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Chair: Mrs. Karen Vecchio



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• (1550)

[*English*]

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

Welcome to meeting number 86 of the House of Commons Standing Committee on the Status of Women.

I would like to thank the guests who are with us today.

Today's meeting is taking place in a hybrid format, pursuant to the Standing Orders. Members are attending in person in the room and remotely using the Zoom application.

I would like to make a few comments for the benefit of the members.

Please wait until I recognize you by name before speaking. Click on the microphone icon to activate your mike, and please mute yourself when you are not speaking. That is for those who are participating by video conference. For interpretation for those on Zoom, you have the choice at the bottom of your screen of floor, English, or French audio. For those in the room, you can use the earpiece and select the desired channel.

Although this room is equipped with a powerful audio system, feedback events can occur. These can be extremely harmful to the interpreters and can cause serious injuries. The most common cause of sound feedback is an earpiece worn too close to the microphone. We therefore ask that all participants exercise a high degree of caution, when using your earpieces and putting them beside the microphone.

As a reminder, all comments should be addressed through the chair. For members in the room, if you wish to speak, please raise your hand. For members on Zoom, please use the “raise hand” function.

Before we welcome our witnesses, I would like to provide a trigger warning. We will be discussing experiences related to violence and assault. This may be triggering to viewers with similar experiences. If you feel distressed or need help, please advise the clerk or motion to us that you're having issues.

Before we get too much into the meeting and I pass it over to Senator Boisvenu, I'm looking at the time. We started today's meeting at 3:47. I want to bring this to the attention of members, because anyone elected in 2015 may have staff who are being awarded tonight at a 6 p.m. event. To Sonia and to the group, I want to ask about the start and end times. We are starting at 3:47, but at 6

p.m. there are special honours and awards for staff tonight. There may be some staff from this committee room attending that.

I want to know the will of the committee. Do you want us to shorten up our panels, so that we end at 5:30, 5:45 or 5:40? What are your thoughts on that?

Shall we end at 5:30?

Some hon. members: Agreed.

The Chair: If we are ending at 5:30, I'm going to cut down the panels a bit. We'll make it very functional. I will work on that as we're doing this.

I would now like to welcome our witnesses. Pursuant to the order of reference on Wednesday, November 1, 2023, the committee will commence consideration of Bill S-205, an act to amend the Criminal Code and to make consequential amendments to another act regarding interim release and domestic violence recognizance orders.

I would like to welcome the Honourable Pierre-Hugues Boisvenu, who will provide opening remarks to begin this important study.

Senator Boisvenu, I would like to thank you so much for being here. I will pass the floor over to you, for five minutes.

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

First of all, I want to apologize that my notes are not in English. I would have preferred to send you my notes, but I had very little time to prepare, so they are only in French.

However, if you have questions in English, I will answer in English.

[*Translation*]

Good afternoon, members of the committee. Thank you for this invitation to appear before you at this key stage in the study of Bill S-205, which I introduced to combat domestic and spousal violence.

Ever since a repeat offender murdered my daughter Julie in 2002, I have been deeply involved in combatting violence against women. It is therefore with pride, deep emotion and feelings of hope that I speak to you today to underscore the importance of Bill S-205. This bill is one I have discussed in recent years with hundreds of women in every corner of the country. They told me their stories openly, painfully, and in a dignified manner. These women were repeatedly subjected to attempted murder, aggravated assault, sexual assault, and psychological violence as they underwent these traumatic experiences. Once again, I want to thank all these courageous women for their invaluable assistance.

In the course of my consultations, most of these victims clearly explained to me that the justice system had failed them when they decided to report their abuser. Left to their own devices, and without any protection, these women who drew from their store of courage to break the silence, have all too often put their lives at risk by doing so. The numbers speak for themselves: in 2019, 136 women were murdered in Canada, a number that increased to 184 in 2022, a rise of 36% in four years. In 2021 in Quebec, 26 women were killed, mostly as a result of domestic violence, a sad record since 2008. Of them, 60% were murdered by an intimate partner.

Statistics Canada figures are indicative of an alarming reality in terms of violence against women: domestic violence accounts for 30% of crimes in Canada, with 107,810 victims. In addition to the violence against intimate partners must be added violence against children under 17 years of age. For 2018 alone, Statistics Canada reported 60,651 child victims. Of all these victims, 80% never reported violence to the police and 28% had suffered serious acts of violence. In criminal courts, 57% of trials were in connection with offences against an intimate partner. In 60% of domestic homicide cases, there was a known criminal history.

Of the women killed in Quebec since the pandemic, 90% had reported their circumstances to the police. That's indicative of the danger victims run when they report their abuser, particularly when he is on interim release. When a victim decides to report her abuser, she automatically becomes vulnerable to her spouse. If the spouse is not incarcerated and on interim release, the risk that violence might lead to death increases significantly.

The essence of my bill is therefore to take pre-emptive action to save as many lives as possible, in view of the fact that release conditions for an individual are neither followed up, nor do they prescribe a monitoring device. That's why the introduction of a monitoring mechanism in keeping with 2023 technology is absolutely necessary to keep the women of Canada safe.

While drafting this bill, I also relied upon expertise and advice from nine Canadian provinces where rates of violence are very high. Accordingly, I worked closely with most of the ministries of justice and public safety in these provinces to tailor my bill to their realities. No other private member's bill has ever led to such extensive consultation.

The ministers in these provinces support the bill, because the approach I am proposing would provide them with effective tools to combat this epidemic, particularly in terms of electronic monitoring. I also drew inspiration from countries that have adopted the use

of electronic bracelets, like Spain and France, not to mention Quebec's recent adoption of them here in Canada.

The bill proposes amending section 515 of the Criminal Code to specifically state that victims have to be consulted about their safety and protection needs. The purpose of this measure is to give guidance to the Crown prosecutor by ensuring that the victim is consulted before asking the justice to place conditions on the accused's release. The bill would add to that section of the Criminal Code a condition stipulating that a justice could, if the decision is to release the accused while awaiting trial, require that the accused wear an electronic bracelet.

The bill also requires that the judge ensure the victim is informed of the right to request a copy of the conditions placed on the accused's interim release. This recommendation was also made by the Federal Ombudsman for Victims of Crime.

• (1555)

[English]

The Chair: Senator Boisvenu, our time has come to an end.

Hon. Pierre-Hugues Boisvenu: I need five more minutes.

I didn't want to go fast because I knew the translators would have some problems.

An hon. member: [Inaudible—Editor].

The Chair: Okay. We will let you cede your time over to him so he can finish his speech.

Go for it.

[Translation]

Hon. Pierre-Hugues Boisvenu: The second part of Bill S-205 pertains to the recognizance orders to keep the peace and be of good behaviour provided in section 810 of the Criminal Code, which means approximately 80% of domestic violence cases. Take note of that number: 80% of domestic violence cases end up with a recognizance order under section 810, that is to say without a trial or a charge. This section provides a general preventive justice regime, without any offence having been committed, but it establishes a source of criminal responsibility.

In November 2020, a report on section 810 was presented by the Université de Montréal and the Université du Québec à Montréal, in partnership with the Regroupement des maisons pour femmes victimes de violence conjugale. The report shows that this section is being used increasingly in domestic violence cases, even though it has been altered very little since its 1892 version. The report also notes a troubling finding, which is that section 810 is now most often used to avoid a trial, even though perpetrators subject to an order under this section fail to comply with the conditions in 50% of cases.

Bill S-205 amends section 810 of the Criminal Code by adding to the current general order another that is specifically related to domestic violence. Electronic monitoring can establish a safety perimeter between the victim and the potential perpetrator. This means that police can intervene more quickly. It can also protect children, and the woman herself. Political action in Spain to combat domestic violence began in 1997. That country adopted electronic bracelets in 2009. Since then, some 950 women have been protected thanks to the bracelet, and no women were murdered when the bracelet was worn.

According to the new order, if a person has previously been convicted of a similar offence, the order would be for three years rather than two years. If the person refuses to comply with the conditions of the order, the prison term would be two years rather than the current one year.

The new proposed order would allow a justice to impose substance abuse or family violence therapy, which is something new in the Criminal Code. Every case is different and we have to allow justices the discretion they need to decide whether the accused should undergo therapy to help deal with their problem of violence and also put an end to the revolving doors in our courthouses.

