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• (1625)

[English]

The Chair (Mr. Randeep Sarai (Surrey Centre, Lib.)): I call this meeting to order.

Welcome to meeting number 25 of the House of Commons Standing Committee on Justice and Human Rights. Pursuant to the motion adopted on February 8, the committee is resuming its study on the government's obligations to the victims of crime.

Today's meeting is taking place in a hybrid format pursuant to House Order of November 25, 2021. Members are attending in person in the room and remotely using the Zoom application. The proceedings will be made available via the House of Commons website.

For those on Zoom, you have a choice at the bottom of your screens of either the floor, English or French. For those in the room, you can use the earpiece and select the desired channel.

Before I welcome the witnesses, I want to give my condolences to Ms. Neville-Lake on the understanding of the passing of her husband. On behalf of the entire committee, I want to give my condolences to her. She's not going to be appearing today.

To the witnesses coming forward, I know this is a very sensitive and personal subject for you guys, so take your time on it—although I will ask you to stay within the five-minute parameters. I have little cue cards that I will raise when there are 30 seconds remaining. When your time's up, I would ask you to conclude. Other than that, I don't like interrupting if I don't have to.

In the interest of time, because we've started a little late due to votes and member statements for the opposition House leader, we will do two 45-minute rounds and will try to go to 6. I don't have unanimous consent, but I should have it. I think we're just looking for a filler for somebody, so we should be able to go to that.

Beginning in our first round, we have the Honourable Pierre-Hugues Boisvenu, Senator. Thank you.

We have, from the Families for Justice, Markita Kaulius, president. I think you're online, yes. I believe you're from Surrey, if I'm right. Welcome from my hometown.

We also have Holly Lucier, paralegal, and from the Women's Law Association of Ontario, Jennifer Gold, lawyer and director of the board.

We will begin with Senator Boisvenu for five minutes.

Hon. Pierre-Hugues Boisvenu (Senator, Quebec (La Salle, C)): Thank you, Chair.

I would like to inform you that I will have to leave very early because I have to be at the Senate at 5 o'clock. Monsieur Lametti is there. As the deputy chair of our justice committee, I have to be with him at that time.

[Translation]

Thank you for the opportunity to speak to you today regarding the study of the federal government's obligations to victims of crime.

As most of you know, since my daughter Julie was raped and murdered by a repeat offender 20 years ago tomorrow, and given that there was no legislation at the time for victims of crime and their families, I have dedicated my life to recognizing, enhancing, and protecting these hard-won rights so that victims never again feel abandoned by our federal institutions nor by our justice system.

The Canadian Victims Bill of Rights, to which I personally contributed, was passed in 2015 under the leadership of Mr. Harper. The bill of rights plays a critical role in recognizing and protecting victims' rights.

I'm here to discuss improvements the federal government should make on this front. I'll start by addressing the first issue: a lack of consideration with respect to the position of ombudsman for victims of crime. This position has been vacant for nine months, despite awareness of the contract end date three years ago. In 2017, it was vacant for almost eleven months before it was finally filled.

The ombudsman plays a vital role in federal institutions by protecting victims' rights and ensuring that the government fulfills its responsibilities. They are also a voice for victims in the media, raising awareness among Canadians of the many issues the government must be asked to address. No ombudsman is currently conveying the anger of victims' families and speaking out against violations of their rights in the public inquiry into the Nova Scotia mass shooting, for example.

To keep this from ever happening again, the ombudsman must be independent. Legislation should be enacted to make the ombudsman an officer of Parliament like the Correctional Investigator, who is, in essence, the ombudsman for offenders. Finally, the ombudsman should be the defender of the Canadian Victims Bill of Rights and have sole jurisdiction over complaints from victims of crime.

I'd like to reiterate an important fact in support of my statement. In 2017, Bill C-343 was introduced in the House of Commons to address this issue. All parties supported it, except the Liberals, who were against having an ombudsman for victims similar to and on equal footing with the ombudsman for offenders.

I'll now address a second issue, the five-year review of the Canadian Victims Bill of Rights.

Unfortunately, and as you well know, the bill of rights should have been reviewed in 2020. This further delay sends a negative message out to victims when the government has had obligations to honour since 1985 under the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.

Currently, the Canadian bill of rights doesn't include all the rights set out in the UN declaration, namely compensation and other services to victims, such as medical, psychological, legal and social assistance.

The final report released in 2020 on the review of Canada's criminal justice system shows that victims still find it very difficult to report crimes to the police for fear of retaliation or that their case will not be taken seriously. When they do end up in the justice system, they experience a lack of compassion and respect. That's why it's crucial that a five-year review be done to address any shortcomings in the bill of rights that adversely affect victims.

The 2020 progress report on the Canadian Victims Bill of Rights by the Office of the Federal Ombudsman for Victims of Crime specifically recommends nine amendments to the bill, two of which I believe should be addressed urgently.

First, when their rights have been violated, victims have no recourse before the courts. To address this issue, the report's first recommendation would be to grant them the right to appeal when their rights are not upheld.

The second recommendation concerns restitution orders. This is the twelfth recommendation. It aims to provide victims with judicial support to make offenders pay the restitution they owe.

Finally, I'd like to point out that, since 2015, I've been waiting for the Government of Canada to pass legislation to improve victims' rights. Take women who are victims of domestic violence, for example.

Does it make any sense that, in 2022, even though we have modern ways to better control men's violent behaviour, women have to risk their lives to report abuse, when the government is urging victims to come forward?

Why are murderers, even once they are in prison, allowed to post photographs of themselves with the one they murdered on social media? Why do families have to fight with social media for months to get them to take action?

That's one way the bill of rights could have been improved if you had been the ombudsman for victims of crime. When I say "you", I mean the Parliament of Canada.

In conclusion, committee members, I would add that 20 years ago, victims made the decision to break out of their prison of sil-

ence, to speak out and to demand nothing less than to be treated fairly, on an equal footing with the accused under the Canadian Charter of Rights and Freedoms.

Victims and their families don't want more rights than criminals. They want and deserve the same rights. It's up to Parliament to recognize that.

Thank you.

I'd be pleased to answer your questions if time permits.

• (1630)

[*English*]

The Chair: Thank you, Senator. I appreciate your time.

Next we have Families for Justice.

Markita Kaulius and Holly Lucier, you have five minutes between you. The floor is yours.

• (1635)

Ms. Markita Kaulius (President, Families For Justice): Thank you very much, honourable members of the Standing Committee on Justice and Human Rights. Thank you for allowing me to be here today.

My name is Markita Kaulius. I am the founder and president of Families for Justice. I am here today representing thousands of Canadian families who have lost our children and loved ones, killed by impaired drivers in Canada.

On May 3, 2011, my 22-year-old daughter Cassandra was killed by an impaired driver. My daughter was driving home after coaching a softball game. She was stopped at a red light and had the right-of-way to make a left-hand turn. As she waited for traffic to pass, a white van came speeding down the curb lane. The stoplight for the van had already been red for 12 seconds. The van accelerated the last 500 feet of the intersection, got airborne over railway tracks and slammed into my daughter's vehicle. She was killed in a catastrophic collision when she was T-boned in the driver's side door. Cassandra was crushed to death by 3,000 lbs. of steel crashing into the side of her at 103 kilometres an hour. The driver then fled the scene of the collision. The driver was two and a half times over the legal limit to drive.

Sadly, instead of becoming the teacher she had dreamed of being, my daughter became another statistic of impaired driving. She lost her life because another impaired driver made the willful, reckless choice to drink and then drive while being impaired. My family and I received a lifetime sentence of being without our daughter. Sadly, Cassandra received a death sentence.

