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Chair: Marc Miller



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• (1535)

[English]

The Chair (Hon. Marc Miller (Ville-Marie—Le Sud-Ouest—Île-des-Soeurs, Lib.)): I call this meeting to order.

Welcome to meeting number 12 of the House of Commons Standing Committee on Justice and Human Rights. Pursuant to the order of reference of October 1, 2025, we are meeting to continue our study of Bill C-9, an act to amend the Criminal Code (hate propaganda, hate crime and access to religious or cultural places).

As with prior meetings, we're presenting now in a hybrid format, pursuant to the Standing Orders. Members are attending in person in the room and remotely using the Zoom application.

I will warn members and witnesses that there is a slight delay in the translation. If you notice it—particularly members—please raise your hand if there is a problem. We believe it is barely noticeable. It's just that the technicians have noted that there is a delay between the French and English and the English and French. It's not the translators themselves. It just seems to be something going over the system right now. If you are asking a question in English and getting an answer in French or vice versa, I will permit a delay that will go over and above the time, just simply so that people can have the benefit of having their question fully understood and the answer fully understood.

[Translation]

Sound tests have obviously been done. I ask those participating in the meeting in person or online not to place the microphone too close to their mouth and not to speak too loudly. This helps protect the health and safety of interpreters and prevent acoustic incidents. We certainly do not want to cause any problems for the team that has to interpret in both official languages.

[English]

People on Zoom in particular, everyone here is familiar with the format. I will allow direct questioning of witnesses. You do not necessarily need to go through me, although if there are some problems, I will ask that people do go through me.

People on Zoom, use the “raise hand” function that you are very familiar with by now. Obviously, there's also a function for your language of preference: English, French or the floor.

Just for the benefit of housekeeping and the vote that's going to occur at 5:15 p.m., I did have a brief discussion with the vice-chair and the Conservatives. There is a preference for people to be in their seats. Normally we could vote online and save time, but obvi-

ously because of the importance of this vote, I think members prefer to be in their seats. That will impact the questioning of the second group of witnesses, which means that if we do things right and if we go over the bells—with unanimous consent—for about 10 or 12 minutes, we can get a full round of questioning in on the second panel of witnesses. Then again, I need unanimous consent to go over past 6:30 p.m., but if we all resume here rather promptly once we have voted, I can accord time just to finish off perhaps even a second round of questioning, if that works. However, I need unanimous consent of the group to do that.

Some hon. members: No.

The Chair: It's totally understandable, but we'll do what we can. We'll thank the second group of witnesses once we go to the bells, and people can be on their merry way, and we won't go past 6:30 p.m.

I will go quickly, given the time. I will stop the first round a little early so that we can get on to the second round.

For the first panel, we have with us, from the African Nova Scotian Justice Institute, DeRico Symonds, director of engagement and justice initiatives.

[Translation]

He is participating in the meeting by video conference.

[English]

From the Canadian Constitution Foundation, we have Christine Van Geyn, litigation director.

[Translation]

From the Ligue des droits et libertés, we have Lucia Flores Echaiz, lawyer and Lynda Khelil, spokesperson.

From the Canadian Bar Association, we have with us Kyla Lee, lawyer, who is participating in the meeting by video conference.

I remind you that each witness has five minutes to make their opening statement. I will be very strict about speaking time. We will then move on to the questions from the committee members.

I extend our welcome to our witnesses.

Without further ado, I give the floor to Mr. DeRico Symonds.

[English]

You have five minutes. Please go ahead.

DeRico Symonds (Director, Engagement and Justice Initiatives, African Nova Scotian Justice Institute): Thank you, Chair and committee members, for the opportunity to speak today.

My name is DeRico Symonds. I'm an eighth-generation African Nova Scotian, and the director of engagement and justice initiatives at the African Nova Scotian Justice Institute, or ANSJI, rooted in Nova Scotia. ANSJI was established to confront systemic injustice and anti-Black racism. It advances justice reform, supports victims of hate and discrimination, and promotes equitable, inclusive institutions and safe communities across Nova Scotia and Canada.

We recognize Bill C-9, the combatting hate act, as an important step towards updating the Criminal Code to better protect vulnerable communities. It acknowledges the rise in hate crimes and the need for stronger legal protection, yet the bill's current framework is too narrow.

I want to draw attention to its major gaps for Black Canadians—its terrorism-centric approach to hate symbols. The bill omits the noose, one of the most recognized symbols of anti-Black terror. The noose evokes centuries of racial violence. It continues to appear today in schools, workplaces and public institutions, and it is used to intimidate and silence Black Canadians.

Additionally, it is our belief that the Ku Klux Klan, or the KKK, also meets the Criminal Code definition of a terrorist entity. Its actions—lynchings, bombings, cross burnings—were designed to intimidate the public through violence motivated by white supremacist ideology. Its influence continues to surface in extremist movements and hate crimes today. Excluding the KKK, while listing its ideological successors, creates a gap that undermines both moral and legal coherence.

Recent incidents in Nova Scotia show that this hate is not history but reality. In 2024, individuals wore a KKK costume to a Halloween gathering in Cape Breton, Nova Scotia. In 2023, two teenagers in Chester Basin, Nova Scotia were charged after waving a noose at a Black family. In 2020, a sign reading “Redneck Hang-out” with an image of a noose was found in Queens County, Nova Scotia. In 2019, footage I observed documented KKK recruitment activity occurring in a Halifax, Nova Scotia workplace. These are reminders from Nova Scotia that anti-Black racial terror persists in Canada.

Bill C-9's consideration of amendments to remove or to limit the Attorney General's signing authority in hate-related designations poses risks for Black communities. The Attorney General serves as a constitutional safeguard, ensuring that prosecutions and designations are guided by public interest and ministerial accountability. Removing this oversight would decentralize discretion to police and Crown agencies—institutions that have well-documented histories of systemic racial bias.

In Nova Scotia, the Wortley report of 2019 confirmed that Black residents were six times more likely than white residents to be street-checked by police. In such contexts, shifting unchecked discretion to frontline enforcement could only reproduce systemic harm, not prevent it. According to the Department of Justice Canada, “In 2022, police-reported hate crimes motivated by hatred of a race or ethnicity increased by 12%, whereas the percentage of

hate crimes specifically targeting the Black community increased by 28% (more than [double]).”

Without AG oversight, decisions to investigate or to prosecute under hate-related provisions could occur without sufficient checks and balances, risking further marginalization of communities that are already overpoliced and feeling underprotected.

To close, I respectfully submit four recommendations.

The first is to expand the definition of prohibited hate symbols to include the noose and the KKK insignia, such as a white pointed hood and a burning cross.

The second is to list the KKK as a terrorist organization under section 83.05.

The third is to establish independent community advisory panels to work alongside Attorney General oversight. These panels can ensure that decisions about hate symbols, terrorist entities and hate-related acts are informed by those with lived experience, as well as by experts and academia, and that they're not made solely with government or law enforcement frameworks. Conceivably, it would be something similar to the cross-cultural round table on security.

The fourth is to have meaningful consultation with Black communities and organizations when developing a more inclusive list of prohibited symbols and terrorist entities.

Ultimately, a meaningful combatting hate act must confront hate in all its manifestations, including the intimidation of Black Canadians, which we still experience today. ANSJI looks forward to collaborating with Parliament, and with all parties and partners, to strengthen this bill and to promote genuine community safety and justice.

Thank you.

• (1540)

The Chair: Thank you, Mr. Symonds.

We'll go to Ms. Van Geyn for five minutes.

Christine Van Geyn (Litigation Director, Canadian Constitution Foundation): Thank you, Chair.

Thank you, members of the committee, for the opportunity today to appear on Bill C-9.

My name is Christine Van Geyn. I'm the litigation director with the Canadian Constitution Foundation. It is a non-partisan legal charity dedicated to defending Canadians' constitutional rights and freedoms.

We at the CCF have been involved in landmark free expression cases at the Supreme Court, including Whatcott and Ward. We brought the successful legal challenge to the federal government's invocation of the Emergencies Act in 2022. We provide free public education on constitutional law. I have also authored three books on the subject.

Now, I want to be clear at the outset: Hate is wrong. Hate causes real harm in society, and hateful conduct, especially violence and threats, must be confronted, but the criminal law is our most powerful state tool, and it carries the highest stigma and the most serious consequences for liberty. It must be used with great restraint, especially in matters touching expression, belief and political or religious discourse.

Bill C-9 expands the criminal law into the realm of expression in ways that risk unjustified violations of the charter right to free expression. It lowers the threshold for hate propaganda offences, removes safeguards against politicized or abusive prosecutions, introduces vague new offences and risks chilling lawful debate and protest in Canada.

Our constitutional tradition is clear: Freedom of expression protects even offensive and disturbing speech, and even hateful views, unless they cross a very high threshold.

Courts have always treated this as a question of where limits on protected speech exist, not on whether the speech is protected at all. That high threshold exists so Canadians can freely discuss controversial ideas, especially on sensitive political and moral topics, without fearing criminal sanction. Bill C-9 lowers that threshold and expands criminal liability in ways that threaten legitimate expression, dissent and protest.

Our primary recommendation is that Parliament withdraw Bill C-9.

In the alternative, I propose six amendments that could reduce, though not eliminate, the risk that Bill C-9 would be found to be unconstitutional.

First, the bill introduces a new statutory definition of "hatred" that departs from the Supreme Court's jurisprudence. For over 30 years, the court has required hatred to mean the "emotion of an intense and extreme nature that is clearly associated with vilification and detestation".

Bill C-9 dilutes that standard. It removes key limiting language and shifts from detestation "and" vilification to "detestation or vilification." It removes the requirement for extremeness. If Parliament chooses to legislate a definition, it must mirror exactly the standard that has already been upheld by the court, because anything less risks a finding of unconstitutionality.

Second, the bill removes the requirement for Attorney General consent before laying hate propaganda charges. That safeguard exists to prevent politically motivated or ideologically driven prosecutions in this uniquely sensitive area of law. Removing it invites ar-

bitrary or inconsistent enforcement. It even opens the door to private prosecutions, however rare, weaponized for political ends.

Third, the bill creates a new stand-alone offence for hate crime offences, layered on top of other existing offences, including non-criminal regulatory offences. This creates a risk of duplicate punishment, prosecutorial overcharging and plea pressure. Hatred is already a sentencing aggravating factor, and that approach preserves proportionality while protecting freedom of expression, so it should remain that way.

Fourth, the bill prohibits certain "hate symbols". Now, to be clear, these symbols are vile, but banning them outright risks driving hateful beliefs underground, where they are harder to confront, and risks sweeping in political protest speech, however misguided or offensive. The current law already captures symbols when they are used to wilfully promote hatred.

Fifth, the bill adds new intimidation provisions related to religious and cultural spaces. Intimidation, harassment, mischief and blocking access to buildings are already illegal. The solution to unlawful blockades is to enforce existing law.

Finally, we urge Parliament to retain the defences in subsection 319(3), including the defence of "good faith" religious expression, because removing that protection, combined with removing Attorney General consent, would chill legitimate religious debate and moral discussion. Courts already have applied that defence narrowly. It has never been successfully invoked, but its existence has been central to the court's conclusion that the law is constitutional as it is.

Hate cannot be legislated out of the human heart. What the criminal law can do—and what it should do—is prevent violence, threats, harassment and intimidation.

• (1545)

When we criminalize opinions, we risk making martyrs out of hate-mongers and driving vulnerable people towards hidden spaces of radicalization rather than exposing harmful ideas to the disinfecting force of truth and public criticism.

The Chair: Ms. Van Geyn, could you please sum up?

Christine Van Geyn: Yes. I'm done.

Thank you. I welcome your questions.

The Chair: Thank you.

[*Translation*]

We will now hear from the representatives of the Ligue des droits et libertés.

Ms. Flores Echaiz and Ms. Khelil, you have the floor for five minutes. You can share your speaking time.

Lucia Flores Echaiz (Lawyer, Ligue des droits et libertés): Thank you very much, Mr. Chair.

Good afternoon to the members and staff of the committee.

My colleague and I thank you for the opportunity to share the Ligue des droits et libertés' perspective on Bill C-9.

The Ligue des droits et libertés is an independent, non-partisan organization founded in Quebec in 1963 to defend and promote human rights.

The Chair: Ms. Flores Echaiz, just a moment, please.

Rhéal Éloi Fortin (Rivière-du-Nord, BQ): Mr. Chair, there was no interpretation in English and the interpretation in French was terrible. There was an echo and the sound was choppy, to the point that I couldn't keep up. There is clearly a problem.

As a francophone, I find it important that the statements of francophones be properly understood by our anglophone colleagues. It works both ways.

The Chair: Ms. Flores Echaiz, there is a problem with interpretation, but it is not your fault. We will try to solve the problem.

[*English*]

It's the same in English.

[*Translation*]

Ms. Flores Echaiz, you have the floor.

• (1550)

Lucia Flores Echaiz: I will start over from the beginning.

My colleague and I thank you for the opportunity to share the Ligue des droits et libertés' perspective on Bill C-9.

The Ligue des droits et libertés is an independent, non-partisan organization founded in Quebec in 1963 to defend and promote human rights.

We recognize that the intention behind the bill is commendable. Hatred and intolerance toward groups that have historically been victims of discrimination are indeed a problem that must be addressed through various means. However, we do not believe that the provisions in Bill C-9 offer effective tools to combat this problem. On the contrary, we believe that they represent an unjustifiable infringement on rights and freedoms, particularly the freedoms of expression, peaceful assembly and association. We therefore ask that you not adopt Bill C-9 for the reasons detailed in our brief.

First, with regard to codifying a definition of hate in the Criminal Code, we believe that the wording chosen risks lowering the threshold carefully established by the Supreme Court.

Second, the proposed offence of wilfully promoting hatred by displaying certain symbols raises a number of issues for us. Our primary concern is the link to Canada's list of terrorist entities. The Ligue considers that the current process for designating this list is opaque, undermines freedom of association and expression, and

does not offer adequate procedural guarantees, while the consequences are extremely serious.

The Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism warns against the serious rights violations that can occur when such lists give rise to overly broad and general offences, particularly those related to the display of symbols. We consider that this applies accurately to this provision. Its wording, with its use of vague and imprecise terms, effectively leaves considerable room for arbitrariness in its application. This opens the door to arrest on the mere basis of displaying symbols that may be used, in particular, in the context of peaceful demonstrations.

Thus, it represents an unjustified violation of the freedoms of expression, peaceful assembly and association, and could also represent a violation of the right to equality on the grounds of national or ethnic origin or religion.

In our opinion, the defences provided for this new offence are more limited than those that already exist in the Criminal Code.

Lynda Khelil (spokesperson, Ligue des droits et libertés): Thank you, Ms. Flores Echaiz and Mr. Chair.

I will continue.

The creation of the offence of intimidation of a person to obstruct their access to a place used for religious worship or other places, and the creation of the offence of obstructing or interfering access to these places, pose significant problems.

The notion of "provoking fear" in a person in order to prevent their access to a place seems extremely vague and subjective to us. It does not appear to respect case law, which recognizes that protesting is an inherently disruptive form of expression that disturbs and interrupts daily life. Disruptive acts that cause discomfort, embarrassment and subjective fears are not likely to restrict the right to protest or picket. The same applies to the offence of "obstructing or interfering" access, which could criminalize a number of disruptive or disturbing behaviours that are constitutionally protected.

Furthermore, the places listed in the bill are countless and difficult to identify. Given that these places are also workplaces, the new offences risk disproportionately penalizing the workers who work there.

In addition, it should be noted that demonstrations may take place in front of locations listed in the bill not because of the nature of the location, but because of the event taking place there.

Given that the Criminal Code already provides sufficient tools for victims of obstruction or intimidation, these new offences are, at best, unnecessary. At worst, and this is what we fear, they actually seek to criminalize acts that are protected by the Canadian Charter. At the very least, they will have the effect of deterring the identifiable groups that are targeted for protection from demonstrating in certain places. In our opinion, such an infringement on the freedoms of expression, assembly and association is therefore unjustifiable.

Furthermore, the creation of a new offence related to committing a hate-motivated offence would undermine the consistency of the Criminal Code, which currently provides that hatred is an aggravating factor in sentencing. The maximum penalties are also being increased excessively, breaking with the principle of harmonization of penalties.

Finally, the proposed elimination of the Attorney General's consent would not change the practice in Quebec, but we believe it would reduce effective screening elsewhere in the country, increasing the risk of unfounded and abusive charges.

• (1555)

Thank you for your attention.

We are now available to answer members' questions.

The Chair: Thank you both.

We now turn to the Canadian Bar Association.

Ms. Lee, you have the floor for five minutes.

[*English*]

Kyla Lee (Lawyer, The Canadian Bar Association): Good morning. Thank you for the opportunity to appear before you today.

My name is Kyla Lee. I am speaking on behalf of the Canadian Bar Association's criminal justice section and its sexual and gender diversity alliance. The CBA is a national association of over 40,000 lawyers, law students, notaries and academics. Our mandate includes seeking improvements in the law and the administration of justice. The criminal justice section represents both Crown and defence counsel from across Canada, giving us a balanced perspective on criminal law reform.

Bill C-9, the combatting hate act, addresses a deeply concerning rise in hate-motivated conduct across our communities. We support the intent of the legislation, which is to protect historically targeted groups and to respond to the reality of hate in Canada. At the same time, we believe some provisions would benefit from clarification to ensure that the bill achieves its purpose without unintended consequences for charter-protected rights and without unintended consequences for the historically marginalized people it seeks to protect.

The first is with regard to the definition of a hate-motivated crime offence. The definition of "hatred", while derived from the Supreme Court of Canada's Keegstra and Whatcott jurisprudence, becomes confusing in the bill's clarification. The proposed subsection states that discrediting, humiliating, or offending alone is insufficient to meet the definition. This language, when taken out of context from the case law, risks narrowing the concept in a way that

will cause uncertainty in prosecutions and defences alike. Hate crimes inherently discredit and humiliate their victims. Clarifying that those elements are insufficient creates ambiguity rather than guidance. We recommend removing or redrafting this proposed subsection to more accurately reflect the jurisprudence.

