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Chair: Mr. Ron McKinnon



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• (1535)

[English]

The Chair (Mr. Ron McKinnon (Coquitlam—Port Coquitlam, Lib.)): I call this meeting to order.

Welcome to meeting number 70 of the House of Commons Standing Committee on Public Safety and National Security. We will start by acknowledging that we are meeting on the traditional, unceded territory of the Algonquin people.

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

Pursuant to the order of reference of Friday, November 25, 2022, the committee continues its consideration of Bill C-20, an act establishing the public complaints and review commission and amending certain acts and statutory instruments.

I should note that we expect to have our last witness meeting on June 13. I would encourage all members to provide any amendments that are going to be proposed by 6 p.m. on June 13. That will give the legislative clerk time to put them in a package and get them sorted out so that we can continue with clause-by-clause the following week. On that Friday, we're hoping to have the minister for main estimates.

This week, we will do two witness meetings, and the following week we will have our last witness meeting. Then the Friday after that will be estimates with the minister, hopefully. The Tuesday after that, we hope to start on clause-by-clause. We've asked for extra time on that day for clause-by-clause just in case we need it. We want to get through clause-by-clause before we rise, if it's possible, and that is going to depend on the amendments people want to propose.

That is the plan. If you can get your amendments in by 6 p.m. on June 13, that would be most helpful to the legislative clerk.

Today—

[Translation]

Ms. Kristina Michaud (Avignon—La Mitis—Matane—Matapédia, BQ): A point of order, Mr. Chair.

What I want to say is related to what you just said, Mr. Chair.

Personally, I think it's reasonable to hear the last witnesses on June 13 and to begin clause-by-clause consideration on June 20, because that gives us a week to prepare our amendments. However, if we have to send them to the clerk on June 13, I feel that would be

rushing us a little. If witnesses propose amendments, for example, that leaves the clerk very little time to prepare them.

I don't know if it's possible, but I would like us to be able to send amendments to the clerk during the week of June 13, not necessarily on June 13 or 14.

[English]

The Chair: As the chair, I can't mandate that it must be so. I'm encouraging people to have them in by that date if possible. That will give the legislative clerk time to put them in the proper order and so forth. It's always in order for members to bring amendments on the floor during clause-by-clause as well.

The plan is to try our best to get whatever amendments we can in by June 13. If there are more that need to be done after that, we will accommodate them as best we can.

Okay, today we have two panels of witnesses.

With us today in person, we have, from Inuit Tapiriit Kanatami, Mr. Natan Obed, president, and Chris Stewart, assistant director. With us today by video conference, we have Grand Chief Abram Benedict of the Mohawk Council of Akwesasne.

Welcome to you all. You have up to five minutes to make your opening statements, and we will start Mr. Obed.

Please go ahead for five minutes.

• (1540)

Mr. Natan Obed (President, Inuit Tapiriit Kanatami): *Nakurmiik*, Mr. Chair.

It's good to see everyone here in this committee.

As I have been introduced, I'm Natan Obed, president of Inuit Tapiriit Kanatami, the representational organization for Canada's 70,000 Inuit. In our homeland, Inuit Nunangat, there are 51 communities. There are roughly 70,000 Inuit in Canada, the majority of whom live in those 51 communities. They're from northern Labrador, northern Quebec, Nunavut and the Northwest Territories. Seventy per cent of our communities—all except those in northern Quebec in the Nunavik region—are serviced by the RCMP, so this piece of legislation has the possibility of bringing forward some very positive transformative change to our relationship with the RCMP.

Our communities are grappling with severe problems of disproportionate police violence, which is more than just isolated incidents and is part of a much broader systemic problem closely tied to social inequity. The challenges faced by our people are not just in relation to the point-in-time policing challenges we face, but also in relation to accessing justice and also accessing the socio-economic quality of life that most other Canadians enjoy in areas such as housing, access to health care, education, employment and food security.

The interconnected nature of these issues exacerbates police violence in our communities. Also, the challenges in how the police force itself is constructed play a role in the scenarios we face today.

The evidence that we have paints a distressing picture of police-related deaths within our communities. We don't actually have aggregated data to bring you the very clear picture we would like to bring forward about how much more at risk of dying at the hands of the RCMP people in our communities are than perhaps Canadians are of dying at the hands of police forces in the rest of Canada. This grim reality is starkly evident in Nunavut, where we know that police-related deaths, especially in the last 10 years or so, are much higher than they are in Ontario, the Yukon and the Northwest Territories.

These issues are at the heart of why this particular piece of legislation could be so transformative. We need essential data and an essential understanding of how police systems are serving our communities. We need oversight mechanisms to be able to hold police accountable, but also to be able to inform this body of how to improve policing and broader outcomes for our communities.

I come back to examples of the policing force. Right now, say for Nunavut—again, we don't have data for all regions and sometimes we don't have up-to-date data, 2023 data—of the 146 RCMP officers in Nunavut, one of our four regions, only 14 are Inuit. In the administrative positions it is a bit higher. There are 14 Inuit out of 32 positions within the jurisdiction of Nunavut.

You can see that we have a challenge with the type of policing provided to us in that many of those providing services are itinerant by design. Many of those members, even if they have served across Inuit Nunangat only, are in a certain community for a certain point in time. These communities are also chronically under-resourced so that you have just one or two police officers who are active within a community, so there isn't a lot of time to build a connection to communities. There is time to undertake only the bare bones of policing duties.

I talked in December 2020 to this very committee about many of these issues, especially in relation to systemic racism within policing. I think a lot of that conversation is still relevant today when we are discussing Bill C-20.

• (1545)

The legislation is designed to change the existing legislation for police oversight, but it falls short when considering mandatory Inuit representation within the commission on matters relating to the Inuit. While the bill contains some provisions allowing for the temporary involvement of technical experts to assist the commission, we need to have a more distinctions-based and specific focus on the

ability for Inuit to participate within the mechanisms that are, ultimately, going to influence the way in which the Inuit are serviced across Inuit Nunangat.

This also links to the issue of murdered and missing indigenous women and girls. This particular piece of legislation should also link into action 6.12. This action demands an amendment to the legislation to ensure the commission is truly a distinctions-based body that is inclusive of first nations, Inuit and Métis representation. This call for a broader and more inclusive representation aligns directly with call for justice 5.7 of the MMIWG final report—

The Chair: I'm sorry. You're at six minutes. Are you able to wrap it up?

Mr. Natan Obed: Yes.

Using the distinctions-based lens in the way we work on these things together is so essential for Inuit to be considered at all within the implementation of this particular piece of legislation.

Nakurmiik. Thank you.

The Chair: Thank you.

We'll go now to Grand Chief Abram Benedict, please.

Go ahead, sir, for five minutes.

Grand Chief Abram Benedict (Grand Chief, Mohawk Council of Akwesasne): *Shé:kon.* Good afternoon, honourable Chair, honourable vice-chairs and members of the committee. I bring greetings on behalf of the Mohawk Council of Akwesasne and our community of Akwesasne. Thank you for the invitation to address the committee today.

Today I will be presenting to the committee some information about my community of Akwesasne and our border realities, and I'll provide some insight into our position on Bill C-20.

Akwesasne is a land of borders. The international line between Canada and the United States runs directly through our community so that half of our community is in Canada, in the provinces of Quebec and Ontario, and the other half is in the United States, in the state of New York.

The Mohawk Council of Akwesasne is the governing body for the Canadian territory of Akwesasne. We represent approximately 13,200 members. Our members live on both sides of the international border in the various districts of Akwesasne in Ontario, Quebec and New York.

If a member wants to travel from one district to another by land, we must cross the international border. Mohawks who are going to work or school, attending church, shopping, or travelling for recreational, social and cultural purposes must cross the international border and present themselves at either Canadian customs or American customs and provide adequate identification.

Prior to COVID-19, Cornwall was Canada's 10th-busiest port of entry, with approximately two million vehicles crossing annually. About 70% of these crossings are Mohawks travelling from one district of Akwesasne to another, which equates to about 1.4 million trips through Canadian customs by Mohawks travelling in Akwesasne, or more than 100 trips per member each year. Today, post-COVID, these numbers are almost back to the same level.

The Cornwall port of entry is the only land crossing that processes international and domestic traffic. In the case of Cornwall, domestic traffic comes from Cornwall Island. This means they process traffic that has never left Canada. The port of entry was relocated to the city of Cornwall in 2009, following a dispute between the community and CBSA. Our community has a long history with CBSA. It has not always been a productive relationship, but we have come a long way since 2009.

Given the unique location and arrangements of the Cornwall port of entry, the likelihood of a negative interaction and complaint from a member of Akwesasne is much greater than at any other port of entry in Canada. I want to make it very clear that the Cornwall port of entry is like no other port of entry. This port of entry is the 10th-busiest in Canada, but 70% of the people who use that crossing are the same people all day, every day. No other port of entry in Canada has these statistics. There are many travellers who cross the border daily, but none to this level.

Across the international border, many communities exist as border neighbours. They exist on each side of the border, and they are not integrated into the border like Akwesasne is. Recently, a young Akwesasronon posted to social media a handwritten sign that said he was 16 years old and that he has had to report to CBSA 8,760 times for leaving the island. This message resonates with me not only as a leader but also as a resident of Cornwall Island, and it is a very accurate representation of the reality that the people of Akwesasne have to face.

The Mohawk Council of Akwesasne supports Bill C-20. We have supported this initiative since its inception in 2019 by then minister Ralph Goodale. This bill will bring accountability for officers' conduct to an independent commission that will have legislative authority to review complaints. This is most appropriate for an agency that empowers border service agents with very broad legislative powers.

