



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

44th PARLIAMENT, 1st SESSION

Standing Committee on the Status of Women

EVIDENCE

NUMBER 134

Wednesday, November 27, 2024

Chair: Mrs. Shelby Kramp-Neuman



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• (1735)

[English]

The Chair (Mrs. Shelby Kramp-Neuman (Hastings—Lennox and Addington, CPC)): I call this meeting to order.

[Translation]

Welcome to meeting number 134 of the House of Commons Standing Committee on the Status of Women.

[English]

I would like to remind all members of the following points: Please wait until I recognize you by name before speaking. All comments should be addressed through the chair.

Please raise your hand if you wish to speak. I will track time accordingly. I will provide a time signal when there is one minute left and again when there are 30 seconds left.

Thank you in advance for all of your co-operation.

Pursuant to Standing Order 108(2) and the motion adopted by the committee on Wednesday, September 25, 2024, the committee will continue with its study on gender-based violence and femicides against women, girls and gender-diverse people.

Before we welcome our witnesses, I'd like to provide a trigger warning. We will be discussing experiences related to violence and femicides. Indeed, this may be triggering to viewers with similar experiences. If any participants feel distressed or need help, please advise the clerk at any point. For all witnesses and for all members of Parliament, again, we need to recognize that these are very difficult discussions, and it's important for all of us to be as compassionate as we can.

For today's panel, from the Office of the Federal Ombudsperson for Victims of Crime, we have with us Dr. Benjamin Roebuck, federal ombudsperson for victims of crime.

We also have with us, from the Royal Newfoundland Constabulary, Sergeant Lisa Harris, non-commissioned officer, criminal investigation division.

Joining us by video conference is Erin Griver, co-chair for the Woman Abuse Working Group.

At this point, we will begin with opening statements.

Dr. Roebuck, you have the floor for up to five minutes.

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

I appreciate the invitation. I'm grateful for how you've been holding space to listen to survivors. I think their courage demands some action from all of us.

We're on the traditional unceded territory of the Algonquin Anishinabe people. As we gather during the 16 days of activism against gender-based violence, we're reminded of the disproportionate violence faced by indigenous women, girls and two-spirit people, a crisis rooted in colonial violence and systemic inequities. Now is the time for action, for justice and for reconciliation.

The office of the federal ombudsperson for victims of crime is an existing accountability mechanism at the federal level for survivors of GBV and the families of women and gender-diverse people whose lives have been ended by hate. We provide a direct service to resolve complaints about federal agencies connected to the criminal justice system. We're responsible to help policy-makers respect Canada's obligations under the Canadian Victims Bill of Rights, which is quasi-constitutional, and to understand systemic issues that negatively affect survivors.

I do support LEAF's recent proposal to create a GBV commissioner in Canada—I saw many of you at the launch event—and request improved resourcing and legislation to support our mandate.

This year we launched a national systemic investigation into how survivors of sexual violence are treated in the Canadian criminal justice system. We've completed 80 interviews with survivors and consultations with more than 200 stakeholders. We're nearing completion of 40 virtual round tables. Two weeks ago we launched an online survey for survivors, and we already have about 400 responses. We're building a comprehensive understanding of systemic gaps and promising practices. What we've learned so far is sobering.

Today I'll focus on three areas where federal leadership can drive change.

First, the *R. v. Jordan* decision was intended to address unreasonable delays but created unintended consequences. In some cases, despite having adequate evidence, the police or the Crown will delay charges because they want everything prepared when the Jordan clock begins at the time of charge. This increases the risk for survivors and for public safety.

The ruling has incentivized the allowable use of motions in court. We've seen an increase in motions contesting testimonial aids and requesting survivors' private therapy records. We've heard about sexual assault charges proceeding as simple assault because it's faster and has a higher prospect of conviction. We've been hearing about serious sexual assault charges, including against women and children, being stayed.

In one egregious example—awful—a survivor was sexually abused by her stepfather for eight years while her mother condoned the behaviour. Both parents were charged. Her mother was sentenced to 42 months in prison. All charges against the stepfather, the abuser, were stayed, because his case was more complicated. That's not what justice looks like.

Section 278.1 of the Criminal Code was introduced to protect the privacy rights of survivors of sexual assault. In 2022 the Supreme Court affirmed its constitutionality. It also affirmed that judges must consider society's interest in the reporting of sexual offences and in survivors having access to treatment.

In practice, this provision has become a tool to intimidate and undermine survivors' credibility. Across the country, we've heard that subpoenas for counselling records have increased, that this creates allowable delays, that judges are hesitant to deny requests in case of appeal and that survivors feel unsafe seeking mental health support when they need it most. In our survey so far, 20% of survivors said they wanted to speak with a counsellor but felt like they couldn't, because their records could be subpoenaed. I believe 13% said they didn't report to police for the same reason. That's evidence of a chilling effect. Survivors should not have to choose between healing and justice.

Survivors of intimate partner violence and sexual assault continue to report that their safety is overlooked by the criminal justice system. One person in our investigation said, "I don't want to be another woman in a body bag with people wringing their hands wondering how this happened."

● (1740)

It's time for Canada to prioritize survivors' section 7 charter rights to life, liberty and security of the person. It's time to strengthen the Canadian Victims Bill of Rights with enforceable rights to information, participation and protection.

Thank you.

The Chair: Excellent. Thank you for your testimony this afternoon.

Next, I would like to welcome Sergeant Harris.

You have the floor for up to five minutes.

Sergeant Lisa Harris (Non-Commissioned Officer, Criminal Investigation Division, Royal Newfoundland Constabulary):

Thank you, Chair, members of the committee and distinguished guests. I would like to express my gratitude for the opportunity to address the committee on the critical and deeply personal subject of gender-based violence, and specifically on intimate partner violence and femicide.