I'd like to conclude with two comments. The first is from Justice Laskin, from the *Budreo* decision:

The criminal justice system has two broad objectives: punish wrongdoers and prevent future harm. A law aimed at the prevention of crime is just as valid an exercise of the federal criminal law power under s. 91(27) of the *Constitution Act, 1867* as a law aimed at punishing crime.

My final comment is a reminder that in only a few weeks, it will be the unfortunate anniversary of the event that occurred on December 6, the most deadly ever for women in Canada. I am hoping for one thing only: that we give them this bill as a sign of our support for December 6.

Thank you. I would be happy now to field any questions you may have.

• (1600)

[*English*]

The Chair: Thank you so much.

With the timing, there is two minutes left for Dominique to ask questions.

Thank you very much, Senator Boisvenu and Dominique.

Dominique, I'll pass the floor to you for two minutes.

[*Translation*]

Mrs. Dominique Vien (Bellechasse—Les Etchemins—Lévis, CPC): Sénateur Boisvenu, there isn't much time, but there's enough for us to gratefully acknowledge the work you've been doing in recent years, which you spent on political action to help defend victims. We thank you and are very appreciative.

Just in passing, I'd like to point out that there's no reason for you to apologize for speaking French to the committee. We're francophones, and we are delighted when witnesses speak to us in French.

As you know, I don't have much speaking time left. Some people have expressed reservations about the effectiveness of electronic bracelets. We all know that there are challenges with regional Internet coverage. What would you say to those who are more worried?

Hon. Pierre-Hugues Boisvenu: Thank you for the question. It's a very important one.

In order to draft the bill, we consulted the provinces, as I was saying earlier. We consulted the police, indigenous communities, former judges, abused women's federations, therapists and victims. The subject is a matter of concern in remote regions. The indigenous communities told us so.

Yet, we are still faced with the chicken and egg paradox, with some people saying that we need to wait until GPS monitoring is available across the country for the electronic bracelets, while others argue that the project should be launched immediately because satellite technology will allow for relatively complete coverage of Canada very soon.

It's true that there are some dead zones that are not covered now, but I think the experiment needs to begin, as it has in Quebec, with zones added as coverage increases. We therefore need to adopt this bill. Over the coming years, there will be broader coverage to provide protection for even more victims.

Mrs. Dominique Vien: Thank you very much.

[*English*]

The Chair: That was perfect timing. There you go.

Emmanuella is going to be on for the next six minutes, online.

Emmanuella, you have the floor.

Ms. Emmanuella Lambropoulos (Saint-Laurent, Lib.): Thank you, Madam Chair.

[*Translation*]

Thank you, Senator.

I'll begin by saying how sorry I am for everything that you experienced personally, and I thank you for having introduced this bill.

You spoke about the many communities and individuals you consulted, in addition to the police and governments in the various territories. You also heard and received messages from victims' families. Could you tell the committee about some of these messages so that we can take them into consideration?

• (1605)

Hon. Pierre-Hugues Boisvenu: Thank you for the question.

I think that it's the most important aspect of this bill. I spoke with more than 100 women over the past three years. A little later, you'll be hearing from two witnesses, both victims, who worked closely with me on this bill. The words that we heard most often from victims were "protect us", "don't run government advertising campaigns asking us to report our abusers because when we do, our lives are at risk". If you want women to report their perpetrators and for victims to be willing to speak out, then protect them.

Bill S-205 complements Bill C-233, which has already been adopted. What Quebec did was a complementary process. Most of the provinces have followed Quebec's lead by adopting legislation to require electronic bracelets, or will be doing so over the next few years. That means things have been set in motion just about everywhere in Canada to protect women. The goal of our bill is to give us the courage to protect victims who are brave enough to report their abusers.

Ms. Emmanuella Lambropoulos: Thank you very much for your answer.

You spoke briefly about Bill C-233, which has force of law in Canada and says that a justice may decide to require a person who committed a violent offence against a woman to wear an electronic bracelet. Now you're saying that you don't want this to apply solely to cases of violence against women, but to be used more widely. Can you tell us why you decided to widen its applicability in Bill S-205?

Hon. Pierre-Hugues Boisvenu: I'd like to thank the member who sponsored Bill C-233, which has already been adopted. However, its scope within the Criminal Code is relatively narrow.

I'll give you an example: subsection(4.2) of section 515 of the Criminal code, which has been in force since the adoption of Bill C-233, focuses on specific offences, but does not include things like intimidation, breaking and entering and being unlawfully in a dwelling house. And yet most complaints from women are in connection with their ex-spouse unlawfully entering and being in the house. It's often under circumstances like these that a murder is committed, but Bill C-233 doesn't cover these offences.

Bill S-205 does include them. Senator Pierre D'Alphonse—whom many of you know, I believe—worked closely with me on this bill. He introduced a section which, if it is adopted, would broaden the scope of Bill C-233 without lessening its importance.

Ms. Emmanuella Lambropoulos: Thank you very much.

Some people are required to wear an electronic bracelet as a means of reintegrating them into society, which is already the case in Quebec. However, some remove the bracelet and commit offences. Can the bill that you are proposing, Bill S-205, help to reduce this risk? Have you taken this into consideration? Has something been provided in this bill that might be a solution to the problem?

Hon. Pierre-Hugues Boisvenu: Thank you for asking.

We consulted the technology companies that are currently using electronic bracelets in Canada in circumstances other than domestic violence. Examples include terrorism and other criminal offences. In Canada, approximately 400 men are now wearing the bracelet for crimes other than domestic violence. In Quebec, the figure is

over 200 men. One of these men recently made the headlines. He successfully removed the bracelet he was wearing without any alert being triggered and the case is currently being investigated.

While no technology is perfect, the bracelet's score is 99.9%.

• (1610)

[English]

The Chair: Thank you so much.

We're now going to move, for the next six minutes, to Andréanne Larouche.

[Translation]

Ms. Andréanne Larouche (Shefford, BQ): Thank you, Mr. Boisvenu.

I know that you are appearing in a specific context. You've been conducting a lifelong battle and are approaching your 75th birthday, when most people would be retiring.

As for me, when I graduated from my CEGEP in 2002, I returned to the Eastern Townships. As a Quebec woman, I was struck by the fact that I had my whole life ahead of me.

We are at the moment trying to make sure that there isn't "yet another one". I think that's the sort of thing you have in mind. As you mentioned December 6, I'd like to start with some context.

I read a disturbing story in the news about rising instances of misogyny in schools, with some people going so far as to celebrate Marc Lépine on social networks. The teachers don't know what to do about it. Without saying anything more about Bill S-205, what do you think about the issue of education, social networks and the role they play in violence against women?

Hon. Pierre-Hugues Boisvenu: Thank you for the question.

That leads me into a discussion of my second career, which consists of giving talks at elementary and secondary schools. There is indeed a problem between girls and boys, particularly when they are involved in their first emotional experience. I'm not talking about love. This relationship often involves intimidation and power, even at a young age.

I remember something that happened in grades eight and nine at a school in northern Montreal. A young girl was huddled in a corner. She seemed to be crushed and bullied by the group. When she got into the bus, she told her teacher, who was there, that no one was ever going to bully her again.

Women have to be taught to take control of their lives, to be sure, but men also need to be taught to respect women, because violence against women is primarily something that men do. It's important to stop believing that women alone will be able to control spousal violence. Men are the cause of spousal violence and women are on the receiving end. That's why Bill S-205 focuses on therapy.

Until an emphasis is placed on mandatory therapy for domestic violence problems—as Ontario has done for a number of years now with considerable success, as indigenous communities in western Canada have done with considerable success, and as has been done for 18- and 19-year-olds in court for drinking and driving—the number of murdered women will be the same in five years. Work needs to begin at both levels when people are still very young, rather than waiting until they have reached adulthood.

Ms. Andr anne Larouche: Of course, education can't fix everything. That's why we need to do something about it and look into what can be done about threats and instances of domestic violence.

You seem to want to add something.

Hon. Pierre-Hugues Boisvenu: The message has to be clear. We can no longer release men under a recognizance order pursuant to section 810 of the Criminal Code when 50% of them don't comply with their conditions. When that happens, the message being sent is that they are entitled to reoffend. Justice has to be strict and give women hope, which is not currently the case.

Ms. Andr anne Larouche: In connection with education, in your opening remarks you referred to therapy, particularly for alcohol problems, which in some instances can be an aggravating factor. You said that you had consulted Quebec and the provinces.

How do you see this collaboration, knowing that Quebec—and I'll be asking you another question afterwards—uses therapies like this as part of its health and social services system? How do you think your federal bill will relate to what is already being done in Quebec from the therapy standpoint?

