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Chair: Mr. Randeep Sarai



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• (1105)

[*English*]

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

Welcome to meeting number 42 of the House of Commons Standing Committee on Justice and Human Rights.

Pursuant to the order of reference of November 17, 2022, this committee is meeting to begin its study of the supplementary estimates (B) 2022-23 of the Department of Justice. Pursuant to the order of reference of November 23, 2022, we will proceed later today to the study of Bill C-291, an act to amend the Criminal Code and to make consequential amendments to other acts (child sexual abuse material).

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

I would like to make a few comments for the benefit of the witnesses and the members. Please wait until I recognize you by name before speaking. For those participating by video conference, click on the microphone icon to activate your mike. Please mute it when you're not speaking.

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

I would remind you that all comments should be addressed through the chair.

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

For the first hour of this meeting, we will now proceed to supplementary estimates (B) 2022-23 for the following items. We have vote 1b under the Canadian Human Rights Commission, vote 1b under the Courts Administration Service, votes 1b and 5b under the Department of Justice, vote 1b under the Office of the Director of Public Prosecutions and vote 1b under the Registrar of the Supreme Court of Canada.

To present those items, we have with us the honourable David Lametti, Minister of Justice and Attorney General of Canada.

Welcome, Minister.

I would also like to welcome François Daigle, deputy minister of justice and deputy attorney general of Canada; Michael Sousa, senior assistant deputy minister of the policy sector; and Bill Kroll, chief financial officer and assistant deputy minister of the management sector.

I will now give the floor to Minister Lametti to give his statement, and then we will go to a round of questions.

[*Translation*]

Hon. David Lametti (Minister of Justice and Attorney General of Canada): Thank you, Mr. Chair.

I'm glad to be here today for the committee's study of the 2022-23 supplementary estimates (B) of the Department of Justice Canada.

I would like to start by acknowledging that we are located on the traditional territory of the Algonquin Anishinabeg Nation.

[*English*]

I'm joined today, as you said, Mr. Chair, by François Daigle, deputy minister of justice and deputy attorney general of Canada; Michael Sousa, senior assistant deputy minister of the policy sector; and Bill Kroll, chief financial officer and assistant deputy minister. I thank the three of them for being in support of me today.

[*Translation*]

Over the past year, the Department of Justice Canada has continued working to address the tremendous pressures on the justice system.

We have made good progress on the postpandemic recovery, now that the health restrictions have been lifted. We have reduced the backlog of cases before the courts, and we have strengthened the justice system to better support the people affected most. We hope to continue that work through Bill S-4, which is now before you.

[*English*]

We are continuing to support government-wide priorities, such as addressing inequality, systemic racism and discrimination, advancing reconciliation with indigenous peoples and assisting newcomers to Canada and refugees.

The funds we seek in the 2022-23 supplementary estimates (B) will allow us to build on this work by delivering on key commitments to transform our justice system and make sure that it truly focuses on the people whom it serves.

[*Translation*]

In particular, that means ensuring that the justice system is accessible and fair to everyone in Canada, no matter their background, income, beliefs or gender identity.

This work stems from our overarching objective of addressing systemic discrimination and the overrepresentation of indigenous, Black, racialized and marginalized people in the criminal justice system. We have taken an important step this year with the passage of Bill C-5, which includes numerous reforms to make the justice system more fair and equitable.

[*English*]

We are continuing our work together with indigenous peoples to achieve the objectives of the United Nations Declaration on the Rights of Indigenous Peoples and to make progress toward reconciliation.

Let me explain how the supplementary estimates funds will allow us to deliver on these priorities.

First, access to justice is a fundamental Canadian value and an integral part of a fair and just society. A strong legal aid system is one of the pillars that supports Canada's justice system.

[*Translation*]

We are continuing to make investments to address the strain on the legal aid system and to ensure the continued delivery of legal aid in immigration and refugee cases.

This is an essential investment, without which, some legal aid providers might have to stop providing services that vulnerable refugee claimants depend on.

• (1110)

[*English*]

Without proper resources and services we would see delays at the Immigration and Refugee Board and the Federal Court. This in turn would hinder government investments aimed at improving the asylum system's processing capacity.

This funding feeds into the department's work to fulfill the Government of Canada's commitment to addressing systemic racism in Canada.

The supplementary estimates (B) also include funding to support our efforts to address the overrepresentation of indigenous people, Black and racialized Canadians and members of marginalized communities in our justice system. As mentioned, this funding complements our work in other areas, including law reform, improving the diversity of judicial appointments and my mandate commitments to develop an indigenous justice strategy and Canada's first Black justice strategy.

The opioid crisis has laid bare the need for public health solutions to substance abuse rather than criminal penalties.

[*Translation*]

We have seen a growing demand all over the country for court-supervised addictions treatment programs provided by drug treatment courts. In an effort to address those needs, the government allocated \$40.4 million in budget 2021 over five years, beginning in 2021-22, and \$10 million ongoing for the justice department and the Office of the Director of Public Prosecutions.

That includes \$24.5 million over five years starting this year and \$7 million ongoing in contributions funding for the justice department.

[*English*]

These measures will work to support justice for all.

This brings me to our efforts to advance reconciliation with indigenous peoples, which is central to so much of my mandate.

[*Translation*]

A key component of reconciliation is ensuring that the United Nations Declaration on the Rights of Indigenous Peoples is properly implemented, in consultation and co-operation with indigenous peoples.

We are in the process of an extensive distinctions-based process to engage first nations, Inuit and Métis communities to develop an action plan by June 2023.

[*English*]

We are also working with indigenous peoples on an indigenous justice strategy. This past year, our government appointed a special interlocutor for missing children, unmarked graves and burial sites associated with Indian residential schools. The special interlocutor, Ms. Kimberly Murray, will work closely and collaboratively with indigenous leaders, communities, survivors, families and experts to identify needed measures and recommend a new federal legal framework to ensure the respectful and culturally appropriate treatment and protection of unmarked graves and burial sites of children at former residential schools.

We are also supporting Indigenous Services Canada and Crown-Indigenous Relations and Northern Affairs Canada in their work to implement an Act respecting First Nations, Inuit and Métis children, youth and families, which came into force on January 1, 2020.

[*Translation*]

Accordingly, Justice Canada is requesting \$510,000 in supplementary estimates (B) to enhance the department's capacity to provide expert legal advice on interpretation and implementation issues related to section 35 of the Constitution Act, 1982.

We expect that this additional funding will be essential over a period of five years given the national scope of the legal issues, the extent of their impact and their newness.

In short, Mr. Chair, the funding requested through supplementary estimates (B) will enable the Department of Justice Canada to continue playing an essential role in building a robust, equitable and effective justice system that protects Canadians, their rights and their communities.

[English]

Thank you for your time.

I am now happy to take your questions.

The Chair: Thank you, Mr. Lametti.

We will go to our first round of questions, beginning with a round of six minutes with Mr. Moore.

Hon. Rob Moore (Fundy Royal, CPC): Thank you Mr. Chair, and thank you, Minister, for being here today, as well as your officials.

I have a few questions.

We're seeing...kind of ripped from the headlines as of late. You were here before at this committee on Bill C-7, discussing medical assistance in dying. As you know, the bill that you had brought forward before was amended by the Senate to include those suffering with mental illness. As of March 17, 2023, those individuals will be eligible for MAID.

