

Criminal Code

The Minister of Justice (Mr. MacGuigan) has been kind enough to write me a letter which I received a short while ago today. Allow me to anticipate what may be said on the other side, although I do not see anyone there who intends to speak. One of the provisions to which the Minister objects in my Bill is the one which would give our criminal courts an opportunity to make awards for pain and suffering. It is his belief that this is beyond the Criminal Code power within the Constitution. I would argue that this could be done as an ancillary matter to the criminal law power which this Parliament has.

The second point he makes is that there is already a task force of federal and provincial officials currently looking at these questions. It is to report in June. I am concerned that if this task force follows the practice of other such bodies, it may well not report in June. I would like to see a legislated time period stating that this group must report within nine months. While I hope the Minister is right that the task force will report within a few weeks, I fear that it may not.

I look forward to hearing what other Members have to say about the matter and I hope that the Members present today will see fit to refer this much needed Bill, in my opinion, to the Justice Committee so that it may be examined in detail.

[Translation]

Mr. Denis Ethier (Parliamentary Secretary to Minister of the Environment): Mr. Speaker, I wish to emphasize the fact that the issue raised by the Bill presented by the Hon. Member for Edmonton-Strathcona (Mr. Kilgour) is a very complex one. I am very interested in the subject of recognizing victims' rights not only formally but also factually, and it is one of my major concerns. Unfortunately, it is also a matter that does not lend itself to quick and easy solutions. In fact, it has given rise to considerable debate and various institutional reforms in many parts of the western world in the last twenty years.

There are a number of factors that explain this newly awakened concern for victims of criminal acts. The suffering of victims appeals directly to our humanitarian feelings, and people are often very surprised when they realize that our judicial system has traditionally acknowledged only very indirect responsibility for providing assistance to victims.

Many people claim that the State has a moral obligation to the victim because our judicial institutions have failed to protect these individuals against crime.

Finally, from the strictly utilitarian point of view, it must be recognized that our judicial system itself, if it is to function properly, depends on the close co-operation of the victim and potential victims. Even if that is not always our main reason for being concerned about what happens to victims of criminal acts, we cannot ignore the findings of various studies on the subject. These studies clearly indicate that victims of criminal acts are becoming more and more reluctant to report such acts to the police and co-operate with police authorities so that the criminal can be apprehended, convicted and punished.

This refusal to co-operate on the part of victims is often related to a previous experience or previous contacts with the judicial system. Very often, such experience only adds to the suffering already caused by being a victim of a criminal act. Confronted with a system that was basically designed to preclude any participation by the victim, the latter cannot but feel profoundly alienated. Furthermore, the victim receives little or no information regarding his rights and duties before the law. Decisions in the case concerning the victim are usually made without consulting him and are very seldom communicated to the victim.

In cases where the judicial system has operated effectively, and the offender has been apprehended and convicted, the sentence seldom takes into account the concerns of the victim and his perfectly legitimate desire to receive some kind of compensation for the harm inflicted on him.

Should we be surprised that an increasingly large group of victims are refusing to report such occurrences to the police?

Fortunately, this loss of confidence in the judicial system is not yet widespread, and there is still time to do something about it. However, it is a very serious and urgent problem, because in the final instance, it may affect the ability of our institutions to maintain order and peace in our society. This loss of confidence may take several forms. When citizens no longer trust the judicial system, they are very tempted to take the law into their own hands. It is not a coincidence that today, we are seeing an increasing number of vigilante groups and private security services.

When a society fails to protect efficiently its members against criminal activities, not only does chaos result but also suffering. It is obvious of course that we cannot remain indifferent to either of those social consequences of crime.

In the past two years the Department of Justice has stepped up its research activities in the field of assistance to victims of criminal acts. However obvious it may be that the best way to assist the victims of criminal action is still crime prevention—in other words, doing everything possible to prevent victimization—it is still necessary to meet the needs expressed by individuals whose victimization could not be anticipated.

To gain better insight into the needs personally expressed by the victim, we have been listening to the victims and their concerns. Interviews with the victims have enabled us to single out three major types of needs expressed by the victims themselves.

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First, the need to be better informed. Too often the victims of criminal acts feel alienated from the criminal justice process. They do not know what their legal rights and obligations are. Oftentimes they are not aware of the legal recourse open to them. Quite often they complain that they are given