I want to acknowledge that, since 2009, the CBSA has made strides to build a more comprehensive complaints process, and the agency has done well to track it and promote accountability. President O'Gorman and former president Ossowski have both been champions of transformation at CBSA.

In Akwesasne, it is my council's priority to mitigate the number of negative interactions between CBSA officers on the line and the members of my community. It is my philosophy that negative interactions can lead to a larger problem. Wait times and treatment are major contributors to frustrations, and when an Akwesasne member or a BSO is frustrated, there is an increased chance of a negative interaction. This is where complaints come from. Bill C-20 will provide greater confidence in the complaints process, not only for the travelling public but for members of my community.

As the review commission becomes a reality, I must express some concerns with the implementation. Commission members should be required to complete indigenous awareness training. Indigenous people, like Akwesasne Mohawks, have inherent rights that are not described or recognized by the Customs Act. Our rights are not found in regulations and acts that govern CBSA, and many Mohawks exercise their rights, which can lead to a disagreement between a BSO and members of Akwesasne. These instances could lead to a review by a commission member, and they need to have the appropriate understanding of an indigenous member's assertions.

• (1550)

Upon further review of Bill C-20, I want to bring a concern to your attention. Matters deemed to be under national security are not subject to review by the commission. I fully support the need to protect and act accordingly with national security measures. My community is a partner in keeping the border safe. Having said that, the Warrior Society has been classified in government documentation and material as a militant group, which could be construed as an interaction under national security. Therefore, an identified Warrior Society member could experience a negative interaction at CBSA, and this instance could be exempt from review.

Any national security classification should not include indigenous activists. Dr. Cindy Blackstock is known to be a target of unwarranted surveillance for being an indigenous child rights activist, and the same overreach cannot happen under national security interactions at CBSA.

In closing, the process to file must be simplified. It cannot be a comprehensive process. Telephone and paper must be an option. COVID taught us that elders do not have ArriveCAN apps, elders do not have smart phones and elders are large users in Akwesasne and in other places across Canada, especially where entertainment facilities exist across the border.

Akwesasne supports Bill C-20. Accountability is paramount to ensuring that the border experience of our members is not overshadowed by negative interactions and the mistakes of the past. That is important to us.

Niawen'kó:wa for the opportunity to present today.

The Chair: Thank you, sir.

We will now start our rounds of questions with Mr. Shipley, please, for six minutes.

Mr. Doug Shipley (Barrie—Springwater—Oro-Medonte, CPC): Thank you, Chair.

Thank you to all the witnesses for being here today.

I'm going to start my questioning with you, Mr. Obed.

My first question has to do with the Canadian Civil Liberties Association, which submitted a brief where they noted that currently, most “complaints are investigated by the RCMP. Although the CRCC currently has the power to investigate a complaint...this rarely happens.”

The Chair: Excuse me, Mr. Shipley, but the bells are going. We have a vote.

Do we have unanimous consent to carry on? If we all vote electronically, we can carry on quite far. Shall we carry on to five minutes before the vote?

Some hon. members: Agreed.

The Chair: Let's carry on until five minutes before and do what we can do. Then we will get it done. Thank you.

Carry on, Mr. Shipley. I will start your time over.

• (1555)

Mr. Doug Shipley: Thank you, Chair.

I will start over again.

The Canadian Civil Liberties Association submitted a brief where they noted that currently, most “complaints are investigated by the RCMP. Although the CRCC currently has the power to investigate a complaint...this rarely happens. In 2020, the head of Nunavut’s legal aid service called the existing CRCC ‘fundamentally flawed as a model for civilian oversight’ because all it provided...was ‘some sort of oversight over internal discipline.’”

Do you share the same concern that this new PCRC will continue to consist of police investigating police? If so, would you like to see a truly independent complaints process?

Mr. Natan Obed: I will ask Chris Stewart to respond.

Mr. Chris Stewart (Assistant Director, Inuit Tapiriit Kanatami): Through our work with the justice working group at ITK, we have discussed at length the current structure of the CRCC, including how the complaints process carries out.

There have been concerns about how police investigating police may not result in an investigation that would be fulsome. However, we haven't really explored what alternatives might be within our working group.

If it would be helpful, we would be happy to take that back to our working group and report back to the committee.

Mr. Doug Shipley: Thank you for that.

My second question is still for your group. Last year, the ITK and RCMP came to an agreement on a reconciliation plan stemming from ITK's national Inuit action plan. Are there any recommendations from this action plan that you would like to see integrated into amendments to Bill C-20?

Mr. Natan Obed: With our work plan with the RCMP and the MOU we have signed, we are still in the very early stages, but one of the key components and one of the first things we are hoping to do with the RCMP is to create a more fulsome cross-cultural training opportunity for the RCMP. Perhaps there could be provisions in the act that would mandate, as the other witness had said, the ability

for all people who serve Inuit or indigenous peoples to have the necessary cross-cultural training to have respectful interactions.

Mr. Doug Shipley: Thank you.

Just quickly, you mentioned in your opening remarks that you think there definitely needs to be more representation of your local people in the local police services. Do you know if they're going out now and reaching out to your local community, or are you also helping your own local community to become involved and to want to apply for the service?

Mr. Natan Obed: There have been large recruiting efforts for Inuit within the RCMP.

There are some huge barriers to this, whether it be serving your own community...and the challenges that come with that. Also, there is the transitory nature of being an RCMP officer on the ground. You don't know where your next posting might be, so if you're from a community and you want to stay in that community, you would probably want a different line of work.

There's also the systemic racism for Inuit that has plagued policing services and the institution of the RCMP for a long time. We're trying to break down some of those barriers, but for sure we want to do more to recruit and, hopefully for the RCMP, to retain Inuit who can help serve our communities and provide a perspective. That would be hugely beneficial to the work we're all trying to do together, which is to keep our communities safe and enforce the rule of law.

Mr. Doug Shipley: It's a bit of good news that there's some effort being put towards that.

You mentioned the transitory and perhaps sometimes necessary movement of RCMP officers. I know they're having a tough time with recruitment across Canada. I hope they will keep in mind that it would help to keep some of your people locally in the neighbourhood. Let's hope that message gets through to them.

My next question is for Grand Chief Benedict.

Grand Chief, are you concerned that the current complaint structure leads to police investigating police? If so, can you speak to the need for a fully independent complaints process for the CBSA and RCMP?

Grand Chief Abram Benedict: Yes, absolutely. The theory of badge reviewing badge is concerning to us. The experience we have had previously, several years ago, was with a very loose complaints process with Canada Customs. It has improved, but it's about confidence, credibility and objectivity for our members.

• (1600)

Mr. Doug Shipley: Thank you.

Do I have some time left, Chair?

The Chair: You have one minute.

Mr. Doug Shipley: Thank you.

I have one last question, then.

A few years ago, you provided the statistic that 70% of the daily traffic that goes through the port of entry in Cornwall and deals with CBSA officials on the front lines is from members of Akwesasne. Given the unique mobility needs of your community, can you share with the committee what you have heard from community members regarding the current CBSA complaints process and what you would like to see in the new PCRC, please?

Grand Chief Abram Benedict: I definitely think that being independent from the agency itself is very helpful. The community will feel more comfortable filing the complaints knowing that an independent body will review and take action if appropriate.

Akwesasne being the 70% user of this port of entry is extremely important because it's unlike any other port of entry. If a traveller complains about a border officer, the likelihood of them having an interaction with that officer again is very minimal, but in my community, it's very high. If somebody complains about an officer's conduct or about the service they received, the likelihood of them encountering that officer again is very high. There's no other border crossing in Canada that would be like that.

Having said that, doing this outside of the agency is definitely helpful in ensuring that it's a fair and independent process and a process where the person who is complaining—and I would argue the officers themselves—can be assured that it's more of an objective process than an internal process.

The Chair: Thank you, Mr. Shipley.

We'll go now to Ms. Damoff.

Ms. Damoff, please go ahead. You have six minutes.

Ms. Pam Damoff (Oakville North—Burlington, Lib.): Thanks, Chair.

Thank you to both of our witnesses for being here today. It's nice to see both of you.

President Obed, I'm going to start with you.

I know the CRCC has developed some of its brochures, complaints forms and other documents to be available in Inuktitut. I'm just wondering if that has helped to increase knowledge about the CRCC within the territory.

Mr. Natan Obed: I'll ask Chris to start this and then I'll add something.

Ms. Pam Damoff: Sure.

Mr. Chris Stewart: We have certainly been encouraged by CRCC's efforts in Nunavut to translate their materials, to have website adaptations and to travel to some of these communities to meet leaders within the communities and talk to members of the legislative assembly in an effort to explain a complex process. I think it's too early to see the impact of that at this point. However, we do hope to see this in other regions as well.

Mr. Natan Obed: It's good to see you as well.

Ms. Pam Damoff: Thank you.

Did you want to add to that?

Mr. Natan Obed: Yes, absolutely.

At the heart of some of these challenges with the inclusion of Inuktitut, our language, in the services being provided is that Inuktitut is not an official language of Inuit Nunangat or of Canada.

In our homeland, over 75% of Inuits' mother tongue is Inuktitut. In Nunavut, it's even higher than that. In Nunavik, it's almost 100%. You have jurisdictions or large parts of the country where there are majority Inuit populations and communities that have no right to receive government services in the majority language.

This is a challenge that we've brought forward to the Government of Canada very pointedly over the last decade, and still the Government of Canada has not responded with any sort of consideration of the request for official language status or something equivalent that would allow for service provision. With the best efforts at our point in time, we would like to see that being mandatory in Inuit Nunangat so that Inuit can receive service in the majority language and our mother tongue.

