victims, the impact of the crime on them and ensure their rights and dignity are respected. Victims have the right to be informed of steps taken to bring young offenders to recognize the harm caused to their victims. Where possible, youth offenders are required to submit to a process of reparation. This way of dealing with young offenders works. Quebec has the lowest crime rate in Canada.

Our vision is based on Supreme Court of Canada pronouncements on the importance of dealing with young offenders differently. Our view is also based on opinion from experts, such as the Canadian Paediatrics Society. They too consider that youth must be treated differently if they are to become fully-integrated, useful members of society.

● (0855)

Some will argue that Bill C-10 maintains the difference in the way adults and youth are dealt with. This, in our opinion, is a mirage.

In reality, the Bill introduces even more cookie-cutter principles that should only really apply to adult offenders.

Indeed, the Supreme Court and prosecutors, who deal with youth and adult offenders on a daily basis, firmly believe that this approach to youth justice does not work.

What's more, it is likely to confirm youth offenders in a life of crime because it does not tackle the basic underlying causes of their inappropriate behaviour. It fails to ask two fundamental questions: who are they and why do they behave as they do?

By focusing on the short term and jail time, Bill C-10 provides only an illusion of protection. It overlooks the long term since it fails to consider offender release. It is like applying a bandaid to an infected wound. It is temporarily out of sight and out of mind. However, the problem inevitably reappears.

Rehabilitation is designed to tackle the root cause. The long-term protection of the public requires individualized processes that bring youth offenders face to face with their responsibilities.

In our opinion, the guiding principle of youth justice must continue to be the use of appropriate measures to fit the circumstances.

Please do not remove the concept of long-term public protection.

Please do not encourage the publication of the identities of youth offenders. It compromises the person's chances of reintegration and society does not really benefit from knowing the offender's identity. The Supreme Court recently pointed to the importance of this principle.

Please listen to those stakeholders, who over the past 40 years, have developed the studies, science and statistics to enable them to rehabilitate young offenders. Should you choose to reject their expertise and science, the onus is on you to support your proposals with serious studies and analysis.

Quebec is willing to partner with you in a science and statistics-based dialogue. However, we are asking you to postpone the enactment of the young-offender provisions.

The new minimum sentences are our second concern. Quebec doubts that these sentences will be a deterrent and therefore has expressed misgivings about them. Quebec would far prefer to trust prosecutors and the courts to set the most appropriate sentence.

Indeed, it is a basic principle that judges, having heard all the facts of the case presented by the defence or the prosecution, are best placed to determine a sentence in keeping with the context of the offense.

The proliferation of minimum sentences restricts the court's ability to impose a suspended custodial sentence where circumstances warrant despite Supreme Court pronouncements on the restorative value of such an approach.

As Mr. Jean-Claude Hébert said, Bill C-10 transforms courts into an ATM for custodial sentences.

The closure gained through revenge is illusory. At some point, offenders will have served their sentence. Bill C-10 fails to provide for the release of offenders back into society. Without provision for reeducation or behaviour correction, inmates are released to offend again and to create new victims.

Once again, please do not enact these restrictive provisions that will prevent the courts from playing their proper role until you have developed studies or well-thought-out justification to support your proposals.

Our third concern relates to the financial impact of the proposed initiative.

● (0900)

[English]

The Chair: You have one minute left.

[Translation]

Mr. Jean-Marc Fournier: Perhaps you already know what I am referring to. We will have opportunities to discuss these issues. However, it is clear that this Bill fails to provide the financial support for its implementation and Quebec refuses to pick up the tab.

I would like to conclude by saying that while criminal justice is a Federal jurisdiction, the administration of justice falls under the provincial bailiwick.

We have to work with each other. The Constitution requires it. We want there to be co-operation.

We want to be able to work together and to build on serious statistical and scientific studies to ensure the long-term protection of the public. Long-term means that we have to look beyond the one or two cases reported in the media. In order to develop the best possible

provisions for the whole of society, we first need to consider the bigger picture and then study it with the help of experts.

Thank you, Mr. Chair.

[English]

The Chair: Thank you, sir.

Please go ahead.

Mr. Tom Stamatakis (President, Canadian Police Association): Mr. Chairman and members of the committee, it's a pleasure for me to appear before you here today in my capacity as the president of the Canadian Police Association to discuss Bill C-10, a comprehensive piece of legislation that takes some real and meaningful steps towards providing the tools necessary for police to pursue their goal of having safer communities.

For those of you who may not be familiar with the Canadian Police Association, we are the federal voice for over 41,000 front-line police personnel across Canada. Our membership includes police personnel serving in 160 police services across the country, from some of the smallest towns and villages to our largest municipal and provincial police services. They include members of the RCMP, railway police, and first nations police personnel.

To be absolutely clear, the CPA entirely supports the goals and methods contained within Bill C-10, from the enhanced sentencing rules for those who commit sexual offences against minors to the restrictions on conditional sentences for some of the most serious offences. These changes will go a long way toward ensuring that those criminals who are caught as the result of our investigations will face an appropriate punishment for their crimes.

There are a couple of areas of this legislation I would like to highlight in my brief remarks here today. First are the amendments to the Controlled Drugs and Substances Act contained in part 2 of Bill C-10.

Every day our members see the devastating effects drug traffickers and producers have in all of our communities. Those police officers are the ones who constantly have to arrest the same drug dealers and producers over and over again and stop them from poisoning our children and grandchildren and robbing them of their futures.

Whether these criminal organizations are in large urban centres, such as Vancouver, Toronto, Montreal, and Ottawa, or in smaller communities, such as Saint John and Gander, front-line police officers see on a daily basis how organized crime—and I do say organized crime—supplies dangerous and illegal drugs with not only disregard for the law but without consideration for the lives and families they destroy.

For a number of years, the Canadian Police Association has been advocating for a national drug strategy that incorporates a balanced approach to reducing the adverse effects associated with drug use. It would limit both the supply and the demand for illicit drugs and would enable an integrated approach to education, prevention, treatment, and enforcement. In our view, this legislation is critically important in addressing the enforcement component of this strategy.

Violent offenders are not deterred by our current sentencing, corrections, and parole policies. Chronic offenders understand the system and work it to their advantage. Criminal gangs have taken over our prisons and some neighbourhoods. We need stronger intervention that combines general deterrence, specific deterrence, denunciation, and reform.

Whether it's by keeping dealers and producers off the streets and out of business or by serving as a deterrent to potential dealers, Bill C-10 will help our members do their jobs and keep our communities safe.

In simple terms, if you keep these criminals in jail longer, you take away their opportunity to traffic in drugs.

There has been a considerable amount of debate about the use of minimum sentences and the frequency of repeat offenders. Make no mistake about it: repeat offenders are a serious problem. Police understand this intuitively, as we deal with these frequent flyers on a regular basis.

Statistics released by the Toronto Police homicide squad for 2005 demonstrate this point exactly. Among the 32 people facing murder or manslaughter charges for homicide in 2006, 14 were on bail at the time of the offence, 13 were on probation, and 17 were subject to firearms prohibition orders. The revolving-door justice system is failing to prevent further criminal activities by these repeat violent offenders.

As police officers, and more so as members of your communities, it concerns us that our youth and many adults have been getting the wrong message about drugs. The use of drugs has been trivialized by what people see on TV but also by misguided public policy. What they do not see at the beginning is that drugs will most probably take over their lives. The message to our youth should be clear: drugs are dangerous.

Another area I'd like to briefly highlight is the creation of two new offences created within this legislation. The first is making sexually explicit material available to a child, and the second is agreeing or arranging to commit a sexual offence against a child. I can't possibly stress...the need for us to keep our laws up to date, specifically with respect to new and evolving technologies, to give our police every opportunity to keep ahead of those who are abusing these technologies to commit the most horrible crimes against children.

● (0905)

Finally, I would like to offer specific mention of support for the provisions within the legislation that will, if passed, authorize a peace officer to arrest without warrant an offender who is on a conditional release for a breach of conditions. This commonsense change to the Corrections and Conditional Release Act is long overdue. In the past, even if we knew that someone was in breach of their conditions, we could not arrest them.

Before I finish, I would like to raise one concern on behalf of my members regarding Bill C-10. We've heard a lot about the legislation coming at some cost, and I want to remind all members of Parliament to be aware that police budgets across Canada are at their breaking point. In order to keep our communities safe, we require both the tools and the resources that are necessary to avoid the kind

of service cuts that would put the gains we've made at an unnecessary risk.

Thank you very much. I'm happy to answer any questions.

The Chair: Thank you.

Madame Boivin.

[*Translation*]

Ms. Françoise Boivin (Gatineau, NDP): Thank you Mr. Chair.

I would like to thank the witnesses for being here today.

Given that I am from Quebec, you will not be surprised that my questions are mainly for the Quebec Justice Minister. If I am not mistaken, he has come here with a unanimous message from the Quebec legislature but also from the principal stakeholders working in criminal justice in Quebec.

As you said, this battle has to be fought. We are fighting the same battle. We have to hope that, like most of those who have come to oppose Bill C-10, you will not be accused of lobbying for criminals. I have yet to meet anyone lobbying for them.

That being said, I would like to know whether you have had discussions with your Federal counterparts over the C-10-related costs that Quebec will be required to bear. You touched on this issue and I would like to give you some of my time to allow you to address your concerns.