My name is Sergeant Lisa Harris. I am a member of the Royal Newfoundland Constabulary, the provincial police service of Newfoundland and Labrador. I have been serving with the RNC for almost 20 years, during which time I have had the privilege of working in both urban and rural settings. I've served in operational patrol services, responding to emergency calls as a first responder; the Internet child exploitation unit; the child abuse and sexual assault unit; and the intimate partner violence unit under the major crime unit of the criminal investigation division. Currently, I oversee all of these investigational units as the criminal investigation division supervisor. I manage major investigations, most notably homicides.

This past summer, my colleagues and I had the opportunity to speak with MP Michelle Ferreri about my experiences working in the intimate partner violence unit. I would like to thank her personally for providing me with a platform to bring a voice to the many women who are unable to speak for themselves, especially those who are no longer with us.

Among these women is Cortney Lake, whose story I will share with you today. Cortney Lake was a 24-year-old mother. In April of 2017, she reported being assaulted by her ex-boyfriend, Philip Smith.

Smith was arrested and charged with the assault in May. He was placed on conditions to remain away from Cortney and her family, yet on June 5, 2017, Cortney reported that Smith had breached these conditions by contacting her and showing up at her home. She also disclosed that Smith had shared intimate images of her without her consent.

Philip was arrested again and charged with distributing intimate images and breaching his conditions. He was released from custody on June 7, 2017.

Less than 24 hours later, Cortney's mother Lisa reported her daughter missing. The investigation revealed that after his release, Philip contacted Cortney, who agreed to meet him to exchange personal belongings. Tragically, Cortney was never seen alive again. As the RNC investigated Cortney's disappearance as a homicide, Philip was located deceased. His death was ruled non-suspicious by the RCMP. He was the only suspect in Cortney's disappearance. Cortney Lake disappeared hours after her abuser was released from custody. She is believed to be a victim of homicide.

The death of Cortney Lake highlights the tragic consequences that can happen when those accused of intimate partner violence are allowed to remain free on bail, with few repercussions for breaching court orders. Her story is one of many that demonstrate the urgent need for stricter bail conditions for those accused of intimate partner violence.

In IPV cases, where power and control imbalances overwhelmingly affect female victims, most police forces take the choice to charge an offender away from the victim. If there are reasonable and probable grounds to lay a charge, the police must act, regardless of the victim's co-operation.

The use of electronic monitoring systems such as ankle bracelets to monitor offenders and ensure compliance with court orders would assist police investigations, especially in relation to the compliance of court orders. They would also serve as deterrents to offenders. Furthermore, this would remove the burden from victims, who may fear retaliation or feel isolated from the justice process.

In Canada, we have mandatory reporting laws for child abuse, which apply to everyone, including teachers, doctors and politicians. The Public Health Agency of Canada recognizes that children who witness family violence suffer the same emotional and psychological consequences as those who are directly abused. However, public awareness of the impact of witnessing intimate partner violence is lacking. Mandatory reporting laws for intimate partner violence and greater public education about the harm done to children who witness violence, I believe, are areas in need of urgent attention.

Canada already has mandatory reporting for health professionals regarding certain injuries, such as gunshot and stab wounds. Strangulation is an extreme form of coercion and control. Its presence in an intimate partner relationship is one of the strongest indicators for future intimate partner femicide. Mandatory reporting to police of non-fatal strangulation in health care facilities would allow law enforcement to take action to ensure the safety of the victim and the possible prevention of a femicide.

- (1745)

Coercive control is a serious and pervasive form of domestic violence that impacts the victim's safety, well-being and mental health. It involves a repeated pattern of behaviour used by an abuser to establish and maintain power over the victim, often through tactics such as intimidation, threats, manipulation and isolation, making it extremely difficult for the victims to escape the cycle of abuse.

The effects of coercive control can be long-lasting, often leading to severe psychological trauma, depression, anxiety and, in some cases, physical harm. This pattern of abusive behaviour is not just an isolated incident of violence but an ongoing and calculated effort to dominate and harm the victim. Adding coercive control to the Criminal Code is necessary to hold the offender accountable and to protect the victim from further harm.

To be clear, I believe stricter bail conditions, the implementation of mandatory reporting of intimate partner violence and strangulation, and criminalizing coercive control are crucial to enhancing the protection of victims and to holding abusers accountable. These measures recognize the insidious and often invisible nature of inti-

mate partner violence, including psychological abuse and the dangerous escalation to physical abuse. Together, these measures would create a more robust legal framework that prioritizes victim safety, promotes early intervention and ensures that perpetrators of intimate partner violence face justice, helping to break the cycle of abuse and prevent further harm.

Thank you.

The Chair: Thank you very much, Sergeant Harris.

Ms. Griver, you have the floor for up to five minutes.

Ms. Erin Griver (Co-chair, Woman Abuse Working Group) : Thank you and hello. I want to thank you for your time and for the invitation to attend today.

My name is Erin Griver, and I've been working in the gender-based violence, intimate partner violence, and violence against women sector for 30 years. I'm the director of Inasmuch House, the first women's shelter to open in Canada. We're a 40-bed shelter for women and children. I'm also co-chair of the Woman Abuse Working Group in Hamilton, which is also known as WAWG.

WAWG is a violence against women coordinating committee consisting of organizations and individuals who are the subject matter experts committed to supporting survivors of gender-based violence, intimate partner violence and sexual violence in the city of Hamilton.

WAWG is the only multisector table that focuses on gender-based violence and intimate partner violence in Hamilton, and it holds the necessary experience and expertise to propel change. This table has been in existence for 30 years.

Femicide describes the intentional killing of women, girls and other gender-diverse individuals by men. The most common perpetrators of femicides are men who are either a woman's current or former intimate partner, a family member or someone known to them.