Ms. Pam Damoff: As part of that, there will be a public education campaign once Bill C-20 is passed into law, which we hope will happen quickly. How important is that public education? That won't be legislated. I think I know the answer, but I'd like you to have the opportunity to put on the record the importance of public education being available in the language that people are speaking in your territory.

• (1605)

Mr. Natan Obed: For Inuit to access the full benefits of this particular piece of legislation, communications in Inuktitut are essential to achieving that end goal.

Ms. Pam Damoff: Thank you.

Grand Chief Benedict, thank you for being here. It's nice to see you again as well.

I wondered if you could speak a bit about the Jay Treaty and the unique position that your reserve occupies within Canada and the U.S., with a border that was not defined by indigenous peoples but by colonizers. I'd love your thoughts on whether or not the training for CBSA agents needs to include the inherent rights that your people have to cross the border.

Grand Chief Abram Benedict: Absolutely, and thank you for the question.

In relation to the Jay Treaty, it's recognized by the United States but not recognized by Canada. The daily implications are that any indigenous person or member of a tribal nation.... In the case of Akwesasne, we have both: We have members who have a status card and members who have a tribal card. Many have both, but not all. The ones who have only a tribal card, who are part of the community, are not able to enter into Canada as a right. There's a process set up with the Government of Canada right now to examine legislative ways to implement the Jay Treaty itself.

In day-to-day operations, and I think as it relates to Bill C-20, you'll have a member arriving at the port of entry—and this is where it's important for CBSA officers to understand it as well—and asserting that this is part of their territorial lands. In the case of Akwesasne, it's a Mohawk, who doesn't have the right of entry under Canadian legislation, which, again, could lead to a negative interaction between the customs officer and, in this case, the Mohawk, and could result in a complaint under this process.

It's important that the reviewers, the BSOs, the border service officers, understand why this person is making this assertion. Also, there could be cases where a person has a right to have a status card but they choose not to. That's again back to the inherent right and back to the border being a fabricated line that was placed on top of us.

Absolutely the training for reviewers and for officers to understand inherent rights, whether it be for the Mohawks or any other indigenous group, is extremely important for this to be successful. Otherwise, you're sticking to black and white, and that's not very helpful.

Ms. Pam Damoff: Thank you very much.

I think that's my time.

The Chair: That's it. Thank you.

[Translation]

Ms. Michaud, you have the floor for six minutes.

Ms. Kristina Michaud: Thank you, Mr. Chair.

Thank you to our witnesses for being here today.

Mr. Benedict, welcome back to the committee. You talked about the particular situation of your community, its border situation, its geographic location and how its members interact quite frequently with the Canada Border Services Agency. Everyone agrees that it's high time the government set up an independent complaints body.

You stated that you generally agree with Bill C-20, and that's a good thing. I think it's fairly unanimous. However, I wonder if you have any concerns. You talked about elders and their difficulties, with no access to smartphones or computing, the Internet and so on.

I tried to get more information from officials and the minister on how long it takes to handle complaints. When we want a change, but it doesn't end up happening because there are too many complaints to handle for the number of resources allocated to an entity, we think we won't necessarily get there.

At this point, given the information we have on the bill, do you have any concerns about the handling of complaints or other factors?

[English]

Grand Chief Abram Benedict: Thank you for the question. It's great to see you, as always.

As I mentioned in my opening remarks, this process needs to be simplified and accessible, not only to elders and persons with disabilities, but in various languages as well. The previous panellist spoke to the importance of that.

As I mentioned in my testimony, it needs to be either written or by telephone. It's very easy to provide feedback, complaints, positivity and inputs online. As we saw during COVID-19, the government took the position that the ArriveCAN app was mandatory, and I can tell you that lots of people were having issues with that. I will say that was not in my community. Because of certain provisions, we were able to manage that. However, that just shows that not all travellers have the ability to go online and file that.

I would say that during implementation, ease of accessibility needs to be seriously considered, so that people who may have been wrongfully treated, or feel they have been, simply have access to the appropriate avenues.

• (1610)

[Translation]

Ms. Kristina Michaud: Thank you.

The CBSA and RCMP officers have had some bad press in recent years. I don't necessarily want to throw officers into the spotlight, but when you see abuse like this, you realize that it doesn't necessarily come from a single individual.

The organizations that the committee has heard from have told us about the need for a culture change. Let's not kid ourselves. While Bill C-20 is a good thing, it won't change or improve everything within these organizations. However, it is a good step forward.

Should the RCMP and the CBSA take other measures to improve their own internal organizational culture and how they interact with travellers or with members of your community in any situation?

[English]

Grand Chief Abram Benedict: Predominantly around training and awareness is where it begins. There have been lots of recommendations through several inquiries and reports that talk about awareness and training abroad, and this is definitely one of those areas where it should be implemented.

Having said that, I can tell you that CBSA has an indigenous affairs secretariat, which is working very hard to ensure this is happening across the coast. As you know, you can't control individual officer interactions, and this is where you're leading into these problems.

It does start from the top. There needs to be a continued approach that says it's important and why this should happen. I can tell you that specifically in Akwesasne, we work directly with the CBSA to deliver specific training to the Cornwall officers. That is done by Akwesasne Mohawks to educate them on a wide variety of things—our history, our people and why these fundamental rights are so important to us. This should be done across the international border, at all crossings.

[Translation]

Ms. Kristina Michaud: Thank you.

Mr. Obed, I'd like to hear what you have to say about the change in organizational culture within the RCMP and the Canada Border Services Agency. You mentioned earlier that there were challenges with the types of policing. Can you tell us more about that?

As I mentioned, Bill C-20 is a good thing. However, should these organizations be doing more about how officers interact with various members of the community?

[English]

Mr. Natan Obed: One of the long-standing challenges with policing in Inuit Nunangat is that we largely have people who are not from Inuit Nunangat who are given a small amount of training and then put in communities where they really don't have a lot of cultural competency. It also has an element of indigenous and non-indigenous interaction. From all sides, I think we can do better.

We can do better to provide cross-cultural training to these institutions, which would then have a better understanding of communities. There could be more funding for policing within our communities to ensure that there are enough officers and capacity for the RCMP to be able to build connections to communities, rather than just providing bare bones services. In some cases, they're overwhelmed with just the basic policing.

From the side of the community, we could do more interaction with the RCMP and provide more opportunities for employment.

When it comes to complaints and the concerns that communities or individuals have when there is abuse by police, it is to be able to feel that things can be safely handled. I would imagine that there are a lot of cases in which people are fearful of any sort of retaliatory response if they bring abuse forward, so it continues to be, in some cases, a very dysfunctional relationship.

There is a point on border crossing that is larger than this piece of legislation, but I always want to bring it up. It is the arbitrary borders that separate Inuit from Greenland or Denmark from those in Canada and Alaska. We have lobbied and advocated to the Government of Canada for the ability for Inuit to freely pass between our communities, because, in many cases—just like in Akwesasne with the Mohawk—between Greenland and Canada and between Canada and the United States, we have family interactions; we have common hunting areas, and the border crossing is such a huge impediment.

• (1615)

The Chair: I'm sorry, sir. I'm going to have to cut you off there.

Thank you.

We go now to Mr. Julian for six minutes.

Mr. Peter Julian (New Westminster—Burnaby, NDP): Thank you, Mr. Chair, and thank you to our witnesses.

I will start with you, President Obed. *Unusakut*. Thank you for being here.

I was very surprised for you to note that there is no data. I understand that there was a work plan signed last year but that generally

the RCMP has not been providing residents—the Inuit communities, the ITK—with information about important data.

My first questions are around that work plan. How is that coming along? How is the RCMP engaging so that the important information, the data that you've talked about, is actually available to the community?

My second question is around language capability. It is stunning to me that less than 10% of RCMP personnel, non-administrative, are Inuit, which means, I'm assuming, that less than 10% have the language capability that is so important.

What does that mean for a community if 90% of its police officers have no capacity to speak the language that is the language of the majority, particularly in Nunavut? What are the impacts, and what are the personal stories that you know because of that lack of comprehension, where you have policing that doesn't relate at all to the community?

Mr. Natan Obed: First, in relation to our work plan with the RCMP, the number one item is in relation to accessing data for suicide and suicide attempts and self-harm. In trying to implement our national Inuit suicide prevention strategy, to date we have not had a comprehensive picture of deaths by suicide that is disaggregated, Inuit-specific data. The RCMP can help with providing that dataset. We are just at the very beginning of having conversations about how to access datasets in an Inuit-specific way while also keeping all the established structures in place for confidentiality, disaggregation of data and those sorts of things. It's essential in order to do better for our communities.

On the language issue, in cases where there is a threat of violence or in cases where there have been deaths, where the RCMP has actually killed an Inuk, the family members, especially in a time of crisis, are going to want to speak their mother tongue. They're going to want to speak their language. The inability of many people in a time of crisis to be able to understand what is happening to them, what has happened to a loved one or what the next steps will be creates an unfortunate, tragic response where people feel as though they were not served. They feel their loved one was taken from them. They don't feel there's any accountability for the system to interact with them as human beings.

Ultimately, that's what I've heard a lot from individuals who have experienced these things. They don't feel they're treated as human beings. We can do better. I know we can do better within Canada to provide policing services to Canadian citizens.

• (1620)

Mr. Peter Julian: As a follow-up to that, are you aware of how many Inuit are currently in depot or currently training, or whether there are Inuit outside the regions you've mentioned who are RCMP police officers but haven't been stationed in the area where their language abilities would make a difference?

Mr. Natan Obed: I don't have that information in front of me. I can task Chris with going to talk to our counterparts at the RCMP and try to give a comprehensive point-in-time answer to this committee.