• (1615)

Hon. Pierre-Hugues Boisvenu: Thank you for that question. It's a good one.

The federal government has to be involved, as it was for women's shelters. The federal government spent millions to support these shelters. In connection with therapy for men, it's important not to leave the provinces to their own devices from the financial standpoint. A national program is needed, like the one for domestic violence. There has to be a national policy on rehabilitating these men, because it's clearly a matter of rehabilitation. The federal government needs to be there to support the provinces.

Ms. Andr anne Larouche: Discussions are needed, given that Quebec has its own vision. You have no doubt had discussions with MNAs in Quebec who worked on the "Reb tir la confiance" report. Another problem, of course, is the loss of confidence in the system. You spoke earlier about how few victims are willing to report their abuser, even today. Did you have discussions with these MNAs?

The electronic bracelets stemmed from a recommendation in the report, as did the specialized courts. One member I spoke with told me that one of the future objectives would be to define what is meant by violence. If more work on prevention is to be done, then it has to be acknowledged that what we're talking about is coercive control.

Hon. Pierre-Hugues Boisvenu: I don't want to brag, but Bill 24 was adopted in Quebec one year after we sat down with Minister Guilbault, who was public safety minister at the time, and Mr. Barrette, who was minister of justice. We worked closely with both of

them on the electronic bracelet issue. We begged the province to launch a pilot project because there was a lot of reluctance about the cost and over how effective they were. One year later, Quebec decided to embark on the project because the Quebec women's shelters were in agreement, as were most of the municipalities in Quebec that were consulted, because they were also struggling to deal with with the problem.

[English]

The Chair: Thank you so much, Senator Boisvenu.

I know you're so passionate about this, sir. You have so much information in that head, and you want it all out.

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

Ms. Leah Gazan (Winnipeg Centre, NDP): Thank you so much, Senator, and thank you for being a good ally, participating in an end to gender-based violence. Thank you for your work.

I know this is your last bill, so I commend you and thank you for that.

We passed Bill C-233, which provides for electronic monitoring in cases of intimate partner violence. I know in your bill, the current wording of Bill S-205 would allow the Attorney General to request electronic monitoring for any release order under subsection 515(2). Do you think that subclause 1(2) of the bill is redundant?

[Translation]

Hon. Pierre-Hugues Boisvenu: That's the advantage of Senator Dalphond's amendment. If Bill S-205 is adopted, there will be a correlation between the two bills. Combining the two would expand the use of electronic bracelets. However, it must never be forgotten that only a justice can order the wearing of an electronic bracelet. The justice's decision must be based on the victim's safety, in terms of protecting both her life and her health. I don't believe the bill would be contradictory, but rather complementary. The scope of the act would simply be broadened for justices when they have a victim before them. Bill C-233 limits the number of victims who might be affected and the number of criminal circumstances, while Bill S-205 broadens the scope. However, decision authority will always rest with the justices.

[English]

Ms. Leah Gazan: Just in regard to that section, I was wondering why the addition was not limited to instances of intimate partner violence, as you did in other subsections. What was the reasoning behind that?

[Translation]

Hon. Pierre-Hugues Boisvenu: Initially, the scope of the bill was somewhat broader. The Senate cut it back with a number of amendments, in an effort to make sure that the bill would be adopted. The goal was not really to put forward a version of the bill that would include all my aspirations for the protection of women. What we wanted was for the bill to pass and to amend the Criminal Code by making domestic violence a defined offence. We wanted to send Canadians the message that special attention henceforth be paid to domestic violence. We particularly wanted to send the following clear message to women: "If you report your perpetrators, we will protect you."

It's true that we could have been more ambitious, but we wanted to succeed and limited ourselves accordingly to what the senators wanted.

• (1620)

[English]

Ms. Leah Gazan: Senator, I know you mentioned some organizations that had concerns about the bill. I know the Women's Legal Action Fund, LEAF, and the Canadian Association of Elizabeth Fry Societies have raised concerns about electronic monitoring. One of the criticisms they have is that it provides victims with a false sense of safety against further acts of violence.

This committee heard, during the study on intimate partner and domestic violence in Canada, that this is especially true in rural and remote areas. I know you spoke about limited Internet connectivity, and I know you responded to that earlier. My concern, however, is that we know, if we look at rates of violence, that they're higher among indigenous women, many of whom live in rural and remote areas. With this in mind, how do you think the federal government can ensure that victims of domestic violence are more protected and supported?

I know we often talk about incremental approaches. I know you have, and it makes sense. You want to get something started. The issue, though, is that it's still not addressing a very high number of women, particularly in rural and remote areas, who don't even have, for example, shelters to go to and also can't access the technology to keep them safe against perpetrators. I'm wondering if you could comment on that.

[Translation]

Hon. Pierre-Hugues Boisvenu: Thank you very much for your question.

We had some very productive discussions with indigenous communities, particularly in western Canada. Yes, it's a concern. In many instances, young people and adults live in very unfortunate socioeconomic circumstances. There is an isolation problem. There's also a problem with returning perpetrators into the community, which is often small and cannot prevent close proximity between victims and perpetrators. Only last year in northern Quebec, two indigenous women were murdered in the same week by men who had previously been released three or four times.

So the circumstances are very specific and the bill will not be addressing them. However, over the next few years, it will be essential to work very closely with indigenous communities to determine

whether electronic bracelets might be able to discourage perpetrators.

The company told us that the mere fact that a bracelet was being worn reduced attempted recidivism by 50%. Feeling monitored inhibits a perpetrator's desire to go towards the victim. Opportunities for the use of monitoring bracelets in these communities need to be evaluated, and solutions will have to be found to problems that are much broader than domestic violence.

[English]

The Chair: Thank you very much, Senator.

Because we are trying to get everything in, I'm going to go to four minutes, four minutes, two minutes, two minutes and then two minutes and two minutes. It reduces everybody's time a little bit, but it gives everybody time too. We'll start off with four minutes with Michelle, and we'll run ourselves around.

Michelle, you have four minutes.

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

Thank you so much, Senator, for your work on this.

I think this is really important for people who don't know the backstory. When bills come forward, it's really important for people at home to understand why somebody puts work into what they do. You referenced Julie. I think it's really important that we say Julie's name when we're at this. It was your daughter who was murdered.

I'm reading a very powerful quote from you. You said:

Changing the system takes a lot of energy. But I had no right to miss the mission that Julie had given me.

Joining the Senate gave me the opportunity to be part of a change.

One day I will return to Julie, it will be her, my judge. And I'm sure she'll tell me that we've done great things together, the two of us.

It's pretty powerful when we appreciate where this bill came from and the intention behind it. We are a very powerful committee here. I heard my colleague, Ms. Gazan, say there's criticism that it will give a false sense of security.

What we're talking about, for those watching, is a bracelet for people who are at risk of repeat offending domestic violence. Right now, there's no security. There's nothing in place.

The thing that jumped out at me, Senator, is that you've said this bill will amend section 515, so that the victim must be consulted. That is significant when we look at victims' rights in this country, where they feel like they're in the back seat and that the criminals are first. How are you going to ensure with this bill that victims are consulted and they know where their attacker is?

• (1625)

[Translation]

Hon. Pierre-Hugues Boisvenu: You began by quoting a sentence that I wrote several years ago, in which I said that Julie would be the judge of my actions. There are also hundreds of dead women whose lives could have been saved who will be judging not only my actions but yours too. Time is running out to protect women victims of violence.

I gave a few examples of countries that have been using electronic bracelets, like Spain. Yes, electronic monitoring bracelets will save lives, even though they won't save all women. A bracelet would not save the life of a woman who one fine morning decides to leave home and is murdered by her husband, who was not monitored and perhaps didn't even have a criminal record. We can never save all women, but we will be able to save those who report their perpetrator and who are no longer living with him because he has left the home. Even if we rescue only 10% to 15% of these women, they would tell us that we did our job.

[English]

Ms. Michelle Ferreri: I agree with you.

The other thing you referenced is that right now many victims don't even report it because they know nothing is going to happen. Not reporting it makes them so vulnerable to acts that often result in death and murder.

How do you think this bill will encourage victims to come forward and report their aggressor's behaviour?

The Chair: You have 20 seconds to respond.

[Translation]

Hon. Pierre-Hugues Boisvenu: Thank you for your questions.

This bill would accomplish two things: it would tell victims that we are protecting them and tell men that enough is enough.

[English]

The Chair: Thank you very much.

