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Chair: Ms. Lena Metlege Diab





## Standing Committee on Justice and Human Rights

Thursday, February 29, 2024

• (0820)

[English]

**The Chair (Ms. Lena Metlege Diab (Halifax West, Lib.)):** I call the meeting to order.

Welcome to meeting number 97 of the House of Commons Standing Committee on Justice and Human Rights.

Pursuant to the order adopted by the House on February 7, 2024, the committee is meeting in public to continue its study of Bill C-332, an act to amend the Criminal Code (controlling or coercive conduct).

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

We have two witnesses in the first panel. Both are attending via video conference, and both witnesses have been tested for sound.

Please wait until I recognize you by name before speaking. For the benefit of the witnesses, you'll be allowed a specific time frame for your opening remarks, as well as for answering questions for each of the members.

I will have to be a bit strict on the time use. If so, please bear with me. I ask for your patience. There's a rotation that we follow.

All comments are to be addressed through the chair. For members using Zoom, you can raise your hand using the Zoom "raise hand" function. For those in the room, obviously, you know how to seek my attention.

I want to welcome our witnesses for the first 45 minutes.

We have them both with us by video conference. We have, from the Barbra Schlifer Commemorative Clinic, Deepa Mattoo, executive director; and from the Women's Legal Education and Action Fund, Roxana Parsa, staff lawyer.

You each have five minutes for your opening remarks. I will start with Madam Mattoo.

**Ms. Deepa Mattoo (Executive Director, Barbra Schlifer Commemorative Clinic):** Good morning, honourable chair and members of the committee. I am grateful for this opportunity to speak before you this morning regarding the proposed legislative amendments aimed at addressing coercive control within the Criminal Code.

The Barbra Schlifer Commemorative Clinic, since 1985, has been at the forefront of providing trauma-informed legal, coun-

selling and interpretation services. We support marginalized and racialized women and gender-diverse individuals who have experienced violence. With our extensive experience and expertise in this field, we offer insights into the potential implications of the proposed legislative change.

I'll cover three points in my opening remarks: the fact that justice should not only appear to be served but should genuinely be achieved; the consequences of criminalization; and the need for a holistic approach to address coercive control.

I want to start by recognizing and commending the intent behind this legislative change. It signifies a crucial milestone in acknowledging and addressing coercive control as a pervasive form of intimate partner violence. However, you must approach this legislative change with the utmost caution, taking into account the intricate nuances and the potential ramifications of criminalizing coercive control within the Criminal Code.

Coercive control is characterized by a relentless pattern of behaviour aimed at intimidating, manipulating and inflicting harm upon survivors or victims. This insidious form of abuse often operates behind closed doors, which makes it challenging to identify and prosecute. Survivors may endure multiple forms of tactics, including manipulation, financial control and isolation, which can result in profound psychological and emotional trauma.

My first point is that justice should not merely appear to be served. While the criminalization of coercive control may seem like a solution, it's crucial to recognize its practical limitations and potential consequences. Coercive control, particularly within intimate partnerships, poses inherent complexities, making it difficult to recognize and report due to inherent power imbalances and the systemic biases that survivors face. Moreover, proving coercive control beyond a reasonable doubt in a court setting would add a layer of difficulty that survivors routinely face in IPV and sexual violence cases. In these cases, the system routinely fails survivors, with under-reported cases and low conviction rates. Therefore, my point is that not only should justice appear to be served with a new criminal offence on the books, but we should genuinely be trying to achieve this justice for survivors.

The unintended consequences of criminalization don't always align with the intended solutions. For example, we have observed that existing mandatory charging policies in cases of domestic assault can inadvertently result in survivors being charged with the same offences that are meant to protect them. Moreover, survivors, particularly those from marginalized and racialized communities, specifically from non-status immigrant communities, indigenous and LGBTQ+ communities face additional hurdles, such as language barriers, discrimination within the system, intergenerational trauma and lack of trust in the legal system.

My last point is that it is essential to explore holistic approaches that prioritize survivor safety and well-being while holding perpetrators accountable within the criminal justice system. Drawing from the experiences and the jurisdictions in which coercive control has already been criminalized, such as England, Wales and Scotland, we must recognize the limitations of relying solely on the criminal justice system. It is only one part of the solution. Comprehensive support services, awareness campaigns and professional training are essential for meaningful change and for healing for survivors. Furthermore, the inclusion of a broad defence based on the coercive actor's best interests for the survivor raises serious ethical and practical concerns, risking further harm to survivors and perpetrating power imbalances within abusive relationships.

In conclusion, I echo the sentiment of many others who have already testified in front of this committee that increasing criminalization is not the solution. Emphasis on the Nova Scotia Mass Casualty Commission's recommendation, which advocates for a community-based approach over a carceral one, including a community advisory, is something that we also support.

While we oppose the implementation of the new offence for coercive control, we stress the importance of equipping all legal actors with the necessary knowledge and skills to identify and address coercive control effectively. This includes developing risk assessment tools and training that consider intersecting identity factors for survivors who are disproportionately impacted by gender-based violence.

● (0825)

We believe that introducing such legislation prematurely without adequate education, resources and accountability mechanisms in place for legal actors—

**The Chair:** Thank you very much for your opening remarks. You'll have a chance to continue with that during questions.

I will now turn to Madam Parsa.

**Ms. Roxana Parsa (Staff Lawyer, Women's Legal Education and Action Fund):** Good morning.

My name is Roxana Parsa. I am a staff lawyer at the Women's Legal Education and Action Fund, also known as LEAF. I am grateful to appear today from what is now known as Toronto, which is on the traditional lands of the Mississaugas of the Credit, the Wendat, the Anishinabe and the Haudenosaunee nations.

LEAF is a national charitable organization that has worked for 39 years to advance the equality rights of women, girls, trans and

non-binary people through litigation, law reform and public education.

In recent years, LEAF's engagement with the criminal legal system has led to a deeper understanding of the ways in which harms can be perpetuated through the justice system. This is why we are grateful for the opportunity to be here today to share our views against Bill C-332.

We know that coercive control is a pervasive form of violence. We have heard the stories from survivors and frontline workers about the insidious ways in which patterns of controlling behaviour develop over time, and we understand the desire to respond.

We agree that there is a need for greater recognition of this harm; however, we urge the government to resist reliance on the criminal law. We echo the calls of experts who have testified before you this past week in speaking against the implementation of this bill.

There are significant systemic barriers that exist within the criminal legal system that will render this bill ineffective.

Coercive control is a highly nuanced and case-specific concept that captures a wide range of behaviours. The lack of physical evidence often means that recognizing the existence of this form of violence involves a deep understanding of the dynamics and context of an interpersonal relationship. Given the subtleties of coercive control, there is a significant risk that, when granted judgment, law enforcement may misinterpret situations of abuse or see abuse even when it is not present. Abusers may also use this to their advantage and turn the law into a tool of coercive control, as we have seen with many other tools in the legal system.

These risks are significantly heightened due to the existence of colonialism, institutional racism and discrimination embedded within the justice system. There are decades of evidence that show that criminal law harms survivors. We can look to the history of mandatory charging policies to see how the potential consequences of a new offence would emerge.

These policies, while well intentioned, led to a significant increase of arrests of female survivors, particularly amongst racialized populations. In Canada, this has been most strongly felt by indigenous and Black women, who are, at the same time, groups that continue to face the highest rates of intimate partner violence. We fear the same consequences arising with the establishment of yet another criminal offence.

We also know that, despite facing higher rates of violence, the history of harm from this system results in a reticence to seek help. Many survivors will not contact the police when they are experiencing abuse, and, when policing is seen as the primary solution to intimate partner violence, it inadvertently excludes survivors from marginalized communities and only deepens the existing inequities in seeking safety.

