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Chair: Mrs. Karen Vecchio



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• (1300)

[*English*]

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

Good afternoon, everyone. Welcome to meeting number 18 of the Standing Committee on the Status of Women. Pursuant to the order of reference of Friday, April 29, 2022, the committee will begin its study of Bill C-233, an act to amend the Criminal Code and the Judges Act (violence against an intimate partner).

Today's meeting is taking place in a hybrid format, pursuant to the House order of November 25, 2021. Members are attending in person in the room and remotely by using the Zoom application. As per the directive of the Board of Internal Economy on March 10, 2022, all those attending the meeting in person must wear a mask, except for members who are at their place during proceedings.

I would 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 yourself when you are not speaking.

For interpretation, for those on Zoom, you have the choice at the bottom of your screen of either “floor”, “English” or “French”. For those in the room, you can use your earpiece and select the desired channel. All comments should be made through the chair.

Concerning the drafting of amendments, I would like to remind members to contact Alexandra Schorah, the legislative counsel, as soon as possible, should there be any amendments to the draft.

It is now my honour to welcome our first panel on this—I'll be honest—very important bill. Obviously, I have a little bias there. As the chair, I will be very honest on this one.

Today we will be speaking about Bill C-233 and welcoming a special guest, Anju Dhillon, who is the sponsor of this bill.

Thank you very much for this bill, Anju.

We also are proud to have Pam Damoff, the seconder of this bill, who has been supporting this bill through its entire time through the House.

Today it's my honour to have both Jennifer Kagan-Viater and Philip Viater here today as we're discussing this really important law.

I am going to be honest right from the beginning. We usually like to keep things right on time. I know that the first hour of this panel is very, very important to the committee, so I will be lenient with time. When you see my arms flapping, though, please try to have it done in the next few seconds, if you don't mind.

I am now going to pass the floor over to Anju Dhillon.

Anju, if you would you like to start with your presentation, we will provide you with five minutes.

Thank you very much.

Ms. Anju Dhillon (Dorval—Lachine—LaSalle, Lib.): First of all, I'd like to thank you, Madam Chair and the FEWO committee, for moving so quickly on this extremely important issue. It means a lot. From the bottom of my heart, you have my gratitude, all of you. Thank you so much.

[*Translation*]

I'm very excited today to present Bill C-233, which I sponsored. I must admit that I'm extremely moved by the widespread support it has received. Even in my wildest dreams, I'd never have dared to imagine my legislative initiative would receive such extraordinary support, be it from victims of domestic violence, my colleagues, human rights groups or the media.

This bill was drafted with one idea in mind, to better protect and save the lives of vulnerable women and children who are victims of domestic violence

[*English*]

Bill C-233 aims at enacting two amendments, one in the Criminal Code and the other in the Judges Act. It seeks to introduce electronic monitoring to the Criminal Code in some circumstances at the judicial temporary release of an accused, as well as training of federal judges on the phenomenon of domestic violence and coercive control.

[*Translation*]

Since I began practising criminal and family law, I have seen how difficult it is for victims of domestic violence to break out of the cycle of violence and abuse. Many victims were reluctant to speak out about the hell they were experiencing for fear of not being believed in the system, or retaliation from an abusive partner, or financial insecurity.

[*English*]

Some of my colleagues who are lawyers lost clients at the hands of a violent and harassing ex-partner. Others represented violent clients who would not keep away from their intimate partners despite orders from the court, a behaviour leading to the loss of human lives.

The same findings came up in the status of women committee, where I was parliamentary secretary and a member subsequently. The testimony of victims, experts and allies painted over and over the same gruesome reality of so many victims being affected by domestic abuse, including their children. One emerging conclusion when it comes to violence between intimate partners is that the risk of violence and death for abused victims and their children does not end with the separation of the couple. On the contrary; in a lot of cases, within 18 months of the said separation, there is a higher risk for the partner, most of the time the woman, as well as the children to be attacked in a violent way.

In the very few jurisdictions in the world, such as Australia and Spain, where electronic monitoring was implemented as a means to better protect such victims of domestic abuse, there was a notable decrease in violent crimes, as well as femicides and filicides.

• (1305)

[*Translation*]

In other words, in some problem cases where the abuser refuses to stay away from the victim or does not agree with a separation imposed by the partner, an anti-approach bracelet can inform authorities and the former partner of non-compliance with the judge's conditions and therefore save lives or prevent violent crimes.

Given that a woman is murdered every two and a half days, which translates into 144 to 178 murders a year often committed by an intimate partner, clearly our country needs technology like this to prevent such tragedies.

[*English*]

It is therefore obvious that our nation needs this type of legislation.

[*Translation*]

It's imperative that this law make it possible for a judge to order that an anti-approach bracelet be worn when an individual poses a risk to the safety of their intimate partner and children, and only when deemed necessary.

[*English*]

Doing so will allow provincial judges as well as municipal judges to order such conditions when deemed necessary.

While I was preparing to present my private member's bill, my good friends and colleagues from Oakville North—Burlington and York Centre, respectively Pam Damoff and Ya'ara Saks, asked me to meet with Dr. Jennifer Kagan-Viater and her spouse, Philip Viater, who are strong advocates when it comes to requiring completing seminars on domestic violence and coercive control.

I did have the chance to have an exchange with them, and their personal story shook me to the core. In February 2020, Ms. Kagan-Viater lost her four-year-old daughter Keira at the hands of her father in an apparent murder-suicide. The telltale signs were present prior to this tragedy; however, the court that gave the father unsupervised access rights to Keira tossed this from evidence, considering that abusive and violent behaviour towards Keira's mother should not be considered a risk to the child.

The findings show quite the opposite.

Children's safety can be and is at risk when a parent is abusive towards the other parent and has joint custody or unsupervised rights to the couple's children.

[*Translation*]

With that in mind, with support from two valued allies and the colleagues I mentioned earlier, I drafted a provision in Bill C-233 which, if the bill passes, will require that judges complete domestic violence training.

Thank you very much.

[*English*]

The Chair: Thank you very much for that.

I now would like to welcome both Jennifer and Philip. I know you'll be splitting your time.

Jennifer, I pass the floor over to you.

Dr. Jennifer Kagan-Viater (As an Individual): Thank you very much.

My name is Jennifer Kagan. I'm a mother and physician, and I will introduce my husband, Mr. Philip Viater, who is a father and family law lawyer.

I'm here to speak with you today about Bill C-233, the judicial education component of which is named informally in honour of my daughter, Keira Kagan.

Today I want to thank MPs Dhillon, Damoff and Saks, as well as all of you on the committee, for inviting us here to speak. It is really an honour.

It is obviously difficult for me to come today to speak about this, but it is very important, and this bill is going to save lives.

Essentially, I will tell you my story and why my story is not an anomaly but instead is emblematic of a broader problem in the way the family court system handles domestic violence cases and is reflective of a lack of judicial understanding of domestic violence and coercive control.

I was a victim of domestic violence in my previous marriage. It was a short marriage, and I was subject to multiple types of domestic violence, which included isolated episodes of physical violence as well as coercive control.

I had a young daughter and I was able to safely escape the abuser, but when I sought protection for Keira in the family court system, I found that the court system was not equipped to protect a small child. I was before, I believe, between 10 and 12 different judges, none of whom had an understanding of domestic violence and coercive control. During my trial, when I went to the stand to talk about the abuse I had experienced, I was cut off by the judge and told that abuse is not relevant to parenting and he was going to ignore it.

Keira was put unsupervised into the hands of a very dangerous individual. As was mentioned previously by MP Dhillon, Keira was killed in a murder-suicide in February 2020. She and her father were found dead at the base of a cliff in Milton, Ontario.

Out of this, we don't want any other child or family to have to go through what we have had to. Each year, 30 to 40 children in Canada are killed by a parent. One child is too many. When we look at family court failures, we see that Keira was failed by the family court system and that other children are being failed. Children who experience domestic violence in their lifetime will have a myriad of issues, including physical and psychological health problems. Domestic violence is a public health crisis that demands urgent action.

We are of the strong view that judges require education in domestic violence and coercive control; hence the judicial education component to Bill C-233.

A woman is killed somewhere in Canada every 1.5 days. This warrants urgent action, and we are grateful to the MPs for bringing this forward so that no other child has to experience a violent and premature end to life at the hands of a parent, which is preventable.

We are very hopeful that the education will be done in consultation with survivors of violence and the organizations that support them. We would certainly welcome a conversation with the judiciary to discuss domestic violence education and what that education should contain. In my view, it obviously needs to include coercive control but certainly also risk assessment, risk factors for lethality and data from Canadian domestic violence death review committees, which look at what those red flags and warning signs are.

I'm going to turn it over to Mr. Viater.

Thank you so much again. It's really an honour to be here.

• (1310)

Mr. Philip Viater (As an Individual): It's my turn to thank everyone for allowing us to testify here today, especially MP Dhillon, MP Damoff and MP Saks for really assisting and championing this bill. Thank you again for allowing us to speak here today.

We believe this is an incredibly important bill. Jennifer's case is actually the poster child for why this bill is so necessary. The thing that she didn't tell you is that there were 53 court orders made in her case, by over 12 judges. Many of those court orders were warning her ex about his poor conduct. This is where the disconnect came.

There were two levels of disconnect. Disconnect number one was they were recognizing that there was something amiss with her ex, but not acting on it. Number two was that certain judges just weren't recognizing it at all. In either case, it ended exactly where we feared, which was the death of Keira.

I'm a family law lawyer and I've been doing this for 13 or 14 years now. I'm quite busy. I say this because on the ground level there are problems that I can even testify to. Many victims of violence don't have a lot of confidence in the system. Lawyers, quite frankly, don't have that much confidence either.