Gender-based violence has been called the shadow pandemic. Few people realize how widespread the problem is because the stories rarely receive more than local attention. Indigenous, Black and 2SLGBTQ+ women, girls, gender-diverse individuals, and women with disabilities are at increased risk and experience disproportionate levels of gender-based violence.

Every life lost to femicide tears a hole in the fabric of our communities. We honour those lives and commit to making change to prevent future femicides. Naming men's violence as the problem is part of the change we need to make as a society. We can't change it if we can't name it. For every femicide, there are more survivors who are not safe in their homes, workplaces and communities. We can do more to reach out and support them. We can engage their intimate partners, family members, friends, co-workers and acquaintances to end the violence.

There's no commitment to prevention in Ontario or Canada. For 20 years, domestic homicide death reviews have provided recommendations that can move us forward towards prevention. It is time to review our progress and invest in the evidence to see stronger social returns.

There are successes to build on. There are experts and advocates in every community who can help. Most femicides are preventable. There are clear warning signs and indicators of escalating risk in 99% of cases. We can take the steps to reduce risk before it escalates. The Ontario domestic violence death review committee provides strong evidence and recommendations that can guide us. We ask that you do everything in your power to protect all citizens from gender-based violence. Your influence and—

- (1750)

The Chair: I'm sorry to interrupt you just for a moment. We've had a translation issue, so I'll just stop your time for a minute.

I'll continue to speak in English, and we'll see if we can get the translation back in sync.

Okay. What I'm understanding, Ms. Griver, is that I need you to slow down a little bit.

Ms. Erin Griver: Sure.

The Chair: Do we need to go back a little bit?

I'm looking at the group for advice here.

Do you want her to start from the top, or do you want her just to start at the last bit?

[*Translation*]

Ms. Andr anne Larouche (Shefford, BQ): Perhaps she could repeat the last two sentences.

[*English*]

The Chair: Okay. If you could go back a phrase or two, we'll restart your time.

Thank you.

Ms. Erin Griver: There is no commitment to prevention in Ontario or Canada. For 20 years, domestic homicide death reviews have provided recommendations that can move us toward prevention. It is time to review our progress and invest in the evidence to see stronger social returns. There are successes to build on. There are experts and advocates in every community who can help.

Most femicides are preventable. There are clear warning signs and indicators of escalating risk in 99% of cases. We can take steps to reduce risk before it escalates. The Ontario domestic violence

death review committee provides strong evidence and recommendations that can guide us.

We ask that you do everything in your power to protect all citizens from gender-based violence. Your influence and leadership can help us develop an effective community response. We need your commitment to prioritize prevention before the next murder.

So far in 2024, there have been 59 confirmed cases of femicide in Ontario. We need you to recognize the urgent need to help us move forward towards prevention and at the same time increase funding to stabilize services for survivors and their families. Over \$100 million has been invested in trying to reduce the backlog in the courts since 2021, but \$100 million doesn't seem to have made a dent.

We continue to fund the wrong end of the problem. There is not enough money in the world to reduce the backlog when our only response to violence is after the fact. It is a simple equation: If you intervene earlier to reduce risk and prevent the escalation of violence, fewer offenders will enter the justice system. There will be a reduction in cases, costs and femicides.

To change our current state, there have to be strategic and long-term investments in prevention that span affordable housing and poverty. For that, we need vision and collective leadership at all levels of the system.

The 2019 missing and murdered indigenous women and girls final report and calls to justice provide a vision and a framework for working towards transformation. Gender-based violence and violence against women are rooted in gender inequality, the abuse of power and harmful norms. They refer to harmful acts directed at an individual based on their gender. GBV disproportionately impacts women and girls, and especially marginalized and indigenous women, as well as two-spirit, trans and non-binary people.

It's important to look at the reality of what is happening here in Canada and within our community. In Canada, 44% of women reported experiencing intimate partner violence in their lifetime. That's from Stats Canada 2021. On any given night in Canada, 3,491 women and their 2,724 children sleep in shelters because it isn't safe at home. Approximately every six days, a woman in Canada is killed by her intimate partner. Indigenous women and girls are 12 times more likely to be murdered or missing than any other woman in Canada, and 16 times more likely than white women.

Violence against women infiltrates every level of society—our communities, our schools and our workplaces. The City of Hamilton was the 34th municipality in Ontario to make a declaration of intimate partner violence and gender-based violence as an epidemic. Today more than 95 municipalities and counties have declared gender-based violence and/or intimate partner violence an epidemic in Ontario. Hamilton has shown a deep commitment to this work, not only by making that declaration but also by agreeing to develop recommendations with WAWG that will further address gender-based violence and intimate partner and sexual violence in Hamilton.

As evident in our WAWG “Snapshot 2023”, which outlines statistics gathered by over 20 member agencies, gender-based violence, intimate partner violence and sexual violence are urgent matters to be addressed. In 2023 there were over 5,993 shelter crisis helpline calls, 1,735 calls to the sexual assault centre's crisis support line, 1,130 women and children who accessed shelter, and over 5,644 requests for VAW shelter beds that were turned down due to a shortage of beds. There is a six-month wait-list to receive counselling services from the sexual assault centre and a six-month wait-list for supervised access program services.

• (1755)

These stats represent only those who were able to reach out for services. As we know, reporting intimate partner violence and sexual violence is vastly under-reported for reasons that include fear of police, court system intervention, lack of trust in the criminal justice system and fear of shame and stigma. We can only imagine the number of people experiencing violence and needing support.

Indigenous women, BIPOC women, newcomers, refugees, immigrants, sex workers and the 2SLGBTQIA+ plus community are disproportionately affected. Rural women in Hamilton are also affected. Even though 43% of Hamilton is considered rural, many of Hamilton's resources are only accessible in urban areas, which creates many barriers for women experiencing violence to access key supports, which would enhance their safety.