Second, we have concerns about the new offence of intimidation or obstruction of access to certain places. The sections agree that people must be free to access places of worship, education and community life without fear. Our concern lies in the breadth of the proposed language. The *actus reus* "obstruction" and "interference" is undefined. This could encompass peaceful protest or assembly, particularly surrounding complex issues for which there is no clear political or social consensus. Section 2(c) of the charter protects the right to peaceful assembly. Without clearer wording, individuals engaged in legitimate protest near such sites could face prosecution simply because their presence or expression causes discomfort. We suggest that Parliament more precisely define what constitutes unlawful obstruction or interference to make it clear what conduct specifically is being addressed. Parliament should also strengthen the exemption for "communicating information".

Third, we have concerns regarding the provisions surrounding the display of terrorism or hate symbols. The intention, to prevent glorification of hate and terror, is indisputably laudable. That being said, our concern is proportionality and certainty. Only two specific symbols, the Nazi swastika and SS bolts, are enumerated in the Criminal Code. Leaving the determination of other prohibited symbols to regulation is simply inadequate. This offence directly engages freedom of expression rights. As such, fulsome parliamentary debate, study and discussion are necessary to ensure that anything specified as a hate symbol is properly and thoroughly considered. We need look no further than our neighbours to the south to see ways in which a government's regulatory power can be misused to quash free speech. We also recommend that the offence require proof that the symbol was displayed for the purpose of promoting hatred. This ensures that legitimate educational, religious or artistic displays remain protected, consistent with the bill's own defences.

The CBA sections share the government's goal of addressing hate-motivated violence and intimidation. Our suggestions aim to make these new provisions both effective and constitutionally sound, targeting conduct that spreads real harm while safeguarding the rights and freedoms that are the foundation of our democracy.

Thank you. I would be pleased to answer any questions.

• (1600)

The Chair: Thank you.

Thank you to all the witnesses for their opening statements.

For the six-minute round, we'll start with Mr. Brock for six minutes.

Larry Brock (Brantford—Brant South—Six Nations, CPC): Thank you, Chair.

Thank you to all our witnesses for your attendance and participation.

Without limiting and without reflecting on the seriousness of this particular study, there was a decision released by the Supreme Court of Canada last Friday that is very disturbing on its facts and its implications moving forward for those being prosecuted with child sexual exploitation related offences. For that reason, I'm asking for the indulgence of the witnesses while I intend on moving a motion.

Mr. Chair, this motion was put on notice this past Monday, November 3, in both official language. I wish to read the motion into the record at this time. I move:

That, given that the Supreme Court of Canada removed mandatory minimum sentences for offences related to child sexual exploitation, and incorrectly ruled that these mandatory minimum sentences were cruel and unusual;

And given that the premiers of Alberta, Saskatchewan, and Ontario, as well as the Leader of the Official Opposition in Manitoba, have all publicly called for the use of the notwithstanding clause to overturn this decision;

The committee call on the government to invoke the notwithstanding clause to reinstate these mandatory minimum sentences for child sexual exploitation, and that this be reported to the House.

Unfortunately, the decision itself is some 70 pages long, and approximately one page of those 70 pages is actually devoted to a description of the facts that were read into the record and accepted by the original trial judge in the finding of guilt. I think it's important that this committee and Canadians who are watching these proceedings truly appreciate the heinous nature of the facts the Supreme Court of Canada was faced with.

For the record, I will be reading from paragraphs [9] and [10] of the decision. The decision is known as the Quebec Attorney General v. Senneville.

Paragraph [9] reads:

Louis-Pier Senneville pleaded guilty to one count of possession of child pornography (s. 163.1(4)(a)...) and to one count of accessing child pornography (s. 163.1(4.1)(a)). He admitted having been in possession of 475 files, including 317 images of children constituting child pornography. Of those images, 90 per cent were of young girls between 3 and 6 years of age, some showing victims being subjected to acts of penetration and sodomy committed by adults and minors. Mr. Senneville admitted that he had acquired these images through specialized sites and that he had possessed them for 8 months. He accessed these images for 13 months. Mr. Senneville is a former soldier who was 28 years old and had no criminal record at the time of the sentencing decision. The decision noted that he cooperated with the authorities and complied with strict release conditions.

Paragraph [10] reads:

Mathieu Naud pleaded guilty to one count of possession of child pornography...and to one count of distribution of child pornography... He admitted having been in possession, for 13 months, of 531 images and 274 videos of child pornography, most of which were of children from 5 to 10 years of age being subjected to sexual abuse, such as fellatio and vaginal and anal penetration, by adults. Mr. Naud used specialized software to access that material, make it available and wipe out any traces of it.

• (1605)

This decision was released last Friday. From last Friday until earlier this week, there was absolute deafening silence from the Liberal government, particularly Prime Minister Carney and his justice minister, Sean Fraser. In fact, Prime Minister Carney was very active on his social media over the weekend, including last Friday, highlighting all the photo ops of him in Asia on his trip. There was not one mention of a decision that has rocked this nation. As for justice minister Sean Fraser, there was absolutely nothing until confronted in the House by opposition members asking for his immediate use of the notwithstanding clause.

We've heard, as I've indicated, through the nature of the motion how various premiers and other leaders have reacted. To be fair to Sean Fraser's office, there was a spokesperson who did utter a statement on Friday denouncing child abuse and exploitation generally. The statement remained noncommittal on whether the federal government intended to challenge the ruling.

A recent article states:

In Fraser's home province of Nova Scotia, meanwhile, the provincial Attorney General and Justice Minister Scott Armstrong issued a blunt rebuke on Saturday, calling the judgment "deeply troubling" and demanding action.

"Nova Scotians should be able to expect that sentences for those who commit horrible crimes will protect the public and not leave victims feeling more vulnerable," Armstrong said in an official government statement released on Saturday.

"This ruling raises serious questions about whether the punishments will truly reflect the severity of these offences and the pain they inflict. Mandatory minimum sentences send a clear message that exploiting children is among the most serious crimes, and will be treated that way."

Armstrong added that he would share his "grave concerns" with Fraser and urge Ottawa to "take action to ensure our justice system continues to protect the most vulnerable, particularly children and youth."

Further on, the article states:

Alberta Premier Danielle Smith, Ontario Premier Doug Ford, and federal Conservative Leader Pierre Poilievre each condemned the decision in separate posts on X.

"This decision is outrageous," said Premier Smith in an X post shortly after the Supreme Court's decision was rendered and made public. "The possession of child pornography is a heinous crime, and even a one-year minimum sentence is already far too lenient."

Smith says she is "calling on the Federal Government to immediately invoke the Constitution's notwithstanding clause to overturn this ruling and ensure the protection of our children."

In an X post similarly timed to Smith's, Ontario Premier Doug Ford said: "I can't believe it. The Supreme Court ruled against one-year mandatory minimum sentences for the possession and access to child pornography."

Like Smith, Ford also called for the federal government to intervene, saying that "the Notwithstanding Clause was designed to protect the will of the people" before demanding that the federal government "overturn this decision immediately."

Poilievre went further, pledging legislative action if elected and calling the court's decision "dead wrong."

"Child-porn users must face mandatory prison time. The Supreme Court ruling today removing those penalties was dead wrong," the opposition leader wrote on Friday before promising that a future Conservative government would "use the notwithstanding clause to protect the rights of children by locking up child-porn users with mandatory prison time."

In one of today's papers, there is a heading on a story which reads, "Fraser wrong, use notwithstanding clause in wacky child porn ruling".

The article states:

If ever there was a court ruling calling for the use of the notwithstanding clause, it's the debacle issued by the court last Friday. And yet the Carney Liberals are saying they won't overturn that politically motivated and poorly thought out decision.

• (1610)

Justice Minister Fraser was asked about using section 33 of the charter to override the court several times on Tuesday, and said he said that he would not do it. In a shocking 5-4 decision last week, the majority ruled that the mandatory minimum sentence of one year was cruel and unusual punishment and a violation of the charter. They did so not by ruling on the case before them—and I highlight the facts that I read out—but by inventing a new possible case to arrive at their politically motivated conclusion.

Justice Mary Moreau, who released the majority decision, invented the reasonable hypothetical of a 17-year-old girl texting a nude image of herself to her 18-year-old boyfriend, who then shared it with another 18 year-old who held onto it for a while instead of deleting it. Justice Moreau said that, in this case, a one-year mandatory minimum sentence for possession of child pornography would be cruel and unusual and violate section 12 of the charter; therefore, she ruled that the mandatory minimum had to be struck down in all cases.

The ruling, starting with the reasonable hypothetical, is insane. No prosecutor is going to bring those charges in the made-up case that Moreau used to justify her actions.

I'm going to pause right there, Mr. Chair, and remind this committee that I enjoyed an almost two-decade career as a Crown prosecutor. I can inform you that what the Supreme Court of Canada didn't touch at all is the use of discretion. The unrealistic scenario that Justice Moreau used in that decision, in my view, would never see the light of day in any criminal court.

Police have discretion. They are the first line of intervention when matters are brought as a potential breach of our Criminal Code. In the circumstances before them, I can't imagine, as a former prosecutor, any police service charging this particular individual with one count of possession of child exploitation material. There are other charges available to the police service in those circumstances. Even if the police service of jurisdiction had decided to lay a charge and bring it to my attention or that of any Crown attorney in this country, I doubt very much that we would exercise the discretion, because it's a hybrid offence, to immediately proceed to prosecute by indictment seeking a minimum one-year penalty. It is ridiculous, and it is extreme.

The article further states:

There is a world of difference between a 17 year-old girl voluntarily sharing an image of herself with her 18 year-old boyfriend and a 3 year-old being forced into sex acts.

Justice Moreau knows that, but she also philosophically opposes mandatory minimum sentences and invented a case to arrive at her conclusion. It's revolting; it's judicial activism. To use the Latin le-

gal term, *usurpatio legis*, she has usurped the law and taken over the legislative function by bending the law to her view.

Given that there is no appeal beyond the Supreme Court, Parliament should use the notwithstanding clause in a case like this, but Fraser is saying no. His words are, "We don't intend to override the Constitution to fix the problem". This is where Fraser and I disagree. Using the notwithstanding clause to overturn this ruling would not be overriding the Constitution; it would be overturning a bastardization of the plain meaning of the charter. It would be telling the judge, five of them, actually, that their job is not to bend the law to their own vision; it is to interpret the law as written. In the immediate term the federal government should invoke the notwithstanding clause to put these five judges in their place. After that, Parliament should look to draft and pass legislation in guidance for the courts to restrict the use of reasonable hypotheticals.

This valid tool of the court has seen rapidly escalating abuse over the last decade to the point that we arrive at this decision.

• (1615)

Most importantly, Mr. Chair, "In Canada's system, Parliament and not the courts are supreme. It's time for a government in Ottawa to act like that is the case...to protect our nation's children."

I do want to highlight the comments by Minister of Justice Fraser: "We don't intend to override the Constitution". The use of the notwithstanding clause, section 33, is part of the charter. There's no overriding here. It's an interpretation that is not worthy of acceptance.

I'm going to be wrapping this up very shortly, Mr. Chair, but I do want to highlight some of the language in the dissenting opinion. I would note that four justices were part of the dissenting group that prepared this judgment. That included Chief Justice Wagner himself.

They basically start off by saying, "Our case law"—meaning the Supreme Court of Canada's case law—"is categorical: a mandatory minimum sentence does not necessarily violate s. 12 of the Charter."

They state as follows:

The appeal should be allowed. It has not been shown that the minimum sentences provided for in s. 163.1(4) and (4.1)(a) of [the code] constitute cruel and unusual punishment within the meaning of s.12.... The impugned provisions are constitutionally valid and operative.

The censure of society and the law must be reflected consistently and rigorously in the sentences imposed on offenders who are guilty of sexual offences against minors. Through the imposition of more severe sentences, the justice system expresses society's deep and rightful indignation. A fit and proportionate sentence is one that is consistent with the teachings of [the Supreme Court's decision in] Friesen, 2020 SCC 9,...and that gives effect to Parliament's intention that sexual offences against children be punished more heavily.

Thank you, Chair.

The Chair: Thank you.

For the benefit of witnesses, when a member makes a motion like this, we do have to suspend regular proceedings. I have no guarantee that we will get back to questioning until five o'clock, so I do ask for your indulgence as we hear the motion.

I recognize three Conservatives who had their hands up first, starting with Mr. Lawton, Mr. Baber and then Mr. Gill, followed by Ms. Lattanzio.

Andrew Lawton (Elgin—St. Thomas—London South, CPC): I am really gobsmacked, Mr. Chair, and quite disappointed, that this Conservative motion is necessary.

When this Supreme Court decision came down last week arguing that a mandatory minimum sentence for the possession and acquisition of child sexual abuse and exploitation material was cruel and unusual punishment, I thought that this could be and would be a unifying moment for members of Parliament and parliamentarians of all stripes. I actually had a moment of hope that the Liberal government would do the right thing here and say that this was ridiculous, and that it would reintroduce the law at the first available opportunity by using the notwithstanding clause, a key part of the Charter of Rights and Freedoms in this country, to assert that Parliament, as the democratically elected body by Canadians, gets to have the final say on this, not an activist judge.

I'll speak very briefly to why the mandatory minimum is necessary in the first place.

The two offenders who were at the centre of this Supreme Court ruling, each of them, had hundreds of images of child sexual exploitation and abuse material, referred to in the decision as "child pornography". For one of them, 90% of the images were depicting young girls between the ages of three and six years old, some of which showed them "being subjected to acts of penetration and sodomy committed by adults and minors." The other offender had hundreds of images and videos as well of children from five to 10 "being subjected to sexual abuse, such as fellatio and vaginal and anal penetration, by adults."

The judge at the trial stage gave the first offender the bare minimum of 90 days' imprisonment to be served intermittently at his convenience and nine months of imprisonment. The second offender was given a very similar and in fact identical sentence.

Without a mandatory minimum, that sentence, which is already in and of itself offensively low, may have been even lower. That is why a mandatory minimum sentence is necessary, and that is why we are calling on this House to reintroduce this legislation with the notwithstanding clause.

I was a victim of sexual abuse as a child. To my knowledge, there are no photos or videos of that, and I hope that will end up being true.

Child sexual exploitation and abuse material does not exist on a computer screen with only the person who possesses it. There are victims—hundreds of victims—of this. There is a market for this. The government needs to send the strictest possible penalty and the strongest possible message in denouncing this.

This should not be a partisan issue. This should be something that every member of this committee—Liberal, Bloc and Conserva-

tive—can support regardless of what the Minister of Justice has said on this: that we call on the House to do the right thing and protect children.

Thank you.

• (1620)

The Chair: Thank you.

We have Roman and then Amarjeet.

Roman Baber (York Centre, CPC): Thank you, Chair.

This is not only about kids already abused, raped and exploited in these pictures and videos. This is about more kids in the future who will be raped because the courts fail to punish these perverts enough and thereby deter future perverts. We have to go hard on this so that we can kill this industry.

I used to lecture on the charter a bit. I want to talk about the charter here. What was the point of the notwithstanding clause? It was to prevent absurdity. Attorney General Jean Chrétien used the notwithstanding clause to seal the deal on the charter. That's how it came about. He specifically used an example for absurdity that the Supreme Court could come up with. He gave a hypothetical: For instance, what if the Supreme Court found that possession of child pornography was protected under the freedom of expression? That's the example he used. I think everyone in this room, even the Liberals, would agree that such a finding would be absurd. That's not the scenario we have, but it's close.

Senneville pleaded guilty to possession and access to over 300 images of children, mostly girls between the ages of three and six, being sexually exploited. Naud pleaded guilty to possession of more than 500 images and more than 250 videos, most of which were children between the ages of five and 10, many being raped and sodomized.

I'm disgusted by this, colleagues. Striking down the mandatory minimum sentence for each of the two counts is exactly the kind of absurdity that the notwithstanding clause was designed to prevent. I say this as a lawyer in good standing in Ontario. This is crazy. This is precisely why section 33 was inserted into the charter.

I'm tired of the use of these hypotheticals every time the court sees an argument of overbreadth. A first-year law student can come up with a hypothetical that would not make sense and render the law overbroad. Do you know what happens when there's a crazy scenario like the court considered to strike down the mandatory minimum sentence? There's common sense. The police don't charge. The Crowns don't prosecute it.

These guys are monsters. I'm proud of my colleagues and I'm proud of the Leader of the Opposition for clearly saying that we're going to invoke the notwithstanding clause when we're in government to protect these children from these monsters, to prevent this absurdity that the Supreme Court has arrived at. Attorney General Fraser is refusing to invoke the notwithstanding clause. He knows it's appropriate under the circumstances, but then he would have to be arguing against himself in court after the factum he submitted last month.

I ask this of my Liberal colleagues on this committee: Do your jobs to safeguard the law and protect children. Call on this government to invoke the notwithstanding clause and lock up these monsters who, through their actions, contribute to the rape and sodomy of children. Please do the right thing.

Thank you, Chair.

• (1625)

The Chair: Thank you.

Mr. Gill, please go ahead.

Amarjeet Gill (Brampton West, CPC): Thank you, Mr. Chair.

As my colleagues have mentioned, the decision by the Supreme Court of Canada to remove the mandatory minimum sentences for offences related to child sexual exploitation is absolutely disgusting. The court ruled that a minimum one-year sentence for these offenders is “cruel and unusual.” The things that are cruel and unusual are the horrific and damaging acts that these offenders commit against children.

Child sexual exploitation leaves deep, lasting psychological and emotional wounds that can shape the rest of their lives. As parliamentarians, we have the utmost duty to protect innocent Canadians, especially children. That is why this committee must call on the Liberal government to invoke the notwithstanding clause to overturn the Supreme Court’s disturbing decision and to reinstate mandatory minimum sentences for child sexual exploitation.

The call to use the notwithstanding clause in this case is not a partisan idea. It is supported by leaders from across the political spectrum at both the federal and the provincial levels. They agree that protecting children and not offenders must be our priority.

With this level of support, this committee must do its part. We must pass this motion and urge the government to act, to make it clear that Canada will always defend our children. Canadians across the country are watching and waiting for Parliament to step up. We hope the government will not stand in the way of the majority of Canadians and will choose to defend our children and not those who exploit them.

Thank you, Chair.

The Chair: Thank you, Mr. Gill.

Madame Lattanzio, please go ahead.

• (1630)

Patricia Lattanzio (Saint-Léonard—Saint-Michel, Lib.): Thank you, Mr. Chair.

I want to be crystal clear from the onset. Every member of this committee shares the same goal of protecting children from exploitation and ensuring that offenders face the toughest possible penalties. There is absolutely no ambiguity on that point.