I'm now going to pass it over to Lisa for four minutes.

Ms. Lisa Hepfner (Hamilton Mountain, Lib.): Thank you, Madam Chair.

Thank you, Senator, for your passionate work on ending gender-based violence and for bringing your personal experiences into this.

I have similar questions as my colleagues.

We've talked about this electronic bracelet monitoring and some of the challenges. For example, I know the Ontario chiefs of police are now reviewing whether this is an effective way to keep track of offenders. We also know that there have been breaches. As Leah Gazan mentioned, there are people who have been able to get these off.

Are you concerned that if we rely solely or too much on this bracelet and it does have vulnerabilities, we will destroy the sense of safety that survivors are feeling?

[Translation]

Hon. Pierre-Hugues Boisvenu: Thank you for that very important question.

Electronic bracelets are not the only way to protect women. It's one of several options. Therapy for men is a way of protecting women. Aggressive men won't assault just one spouse, but two, three or four. There will be a series of victims. We therefore want to add a method that would achieve the desired result in perhaps 25%, 30%, or 40% of cases, but it's not a panacea that will eliminate all violence against women.

Let's talk about the work done by the police. Currently, women who report their abuser are not believed. They might be believed the first time, perhaps because they still have bruises. However, when the abuser bullies his victim repeatedly on social networks or through friends, at some point, the police stop believing the victim. When she says that her abuser had been on her doorstep, it's her word against his. The monitoring bracelet is an infallible way of confirming that the abuser was at a specific address at a specific time. So when there is a recognizance to keep the peace under section 810 of the Criminal Code, perhaps 80% or 90% of abusers will comply with the conditions, compared to the 50% who do so at the moment, because there will be a technological means of determining where the individual was at the time the victim said he was near her door.

• (1630)

[English]

Ms. Lisa Hepfner: Thank you for that clarification.

My other question about this legislation is that it asks the justice system to ask the survivors during the bail hearing about their safety concerns. I'm wondering how we go about doing that while protecting the victim. Isn't there a great likelihood that many victims won't want to discuss in open court their safety concerns? How do you address that?

[Translation]

Hon. Pierre-Hugues Boisvenu: You are absolutely right.

A judge must show extreme sensitivity in cases of domestic violence, violence against children and sexual assaults. A bully, when in the presence of the victim in court, continues to bully. The perpetrator establishes a power relationship through which he exercises control over his victim, and that continues, even in the courthouse. That's when the judge's role becomes important. The judge must establish a relationship with the victim and give the victim as much discretion as possible if she wishes to talk about the conditions she wants to include in the recognizance to keep the peace, because she is the person who knows her abuser best.

It is therefore important to listen to the victim to know what conditions she wants to be safe and to feel safe. It's very important for the judge to be sensitive to the victim's needs. That's also why Bill C-233 raises the matter of training for judges. You no doubt remember Bill C-3, which was about training judges in matters of sexual assault. I had put forward an amendment to include domestic violence, but it was not accepted. Now, Bill C-233 acknowledges that judges need training in this area.

[English]

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

For the next two minutes, we're going to Andréanne Larouche.

[Translation]

Ms. Andréanne Larouche: Once again, thank you, Senator, for returning to the committee today.

With everything I have been hearing, I'm very worried about my 21-month-old granddaughter. I wonder about the kind of environment she will be growing up in and what her relationships with men will be like.

Getting back now to Bill S-205, my understanding is that even someone who has been cleared of a previous charge of domestic violence would have to prove, if charged with another offence, that he does not deserve to be remanded in custody. That's more or less reversing the burden of proof. Can this create an imbalance between the defence and the Crown, because it amounts to removing the presumption of innocence before the guilty verdict is reached?

A verification of whether the risk of criminal acting out prevails over the presumption of innocence principle, and of whether it should be applied to all accused, may be necessary. How do you see it?

Hon. Pierre-Hugues Boisvenu: Thank you very much for the question.

To begin with, the government acknowledged this. There is a government bill whose intent is to withdraw this privilege from those who were discharged and then reoffended. The basic principle is fairly straightforward: when the justice system awards a privilege to someone, that person must demonstrate a high level of responsibility to retain the trust placed in them by the justice system. If a person who was previously convicted of spousal violence recidivism, that person must lose the privilege. When a person is granted a privilege that rests on the justice system's trust and that person reoffends, the trust disappears. It's on the basis of this principle alone that in such instances, the discharge is no longer applicable.

[English]

The Chair: Thank you so much.

For two more minutes, it's over to Leah.

Go ahead Leah.

Ms. Leah Gazan: Thank you so much. Thank you for this contribution. I know that we know that electronic bracelets are kind of one tool in a gamut of things that are needed to end violence. You've spoken a lot about the need for programs for men and boys, and I agree with you. Most programs are designed for victims,

which is very important—certainly not adequate—but there's still not a focus on root causes. One of them is the normalization of violence against women, which we're trying to change in society.

What do you think the federal government should be doing in addition to this bill to ensure that this doesn't happen in the first place?

I do want to offer condolences for your daughter. I know this is probably a very deep and meaningful bill for you. What should we be doing so that we don't even have to put on an electronic bracelet?

• (1635)

[Translation]

Hon. Pierre-Hugues Boisvenu: When the justice system is dealing with a perpetrator, whether of spousal or sexual violence, the zero-tolerance message has to be clear. When someone abuses his wife and is sentenced to two years less a day to be served at home, without therapy, a very poor message is being sent with respect to violence against women, because it means that it is condoned.

When we have people before us whose behaviour has been repetitive over time—spousal violence and sexual assault are behaviours at high risk of being repeated—the justice system has to make the perpetrator responsible and legislation has to be consequential with respect to this accountability process. Contradictory messages are sometimes sent.

[English]

The Chair: Thank you so much, Senator.

We're now going to have two more questions. We're going to go for two minutes to Anna and for two minutes to Sonia.

Anna, you have two minutes.

Mrs. Anna Roberts (King—Vaughan, CPC): Thank you, Madam Chair.

Thank you, Senator. I know that Julie is looking down from heaven and thanking you for your hard work. I would like to thank you personally as a woman.

You mentioned something about Ontario, and I just recently got some statistics from the Yellow Brick House. As of September of this year, 46 women have been murdered due to gender-based violence in the last 44 weeks. That's more than one woman per week. I know that the electronic monitoring system is one mechanism that can be used to protect women. There's also the peace bond, which I really don't think works. That's my own personal opinion.

What I also fear is that the increase in violence against women is not reflected in the jail times for these individuals, these criminals who commit these crimes. Do you agree that, in order to protect women and stop the murder of women, it should go hand-in-hand that we should increase jail times?

[*Translation*]

Hon. Pierre-Hugues Boisvenu: I've always believed that justice has to be done at two levels: rehabilitation and incarceration. They are not incompatible. Incarceration is a period during which perpetrators are told to think about their behaviour and make an effort to control it. In incidents of spousal violence, 80% of men have never gone to trial. I remind you that these are men who return home on the strength of no more than a recognizance to keep the peace, pursuant to section 810 of the Criminal Code.

When they are sent back home, they are required to seek assistance. If our justice system is not based on an obligation to seek help, we'll end up with what we had in the 1950s and 1960s with drunk driving, with 800 people killed every year on Quebec roads. It's now somewhere between 120 and 125, because men are now required to seek assistance if they have a drinking problem. This strengthens the justice system. A very clear message was sent to the effect that drunk driving was a criminal offence.

I don't think the message about spousal violence being a criminal offence is being sent. I don't think so. The message is rather that domestic violence is condoned.

[*English*]

The Chair: Thank you so much, Senator.

Our last round of questions goes to Sonia.

Sonia, you have two minutes.

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

Thank you, Senator, for your hard work and for your efforts and your dedication on this bill. Thank you so much.

I have some stats here. The most common type of intimate partner violence is physical assault. While just over half, 53%, of victims of violence were female, the large majority, 79%, of victims of intimate partner violence were women.

My question is on the bill. Proposed subsection 810.03(7), in clause 2 of this bill, is the list of "Conditions in recognizance" with regard to offenders. It talks about refraining from social media. Also, proposed paragraph 810.03(7)(g) talks about abstention from the consumption of intoxicating substances.

How can this provision be adequately imposed?

• (1640)

[*Translation*]

Hon. Pierre-Hugues Boisvenu: It's through a court order. Therapy must have conditions, as is the case for drugs or alcohol when people are released. People who have been released can be required, on 48 hours' notice, to undergo a urine test to determine whether they have been using intoxicating substances. The system will have to have similar checks.