Gender-based violence and intimate partner violence intersect with many other experiences, requiring Hamilton to provide further support for equity-deserving groups, including women experiencing homelessness, living in encampments, and needing more robust mental health and additional support. The knowledge and the experience that are represented within the sector are critical, moving forward, to address the real risks, to identify priorities for prevention and to determine meaningful solutions that leave no one behind. Meaningful engagement must begin with a foundational commitment to work in collaboration with individuals and organizations that have long served women and gender-diverse individuals experiencing violence within our community.

The Chair: Thank you.

Ms. Erin Griver: Thank you for your time.

The Chair: Thank you to all witnesses for your opening remarks.

At this point, we'll start with MP Ferreri.

You have six minutes.

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

Thank you so much to our witnesses. That was powerful testimony.

Did I get it right, Ms. Harris? Is it Cortney Lake?

Sgt Lisa Harris: Yes.

Ms. Michelle Ferreri: Thank you. I'm sure Cortney's family is very grateful to you for sharing her story. One of the things I hear most often is to say their names. I hear that from moms and dads who have lost children or from the moms and dads of victims of crime. Thank you for sharing Cortney's story.

Mr. Ombudsman—can I call you that?

Dr. Benjamin Roebuck: You can call me Ben.

Ms. Michelle Ferreri: Ben, thanks for being here, and thanks for what you do.

Right now, the Canadian Victims Bill of Rights, which was created in 2015, is coming up to its 10-year anniversary.

Are those rights enforceable? If I come to you, and if I'm a victim of crime and I want my rights enforced, are they enforceable right now?

• (1800)

Dr. Benjamin Roebuck: They're not. We negotiate as a federal complaints mechanism, but if agencies don't want to comply with those rights, there's not a solid mechanism to make sure that they're followed.

Ms. Michelle Ferreri: Why are they not enforceable?

Dr. Benjamin Roebuck: The law itself has so many disclaimers in it. There's no right to appeal and no right to standing. There's too much emphasis on discretion, even though that was trying to be protected. We need to strengthen it.

Ms. Michelle Ferreri: There have been significant asks from your office, from MPs and from victims. I have a letter here, written to the Minister of Justice in July, and nothing has been done to enforce these rights.

Have you been given a reason or a response to that?

Dr. Benjamin Roebuck: We've been asking for involvement across government to say we all have a role in responding to these things. I think victims' rights aren't opposed to the rights of the accused. It's a non-partisan issue. We all want to do better and want to support survivors.

Ms. Michelle Ferreri: I would challenge you a bit on that, because I think it does get partisan when the policy doesn't protect victims. I think that's where it is partisan, because the politics are preventing the victims from having their rights enforced.

In Bill C-75, now in the Criminal Code as section 493.1, it says, "In making a decision under this Part, a peace officer, justice or judge shall give primary consideration to the release of the accused at the earliest reasonable opportunity and on the least onerous conditions that are appropriate in the circumstances". For people who don't know, the word "shall" is considered mandatory language. This was in Bill C-75 and is now in the Criminal Code, which means that a judge has to give the least number of conditions and the least onerous conditions that are appropriate.

When we look at your statement, we hear what you're asking and what you've said:

At the same time, violence associated with drug trafficking and firearms causes significant harm to Canadians. Many victims of crime have supported mandatory minimum penalties, believing they provide meaningful consequences. In addition, since victims and offenders often know each other and live in the same communities, support for longer sentences relates to personal safety.

Bill C-75 is prevented victims from having the justice they want, because, to Courtney's story, Ms. Harris, they're getting released. Would you like to see a change in this particular section?

Dr. Benjamin Roebuck: I think the document from our office that you just read makes a clear recommendation to better consider survivor safety in release decisions.

There should be a duty to consult with survivors. We can't assume what protections might be effective; we have to talk with people in order to understand. The CVBR says that every victim has the right to protection, and we have to interpret that at an individual level. However, we can't assume that will happen. It has to be brought into the Criminal Code so that the CVBR has effect.

Ms. Michelle Ferreri: Do judges have the tools to consider victims' perspectives when sentencing?

I see you shaking your head, Ms. Harris. Do you want to comment?

Sgt Lisa Harris: Yes. I can give you a lot of very recent examples of the victim's safety not being considered when it came to imposing conditions on individuals upon release.

Police officers are bound by that very bill. We try to have the most lenient conditions and err we in elements of restraint. We try not to impose too many unreasonable conditions on individuals. However, from my perspective, through the offices I've worked in, we say that for intimate partner violence in particular, we should impose the conditions that are going to provide the greatest safety. We've had situations in which judges have released male offenders to reside at the address where the victim resides, saying the police will remove the victim from the residence. We will absolutely not impose that.

We're lucky that we have a very good working relationship with the Crown attorneys in Newfoundland. However, the consultation is not there with judges in particular, nor is the training there to get—

Ms. Michelle Ferreri: I hear that so often about the training, but I only have a few seconds left.

I was going to turn it over to my colleague to get some questions in, but I want to put this on the record. This was the story you guys shared with me at the round table:

The St. John's Syrian community is grieving and expressing shock following the slaying this week of a mother of five children who went to police several months ago about alleged abuse at the hands of her husband.

He was out on bail.

Is that correct?

• (1805)

Sgt Lisa Harris: He'd been out for 42 days when he kidnapped and killed his wife—his ex-partner.

Ms. Michelle Ferreri: I just saw the heartbreak in your eyes, both of you investigators. You knew it was going to happen and felt like your hands were tied. There is trauma not just for the victim but also for the frontline staff. I want to take a minute to recognize that as well. You guys are also victims, because you see the train coming—the trauma and the murder—but your hands are tied because of the justice system and these policies.