Mr. Jean-Marc Fournier: I have listened to the opinion of the police officers around me. There has been reference to revolving doors and the potential for parole. I cannot deny that there are issues. However, even if you accept the argument that offenders should serve the longest sentences possible without any opportunity for parole, the fact remains that they will be released at some point. What steps will have been taken to prevent them offending again?

To answer your question, I will focus first on the issue of repeat offenders and then on the initiatives that have been developed. It is quite obvious to all involved—and my colleague from Public Safety will be able to confirm this for you—that this Bill is designed to ensure public safety by jailing more offenders. This will of course represent additional prison costs.

Crown Attorney Murphy is with me here today. Unlike you or I, she fights crime on a daily basis. I am a member of parliament, a lawmaker like you. Also like you, I will be sitting on a committee this evening. However, there are people on the ground enforcing the law and fighting crime. This legislation will make their lives more difficult. There will be administration of justice-related costs pertaining to litigation but also to incarceration.

This Bill changes priorities. There will no longer be a significant focus on rehabilitation or the long-term fight against crime. Offenders—by which I mean youth offenders—will have served their sentences without having learned appropriate behaviour and therefore, will be more likely to offend again. Consequently, there will be more victims, more court appearances and more custodial sentences. Just imagine the potential costs. Quebec is clear that it will not pick up the tab. Even if our stated goals are the same, our methods are completely different. We do not intend to share the costs. It goes without saying that the Federal Government will have to pick up the tab.

As far as the steps we have taken are concerned, I met Mr. Nicholson on March 9. We talked about a good number of topics, including megatrials. It was on the basis of that I appeared here in support of the Bill. As I mentioned earlier, when a Bill is positive, we say so and when it is not we also speak out. We talked about Bill C-4 at that meeting.

We then submitted amendments. We thought that everyone would be in favour of a target like long-term public protection. We submitted amendments based on our 40 years of experience, but they have not been written into the Bill's latest iteration—C-10.

As a result, I again wrote to Mr. Nicholson, my provincial counterparts, members of parliament and all parties. I am well aware of the fact that we are now dealing with a legislative process. Today I am keen to convey just how passionately I feel about the issue as a lawmaker. I am sure you must feel the same way and as such, I would remind you that it is important to give due consideration to any Bill before passing it into law. No heed has been paid to the studies, the science or the experience over the last 40 years that have enabled us to cut the crime rate. We could argue over a whole range of other topics but the statistics speak for themselves.

● (0910)

[English]

The Chair: Your time is up, sorry.

Mr. Cotler.

[Translation]

Hon. Irwin Cotler (Mount Royal, Lib.): Thank you, Mr. Chair. My question is for the Minister.

During Question Period on October 20, the Federal Minister of Justice said, and I quote: "The parts of the Bill we have before Parliament have been reviewed by my provincial counterparts over the years and I am appreciative of their support."

Today you have talked about the adverse effects on long-term protection in Quebec. Would I be right in saying that the Minister of Justice enjoys the support of provincial counterparts such as you, the Attorney General of Quebec?

Mr. Jean-Marc Fournier: I will let the Federal Minister of Justice speak for himself. My letters, specifically the ones dated March 14 and September 30, are public knowledge. Quebec's position is no secret. My predecessor, Ms. Kathleen Weil, also shared the same position. This is not a new Bill. It existed well before the issue of youth offenders was raised. Consequently, our

stand point was public knowledge. Indeed, all the other provinces are aware of our position.

That being said, you have given me the opportunity to reiterate Quebec's position to the Federal Minister of Justice just to make things very clear to him and to you. As you say, we strive for long-term protection in Quebec. Indeed, long-term protection of the public is enshrined in the current legislation. The legislation that the Bill seeks to amend refers to long-term public protection. Can you tell me why they are removing the word "long-term"? What is the idea behind that? Why would you want temporary public protection? Explain that one to me.

The rationale for removing the reference to "long-term" could in fact be the starting point for our discussion. I think it is because the Government wants to focus more on jail time than on rehabilitation or reintegration. We are not talking about offenders who are 52 years old and who will be serving a 25-year sentence. We are talking about 15, 16, 17 year-olds, who will undoubtedly be released into society at some point.

This issue is not like dust you can simply brush under the carpet. You have to lift up the carpet at some point. The system provides for offenders to be released. At that point, you have to lift the carpet out comes the dust. Sometimes, there is more than before. It is like putting a bandaid on an infected wound. The bandaid does not help the wound to heal. It merely conceals it. Sometimes, when you remove the bandaid, the infection has worsened. What should we do?

I have a lot of respect for the police. They also strive to protect the public in the long term. I am using your question as a pretext to convey to you the strength of feeling behind my appearance here today on behalf of thousands of stakeholders working with today's young offenders. These people work day in day out to reduce the number of victims of crime. The way to achieve that is by focusing on young offenders. Without our help, they will be released from prison to reoffend and create new victims. Do we want more or fewer victims?

● (0915)

[English]

The Chair: You have one and a half minutes.

[Translation]

Hon. Irwin Cotler: Thank you.

The Bill includes various provisions. It provides, for instance, for mandatory minimum sentences for a whole slew of non-violent crimes. What is your reaction to this policy?

Mr. Jean-Marc Fournier: Any expert in the area will tell you that, over the past hundred years, we have developed a case-by-case sentencing system in our justice system. Under this system, sentencing is based on facts and evidence presented in court. We are neither judges nor a court of law here. We have developed a system based on courts of law with defence attorneys and Crown Prosecutors like Ms. Murphy. These courts are presided over by judges, who rule based on the actual offences and the circumstances in which they were committed. They have the authority to hand down appropriate sentences based on how best to protect the public. Removing this authority will restrict stakeholders' ability to prevent reoffending.

Basically, the whole issue boils down to whether or not we trust the courts. I can understand that some ordinary people may no longer trust the courts but where are the studies that show that the Government should no longer trust our courts? What science underpins this overhaul of our hundred-year old system? Which studies and papers is this change based on? Where is the science and the experience? I freely admit that there have been high-profile cases that have raised questions in people's minds. Questions have been raised but you cannot legislate based on just one or two cases reported in the media. You have to take a step back and look at the situation again. Science exists for a reason. A some point in the past someone discovered that the Earth was round.

[English]

The Chair: The chair made a mistake in the rotation. It was supposed to go back to the Conservatives.

I have Mr. Goguen and Mr. Woodworth.

Mr. Robert Goguen (Moncton—Riverview—Dieppe, CPC): Thank you, Mr. Chair. If I don't use all my time, I'll go to Mr. Woodworth to keep the continuity going.

[Translation]

I would first like to thank the witnesses for being here this morning. I know that you are all very busy. Your testimony here is very important and we thank you for taking the time to be here.

[English]

Thank you to all the witnesses for coming and participating. We know you have very busy schedules. Your testimony is much appreciated.

[Translation]

My first question is for Mr. Fournier.

I noticed that you have stressed science and statistics. A Léger Marketing poll in the *Journal de Montréal* on 25 October 2011 revealed that a majority of Quebecers feel that our justice system is overly focused on rehabilitation and 77% of them believe that sentences should be tougher.

Nearly half of all Quebecers wish to see tougher sentences for young offenders. These are the results of the poll. Bill C-10, which includes amendments lifted from the former Sebastian's Law for example, focuses on dealing with the 5% of young offenders who commit violent crimes and go on to offend again. I am emphasizing the terms violent and reoffend.

Do you feel that young violent repeat offenders are dealt with adequately in Quebec? Does the current system reflect the need to protect society, rehabilitate young offenders and does it pay enough attention to the needs of victims?

• (0920)

Mr. Jean-Marc Fournier: I would quite simply suggest you answer my question as to why the concept of long-term public protection is being removed. What is the point of striking out the reference to "long-term"?

I feel the same way you do about the events reported in the newspapers. However, neither you, me or anyone else is in favour of government by public opinion.

Public opinion is important. We are required to act appropriately in the best interests of the general public. Is governing by public opinion the right approach when we know that legislation flies in the face of the public interest?

We have numerous studies and lots of experience at our disposal. We can draw on years and even decades of work on preventing criminals from reoffending. I am not saying that we have eradicated the problem but I would point to the fact that rates have gone down.

If you compare the situation in Quebec with that of the rest of Canada, you have to admit the system works. Other countries have come to observe how we do things in Quebec.

You are now telling me that I am out of touch with voters. If I had the opportunity to speak individually to voters, I would tell them that my responsibility is to serve the public interest, to ensure that the public is protected beyond the time an offender is behind bars and to ensure that we continue to live in a civilized society for a long time to come. I would also tell them that the only likely outcome of failing to teach young offenders appropriate behaviour, is that they will continue to behave badly. Therefore, why would we refrain from teaching them good behaviour?

If I had the opportunity to talk to each and every Quebecker about the existing science, I believe that they too would make the same impassioned arguments that I have presented here today.

That being said, I am quite prepared to consider the science, studies and experience that underpin your position. Given that Quebec and the other provinces have jurisdiction over the administration of justice, let us work together to provide Quebecers and Canadians with the best long-term public protection strategies. I am sure we will find some middle ground.

Mr. Robert Goguen: It would undoubtedly take a very long campaign to convince four out of every five Quebecers that your position is the right one. However, you do talk a good game.