Impaired driving is the number one criminal cause of death in Canada. Each year impaired driving leaves a terrible trail of death, injury, heartbreak and destruction. From that point of view of numbers alone, it has a far greater impact on Canadian society than any other crime. On average, between 1,250 to 1,500 people are killed each year in Canada, and thousands more are injured. In terms of deaths and serious injuries resulting in hospitalization, impaired driving is clearly the crime that causes the most significant social loss to this country.

Since the legalization of marijuana in 2018 by the federal government, we have seen drug-impaired driving collisions rise by 43%. The percentage of Canadian drivers killed in vehicle crashes who test positive for drugs now exceeds the number who test positive for alcohol.

Criminal victimization of crime is a frightening and unsettling experience for thousands of Canadians, and the victimization is debilitating. The effects can also be long term and difficult to overcome. Not only do we suffer physically, emotionally, psychologically and financially from our victimization; we are also often burdened by the complexity of the criminal justice system.

I have spoken with hundreds of families who say they felt retraumatized after going through the criminal justice system. They never felt their needs were being addressed or listened to, which in turn made their grieving process last so much longer. Individuals who are killed never have a voice or get to speak of the trauma they endured, and their families are trying to seek justice for their loved one. The families wait for months, or even years, for the Crown to approve charges. Then they must go through numerous court proceedings, which can take years due to postponements with the lack of judges and court availability.

Then plea deals are made. Many times, charges are dropped down to a single charge altogether. When the accused finally gets to court, it doesn't seem like the accused is on trial. It seems like the investigation is on trial, and the accused has more rights than the victims. If the accused is convicted at all, they are sentenced by using case law from previous cases where a similar sentence was given out. Often these sentences are so low, the accused is back out in the community in just a few days or months. We have seen cases take longer to go to trial than the actual jail time given out, even when the offences were serious. Families feel revictimized, as the accused has paid little debt to society.

Canadians have begun to doubt not only the safety of their surroundings but also the fairness and efficiency of the justice system set up to protect them and their property. Canadians would like to see changes to Canada's criminal justice system. Canadians feel there are several justice issues, including confidence in the system, crime rates and parole. The focus should be on several aspects of the criminal justice system, particularly sentencing and correction issues and assistance for victims.

● (1640)

Canadians believe that the main purpose of the courts and our criminal justice system is to protect society, and Canadians believe that the system should act as a deterrent to criminals and should function to punish offenders who commit crimes against society.

Sadly, that is not the case in our Canada in our current justice system. Offenders are not being held accountable—

The Chair: Thank you, Ms. Kaulius. We'll try to get more of your statement in the questions that will arise.

Next we have, from the Women's Law Association of Ontario, Jennifer Gold, for five minutes.

Ms. Jennifer Gold (Lawyer and Director of the Board, Women's Law Association of Ontario): Thank you.

I'm the past president of the Women's Law Association of Ontario.

Since 1919, the WLAO has been dedicated to empowering women in the legal profession by providing a collective voice and advocating for equality, diversity and change. Our members practise in various areas of law, and we draw upon their expertise when we are asked to make submissions.

I have practised family law for over 20 years and represent survivors of family violence. In addition to my work with the WLAO, I am a board member of Legal Aid Ontario and Pro Bono Ontario.

My fellow board member and chair of our advocacy committee couldn't be here today, but she practises criminal law and contributed to these submissions.

I also speak to you from my own personal experience as the child of a survivor of family violence. I spent a significant portion of my childhood witnessing that violence against my mother. I also witnessed my father's struggles with mental illness and addiction and his experience with racism as an immigrant.

By now, you've heard about the challenges and barriers faced by victims of crime and the inadequacy of our current supports for them. It is a gender issue, as most victims of crime are women, and my remarks today, however, will focus on solutions.

In studying the government's obligations to victims of crime, including the vacant position of the federal ombudsman and reviewing the Canadian Victims Bill of Rights, this committee has an opportunity to create transformational change.

What is meant by that change? The WLAO seeks change that is systemic, that aims to alleviate such crime in the first place and truly serve victims and their children. A solution that does not consider the entirety of the issue at hand can be akin to treating the symptoms of the disease and not the cause.

Many societal problems are symptoms of larger systemic issues. For instance, family violence against women is a symptom of patriarchy. In considering solutions, we need to employ a lens that examines society in general and the interactions of the entire justice system broadly alongside individual issues, yet we do need those band-aids to stop the bleeding while we find a cure.

Some of the solutions involve, one, supports to navigate the current system. One of the issues for victims is the lack of information readily available to navigate the justice system and understand core processes. Some ideas to remedy this issue are, one, scale up the services and support offered by victim services and create a voluntary information program, similar to the mandatory information program for family law cases that provides guidance for litigants through the court system. Additional support could include a 24-hour counselling or resource hotline for victims. This could address the limited services that are available in remote and rural communities.

Two, fund counselling for victims, their children and survivors impacted by the crime. When possible, recover the cost of such services from the accused.

Three, utilize and fund provincial legal aid systems so that eligible victims can obtain representation. As an alternative to full representation, four-hour certificates can be given to victims to obtain a lawyer and to learn about the court process and criminal law itself. Additional funding could be given to legal aid programs so that family lawyers could pursue the tort of family violence; I've cited the case Ahluwalia and Ahluwalia. Additional funding can be given to legal aid clinics to assist victims with restitution for other types of cases.

Use technology to scale up services so that communications with victims can be tracked within an organization. For instance, Pro Bono Ontario uses Salesforce software to track calls through to their centre.

Amend sections 6 to 8 of the Canadian Victims Bill of Rights so that the rights enshrined in those provisions do not put the burden on the victim to request information. Victims from historically marginalized groups may not feel comfortable making such requests. In addition, placing this burden on traumatized individuals may not be practical.

Create a federal statute to compensate victims of crime.

- (1645)

Options that allow victims to have some influence on the process is another solution. In our current systems, victims are framed as the object, as opposed to the subject. In order to address the objectification of victims, the following may work. First is the option to be added as a party. Second is allowing the victim to opt for restorative justice for both the accused and the victim. Third is increasing opportunities in the process for restorative justice programs.

Regarding the federal ombudsman, this position should be filled expeditiously, while ensuring a proper search is conducted. That office should be inclusive and diverse.

I have other suggestions for the big-picture, systemic considerations, but I see that I'm at the end of my time.

Thank you.

The Chair: Thank you, Ms. Gold.

Ms. Lucier, I think we have asked if you could submit your remarks to the clerk. We will have those composed in it, because your time was shared with Ms. Kaulius, but people may ask questions of you. By all means, they are able to do that.

I will begin the first six-minute round with Mr. Moore.

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

Thank you to all of our witnesses for appearing today. This is a really important study that we're doing on how we can improve laws in Canada and services as they pertain to victims.

I want to turn it over to you, Holly. I know you have prepared some remarks, and I know you're here with a strong message to tell. I met with you in the past, and you told me that you had written three victim impact statements in just the last two years on behalf of your daughter.

It has already come up in the discussion from panellists about revictimization through the process for family members. I will turn it over to you to answer that question, and maybe elaborate on how the process currently revictimizes families. If you want to present a bit from your prepared remarks, feel free to do so at this time as well.

Mrs. Holly Lucier (Paralegal, Families For Justice): My daughter was killed on April 15, 2018 by an impaired driver. She had been crossing a road in a marked, lit up crosswalk and was blindsided by an F-150 pickup truck.