Thank you for what you do.

Sgt Lisa Harris: Thank you.

The Chair: Thank you, MP Ferreri.

MP Sidhu, you have the floor for six minutes.

Ms. Sonia Sidhu (Brampton South, Lib.): Thank you, Madam Chair. I will share my time with Emmanuella.

My questions are for Mr. Roebuck.

Last year in Ontario, 59 sexual assault cases were stayed or withdrawn for unreasonable delay. We know a lack of provincial court resources is driving this.

Could you tell us more about the impact that stays or withdrawals have on the victims in these cases?

Dr. Benjamin Roebuck: Oh, they're devastating. It's such an entire waste of public resources to make people come and testify on the stand, and wait, and appear at different hearings, and then see it all collapse at the end. It has a significant trauma impact.

There are ways to reduce delays by providing better protections to survivors, which I'd really like the committee to explore, if you're able.

Ms. Sonia Sidhu: Thank you.

You've also spoken in the past about how survivors experience retraumatization in the justice system. They can feel disposable once their testimony is heard.

Is there a need to train and educate court officials on trauma in victims? What needs to be done on that side?

Dr. Benjamin Roebuck: Absolutely. The descriptions we hear from survivors who were cross-examined and went through the court are very much like sexual violence. In any other context, we would recognize it as being sexual harassment when people are, through power, forced to be exposed and told that they liked it and wanted it to happen. It's all condoned by the state. That's not okay.

We've heard from too many people that this process caused more harm to them than the sexual assault itself, so we definitely need to be more attentive to trauma.

There are ways to improve the truth-seeking function of the courts by providing better protection so that survivors feel they can participate safely.

Ms. Sonia Sidhu: Thank you.

It's over to Emmanuella, Chair.

Ms. Emmanuella Lambropoulos (Saint-Laurent, Lib.): Thank you to all of the witnesses.

My question is also for Mr. Roebuck—Benjamin.

It's on the Jordan decision. I know a lot of that falls within the province's lack of resources. I think that's a huge reason that a lot of these cases are stayed.

I'm wondering if you can share what the federal government specifically could do to improve this situation. What is our role?

Dr. Benjamin Roebuck: As part of our investigation, we've been talking with Crown attorneys across the country and, I think, in most provinces and territories at this point. One of the examples that was given to us was five days that were set aside for a human trafficking trial. Three days were spent arguing whether or not the sexual activities connected to trafficking could be admissible, and two days were spent contesting testimonial aids.

Crowns have asked us to recommend adding human trafficking to the rape shield laws in section 276, and they have said that this would save a lot of time and pain for survivors. Then we'd like to see testimonial aids being more presumptive. There's no need for somebody to contest what the survivor needs to participate safely.

The federal government could strengthen both of those provisions, and many more, in a way that strengthens the protections for survivors, actually reduces delays and saves money.

Ms. Emmanuella Lambropoulos: Just for my own knowledge and the knowledge of the members here, when we say there is an unreasonable delay, what do we mean? What kinds of delays are considered unreasonable in these cases to cause them to be stayed?

Dr. Benjamin Roebuck: It's really tied to a timeline. There are better people who can speak to the legalities of it, but there's Crown delay and defence delay. Regardless, once it's past that timeline, then there's a risk that it will be being stayed.

Ms. Emmanuella Lambropoulos: A defence team can purposefully delay it, and when it reaches that amount of time, then....

Dr. Benjamin Roebuck: It can be discounted. If it's deemed that the defence was intentionally delaying, then that comes off the clock. However, what we're seeing is that motions that are allowable because they can be described as beneficial to the case are increasing to also drive the clock.

● (1810)

Sgt Lisa Harris: I'll just add from a police perspective that the investigations we see today are much more complex than they were back when Jordan was first heard.

We have several trials that are scheduled in the near future that are automatically scheduled for a five-week or six-week time period. These trials involve significant child sexual exploitation and potential human trafficking, so you can imagine how complicated that investigation is.

To get through that five-week to six-week period without any significant.... Also, the defence has the right in Canada to provide justifiable arguments against certain processes. That's part of where the delay comes from, but those Jordan timelines were set when investigations were less complex than they are today.

Ms. Emmanuella Lambropoulos: Is there a reason for that change in complexity over the last while?

Sgt Lisa Harris: We all have one of these, a cellphone, in our hand. The ability for our computer forensics units and our analysts to crack these devices, which will assist in investigations, is very delayed, very behind. We're always trying to play catch-up.

Ms. Emmanuella Lambropoulos: I have less than 30 seconds left, so I'll just thank the witnesses for being here.

The Chair: Thank you.

MP Larouche, you have the floor for six minutes.

[*Translation*]

Ms. Andr anne Larouche: Thank you very much, Madam Chair.

I would also like to thank the three witnesses for being with us in the early evening to talk to us, unfortunately, about this violence and femicides, as we are in the middle of the days of activism against gender-based violence.

Can you hear me, Ms. Harris?

[*English*]

Sgt Lisa Harris: It's not translating, no.

[*Translation*]

Ms. Andr anne Larouche: I've stopped my timer, Madam Chair.

[*English*]

The Chair: We'll just pause the time for a minute.

[*Translation*]

I will continue speaking in French to see if we have interpretation.

Is it okay now?

[*English*]

We're going to continue.

Andr anne, it's working again.

[*Translation*]

Ms. Andr anne Larouche: I was saying that we are in the middle of the days of activism against gender-based violence, which started on November 25 and will culminate on December 6 in Quebec.

We are really in a time of reflection. On Monday, at the beginning of these days, all kinds of potential solutions were presented to address this epidemic of femicides. We can talk about an epidemic, as recognized by a number of cities.