In discussing the potential harms of criminalization, the conversation often claims that the benefits outweigh any potential risks, so we urge you to examine the question. It outweighs the potential risks for whom? Who will be most impacted by a new criminal offence?

The law does not exist in a vacuum. When considering the development of a new offence, we need to centre the experiences of survivors facing intersecting barriers to justice. Criminalization is likely to either result in a lack of protection or, worse, cause further harm for survivors. Access to a legal mechanism is not necessarily access to justice.

That is why, instead of focusing on the enactment of this bill, we strongly recommend diverting resources to focus on prevention through the development of the infrastructure necessary for survivors to seek safety. This includes more funding for housing, social supports and community services and the development of alternative justice models for survivors seeking validation.

We also echo the recommendation of earlier witnesses in advocating for mandatory and ongoing training to actors in the justice system on coercive control and systemic bias, alongside the development of accountability measures to ensure evaluation of whether training is meaningfully applied. Finally, we echo the Mass Casualty Commission's recommendation to strike an expert advisory group and consult with both experts and affected communities.

Without systemic change, legislative reform only continues to hide the problem and gives the illusion of taking a stand. The criminal law has been turned to for decades as a response to intimate partner violence, yet the ongoing rates of violence show that it has proved to be an ineffective response. We think it's time to look beyond the criminal system and focus our resources on developing the social systems that are necessary for violence prevention.

Thank you for your time, and I'm happy to take any questions.

● (0830)

**The Chair:** Thank you very much. It was much appreciated.

We will now start with our first round of six minutes each. Keep in mind that we need to conclude this panel in 30 minutes in order to have the second panel of witnesses tested as well.

I will start with Mr. Frank Caputo.

**Mr. Frank Caputo (Kamloops—Thompson—Cariboo, CPC):** Thank you, Madam Chair, and thank you to our two witnesses for appearing with us.

Ms. Mattoo, I know you didn't get to finish your opening remarks. I'm happy to yield my time to you to finish your remarks.

**Ms. Deepa Mattoo:** Thank you so much.

I just have two lines left, saying that we believe that introducing such legislation prematurely, without adequate education, resources, and accountability mechanisms in place for legal actors, risks further undermining access to justice for survivors.

Thank you so much for giving me this time. I was just going to offer to answer any questions.

**Mr. Frank Caputo:** Thank you very much for that. I appreciate you both for being here.

Ms. Mattoo, in full disclosure, my wife runs two legal clinics where she serves primarily women and mostly marginalized women. My background is as a Crown prosecutor. I listened with intent to both of you and to what you had to say. I found it very interesting.

I'm trying to decide where to start, because there's so much.

I know that when Ms. Parsa was speaking about this, she spoke a lot on coercive control. Generally, if I took those comments correctly, it was that the law should not be the primary mechanism by which we deal with intimate partner violence and coercive control. There should be a rededication or redirection of resources.

In these situations, the law is reactive. You're speaking about something proactive. Should we not be reacting to the situations of coercive control that statistically and in my experience lead to and perpetuate what I would call—and what others have called—the cycle of violence?

Feel free to answer that.

**Ms. Deepa Mattoo:** I can take the question, and, Roxana, please add to it.

If Canada recognizes coercive control as a Criminal Code offence, it's another section on the books.

My challenge is looking at and thinking about what England, Wales and Scotland have done. Scotland's model is definitely seen as the gold standard. The studies coming out of those jurisdictions have repeatedly told us that a number of people who were either convicted or charged with coercive control could have been charged under a number of statutes that were already available to the prosecutors in those jurisdictions.

I think it's the same case here in Canada. If you think about what coercive and controlling behaviour is, then criminal harassment, assault, sexual assault, forcible confinement, human trafficking, uttering threats, fraud and stalking are all criminalized behaviours. My challenge remains that when we have so many tools in the box, why do we want to add this one more thing, which is the contextual nature of the crime, instead of giving proper education to our police officers, prosecutors and judges in understanding the context?

Adding this one more thing would unfortunately, in my opinion, add another layer of barriers in access to justice for the survivors. Now they have one more thing. It might also give them the false notion that coercive control is now criminalized. In reality, the "beyond reasonable doubt" test would still remain the same. They would still have to prove all of those actions or those situations that I just listed, and more.

I really, definitely find it really challenging to think about how it will solve a problem that lies in lack of understanding of the context by the frontline responders, prosecutors and decision-makers. I do not believe that it will actually break the cycle of violence, as suggested by you, honourable member. In fact, that's also the evidence coming out of the countries and jurisdictions where it has been criminalized.

**Mr. Frank Caputo:** If I could just respond to that, I take some of your points.

For me, personally—again, this is just my anecdotal experience—coercive control takes the form of manipulation. It is manipulation that is meant to control but isn't criminal harassment, even if it is repetitive or unwanted behaviour. The person might not even realize that they're under the thumb of their abuser. Often, in my experience, it takes the form of things that aren't illegal. Having a bank account and controlling all of the finances, isolation of a person that is so coordinated as to leave the victim vulnerable.... That isn't covered under human trafficking. It's not covered under assault or criminal harassment, but its end goal is to ultimately leave the person more vulnerable.

I take your point about the nuances in the law and the difficulty of proof. Maybe it's incumbent on us to change some of the enumerated ways of identifying it.

In 20 seconds, what do you say to that?

• (0835)

**Ms. Deepa Mattoo:** I can agree with you on the point that none of the provisions that are listed have the repeated nature of the abusive acts, as you are referring to, but my point is that it is the context of the violence that is not understood by the existing system. Unless and until we fix the existing system, we're actually putting the cart before the horse.

**The Chair:** Thank you very much for that.

I will move to Mr. Mendicino for six minutes.

**Hon. Marco Mendicino (Eglinton—Lawrence, Lib.):** Thank you, Madam Chair, and thank you to both of our witnesses for the very thoughtful interventions.

I'd like to start with a question for Ms. Parsa.

I take from your preliminary remarks that there are some underlying structural and systemic issues with the criminal justice system that need to be addressed before we consider adding yet another provision, which would be under the Criminal Code, to deal with coercive control.

To my recollection, you referred to looking at ways to devise alternative dispute resolution or alternative judicial resolution measures.

Could you elaborate a little on what that looks like in your view?

**Ms. Roxana Parsa:** That's a big question, but that's something LEAF has been engaged in a lot of research on this past year.

What we're talking about is restorative justice and transformative justice models. These can take a variety of different shapes, and they can exist within the legal system or outside the legal system.

Many of these take place in the community and involve a survivor who has access to the resources and has been able to seek out a resource in which they feel safe and which can give them some sort of resolution to their situation of violence.

To be honest, I think this is perhaps difficult to imagine in a situation in which there is imminent harm, but I think this is the kind of resolution we are hoping to move towards for survivors who are seeking validation and recognition.

Based on a lot of research that we've done, experiences of going through a restorative justice process can mean something as simple as writing letters to the person who is accused and sharing thoughts through that. There can be a facilitator, or it can be a long process involving therapists. Oftentimes you don't even have to see the other person. You don't have to come face to face.

These experiences have often been shown to provide survivors the validation that they don't get in the legal system. They feel much more as though their perspectives and experiences have been recognized, and that the person who harmed them has become accountable for their actions. There's a sense that they feel healed in a way that the justice system often does not provide. That's kind of what I'm speaking about.

LEAF actually released a very lengthy report this past year, if you're interested, specifically about alternative and restorative justice models for sexual violence in particular.