However, we also have a duty to act responsibly. The notwithstanding clause is an extraordinary measure that overrides charter rights. It has never been used by a federal government, and it should not be used as a political reaction to a court decision, no matter how strongly we feel about the outcome.

There’s one amendment to Mr. Brock’s motion. Our amendment is to make this motion stronger and more constructive. I will circulate that to the clerk in a few minutes.

The amendment keeps the focus exactly where it belongs—on protecting children without undermining the charter or the independence of our courts. We are calling on this government to bring forward legislation to strengthen protections against child sexual exploitation. That’s the responsible path. It’s firm action rooted in evidence, in respect for the Constitution and in an unwavering commitment to keep our children safe.

Let’s be clear. Child sexual exploitation is one of the most horrific crimes imaginable. Those who prey on children are the worst of the worst, and they deserve to face the full force of the law. Our government will always stand firm against those who harm any child.

With that, Mr. Chair, I will be sending over the amendment on the third paragraph of Mr. Brock’s motion.

The Chair: Please read the amendment out loud.

Patricia Lattanzio: The third paragraph will read as this. “The committee call on the government to table legislation to address child sexual exploitation reaffirming Parliament’s unwavering commitment to protecting children and ensuring that offenders face the toughest sentences our justice system allows.”

The Chair: Mr. Housefather, I thought I saw your hand up.

Anthony Housefather (Mount Royal, Lib.): You did, but I’ll speak to Ms. Lattanzio’s amendment when it’s tabled, when people have a copy of it and when you’re ready.

Patricia Lattanzio: I will send that to you now.

Larry Brock: I was going to ask for a brief recess so that we can review and consult.

I would like to be acknowledged as the first speaker to Ms. Lattanzio’s amendment.

The Chair: We’ll do that. We’ll suspend briefly. You can talk, and let’s figure this out.

• (1630)

(Pause)

• (1655)

The Chair: We will continue. The amendment is in your inboxes, members.

I have, for the first round, dismissed the witnesses because we won’t get to—

[*Translation*]

Rhéal Éloi Fortin: Mr. Chair, I still have not received the subamendment.

The Chair: It’s coming.

Rhéal Éloi Fortin: It's coming, but we will not start talking about it until we've received it. I want to be sure we're talking about the same thing.

The Chair: Let me read it out loud and you can confirm that. Let me finish and you can judge accordingly.

[*English*]

I just asked the witnesses to be dismissed for this hour. We're not going to get to any questions, unfortunately.

You should have, in your inboxes, English and French copies of the amendment that Ms. Lattanzio has presented.

I will read it out loud in both languages, and you can confirm that this is what has been presented to you by email, and then we can continue the debate on this motion, eventually vote on it, and, if need be, vote on the main motion.

What Ms. Lattanzio has moved, in the third paragraph, is to replace all the words on the last paragraph after "to", with the following: "table legislation to address child sexual exploitation reaffirming Parliament's unwavering commitment to protecting children and ensuring that offenders face the toughest sentences our justice system allows."

[*Translation*]

In English:

That the motion be amended by replacing the words after "to" of the third paragraph with the following: "table legislation to address child sexual exploitation reaffirming Parliament's unwavering commitment to protecting children and ensuring that offenders face the toughest sentences our justice system allows".

[*English*]

On this amendment, I have Mr. Housefather and then Mr. Brock.

Anthony Housefather: Thank you very much, Mr. Chair.

On this one, there's a lot we all agree on. That the—

Larry Brock: I have a point of order.

Mr. Chair, I respect the spirit in which Ms. Lattanzio sought an amendment. Unfortunately, it is not anywhere close to the spirit and the intent of our particular motion. In fact, it's a whole new motion.

In our view, it is out of order and it's not admissible. We'd be seeking a ruling from the chair accordingly.

Patricia Lattanzio: Mr. Chair, that's not a point of order.

The Chair: Just give me a second to confer with the clerk.

We'll continue on this amendment while the clerk verifies whether it is admissible.

• (1700)

Larry Brock: I'll be challenging your ruling.

The Chair: That's fine, but let's let Mr. Housefather finish—

Larry Brock: I challenge your ruling, so it would not be in order for you to turn to Mr. Housefather. This requires a vote.

The Chair: I haven't ruled on it yet, so I would have to suspend.

Larry Brock: You did, by turning—

The Chair: I took it under advisement.

Larry Brock: I challenge that.

The Chair: No, you can't.

What do you want to do? Do you want to vote on that? I can suspend, confer with the clerk and get back to you on that or we can continue while Mr. Housefather—

Larry Brock: Let's suspend and confer with the clerk.

The Chair: We'll suspend.

• (1700) _____ (Pause) _____

• (1700)

The Chair: I have conferred with the clerk. Both the motion and the amendment do in fact deal in principle with the protection of children, so the amendment is receivable.

We can resume debate on the amendment.

Larry Brock: I challenge.

The Chair: State what your challenge is.

Larry Brock: I challenge your ruling that the Liberal amendment is in order.

The Chair: Then, barring any discussion on it, we will proceed to a vote.

All those in favour of—

James Maloney (Etobicoke—Lakeshore, Lib.): Is there no debate on the point as to whether or not it's within scope? Are we just voting on the fact that—

The Chair: I ruled it within scope.

He's challenging the ruling.

The formal challenge is: Shall the chair's ruling be sustained for purposes of this vote?

Mr. Maloney, since he's back, will vote, and Mr. Housefather will not.

(Ruling of the chair sustained)

The Chair: We will resume debate on the amendment.

Mr. Housefather, you have the floor.

• (1705)

Anthony Housefather: Thank you very much, Mr. Chair.

This is an area where I think we would have a lot of agreement.

[*Translation*]

All committee members would agree on this point.

[English]

I think we can all agree that the two offenders who were appellants in this case committed very bad crimes and that they should have very strict sentences. In fact, the Supreme Court is willing to change the sentence of these two offenders. I would argue that they were too lax, at least one of them.

I think that we would be able to agree that the minority ruling in this case, or the minority judgment of the four judges that said that the majority should have deferred more to Parliament, were correct, but I think we can disagree with the Supreme Court's majority judgment without attacking the Supreme Court as an institution or attacking individual judges on the court and making claims about political motivation being involved in the judgment.

What I do think we can work on together is sentencing guidelines. That is something the justice committee could focus on. Are the sentencing guidelines incorrect? We could talk about the use of hypotheticals, as Mr. Brock raised, and whether or not Parliament should be clear about what hypotheticals should be or not be used in the context of such a case.

We certainly could go back, and I think we should go back and legislate to deal with the court's ruling to require mandatory minimums in the case of these child sexual offences that deal with hypotheticals. All we need to do is create a class that excludes the hypothetical of the teen sex that even Mr. Brock agreed he wouldn't have prosecuted.

I think it's a willy-nilly leap to go to the notwithstanding clause, which is something that Parliament has not done since the charter first came into force. It sounds like some of the people here would use the notwithstanding clause over and over again. I don't think that's the work that Parliament should do. Parliament should do the work.... If we don't agree with the majority ruling of the court, we go back, we look at the judgment and we legislate properly to ensure the strongest possible sentences. We take into account that this class was perhaps too wide, and we narrow the class slightly to remove this hypothetical.

I agree with Ms. Lattanzio's position that we don't need to use the notwithstanding clause. We need to legislate and properly address the court's judgment.

Thank you.

The Chair: I have MP Brock, unless you want to cede your time to Mr. Lawton.

Larry Brock: I'll cede it to Mr. Lawton.

The Chair: We have Mr. Lawton, Mr. Baber and then Mr. Gill.

Andrew Lawton: Our motion had a very specific direction for a statement that this committee would send to the House—ideally something the House would concur with and the government would concur with, and that was that we “call on the government to invoke the notwithstanding clause to reinstate...mandatory minimum sentences for child sexual exploitation....”

The amendment that we are debating now from Ms. Lattanzio of the Liberals is an amendment that changes the call to action quite significantly so that we would “call on the government to table legislation to address child sexual exploitation....” The reason that is

fundamentally different is that, with all due respect to Ms. Lattanzio, it is not specific in terms of what we are calling for that will directly respond to and address the Supreme Court ruling that prompted this discussion.

I go back to the comments that I made in my initial intervention on Mr. Brock's motion, which is that the reason mandatory minimum exists is, as in the cases that led to the Supreme Court decision, the trial judges give the bare minimum and even then find ways to go below that for these heinous offenders who had hundreds of images and videos of young children being abused in unspeakable ways. This amendment cannot be supported because the amendment allows the government to do something—to table some legislation—that skirts around the edges of this issue without dealing with the crux of it. What we are trying to actually have an answer for is how we ensure that judges do not have the ability to let people who have engaged in these horrific crimes slide and go without due sentencing.

This is not something where I believe we can afford to be imprecise in what we're seeking to do, so I will be voting against this amendment. The amendment neutralizes and neuters the very essence of what we're trying to do, which is to make a very strong, deliberate and specific call to action from the government.

I still reiterate my hope that our original motion can be passed with all-party support at this committee, because this is something where the health and lives of children can be materially improved by sending a strong message to child abusers, Mr. Chair.

• (1710)

The Chair: Thank you, Mr. Lawton.

Mr. Baber, go ahead.

Roman Baber: I'll be very brief.

In response to Ms. Lattanzio, this is not a political reaction that you're watching on this side; this is the responsible reaction.

I would like to add that under the circumstances and given the intent of the notwithstanding clause, if it is not to be used to uphold a mandatory minimum sentence against possession of child pornography, then there's no conceivable scenario that I could imagine where it would be appropriate for the Liberal government or, in fact, anyone else to use the notwithstanding clause. This is precisely, as I said in my initial remarks, the type of scenario that the founders and the framers who agreed on the charter have contemplated. I ask again that we don't just think about the kids abused by Senneville and nod. I ask that we create enough deterrence to prevent and save future kids and to kill this disgusting industry.

I will be voting against the Liberal motion to amend.

The Chair: Thank you.

Mr. Gill, go ahead.

Amarjeet Gill: First of all, I would like to say we agree that we want to stop child abusers no matter where they exist. We want our kids to be safe and our children to be safe.

By the same token, I would like to say Ms. Lattanzio's amendment will not send a strong specific message to these predators. These child abusers should realize that we are on the side of the children and not on the side of the abusers. We have to protect our children from these abusers. I will always stand wherever I find a place where we can save our children. That is the right thing to do. This is what we need to do.

The amendment that was brought forward is not going to address the issue that we are talking about today, so I will be voting against this one.

The Chair: Thank you, Mr. Gill.

Mr. Brock, please go ahead.

Larry Brock: Thank you, Chair.

At this time, I'm moving a subamendment to the Liberal amendment. It is not in both official languages, but I would like to read it out. It's that the amendment be amended by adding the words...“allows” with the following: provided that the government table its legislative response to this Supreme Court ruling before the end of 2025, and that this be reported to the House.

The Chair: Mr. Lawton, please go ahead.

Andrew Lawton: Thank you, Mr. Chair.

I would like to move the subamendment to this. Do I need to read it again?

A voice: Yes, please.

Andrew Lawton: The subamendment is that the amendment be amended by adding, after the word “allows”, the following: provided that the government table its legislative response to this Supreme Court ruling before the end of 2025, and that this be reported to the House.

Amarjeet Gill: I move the motion.

The Chair: Thank you.

• (1715)

Patricia Lattanzio: Can we suspend?

The Chair: Yes, we will suspend. We'll probably have bells in the interim, so we'll work through that.

We agreed to resume to the extent possible, so 10 minutes after the vote concludes we'll resume, if that's the case. It will allow for the subamendment to be translated into French and properly distributed, so it's fortuitous.

Let's wait for the bells to ring.

Ms. Lattanzio, do you have a question? Otherwise, we will suspend.

Patricia Lattanzio: We will suspend.

The Chair: Yes, and we can chat amongst ourselves.

Thank you.

• (1715)

(Pause)

• (1815)

The Chair: We will resume. I'm going to read Mr. Lawton's subamendment.

Do you have a point of order to make before that, Larry?

Larry Brock: You can go ahead and do that.

The Chair: You should have it in your inboxes, and I will read it out for everyone in both official languages. Mr. Lawton has moved that the amendment be amended by adding, after the word “allows”, the following: “provided that the Government table its legislative response to this Supreme Court of Canada ruling before the end of 2025, and that this motion be reported to the House.”

Is there debate on this subamendment?

Mr. Brock, please go ahead.

Larry Brock: I cede my time to anyone.

The Chair: So, your team's okay.

Larry Brock: Yes.

The Chair: I have Mr. Chang, Mr. Housefather and then Mr. Maloney.

Go ahead, Wade.

Wade Chang (Burnaby Central, Lib.): Chair, I want to take a moment to bring this back to who really matters here—the victims, the children who have been exploited, whose innocence was stolen and whose lives will never be the same. We cannot undo their trauma, but we can make sure that those responsible face the full force of the law. That's our duty as members of Parliament, and that's why this issue demands precision, not politics.

I understand the emotion that comes with this. Everyone in this room wants to see justice done, but justice is not achieved by using tools like the notwithstanding clause. That weakens the legal foundation of Canada. It's achieved by writing strong constitutional law that ensures that predators are punished every single time.

When Parliament legislates carefully—when we write laws that balance justice, fairness and constitutionality—those laws endure, and they don't get struck down. We don't get challenges in the way. They protect children for good.

The government is already moving on this. Legislative work is under way to strengthen protections, close loopholes and make sure that sentencing provisions reflect the gravity of those crimes. We need to give those processes the space to happen properly because getting it wrong would mean reopening wounds for survivors and creating more uncertainty for victims.

Let's be firm. The abuse of children is one of the most despicable acts imaginable, so every offender should face the toughest sentence possible under Canadian law. However, we must do this right. We must do this in a way that respects the charter, that respects judicial independence and that ensures that those sentences stand.

This is not about being soft. This is about being smart and being unwavering in our commitment to protecting children through the laws they lost.

• (1820)

The Chair: Thank you, Mr. Chang.

Next I have Mr. Housefather, followed by Ms. Dhillon.

Anthony Housefather: Mr. Chair, may I ask a question, procedurally, before I speak?

Am I allowed to move a subamendment to the subamendment or not?

The Chair: No, you can't.

You can't sub a subamendment. It would have to be voted on and then you could technically reintroduce an amendment to that, in substance and form of what you were currently trying to propose. That's the way it would work.

Anthony Housefather: I understand.

Mr. Chair, I'm fine with the general verbiage of the subamendment except for the words "and that this be reported to the House." To me, what we should actually be doing is sending a letter to the Minister of Justice advising him of the committee's recommendation. We can certainly inform the House by sending a note to the Speaker. I'm not sure what the words "that this be reported to the House" actually achieves.

If there's a way to do this, I think the very first step is to advise the Minister of Justice and to talk to the Minister of Justice about what the desire of this committee is. If the committee wishes to make a point, he really should be the focal point of this because we're asking the government to take an action that would be spearheaded by him.

Again, I think we have a situation here where we're broadly in agreement that the offenders committed a pretty terrible crime and that these two gentlemen really needed to go to prison. The Supreme Court here didn't change their individual sentences, but we might want to work on sentencing going forward and be more specific about that. We might want to work on sentencing and talking about sentencing guidelines. We might want to look at the issue of using hypotheticals and talk to the minister about having Parliament rein in hypotheticals that are used that have really very little relationship to the cases before the court. I think this would be better achieved by a cross-partisan approach to the minister.

I'm not really aware that reporting it to the House makes the difference. I think this should be a letter to the Minister of Justice and Attorney General to ask him to effect the reforms that the committee is asking him to do and to work with us on more issues, including sentencing guidelines and the issue of the use of hypotheticals.

I don't support the crafting of this subamendment, but I would support it if the words "and that this be reported to the House" were replaced with something else or just dropped and we could agree on whatever that would be.

The Chair: Next we'll have Ms. Dhillon, followed by Mr. Lawton and then Mr. Brock.

Anju Dhillon (Dorval—Lachine—LaSalle, Lib.): Thank you so much, Mr. Chair.

When we talk about sentencing for child exploitation, we're talking about some of the most serious and horrific crimes imaginable. Every image, every video and every click represents a real child being abused. The pain and trauma are lifelong.

Our position is simple: These crimes deserve the toughest sentences our justice system allows, full stop. However, the answer cannot be to grab the notwithstanding clause and throw it into play. That's not how responsible government works and that's not how strong laws are made.

The notwithstanding clause was never meant to be a partisan response to a court decision. It was meant as a constitutional safeguard—an extraordinary measure for extraordinary circumstances. Once we start normalizing it as a political tool, we open the door for any future government to override rights on a whim.

Let's be clear. That's not just about legal theory; it is about real people, real rights and real consequences. If we erode the charter in one area, we make it easier to erode it anywhere else. Our government's focus is on fixing this properly. We're already doing the work to bring forward legislation that ensures offenders face serious, consistent and constitutional sentences for crimes involving the sexual exploitation of children.

We want laws that hold up—laws that can't be struck down again because they were rushed or politically motivated. We want laws that deliver justice for victims and send a clear message of deterrence that actually sticks. Yes, we agree with the intent behind this motion, but we won't support shortcuts that risk making the problem worse. This is about real solutions, not symbolic gestures.

Make no mistake, the government is not standing still on this. Work is already under way to strengthen sentencing provisions and support enforcement efforts. That's how you protect children. That's how you make real change.

• (1825)

The Chair: Thank you, Ms. Dhillon.

I have Mr. Lawton and then Mr. Brock.

Andrew Lawton: I trust that Mr. Housefather did not mean the word "gentlemen" when he was referring to these people. That's not a slight at Mr. Housefather. These are despicable dirtbags we're talking about in this ruling. I think we need to understand that when we're talking about what's at stake in this.

The reason our motion and, in this case, our subamendment to the amendment to the motion calls for reporting to the House is that it means something very specific. We believe that this is something that needs to be sent to the House. We do not need a committee motion for us to send strongly worded letters to the Minister of Justice or to anyone. We can notify Minister Fraser and tell him all we want, but we want there to be an official process here by which this House has to acknowledge what we have agreed on as a committee after this vote.