I'll start with you, Mr. Roebuck. You talked about something that's especially close to my heart right now, the Jordan decision. On May 30, my colleague Denis Trudel, the member for Longueuil—St-Hubert, introduced a bill to ensure that perpetrators of crimes against women would not escape justice because of the Jordan decision or because of delays in proceedings.

Have you had a chance to look at that bill, or have you heard about it? If not, would you like to come back to the importance and links between the Jordan decision and the fact that too many criminals are getting off because of delays for various reasons? We'll come back to that.

Dr. Benjamin Roebuck: Thank you for your question. I will answer in English.

[*English*]

I don't think the notwithstanding clause should be required to protect survivors from these dangers and from Jordan delays. I think we need to see more emphasis on the section 7 charter rights of survivors to life and security of the person. That hasn't been as developed as it needs to be.

If we're talking about femicide, those rights are critical and foundational. They should drive legal reform to line up with the rights that survivors have in Canada. I think that can challenge Jordan.

[*Translation*]

Ms. Andr anne Larouche: Ms. Harris, have you heard about Bill C-392? Why is it important to pass a bill that addresses the use of the Jordan decision to get a stay of proceedings?

[*English*]

Sgt Lisa Harris: I've heard of it. I have not reviewed it in depth.

Certainly, from all investigative areas as a police officer, Jordan has had significant implications. I can think back to my time in the Internet child exploitation unit, investigating some of the most serious crimes toward our most vulnerable in society, and the delays that would be caused from laying a charge because of the fear of Jordan implications. It was kind of new at that time.

From a policing perspective, we recently in Newfoundland had a homicide investigation that was stayed due to Jordan delays. We had a guilty verdict today for a skating coach who committed sexual crimes against young skaters. There were concerns that there would be Jordan delays there.

Certainly, from a policing perspective, that is a very high concern for us.

• (1815)

[*Translation*]

Ms. Andr anne Larouche: Many victims and survivors have spoken about it here, including Cait Alexander, who follows the work on Bill C-392 very closely. The fact that the administration of justice falls under the jurisdiction of Quebec and the provinces has been brought up, but I would like to discuss an issue that falls under federal jurisdiction, namely the appointment of certain federal judges.

Why do you think it's important for the federal government to set an example and not let the appointment of certain federal judges drag on, when we're talking about reducing court delays, improving the system and restoring victims' confidence?

Since you both talked about the Jordan decision and court delays, Mr. Roebuck and Ms. Harris, I'll give you the minute and a half I have left to answer that question.

[*English*]

Dr. Benjamin Roebuck: As I think we heard earlier, no amount of resourcing for the justice system can turn off the flow if we're not investing in prevention.

Judges certainly need to be in place. I think there's been more recent progress to actually drive appointments. We still hear about judges who have no training in criminal matters who are listening to cases that involve complex power dynamics and gender imbalance. There needs to be more work on that structure.

Sgt Lisa Harris: I know that in Newfoundland in particular, we don't often see a delay, but then there's a lack of accountability measures for the judges who are appointed to the bench and still do not have an understanding of victims' rights or the nuances.

As a society, we're now much more aware of gender-based violence and trauma when it comes to a victim providing testimony. Take strangulation in particular. If you look at the research with regard to a progression in strangulation, after a repeated number of occurrences the cognitive ability of a person actually changes significantly. It declines. There's not a recognition from a judicial perspective when it comes to a person providing their testimony or the statements that they would provide to police.

We certainly see the lack of accountability measures for training for the justice participants, and not just police. Often the focus of education goes to training the frontline officers. Certainly that's important, but I think it's important for anybody who has a hand in the judicial system for training to be shared there as well.

The Chair: Thank you.

MP Gazan, you have the floor for six minutes.

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

My first question is for you, Ben.

You spoke about NAWL and about how you support putting in place an ombudsperson. Call for justice 1.7 also calls for putting in place an ombudsperson. I know that the federal government had a feasibility study done. It's going nowhere.

Why is it important—very quickly, because I have a bunch of questions—to put that in place right away? That's if you agree with me, and I think you do.

Dr. Benjamin Roebuck: I sure do.

Yes, it's the power of negotiation to get things done and break through policies that we know add red tape. We can negotiate on things, as an ombud, to try to humanize responses from government institutions and advocate for a fair outcome. I think it makes a big difference.

If you look at the complaints we've resolved, you'll see that there's a lot of need in a lot of areas.

Ms. Leah Gazan: Thank you.

The second thing I want to bring up is violence within the justice system.

We often look to the justice system to solve violence. However, particularly for indigenous people, the justice system perpetrates violence. I want to read this very quickly. It's about Kinew James, who was incarcerated. Some of this comes from her family.

It says:

The family of Kinew James hopes the inquest into her death will take into account everything about her treatment during the nearly 15 years she spent in Canada's correctional institutions.

James died of an apparent heart attack in 2013 while in custody at the Regional Psychiatric Centre in Saskatoon.

An inquest into her death began Monday....

Then it talks about what happened before. I'm going to read this part.

It says:

Before that January day, she suffered from several ailments, including obesity, Type 2 diabetes and high cholesterol.

Her brother, Cecil James, said those were not pre-existing conditions when she was sentenced for manslaughter nearly 15 years earlier.

Cecil also said his sister's treatment inside the prison—specifically the time she spent in specialized confinement away from other prisoners—needs to be taken into account.

In 2013, Kinew's family said she complained of chest pains in the days leading up to her death. Inmates in neighbouring cells also alleged staff ignored her calls

An investigation into her death already found a nurse took too long to call a Code Blue after finding her unresponsive in her cell.

Kinew was nearing the end of a 15-year-sentence for manslaughter when she was transferred to Saskatoon. The 35-year-old had been transferred from the Grand Valley Institution for Women in Ontario after speaking out about guards who she said were smuggling in goods in exchange for sexual favours.