The time it took for our offender to be eventually convicted was torture for our family. It was a long, drawn-out process. It took two and a half years for the offender to plead guilty. A month following the sentencing of our offender, he applied for day parole. We had just barely made it through the sentencing hearing, after waiting two and a half years in complete devastation. Our lives were bankrupted of every imaginable morsel that you can think of. Then we get to sentencing. He gets three and a half years and then a month later applies for day parole. I literally wrote one victim impact statement for sentencing and a month later was writing a brand new statement for parole.

There is no support. Victims and their families are left to find advocates outside of the court processes. They are left to find advocacy and help from people outside of our own institutions. I don't see the help for victims and their families that I see for the offenders.

The current legislation creates unfair hardship for victims and their families because they aren't even recognized as victims of a violent crime. We were considered victims of a motor vehicle incident. They aren't recognized as victims of a violent crime by the courts or by provincial services for victims. That is causing even more undue hardship to victims and their families.

There needs to be a bill brought forward for victims' rights that would allow victims and their families to be recognized for the damages and suffering that they endure. It is time to change the narrative for victims and their families. It is time to change legislation and the entire way that impaired driving is regarded, so families don't have to keep living through this in the name of justice.

I think a number of things could be changed in our system to provide better support for victims and their families. The accused—the offenders—are provided free counselling as soon as they enter a guilty plea. There's no free counselling for victims and their families. We have to find that on our own. If you don't have the resources, if you've lost your job or you can't afford to pay for your own family anymore or keep a roof over your head, you can't afford therapy. It's a hardship that doesn't have to look like this for victims across the board. Families wouldn't have to suffer like this if we had better supports available through victim services.

The time it takes for matters to go through the courts is unnecessary. If the courthouses had better triage of their matters and actually had a person who was looking at the matters that are set down for trial by the Crown, we would be able to triage the courthouse files and get matters out of docket. We're taking too much time at the courts and it's actually costing innocent people and the families who are waiting.

Thank you for your time.

• (1650)

Hon. Rob Moore: Thank you, Holly.

I met with both you and Markita in the past. I'll turn this over to either one of you to answer.

You mentioned some of the supports that victims need and how you've found that these were totally lacking. That led you to become part of the organization you're with now to help other families who are going through similar things.

How should the system, which you already recognize provides a lot to offenders.... What types of services do you think victims' families are most in need of right now in Canada?

Mrs. Holly Lucier: I think that families going through the court processes are in need of mental health supports, financial assistance and we need to see our rights being recognized. I think a big part of it is the financial assistance for families and the mental health supports, not to mention the advocacy for their matter. Victim services will walk you through when your court dates are, when the next appearances are and what to expect for those types of things, but then you're left on your own. When many of the families go into court, they are blindsided. They come to me afterwards. I have spoken with many families, my own included. They come out of court and don't understand what just happened. They don't understand the

process. They don't understand the decisions that were made and why. There isn't anybody there to follow up with them.

I think we need a number of things ranging from the supports for mental health to the financial assistance to proper advocacy, so our own establishment is helping the victims and their families and it's coming from within, not from the outside. It sends a dangerous message that offenders' rights are more important and that their lives are more valued than ours, yet we're the ones who are going through this. We're living it.

The Chair: Thank you, Mr. Moore.

Ms. Dhillon, you have six minutes.

Ms. Anju Dhillon (Dorval—Lachine—LaSalle, Lib.): Thank you, Mr. Chair.

I'd like to thank all the witnesses for coming today and sharing their very painful stories with the committee.

I'd like to start my questions with Ms. Gold.

As you know, recently the Supreme Court rendered a decision about extreme intoxication, and this has caused a lot of concern for victims organizations. Last week the government tabled legislation to address what the Supreme Court said.

What do you think of the government's swift action on this issue?

Thank you.

Ms. Jennifer Gold: I applaud the government's swift action on this issue. I am aware of the decisions in *R. v. Brown* and *R. v. Chan*. Our association was at the technical reading of that bill, and at this stage all I can say is that we approve of the direction this government is going on it.

I didn't believe in a separate defence of extreme intoxication, so at this point that's what I can say. I need to take a proper, closer reading of the bill since it just came out.

• (1655)

Ms. Anju Dhillon: Thank you very much for your frank answer.

You also spoke about racism and systemic discrimination. Over the last few months our committee has studied Bill C-5 and passed it. This bill aims to address the overrepresentation of Black and indigenous people and people of colour in the criminal justice system.

We've heard some people saying that the bill is too soft on crime and pits community safety and victims' rights against constitutional rights and common sense in criminal law policy.

Do you think this bill would address the overrepresentation issue and that it necessarily goes against victims' rights when we talk about trying to balance both?

Ms. Jennifer Gold: I can't speak to the bill specifically because I haven't reviewed it; however, speaking on a higher level about these issues, I would say there are rights that need to be balanced.

For instance, there was recently a report done in the city of Toronto regarding the targeting of Black and indigenous people. They are more likely to experience having a gun pulled on them when they are unarmed than is somebody who is white. I think that speaks to why we have a system in which indigenous and Black people are overrepresented in our jail system.

However, with respect to victims, I believe they also have a charter right to security of the person, which also needs to be balanced. You're talking about some pretty big issues here, but I think we have to recognize that our system has flaws with respect to systemic racism, patriarchy and the fact that little attention has been paid to victims.

I am not suggesting that we not fund legal aid to represent offenders or the accused. I am just suggesting that we provide some additional funding to support victims and to give them agency in the system.

Ms. Anju Dhillon: What other things would you like to see to help victims?

Ms. Jennifer Gold: I made some suggestions, but I didn't get a chance to speak to some of the larger systemic problems and maybe where they flow from.

What I'd like to see this government move in the direction of is eradicating poverty; implementing greater support for people with mental illness and mental challenges; implementing greater education and training for the judiciary and the police; providing supports for the next generation; taking into account intergenerational trauma and strengthening gun control, such as through Bill C-21.

I think this government has an opportunity to create transformational change, and we applaud the steps in that direction that Bill C-21 and Bill C-28 reflect, as well as the recent amendments to the Judges Act and the Criminal Code that require judges to be trained on sexual assault law and social context.

Ms. Anju Dhillon: Thank you so much.

In your opinion, from what we have seen in this report that just came out, do you think there are some immediate measures that can be taken to try to help address issues of systemic discrimination?

Ms. Jennifer Gold: Which report is that?

Ms. Anju Dhillon: It's the one you spoke about that came out last week, about the—

Ms. Jennifer Gold: Oh, it was the one in the city of Toronto. Okay.

I think data is always important; it's what you do with it, so I'd like to see action on that.

Ms. Anju Dhillon: That's perfect. I thank you so much.

That's it for me for questions.

The Chair: Thank you, Ms. Dhillon.

Next we'll go over to Monsieur Fortin.

[*Translation*]

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

I, too, would like to thank the witnesses for being with us today. This is an important topic, and their insights will be very helpful.

Ms. Gold, Senator Boisvenu, who was here earlier and had to leave, proposed that the ombudsman report directly to the House of Commons, rather than the Department of Justice.

The position is currently vacant, but once it's filled, would it be more effective if the position reported to the House of Commons?

In either case, why? What are your views on this?

[*English*]

Ms. Jennifer Gold: Unfortunately, I can't speak to that question. The senator had to leave, and it was his proposal. I can't say that I know the workings of the House of Commons and the Department of Justice well enough to speak on that.

[*Translation*]

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

Tell me about your own experience, as a lawyer and director of the Women's Law Association of Ontario, with the person in the position of "ombudsperson", as it should be called. Until recently, a woman held that position. I imagine that you have had occasion to deal with the person in that position.

If so, I would like you to tell me what is working well and what is not. What is your opinion on this position?

● (1700)

[*English*]

Ms. Jennifer Gold: Unfortunately, I don't know the former ombudsman personally. I haven't had dealings with her in relation to the association. I could speak generally, perhaps, about my thoughts on that office.

