

Criminal Code

picked that up from the Ouimet report. The report indicated that before an application to make a person a dangerous offender is made, which carries with it an indeterminate sentence, such person should be confined for six months in a diagnostic institution. This institution would have facilities to diagnose the person's problems and may or may not have treatment available. After that we could determine whether a person should be classified as a dangerous offender. I do not see that recommendation in the legislation. All I see is some protection with regard to the person. The protection is composed of the fact that the application requires the consent of the attorney general and requires evidence from a psychiatrist and a psychologist which can be tendered on behalf of the person who is being termed as a dangerous offender. The other protection is that three years after the sentence and two years thereafter the decision can be reviewed.

I would like to ask the Solicitor General, with regard to the question of violence, to look at the study by Professor Greenland of McMaster University who studied this problem in depth. He studied five groups, Mr. Speaker. The first group was of 100 people who had committed violent crimes against persons and had been found not guilty by reason of insanity. Also included in that group of 100 was another group of people detained in the Ontario mental hospital because they were found unfit to stand trial. These were serious offences—murder, manslaughter, sexual offences and violent offences. The second group was a group of 100 people who were inmates of penitentiaries who had been found guilty of the same types of offences. The third group was one of 96 people who were currently incarcerated as dangerous sexual offenders. The fourth group consisted of people involved in murder followed by suicide. In the last five years, in Ontario, 65 individuals have murdered, usually their children, then their spouses and then destroyed themselves. The last group was with regard to the battered child.

What were the conclusions with regard to this problem of violence? This is what we are dealing with under the dangerous offenders section. Professor Greenland's conclusions were as follows: First, there was a tremendous overlap in all these groups and in all these cases. The same people and the same members of families appeared in each of the five studies. It was dealing with violence, which takes on many forms but often involves the same individuals and families.

Second, and this is the most important part, almost all the individuals studied had a common experience of severe deprivation in childhood. They were victims of inadequate child welfare and health services which failed to provide them with a basic system of care and protection. There has been a cycle of deprivation passed on from generation to generation, thereby multiplying violence and abuse in our society. His third point was that between one-third and one-half of the cases of violence, more especially criminal violence, involved alcohol and drug abuse. Lastly, in half of all the cases involved there was adequate warning and help-seeking behaviour. In other words, the person would have a mental problem; the mother of

[Mr. Gilbert.]

a young family would seek help; and the failure to deal with that problem resulted in the subsequent conduct.

Is it any wonder that we cannot deal with the question of dangerous violence in isolation? This is why we must have programs to deal with environmental stresses—the problems of poor housing, the problems of poverty and the problems of unemployment. We have to set up research to identify the problems and to identify the persons. What the minister has done does not begin to touch the very serious problem with regard to violence. It deals with the effects; it does not deal with the causes.

Dealing with the problem concerning the custody and release of inmates, I am sure no member in this House can complain about those provisions. There is a tightening up of provisions with regard to prison escapes. The increase is from five to ten years. There is an abolition of statutory parole in favour of earned remission, which is a step in the right direction. There is an improvement with regard to release. There is an increase in the number of members who will be appointed to the board. There are amendments with regard to the Prisons and Reformatories Act. One cannot complain about those measures. The measures on firearms, electronic surveillance and dangerous offenders cause a great deal of concern to most Canadians.

In closing, I would repeat that the provisions of this bill do not provide adequate protection for the safety of most Canadians, more especially with regard to firearms, and the provisions of electronic surveillance infringe the fundamental freedom of most Canadians. Mr. Speaker, it is a cave-in, in many respects, by the Minister of Justice. It is weak medicine for a very sick society.

• (1620)

[*Translation*]

Hon. Francis Fox (Solicitor General): Mr. Speaker, I am particularly pleased this afternoon to participate in the debate on Bill C-51.

As we know, this bill proposes major amendments to the Canadian Criminal Code and related acts. Its main object, and some people could be inclined to forget it, is to give Canadian society better protection against those individuals who commit violent crimes. Yet in so doing the legislator must always bear in mind the importance of reaching a measure of harmony between the protection owed to law-abiding citizens, the respect of their rights as well as the rights of any individual facing a charge.

There is no doubt in my mind, Mr. Speaker, that society not only has the right but the duty to protect itself against those who commit crimes, particularly in the case of violent crimes and that in performing this part of its mandate, the government is not only bound to carry out punitive measures, namely those steps taken after a crime has been committed, but also to apply measures of detection likely to help the police in getting their job done and finally to adopt an increasing array of preventive measures concerning rehabilitation of prison