We're talking about sexual violence. I shared that because I'm concerned about the misrepresentation of prisons as “luxury”, when we know there's a lot of sexual violence that occurs in prisons. It's particularly concerning to me because a lot of women end up there as an indirect result of violence they're experiencing in intimate partner relationships. They make choices to avoid violence and end up being incarcerated.

I know the Elizabeth Fry Society did a report. In Manitoba right now, 85% of incarcerated persons are indigenous. Women who have had a life of gender-based violence are now incarcerated in places where systems are perpetrating gender-based violence.

What's being done about that? I feel like we don't talk about it.

● (1820)

Dr. Benjamin Roebuck: Today, one of my investigators is in a federal prison for women, speaking with women about their experiences of sexual violence and the pathways of criminalization. Part of our investigation is looking at how survivors of sexual violence are criminalized and the different contexts that this criminalization emerges from.

On prison conditions, I'll say that many people have a relationship with the person who's been incarcerated. There are families that have this context. If somebody is mistreated in prison, it distracts from their ability to heal. Safety and human rights in prisons are important. That's part of our stance too.

Ms. Leah Gazan: I agree. I know you spoke about prevention. You spoke about the charter, and the right to dignity and security of the person. That's one of the reasons I tried to pass a bill in support of a guaranteed livable basic income. My argument is that the willful placing of people in poverty is a violation of their dignity and security as a person. It was also in response to call for justice 4.5 of the national inquiry.

Do you think putting in place a guaranteed livable basic income is an important step in dealing with gender-based violence?

Dr. Benjamin Roebuck: I think it aligns with an entire science of prevention. I appeared in the Senate committee to support that bill when it was coming through the Senate.

Ms. Leah Gazan: That's super. I didn't know that. This wasn't planned.

I want to move over to Madam Griver.

You spoke about prevention as well. Women's Shelters Canada came out with a report about how women's shelters cannot keep up with the need because there's not enough affordable housing with rent geared to income for women to go to. Why is it critical that there be greater investment? We talk about investment in affordable housing. I don't mean just affordable housing, but affordable housing with rent geared to income, which is what we need if we're going to deal with gender-based violence head-on.

The Chair: Leah, at this point, would you like to use your two minutes that you were going to get at the end right now?

Ms. Leah Gazan: Can I do that?

The Chair: Let's do it.

Ms. Leah Gazan: Can I do that? I'm sorry. I'm a time hog.

Time's ticking. Please answer.

Ms. Erin Griver: We believe that there is a direct correlation between safe, accessible housing and the prevention of femicide.

As you all probably know, all of our shelter systems are overrun. We are a 40-bed shelter, but on a daily basis, we have numbers of 45 to 50 in shelter and across Hamilton. In the last few years, just at Inasmuch alone, we've turned away over 5,000 women in requests for spaces, and that is just one shelter, so multiply that by how many there are across the country.

I know that when I started 30 years ago in this work, women had six weeks to come into shelter and then to find safe, affordable housing. Many times they were able to do it. Now we're seeing stays of eight months or a year in shelter because they are not able to access safe, affordable housing. That then creates a backlog of women who need to come into shelter for safety reasons but who are not able to access safe shelter because we have women who normally in the past would have transitioned out into safe, affordable housing staying in shelter for longer.

• (1825)

Ms. Leah Gazan: We talk about intervention, but by that time, individuals have been murdered, have disappeared or have experienced violence. Do you think that a lack of adequate investment in prevention is resulting in an increase in gender-based violence?

Ms. Erin Griver: I do, absolutely. I wouldn't just say there's a lack of investment in prevention: There is no investment in prevention. I think that is essential, then, because there will be a reduction in cases, costs and femicides.

Ms. Leah Gazan: With all due respect, by the time the police get involved, the violence has occurred. I know that we have differing opinions about this around the table, but would you also agree that more focus, Ben, needs to be on the prevention if we're going to actually deal with gender-based violence?

Dr. Benjamin Roebuck: We have to both prevent it and treat survivors respectfully and listen to their safety concerns.

Ms. Leah Gazan: Yes, and hopefully there will be fewer survivors because we're preventing it.

Dr. Benjamin Roebuck: Yes.

Ms. Leah Gazan: Thank you.

The Chair: That's excellent. Thank you.

At this point, we're going to quickly start our second round. I'm going to shorten it, and now we have just three minutes each.

Dominique, you have the floor for three minutes.

[*Translation*]

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

I'll ask my questions quickly. The Jordan decision led to unfortunate delays for some victims. This obviously remains an ongoing issue. Bill C-5 eliminates mandatory prison time, even for hardened criminals and criminals with lengthy records. Bill C-75 makes it much easier to serve prison sentences at home.

Mr. Roebuck, would you say that these two pieces of legislation put victims at risk?

[*English*]

Dr. Benjamin Roebuck: Our office doesn't comment on punishment specifically. Those decisions are outside of our mandate. However, we advocated very strongly around Bill C-5 that if there is going to be a greater reliance on house measures or home-based measures, there should be an increase in the safety measures for survivors, as well as structural reform to listen to what survivors might need if the person isn't incarcerated and is in their community.

[*Translation*]

Mrs. Dominique Vien: What would you say to politicians, such as the Quebec justice minister, who want Bill C-5 reviewed and corrected?

[English]

Dr. Benjamin Roebuck: That is not in my domain to comment on. However, I will say that in any jurisdiction, survivor safety matters. We need to strengthen the protections and make sure that the justice system doesn't treat the safety needs of survivors as secondary.

[Translation]

Mrs. Dominique Vien: The legislation is important and the police enforce it. This affects the victims. Witnesses have told us this as well.

Ms. Harris, don't you think these two pieces of legislation should be reviewed and corrected?