It needs to be properly funded, first of all. It needs to be effective. If you're going to expand the rights of victims in the bill of rights, there needs to be a corresponding expansion and agency with that office. It's lovely to write all these wonderful things, but if it's not being seen in action and if it's not being experienced by victims, it's rhetoric.

[*Translation*]

Mr. Rhéal Fortin: Thank you.

You'll notice that I'm asking you my questions in French. It isn't that I want to snub English, but one of the missions of the Bloc Québécois is to ensure that Canada works in both official languages. For our constituents in Quebec, it's easier for us to be understood in French. I hope you won't be offended.

You spoke earlier about legal resources for victims. I'm sorry, maybe it was Ms. Lucier.

We can easily understand that a victim of crime can benefit from the services of a legal advisor—a lawyer, whatever—and also need psychological services from time to time. It's a good idea.

Given your experience with the Women's Law Association of Ontario, do you have an opinion on the basket of services that should be available to victims of crime?

[*English*]

Ms. Jennifer Gold: Yes.

By the way, I love that you're speaking to me in French. We're in a bilingual country with two official languages. You're providing me with some challenges to recall some of my high school French, so thank you.

With respect to a suite of services for victims, I have many ideas about that, but they would require greater input from victim services and legal aid service plans—and also, obviously, the budget that's available to fund these services. I think continued conversation with victims on how resources get allocated is really important.

As a family lawyer, I represent survivors of domestic violence. Just as Ms. Lucier said, they do not know what's going on in the criminal process. Quite often as a family lawyer I need to advise them about what the next step is, what it means, when they may see a resolution, what they need to do and who they should contact. That's beyond the scope of my work. Quite often I wear a social worker hat as well.

These are resources that victims need in order to navigate the system, especially in light of the pandemic, when there's a tremendous amount of backlog in the courts. Ms. Lucier's experience is even worse now. Hopefully, that can be rectified with additional resources to the judiciary and other branches.

[*Translation*]

Mr. Rhéal Fortin: Does the crown prosecutor, or the person prosecuting the criminal, have a little bit of a closer relationship with the victims of a crime?

I've never practised law in Ontario, and you know it better than I do. Is there a kind of advisory relationship between victims and the crown prosecutor?

[*English*]

Ms. Jennifer Gold: I think it depends on the Crown prosecutor, first, but from my experience, there's a very limited relationship—hardly any. It's made very clear to the victim that the case is conducted by the Crown and they have very little say about the process. I think conversations with victims quite often happen right before the court appearance, because they're busy and overburdened. That's why there are victim services to help support victims through that process.

I don't think Crowns actually have the time to sit down with victims. I'm not necessarily sure that they're best suited to it. They may know the law, but they're not social workers. It takes some competency to work with victims.

• (1705)

The Chair: Thank you, Ms. Gold.

Thank you, Monsieur Fortin.

Mr. Garrison for six minutes.

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

I want to start by thanking all of our witnesses today for sharing their experiences as victims with us. I know we've talked about re-traumatization in the court process, but I think as members of the committee we also acknowledge that your appearing here today is also part of that. I trust and hope that you have supports in place for that re-traumatization that's almost inevitable.

I don't think any of us who haven't experienced it directly can fully understand the weight that comes with that, but I do want to thank all of you for trying to take that experience and turn it into something positive and turn it into positive change. I know from some of the victims I've dealt with that one of the things that's helped them move forward is trying to make sure that people don't experience the same thing they did.

My thanks here are really very sincere.

One of the suggestions we've heard already in this study is that we should move from victims having to request information to a system where information is delivered mandatorily. Some people have said there would be problems with that and that some victims might not appreciate it.

I'll start with Ms. Gold, just for practical reasons here for a second.

Do you think there's any problem, from the victim's point of view, with a mandatory notification?

Ms. Jennifer Gold: No, I don't.

I think victims can choose whether they engage with that information or not, but at least people are being reached, especially people from historically marginalized communities who may not feel comfortable approaching government or various agencies.

In the family law system there is a mandatory information program for people going through separation and divorce, at least in Ontario. I don't see why a similar program cannot be available, but be voluntary for victims.

Mr. Randall Garrison: I'll ask the same question of Ms. Kaulius. I'm just trying to get it on the record here. I think I know your answers, but because some people have raised those concerns, I'd like to hear from victims organizations how they feel about a mandatory program of information.

Ms. Markita Kaulius: I think that would be wonderful for families. Families have so many questions, and so many questions never seem to be answered. I think people will let you know the information that they're looking for, what they want and what they need.

To basically be kept out of the loop of everything is even more traumatizing for families. They just want to be kept up to date with information and know what's going on and where this path of the criminal justice system is taking them. I don't think they'll ever get the full amount of answers they need, but there's definitely more that needs to be done.

Mr. Randall Garrison: Mrs. Lucier, would you have a similar attitude toward mandatory information?

Mrs. Holly Lucier: I think so.

I know that with victim services, sometimes they will call and ask you if you want the support. A lot of families say, no, but they actually don't recall having those conversations and so I think the mandatory provision of information would alleviate that burden.

In my case, I actually told victim services that I didn't need any support and I have no recollection of ever having that conversation, because it was right at the beginning. Having it be mandatory and having things follow up, I think, would alleviate a lot of the later concerns that come.

Mr. Randall Garrison: I think you've just given us a very important insight into where some of those possible objections came from.

Mrs. Holly Lucier: Yes.

Mr. Randall Garrison: I thank you for that.

One of the other things we've heard, and we heard again today, is the necessity of mental health supports. Sometimes we get a response and people say, "These are available to victims just like they are for anyone else", and so I would like to ask about your experience. I'm not saying we don't need special services, because I would support those, but I'm trying to debunk the view that it's easy for victims to go to get mental health supports elsewhere.

I'll start maybe in reverse order.

Mrs. Lucier.

Mrs. Holly Lucier: It wasn't easy.

In fact, my therapy didn't come until this year. I went three or four years without the proper supports, without any sort of mental health intervention or the ability to even process the trauma. I ended up in an emergency state this year and going through a community program in my neighbourhood—in my community—that supports victims for different reasons, but mainly to do with violence and sexual assault. I was able, because of a past trauma, to get the supports from the program that I needed. It was because of a past trauma, not because of this, when this should have been the priority to treat and to support.

• (1710)

Mr. Randall Garrison: I'm sorry that it took a past trauma to get you assistance for the current one. That's probably too often the story.

Mrs. Holly Lucier: That is true.

Mr. Randall Garrison: Ms. Kaulius, can I ask the same of you?

Ms. Markita Kaulius: For me, it took three years to get some therapy. It didn't work out well with the first therapist, and I had to find someone else for a second try.

When your loved one is killed by an impaired driver, there's really nowhere to turn. Families just don't know what to do. Their whole world has just collapsed, and there doesn't seem to be much out there for them. That's the really sad part about this. The death of our children and loved ones is not a normal car accident.

Impaired driving is a choice. It's made by people who are reckless in their decisions, and they make the choice to drive while impaired. All of our loved ones die these very violent deaths. That's very hard for families and parents to process. There are not adequate resources, or even therapy out there, to deal with this, because most people don't have to deal with it. It's amazing, on the other hand, that we lose between 1,200 and 1,500 people a year to this crime.

Mr. Randall Garrison: Thank you very much. I'm out of time.

The Chair: Thank you, Mr. Garrison.

In the interest of time, we'll condense the next round into two rounds of three minutes each, if that's okay, beginning with Mr. Richards, for three minutes.

Mr. Blake Richards (Banff—Airdrie, CPC): Thank you.

