

*Criminal Code*

● (1630)

There have been many programs and organizations which have been helpful. Victims of Violence, for example, is a very good organization which I understand receives some funding from the federal Government. It is extremely vocal and has done some good work in bringing to the attention of Members of Parliament and the public generally the personal experiences of individuals. It is very easy to think or talk about victims of crime, but it is very different when you have to go through it yourself. Going on the stand and being interrogated about your personal life or lifestyle is an extremely difficult thing to have to go through. Many voluntary groups such as the Salvation Army have very good programs for assisting a victim to deal with both the administrative matters that come up involving the court, how to present evidence and that kind of thing.

Let me say just as an aside that of all the victims of crime that I interviewed as well as those interviewed by my colleagues involved in the study, the thing people were most surprised about was that they thought, when they went to court as the victim, that the Crown attorney was their lawyer. We know that in our justice system the Crown attorney is the prosecutor for the state. People had a tremendous problem with this because they felt that the criminal's lawyer is out there fighting for him or her and their lawyer, whom they saw as the Crown attorney, is not doing that much for them in representing their interests. People felt that somehow that their personal interests were not being represented. That is not to say that is entirely the case, but that was the perception people had.

This legislation is particularly important in that respect because it indicates that the state has a particular interest in the victim, and many of the sections in this legislation will support the victim and tell him or her that we are giving them specific support. Yes, the Crown attorney represents the state in our system of justice, but here are extra supports that we give to the victim, acknowledging that they have already been traumatized by the crime itself and we will assist them to deal with the process so that they are not traumatized a second time.

I mentioned the efforts of a number of organizations such as the Mennonite Central Committee, Victims of Violence, and the Salvation Army. They have brought the concerns of victims to the fore. The families of victims have of course been extremely important. The emphasis on drinking and driving that we have seen over the last several years was the result of the efforts of either victims of that offence or their families.

I think this legislation will greatly enhance two things, respect for the justice system and acknowledgement that the victim is deserving of special consideration and concern. I know these are federal-provincial or federal-territorial agreements so they will be largely administered by the territorial and provincial Governments, and I hope the kind of services that are really needed will be implemented through

this legislation. Certainly the other jurisdictions will have a large say in how they do that, but it is extremely important that the principles embodied in this legislation are reflected in the actual service.

I can certainly say from my own experience in speaking with many victims of crime that there is a tremendous and traumatic effect on people even in coming home to find that their residence has been robbed. The invasion of the personal security of a person cannot be measured simply through the court process. Again, those groups I mentioned earlier, the elderly and women who feel particularly vulnerable, feel that trauma even more. In a just and equitable society we have to make sure that our citizens feel secure and that they can see that justice is being done.

In principle we support this legislation. There are several points which, we feel, would have made it somewhat stronger and better, but in principle it will begin to acknowledge the rights of victims of crime.

**The Acting Speaker (Mr. Edwards):** Questions and comments.

**Mr. Harris:** Mr. Speaker, I listened with great interest to the Hon. Member for the Yukon (Ms. McLaughlin). When I spoke it was from my own experience as a defence counsel, and you have to perform your job as defence counsel to the best of your ability. The Hon. Member spoke from her vast experience in dealing with victims of crime.

As she quite properly acknowledged, the Crown attorney is not the victim's lawyer but the state's lawyer. There ought to be some institutionalized system which provides counselling, advice, and understanding for the victim as to what the process is and what might happen, not necessarily to act as an advocate in the trial process but to make perfectly clear to the victim of crime what support services are available, what is going on and what it will be like. I know we have rape crisis centres, which are supported sometimes for other reasons, but we do not have any general system like this. Perhaps the Hon. Member would care to comment on the desirability of an institutionalized system through either legal aid or the various provincial justice systems separate from the police. They have a role in the prosecution, collecting evidence and so on, and are in a sense involved in one aspect only of the justice system.

We have a role for the Crown attorney and police to play in investigating and prosecuting the crime. We have a role for the defence counsel to play in legal aid in making sure that justice is done for those accused of a crime. However, we do not appear to have any institutionalized system which will make certain that those who are truly defenceless and truly vulnerable are not ignored by the system. Would the Hon. Member care to comment on that?

● (1640)

**Ms. McLaughlin:** Mr. Speaker, my colleague from St. John's East has hit upon a very important point. There have