The amendment for that, quite frankly, surprised us at this committee—I think on all sides—because this was considered under Bill C-7. When you, yourself, spoke in the House in February 2021, you said that you “do not believe that we are fully prepared to safely proceed with the provision of MAID on the ground of mental illness alone”.

Now, we see in the headlines multiple instances—very disturbing ones—of individuals who have served our country, the Canadian Armed Forces veterans, being offered medical assistance in dying when they reach out for help, perhaps with post-traumatic stress disorder or some other challenge they're facing. Canadians are shocked and alarmed by this.

My question for you, Minister, is the following. We know that the RCMP is getting involved in this. Clearly, under our current system, vulnerable Canadians are not being sufficiently protected when it comes to medical assistance in dying. In light of this looming deadline of March 17, 2023, when MAID will be further expanded, are you willing to put the brakes on that expansion until we get some guidelines in place that clearly protect vulnerable Canadians—not only members of the Canadian Armed Forces and veterans, but all vulnerable Canadians suffering with mental illness?

● (1115)

Hon. David Lametti: Thank you, Mr. Moore. That's an important question. You and I have both been through the committee process on Bill C-7. I appreciate the work that we've all done on that.

Let me say, first of all, that if someone is suffering from a mental disorder, there is help. People should reach out for help. That is critically important to underline at the outset.

The current MAID regime contains balances within it. Those reports are troubling to me. It is up to the medical profession to ensure that those standards are met. It's up to the medical profession to underline that MAID is about individual choice for people who qualify under the criteria that are there. That's something that needs to be underlined, because it seems that in some of the reports that has been downplayed.

I underscore that when those criteria are not met, and the regime has not been followed, there's a criminal act there. Then it's up to the police to investigate.

A great deal of work has been done on mental illness since I made that statement in 2021. The expert committee has come up with a report and a set of guidelines. A great deal of work has been done at the federal and provincial levels to ensure that for the vast majority of cases—and I underscore “minority of cases”—where, according to those guidelines that are being developed through the expert committee, someone might be eligible for MAID solely with the condition of mental disorder, those safeguards will be in place.

I understand the concerns, and I understand that the concerns would change. I'm committed to continue to work with all of you to improve those standards as we move forward, to improve the communication of those standards so that we have clarity, and to work with provinces to ensure that they have the appropriate supports in place to make these provisions operational.

Hon. Rob Moore: Thank you, Minister.

I think the challenge Canadians are seeing here is that, by and large, health care within our country is controlled by the individual provinces. We've heard warnings even as recently...

Minister, the Association of Chairs of Psychiatry in Canada has called for your government to delay the expansion of MAID for those suffering from mental illness. They've issued a letter saying the following:

Further time is required to increase awareness of this change and establish guidelines and standards to which...patients and the public can turn...for more education and information.

That's as well as doctors' concern.

Here's the concern. At the federal level, these changes are being brought into our Criminal Code. We're saying that enough work has happened, when so clearly even our own house.... These were federal employees of the Department of Veterans Affairs who were offering MAID to veterans. This is a case of not only the provinces and professionals not being ready for this, according to the Association of Chairs of Psychiatry, but also the federal government itself not seeming to know what it's doing, when we have seemingly random people offering assisted death to struggling veterans.

This is December. March is quickly approaching. This government and this entire regime are not ready.

So, Minister, I guess my plea to you on behalf of many Canadians who are calling out to put the brakes on this, including doctors and those suffering with mental illness and the disability community, is that you strongly consider that.

● (1120)

The Chair: Please be very quick, Minister. You have 10 seconds.

Hon. David Lametti: Thank you, Mr. Moore. I appreciate that your question comes from a very good place.

We have put a great deal of resources into the system, but we will continue to monitor your concerns and the concerns that are being raised by Canadians in a variety of different professional spheres, and we'll continue to do that as we move forward.

The Chair: Thank you.

Thank you, Mr. Moore.

We'll now go to Ms. Dhillon for six minutes.

[*Translation*]

Ms. Anju Dhillon (Dorval—Lachine—LaSalle, Lib.): Good morning, Minister. Thank you to you and your officials for being here today.

My first question has to do with Bill C-5, which received royal assent on November 17, 2022. Can you tell us how the bill will ensure that Canadians are treated fairly and equitably within our criminal justice system?

Hon. David Lametti: Thank you for your question, Ms. Dhillon.

It's a historic bill, in my view, one that will really change our approach to non-violent crimes and offences that do not involve a risk to the public or public safety.

It will help us tackle the over-incarceration of Black, racialized and indigenous individuals, by giving judges back discretion over sentencing to ensure that sentences are fair and equitable, and by providing for other types of sentences and rehabilitation.

In British Columbia, we just invested in indigenous-led community justice centres. Indigenous people will have the ability to fully oversee the approach to justice, with a view to reducing recidivism rates and helping communities heal and move forward.

Bill C-5 does that in part through diversion measures, whereby people are referred to the health and other services they need to address the root causes of their problems. This is very important legislation that I think will shape the future of justice.

Ms. Anju Dhillon: I will follow up on your comments.

How will Bill C-5 facilitate rehabilitation for those charged with drug possession?

Hon. David Lametti: By default, the basic principle is not to subject the person to the penal system. Since the real problem is one of addiction, health or mental health, the person should instead be redirected to the supports needed to address the root of the problem.

The bill gives flexibility not only to the judge, but to the police and prosecutor, allowing them to look at other avenues than the

criminal system. It has to take into account the investments made in health, mental health, housing and other social aspects to better manage the person. We must also take into account the investments in Gladue reports, which provide more context for indigenous people and also for black people at the time of sentencing. Finally, we need to consider investments in programs that provide support to people after they are sentenced.

This is therefore a holistic process that will better frame and protect individuals and communities.

● (1125)

Ms. Anju Dhillon: Thank you, Minister.

I want to come back to a long-neglected issue that you have addressed in your recent announcements, the overrepresentation of indigenous, Black or racialized communities. This is a really important issue that has been on your mind for months.

Can you tell us about any initiatives the federal government has taken on this issue?

Hon. David Lametti: Thank you for your question.

Bill C-5 is one element to address this overrepresentation. Working with indigenous leaders across the country, who are doing much of the work, we are developing an indigenous justice strategy, which we expect to see the results of, that will target the very important issue of overrepresentation of indigenous people in the criminal justice system.

We also believe that the reconstitution of the Law Reform Commission of Canada will allow the commission to explore or further develop other avenues to combat this problem. We would also like to see the creation of a commission on miscarriages of justice, which disproportionately affect indigenous and racialized people.

We are using other measures and investing in community justice centres across Canada to find grassroots solutions.

Ms. Anju Dhillon: Thank you very much, Minister.

[*English*]

The Chair: Thank you, Ms. Dhillon.

Now we will go to Mr. Fortin for six minutes.

[*Translation*]

Mr. René Villemure (Trois-Rivières, BQ): Mr. Chair, I am replacing Mr. Fortin and will do my best.

Thank you very much for being here this morning, Minister.

The Bloc Québécois is always very concerned about safety. So I would like to talk to you about our Bill C-279, which seeks to amend the definition of a criminal organization to include any group composed of three or more persons in Canada or abroad, where one of the main purposes or activities of said group is to commit or facilitate one or more serious offences, and that is a criminal entity listed on the recommendation of the Minister of Public Safety on the new list that the bill would establish in section 467.101 of the Criminal Code. This new list would link the criminal entity to any individual claiming to be a member.

Will you support our Bill C-279?