I'm going to start with Ms. Kaulius, and maybe Ms. Lucier, as well. You both made statements that really struck me. I've heard statements like that before, but they struck me, especially when combined with your telling your very personal and tragic stories. It really pulls at our hearts, and I hope it did that for everyone. I'm sure it did.

Ms. Kaulius, you said it feels like the accused has more rights than victims. Ms. Lucier said something similar, talking about the rights of offenders being more valued than those of the victims. You both kind of elaborated on those statements by indicating the injustice, whether it be short sentences that don't really seem to fit the crime, or the complexity and confusion around the legal and court processes, or lack of information. There were many factors that played into that.

I want to give you both a chance to respond—and I guess it will have to be brief, unfortunately, with the time I've been allotted. How does that make the victim's families feel? What sort of an impact does that have on a victim's family, when you feel like the accused has more rights than you do as a victim?

Ms. Kaulius.

Ms. Markita Kaulius: I can guarantee you that the accused has more rights than the victim. When we go to court, we're allowed to read a victim impact statement. We have to keep it very brief, but then it is handed in before we actually go, if you're fortunate enough to get a trial. The accused and the defence lawyer get to read our victim impact statement before we're allowed to read it in court. If they don't like anything in there, they can ask that it be removed, as well.

We don't have any rights in court, and our loved ones don't have any rights in court. I was told by a lawyer that, basically, because my daughter was only 22—she wasn't married, and didn't have any dependants—her life in the eyes of the court was worth zero. I was told that by a lawyer. I also asked a lawyer to request a 10-year sentence because my daughter was murdered by this [*Inaudible—Editor*]. I was told that, basically, a judge would laugh at us, and say, “That's not going to happen.”

When I say there are no rights for victims, I mean that sincerely. I hope that will change in the future, but that's the way it currently is in our criminal justice system.

• (1715)

Mr. Blake Richards: I certainly hope that will change, as well. It needs to change.

We just have a few seconds, Ms. Lucier. Did you want to add anything on how that makes you feel as a victim?

Mrs. Holly Lucier: It felt like a betrayal by my own Constitution. I felt that I have no rights. My daughter and family have no rights, but the offender does.

Mr. Blake Richards: I want you to know there are people here who are fighting for you.

Mrs. Holly Lucier: Thank you.

The Chair: Thank you.

Thank you, Mr. Richards.

Next we have Mr. Naqvi for three minutes.

Mr. Yasir Naqvi (Ottawa Centre, Lib.): Thank you very much.

I also want to start by thanking all of you for being here and sharing your very painful experiences. We very much appreciate that.

I also want to talk about the issue of victim impact statements. I'll ask all of you to take a very short time to share with us their usefulness or lack thereof.

In your view, how can we improve victim impact statements, so that they can allow for victims and their families to be able to express themselves in the matters before the courts?

Why don't we start with you, Ms. Lucier?

Mrs. Holly Lucier: I think victim impact statements have to be one of the hardest statements to write. You're essentially given an essay assignment that outlines your restrictions, how you have to write it and the time frame that you have. You're trying to compress your life experience into a victim impact statement. There are so many rules around the writing of it that it becomes more and more impersonal as you go along. It has to be tailored to the courts, so

you're not really hearing the true victim impact statement, because it's been vetted by the Crown. It's been edited so many times that it becomes such a cold and sterile experience.

I think that where victim impact statements are concerned, they should hold more weight in court. I know that's not possible, but for the amount of writing that people do and the amount of heart that people put into their statements.... They believe that it's going to impact sentencing. Again, it's sort of a misconstrued statement. You think that you're writing for your loved one and it's going to make a difference but, really, all that matters is case law.

Mr. Yasir Naqvi: Thank you.

Ms. Gold, do you have any thoughts?

Ms. Jennifer Gold: I have concerns that the victim impact statement is being edited to that extent, and that's the experience faced by survivors.

I think victims need a greater voice and standing in the court process. I mentioned the option to become a third party. That way, they can have more involvement in the entire process from start to finish, and not just be submitting a statement at the end that gets vetted.

Mr. Yasir Naqvi: I have just a moment left.

Ms. Kaulius, do you have any further thoughts on how victim impact statements could be improved?

Ms. Markita Kaulius: I sincerely wish that they were considered. Most of the time, the plea deals have already been decided on and the sentencing range has already been decided on. People spend hours writing and rewriting this, and then it is taken and briefly read. Does it make a difference? I don't know that it does in sentencing. I don't think so. I say that because of such low sentences that we have seen.

We've seen for fatalities one day in jail, 90 days to be served on weekends only, a \$1,500 fine and seven weekends in jail. These are all for fatalities. It's ridiculous what's being given out in our courts. Nobody's held accountable anymore for their actions at all, it seems.

Families are retraumatized. It's not only the experience of losing their loved ones, the death of their loved ones, but then going through the court system and finding out the sentences are so low. It basically says to that family, “Your loved one really didn't matter in the eyes of the Canadian criminal justice system.”

The Chair: Thank you, Mr. Naqvi.

Thank you, Ms. Kaulius.

That concludes the first panel of our meeting.

We'll suspend for two minutes, and then we'll resume with the new panellists on. Those of you who are on otherwise can stay on virtually or turn your cameras off, but we'll do a quick shift change.

Thanks.

• (1720) _____ (Pause) _____

• (1720)

The Chair: We will resume the meeting.

Next we have two witnesses. From the Canadian Association of Elizabeth Fry Societies, we have Emilie Coyle; and from Mothers Against Drunk Driving, we have Jaymie-Lyne Hancock and Steve Sullivan

I will give the first five minutes to Emilie Coyle.

Ms. Emilie Coyle (Executive Director, Canadian Association of Elizabeth Fry Societies): Thank you.

Thank you again to the committee for having me here today.

As you probably already know, as I've been here before, the Canadian Association of Elizabeth Fry Societies works to address the persistent ways in which women and gender-diverse people who are criminalized are routinely denied their humanity and excluded from considerations of community.

Our head office is located on the unceded and unsundered Algonquin Anishinabe territory in what is colonially known as Ottawa.

I suppose I would like to begin by stating the obvious. This is not an easy topic to discuss, and I don't need to tell all of you that it is both nuanced and complex. To be a victim of certain types of harm is to be followed by an anguish and a grief that do not go away.

Our family has first-hand experience with the pain that is characterized here as victimhood. My cousin was murdered in a gruesome and violent manner here in Ottawa, and more than a decade after her death, we are still impacted by the loss of her in our lives.

In my current professional capacity as the executive director of a national organization that works with and on behalf of people who are in federal prisons designated for women, I am acutely aware that their stories and their lives do not fit neatly into the box of perpetrator or victim, as they are often both, but they are not the people we traditionally see as model or perfect victims. They are poor. They suffer from mental health disabilities. They are not white. They have been harmed by other people and by systems their whole lives with little to no recourse for that harm. They are survivors of violence many times over and rarely, if ever, have had the support or therapy for the harms they have suffered.

In conversation with one of the executive directors of a local Elizabeth Fry Society when discussing the provision of therapeutic supports for the people who use her services, she asked me, "Where does one start when the incidents of victimization are so numerous?"

The myth that there is a clear binary distinction between who is a victim and who is a perpetrator of a crime is ever-present in the work we do. Most people in prison have experienced substantial adverse events in childhood and adulthood. For example, if you look to the Office of the Correctional Investigator's research, it has shown that at least half of the people in federal prisons have a history of childhood physical, sexual and/or emotional abuse, and

those numbers are even higher in the prisons designated for women.