Statistics show a 36% increase in child pornography-related offenses. Would you agree with me that it is important for the Federal Government to send the message to Canadians that these types of offenses will no longer be tolerated?

Mr. Jean-Marc Fournier: Like all other witnesses that have appeared before the Committee to address problems with C-10, we certainly do not condone sex-related crimes. However, I would not make a distinction between that type of offense and any other. No-one here is pro crime. We are quite simply here to advocate against long-term crime. That is the only difference.

We are on the same side. By that, I mean that we want a safe society for all our citizens. There is across-the board support for that. I am a staunch advocate of this goal. However, you have to admit that initiatives over the past few years have resulted in numbers that support our position. I am referring here to studies done by psychoeducators, criminologists and prosecutors, who work day-in day-out in this area.

I was at the Centre jeunesse Cité-des-Prairies last Friday. There were young people of course but there were also 30, 35 or 40-year olds, whose role is to mentor young people and to teach them correct behaviour. They prepare young offenders for release. What will be the result for society if there is less focus on these initiatives?

Ask yourself that question. We can work together to develop appropriate initiatives, studies and processes. We can do this Canada wide to send the message to all Canadians that we are working together for long-term protection.

[English]

The Chair: That time slot is up.

Mr. Woodworth.

Mr. Stephen Woodworth (Kitchener Centre, CPC): Thank you very much, Mr. Chair.

My thanks to all the witnesses for appearing before us today.

I certainly agree with the Attorney General that we all are on the same side and we all wish to ensure the protection of the public.

I want to direct my questions to the provisions in this act regarding young offenders, specifically to Monsieur Fournier.

First of all, you had some comment in your remarks about mandatory minimum penalties. I'm not aware of any provision that makes any mandatory minimum penalty applicable to a young offender. So I just want to be sure I understood correctly that when you were talking about mandatory minimum penalties, you were not speaking about young offenders.

• (0925)

[Translation]

Mr. Jean-Marc Fournier: First of all, I believe you have heard other presentations on these provisions, including one by the Quebec Bar.

As far as the wording of the provision on minimum sentences is concerned, Ms. Murphy of our Criminal Prosecution Service—which is the Government entity responsible for fighting crime in Quebec—is the best person to detail the problems with C-10.

Ms. Annick Murphy (Chief Crown Prosecutor, Criminal Proceedings and Penal, Bureau de la Jeunesse - Montreal, Government of Quebec): There are no minimum sentences in the Youth Justice Act. Does that answer your question?

[English]

Mr. Stephen Woodworth: It was.

If I may, we've had some difficulties because of the shortness of time, and that was really all I wanted to be sure of or to be clear on, that you were not suggesting mandatory minimum penalties apply to young offenders. If that is the answer to my question—and that seems to be the case—I do have some others that I would like to move on to.

The second question I wanted to address, Monsieur Fournier, has to do with the issue of replacing long-term protection of the public with short-term protection of the public.

I'll begin by asking you, because I know you are aware of bail hearings, if you think it is a legitimate factor for a judge to, among other things, consider on a bail hearing that detention of a violent and out-of-control young offender might be justified, even if only for the short-term protection of the public.

[Translation]

Mr. Jean-Marc Fournier: That is a very interesting question, especially the way you put it.

I believe—and this is the way the justice system works—that each individual case must be decided by the relevant authority and certainly not by national legislation. The justice system provides for cases to be assessed on an individual basis.

On the issue of parole, we have identified jurisdiction-related issues that require amendment. Proposals ought to be based on expertise and studies. As a lawmaker, I feel the latter have to be developed before we get to the proposal stage. I cannot and do not wish to get into a case-by-case discussion or suggest changes to the legislation. However, given that Quebec's crime rate is the lowest in the country, I believe we already have the time-tested tools. These tools get results.

[English]

Mr. Stephen Woodworth: I just want to be certain that you might agree that it is appropriate for a judge in some cases to consider the short-term protection of the public, and certainly always to consider the long-term protection of the public.

[Translation]

Mr. Jean-Marc Fournier: They have the authority to study each case.

I would warn against using certain terms. A judge is assigned to each case and they are the ones that have to develop a ruling and a sentence specific to that case.

Terms like sustained, long-term and short-term have completely different meanings. Removing the word long-term and other provisions from the Act leaves the impression that the only response, or the one favoured by Government, is incarceration. However, sometimes other solutions are required.

The new focus on the short term means that we will lose the ability to assess cases on an individual basis to determine whether alternative solutions are more appropriate.

The short-term approach sends the message—and this is what the Police are saying—that while young offenders are behind bars, they are off the streets and society is protected. In referring to the long term, I am asking you to think about the fact that offenders will be released from prison at some point.

• (0930)

[English]

The Chair: Mr. Jacob.

[Translation]

Mr. Pierre Jacob (Brome—Missisquoi, NDP): Thank you.

Good morning. My question is for Minister Fournier.

You said earlier that you had discussions with your Federal counterpart on the now defunct Bill C-4. Have you had a similar dialogue with your Federal counterpart on Bill C-10?

Mr. Jean-Marc Fournier: I cannot say that we have been consulted in the same way this Committee has.

I wrote to Minister Nicholson in December 2010. Others before me, including Minister Weil, also wrote to him on the issue. It is not a new file.

I told him that I wished to meet. A meeting took place on March 9. We tackled several topics together. These meetings are naturally short, and as I have done here this morning, I promised Minister Nicholson Quebec's co-operation. I suggested I provide him with wording for amendments to Bill C-4 designed to protect the public in the long term.

Evidently, these amendments have not been built into Bill C-10. Consequently, I contacted Minister Nicholson again to press him to include them.

I am not waging a campaign against Mr. Nicholson or the Government. My past actions speak for themselves. Although I did not appear before a Committee, I did nevertheless come to Parliament to speak unofficially to Ms. May to ask her to expedite a Conservative Government Bill.

My initiative is a constructive one. I am undertaking it on behalf of the thousands of stakeholders working in the youth justice system and who would like to see it overhauled. Forgetting these people or putting a brake on the work they do is tantamount to saying that there is no solution, that it is impossible to improve behaviour and that custodial sentences are the only option.

Just imagine what that World would look like. It would be a succession of offenses, court cases and victims.

If we really want to avoid new victims and to prevent or treat the wound under the bandaid, we have to think about the best way of reaching that goal. I have yet to hear any well thought-out positions in support of the changes affecting young offenders.

I am offering Quebec's co-operation in a proper joint science-based study and analysis of the issue with the goal of avoiding new victims, cutting crime and ensuring long-term public protection. That is what I am proposing.

I am not trying to turn the World on its head. I am just saying that we need to take the time to do things properly.

Mr. Pierre Jacob: My second question pertains to statistics.

Are there any statistics on criminal offenses in Quebec dealt with by Quebec courts? If these statistics do exist, would it be possible to obtain them?

Mr. Jean-Marc Fournier: We will provide you with all the information you require. Tell us precisely what you need and we will provide as much as we can. We have 40 years of studies, statistics and scientific papers that we can provide you. We can make them available to you and the Federal Government.

However, I would encourage you to undertake the same exercise here in Ottawa. The Federal Government, and more specifically the Department of Public Safety, possess studies showing that prison sentences are not the best way to rehabilitate offenders. These studies are available to you right here in Ottawa. Let us pool our studies with a view to developing genuine tools to protect the public in the long term.

One of the members of the Committee said earlier that it would perhaps take a long debate to familiarize voters with this issue. Nevertheless, let us not be stingy with our time and energy in developing the appropriate course of action. This is what Quebecers and Canadians elected us to do. Let us get on with it.

Mr. Pierre Jacob: Thank you.

I have a third question if I have any time left.

You have stressed the importance of individualized sentences for young offenders. Could you please explain why this is so necessary?

[English]

The Chair: Mr. Fournier, you can make a short response.

[Translation]

Mr. Jean-Marc Fournier: Over the past hundred or so years, we have striven to avoid a system based on objective justice where the only factor considered in sentencing offenders is the type of crime committed. Quite the opposite is true. The person, motives and circumstances all have to be taken into account.

Earlier we were discussing organized crime and criminal gangs. We are all against these organizations but not all offenders are part of these groups. An objective assessment of a crime leads to the same sentence for an offender acting alone as for one that is part of an organization. However, it is not at all the same crime.

• (0935)

[English]

The Chair: Mr. Jean.

Mr. Brian Jean (Fort McMurray—Athabasca, CPC): Thank you, Mr. Chair.

Thank you very much, ladies and gentlemen, for showing up today and giving evidence.

I had an opportunity to practice law for some period of time in northern Alberta, in Fort McMurray. It was a very busy place in the nineties, I can assure you, for many types of criminal activity. During that period I had an opportunity to see different judges at work. Quite frankly, I don't know why I had an office because I spent most of my time in the court system.

My questions today are for Mr. Stamatakis. In particular, sir, I notice that you're the president of the Vancouver Police Union, the president of the British Columbia Police Association, and the vice-president of the Canadian Police Association.

Do you still hold all those positions, sir?

Mr. Tom Stamatakis: I'm the president of the Canadian Police Association now.

Mr. Brian Jean: Great. I was looking at some old articles.

