

*Criminal Code*

to jail, and in a way, this surprised me. I thought we might hear from the victims a very hard-line attitude: "Let's put everybody in jail". However, they did say that they simply wanted their property back or some compensation for it. They feel that the perpetrator of the crime should have a responsibility to rectify the situation with the victim.

There have been many programs in Canada which have worked on the principle of the criminal making restitution in some form to the victim for what has happened. There are clauses in the Bill which will, I hope, enhance and develop more services for the provision of restitution.

What has happened over and over again, not just in my jurisdiction of the Yukon but in others, as I found because this was part of a national study, is that the people would go to court, would make their cases, and an amount would be awarded for property damages, however, they would never see a thing. In many cases, the person who had perpetrated the damage was ordered to pay restitution, everyone would leave the courtroom, the victim would feel that at last there is some justice, the criminal will have to pay, but would never see a cent of it, not one cent.

This kind of thing sadly undermines the confidence in the justice system. It makes people very cynical about the process. I would say, therefore, that the restitution provision is a very important one and I hope we will address this issue. In probably about 60 per cent of the cases studied in which restitution was ordered, the people involved never saw a cent, and that is not a fair and equitable justice system.

People are generally very fair-minded. I found that they are willing to accept that justice has been done if there is redress. It was heartening to learn that.

In talking to many victims of crime, one of the things that was mentioned consistently was the trauma that is felt when going to court. It is an extremely difficult thing for many people to do. I think lawyers, Crown attorneys, social workers and others who are involved in the process every day really forget what a traumatic experience it is for someone to have to go to court. Therefore, victims groups have placed a great emphasis on providing assistance to people who have to go to court.

One thing which is not included in this legislation which would have been very important, and my colleague from Burnaby made this recommendation which unfortunately was not accepted by the committee, is a victim reconciliation program. I have some considerable familiarity with such programs. Marvellous work is being done by the Mennonite Central Committee which, in about 1974, began programs like this in the Kitchener-Waterloo area. These programs were very, very effective.

We now see a great emphasis on the part of the current Department of Justice on mediation. This has grown out of the victim reconciliation programs. Mediation programs are very prevalent throughout Canada. These programs attempt to get

the victim and the criminal together in a negotiating process outside the court in order to resolve the issues in a way that will be fruitful for the victim.

Through these victim reconciliation programs and the mediation programs, the criminal is actually faced and has to sit down in a room with the victim. This has a great impact. It is very different from being in court where victims and criminals are separated by lawyers. Under these programs, they sit down in a room and work out solutions.

Having seen this done with juvenile delinquents as well as with adults, I have found that it has an impact far beyond that of simply resolving the issue. It has a personal impact on the victim who perhaps comes to understand some of the things which led the criminal to commit the crime, but, more important from a criminal's perspective, he or she has to deal face to face with the person from whom he or she has stolen or whom he or she has assaulted. It is very unfortunate that such a program has not been included in this legislation.

The issue of personal assaults is probably the most difficult one. People have the most concerns about the court procedure when personal assaults are involved. Certainly, studies have shown that both the elderly and women feel extremely threatened in society. Studies have indicated as well, however, that statistically, women and the elderly do not constitute the largest number of victims of assaults. It seems that their fear is somewhat disproportionate to the actual number of offences committed against those particular groups. However, in certain areas, and particularly in domestic violence, women are over-represented.

Certainly the statistics on this are very frightening. I remember when I first came to Ottawa last fall, I was walking down the street at night and I saw a group of women marching with banners. I could not understand what this was all about, and someone told me it is something that groups of women do in many urban areas and it is called taking back the streets. Women march to show solidarity in that they can walk the streets at night. It is a very sad comment on society that it is felt that this is necessary. Many of these groups have fought long and hard for victims' assistance.

Certainly, the statistics indicate as well that there are about 17,000 sexual assaults in Canada every year, and that about 90 per cent of those are on women. We see also that women as victims are over-represented in family-related assaults, some 77 per cent. In assaults between spouses it is 90 per cent. In assaults between ex-spouses it is 80 per cent. Generally speaking, women in the justice system are under-represented. However, I understand that the number of women lawyers registering in law school has increased considerably. Many more women are going into law, but the justice system is seen by many female victims as a very male and sometimes unsupportive system.