Hon. David Lametti: Every private member's bill has to be considered. I will do so with Minister Mendicino who, if I'm not mistaken, will be the person responsible for representing our position.

Out of respect for my colleague and the process, I'm not in a position to tell you today when our government will take a public position on this.

Mr. René Villemure: Thank you very much.

You're the Attorney General. I would like to know what you think about the increase in crime by street gangs, for example in Montreal. We see all the problems that this creates. What are your concerns about this?

Hon. David Lametti: As a Montreal MP and as Minister of Justice and Attorney General, I am concerned about this complex issue.

We must work with the provinces, including Quebec, with the police forces and with other countries and their police forces. We also have to try to get to the root of the problem.

It's a very complex issue with no simple solution. I'm committed to working with my colleagues and any province to find solutions.

● (1130)

Mr. René Villemure: Thank you very much.

I like to hear you say that you want to address the root of the problem. That's the only thing to do.

Are there laws in other countries that could be used as a model for establishing membership in a criminal group?

Hon. David Lametti: In principle, yes, we should look at how other countries are approaching this. As Minister of Justice, I would have a role to play in that.

However, the fight against organized crime is more the responsibility of the Department of Public Safety and Emergency Preparedness. I therefore support Minister Mendicino in his efforts.

Mr. René Villemure: The Department of Public Safety and Emergency Preparedness is definitely responsible for focusing on the fight against crime. However, as Minister of Justice, given the rise in gun crimes and the increase in the number of criminal groups, you must reflect on this issue, and I'm sure that you share our concerns about it.

Hon. David Lametti: Yes, that's what I just answered to your question. I'm working hand in hand with the Minister of Public Safety and Emergency Preparedness, and I'll continue to do so.

Mr. René Villemure: Thank you very much.

I'd like to move on to another topic, if I may. I'd like you to elaborate on the judicial selection process. Over the years, we've heard a lot of things, left and right, but I'd like your thoughts on this issue.

Hon. David Lametti: We introduced a system in 2016 to make the process more transparent, and I think we've been very successful.

We're looking for quality and diversity, and not one at the expense of the other. I think we've achieved that. We have advisory committees across Canada, including two in Quebec, one in the east and one in the west. Representation is important.

Some candidates are chosen by Quebec, others by community members, lawyers and the Minister of Justice. We review applications. We created an online form, which we revised in 2022 in response to feedback from participants, who are not all lawyers.

Mr. René Villemure: What is the profile?

Hon. David Lametti: There is no profile. We look for diversity. Some people are selected by us, others by the provinces. There is diversity within the advisory committees. These committees can do three things: recommend a candidate, not recommend a candidate, or strongly recommend a candidate.

Selected files come to my office, and we consult with the chief justices about their needs, whether they want criminal lawyers, for example, or whether they want experts in other areas, such as family law, which is very important for superior courts.

So we make sure to respect diversity and quality criteria.

[English]

The Chair: Thank you, Mr. Villemure.

Next we'll go to Mr. Bachrach for six minutes, who is filling in for Mr. Garrison.

● (1135)

Mr. Taylor Bachrach (Skeena—Bulkley Valley, NDP): Thank you very much, Mr. Chair.

I appreciate the opportunity, Minister, to ask a couple of questions and follow up on our exchange in the House about two weeks ago concerning federal bail reform.

I'll preface my questions by saying that we absolutely support the goal of reducing the overrepresentation of indigenous, Black and racialized people in the criminal justice system. I think that's something that you know. I know that was part of the impetus for Bill C-75—which was passed into law in 2019—as was direction from the Supreme Court.

However, what we're seeing in our communities.... I represent northwest B.C. These are small communities. These aren't the big urban centres of Canada. The largest community is about 13,000 people. What we're seeing in terms of an uptick in crime, both property crime and violent crime, is very concerning to community leaders, to residents and to business owners.

In communities like Terrace, we're seeing a really troubling incident rate of a wide variety of street disorder and property crime. Businesses tell me that people are coming in off the street and are taking merchandise with, seemingly, no consequences. People don't feel safe in their own communities. I'm sure that's something that concerns you as much as it does me.

Now, when communities have gone to the provincial government and expressed their concerns—and to its credit, the provincial government has taken a number of steps; I'm sure you're familiar with these: increasing mental health resources, investing in law enforcement and such—the province has also come back to municipalities and pointed towards federal legislation as being part of the problem. Specifically, they've pointed to the need for reforms to federal bail law.

Now I know this was a message that the attorneys general delivered to you in Halifax during the meeting of federal, provincial and territorial leaders. I'm curious as to what degree you agree with the provinces' assessment of the problem. If so, what kinds of bail reforms might be possible?

Hon. David Lametti: Thank you, Mr. Bachrach, for that question. You have big shoes to fill, and you're doing it ably.

Bill C-75 was an important bill with respect to bail reform. It was meant to tackle not only overrepresentation but also inefficiencies within the criminal justice system, and it was developed largely with the provinces. At the time, there was a great deal of consultation with the provinces in order to reach a number of different suggested reforms and to implement them. That implementation process is still happening.

I am sensitive to the very real concerns that I've heard from you and from others—not just in British Columbia but in other places—about the challenges associated with bail reform. We're certainly there to work with the provinces. A number of provinces, like B.C., have taken steps to try to attack the problem as you have raised it.

It's certainly not uniquely a problem with Bill C-75. To the extent that Bill C-75 and the reforms or their implementation—or perhaps their non-implementation in certain cases—might be a factor, we've engaged to look at that. We have tasked our deputy ministers, federal and provincial—we did that in Halifax—in order to get some more facts out and to get more detail on the problem. When that comes back, I'm always willing to work....

I promised this to Minister Rankin, and I extend that same promise to any provincial attorney general or minister of justice: to work with them in order to find solutions. At this stage, we're still gathering facts to understand the complexity of the problem, but I'm willing to work in good faith to try to resolve it.

Mr. Taylor Bachrach: Minister, the new premier of British Columbia, David Eby, was quoted in the media as saying, “Rule

changes were made with the best of intentions, but have had negative impacts on communities.”

My question is whether you agree with him.

Hon. David Lametti: Well, we're studying that. We need more facts. I had a great working relationship with Minister Eby when he was Attorney General of British Columbia, and I hope that relationship will continue now that he's taken on a new role.

It is something that we need to look at more and get.... These are very complex problems. They vary from place to place. We only recently implemented Bill C-75. I think we need to study the problem a little more carefully, but I'm certainly willing.... If Bill C-75 is part of the problem, I'm willing to work in good faith to try to identify ways to fix it.

• (1140)

Mr. Taylor Bachrach: Minister, I think, for people who have been affected by this rising crime in communities, hearing that there's a study being done and that a subcommittee's been struck probably doesn't provide them with much comfort that it's being taken seriously or that there's a sense of urgency behind that work.

Could you speak to the timeline for your deputies reporting back to you? How will the results of their work be made public to people in communities across the country?

Hon. David Lametti: Let me say that the sense of urgency is there. I would caution, before doing anything without a better basis in fact.... I think it's just a general rule for good policy to get the facts and then move from there.

I'll let my deputy minister, who has been tasked with this, to speak more about the mechanics.

Mr. François Daigle (Deputy Minister of Justice and Deputy Attorney General of Canada, Department of Justice): We've had four federal-provincial-territorial meetings of what we call our CC-SO, our committee of senior officers. They are the criminal law specialists across the country in every province and territory.