**Hon. Marco Mendicino:** I am interested. If you'd be willing to provide it to the clerk, I think all members of this committee—and, in fact, all parliamentarians—would benefit from reading LEAF's study of restorative justice models like the one you just described.

I agree that in some cases, restorative justice is a more appropriate and more validating model than going the full conventional criminal law route. I did want to validate that point of view.

There may be cases, however, where restorative justice is not available. Would you agree with that?

● (0840)

**Ms. Roxana Parsa:** Of course. I think our main point, when speaking about restorative justice, is really that we want the options. We think that survivors should have the option to pursue whatever form of justice they want and that the criminal justice system shouldn't be the only route forward.

**Hon. Marco Mendicino:** Is it true that in a case in which the victim or the survivor, or indeed all of the participants, do not voluntarily agree to participate in restorative justice, it may not be the most appropriate option?

**Ms. Roxana Parsa:** Of course. There has to be consent on both sides to take part in these processes.

**Hon. Marco Mendicino:** Turning back to this private member's bill, which has been advanced by my colleague, Mr. Garrison, I gather that's really the scenario in which the bill should be contemplated—perhaps where other alternative models may not be available for one reason or another.

It may be because parties don't consent. It may be that there are some cases that are egregious, where serious violence has been involved and, as a result, we may have no other choice but to resort to the criminal law, despite the systemic challenges, which I think you've appropriately identified.

In that scenario, what do you say? Is it that the existing laws on the books are sufficient or adequate to deal with coercive control, or do you acknowledge that perhaps it may make sense to add some additional language that defines coercive control—and I think Mr. Caputo provided some good examples for the committee and for you to contemplate—and additional provisions to deal with this type of harm that's disproportionately towards women?

**Ms. Roxana Parsa:** I certainly understand this desire to respond, especially when there's imminent harm or a situation of urgency and survivors feel like they need help quickly. I just go back to what my colleague, Ms. Mattoo, was saying, that the problem isn't that there aren't laws or there aren't these tools. The problem is that they're not used properly. The existing laws are not being adequately used in these situations.

**The Chair:** Thank you very much for that response.

[*Translation*]

Mr. Fortin, you have the floor.

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

Ms. Mattoo, Ms. Parsa, thank you for being with us this morning.

The issue of controlling or coercive conduct is of great concern to us. One of our jobs, as legislators, is to ensure that people are safe and aren't victims of violence in any form. To that end, Bill C-332 seems like a good move.

There are already offences in the Criminal Code for violence, assault, uttering threats, kidnapping, forcible confinement, rape and sexual assault. All of these offences are already covered under the Criminal Code. We could carry on under the current provisions and clamp down on this type of violence. Controlling and coercive conduct is about exerting control over someone else. Usually, it's a male partner exerting control on the female partner, or vice versa.

There's not really any specific Criminal Code provision dealing with that.

I understand the position you're both defending. Correct me if I'm wrong, but you're advocating for providing training to everyone who works in the justice system. Obviously, I agree with that, but is it going far enough? Shouldn't we be more proactive? Sure, training needs to happen, but we also need to ensure that we send a clear message to society. If a person treats their partner in that way, we won't be providing them training. Rather, that person will be tried and sentenced.

I realize that Bill C-332 will probably need to be improved and fine-tuned, but don't we still need to include these provisions and create clear offences for this conduct?

Ms. Mattoo can answer first, followed by Ms. Parsa.

● (0845)

[*English*]

**Ms. Deepa Mattoo:** I want to start by appreciating the thought process. I think I already said in my opening statement that I commend the intent behind it. I think the challenge is that threshold for coercive controlling behaviour...without satisfying the individual incidents of abuse, which are already part of the tool box for police officers and prosecutors, and those behaviours are already criminalized.

What I am challenged with and what I am presenting to all of you to think about is that what this will create is another form of abuse, and then it bears noting, from all of us, to understand that then this needs to actually be added as a notion of compounding abuse. Abuse is already happening, and these are the individual incidents, and now on top of it we will add the layer of compounding abuse.

All of those incidents need to be proved.

My questions to you are these. How many incidents are we talking about? How many incidents will make it coercive control? What will a survivor be required to prove? Are we asking the survivor to prove that she felt controlled and that she didn't then have a recourse? How can the intent of harm be proven?

I think my challenge is the practical implications. I feel that, as much as it will look really brilliant on the books to have this, it will be really difficult to utilize in the courts.

We have many other such provisions on our books. Those changes were made for survivors—criminalizing of forced marriages, criminalizing of FGM. There are many other such changes that have been brought forward to protect survivors, but they are never used, because they're so difficult for police officers to understand and for prosecutors to bring forward; they always go back to the existing tools and these charges that they can already lay.

I hope that helps in contextualizing what I'm trying to say.

Thank you.

[*Translation*]

**Mr. Rhéal Éloi Fortin:** Thank you.

Ms. Parsa, do you have anything to add?

[*English*]

**Ms. Roxana Parsa:** Yes, I agree with everything that Ms. Mattoo just said.

I just want to point out that the conviction rates that come out of these cases are very low. There's a study in England and Wales that showed that of the 7,000 arrests that occurred during the time span of the study, only 3% had a conviction rate that was successful.

Even for survivors who are seeking this avenue, the reality is that it is not going to result in the result that they are looking for. It will just lead to further retraumatization through the trial process and through the courts system, especially for something like coercive control, where they will likely be forced to rehash all the experiences of their life and the ways it impacted them—

[*Translation*]

**Mr. Rhéal Éloi Fortin:** I'm sorry for interrupting, but I only have a few seconds left.

Can you briefly tell us how we can explain the fact that some victim protection groups are asking us to pass Bill C-332?

How do you explain the differences between your respective opinions?

[*English*]

**Ms. Roxana Parsa:** That's a difficult question. I certainly understand groups who are advocating in support of this. I think our experience is based on research and a wider lens in terms of how these laws have been used to—

**The Chair:** Thank you very much for that.

[*Translation*]

**Mr. Rhéal Éloi Fortin:** Thank you.

[*English*]

**The Chair:** I will now go to Madam Barron for the last six minutes.

**Ms. Lisa Marie Barron (Nanaimo—Ladysmith, NDP):** Thank you, Chair. I'm happy to be here today, covering for my colleague, MP Garrison.

I want to thank the witnesses for bringing further information. There's a lot of important additional context to this discussion that I've heard today.

My first question is for Ms. Mattoo.

You were discussing marginalized and racialized people and the additional barriers they face, and the lack of trust in the legal system as one example of the barriers that are being faced.

I want to make sure this is very clear and recorded. Can you expand on that a bit and perhaps provide a couple of examples further than what you have?

**Ms. Deepa Mattoo:** In terms of the barriers that racialized and marginalized communities experience, especially the ones who don't speak our official languages and require interpreters and language access in bringing forward their challenges to the legal system, they have a lot of lack of trust of the system because of how they are routinely treated in the system.

Ms. Parsa, just a few minutes back, talked about the low conviction rates of a lot of these cases that come forward in the system, and the traumatization of the survivors. Traumatization of survivors who experience inherent bias in the system is even greater. They face that whenever they come forward. They are not necessarily trusted. They find themselves charged. That's one of the historical changes in the Criminal Code that we are still seeing the repercussions of, and we haven't really found the solution for it.

Just very quickly, in closing on this question, I want to say that I think it is incorrect for us to create a dichotomy between whether this is to support survivors or whether it is not to support survivors. I think the challenge lies somewhere in between. The system is not working, and the system needs fixing before we go on to bring more charges to the books and more Criminal Code changes. On the surface, they look really good, but unfortunately, they become window dressing.