Lawyers regularly advise their clients not to mention abuse, because judges won't get it. It's going to be used to punish you. Victims are scared that judges don't hear and understand them or are dismissive of it. They feel revictimized in court. Judges oftentimes put them back in situations where they have to communicate with and be around the abuser. They don't quite recognize how dangerous a situation that can sometimes be.

When I speak of judges, I'm speaking generally. There are obviously some really good and well-informed judges, and there are ones who are a little less informed. Overall, the flavour is that people don't feel safe, and there is a lack of public confidence, especially as it relates to survivors.

The Chair: You're getting feedback because we're quite a bit outside that time right now.

Mr. Philip Viater: Oh, my apologies.

The Chair: Phil, I will make sure that I will get right back to you, if that's okay. All right?

• (1315)

Mr. Philip Viater: Okay, yes.

The Chair: I'll give you 15 more seconds if you want. Give me that 15-second plug, and then we'll get right to questions, okay?

Mr. Philip Viater: It's the biggest 15 seconds.

The only one amendment that we are really seeking is under section 3 of the Judges Act. It's section 3(b), about new judges having to undertake to participate in continuing education. Right now it's with sexual assault, social context, systemic racism, etc. We would like that to also include intimate partner violence and coercive control, to really give a little extra umph and teeth.

The last point I was going to make was that not every judge who hears a family law case even has a background or training in family law. That is also a big issue that we've experienced.

The Chair: Thank you very much.

I'll let you know how it usually works here. For the first round, every party gets six minutes to ask questions. I've been granted the opportunity to ask questions, although the chair doesn't usually ask questions. I've been granted by all parties the opportunity to ask questions today. I'm going to take the first six minutes on behalf of the CPC, if you don't mind. Don't worry, I've set my own clock here.

I'm going to start off with Anju.

Anju, we know how important this bill is. I believe you probably sat on the status of women committee with me when we were doing Rona Ambrose's bill. We were talking about judges needing to be trained.

What made you do this today? What were some of the things that you have seen? Was it specifically Keira, or was there something that you put forward that stimulated you to do this?

Ms. Anju Dhillon: As I said, when I was practising law, I would see the gaps in the system, especially when it came to breaking this cycle of violence. Children are especially very negatively affected.

Yes, we did sit together.

Over the last two years during the pandemic, we saw that the amount of violence increased against women. They were isolated with their partners. Children were subject directly and vicariously to this violence. The testimonies were horrific. I was sitting there most of the time just thinking to myself, "We have to do something." Over and over I would think this to myself.

I would like to add one thing, because I know you have a lot of questions for everybody and I see you moving. One phrase that came up during studies is that the pandemic was "an abuser's paradise". This really struck me. An abuser's paradise means you isolate and she couldn't go anywhere. We had to do something.

This is what motivated me. Then MP Damoff came and spoke to me about the Kagans' tragedy. I said, "Okay, let's do something."

The Chair: Perfect. Thank you so much.

At the beginning of 2020, when I was the shadow minister for women and gender equality, I remember people calling me at home, saying, "We need to find a safe place for this woman." It was just absolutely tragic.

Jennifer, I want to pass it over to you.

First, as a mom, I don't even know how words can say it. "Sorry" is not enough, but I'm thinking of you each and every day. As we're going through this bill, Bill C-233, your beautiful little girl with those ringlets comes to mind each and every day.

I just want to ask you this. You had 53 court orders, and nothing was done. People were giving out these court orders that said the man can't come over, your ex-husband can't come over, it just can't happen. Every single time he defied these court orders. What happened? What was the next thing you were able to do? What sort of

enforcement was done? What did the police do? What resources did you have?

Dr. Jennifer Kagan-Viater: We had resources so that when a court order was defied, I was able to address that, or when a frivolous motion was brought. Many of these motions were brought in a very litigious fashion by my ex-partner as a means to cause me distress in responding, but we were able to respond legally.

The unfortunate thing is that many victims of violence are not in a position to be able to do that. I was fortunate that I had the resources to be able to pay the lawyer at that time. That's one reason why we're speaking out: It's because there are many survivors of violence who are voiceless and who may not have that ability to respond if a perpetrator has taken a child and run off with them for weeks at a time. That requires a response.

There are many systems in need of reform. I know that here today we're supposed to be talking about judicial education, so I will keep focused on that, but there are many systems in Canada that are failing survivors of violence and children and are in need of reform.

● (1320)

The Chair: Thank you.

Phil, we'll go over to you. We have a minute and 45 seconds.

I've had the opportunity to speak to you before, and I think you come to this with such experience being a family law lawyer. I'm sure you've been an amazing partner for Jennifer throughout this entire period of time.

I think there's one thing that we see. I even see it in the courtroom, where lawyers themselves are focused on this or that. There's family law and there's civil law. There are so many different things—criminal law, real estate. They want to do it. I find lots of times that these are the people who become judges. They may have been a criminal lawyer for 20 years or a real estate lawyer for 20 years, and then the next thing you know, they're deciding on a criminal case, just like we've seen time and time again.

I'm going to pass this over to you for the next minute, and I want you to tell me what we need to do and how we can get it better. You have one minute, Phil.

Mr. Philip Viater: Thank you.

Yes, that is one of the biggest complaints and problems that we're facing today. It's that you don't always get a judge who has a background in family law. Quite frankly, even when you do, it doesn't mean that their specific background was abuse-informed. They could have dealt with high-income net worth or property cases.

That's the biggest reason that this educational component is so important, and why the one amendment I asked for about the undertaking is so important. If you don't have the undertaking, then judges decide their own training. What will end up happening is that the real estate lawyer won't go for the domestic violence training, because they don't sit on family law cases often. They feel that they don't need to do that. If we get it at the outset, when they first become judges, we'll have eventually a fully abuse-informed bench.

The Chair: Thank you very much. My time is up.

We're now going to pass it over to Sonia Sidhu for the next six minutes.

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

Thank you to all the witnesses for being here with us.

No child deserves this. I know it's a difficult conversation, but Dr. Kagan and Mr. Viater, your advocacy is so important. It's making a difference.

I also want to thank MP Anju Dhillon for championing this bill, as well as MP Damoff for her tireless work.

My first question is to Dr. Kagan. Aside from judicial reform, where do you see gaps where action needs to be taken to eliminate gender-based violence and to protect children from the harm associated with it? You talked about domestic violence education. Can you explain that?

Dr. Jennifer Kagan-Viater: Absolutely. I think education is really key to giving the professionals in the system the tools they need to make decisions that put child safety at the forefront. There's an entire body of literature and domestic violence expertise. For example, the centre for family violence in London, Ontario, has people who have studied this.

I'm a physician, but I had palliative care training. People sometimes wonder if that's enough to meet what is needed, but actually I did a year-long, very comprehensive fellowship to become a palliative care physician in Canada. The same level of expertise is what we need to be giving to children and to the people who are making these decisions.

The education is of course urgently needed for judges, but also for child protection workers and really for any professional who's involved a family court case, such as custody assessors or any social worker or psychologist who works on one of these files, as well as police. We can hope that this can be a step and a start and that we will have provinces following suit to implement similar education initiatives. Even in health care, we need doctors to get up to speed to recognize those signs when they have patients presenting in emergency departments or family practice clinics or what have you.

Thank you very much for your question. It's a very important one.

Ms. Sonia Sidhu: Thank you.

My next question is for Ms. Dhillon.

How can we make sure that we are addressing the diverse needs of all Canadians?

Ms. Anju Dhillon: Sorry; I missed that part. Could you repeat it?

Ms. Sonia Sidhu: How can we make sure that we are addressing the diverse needs of all Canadians, especially those who are most at risk of being victimized, particularly other communities. There are so many barriers for them. How can we help them?

• (1325)

Ms. Anju Dhillon: First of all, I think passing my bill would be a great start. It's just the beginning of the conversation. As I've pointed out before, coercive control is not part of the Criminal Code. It's not acknowledged. This is the first time that there will be open acknowledgement at this level across Canada.

We've seen from advocacy groups and from our colleagues across the aisle that everybody supports this bill and the fact that we need to acknowledge coercive control. It needs to be addressed. This is a very good start to beginning this conversation.

Ms. Sonia Sidhu: Thank you.

The next question is for Ms. Damoff.

I know you have been in touch with many stakeholders, victims and survivor groups. How can we make sure we are addressing the diverse needs of all Canadians?

Ms. Pam Damoff (Oakville North—Burlington, Lib.): I would actually credit Jennifer and Philip for their efforts in contacting organizations and MPs across Canada. I have rarely seen the kind of support I see for Keira's law for anything else that I've worked on, and it's really to Jennifer and Philip's credit. It's Women's Shelters Canada. It is lawyers like Pamela Cross and Dr. Jaffe, who appeared at this committee and spoke in favour of what we're trying to do with Keira's law. It's a movement that has started in Keira's memory.

I'm sorry. The chair got me a little bit emotional with her questions, but we really can do this. Keira wanted to change the world, and she is doing that through this bill. She has started a movement across our country that will actually change the world.

Ms. Sonia Sidhu: Thank you, Ms. Damoff.

My next question is for Mr. Viater or Dr. Kagan.

In your view, how will this bill protect in-need or at-risk populations so they feel safe and protected?

Mr. Philip Viater: Let me start by saying, number one, that if judges are able to understand what abuse looks like in the year 2022—that it's not just bumps and bruises and black eyes—that is one of the first and biggest things that is super-important, because right now when judges dismiss them, all they've done is enabled an abuser to continue almost in perpetuity, with the abuser saying, "The judge said it's okay; I can continue this."