By creating a narrative that portrays a false binary between those who experience violence, we are encouraging a system and a culture that does not adopt an informed or responsible analysis of harm. For example—and this is a key one for us—the majority of street-level crime is inflicted by poor people on other poor people. A solution is not to incarcerate these people in a violent place like a prison. The solution is to ensure that there are no more poor people by eradicating poverty.

CAEFS has witnessed this false binary narrative having a number of negative outcomes, and one of the biggest is the lack of understanding of the justice system from the charging, to trial, to sentencing and parole, which can create false expectations for registered victims. I have seen people who have attended a parole hearing and have mistakenly equated the denial of parole with justice and the granting of parole with injustice, with little to no understanding of why the person in prison is being approved for release.

Second, we do need to ensure the safety and wellness of people who have served their prison sentence and been reintegrated, but who have registered victims who actively monitor their lives. In many cases, people leaving prison move to a new geographic region through conditions of parole or by choice, even if this means living in places where they have little to no community support, have increased social marginality and the real and ironic risk of being revictimized and re-incarcerated.

Lastly, we must challenge the prevalence of a certain "tough on crime" narrative that a punitive system keeps anyone safe when the contrary has been proven to be true over and over again. The body of Canadian and global evidence suggests that punishment and incarceration are harmful for people, communities and society and that this model does not reduce or resolve crime.

• (1725)

Taking accountability for harm is a necessity, but we really only have one test for accountability in Canada, which is the length of time that a person is sentenced to prison. This is entirely inadequate and contributes to feelings of helplessness and hopelessness that are so often expressed by the people who have experienced harm.

In our adversarial system, there is no room for a person to express remorse and a desire to make amends. In our adversarial system, we focus only on the punitive and not the transformative potential of healing and, where appropriate, rehabilitation. In our adversarial system, there really are very few chances for healing.

It is for this reason that the most important task here is to be looking at ways that prevent people from becoming victims of harm. I know that I would like to have my cousin here living and with us. We have to invest in communities that create a world that addresses the root causes of violence and harm.

Thank you very much.

• (1730)

The Chair: Thank you, Ms. Coyle.

Now we'll go over to Mothers Against Drunk Driving.

Ms. Jaymie-Lyne Hancock (National President, Mothers Against Drunk Driving): Good afternoon. My name is Jaymie-Lyne Hancock, and I'm the national president of MADD Canada. With me today is Steve Sullivan, our director of victim services.

I will be making the opening remarks, and Steve will assist in answering questions.

On behalf of MADD Canada, our volunteers and members, and the victims and survivors of impaired driving, whom we support, thank you for this opportunity to address the committee on its important work regarding the government's obligation to victims of crime.

MADD Canada is a charitable organization, with a mission to stop impaired driving and to support victims of this violent crime. Every year, hundreds of Canadians are killed and thousands are injured in impairment-related crashes. For every one of those crashes, family, friends and communities are deeply and permanently affected.

My family knows that impact all too well. On August 21, 2014, my brother D.J. was leaving a tryout for a Junior A hockey team when he was hit head-on by an impaired driver. Our parents were at the tryout, and they were on the road just a few minutes behind D.J. They came upon the crash scene and found their son pinned inside his car. D.J. died an hour later. He was still trapped inside his car, with my parents paying witness to it all. Every day since, we have felt the grief and heartbreak of losing D.J. in such a senseless way. It did not have to happen.

MADD Canada is the only national anti-impaired driving organization that provides direct support to victims and survivors. We host online monthly support groups. We hold an annual conference for victims and survivors. We provide important opportunities for people to memorialize their loved ones, through monuments, online tributes and memorial road signs.

While these hearings are focused on the federal government, it needs to be recognized that most services and rights fall under the jurisdiction of the provinces and territories. It is important that this committee understands that victims and survivors of impaired driving are often not afforded the same level of services that victims of other violent crimes are. In fact, in some jurisdictions, impaired driving is considered a tragic circumstance, and victims and survivors of impaired-driving crashes may be excluded from the mandates of government-funded victim services and programs.

Many of those who come to MADD Canada were not offered services. They were told that there was not much victim services could do, or that they did not meet the parameters of programs. This is especially true for individuals who are injured in crashes. In 2021, MADD Canada held virtual round tables to discuss victims' rights, and the most consistent thing we heard about was on the lack of services, or the lack of helpful services.

We rarely talk about the cost to victims when they exercise their rights. Preparing a victim impact statement can be a painful and difficult process. Attending many court or parole hearings can revictimize people. This is not to suggest that we should limit rights, but we must recognize that the granting of rights is only half of our responsibility. Providing support is equally, if not more, important.

In terms of direct services, the federal government is limited to the corrections and parole systems and some direct funding programs. Despite the limited role, we believe the federal government can do more to strengthen federal legislation and support services. The federal victims fund is not accepting unsolicited applications for funding. We tried to apply for support for our 2022 National Conference for Victims of Impaired Driving, which we have done in the past, but we were told new applications were not being accepted. This was before the beginning of this fiscal year.

We are asking the committee to make a recommendation that the federal government increase the financial support available through this fund, so non-government services like ours can access assistance to provide desperately needed services. Our conference is unlike anything else in the country. We bring 250 victims and survivors from across the country together for a weekend of reflection, keynote speakers and networking. The impact and importance of this conference is not something I can adequately put into words with such limited time. I can only tell you that my parents and I were so grateful that we experienced this conference after D.J.'s death. It was an incredible help and comfort to us.

We believe that federal legislation, including the Criminal Code, the Corrections and Conditional Release Act and the Canadian Victims Bill of Rights can be strengthened to consider the needs and concerns of victims and survivors. For example, more consideration should be given to the mental health of victims and survivors when offenders are released back into the same community. Additionally, the Criminal Code should be amended to ensure that victims and survivors receive advance notice of a plea bargain and to require judges to acknowledge victim impact statements in their sentencing decisions.

We look forward to participating in the review of the Canadian Victims Bill of Rights. We note that the legislation passed in 2015 called for the review to take place within five years, and we are well past that time frame.

• (1735)

We look forward to answering any questions you may have for us.

Thank you.

The Chair: Thank you, Ms. Hancock.

Now we'll go to the first round of questions.

I will begin with Mr. Maguire for six minutes.

Mr. Larry Maguire (Brandon—Souris, CPC): Thank you, Mr. Chair.

I want to thank our witnesses today for their excellent presentations, informing us of the situations they've faced personally and their experiences, as organizations, on how to.... Most importantly, you've given your help to find solutions, and better information gathering than we've had in the past.

I want to start off by saying, even to the last panellists—I didn't get a chance to do this—that I know some of the trauma you're going through. Some of you talked about 10 years, 15 and 20 years. It will be 45 years ago this fall that I lost my uncle in a hit-and-run accident. He was killed instantly. That trauma never leaves the family. I know this from dealing with my cousins, who were left without a father at that particular time, and without a new grandfather as well.

I want to start with Ms. Hancock or Mr. Sullivan. There's a public perception of the Canadian justice system on Parliament Hill that we've been dealing with. It's been the topic of discussion recently. I was wondering if you could share with us the perception of the justice system from the perspective of the individuals and families who Mothers Against Drunk Driving Canada supports.

You support an awful lot of victims. What do you think their perception is of some of the issues? Some of them were named by our previous panel. What are some of those perceptions of the present justice system?

Mr. Steve Sullivan (Director of Victim Services, Mothers Against Drunk Driving): I don't think it's all that different from what you heard from the previous witnesses. Many of the families we work with and support feel that impaired driving is not taken as seriously as it should be, given the trauma they suffer.