We heard earlier that the administration of justice is at the breaking point as regards the ability to continue funding, but I want to look at long-term solutions instead of short-term solutions. I say this from the experience of being a defence lawyer. Do you not agree that most of the crimes are caused by organized crime situations and repeat offenders? Would you not agree that most people before the courts are either repeat offenders of some kind, or belong to organized crime?

Mr. Tom Stamatakis: As front-line police officers, we can attribute the majority of the crimes that are committed to organized crime groups, or individuals involved with organized crime, or serious chronic offenders.

Mr. Brian Jean: So what we need to do, as legislators, is make sure we discourage organized crime any way we possibly can, and to deal with repeat offenders on a consistent basis.

Mr. Tom Stamatakis: Yes, I agree with that, and I agree with the minister as well; I don't think any police officer that I represent would disagree with the notion that we have to get at the underlying issues and try to get people out of situations where they're engaged in criminal activity. But in the short term, that's exactly what we have to do: we have to find a way to protect citizens from being victimized time and time again by individuals who are involved in organized crime or those serious chronic offenders who are committing crime after crime after crime.

Mr. Brian Jean: This government has taken some initiatives in relation to both organized crime and getting tough on organized crime, as well as repeat offenders. In fact, in this particular bill we're dealing with repeat offenders quite extensively. I would suggest, from my perspective, it certainly will work to keep society protected in the long term.

In fact, sir, if I may make the argument from a financial perspective, if we get rid of the issues of organized crime and discourage organized crime and get rid of the repeat offenders by rehabilitating or incarcerating them, in the long term we'll have lower costs because we'll be dealing with the things at the root of the cause.

Would that not be fair to say?

Mr. Tom Stamatakis: I think that's fair to say. I would take it even further and say that if you look at the cost to society and the economy of organized crime, those offences that are committed by

chronic offenders, and the cost it takes to investigate organized crime and to investigate the chronic offenders so we can get them before a judge to see if we can get a conviction, those costs are more significant, I would argue, than the costs that everybody seems to be talking about with respect to Bill C-10 and the incarceration piece.

Mr. Brian Jean: I agree with you completely. I can tell you, as a person who actually spent over ten years in the trenches of the criminal justice system, I agree 100%.

I want to move on to the issue of youth, if I could, sir. During the period of time that I dealt with the Young Offenders Act and dealt with youth, I found that youth, in essence, could I think be categorized into three different types, if I may say this. I'd like you to disagree with me, if you do, but for the most part, there's the one kind of youth that get involved in criminal activity because of fun or adventure or peer pressure, and maybe there's the one experience and they come before the justice system. The other is the experienced repeat offender, who does property crimes for a period of time, usually sporadic over a three- or four- or six-month period, doesn't get caught for a while, and quite frankly gets caught and there are no consequences. I dealt with those people. They considered it a joke to be in the justice system.

Is that fair to say?

Mr. Tom Stamatakis: I've dealt with many young offenders who consider it a joke to be in the criminal justice system. There's no question.

Mr. Brian Jean: The third type are the type who frankly—and I hate to say this, but they are out there—are vicious. They continuously commit crimes, no matter whether they're in the system or not. They need to be in either open or closed custody for a period of time. They need some serious counselling and help.

Those are the three types. Would that be fair to say?

● (0940)

Mr. Tom Stamatakis: That's fair to say.

Mr. Brian Jean: Now, this particular bill I think deals with young offenders on the basis of rehabilitation, as we must deal with it, but as I heard time and time again in aboriginal sentencing circles, from parents and from lawyers, including defence lawyers, the reality is that we need to get the youth into the system. Once we get them into the system in front of the court, the court can then deal with them.

If I can just tell you a story, I had a judge, Judge Peck, who was in the court—

The Chair: Your time is up.

Mr. Brian Jean: —and he used to send them the first time, when they came in front of the courts, just to scare them. And it worked.

The Chair: Madame Borg.

[Translation]

Ms. Charmaine Borg (Terrebonne—Blainville, NDP): Thank you, Mr. Chair. My first question is for Minister Fournier.

Some time ago, I read an article in *Le Devoir* on the concerns expressed by Quebec over costs. Perhaps you have read it. Of course, I understand your position of not wanting to pick up the tab. The article reported that the Federal Minister, or his representative, had stated that Quebec had already been offered transfers and that it was now up to the province to decide what to do.

I would like to hear your comments on that.

Mr. Jean-Marc Fournier: Indeed, there is the initial issue of cost, which is a major issue for my Public Safety colleague.

I think that the implementation of this Bill will lead to a surge in prison sentences.

I listened to what the Canadian Police Association representative had to say. I have to say that I do not at all share the view that we will save money. However, I would say that the Government does seem firmly convinced that it can invest massively in new prison spaces because it will be making savings in other areas.

I think we can probably already agree that funds will be allocated to the provinces to cover extra prison spots, judges and prosecutors as well as assistance for the police. I will be advocating more funding for them.

In my opinion, you have to admit that the title does not fit the Bill. Rather than boosting public security, the measures it contains will create repeat offenders and more victims. We are heading towards spiralling custodial sentences and processes, not to mention extra costs.

We can back and forth over transfers. However, the net result is that we now have Bill C-10. The transfers have been allocated and I will not deny that. I appeared here myself to support the Government's positive legislation on megatrials.

I can also assure you that we were all very pleased to resolve the issue of tax harmonization. We were very pleased. We have signed many agreements with the Federal Government. However we must not remain silent when we think something is not right. We have to speak out firmly and with conviction on behalf of those working with youth on a daily basis.

Bill C-10 changes the budget balance and turns our deep-seated convictions on their head. I am not the only one with this opinion. Many people are saying that the Bill will generate additional costs. I am telling you that the light is red. We will not pay. Just for clarity's sake, I will say it again. We will not pick up the tab.

If the Federal Government is convinced that the Bill will lead to savings on public safety, it should allocate funds to support the provinces, especially those contending it will in fact cost more.

There are two choices. I know that our time here is almost up but my suggestion—and this is why I am here to day—would be to take a time-out to consider the studies, science and young offenders as well as the distinction between serious crimes and more minor offenses. As we said earlier, there are various categories of offenders. There are young offenders acting alone, who have turned to crime for a variety of reasons.

We are lucky because we have fantastic work places and job opportunities. Things are good here. However, there are people

living in towns and villages across Canada and Quebec who have not had the opportunities and family support we have. The issue now is whether we let them get swept up into the vortex of crime or whether we try to prevent that.

In answer to your question, I would say this: Let's step back. Let's consider the right way to protect society, to prevent people from becoming victims of crime and to reeducate young offenders. That is what we should do. While we are at it, we should also consider how much more this Bill will cost.

The Federal Government might also even consider investing in protecting and compensating victims. I spoke to Senator Boisvenu about the fact that Quebec alone invests more in victim compensation than all the other provinces put together. Quebec would like to avoid anyone becoming a victim of crime. Quebec support victims.

The Federal Government is committed to victims and, as such, might consider playing a role. There are many strategies for investing in building a better society that ensures the long-term protection of its citizens.

● (0945)

[English]

The Chair: We need to adjourn.

I'd like to thank the panel for being here today. As you have found, time is very short.

We'll reconvene the next panel in two minutes.

● (0945)

(Pause)

● (0950)

The Chair: We'll call the meeting back to order. This is the second half. We have one witness who's still on her way here. She'll join us momentarily, we hope.

Just so the panel understands, the committee has decided that each member will get an opportunity for a five-minute opening, and I'll invite you to do that. I will let you know at four minutes that you have one minute left. Don't let me throw you off when I tell you there's one minute. We are under fairly tight time constraints.

If you have an opening address, go ahead, Ms. Vandergrift.

Ms. Kathy Vandergrift (Chair, Board of Directors, Canadian Coalition for the Rights of Children): Good morning. Thank you for this opportunity to appear before you.

The Canadian Coalition for the Rights of Children is a national umbrella group that brings together organizations that work with young people and individuals to promote respect for the rights of children.

We would like to offer the following suggestions based on the Convention on the Rights of the Child, which Canada ratified in 1991.

First of all, we express support for improved protection of children from sexual exploitation in part 2.

Secondly, we suggest that you remove part 4 from the omnibus bill and take no further action on it until all members of Parliament are fully informed about the ways in which these changes fulfill or violate Canada's obligations under the Convention on the Rights of the Child.

We have three reasons for this recommendation.

First, the youth justice system needs to be different from the adult system, and you've heard quite a bit about that today. Changes in youth justice should be considered separately in order to ensure that high priority is given to the best interests of children at all stages of the bill's consideration.

Second, the evaluation of the current Youth Criminal Justice Act did not recommend the changes proposed in Bill C-10. It recommended a focus on improving implementation of the current law. No evidence has been presented to justify rushing these changes into effect without careful consideration of their implications.

Third, members of Parliament have not received an assessment of how the proposed changes comply with or violate their obligations to uphold the Convention on the Rights of the Child. This was requested during the review of Bill C-4, but it was not delivered. Such reviews are supposed to be done on all proposed legislation that affects children, according to government documents. Members of Parliament should be aware of how this bill fits with their obligations to ensure that the rights of children are respected in Canada.

I would like to offer you our analysis. We would argue that part 4 violates articles 3, 37, 39, and 40 of the Convention on the Rights of the Child. There are additional documents from the committee that expand on this, and there are additional international standards. Also, Canada received recommendations in 2003 with regard to youth justice. They're likely to come up again when Canada is reviewed in 2012.

