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• (1530)

[English]

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

Welcome to meeting number 28 of the House of Commons Standing Committee on Justice and Human Rights.

Pursuant to Standing Order 108(2) and the motion adopted on February 8, the committee is meeting on its study of the government's obligations to victims of crime.

Today's meeting is taking place in a hybrid format, pursuant to the House order of June 23, 2022. Members are attending in person in the room and remotely by using the Zoom application.

I'd like to make a few comments for the benefit of the witnesses and members.

Please wait until I recognize you by name before speaking. For those participating by video conference, click on the microphone icon to activate your mike. Please mute it when you're not speaking.

For interpretation for those on Zoom, you have the choice at the bottom of your screen of floor, English or French. For those in the room, you can use the earpiece and select the desired channel on the mike.

This is a reminder that all comments should be addressed through the chair.

For members in the room, if you wish to speak, please raise your hand. For members on Zoom, please use the "raise hand" feature. The clerk and I will manage the speaking order as best we can, and we appreciate your patience and understanding in this regard.

I want to thank our member Mr. Cooper, whose bill was passed in the House yesterday. Thank you. I'm looking forward to seeing it.

I would now like to welcome our witnesses, Sheri Arsenault, Irvin Waller and Jo-Anne Wemmers.

You have five minutes each. Just so you know, I'll give you a 30-second cue card when you're in the last 30 seconds, and then I'll give an out-of-time card at the end. I ask that you try to comply with those. If you haven't made your point, try to flesh it out in one of the questions afterward. The same applies when questions are being asked.

I'll begin with Sheri Arsenault for five minutes.

Ms. Sheri Arsenault (As an Individual): Good afternoon.

I'm the mother of a murdered child.

Brad was just 18 years old when he and his two friends were horrifically killed, through no fault of their own. Three years later, and after over 30 court dates, the offender was convicted of manslaughter three times, plus six other charges. He was sentenced to eight years and served just over two.

I have experienced first-hand every aspect of our justice system, and much needs to be improved. In dealing with the criminal justice system, victims are in the dark, with only one right. Little information is provided, and whether your case is assigned with a prosecutor who will even engage you is the luck of the draw, whereas criminals have many rights, including that upon entry, they are assigned up to five support systems.

I will focus on parole board hearings as, based on my family's experience, they are very heavily biased in favour of the criminal.

First, the victim impact statement gives victims their only right, and that is to prepare a statement. That's not easy. You are made to feel like this is a privilege, when in fact no weight is put on it. You are allowed to participate with this great hope and optimism that you have a chance of keeping the offender in prison for more than one-sixth of their sentence. It's ludicrous that victims have to fight tooth and nail to have an offender fulfill a small fraction of their sentence.

On week one, criminals are given the parole package: how to apply for day parole, eligible at one-sixth and, three months later, for full parole. Most are successful.

My experience as a victim participating in parole hearings has been an exercise in futility. There is a serious imbalance of power created by the present rules for the dissemination of information between the parole board, the offenders and the victims. Victim statements must be prepared under strict rules and submitted several weeks in advance under the threat that they could be denied if handed in late.

It is understandable that the board needs these statements in advance for review, but why are they also made available to the offender? What is disturbing is that the criminal has the right to read the statements well beforehand, study and analyze them and get advice from family, other inmates, their case manager, etc. They have the opportunity to prepare their answers. There is no impact.

Furthermore, it's incomprehensible, as there seem to be no rules on or limits to the offenders' families, friends, neighbours or relatives, who are allowed to prepare statements right up to the hearing date and submit them. Do they have to be registered?

These statements have no relevance to the crime or their rehabilitation. The victims have to listen and absorb these with zero prior knowledge, only notifications of the offender's weekend passes and their minor program participation records. The strict criteria limit victims to writing about emotional and financial pain and to keeping it short.

Why are there strict rules for victims but not for the offender? There must be a better way to balance victim input and obtain meaningful conclusions simply by broadening the consideration of the victim's perspective.

Second, there are very strict, rigid rules pertaining to parole hearings. We are told that we are just observers, as if we don't have a considerable stake in this. The offender's family members sit directly behind the offender, all facing the parole board members.

The victim's family is then escorted in and sits at least five rows back, behind the offender's family and friends. You have to strain for hours to hear. It's especially difficult for seniors. It's demoralizing, tense and exhausting. You are then given the opportunity to read your statement to the backs of their heads.

I am told that this rule is in place to protect the victims, but just as I have also been told by many prosecutors, "no two crimes are alike—same outcome, but different circumstances", I would like to say that no two victims are alike. Many would like to face the offenders, observe their facial expressions and their body language and possibly look for a glimpse of remorse. This rigid rule should be changed to fit the victim. Victims should have the choice.

As it stands, the process is far too comfortable for criminals, while the victims are at the mercy of the rules. In the same vein, a parole hearing should not allow the criminal to fill the room with relatives, friends and neighbours and have dozens of statements in support. The large presence of those who support the offender is intimidating to the victims, and it gives a very false impression to the parole board. It's not relevant to the crime committed. The whole parole hearing arrangement reduces the status of the victims in comparison to that of the offender.

● (1535)

In addition to the challenges of the parole hearing itself, it is extremely difficult to get information from the Correctional Service of Canada. Prosecutors appear far too busy to care, and parole board members seem like they've already made their decision. For example, the decision in my case was literally identical to many other cases, including the Marco Muzzo decision. It's copied and pasted.

How can such serious decisions—

The Chair: Ms. Arsenault, I'm sorry to interrupt. You're going to have to wrap up. We'll try to get some of your answers out in the questioning.

I apologize, but it's in the interest of time.

Ms. Sheri Arsenault: Okay. I have just two more sentences.

How can such serious decisions for such serious crimes be so generic? To me, that's a red flag.

In conclusion, it's high time the victims who have been harmed are given consideration at least equal to that of the offenders. I have many recommendations.

Thank you.

The Chair: Thank you, Ms. Arsenault. We really appreciate it. I know it must be difficult to relive some of the aspects of what you've been through.