Similarly, if judges start to understand the trauma responses of victims, then they'll understand that a victim's actions may not be nefarious in nature but are actually protective of their child. These are the types of things that are really going to protect people, because judges are the final gatekeepers and they have to be the ones to take that final stand to say, "No, this is what's going to happen with your child."

The Chair: You have 20 seconds, Sonia.

Ms. Sonia Sidhu: Dr. Kagan, we know there are systemic problems. In your view, what are the changes that need to take place to shift this culture?

Dr. Jennifer Kagan-Viater: I think this is a first start.

I think victims and survivors being comfortable with coming forward to talk about this is a very good step. It's not an easy thing to come forward as a survivor of violence. We need societal acceptance and awareness and less stigma and less blaming of the victim, and people in positions of authority who are not validating what's gone on, and an acknowledgement that abuse is wrong. We need that zero tolerance of abuse from all types of leadership.

The Chair: Thank you very much.

We're now going to pass it over for the next six minutes to Andréanne Larouche.

Andréanne, you have six minutes.

[*Translation*]

Ms. Andréanne Larouche (Shefford, BQ): Thank you, Madam Chair.

Ms. Kagan-Viater and Mr. Viater, I would like to start by offering my deepest condolences. As a recent mother of a little girl myself, I can only imagine the pain you must have felt as parents. This shows how intimate partner violence affects not only the partners, but the whole family. We have had several witnesses say it before the committee. My thoughts are with you.

Ms. Dhillon, thank you very much for introducing Bill C-233. You've heard me talk a lot about coercive control, as has Ms. Damoff.

I had the opportunity to meet a survivor who was receiving the stories of other survivors as part of her blog *Les mots de Myra*. If we look at all those stories, it becomes clear that the notion of coercive control affords a much broader and holistic view of the domestic violence issue. You've heard me talk about this many times.

I'm pleased that you are introducing Bill C-233, and it will come as no surprise to you that my party and I will, of course, be supporting it.

In a sense, the bill follows in the footsteps of what the Quebec government recently put in place. It's in line with what's been done in the National Assembly. We were looking forward to seeing Ottawa get there. However, Quebec has already moved perhaps a little more quickly. In short, I want to tell you that we very much support this new public policy, which is consistent with Quebecers' values.

However, I must stress that this improved legislation will not solve all domestic violence issues. It's not a quick fix. Several wit-

nesses cautioned the committee against thinking that one measure, like the anti-approach bracelet, for example, is going to solve everything by waving a magic wand. Many witnesses have told us we are going to need to add several other measures to curb this violence.

We know that the Quebec government has already announced plans to implement the anti-approach bracelet as part of a set of 14 other measures under way to curb intimate partner violence.

To ensure the continued implementation of these measures, I want you to know how important it is that health care funding to Quebec and the provinces continue to increase to maintain adequate services for victims of domestic violence. Several witnesses have mentioned it. Many organizations can provide support to victims, and their services must go hand in hand with measures like the anti-approach bracelet.

Many witnesses have emphasized how critical these organizations are. What are your thoughts on it?

● (1330)

Ms. Anju Dhillon: I thank you, Ms. Larouche, for all the work you yourself have done on coercive control. You are right to say that I have heard you talk extensively about this subject.

You've just raised a really important issue.

I'd like to add one point to your comments about the monitoring bracelet.

As a Quebecker, it is with some pride that I can say that Quebec has really put measures in place to address the issue of domestic violence. For example, in March, the Quebec government announced that it was launching the first pilot project for a court specializing in sexual violence and domestic violence at the Salaberry-de-Valleyfield courthouse. This is the first jurisdiction in the world to set up such a court. The work that the province is doing is really important. I hope it will continue and that we can work hand in hand with all the provinces and territories.

Ms. Andréanne Larouche: You are absolutely right.

In fact, I am proud to say that one of the specialized court pilot projects will be implemented here in Granby, in the heart of my riding.

The thinking behind the implementation of specialized courts is precisely based on the question of the training of judges. It is essential that they be better trained.

I just want to point out that coercive control is only addressed in relation to the training of judges and that, as you say, the amendment to the Criminal Code that is proposed in the bill that has been tabled does not address the criminalization of coercive control. I heard you say that this was the beginning of a reflection. Yet a recommendation to that effect has been made by many experts, on numerous occasions, to the Standing Committee on the Status of Women and the Standing Committee on Justice and Human Rights.

At this point, what is the reason you have not incorporated the recommendation to criminalize coercive control into Bill C-233?

Ms. Anju Dhillon: I will let the next panel answer that question.

Ms. Andr anne Larouche: You say that the expertise of the Department of Justice was really called upon.

Ms. Anju Dhillon: Exactly.

Ms. Andr anne Larouche: You said that in Quebec, with the recent adoption of Bill 24, the deployment of the device is starting now and will last until next year to cover the whole territory.

The heart of the matter is still the deployment of the device. How, according to your bill, will the electronic device be implemented at the federal level?

Ms. Anju Dhillon: Can you repeat the question?

Ms. Andr anne Larouche: According to your bill, how will the monitoring bracelet be implemented at the federal level?

Ms. Anju Dhillon: It will be up to the provinces and territories to implement it, as they know best how to handle the technical details

Ms. Andr anne Larouche: There are many. The monitoring bracelets involve cell coverage. We need to make sure they can work everywhere. We've talked about this problem. No matter how many people wear monitoring bracelets, if there is a lack of cell coverage, some victims will not be protected.

[English]

Ms. Pam Damoff: This won't solve all of the problems, and there's definitely a problem with cell coverage, but it will at least be a start. It will put in the Criminal Code the outstanding work that the Province of Quebec is doing when it comes to sexual and domestic violence.

• (1335)

The Chair: Perfect. Thank you so much.

We're now going to move to Leah Gazan for six minutes.

Ms. Leah Gazan (Winnipeg Centre, NDP): Thank you so much, Chair.

I'd like to start by saying that it's so nice to see you again, Dr. Kagan. I'd like to say just how much I admire your courage to use your experience to lift up the memory of your daughter in such a heroic way. It's truly touching, and I want to honour you today for that tremendous courage. Mr. Viater, I know that this has also impacted you personally, so I also want to honour you in your courage, love and compassion.

To MP Dhillon and MP Damoff, thank you for putting this forward. As a woman in the House of Commons, there's not a lot of space for us. In creating space to talk about violence and things that

we have to do to end violence, we need to take up that space. I want to thank you for taking up that space in the House of Commons.

My first question is for MP Dhillon.

We've been talking in FEWO about how there's great cultural diversity in terms of responses to trauma, harm and fear, and also how we express that. I absolutely support this bill in terms of training for judges, but how are we going to ensure that the training that judges receive allows them to have a cross-cultural lens when making those determinations?

Ms. Anju Dhillon: I'll let MP Damoff answer that.

Ms. Pam Damoff: That was one of the things we talked about when we did Rona Ambrose's bill and then the Judges Act. I had the privilege of sitting on the justice committee. If you recall, the bill actually added in the last version of systemic racism. Originally, we added social context to it as well, to ensure the types of things that you're talking about. We can't prescribe what judges will do in their training, but we can do as much as we can in the wording in the legislation.

I think those issues you've talked about, MP Gazan, are so important. It is there in previous wording, but I'm pretty sure the judges are watching right now. I think we can all send a very strong message to them that they need to ensure they're speaking to the right organizations and the right people to make sure that their training is reflective of everyone across Canada.

Ms. Leah Gazan: Thank you so much for that.

There was just a question about cell service and the effectiveness of the e-bracelets. It is concerning. I'm going to give you an example, because I think this is a very important initiative: If you're in a remote community in northern Manitoba, it takes police in some communities an hour to get there. I'm wondering about a couple of things, because I do think this is critical.

Are there active steps to make this more equitable in terms of being able to access this safety measure? How is that being coordinated with services, so if somebody is experiencing domestic violence, there's the ability to have a quick response?

Ms. Pam Damoff: The government is rolling out cell service across the country. I don't think we want to give women false hope that this is going to provide e-monitoring for every woman across Canada, because it won't, and we know that. Indigenous communities in particular are very poorly served by Internet service. It's important that we also provide services in those communities. That's why the work that FEWO has been doing is important, along with the recommendations you're making, and Minister Ien, quite frankly, is prioritizing services in the communities.

I know you only have limited time, so I'll give it back to you.

We need to take a whole-of-government approach to this. This is one aspect of it, but we need to be cognizant that this is not going to solve the problem. To your point exactly, we need women to be able to access safe supports in their communities in a timely manner.

• (1340)

Ms. Leah Gazan: Thank you so much. I appreciate working with both of you so much.

My next question is for Dr. Kagan-Viater, and also for you, Mr. Viater.

How do you see the government's role? What is the role we can play to prevent a similar abuse that your late daughter, Keira, received? I know that we're now looking at electronic devices. Certainly we will be supporting this measure, but what else can we do? How can we do more?

Dr. Jennifer Kagan-Viater: This is definitely a very good step, and a start. Looking at the failures for Keira and looking at the failures for Canadian children, we see that when there's a situation of domestic violence, the woman most generally flees the situation. We want to ensure that judges are equipped to manage those cases and to understand the effects of domestic violence on children, which should be part of their training. That is really what is needed in terms of abuse cases.

Is there an issue with my sound? I thought I was getting a signal, so I apologize.

The Chair: You won't be getting a signal, but I'm going to give you about 10 more seconds, because we have to get on to the next round.

Dr. Jennifer Kagan-Viater: Judges need to recognize when a child is being harmed and in danger, and that's the bottom line here. It's at least a first step. I could absolutely speak to other initiatives at great length.

It's nice to see you again, MP Gazan.

The Chair: Thank you very much. Philip, I know we'll get back to you sometime.

I'm going to start the second round. Dominique, you have five minutes.