I mentioned earlier that 50% of men didn't comply with their conditions, meaning that there will have to be a way of ensuring that they do. Otherwise, the justice system will have to make the consequences clear. What's the point of imposing strict conditions if there are no consequences for failing to meet them?

And yet, that's the situation right now. The judges are doing their work. They have been imposing strict conditions. Once the accused leave the courthouse, no one is dealing with them. The only person doing so is the victim, because she will continue to be browbeaten and harassed. The only person dealing with the perpetrator is the victim.

If we want to take violence against women and release conditions seriously, the system will have to have a follow-up mechanism. At the moment, there is none.

[*English*]

The Chair: Thank you so much.

On behalf of the committee, Senator Boisvenu, I would like to thank you so much for coming here and bringing forward Bill S-205. These are things that this committee is very passionate about when it comes to violence against women, so thank you for coming forward and bringing your testimony today.

We're going to suspend. Hopefully, we will only be seconds. I'm going to ask the new panellists to come up, and we will switch over.

We are suspending for about a minute.

• (1640)

(Pause)

• (1645)

The Chair: I would like to welcome Diane Tremblay and Martine Jeanson. Online, we have Philip Viater, whom many of us may recognize from Keira's law.

It's really wonderful that you could join us online today, Phil. I'm glad we were able to make this work.

I would like to thank all of you for coming and for your testimony on Bill S-205. If you have any questions with your mikes... Here is one thing: If you need to turn it to interpretation for French or English, it's at the very top that you can turn it to floor, English or French. Then it also allows you to increase the volume.

What I would like to do now is welcome Diane Tremblay, an artist. From La Maison des Guerrières, we have Martine Jeanson, president, founder and frontline worker. As an individual, we have Philip Viater, a lawyer, who is online by video conference.

We will be providing each of you with five minutes for your opening comments. When you see my arms start going wacky, just try to reduce it, because you have about 10 to 15 seconds left.

I'm going to pass the floor over to Diane first for her opening comments.

Diane, you have the floor.

[*Translation*]

Ms. Diane Tremblay (Artist, As an Individual): *Kwe.* Good afternoon, everyone.

My name is Diane Tremblay and I am a former victim of spousal and family violence. I prefer using the term "survivor", because that's really what I am.

I'm here today to give my full support to Bill S-205, which was introduced by Senator Boisvenu, and to represent and stand firmly with those victims, most of them women, who have been entangled in spousal and domestic violence. More specifically, I would like to show my support for indigenous women, who are overrepresented. The extent of the violence being committed against indigenous people can be seen in the large number of missing and murdered indigenous women and girls in Canada.

We the victims deserve safety for ourselves and our children from the justice system. We are in 2023. How many more victims of spousal violence, and murdered women and children, will it take before you agree to make major changes to existing legislation?

I myself was a victim of spousal violence. During that difficult period of my life, from which I still bear the scars, I suffered from sexual assaults and two attempted murders by my perpetrator, along with every possible form of violence.

If my abuser had been required to wear an electronic bracelet under a recognizance order pursuant to section 810 of the Criminal Code, as proposed in Senator Boisvenu's bill, my children and I would have been safer and I wouldn't have had to go through these attempted murders. Believe me, you don't emerge unharmed from an attempted murder. You suffer the after-effects for life.

With electronic monitoring, I could have easily proved my abuser's failure to comply with his conditions and the police could have intervened much more quickly to put a stop to what was happening, and prevented what I, my children, my parents and my friends, went through. An electronic bracelet establishes a safety perimeter between victims and their abusers and can prove any failure to comply with conditions.

I'm going to add something that is not in my brief. Even though I frequently reported my abuser, he always got off scot-free, unlike me. So I'm begging you to seriously consider requiring the wearing of an electronic bracelet. I believe it's a no-brainer. We deserve to be heard, and for our rights and essential needs to be respected.

In addition to requiring the wearing of an electronic bracelet, Bill S-205 puts forward alternatives for violent men, such as the requirement to undergo spousal violence and substance abuse therapy. In some instances, violent men can be saved and changed. Therapy can address the root cause of the problem.

Currently, violent men in prison are given six hours of therapy. I underwent five years of therapy. So I believe that six hours is unacceptable. You can't call that therapy. No one can acquire a proper awareness of their own violence and their assaults in six hours of therapy. That's just a rap on the knuckles in my view.

I also believe, and this applies to what I underwent, that the right provided in Bill S-205 for the victim to be consulted by a justice of the peace with respect to her safety and protection needs is absolutely essential to address the immediate safety measures being requested by the victim. What really prevents women from breaking out of the domestic violence cycle is the feeling that the justice sys-

tem doesn't protect them, which happens to be true. Governments often promise funding for women's shelters, but that's not the solution for contending with spousal violence.

• (1650)

The causes of violence are what have to be attacked. That means measures like those proposed in the bill, which also provides a specific protection order for spousal and domestic violence.

On my own behalf...

[English]

The Chair: Diane, are you almost through? You have just a couple more seconds.

[Translation]

Ms. Diane Tremblay: I'm sorry, Madam Chair, I hadn't noticed that my speaking time was up because I was concentrating so hard.

On behalf of all spousal violence victims, I'd like to thank Senator Boisvenu for having allowed me to add what my voice to this struggle. I am asking the House of Commons, the Prime Minister of Canada, the Minister of Justice, the judges, all the provinces of Canada and the members to pass and enforce this new bill. It should be adopted immediately, without any amendments. It's very urgent. To conclude, I'd like to add that we have a right to live peacefully and safely under the law in our country.

Thank you, *meegwetch*.

[English]

The Chair: Excellent. Thank you so much, Diane, and I'm sorry. I know your testimony is so darned important, but we have so many things that we have to do, procedurally, so thank you so much.

Martine, I'm passing it over to you, for five minutes.

[Translation]

Ms. Martine Jeanson (President, Founder and Front-Line Worker, La Maison des Guerrières): Good afternoon.

My name is Martine Jeanson, a former victim of spousal violence, the founder of Maison des Guerrières, and a spousal and domestic violence worker.

I'm not just going to tell you my story, but also the story of Cindy Gosselin, beaten with hammer blows to the head, or Marianne, strangled and raped by her spouse, and Josianne Boucher, beaten and suffering head trauma, Jessica, whose vagina was smashed with a baseball bat, and Louise, whose ex-spouse failed to comply with his conditions more than 28 times. She has moved eight times, but still feels threatened.

In 1992, I was a victim of spousal violence. I was five months pregnant and refused to have an abortion. I was gang raped and left for dead. I tried to leave my spouse numerous times. I called the police frequently. However, my spouse was always able to find me, no matter where I went. In addition to me, he had seven other victims.

There are shelters for women who are victims of violence, but for how many years are we going to continue to hide women, rather than work directly on the source of the problem? I am pleased that there are shelters for women who are victims of violence, because that's where these women can get some help, but it remains a temporary solution, because women stay there for one or two months, and when they leave, the violent man is unfortunately still out there, waiting to return to his ex-spouse with even more violence. We women have to live a life that is stalked, harassed, spied upon and pursued by these men, no matter where we go. It's more or less a form of terrorism. Every morning when we get up we wonder whether today is the day he's going to murder us.

Why are we still building shelters to hide victims of spousal violence? It would make more sense to consider building intensive internal therapy centres for violent men so that they could be surrounded by experts who could help them adjust and even solve their violence problem. On the personal side, I also help violent men who have spent time in these facilities and the success rate is very high. The man loses complete control over himself when he no longer has access to his victim. The source of the problem is the man's violence, and that's what the system needs to focus on.

Electronic bracelets are a very important tool that would protect us and give us a warning that the man, our perpetrator, was on the way, and enough time to warn the police. They would also reduce the number of femicides, which has been increasing every year. They would also provide judges with clear evidence that these violent men are not complying with their conditions.

If my former spouse had been wearing an electronic bracelet, I would have been shielded from his attempted murder and all his other victims would have been informed. In fact, they could have been informed that their former spouse was hanging around their home, which might prevent a woman's death. With a warning of the danger, they can taken steps to protect themselves.

The way things stand, it's impossible to protect ourselves properly from a violent ex-spouse, because we have no warning of his arrival. The group of 100 women we worked with on the project consists exclusively of spousal violence victims, at least half of whom were subjected to an attempted murder. We all agree that the only thing that might protect us is an electronic bracelet, because there is nothing to protect us at the moment.

