

*Criminal Code*

[English]

We support this legislation in principle. We say that its steps to assist the victims of crime are long overdue in Canadian society. Certainly we look forward to studying this legislation in committee, to bringing forward the necessary improvements in some of the areas that I have outlined with respect to national standards and to informing victims and their families of what they are entitled to. At the end of the day, after having passed this legislation, there remains a great deal of work to be done if true justice for victims in Canada is to become a reality.

[Translation]

**Mr. Richard Grisé (Parliamentary Secretary to the Deputy Prime Minister and President of the Privy Council):** Madam Speaker, it is an honour for me today as Parliamentary Secretary to the Deputy Prime Minister to comment on Bill C-89, and particularly on each one of us because for a while now the Opposition Parties have been referring to victims at the third person. So I think each one of us can easily identify with the problem of victims of crime generally. Who among us can be assured that he or she will not be the victim of a criminal act in the future?

Madam Speaker, who indeed can claim to be safe from such acts as car theft, break in and a number of other infractions? I would not want to scare anybody but I think it is important to acknowledge that anyone of us can of course be a victim one of these days.

[English]

I would like to thank the opposition critics who have agreed to get on very quickly with second reading of this very important Bill C-89. I hope that we will still have their co-operation as quickly as possible to make this legislation law.

• (1620)

[Translation]

Some of you may have been victims in the past. In spite of the fact that each Canadian is a potential victim of a criminal offence, paradoxically, today, in 1987, the victims are still considered as the casualties of the criminal process. Is it not a paradox which is totally out of place in today society? Surveys show that two thirds of Canadians consider that the rights of victims should be protected as well as those of the accused in the name of justice.

Is it not absurd, Madam Speaker, that most victims complain that they were victimized not only by the offender but also by our judicial system? We have all heard a victim saying that after her T.V. set was found by the police she had to wait for several months or even several years to get it back? We all know a victim who was kept waiting for hours in the corridors of a court of justice only to be told, after several hours of anxiety and several visits to the court, that her evidence was not required anymore.

Madam Speaker, many victims will also tell you that if they had known better, they would not have hesitated to ask for restitution from the offender. How many people would have made themselves known and asked for the help of the judicial system if they had been given the assurance that their identity would be withheld in order to ensure their safety?

Madam Speaker, among other needs, the victim must be able to explain what he or she suffered, and yet, we frequently hear victims complain that no one is listening to them, not even the justice system.

Therefore, I am pleased today to join with the Government which showed its interest for the fate of victims and did not hesitate to take necessary steps to meet in a fair, adequate and energetic way the pressing needs of victims.

In fact, since it came to power, this Government examined the fate of victims of offences involving property. In 1985, this House passed Bill C-18 which provided for the prompt return to victims of belongings that had been stolen or otherwise and were no longer required as evidence.

More recently, in order to assist and protect children who are victims of sexual assault, the Government introduced Bill C-15 and other major amendments to the Criminal Code and the Evidence Act.

As you all know, the provisions contained in both bills were designed to meet the needs of specific groups of victims. The provisions of Bill C-18 are more general as they apply to all classes of victims of crime. A first set of measures is aimed at minimizing hardship likely to be suffered by victims as a result of the criminal justice system.

Those measures can be summarized as follows: First, the use of photographs as evidence to provide for the prompt and early return of recovered property to victims. Second, the use of an affidavit or a solemn declaration to establish the ownership and value of property will remove once again the need for the victim to testify as to those facts. Third, the victim will no longer be required to apply for restitution: in appropriate cases, the court will automatically consider the opportunity of issuing a restitution order. Fourth, the identity of victims and witnesses of sexual and extortion offences will not be published.

Finally, if a declaration is filed, there will be no need for the victim to give evidence on sentencing.

However, Madam Speaker, it must be emphasized that these amendments in no way reduce or violate the basic rights of the accused. Indeed, the presumption of innocence and the right to a full defence are both recognized in Bill C-89.

I have no intention of discussing in detail the effects of these various provisions or the technical aspects of their application. Others have done so before me.

However, there is another provision which I would like to discuss further, namely, the provision related to restitution. Certain provisions to force the offender to make restitution to