Mr. Peter Julian: Thank you. Yes. I think this is critical. We know how situations can develop. Misunderstandings and mutual incomprehension can have tragic consequences, as you pointed out.

You raised in your presentation the issue of Bill C-20 and mandatory Inuit representation. The scope of Bill C-20 is very small. We're talking about five commissioners. Is it your belief that one of those should be from Inuit communities?

Mr. Natan Obed: Our starting point is that there would be provisions that would systematically allow for Inuit-specific participation within processes that would create the best possible outcomes for the commission, not necessarily that there would be a need for distinctions-based Inuit, first nations and Métis representatives on the commission itself.

Right now, the closest we have within the text of the legislation is a small window of time in which outside intervenors can provide some sort of intervention. We would like to see specificity that would ensure that Inuit, on issues related to Inuit, would be able to participate throughout.

The Chair: Thank you, Mr. Julian.

We have a minute and 55 seconds before the vote—I think this timing is a little off—so I propose that we suspend.

I would ask if we have unanimous consent to recommence as soon as everybody has voted, so that we don't have to wait until the vote happens and the 10 minutes and stuff.

Okay. Let us know when you've voted.

We're suspended.

• (1620) _____ (Pause) _____

• (1630)

The Chair: The meeting is resumed.

Thank you to our witnesses for waiting patiently.

We will continue. We will start our second round. We will probably have time for an abbreviated second round, so we'll end after...

I believe Alistair is taking over for Peter.

We'll start this second round with Mr. Motz.

You have five minutes, please.

Mr. Glen Motz (Medicine Hat—Cardston—Warner, CPC): Thank you very much, Chair.

Thank you, gentlemen—both sets of witnesses—for being here.

I want to start by saying that unanimous support was mentioned for the concept behind a public complaints commission, the PCRC, but we have concerns. They're serious concerns.

One is that there is a call for independence, yet the current civilian review complaints commission has capacity issues. They have serious capacity issues, and they're looking after only the RCMP. The government has told us that it's going to spend about \$18.6 million a year in the first six years, and then about \$19.6 million per year following that.

The concern I have is adding the concerns from the public for the entire CBSA on top of what's going on with the RCMP internal complaints and the fact that there is a need—which you've mentioned, Mr. Obed, and I believe Chief Benedict did as well—to have this commission have not only knowledge but also integration with people from your communities.

In order to play that out across the country, you can see that this is going to be a monster for two different organizations. I'm concerned that we might be setting ourselves up for failure.

I would like some feedback from both of you gentlemen on what your thoughts are on that.

Grand Chief Abram Benedict: I think, realistically, that there are only so many nations that are exposed to the border and would be crossing the border. In my case, Akwesasne is part of the Haudenosaunee, which spans a certain geographical area, and as you go down the border itself, there are other nations that have historically or still continue to occupy that area.

Acknowledging that there are several nations across Canada and the United States, it's not possible to educate every individual one on these systems. Frankly, a Seminole from deep in Florida is probably not going to be travelling through these areas too much, but will at some point. At the same time, there are some fundamentals that are common among the Haudenosaunee, the Blackfeet and the Seminoles in relation to assertion of rights.

I acknowledge your point, but I think that having none, where the system likely is now, to having some and then progressively moving forward are definitely some initiatives that should be taken.

Frankly, there has to be, somewhere in the federal government, other training that's happening at the same time that probably could support this work as well.

• (1635)

Mr. Glen Motz: I just want to clarify that I wasn't talking at all about the need for training. I'm talking about the capacity to deal with even the complaints that come in currently.

Keeping in mind that, when we had officials at our committee from Public Safety and the RCMP, and when we had the minister, they confirmed that the current process, the current practice of having these agencies investigate some of the multitude of more minor complaints, will continue under the PCRC. That's what I was getting at.

Go ahead, Mr. Obed.

Mr. Natan Obed: We run into this challenge of ambition versus the practical ability to implement across a whole host of different issues with the federal government.

With this piece of legislation, as a group that would potentially benefit from it, we aren't necessarily 100% sure how the funds will be found to use this, but we certainly would have the expectation that our community would be serviced alongside all the other interests. That creates a practical reality in terms of how the government is going to accommodate the different challenges of implementation.

In too many scenarios, there have been good intentions in legislation that is purposely vague, which has ultimately meant that we can't avail ourselves of the benefits of the legislation, and there isn't money to do it anyway.

That is a shared concern, and I hope that focusing on a distinctions-based way of working with indigenous peoples would give us a bit of a placeholder that we haven't had before.

On the larger question about financing, I share your concern.

The Chair: Thank you, Mr. Motz.

We go now to Mr. Noormohamed for five minutes, please.

Mr. Taleeb Noormohamed (Vancouver Granville, Lib.): Thank you, Mr. Chair, and thank you to all the witnesses for being with us today.

Grand Chief, I was struck by some of the comments you made about the concerns your community has at the border and the challenges you've had with CBSA. I was reflecting on some of the feedback we've had from Black Canadians, from Muslims and from so many other communities across this country. One thing you talked about was the importance of education, the importance of training. We've heard this theme come up over and over again.

There's one thing I'm really curious about, and I'd love for the two gentlemen who are here with us as well to share their perspectives on this. In order for us to get this right, and to make sure that implementation isn't just a blunt instrument but also a process of education so the system actually ends up working the way we all need it to work, what are some things that you feel we should have top of mind through this process so that the execution around oversight is done in such a way that it brings law enforcement along for the journey in a way that this can be a positive experience for all? Ideally, that's what we would want.

Grand Chief Abram Benedict: I can start on that.

I would say that the CBSA specifically, which we have more interactions with than the RCMP, is a young agency. It was an amalgamation of customs and excise, and it had a different function. Over the years since it was formed—I think it was only in 2005, perhaps; it's quite young—it has evolved to what its mandate is. Other agencies that are enforcement agencies have certain mechanisms, accountabilities or legislation that hold either them or the agency accountable in certain ways. Moving towards that definitely, I would say, bolsters their functionality in keeping Canada safe and ensuring they are processing the traffic in a certain way.

When I look at the implementation, it's around the training, the inclusion and the education to make sure the system is going to work. There are other systems that exist for review that are not part of the agency they're reviewing. They exist in Canada.

Frankly, in my community, severe complaints have gone to the Canadian Human Rights Commission. We don't want complaints heading off to the Canadian Human Rights Commission. If we're talking about capacity and being comprehensive and difficult, while it serves a very vital function to Canadians, it is a very difficult and complicated—and can be expensive—process as well. Having an agency such as—

• (1640)

The Chair: Excuse me, sir, we have to suspend briefly, because we have a technical issue. The clerk has advised me. We will try to hold that thought. We'll start back where we are. Thank you.

• (1640)

(Pause)

• (1645)

The Chair: This meeting is now resumed.

We were in the middle of Mr. Benedict telling us great things.

If you remember where you were, please finish up, and then we'll go back to Mr. Noormohamed.

Grand Chief Abram Benedict: We can go back to Mr. Noormohamed. I didn't take note of where I was. Thank you, though.

The Chair: I apologize for the technical difficulties. I used to be an IT guy, so I take it personally.

Mr. Noormohamed, go ahead, please.

Mr. Taleeb Noormohamed: Thank you, Mr. Chair.

Mr. Obed, I have a similar question for you. Obviously, your communities have had experience primarily with the RCMP in this regard. It would be great to get your perspective on how to do this in a manner that brings law enforcement along. I think it's really important for us to make sure that it is clear to everyone that oversight is essential and important.

We know that the RCMP are enthusiastically supportive of this, but how do we make sure not only that rank-and-file individuals—who are really on the front lines in this—are able to see the value and the importance of this, but also that we're able to create a process wherein it's a willing engagement in many ways? I think that, ultimately, will hopefully get us to the outcomes we all seek.

Mr. Natan Obed: We still have a vacuum in data, so we don't necessarily understand the complete picture of complaints in Inuit communities across Inuit Nunangat. We do in Nunavut, because it is a jurisdiction, and there are just Inuit communities in Nunavut. For the Northwest Territories and for Newfoundland and Labrador, we would have no way of understanding how many of those complaints come from Inuit communities in any given year. Those are some of the essential building blocks that we need to change.

As far as compliance and the building of a shared interest are concerned, I think a lot of that has to do with some of the things I've raised already. The nature of policing in Inuit Nunangat and the transactional nature of policing have to change to a more community-focused approach to policing, whereby people have an affiliation with the community beyond their job and a vested interest in building a healthy community alongside all the people who live in it.

That requires more resources. It also requires, sometimes, a shift in attitude about what a person is there to do. I would love to see a more holistic, community-focused RCMP. We've talked to the RCMP, and it shares those sentiments. However, it immediately always comes back to, "We don't have enough people to do that."

Mr. Taleeb Noormohamed: In the remaining moments I have, I just wonder if you could touch a bit more on this piece around data, because this is something I think is essential. It's hard to make informed decisions if you don't have the type of data required. It's hard to drill into where there might be systemic issues if you don't have data.

How important are these provisions around data collection and utilization in terms of getting to this outcome?

Mr. Natan Obed: They're essential. We have such small populations that it's so important to understand in an aggregated but Inuit-specific way what issues are Inuit-specific and what issues are from other parts of the population.

We really don't have a good sense of how to approach some of these and how to advocate for particular changes in legislation or particular interventions in our communities—for socio-economic issues, for mental health issues, for policing—if we have just a basic understanding or no understanding of...and can't interpret the data that is already being collected.

We need better access, and we need more Inuit specificity within the data.

The Chair: Thank you, Mr. Noormohamed.

[*Translation*]

I now turn the floor over to Ms. Michaud for two and a half minutes.

Ms. Kristina Michaud: Thank you, Mr. Chair.