We work with people who have lost their children, their parents and, in Jaymie-Lyne's case, their brother. We also work with people who have suffered life-altering injuries. They'll never work again. They have changed how they parent. Their entire lives have changed because of the injuries they've suffered.

I think they also feel that, in terms of services.... Especially those people who are injured here in Ontario, for example...they are not eligible for services in the court system, in our victim/witness assistance program. We hear that across the country. They don't get the kind of assistance that other victims of violent crimes....

I'm not pretending that other victims get all that they should, either, but there is certainly a feeling that their trauma and the suffering they've experienced is not taken as seriously by the justice system as it should be.

Mr. Larry Maguire: Do you have anything to add to that, Ms. Coyle?

Ms. Emilie Coyle: When it comes to the people who have experienced a death at the hands of a drunk driver, I don't have personal experience with that, with the people we work with. However, I

have to say that my heart definitely goes out to all of the people who've spoken here today.

If you are not getting the support that you need, I hope that you do and that you're listened to.

Mr. Larry Maguire: Thank you.

I'll go back to Ms. Hancock. You mentioned help to strengthen the provinces. What do you think would be the best one or two ways that we in the federal government can help strengthen the provinces in terms of the needs of the families and the victims here?

Mr. Sullivan, you are, as I see by your title, in victim services.

Ms. Jaymie-Lyne Hancock: I'm sorry. I was just going to defer.

Mr. Larry Maguire: Thanks.

I'm sorry.

Mr. Steve Sullivan: As Jaymie-Lyne mentioned, we're talking about victims' rights and services here. That's largely done at the provincial and territorial levels.

When you look at how those services are funded, it really comes through victim surcharges through the Criminal Code, or through their own provincial surcharges, which are on Highway Traffic Act offences. That's where they get the bulk of their funding.

In some provinces, that's the majority of the funding. It doesn't come from taxpayers' dollars. Governments don't have to make difficult decisions in terms of funding victim services. It's really with what we can raise from offenders. If the message to victims is that we care about them, I don't think that's a very good way to show it.

I know that the federal government provides some funding for programs, projects and that kind of thing. Obviously, increasing that is an area to look at. However, that's often short-term funding. "Try this project. Try this funding. It's for three years." It's that kind of thing.

That's an ongoing discussion of what the federal government can do to help to fund those services, but, ultimately, I think it's a decision that the provinces and territories have to make.

• (1740)

Mr. Larry Maguire: Ms. Coyle, you mentioned that it's the poor...the mental health and the violence, so where does one start? What would be your number one solution, from a federal perspective? I realize what Mr. Sullivan just said about provincial responsibility, as we know.

Where can the federal government best help in those areas?

Ms. Emilie Coyle: It could be in the provision of funding for essential services, health care, mental health care and looking at universal basic income to eradicate poverty. Certainly, one of the earlier panellists had mentioned patriarchy and some of the ways that people are harmed, especially the women and gender-diverse people we work with, by the systems that are both racist and sexist. Therefore, funding is certainly always welcome.

It is also looking at some of the persistent systemic ways that people are excluded from community, so that we can bring them back in.

The Chair: You have 10 seconds, Mr. Maguire.

Mr. Larry Maguire: Thank you for the time. I'll pass.

Thank you to the witnesses.

The Chair: Thank you, Mr. Maguire.

Next we'll go to Madame Brière for six minutes.

[*Translation*]

Mrs. Élisabeth Brière (Sherbrooke, Lib.): Thank you, Mr. Chair.

My questions are for Ms. Coyle.

Ms. Coyle, in your opening remarks, you said that it was important for victims and offenders to feel protected.

In your experience, are you able to tell us whether the current system adequately protects victims and offenders before the courts, for instance?

In Quebec, we have the network of Centres d'aide aux victimes d'actes criminels, or CAVAC. These are 17 centres whose multidisciplinary teams are mandated to help victims and their families. According to members of this network, there aren't enough services in place to provide this protection.

Ms. Emilie Coyle: If I may, I'll answer in English.

[*English*]

Certainly there aren't enough services for victims and survivors.

For the people we work with—and I was just answering this in the previous question—they're often so excluded from community that they often don't seek those services. They don't think those services apply to them. They're people who have been criminalized and have spent time in jail or prison and often have been continually spending time in jail or prison, so they don't see themselves as people who are deserving of that support.

I think if we were able to change some of that narrative, it would go a long way.

[*Translation*]

Mrs. Élisabeth Brière: Do you think that a better protected person would be more likely to participate in the judicial process, since they wouldn't have to worry about being intimidated or harmed, for example?

[*English*]

Ms. Emilie Coyle: Yes. I think we also have to be really cognizant of the fact that, as many of the people here have said, the ju-

dicial system is confusing from the very beginning all the way to the very end. Even for people who have been trained in the law, it's really hard to understand what something means at certain points in the system. Certainly, if somebody had that support—support that was culturally appropriate, gender-specific and understood the background of the people who were going through it—it would be very helpful.

Even for people who have degrees and have been sitting at this table in front of you today, for them it was still a challenge. For others who are more marginalized, it's even more challenging.

[*Translation*]

Mrs. Élisabeth Brière: Is it worse for women?

[*English*]

Ms. Emilie Coyle: Certainly gender is a part of the intersectional identities of oppression that people feel.

• (1745)

[*Translation*]

Mrs. Élisabeth Brière: How then do we standardize access to all these sources of information and services that exist?

[*English*]

Ms. Emilie Coyle: That's a big question. I do think what you mentioned earlier is probably a good start. Look at the local community organizations that work with the people who are most marginalized and try to resource them adequately to provide the support that is needed.

Obviously, we want to prevent people from being victims in the first place. All of this is reactive, but we want to do a lot of upstream work if possible.

[*Translation*]

Mrs. Élisabeth Brière: Thank you.

On another note, regarding access to information, do you think that defence lawyers have too much access to victim files?

Is there anything that can be done about this to protect victims?

[*English*]

Ms. Emilie Coyle: The very complicated and “lawyerly” answer I am unfortunately going to give is “it depends”, because it always depends on the situation and scenario.

I've been a criminal defence lawyer, and the people I've represented are those in the prisons who have been victims themselves, so it's really tough to give you a straight answer without a specific file in front of me.

[*Translation*]

Mrs. Élisabeth Brière: Thank you.

We were told that restorative justice has a really positive effect on offenders and victims.

In your opinion, is it possible to ensure the safety of victims while promoting the reintegration of offenders into society?

I would like your response to focus more specifically on women and racialized communities.

[*English*]

Ms. Emilie Coyle: I do think it's possible, with the consent of the person who is a survivor and victim of what happened. If they consent to participating in that kind of restorative justice process, it is a really good method of resolving and healing.

[*Translation*]

Mrs. Élisabeth Brière: Thank you.

[*English*]

The Chair: Thank you, Madame Brière.

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

[*Translation*]

Mr. Rhéal Fortin: Thank you, Mr. Chair.

Mr. Sullivan, Ms. Hancock and Ms. Coyle, thank you for being with us today.

Ms. Coyle, I listened carefully to your testimony. The lack of services is obviously a recurring problem. We won't hide it. In fact, all the witnesses are saying so.

As I understand it, legal advisory services should be provided to help victims better understand what's going on. Often, psychotherapy, among other services, can help them overcome these negative events.

Could you tell us about the differences in services that exist in the provinces?

Are the issues in Quebec substantially the same as those raised in British Columbia, Ontario or elsewhere?

[*English*]

Ms. Emilie Coyle: The simple answer is no. As you go from province to province, they vary quite a bit. Quebec is a very interesting province, especially for people who are criminalized. They have access to carceral lawyers. They have access to supports we don't see in other provinces, to the same extent.