I have been in front of you and your colleagues in the past, many years ago, talking about the same thing with respect to forced marriage cases. I said not to criminalize it, because it will put the issue under the rug. It did put the issue under the rug.

Coercive control has made a lot of progress in our jurisprudence. The judges are understanding it in the family law context. There are cases in which judges are understanding in a much better way. I don't want coercive control to become another action that goes under the rug and that people stop talking about because it's so hard to prove.

• (0850)

**Ms. Lisa Marie Barron:** Thank you.

I think I might move to a different part of the questions that I wanted to ask you, based on your response.

I heard Ms. Parsa talking about the conviction rates. I'm wondering if you could talk a little more about the reporting rates and what you think.

Just expand a bit more on how you feel that relates to this bill and whether you feel we would see an increase of women reporting abuse as a result of a tool being brought forward to enable them to do so.

**Ms. Deepa Mattoo:** From my personal experience, I doubt it. I have seen what has happened with FGM and forced marriages. I don't necessarily believe there will be an increase in the reporting rate, and going by the experience of England and Wales, where there was an increase in the reporting rate, I want to highlight that only 6% of the charges brought forward actually saw a prosecution. It's not necessarily the case that the reporting rate would mean that more people would be made accountable. Unless there is balance and accountability, I think the purpose and ethos of the criminal justice system will not be met.



**Ms. Lisa Marie Barron:** Thank you.

I do recognize that there's a low reporting rate and a low conviction rate, but would the reporting in itself provide opportunities for looking at other supports, looking at different forms of moving forward with a more restorative process, looking at increasing supports or looking at getting the pattern of abuse documented? What are your thoughts on perhaps the benefits of seeing an increase in reporting that may result from this tool?

**Ms. Deepa Mattoo:** Unfortunately, with regard to an increase in reporting without really a proper solution offered, we don't have the mechanisms, such as restorative justice and the transformative justice system. I also want to highlight that if we come to those solutions, there will be further discussions and further advisories and further conversations needed. We don't have that in existence in the system right now, hence our reservation.

I work with an organization that serves 14,000 people who survive violence every year. I should be the first to say, "Yes, please bring in another tool." My challenge is that I provide those services in an environment that is really broken for the most marginalized. People from immigrant communities and non-status communities don't even want to come forward and report crimes for fear of deportation or further repercussions.

In that environment, I find it really difficult to support the idea of creating another law without those supports.

**Ms. Lisa Marie Barron:** Thank you for the additional information.

I'm trying to navigate this. I agree with much of what you're saying. I agree that there are serious problems in our justice system. I agree that we need to be looking at this through a systemic lens and that there are serious issues in the supports—

**The Chair:** Thank you, Ms. Barron.

**Ms. Lisa Marie Barron:** I'll end there. I appreciate your comments.

Thank you.

**The Chair:** We have a few minutes left. I'm trying to manoeuvre our time, so perhaps what I'll do is cut it in half.

I'll go to Mr. Van Popta for two and a half minutes.

• (0855)

**Mr. Tako Van Popta (Langley—Aldergrove, CPC):** Good. We'll do our best with two and a half minutes.

This question will be for you, Ms. Parsa. We heard from you and Ms. Mattoo and other witnesses earlier in this study that Bill C-332 is not the answer. We recognize that fully. It's just another tool, we're saying. We're being told, and we've heard from you as well, that education is more important. We heard from earlier witnesses about training for police, education for Crown prosecutors and enhanced court worker programs. Aren't we creating a false dichotomy, though, between law and education? Why can't they both be done? Why is one mutually exclusive to the other?

Ms. Parsa, there's a great quote in your submission: "The expressive power of law may also send a message of condemnation of this

form of violence to society." I fully agree with that. The law itself could be educational.

**Ms. Roxana Parsa:** I think that's from our written brief. I do agree with that in certain situations. I think that is one of the benefits that is being put out as a reason for criminalization. However, in our brief, as we say, we do not think these benefits outweigh the many risks that are posed by creating a new criminal law.

I understand your question about why it's a dichotomy. I actually think the question should be this: Why does training exist only when there's a new law? What we're advocating is increased training around coercive control within the current system so that police, law enforcement, justices and actors become aware of the complexities of what this abuse looks like. You don't need a law to gain a deeper understanding of intimate partner violence.

In addition to training, I think there should be more public awareness campaigns, so that women and survivors are also aware of situations of coercive control and can begin to think about their own experiences through that lens. While some may say that criminal law has an expressive power, and it certainly can in situations, that doesn't outweigh the many risks I've written about in the brief as well and that we've been talking about.

**Mr. Tako Van Popta:** Thank you.

I think that's all the time we have.

**The Chair:** Yes. Thank you very much.

Madam Dhillon, you have two and a half minutes.

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

I've been listening very carefully to the witnesses. My question will be for whoever cares to answer it.

Do you not think having this kind of mechanism in the law would allow those who are voiceless to step forward, if it's their choice, to come and report such abuse being perpetrated on them? Does it not at least give them that option, that choice, to raise a voice against this? I mean, not having anything at all is more harmful than being able to have a mechanism that allows you to express such insidious abuse.

We've heard other witnesses talk about how even pets are being used in this type of abuse. Do you not think it's important that a person who is going through this be able to come forward, if that's their choice, and protect themselves in some way?

Thank you.

**Ms. Deepa Mattoo:** I can start and then pass it on to Roxana, if there's time left.

I just want to say that I don't think Roxana and I and others who are talking about the systemic challenges currently, which don't allow survivors to come forward safely, are talking about survivors not having a choice. We work in a trauma-centric, survivor-centric way. We definitely believe that survivors should have all of the choices and all of the options. They should have a full set of options to choose from in terms of what actions they want to take.

Unfortunately, honourable member, what I am trying to talk about is that when they make those choices, they are in an environment in which there are risks associated with those choices. Studies tell us that a number of women who come forward are at much higher risk of fatality compared with women who don't interact with the system. You have a system that's just so broken that it doesn't do risk assessments of their situations properly and doesn't provide them the support in coming forward.

Creating another Criminal Code change, making another criminal law change and bringing forward a crime of coercive control can potentially create window dressing and potentially create more harm and retraumatize survivors, because they will come forward and there will be no action taken. They will be putting themselves at risk with no recourse available to them. That's where our fear is with this change.

● (0900)

**Ms. Anju Dhillon:** Do they not put themselves at risk in any other law that helps to protect women who are victims of intimate partner violence? Any time they step forward, there's always a risk. Do you not believe that is the case?

Do I have time for a quick answer?

**The Chair:** No, that's time, I'm afraid.

That said, based on the questions they're getting, I would encourage the witnesses to please send in writing to the committee anything they believe needs to be further clarified or added.

[*Translation*]

In the interest of fairness, I'll give Mr. Fortin the floor for one minute, but only if he has a question he really wants to ask.

**Mr. Rhéal Éloi Fortin:** I'll attempt to do in one minute what my colleague struggled to do in two and a half.

I acknowledge that the suggested amendments contained in the brief submitted by Luke's Place Support and Resource Centre for Women and Children, which were supported by the representative for the Barbra Schlifer Commemorative Clinic, are worthwhile.

I'm skeptical about training as a stand-alone measure, but I remain convinced of the necessity to provide training and run public awareness campaigns.

Your testimony has been precious. It confirms my thoughts on the importance of these steps. Once again, I will reread your brief closely in the hopes of finding great ideas for improving Bill C-332.

Thank you.

**The Chair:** Thank you, Mr. Fortin.

[*English*]

I will give one minute to Ms. Barron.