Article 37 of the convention requires that detention "be used only as a measure of last resort and for the shortest appropriate period of time" Bill C-10 will expand the use of detention beyond any accepted notion of last resort. The proposed revisions of the definitions of serious and violent offences are over-broad and likely to result in more young people being put in detention for less serious crimes. I can go into those specific examples.

Article 40 requires that penal laws focus on "promoting the child's reintegration and the child's assuming a constructive role in society". Bill C-10 shifts the focus from rehabilitation and reintegration by adding deterrence and denunciation as principles for sentencing young people. Here I would refer to the submission by Dr. Nicholas Bala and a written submission you have received from UNICEF Canada. They provide substantial evidence that deterrence is not effective for young people.

Bill C-10 will require that young people be detained separately from adults, which complies with the convention and we're pleased to see that. But it does not require that youth detention facilities provide the kind of programming that promotes reintegration and preparation for a constructive role in society, as required by the convention.

Article 40 specifically protects the right of a child to have his or her privacy fully respected, and we would argue that Bill C-10 violates that.

Article 39 calls for early intervention for young people who come in conflict with the law and who have a history of neglect.

Finally, article 3 requires states to make the best interests of the child a top priority. That principle is not cited in Bill C-10.

• (0955)

Going quickly to our recommendations, our preferred solution is to take part 4 out until you have a comprehensive child rights assessment. That assessment we are convinced will result in the following recommendations: add recognition of the principle of the best interests of the child; do not amend section 38.2 to add deterrence and denunciation; revise the definitions of serious and violent acts; and retain the current bans on publication of the names of young offenders.

Thank you.

The Chair: Thank you.

Do you have an opening address?

Mr. Caleb Chepesiuk (Executive Director, Canadian Students for Sensible Drug Policy): Hello. Thank you for the invitation to appear today and for your time. I work with Canadian Students for Sensible Drug Policy, or CSSDP. We are a national network of youth and student-led chapters that are working on substance use issues. Like you, we work out of a desire for safer and healthier communities for everyone in Canada.

I was going to try to provide a short summary of the submission we made. I think you only got one page. There should have been a few other pages. I'll try to sum up what was in the other pages and have those sent to you afterwards.

Due to the concerns as listed in our submission, CSSDP's main recommendation is that the portion of Bill C-10 that makes changes to the Controlled Drugs and Substances Act should be removed. The evidence against this bill's being effective is staggering. The evidence that this bill will actually cause social and financial harm to society is disturbing.

If this is not possible, CSSDP has also made secondary recommendations for amendments to specific clauses in this portion. These are the clauses we feel will impact young people the most.

This proposed legislation is being justified as targeting and going after serious drug traffickers. CSSDP believes this is not the case. The clauses of the bill that are argued to target serious traffickers actually widen the net for those who will be caught up in this legislation. Instead of drug lords, this legislation will incarcerate first-time offenders and low-level drug traffickers.

The legislation forces a divide between user and dealer that does not always conveniently exist. This is not a successful or sustainable strategy. The proposed legislation has been justified as a necessary step to protect young people. CSSDP believes that for young people, this legislation will cause more damage than good. For example, the clause designed to stop trafficking at schools is so broadly worded that it casts a net over young people anywhere. This combined with the removal of judicial discretion equals an unsuccessful and unsustainable strategy. The scenario remains that sharing one pill of ecstasy can trigger a two-year federal sentence. In such a scenario, the harms caused by the legislation outweigh the harms caused by the drug itself.

It has been argued by some that this proposed legislation sends the right message about illicit substances. CSSDP does not believe this is true. Ignoring evidence and experience does not send the right message; perpetuating instead of correcting a failed approach to drugs does not send the right message.

There's nothing in the proposed legislation that will create effective barriers between currently illegal substances and young people. There's nothing in this legislation that will prevent tragedies related to substance use from happening in the future. This does not send the right message. This portion of the bill will do more to promote injustice than justice.

CSSDP believes that sending the right message to young people would be to stop this proposed legislation in order to engage in a broader discussion on drug policy reform.

To sum up the pages that you didn't see today, our fundamental concerns are that there's a sheer lack of evidence demonstrating that this legislation will have any positive effect. The removal of discretion in the sentencing process is a huge concern for us. The aggravating factors in this legislation do not actually narrow or target this legislation. Incarceration is not a successful youth drug strategy. Increasing criminal punishments for more substances is not a successful youth drug strategy. Nothing in this bill will prevent substance-use-related tragedies in the future.

With that, I thank you again for your time. Of course, there is lots of time for questions.

•(1000)

The Chair: Thank you.

Mr. Wamback, you have five minutes.

Mr. Joe Wamback (Chair and Chief Executive Officer, Canadian Crime Victim Foundation): Thank you, Mr. Chair, and members of the committee.

Due to the limited time today, I'll restrict my comments to part 2 of Bill C-10, which is on sentencing.

The justice and corrections systems of Canada must serve the needs of all Canadians, not just criminals and special interest groups. To be truly effective it must be transparent and predictable, and most importantly it must be perceived as such by Canadians. Failure to achieve this simply undermines the effectiveness of those systems, and therefore decreases their ability to function.

One of my great concerns has always been the loss of faith in the justice system, especially by the young people of Canada. Lack of trust in the system and the belief that it is unjust will cripple confidence in our courts, and that has dangerous consequences, including serious under-reporting of criminal activity.

Our courts exist and function only because ordinary people, victims of crime, report the crimes committed against them and their loved ones and are willing to testify truthfully when called upon. When this does not happen, through mistrust or lack of faith, the inevitable consequences are that the system will cease to exist. The sentencing provisions outlined in Bill C-10 are a beginning to the restoration of that lost faith.

I don't live in the sanitized world of academics or statistics. I live in the real world. I've experienced victimization. I see the results of criminal activity on innocent Canadian families. It is our responsibility to protect the most treasured of Canadian values: the right to life, safety, and security. We must ensure healthy, safe communities where law-abiding families can grow and prosper without intimidation and without fear, and restore the belief that criminals will be held accountable for their crimes.

Over the last 12 years I have met with victims, their families, police officers, and justice system personnel. They have consistently expressed their frustration with the current legislation that has no minimum guidelines for dealing with repeat offenders or serious sanctions for violent criminals, and what is commonly referred to as "revolving door" justice.

My hopes are that the sentencing provisions of Bill C-10 will provide the tools, guidance, and predictability to assist our courts in making decisions for the safety of all Canadians while maintaining our values and principles. Sentencing is not just about the crime, the convicted criminal, or the courts. It is about ordinary Canadians, survivors and victims of violent crime.

Sentencing must reflect the severity of the crime and it must demonstrate deterrence and denunciation. Most importantly, it must clearly demonstrate to Canadians that the lives of victims also have value. Minimal sentencing and house arrest for violence, child pornography, drug dealing, and sexual predators currently sends a loud and clear message to Canadians. The current message is that their lives and the lives and futures of their children are valueless, or certainly of less value than their victimizers'.

I have seen too many innocent families suffer secondary re-victimization from discounted sentences or house arrests that end up with their victimizers back on the street continuing to harm others.

Bill C-10 is not about punishing kids found with a joint or someone who makes an innocent mistake. It is about organized crime, predators, and drug manufacturers and distributors who are destroying innocent lives and the quality of life in Canada for their own personal gain.

The major problem with our existing Criminal Code sentencing system is that there isn't one. There are very broad guiding principles, but there are no benchmarks in the Canadian Criminal Code and little statistically valid information available for lawyers and judges, resulting in uncertainties and disparities that are now becoming the national norm. Crime must have consequence, and that consequence must be predictable.

Many, including the parents of young offenders, express frustration when their children receive little or no consequence for breaking the law, effectively teaching them that a criminal lifestyle is acceptable in Canada. Years ago we used to call prisons "penitentiaries", meaning penance or punishment. Now we call them "correctional institutes", where we rehabilitate or attempt to correct criminal behaviour. Yet house arrest for criminal behaviour negates that initiative. Leading world experts in criminal behaviour or psychology whom I have spoken to tell me that it takes an average of three years of clinical intervention to change criminal behaviour. Early release or house arrest will not achieve any success if our true objective is rehabilitation.

We recognize that increased costs may be inevitable as a result of the sentencing, but that increased cost is insignificant compared to the losses suffered by victims and their communities. We fully expect the "consequence predictability" of sentencing will assist in crime reduction and in increased rehabilitation efforts. We owe this much to our children.

•(1005)

Lastly, we recognize that victims of crime do not play a participatory role in the Canadian justice system. At the very least, let their voices be heard here today.

Thank you.

The Chair: Thank you, Mr. Wamback.

Ms. Pousoulidis, welcome. You have an opportunity to make a five-minute opening address. I will let you know when you have a minute left.

Ms. Elizabeth Pousoulidis (President, Association of Families of Persons Assassinated or Disappeared): Excellent. Thank you very much, and thank you for inviting me.

My name is Elizabeth Pousoulidis, and I am the president of AFPAD, which stands for the Association of Families of Persons Assassinated or Disappeared, and that means murdered or criminally disappeared.

It is very hard for us, the victims, to come and speak about our experiences, but it is very important for us to speak. If we don't, nothing will change for us.