Over the past 20 years, I've worked with hundreds of women who needed help. There is no way to hide them. Men can track them down at their place of work or through their family. They can follow children to school or to their friends' homes. The man will never stop stalking them, following them, harassing them and harming them. Until an electronic bracelet is required, women and their children will never be protected. Electronic bracelets may not be perfect, but that's all we have for the time being. We have no

protection. That's why we are asking you, on behalf of all women, to pass the bill.

• (1655)

[English]

The Chair: Thank you so much, Martine. We really do appreciate that.

We're going to go online to Philip.

Philip, I'm going to give you the floor for five minutes.

Mr. Philip Viater (Lawyer, As an Individual): Thank you for having me here.

Senator Boisvenu, thank you for bringing forward this bill.

For those who don't know me, I am a lawyer. I practise predominantly family law, with some criminal law, and I've been doing that for about 15 years.

I bring a bit of a unique element to my experience because, as was alluded to before, I am the stepfather of Keira Kagan, who was involved in a murder-suicide that ended up resulting in Keira's law being passed through Bill C-233, along with provisions for ankle monitoring.

When I reviewed this bill, I was quite optimistic. Because of my unique experience as both a survivor of domestic violence through my stepdaughter and a lawyer who deals with a lot of victims of domestic violence as part of my work, people from all across Canada reach out to me quite regularly—and I mean literally every province and territory—and I hear all the stories, in addition to my own practice. I think this bill is quite important to implement.

As a matter of first priorities, a lot of people have trouble coming forward. They fear they may be disbelieved and, even worse, they fear that if they are disbelieved and no charges are laid, they may get it even worse once their intimate partner finds out that they have gone to a police officer to make a complaint. The stakes can be quite high.

What we also find is that, once a police officer does agree or finds grounds to lay a charge, victims oftentimes feel silenced. They feel that they don't have much control over the process and that things are just done without their input.

One of the very first provisions that struck me was something so easy and something that should be done regularly, which is to get the victim's input on their safety and security needs. That could be done so easily in the stages where the police officer takes their statement. They could, just at the very end, ask about their security and safety needs. They could be taken through victim witness services. It is a really easy thing to do, and it's really important.

By way of a very quick example, I was involved in a case where the husband was charged—they were pretty bad charges—and, of course, we had the regular no-contact provisions. They didn't consult with the wife on this one, and the unique aspect of this particular case, for example, was that these people were very religious and went to their temple a lot—multiple times per week. Police didn't know this and the Crown didn't know this, because nobody had asked the wife. What the husband was doing was going to that temple a lot more than usual in the hopes of continuing to see the wife. Now, when the wife reported this to the police, the husband had plausible deniability—"I'm here just to go to my temple"—even though he was going at times and on dates so much more often than he used to go.

That became a problem, because nothing was really getting enforced. At a minimum, it could have been considered.

Similarly, even informing people of the conditions to get the order—it's part of this bill—is really important, because most victims don't even know that. If they don't have a lawyer, sometimes they don't even receive it.

Finally, I want to talk about the peace bond process, because it is really important and is really well done, in my opinion, in what this bill accomplishes.

First of all, a peace bond is a separate process to a criminal proceeding. In a criminal proceeding, you have to be found guilty beyond a reasonable doubt for there to be a conviction. With a peace bond proceeding, number one, the standard of proof is a balance of probabilities—just what is more likely than not—and, number two, the other key difference is that somebody could lay a peace bond information just based on having reasonable grounds for fear for their safety or of violence, which is a really important distinction. A criminal offence does not even have to have taken place, but if intuitively a victim knows that something bad may happen, they could lay an information.

• (1700)

In addition, and what is also really important and is perhaps an unintended consequence, because the courts are really concerned with unreasonable delay due to the charter, and because the criminal burden is so high, oftentimes prosecutors make deals. Right now, they're very limited in terms of the deals they can make when there's a peace bond, but Senator Boisvenu's bill has provided them further opportunity to make a much better resolution, which would still, hopefully, protect the victim, if they really need to go that route.

The Chair: Thank you. I thought that maybe he's worked with me long enough to know what I'm like when I just start flailing.

What we're going to do—I know we have three tremendous witnesses—is have six minutes each. I'm going to leave it up to the parties to try to figure out how you're going to manipulate your six minutes.

I'm going to pass it over to Michelle, and whoever needs some time here, to share the six minutes.

Ms. Michelle Ferreri: Thank you, Madam Chair.

I'll share my six minutes with Ms. Roberts. If you could tell me when three minutes are up, that would be ideal.

Thank you very much, ladies. That was very profound. Your stories are powerful and graphic, and they need to be. Thank you for what you've said.

I think what jumped out at me is that we hide women. That really stuck with me. It's like, what are we doing? That really impacted me when you put it into that context. We have to go away and we have to hide, and the criminal can be free. That was very powerful.

I do want to say on the record—and I haven't said this and I know it's insinuated but I do feel compelled because I have many people who message me who are victims—that sometimes men are victims of domestic violence. I know we're here because we're the status of women committee, but I do feel that I need to say that on the record.

Many people are calling this an epidemic, and this legislation, I think, is a really good step in the right direction.

Phil, if I can refer to you, with your legal background and your own personal experience.... First of all, it's great to see you again. Thank you for all that you do, and thank you for being here. I think of you often, and Jennifer and Keira.

Just quickly—I know I only have one minute—how valuable will this bill be for victims?

Mr. Philip Viater: I think it's really valuable. At an absolute minimum, just providing their input and making them feel more involved will give them a better sense of security. In addition, as I alluded to, even the peace bond provisions giving a greater breadth of the remedies available to them can assist. I think this is a very big, positive step, quite frankly.

The Chair: Dominique, I know you had a tiny question, so go ahead.

[*Translation*]

Mrs. Dominique Vien: I have a brief question.

Thank you for your testimony, ladies. It's truly heartbreaking to hear what you're telling us. It's difficult to take in, and I can't even imagine what it's like to live through it.

You're saying that if there had been bracelets before you were subjected to spousal violence, things would likely have turned out differently for you. To help us understand, I'd like to know who would receive a warning when the security perimeter is breached. Would the victims have an alarm device?

• (1705)

Ms. Martine Jeanson: The victims and the police would have an alarm. The police would know whenever a perpetrator breaches a specified perimeter, signalling that they are near us. We would know too, and that would allow us to leave and hide.

Mrs. Dominique Vien: Do the perpetrators have information about where you are so that they would know that if they get too close, they need to back off?

Ms. Martine Jeanson: Yes, the perpetrators always know where we are. What they want is to get close to us, but we never know when they are going to arrive. If the Bill S-205 is passed, we would hear an alarm warning us to leave and hide, and telling us that the police are on their way. We could go to a neighbour's, for example. If we were at work when the perpetrator shows up, we could stay in the office. We wouldn't go out alone on the street.

So the bracelet gives us a warning. The women who were murdered didn't see their perpetrator arrive. When the attempt was made on me, I didn't see him coming. He came in the back door. Once the perpetrator is there, it's too late. We need to have enough time to leave and hide.

Mrs. Dominique Vien: That's because they have tactics. They have ways of tracking you down and finding you.

Ms. Martine Jeanson: That's right.

Mrs. Dominique Vien: I have one final brief question, Madam Chair, but I don't want to take any of Ms. Roberts' time away from her.

Ms. Jeanson, I'd like to congratulate you because you have nonetheless found a way to speak with men and spend time with them. You are kind-hearted. It also takes education and communication skills, as Ms. Larouche said a little earlier. You are tremendously brave.

[*English*]

The Chair: Thank you so much.

I'll pass it over to Anna.

Mrs. Anna Roberts: Madam Chair, I'd like to move my motion.

The Chair: This is a notice of motion. It will be very simple.

Go ahead.

Mrs. Anna Roberts: I move:

That, pursuant to the order of reference from the House dated Thursday, November 9, 2023, the committee invite the Minister for Women and Gender Equality and Youth, to appear for no fewer than two hours regarding the Supplementary Estimates (B) 2023-24, and that this meeting take place as soon as possible, and no later than Thursday, December 7, 2023.

The Chair: The motion is on the floor. Are there any questions or comments?

Sonia, we spoke earlier. I just want to ask if it is one hour of the minister and one hour of officials.

Ms. Sonia Sidhu: Yes, I want one hour for the minister and one hour of officials.