We have started by looking at what the data tells us where the problem is. We're expecting to get a report out to deputies by the end of this calendar year, in December, and then we'll develop some advice in the new year for ministers before they make some decisions about how to go forward. At that point, reports will be made public.

Mr. Taylor Bachrach: Thank you to both of you.

Thank you, Mr. Chair.

The Chair: Thank you, Mr. Bachrach.

We'll conclude our round of questions there. It's 11:40, and we'll try to get the votes in for the supplementary estimates. Then we'll be doing Bill C-291.

If we're okay, I will now call for vote 1b under the Canadian Human Rights Commission. Is there any discussion on the vote?

Mr. Frank Caputo (Kamloops—Thompson—Cariboo, CPC): I'm sorry, Mr. Chair. Are we finished the round of questions? I understand that we're prepared to move fairly quickly on the issue of estimates. Will there be no further questions of the minister?

The Chair: Yes, that's what I was trying to say. We did one round, so I was not going to go for another round of questions, because we have about 18 minutes left for the first hour, and we can get to your bill in the second hour.

Mr. Gary Anandasangaree (Scarborough—Rouge Park, Lib.): Mr. Chair, may I suggest that a reduced time slot may be appropriate? I do think another round may be warranted in this case, because we do have a few more minutes to go.

The Chair: If it's the will of the committee, we can go. I'll just reduce it to maybe three minutes, if that's okay, for the next round. Are we okay?

Some hon. members: Agreed.

Mr. Frank Caputo: Thank you.

I thank my colleague and friend, Mr. Anandasangaree, for that.

Minister, I know we just talked about bail. I do have Bill C-274—and, for Mr. Bachrach's reference, that is a bill on bail that would target only the most serious of offenders.

Minister, have you reviewed that bill?

Hon. David Lametti: As in my answer to Mr. Villemure on the same kind of question, all private members' bills are reviewed in a process that follows their sequence in the Order Paper, and according to the minister.

The Minister of Justice has a lot of private members' bills for reasons that I think are often—

Mr. Frank Caputo: I take your point. You haven't.

Hon. David Lametti: I won't say it publicly. We have begun thinking about it, but I won't say it publicly.

Mr. Frank Caputo: Thank you.

You are very masterful with your words, so I'm going to follow up on Mr. Moore's question with a yes or no.

Am I to take your comments to Mr. Moore about MAID and the proposed changes to it that are coming in March that you will not be putting the brakes on those changes? Is that a yes or no?

Hon. David Lametti: In good policy, there's very rarely a yes-or-no answer, Mr. Caputo, as much as I appreciate the sincerity of the question. We are listening. I'm listening to you as we speak, but I'm also listening to others whom Mr. Moore has referred to in his questions—other expert groups and stakeholders. I'm also listening to other colleagues in the House of Commons, and we'll work in good faith to make sure that Canadians are ready for mental disorder to be a sole criterion for seeking MAID. That is how I would frame the answer at this point.

• (1145)

Mr. Frank Caputo: Minister, I can only tell you that I can speak for my constituents and the resounding, unabated communications I've had from them are a “no” to this question.

I ask that you do take that back to your people and into your consideration.

Hon. David Lametti: I take that very seriously. Thank you.

Mr. Frank Caputo: Thank you.

Moving forward, you said in your opening statement that you are dealing most with suiting our justice system to those most affected.

Some of those who are most affected, in my view, are victims and victims of sexual offences. I haven't seen anything from the Liberal government here that has addressed sexual offences. I don't know of any bill.

Do you know of any bill that has addressed sexual offences here in the last few years?

Hon. David Lametti: Well, there's Bill C-75 to a large extent, in terms of sexual offences in the area of conjugal violence and even changing the pleading balances.

We've also invested a great deal, Mr. Caputo, in services for victims of sexual assault and sexual violence. We've been investing in the kinds of organizations that help those victims on the ground. We're doing a great deal of that. We use the victims fund precisely to do that.

I can come back to you with the actual investments we've made. I have said them publicly before. There have been a great deal.

Mr. Frank Caputo: My wife works in this area, so I know a little bit about it.

My point is this: At this point, robbery, which is the taking of property by force, is treated more seriously from a sentencing perspective than sexual assault. One has a sentence of life imprisonment and the other has a 10-year maximum sentence. One of these offences is taking away sexual dignity and inviolability.

Will you commit here and now to addressing that imbalance where we treat the taking of property more seriously than the sexual assault of children and adults? Will you commit here today to addressing that?

Hon. David Lametti: I'm committed to improving the criminal justice system. This is an area that has been identified. You and others have identified it as a way to move forward.

I've committed to studying your private member's bill, and we have made a great number of investments, as I've just said, in order to help victims. Bill C-75 was also a step forward. I think you would agree in that regard. I'll continue to work in good faith with you and with others to address these kinds of questions in our criminal justice system.

Mr. Frank Caputo: Thank you, Minister.

The Chair: Thank you.

Thank you, Mr. Caputo.

We'll go to Madame Brière for four minutes. *[Inaudible—Editor]* four-minute round here.

[Translation]

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

Good morning, Mr. Minister.

There is a lot of talk about Bill C-5. We know that the opioid and overdose crisis is complex. It's important to have a diverse approach in order to respond well. I think Bill C-5 does just that.

Supplementary estimates (B), 2022-23, provide \$3.5 million to support new detox programs that are supervised by drug treatment courts in Canada and to expand existing programs. Funding is also provided for the Office of the Director of Public Prosecutions.

Can you provide us with a little more detail on these new programs?

Hon. David Lametti: Yes, I'd be happy to. Thank you for your question, dear colleague.

These are programs that work very well and that support people who help the victims and society in general. We are working on this matter with the provinces, including Quebec, which is an excellent example. In fact, specialized drug courts are currently active there or are in the process of being set up.

It's the provinces that administer justice and health in their jurisdictions. My mandate letter is designed to support the provinces' efforts with funding, which we are doing. We also support other programs and organizations.

The money for the Office of the Director of Public Prosecutions is used for training and to increase its flexibility, because part of Bill C-5 is diversion. Their staff had already begun the process, and we have framed it with Bill C-5. We therefore support it so that it goes in the right direction.

• (1150)

Mrs. Élisabeth Brière: Could you tell us a little bit about the steps involved in implementing the United Nations Declaration on the Rights of Indigenous Peoples Act and how that legislation can advance the implementation of the declaration?

Hon. David Lametti: Thank you for that very important question.

This takes a lot of my time. Working with indigenous leaders across Canada, we are developing an action plan to implement the declaration. We would like a draft of this action plan to be made

public in early 2023, since the deadline for submitting the plan is June 2023. So we are working hard.

This deadline was suggested by indigenous leaders two years ago. Making the draft plan public will help focus the comments and suggestions that will come from it, and frame the discussions that will follow. We are moving forward and working hard. This is a very serious issue for all of us, but especially for indigenous peoples. We hope to have an action plan in place next June.

Mrs. Élisabeth Brière: Thank you very much.

[English]

The Chair: Thank you, Ms. Brière.

Next we'll go for two two-minute rounds, beginning with Mr. Villemure for the Bloc.

[Translation]

Mr. René Villemure (Trois-Rivières, BQ): Thank you very much, Mr. Chair.

Mr. Minister, you made my mouth water earlier when you talked about diversity and quality in the criteria for appointing judges.

On the one hand, I would like you to reassure me that when we talk about diversity, we don't want to reduce it to diversity of identity or community. Tell me that diversity is broader than that.

