

*Supply*

The hon. member's concern for victims of crime is admirable, but I must say that I find the phrasing of the motion a bit unclear. He suggests that more needs to be done to protect the rights of the victim. He goes on to imply that one way to achieve this protection is to diminish the rights of the offender. There are several problems with this assertion.

We should ask whether there is a necessary trade-off between competing rights. Is justice better served by somehow reducing the rights of an accused person? The motion does not specify where rights are objectionable. The emergence of the victims rights movement in Canada is one of the most important criminal justice trends we have seen in the last 20 years. Yet I doubt that any victims organizations in Canada would advocate eliminating the right of an accused to a fair trial, the right to due process, the protection of habeas corpus or the protection of an accused against self-incrimination. Do I need to remind the House that there are rights guaranteed to all Canadians under sections 7, 10 and 11 of the charter of rights and freedoms?

• (1600)

I will not dwell on the matter of comparing the rights of the accused to the rights of the victim, but I do suggest that the motion misses the mark. I believe a more constructive approach, simply put, is to determine where and how the victim should be involved in the criminal justice process. The concept we should embrace is access to justice for the victim.

At what point in the criminal justice process does the victim deserve to have input? Should the victim have input into the police investigation, to the trial of the accused, at the sentencing stage or later at the parole decision making stage and finally when the offender is released from custody?

If we can provide the victim or the victim's family with the appropriate access to the criminal process in a timely fashion then maybe we can be a little less concerned about who has more rights.

Let us examine the progress that was made over the last two decades both in terms of the general recognition of the needs of victims and specific measures.

Much of the policy and the programs dealing with victims derived from a report by a federal task force on justice for victims of crime in the early 1980s which offered 79 recommendations to both levels of government for improving social, criminal justice and health responses to victims of crime.

In 1985 Canada co-sponsored the UN Declaration of Basic Principles of Justice for Victims of Crime. This document soon became the basis for a unique Canadian statement of principles.

This statement was endorsed by the federal government and the provinces and territories in 1988. It has provided a reference point for provinces to develop their own policy and legislation on victim's rights and most jurisdictions now have victims oriented legislation. It is important to note the provincial perspective since the provinces' responsibility for the administration of justice means that all access to justice issues are under federal control.

Progress continued during the 1980s and in 1988, Parliament passed Bill C-89 which amended the Criminal Code in several relevant areas. For example, the code now provides for protection of the identity of the victims and witnesses of sexual offences and extortion offences. The law also makes it easier for victims of property crimes to prove ownership and the value of stolen goods.

Perhaps most important, the law now provides for victim impact statements. Section 735 permits provinces to determine the form for victim impact statements in their jurisdiction. In effect, this provision creates flexibility by allowing police based victim witness service programs to generate victim impact statements or alternatively crown or court based services as appropriate.

In my view the victim impact statement is a crucial element in sentencing. It is appropriate that the Criminal Code not only provides for such formal statements but allows the court to consider any other evidence concerning any victim of the offence for the purpose of determining sentence.

The motion argues that there has been little recent progress in advancing victims rights. I would conclude the opposite. Bill C-41 passed recently by the House contains an amendment to the Criminal Code stating that the court shall consider the victim impact statement. This mandatory requirement consolidates the role of the victim impact statement in the sentencing process.

While we are on the subject, please note that the victim in this context is broadly defined so that where the victim himself or herself is deceased, any relative of that person or anyone who in law or in fact is responsible for the custody of that person, or for his or her care or support of that person can present the victim impact statement and it will be considered. This is a significant improvement.

There are other measures in Bill C-41 that will benefit victims and keep the focus and the impact of the crime on the victim. The new section 726.2 requires a court when imposing a sentence to state the terms of the sentence and the reasons for it and to enter those terms and reasons in the sentence.