Certainly, there is legal aid, which provides some support in Ontario and British Columbia, but, if you move into the Prairies, there is very little support there. I think, across the board, that it's very different from province to province.

[*Translation*]

Mr. Rhéal Fortin: Most witnesses told us that victims, or victim representatives, if they are deceased, would like to be involved in certain decisions.

I can't remember if it was you, Ms. Coyle, or another witness who talked about the famous plea bargains, when the crown negotiates with the defence, for example, about the sentence that will be imposed.

I have often wondered if it would be a good idea for victims or their representatives to automatically participate in all criminal trials. I have been told that not all victims want to participate in the trial. Some prefer not to participate and others would welcome the idea.

Do you have any statistics on this? In your opinion, do most victims want to take part in the trial or do they prefer to stay out of the trial, out of the judicial mechanism?

● (1750)

[*English*]

Ms. Emilie Coyle: I don't have data at my fingertips, other than the number of people currently registered as victims, which is quite low compared to the number of crimes or sentences. I think we're seeing not a lack of interest but a lack of desire to revisit the trauma by participating so fully in the criminal trial.

I also think it's hard for people who don't understand the processes I mentioned earlier. Plea bargaining is a very particular form of law. When participating in it, you have to really understand the ins and outs of what people are considering. That would be difficult for the victims. The people I work with are already excluded from so many considerations of the justice system that, as I said earlier, they don't consider availing themselves of those supports.

[*Translation*]

Mr. Rhéal Fortin: When it comes to services, these people need support, including psychological support, which is understandable. They also need guidance to better understand the trial.

Is the outcome of a trial, the conviction or acquittal of an accused, the length of the sentence, if any, so important to the mental health recovery of victims?

Do you think all victims are really concerned about the sentence that will be imposed on the accused, or is this concern rather secondary?

Aren't help and psychological support more important to victims at certain times?

[*English*]

Ms. Emilie Coyle: In my experience with the people we work with, because they are serving time in prison for harm, I think that we have—and I said this in my remarks—an opportunity to look at how we determine accountability in this country. Whether a prison sentence is five years or 10 years, if somebody is not able to heal because they don't have the psychological or therapeutic supports, then the length of the sentence doesn't matter.

[*Translation*]

Mr. Rhéal Fortin: Mr. Sullivan, I don't have much time left, so I'll be brief.

In your opinion, which of the services victims should receive is the most important, psychological support or legal assistance?

[English]

Mr. Steve Sullivan: The unique thing about impaired driving is that, in most provinces, victims of impaired driving are not eligible for compensation programs because their last resort.... Many victims of impaired driving have access to insurance and settlements. They can sometimes get that kind of support through their insurance settlements, but obviously, like everybody else, they're in long waiting lines to get access to professional help.

I would say that it's incredibly important. When we talk with victims and survivors for the first time, it's one of the things we ask them if they have access to. Sometimes they do, and sometimes they're struggling to find it, but it's incredibly important.

The Chair: Thank you, Mr. Sullivan.

Thank you, Monsieur Fortin.

Mr. Garrison, you have six minutes.

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

Again, I want to thank the witnesses for sharing personal stories with us today and reliving those traumas.

I'm going to do something unfashionable as an MP and say that I learned a couple of things again today. I'm shocked to find that victims of impaired drivers are excluded from victim services in many cases. I've worked in the criminal justice system a long time, but mostly at the federal level, and I understand that it's largely provincial.

I wonder if, Mr. Sullivan, you have any suggestion or if there is anything we could do at the federal level to try to tackle that exclusion.

Mr. Steve Sullivan: I don't know what you could do at the federal level. You know that we have the Canadian Victims Bill of Rights, but every province and territory has their own victims bill of rights, and they also fund their own services, which are very different from province to province, so they decide who's eligible for which programs.

Going back decades, I know that the federal government used to have a cost-sharing agreement with the provinces for compensation, to the effect that "We will fund this if you do these things". That might be a solution, but at the end of the day, provinces vary, and some will recognize victims of impaired driving and others will not.

Some recognize them as victims of tragic circumstances. Coming from a community-based victim organization in Ontario, I know that how victims are defined is relevant to your funding. If these victims walk through your door, you might get more funding; if those victims walk through your door, you might get less funding. Those are really important things, but they're all provincial and so, in the federal government, I think the leverage is obviously funding.

• (1755)

Mr. Randall Garrison: Thanks for that important suggestion.

Ms. Coyle, I think you brought an important perspective to the table on victims in pointing out that there's not always a hard line,

particularly when it comes to women offenders, between victims and perpetrators.

I just wonder if you could tell us whether you feel there's any consideration given in the court system to women offenders who have been previously victimized, or is this viewed as irrelevant in those criminal proceedings?

Ms. Emilie Coyle: In our experience, each person who comes before the court is different. In the case of indigenous women, for example, there are the Gladue reports that are often ordered. However, Gladue reports, which are the pre-sentencing reports that look at the social history of indigenous people, are sporadically available across the country. In the Prairies, where most indigenous women come before the courts, they don't have access to those, and that's a real problem for us.

Certainly their experience of being victims in their lives should be brought forward, and that is a good tool to utilize, but it's not available.

No is my short answer, though I did give you a bit of a longer answer there.

Mr. Randall Garrison: When you're talking about their not being available in the Prairies, is there a particular problem or reason that the Gladue reports aren't available where they might be most needed?

Ms. Emilie Coyle: My understanding from those provinces is that they're not funded and they're not seen as being important or necessary.

Mr. Randall Garrison: Again, I'm in the business of being shocked today, unfortunately. I think the committee will need to address that.

You talked about the release of women offenders, many of whom have been victimized previously. You talked about some of the unintended consequences of the way parole operates for those women. Can you tell us a little more about that?

Ms. Emilie Coyle: For people who are serving long or life sentences—a quarter of the people in our federal prisons are serving life sentences—they are going to be subject to parole conditions for the rest of their lives. That means that they will invariably have a relationship with the people who are registered as victims in their case. Those people get a lot of information about where they are and what they're doing. There aren't a great deal of checks and balances with what those people do with that information. It can be leaked to the media, for example, or they could be subject to a harassing letter from a person who is registered as their victim.

I think that in a system where we value rehabilitation and we are looking to heal, we have to be really careful about the interaction between people who are serving longer life sentences and the people who are registered as their victims, so that no further harm is caused.

Mr. Randall Garrison: Thank you for that.

In women's federal institutions in the preparation for release at end of a sentence or preparation for parole, would you say attention is being given to the previous victimization as part of that preparation or not?

Ms. Emilie Coyle: Every person who is in a prison has their correctional plan. Their correctional plan does detail some of the past history of the person who is going before parole. The parole board member will have access to the correctional plan, but often those are looked upon as risk factors rather than need factors.

In our case, we are always advocating for people to get the services and supports that they need, rather than seeing what has happened in the past as a risk.

Mr. Randall Garrison: Thank you.

The Chair: Thank you, Mr. Garrison.

That concludes our meeting for today. I want to thank all of the witnesses for attending our final session before the summer break. Thank you very much for coming.

I also want to thank all the members of this committee, as this will conclude the meeting.

I have a little bit of housekeeping to do just before the members go. We have a request for a supplementary project budget. I think that because we're having in-person witnesses, there's an increase of \$3,500 for this current study. I just want to know if we're all in favour of that.

Okay, all are in favour.

I also want to thank our clerk. I think it's his last day today at our committee. He won't be here in the fall. We'll be getting a new committee clerk. I think we can all give him a round of applause.

Some hon. members: Hear, hear!

The Chair: If there is nothing else, enjoy the rest of the week and have a good summer. We'll see you all back in the fall.

Thank you.

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