[Translation]

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

Good afternoon, colleagues. I also want to greet our guests.

We are very grateful to you for being here today.

As a member of Parliament and as a minister in the government of Quebec 15 years ago, I took action, and we are still taking action here today. I'm glad we're still having very relevant conversations. Sometimes we succeed in improving people's lives. Most of the time, that is what we are working on here in Parliament. Every action we take and every word we say can change people's lives and women's lives in particular.

I have a few questions, but you will have gathered that there will not be much opposition here this afternoon.

With regard to the requirement for judges to train on these subjects, Mr. Viater, how do you think that will be received by judges?

[English]

Mr. Philip Viater: That's an interesting question. I don't fully know what the answer would be. I could only suspect that some judges are going to welcome it with open arms and some judges are going to be offended.

The truth of the matter is that the judges who are offended are actually the ones who need it more than the judges who aren't, because the judges who aren't are usually the ones who actually go out and seek that training themselves. The judges who are offended are the ones who usually stick with the former old stereotypes and myths and continue to unintentionally cause harm to some families.

[Translation]

Mrs. Dominique Vien: Mr. Viater, if I read the bill correctly, I understand that the bracelet can be required following an application made to the judge by the Crown prosecutor.

Do I have it right?

[English]

Mr. Philip Viater: No. The e-bracelet wasn't necessarily part of Keira's law.

I used to do criminal law. Under judicial interim release, when somebody is charged with a crime of intimate partner violence, the justice of the peace or the judge needs to consider certain conditions to impose. What this bill does is specifically direct their mind to whether it is in the interests of justice to order an electronic monitoring device. It gives them another tool in their tool box for them to specifically put their mind to. That's what this largely does.

• (1345)

[Translation]

Mrs. Dominique Vien: I see.

I was under the impression that it was the prosecutor who had to make the application and then the judge who received it had to make a decision. So that's not the proposed process.

Dr. Kagan-Viater, if the bracelet had existed, might the situation have been different?

[*English*]

Dr. Jennifer Kagan-Viater: I think that I would have been a candidate for a bracelet, and I'm in full support of that initiative. Unfortunately, it would not have changed the outcome for Keira, because the judge ordered Keira to be put into the hands of the perpetrator, my ex-husband. That was a court order. The education piece would have made a considerable difference for Keira, but not the other component.

That's not to diminish its importance. This component is going to save the lives of women across Canada, and I am in full support of it.

[*Translation*]

Mrs. Dominique Vien: Of course.

In closing, Madam Chair, I would like to ask a question of our colleague Ms. Dhillon.

Instead of a sunset provision, would it have been appropriate for Bill C-233 to include a provision that would provide for an analysis of its implementation? So we could have looked at what it would have achieved in three or five years, perhaps?

Ms. Anju Dhillon: I will let my colleague Ms. Damoff answer this question.

[*English*]

Ms. Pam Damoff: I can't speak to the electronic monitoring part, but if I remember correctly, the Judges Act did have reporting to the minister on the uptake on the training that the judges did and the number of seminars. I'm speaking from memory, but I'm pretty sure the original bill did have reporting on the seminars the judges took, so there is monitoring. I could be wrong on that, but I'm 99% sure that was in the original bill.

The Chair: Thank you so much.

We're now going to move for our next five minutes to Anita Vandenberg. Anita, you have the floor for five minutes.

Ms. Anita Vandenberg (Ottawa West—Nepean, Lib.): Thank you very much. I'd like to split my time with Mr. Morrice.

I would like to first say to Dr. Kagan and Mr. Viater how incredibly courageous you are. There are many people who would have gotten lost in their grief after something like what you experienced, but you have turned it into something that is going to save many children in the future. I think we all applaud the incredible courage that takes.

I have one question. I would appreciate it if each of you could answer in maybe 30 seconds, because I do want to save some of my time for Mr. Morrice.

There are many gaps in the law. There are many potential remedies. Why is it that the training for judges is the piece that is the first priority we need to work on?

I guess I'll start with Ms. Anju and then go to Ms. Damoff. Then I'd like to turn to our other two witnesses.

Ms. Anju Dhillon: I'm sorry. Can you repeat the question, please? There was some interference.

Ms. Anita Vandenberg: Why is it that this particular thing—the training of judges and the monitoring bracelets—is the priority? With many remedies out there, why is this the particular thing that you chose to focus on?

Ms. Anju Dhillon: It's incredibly important right from the get-go that judges be able to render decisions that will keep in mind the safety and security of the complainant victim and of their children and make sure that the amount of damage and the cycle of violence is mitigated. This is one of the biggest reasons that I decided on that point right from the start, because if it starts on the right foot, then we are able to prevent much harm later on. This is going to make a huge step.

I think MP Damoff would like to add something as well.

Ms. Pam Damoff: You asked why this is so important to do right now. It's Keira Kagan. We don't want another Keira. I don't think I need any more than that. We need to do it for Keira.

● (1350)

Ms. Anita Vandenberg: Go ahead, Dr. Kagan-Viater.

Dr. Jennifer Kagan-Viater: In terms of the changes to the federal Divorce Act, obviously Philip can speak to this more eloquently than I can. Per my understanding, the Divorce Act was changed in March of last year, and now includes family violence as a factor that judges have to take into account when deciding the best interests of a child.

Judges don't understand what family violence and coercive controlling behaviour look like. We need to provide them with that education, so they are able to properly implement those changes as intended.

Ms. Anita Vandenberg: Go ahead, Mr. Viater.

Mr. Philip Viater: Jen hit the nail on the head. We have these amazing changes to the Divorce Act, but what was the missing piece? It was the educational component. Very little has actually changed, and that wasn't the intention of those changes.

Ms. Anita Vandenberg: I'll cede my time to Mr. Morrice.

Thank you.

Mr. Mike Morrice (Kitchener Centre, GP): Thank you, MP Vandenberg.

Let me start by noting the difference in the tenor of this afternoon's conversation, the number of women in this room, and the impact that having more women in politics has on the quality of our political conversations.

My question is for you, MP Damoff.

You've been at this for a good number of years. Would you like to share more about what first drew you to this important legislation?

Ms. Pam Damoff: In 2020, I received a message on Twitter from Jennifer saying, "A friend of mine said I should reach out to you and I would like to tell you the story of my daughter." We talked on the phone, and we've been on a mission ever since to honour Keira's memory and to make sure that judges are educated.

I think there are good points about the changes to the Divorce Act. We had conversations with Minister Lametti about the good work that has been done in legislation, but in practical terms, we need to make sure of it on the ground.

I also think that Anju quite elegantly put electronic monitoring and judicial education in the same bill because without that education piece, judges will not know to even ask for electronic monitoring. We need judges to be aware. Our perception of what constitutes domestic violence today is different from what it was five or 20 years ago.

I know it's the same for Jennifer. I've been inundated—and I believe the chair has as well—with messages from people who have been through the court system today and are experiencing exactly the same thing. I was drawn to Jennifer right from the first conversation, as every single one of you has been. We just need to do it.

Thank you for your question.

Mr. Mike Morrice: Likewise, thank you, Dr. Kagan-Viater, for your advocacy and the conversation we had, and for engaging with organizations across the country, including Women's Crisis Services of Waterloo Region. I know how appreciative they are of this legislation being put forward.

Thank you, MP Dhillon, for your advocacy and leadership as well.

The Chair: Thank you very much.

We're now going to move to Andréanne. Andréanne, you have two and a half minutes.

[*Translation*]

Ms. Andréanne Larouche: Ms. Dhillon and Ms. Damoff, thank you very much, once again, for introducing Bill C-233. I also thank Dr. Kagan-Viater and Mr. Viater for being here.

I would like to remind you that talking about this issue is not new. Dr. Kagan-Viater, you pointed out that violence is not always physical, but it always hurts. There was an ad campaign that ran at the time that made an impression on me as a young woman. It was my partner who was behind the campaign, who thought of it. I thought it summed up what coercive control is all about.

If I understand correctly, the electronic bracelet might not have saved your daughter. You recalled that it was more the training of the judges that was at issue in this case. That is my understanding.

For survivors and victims of intimate partner violence, the important thing is that there are no other victims, but also to give women back their confidence so that they want to report these situations, feel that they will be listened to and that their situation will be given all the importance it can have.

Dr. Kagan-Viater, I would like you to talk about the impact that better training of judges will have, and the fact that women will be encouraged to report these situations.

• (1355)

[*English*]

Dr. Jennifer Kagan-Viater: I will say that right now, women are afraid to report. They know they may well be punished for coming forward as a victim of violence. They know they may be accused of being unwilling to facilitate a relationship with the other parent, which is not at all the case when somebody is protective and fearful for their own safety or the safety of their child in an abuse case.

Hopefully, when that education is implemented and the culture has shifted, women or any victim of violence will feel comfortable in coming forward that there is a view to protecting them and ensuring they are safe, that they are not going to be the next statistic, and that their child is going to be safe and not the next statistic in the newspaper.

Right now, I can tell you that across the country, survivors are very fearful. They are turning to systems to protect them, but they are being shut down. They are being punished for disclosures of abuse. This bill is a good starting step toward changing that.

The Chair: Wonderful. Thank you so much.

We're now going to turn it over to Leah. Leah, you have two and a half minutes.

Ms. Leah Gazan: Thank you so much.

I can't agree more, although I think provincial family law has regularly failed women, particularly in matters involving children.

My question is for you, Dr. Kagan-Viater. You were just talking about the fear of reprisal for coming forward. However, women who experience abuse are also abused by the systems that interrogate them. The abused have to prove they're being abused, and the onus is on the women. From my perspective, that is another vile and violent act against victims of violence.