I'm next going to ask Mr. Irvin Waller, who's in the room, to take his five minutes.

Dr. Irvin Waller (Emeritus Professor, University of Ottawa, As an Individual): Thank you for the invitation to appear before this committee on the government's obligations to victims of crime.

It's good to be doing this after the federal government finally appointed a qualified and energetic federal ombudsman for victims of crime, but this appointment is a long way from enough to meet the obligations to victims of crime and standards equivalent to what has existed for some time in other comparable democracies. I've set these out in my book, and I will leave one copy of it. The book is *Rights for Victims of Crime: Rebalancing Justice*.

The book identifies a series of fundamental rights—if you like, obligations for victims of crime—and shows how police can be first in aid, services can help victims to cope and recover, reparation can restore and victims can be heard. As you've heard, they're not always well heard in our parole system. A comprehensive model and budget are in the book and could be very influential with regard to what I'm going to propose.

The book also asserts that the prevention of crime before it happens is as important as rights for victims. Indeed, today we have the knowledge that we could reduce victimization in Canada through both property and violent crime by 50% in the next few years, and this would be consistent with Canada's commitment to the UN sustainable development goals. My book, *Science and Secrets of Ending Violent Crime*, sets this out, using proven strategies from other democracies and sometimes even from Canada.

Every year, millions of Canadians are of crime, suffering losses, trauma and a lot more. Cumulatively, these tangible and intangible losses are estimated to be in the tens of billions. Unfortunately, we continue more of the same and, as such, do not get different results.

We allow violent and property crime because we fund short-term projects in pilot areas instead of sustained and adequate investments in smart prevention, where they're most needed. The services and justice after the victimization exist some of the time in some of the provinces for some of the victims, but they're generally not consistent across Canada or adequate to meet enough of the needs.

The current groups in the federal bureaucracy and the bill of rights are totally inadequate for what is needed. The units in the bureaucracy are too low and rarely have the skills needed. They certainly don't have funds or a mandate. In sum, we need a "prevention and victim justice services Canada", not just a Correctional Service of Canada. I'm going to propose that.

I'm recommending that you look at developing legislation and funding federally so that victims of crime in Canada can have effective policies to prevent victimization and be provided services and justice after the victimization. These must be consistent across Canada and comparable to what exists in other democracies.

I'm recommending a crime prevention and victim justice act. It would establish an office for crime prevention and victim justice, headed by a deputy minister and reporting to the Minister of Justice and/or the Minister of Public Safety. Clearly, it has to work in collaboration with the provinces, territories and indigenous leaders. The federal government must provide this office annually with the equivalent of 10% of what it's currently spending on policing, courts and corrections. Half of that funding would go to prevention and the other half would go to improving services.

The office would develop national standards—which we need—train officials and others, fund research and development and ensure that data collection is focused on results. What gets measured gets done. It would also share costs, so that provinces, territories and indigenous leaders could expand their own planning and implementation of effective prevention, services, reparation and other components of victim justice.

The act would also legislate the role of the federal ombudsman, which would be strengthened and would report to Parliament with an annual budget similar to that of the correctional investigator.

I'm recommending that you go for it and make a difference to how victims are protected through prevention and how their basic rights are met through funding, legislation and leadership, which come from the federal government.

Thank you.

• (1540)

The Chair: Thank you.

That was in time and on time.

Next we'll have Jo-Anne Wemmers, from the Université de Montréal, for five minutes.

Dr. Jo-Anne Wemmers (Full Professor, School of Criminology, International Centre for Comparative Criminology, Université de Montréal, As an Individual): Thank you, and thank you for the invitation. It's a pleasure to be here today.

I'd like as well to congratulate the government for choosing Professor Ben Roebuck as the new ombudsman. It's wonderful to finally have someone in that position, but there is still a lot to do.

To begin with, victims of crime—

The Chair: Ms. Wemmers, may I interrupt you? I think the interpreter is having a difficult time listening to you. Can you maybe move the boom a little bit up?

Dr. Jo-Anne Wemmers: Okay. Is this better?

The Chair: I don't know. As soon as I find out, I will convey that.

The Clerk of the Committee (Mr. Jean-François Lafleur): If I may, Mr. Chair, perhaps I can direct Madam Wemmers.

Have you selected the microphone at the bottom left of your screen?

Dr. Jo-Anne Wemmers: I can. Is this better?

The Clerk: If you can continue speaking, we can do the sound check at the same time.

Dr. Jo-Anne Wemmers: Okay. I will continue speaking.

Let me know if I have to change this.

• (1545)

[Translation]

Mr. Rhéal Fortin (Rivière-du-Nord, BQ): Mr. Chair, I have a point of order.

Before starting the meeting, is it possible to confirm that sound checks were done with all witnesses and that they were satisfactory?

Ms. Sheri Arsenault: We did not do a sound check before the meeting today, because I was unfortunately not available.

[English]

The Chair: Monsieur Fortin, they did try. She was not available at the time. The other two were tested, but unfortunately she was not.

It is now corrected. We're on track.

[*Translation*]

Mr. Rhéal Fortin: Mr. Chair, you understand that it is important for each witness to be understood in both official languages. Unfortunately, most of the witnesses testify in English, even if they speak French. I take exception to it, but that is the situation as it is.

You understand, we must ensure that everyone can fully understand all the testimony. Very respectfully, I insist that in the future, we systematically conduct sound tests before each meeting.

Thank You, Mr. Chair.

[*English*]

The Chair: Will do. Thank you, Monsieur Fortin.

Ms. Wemmers, start from the beginning, please, if you don't mind. Thank you.

Dr. Jo-Anne Wemmers: Okay. Thank you so much.

I began by congratulating the government on the nomination of Professor Ben Roebuck as the new ombudsman. It's wonderful to have that position filled. However, there is still much to do for victims. Victims of crime in Canada can still not fully rely on their rights. Addressing this problem starts by better applying victims' rights in practice. We need to strengthen victims' rights. That means enforceable rights for victims of crime. The crime victims bill of rights is a great beginning, but there is no recourse, really, and that needs to change.

