

Divorce Acts

from national organizations representing women and others who have concerns in this area. Because of our desire that the Bill be passed quickly, a number of my colleagues, who otherwise would have wished to speak in the debate, are not speaking, although my colleague, the Hon. Member for Broadview-Greenwood will be making some remarks. As I said, I welcome the legislation. It is an important step forward and will indeed help to make the painful process of divorce in Canada just a little easier for the many Canadians who must still go through that today.

[Translation]

Mrs. Lucie Pépin (Outremont): Mr. Speaker, I would like to comment on the Bill respecting divorce and corollary relief and on the Family Orders Enforcement Assistance Bill.

First of all, I want to point out that as far as the Divorce Act is concerned, it is a great pleasure to see that a Bill similar to the one introduced last year by the Liberal Party is before the House today.

In fact, I agree that certain provisions of the Bill to amend the Divorce Act are of interest and reflect the changing attitudes of Canadian men and women.

This kind of legislation must always meet with the broadest possible consensus in society, while at the same time ensuring that the principles of justice and generosity are observed.

In Canada, 44 per cent of marriages end in divorce and 48 per cent of the couples that do divorce have children, and despite newspaper articles that describe a new generation of father as responsible and concerned about their children and actually obtaining their custody, 85 per cent of the time, women still obtain custody of their children.

The member of single-parent families increased 50 per cent between 1971 and 1981. Most single-parent families are headed by women, and more than half of the youngest women in this category have incomes below the poverty line.

Mr. Speaker, I am stating all these figures in order to emphasize the importance of our divorce legislation for that half of the population that has suffered for too long under an economic and social system that is weighted against it. Further statistics demonstrate that many women are far worse off than men after a divorce. A study carried out in 1984 shows that one year after the divorce, the husband's income had gone up 42 per cent, while the wife's had dropped by 73 per cent. Reforming the system for collecting alimony is certainly not a luxury.

Mr. Speaker, I must say that the principles on which the Minister of Justice (Mr. Crosbie) is basing the new Divorce and Corollary Relief Act and the Family Orders Enforcement Assistance Act, are entirely admirable. I am sure that the vast majority of Canadian men and women will agree with these principles.

Unfortunately, as is the case for many Bills passed by the Progressive Conservative Government, the principles are excellent but the provisions to enforce them are deficient, in most cases. For instance, the House will recall the measures relating to equality issues in employment tabled in the House last March. The principles on which the proposals for equality in employment for women, native peoples, the handicapped and visible minorities were based were admirable, but the tools for enforcing those principles are defective and leave some doubts as to whether the political will of the Progressive Conservative Party is genuine.

As stated by the Minister of Justice, we must make divorce proceedings more humane, while at the same time trying to protect the family bond. We must provide for equality among spouses and protect the dependent spouse who is not in a position to achieve his or her financial independence after the divorce, by seeing to it that neither party is made to suffer serious economic hardship. Access of children to both parents is also one of the Minister's objectives.

Mr. Speaker, the Progressive Conservative Government provides that marriage breakdown is the only grounds for divorce. Unfortunately, the concept of "no-fault divorce" was not included. The legislation provides that breakdown of a marriage is established if the spouses have lived separate and apart for one year or if the spouse against whom the divorce proceeding is brought has committed adultery or treated the other spouse with cruelty, in which case the divorce may be granted immediately.

Although it may not be this Government's intention to do so, by maintaining adultery or cruelty as grounds for divorce, it has thereby eliminated the possibility of speeding up divorce proceedings, which are painful enough as it is.

According to the Minister of Justice, we should advocate more humane and more equitable divorce proceedings. Who does not have a brother, a cousin, an aunt who must meet the legal requirements to obtain a divorce, and regretfully charge his or her former spouse with mental cruelty to speed up the divorce proceedings? If at least the legislation provided that two consenting adults may divorce immediately without charging each other, but not even that! And yet people can get married if both agree. Why not apply the same logic to divorce?

With the concept of no-fault divorce spouses would not have to ruin each other's reputation. We know how painful that can be for people who are going through a period of their life which is not particularly joyful. The concept of no-fault divorce would make it possible to lay more emphasis on what is primarily at stake in a divorce, namely the children's future and the restructuration of family finances, rather than stressing the unproductive and painful aspects of divorce, such as charges and counter-charges. A great many Canadian men and women nowadays are disappointed that the concept of no-fault divorce has not been accepted.