Reporting to the House is not just putting a sticky note in front of the Speaker. It is a very real process by which this issue can be given the consideration it deserves. No, it would not be satisfactory for us to just agree on a strongly worded letter to the Minister of Justice and then wipe our hands of this and say that we've done our job as a committee. If the government has not yet presented legislation, not yet told us what is going to be in legislation, and has indicated through the debate we've had on this committee that there won't be use of the notwithstanding clause, and there likely will not be a mandatory minimum, then that is precisely why this motion that we have put forward is the only way to get this issue before the House in the manner it needs to be entertained.

The Chair: Thank you.

Go ahead, Mr. Brock.

Larry Brock: Thank you, Mr. Chair.

Given that it is now 6:28 and that we have resources until 6:30, and we are worlds apart in terms of coming to a reasonable conclusion to these motions and subamendments, I'm going to ask and encourage the chair to suspend until the next meeting, which would be November 18.

The Chair: I think we have Ms. Lattanzio, who wanted to speak again on—

Patricia Lattanzio: No, I wanted to move to adjourn.

Anthony Housefather: I think we're in agreement with Mr. Brock.

Larry Brock: No, it's not to adjourn; it's to suspend.

Patricia Lattanzio: I'm saying to adjourn, Mr. Chair.

Larry Brock: Well, I have my request on the table.

The Chair: The motion from Mr. Brock is to suspend.

There is an immediate vote on that; there's no debate on it.

Larry Brock: It's to suspend until November 18.

The Chair: The subsequent motion would be to adjourn.

On the suspension, all those in favour? All those against?

(Motion agreed to)

The Chair: We're suspended.

[*The meeting was suspended at 6:30 p.m., Thursday, November 6*]

[*The meeting resumed at 3:40 p.m., Tuesday, November 18*]

• (30345)

The Chair: I call this meeting to order.

Welcome everyone. We are resuming meeting number 12 of the House of Commons Standing Committee on Justice and Human Rights.

Everyone knows the protocol around being respectful around the microphones.

[*Translation*]

Mr. Fortin, the sound tests have indeed been carried out.

[*English*]

I want to remind members that we are still dealing in the third hour with the subamendment from Mr. Lawton to Larry Brock's motion.

The first panel is composed today in person of Mayor Patrick Brown from the City of Brampton. Welcome, Mayor Brown.

[*Translation*]

Rhéal Éloi Fortin: Mr. Chair, I have a point of order.

We do not have a notice of meeting with respect to what you raised. I received a notice of meeting stating that we were resuming the debate today on Mr. Brock's motions, meaning we were resuming meeting number 12 that was suspended. I expect us to continue with meeting number 12. I have not received any other notice of meeting.

The Chair: I have a solution to propose to bring us back to that format.

I therefore announce the surprise: We have two groups of witnesses, each for a duration of one hour. In the third hour, we will address Mr. Lawton's sub-amendment and Mr. Brock's motion.

I would therefore ask Mr. Brock to present his motion to resume—

Rhéal Éloi Fortin: Your announcement surprises me. Thank you for admitting that it's a surprise. Is this normal for the Standing Committee on Justice and Human Rights?

I have been in Parliament since 2019, and this is the first time I have seen notices of meetings being submitted unexpectedly at the beginning of a meeting. Normally, we're notified in advance so we can prepare for the meeting. Personally, I'm not ready for the witness groups you announced.

I don't know what our colleague Mr. Brock wants to propose, that's his business. However, I'm glad that Mr. Brock and Ms. Lattanzio can agree, because usually we're faced with parliamentary obstruction and a war between the Liberals and the Conservatives. I'm glad to know that it's over, but I'm really disappointed to think that we're going to have surprise meetings. It seems to me that we could have discussed it among the three of us beforehand.

On Friday, I spoke on the phone with Ms. Lattanzio for an hour. She sent me a long email to which I replied yesterday. We were discussing the motions that Mr. Brock presented on November 6. In the meantime, I received notice from the clerk informing me that we would continue the meeting from November 6, which had been suspended, and that there would be no new notice of meeting.

Now you're announcing a surprise to me, which means the plan has changed. I think it's unacceptable and that we can't proceed in this way.

The Chair: First, I'll let Mr. Brock present the motion.

Rhéal Éloi Fortin: Okay.

The Chair: I must admit that this is not the biggest surprise possible. Under normal circumstances, these people would obviously have testified today. All members should have been ready.

Let's let Mr. Brock present his motion.

Rhéal Éloi Fortin: Excuse me, Mr. Chair, but what you just said is not true.

You say that I'm not ready when I should be. I never received a notice of meeting concerning the witnesses you mentioned. Don't tell me this is how it's usually done. Normally, we receive a notice of meeting and we work according to the content of the notice.

With all due respect for the integrity and competencies of today's witnesses, they were not included in the notice of meeting. The more competent they are, the more useful they are, the more I want to be prepared.

I find that it's neither fair nor effective to have a surprise notice of meeting, as you say. It lacks seriousness.

The Chair: Mr. Brock, you have the floor to present the motion.

[*English*]

Larry Brock: Thank you, Chair.

I thank Mr. Fortin for his intervention. I too would like to know why we did not receive a notice of meeting with respect to potential witnesses. It's unfortunate that it was not done.

For the purpose of resuming debate on my original motion, which was then amended, which was then subamended, I have a proposal that I have circulated to every member at committee.

I believe we have an agreement to conduct the balance of this meeting in the following fashion.

I move:

That, for the purposes of today's meeting, the committee dedicate two hours to witness testimony on the study of bail and sentencing, and in the third hour, conclude debate on the Conservative motion in relation to the Supreme Court ruling dealing with mandatory sentences for criminals convicted of possession of child sexual abuse and exploitation material.

This motion was presented in both official languages.

• (30405)

The Chair: We will resume.

We had the motion that was proposed by Mr. Brock, which you've read out.

There is no specific amendment on that. Let's go directly to a vote on that motion.

• (30410)

Larry Brock: Unless we have unanimous consent.

The Chair: We need unanimous consent to pass this motion.

(Motion negated)

The Chair: Unless someone proposes another motion, we will have to resume the regular programming.

Larry Brock: Resume the programming.

The Chair: Mr. Lawton, please go ahead.

Andrew Lawton: I would like to be added to the speaking list.

The Chair: Your proposal, Mr. Brock, is to....

Is there no other motion proposed on the table?

Go ahead, Ms. Lattanzio.

Patricia Lattanzio: I'm going to move a motion; just give me two minutes.

I move, Mr. Chair, to now hear from the witnesses.

The Chair: That is immediately votable.

(Motion agreed to)

The Chair: The motion is carried.

Please go ahead, Monsieur Fortin.

[*Translation*]

Rhéal Éloi Fortin: Mr. Chair, I have a point of order. I spoke about it earlier and I'm doing it again.

We did not receive a notice of meeting concerning this group of witnesses. With all due respect for the witnesses, we must work seriously with them. This is not a joke. They are here to do an important job. I think we need to be properly prepared.

You told me earlier that you were surprising me. Thank you, but it's not my birthday. I don't need that kind of surprise. I do not agree to doing things without a notice of meeting.

I therefore rise on a point of order, Mr. Chair. The committee cannot meet without a notice of meeting. I believe it must be sent 24 or 48 hours in advance. It can't be decided on the fly like that at the beginning of the meeting.

The Chair: You are not wrong, in part. The notice of meeting is a practice. However, as we have adopted this motion, we will resume the session where it was supposed to be today, namely with the testimonies as part of the ongoing study. For this reason, we will continue—

• (30415)

Rhéal Éloi Fortin: Mr. Chair, I have a notice of meeting, received by all members of the committee on November 14 at 4:46 p.m., informing me that the committee is resuming Meeting 12 today, which was suspended. Don't tell me that we were supposed to receive these witnesses today. That's not what we read in the notice of meeting.

I don't know where the idea comes from that we need to hear the testimony of these witnesses. I believe it was discussed, probably in good faith, among colleagues at the table who thought it useful to hear from these witnesses. These witnesses are important people who deserve to be heard.

However, I regret to inform you that we have a way of doing things. It can't be chaos. We need to do things with a minimum of order.

The Chair: I completely understand your point about collegiality. However, we have just adopted Ms. Lattanzio's motion. As a result, we will hear the testimony of the witnesses. They have been waiting patiently for a good half hour.

Rhéal Éloi Fortin: You are telling me that we will hear the testimony of these witnesses based on a motion that was proposed on this matter, even though it was not related to the topic for which we were convened, Mr. Chair.

I am appealing this decision.

[English]

The Chair: Shall the chair's ruling be sustained?

(Ruling of the chair sustained)

[Translation]

The Chair: Thank you, Mr. Fortin

We will now move on to the testimony.

[English]

We will start first with Mayor Brown, who is here in person.

Mr. Brown, you have five minutes.

The other witnesses, by group, will also have five minutes.

Thank you, Mr. Brown. I'll turn the floor over to you.

Patrick Brown (Mayor, City of Brampton): It's an honour to be here at the justice committee. I once sat on this committee as a parliamentarian. I know the important work that you undertake. I'm heartened to hear that you are having this extensive look at bail reform in our country. We have a bail system in Canada that is tragically broken, and it is very encouraging to hear that it is being addressed with the attention that it deserves.

I represent a city where I believe public safety is the number one issue—in Brampton and in Peel region. I see that through my responsibilities not only as mayor of the city but also as a member of the Peel Police Services Board. For the last five years, we've had a campaign for bail reform. We launched a petition, and we have had it as our number one advocacy point in Ottawa.

What started this campaign was the tragedy of Darian Henderson-Bellman, who lost her life to five shots from her former intimate partner. This individual was released on bail five times. It was a preventable tragedy.

More recently—and I say tragically—every few months we hear about another example of this. After Darian Henderson-Bellman, we said that never again would a preventable tragedy like this happen, but that hasn't been the case.

Just a few weeks ago, we paid witness to the tragedy of Savannah Kulla. Savannah Kulla had her life taken by a former intimate partner who had a history of violence and firearms offences. The fact that he was released to take her life is a tragedy that shook our community, and it's why I believe that the bail reform presented is so necessary for the country. We have the same criminals committing the same crimes again and again. It has become a revolving door.

We even had one instance in Peel region that the chief of police told me about where someone was released for stealing a car, and then they stole a car from the parking lot of the courthouse in Brampton. On talk radio, they were laughing about it, but it's no laughing matter for those whose security has been pierced.

I wanted to share some statistics with you. I did some research in advance of this testimony.

In Peel region, 66% of those who have firearms offences had been released on bail. Two-thirds of individuals who committed firearms offences were released. Someone who commits an offence with a firearm should not be released. These are people who have terrorized the community, and the seriousness of a firearm offence should be treated as such.

I also wanted to note that I understand that it's not simply the Criminal Code. We have serious challenges to correctional capacity and judicial resources. I wanted to put that on the record as well. We are short Crowns. We're short interpreters. Too often at Maplehurst, our local correctional facility, the inn is full. There is no capacity to send additional inmates. Almost every case in Peel region is given additional credit when it comes to sentencing, because of the challenges of the system.

My plea today, on behalf of my residents, is that this robust bill legislation needs to be passed. Whether there are amendments that are required to strengthen it, I don't believe public safety should be a partisan issue. Let's make sure this bill is as strong as possible and that we give residents in Peel region and, frankly, Canadians across the country the peace of mind they deserve.

In talking to frontline officers, you know how frustrating it is for them to have their hard work wasted when an individual they've spent hundreds of hours on is released. I look at Project 24Karat, where we had this massive expense for the Peel police in the largest gold heist in Canadian history. Everyone who was charged in Canada was released. The individual who was charged in the U.S. is still in custody. There are too many examples like that.

I wish this legislation could be adopted immediately in the House of Commons so we don't see any more of that frustration, that anger that I hear from police, who see their time wasted.

Frankly, I hate getting the phone calls from parents who lose a loved one. Savannah Kulla's father called me, saying that he saw the Darian Henderson-Bellman tragedy on the news, and he said, "I hope this never happens to my family."

I spoke to Darian Henderson-Bellman's parents as well. They spoke at our Peel Regional Police victim symposium, which we hosted for the first time this year, to really amplify the need for bail reform. Talking to parents who have lost a loved one when that loss should never have happened is tough.

I want to thank you for giving me the opportunity to say a few words. Thank you for paying attention to a topic that is so critical to Canadians.

• (30420)

The Chair: Thank you, Mayor Brown.

We now have the Deputy Chief of Police of the Toronto Police Service, Robert Johnson.

You have the floor for five minutes.

Robert Johnson (Deputy Chief of Police, Toronto Police Service): Thank you, Chair.

Members of the Standing Committee on Justice and Human Rights, thank you for the invitation today.

The Toronto Police Service has long advocated for reforms that put public safety first, including bail reforms and reverse onus provisions that properly address serious violent offences, repeat violent offenders, firearms offences, organized crime and intimate partner violence. We support the Canadian Association of Chiefs of Police submissions made to the committee on October 28.

I'd like to offer some context on what we are currently facing here in Toronto.

Policing in the biggest city in Canada is complex, and we consistently have to adapt. Over the past decade, there has been a general increase in the volume of shootings and firearm discharges. Although we have seen more recent declines, particularly over the last five years, the longer-term trend remains concerning and is the focus of our planning and resource allocation.

Auto thefts have decreased since 2023. However, we have seen a steady upward trend over the past decade. Home invasions are down as well, compared with last year, but this follows a notable increase in recent years of upwards of 400%.

We believe that the bail and sentencing reform act, introduced last month by the Minister of Justice and Attorney General of Canada, is a step in the right direction to protect the public and deter criminal activity, to rebuild public trust in the justice system and to strengthen morale among police officers. For example, the proposed amendment to modify the tertiary grounds for the denial of bail to require courts to consider the number or seriousness of any outstanding charges is warranted.

Despite crime indicators trending in the right direction this year in Toronto, certain high-profile cases involving reoffenders committing violent crimes while out on bail continue to undermine public trust. For our frontline officers, as Mayor Brown mentioned, when they keep arresting the same individuals over and over again, they feel their work doesn't make a difference.

Recently in Toronto, we arrested three individuals who were all under 18 at the time of the crime in August. This was for the murder of an eight-year-old who was struck by a stray bullet in his bedroom. While there has been a slight decline this year, we continue to see more young people becoming involved in gun-related activity. With a clear rise over the past several years, this increase reflects a troubling shift in both accessibility and attitudes toward firearms among youths. This is a serious challenge that requires a whole-of-society effort.

In a densely populated city like Toronto, shootings in public spaces are not only incredibly dangerous; they can also cause lasting trauma and uncertainty for survivors, families and entire communities. Therefore, we continue to argue that when someone is shot and killed in a congregate setting, such offences should be classified as first-degree murder under section 231 of the Criminal Code. This amendment would act as a strong deterrent to perpetrators and recognize society's condemnation of such reckless acts.

In closing, I would like to note that the overwhelming majority of crime guns seized and sourced by Toronto police come from the United States, ranging from 73% to 89%, in the past five years. I note that we are only able to speak to the guns that can be traced. In all likelihood, the total number of crime guns from the U.S. is probably a lot higher.

This highlights the importance of strengthening collaboration with other law enforcement agencies and for enhanced financial support and resources for policing. It also highlights that meaningful and lasting progress requires a whole-of-system approach. For example, modernizing lawful access provisions and strengthening legislation to help prevent the movement of contraband, firearms and dangerous drugs is also essential.

The Toronto Police Service looks forward to continuing our work with all levels of government to ensure that the justice system upholds accountability and protects our communities.

Thank you for your time.

The Chair: Thank you, Chief Johnson.

Unfortunately, colleagues, because of the time constraints, we'll have a chance for only one full round for this panel. I do hope it will be a productive one. Then we'll go into the second round of witnesses.

We will start off with Mr. Baber, followed by Ms. Lattanzio.

[*Translation*]

It will be Mr. Fortin's turn next.

Each member will have six minutes.

You have the floor, Mr. Baber.

[*English*]

Roman Baber: Welcome, Deputy Chief Johnson.

I want to begin by thanking the Toronto Police Service, the chief and the frontline officers. My constituents are protected by 31 Division and 32 Division in North York. I thank you for your service.

I came to Canada 30 years ago, directly to Sheppard and Bathurst, where I'm now pleased to be the sitting member of Parliament. Last Sunday, just like the Sunday before, a group of thugs went into a residential neighbourhood, marched up Hove Street and turned onto Codsell Avenue, scaring and intimidating the local residents primarily making up Toronto's Jewish community.

Is that acceptable behaviour, in your view?

Robert Johnson: It's a complicated situation, for sure. What I can tell you is that our officers are there observing, and will lay charges when we feel the Criminal Code has been breached.

It's upsetting for the neighbourhood. We are aware of that. We're trying to do everything we can in partnership with the municipal government and bylaws that have been enacted in the area—

Roman Baber: I apologize. My time is very short. What do you think is the intent of this crowd when they walk up Hove Street into a residential neighbourhood?

Robert Johnson: Well, they're pushing the line, for sure. They're trying to annoy residents. The issue that we have to deal with is whether this is criminal activity.

Roman Baber: I submit to you, respectfully, that their intent is to intimidate local residents, and they do so successfully. My constituents are frightened.

They chant. They yell at neighbours. You would agree with me that local residents would rightfully be scared when they see that. Would you agree with that or not?

Robert Johnson: One hundred per cent, but that does not reach the criminal threshold of harassment—

Roman Baber: But would you not agree with me that the intent of that crowd is to intimidate the residents they're passing?

Robert Johnson: I would agree with you that it disturbs residents of the area, 100%. The issue is that we have to have evidence of a criminal offence before we can lay a charge of intimidation. The advice we've been given, our legal advice, is that the current activity that is occurring there does not reach the threshold.

• (30425)

Roman Baber: Officer, if you agree with me that the net result is intimidation—I think you'd agree with me that the intent is intimidation—then that is no longer protected charter expression. I believe it is mischief, at the very least. I'm asking Toronto police to respect Toronto's residents and the residents of Bathurst Manor and protect them appropriately. We cannot have thugs walking through local neighbourhoods terrorizing the neighbours.

Robert Johnson: The devil is in the details they use. Again, I'll reiterate that our advice is that this is not criminal intimidation. It is disturbing to the neighbours and the neighbourhood, for sure. We are there to make sure that public safety is upheld.

When we find evidence of a criminal offence, we lay charges. We have a track record of that. We have laid, I think, 768.... I'm sorry. It's almost—

Roman Baber: I'm sorry, Deputy Chief. I submit to you that it is a criminal offence, and I'm going to cede the rest of my time to the member for Brampton West.