On the other hand, given the changes in society, have you considered appointing ethicists, demographers or sociologists, people from the social sciences and humanities, as members of these advisory committees, in order to round out the perspective and help understand the changing world?

Hon. David Lametti: In each case, we select seven or eight people. We get input from a number of people across Canada, and I think it works very well, and transparently. We've already made more than 570 appointments across the country since 2016, and I'm proud of the quality and diversity of the people we've appointed.

The chief justices of the superior courts are also very pleased with the quality and diversity of these individuals. Last Thursday, I was at the swearing-in ceremony in Montreal of the new Chief Justice of the Superior Court of Quebec. The positive feedback on the appointments we've made in Quebec has been remarkable, so I am very pleased and very proud.

Mr. René Villemure: In a few seconds, could you tell us whether there is some diversity of perspectives among the people who conduct the selection process or whether they are only among legal experts?

Hon. David Lametti: The vast majority of them, of course, are legal experts. However, the people we have appointed to these committees have different perspectives.

Mr. René Villemure: Thank you very much.

[English]

The Chair: Thank you, Monsieur Villemure.

Now we'll go to Mr. Garrison for two minutes. I see that he's back.

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

Thank you to the minister for being here today.

I know you're well aware that we're in the midst of the international campaign of 16 days of activism against gender-based violence. That began on November 25 with the International Day for the Elimination of Violence Against Women. It encompasses tomorrow, which is our own National Day of Remembrance and Action on Violence Against Women, when we're called upon to remember the mass shooting at Polytechnique Montréal.

Mr. Minister, twice, the justice committee has unanimously recommended that the government bring forward legislation to make coercive and controlling behaviour in intimate partner relationships a criminal offence. Two years ago, I introduced a bill to do so, which would recognize that coercive and controlling behaviour is a form of violence, and allow victims to get assistance from the legal system at an earlier point, before there's physical violence.

Frankly, Mr. Minister, your government's response on this has been disappointing. My question is very direct. Let me ask you this.

Can we expect such legislation in this Parliament?

• (1155)

Hon. David Lametti: Thank you, Mr. Garrison, for all of your work on this. I'm aware of not only your work but also the work that the two committees have done.

I have committed to you personally and publicly that I would work on this with you, and I will do that.

Mr. Randall Garrison: Thank you, Mr. Chair.

The Chair: Thank you, Mr. Garrison.

That concludes our rounds of questions on the supplementary estimates.

I apologize, ladies and gentlemen. I thought I might have needed more time. That's why I originally ended the rounds earlier, but it looks like we were pretty efficient.

I will go to the votes.

I will need the clerk's assistance on this, as best as he can, because I can't see you guys there.

CANADIAN HUMAN RIGHTS COMMISSION

Vote 1b—Program expenditures.....898,286

(Vote 1b agreed to)

The Chair: Before I go to the next one, I want to thank Minister Lametti and all of the experts who came and appeared today.

Thank you for your time. I appreciate your commitment to ensuring that we get all of the information on supplementary budgets.

COURTS ADMINISTRATION SERVICE

Vote 1b—Program expenditures.....4,014,074

(Vote 1b agreed to on division)

The Chair: I now call on vote 1b under the Department of Justice.

Is there any discussion on this vote?

Hon. Rob Moore: Yes, Mr. Chair.

The Chair: Go ahead, Mr. Moore.

Hon. Rob Moore: I'm wondering if Gary can give us a detailed analysis and breakdown of this particular vote.

Looking at the clock, maybe we'll just go right to the vote.

Some hon. members: Oh, oh!

Mr. Gary Anandasangaree: It would take me an hour.

The Chair: Shall votes 1b and 5b under the Department of Justice carry?

DEPARTMENT OF JUSTICE

Vote 1b—Operating expenditures.....413,591

Vote 5b—Grants and contributions.....47,150,028

(Votes 1b and 5b agreed to on division)

OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

Vote 1b—Program expenditures.....6,728,028

(Vote 1b agreed to on division)

REGISTRAR OF THE SUPREME COURT OF CANADA

Vote 1b—Program expenditures.....3,419,692

(Vote 1b agreed to on division)

The Chair: Shall the chair report supplementary estimates (B) 2022-23 with vote 1b under the Canadian Human Rights Commission, vote 1b under Courts Administration Service, votes 1b and 5b under the Department of Justice, vote 1b under the Office of the Director of Public Prosecutions and vote 1b under the Registrar of the Supreme Court of Canada to the House?

Some hon. members: Agreed.

An hon. member: On division.

The Chair: Thank you.

We're done on that part.

I will now suspend for a few minutes to allow our witnesses to come to the table for our next item of business.

I will suspend and the clerk will advise me when we are ready for that. Thank you.

• (1200)

(Pause)

• (1200)

The Chair: Pursuant to the order of reference of November 23, 2022, we will now proceed to the study of Bill C-291, An Act to amend the Criminal Code and to make consequential amendments to other acts (child sexual abuse material).

I'd like to welcome the sponsors of the bill, Mel Arnold, the member for North Okanagan—Shuswap, and Mr. Frank Caputo, the member for Kamloops—Thompson—Cariboo.

For the first hour, I will allow five minutes of presentation by the sponsors, followed by questions from the members. The last 30 minutes will be devoted to the clause-by-clause study of the bill.

I'll begin with Mr. Arnold for five minutes.

• (1205)

Mr. Mel Arnold (North Okanagan—Shuswap, CPC): Thank you, Chair.

It's an honour to be speaking here for the first time [*Technical difficulty—Editor*] an act to amend the Criminal Code and make consequential amendments to other acts.

At the outset, I would like to express my thanks to the honourable member for Kamloops—Thompson—Cariboo, Mr. Caputo, who is a full-time member on this committee and who was central in the conception and drafting of this bill. The honourable member's experience as a crown prosecutor has afforded him insight into how we, as parliamentarians, can strengthen our federal statutes to enhance the protection of Canadians, especially children, and I thank him for his work on this bill.

As I stated in the second reading debate, I believe it is essential that the Criminal Code of Canada contain terms that accurately describe prohibited activities. I also believe that the code's use of the term “child pornography” is a misnomer in that it fails to accurately describe prohibited activities.

What the Criminal Code currently calls child pornography is more severe than pornography, because it involves children, it is not consensual, it is exploitative and it's abusive, and the Criminal Code should clearly reflect these realities.

Mr. Chair, the Criminal Code of Canada contains many elements, including essential elements that define, prohibit, deter and penalize criminal activities. Bill C-291 does not propose any amendments to definitions, prohibitions or penalties. It clearly and succinctly proposes to change the term “child pornography” to “child sexual abuse material”.

As Mr. Anandasangaree correctly noted in the second reading debate of this bill, the intent of the bill:

...is not to change the definition. Rather, it is to more accurately reflect the definition in the name. Courts should not change their interpretation of the law based on the change in title.

At second reading, Mr. Savard-Tremblay astutely noted that:

By calling it “child sexual abuse material”, we do two things: We name the abuse that the child suffered, and we also describe the accused as a sexual abuser of children.

Mr. Savard-Tremblay also noted that:

It puts things into perspective: There is a victim of abuse in a crime involving child pornography, and there is a person sexually abusing children.

I also acknowledge Mr. Garrison, and thank him for his comments at second reading, in which he highlighted the need for enforcement resources—especially for the specialized law enforce-

ment units that “work so hard” to combat child abuse and exploitation—and “improvements to services and supports for survivors”.