When we're looking at training, how do you feel we can ensure the justice system doesn't become a secondary abuser to women fleeing violence, especially in cases of coercive control, when there aren't bruises on the face?

Dr. Jennifer Kagan-Viater: I agree that these systems often further the abuse and can often be more traumatizing than suffering the abuse itself. Education is a good step, and other measures can be implemented. I would welcome the government's input on measures, such as the roles the victim and perpetrator have, so that they don't see each other in court. Right now we have, for example, the perpetrators cross-examining the victim at times.

I would very much welcome some sort of overarching domestic violence legislation or measures or policies to protect victims so that they are not being continually retraumatized by these systems.

Thank you for your question. Those are some examples.

Ms. Leah Gazan: My next question is for Anju or Pam.

We're talking about training. Judges need training. We've had several examples in Manitoba that are just horrifying. Is there going to be any measurement of the effectiveness of the training?

In my last question, I talked about cultural competency. I've now spoken about retraumatizing victims through questioning. I'm wondering if you can comment on the research on the effectiveness of the training.

Ms. Anju Dhillon: Thank you so much for your question, MP Gazan. We have 10 seconds left, so I want to say you've raised another level of problems in our judicial system. It's a huge problem. We need to really go at it and not stop the momentum.

Go ahead, MP Damoff.

Ms. Pam Damoff: Quickly, I agree. I'll take it back to Minister Lametti to see what we can do to measure the effectiveness.

The Chair: Awesome.

On behalf of the status of women committee in the first hour of the debate on Bill C-233, I would like to thank Anju Dhillon and Pam Damoff for coming forward and presenting today.

To Jennifer and to Phil, thank you so, so much. I can't agree more with Pam about the work you have done and the advocacy you're doing in memory of Keira. We're all there. Thanks for letting us join your train and making sure that we change things for all Canadians. Thank you so much.

We are now going to suspend for a few seconds. We will be welcoming the justice department.

You can hang up. Once again, thank you so much for joining us.

We are suspended.

• (1355) _____ (Pause) _____

• (1400)

The Chair: Good afternoon. We are starting our second hour of debate and discussion on Bill C-233.

For our second panel, I would like to welcome members of the Department of Justice. We have Melissa Moor, counsel of the judicial affairs section, public law and legislative services sector, as well as Shannon Davis-Ermuth, senior counsel, criminal law and policy sector.

You have five minutes together. When you see me start rolling my pen, if you could start wrapping it up, that would be fantastic.

I'm going to pass the floor over to you. I'm not sure who would like to get started, but I'm passing over the floor to the Department of Justice. You have five minutes.

• (1405)

Ms. Shannon Davis-Ermuth (Senior Counsel, Criminal Law and Policy Section, Policy Sector, Department of Justice): Thank you very much for the opportunity to speak today to the reforms proposed by Bill C-233, An Act to amend the Criminal Code and the Judges Act (violence against an intimate partner).

I would like to begin by acknowledging that I am joining you from my home and place of work that is situated on the traditional territories of the Haudenosaunee and the Algonquin Anishinabe nations.

I propose to provide a brief overview of the bill's reforms with reference to the relevant existing legal frameworks, and then my colleague, Melissa Moor, and I will be happy to attempt to answer any questions you may have.

As you know, the bill proposes two sets of amendments, one to the Criminal Code's interim judicial release, commonly known as bail provisions, and one to the provisions in the Judges Act for continuing education seminars. I will address each in turn.

[*Translation*]

Amendments to the Criminal Code would require a justice of the peace to determine whether an accused charged with an offence against his or her intimate partner should be required to wear a remote monitoring device as a condition of bail, commonly referred to as a "bond", when requested by the Attorney General.

Currently, the Criminal Code allows courts hearing bail applications to impose any conditions they deem necessary, as long as they are justified, in any of the following cases: to ensure the accused's presence in court, for the protection or safety of the public, including victims, and [*Technical difficulty—Editor*] so as not to undermine section 515(10) of the Criminal Code.

In particular, they may impose any conditions they consider necessary to ensure the safety of victims or witnesses to the offence, which may include the requirement to wear a remote monitoring device as a condition of release for any offence, including offences against an intimate partner. The electronic monitoring of accused persons on bail is a matter of administration of justice, and therefore a provincial and territorial responsibility. The use of such a device varies across the country. Some provinces and territories provide electronic monitoring programs and pay for the device, while others require the accused to pay for it.

[English]

Now I will turn to Bill C-233's Judges Act amendments, which would add intimate partner violence and coercive control to the list of continuing education seminars for judges that the Canadian Judicial Council may establish. That list of continuing education seminars already references "matters related to sexual assault law and social context, which includes systemic racism and systemic discrimination", as enacted by Bill C-3, which came into force in 2021.

"Coercive control" is a term coined by sociologists to refer to a pattern of controlling behaviour that takes place over time in the context of intimate partner or familial relationships and serves to entrap victims, eliminating their sense of freedom in the relationship. A broad range of controlling conduct may be employed, but the focus is on how a pattern of such conduct serves to subjugate, not the individual incidents in which abusers exercise control.

The concept of coercive control has been used in both family law and criminal law contexts. In the family law context, the concept was recently added to the Divorce Act's definition of family violence. Although there are no specific offences of intimate partner violence or coercive control in the Criminal Code, numerous Criminal Code offences of general application can address this type of conduct, such as homicide, assault, threats of death or bodily harm, sexual assault and criminal harassment.

That concludes my remarks. I welcome any questions you may have.

Thank you.

• (1410)

The Chair: Fantastic. Thank you so much.

I'll let everybody know that there is a connectivity issue. I know that Ms. Davis-Ermuth is doing her very best, but we do have a little bit of a connectivity issue. We'll just have to be patient during that time.

I really thank you for your comments.

We will start our second panel with a six-minute round. Our first questioner will be Michelle Ferreri. Michelle, you have six minutes.

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

Thank you, Ms. Davis-Ermuth. You were cutting out on me a wee bit, so hopefully....

I have just a couple of questions. You outlined what coercive control was. That actually was my first question. There is a solid definition that judges have to use. Are they currently educated on what coercive control is and on what the definition is?

Ms. Shannon Davis-Ermuth: Thank you for your question.

Melissa is from our judicial affairs group. I'm not sure if she would be able to speak to the issue of judicial education on this point.

Ms. Melissa Moor (Counsel, Judicial Affairs Section, Public Law and Legislative Services Sector, Department of Justice): Yes, thank you. I'll take that question.

Thank you for the question about what judges are learning or how the definition of coercive control is used in judicial education. The constitutional principle of judicial independence requires that the judiciary control judicial education. This includes control over the content or subjects of judicial education, including coercive control.

The main provider of judicial education for federally appointed judges is the National Judicial Institute, or NJI. They are the ones who design and deliver most of the training to judges, so they would be better placed to answer your question.

Ms. Michelle Ferreri: Okay, but right now are they currently educated on what coercive control is?

Ms. Melissa Moor: As I mentioned, the NJI, which is the primary provider of judicial education, would be better placed to answer the question on what they offer currently to judges.

Ms. Michelle Ferreri: Okay. Thank you so much.

I have what I feel is a delicate question. Obviously, I think this whole committee is very passionate about this, and we've come together because we know how important this bill is. I think sometimes when we're super-emotional, we can forget about something that can happen, perhaps negatively, as a result of a bill.

Just to ensure.... I've had a lot of questions and feedback from male victims of intimate partner violence and male victims of domestic abuse as well. Do you see this Bill C-233 and the education being applied to judges protecting all people, regardless of gender?

Ms. Melissa Moor: Thank you for that question.

Again, as I mentioned, the content of judicial education and what it would cover is a responsibility of the judiciary, in this case the Canadian Judicial Council and the National Judicial Institute. They would be better placed to answer questions about what would be covered by such training.

Ms. Shannon Davis-Ermuth: I might be able to say, though, that based on the content of the bill itself and the way it's worded in what it covers, in any benefits that the bill provides in protecting victims, it doesn't specify the gender of the victim [*Technical difficulty—Editor*] I think regardless of an identified [*Technical difficulty—Editor*] phenomenon that the bill targets.

Ms. Michelle Ferreri: Thank you. That's very helpful.

I guess I would ask one further question. I'm not sure which of you would want to answer it or would be best to answer it. Are there any amendments that you feel this bill should have, or is there something missing in it, to ensure that the tragedy of losing Keira never happens again?

• (1415)

Ms. Shannon Davis-Ermuth: Thank you.

As departmental officials, we're not really in a position to offer amendments. We're able to speak technically to what the bill does and what the effects of those things would be.

If there were amendments that members of the committee wanted to ask us about, similarly we would be able to talk about [*Technical difficulty—Editor*] technically how that would change [*Technical difficulty—Editor*]

Ms. Michelle Ferreri: Sorry, you just cut out there on that last sentence. Could you repeat that for me, Shannon?

Ms. Shannon Davis-Ermuth: Yes. I'm sorry about that. I'm having some unstable Internet issues today.

We're not able to offer opinions in terms of what types of amendments we think the government should make, but we are able to speak to the technical effects of the bill, as well as any technical effects that any specific amendments might have.

Ms. Michelle Ferreri: Okay. Thank you so much.

How much time do I have left, Chair?

The Chair: You have 29 seconds.

Ms. Michelle Ferreri: I'll pass over my time. Thank you.

The Chair: Okay. Fantastic.

Actually, if you don't mind, I'm going to take those 30 seconds of time for a quick question.

What is the difference between the judicial council institute and the judicial council, if we're looking at—

Ms. Melissa Moor: Certainly. I think the two organizations that you're mentioning are the Canadian Judicial Council, the CJC, and then there's the National Judicial Institute, the NJI.