An hon. member: [*Inaudible—Editor*]

The Chair: It's moved. She just moved her motion, which she is allowed to do. It's on the minister. We had already spoken about this.

Okay. We'd be having the minister for the estimates on December 7. Is it agreed?

(Motion agreed to)

The Chair: Fantastic.

With the time remaining you have 35 seconds left.

Go ahead—

Ms. Sonia Sidhu: Chair, I just want to clarify that it's one hour.

The Chair: It's one hour for the minister and one hour for officials. We'll break it into that. It's two hours in total.

Anna, you have 35 seconds left.

Mrs. Anna Roberts: Thank you.

I'd like to ask a question of Martine.

Thank you very much. You're very brave to come here, and I respect you for that.

This is my question. Do you think it would be advantageous to help people going through this violence with their partners if they were notified if the partner was, say, within a mile radius of the individual?

[*Translation*]

Ms. Martine Jeanson: I didn't quite understand your question. There were a few outages in my headset.

[*English*]

Mrs. Anna Roberts: That's okay. I'm just thinking of a way to acknowledge.... For example, if the criminal's wearing a bracelet, would it not be advantageous that you be notified if he is within, say, a certain radius of where you are located?

[*Translation*]

Ms. Martine Jeanson: That's how it would work. The bracelet triggers an alarm as soon as the person is within, let's say, a kilometre from the victim. The victim gets a warning and the police get one too. They know when they hear an alarm that he's inside the perimeter. A police officer will track him down.

At the same time, it gives us evidence for the courtroom. When I go to court with a victim, we never have any evidence. The victim says that the individual was there, but there is no evidence, because the victim didn't have time to activate her cell phone because she had to get away. So the bracelet provides evidence for the courtroom. The police can come and testify that the victim was followed to her place of work, for example. That gives us the evidence needed to incriminate the perpetrator and prevent a murder.

I personally would have liked to be able to go and hide. If the detection perimeter is set at one kilometre, then when the alarm goes off, the victim has time to go to a neighbour for help.

• (1710)

[*English*]

The Chair: Excellent. Thank you so much.

We'll now move it over to Anita.

Ms. Anita Vandenberg (Ottawa West—Nepean, Lib.): Thank you very much.

Before I start my questions, I just want to say to you that by taking the terrible experiences you have had... Most people would not go forward publicly and retraumatize themselves by talking about it again and again in order to help other people. The fact that you're doing this to help others not to have the same kinds of horrible experiences says a lot about your characters, and I just want to commend you for doing that.

I do want to ask a follow-up question.

Ms. Tremblay, you said something that got me thinking because one of my questions....

Mr. Viater, thank you for being back before this committee. I'll let you answer more on the legal side of things, but on the personal side of things, I would ask Ms. Tremblay and Ms. Jeanson.

The current Criminal Code does include a lot of protections for victims. It does include a lot of this, and, of course, Keira's law—I was here when our committee did that—even strengthened that. Obviously though, in your experiences, that hasn't been enough. There has been a failing in the existing system.

You said something, Ms. Tremblay. You said that it's not just about keeping safe, and that one of the things that, for instance, a bracelet could do is allow you in court to prove if somebody broke their conditions, because it's very hard to actually find evidence of that. I wonder if the two of you could talk shortly about what this bill does that is missing in the current laws.

Then I'd ask Mr. Viater to be a little more specific about how it complements Keira's law and even Bill S-12, which is before the Senate now.

I'll start with Ms. Tremblay.

[*Translation*]

Ms. Diane Tremblay: There are a lot of gaps at the moment. We aren't protected and Senator Boisvenu said so several times. We agree, and so does Ms. Jeanson. We are not the only women in this situation. We need protection. We are faced with an abuser and it's a matter of life or death. That's where we stand now.

Bill S-205 will provide women with a tool that can keep them safe, as Ms. Jeanson said, before the assailant gets to the house.

I remember one occasion, among others, when I thought after three weeks that things had calmed down, when my abuser broke down my door. I jumped over the railing, ran down the street and climbed a fence. He caught up to me, forced me to the ground and put a knife to my throat. I shouted "fire" as loud as I could, because someone told me that when you shout "help" nobody will come. So I shouted "fire" and my neighbour came to my rescue with some others and surrounded him. But listen to this: he called me from the police car because they had forgotten to take away his cell phone. It

was March 26, 2007. He called me when there was a police officer in the house with me, to tell me to drop my complaints. I won't tell you what he called me. He told me that I'd better watch out for what would happen to me if I didn't drop the charges. The police-woman who was there took some action afterwards. I'm saying this just to point out that he was in the police car when he called me and broke his conditions.

I can't tell you just how important the electronic bracelet will be once the bill is adopted. We have our reasons for requesting that there be no amendments to the bill. We are here before you to tell you what actually happens. We are the ones who really know. We want to be protected and we want to protect our children.

My abuser attacked my parents. I didn't see my parents for three years. I didn't see my sons for three years. I had taken my children and left them with their father. I'm telling you this because it was a very difficult time for me, and I'm only alive because of my neighbours. Because I jumped over the handrail and was able to run away. He followed me, caught me and threw me to the ground. I had a knife at my throat and I fought as hard as I could.

I can tell you that I'm very pleased to be here with you today, with Ms. Jeanson and Senator Boisvenu, to testify about all this.

• (1715)

[*English*]

Ms. Anita Vandenberg: We are so grateful that you survived that.

I know I have only a minute left, so it's very short.

Mr. Viater, if I don't have time, you can respond in writing. Is that okay? Thank you.

Go ahead, Ms. Jeanson.

[*Translation*]

Ms. Martine Jeanson: I too would like to talk about therapy. As I said earlier, I work with violent men that we have been able to help. People have to know the difference between a narcissistic pervert and a violent man. Violent men have often experienced violence; they have no resources and don't know how to manage the violence. So we work with them and give them some tools. These men cry over it because they would never have done any harm if they had had the resources. So yes, it is possible to change these men.

Alongside therapy, we prepare reports for the court. We can tell a judge that a particular person will never change because he's a dangerous narcissistic pervert. A violent man is something else.

What I'm saying is that therapy can change and eliminate many forms of behaviour. They go hand-in-hand. We need to help men and stop spending so much effort on therapy for women. Men are the problem, not us women. If we get to the bottom of the problem and pay more attention to education in schools, as someone pointed out, spousal violence could decrease. There is so much of it now because there are no resources for men. Therapy and bracelets may make them think, and they are the only tools we have at the moment to reduce the violence and increase safety for women.

[English]

The Chair: Philip, we'll go to you now. Go for it.

Mr. Philip Viater: Thank you.

My comments mostly deal with the new 810 section, otherwise known as the peace bond provisions, because what Senator Boisvenu has done is very clever. He's created a two-tiered 810 system, in a way. We already have an 810 system, but that 810 system is somewhat limited. For example, they could give up to 12 months, and it's not really geared toward intimate partner violence.

In Senator Boisvenu's bill, he has a separate system where, first, it goes before a provincial court judge. In the current 810 system, it actually goes before a justice. It could be a criminal court judge, but it could also be a justice of the peace. In addition, he's lengthened the restraining order provisions to now be two years, and perhaps even three years if there's a previous record. In the old version, when it doesn't deal with intimate partner violence, that doesn't exist. He's also increased, if you breach, the penalty to up to two years, whereas in the old one it's one year.

It's a really good two-tiered system that recognizes intimate partner violence. Even the fact that it's here gives more publicity to the fact that this is an epidemic and it has to be taken seriously. It goes hand in hand with Keira's law, both federally and provincially. As judges hopefully get and implement that training, they'll be in a better position to know what the conditions are that we should impose, including that treatment program for domestic violence and including even the ankle monitoring.

The Chair: Awesome. Thank you so much, Philip.

I can tell you that in terms of Keira's law, we're still going to work on that. I think we're meeting with Jennifer, which is fantastic. We have some great and important things coming up.

We have two last questioners.

I'll pass it over to Andréanne Larouche for six minutes.

[Translation]

Ms. Andréanne Larouche: Thank you, Madam Chair.

I'd like to thank Mr. Boisvenu for his earlier testimony.

And thank you for having come Mr. Viater, because you also experienced the death of a child.

Ms. Tremblay and Ms. Jeanson, thank you very much. I always hesitate to congratulate you on your strength or your courage, because I'm not sure what you would really like us to retain from your time here. Your testimony about your own experiences was heart-rending, and we are here to listen to you and try to do our best as

parliamentarians to change the way people think. It's surprising to hear about the extent to which we are in a period of violence and rising extremism, and how it all impinges on the erosion of women's rights, including instances of coercive violence. That's my impression.