**Ms. Lisa Marie Barron:** Thank you.

Ms. Parsa, just quickly, I don't remember the exact wording, but you basically said that there's an increased risk of misinterpretation to see abuse when it is non-existent. Can you please clarify what you meant by that comment and provide an example? That would be helpful for me.

Thank you.

**Ms. Roxana Parsa:** Sure. I think what it was related to was that I was building off situations of dual charging. Oftentimes, specifically dealing with racialized populations, the survivor might be seen as the abuser. In a situation of coercive control, where the behaviours are so subtle and really dependent on the relationship, it's very possible that the abuser would actually portray the survivor as being the perpetrator.

That's what I meant as misinterpreting. That is embedded within the discriminatory system.

**The Chair:** Thank you very much for that.

Thank you to both witnesses. I would encourage you, if you feel there's anything more you'd like to add, to please send it to us in writing.

We'll suspend while we set up for the next panel.

● (0900)

(Pause)

● (0905)

**The Chair:** I call the meeting back to order.

We have two witnesses with us. Each will have five minutes for their introductory comments. I will watch the time carefully, and for the question period as well. We have another 39 minutes, so we will do our best to get as much information as we can within that time.

If there's any further testimony that you would like to give us that you don't have a chance to respond to in your introductory remarks or when you are questioned, I would encourage you to please send it to us in writing.

I will have to watch the time very closely, unfortunately, and may end up having to cut people off. I will be very kind and raise the 30-second mark at 30 seconds. The problem is that when people are on video conference, they don't necessarily see that, which means I have no choice but to interrupt.

Let me start off by welcoming both of you.

I will ask Mr. Benjamin Roebuck, federal ombudsperson for victims of crime, to please commence with his introductory remarks for up to five minutes.

[*Translation*]

**Dr. Benjamin Roebuck (Federal Ombudsperson for Victims of Crime, Office of the Federal Ombudsperson for Victims of Crime):** Thank you.

[English]

Honourable chairperson and members of the committee, we gather today on the traditional unceded and unsurrendered territory of the Algonquin Anishinabe people. In honouring the leadership, strength and wisdom of indigenous peoples, we are reminded of the profound importance of respect, autonomy and protection of the rights and dignity of all people. These principles guide our discussion on coercive control.

Intimate partner violence, or IPV, is an epidemic. It transcends geographic, economic and cultural boundaries, affecting millions of people. The 2018 Canadian “Survey of Safety in Public and Private Spaces” found that since the age of 15, 6.2 million women and 4.9 million men in Canada had experienced IPV at some point in their life.

Section 7 of the Canadian Charter of Rights and Freedoms guarantees the right to life, liberty and security of the person, and the right not to be deprived thereof. Coercive control violates these fundamental rights, permeating experiences of IPV, sexual exploitation, human trafficking and criminal harassment. It does require intervention.

Bill C-332 would criminalize repeat or continuous patterns of coercive control, providing more tools for police to intervene in patterns of abuse. The current incident-based approach to IPV focuses on physical incidents. This can leave police feeling powerless to intervene in some cases in which they believe a person is being harmed, or worse, hoping for a future incident of physical violence so that they can protect the victim.

There are many things we can learn from the criminalization of coercive control in Ireland, Scotland, and England and Wales. The evidentiary burden on survivors can be heavy. Access to electronic devices and communication records is often required to build a case. Training for police, prosecutors and judges is critical. Risk assessment tools for coercive control can help to identify patterns of behaviour.

In Canada, recent amendments to the Divorce Act recognize the harmful impacts of coercive and controlling behaviour, but proceedings in family court can be messy. Early in 2024, the National Association of Women and the Law sent a letter asking the Government of Canada to amend the Divorce Act to ban claims of parental alienation in family disputes because of the harmful impact on women. The letter was endorsed by more than 250 feminist organizations. I am concerned that the criminalization of coercive control could become equally problematic in family court.

Even so, domestic homicide reviews in Canada have identified coercive control as a risk factor in several cases of intimate partner homicide with no previous physical violence. When a survivor leaves an abusive and controlling partner, the criminalization of coercive control may allow them to access provincial compensation programs to help meet their immediate needs.

I know that the committee has previously studied this topic and heard from our office in addition to experts in the field. I support the criminalization of coercive control, but it must be accompanied by systemic change. I urge the government to respond to the calls of the Mass Casualty Commission by declaring gender-based, inti-

mate partner and family violence an epidemic, and to commit to primary prevention.

These are some final thoughts. Justice Canada helped develop the “HELP” tool kit for lawyers after the Divorce Act was amended to include coercive control. It could be updated to reflect changes to the Criminal Code. We recommend using the definition of intimate partner violence under section 2 of the Criminal Code, removing the two-year time limit after separation and strengthening victim rights to improve gender equality in the criminal justice system.

Thank you for the invitation.

● (0910)

**The Chair:** Thank you very much.

Welcome to Madam Melanie Omeniho from Women of the Métis Nation.

You have up to five minutes.

**Ms. Melanie Omeniho (President, Women of the Métis Nation - Les Femmes Michif Otipemisiwak):** Thank you very much.

My name is Melanie Omeniho. I'm the president of Les Femmes Michif Otipemisiwak. I'd like to acknowledge that I'm joining you today from Treaty 6 territory and the motherland of the Métis nation.

Les Femmes Michif is known as a national indigenous women's organization that is mandated to represent women of the Métis nation across the Métis nation motherland. We advocate nationally and internationally for the equal treatment, health and well-being of all Métis people. We focus on the rights, needs and priorities of Métis women, youth, children and 2SLGBTQIA+ Métis people.

I'd like to present that we proceed with caution around Bill C-332, an act to amend the Criminal Code with regard to controlling or coercive conduct. Although we're supportive of it in principle, this bill does not go far enough to fully define the act of coercive control. It limits it only in terms of intimate partner relationships.

To begin with, this puts the burden of proof of significant fear of violence on victims. Victims of coercive control often don't identify what they are experiencing as coercive control. It happens slowly and insidiously. Coercive control exists beyond a two-year limit in a domestic relationship and does occur between intimate partners who have not agreed to be married. In this light, we recommend that before passing this bill, we redefine the persons who are connected.

What this bill also fails to recognize is the unique presentation of violence in 2SLGBTQIA+ relationships. Regarding sexual exploitation, this act does not include this controlling and coercive conduct within the existing definition. It also does not include children and other family members who may also fall victim.

Canada has used as an example the bill passed in the U.K. around controlling or coercive behaviour. What the U.K. bill does not consider is the specific implications around Métis women and the strained historical relationship with police and other colonial processes. Indigenous women living at the intersection of multiple sites of oppression face the highest rates of violence of all. That's especially for indigenous women with current or past child welfare involvement who are living in poverty, are often homeless or unhoused, are disabled, are navigating trauma or have different substance abuses. About two-thirds of Métis women self-report experiencing physical or sexual violence in their lifetimes. Nearly half are survivors of intimate partner violence.

This law relies heavily on the myth that the police are the only ones who can keep us safe. It would be part of a police officer's role to determine whether a situation should be considered as controlling or coercive conduct. Police attitudes usually focus on the presence of physical violence and on specific incidents, rather than a pattern of coercive control. This focus also minimizes other forms of violence. Too often in these cases, police do not see survivors as credible victims or witnesses. Rather than assessing protection, survivors are approached with dismissals and suspicion.

We also note that indigenous women are being criminalized for fighting back. This is reflected in the stats showing that indigenous women are 13 and 15 times more likely to be incarcerated than non-indigenous women and indigenous men. Indigenous women's incarceration rates in provincial jails are also alarming. In Saskatchewan, indigenous women are 29 times more likely to be jailed than non-indigenous women.

