

*Government Orders*

When you look at the history of this whole area of the law, it goes back to the concept that a woman's sexual history and reputation were considered relevant in a rape or an indecent assault trial since the lack of chastity of a female complainant was accepted as indicating her propensity both to agree to sexual activity and to lie about the fact afterward. That was the whole idea of introducing all of this evidence on previous conduct. We all know that is not really relevant in today's society, nor is it relevant to deal with the events of whether or not an offence in fact has occurred.

As I indicated earlier, one of the key points is to find the mechanism that will allow women to feel free to report the situation and come forward, and not feel that they are the ones who are going to be charged and on trial during the process. We have to change that system so they do not feel they are the victims and the ones who are on trial.

We are supportive of the legislation, but we have some concerns. I just want to read a few things into the record just to give you an idea. I think the Liberal Party has talked about changes to the preamble and, in particular, the first *whereas* clause. I will read this clause into the record first and then some of the comments of groups who appeared before the committee and had some comments about it.

I will quote the first clause: "Whereas the Parliament of Canada is gravely concerned about the incidence of sexual violence and abuse in Canadian society and in particular the prevalence of sexual assault against women and children". That is in the preamble and we are supportive of that, but we feel that it should be expanded because there are some specially disadvantaged women and children who require that special notice.

I would like to read from a number of those groups just to give an idea of their thoughts and to have them on record with respect to this legislation. I will deal first with the Disabled Women's Network of Canada which stated: "On the preamble, because women with disabilities belong to every other group and because we are the most vulnerable in each case, it is imperative that we be identified and named in the preamble of Bill C-49. The

naming of women and children with disabilities in the preamble will not only advise any would-be perpetrators that women with disabilities are protected by this law, it will also let women and children with disabilities know that they are protected and that sexual offences against us are punishable. Mentioning women with disabilities in the preamble makes us visible. It makes us know that we are part of this new bill. It also lets police and judges know. They have not always been sensitive to the fact that we are as worthy of that protection as other women".

Another national organization dealing with immigrants and visible minority women in Canada states: "Immigrants, refugees, domestic workers and women of colour experience racism as well as sexism in every aspect of their lives in Canada, and that includes our dealing with the justice system. We must neither assume that there are no differences nor must we stereotype the differences. The point is to recognize and respect the differences. When you talk about people you have to make it so tight for us that we can then fight our own battles. We do not want you to do all our work, but you have to arm us with the tools so we can say to the police that Parliament says we are a vulnerable group".

Look at native women. All you have to do is look at the statistics dealing with native women and you realize the problem that is there and why that perhaps should have been included in the preamble of this bill. I will quote from the Native Women's Association of Canada: "It has been estimated that eight out of 10 aboriginal women will be beaten or sexually assaulted in their lifetimes. While fear of assault may be a real part of the lives of most Canadian women, being assaulted is too often just a daily reality for aboriginal women".

I also have a statement from the National Association of Women and the Law which states: "We note that the bill says there be no publication. We are concerned with that because we believe there is a clear directive that our judicial system must be accountable for the decisions that are made. If there is a publication ban on the reasons in the *voir dire*, clearly there is no judicial accountability".