My question is for all the witnesses. Last time, I believe it was my colleague Ms. Damoff who addressed the fact that RCMP reservists would not be subject to this legislation. In fact, people wouldn't be able to file a complaint against a reservist who has abused someone. Contractual workers at the Canada Border Services Agency would be subject to this bill. If we draw a parallel with education, it's as if we've established a system for handling complaints about teachers, but supply teachers who have committed abuses are not subject to it. I don't know what your thoughts are.

Perhaps Mr. Benedict could answer first. Should we make reservists subject to this bill? People seemed to be saying that it was rather complicated because they don't have the same status as RCMP officers. I wonder if we should take a closer look at this.

• (1650)

[*English*]

Grand Chief Abram Benedict: I don't have too much to add to that, because we don't have interactions with the RCMP, so a reservist interaction is highly unlikely.

With respect to the Canada Border Services Agency, you're either a BSO under the legislation of the Canada Customs Act, or you're not, so there's not an in-between.

Mr. Natan Obed: First and foremost, you think about a citizen, a person in the community, and when they see an RCMP officer they don't know the status of that particular person. Therefore, I don't think it would behoove anyone to feel as though they are not protected. How are they going to maintain trust throughout the pro-

cess if something could be thrown out because—by an asterisk or some technical issue or something they had no idea about—they can't bring a complaint forward?

[*Translation*]

Ms. Kristina Michaud: Thank you.

The Chair: Thank you.

[*English*]

We'll go now to Mr. MacGregor for two and a half minutes, please.

Mr. Alistair MacGregor (Cowichan—Malahat—Langford, NDP): Thank you very much, Mr. Chair. It's good to see some familiar faces around the table again.

I am coming in for Mr. Julian, so I apologize if some of these questions and subjects have already been dealt with.

Grand Chief Benedict, I'd like to start with you. I saw in a CBC news article that you had estimated that your council “gets about three to four calls a month” from members complaining about CBSA conduct. The nature of my question is really just trying to, I think, put on the record for this committee study, the number of complaints you believe come in total, because I think your number is referencing how many are coming to council. How many total complaints come from your members to the CBSA, and do you have an idea of the range of severity of those complaints?

I think it's important to get that on the record, so that we understand the nature of the problem and how frequently it occurs, and so that the government has a good idea of the number of resources it needs to employ in this new commission to ensure that it is acting on behalf of people right across the country.

Grand Chief Abram Benedict: I would say that what we receive is probably equal to the number the CBSA receives every month. We encourage our members to file official complaints if it's something more than an misunderstanding. Generally we inform them altogether if we encourage them to do both, or if we will assist in mitigating it directly with the local agency, because sometimes that is better.

I would say three to four per month is probably what we see now going to the official system.

Mr. Alistair MacGregor: Thank you.

I have only 30 seconds. Mr. Obed, very quickly, can you provide similar information, just with regard to the situation up north with the RCMP?

Mr. Natan Obed: If you look at data from Nunavut—again, the only jurisdiction in which we can clearly state that there are Inuit complaints—there are roughly 30 per year, and they are in roughly half of our communities, 25 of 51. We don't have any more detailed information.

Like the Grand Chief has echoed for his community, we and Inuit representational organizations channel any concerns that come to us back to these processes and hope that these processes will ensure that those complaints are meaningfully addressed.

Mr. Alistair MacGregor: Thank you for that.

The Chair: Thank you, Mr. MacGregor.

Thank you to our witnesses today. Thank you for bearing with us through technical difficulties and votes. We certainly appreciate your input. It will be helpful to our study.

With that, we are suspended, and we'll bring in the next panel.

• (1650) _____ (Pause) _____

• (1655)

The Chair: This meeting is resumed.

We are starting our second panel.

We'd like to welcome today, as an individual, Mr. Michael Scott, lawyer and partner in Patterson Law; and we have by video conference, from the Canadian Council for Refugees, Jenny Jeanes, vice-president. Welcome to you both.

We will start with up to a five-minute opening statement for each of you. I would like to invite Mr. Scott to make a statement for five minutes.

Go ahead, please.

Mr. Michael Scott (Lawyer, Patterson Law, As an Individual): Thank you, Mr. Chair, and good afternoon.

My name is Michael Scott. I'm a partner at Patterson Law in Halifax.

As the committee members are likely aware, we just finished a public inquiry in Nova Scotia into the worse mass killing in Canadian history. In the context of that inquiry, my colleagues and I were tasked with representing those who were most affected, those being the families of the victims.

In the course of its work, the commission examined a number of police-related issues, and I can say that among those issues were the complaints process and specifically Bill C-20.

Civilian oversight is essential to ensuring public confidence in law enforcement, and we would suggest public confidence in the legitimacy of the complaints process is, to a significant degree, dependent on two essential elements. The first is independence in the investigation of complaints, and the second is timeliness in the handling of those complaints.

Leon Joudrey was a resident of Portapique, Nova Scotia. In the early morning hours of April 19, 2020, RCMP members attended to his house to extract the perpetrator's wife, or common-law spouse, Lisa Banfield. As a result of his interactions with the RCMP, a formal complaint was filed. While the details of that complaint aren't really relevant to the conversation we're having today, the way in which Mr. Joudrey was handled very much is.

The handling of Mr. Joudrey's complaint was anything but independent. Despite a specific recommendation from the CRCC chair that the matter should be referred out of H Division, it was in fact assigned to the direct supervisor of the officers who were under investigation.

The handling of Mr. Joudrey's complaint was anything but timely, inasmuch as he told the Mass Casualty Commission in May

2022, almost two years after the complaint was filed, that all he had received were form letters advising him that there was "no news". Indeed, on October 4 of last year, counsel for the RCMP, in response to specific questions that were raised about Mr. Joudrey's complaint, advised the Mass Casualty Commission that the matter was still under investigation, and they were unable to provide any indication, even estimated, as to when that matter might be concluded.

Later that month, in October 2022, Mr. Joudrey died.

Mr. Joudrey's story is emblematic of the CRCC's critical weakness, and that is our overreliance on having the RCMP investigate the RCMP. As it stands, the process involves complaints being submitted to an independent civilian oversight authority, which then in turn hands that matter back to the very organization that is the subject of the complaint.

Bill C-20 offers an excellent opportunity to change that model. Unfortunately, the bill, in its current form, simply transposes the CRCC model from the RCMP Act into its own legislation. In substance, all that changes is the name.

The president of the National Police Federation, Mr. Brian Sauvé, appeared before this committee, I believe last week. In the context of the Mass Casualty Commission, I can tell you that families of the victims and the NPF found lots of things to disagree about, so it is notable that I find myself in the position today of being able to advise you that I actually agree almost entirely with the NPF's position as regards Bill C-20.

I think Mr. Sauvé's comments and recommendations on behalf of the RCMP members' union are insightful and worth this committee's consideration. I would urge the committee to recognize that if Bill C-20 is to serve its intended purpose, it will require more than minor amendments. It will require moving past the existing model and its overreliance on police investigating police.

Thank you, Mr. Chair.

• (1700)

The Chair: Thank you, sir.

We go now to Ms. Jeanes for an opening statement.

You have five minutes, please.

Ms. Jenny Jeanes (Vice-President, Canadian Council for Refugees): Thank you to the committee for inviting me here today.

I'm speaking on behalf of the Canadian Council for Refugees. It's a pan-Canadian umbrella organization of over 200 organizations that work in direct contact with refugees and migrants. Many of our members have lived experience of forced migration and intersecting oppressions. I work for one of those members, Action Réfugiés Montréal, where I support people detained for immigration reasons at the Laval Immigration Holding Centre.

The CCR has been calling for independent oversight of the CBSA since before it even existed. While we hope to see this legislation passed to fill such a long-standing gap, we are concerned about certain aspects of the bill and recommend a series of changes.

I'd like to share two experiences with you. One was of a young man in detention who faced imminent removal to his country of origin, where he faced persecution. He told me, in sheer terror and limited English, that the removal officer warned him that if he did not co-operate, he would be removed in a bag. I believed this to mean a spit guard, an enforcement tool used by the CBSA. A few days later he was removed. The CCR raised the concern about the use of spit guards with senior CBSA management, but we did not have evidence about intimidation or any possible use of force, as we did not have the individual's consent or testimony.

Another case is of a single mother of a young Canadian child, whom I also met in detention. A few days before they were to return to the mother's country of origin, widespread violence broke out. She met a removal officer to see if a delay was possible due to the rapidly deteriorating situation. Instead, she was detained, accompanied by her young child, and the removal officer refused a deferral request, disregarding ample evidence about the risks.

Her situation raised a variety of intersecting concerns. Some concerns were systemic and others related to officer conduct. Had it not been for an emergency intervention by the Federal Court, she would have been deported just two days after I met her.

In both of these cases the person involved was a Black African. Black Africans and other racialized communities are disproportionately affected by immigration detention and other enforcement measures. Racism is a particularly urgent concern in immigration enforcement because of the immense power imbalance that exists between officials and people without secure status.

[*Translation*]

Those incidents occurred a few days before a deportation, and the individuals were at the mercy of the removal officers' discretionary powers. Canada Border Services Agency officers have considerable powers to detain and deport, but they also have access to protection measures or status. All of these dynamics create barriers to filing complaints.

For the commission to be effective, there has to be a mechanism to ensure that complaints can be filed by third parties without the need to obtain consent or appoint anyone. We recommend that formal channels be created for non-governmental organizations, or NGOs, and other third parties to file complaints about tendencies and practices, particularly to raise systemic issues.