I agree with all of these points and thank those who participated in the second reading debate and voted to move this bill forward quickly to today's examination here at committee.

Child sexual abuse material is a growing problem in Canada, and Canadians look to us, their elected representatives, to take the steps—big and small—that are required to deal with the problems like sexual abuse and the exploitation of children.

I would like to acknowledge today the response and support received from the Canadian Centre for Child Protection Inc. and Ratanak International, which have supported the movement of this bill.

I'd like to thank the committee for taking time out of their busy schedule to examine the bill. I look forward to your questions.

Thank you, Mr. Chair.

The Chair: Mr. Caputo, would you like to add anything, or do you want to go to the round of questions?

Mr. Frank Caputo: Could I have about 60 seconds, please, Mr. Chair? Is that permissible?

• (1210)

The Chair: Sure, absolutely.

Mr. Frank Caputo: Thank you, Mr. Chair.

Thank you, members of the committee. It's truly a profound honour to be here before you today. This is, as most of you know, my first time being elected for anything—my first time, obviously, being elected to Parliament. I stood on the doorways of people in my riding, Kamloops—Thompson—Cariboo, and I said that one of the reasons I want to go to Parliament is to address how we as Canadians, as parliamentarians, deal with sexual offences against children.

In my former life, I focused on this area professionally. It always really bothered me that we call child pornography what it is. It is actually child sexual abuse material. Children cannot consent, period, full stop. We need to stop equating what happens to children with what occurs between consenting adults.

That's why pornography is a misnomer. It is a pleasure and an honour to be here today to discuss this. I urge Parliament and the Senate to pass this legislation on third reading, and on review in the Senate, expeditiously.

Thank you.

The Chair: Thank you.

I'll go to the first round of questions. For some reason, I cannot find my list of questioners—the order format. I will ask my wonderful clerk to assist me in that regard and advise me who our first... Is it Mr. Moore, or someone else from the Conservatives?

The Clerk: We have Mr. Brock, Mr. Chair.

The Chair: Mr. Brock, it's over to you for six minutes. I'll keep this efficient. We'll try to do just one round with everyone.

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

Thank you, and good afternoon, colleagues. Thank you so much for sponsoring this important bill.

I listened very carefully, Mr. Arnold, to your words. I want to thank you for giving up your opportunity to pursue your own private member's bill to support Mr. Caputo's bid to raise this important issue.

It's over to you, Mr. Caputo. I understand that you're a former Crown attorney. You've justified your motivation in bringing this bill to the attention that it deserves. I applaud you for your motivation.

I want to ask you if you could perhaps provide a little more colour. This will go, in my view, a small way in terms of addressing the worldwide phenomena known as abusing children and exploiting children. Sadly—and I think you'll acknowledge this—this particular bill will not, unfortunately, address the penalties for these types of individuals who have an insatiable appetite for the abuse of children.

Can you, perhaps, provide some commentary as to how the current Liberal government's failures in terms of advancing other key pieces of legislative change...and how you feel that we need to do more as a nation to set an example?

I recall your example to the minister about equating robbery offences, where a lifetime penalty will include a lifetime period in jail...versus the sexual abuse of minors and adults. Perhaps you can shed some light on that for me, please.

Mr. Frank Caputo: Thank you, Mr. Brock, for your question. That's very true. We have to realize that children themselves who are victims of sexual abuse are often placed in a psychological prison for life. Our penalties, in my view, should reflect the fact that children are not only harmed; they are being continually harmed.

In this type of offence, for the possession of child sexual abuse and exploitation material, they are victimized each and every time somebody downloads it, somebody watches it, somebody accesses it or somebody distributes it. We cannot overlook this. The abuse itself happens once, but it is perpetuated each and every time somebody accesses those things. The mandatory minimums passed by the Harper government were struck down, and at this point I am trying to express to the minister the disappointment with the Liberal government that it hasn't acted.

Right now, if you sexually assault an adult, the penalty is 10 years for taking their sexual dignity, inviolability and consent by force. Sexual interference—that is, a sexual offence against a child who is incapable of consent by law—has a maximum sentence of

14 years. Robbery, which is the taking of property from somebody by force, has a maximum sentence of life imprisonment. We treat the taking of property more seriously than we do the taking of somebody's dignity and consent. If you were to ask people, "Would you rather be the victim of a robbery or the victim of a sexual assault?", I can tell you that 99%, maybe 100%, would say, "I will take the robbery any day."

It is time we start addressing the issue of sexual offences, particularly sexual offences against children, with the seriousness it deserves. This bill is the first step that I will undertake. I have another private member's bill on this, Bill C-299. I thank Mr. Arnold for running with this with such vigour. I appreciate all he has done with that.

Thank you.

● (1215)

Mr. Larry Brock: Thank you, gentlemen.

Mr. Arnold, you mentioned in your opening statement that a number of organizations supported this particular bill. Can you perhaps provide a little more colour on what particular groups were consulted and what input they had in the drafting of this bill?

Mr. Mel Arnold: Thank you, Mr. Brock, for that question.

I give much of the credit for a lot of the early drafting of this bill to Mr. Caputo, through his experience on this. Recently, since this bill started moving through the process, we reached out further to organizations that have dealt with child sexual abuse, child trafficking or human trafficking. The results of those inquiries are still coming in. We did receive a response from the Canadian Centre for Child Protection. They are supportive of this bill. They recognize that this is a small piece that we can do to move our laws in Canada forward.

As you know, and as many of us as members know, in Parliament private members' bills can take only incremental steps, not the way government can. We hope this bill will send a signal to government, through the support it's received in the unanimous consent in the House and support from stakeholders who continue to come in behind us in supporting this bill, that we need to make changes to our laws to better protect Canada's most vulnerable—Canada's children.

The Chair: Thank you, Mr. Brock.

Mr. Naqvi, you have five minutes.

Mr. Yasir Naqvi (Ottawa Centre, Lib.): Let me start by thanking and congratulating both members in front of us.

Mr. Arnold and Mr. Caputo, thank you for your important work and for the passion you bring to an extremely important issue that is of concern to every single one of us from all sides of the aisle. Protecting the vulnerable is our number one job, and the children among us are perhaps the most vulnerable people in our society. Anything we can do to work together, as we are doing so well here on this particular bill, will go a long way.

Mr. Caputo, this is just for personal interest. I know that you were a prosecutor. How long did you practise as a prosecutor?

Mr. Frank Caputo: I was a federal prosecutor for approximately two years. I prosecuted with the provincial Crown in this area for approximately 10 years. I also taught at Thompson Rivers University in the faculty of law, on my own and with the Honourable Judge Gregory Koturbash in advanced criminal law and sentencing, for three or four years.

Mr. Yasir Naqvi: Thank you. I appreciate that.

We know how long Mr. Brock has been a prosecutor. I just want to make sure we have on the record your career as well. I think it's important.

Some hon. members: Oh, oh!

Mr. Yasir Naqvi: I don't know why everybody is laughing.

My question is a serious one. This bill is purporting to make one important change: to replace the term “child pornography” with “child sexual abuse material”. That's an important change. I'm sure that a lot of thought has gone into coming up with those four words, “child sexual abuse material”.

Can you walk us through how you came to those four particular words? Did you look at jurisprudence? Have you looked at what the experts have said, that those are the more appropriate words that should be in the Criminal Code?