In the crime victims bill of rights, we talk about reparation and restitution orders in particular for victims of crime. I think it's important as well that the burden shift from the shoulder of victims, who have to chase after their money from the offender if ever their restitution order is imposed, to the state. Already the state is responsible for gathering fines. Restitution orders are very much like a fine. From a victim-friendly perspective, if we really wish to do something for victims, that would be an easy fix that would make restitution orders a lot more feasible for victims and shift the burden from them.

It's also important, I think, to include other forms of reparation, such as restorative justice, victim-offender dialogue and victim-offender encounters, as they can offer reparation to victims as well.

The current focus is largely on the offender's responsibility for the harm to the victim. It's important to recognize that in addition to that, there is an obligation of the state that is unfortunately too often ignored. There is an obligation of the state to victims to promote healing and to provide services—for example, facilitating victims' access to compensation programs. Unfortunately, victims across Canada do not all have access to compensation programs. Even when they are available, they are often limited to victims of violent crime, ignoring the tremendous impact on victims of such non-violent crimes as cyber-victimization, fraud and identity theft. As well, victims of terrorism are not always included. I would include domestic and international terrorism in that.

Victim support and healing are very important. I think this is something that together we should work to facilitate and promote in order to reduce vulnerability and, with it, the risk for victimization

in the future, and to build resilience in our community. From the research on multiple victimization and polyvictimization, it's clear that people or certain groups can have an increased risk and become more vulnerable. It's very important to offer victim support, which can actually reduce the risk of victimization in the future through building resilience.

There is an issue of victim protection and safety. There's a fundamental need for victims to feel safe and for all of us to feel safe, not only victims of crime. It's required for the healing process to begin. It should be a priority. Unfortunately, victims are often left feeling unsafe. What can we do to improve safety and better protect victims of crime? I can point out that the European Union, for example, is considering measures to strengthen victims' protection by introducing minimum standards on victims' physical protection throughout the European Union.

As well, especially in a country like Canada, I think it's important to work together for victims' rights. Strengthening collaboration and coordination between all relevant actors is something that we need to do. We do it at our university as well with our project that looks [*Technical difficulty—Editor*] and law students working together to serve victims. We need to promote and facilitate communication and collaboration across disciplines and across professions to provide victims with support across the country. We need to promote access to justice for victims and share best practices.

There are things in place, such as the Victim Justice Network. Unfortunately, they are underfunded. They don't have the funding necessary in order to be the service that they can be. I think it's important to promote communication and the sharing of best practices across Canada. The Victim Justice Network, which is a virtual, e-based, online-based service, is an important tool that would allow us to do that for stronger collaboration on victims' rights across the country. It would enhance resilience, facilitate communication and help us to develop a national victims' rights strategy from the bottom up, ensuring a coordinated approach for victims' rights across Canada so that victims across Canada would have access to at least minimum standards, meeting the criteria of the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.

● (1550)

I think it's important to recognize that crime, yes, is a wrong against society, but it's also a violation of the human rights of the victim, and we should be giving victims' rights that importance, that status and that recognition that we give to fundamental human rights—for example, the right to dignity, to privacy, to liberty and to safety.

Thank you. I'll end there.

The Chair: Thank you, Ms. Wemmers.

We'll now go to our first round of questions for six minutes. We'll begin with Mr. Cooper.

Mr. Michael Cooper (St. Albert—Edmonton, CPC): Thank you very much, Mr. Chair. I want to thank all of the witnesses for appearing this afternoon.

I'm going to direct my questions to Ms. Arsenault.

Sheri, I know it's not easy to appear before a parliamentary committee, especially as a mother who lost a son in a horrific crime, an impaired driving crime that resulted in the murder, as you've said, of three young men—two at 18 years of age and I think one 21-year-old.

It's tough to be able to put oneself in your shoes. I know that we've had conversations over the years about the challenges of navigating through the justice system and in particular parole hearings. You've gone to Winnipeg to attend them.

As we undertake this study, at the conclusion we're going to put a report together with recommendations on how to improve supports for victims, so maybe at the outset I will ask very broadly if you have any recommendations that would help victims better navigate the system, specifically as it pertains to parole hearings, or anything more broadly than that.

Ms. Sheri Arsenault: Thank you. I hope you can hear me.

Right off the bat, with regard to the justice system, there are resources out there, but nobody tells you about them. If you don't have someone among you who digs deep to find resources, you don't even know that you have to register for parole hearings. A lot of times, in fact, people don't even know when the next court date is coming up, because the prosecutors may not engage.

My recommendation is actually for a government entity that takes care of that to make sure that every victim—especially of serious crimes—is given all the resources and help to navigate through that. Not everybody can fill out forms and paperwork. A lot of times, people are in very deep grief. There needs to be actual help. You cannot just rely on the prosecutors.

Mr. Michael Cooper: Thank you for that.

I know that we've discussed in the past the fact that these hearings can be quite intimidating from the standpoint of a victim. Can you speak to that and to perhaps any recommendations you would have on how these hearings could be made a little easier for victims?

• (1555)

Ms. Sheri Arsenault: Well, right off the bat, you're.... I don't know how to say it any nicer: You are read the riot act. You are told that if you make a sound, you will be asked to leave immediately. This is at parole hearings. You feel almost like you're the criminal. You are told to be quiet and you are told to read your statement and not to deviate one word from it, and then you're to sit down and be quiet. We were afraid to even cough, to be honest.

They're very intimidating. After four or five hours of straining to listen, because they plunk the victims way in the back of the room, many rows from the parole board members and the offender and their people, it's exhausting. It's just absolutely exhausting, and then

it's only to go home and two or three months later get another letter that they're looking for parole again, so you go through it all over again if you so choose to.

Mr. Michael Cooper: Is there anything that can be done to address that?

Ms. Sheri Arsenault: No.