The bill focuses too narrowly on the officers' individual conduct. NGOs should not only be able to bring forward complaints about systemic issues, but they should also have a formal mechanism to request a review of specific activities. The commission must be free to accept requests for review of specific activities, since the issues at stake are too important. Furthermore, too many years have passed without independent oversight, leaving a wide range of critical systemic issues unresolved. The commission must therefore have sufficient resources.

We're also very concerned that deportation is a barrier to pursuing a complaint or obtaining appropriate redress. In some cases, the removal must be suspended while the complaint is being investigated. Clause 84 of the bill must be deleted and a mechanism must be put in place to allow for suspension of removal as needed.

We recommend further amendments to broaden the range of remedies. One of our recommendations is to ensure that detainees have significant access to complaint mechanisms, and that the time to file a complaint be increased to two years, since many people will only feel empowered to file a complaint once the issue of their status has been resolved.

• (1705)

You will find other recommendations in our summary, as well as a more detailed analysis and context in our brief, which is being translated.

Thank you very much.

[*English*]

The Chair: Thank you.

We'll start our first round of questions now with Ms. Dancho.

Ms. Dancho, please go ahead for six minutes.

Ms. Raquel Dancho (Kildonan—St. Paul, CPC): Thank you, Mr. Chair, and thank you to the witnesses for being with us today.

Mr. Scott, as the committee is well aware and as you outlined a bit in your testimony, you were the lawyer who represented many of the victims' families during the Mass Casualty Commission. I believe, given your experience, you are uniquely positioned to give this committee very good insight on Bill C-20 and how RCMP and CBSA oversight should be structured, so I was very much looking forward to hearing your thoughts today on this important bill.

You mentioned you agree with Mr. Sauvé of the NPF, or with some of his recommendations. In particular, you agree with the piece he spoke about last week about his concerns with the way the model is set up now—which Bill C-20 does not change—whereby RCMP officers have to investigate RCMP officers.

Can you outline any concerns or expand your thoughts on Mr. Sauvé's recommendation and why you support it?

Mr. Michael Scott: The critical issue is that it doesn't serve the interests of the RCMP or the public to have the RCMP investigating the RCMP. We have heard it can create issues of morale within detachments to effectively pit one member against the other in that process. It's difficult to expect confidence in the process itself, either from a public perspective or as a complainant, when your complaint is given to an independent body that then hands it off to the RCMP.

It's true that under the current model, there is an opportunity that if a complainant isn't satisfied with the outcome, the CRCC can institute a process, and I think the same would be true under Bill C-20. The problem is that we then relegate the independent body almost to an appellate role and we certainly lose control of the timing issue, so we end up with situations like Mr. Joudrey's, when the matter was tied up in an initial investigation for two years.

That's where I think the interests of the public and the RCMP become one, inasmuch as no one is benefiting from the model that currently exists.

Ms. Raquel Dancho: Thank you very much for that assessment. I appreciate it.

Part of the Mass Casualty Commission was an in-depth investigation of the RCMP and the really close minutiae and detail of every movement of those horrific days a few years ago, as you're well aware.

Given your experience and how you saw the RCMP operate in that horrific situation, can you provide other thoughts on Bill C-20 and how you believe we can improve it—if you feel that we should—and the oversight of the RCMP? How may that have benefited the public a few years ago in the situation you're so familiar with?

• (1710)

Mr. Michael Scott: Thank you for the question.

If you go through the Mass Casualty Commission's final report, it reads like a full accounting of the RCMP's failures, and those failures are revealed to be mostly systemic. The failures in most instances had very little to do with frontline members responding to the tragedy, but were in fact institutional and organizational problems.

One of the key components of a public complaints process has to be the ability, obviously, to hold members to account, because we can't have law enforcement without accountability. However, it should also allow for reviews to be conducted at the direction of either the minister or the oversight body. Had that been functional in 2020—and, presumably, in the years before—we may have been able to address some of the systemic issues that appear to have gone on for a number of years in Nova Scotia and were simply waiting in the tall grass when the events eventually happened.

Ms. Raquel Dancho: That's interesting.

When the president of the CBSA union, Mr. Weber, was here last week as well, he raised what they would like to see. Again, he represents the frontline CBSA officers. He flagged that often direction from upper management is part of the issue as well. He asked the committee to consider, in essence, that Bill C-20 be built in a way

that would also allow complaints to be made against not just the front line but also upper management.

I know, you know and we know there were certainly issues with regard to the RCMP brass, we'll call them, in those first few days after the mass killings. In your estimation, do you feel there should be some sort of mechanism for holding upper management in the RCMP accountable through this process?

Mr. Michael Scott: I think there certainly can be. Obviously, the public doesn't have a great deal of visibility on management problems, by its nature, but if we have a robust and well-equipped oversight body, they're in a position, through complaints either within the RCMP or by other mechanisms, to identify, by divisional level or even by individual level at the officer stage, matters that need to be addressed in a way that really isn't captured by the current system, which relies almost entirely on members of the public and an individual interaction they've had with a particular member.

Ms. Raquel Dancho: Thank you very much for your feedback, Mr. Scott.

The Chair: Thank you, Ms. Dancho. You had five seconds to spare.

Mr. Gaheer, go ahead for six minutes, please.

Mr. Iqwinder Gaheer (Mississauga—Malton, Lib.): Thank you, Chair.

I'd like to thank all the witnesses for their testimony before the committee.

My questions are for you, Ms. Jeanes.

Your organization will look at the “rights, protection, sponsorship, settlement, and well-being of refugees”. Obviously, the CBSA is intimately involved in that process. I want to talk about Bill C-20. You presented amendments, but I want to talk about what the bill does and maybe how your organization can use it.

When the minister testified before the committee, he made it clear that third parties can make a complaint on behalf of another person as long as there is consent. Do you think your organization will play a role in making third party complaints?

Ms. Jenny Jeanes: Many of our members would certainly want to support individuals in making complaints when necessary and might have a role as an accompaniment or an advocate in helping somebody bring forward a complaint when they have consent.

We see real limitations in the bill around, first of all, that requirement for consent, because of the many barriers, some of which I mentioned: fear of deportation, fear of detention, fear of not getting status and fear of being sent back for persecution. There are so many reasons that an individual may not be able to make a complaint or may be afraid to make a complaint and who may not, for the same reasons, be willing to give consent. We absolutely need a mechanism whereby third parties like NGOs can bring forward patterns of behaviour in particular. We have specified in more detail in our brief what that would look like.

We also want to make sure that such credible organizations as the Canadian Council for Refugees could ask for or make a formal request for a specified activity review. In the legislation as tabled, that's not possible, unless we're sort of waving a red flag and getting the attention of the commission and the commission then initiates a review. We want that embedded in the legislation.

• (1715)

Mr. Iqwinder Gaheer: That's a point well taken. My riding has Pearson airport in it. I deal with a fair number of cases that deal with refugees or deportations.

We know that the legislation will also allow for the collection of race-disaggregated data. In the refugee context, do you think it's important that this data be collected? Could you speak to how you'd like to see this data be used to inform systemic reviews?

Ms. Jenny Jeanes: Yes. As I mentioned, systemic racism is at the forefront of our concerns. Racialized communities are very much impacted by enforcement activities.

Just from my own personal experience, when I do my work and we go into immigration detention, we see consistently a very high proportion of racialized communities, and particularly Black Africans, in immigration detention. It's impossible to miss. Certainly having more data will be necessary, and also potentially a specified activity review focused on racism. We all know that racism is present throughout our society, but it's certainly very present in immigration enforcement.

Mr. Iqwinder Gaheer: This is more of an open-ended question. You've answered this a little bit, but could you provide the committee with examples of areas where an increased CBSA review would ensure a better outcome for Canadians?

Ms. Jenny Jeanes: It depends on the outcomes we're talking about.

I think that respecting human rights obligations is important for Canadians, as is respecting our own Charter of Rights, and not having intersecting oppressions of the most vulnerable and marginalized communities. I think there's a public interest in protecting the most vulnerable among us.

Also, I think ensuring that officers have clear public codes of conduct and proper training and guidelines serves all of us, whether Canadians, non-Canadians, migrants or refugees. I think it's clearly in the public interest that we clean up, as I said, more than 20 years of an accumulation of systemic issues.

Mr. Iqwinder Gaheer: I have one more question.

There are provisions in Bill C-20 that give the chairperson of the PCRC the power to recommend that the RCMP and CBSA deputy heads initiate discipline-related processes or impose a disciplinary measure.

Could you comment on these new powers and how they could help us in our process?

Ms. Jenny Jeanes: I have concerns, along with the other witness, about independence. While it could be beneficial to have greater internal reviews, I think what we need here is independent oversight and for the commission to take on many of these reviews.

We're very concerned about whether the commission will be properly resourced. As I mentioned, the CBSA has been in existence for almost 20 years now, and enforcement powers were in effect before that. The commission will need resources to do a review. It cannot rely on internal reviews, because all we've had for the past 20 years is CBSA examining itself.

The Chair: Thank you, Mr. Gaheer.

[*Translation*]

Ms. Michaud, you have the floor for six minutes.

Ms. Kristina Michaud: Thank you, Mr. Chair.

Thank you to the witnesses for being here.

Ms. Jeanes, you made some recommendations. Among other things, you are proposing that a third party be able to file a complaint with the commission on behalf of another person, without necessarily having the consent of that person. I just want to understand the nuance: Are you proposing that complaints always be filed on behalf of an individual, regardless of whether it's an isolated incident or a systemic issue?

• (1720)

Ms. Jenny Jeanes: We want a variety of solutions.

We're very aware of the privacy issues and the difficulties associated with filing a complaint on behalf of someone without their consent. This would be done primarily when systemic issues are at play. People should be able to point out a tendency without necessarily naming anyone, particularly when a number of individuals see the same thing happening to our members over and over again.