Amarjeet Gill: Thank you.

Thank you, Mayor Brown, for coming here. Do you believe we must ensure that the proposed Liberal bail reform should be properly amended and strengthened to avoid any leak from government oversight?

Patrick Brown: I can note that the Peel Regional Police, our chief of police and our police association have endorsed this legislation. If there are ways to strengthen it, then I would welcome that as well.

We want to see bail legislation that has real teeth. The fact that our chief of police and our Peel police association have expressed support—and I would, for that matter, note the Ontario police association as well—is encouraging.

Amarjeet Gill: Do you support our jail not bail act?

Patrick Brown: I support bail reform, whether it's the bail reform put forward by the Conservatives or the current legislation. We need change. The current bail system in Canada is broken, and I am encouraged that we're seeing change coming.

Amarjeet Gill: You and I have seen that Brampton is one of the epicentres of violent crime linked to offenders repeatedly released on bail. Do you agree?

Patrick Brown: Yes, the Peel police told me of one case of someone who was arrested 51 times.

Amarjeet Gill: I know you have said that we need to have a robust bill, and everyone who came here said it's a good start, but there are some gaps that need to be filled out. Do you agree that we still have to close those gaps to make it robust?

Patrick Brown: If there are amendments that would be helpful, which the police believe would be beneficial, then I would hope those amendments would be adopted. But I do hope this legislation can be passed as quickly as possible, whether it's amended.... The status quo is broken.

Amarjeet Gill: One more time I will ask this. You must have seen the jail not bail act. Do you see this strengthening our bail reform laws?

Patrick Brown: I think that was positive legislation that was proposed. I think what's come forward is positive legislation. I'm glad we're finally at a point where this is being addressed.

The Chair: You have 20 seconds for a quick yes-or-no question.

Amarjeet Gill: Can Brampton afford to wait for these gradual reforms, or must we actively enforce it now?

Patrick Brown: Yesterday.

Amarjeet Gill: Thank you.

The Chair: Ms. Lattanzio, you have the same time—six minutes.

Patricia Lattanzio: Thank you, Mr. Chair.

Thank you, Deputy Chief Johnson and Mayor Brown, for being here today and contributing to this very important study.

Mayor, you said publicly that “I support the federal government's action through Bill C-14 to strengthen bail and sentencing laws”.

Can you explain to us in more detail why you believe these reforms are urgently needed, as you've said a couple of times here today, and why specifically you believe that the reforms are imminent?

Patrick Brown: Well, the best illustration I could give is that I asked our Peel police leadership team, if this legislation were passed, would Savannah Kulla's tragedy have occurred? Would Darian Henderson-Bellman's tragedy have occurred? They said no.

If those lives could have been saved—and I know there are countless others that could be saved in the future—I think this will change the nature of the revolving door. I don't think the justice system is simplistic. There are other changes that are needed, but this will be very helpful.

• (30430)

Patricia Lattanzio: You also have told Parliament that you “welcome the Federal Government's...announcement on bail and sentencing reform” and that you “hope this legislation is passed right away”—as you've mentioned a couple of times here today. Why is the immediate passage so important from your perspective?

Patrick Brown: My worry is that there are individuals being released on bail today, who this legislation could catch. I would note that we're grateful that the Peel police input was heard in this process. We were up in June, meeting with the Minister of Justice, the public safety minister and the combatting crime minister to make our submissions on the legislation. We're grateful that the government has listened to the input from the Peel police.

Patricia Lattanzio: You've described our Bill C-14 as a very positive step in the right direction for public safety. Which elements of the bill do you believe and consider will make the biggest difference in protecting communities like Brampton?

Patrick Brown: I certainly think that, regarding repeat offenders, the aspect that it addresses—individuals who are repeat offenders in nature—is going to be helpful, as are, obviously, the components around intimate partner violence and the use of firearms.

We've declared a gender-based violence epidemic in Peel region, and the fact that is going to be taken more seriously now is very positive. I know that's the way my residents feel.

Patricia Lattanzio: Okay.

Do you believe Bill C-14 reflects what municipal leaders like you have been calling for on stronger bail and sentencing measures?

Patrick Brown: I think it is largely very positive. I trust the judgment of my chief of police, Nishan Duraiappah, and Adrian Woolley from our police association. They've looked at the legislation and have publicly endorsed it as a very significant positive step forward. They're the ones on the front lines. They're the ones who see the most heinous individuals commit crimes and break our trust, and when they say this is going to be helpful, that is why I'm supporting it.

Patricia Lattanzio: Bill C-14 is being debated in the House as we speak. Would you advise parliamentarians to move quickly on this important piece of public safety legislation so the committee can study it as soon as possible?

Patrick Brown: Yes. I hope there is no delay or dithering. I think lives are at stake in terms of having legislation that fixes the revolving-door nature of our justice system. That's not to ignore the correctional capacity issues and the judicial resource shortages, but I believe this legislation will be very positive. If there are amendments that make it even stronger, I would welcome those, but I think this legislation is going to be significantly positive.

Patricia Lattanzio: We await that legislation at this committee, and hopefully we'll be able to hear from you and maybe Deputy Chief Johnson once it makes its way here, but we take good note that you highly recommend that parliamentarians in the House send us this very important piece of legislation ASAP.

Thank you for your time.

I cede the floor.

James Maloney: Thank you.

Mr. Gill hit the nail on the head, in my opinion. He asked whether we could afford to wait, and your answer was “no.” You started by saying that this is a robust piece of legislation and let's get it done. Every single witness who has come before this committee, Mayor Brown, has said virtually the same thing. However—and I only have two minutes—one of the biggest challenges we face in this entire discussion.... The other thing you said is that this is not a partisan issue. I couldn't agree with you more. It has been turned into a partisan issue, and it's so unfortunate that it's disgraceful.

What advice would you give to people in the House of Commons to tone down the rhetoric? We have a justice system that is strong, though it needs to be improved, and we're doing our part to do it. What advice would you give to those who insist on snipping, clipping and posting on Facebook, for example, or using this negative rhetoric to criticize a bill that you, Deputy Chief Johnson and so many others are here urging us to pass?

Patrick Brown: I'll share the same advice I shared with the Minister of Justice in June when I was up here with Chief Duraippah. I said that we all have to own our areas of responsibility, and it doesn't help when we're all finger-pointing each other, whether it's the municipal government, the provincial government or the federal government. Frankly, I think we look a little immature when we're in that finger-pointing stage.

We just need to fix this. Residents don't care what level of government does it. They just want to see a system they feel and see is broken be addressed. I know that Ottawa has a partisan and confrontational dynamic, and that's our parliamentary system, but I believe this legislation on bail reform was needed 10 years ago, and the fact that it's happening now is good news.

The Chair: Thank you.

[*Translation*]

Mr. Fortin, you have the floor for six minutes.

• (30435)

Rhéal Éloi Fortin: Thank you, Mr. Chair.

I thank the two witnesses for being here.

You attended the previous debate. I assure you that, as far as I'm concerned, the debate on procedure had nothing to do with the importance of your two statements. I am very happy to hear what you have to say on this important topic.

Mr. Johnson, do you have statistics on the percentage of inmates who are in pre-trial custody compared to those who are in custody following a sentence?

[*English*]

Robert Johnson: Unfortunately, I don't have those here, but I can certainly get them. I want to make sure the information is accurate. I don't have them with me today.

[*Translation*]

Rhéal Éloi Fortin: Do you know if this information is available?

[*English*]

Robert Johnson: Yes, it is.

[*Translation*]

Rhéal Éloi Fortin: Can you send us those data after the meeting?

[*English*]

Robert Johnson: Yes, I will.

[*Translation*]

Rhéal Éloi Fortin: Thank you.

Do you know the percentage of crimes committed by individuals who are on bail and the absolute number of these crimes?

[*English*]

Robert Johnson: Yes, I think Mayor Brown quoted the figure of about 66%. I think in the city of Toronto, it is a little bit higher than that, upwards of about 70%.

[*Translation*]

Rhéal Éloi Fortin: I'm talking about crimes committed by people who are on bail.

Excuse me, Mr. Johnson, but I want to make sure we understand each other.

What is the number or percentage of crimes committed by individuals who are on bail, that is, who have been released while awaiting their trial, in your area?

What percentage of the total number of crimes committed in your area does this number represent?

[*English*]

Robert Johnson: Thank you for that. It was my misunderstanding of the question originally.

I don't have the exact figure here. We're talking about violent offences or all crime in total, which I know we have. I do not have those with me today.

[*Translation*]

Rhéal Éloi Fortin: Thank you.

Do you know if there are any statistics on the increase in crimes committed by repeat offenders, that is, people who have already been convicted and who commit other crimes?

Are there any figures, statistics on that? Has it increased over the last ten or twenty years, or not?

[*English*]

Robert Johnson: Again, I don't have them with me. We do capture that, and there has been a dramatic increase, I know that for certain. I do not have the exact figure with me today, but can get that to you.

[*Translation*]

Rhéal Éloi Fortin: You're going to find me annoying because I'm going to ask you for more numbers. I'm trying to be efficient.

My question is about the rehabilitation rate for criminals. I would divide people who are convicted of a crime into two categories: those who are sent to prison and those who receive a suspended sentence.

Are we able to establish the rehabilitation rate concerning these people?

[English]

Robert Johnson: I think we'd have to work with Corrections Canada on that, but certainly, from a police perspective, offenders who reoffend, we do capture that statistic. Again, if we're talking about what category of crime, they are all crimes right across all indicators or violent crimes. Again, I apologize; I do not have those with me here today. For what we capture, I can certainly provide that.

[Translation]

Rhéal Éloi Fortin: Thank you, Mr. Johnson.

Mr. Brown, I would like to ask you the same questions, but I imagine you don't have any more statistics or figures on hand than Mr. Johnson.

Do you have any?

[English]

Patrick Brown: I regularly ask our provincial Crown attorney for updates on the numbers. The 66% figure I was referring to was for offences with a firearm. Unfortunately, the majority of offences, serious offences, are given bail today.

[Translation]

Rhéal Éloi Fortin: You say that this percentage of 66% concerns crimes committed with firearms.

Sixty-six per cent of what?

[English]

Patrick Brown: Those were for offences that involved a firearm last year in Peel region.

[Translation]

Rhéal Éloi Fortin: So, 66% of crimes committed last year were committed with firearms.

Thank you, Mr. Brown.

[English]

Patrick Brown: Thank you.

● (30440)

[Translation]

Rhéal Éloi Fortin: Witnesses told us that more than 60% of inmates in prisons, even more than 70% of them, are awaiting their trial.

Mr. Johnson, are you able to confirm or deny this figure?

[English]

Robert Johnson: I'm sorry; what was your figure?

[Translation]

Rhéal Éloi Fortin: To my recollection, I believe several witnesses said that 60% or 70% of inmates in prisons were awaiting trial and had therefore not yet been convicted.

Are you able to confirm or deny this figure?

[English]

Robert Johnson: No, I'm not, unfortunately.

[Translation]

Rhéal Éloi Fortin: Mr. Brown, I suppose you are not aware of this statistic either.

[English]

Patrick Brown: I have a little bit of information there. I did get this in my briefing, that dead time is awarded on every case where an accused has spent time at Maplehurst, and that is due to lock-downs, triple bunking and a lack of access to programs. Sometimes they'll get triple time.

[Translation]

Rhéal Éloi Fortin: All right.

The Chair: Mr. Fortin, your time is up.

Rhéal Éloi Fortin: Thank you.

[English]

The Chair: Thank you to both witnesses, Chief Johnson and Mayor Brown. Thank you individually for your service to Canada.

We will suspend, colleagues, briefly to transition to the next hour. We have four witnesses who we have to get prepared and logged on, so we'll take a brief break and then resume in about five minutes.

● (1640)

(Pause)

● (1655)

● (30455)

The Chair: Thank you for being patient. We were just trying to get Ms. Wamback from the Canadian Crime Victim Foundation online. That has not been entirely successful, so we'll let the technicians work at it as we start this next round.

Welcome to the witnesses. I apologize for the delay today.

We will try our best to get two rounds of questioning in from members, so I will not take up too much time in introduction.

Just to present the people here today, we have Jacqueline Beisel-Cobb from accounts receivable at Western Financial Group, in person. Welcome.

We have Cait Alexander, founder of End Violence Everywhere. Welcome.

Then we have Brett Broadfoot by video conference and, if we are successful, Lozanne Wamback, the co-founder of the Canadian Crime Victim Foundation. Welcome.

I'll remind you to not speak too loudly, keep a distance from the microphone and avoid sharp banging around the microphone for the sake of our interpreters.

[Translation]

Without further ado, we will now move on to the witness presentations. They will each have five minutes.

Ms. Beisel-Cobb, you have the floor for five minutes.

[English]

Jacqueline Beisel-Cobb (Accounts Receivable, Western Financial Group, As an Individual): Thank you.

Thank you, Mr. Chair, and members of the committee.

My name is Jackie Cobb and I'm here to speak on behalf of my 23-year-old daughter, Madison Cobb, whose life was brutally taken away from her by her ex-boyfriend on July 19 in a parkade in Calgary. Before Madison could get into her car to come home to her family, she was gunned down by her ex-boyfriend, leaving her dead at the scene.

In thinking of my Maddie, think of your own daughter, sister or niece. Now picture them left to bleed to death with no one there to help them. Imagine their fear.

My Maddie was a bright, passionate, respectful, cheery and accomplished young lady. She excelled academically, was a competitive swimmer and had just begun a promising career as a surgical eye assistant at LASIK MD. Her life was full of potential. Madison deeply impacted and connected with people. She was on a mission to save individuals who needed saving, even if it was just helping, guiding or being a friend to those who didn't have one. She was always there when called upon, always lending a hand and never complaining to help others. She was a girl with strong family values. She was a best friend, and always saw the bigger picture in life. She was an old soul, acting beyond her years. She cared about people, something most of us have lost throughout the years. Although she is no longer with us, today Madison continues to try to help others.

By appearing before you, I represent her desire to find justice in a system that failed her when she needed it the most. My Maddie followed every legal avenue to ensure her safety. A restraining order was granted on June 10 against her offender, who also had two criminal harassment charges against him for stalking her. He was released on bail on June 10 and June 17. He was known to have a firearm in his possession as well. The restraining order did not do its job. It was a piece of paper with meaningless words. The judge knew about the criminal harassment charges and the firearm when Madison was finally granted the restraining order, yet nothing stopped her offender from walking out of the court, free to plan and carry out this horrific act.

Madison deserved to live without fear. She was not protected by the system. Madison became a victim of a violent crime and paid the ultimate price. This was not a moment of anger. Every action was calculated. He stalked her. He waited for her, and he executed his plan. The nature of this deliberate act should automatically remove any possibility of bail or leniency. He chose to take her life. He should be held accountable.

I stand here before you on behalf of Maddie and the thousands of women and men who have been impacted by domestic violence. Maddie is not the first person to suffer at the hands of the legal system, and she will not be the last unless a stand is taken to change the current system.

Please, I urge Parliament to enact stronger consequences for repeat offenders and those who breach protective orders. Early inter-

vention, such as mandatory evaluations and monitoring the offenders, could prevent escalation and save lives. We must prioritize the right to live a life protected by law, in safety from such criminals.

How many innocent people need to die like my young daughter Madison for legislation to change?

We all know the law is broken. We hear that legislation might change, but it never does. Parliament has the knowledge, the power and the authority to make the necessary changes to implement stronger sentencing now, before more innocent lives are taken. The system needs to change. Why are we so forgiving? Why do we give the offenders so many chances? The criminals know our system and its loopholes, and they are taking advantage of it. Please protect the innocent. Criminals should not have the same rights as you and me.

My life has changed forever. I will never see my child walk through that front door with her incredible smile, knowing she is safe. I can't kiss her goodnight, say, "I love you" or call her when something is exciting. I won't have the joy of seeing her walk down the aisle or having kids of her own. All I have left are photos and videos to help remember every detail of her appearance and listen to her voice on tape so that I can hear how she spoke my name. I hold her clothes so tight, so that I can remember how she smelled, and I hum her favourite song in my head all the time because I don't hear it blaring from her room any longer.

Now I have to look at an empty chair at my dining-room table where she sat when we ate. I walk past her room with a constant sadness of the good times we shared in that room. There will be no more treasured family vacations we loved taking together. Now I have a constant worry that my family will fall apart because of this crime, as so many other families have.

I stand here today to advocate for change so that no other family endures this pain. You never think it will happen to you until it does. You can make the difference. Hold them accountable on their first offence so that this tragedy doesn't become your nightmare, a nightmare I am living for the rest of my life.

• (30500)

Thank you.

The Chair: Thank you, Ms. Beisel-Cobb, for your courage in testifying today.

We will go directly to Ms. Alexander and then to Mr. Broadfoot.

Cait Alexander (Founder, End Violence Everywhere): Thank you to the members of the committee.

I want to begin by commending you on what has clearly been a tremendous success, a justice system so efficient, so protective and so flawlessly designed that victims and survivors across this country have nothing to fear. I honestly don't think that we need to be here today, so we might as well just go home, but we can't go home, because none of the aforementioned is remotely accurate or truly reflective of the graveyard of preventable deaths that Canada has become.

My name is Cait Alexander. I'm a model, actress, artist and founder of End Violence Everywhere, EVE, a registered charity in Canada serving survivors of intimate partner violence, sexual assault and gender-based violence.

On July 31, 2021, I was nearly killed by my former partner in Leaside in Toronto. Despite the severity of the attack, having photo and video evidence of him nearly beating me to death, despite the tactical team coming to my home and despite the eight charges he faced, he was released on bail almost immediately for \$500. He never even had a criminal trial for my attempted murder because all eight of his charges timed out under the ruling of *R. v. Jordan*. I don't even have a peace bond, because it expired.

I lived in hiding for months after the attack before being forced to move to the United States, and had I not left Canada, he probably would have been successful in his quest to end my life. He nearly did that to the woman he dated after me and, I found out, the one before me as well.

The scariest part is that my experience is not unique. It is common in Canada. Abuse is happening to women, children and, yes, men as well every single day in this country without consequence.