[English]

Sgt Lisa Harris: Certainly one of the things I advocated was stricter bail conditions. It's my understanding that the province is responsible for the enforcement of conditions when it comes to bail. However, there's a lack of resources. There's a lack of funding availability. Ankle bracelets are used only once the offender has pled guilty. Those types of conditions create an environment that allows the offender to be free and the victim to be at risk of further abuse.

[Translation]

Mrs. Dominique Vien: Ms. Harris, Senator Boisvenu, whose daughter was murdered, told us that the Canadian Victims Bill of Rights was ineffective. It makes you wonder whether it's just a hollow shell. I believe that he also said that police officers become apathetic when they see criminals coming out of prison with multiple rights and victims left to fend for themselves while struggling to navigate through the challenges and remaining fearful and unprotected.

Do you agree with his reading of the facts?

• (1830)

[English]

Sgt Lisa Harris: Well, I didn't go into the file that MP Ferreri brought up initially during my first discussion in great detail, for the simple fact that it is still before the courts. However, that was a mother of five children. The offender, her abuser, was released for 42 days. She stayed at a women's shelter. She had five children with her. The oldest being a male, almost 14 years old, she had to move out. It was no longer an environment that was for him because of the effects of the intimate partner violence that he had witnessed.

There was no affordable housing available. They moved back to their same residence. She knew she was going to be killed walking her kids to school, and that's when she was kidnapped.

[Translation]

The Chair: Thank you.

[English]

MP Damoff, you have the floor for three minutes.

Ms. Pam Damoff (Oakville North—Burlington, Lib.): Thank you.

Thank you to all our witnesses for being here today.

Ben, I have a few questions for you. I have only three minutes, so I'm looking for quick answers.

You have done such incredible work, you and your office, with a minimal budget. Could you do more good work like the systemic review on sexual assaults if you had more funding?

Dr. Benjamin Roebuck: We could do a lot more. An example would be with our systemic investigation. We had a contract lined up for somebody to conduct a focus group with people with profound disabilities to better understand the barriers of access to justice. It was only \$10,000, but we had no money to be able to afford it.

We could certainly do more.

Ms. Pam Damoff: That's one of the recommendations I'd like to see in the report from this study—to increase the funding in your office.

I first met you with regard to section 278.1. I know that you're supportive of changing that, as am I. We've talked about Jordan a lot. My colleague read a provision from Bill C-75. These are all Supreme Court decisions.

You mentioned that you don't support the notwithstanding clause. On Jordan, the government actually did try taking it back, and the Supreme Court kind of said, "Away you go."

If we're not going to use the notwithstanding clause, are you saying that the government should go back to the Supreme Court with an emphasis on section 7?

I'm just wondering how you think we can deal with these Supreme Court decisions that are really making it difficult, and more than difficult: Women are losing lives because of Jordan in particular.

Dr. Benjamin Roebuck: I'm certainly not a constitutional lawyer.

Ms. Pam Damoff: No, I know.

Dr. Benjamin Roebuck: I think we need to lay a better foundation in law. The Canadian Victims Bill of Rights has no cause of appeal, so it doesn't even come into federal court cases. Those rights don't play a role in a lot of ways. If we strengthen that legislation and strengthen our understanding and foundations of the charter rights to life, then I think it actually gives the Supreme Court more content to work with that can better account for survivor safety.

Ms. Pam Damoff: One thing that has come up a lot in this study is bail. In the province of Ontario, 80% of people right now are actually being held without bail. These are technically innocent people who are being held, but the 20% are the ones we read about all the time.

We hear a lot about Bill C-75. In my community, we don't have a courthouse that's functioning properly, so judges won't sit there. Is Bill C-75 solely responsible for these issues with bail, or is there responsibility from the provincial governments to step up as well?

Dr. Benjamin Roebuck: It's probably a bigger answer than I could give in this amount of time.

I think it's a shared responsibility. There are a lot of reasons that people are criminalized and brought in, such as people who are homeless and who are held on bail because they don't have resources to support their release. There are also conditions that aren't respected and have no recourse, and there are certainly conditions that we see that have very dangerous outcomes.

The government's done work, but it's an ongoing issue that needs further consideration.

Ms. Pam Damoff: Thank you.

The Chair: Thank you.

[*Translation*]

Ms. Larouche, you have two minutes.

Ms. Andr anne Larouche: Thank you, Madam Chair.

Thank you again, Mr. Roebuck and Ms. Harris, for your remarks today.

This is my last round of questions. I'll turn to Ms. Griver.

In your opening remarks, you talked about shelters for women who are victims of violence. You're quite familiar with this matter.

Monday marked the start of the days of activism against gender-based violence. I was tuning in to a report that focused on the crucial need for access to housing to help a victim break out of the cycle of violence, either as a preventive or reactive measure. If a woman can't find affordable social housing before ending a relationship, she won't be able to regain control of her situation. She needs housing. It's crucial. Housing costs make up the lion's share of any budget.

The lack of housing also undermines the system. Women in emergency shelters are ready to move on to second-stage housing but must remain in the shelter given the lack of space. As a result, emergency shelters can't provide spaces to other women who may need them. We're currently discussing many issues, but we mustn't forget the need to invest in shelters along with social and community housing in general.

What are your thoughts on this topic?

● (1835)

[*English*]

The Chair: Unfortunately, you have exhausted your time, Andr anne.

[*Translation*]

Sorry.

Ms. Andr anne Larouche: I thought that I had two and a half minutes.

The Chair: It was only two minutes.

[*English*]

For those witnesses who didn't have an opportunity to answer any questions throughout the course of the meeting, any written responses are encouraged if you would like to send them.

At this point, on behalf of the committee, thank you for joining us today and for your testimony.

This will now conclude our meeting.

I see no questions, so this meeting is adjourned.

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