Furthermore, in our brief, we talk about a person filing a complaint themselves or consenting to a third party acting on their behalf. The member agencies could back up the complaint with other examples, without naming the individuals involved, to demonstrate that the problem is widespread and that it's not an isolated incident.

We're proposing various strategies, but they're not reflected in the current bill.

Ms. Kristina Michaud: Thank you.

It's being suggested more and more that the culture should change in certain agencies, like the Canada Border Services Agency. The president of the CBSA union was also concerned about it, and said the individual doing it isn't the problem, but that it often comes from a little higher up.

It may be easier to predict what to do should an officer abuse someone. On the other hand, when it comes to a systemic issue, what do you expect will happen if we amend the bill so that the proposed review commission can handle those kinds of complaints? What are your expectations in terms of how the commission will react to these types of complaints and the changes that could be made in the agency in question?

Ms. Jenny Jeanes: Again, there can be a number of ways.

Sometimes, it will be enough to shed light on practices senior management doesn't know about. Take, for example, the spit guard. When we raised the issue with people at headquarters, they were not aware of the circumstances under which this tool is used or how it's used. That's one example.

There has to be redress. We're asking that Bill C-20 provide for financial compensation. If such actions have a financial impact on the agency, that will certainly lead it to change some of its practices. As other witnesses have said, they need to provide more training and have standards that prohibit certain activities.

As I mentioned, the law need to provide for a possible stay of removal when the complaint is about a serious issue. That's also important, and it could lead to changes at the agency.

Ms. Kristina Michaud: Thank you.

I'm going to ask you some questions so I can get a better grasp of the reasons for your proposal. I know that you work with migrants and refugees detained at the immigration holding centre in Laval.

From what I read in the media, one thing you said was that refugee claimants often choose to remain silent even if they have been harmed, because they are afraid to compromise their situation. Because they absolutely want their claim to be accepted, some refugees are afraid to file a complaint because it could compromise their case and even their freedom. So I imagine that's one of the reasons why you're proposing this amendment to Bill C-20.

In your opening remarks, you referred to the situation of two individuals in particular. Can you tell us more about that, why they don't want to file a complaint, and why it would be beneficial for an organization to do so on their behalf?

Ms. Jenny Jeanes: In the case of a refugee claimant, whether they are detained or not, the Canada Border Services Agency has the power to intervene in the processing of their case to say that they aren't credible, among other things, which really amounts to challenging the substance of the claim. The agency has a lot of powers. People are very scared until they get status, and I know some who were scared until they had their citizenship, which takes years to get.

Let's go back to those at risk of deportation and those I mentioned in my speech. The most serious examples of abuse of power that we hear about from migrants happen just before a removal or when they resist an attempted removal and a removal follows. In many cases, we no longer hear from these individuals. However, if they've experienced issues getting their case processed, they have no real incentive to file a complaint, since they have already left.

If it were possible to obtain financial compensation, perhaps we would have more evidence of abuse of power during deportations from Canada.

• (1725)

The Chair: Thank you, Madam.

[English]

We go now to Mr. MacGregor.

Go ahead, please, for six minutes.

Mr. Alistair MacGregor: Thank you very much, Mr. Chair, and thank you to all of our witnesses for coming and helping us out on the study of Bill C-20.

Mr. Scott, I'd like to start with you. We've just had a fair amount of conversation about the review of "specified activities". I'm glad you highlighted that the Mass Casualties Commission's report noted that the failures of the RCMP were mostly systemic.

I'm always not so much interested as a parliamentarian in being reactive as in being proactive. When we serve our constituents, we often are reactive, especially when we're dealing with casework. I'm always trying to find opportunities to learn from patterns of complaints about how we can enact systemic change so we're not receiving those complaints in the future.

Under the bill currently, as has been mentioned, reviews of specified activities for both the RCMP and the CBSA can come at the request at the Minister of Public Safety, and the commissioner of this new body can initiate one on their own. There have also been suggestions that we add relevant organizations.

What are your thoughts on adding relevant organizations when doing a review? Do you see Parliament being included in that? Sometimes as parliamentarians, through our various committees and especially at this committee, we become aware of systemic issues that are at play with both the CBSA and the RCMP. Do you think there might be a role for parliamentarians in requesting reviews of specified activities?

Mr. Michael Scott: I think there certainly is, Mr. MacGregor. The best way to start is to ensure that the PCRC is strong and independent and capable, so that when other agencies or Parliament or anyone else becomes aware of issues, there's a place for them to take them and there's a process by which they can be addressed. The frontline issue is not that there aren't complaints or that there isn't somewhere to take them but that there isn't a mechanism, at least not operationally, to ensure those complaints are investigated properly.

If we use the opportunity of Bill C-20 to create a truly stand-alone organization that can handle these complaints and these reviews, it can be the body that receives them from any number of different places.

Mr. Alistair MacGregor: This question goes to Ms. Jeanes from the Canadian Council for Refugees.

I sit on another committee, the agriculture committee, and we've had testimony from representatives from the Migrant Workers Alliance for Change, which often deals with similar issues. Our agricultural industry does rely on lots of migrant workers coming here. That organization is there to defend their rights and to ensure that they also have a voice. Their activities are similar to what your organization does for refugees.

In the case of refugees, sometimes issues concerning national security can arise that involve the CBSA and the RCMP. We have a report from Justice O'Connor, who recommended a commission be established. When it comes to Bill C-20, there are requirements specifically under clause 31, which specifies that no reviews can happen with this new body under national security, and under clause 52, which says that no complaint can be handled if it comes under national security. Such a complaint has to be referred to NSIRA. What are your thoughts on that?

If we're relying on two different agencies to conduct reviews of the same bodies, namely the CBSA and the RCMP, I guess some of my concern is that we start siloing these things. Do you think there's value in the new PCRC having jurisdiction over the entirety of the RCMP and the entirety of the CBSA, no matter what the nature of the review or complaint is?

• (1730)

Ms. Jenny Jeanes: Thank you.

I just wanted to say with regard to your first comment that we also deal with quite a lot of issues regarding temporary foreign workers, migrant workers, and we often see the abuse from employers. If people with closed work permits leave an abusive employment situation, they can very easily end up in detention and face deportation with no opportunity to make a complaint. It's something that we've seen too many times.

With regard to your second question, it is a concern, because there have been legislative changes that have added more securitization to some aspects of immigration enforcement, whether it's new mandatory minimums that make certain things that were criminality into serious criminality or questions around organized criminality and to what extent that's a security issue or a criminality issue.

I don't know that I could speak to whether it could all be handled under a single commission. I think that's unlikely to happen. What I think is more important is that the commission very carefully tease out the cases that really should be under its jurisdiction and not bump them to the national security review process just because there's some element of security in there.

Mr. Alistair MacGregor: Just add a little more specificity to what a national security complaint or review is so that it's a little bit more clear.

Ms. Jenny Jeanes: We work with vulnerable youth who may be suspected by CBSA of having been involved in gangs. In fact, a lot of people fear gangs, and sometimes these investigations reveal that the person is a victim and not involved.

On things to do with organized criminality, does that meet the threshold of security? I think we have to be very careful in terms of keeping review activities within this commission as much as possible.

Mr. Alistair MacGregor: Thank you.

The Chair: Thank you, Mr. MacGregor.

That ends our first round of questions.

I believe we have time to shoehorn in a shortened second round and to end with Mr. MacGregor once again. In that case, we'll go with Mr. Lloyd for five minutes.

Mr. Dane Lloyd (Sturgeon River—Parkland, CPC): Thank you, Mr. Chair. Thank you to the witnesses for coming.

Mr. Scott, let's say this new commission gets complaints. They find that the RCMP or CBSA engaged in some sort of wrongdoing or that there was a failure in the process. They make recommendations. Then what happens? Do they have power to force those agencies to make the cultural and process changes needed to address those complaints, in your view?

Mr. Michael Scott: Well, it's not in my view. They don't, and that's the issue.

They can make recommendations, and unfortunately the process, as it stands, puts the CRCC in the unfortunate position of not really knowing what happened, because, for example, in an RCMP investigation, it's the RCMP that has handled that investigation and it's the RCMP that has put forward their recommendation for a disposition. That very much puts even a well-intentioned chair of the review committee in the position of having to rely entirely on what they're being told.

Mr. Dane Lloyd: Professor Cappe was a witness who came to our last meeting, and he believed—and I hope I'm not misconstruing his words—that just the presence of this commission would create accountability with the RCMP and CBSA. Do you think that will be the result of the creation of this commission?

Mr. Michael Scott: If done correctly, I think that's absolutely true and I think it would go a long way to encouraging public confidence in the RCMP and CBSA.

Mr. Dane Lloyd: How would you define “done correctly”?

Mr. Michael Scott: It would be ensuring that the review committee is independent in more than in name only, ensuring that we're putting a body in place that has the ability to subpoena the information they need and hold the parties accountable and ensuring in an unbiased way that there is transparency and accountability for law enforcement.

Mr. Dane Lloyd: As Bill C-20 stands today, you don't believe that those authorities would be given to this commission?

Mr. Michael Scott: Not in its current iteration.

Mr. Dane Lloyd: Okay.

Do you believe that all complaints should have to go through this new commission, or should there be some sort of threshold so that maybe minor complaints can still be dealt with? It's been told to me that with the magnitude and the cost of having every complaint run through this process, it might not even be necessary to do that. Do you think that there's a threshold, or do you think that all complaints should have to be run through this process?