Mr. Michael Cooper: You spoke about the fact that the criminal has his or her back turned away from the victim or the families of victims. Can you speak to what it would mean to actually see the face of the man responsible for the murder of your son?

Ms. Sheri Arsenault: Well, to me the victim should have the choice of whether they want to face the offender that made them a victim, because some want to face them.

I think the offender should have to look a mother in the eye. I don't understand why there is the big protection. No two victims are alike. They should have the choice to speak to them, to look in their eyes and read their statement to them, not to the back of their ears.

I believe it would greatly help victims in the healing process too if they were made to feel like their input actually was going to the offenders, not to the back of their heads.

Mr. Michael Cooper: Okay. I think my time is up, so thank you very much.

The Chair: Thank you, Mr. Cooper.

We'll next go over to Mr. Naqvi for six minutes.

Mr. Yasir Naqvi (Ottawa Centre, Lib.): Thank you very much, Chair. I want to thank all the witnesses today for their presentations.

I'm going to start with Professor Waller, if I may. Thank you again for being there. You and I have had many conversations around rights of victims, and you've been quite helpful to me in my previous roles at the provincial level in helping guide the work that we did in reforming the Police Services Act and looking at things like crime prevention and community safety and well-being planning.

I have read, if not all your books, at least two, I think, so thank you for giving me those copies. They've been quite instructive to me.

You started your presentation by talking about how the current victims bill of rights at the federal level is "inadequate", I think was your word. Can you speak to some of the gaps, in your view, that exist in the current legislation?

Dr. Irvin Waller: I think the bill of rights, frankly, is a bill of goods. There is no remedy, so you shouldn't ever have used the word "right". Jo-Anne Wemmers has detailed some of those. You have to go through your own civil procedure for restitution, and you're not provided with information.

I think one of the fundamental problems is that we don't know anything about whatever difference it has made. There was a promise to do a main report evaluating it, but we don't really have data. We have no idea whether people were better informed, whether restitution was ordered more, whether people were better protected or whether they had any participation. As most of this stuff is in the provincial domain, we have no idea if the provinces are doing it. The ombudsman is great, but we need a complete overhaul of what's going on.

Let's just start with what was mentioned by the previous witness: information. When I was a senior official in the Canadian government in the 1970s, the Edmonton police gave out a card to every victim. On the front of this card was a phone number—it was 1979—and on the back of this card were the various services. The chief had an office working for him, so it was up in the bureaucracy where it should be, and if they didn't give out this card, then it was a disciplining offence. It gave basic information about things like compensation and services.

Fast-forward to 2022: Canada does not have a basic role for what the police should do to provide victims with information. We do not have any policy for how the police can refer victims to services that can help them, if by any chance they exist. This is so fundamental.

The RCMP are roughly one in three of all police officers in Canada. It's in the federal mandate for the RCMP Act to be changed to require every RCMP officer responding to a victim to provide this basic information. We live in the IT age. You can give people information leaflets. You can give people a link, and you can also follow up. You can share the information.

Canada is basically backward. We need to move into the world where victims matter. We need federal legislation that will make a difference. In 1984, Senator Biden, a young senator, was one of the senators who approved the Victims of Crime Act. This was basically a way of providing funding to states in the U.S. so they could have compensation, so they could have services, so they could have specialized services, so there was an annual conference and so there was better data. It did all of those things. In 1984 they were doing that.

We, at one time, gave funding to help provinces put compensation in place, but that was abandoned. We need federal leadership to help provinces, one of which you were a senior minister in, to do the things that will make a difference.

There is a training program for the police called “first in aid” developed by NOVA—I was on their board in the U.S.—with funding in collaboration with the IACP. All the chiefs in Canada are members of the IACP. This sort of training should be given to every police officer. It mentioned information and training. It's at the police level. Most people who are victims of crime do not go to the police, but the more serious the event, the more likely they are to do so. If they go, then it's unlikely they will ever get somebody arrested or to the stage of parole, so we need to go upstream and deal with those problems there.

The stuff in the victims of crime act is nice, but until we have federal funding to make this happen, working with the provinces

and working with indigenous groups, it is nothing but a bill of goods.

• (1600)

We knew this when it came through. Almost every U.S. state has a constitutional amendment. California has a way of implementing this—Marsy's Law—so that it becomes a reality. We need to be doing the same things.

The Chair: Thank you, Mr. Waller.

Thank you, Mr. Naqvi.

It's over to you, Monsieur Fortin, for six minutes.

[*Translation*]

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

I would like to welcome of the witnesses and thank them for being here today.

My questions will be for you, Mr. Waller.

You spoke to us about the importance of informing victims, and I think it is a crucial issue. I'm sure you know that you are not the first witness to identify the problem.

I would like you to tell me more about it. You were talking about California, but what does that state do, exactly?

I would also like to know if it would be helpful and desirable for victims of crime to automatically be included in the trial, summoned and represented, so they can participate in all the steps of a criminal trial that impacts them.

• (1605)

Dr. Irvin Waller: I am very keen to tell you about the situation in Québec, which has the VCI, the most generous compensation system in Canada. There are also Crime Victims Assistance Centres, CAVACs, and the Crime Victims Assistance Office, BAVAC, where officials are employed to support victims. When I taught at the University of Ottawa, I told my students that it was better for them to live in Gatineau rather than Ottawa if they were victims of a crime.

I will continue in French because the Rome Statute had an important influence on France. In France, a civil party participates in the trial and receives legal assistance to do so. We should have the same system here. We could start with a few trial runs, which could be held in Montréal, where we could combine the Civil Division and the Criminal Division. If such a system were implemented, a great deal more of compensation would be awarded.

In Canada, this is currently just fiction. Judges think in terms of years in prison. They don't think about compensation that a person should pay if they have the means.

I think we have a lot to learn from this. Canada is a member of the International Criminal Court. Victims who appear before this court have much greater rights and reparations than a victim of domestic violence.

I am moved when I hear a victim testify, as they did today, and this should move everyone. There should be real measures to measure results. It truly is time to act.