What is also integral in the enactment of this bill is a robust plan for information sharing, training and education. This is not limited to the police and all players around the justice system. It's most importantly for women and gender-diverse folks to understand what controlling conduct and coercive control are. The emphasis of risk assessment tools on physical violence and injuries leads to the minimization of non-physical violence.

We ask if police officers will be able to assess intimate partner violence situations that do not present physical violence when they arrive on the scene. Will they have enough understanding of the dynamic to see if they are in the presence of potentially harmful situations in which coercive control is an issue?

• (0915)

**The Chair:** Thank you, Madam.

I have two comments. One, they were unable to hear you very well. They're asking whether, when you are responding to questions from members, you could perhaps adjust the mic so that it's right at your mouth. Two, I noticed that you had a script. If there's more that you wanted to send us, or if you wanted to send the script in, that would be valuable as well. We can distribute that to the members.

Let me now move to the round of questioning.

We will start with Madam Gladu.

**Ms. Marilyn Gladu (Sarnia—Lambton, CPC):** Thank you, Chair, and thank you to the witnesses for being here.

We have learned a lot today. When I first heard about this coercive control law, I thought, yes, we need a law. I was hearing that great things happened in the U.K. and all these other countries, but then today we heard that out of all the people who come forward on coercive control, only 6% actually get a prosecution going on. When they looked at 700 cases, out of those prosecuted, only 3% got a conviction. That really worries me. If you think about people who have the courage to come forward on coercive control, and then you think of the justice system and the delays, those people are very much at risk from an escalation of violence from that intimate partner during that period of time.

Mr. Roebuck, you said that the “evidentiary burden” on victims is high. You also talked a bit about primary prevention. Can you elaborate on those two things?

**Dr. Benjamin Roebuck:** Gender-based violence is rooted in gender inequality in society. Anything we can do to strengthen gender equality has a preventative impact on gender-based violence. That was a recommendation as well from the Mass Casualty Commission. When we're looking at violence within relationships, we're already far down the road in looking at responding rather than prevention. Training in schools on healthy relationships and lots of different things that are being put in place are important, including the work in the national action plan to end gender-based violence.

Similar to criminal harassment, it's possible to end up with a law whereby survivors have to pull together and document and feel the pressure of creating a timeline, gathering all of this content themselves and trying to curate years' worth of controlling behaviours. If the burden is on the survivor to demonstrate that fear and that concern, then I think that creates an unfair burden. I do prefer a model that shifts that onus onto the perpetrator.

Within the criminal justice system, as well, one of the challenges we have is that in gender-based violence it's predominantly male offenders, whose rights are guaranteed under the charter and are very clear, but victims' rights aren't enforceable. There are lots of gaps that could be improved. When people come into contact with the system, it can be really messy.

**Ms. Marilyn Gladu:** Very good. Thank you.

Ms. Omeniho, first of all, I want to say that my daughters and my grandchildren are status Métis. I want to thank you for your advocacy on behalf of Métis women.

One thing that often happens in Parliament is that we put things forward and we don't see them through the lens of indigenous people. We think these solutions will fit. Can you give us some advice about what needs to happen to this bill in order for it to be more connected to the Métis culture and what Métis women experience?

• (0920)

**Ms. Melanie Omeniho:** Yes. I can, actually.

First off, I want to say that the other thing that hasn't really been considered is that many of our very young women, who are often seen as children within the government process, are not protected with this bill. I think it's really important that we find something that includes them.

I also believe there are things that need to be put in place to ensure that the issues that relate to indigenous women and the lives they come from, and some of the issues of oppression they deal with, will be addressed with this law. The Gladue reports are supposed to benefit us. In fact, it was a Métis woman's situation with the justice system that resulted in Gladue. They do not get the opportunity to present Gladue at court and stuff. They are eliminated, because it doesn't specifically address the Métis. We need to make sure that when we're doing these laws, a distinction-based process doesn't eliminate any indigenous people from having access and protection.

Police can be somewhat subjective. I'd love to tell you that there isn't racism within our existing systems, but racism is alive and well in this country. Many of our Métis women come face to face with that within the justice system and with police services. I believe this law needs to have those things in place to help protect indigenous women rather than make them another victim of something else that happens within the justice system.

**Ms. Marilyn Gladu:** Very good.

I agree with your comments. We saw the same thing when we talked about sexual assault and the difficulty of it—the under-reporting, the lack of follow-up, the trauma in the justice system and then, at the end of the day, very low conviction rates. Training was recommended for judges and officers and whatnot in that light. Coercive control is even more difficult to define.

One thing I'd like you to do is to send us the improved definition of people in a relationship. I was interested in that.

I'm out of time. Thank you so much.

**The Chair:** Thank you very much.

[*Translation*]

Mrs. Brière, you have the floor.

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

[*English*]

Thank you to all our witnesses for being with us this morning.

[*Translation*]

Both of you raised the issue of the definition of coercive control. Ms. Omeniho even said that the bill didn't go far enough in terms of defining what is coercive control.

I'd like to hear both of your thoughts on that. First, in your opinion, is it necessary to add a definition?

How can we recognize and prove coercive control?

[*English*]

**Ms. Melanie Omeniho:** We need to define coercive control, because when you're relying, as you are with this bill, on police to be able to define that, and the justice system, if there aren't clear and defined parameters about what coercive control is, not only will our community not be able to see whether coercive control is part of what they're experiencing; the police will also, rather than help support them in pushing forward to put perpetrators into a position of being charged, say that they don't have enough parameters, or they're not sure if this meets it. Because of that subjective nature, coercive control has to be defined, with maybe even examples of coercive control.

**Dr. Benjamin Roebuck:** I think there can be a combination of the definition in the law and then practice guidelines. In the U.K. they have a guide that provides comprehensive instructions on how to interpret and apply coercive control legislation. Those examples, I think, are helpful.

I believe the committee also met with Dr. Carmen Gill. I've been able to see some of the work she's been doing on research to train police and help them recognize signs and symptoms of coercive control. I think that would be a necessary component, whether it's captured in the law itself or in very clear guidelines. There should be clear guidance on how to recognize and intervene.

• (0925)

[*Translation*]

**Mrs. Élisabeth Brière:** Thank you.

Perhaps you observed the first hour of the meeting, when we heard from the two previous witnesses. They said that there could be an increased risk if law enforcement sees abuse where there isn't any.

Ms. Omeniho, I'd like you to tell us about the unintended consequences on racialized populations.

[English]

**Ms. Melanie Omeniho:** When it comes to intimate partner violence, very often police may misinterpret, but I want to tell you what our experience has been with the women we've worked with who have told us their stories. It's that very often the police officers don't take their intimate partner violence seriously, and they are left to be victims. In fact, we can show you story after story in which police didn't properly approach situations in a careful way, and women ended up dead. It isn't always a clear case, and I know that intimate partner violence is a very tough thing, because it usually means that people who are trying to be controlling and trying to be coercive with their partners do not let the outer world, including police services, see what's happening.

I'm probably going to be the person who tells you that I think there will be far more police looking and not seeing the coercive control than there are going to be those who have overstepped and are charging people.

I agree with what the previous speaker said too, that the justice system is set up to protect the people who are being accused; it's not there for the victims. I think there are many places within the justice system that would help support them if they were wrongfully accused.

**Mrs. Élisabeth Brière:** Thank you again.

[Translation]

You also mentioned that criminalizing coercive control might minimize the presence of other offences.

Can you tell us more about that?

[English]

**The Chair:** There are 30 seconds left. I'm not sure if you heard that question, Madam. She was asking you to answer that.