At my organization, we serve these survivors we call the experts, because they are the experts of these issues, their experience and the horrors of not having a functional justice system. If you have not engaged with the system nor read the entirety of the Criminal Code of Canada, I would not call you an expert, regardless of your parliamentary title. We, the experts, call it the injustice system, and we live the damage that it does every single day.

A most recent example is of a club promoter, Mark Holland, who notoriously has sexually assaulted dozens and dozens of women spanning generations. He is on the registered sex offender list and this past August was released on bail for more sexual assault charges. He is free in the community once again. I met Mark when I was 18 years old outside a nightclub on King Street West in Toronto. Something in my gut told me to stay away from him. My instinct was beyond accurate.

Over the last decades, I have watched Mark Holland harm eight of my friends and brutalize dozens and dozens of other young girls with impunity, and he's out on bail again. I have seen hospitality groups and clubs continue to hire him despite knowing what he does. I have seen him breach conditions repeatedly and still remain free, still working in nightlife venues, still hunting victims and still protected by systemic gaps that enable serial predators. It's almost as if the government wants this.

Our team at EVE is supporting hundreds of survivors, and we receive thousands of disclosures online and directly through our advocacy channels. These are not fringe cases; these are Canadians,

primarily women and children who are unsafe in their homes, unsafe in their communities and unsafe because the system that is supposed to protect them protects the abusers. The charter rights of criminals appear to outweigh the charter rights of victims.

We are supporting survivors who sleep with bags packed by the door. We are supporting survivors who relocate provinces because their abuser was released. We are supporting survivors who have been told directly that the system cannot help them until something worse happens, until blood is drawn. Even then, in those instances, as I know from personal experience, it's not enough. The only time it seems to be enough is when she's buried. We have to die, and then you care—sort of.

Dozens have been killed recently by partners who were released on bail despite clear histories of violence. Two of the parents of these women are testifying today, my friends Jackie Cobb and Brett Broadfoot. It is my honour to call them my friends, but I wish I didn't have to meet them, because their daughters were murdered in preventable deaths simply because the government doesn't have good policy and doesn't care.

• (30505)

Don't tell me that you do care, like you did, James Maloney, on October 28, 2024, when we met under former minister of justice Arif's reign. You promised me you would see our pleadings through. You promised me that having a family of lawyers helped you understand first-hand what we go through. You promised me that you cared, and you promised me that you would do something about the horrors of the Canadian criminal system.

I left your office that day hopeful. How stupid of me. You never called me again—

The Chair: Ms. Alexander, your time is up, if you could briefly conclude.

Cait Alexander: All right then, I'll leave it right there.

The Chair: Thank you.

Mr. Broadfoot, we'll go over to you for five minutes, please.

Brett Broadfoot (As an Individual): Good evening, committee. Thank you for having me here this evening.

My name is Brett Broadfoot, and I'm here to speak for my family, and most importantly, for my beautiful and now deceased daughter Breanna. I hope also to speak on behalf of other victims of intimate partner violence, for all the women who continue to live in fear of their abusers because they are still out on the streets after being charged with no accountability for the violent acts they have committed. I would like to share my family's personal experience at this time.

On March 15, 2024, my daughter Breanna was brutally attacked by her boyfriend. She was left with two black eyes, a fractured orbital bone, several other broken bones in her cheeks and severe bruising around her neck from his hands having been wrapped around them in strangulation. She was only 16 years old at the time.

Her attacker, age 18, was arrested on March 15 and charged with assault plus assault with choking and suffocation or strangulation. He was released from custody on the same day he was arrested. After being scheduled to attend court again on July 31, 2024, he was sent with orders to not commit, communicate or go near my daughter, as well as refrain from possessing any weapons. We couldn't believe he was released, just allowed to continue as if nothing happened, while Breanna remained in the hospital struggling to recover from the injuries he had inflicted upon her.

Our family felt that we had zero help or support during this time. We were set to sit alone with the knowledge that her attacker was just out there, unmonitored and unchallenged, ready to assault again whenever he wanted. Unfortunately, that thought came true.

On July 16, 2024, Breanna, now 17, was attacked again by the same individual, but this time in a much more serious way. At approximately 1 a.m. on July 17, we were awoken by the sound of a police sergeant knocking on our home door. We were told that our daughter had been taken to the critical care trauma unit at Victoria Hospital with multiple stab wounds. We were told that the same individual had abused her again.

Breanna fought as hard as she could, but unfortunately passed away from her injuries. On July 18, 2024, we lost our baby girl. Our worlds have changed forever.

To this day, I truly feel that Breanna could and should still be with us if her abuser had not been released after the original attack, or at least monitored.

Our system completely failed us, just as it has failed so many others in the past. We need to stop the catch-and-release of arrested abusers now. Granting immediate freedom to an individual who has violently assaulted and hospitalized a defenceless young girl or woman is incomprehensible to me. The strangulation charge needs to be taken more seriously. It's holding someone's life in their hands, letting them breathe or not breathe. Think about that.

This is a high-risk factor that should make someone be considered a violent offender. How is it not? Our system allows offenders to exist completely unmonitored, as if nothing has happened. Survivors are forced to live in constant fear of being abused again by the same man. This is not right. I know we can do better.

- (30510)

Let's work together to be part of the solution that stops this violence. Let's please take our heads out of the sand and make change now.

Thank you for your time.

The Chair: Thank you, Mr. Broadfoot.

We will now turn to Ms. Wamback from the Canadian Crime Victim Foundation and she is online. I'll just give you a few seconds to start speaking, Lozanne, but when we do hear you, please proceed. You have five minutes. You'll need to turn your camera on, if possible.

Lozanne Wamback (Co-Founder, Canadian Crime Victim Foundation): Sorry; I'm new at this.

Thank you for inviting me here to speak about this very important issue.

The entire court process causes huge stress and revictimization for the victims and/or the family members who are also very greatly affected and can be considered victims as well, from lies told with impunity by the defence lawyers in court about the victim, to victim services, which a lot of victims tell me make matters worse. In our case, they didn't even offer to help us. We didn't get any help from them.

There is also the terrible legislation around bail, parole and sentencing. Offenders are let out on bail receiving light sentences and then let out on parole, often to reoffend, because after all, there are not enough parole officers to watch them. What does that say about the value of the lost or compromised lives? The victims have no importance and no value. They're disregarded, lost and alone.

In our case, the three offenders were out on bail for four years before they were in court. The one who kicked my beautiful blue-eyed boy's head like a football, causing brain damage, was out in the community wandering around free—while we were imprisoned in the hospital—reoffending with impunity, as we found out by reliable word of mouth.

After the release from the hospital, I was in constant fear that he would find my son at his new school, which wouldn't have been very difficult, and push him down the stairs or hit him in the head again, at which point he would surely die. I fell into desperate depression and panic attacks, feeling that I could not keep Jonathan safe. I couldn't; I had no control.

Much worse than that, Jonathan was constantly terrified, having nightmares, night terrors and depression, often yelling that he wished he was dead and frequently suffering from brain injury rages and trying to hit his head against the cement floor in our basement, while Joe, my husband, and I tried to restrain him by holding his head. Afterwards, my husband slumped into the couch clutching his chest. Soon after, he developed heart disease, which he suffers from terribly, even now.

After their short sentence was served, this was all repeated again.

Jonathan suffered great emotional stress and saw an irresponsible social worker who used inappropriate therapy contraindicated for any frontal lobe brain damage, resulting in false memory syndrome concerning his childhood and causing him to become estranged from us for 11 years now. We are in absolute despair. None of this would have happened if he hadn't been kicked into brain damage. It was because of this crime—because of the attack.

Olga Baranovski, the mother of homicide victim Matti Baranovski, told me she was dead inside after the murder of her son and, in fact, was found dead in her apartment, all alone. Her life was over because of this crime.

The victims are the true recipients of the life sentence, not the offenders. They go on with their lives; we don't. We suffer from insomnia, depression, panic attacks and other mental health issues. We are lost and alone and in pain.

The offenders are let out and continue to receive free psychological support. In fact, the correctional investigators said recently that funding for psychological help for the inmates should be increased, but isn't it funny how there is no mention of the psychological support for victims?

● (30515)

By the way, we received no psychological help, unless we sought our own, at our own cost, of course.

With this legislation, there will be more victims. More families will suffer, and there will be more revictimization. It will go on and on, affecting more and more people.

In closing, I just want to ask about this. There's a victims ombudsman in Ottawa. What are they doing? I haven't heard anything.

Another thing I wanted to mention was that it's so easy to find support and funding if you are—

The Chair: Ms. Wamback, your time is complete. Just take a few seconds to conclude, if you could, and we'll have plenty of opportunity to ask you more questions.

Lozanne Wamback: Okay. It's just that the funding for the victim-initiated groups is very hard to find.

Thank you so much, again, for this opportunity.

The Chair: Thank you.

Colleagues, we'll do our best to get these two rounds in. We'll go to Mr. Brock, Mr. Chang and Monsieur Fortin for six minutes each, followed by Mr. Lawton, Mr. Maloney, Monsieur Fortin, Mr. Baber and Ms. Dhillon.

It's over to you, Mr. Brock.

● (30520)

Larry Brock: Thank you, Chair, and thank you to all the witnesses for your attendance, particularly the witnesses who are here advocating on behalf of family members and personal experiences. My heart goes out to each and every one of you. In fact, my entire Conservative team will always stand in solidarity with victims over the accused—always.

There is one thing I want to highlight, and I feel like a broken record when I say this. The number one responsibility for a federal government is to keep us safe. This federal government, under the so-called leadership of Justin Trudeau and now Mark Carney, to you, Ms. Beisel-Cobb, has failed your daughter. It has failed to implement the necessary changes to keep her safe. It has failed to bring in mandatory detention in high-risk IPV cases. It has failed you in terms of strict enforcement of no-contact orders. It has failed you in terms of increasing sentences for violent repeat offenders.

For the last 10 years, all that we have heard is promise after promise and no deliverables.

It started with Bill C-75, when they made it easier for repeat violent offenders to be recycled through the justice system: catch-and-release. They followed up with Bill C-5, which eliminated mandatory minimum penalties for all drug offences and for serious gun offences. They made it easier for sick mass murderers like Paul Bernardo to be transferred from maximum security to medium security, to enjoy the comforts because why not? Liberals have always favoured the accused.

To you, Ms. Wamback, to your considerations and concerns, what about that victim ombudsman? For almost a year and a half, this failure of a Liberal government did not appoint that person, and that person right now does not have the necessary tools to keep victims safe. I apologize to you that your government has failed you so miserably.

To you, Ms. Alexander, one thing that stuck out to me as very important was your phrase, "almost as if the government wants this". Can you elaborate on that?

Cait Alexander: I think it's pretty obvious that we have a problem here, with a lot of my friends here and with the social outreach of millions and millions of people wondering what this government is doing, why they are favouring the criminals and why they are not holding obviously dangerous people accountable.

I feel like a broken record. I feel like I'm banging my head against the same walls, just the way that my ex did to me. This government has been an extension of the abuse that my ex committed against me. I don't understand what shade of red they need the blood to be. How many of us have to die? How many times do we have to say, to repeat, to suffer before we get both sides of the government—this is a non-partisan issue—on the same team so that we put criminals away and protect the public?

Larry Brock: You specifically pointed out Mr. Maloney for making promises to you a couple of years ago. Have other members of the Liberal government made similar promises that were simply not kept?

Cait Alexander: I tend to use this experience: In April 2024, I sent a letter about my experience in the injustice system to Pierre, to Jagmeet and to Justin. Pierre responded in 48 hours, Justin responded in seven months and Jagmeet never did.

Then there was the committee meeting on July 31, 2024, where the Liberals and the NDP put a motion in about abortion and I was forced to walk out of a committee meeting just like this.

Clearly, you have to know at this point that this is wrong, that something needs to be done and that this leniency to criminals is just going to end up killing more people. Clearly, you know that now. We are screaming it from the rooftops. It's in every single newspaper and every single headline. The media is frustrated with it.

Why aren't you doing something serious about it?

• (30525)

Larry Brock: Ms. Alexander, you're absolutely correct. For years, we've heard that it's all in the imagination of Canadians. It's not our problem; it's the provinces, it's the provincial judges or it's lack of space. They're never accepting responsibility for their own abject failure.

Now they've brought forth Bill C-14, called the "bail and sentencing reform act". There is one provision that increases sentencing. Given the myriad serious violent offences we have in this country, including IPV, you'd think they would address it. No. Their focus is on contempt of court. For people who are subpoenaed to give evidence and choose not to, they want to increase the penalty from six months to two years less one day.

It shows a lack of priority on that side of the House when it comes to your rights. That's what we'll fix.

The Chair: Thank you, Mr. Brock.

Mr. Chang, go ahead for six minutes.

Wade Chang: First of all, thank you all for being here with us today. Thank you for your courage.

Your painful stories and your perspectives are very important to this committee. Protecting every daughter, every child and every family is exactly why we are strengthening bail, toughening penalties and investing in prevention. Safety is achieved through action, not slogans.

Mr. Broadfoot, I'm deeply sorry for your loss.

What gaps in the current bail process do you believe most directly endanger victims or the general public?

Brett Broadfoot: Mr. Chang, I think it's already really been said, but I guess I'll reiterate it. The gaps are huge. For my daughter's offender, who was charged with strangulation, as I mentioned in my testimonial, why is this individual even being released with a piece of paper that says not to communicate and not to do this? It's worth about as much as the paper it's written on.

We have no monitoring systems for these individuals once they're out. They go unchallenged every single day and are asked to appear for their charges three months later at best. There are some severe gaps.

Imagine somebody putting their hands around your neck and deciding whether or not they are going to let you breathe. Should that not be a violent act? Should that person be allowed out on the same day they committed that act?

To answer your question, I think it's pretty obvious.

Wade Chang: Based on your experience, does Bill C-14 actually address the risks posed by violent repeat offenders? If not, what amendment would you recommend?

Brett Broadfoot: No, it doesn't. It was just mentioned by the panel as well.

I would recommend, at the very least, that if you're going to continue to tell us that these offenders cannot be incarcerated in due time and are just released.... Is there not such a thing as house arrest? Is there not such a thing as proper monitoring systems? We live in 2025. We have a lot of technology. I think we have the ability to do a better job of monitoring these offenders and abusers than what we're doing now.

The archaic way that we form.... Allowing them to walk our streets is literally killing people. It's leaving these women, girls and people who are being abused to live in fear and hide.

I just don't buy it. I cannot believe that it is happening in our communities.

I don't know if that answered your question exactly.

Wade Chang: Yes. Thank you, Mr. Broadfoot.

Do you urge all parties to support this bail and sentencing reform and pass it without further delay?

• (30530)

Brett Broadfoot: I would absolutely ask the parties to. Again, this is a non-partisan issue. You need to come together. You need to understand and, at the very least, think about your own daughter, niece, mother, grandmother and best friend who may be a female—whomever. Think about them. Think about how you would feel and how the ripple effect would affect you if they were attacked or taken from you in this manner.

Let's come together here, people—non-partisan—and let's just do it.

Wade Chang: Thank you, Mr. Broadfoot.

My next question is for Ms. Cobb.

I am very sorry for your loss. I thank you for standing up for your daughter today.

Do you believe that Bill C-14 goes far enough in addressing repeat violent offenders or are there any additional measures that you feel are missing?

Jacqueline Beisel-Cobb: Definitely not: The answer is no. Nothing can change what happened, but you guys can make the change by having it stronger, by making better decisions.... You have the capability of doing it. All I can say is that we've talked about those changes for years, and I don't understand why we're so fearful, but I guarantee that if it were your daughter or sister, you wouldn't be as fearful and you'd be quicker to make that change.

Wade Chang: What messages would you like parliamentarians to hear from the victims and families impacted by repeat violent offenders navigating the current justice system?

Jacqueline Beisel-Cobb: Actually, I'd say to the victims and their families that the system is busy and the judges are over-worked.

I'd say to the criminals that there are a lot of loopholes in our system. There are no consequences. You'll get a slap on the wrist, so have at it, because there's no justice.

The Chair: Thank you.

[Translation]

Mr. Fortin, you have the floor for six minutes.

Rhéal Éloi Fortin: Thank you, Mr. Chair.

I thank all the witnesses who are with us this afternoon.

I can hardly imagine the pain and despair that these losses can cause you. Losing a child is already a tragedy; losing one under the circumstances you are describing this afternoon is terrible. I wonder what could be worse than that. I don't know what to say to you, except that I fully sympathize with you.

Ms. Alexander, I agree with you that parliamentarians should be able to respond to your requests quickly when they are called upon regarding such situations, especially in cases like this one. I am not a member of the government; I am a member of the Bloc Québécois. We are in the opposition, and I criticize the government's actions daily. I am not always against what the government does, but I do not always agree with it either, just as I do not always agree or disagree with what the Conservative Party says or does.

I agree with all of you that the issue we are discussing today is a non-partisan issue. It's often said, but it's true. When we talk about murdered children, I find it hard to see how such situations can be used for political debates. I won't do it. I don't have any annoying questions to ask you. Unfortunately, I don't have a solution either, so I won't tell you that your problem will be resolved when you leave today. You wouldn't believe me, and you would be right. On the other hand, I can tell you that we understand you and that your testimony is taken into consideration in our discussions.

I don't know how all of this will end. There are several factors to consider. Obviously, our concern is the protection of victims. In fact, I should say that our main concern is to prevent there being any victims. We must also take into account all the issues, the society in which we live, the rules we have set for ourselves, individual freedoms and the right not to be imprisoned without significant justifications, or to not have those freedoms otherwise restricted.

Obviously, I won't surprise you by saying that we can't put everyone in prison just to ensure that there's never any crime. We would be in prison ourselves. However, there must be diligence. There are rules in place, but they may not always be enforced as they should be, leading to very troubling situations, like yours.

I know I'm talking a lot. I don't have any questions, as I told you from the beginning. I will stop here to give you the rest of my speaking time. If any of you would like to tell us more, I am open to that.

Ms. Beisel-Cobb, do you have anything to add to your testimony?

• (30535)

[English]

Jacqueline Beisel-Cobb: I just wish that we could have the ankle monitors for anyone who breaches our laws—domestic violence, if you've been charged with a criminal offence—something other than just a piece of paper. A restraining order is not doing anything. I would love for them to be monitored. That's all I ask for.

Thank you.

[Translation]

Rhéal Éloi Fortin: Thank you, Ms. Beisel-Cobb.