Mr. Rhéal Fortin: Thank you.

You talked about the system in Rome; it's interesting.

I asked witnesses the same question. They told me that we must consider the fact that not all victims want to participate in the proceedings for a broad range of personal reasons.

I don't know how it works in Rome, but how could we offer a victim the choice of participating or not in the proceedings, especially during plea bargaining? I don't think that this is a bad thing, since we have to take a large number of factors into account. A trial is not always the best solution.

Would it be worthwhile, at the very least, for victims to have the opportunity to participate in the process if they want to, rather than be spectators and victimized again to a certain extent by a decision over which they had no control?

Dr. Irvin Waller: It is very clear that the majority of victims of property crime want to receive compensation. We must find a way to have them participate in the process and offer them legal assistance or a lawyer to help them define the compensation they want. That is how it works in France, where half of all proceedings are resolved through compensation.

The reality is different for victims of violence, who are looking for something else. Often, an offender does not have the means to compensate the victim.

However, granting the victim a legitimate role in a formal trial could increase the possibility of obtaining restorative justice, as mentioned by Ms. Wemmers.

It is important to emphasize that, unlike a victim, an offender always receives support. If both parties received support and had a good mediator, many things could be resolved. There would be an opportunity to arrive at compensation and a feeling of emotional reparations, for instance.

• (1610)

Mr. Rhéal Fortin: Thank you.

I agree that compensation is a significant piece. That said, beyond this consideration, victims of violence, sexual assault or assault, as well as their loved ones—consider Ms. Arsenault, the mother of a victim of murder—should they participate in the trial of the accused?

Wouldn't this participation have some healing properties? Would this be a way of reducing the problem's impact?

[English]

The Chair: Monsieur Fortin, I think Mr. Waller is going to have to answer that in his subsequent round or in others. I'll have to move on.

The next round is six minutes for Mr. Garrison.

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

I too want to thank the witnesses for being with us today. It's certainly nice to have Professors Waller and Wemmers back before the committee, but I will say a special thanks to Ms. Arsenault. She's one of those examples we see again and again of families who have been determined to make sure there's a fair deal for victims of crime and to make sure that what they've gone through isn't gone through by any other family in the future. I salute the dedication of those like you, Ms. Arsenault.

At the beginning, one of the things you talked about was information, and I want to go back to that point, because I think you stated very well that most victims of crime have no idea what their rights are or what the possibilities are.

Can you tell us personally how you found out about the rights? Was it through your own perseverance, or was there any assistance?

Ms. Sheri Arsenault: Thank you very much for your comments. They mean a lot to me.

I will be honest; I was so deep in grief for well over a year. If it weren't for the amount of support.... You have to remember there were three families, a lot of people. They dug through, and they found what we needed to do.

I've helped many victims. They find out their offender is already on parole. They didn't even know. They had no clue. There needs to be some kind of agency—I would suspect government—that actually makes sure all the information gets to victims. Let the victim choose whether they want to go through these processes or not.

If it weren't for family or friends, I would not have had a clue. That was the last thing on my mind.

Mr. Randall Garrison: We have heard sometimes from people who say some victims don't want these services, but I think what you're saying very clearly is that without the information, they don't know what choices they have.

Ms. Sheri Arsenault: Exactly. At that moment, sometimes you're so deep in grief you don't even know what you want or what you need. As time goes on, you may come out of that a bit and you might then start to be mad and want those resources and want to get involved.

My family was on them from day one, because we wanted to be involved in the process. We had never been through the justice system, and it's an eye-opener.

Mr. Randall Garrison: I want to turn to you, Professor Waller, because you talked about the possibility for police to maybe give information to victims.

I guess I'm going to be a bit of a devil's advocate here, Professor Waller. I wonder whether the police are the appropriate people to provide that information. I think that offices that support victims are probably better placed to make sure their victims get that information than are the random police officers who have to be involved in cases.

Dr. Irvin Waller: Twenty-five per cent of victims of violence go to the police. About a third of the victims of property crime go to the police, so the police definitely have a role. They're at the front end. I didn't say that they were to provide the service; I said that they were to provide the information and the referral—both things—to services that can help them. It's very hard for victims to find out about those services without going to the police. Victims have probably heard of sexual assault crisis centres and they may have heard of transition houses, but they probably haven't heard of the other general services that are available, and they don't know how to get in touch with them. I strongly believe that it's a basic role that the police can play.

For those people who want to see the offender prosecuted—and property crime victims don't always want that—if you're going to the police because you want prosecution and not just insurance, then it's really important that you be given information and that you then have somebody to support you with the police and with the prosecutor.

One of the previous members of the committee raised the issue of bail in the negotiation of charges. Victims need support through all those stages.

Yes, parole is very important, but for the vast majority of victims, they never get to the parole stage.

• (1615)

Mr. Randall Garrison: If I'm interpreting you correctly, your suggestion is that the police have a front-end responsibility, but perhaps an office of victim services could provide the information services later on in the process for those who go through the process further.

Dr. Irvin Waller: Yes. If you go back to my Edmonton example from 40 years ago, that actual victim service unit was reporting to the chief, and it was therefore in the police department. It was therefore funded, although they had a lot of volunteers. The City of Ottawa has a unit within the police and a unit outside of them, and there have been lots of problems in getting them to work together.

As I've already mentioned, I'm a fan of Quebec: It has taken them a long time, but they actually have professional victim services now. I'm not sure whether that covers the whole province yet, but it's close to covering the whole province. It means that they're paying these people and that they're trained. That's the sort of thing that we should see everywhere in Canada.

The Chair: Thank you, Mr. Waller.

Thank you, Mr. Garrison. That's your time for this round.

Next, for five minutes, we have Mr. Brock.

Mr. Larry Brock (Brantford—Brant, CPC): Thank you, Mr. Chair.

Good afternoon, witnesses. I really appreciate your attendance today and your evidence.

I'm going to ask questions of Ms. Arsenault initially.

