

Government Orders

"Treat children as children and keep them in the juvenile system".

As my friend from Cape Breton said, people are going to say: "That is fine, but the sentences are too light". We are saying: "You're right, so let's make the sentences tougher in the juvenile system". There is the difference. We want to keep the children in the juvenile system, not in the adult jails which are schools for criminals for these young people. We should simply deal with them in the juvenile system, but hit them in the juvenile system. When we have these offences, the young people should have to pay the penalty. I differ from my friend from Cape Breton who spoke last. I adopt a different sentencing procedure from his. I think his is excessively harsh, if I might say. I think this one would be preferable. I call it the three, five, seven option. As I said, we do recognize that they should be held accountable for their actions. Three years, in the case of some offences like murder and so on, may sometimes be insufficient for treatment. Some crimes require a strong response and the public believes three years to be an inadequate response to certain crimes. It is in the community's interest to ensure the best available treatment to youths. Young offenders will still have the benefit of the Young Offenders Act special presentations.

My amendment introduces a sentence which could be, for some crimes, three years and for others five years and for others seven years. But all within the juvenile system.

Overly long incarceration makes institutionalized young people, and we think it works against community integration, against the community's interest in the long run. That was told to us at the committee by the Canadian Foundation for Children, Youth and the Law. I draw your attention, Mr. Speaker, to the legislative committee on what was then Bill C-58 and now is Bill C-12, page 4:7 in the committee proceedings.

The second reason is that we recognize the need for a strong response, but we must place it in the context of a need for vigorous emphasis on eradicating the roots of criminal behaviour. Child abuse, poverty and learning disabilities are the things to attack. Those are the areas where we can really stop juvenile crime.

As the member for Cape Breton—The Sydneys said, when we have adults using juveniles to commit crime,

then we have got to punish those juveniles, and harshly, but within the juvenile system.

The third reason is that seven years as opposed to a 10 year maximum proposed by my friend is already a very long time for a young offender. As the Criminal Lawyers Association and the Ontario Social Development Council pointed out, it represents half the life of a 14 year old, which is the threshold age at which a youth may be transferred to adult court. If you transfer them at 14 and give them 10 years, they will be spending half their life in jail.

In the adult court system, seven years is the first date for parole consideration in a case where an adult is serving a life sentence. Moreover, seven years in the youth court system is seven years to the day. There are no earned remissions. Seven years means seven years, unlike the adult system.

Finally, psychiatrists working in the field of youth justice say that five to seven years is sufficient framework to treat the most serious cases which come into the young offender system. If you do not get them then in that five to seven years, you will never get them.

Let me sum up by saying that I see what the member for Cape Breton—The Sydneys is trying to do. We are on the same side. My amendments I think follow a little more on what the witnesses were saying at committee and it is a little less harsh. In any case, I would be prepared to accept either one. I think that has to be put in there, as opposed to the government system, which is just to put them in the adult system. I think that creates more criminals. Let us hit them hard while they are still juveniles.

• (1540)

Mr. Rob Nicholson (Parliamentary Secretary to Minister of Justice and Attorney General of Canada): Mr. Speaker, I would like to say a few words about both these amendments.

With respect to the hon. member for Cape Breton—The Sydneys, I am not quite sure from which direction he is coming on this. He talked at one point about the necessity of increasing the penalties. He talked about the problem of organized crime. He made comments to the effect that people involved with organized crime know how young people will be dealt with in the youth system.