

## REPORT OF THE COMMITTEE

Tuesday, February 28, 2012

## The Standing Senate Committee on Legal and Constitutional Affairs

has the honour to present its

## NINTH REPORT

Your committee, to which was referred Bill C-10, An Act to enact the Justice for Victims of Terrorism Act and to amend the State Immunity Act, the Criminal Code, the Controlled Drugs and Substances Act, the Corrections and Conditional Release Act, the Youth Criminal Justice Act, the Immigration and Refugee Protection Act and other Acts, has, in obedience to the order of reference of Friday, December 16, 2011, examined the said Bill and now reports the same with the following amendments:

1. *Clause 2, page 3:*

(a) Replace line 26 with the following:

“(a) any listed entity, or foreign state whose immunity is lifted under section 6.1 of the *State Immunity Act*, or other person that”; and

(b) Replace line 29 with the following:

“(b) a foreign state whose immunity is lifted under section 6.1 of the *State Immunity Act*, or listed entity or other”.

2. *New clause 3.1, page 5:* Add before line 10 the following:

**“3.1 Section 2 of the Act is amended by adding the following in alphabetical order:**

“terrorist activity” in respect of a foreign state has the same meaning as in subsection 83.01(1) of the *Criminal Code*, provided that a foreign state set out on the list referred to in subsection 6.1(2) does the act or omission on or after January 1, 1985.”.

3. *Clause 5, page 7:* Add after line 8 the following:

“(11) Where a court of competent jurisdiction has determined that a foreign state, set out on the list in subsection (2), has supported terrorism, that foreign state is also not immune from the jurisdiction of a court in proceedings against it that relate to terrorist activity by the state.”.

4. *Clause 6, page 7:* Replace line 15 with the following:

“that foreign state for its support of terrorism or its terrorist activity.”.

5. *Clause 7, page 7:*

(a) Replace line 22 with the following:

“used by it to support terrorism or engage in terrorist activity;”; and

(b) Replace line 31 with the following:

“support of terrorism or its terrorist activity and to property other”.

6. *Clause 9, page 8:* Replace line 32 with the following:

“that foreign state for its support of terrorism or its terrorist activity.”.

Your committee has also made certain observations, which are appended to this report.

Respectfully submitted,

John D. Wallace  
*Chair*

**OBSERVATIONS**  
**to the Ninth Report of the Standing Senate Committee on Legal and Constitutional Affairs**  
**(Bill C-10)**

One of the most consistent concerns heard throughout the committee's hearings was the difficulty that the correctional system faces in dealing effectively with the multitude of challenges posed by offenders who suffer from mental illness, especially severe mental illness, and the "revolving door" impact this has on costs to the justice system and society at large – police and courts, correctional facilities, victims of crime, and property damage.

Testimony from mental health experts re-affirmed that treatment is not only possible but successful in many cases. There can be no postponement of action on this critical issue. We heard about the availability of equivalent or lower-cost alternative service delivery treatment options that have proven effective but have, to date, not been appropriately utilized or seriously considered, by federal Corrections officials. We urge the Correctional Service of Canada to urgently address this growing challenge – particularly as it relates to female offenders, who suffer from a higher incidence of mental illness than male offenders. We urge the Correctional Service of Canada to utilize, perhaps on a pilot basis, alternative service delivery options that have demonstrated results in reducing recidivism, while providing the level of security necessary for the protection of the public. One model for alternative service delivery is the St. Lawrence Valley Correctional and Treatment Centre in Brockville, Ontario. We also urge provincial and territorial authorities to intensify their efforts in addressing these mental health issues in their jurisdictions.

Another concern that was expressed forcefully and often in the course of the hearings on Bill C-10 was the over-representation of Aboriginals, both as victims and in the correctional systems. This over-representation needs to be addressed on an urgent basis. This is a problem that goes beyond the criminal justice system and will require a major societal effort involving all levels of government and community organizations.

The committee heard the testimony of many victims of crime, representatives of victims' organizations, the Federal Ombudsman for Victims of Crime, police chiefs, and professionals who provide services to victims of crime.

We recognize the multi-faceted reality of victims in the many different jurisdictions and regions of Canada. In particular, we acknowledge the importance of putting forth solutions which include the input of victims, victims' organizations, government decision-makers, and the many different providers of victims' services. In addition, we are of the view that additional, effective measures to help victims should be established in many different jurisdictions and that solutions may emerge that go beyond the criminal justice system. Having heard the testimony, your committee believes that a dialogue is necessary to respond to the global challenges which are faced by governments at the federal, provincial, and territorial level. Multi-jurisdictional problems require a continuous exchange of views among the representatives of governments and of victims.

We have heard a concern expressed about the transfer of offenders from youth facilities to adult jails or penitentiaries when they turn 18. This has been described to your committee as putting in jeopardy the rehabilitative work that has begun in the youth facility but may not continue in the adult facility. We encourage federal/provincial/territorial consultations in order to establish transitional programs for young people moving into the adult correctional system.



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