Today I sit here as president of AFPAD. I also sit here as a very proud Quebecker and Canadian. We support fully Bill C-10. The reason we support Bill C-10 is that before somebody kills somebody, before there's a murder, there are signs of criminal activity. There is a criminal "binder", I remember the judge calling it, that is very thick. Before victims, people like me, lose somebody, there is a chance for the murderers to not cause that pain and to not become murderers.

What I see in Bill C-10, and why I'm very happy to see it, is that finally Canada will be tougher on crime. Whoever thinks that being caught with drugs or whoever thinks that a crime that they consider minor does not affect murders and criminal disappearances is wrong. Just check the stats of all murderers and how many times they've come in and out of the justice system.

I commend my country, Canada, for respecting human lives. A lot of times when somebody is murdered, we forget about them. It's all about the criminal, whether it's the justice system or whether it's victims' rights, etc.

My province of Quebec supports this Bill C-10 law at 77%, from the latest information from a poll by *le Journal de Montréal*. Our province of Quebec is fully aware of what Bill C-10 is. I've talked to many of the members of my association, but also other people who come to our events, and understand why Canada's being tougher on crime.

Mr. Wamback mentioned a lot of families, and we know many of them. A lot of phone calls come in to us because they have nowhere else to turn. These are parents, mothers, who do not know what to do with their children when they know they've taken the wrong road, and unfortunately they go in and out of prison. It's up to the parents to tolerate that, and it's up to the parents to make sure their kids are safe. By "safe", it means that they don't commit further crimes.

The comments I hear from members of my association and from others are that if their child had been caught before, or if when they were caught they had spent some time in jail, or if they had spent some of that time to rehabilitate, if they had been given that opportunity, then maybe the child would be alive today.

When we talk about the costs of this law, I beg you to talk to any victims about the costs they suffer when somebody in their family has been murdered. We are talking about costs not only to the victims but also, at the end of the line, the taxpayers. If I don't work, I don't pay taxes. So we need to also look at that aspect of costs when we discuss how much this is going to cost our system, our government.

I am a victim myself. I saw my mother bury her child. None of us could work, but all of us were forced to go to work due to financial burdens. All of us have wounds that will never close, and it is our responsibility, no matter how hard it is, to support and to speak about this law.

I commend the government. I thank you very much. This does make me feel a tad safer as a Canadian.

Thank you.

•(1010)

The Chair: Thank you very much.

I will just remind the committee that we need a couple of minutes at the very end for some committee business.

Mr. Harris.

Mr. Jack Harris (St. John's East, NDP): Thank you, Chair.

Thank you for your presentations this morning. We have very strong views on both sides of this issue. One thing we seek to do here is find the evidence to base our decisions on—at least on this side of the table.

Mr. Chepesiuk, you didn't present your brief, so I'm a little concerned that we don't understand some of the issues and problems. You said you have a recommendation that the definition of trafficking be changed, but what kinds of activities that happen that would be brought in by “trafficking” you think should not be?

I'm asking you to give me some examples of the kinds of behaviours that occur that you think will be caught up in this legislation and ought not to be.

Mr. Caleb Chepesiuk: Thank you.

Trafficking under the law, as it has been presented to the committee, can be defined as not only selling but also as giving, sharing, or passing a joint—that's been mentioned a few times, I know. These are all things that would be caught up in Bill C-10 through these provisions.

We recommend, if this legislation is to go through, that the mandatory minimums be triggered by selling where there's a financial transaction. For young people, substances are most often distributed through peer networks, which means their friends and the people they associate with in their classes. It's not always a dealer, or the scary guy at the playground, or these caricatures we've come to develop through historical references.

That is concerning for us, because the aggravating factors of this bill widen it by saying it's anywhere where youth frequent. Well, if you frequent at a party and one pill is shared, or if there's a small amount that can be defined as trafficking, then this triggers the mandatory sentence.

This isn't to downplay the seriousness of that. This is to take a critical look at whether mandatory incarceration is a successful strategy to deal with that, and we believe no.

Does that address the question?

Mr. Jack Harris: Yes, thank you.

Ms. Vandergrift, I thank you for your presentation and for pointing out the concerns with respect to the international obligations of Canada.

Are you suggesting that a proper analysis has not been done, and no attempt has been made to compare the legislation to Canada's obligations under the convention? Is your point that the convention has not been looked at and compared with these provisions under the Youth Criminal Justice Act in part 4 to make sure that Canada is meeting its obligations?

You mentioned one or two parts. Could you confirm that and perhaps elaborate?

Ms. Kathy Vandergrift: That is correct. Under the current government policy there are statements, in response to other studies of children's rights, that when laws are proposed that affect children, a child rights assessment is done. During the review of Bill C-4 we asked for this. I followed up with individual MPs who asked for this,

and as far as I know, no one has seen the child rights assessment that was done.

I'm simply saying that all members of Parliament should at least be aware of how the proposed changes fulfill or violate their obligations to protect the rights of children in Canada. Our submission is that there are serious matters in these proposed changes that do violate the convention.

• (1015)

Mr. Jack Harris: We just had a very impassioned plea from the Minister of Justice of Quebec concerning the provisions under Bill C-10, particularly those with respect to youth justice.

One of the concerns, and he has proposed, that there is a great deal of evidence that shows there's a relationship between young people being incarcerated and the potential for this bill to increase the number of criminals, increase the amount of recidivism, and increase the number of crimes and victims as a result of that.

Are you aware of studies that might support or counter that?

The Chair: Please give a very brief response.

Ms. Kathy Vandergrift: Okay.

The evidence is clear, and the experience under the current Young Offenders Act with use of alternate measures besides incarceration has been very positive. We have seen some of those detention rates go down.

I sympathize with the concerns about young people, but all our members who work with young people tell us the problem is that we don't have enough good programs of the range we need to deal with the kind of young people we're dealing with. I think that's where the focus needs to be.

The Chair: Mr. Rathgeber.

Mr. Brent Rathgeber (Edmonton—St. Albert, CPC): Thank you, Mr. Chair.

Thank you to the witnesses for your attendance and evidence here this morning.

My questions will be confined to you, Mr. Chepesiuk. I had the benefit of reading your brief last night, because you were kind enough to post it on your website. I took a look at some of the other postings there. Quite candidly, I'm a little concerned about what I read. Hopefully you can help me square a couple of circles.

I read—I think it was in your brief—that your organization believes that young people, youth and students, ought to be encouraged to make their own decisions concerning their physical and mental health. I take it that's a policy statement of yours?

Mr. Caleb Chepesiuk: Yes.

Mr. Brent Rathgeber: But I also read that your organization believes that drugs are a health issue, not a criminal issue.

Mr. Caleb Chepesiuk: Yes, we believe drugs should be dealt with as a matter of public health, with a fringe of the criminal justice system.

Mr. Brent Rathgeber: People can't generally make decisions about their ailments; they can make decisions concerning their treatment. But if drugs are in fact a health issue, and if the focus ought to be on addiction, square that circle for me.

People can't choose whether or not they're going to become addicted, and you suggest they ought to be able to make up their own minds concerning their physical and mental choices.

Mr. Caleb Chepesiuk: People cannot choose to be addicted. I agree with that.

What our organization is about is empowering young people through education—through honest education—about the realities of substance uses. It's pretty clear when you look at the facts of drug use that it is dangerous and scary, but this does not mean we're always listened to. Young people have shown throughout the years that despite valiant efforts to keep them from using certain drugs, some of them will continue to do so.

Mr. Brent Rathgeber: Right. But you'll agree with me that some people have a predisposition towards addiction, so this is not purely a matter of choice.

Would you agree with that?

Mr. Caleb Chepesiuk: I'm not totally up on the science, but I know there's a mix of social and chemical and biological and—

Mr. Brent Rathgeber: Okay, now I want to take that to the next degree, regarding MDMA, or what's colloquially known as ecstasy.

You said in your opening comments that the penalty provisions of this proposed legislation are greater than any harm caused by the drug itself. Did I hear that correctly?

Mr. Caleb Chepesiuk: Yes, if you look at studies on the harms of substance use...CSSDP has presented about the ranking of the harms of drugs in previous submissions on this legislation.

Mr. Brent Rathgeber: I live in Edmonton, Alberta. I don't suppose the names Cassandra Williams, Leah House, or Trinity Bird mean anything to you?

Mr. Caleb Chepesiuk: I believe...but you can fill me in on the story.

Mr. Brent Rathgeber: In the spring of 2009, in two separate incidents, Cassandra Williams, aged 14, Leah House, aged 14, and Trinity Bird, aged 15, all overdosed from ecstasy and died.

I would challenge your proposition that the penalty provisions of this bill are greater than the harm caused by the drug itself. I wonder if you have any comment on that.

Mr. Caleb Chepesiuk: Sure. I don't know the details of that case. I don't know if they overdosed from one pill of ecstasy or from several pills. This is something we worded very carefully in the statement to read that "one pill", because based on studies of substances and ingestion—

• (1020)

Mr. Brent Rathgeber: But you know how MDMA works. You know that it causes a sense of euphoria because it increases blood pressure, correct?

Mr. Caleb Chepesiuk: As far as I know, yes.

Mr. Brent Rathgeber: Also, because these drugs are generally made in home laboratories, there's no precise recipe. They differ from vendor to vendor and from manufacturer to manufacturer. You'll agree with that.