The CJC is an organization that's made up of all of the chief justices across Canada. They're responsible for setting the professional development requirements for federally appointed judges. They collaborate closely with the other organization you mentioned, the NJI, or National Judicial Institute. The NJI is the primary provider of judicial education. It's also a judge-led independent organization.

The Chair: Awesome. Thank you so much.

I'm now going to pass it over to Jenna Sudds. Jenna, you have six minutes.

Is she there? No?

Emmanuella, go ahead. We'll pass the time over to you.

Ms. Emmanuella Lambropoulos (Saint-Laurent, Lib.): Thank you, and thank you to our witnesses for being here with us.

I'll begin by saying that our previous witnesses, Mrs. Kagan and her husband—Mrs. Kagan is the mother of Keira—spoke a lot about the failures of the current system and the lack of education that judges currently have when it comes to intimate partner violence and domestic abuse in general, even when it relates to children. I don't know much about how things work currently in the justice system when it comes to violence, but can you maybe paint a picture of what that would look like right now?

I know that up until age 12 a child is not allowed to decide whether they're going to live with their mom or dad. They can't choose which parent they're going to live with. In some cases, even when there is abuse, the judge still decides that both parents have custody. How would a decision like that come to be? What other protections do you believe currently exist to ensure that the child is not abused or is protected from a father such as Keira's father?

Ms. Shannon Davis-Ermuth: Thank you.

Just to be sure that I understand your question, are you wondering about how, in custody cases, the decisions are made about children and the protections that exist for children?

Ms. Emmanuella Lambropoulos: Yes.

Ms. Shannon Davis-Ermuth: Okay.

When there is violence with a family member, there are different ways that children can be protected by the justice system. There are different areas of law that have different provisions that could be provided to protect children.

For example, there's the child protection system. That's an area of provincial jurisdiction. In each province and territory, there is legislation that governs the protection of children. If the child protection authorities felt that a child was at risk, then you would look to the legislation in that jurisdiction to see what types of measures might be needed to protect a child.

In terms of divorce, in the Divorce Act [*Technical difficulty—Editor*] issues around criteria in the Divorce Act are referred to as the “best interests of the child” test. The Divorce Act has a list of factors. The primary factor is the child's physical, emotional and psychological safety and well-being.

Then in the Criminal Code, if there were an allegation that criminal offences had been committed or if there were fear that a criminal offence might be committed, if charges were laid against an individual, then they could be held in custody, and—

• (1420)

Ms. Emmanuella Lambropoulos: I apologize. I'm going to ask a follow-up.

Ms. Shannon Davis-Ermuth: Sure. I know you're short on time.

Ms. Emmanuella Lambropoulos: What type of evidence is considered in terms of these cases? Obviously, it wasn't in the best interest of Keira to be with her father.

As a teacher, I taught students who would come up to me and open up about their family situations. Many of them were experiencing violence at their father's home, for example. The courts were not helping in any way. In many cases they had video evidence that they apparently weren't allowed to show in court, and different things like that. I don't know if that's just one case or something that one of my students was told.

I'd like to see if you have anything to say on that to clarify or let us know what evidence is considered in these cases.

Ms. Shannon Davis-Ermuth: Just to clarify, if we're talking about custody and access cases between parents if there's a breakdown in the family, there's different evidence that a court might consider. They consider the evidence given in testimony by the parents. The court could consider the child's views and preferences. They can also consider expert witness evidence—experts that might meet with the parties and make assessments.

Ms. Emmanuella Lambropoulos: How much time do I have, Madam Chair?

The Chair: You have one minute.

Ms. Emmanuella Lambropoulos: This is my final question.

You've seen Keira's law, which is Bill C-233. I'm wondering if you can tell us if you believe that this bill would help children and women in these situations in the future. Would it help empower women when it comes to divorce and when it comes to an abusive partner?

Ms. Shannon Davis-Ermuth: Thank you for your question.

Unfortunately, we're not really able to offer our own personal opinions about the advisability of the measures. We are here to provide legal information about their meaning and effect.

Ms. Emmanuella Lambropoulos: Based on your knowledge and given what is in this bill, would it help make the system more efficient in dealing with these cases?

Ms. Shannon Davis-Ermuth: Based on my knowledge of what's in the bill, it could have the effect of increasing the knowledge of judges' provisions. It could remind judges of certain considerations that they should take in considering safety factors when there are offences against intimate partners.

The Chair: Thank you so much.

We're going to now pass it over to Andréanne for six minutes.

You have the floor.

[*Translation*]

Ms. Andréanne Larouche: Thank you, Madam Chair.

I thank the witnesses for trying to answer our many questions this afternoon.

It was said earlier that this bill was consistent with what is happening in Quebec with respect to domestic violence between intimate partners.

Can you explain how the new public policy will be implemented when it is adopted? Are you going to be inspired by what Quebec did, after they passed their new law on monitoring bracelets? Will there be a time limit for implementation? How will it work?

Ms. Shannon Davis-Ermuth: Thank you. I hope I understood the question correctly.

Yes, we follow what is done in Quebec.

• (1425)

[*English*]

Just to increase the accuracy of my answer, I'm going to switch to English.

We have been following the measures that are occurring in different jurisdictions, including Quebec, particularly because of some of the similarities to the electronic monitoring changes that have been proposed in Quebec.

As I mentioned, at a high level, something like electronic monitoring is considered to be within the administration of justice, so that is something that would be put in place by the provinces and territories. They currently have a number of different measures and programs.

[*Translation*]

Ms. Andréanne Larouche: Very well.

What I understand is that since the Quebec government has already legislated on this issue, we will have to coordinate some things with them, even if it is not the same law or the same level of government. As you said, there are different laws. There's the one in Quebec and the ones in the other provinces. So if I understand correctly, you're going to make sure that there is this coordination between the two levels of government.

Ms. Shannon Davis-Ermuth: Yes.

[*English*]

The operationalizing of the amendments would occur individually in different jurisdictions. Quebec might be ready for those changes. It might be easier for them to operationalize.

[*Translation*]

Ms. Andréanne Larouche: All right.

Now, can you explain the effect of this on the legal front? How exactly will it change the way abusers are tried in cases of intimate partner violence?

When implementing a new public policy, it is important to link it to a solution. It's one of many measures and perhaps it should be implemented politically, but as you said, of course, it's hard for you to give opinions. I understand that, so I'll talk about tools instead.

How will your department measure the effectiveness of this public policy? Have you prepared monitoring tools to evaluate this new policy and see how it is evolving?

[English]

Ms. Shannon Davis-Ermuth: In order to follow the effects of the legislation, we would work with Statistics Canada and look at the different measures that it uses. It has a number of different surveys that could measure that type of information.

[Translation]

Ms. Andr anne Larouche: I see.

I'm going to go back to a question that I tried to ask Ms. Lambropoulos and Ms. Damoff. They told me to ask you, as it fell more under your responsibility, as a public servant.

In Quebec, with the recent adoption of Bill 24, the electronic monitoring bracelet was chosen as the device, but its implementation, which will begin this spring, will be phased in over several months.

How will the implementation of this device work on the federal side?

As for the concrete implementation, Quebec has a plan. On your side, at the Department of Justice, are you in the process of planning how it will be implemented? Do you have a timetable for implementation to determine what will happen?

[English]

Ms. Shannon Davis-Ermuth: If I understand correctly, the Department of Justice wouldn't have a specific plan with respect to implementing electronic monitoring, because that would fall within the administrative jurisdiction of the provinces and territories.

The Minister of Justice and the federal government are responsible for the laws, and the administration of them occurs in the provinces and territories themselves.

[Translation]

Ms. Andr anne Larouche: I was not talking about implementation in Quebec and the provinces, but about the implementation of what could have been the responsibility of the federal government or your department in this bill. However, I did understand what you said. We will therefore respect the jurisdictions of Quebec and the provinces in this matter.

Since my time is up, I will return to the issue of coercive control in my second round.

[English]

The Chair: Thank you so much, Andr anne.

I'm going to now pass it over to Leah for six minutes.

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

The first question is for Ms. Davis-Ermuth. You mentioned four criteria that are considered in the best interest of the child. Can you please repeat those?

• (1430)

Ms. Shannon Davis-Ermuth: I'm happy to do that. It's the child's physical, emotional and psychological safety and well-being.

Ms. Leah Gazan: I ask this because in Manitoba, we have something called "for the sake of the children". Parents who are divorcing have to go for training to look at their own behaviours in order to co-parent in a way that is in the best interest of the child and to always put the child first. It's really important to always put the child first.

Part of the stigma around this occurs when there is a partner who is experiencing coercive control. There is a fear to even comment about the other parent for fear of being labelled with what they call "malicious parent syndrome". There are four criteria for this.

The first one is that a person suffering from this syndrome "attempts to punish the divorcing parent through alienating their children from the other parent and involving others or the courts in actions to separate parent and child." The second is, "Seeks to deny children visitation and communication with the other parent and involvement in the child's school or extra-curricular activities." The third criterion is "Lies to their children and others repeatedly and may engage in violations of law". Finally, a person suffering from this syndrome doesn't suffer any other mental disorder which would explain these actions.

I say that because in the case of Dr. Kagan-Viater, she complained 53 times and raised concerns that were valid about the father's visitation with Keira. They were not taken seriously. She was treated as a malicious parent. This resulted in Keira losing her life.

In the judges' training, how are we going to deal with this so that there is not this assumption? If a parent is coming forward with legitimate concerns, even in divorce cases where both parents go through extensive psychological evaluations, this must never be overlooked again. This is costing the lives of children, whether it's physically losing their life or costing their lives in terms of their spirit.

Can one of the panellists respond to that?

Ms. Melissa Moor: Thank you for that note on judicial education.

