

*Government Orders*

might be, that the existence and the activities of these hate groups are undermining the social fabric of Canadian society.

• (1530)

There is further evidence of the rise in such crimes. Police departments across the country have established hate crime units devoted exclusively to investigating and acting on crimes of this nature.

In testimony before the Quebec Human Rights Commission one group referred to the American experience where one in five gay men and one in ten lesbians reported being the victim of aggression and one-third of all respondents said that they had received threats of violence.

Police forces in Toronto and in Ottawa have recently reported that hate crimes based on sexual orientation represent the third largest category of hate related offences.

I suggest to the House that the need for this legislative intervention is clear. We have drafted the section to provide for specific reference to characteristics that are commonly targeted in crimes of this type, specifically referring to race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, and sexual orientation.

Why do we include the list? It has been alleged by some that we have selected certain groups or certain characteristics in order to give special treatment or special protection, that we are conferring special status upon specific groups. It is not the government that has selected these groups for special status. It is not this Minister of Justice who has identified these groups for special treatment. It is the hoodlums and the thugs who have identified them for special treatment. It is the criminals and the punks who go out to find them to beat them up who have selected them for special treatment. It is this Parliament that has the opportunity today to respond to those hoodlums and those thugs by showing maturity and by showing a preparedness to be logical and to do what is required.

The rigour of logic leads us to this approach. The evidence in front of us compels us to act. Common decency requires that we furnish through the criminal law a means of dealing with this thuggery.

If we are speaking of special status perhaps we should remember that if gays and lesbians, for example, have a special status they have a special status to be targeted, to be beaten up. If there are members who care to share that special status I am sure it could be discussed. The only special status that is on that list is vulnerability. The only special rights we are talking about here are the rights to be targeted. The very purpose of this legalisation is to redress that unfairness.

As long ago as 1977 in the Ingram case in the Ontario Court of Appeal the senior appellate courts of the country recognized that targeting someone, attacking them, victimizing them in crime based on a characteristic such as sexual orientation was an aggravating factor to be taken into account in the determination of sentence. This provision merely codifies that altogether sensible rationale and introduces it into the Criminal Code that we might achieve uniformity across the country.

When criminals target another and commit a crime against a person or a person's property based upon race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, or sexual orientation, they have committed a crime not only against the individual. They have committed a crime that has an effect on the entire group.

• (1535)

American laws in states of the United States where such laws exist are commonly called laws against crimes of intimidation because the offender knows that the effect of the act is not only to harm, to frighten or to affect the person who is at the end of the punch or the kick. It is to intimidate every member of that group who is intended to feel more vulnerable the next time they walk down the street. That feature of such a crime distinguishes it and justifies the approach contained in Bill C-41.

We have referred to sexual orientation. We have not found it necessary to define the term because its meaning is clear. Since 1977 the term has been included in human rights legislation in eight provinces and territories in Canada. There has never been any difficulty in interpreting or defining or applying that term as it is found in those provincial and territorial statutes. No question has ever been raised about what it means.

In the gay bashing crimes about which we have heard too much in recent years, the offenders, the thugs and the hoodlums who target people because of their sexual orientation, have no difficulty knowing what they are looking for when they drive downtown on Saturday night hunting for someone to beat up because they think they are gay or they are lesbian.

It should be stressed that the responsibility of parliamentarians in dealing with legislation is to use logic and reason in assessing the legislation's merit. I earnestly hope that we will be spared the observations that Bill C-41 is a gay rights bill, that Bill C-41 has to do with traditional family values in Canada, and that Bill C-41 confers special status for purposes of benefits or any other purpose.

Bill C-41 is a criminal law bill which amends the Criminal Code. It deals not at all with human rights, access to benefits, the right to marry or adopt. It has to do with the sentencing of people who have been proven to have committed crimes. It has to do with determining the nature and extent of the sentence having regard to the societal value of discouraging hate motivated attacks. It