[Translation]

**Mrs. Élisabeth Brière:** Ms. Omeniho, did you hear the question?

[English]

**Ms. Melanie Omeniho:** I'm sorry; the interpretation was really bad. I apologize. I was trying to get it, but I didn't.

[Translation]

**The Chair:** I'm sorry.

[English]

We'll move on.

[Translation]

Mr. Fortin, maybe you can ask your question.

**Mr. Rhéal Éloi Fortin:** I could, Madam Speaker, but respectfully, I have a point of order.

In my opinion, when a question is asked in French and the witness doesn't hear it, the remaining 30 seconds should revert to the witness. Once again, I'm not being partisan here, but out of respect for bilingualism, we should give everyone a reasonable amount of time to ask questions and hear the answers.

**The Chair:** I'm okay with that.

Mrs. Brière, you can continue for 30 seconds.

**Mrs. Élisabeth Brière:** Thank you, Madam Chair.

Thank you, Mr. Fortin.

Ms. Omeniho, you also mentioned that criminalizing coercive control might minimize the presence of other offences.

Can you tell us more about that?

[English]

**Ms. Melanie Omeniho:** What I mean when I say that is that sometimes the physical violence as well as the emotional and financial violence that women are often victims of may not be as seen if they just focus on coercive control. It is important that, when they do these things, they don't leave out the other parts of intimate partner violence that can really be harmful to the people in our community.

• (0930)

**The Chair:** Thank you very much. That was 55 seconds, but it was only fair to hear the response.

Go ahead, Monsieur Fortin.

[Translation]

**Mr. Rhéal Éloi Fortin:** Thank you, Madam Chair.

I thank the witnesses for being with us today.

Mr. Roebuck, as federal ombudsperson for victims of crime, you must hear from victims every day telling you about the vagaries and the virtues of our criminal justice system.

This morning, we heard some people say that Bill C-332 is a bit dangerous, first due to counter-complaints. Essentially, they worry about victims being treated as abusers for wanting to protect their children, for instance.

Is that indeed a problem? Could victims be penalized because of the definitions that appear in this bill or because of the way the bill is designed?

Furthermore, you made a number of interesting recommendations in your opening statement. Specifically, you suggest using the definition of intimate partner under section 2 of the Criminal Code and removing the two-year time limit after separation.

We've heard those suggestions before, but if at all possible, I'd love to get a copy of your statement or your brief. I'd really appreciate that. I don't know if you have a brief ready to go, if we just haven't gotten it yet or if it's only me who hasn't gotten it.

That said, I'd like to return to my previous question. Is it possible for victims attempting to defend themselves to be seen as having controlling or coercive behaviours?

[English]

**Dr. Benjamin Roebuck:** We certainly do hear a lot in our office about coercive control challenges with family court. I have more concern, to be honest, about how these issues play out in family court than how they're likely to play out in the criminal court. The interplay between the criminal justice system and family court affects people in real time, in custody decisions with their children.

It's a challenging space to find the right balance between protections for somebody who has been accused and the rights and needs of the person who has been harmed.

I do think there is a risk for this to be abused and for allegations of coercive control to be provided flippantly in family court. I think that happens in family court already, but if it's a criminalized offence, then that creates complicated follow-up.

[Translation]

**Mr. Rhéal Éloi Fortin:** Do you have any examples of situations where that might be an issue?

[English]

**Dr. Benjamin Roebuck:** As a researcher on youth homelessness before coming into this role, I know there were a lot of young people who would become homeless as a result of high conflict in their home. Maybe there's a high-conflict divorce that's happening, or a blended family in which the young person is targeted because of the relationship to their parent who is experiencing abuse.

I think the line where there's reciprocal violence becomes difficult. It's hard to differentiate between when someone is fighting back and when someone is fighting. That's the nuance that makes it really challenging to apply the law to partner violence in general.

[Translation]

**Mr. Rhéal Éloi Fortin:** In your opinion, should we simply amend Bill C-332?

I'm thinking of the two amendments you suggested and I made note of them, but there are others, which is why I'd like a written copy of your notes.

Briefly, what would be your recommendations to improve this bill and better protect victims while at the same time better educating, and also punishing, those who tend to this type of conduct?

[English]

**Dr. Benjamin Roebuck:** We've been advocating for victim rights to carry the same weight as the rights of the accused. In particular, a victim should have the right to be informed of what their rights are when they report an offence.

In particular, in cases of partner violence, there is independent legal advice that's available, but we often hear in our office from people who say they were never informed. They didn't know they could speak to a lawyer for free for advice on the system.

I think those are pieces that have to come into place if we want to tackle these challenging issues.

• (0935)

[Translation]

**Mr. Rhéal Éloi Fortin:** The offence is to repeatedly or continuously engage in controlling or coercive conduct.

What are your thoughts on this notion of frequency and continuity? Is it a good or a bad thing, and should we change that?

I'd like for you to comment on that issue.

[English]

**Dr. Benjamin Roebuck:** I think it's really positive to have some recognition of patterns of behaviour, because one of the challenges with policing and intervening in situations is that they might see something that they perceive as relatively minor. The implications of the control involved aren't obvious to them. They aren't able to see that, oh, you're not allowed to leave the home every Friday night, not just once. I think patterns are really important. That's a strength of this law.

[Translation]

**Mr. Rhéal Éloi Fortin:** Thank you, Mr. Roebuck.

**The Chair:** Thank you very much.

[English]

I have Madam Barron for the final six-minute round, please.

**Ms. Lisa Marie Barron:** Thank you, Chair, and thank you to our witnesses.

There are just so many questions to ask. It's almost overwhelming to figure out what the most important ones are, in particular since I don't have the opportunity to attend this committee as often as I would like, and in particular talking about this study.

One thing I've been reflecting on is the bigger discussion here around the fact that we're talking about a tool to be able to move forward in a positive direction, but in no way will this resolve the complexity of the systemic issues of the interconnections here. There are just so many pieces that need to be looked at. I appreciate that we're looking at moving forward with this specific tool, but I also like that we're talking about the bigger pieces here.

One thing I'm thinking about is the fact that we're talking about training the RCMP and training judges. That's very, very important. It's absolutely a big piece of this. However, I'm also reflecting on the fact that we should be providing, through this study, recommendations on how we can revamp the systems that we currently have. For example, in my community of Nanaimo—Ladysmith, they have implemented a system now whereby an RCMP officer arrives on the scene with a mental health nurse. It's a matter of looking at increasing and supplementing the existing RCMP system with mental health support workers or with those who would be more readily trained and have the expertise to be able to identify the problem at hand.

I'm wondering, Mr. Roebuck, if you could please share your thoughts on some of the ways in which we could complement and revamp the system, which we need to do. What are your thoughts are on that, as just one example of how to best move forward?

**Dr. Benjamin Roebuck:** Thank you.

I think you're touching on a nerve for people in the anti-violence sector, who have so much expertise. If we compensated them the same way as we compensate police to arrive on the scene to respond to cases of partner violence, then we might have different outcomes. I think exploring partnerships that bring together the safety that comes for some people, I suppose, with the availability of police intervention if there's violence, is important, but I also think the expertise of anti-violence workers needs to be central to this conversation, and we should be looking to involve them.

**Ms. Lisa Marie Barron:** That's great. Thank you.

I agree that we need to increase training and awareness, but it is complex. We have people who have ample years of education and experience on the ground, and they're not being fully utilized. In particular, when we talk about indigenous people and racialized and marginalized communities, it's important that we are including those voices.

I'm wondering, Ms. Omenihio, if you could provide any additional thoughts on this as well.