The principle of judicial independence requires that the judiciary control judicial education on a range of topics, and that would include training on coercive control and intimate partner violence. It will be up to the judiciary. Decisions lie with the judiciary around what the content of that training would look like and what in particular it would include.

In this case, questions about the content on that kind of training would be better put to the National Judicial Institute.

Ms. Leah Gazan: I ask that because, especially in cases of coercive control that are not visible, it isn't uncommon for women to come forward with legitimate concerns about the parent—not in a malicious way, but with real reasons of concern—and they are characterized as having malicious parent syndrome.

With regard to the training, I know the training the judges get is up to them. Even with those criteria, if they're the ones who are designing the training, are they required to attend that training? Is it going to be mandatory?

Ms. Melissa Moor: As you noted, judicial independence requires judicial training over education for judges. This includes both the content of judicial training and whether judges are required to attend training or which training judges take. That decision would be up to the judiciary as well.

Ms. Leah Gazan: That's really concerning for me, because the problem is with the judges. As we heard from Mr. Viater, the ones who need the training the most are usually the ones who don't want the training, and they're part of the decision-making about whether they get the training.

How can this bill have an impact to ensure that judges get this training? In this instance, we see the loss of a child because nobody listened to the mother. It was crazy-making, like she had this malicious intent. That resulted in the loss of a child.

How can we give the bill more teeth?

• (1435)

Ms. Melissa Moor: As my colleague mentioned, as department officials we're not able to offer opinions on potential amendments or suggest amendments to a bill. However, I will address your question in a different way.

As you noted, the judiciary does have control over judicial education, including what training judges take. We see that the Canadian Judicial Council, which sets the training requirements for federally appointed judges, takes judicial education very seriously. On their website they have several policies on judicial education that underscore the importance of continuing judicial education for judges to keep learning, and also for public confidence. We understand that judges develop education plans that are approved by their chief justices.

In terms of this bill, it would expressly recognize, in one of the proposed amendments to the Judges Act, that the CJC can establish seminars on coercive control and intimate partner violence, and it would also amend the Judges Act to expand the scope of the provision that recommends or encourages the CJC to provide seminars to include seminars on interpersonal violence or intimate partner violence and coercive control.

The Chair: Thank you very much. We're now going to start our second round. For the first five minutes, we're going to switch to Dominique Vien.

Dominique, go ahead, please, for five minutes.

[*Translation*]

Mrs. Dominique Vien: Thank you, Madam Chair.

I thank you, ladies, for being here this afternoon.

I don't have many questions for you. However, I do have one that relates to one of your answers, which surprised me a bit.

Ms. Davis-Ermuth, in response to a question from one of my colleagues about the application of the new provisions of Bill C-233 and how all of this was going to be verified on the ground, as well as my question earlier this afternoon about how the effects of these new provisions were being analyzed, you responded that Statistics Canada was going to be doing that work.

Did I understand correctly?

Ms. Shannon Davis-Ermuth: Thank you.

What I meant to say was that within the Government of Canada, Statistics Canada will be doing this work.

[*English*]

They determine the criteria. They work with our provincial and territorial counterparts to collect national data on different factors.

One of the measures for [*Technical Difficulty—Editor*] they could how often the provision in relation to electronic monitoring is used. That's not specifically in the Criminal Code right now. It's not necessarily something that's easy to measure, but they work with provinces and territories to try to determine how to collect different data about how things are working in the justice system.

[*Translation*]

Mrs. Dominique Vien: I have trouble understanding how this will be done. There are prosecutors, judges and defendants.

How is Statistics Canada going to ensure that it collects data on how the new provisions are applied? I don't understand why Statistics Canada is being given this task.

I am having trouble understanding. Am I alone in this? It's not clear to me.

Behind this bill there is a purpose.

[*English*]

The Chair: If someone could answer that question, that would be great.

Ms. Shannon Davis-Ermuth: With the different laws that we have, sometimes it's hard to measure their effectiveness individually, but there have been a number of different laws that have been enacted by the federal government over the last few years, including the Divorce Act and the former Bill C-75, that have a number of different measures in them that aim to increase protections for victims of intimate partner and family violence. We've heard some of the statistics today about the prevalence of the issues, and one of the things we would look at is prevalence of people who are harmed in these types of relationships.

There's also self-reporting. We get reports from victims and individuals about victimization with these types of crimes. [*Technical difficulty—Editor*] and then in relation to [*Technical difficulty—Editor*].

If you're talking about how successful it is, in terms of the implementation that occurs and how they're finding the measures to work with, that's something that's harder to quantify. There might be qualitative studies, but that wouldn't give us definitive data on how it's playing out across the country.

• (1440)

[Translation]

Mrs. Dominique Vien: Will the Department of Justice look at the results of this law? For example, will it look at how many bracelets are installed per year, who wears them and under what circumstances?

Ms. Shannon Davis-Ermuth: Yes, the Department of Justice will be looking at these aspects, but they don't have the tools to collect this data.

Mrs. Dominique Vien: I would like a clarification.

I put a question to the first panel about the applications related to the remote monitoring device. I was told that the judge could make a decision if the Attorney General requested it. I did not have the document in front of me earlier. As I understand it now, the judge can order that a person wear a monitoring device only if a prosecutor requests it, but he cannot impose it on his own.

I believe this issue is within your purview.

Ms. Shannon Davis-Ermuth: That is correct.

Mrs. Dominique Vien: The judge cannot recommend the wearing of this device if the Crown prosecutor...

Ms. Shannon Davis-Ermuth: No, [Technical difficulty—Editor] judges can already make the necessary provisions to protect victims and witnesses. The provisions of the bill specify that the judge must consider the device in certain cases and may impose it, if deemed necessary.

[English]

The Chair: Awesome. Thank you so much.

I'm going to pass the next five minutes over to Ya'ara. Ya'ara, you have the floor for five minutes.

Ms. Ya'ara Saks (York Centre, Lib.): Thank you so much, Madam Chair.

I want to thank our witnesses, and actually all the members of this committee. This bill is very close to my heart, as I have worked with MPs Dhillon and Damoff, as well as Dr. Kagan and Mr. Viater, to get us to this place. I want to thank everyone for the collaborative efforts to really unpack this issue so that we can move forward to protect partners and children.

The issue of coercive control, as well as electronic monitoring, has been part of national conversations in a number of like-minded jurisdictions, including Australia and the United Kingdom, as well as here in Canada.

To be clear, when we talk about coercive control and domestic violence, the Department of Justice did a paper on the differing understandings of the nature of domestic violence in "Enhancing Safety". It says:

"Coercive domestic violence"...is normally a cumulative, patterned process that occurs when an adult intimate or former intimate partner attempts by emotional/psychological, physical, economic or sexual means to coerce, dominate, monitor, intimidate or otherwise control the other.

The subsequent paragraph goes on as follows:

Coercive domestic violence can involve a pattern of emotional, financial or psychological monitoring, domination, degradation, intimidation, coercion, or control without physical or sexual violence.

I think that's really important in relation to this bill. My understanding is that other aspects of training at the moment that refer to sexual abuse or intimate partner violence involved training in understanding physical impact, meaning looking for warning signs that have a physical presentation on victims. What we're understanding more and more is that this cumulative behaviour of violence escalates over time in a systematic pattern that then results in an explosion of violence against victims, potentially children or partners. The claims are that "we didn't see it coming", when the signs were actually there.

I would ask this to either Ms. Moor or Ms. Davis-Ermuth: In the current training, where it lists only sexual abuse and intimate partner violence, would the "coercive control" piece that we're adding enhance the education of the judges to have a deeper understanding of the warning signs?

• (1445)

Ms. Melissa Moor: Thank you for that question.

I'm not able to provide information on what is included in current training for judges and what might be included in future training in terms of content. Judicial independence requires that judges control judicial education, including the content of training—

Ms. Ya'ara Saks: I'm sorry. I'm going to interrupt you.

I understand that. However, currently, Bill C-3 as it was passed does list sexual abuse as a listed training for judges. Is that not correct?

Ms. Melissa Moor: The Judges Act as amended by former Bill C-3 lists training on matters related to sexual assault law and social context as topics on which the CJC may establish seminars.

Ms. Ya'ara Saks: Thank you.

I'm going to be brief. I have very specific questions on this.

Is it the case that psychological and emotional violence, which really fall under coercive control, currently aren't specifically listed in the training?

Ms. Melissa Moor: The only topics that are currently listed are sexual assault law and social context; however, the CJC is able to establish seminars on other topics.

Ms. Ya'ara Saks: Okay. Let's just be clear that this is a national conversation in families across this country on the impact of coercive control and the ongoing impacts that it has in the multiple courtrooms of the judicial process. It's not always just in family court. It spills into other disputes that are happening in courtrooms across this country. This is why we feel that this training is essential.

I'm going to go on to the reporting question now. One of my colleagues asked about this aspect earlier.

In subsection 62.1(1) of the Judges Act, the list of trainings that are provided to judges each year are meant to be reported to the justice department. Correct me if I'm wrong.

Ms. Melissa Moor: At the moment, that provision encourages the CJC to provide a report to the Minister of Justice on seminars on sexual assault law training and on social context that have been offered in the previous year.

Ms. Ya'ara Saks: With this amendment to include coercive control, would seminars of this nature be added to that reporting list?

Ms. Melissa Moor: That's correct. The CJC would be encouraged to report on those seminars as well.

Ms. Ya'ara Saks: Excellent.

Chair, how much time do I have?

The Chair: You have about 13 seconds.

Go ahead. We're being very flex. We're fluid.

Ms. Ya'ara Saks: Thank you. I appreciate it, because I really think we need to go here.