Supplementary to that, in your view, are you comfortable that it covers the breadth and scope of horrific material that's available that targets children and, in many instances, uses children? I just want to make sure that we're not missing anything.

Thank you.

• (1220)

Mr. Mel Arnold: I'll start and then forward it on to Mr. Caputo to finish off.

We looked at the term “child pornography”, and it's clear to us—and from what we've heard—that it does not describe what is actually taking place because children cannot consent to being involved in the making of this material. “Child sexual abuse material”, we feel, is an appropriate term. It better describes what is actually taking place, the actual abuse of children.

With that, Mr. Caputo may have a little more technical...with his legal expertise behind him.

Thank you.

Mr. Frank Caputo: Thank you, Mr. Arnold.

That's correct. In fact, Mr. Naqvi, I was at a conference probably three or four years ago put on by BC ICE, the RCMP division that

deals with this issue—I commend the police officers who deal with this. It's something that actually came up. One of the presenters was talking about it, and someone else said, “You know what? We're not going to talk about it. I'm not going to call it 'child pornography' today. I'm going to call it 'child sexual abuse material'.”

I was in Germany just last week, and this came up. They call it “child sexual abuse material”. In fact, they told me how inspired they were that we, as Canadians, will be changing this. This was with a group.... As I understood it, they were a governmental organization that dealt with victims of sexual assault. They were going to now petition their lawmakers to make a similar change.

I don't think anything can adequately address the horrific nature of abuse. Children who are subjected to this will often be subjected to a life imprisonment based on what we know to be PTSD, trauma, and things like that. I don't know that there is any term that can adequately encapsulate what victims go through. Often they go through this at such a young age that they can't remember, but they know in their residual memory that there has been trauma.

I wish we could have a word or a term that was all-encompassing. To me, “child sexual abuse material” is appropriate because children are being abused.

In the definition under section 163.1 of the Criminal Code, it's not only the material itself. It's anything that advocates for the abuse of children. That's why we came to that conclusion. I understand that there may be some amendments, and we're certainly open to that.

Thank you.

Mr. Yasir Naqvi: Thank you, Mr. Chair.

The Chair: Thank you, Mr. Naqvi.

I will next go to Mr. Villemure for five minutes.

[*Translation*]

Mr. René Villemure: Thank you, Mr. Chair.

Mr. Arnold, thank you for raising such an important subject.

Mr. Caputo, I'd also like to thank you for speaking with obvious passion. These are unspeakable acts. Is this type of crime on the rise now?

[*English*]

Mr. Frank Caputo: That's a wonderful question.

The number of prosecutions is actually going up. I believe in about 2012, Monsieur Villemure, the Harper government instituted a law that required what we call a positive obligation to report. If a service provider or a group like Facebook or Yahoo knew that this was occurring, they had to report it to the National Center for Missing and Exploited Children, which would then send it to the RCMP.

This crime, I think, was happening much more than we ever want to acknowledge. When that law changed, we saw a spike. I don't have the statistics, but I've seen the graph. It's just like a mountain. It's just straight uphill because of how many more offences were being found.

It used to be that this type of offence was only discovered when somebody brought in their computer to a repair shop and someone stumbled upon it or somebody said they knew about somebody who was doing it. Now the vast majority of cases are coming through Internet luring. You do see where somebody says their child has been lured, but a lot of the cases are coming from.... One of the most significant cases I dealt with was luring from the Philippines. In that case, I can't remember if it was Facebook or Yahoo, but it told the authorities there was suspected child abuse. A child was being victimized for child sexual abuse material in exchange for money. That's how it came out.

I don't know.... I can't tell you whether this is occurring with more regularity. Internet luring is certainly occurring with more regularity and that's where an electronic device is used to commit a sexual offence. Now kids are having cell phones earlier and earlier.

What I can say is that we're seeing more and more of these cases come before the courts because people are starting to be more aware.

• (1225)

[Translation]

Mr. René Villemure: We're really starting to hear a lot about it.

You said that Facebook or Yahoo can report these crimes. What criteria do they use to report them?

[English]

Mr. Frank Caputo: I'm not sure what they deal with, Monsieur Villemure. I'm not sure how their algorithms work, but my recollection is that there are varying degrees, like a child in imminent danger or suspected abuse and things like that.

I'm not overly technical in that sense, but I'm sure that they have certain key words that they will run through their algorithms and when they come up, it will generate a report. That report with the suspected child sexual abuse material will then be sent. Somebody from the RCMP reviews it.

For those who are unaware, the people in the RCMP actually see this. They will actually say whether it meets the definition in the Criminal Code at section 163.1, and then an investigation will be generated from there.

I thank those people who put their mental health on the line, as well.

[Translation]

Mr. René Villemure: Okay.

Bill C-291 talks a lot about the production and distribution of child sexual abuse materials. Is it section 163.1 that defines child sexual abuse material, or do you have an amendment to that definition somewhere?

[English]

Mr. Frank Caputo: Under section 163.1, the definition isn't changing.

[Translation]

Mr. René Villemure: Okay. It's the same definition.

[English]

Mr. Frank Caputo: Yes. We're calling it something different.

Mr. Arnold, would you agree?

Mr. Mel Arnold: Yes, that's correct. The definition isn't changing. It's the term. The term "child pornography" will be changed to "child sexual abuse material".

[Translation]

Mr. René Villemure: Okay. The text is the same.

Mr. Caputo, earlier I think you mentioned that your wife works in a field where she sees these incidents on a regular basis. Could you tell us about that?

[English]

Mr. Frank Caputo: Yes. First off, I have the most amazing wife in the world—the most amazing spouse. She's my partner. She's incredibly supportive.

She is a lawyer at a legal clinic that deals particularly with women who have been traumatized and who really have nobody else to turn to for legal advice and legal support. She gives legal advice and legal support often to marginalized women, people who have nowhere else to turn and have often been victims of trauma and of violence, and particularly to groups that are overrepresented in the justice system. I'm very proud of the work that she does in that.

Thank you for the question.

[Translation]

Mr. René Villemure: Thank you very much.

As you said earlier, this is an ongoing crime.

[English]

The Chair: I'm sorry, Mr. Villemure, we're out of time, unfortunately.

Mr. René Villemure: Thank you.

The Chair: *Merci.* Now we'll go to Mr. Garrison for five minutes.

Mr. Randall Garrison: Thank you very much, Mr. Chair.

I, too, want to thank the two members for bringing attention to child sexual abuse in all its forms through a bill like this, and for doing what we'd say in the vernacular is calling a spade a spade—saying what it really is. I think that's important.

I do not actually share the enthusiasm for denunciation through long sentences that I know Conservatives do, but I thank you for your support for what I think is most important here. We know what works on child sex abuse in all its forms, and that's enforcement. Quite often people do not have the resources in the organizations to pursue these investigations to their conclusions. I will echo what Mr. Caputo said, which I said in my remarks before—we don't often pay enough attention to the mental health impacts on those who fight against child abuse in all its forms. I want to join you in thanking those people again today.

I don't really have questions for you. I want to thank you for saying that you'll be there when it comes time to vote on resources for enforcement and supports for survivors. We know that's what works when it comes to combatting the evils that are brought about by child sexual abuse in all its forms.

Thank you, Mr. Chair.

The Chair: Thank you, Mr. Garrison.

That concludes the round of questioning. I will now—

Mr. Mel Arnold: Perhaps I can just respond quickly, Mr. Chair?