Ms. Arsenault, as a former justice participant, I'm very curious to hear your views on how, prejudice, you were treated in your son's case. In other words, we've heard evidence about the deficiencies in how victims are treated across this country. There are some gold standards and there are some abysmal standards. I can probably name a number of jurisdictions that are woefully inadequate. I'm curious as to what your experience was and whether you have any suggestions.

Ms. Sheri Arsenault: Well, it's hard to be thankful for anything that I've gone through, but I guess I am thankful that we did have a team of prosecutors that—I think mostly because we were on them—did engage us, although you get no options of, say, plea deals or anything going on or in the stalling and the delaying.

You have no say. You have to just go with it, but there are many whom I've supported as a victim's advocate, and their prosecutors would not engage. They don't even know what's going on. They don't even know what the date is for the first court appearance.

In my experience—if you can say that anything is good about what happened to my family—we had very good prosecutors, but that is really, to be honest, quite rare.

Mr. Larry Brock: Thank you for that, and I thank you for your advocacy.

Did you have anything more to say?

Ms. Sheri Arsenault: No. I hope I answered your question.

Mr. Larry Brock: You did. Thank you.

I'm going to move now to Professor Waller. Good afternoon.

I listened very carefully to the responses you gave to the question put by my colleague Mr. Naqvi, insofar as your commentary with respect to the current version of the Canadian Victims Bill of Rights goes, which, I think we can all agree, is deficient in a number of areas. As a former participant, I recognize those deficiencies and try to fill those deficiencies on my own. However, it's an issue not just with respect to Crown attorneys, you'd agree. It's judges, police officers and victim services all providing a level of service that is consistent throughout this country.

Do you feel that the current version of the Victims Bill of Rights can substantially improve on that delivery of service so that victims from Victoria all the way to St. John's can expect that gold standard of delivery?

• (1620)

Dr. Irvin Waller: I do not understand how the European Union, with 27 different governments, can agree on a series of minimum standards for victims that cover most of the things that we talked about, including what is in the bill of rights and more, and we can't get that sort of agreement among our provinces and territories.

The issue is how you actually develop those standards and get an agreement. That's why you have to have, in the federal government, at a level that can actually influence what goes on, an agency that will be there to develop those standards. England has legislated a code of practice that mentions all the people you mentioned and more, as well as saying what they should be doing. It's legislated. They started with whatever executive document, and then it was legislated, and the remedies are in there. Maybe the remedies aren't enough, but they are remedies.

We really need to wake up and get action on this. The only way we're going to get action is if you actually have a minister and a deputy minister who are responsible for taking the action that we need. Standards are one thing; training is another. What gets measured gets done. We need to measure. We need research and development. We need reciprocal arrangements between different provinces and with U.S. states. We really need to catch up and do something seriously.

Mr. Larry Brock: Thank you for that, Professor.

The Chair: Thank you, Mr. Brock.

Thank you, Mr. Waller.

Next we'll go over to Mrs. Brière for five minutes.

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

I will direct my questions to Professor Wemmers in French.

[*Translation*]

We also heard Mr. Waller say that the current system doesn't leave a lot of space for victims. We also heard Ms. Arseneault say that she did not know where to turn after her son died to find help and services.

I would like to know if you think that the Canadian Victims Bill of Rights should describe these rights in more detail. Which officials should inform victims of their rights, and when should they do so?

Dr. Jo-Anne Wemmers: Thank you for your question.

The administration of justice falls under provincial jurisdiction. It can therefore vary from one province to another, depending on how it was established. For example, each stakeholder has a role to play in the criminal process. It starts with the police, and goes all the way to the Parole Board of Canada. Therefore, it's very important for everyone to recognize that they have a duty to victims and work to do with them. That responsibility does not fall to a single person or a single official, but to all those involved at every step of the criminal process. They all have an obligation towards victims.

Next, I think that it falls on the provinces to decide how they want to establish the real administration of justice, and to do so

based on what's available at the regional level in terms of victims' help services. In Québec, for example, there are CAVACs, or Crime Victims Assistance Centres. There are also other groups, sexual assault centres known as CALACs. There are many community groups. It can vary from one province to the next. However, the important thing is to ensure that, as professor Waller said, minimum standards exist throughout the country.

• (1625)

Mrs. Élisabeth Brière: I see, but doesn't fully answer my question.

I would like to know if this should be enshrined in the Canadian Victims Bill of Rights. Who should inform victims, and when?

There are indeed services, especially in Québec. And they are good services. However, if people don't know about these services, who will point them in the right direction?

Dr. Jo-Anne Wemmers: I think we have to respect how Canada is organized. I think that we can do this. In the Criminal Code—there was only one in Canada, because it falls under federal jurisdiction—under procedural law, we could include information on everyone's roles, including victims' participation and rights. We could establish who is responsible for doing what; if a task falls under the responsibility of the police or the prosecutor, for instance. To some extent, I think we could add elements to the Criminal Code. It was one of my recommendations, even before the Canadian Victims Bill of Rights was passed, to ensure a certain consistency from one end of the country to the other, so that all Canadian victims of crime have the same rights.

On that level, I think something could be done through the Criminal Code.

Mrs. Élisabeth Brière: In your opening remarks, you talked about the importance of restorative justice. We know that this form of justice can have a very positive impact on victims as well as on offenders.

Could you give us your thoughts on how conditional sentencing and repealing certain mandatory minimum penalties, outlined in Bill C-5, could help victims in our communities benefit from restorative justice programs?

Dr. Jo-Anne Wemmers: It is important to keep in mind that restorative justice can be positive for victims of crime, but recognizing victims' needs must be the starting point. All too often, in the criminal justice system, we use restorative justice as a tool to shorten the process, to accelerate the use of alternative measures, for instance. The most important thing is to establish the victim's needs and, from that point, we can see what can be done. That is where the process has to start. It has to start by recognizing victims' needs instead of using restorative justice as a tool for legal purposes, I would say.

Mrs. Élisabeth Brière: You also mentioned the importance of reinforcing communication and cooperation with the different stakeholders, the parties involved.

