

Government Orders

Bill C-41 does, however, innovate in the area of victims' rights. Under clause 722, the judge is obligated to take into account the victim impact statement at the sentencing hearing stage. Hearsay will be acceptable under oath, and, if the victim is deceased or is unable to make a declaration, his or her spouse, relative or anyone who has taken responsibility for the person, may make a statement for the victim.

This important development has made up for all the times that I denounced the minor role that the victim played in legal proceedings until I was blue in the face. But, this should only be the beginning.

• (1555)

Victims must take their rightful place in the courts and not just be regarded as crown witnesses. The Daviault case is a sad example of the foibles of our system. Henri Daviault was recently acquitted, for lack of evidence. The case made quite a stir and prompted the Minister of Justice to table his bill on drunk defence. But the victim died in 1993. Despite the order for a retrial, the crown no longer had a witness and the judge was obliged to acquit Daviault.

Was justice served? The victim cannot give testimony from the grave and the victim's statement cannot be used as evidence now. Daviault is now a free man and we will never know what really happened. The victims of criminal acts must be included in the criminal court proceedings. They should no longer simply be crown witnesses. They should be entitled to representation by counsel and be able to cross-examine the accused, if the individual decides to testify. Victims should be able to call their own witnesses.

The rules on hearsay evidence in a trial should be relaxed in favour of the victim. In short, the system should not further traumatize the victim, who has already been subjected to the violence. Twenty years after the first shelters were opened in Quebec, violence continues to be perpetrated against women. Our society's biggest challenge is to put an end to this scourge.

This violence is not only physical; it can be psychological, emotional, economic and social as well. Spousal abuse is another scourge that must absolutely be stopped. Although the reason is obvious, the problem remains. Most of the members of this House continue to turn a deaf ear, unfortunately. They simply reflect the attitude of a society that indulges spousal violence.

Obviously, most say they are sensitive to violence and do not approve of deviant behaviour. A number also say that spousal violence is reprehensible, but look for an excuse for the disturbing attitude of the aggressor. He was drunk, for example. This approach fosters social acceptance of spousal violence. There are always two sides to the coin in our mind. We try to understand the aggressor and we blame the victim. The implication is, generally, that a man has reasons for abusing his wife, and that the victim's reaction does not meet our expectations.

In criminal law, when the courts have to deal with spousal violence, the sentence is too often lenient when the aggressor is found guilty. And for good reason. The pre-sentence report, which significantly affects the judge's decision, contains a distorted analysis of the problem. The report is limited primarily to analyzing the personality or the history of the aggressor. With this sort of analysis, the system is playing the aggressor's game.

The individual is relieved of responsibility, and the sentences such behaviour deserves are avoided. I contend, therefore, that, in all cases of spousal violence, however serious, the fact that the victim is a spouse or a former spouse should be considered an aggravating circumstance thus requiring a stiffer sentence. Former spouses are all too often the victim of both physical and psychological aggression.

Mr. Speaker, I realize you must intervene at 4.00 p.m. I will therefore turn the floor over to you and perhaps continue afterward.

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• (1600)

[English]

ELECTORAL BOUNDARIES READJUSTMENT ACT, 1995

The House resumed consideration of the motion in relation to the amendments made by the Senate to Bill C-69, an act to provide for the establishment of electoral boundaries commissions and the readjustment of electoral boundaries; and of the amendment.

SPEAKER'S RULING

The Speaker: My colleagues, I asked a little earlier if the whips would confer on the deferral of this vote. The Chair would always prefer that these decisions be made in harmony after consultation. To my knowledge no decision has been made by the whips of any of the parties.

I saw the video tapes earlier today of exactly what took place. I have satisfied myself that the acting whip of the Bloc Québécois proceeded in the normal and accepted fashion. I have reviewed what the government whip had to say with regard to this point and I have taken into consideration what the whip of the Reform Party said in the House.

I want to make one thing clear to all hon. members. It is the purview of the Speaker to make this decision. I will tell you how I am not making it. I am not making it on first past the post. It would be unseemly, in my view, to have the whips running up to the table and knocking each other down. This is, after all, the House of Commons and we should have some decorum. Because the decision has been placed on my plate, I have decided and I order that the vote on this particular amendment take place at 11.30 p.m., Monday, June 19.