The Chair: Oh, sure.

Mr. Arnold.

Mr. Mel Arnold: I thank Mr. Garrison for his comments. We hear about the abuse that takes place with the children who are involved in this, but there's also the mental trauma that the investigators go through as well. They have to witness all of this material, sometimes multiple times, as they go through it. Those enforcement personnel and court personnel who are involved in trying these cases certainly need our recognition as well. So, support for enforcement, support for survivors—I'm sure Mr. Caputo will agree with me—are key components as we move forward and strengthen our Canadian laws.

Thank you.

• (1230)

The Chair: Thank you, Mr. Arnold.

I actually echo that. I still recall being a young articling student when I had to review that for a defence firm, and it was quite traumatic. It's not easy to go through those. I can only imagine law enforcement...who have to deal with this on a daily basis and go through voluminous material that is very horrific, and the amount of stress and post-traumatic stress that might appear.

Thank you once again for your great round of questioning, though it be short.

In the interest of time, I'd like to provide the members of the committee with some instructions and a few comments before the committee proceeds with the clause-by-clause consideration of Bill C-291.

As the name indicates, this is an examination of all the clauses in the order they appear in the bill. I will call each clause successively, and each clause is subject to debate and a vote. If there are amendments to the clause in question, I will recognize the member proposing it, who may explain it. The amendment will then be open

for debate. When no further members wish to intervene, the amendment will be voted on. Amendments will be considered in the order in which they appear in the bill and in the package that each member received from the clerk. Members should note that amendments must be submitted in writing to the clerk of the committee.

The chair will go slowly to allow members to follow the proceedings properly.

Amendments have been given an alphanumeric number in the top right corner to indicate which party submitted them. There's no need for a seconder to move an amendment. Once again, you will need unanimous consent to withdraw it.

During the debate of an amendment, members are permitted to move subamendments. These amendments must be submitted in writing. They do not require the approval of the mover of the amendment. Only one subamendment may be considered at a time, and that subamendment cannot be amended. When a subamendment is moved to the amendment, it is voted on first, then another subamendment may be moved, or the committee may consider the main amendment and vote on it.

Once every clause has been voted on, the committee will vote on the short title, the title and the bill itself, and if amendments are adopted, an order to reprint the bill may be required so the House has a proper copy for use at report stage. Finally, the committee will have to order the chair to report the bill to the House. That report contains only the text of any adopted amendments as well as an indication of any deleted clauses.

Just so you know, I'll be looking down at my phone, but it's not to do text messaging. I'm checking in case my clerk or the legislative clerks have given me any messages.

Now we'll begin the clause-by-clause consideration.

(On clause 1)

The Chair: Amendment G-1 has been proposed.

Is there any debate?

Mr. Gary Anandasangaree: Mr. Chair, if I may speak to the amendments from G-1 to G-12, they all essentially relate to one specific intent, which is to add the term "and exploitation" after the term "child sexual abuse" material. It should read, "child sexual abuse and exploitation material".

This relates to amendments G-1 to G-12. It will be the same comment for each. It's to more adequately reflect the exploitative nature of the issue. I think it better suits the intent that's reflected here.

The Chair: Thank you.

Are there any other comments or debate?

Hon. Rob Moore: Chair, maybe we could ask the departmental witnesses if they could expand on what the rationale would be or what would be captured under this expression that wouldn't be captured under the existing one proposed in the bill.

• (1235)

The Chair: We'll go over to the panellists.

Ms. Phaedra Glushek (Counsel, Criminal Law Policy Section, Department of Justice): The term as proposed by the private member's bill would only include child abuse materials. As drafted, the bill would only include part of the definition under section 163.1 of the Criminal Code and the offences.

The definition currently captures two types of materials. Here, I'll ask my colleague to step in if I miss anything.

First is abuse to a child. Second is any materials that are child exploitative in nature. It doesn't have to be real; it could be fictional.

The addition of "exploitation" would ensure that the term encapsulates both materials that are defined in the definition that are already in the definition. It's not a substantive change. It would be a change in the term only to reflect what is already captured in the definition.

I'll ask my colleague Ms. Peres if she wants to add anything.

Ms. Belinda Peres (Counsel, Criminal Law Policy Section, Department of Justice): That's fine. Thank you.

The Chair: If see no further debate; I'll try to go quickly.

Is there anyone else? I don't see any other hands.

Shall G-1 carry?

(Amendment agreed to [*See Minutes of Proceedings*])

(Clause 1 as amended agreed to)

The Chair: Shall G-2 carry?

(Amendment agreed to [*See Minutes of Proceedings*])

(Clause 2 as amended agreed to)

The Chair: Shall G-3 carry?

(Amendment agreed to [*See Minutes of Proceedings*])

(Clause 3 as amended agreed to)

The Chair: Shall G-4 carry?

(Amendment agreed to [*See Minutes of Proceedings*])

(Clause 4 as amended agreed to)

The Chair: Shall G-5 carry?

(Amendment agreed to [*See Minutes of Proceedings*])

(Clause 5 as amended agreed to)

The Chair: Shall G-6 carry?

(Amendment agreed to [*See Minutes of Proceedings*])

(Clause 6 as amended agreed to)

The Chair: Shall G-7 carry?

(Amendment agreed to [*See Minutes of Proceedings*])

(Clause 7 as amended agreed to)

The Chair: Shall G-8 carry?

(Amendment agreed to [*See Minutes of Proceedings*])

(Clause 8 as amended agreed to)

The Chair: Shall G-9 carry?

(Amendment agreed to [*See Minutes of Proceedings*])

(Clause 9 as amended agreed to)

The Chair: Shall G-10 carry?

(Amendment agreed to [*See Minutes of Proceedings*])

(Clause 10 as amended agreed to)

The Chair: Shall G-11 carry?

(Amendment agreed to [*See Minutes of Proceedings*])

(Clause 11 as amended agreed to)

The Chair: Shall G-12 carry?

(Amendment agreed to [*See Minutes of Proceedings*])

(Clause 12 as amended agreed to)

The Chair: Now, we have a new clause 13. It's amendment G-13.

Is there any discussion on that clause?

Mr. Gary Anandasangaree: Mr. Chair.

The Chair: Mr. Anandasangaree.

• (1240)

Mr. Gary Anandasangaree: With respect to the addition of the new clause, it's fairly self-explanatory. It basically says that the going-into-force of this amendment shall be one year from the passage of this bill.

The Chair: Thank you.

Shall G-13 carry?

(Amendment agreed to [*See Minutes of Proceedings*])

The Chair: Is there any discussion on G-14? No.

(Amendment agreed to [*See Minutes of Proceedings*])

The Chair: Now, we're going to the title with G-15.

I think it, again, reflects what was amended in government amendments 1 to 12.

Shall G-15 carry?

(Amendment agreed to [*See Minutes of Proceedings*])

The Chair: Shall the title, as amended, carry?

Some hon. members: Agreed.

The Chair: Shall the bill, as amended, carry?

Some hon. members: Agreed.

The Chair: Shall the chair report the bill, as amended, to the House?

Some hon. members: Agreed.

The Chair: Shall the committee order a reprint of the bill, as amended, for the use of the House at the report stage?

Some hon. members: Agreed.

The Chair: Thank you.

Congratulations to Mr. Arnold and Mr. Caputo for successful implementation of this bill.

That concludes our meeting. The witnesses are dismissed and so is the committee.

I'll consider this meeting adjourned.

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