**Ms. Melanie Omenihio:** I agree with you that indigenous women are treated differently within these various institutions and systems that were set up to protect most people. They feel very vulnerable, and they don't feel protected.

I think this is a tool that can be used, but I just want to clarify to this committee that, yes, there is a gender-based violence plan under Women and Gender Equality Canada. That plan might be as great as all the words that are written—we were part of developing some of those plans—but truthfully, the WAGE funding for gender-based violence, \$536 million, was divided up 13 ways and given in a transfer payment to all the provinces and territories. Gender-based violence wasn't put forward as a priority to help do programming and to help fix the justice system to change how things are.

● (0940)

**Ms. Lisa Marie Barron:** Thank you.

Perhaps I'll continue with another question. You were talking about the importance of victims being able to identify that they are experiencing coercive control. I'm wondering if you could share a bit more around that and your thoughts around the importance of education and health care. If people are not aware of the patterns of coercive control, and if the violence and coercive control patterns are normalized, how can we possibly expect victims to self-identify as experiencing it?

I'm wondering if you could share your thoughts on that.

**Ms. Melanie Omenihio:** Many of the women in our community don't even understand what their rights are or how to protect themselves. Very often, they're in these very unhealthy, codependent-type relationships. They start protecting the perpetrator rather than protecting themselves. Sometimes it means the loss of their children to child welfare systems.

It's an ongoing cycle when they're in the throes of these. It's really important for them, even at young years; let's start teaching our young people what things like gender-based violence and coercive control really are.

**Ms. Lisa Marie Barron:** That's great.

I have only 25 seconds left, so let me say thank you so much to both of you for all your work. I would love to hear a little more, perhaps in a written submission, about the interconnection between poverty and how it relates to this bill, and something addressing the issues of affordable housing and access to the incomes required so that the patterns of coercive control are not as accessible or available.

**The Chair:** Thank you.

I'll move to a final round. I'll abbreviate the timing to two and a half minutes.

Go ahead, Mr. Van Popta.

**Mr. Tako Van Popta:** Thank you.

Mr. Roebuck, I have a question for you. Bill C-332 proposes that the relevant controlling and coercive conduct must be proven to have had a significant impact on the victim. Earlier witnesses on this study, last week or two weeks ago, expressed some concern that this could revictimize the victim, in that the victim would have to give evidence as to her state of mind—it's usually a woman—on the witness stand and be subject to cross-examination on that.

We were also pointed to Scotland's domestic abuse act, which puts the focus on the intentions and actions of the perpetrator: “a reasonable person would consider the course of behaviour to be likely to cause [the victim] to suffer physical or psychological harm”.

What do you say about that? Is that a better way to go, to prevent and avoid victims being revictimized, which of course is your profession?

**Dr. Benjamin Roebuck:** I think it has pros and cons. I think it's better to have an objective person test, like what they have in Scotland, rather than trying to get someone to justify that their trauma is significant enough that it merits intervention. On the criminalization side, it also increases the risk of somebody from the outside looking at behaviours and saying, “Well, that seems to be problematic,” without really understanding the full context of what might be happening in that relationship.

**Mr. Tako Van Popta:** We also heard from earlier witnesses that Bill C-332 might have the inadvertent effect of criminalizing communities that are already overcriminalized. I was somewhat concerned about that.

I was reading something written by your predecessor, Ms. Heidi Illingworth. She gave testimony on a similar study. She said that intimate partner violence is a “pan-Canadian issue, as this type of violence knows no boundaries”, and that “IPV affects people of all genders, ages [and] socioeconomic, racial, educational, ethnic, religious and cultural backgrounds.” She cited a study from Statistics Canada from 2019. I would think that would probably be a pretty good source of evidence.

I'd like your comments on that, please.

● (0945)

**The Chair:** Would we be able to receive those comments in writing? Thank you very much.

The final two and a half minutes will go to Mr. Housefather.



**Mr. Anthony Housefather (Mount Royal, Lib.):** Thank you, Madam Chair.

I want to thank the witnesses.

I'm actually going to talk about something else. On December 11 I put forward a notice of motion related to a really important study. I know we don't have time to deal with this in my two and a half minutes. I just want to put it on the record that I will be moving the following at the next meeting of the committee, when we come back in two weeks:

That pursuant to Standing Order 108(2) and in view of the alarming escalation of antisemitism in Canada, the committee undertake a study on the issue of antisemitism and the additional measures that could be taken to address the valid fears that are being expressed by Canada's Jewish community.

That the study include but not be limited to the issue of antisemitism on university campuses.

That the study be at least three meetings and that the committee report its findings to the House.

I know that the subcommittee will be discussing this afterwards, but I also know that a lot of my colleagues sympathize and agree that this is an important study that we should be doing. This has not gone away since October 7. There has been a dramatic escalation in anti-Semitic incidents all across the country in Canada's big cities. That's not to say that there hasn't been an increase in other incidents for other communities, such as the Muslim community. I would welcome other studies on that issue as well.

With regard to the numbers on anti-Semitism, Jews constitute 1.1% of Canada's population, but over 70% of religious-based incidents are anti-Jewish. Students at campuses across the country have come to me. I have spoken at Hillels across the country. Yesterday at UBC, there was a referendum proposal to end the lease with Hillel. There are just constant incidents across the country. I think we as a committee have to do our due diligence in terms of looking at what we as a national government...and what moral suasion we can give to university administrations, municipal governments and provincial governments to act.

I appreciate that with my colleagues. I look forward to the subcommittee's discussing it. I intend to move that when we come back.

Thank you, Madam Chair.

**The Chair:** Thank you, Mr. Housefather.

With that final word, I will thank the witnesses who've appeared before us—

**Mr. Rhéal Éloi Fortin:** We don't have any more minutes?

**The Chair:** If you insist, I can give you one minute.

**Mr. Rhéal Éloi Fortin:** I'd like to have that, please.

[*Translation*]

**The Chair:** You have one minute.

**Mr. Rhéal Éloi Fortin:** Thank you, Madam Chair.

Mr. Roebuck, I'd like to briefly follow up on the answer you gave to my colleague Mr. Van Popta's question about tests. The issue was about subjective versus objective tests. I would've thought that victims would prefer an objective approach to the problem, meaning that they wouldn't have to testify on the effects they experienced.

If I understood correctly, you believe that we need to consider the effect the actions have had on the victim in order to understand the context.

Could you, in a few seconds, explain your reasoning?

[*English*]

**Dr. Benjamin Roebuck:** I think it's important to acknowledge how the victim feels, but I don't think there should be a burden of proof on them to establish that their trauma is significant enough to merit intervention.

[*Translation*]

**Mr. Rhéal Éloi Fortin:** Thank you.

**The Chair:** Thank you very much.

Ms. Barron, would you also like an additional minute?

[*English*]

**Ms. Lisa Marie Barron:** I'll always take extra time. Thank you.

I have a very quick question for you, Ms. Omeniho. You spoke about how two-thirds of Métis women self-report intimate partner violence. I believe that's what you said. Maybe you can clarify that and provide any further thoughts based on that statistic that you put forward.

**Ms. Melanie Omeniho:** Those are statistics we have from Stats Canada and other reports that have been done: 65% of Métis women have experienced intimate partner violence. However, I also want to tell you that with regard to a lot of this bill, what isn't being talked about in this committee is how the 2SLGBTQQIA+ community is also affected by gender-based violence and the issues that relate to coercive control.

**The Chair:** Thank you very much to both our witnesses.

We will suspend for a minute or two and allow all our witnesses who are on Zoom and in the room to leave. We will then go in camera for committee business.

[*Proceedings continue in camera*]





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