My question is for the three witnesses: Mr. Viater, Ms. Tremblay and Ms. Jeanson.

Sometimes words are important. There are several troubling aspects to these cases of violence. For example, there is the loss of confidence in the system because of concerns about whether anyone will be listening. Then there is the question of conflicting descriptions of what happened, particularly in instances of assault and violence between intimate partners.

We have clearly heard the message about electronic bracelets. However, I'd like to take a broader look at domestic violence. Might it be better to combine the terms "coercive and manipulative violence" and "domestic violence" to enable as many victims as possible to report their abuser without having to wait until they have bruises on their face?

• (1720)

Ms. Martine Jeanson: Women don't report their abusers. I can tell you that because I'm with them on the ground, working with them in their homes. I'm not at a shelter. Everyone knows that abusers are arrested and then released. You can see it on television and hear it on radio. So women are afraid to report their abuser and don't want to do so because once he is released, he will automatically return home. I see that in my files. One such example is a man who tried to drown his wife in the bathtub, I mean really tried to drown her. He was arrested, released immediately and went straight back home to his victim.

That's why women don't want to report their abusers. But if they knew they would be listened to, and if they began to see electronic bracelets being used and decisions favourable to women, they might conclude that if they were to make a complaint, their abuser would have to wear a bracelet and would not return to attack them afterwards.

If we feel protected, we'll report our abuser. I say "we" because we represent these women. Right now, we can't report abusers. Even today, I wouldn't feel anymore inclined to report my abuser because I would be afraid. I've seen firsthand the police arrest men like this only to release them two minutes later. But if the abusers are wearing an electronic bracelet, we'll have protection.

Ms. Diane Tremblay: I'm going to add something else. Right now, it's the women who are imprisoned. I spent three months at Maison Unies-vers-femmes. I didn't have access to my children. They weren't allowed in because they're boys. I'm not making this up. I had no access to my life, but he had access to his, as if he hadn't done anything.

As Senator Boisvenu and Ms. Jeanson were saying, what message is being sent? Men are being told that they can beat up a woman, murder her, frighten her, bully her, and abuse her as much as he wants; she's the one stuck inside. Yet he is still free, living his life and assaulting other women. That has to stop at some point.

The Criminal Code hasn't been changed for a very long time. I've read that there wasn't any legislation to protect women in 1982. And here we are now in 2023. When I say women, I mean women and children, and indigenous women. It's important to do something on their behalf too, because they need protection. They live in a rural setting. It's time to do something about it. Something should have been done a long time ago.

Today, I would like you to listen to us and address our needs. We have a right to live and a right to our freedom, as do our children, our parents and our friends.

Ms. Martine Jeanson: The group of 100 women, and everyone we work with, are simply waiting for you to pass the bill. That's all they want. The group still exists and is wondering whether there is any progress and where things stand right now.

If you approve this bill, you will be giving them hope for freedom, being able to live their lives and feel free. We have the right to be free and to have protection. You alone can do it. We have no power. All we have is the ability to come and ask you today to support this bill so that we can live freely and safely. Only you can do it.

• (1725)

[English]

The Chair: Thank you very much.

We're now going to pass it over to Leah for the final round.

Ms. Leah Gazan: Thank you so much.

Stories are powerful, but I know they're hard to share. I just want to honour all the witnesses today for sharing their stories.

I really want to focus on a couple of things. One of the issues I have—I know you spoke a lot about it, Martine—is about the need for therapy for men.

Actually I'm going to go back, and then I'm going to follow up with that.

In terms of policing, we're dealing with this with the Red Dress.... Would you agree with me that, particularly when women come forward with these acts of violence, they're often minimized by policing or wherever they're reporting? Would you agree?

Diane or Martine can answer that.

[Translation]

Ms. Diane Tremblay: You're absolutely right.

Among other things, I remember the first time I reported an assault. I was asked whether he had hit me. I said that he hit me here, there, and that he had raped me. What more did they want? What about internal injuries? Yes, I was physically struck, but it doesn't always start that way. Things escalate, and that needs to be taken into account. When I went to the police station to tell them what

was happening, they pointed out that there were no signs of injury. Come on, what kind of an answer is that? There are injuries, internal ones.

I often went to the police station to report and make a complaint, because my spouse never complied with his conditions. I remember on one occasion when a policewoman asked me what he had done. I was on edge because it had just happened. I said that he had grabbed me in a particular way, and I tried to demonstrate it on her. She told me not to touch her. All I wanted to do was show her what and how I had just experienced. I wasn't actually going to act it out. I did it automatically, and ended up being rebuked by the policewoman.

[English]

Ms. Leah Gazan: That brings me to another point, because I have limited time and I think what you're sharing is pretty critical. Would say that you don't get a proper response and often the response is not trauma-informed?

You're saying you experienced violence and you were in shock, and the response by the authorities was often not trauma-informed by what you were going through as a victim of violence. Would you agree with that?

[Translation]

Ms. Diane Tremblay: That's right.

Ms. Martine Jeanson: Every time we report them, we're asked what evidence we have. We never have evidence even if we call them 10 times to report what's happening to us.

The one thing we really want is the bracelet. We know that people won't always listen to us. We know that nothing can be perfect. And yet I'd rather have something imperfect than no protection at all, which is what we have now. We have nothing at all.

The more factors added to the system, the more consideration we will be given and the more people will understand just how serious it is. The more evidence we have, the more we will be believed and heard.

Ms. Diane Tremblay: We'll also get more respect.

[English]

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

I think you are right about violent men. Treatment is really important. Right now, a lot of the response is to put them in jail. They get out of jail, and they're more violent and more angry. They haven't had therapy. I think you need to deal with the roots.

Do you think the way it's currently dealt with in the criminal justice system, in terms of putting people in jail without proper therapy, is ineffective? Do you think it would be better to put them...? You were talking about a treatment place where people can deal with trauma and violence.

• (1730)

[*Translation*]

Ms. Martine Jeanson: A therapy centre is certainly better than prison. In prison, abusers are there with other violent men. They collude with one another. The whole time they are there, their brain is working overtime, thinking about where we are, the people we're with and what we're doing. When they get out, they are even more violent

If instead of sending abusers to prison, they were first sent to a centre for three months of intensive therapy, their anger would decrease. There would be conversations, they'd be given resources that would certainly calm them down. Prison does nothing but increase violence. That's always been the case.

[*English*]

Ms. Leah Gazan: Would you say that many folks that get involved in the justice system...? Do you think that more underlying mental health issues need to be dealt with?

If you deal with the underlying mental health issues, you would deal with the violence. Would you agree with that?

[*Translation*]

Ms. Martine Jeanson: Let's talk about mental health. I'm an expert, as a caseworker. When I go to the courthouse, the judge listens to me and takes note of what I've said. On the other hand when the abused woman speaks, the judge doesn't listen and doesn't hear. It's one-on-one. We caseworkers are the ones who go to court to explain the work we've done with the victim. The judge listens and starts to take us seriously.

We watch the judge all the time when the victim is speaking. Honestly. I spoke about it to Senator Boisvenu before coming here. When I was in court in Lac-Saint-Jean, I said in colloquial French to the judge, "il l'a neyée dans le bain" and all she had to say about it was that you shouldn't say "neyée", and that the right word is "noyée".

When we tell you that the system doesn't listen to us and that we need you, it's because we really need your help if we are to be taken seriously.

[*English*]

The Chair: Unbelievable. I'm sitting up here just in shock.

We're actually at the end of our testimony today, although I believe we could probably listen to this group of people—you ladies and Phil and everybody else—for hours on end.

Thank you so much for the incredible testimony that the three of you have brought today.

Thank you very much, Senator Boisvenu, for bringing forward this bill and bringing forward witnesses who have this experience.

Before we leave I have two really quick things. I need to seek approval for a budget of \$17,750 for Bill S-205. Does everyone agree?

Some hon. members: Agreed.

The Chair: Perfect. We are spending that money. If we need to discuss further, we can schedule committee business, but I would be looking for any amendments that you would want for Bill S-205 to be in by next Wednesday, November 29 at noon. That's where we were going. Does that sound good, everybody?

Some hon. members: Agreed.

The Chair: Seeing no further business, I would like to thank Diane, Martine and Philip so much for being here. If there's additional information that you want to send in, we would love to hear it. Thank you very much.

Today's meeting is adjourned.

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