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Statement of Principle regarding Witnesses

» **RECOGNIZING** the importance of maintaining the primacy of the person in the administration of justice;

RECOGNIZING the essential role played by witnesses in the judicial process;

RECOGNIZING the importance of ensuring that persons called to testify are given the respect, information and consideration to which they are entitled;

The parties agree to take appropriate action in their respective spheres to protect the rights of witnesses and to minimize inconvenience to witnesses. In particular,

» **The Ministère de la Justice du Québec** agrees to:

- provide special rooms for crime victims and vulnerable witnesses where they can wait to testify without coming into contact with the accused (when a new courthouse is built or extensive alterations or renovations are made to an existing courthouse);
- provide witnesses with the appropriate reception, assistance and orientation services in courthouses and other court locations, to the extent that court resources allow;
- give particular consideration to the needs of witnesses when designing courthouse facilities.

» **The Ministère de la Justice du Québec and the Barreau du Québec** agree to:

- provide subpoenaed witnesses with information on the judicial process and the conduct of proceedings;
- ensure that a witness directly affected by the proceedings is given information on the status and outcome of the proceedings by the party who subpoenas the witness, when explicitly requested by him or her;
- notify witnesses as quickly as possible when their presence is no longer required;
- advise witnesses of their rights and of their employers' legal obligations towards employees called as witnesses;
- advise witnesses of their entitlement to payment of travel and meal expenses and, as the case may be, compensation for time spent at court;
- avoid unnecessary subpoenas.

» **The Judiciary, the Ministère de la Justice du Québec and the Barreau du Québec** agree to:

- treat witnesses with the utmost consideration, particularly vulnerable witnesses such as children, the elderly and persons with a physical or mental disability;
- provide child witnesses with special protection and care and address them in a manner that is appropriate to their level of understanding;
- take appropriate action to avoid repeated subpoenas to the same witness and to minimize inconvenience to witnesses;
- protect witnesses from intimidation tactics during proceedings and ensure that witnesses are not harassed or insulted during cross-examinations;
- protect the confidentiality of the address of a witness when there is reason to fear for the witness's physical or mental well-being, particularly in

proceedings involving domestic violence.

THE PARTIES HEREBY AGREE, individually and collectively, to assume responsibility for compliance with the above-mentioned principles and to foster observance of them by justice practitioners.

Montréal, June 1, 1998

Chief Justice of Québec

Minister of Justice and Attorney General

Chief Justice of the Superior Court of Québec

Chief Judge of the Court of Québec

Bâtonnier of the Province of Québec



Latest update: May 1, 2009

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