Mr. Caleb Chepesiuk: Yes, and this is a problem that we're concerned with. Part of what we push for is that young people, if they are going to make this choice.... Again, this gets into the fact that we can't make choices for our young people, but there needs to be more education about those facts and abilities for young people to—

Mr. Brent Rathgeber: This drug will increase the blood pressure until a blood vessel bursts. I think I read that on your website.

Mr. Caleb Chepesiuk: You'd have to show me the source.

Mr. Brent Rathgeber: And do you know what happens when a blood vessel bursts in the brain? You hemorrhage and die.

So I seriously challenge your proposition that the penalty provisions are greater than the harm caused.

I have a final question, if I have another minute.

The Chair: You have 30 seconds.

Mr. Brent Rathgeber: Okay.

You talk about diversion employment being removed by this bill. If you've read it, you'll no doubt be familiar with subclause 43(2), which expands the role of drug treatment courts.

At the very least, would you agree that's a positive advantage of this bill and that it allows people to possibly not get minimum mandatory sentences if they deal with their addiction?

Mr. Caleb Chepesiuk: Sure. And just in response to the last comment on the previous question, those situations are incredibly serious to us. We have lots of members who get involved because of similar situations. What we're arguing is that this legislation will do nothing to prevent those situations in the future.

With drug treatment courts, it is going to be a positive thing for some people, but we're concerned about the lack of courts across Canada, the lack of accessibility that people will have to this. Also, there are various requirements, such as having to qualify as having an addiction. For people who do, they will qualify for that program, but for many young people who this might—

The Chair: Sorry, your time is up.

Mr. Cotler.

Hon. Irwin Cotler: Thank you, Mr. Chairman.

My question is for Ms. Vandergrift. It has to do with the international Convention on the Rights of the Child. My understanding with regard to that international treaty is it has been ratified by more states than almost any other treaty. Indeed, I recall that it was ratified more quickly by more states than any other treaty, so there is a particular compellability with regard to this international treaty and with regard to the obligations we have assumed under that treaty.

If the legislation is not amended and stays as is, and our performance under that treaty will then be reviewed by the treaty monitoring body, what would be your appreciation of what the nature of that review would be and its result?

Ms. Kathy Vandergrift: Thank you.

In 2003 Canada received recommendations to review its youth justice committee to better comply with the convention. There has not been a response to those recommendations. Going back again, I'm sure there will be further investigation and recommendations by the committee.

I am also concerned about what it does to Canada's reputation in terms of promoting human rights. If we don't live up to these conventions, we can't go into other countries and ask other people to live up to them. Canada was a leader in children's rights, and I'm very concerned that we are losing that leadership by eroding the way we violate the convention at home.

I would add that protecting children's rights and protecting the public fit together. It isn't just a matter of the convention. It is that this makes sense for youth justice.

Hon. Irwin Cotler: I will put a follow-up question to you, if I may. It has been suggested that this legislation, while introducing new mandatory minimums and enhancing existing mandatory minimums, does not apply to young people.

However, if one looks at the legislation, whether it be the drug-related offences or the offences with regard to children, it would appear that the mandatory minimums and their consequential effect would apply to young people and therefore might engage in the application of disproportionate and unjust sentences, as other briefs have suggested.

Would you be able to respond to that?

If you wish, Mr. Chepesiuk, you can respond to that as well, if time permits.

•(1025)

Ms. Kathy Vandergrift: That is the kind of question that a thorough impact assessment on how this legislation compares to the rights in the convention would show you. That's why I'm saying all MPs should have that kind of assessment before them before they pass this bill. I think that is the best place to take that detailed assessment.

Hon. Irwin Cotler: Mr. Chepesiuk, do you want to respond to that?

Mr. Caleb Chepesiuk: I think that covers it. With this I believe the provisions that will make changes to the CDSA will apply to people 18 and older, but when we talk about incarcerating people, these might also be people's parents and stuff, so there is also an indirect impact on young people through this.

Hon. Irwin Cotler: Mr. Wamback.

Mr. Joe Wamback: Well, I'm personally very frustrated when I hear cries about the rights of the child, and yet I find that those voices remain deafeningly silent when they talk about the rights of child victims. We need to have a greater balance in this country.

Canada does not comply with the UN convention on the rights of victims, nor on the rights of child victims. A lot more research has to go into the way the Youth Criminal Justice Act treats young people who violate Canada's laws. We treat them with dispatch. We suggest to them, by the way we treat them, that breaking Canada's rules and society's rules, breaking the law, is acceptable behaviour.

I encourage every member of this panel and the witnesses to look at the current investigative report that is being undertaken by David Bruser of the *Toronto Star* on the Youth Criminal Justice Act and youth courts in the city of Toronto. It is not only eye-opening, it is something we have been saying for over ten years. It is now available for everybody to see.

The Chair: Thank you, Mr. Cotler. Your time is up.

Hon. Irwin Cotler: Mr. Chair, I've been following that series in the *Toronto Star* that Mr. Wamback has referred to.

Thank you.

The Chair: Mr. Woodworth.

Mr. Stephen Woodworth: Thank you, Chair.

I want to welcome the witnesses and thank them.

Just before I enter into any questions, I want to clarify a couple of points that have arisen thus far.

There was a concern expressed by a witness that we not rush the provisions, particularly relating to young offenders, without consideration. So that no one listening is misled, I wanted to mention that in the previous Parliament there were in fact 16 meetings of the justice committee dealing with those provisions, with dozens of witnesses, and the Minister of Justice had representatives monitoring all of that evidence and considering it. In addition, of course, there are the meetings that we're having in this Parliament, which stretch over roughly three months, and also dozens of witnesses.

I want to also mention the question of mandatory minimum penalties. In fact, section 39 of the existing act has exactly the reverse presumption, that judges not put young people in jail unless certain circumstances are fulfilled, and that, in my view, is completely supportive of what the Attorney General for Quebec mentioned earlier. There is no provision for a minimum mandatory penalty regarding a young person.

Mr. Wamback, I particularly welcome you back. I've been on committee when you've appeared before, and I do appreciate, always, when witnesses who have experienced loss come to committee. I know it isn't an easy thing to have to think about those things, but it's very important for us.

In particular, I understand, Mr. Wamback, that you at one point prepared a petition calling for anyone charged with a violent crime to be tried in an adult court. It referred to the case of Clayton McGloan, a 17-year-old Calgarian who died from multiple stab wounds after being attacked on Halloween night in 1998, and also Dimitri Baranovski, 15 years old, kicked to death in a Toronto park. In both those cases the individuals charged were under 18.

Am I right that you did do that?

Mr. Joe Wamback: Yes, I did.

Mr. Stephen Woodworth: I understand, too, that the idea for that petition came to you as you were actually in a hospital corridor wondering about the fate of your son Jonathan. I know it is a bit difficult, but tell us, if you would, about your experience. how it led you to come to that idea, and how it relates specifically to the provisions in Bill C-10 that specifically you support.

•(1030)

Mr. Joe Wamback: Thank you.

On young offenders legislation, I think Bill C-10 is a start. It certainly isn't where I would like to see it. I would like to see it be more proactive. I would like to see greater emphasis placed on early intervention for those children who are at risk.

We have the tools today to identify those individuals. We just don't have the will, the political will, to make the decisions to direct these individuals into leading a productive life.

That petition that I created while my son was severely hurt was signed by 1.3 million Canadians, Canadians who are frustrated that they cannot do anything, that the law will not support them, that our government will not support them and their child, when their child is victimized by someone under the age of 18.

Those people who hurt my son—the day after they hurt my son, they were back in school. They were back in school with a bigger badge of courage than they had before they hurt my son, because now they were bragging about what they did. That's actually how they were caught.

The ultimate sanction, after \$4.5 million of taxpayers' money and almost four years of legal arguments, was a five-and-a-half-month sentence.

The individuals who did this, and I can't name them because they're convicted under the Youth Criminal Justice Act, continued to victimize and hurt other young people while they were out on bail. And when they were rearrested, they threw a credit card at the justice of the peace.

That's the kind of respect young people who are predisposed to violent behaviour have for the justice system of this country.

Mr. Stephen Woodworth: Do you think the crown attorney should have an obligation to at least consider making an application for an adult sentence for a young person in all cases where the young person has committed a serious violent offence?

Mr. Joe Wamback: For serious violent offence, and especially repeat serious violent offence, without question; I think the sanctions currently imposed under the YCJA for that type of crime does absolutely nothing to teach the balance of young people that there are consequences for that kind of behaviour. It does nothing to protect the average Canadian and their family from extremely violent predators and psychopaths.

You're born a psychopath. You don't become one when you hit 35. We have to be able to deal with that. If that means longer periods of incarceration and greater rehabilitative efforts, then so be it. That should be a priority. The priority should be protection of our families and our children.

The Chair: Thank you.

Mr. Jacob.

[*Translation*]

Mr. Pierre Jacob: My question is for Ms. Kathy Vandergrift.

In your brief on Bill C-4, which is the basis for much of Bill C-10, you point to the fact that Canada has signed and ratified the United Nations Convention on the Rights of Children.

Could you address the principles set out in the Convention and tell us whether they are included in Part 4 of Bill C-10?