Ms. Alexander, you were interrupted earlier. Would you like to add anything to your testimony?

[English]

Cait Alexander: The bail regime currently in this country is not protecting victims. It's actually producing more victims. We would really like to see the sex offender list be public. I think that makes a lot of sense.

We would really like the government to understand the psychology of abusers. I think that's where we need to base laws. These are not normal individuals. These are dark triad, Machiavellian, psychopathic, anti-social and narcissistic personality disorders, chemical imbalances that produce the recidivism rates of these crimes that we see so often. It is not a majority of the population. It's a small subset of the population that keeps getting away with it.

We need to understand that if someone is charged with strangulation, they are going to do it again. That needs to be the assumption. I know it's innocent until proven guilty, but right now it's innocent until she's dead. We really need to understand that, particularly around sexual assault and intimate partner violence, the recidivism rate is so high that one charge should mean jail, that's it.

We need jails to be better. We need people to get better in jail, because when they get out after being in jail, they generally are worse. My organization has been working very closely with the Ford government—we have made an ally there—on dealing with these issues and how we can train the judges better, how we can train and provide the tools within the jail so that we can rehabilitate some people.

However, I'll be honest with you. There are some criminals that cannot be rehabilitated, and we just have to deal with that and throw away the key.

The Chair: Thank you, Ms. Alexander.

We're moving to the second round. We'll start off with Mr. Lawton for five minutes, then Ms. Dhillon for five minutes, Mr. Fortin for two minutes and a half, Mr. Baber for five minutes and Ms. Lattanzio for five minutes.

Go ahead.

Andrew Lawton: Witnesses, thank you to all of you not just for your time here but for the pieces of your soul you have had to put on full display here. Certainly, I speak for my colleagues. We all felt it. We didn't just hear it; we felt it. I'm new to this chamber. I make no comment as to what's happened in previous parliaments, but I certainly came here largely to deal with some of these issues head-on, so I thank you very much for helping us do this.

Mr. Broadfoot, I met you this summer at one of the vigils for your daughter. I saw how the community in London rallied around her and celebrated her life and all that she did in her 17 years. Sadly, we had to acknowledge all that won't be in the decades that should have come of her life. I know you never wanted to have to be the advocate that you are, but you are and we are better off for it. I'm grateful for that.

You made a comment which is so painfully obvious, but I think it bears repeating here, that if your daughter's abuser had been behind bars, your daughter would still be alive. We have heard testimony from some of the academic set, some of the witnesses that our Liberal colleagues have called, who like to put an emphasis on the rights of the accused. However, there is only one life; there is only one shot that we have when intimate partner violence is at issue here.

Explain your message if you could, Mr. Broadfoot, to those who believe that this is an abstract discussion about rights and not a life-or-death issue for women and girls.

• (30540)

Brett Broadfoot: Thank you, Mr. Lawton, and again thank you for being at the vigil this summer. It was greatly appreciated.

How do I answer this? If you're a defenceless woman or girl and you're being attacked by your male partner.... The statistics show that this is what.... It's a high statistical matter when it comes to males abusing women. How is the individual supposed to try to protect themselves? We look around this committee room. We are bigger than the average woman here. How do they do that? Putting your hands around somebody's neck. Literally saying, "I am going to decide whether I'm going to let you continue to breathe." With that strangulation itself, if you are charged with it, as my daughter's abuser was on the first offence, how is it that the individual is allowed to walk out of the police station on the very same day?

As Jacqueline mentioned, I have not met her personally, but we are, unfortunately, family.

How are we not monitoring these people? I use that word very loosely. I prefer the word "monsters".

Andrew Lawton: I agree. I thank you for that.

Ms. Alexander, I know you've seen at least some of the testimony we've heard to date at the committee. When you hear people talk in the abstract about the rights of accusers, what does that mean to you?

Cait Alexander: I wish you could be inside my head right now and know what it feels like to have a six-foot-three-inch, 225-pound male beating your skull into the floor. I wish you could see the blood I tried to wash out of my hair in the shower. I wish you

could understand the fear of being confined to a space by someone who is double your size. Why, in wrestling, do we put people in weight classes? Women can't fight this. I asked my stunt double: I said, "You're a black belt in all the millions of things. Would you have been able to take him on?" She's like, "Not a chance, Cait."

For an abuser in that mindset, with the adrenaline and the testosterone running through them, if they want to kill you, they will. I'm alive, by the grace of God, because of my friends, who got a two-word WhatsApp message. I'm alive because I let him beat me. I had to just let him because, if I fought him back, it got worse: So I just took it and, somehow, survived. I wish you could understand that. I'm not allowed to bring props—I got in trouble for that last year—but I can show you the videos and photos of him doing this, and the blood splattering. I can show you my black and blue body.

I need you to understand that, when you're making policy choices, this is not a joke. It's real, it affects your system for life and it rips families apart. It's actually more expensive to do what we're doing right now, on a financial level, because there are so many financial consequences for abuse. You can't work or function properly, and it costs billions of dollars to not deal with these individuals properly.

We need to do better, because this is real. I'm alive, by the grace of God. Unfortunately, Breanna and Madisson are not. However, I know what their daughters went through. I just lived to tell the tale. I want you, everyone in this room, to understand that, take that and get over your partisan bullshit. Get over it.

• (30545)

The Chair: Thank you.

Andrew Lawton: Mr. Chair, if I may, can we request that Ms. Alexander provide any visual or written materials that she is comfortable with to the committee?

Cait Alexander: Do you want me to show it on my phone right now? I have it. We can play it.

The Chair: I understand what you're suggesting, Ms. Alexander. I don't think it would be appropriate at this moment, but, certainly, you could submit it to the chair and to the committee.

Cait Alexander: I was screaming for my life, for Michael to stop. We can play the video if you want: Put it on the big screen.

The Chair: Thank you.

Ms. Dhillon, go ahead for six minutes.

Anju Dhillon: Thank you, Mr. Chair.

I'd like to thank all of the witnesses for being here today and sharing the tragedies you've gone through and the loss of your children. It's something that needed to be heard. Thank you for your courage. It means a lot, I think, to all committee members across all parties. You are all right that it should not be partisan. None of this should be partisan. I thank all of the witnesses for repeating this here over and over again.

In 2022, I don't know if you know, I presented Bill C-233, also known as Keira's law. It had to do with intimate partner violence. In 2023, it received royal assent with unanimous consent from parties across the aisle. Everybody unanimously consented in Parliament. It became a law. This law amended the Criminal Code. For the first time ever, we even addressed coercive control, which is where a lot of this starts from. When we look at coercive control, most often it's a stepping stone. This was never ever considered as part of the argument.

In Keira's law, we also saw that judges—as you mentioned Mrs. Beisel-Cobb and Mrs. Alexander—need better training and judicial education. This was changed. You mentioned electronic monitoring as well. It requires justices to consider using electronic monitoring as a condition for release orders.

The bill was a result of the advocacy of Keira's mom. This too was very painful because of the testimony we heard at that time in 2022 and 2023.

We saw during COVID everything that was happening and how the intimate partner violence shot up. Could you please talk to us a little bit about coercive control?

Mrs. Beisel-Cobb, we'll start with you. We could focus on that and see how we can do better.

These are changes we all did together. We all made them together. I presented the bill, but I thank again all parties. It went to the Senate and it quickly passed and became part of section 515. There are other sections. Across all provinces as well, we saw that they noticed Keira's law and similar laws were enacted.

Mrs. Beisel-Cobb, we could start with you.

Jacqueline Beisel-Cobb: Could I just pass it to you first, Cait?

Cait Alexander: Absolutely, thank you.

There was a bill tabled by Laurel Collins from the NDP, Bill C-332, which had unanimous House support. It ended up in the Senate at second reading.

I'd like that bill to be resurrected. It's thorough. We've added stakeholders to it. I think everyone in this room would do well to resurrect that bill because that would make coercive control a crime. Coercive control is always present in abusive situations. That would give the police the grounds...because the problem is right now you have to wait until someone's bleeding before you can press any charges. That coercive control bill would help save lives before the blood gets drawn.

We also need an amendment to the Jordan rule. I know it was done in good faith, but the road to hell is paved with good intentions. The Jordan rule needs a giant asterisk or a notwithstanding clause usage. We should not be timing out cases simply because we

don't have the resources or it hasn't been funded properly. We should not be throwing them out. I think 30% of sexual assault cases get thrown out under the Jordan rule now. That's 30% more offenders who are just out on the street simply because we didn't get to go to court.

Section 278 of the Criminal Code is another one. In the current law, the defence counsel is able to subpoena all of the victim's hospital records, personal journals and anytime they've talked to anybody in law enforcement. They can subpoena the victim's entire life and weaponize it against them in the court—and they do that. Section 278 is something we need to look at.

Looking at bail, Jordan, Bill C-332 and section 278 would help at least give us a good place to start. We really ultimately need the court system to be trauma-informed and survivor-centred. Right now, it's the opposite.

I'll never move back to Canada, but it would be the most amazing thing for the country to all come together and say, we're going to do this, we get it. Canada is 20 years behind most developed nations.

I'd love it if you guys could just do it. We could all just get along, get this done and have a justice system that works so that we can have a safe country and have functioning citizens who contribute to the economy and have good lives.

• (30550)

Anju Dhillon: Thank you so much.

Mrs. Beisel-Cobb, would you like to add to that?

Jacqueline Beisel-Cobb: Yes, I was just going to say that Bill C-332 definitely needs to be tabled again, brought back and passed. There are no ifs, ands or buts about it. It needs to be passed.

If I could ask for anything, it would be that bill especially, and all the other ones that Cait mentioned. Bill C-332 would allow police officers and everyone to do their jobs more easily and effectively and to keep people safe.

The Chair: Thank you, Mrs. Beisel-Cobb.

[*Translation*]

Mr. Fortin, you have the floor for two and a half minutes.

Rhéal Éloi Fortin: I spoke earlier, and I don't intend to add anything. I thank all four of you for being with us today. I reiterate that your testimony is taken into consideration. I offer you my sincerest condolences for what you have experienced.

[*English*]

The Chair: Mr. Gill, you have five minutes.

Amarjeet Gill: Thank you, Chair.

I would like to thank each and every one of you for coming here as witnesses.

As Mr. Fortin said, we don't have questions for you. We were speechless hearing your stories. We heard you loud and clear. I am sorry that this government has failed all of you. Please accept my heartfelt condolences for your losses and the struggles you have seen in your lives.

Mrs. Beisel-Cobb, if you could talk directly to the lawmakers, what would you like to say to them?

Jacqueline Beisel-Cobb: I'd like to say we do talk about change. Again, I'm not sure why we're so fearful of making that change, but if it happened to your daughter, sister or niece, you wouldn't be so fearful and you would make that change. You'd make it now, not later.

Amarjeet Gill: I will tell you that in my capacity, I will leave no stone unturned to make these things happen. Like Andrew Lawton, I am also a first-timer here. We will do each and every thing in our capacity to bring those reforms that will protect victims. We have to put victims ahead of criminals.

What message would you like to send to Canadians and families about offenders breaching their conditions and being given more chances because of weak Liberal laws?

• (30555)

Jacqueline Beisel-Cobb: I'm so upset. I'm angry. It just doesn't make sense to me. I would say to the victims that I'm so sorry and I wish I could help.

I know the judges are overworked. I know the system is really busy, but again, it's more of a message to the criminals that they can just go ahead with a slap on the wrist and get away with it.

Amarjeet Gill: I cede my time to the member from York Centre now.

Roman Baber: Thank you.

Jacqueline, I read your letter earlier today. I can't imagine...I'm so sorry for your loss.

The same goes for you, Brett.

I hate to be the bearer of bad news. I wish I wasn't going to say what I'm about to say to you. It's going to be a bit technical.

The police are asking us to clarify the burden of proof on these reverse onus offences. Bill C-14 doesn't do that. We're asking them to codify the removal of the ladder principle, which compels judges to release at the earliest opportunity on the least restrictive conditions.

I don't have confidence that this bill is going to end the revolving door that our sentencing and bail systems have become. The bill doesn't deal with young offenders. The bill doesn't deal with parole. It barely touches on sentencing reform.

Imagine right now, Cait, that this Bill C-14 they're bringing in passes and nothing changes. Now imagine that I invite you here a

year or two years from now. What would you say to my Liberal colleagues across the aisle?

Cait Alexander: It's already happened, right? This my third time at committee. It's the same deal.

And, no, Bill C-14 is not going to work.

Roman Baber: Bill C-14 is not going to work. Bill C-14 does not go far enough.

I do not understand for the life of me why, listening to the type of testimony that we are listening to today.... We are watching some of my Liberal colleagues right now not be overly interested in what they are hearing. They have an opportunity. We will get this bill. We can amend it at committee.

I plead with you to please remember today's witnesses. This was the most powerful panel that we have had since the beginning of this bail and sentencing study. Let's remember Jacqueline. Let's remember Brett.

By the way, we have offences against court orders that are now being overlooked, that are subjected to a diversionary framework by virtue of Bill C-75. They're not being prosecuted. This bill does not deal with them.

Please ask my colleagues to deal with that.

Jacqueline, would you like to do that?

The Chair: There is, unfortunately, not time for a response, Mr. Baber.

Roman Baber: Is there time for a 10-second response?

The Chair: We've gone way over, Mr. Baber. You went way over time.

Ms. Dhillon, I'll turn the floor over to you for five minutes.

Anju Dhillon: Thank you so much, Chair.

Mr. Broadfoot, I reiterate on my behalf and, I think, on behalf of everybody on this committee our sadness at the tragedy that your family has been subjected to. There are no words. I see you struggling. I thank you for coming and speaking about your daughter.

Can you share with the committee anything you think is important for us to understand about your family's experience in court throughout this whole process or just your experience in general? What more would you like to see us doing?

Brett Broadfoot: In order to answer your question.... You're going to need a little more knowledge. You just asked me about in court. We didn't get that opportunity, right? Her abuser took my daughter's life before his court date, which was scheduled for July 31, 2024. When the police arrived on scene, he was still in action, and they had to take his life in order to try to save my daughter's.

We didn't get any court in that sense. My daughter and our family were left, from March 15 to July 31, waiting to see what would happen on July 31, but unfortunately, that didn't happen.

I'm sorry that I can't answer your question a little bit better, but I hope you understand.

• (30600)

Anju Dhillon: Thank you.

I think you helped everybody better understand this moment that all of you went through—not getting any answers either.

I spoke about Keira's law. It's a private member's bill that I presented, and it swiftly passed through Parliament, through the Senate, to become part of law. For the first time ever, we saw coercive control addressed. We saw the Judges Act amendments where judges were to be trained for intimate partner violence, sexual assault, etc. Anything to do with intimate partner violence, really, became—for the first time ever, I think—addressed in the Criminal Code.

We spoke about electronic monitoring. Ms. Beisel-Cobb, Ms. Alexander and, I think, everybody—all witnesses—spoke about the desire for electronic monitoring, which is available under the Criminal Code.

These are some of the things that we've changed and have tried to change. What more would you like to see added?

Brett Broadfoot: When you first spoke earlier that statement resonated with me because you used the term “judges”...having the opportunity to make that decision on ankle monitors and so on.

Unfortunately, many of our victims don't make it to that point where these offenders are getting to the judges. If it's going to come in, as was just mentioned about making amendments to this bill, where these violent acts are being charged, then the ankle monitor doesn't have to go to a judge. It can be done at the police station with their lawyers in hand. Let's not let them walk out of these situations or put them...and wait until they get on bail. Let's keep them.

We're waiting for a judge to make a decision that, in my family's situation, was scheduled to be over three months later. No, let's bring this back. It should be happening at the very beginning.

When I say ankle monitors and things of that nature, unless you're going to put them in court the next morning, which we know is not going to happen, let's put this into law. You are a violent offender. This is what we do to violent offenders immediately.

That's my statement on that.

Anju Dhillon: Thank you so much.

The Chair: Thank you, Mr. Broadfoot.

We are at time for this panel.

I want to take a brief moment to thank all the witnesses for their courage and their testimony today.

We will suspend very briefly and then resume the debate on the amendment that Mr. Lawton proposed last week.

• (1800)

(Pause)

• (1815)

• (30615)

The Chair: Okay. Let's pick up where we left off.

We do not have a ton of time, folks.

As we were debating the subamendment, the floor was Ms. Lattanzio's. I'll give it back to her.

Patricia Lattanzio: Thank you, Mr. Chair—

Larry Brock: I thought the floor was for Andrew Lawton.

Patricia Lattanzio: Oh yes, he did the subamendment—

The Chair: She was already speaking to it. That's what I have from the clerk.

Andrew Lawton: That was taken out of order, though. You had recognized me as the speaker, and then she wanted to put an amendment, so you went to her and I didn't intervene.

The Chair: Let me just check the notes.

Andrew Lawton: I was on the speaking list and, then, because there was a motion from Ms. Lattanzio, you chose to recognize that, because at the time we thought we had a consensus.

Patricia Lattanzio: Am I being recognized to speak, Mr. Chair?

The Chair: I just have Ms. Lattanzio.

Patricia Lattanzio: Okay.

The Chair: I'd have to go back and look at the architecture of that.

Andrew Lawton: If you would, you would find that I would have the floor right now.

The Chair: I will ask the clerk.

• (30620)

The Clerk of the Committee (Jean-François Lafleur): Thank you, Mr. Chair.

According to what we recall, it was that you proposed a subamendment. It was put on the floor of the committee, and then Mr. Brock moved that we suspend the meeting later—

Larry Brock: On a point of order, if the chair is prepared to recognize Ms. Lattanzio, she's prepared to put forth an amendment to a subamendment, and that is not allowed procedurally.

The Chair: What you need to do is get unanimous consent to amend and replace.

That's how it would work procedurally, but you're accurate on that.

Please proceed, Ms. Lattanzio.

Patricia Lattanzio: Thank you, Chair.

I pull back the amendment that was done, I believe, in the session of November 6, was it not?

I propose the following amendment to Mr. Brock's motion, at the end. Mr. Brock's motion starts with "That, given", and goes until the word "House", and then we would add the following paragraph: "And that the meeting of this Thursday, November 20 be the final meeting with witnesses on Bill C-9. Clause by clause on Bill C-9 will commence on Thursday November 27 and continue for as many meetings as required without interruption by any other subject. The deadline to submit amendments to Bill C-9 will be on Monday November 24 at 4 p.m."

