PRIVATE MEMBERS' BUSINESS— MOTIONS

[*English*]

Mr. Deputy Speaker: Shall all orders and items preceding No. 15 stand by unanimous consent?

Some Hon. Members: Agreed.

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● (1700)

ADMINISTRATION OF JUSTICE

RATE OF INCARCERATION OF NATIVE PERSONS

Ms. Lynn McDonald (Broadview-Greenwood) moved:

That, in the opinion of this House, the rate of incarceration of native persons at six times the national average is to be condemned as a serious indictment of the criminal justice system; and

That the House urges the government to collaborate with other governments in Canada, native and other voluntary organizations in order to take constructive steps to reduce the rate of incarceration of native persons; and that such steps include (*a*) changes in police training and practice to reduce the frequency of charges (*b*) development of informal community-based responses to non-violent offences (*c*) commencement of work on the revival of customary law and practice in criminal justice matters.

She said: Mr. Speaker, the facts are that Canada is not a very violent or criminal society. We would wish for much less violence and much less criminality, but compared with many other countries, we are very fortunate. Yet we have a very high rate of incarceration, even though we do not have a high rate of crime in general or of violent and serious crime.

Canada's rate of incarceration is 134 per 100,000. Let us compare this with Britain and France, the two countries from which the majority of our population has come. Britain's rate of incarceration is 85.1 per 100,000 and France's is 66.7. If we go to the Netherlands, the rate goes down further, to 24.6, which is considerably lower than what we have in Canada. If we go to another Commonwealth country with a frontier and which is more like Canada, according to some people's thinking at least, Australia also has a much smaller rate of 67.4 per 100,000.

In the northern territories, the rates of incarceration are higher still. They are three to four times the Canadian average. In the Northwest Territories, the majority of inhabitants are native people. In the Yukon they are about a third of the population. It is the over-representation of native people, especially in our prisons, about which I want to talk. When we break down the rates for the Northwest Territories and the Yukon, we see that a far greater number of native peoples are being put in jail. In the Northwest Territories, the non-native population in jails is 195 per 100,000. In other words, it is higher than the Canadian average. However, the native rate is 836, or 6.2 times the rate for Canada as a whole. When we look at the Yukon, for non-natives it is 248, or roughly twice the Canadian average. For native peoples it is 873, or 6.5 times

the Canadian average. These are shocking and disgraceful statistics.

There is a similar over-representation of native peoples in the provinces of Canada. However, I suggest that is no excuse for those of us in Parliament concerned with the territories, which fall under the responsibility of the Solicitor General's Department and the Department of Justice. Yes, it is disgraceful what is happening in the provinces too, but it does not get us off the hook. We have responsibilities and we should be acting to reduce these drastic statistics of over-representation.

Instead, what have we had from the Government? We have had excuses that in fact native peoples are very violent and that society has to respond by using prisons. Let me point out that these statistics themselves are an underestimate of the over-representation because there are no federal institutions or penitentiaries in the federal territories. Any person native or non-native who commits an offence for which the penalty is two years or more, in other words the most serious offenders, go to southern prisons and are not even counted in the statistics. When we talk about these figures that are more than six times the national average, we are talking about people who are in prison for less serious offences.

We hear statements about leniency of treatment from the Assistant Deputy Minister of the Department of Justice before the Standing Committee on Justice and Legal Affairs in response to the issue I have raised who said:

In the North great attempts are made, perhaps on a scale that outdoes that of any other place in Canada, to deal with crime in a non-prosecutorial mode.

What is he talking about? We have an enormous number of prosecutions. The Chief Superintendent of the RCMP in the Northwest Territories, Mr. Feagan, said at the same hearing:

From my experience as the commanding officer in Prince Edward Island and in Nova Scotia, I feel safe in saying that we tend to treat offenders in the territories more leniently, in particular with respect to minor criminal offences and regulatory offences.

What does he mean by "more leniently"? The incarceration rates for native peoples in the territories are eight times those in Nova Scotia and Prince Edward Islands, eight times more severe. If he really means it when he says that this is more lenient treatment, he must have an idea that native peoples perhaps commit 10 times or 20 times more crimes and, because they are treated more leniently, they go to jail only six times or eight times more often. This is a disgraceful thing to suggest, yet that is the only logical conclusion we could reach from his statement about leniency.

Further, we obtain responses from the Ministers and their Departments about all the good intentions in terms of diversion programs. The facts are that we have higher proportions of northerners on probation, doing community service orders, paying fines and experiencing all these non-prison sentences. There are so-called diversion programs in place, but in fact the number of offences rises year by year. Informal fine option programs were started in the Yukon, and the Department of Justice put an end to them. On diversion itself, we get gobbledegook from the Department of Justice and the Department of the Solicitor General that diversion is being used. If that