• (1735)

Mr. Michael Scott: I don't know that it's as much a matter of threshold as it is of discretion. I think it would be entirely appropriate for an independent oversight committee to identify certain types of complaints and either flag them for informal resolution or as matters that really might be able to be cleared up by a meeting between the member and the complainant. In fact, I suspect that would encompass a fairly significant proportion of the complaints that come in, but we have to make sure that we have room when the important complaints come in, the ones that do matter.

Mr. Dane Lloyd: From my understanding, possibly with this legislation it's up to the RCMP's discretion and the CBSA's discretion on what to pass along to this new level under Bill C-20. What you're suggesting is that it should be up to the complaints commission's discretion to decide what they're going to look at.

Mr. Michael Scott: My understanding of Bill C-20 is that it's very much like its predecessor, in that 95% to 98% of those complaints are going to be referred back to the policing agency, and then if a complainant is not satisfied, the complaint will then be referred back for a review process by the CRCC or the PCRC, as the case may be.

Mr. Dane Lloyd: Can you unpack that again? Did you say that the original complaints will go to the new commission, and then about 95% to 98% are going to be passed back to the frontline services? Then if they're not done to the complainant's satisfaction, they go back to the commission? Is that how I should understand it's working?

Mr. Michael Scott: That's correct. In the overwhelming majority of cases at present—and it doesn't appear to be any different under Bill C-20—the CRCC receives the complaint, but then in almost all cases it hands it back to the RCMP for investigation and determining—

Mr. Dane Lloyd: It's largely up to the discretion of the CRCC?

Mr. Michael Scott: I don't know if it counts as discretion when it's almost 100% of the time, when it's presumptive. I don't think that this would be considered discretion.

Mr. Dane Lloyd: Is there some mechanism in the legislation that makes this presumptive, or is it just a decision by the personnel who are heading this commission?

Mr. Michael Scott: It's certainly contemplated, both in the current iteration of the RCMP Act and under Bill C-20, and it simply has been the practice that with some exceptions, most things will be referred back to the policing agency for initial investigation.

Mr. Dane Lloyd: How much time do I have left? I guess I'm done for time. Thank you.

The Chair: Thank you, Mr. Lloyd.

We go now to Mr. Noormohamed for five minutes, please.

Mr. Taleeb Noormohamed: Thank you, Mr. Chair.

I would like to ask about really two big things.

Ms. Jeanes, maybe we can start with you on this. One of the things I've been really curious or concerned about is the notion of third parties being able to file grievances on behalf of individuals who have had difficult experiences. Can you talk a little bit about

why it is often challenging for individuals who have had challenging experiences with the CBSA to be able to do that? Why is this third party piece so important to being able to advance the notion of oversight in a meaningful way?

Ms. Jenny Jeanes: I think that to work with refugee claimants and other vulnerable migrants is to bear witness to the real fear that comes with not having status. I think that this adds a dimension to complaints—possibly some related to the RCMP, but far more to the CBSA—when status is an issue, as is the precariousness of even being in Canada. People who fear for their lives back in their country of origin fear persecution and are trying to get status. They do not want, in most cases, to do anything that is going to jeopardize their safety or rock the boat. They don't necessarily distinguish between the CBSA, the IRCC or the Immigration and Refugee Board. It's all the Government of Canada.

Also, there's the power imbalance, especially when we talk about racialized communities. Seeing authorities in uniform.... Many people who are interacting with the CBSA, especially people seeking refugee status, have fled from state authorities that are violating human rights. That is a significant part of the reason they have come here. Seeing a uniform can, in and of itself, create fear.

People may also not feel like it's worth it if they're being deported. It could jeopardize their only chance to be released from detention just before deportation. What often happens is that people being deported want to arrive in their country in the most minimally obvious way possible so that they don't attract the attention of the authorities. If they do, then they might end up in arbitrary detention. They might end up in interrogation and even being tortured. We hear about these things happening.

I could go on and on about all of the barriers that people face in making complaints about the way that they're treated. Having frontline people like me and our membership being able to support somebody who wants to make a complaint, maybe formulate it in their name with their consent.... I've mentioned a few times today that we need the ability to raise concerns, especially on patterns of behaviour and systemic issues, without people having to name themselves, which can be terrifying. Unfortunately, if we don't allow for this option, most of the most egregious examples will never come to light.

• (1740)

Mr. Taleeb Noormohamed: One thing that I think is important is how we convey this sentiment, particularly....

I think about the experiences of members of my own family, who say that you don't rock the boat and don't upset the authorities, because they can make or break you. I think it is often difficult for people who haven't been in that situation to understand this.

As we think about this, it's also important to make sure that this is done in a way that helps make sure that law enforcement, the RCMP and the CBSA see in themselves a better way to understand these stories and a better way to feel or to appreciate that sentiment. I think that's a really important consideration.

We also have this challenge right now about consent. This notion of filing a complaint with consent versus without consent is really critical. I think we have to make sure that we are not putting people in a situation in which things done on their behalf without their consent may inadvertently jeopardize their cases.

I wonder if you can address those two pieces.

Ms. Jenny Jeanes: The CBSA itself has talked for quite a few years now about the need for culture change at all levels, from frontline enforcement to policy development and management decisions. However, we don't see the culture change coming. Having an independent review mechanism, I think, will make positive changes in terms of that cultural change, especially when there are consequences. As I mentioned before, consequences could be possibly monetary or could be deferring a removal to investigate serious complaints. It's a part of forcing that culture change that in some ways comes but in many cases fails to come.

With regard to consent, I think that we're very alert to the issue of consent. One example that I gave is frontline workers from NGOs, or NGOs themselves, adding examples without names to a named complaint just to show that this is not a one-off situation but a pattern of behaviour. I think that the systemic issue is key. If organizations like the CCR—I'm sorry if I'm repeating myself—are able to formally request a specified activity review, it will help to get around these barriers of individual complaints and consent.

The Chair: Thank you, Mr. Noormohamed.

Unfortunately, the technical issue we had earlier today has resurfaced, so we have to suspend for a few minutes to rectify it.

We are suspended briefly.

• (1740) _____ (Pause) _____

• (1745)

The Chair: We will continue now.

[*Translation*]

Ms. Michaud, you have the floor for two and a half minutes.

Ms. Kristina Michaud: Thank you, Mr. Chair.

Ms. Jeanes, you stated that you were recommending a series of changes. We talked about filing a complaint on behalf of another person or simply about an isolated incident. You also talked about the two-year time frame that you're proposing.

You said that you would like to make other changes, which are in your brief. Can you list a few of them? That will help us in our work. We have a limited amount of time to submit amendments to the committee, so it would be interesting to know what changes you're proposing.

Ms. Jenny Jeanes: Thank you for the question.

We have multiple suggestions. One of them is that the Canada Border Services Agency should adopt an updated and public code of conduct. That's extremely important.

We're also concerned about the commission possibly refusing to handle a complaint when a parallel process is under way. We feel it's very important that the commission be able to handle matters that concern it, but also that it clearly inform the individual of other parallel processes should it refuse, say, to handle a complaint because it falls under another jurisdiction.

As you can imagine, we're extremely concerned about the situation of those in detention who don't all have full access to complaint mechanisms, and about where the agency is going by setting up an online complaint system, because detainees don't have access to the Internet right now. I know that's something they're looking at changing, but right now the online complaint system is kind of a more robust parallel process. The follow-up is not the same at all for complaints made in person or on paper by detainees.

We're also concerned about people detained in provincial institutions rather than at Canada Border Services Agency immigration holding centres, since the commission seems to have limited investigative powers in institutions under provincial jurisdiction.

We provide more details in the executive summary we submitted to you and in our brief, and I also specify some of our recommendations.

• (1750)

The Chair: Thank you, Ms. Jeanes.

[*English*]

Mr. MacGregor, bring us home. You have two and a half minutes.

Mr. Alistair MacGregor: Thank you very much, Mr. Chair.

Mr. Scott, I'll turn to you.

I've done a cursory review of the National Security and Intelligence Review Agency Act, and really, that's a very similar body, right? It has responsibilities to review activities and complaints against our national security and intelligence agencies. Really, the only check on its power to review those agencies is that it is not entitled to a confidence of the Privy Council, but it is entitled to access all documents of all agencies.

However, when you come to the proposed Bill C-20, and especially to clause 19, you see at all the exceptions for the PCRC and the information that it is not allowed to have.

I've heard you comment a few times that you'd like to see this new body have the powers of subpoena, and I think we're at this very special moment in time when we have a golden opportunity to get this right, given the years of evidence we've had. Can you comment on the discrepancies between the existing statute that gives the powers to NSIRA and what's being proposed here? Really, would it hurt if the PCRC had full access to documents, as NSIRA does, if we have this moment in time to get this right? Can you offer some commentary on that idea?

Mr. Michael Scott: Thank you, Mr. Chair, for Mr. MacGregor's excellent question.

You make reference to "national security", and it's true that this is a particular problem in Bill C-20, because in the way it's currently worded, what can be considered a matter of national security is very vague, and if history is any indicator, it is incredibly difficult to get full and transparent disclosure from agencies like the RCMP and the Department of Justice.

In Bill C-20 as it stands now, and as I went through it on a first read, you see that the provisions are drafted in a way that provides a

great deal of opportunity for those agencies to take positions on privilege or redactions. That is a systemic issue, and has been for many years, not just in this process but in many processes involving the RCMP.

We have to be able to get the information required, and certainly there are enough checks and balances within the act to ensure confidentiality and protection of that information, but if we're not going to provide full and frank disclosure to the body, then we can't rely on the decisions they're making.

Mr. Alistair MacGregor: Thank you.

The Chair: Thank you, Mr. MacGregor.

That brings us to a close.

Thank you to our witnesses, Ms. Jeanes and Mr. Scott. I appreciate your time.

With that, we are adjourned.

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