The amendment was also sent in French to the clerk.

The Chair: The clerk has confirmed that you all should have, in your inboxes, in both official languages, the text of the amendment.

Procedurally, we need unanimous consent to withdraw her existing amendment.

An hon. member: No.

The Chair: I'm not hearing that. That kills it for now, Ms. Latanzio.

The debate resumes on the subamendment, and it's back to Mr. Lawton.

Andrew Lawton: Thank you, Chair.

When we first discussed Mr. Brock's motion on the need for a strong condemnation by this committee and by the House on child sexual exploitation and abuse materials, it was stemming from the Supreme Court decision that found mandatory minimums for child sexual abuse and exploitation material were cruel and unusual punishment. Since that meeting, I have had an outpouring of messages and emails and phone calls from constituents and people across the country who are very supportive of what we were trying to do with Mr. Brock's motion. This was then amended, and I proposed a subamendment. Central to this is that we believe this is not meant to be a sticky note that can be ignored and disregarded by the government. It is essential that the original intent of our motion, which is now living in my subamendment, that this be reported to the House, that that remains in place.

We had from the Liberal members a proposal that we could achieve this simply by sending a strongly worded letter to the Minister of Justice. I think the Minister of Justice has received many such strongly worded letters from constituents of his and from people across the country. He has chosen to disregard those. I do not believe that is adequate.

The importance of what we're trying to do is to give the House of Commons, all parliamentarians, the opportunity to weigh in on this discussion and to do what is the role and the right of all parliamentarians, which is to take the work of this small group that sits on the justice committee and, if we need to, have this debate in the House of Commons, especially since the government has not been forthright about what its plan is.

I realize that thanks in large part to procedural delays that have led us to only have 10 minutes to consider a subamendment, an amendment and the original motion we are not going to have time to deal with any of this in the meeting here.

I'm very mindful of the concerns raised earlier in this meeting by my colleague, Mr Fortin, about confusion surrounding what happens when a meeting is suspended and all of that. I will be, in a moment, moving to suspend this meeting and reconvene this discussion on Thursday at the next meeting of this committee, and to do so knowing full well that is what we are going to do.

The request I'll make before I move that motion, Mr. Chair, is that all members be given a proper amended notice in both official languages of what precisely will be happening on Thursday. If the goal is to proceed to witness testimony, I expect all members will receive adequate information about that. That is my request, and I think Mr. Fortin's concerns are entirely well founded and were preventable.

I would love to put this to a vote right now, but I do not believe, from what we've heard from my Liberal colleagues, that we will be able to dispatch all three motions right now. At this point, I'm moving to suspend so that we can reconvene and dispatch this properly on Thursday.

(Motion agreed to)

● (30625)

The Chair: We are suspended until Thursday.

[*The meeting was suspended at 6:25 p.m., Tuesday, November 18*]

[*The meeting resumed at 3:40 p.m., Thursday, November 20*]

● (35140)

The Chair: I call this meeting back to order.

Welcome to the extended resuming of meeting number 12 of the House of Commons Standing Committee on Justice and Human Rights.

Today's meeting is being held in hybrid format with Mr. Housefather, I see, attending remotely. He's aware of all the rules regarding Zoom, so I won't go over those laboriously.

[*Translation*]

Before proceeding, I confirm once again that the sound tests have been conducted successfully.

Out of respect for the interpreters, I also ask all participants to continue to refer to the guidelines outlined on the cards in front of them.

[*English*]

Again, we are resuming the debate on the subamendment that was put forth by Mr. Lawton.

The floor is yours, Andrew.

Andrew Lawton: Thank you, Mr. Chair.

This is the third meeting we have devoted to what should be very simple: a denunciation across party lines of child sexual exploitation and a call on the House of Commons to reinstate mandatory minimum sentences so people are not given shamefully lenient sentences, as was the case in the two extremely egregious criminal offences that went ultimately before the Supreme Court and led to the decision that triggered this.

Now, the subamendment, assuming it is adopted and the amendment and the motion are adopted, is very simple. It is a call that the government invoke the notwithstanding clause and reinstate the mandatory minimums, and that this committee's call to such is reported to the House. This is an important procedural tool that allows the House of Commons to give this issue due consideration. I believe that we should vote on this immediately. I call on all committee members to pass the subamendment and then the motion.

Thank you, Chair.

The Chair: For the sake of clarity, Andrew and the rest of the members, I will have the clerk formally read out the subamendment so we all know what we're voting on. Then, absent any other hands, I'll ask the committee to proceed to a vote.

[*Translation*]

Mr. Clerk, I give you the floor.

The Clerk: Thank you, Mr. Chair.

Ms. Lattanzio's amendment is as follows:

[*English*]

That the motion be amended by replacing all the words after "to", with the following: "table legislation to address child sexual exploitation reaffirming Parliament's unwavering commitment to protecting children and ensuring that offenders face the toughest sentences our justice system allows."

The subamendment from Mr. Lawton that was moved is as follows:

That the amendment be amended by adding after the word "allows" the following: "provided that the government table its legislative response to this Supreme Court of Canada ruling before the end of 2025, and that this motion be reported to the House."

The Chair: Go ahead, Monsieur Fortin.

[*Translation*]

Rhéal Éloi Fortin: Mr. Chair, would it be possible for the clerk to read the motion in full, including the amendments, please?

The Chair: We will do it in English or in French.

Mr. Clerk, let's read everything, because we are dealing with subamendments to amendments, which can be confusing.

I would ask you to read the motion in its entirety, the amendment, and the subamendments, please.

The Clerk: Thank you, Mr. Chair.

Mr. Brock's motion reads as follows:

That, given that the Supreme Court of Canada removed mandatory minimum sentences for offences related to child sexual exploitation, and incorrectly ruled that these mandatory minimum sentences were cruel and unusual; and given that the premiers of Alberta, Saskatchewan, and Ontario, as well as the Leader of the Official Opposition in Manitoba, have all publicly called for the use of the notwithstanding clause to overturn this decision; the committee call on the government to invoke the notwithstanding clause to reinstate these mandatory mini-

mum sentences for child sexual exploitation, and that this be reported to the House.

I will now read Ms. Lattanzio's amendment.

Ms. Lattanzio proposes that the motion be amended by replacing all the words after "to" in the third paragraph, with the following:

table legislation to address child sexual exploitation reaffirming Parliament's unwavering commitment to protecting children and ensuring that offenders face the toughest sentences our justice system allows.

Mr. Lawton's subamendment proposes that Ms. Lattanzio's amendment be amended by adding, after the word "allows" the following:

provided that the government table its legislative response to this Supreme Court of Canada ruling before the end of 2025, and that this motion be reported to the House.

• (35145)

The Chair: We will now vote by show of hands on the subamendment.

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

The Chair: Ms. Lattanzio, you have the floor.

Patricia Lattanzio: I would like to propose an amendment. It was sent last week, but I could resend it to the clerk. I have the English version in front of me.

The Chair: Ms. Lattanzio, please wait a moment.

I want to make sure this is a new subamendment.

• (1545)

(Pause)

• (1550)

• (35150)

The Chair: We'll resume the meeting.

[*English*]

I ask members to perhaps forget the last six minutes. Ms. Lattanzio is withdrawing the subamendment as it stands.

Where we stand now technically is on the discussion and vote on the amendment to the motion. I'm glad to have the clerk read it entirely back to everyone as amended just for clarity or we could proceed to debate and a vote.

Larry Brock: There's no new subamendment. You're withdrawing.

The Chair: There's no new subamendment. Let's pretend that never happened.

Patricia Lattanzio: I'm sorry if I led to confusion. If the clerk wants to read that amendment, we're ready to vote on the amendment.

[*Translation*]

Rhéal Éloi Fortin: We are keeping the amendment, but there is no subamendment.

Is that right?

Patricia Lattanzio: No, there is no second subamendment.

Rhéal Éloi Fortin: There's none.

Okay.

The Chair: We will now vote on the motion as it has been amended. I will ask the clerk to read everything again.

The Clerk: Mr. Chair, I will read the motion with the amendment slowly, as amended. At the end of the motion, it says:

The committee call on the government to table legislation to address child sexual exploitation reaffirming Parliament's unwavering commitment to protecting children and ensuring that offenders face the toughest sentences our justice system allows, provided that the government table its legislative response to this Supreme Court of Canada ruling before the end of 2025, and that this motion be reported to the House.

This is therefore the amendment, as it has been amended.

• (35155)

[English]

The Chair: I'm looking around for debate and discussion. I see none.

(Amendment agreed to)

Patricia Lattanzio: Mr. Chair, I'd like to introduce an amendment.

The Chair: We have Ms. Lattanzio.

Patricia Lattanzio: Right after "reported to the House", I propose we add the following paragraph: "and that the meeting of this Thursday, November 20 be the final meeting with witnesses on Bill C-9. Clause-by-clause on Bill C-9 will commence on Thursday, November 27 and continue for as many meetings as required without interruption by any other subject. The deadline to submit amendments to Bill C-9 will be Monday, November 24 at 4 p.m."

[Translation]

The Chair: Thank you, Ms. Lattanzio.

Has everyone received the text of this amendment?

That doesn't seem to be the case, but it shouldn't take long.

[English]

I see the clerk drafting on the fly, so you should have it in your inboxes within the next few seconds.

Larry Brock: I suggest we suspend, so we can review this properly, Mr. Chair.

The Chair: *I'll suspend so that everyone can have a chance to review it.*

• (1555)

(Pause)

• (1605)

• (35205)

The Chair: We are back.

Welcome, Mr. Housefather.

We suspended on the amendment that Ms. Lattanzio had put forward. We're now at the stage of discussion on the topic.

[Translation]

Mr. Brock, you have the floor. It will then be Mr. Fortin's turn.

[English]

Larry Brock: Thank you, Chair.

I've reviewed the content of the amendment proposed by the Liberal team, and it is completely outside the scope of what the original motion was about. It's not even closely resembling the intent or any aspect of the original motion. Quite frankly, in terms of abbreviating the time that was originally set aside for the study of Bill C-9, it is a complete slap in the face and disrespectful to the witnesses who had actually attended and ultimately could not testify and to the witnesses who were scheduled to attend today and had to be cancelled.

Bill C-9 is an important study. We all agreed to that study. We agreed to prioritize that study. We all agreed to the number of meetings. For the life of me, I cannot accept the position of the Liberal team that we should be shortchanging those witnesses who deserve, and have an absolute right, to testify if they've been invited to attend.

My first line of attack, Chair, is that this particular amendment is completely outside the scope. I'd be asking for a ruling accordingly from the chair.

• (35210)

The Chair: I will rule on it. I think Mr. Fortin and Ms. Lattanzio want to speak on this first, but I will rule on it.

[Translation]

Mr. Fortin, you have the floor.

Rhéal Éloi Fortin: I withdraw my request to speak.

The Chair: You wanted to discuss the same topic as him.

Rhéal Éloi Fortin: Yes, that's right.

The Chair: Okay.

Ms. Lattanzio, you have the floor.

[English]

Patricia Lattanzio: Mr. Chair, I'd like to remind the member opposite and the Conservative team that when this motion was brought forward, we were actually on the study.

Andrew Lawton: I have a point of order.

It is not a debatable motion, Chair.

The Chair: I can allow some comments on it, since Mr. Brock—

Andrew Lawton: I don't believe you can. [*Technical difficulty—Editor*].

The Chair: Right, but he didn't move it immediately. Mr. Brock gave commentary on introducing the motion. I think Ms. Lattanzio has a right to reply. I will proceed to the ruling right after that.

Patricia Lattanzio: Thank you, Mr. Chair.

As I was saying, when this motion was brought forth, you will recall that we were on a study on Bill C-9. The motion, if it happens now to have nothing to do with C-9, was brought forward while we were studying C-9. I think it is more than relevant that this amendment be brought forward.

I'd also like to remind the members that today was also supposed to be a day on the study of Bill C-9, as per our schedule. The schedule had been agreed to by all members in good faith, and here we are, discussing another motion that has nothing to do, supposedly, with C-9.

Mr. Chair, I would ask you to rule in favour of the relevancy of incorporating my amendment into this motion.

The Chair: The amendment is indeed not in order. It is out of scope.

Technically, we now go back to the motion as amended to vote on or to have discussion and debate on.

Are there any hands up from anyone who wants to discuss the motion as amended?

Andrew Lawton: Could you please read the motion that is before us?

The Chair: Yes. We'll get the clerk to read it for clarity, because this is getting increasingly—

Andrew Lawton: I would ask for a brief suspension after the motion has been read in its current form, please.

The Chair: Okay.

[*Translation*]

You have the floor, Mr. Clerk.

[*English*]

The Chair: Monsieur Fortin, please go ahead.

[*Translation*]

The Clerk: Thank you, Mr. Chair.

I am therefore giving you the result of all this. The amended motion is as follows:

[*English*]

That, given that the Supreme Court of Canada removed mandatory minimum sentences for offences related to child sexual exploitation, and incorrectly ruled that these mandatory minimum sentences were cruel and unusual;

And given that the premiers of Alberta, Saskatchewan, and Ontario, as well as the Leader of the Official Opposition in Manitoba, have all publicly called for the use of the notwithstanding clause to overturn this decision;

The committee call on the government to table legislation to address child sexual exploitation reaffirming Parliament's unwavering commitment to protecting children and ensuring that offenders face the toughest sentences our justice system allows provided that the government table its legislative response to this Supreme Court of Canada ruling before the end of 2025, and that this motion be reported to the House.

• (35215)

[*Translation*]

Rhéal Éloi Fortin: Mr. Chair, I had understood that we were voting on the motion amended by Ms. Lattanzio and on her proposed amendment. What I understand is that her subamendment to the amendment is inadmissible.

However, the amendment I had noted aimed to table legislation to combat the sexual exploitation of children, rather than to invoke the notwithstanding clause.

Did I misunderstand?

Are we now voting on the proposed amendment to the main motion?

The Chair: Yes, that's correct.

We will read it in French.

Rhéal Éloi Fortin: Whether it's read in French or in English doesn't bother me. I just want to be sure that we are voting on the amendment proposed by Ms. Lattanzio.

The Chair: We are voting on the final amended motion.

Rhéal Éloi Fortin: In the initial motion we received, it was stated that the committee would call on the government to invoke the notwithstanding clause. However, according to Ms. Lattanzio's amendment, the committee would instead call on the government to "table legislation to address child sexual exploitation" and so on.

It is on this that we are voting, and not on what has just been read.

Is that right?

The Chair: Yes, that's right.

Rhéal Éloi Fortin: The proposed amendment will be included, otherwise—

The Chair: Let's read the amended motion in full. That is what we will vote on.

While we're at it, I would ask you to read it in French, Mr. Clerk.

The Clerk: Thank you, Mr. Chair.

Here is the motion as amended:

That, given that the Supreme Court of Canada removed mandatory minimum sentences for offences related to child sexual exploitation, and incorrectly ruled that these mandatory minimum sentences were cruel and unusual; and given that the premiers of Alberta, Saskatchewan, and Ontario, as well as the Leader of the Official Opposition in Manitoba, have all publicly called for the use of the notwithstanding clause to overturn this decision; the committee call on the government to table legislation to address child sexual exploitation reaffirming Parliament's unwavering commitment to protecting children and ensuring that offenders face the toughest sentences that our justice system allows, provided that the government table its legislative response to this Supreme Court of Canada ruling before the end of 2025, and that this motion be reported to the House.

Rhéal Éloi Fortin: I'm fine with that.

Mr. Chair, I would like to propose an amendment to this motion.

Should I do it now or once we have adopted it?

The Chair: It would need to be done now.

Rhéal Éloi Fortin: Okay.

I therefore propose to strike the word “incorrectly” in the first paragraph, so it reads as follows: “...mandatory minimum sentences for offences related to child sexual exploitation, and ruled that these mandatory minimum sentences were cruel and unusual”.

I do not think our committee should tell the Supreme Court judges that they made an incorrect ruling. That seems a bit awkward to me. I would remove the word “incorrectly”. It doesn’t change the essence of the motion, but it removes that...

[English]

Do you agree, Patricia?

Patricia Lattanzio: [*Inaudible—Editor*] judges.

Larry Brock: I'm going to have to agree with that, Chair.

The Chair: Okay. We can formally or informally.... It looks like the committee unanimously agrees to remove that language—

Patricia Lattanzio: “Erroneously” and “*erronément*”. Yes.

The Chair: It's the word “incorrectly” in English.

[Translation]

In French, this would correspond to the words “de façon erronée”.

[English]

Patricia Lattanzio: Yes.

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

The Chair: Again, we'll do a full reread for the purposes of the vote. I'll ask the clerk to do so. It will sound exactly how it sounded in the last couple of rounds, except it will remove the words “incorrectly” and “*erronément*”.

[Translation]

Mr. Clerk, you have the floor.

The Clerk: Thank you, Mr. Chair.

• (35220)

[English]

The motion as amended reads as follows:

That, given that the Supreme Court of Canada removed mandatory minimum sentences for offences related to child sexual exploitation, and ruled that these mandatory minimum sentences were cruel and unusual;

And given that the premiers of Alberta, Saskatchewan, and Ontario, as well as the Leader of the Official Opposition in Manitoba, have all publicly called for the use of the notwithstanding clause to overturn this decision;

The committee call on the government to table legislation to address sexual exploitation, reaffirming Parliament's unwavering commitment to protecting children and ensuring that offenders face the toughest sentences that our justice system allows, provided that the government table its legislative response to this Supreme Court of Canada ruling before the end of 2025, and that this motion be reported to the House.

The Chair: I want to make sure everyone understood that for the purposes of the vote, just to be entirely clear. I don't see any heads nodding in the wrong direction, so I'll assume that is a yes.

We can have debate or proceed directly to a vote.

(Motion as amended agreed to)

Larry Brock: The original motion as amended is now carried, not just the amendment.

The Chair: There's a misunderstanding here.

Patricia Lattanzio: We were supposed to vote on the amendment.

The Chair: Not on the motion as amended?

Patricia Lattanzio: We have to go to the main motion once everything is complete.

Can we suspend, Mr. Chair?

The Chair: Sure.

• (1620) _____ (Pause) _____

• (1635)

• (35235)

The Chair: I confirm to the group here that the vote is carried.

The date for amendments on Bill C-9 is Monday, November 24.

On that note, we're now adjourned.

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