Could you give us some examples on how to proceed?

Dr. Jo-Anne Wemmers: Yes, there are many examples.

[*English*]

The Chair: Unfortunately, Ms. Wemmers, you're going to have to do that on the next round. We're out of time.

Thank you, Madame Brière.

Next, for two and a half minutes, we have Monsieur Fortin.

[*Translation*]

Mrs. Élisabeth Brière: Thank you, Ms. Wemmers.

Dr. Jo-Anne Wemmers: You are welcome.

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

I will continue with you, if I may, Ms. Wemmers.

You heard the questions I directed to professor Waller. I would also like to have your opinion on the participation of victims in the proceedings.

There is a great deal of discussion, of course, about financial redress or some form of compensation that could be granted to victims, and about the judicial process as a whole. Victims often tell us that they are not informed of the different steps and don't take part, especially—I'll say it again—in the infamous plea bargaining. This is when the Crown prosecutor and defence lawyer discuss a possible agreement on an appropriate sentence for the accused. Those most affected by the proceedings, the victims, are not involved in these discussions.

Would it not be appropriate to add, for example, provisions in the Criminal Code to include victims in the proceedings? Would that not be desirable?

Of course, we would have to come back to how to do it, the mechanics. I understand the issue of administration of justice, which falls under provincial responsibility and is, in my opinion, a very valuable jurisdiction.

Nonetheless, isn't there an opportunity to include provisions to ensure that victims have a chance to intervene, not only for reparations, but for the entire legal process surrounding the event?

Dr. Jo-Anne Wemmers: Yes, of course.

In fact, in 2013, at the start of the thought process surrounding the Canadian Victims Bill of Rights, I tabled a brief in which I proposed to give victims a participatory role. This is done in the United States. This is often done at the International Criminal Court. However, the victim is not a civil party, as you mentioned before. They are not one of the stakeholders; they are a participant with certain rights, such as the right to information, to legal representation, and even to redress, if their rights are denied. This exists in many American states.

We could use existing rules in our Criminal Code to do this. It is possible to seek mandamus—that's a legal term. I could send you the brief I tabled to fully illustrate what was considered at the time.

• (1630)

Mr. Rhéal Fortin: I believe we already have your brief, but if not, I will certainly be happy to read it. Thank you.

[*English*]

The Chair: Thank you, Monsieur Fortin.

Next we have Mr. Garrison for two and a half minutes.

Mr. Randall Garrison: Thank you very much, Mr. Chair. I will turn to Professor Wemmers.

One of the interesting things to me in most of the discussions about victims' rights is that there's very little explicit attention paid to gender. Would you like to comment on the factor of gender as it applies to victims' rights?

Dr. Jo-Anne Wemmers: That's an excellent point. Something we're seeing come up more and more is gender-based violence and domestic violence. It's not just gender; it's also LGBTQ2+.

I think there has been tremendous progress in intersectionality and understanding the different vulnerabilities and how they can add up if someone is not only female but also gay and Black, and how that makes someone all the more vulnerable. That is something we're seeing.

Now the question is, how do we adapt our criminal justice response to that? That's the challenge, but already recognizing it is an important first step. That we're already talking about it is a start.

Yes, we have to start recognizing how gender influences some of the decisions that we make, as well as some of the vulnerabilities of victims.

Mr. Randall Garrison: We are just about out of time here today, but you talked about the minimum standards several times in your opening and in the discussion. Do you believe that this issue of minimum standards for victim services is well enough developed that, for instance, something like the justice committee could make recommendations to the government very easily on what the standards should be in every province and in the federal system for victims' rights? Do you think it is sufficiently developed that we could do that?

Dr. Jo-Anne Wemmers: Yes, I do. I think that if we look at organizations like Victim Support Europe, for example, we see wonderful examples that we can follow. I can tell you that the Conseil de l'Europe, as well, is working right now on new recommendations for victims and bringing up to date those that came out back in the eighties.

As Professor Waller said, it's time for us to catch up. There are wonderful examples out there that we can learn from, and yes, Canada has an obligation internationally to do so, given our responsibility in the UN.

Mr. Randall Garrison: I will leave it there, Mr. Chair.

Thank you very much to the witnesses once again.

The Chair: Thank you, Mr. Garrison.

For our last round, we have Mr. Richards for five minutes.

It's over to you.

Mr. Blake Richards (Banff—Airdrie, CPC): Thanks, Mr. Chair. I'll start with you, Ms. Arsenault.

First of all, let me say—I know it's been said, but it can't be said enough—thank you for your courage, frankly, in being willing to step forward and take what's obviously a tragic and terrible situation that you and your family have gone through to try to do something to help others. What you are doing today—and, I'm sure, many other days—is trying to make this process a little easier on other people who, unfortunately, are put in the circumstances that you and your family were put in.

I know it won't do anything for you, but it will hopefully help many other people to not have to experience the same kind of frustration and pain that you had to experience going through the so-called justice system in our country. Thank you for stepping forward and doing that, first of all.

Second, a lot of the things you had to say and some of the recommendations that you made speak to the problem we have with our so-called justice system in this country. You spoke to it, and I think you even said that it feels like criminals have more rights than victims. I don't think it just feels that way; I think that's the way it is. Certainly, that's borne out in many of the examples you gave us.

One thing that you mentioned in your opening statement was section 101, the principles guiding parole boards. You mentioned that briefly, and you mentioned the need to add that the parole board should consider the impact of conditional release on the offender's victim. It makes a lot of sense for that to happen.

I wanted to hear from you why you think that is important. Are there other things that can be done in the same vein to make sure that the offender doesn't have their rights put ahead of the victim's over and over again? How do we make sure that victims' rights are not only considered but made a priority, because they should be?

• (1635)

Ms. Sheri Arsenault: Yes, there's no doubt about it. Offenders have many, many rights. They can't even compare to the rights of a victim. From what I can tell, we have one right, and that is to write a statement, and that's about it.