[*English*]

Ms. Kathy Vandergrift: One of the core principles I mentioned is that the best interests of the child be taken into consideration, and that is not incorporated into Bill C-10 and the youth criminal justice system.

Article 40 of the convention deals specifically with penal justice for persons under the age of 18. It is our submission that Bill C-10 violates article 40.

Article 37 deals with detention to be only as a last resort. We argue that Bill C-10 violates that.

Article 39 argues for helping persons who are victims. As has been mentioned here, we certainly agree with early intervention. That's what the convention would support. But that's not what this bill is going to lead us to. This bill is going to lead to more young people being detained for longer periods of time on a serious crime, and we know that jails do not usually lead to rehabilitation of young people.

So age-appropriate accountability is a core principle of children's rights, and that's what we want to see: age-appropriate accountability.

Does that answer your question?

•(1035)

[*Translation*]

Mr. Pierre Jacob: Yes, thank you very much.

How much time do I have left? Four minutes, if I am not mistaken?

[*English*]

The Chair: You have three minutes left.

[*Translation*]

Mr. Pierre Jacob: I will share the rest of my time with Ms. Charmaine Borg.

Ms. Charmaine Borg: My question is for Ms. Vandergrift.

In a previous answer on longer prison sentences for young offenders, you stated that prisons are not necessarily the best place to rehabilitate young people. One of the other witnesses also said that prisons can sometimes be crime schools. I think that there is some truth in that statement. Young people released from jail are more likely to take up a life of crime.

Could you comment on this idea?

[English]

Ms. Kathy Vandergrift: That is what the research shows.

I do understand the concern that some young people may need secure facilities, but those can be facilities other than we have in our jails. If you look at the evaluation that was done across the country of the application of the current act, the plea was for a wider range of good programming to deal with young people.

There's a study in B.C. that 50% of the young people who came into the criminal justice system there were part of the child welfare system. So we need to deal with a whole range of matters regarding these young people. That's what the plea is of people who work with them across the country. Just changing the law isn't going to address that.

That's why our plea is to focus on implementing what we have now, and then evaluating it thoroughly and looking at adjustments.

[Translation]

Ms. Charmaine Borg: Do I have any time left?

[English]

The Chair: A little bit.

[Translation]

Ms. Charmaine Borg: In one of your reports, you also state that publishing the names of young offenders gives them hero status in their own group. Mr. Wamback mentioned earlier that when they return to school they brag about their exploits as if it were something to be proud of.

Could you comment on that also?

[English]

Ms. Kathy Vandergrift: That is correct. The Convention on the Rights of the Child for good reason argues for protecting their privacy. It is because what we want is for them to learn to be responsible adults. Publication of their names often results in them joining a community that leads them into greater crime. That's where they find acceptance.

So there's good reason for protecting privacy with the view of rehabilitation, giving them an opportunity to become responsible adults, not to become proud of their criminal activity.

The Chair: Mr. Seeback.

Mr. Kyle Seeback (Brampton West, CPC): Thank you, Mr. Chair.

Ms. Pousoulidis, thank you for coming. I always find it difficult to ask questions of people who have suffered such terrible traumas in their life, but I do want to touch on a couple of things that you mentioned.

In your opening statement, you talked about polling that says there is 77% support for Bill C-10 in Quebec. You have extensive contact with people in Quebec through your organization and others, so I wonder if you could comment on whether or not that sits with what you hear from talking to your members and the communities at large.

Ms. Elizabeth Pousoulidis: Thank you very much for asking that question.

Obviously my members will support it. My members have the experience. My members understand that worrying too much about criminals' rights, not to offend them and to make sure they're all good and fine.... At the end, they killed their child.

I would love to say that I've talked to all my members, but we all know that I represent the murdered, the criminal disappearances. Yes, my members approve it. Yes, they congratulate it. Yes, we had a lot of phone calls after we sent our press release that they're very happy. And yes, one member, whose name is Madame Lacasse, fought very hard for one of the laws in Bill C-10.

Outside of that, since we are known pretty much in Quebec as an association, sometimes people mix us up with 911. We get a lot of calls from other people asking for help, and we talk them through it. We get a lot of phone calls from mothers, especially, who want our advice on justice and how they can help their children who are in crime.

They know their child is in crime. They know what they're doing. But every time their child goes to jail, they take them right out. One of the most difficult parts of being a parent, from what they tell us, is that it's they who have to do it, they who have to pick up the phone and say, "My son is...."

It's really hard for a parent to do it. A lot of them don't do it themselves.

So apart from my members, who fully support it, and Madame Lacasse, who spearheaded one of the laws there, other people we've spoken to support it as well.

• (1040)

Mr. Kyle Seeback: So you're talking about parents who will call you when their children are, I take it, committing crimes and they don't know what to do with them.

I take it that you think there are certain aspects of Bill C-10 that will help parents with their children in terms of the severity of the crimes the children are committing and the consequences.

Ms. Elizabeth Pousoulidis: The tougher sentences will help with that. To put them in and take them out is not helping society. It's not helping the kids. They come out, and, as Mr. Wamback said, a lot of them think it's pretty cool.

I was in court to see my brother's murderer. His friends, who were little gang members—I couldn't believe it, they were 13-year-old and 14-year-old kids—were walking into court and giving a sort of salute to the accused murderer. Some of them, because the court was sealed, came with drugs—in court—and they knew they were going to....

I'd love to say that society is all great, that we haven't lost something somewhere, but we have. It is proven. If we open our eyes, we see it. It's time to take care of it.

I hear it. I hear that we need to rehabilitate and all these things. I hear it. Until we do it, though, why risk human lives? Until you figure it out, until you get better programs in jail, until jail becomes better for rehabilitation, why are we risking human lives?

That part I'm still struggling with.

Mr. Kyle Seeback: I want to talk about one other issue, which is parole board hearings. I know that's an issue that's important to you as well.

Why is sharing information related to parole board hearings so important to your members?

Ms. Elizabeth Pousoulidis: It's because I have a right to that information; because I pay for that information as a taxpayer; because I want to know where he is, if he's out; because I don't want to be surprised one day when I go to a restaurant and he's sitting next to me.

Psychologically it's going to affect me, so I want to know. I want to make sure my voice is heard when it's time for him to get out, that's all. I have the right to that.

Mr. Kyle Seeback: Are there any other specific measures in Bill C-10 that you want to specifically mention that your organization is very supportive of?

Ms. Elizabeth Pousoulidis: We support anything that touches the victims. We like the no more home sentence, no more serving your sentence at home.

We like the parole information. That one we really, really support. We fought hard to have that. There is nothing more frustrating than going to get information and nothing is available for you. There is nothing more frustrating than knowing that your child, your loved one, your family member doesn't exist because he's dead; you feel like a statistic.

So we support those two, and also that it's tougher on youth.

The Chair: Thank you.

That ends the session. Unfortunately, time runs out very quickly.

I want to thank the panel for being here today. It's all part of this process in which everybody learns something, and we certainly learned from this panel. Thank you very much.

If the committee will hold on for just a minute, we have a small piece of committee business to deal with.

●(1040) _____ (Pause) _____

●(1045)

The Chair: Could I get the committee to come back for a minute? You can carry on the conversations afterwards. We won't be very long.

The clerk has distributed a budget for these hearings. With the clerk, I need to present it on Thursday at the liaison committee meeting, which will deal with it.

If you've had a chance to look at it, I would ask that somebody make a motion that we accept it. Then I'll present it.

Mr. Robert Goguen: I so move.

The Chair: All in favour?

Some hon. members: Agreed.

The Chair: Mr. Harris.

Mr. Jack Harris: Someone had a very interesting question: how come it costs \$3,200 to get someone from Saskatoon and only \$1,600 for someone from Vancouver?

The Chair: I'm not sure whether these are all exact numbers or averages.

Mr. Jack Harris: There's only one person. It refers to only one person from Saskatoon, so it can't be an average.

The Chair: Look at the other column, Mr. Harris. I think you're looking at just one column. You have to go to the second column. It's per person. The second column is the total.

Mr. Jack Harris: Yes, that's right. In the second column the subtotal is \$3,200. The unit price is \$3,200, and there's one person involved, so it's \$3,200.

I'm not sure which column you mean.

Ms. Kerry-Lynne D. Findlay (Delta—Richmond East, CPC): On a point of order, Mr. Chair, we've already had a mover and a seconder, and we've voted. We don't have discussion after a motion has been passed.

The Chair: Yes, but we might as well get it straight so that the next time around...

Mr. Jack Harris: I thought you were asking for the vote—or was that for adjournment?

The Chair: No, we asked for a vote, Mr. Harris.

Mr. Jack Harris: So you would rather have it just passed and not discussed.

Ms. Kerry-Lynne D. Findlay: My point of order was that there was a vote asked for and taken. If there was discussion to be held, it should be held before the vote and not after.

The Chair: Okay. I accept that as a point of order. I will make it clear with Mr. Harris afterwards. I think it will work out.

At any rate, I will present it on Thursday.

Just so that everybody doesn't get lost on Thursday, we do have teleconferences, which can create some difficulty; as you know, in the last teleconference we lost somebody and we gained somebody, and so on.

The meeting on Thursday will not be in this room. The clerk will let you know where it will be. It might be on Queen Street. The equipment is a little older here. Just look at the notice of meeting.

The meeting is adjourned.

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