The reason this bill is in two parts is that we not only want to make sure the education on the warning signs is there for the judiciary, but also to have impactful tools available in terms of electronic monitoring. As I mentioned earlier, Australia, the U.K. and other like-minded Commonwealth countries are having discussions on the use of this—

The Chair: Ya'ara, you had 10 seconds—

Ms. Ya'ara Saks: I'll wrap up.

The Chair: Yes. Could you wrap up?

Is there any response?

We do have two more questioners before we close.

Ms. Ya'ara Saks: Will it be a useful tool? That's my question. Will it be a useful tool, yes or no?

Ms. Shannon Davis-Ermuth: Unfortunately, that's not something that I think we can speculate on.

The Chair: Thank you.

Ms. Ya'ara Saks: Thank you for your generosity, Chair.

The Chair: Thanks so much. I'm just trying to get everybody in.

I'm going to pass it over to Andréanne. You have two and a half minutes.

[*Translation*]

Ms. Andréanne Larouche: Thank you very much, Madam Chair.

I'd like to come back to the question of enforcement, because there are a few of us—you're not alone, Ms. Vien—who find it unclear.

Ms. Moor, you have just opened the door to what is happening abroad. Quebec is in the process of implementing the monitoring bracelet system. Measures are being taken in other countries.

If the Department of Justice feels that it does not have the means to properly measure the effects of this bracelet on victims, could it look to other countries for inspiration? It could look to countries such as Australia, which you named, Spain, and the United Kingdom, so that it can get feedback on what it is lacking. In this way, it

could better understand the effects of this measure on victims and properly evaluate them.

So I would like to hear from you again on the subject.

● (1450)

Ms. Shannon Davis-Ermuth: My answer to your question was perhaps too technical. I was trying to talk about how the research would be conducted.

The Department of Justice will certainly review the information and decisions that will be reported from the courts in collaboration with the provinces and territories.

It is not that the department is not interested in these issues. It needs to work with its federal, provincial and territorial partners to measure the success of these new tools.

Ms. Andréanne Larouche: We have discussed the issue of the monitoring bracelet. In this study, we explored in part the importance and possibility of criminalizing coercive control. Obviously, that's not in the bill, but have you started to study or consider that possibility? There is talk of including coercive control in judicial education, but are you considering criminalizing it?

Ms. Shannon Davis-Ermuth: Perhaps we should separate the issues a bit. [*Technical difficulty—Editor*] We know that another committee in Parliament is doing a study on this. That report recommends that the Department of Justice work with the provinces and territories to do a study on this recommendation. I think the department would be in a better position, following this study that would be done in conjunction with the provinces and territories, to determine whether it would be necessary to have a new Criminal Code offence.

[*English*]

In terms of judicial training, I don't know that judicial training itself... It's a different question as to whether or not a new offence of coercive control would be recommended. As my colleague [*Technical difficulty—Editor*]

The Chair: Thank you so much.

We're now going to pass it over to Leah Gazan for two and a half minutes.

Ms. Leah Gazan: Thank you so much, Chair, and thank you for your time today.

I do have a bit of concern, because how we define things is really important in terms of this legislation. I caution because the onus is often placed on women—the jilted spouse, you know, and all the stereotypes—and then the judges, who mainly are all men, can take training or not. This is deeply troubling for me.

I have a question about policing. In our FEWO study on intimate partner violence, we were told that the use of electronic monitoring devices must come with training for police officers, and that police services should develop skills needed to respond to alarm signals as sent by the device.

What would need to be done to ensure that police officers across Canada are properly trained on how to respond to the signal sent by the devices and to ensure that the safety of survivors is guaranteed?

Ms. Shannon Davis-Ermuth: Thank you for that important question. Unfortunately, I don't think it's one that either of us is in a position to answer.

Ms. Leah Gazan: Okay. Do you know where we could get those answers? If we could get those answers, is it possible to get those answers in writing?

• (1455)

Ms. Shannon Davis-Ermuth: The responsibility for policing falls with the Minister of Public Safety, not with the Department of Justice, so it would be possible to go through that department.

Ms. Leah Gazan: Okay.

One of the questions I asked in the last round was about cellular service access for electronic devices in order to use electronic devices in remote areas. Studies around violence show that there are certain populations where it's more pronounced. I would say that indigenous women and girls and two-spirit people who live in remote areas won't be able to access this device. This bill is a very good start, but can you speak to the work being done in your department to ensure that all women, girls, and two-spirit people have equal access to justice?

Ms. Shannon Davis-Ermuth: In terms of technological capacity, particularly in remote areas and the north, we do hear that access to justice is an issue. The Minister of Justice appeared on Bill S-4. When similar issues were raised, he spoke to the commitment that the Government of Canada has made to bring the court system and protective services in relation to that into the 21st century. He added that the Government of Canada has been making investments to connect 98% of Canadians across the country to high-speed Internet by 2026, and all Canadians by 2030.

I know that the question of high-speed Internet is—

Ms. Leah Gazan: Sorry. It's just because I have limited time.

How much progress has been made?

The Chair: Unfortunately—

Ms. Leah Gazan: I'm out of time. Okay.

The Chair: Actually, on how much progress has been made, go for it.

Ms. Leah Gazan: Yes.

How much progress has been made?

Ms. Shannon Davis-Ermuth: Unfortunately, that's outside my area of expertise in terms of where we're at with digital connection. I do know that it's an issue that the Government of Canada has identified as important to work on and has been trying to address.

The Chair: Perfect. Thank you so much.

I do see your hand up, Emmanuella. Is this to do with the panel right now or is it once I relieve the witnesses? It's that. Okay.

On behalf of the status of women committee, I would really like to thank the witnesses from the justice department for joining us today. You will now be able to sign off.

We have about three minutes of committee business here.

Emmanuella, I'll pass the floor over to you. Go ahead.

Ms. Emmanuella Lambropoulos: Thank you, Madam Chair.

I would like to give a verbal notice of a motion that I have sent to the clerk and that he'll be passing around to all members. I'd like to read the motion. Obviously, we won't have debate on it today, but I'd like to introduce it or at least give notice of it today.

The Chair: Go for it.

Ms. Emmanuella Lambropoulos: Thank you.

It reads as follows:

That the Standing Committee on the Status of Women report to the House that (a) access and availability to reproductive health services, no matter where one lives in Canada, including safe and legal abortion, is a charter right and is ensured under the Canada Health Act; and (b) the decision to have an abortion made by women, transgender and non-binary individuals, for any reason, is their freedom of choice and theirs alone.

The Chair: Fantastic. Thanks very much, Emmanuella, for putting that on notice.

As Emmanuella said, and looking at the time frame, we are not going to have debate on this. Let's be honest: We have two minutes and we have a really serious bill that we need to get to.

First of all, I need to get this budget passed. The budget is for a whopping \$5,175. That is the total.

Can I get approval of the budget for this \$5,175?

Some hon. members: Agreed.

The Chair: Everybody approves.

We'll move on to another piece of business. This is something that just came out of this committee. The Judicial Council has said no to our invitation. This is what we've talked a lot about, the Canadian Judicial Council being independent. The Canadian Bar Association had asked to come, and I was thinking, "Well, that's kind of the same. It's the whole law thing." They are now pulling out their request to appear because of the fact that they don't have enough time.

A name suggested as well is Dr. Peter Jaffe, if everybody remembers him on the intimate partner violence, but we also heard them talk about the judicial council institute. I just want to say to you guys that we need to figure out who we're having as the other panellists, because we've had a few different people. The judicial council institute is the one creating these programs. Are they willing to come?

Pam, do you have comments?

• (1500)

Ms. Pam Damoff: That's Justice Kent, is it not, Karen? She appeared. You'll probably remember. She probably will decline as well. I would suggest that you offer her an invitation.

There's Peter Jaffe. Pamela Cross was a really good witness that you had, and she is coming? Okay.

The Chair: Perhaps, Alexie, you could name off the people who are coming for Tuesday's meeting.

There is a little bit of a gap here. I think that's the one thing we have to look at. There is a little bit of a gap. We do have a few people here, but....

Do you have that list?

The Clerk of the Committee (Ms. Alexie Labelle): Yes.

We have Dr. Fortin and Dr. Guay from Université de Montréal, who worked on electronic bracelets.

We have Corinne Paterson, OB/GYN. We have Megan Walker, the executive director from the London Abused Women's Centre. We have Pamela Cross from Luke's Place. We have Peter Marshall from Recovery Science Corporation and Cee Strauss from LEAF.

The Chair: One of the biggest things that I am thinking we see here is judges and lawyers. Who's going to be that opposite side? I think in order to have a good discussion, we do need some who say, "Hey, this might not be a good thing." We know that we all want this, but we do have to hear from others.

Pam, do you have a thought?

Ms. Pam Damoff: I do. There's also the Indigenous Bar Association.

Ms. Leah Gazan: Yes.

Ms. Pam Damoff: Why don't we see if they would come? That would also bring the lens of what Leah and Madame Larouche were talking about in terms of e-monitoring in rural and indigenous communities, but also bring the perspective of....

Are we in camera or in public?

The Chair: We're in public.

Ms. Pam Damoff: Okay.

If you recall, Karen, we also had Carissima Mathen. She was a professor at the University of Ottawa who talked about the need for education throughout the criminal justice system. She might be one.

I would start with the National Judicial Institute and see if Justice Kent will attend.

The Chair: Okay. With your approval, what I would like to do is to have the judicial council institute as our first invite, the Indigenous Bar Association as our second invite, and Dr. Peter Jaffe as our third invite if one and two cannot attend.

Do I have approval from you to go ahead?

An hon. member: Yes.

The Chair: I will be available if you need me to start making those phone calls myself, Madam Clerk.

I would like to thank everybody for taking part in this great discussion today. I will see you on Tuesday at 3:30.

The meeting is adjourned.

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