Section 101 outlines the principles that guide the parole boards to consider the impact of conditional releases on the offender's victims. I really do believe that could be amended to have them look at their decisions a little differently to see what kind of effect that would have on the victims.

When they do these incredibly early releases, a lot of times the offenders do not demonstrate or show any kind of remorse. That needs to be looked at seriously. They need to take consideration of all the information available to them, including the reasons and recommendations from the victims as to why the early releases would be harmful to them.

Mr. Blake Richards: Are there any other recommendations that you can think of that you would make along that same line that would ensure that victims and their circumstances, rights and feelings and what they're going to experience as a result of decisions that are being made by bodies like a parole board are put as a much higher priority in our justice system? Are there any other recommendations along that same line that you can think of?

Ms. Sheri Arsenault: I would recommend that the victims, in their impact statements, be allowed to say exactly what they want to say. It shouldn't be scrutinized and looked over, hacked, whacked and redacted. You're the victim. If you need to say something, you should be allowed to say it.

I do believe that all victims should have the choice of whether they want to face their offender or not. The parole board should really start limiting the number of people that offenders are allowed to have support them. It's about the crime and the rehabilitation; it's not a popularity contest.

The Chair: Thank you, Ms. Arsenault.

Mr. Blake Richards: Thank you very much, by the way.

The Chair: The last round goes to Ms. Dhillon for five minutes.

Ms. Anju Dhillon (Dorval—Lachine—LaSalle, Lib.): I will give my time to Mr. Naqvi.

Mr. Yasir Naqvi: I wasn't expecting your time, but thank you.

Let me start with Professor Wemmers.

I think this question was asked earlier, and I think Ms. Arsenault has spoken about no two victims being alike. They come from different backgrounds. I think the question was asked regarding victims who are women and what kinds of different strategies need to be deployed there.

I also want to ask a similar question around victims who are new to Canada, who are immigrants and may not know the system well enough. What kinds of strategies need to be deployed in that regard?

Dr. Jo-Anne Wemmers: That's an excellent question. It's very broad as well.

You have to bear in mind, of course, that it's the individual and their situation, their victimization. All of this will determine exactly what their needs are. The impact of the crime is one thing, but their resources will determine, to some extent, the needs of the victim. For those who are new migrants, maybe even refugees, new to the country, their situation of vulnerability is often more precarious in terms of financial resources and not having the informal support network or family here in Canada to provide them with the psychosocial or emotional support that others may have.

There might be legal complications as well. There might be consequences for their status as a landed immigrant or as a refugee. In particular, I'm thinking of victims of domestic violence, for example, whose offender is a new immigrant, as they are, and not a Canadian citizen. This may have consequences for the status of the person and their ability to remain in Canada, and if it's a family, there will be consequences for all the family.

It becomes very complicated, if I can put it that way, and it requires us to bear in mind what the needs of the victim are. When are we helping the victim and when are we adding to their suffering, even indirectly? It requires us to bear in mind the complexities of the needs of new immigrants and refugees, and in particular people with a precarious status in Canada.

• (1640)

Mr. Yasir Naqvi: Professor Waller, I'm going to come back to you. I may, with all respect and affection for you, push back a little on your suggestion, your recommendation, of creating what you called a crime prevention and victim Canada act, a new department.

My question is this. Do you think, in your view, more bureaucracy is the answer to protect and provide better rights for victims?

Dr. Irvin Waller: I think more funding.... I think if you look at the victims of crime act in the United States, you see that it has definitely changed what is going on. It's not a huge bureaucracy; it's part of the U.S. Department of Justice. I didn't actually recommend a new department; I recommended at the deputy minister level. I think it's the only way to get standards from coast to coast, to get services that meet those standards, to get information out, to start making laws relating to restitution actually work, to experiment and develop a way for the victim to actually participate.

There hasn't been much discussion today, but I strongly want to see what you actually started in Ontario. We need to do a lot more to stop people being victims of crime in the first place. We know what will reduce victimization through street violence by 50% or more. We know what to do about a lot of sexual violence. We don't have all the solutions, but we have lots of solutions, and that requires money. I'm proposing funding in the order of 10%, of which roughly half would go to victims, half to prevention.

This is not creating a huge bureaucracy. This is promoting a way to make lots of things happen in collaboration with the territories, provinces and indigenous people.

I want to see results. I want to see stuff measured so that we actually focus on the stuff and we don't get more bills of goods. You can see this from the U.S. You have all these constitutional things, but once you actually put money into it and you do it seriously.... You can look at England, where a minister is responsible for victims, and you see action. You see this in Australia and in New Zealand.

Mr. Yasir Naqvi: Thank you—

The Chair: Unfortunately, Mr. Naqvi, we're out of time. Thank you, Mr. Naqvi.

I want to thank all of the witnesses.

Before I adjourn, I just want to inform you of the progress we made on booking our witnesses. We went through the list, including those requested to appear. We still have six invitations left without a definitive answer.

We will be meeting on Monday from 11 a.m. to 1 p.m. I believe the confirmed witnesses are Madame Gaudreault from the Association québécoise Plaidoyer-Victimes, Kat Owens from the Women's Legal Education and Action Fund and Monique St. Germain from the Canadian Centre for Child Protection.

For the second hour, so far we have Madam Brenda Davis, and Madam Mélanie Sarroino of L'Élan, Centre d'aide aux victimes.

For Thursday, we only have witnesses for the first hour so far. The witnesses confirmed are Madam Morrell Andrews and Madam Dianne Illessic. We don't have witnesses for the second hour confirmed. If you have any witness proposed, maybe give them a call and nudge them so we can have them finish it. Otherwise, thank you, and for those who—

Sorry. Go ahead, Mr. Anandasangaree.

• (1645)

Mr. Gary Anandasangaree (Scarborough—Rouge Park, Lib.): Is it possible to get a summary of witness testimony by Thursday, so that we can...?

The Chair: Yes. We can provide that to you, absolutely. We'll try to get it to you before then. We'll get it to you for Monday, before the Thursday.

Thank you. We'll adjourn and see you Monday.

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