

*Criminal Code*

be read the second time and referred to the Standing Committee on Justice and Legal Affairs.

He said: Mr. Speaker, it is a pleasure to speak on this Bill which, I am told by the National Association for the Victims of Crime, is the first measure ever introduced into the House to do something for the deplorable condition of the victims of crime across Canada. It is a measure whose time has long since come for many reasons.

First, most of the provisions in the Criminal Code come from the pre-1960 era when crime was a much smaller problem in Canada than it is today. Victims were mere witnesses in the whole procedure. They had no institutional status whatsoever nor even any effective institutional position in our criminal justice system. They are now the forgotten people as any judge, crown attorney, defence attorney, probation officer, or anyone who has ever been in a criminal court would surely agree.

Second, there are unfortunately a great many victims of crime in the country today. Statistics Canada indicates that in 1980, the most recent year for which statistics on reported crimes are available, more than 160,000 Canadians were victims of Criminal Code offences. There were 632 homicides; 836 attempted murders; 124,000 non-sexual assaults; 25,000 robberies; and 12,787 sexual assaults. At this yearly rate we obviously have more than 1.6 million Canadian victims of crime every decade. Unfortunately, the rate is increasing. A lot of crimes are never reported, and I am thinking particularly of sexual assaults. I believe part of the reason for that is that the victims know they will get very harsh treatment in our criminal justice system as it is at present. In January, 1982 the Gallup pool reported that one in four adult Canadians were victims of a Criminal Code offence during the previous 12 months. If that is correct, there were obviously more than 160,000 victims in 1980 or in the current year.

Third, the raw statistics are often not very helpful. Let me give a couple of examples in more real terms. A rape victim is normally obliged to sit in the witness room with friends of the accused attacker. I am told that six in ten fathers of murdered children turn to alcohol; whether or not they become alcoholics, they certainly turn to drink. About six in ten families in which one of the parties has been sexually assaulted break up.

A mother in a northern Alberta town, listening to the untruths spoken by an accused man in court charged with murdering and raping her daughter said, "There was no one even to give me a kleenex. Everything is for the criminal. They are allowed to get on the stand and lie—absolutely lie all they want. You are listening while they are trying to make your daughter out to be a slut and you can't say a thing. I was sick and disgusted. I have no faith in the justice system any more because of what happened at that trial. The justice system doesn't give a damn about the victim."

Don Sullivan, President of the National Association for the Victims of Violence, had a similar experience in the trial of the man who was charged with raping and murdering his daughter. He said, "When the trial is over and the jury hands down the decision, you suddenly realize you sat through 14 months of court and you have heard the murderer talk, the lawyers

talk, everybody talk, and you haven't had a chance to say one word."

As someone who has acted in the criminal courts for more than a decade as defence counsel and Crown attorney, I believe the problems of the victims can be reduced to three major ones.

First, they should be given a say in sentencing. This is not illegal at the moment but in practice it is almost unheard of in most criminal courts in Canada. It seems to me the victim or survivor of a deceased victim should at least have a chance to say something in the sentencing process.

Next, I think we should give them a better break in terms of protection from intimidation by accused persons. They should at least have a separate room to sit in while waiting to give testimony.

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Third, I believe that we should give victims of crime a chance to apply for mental and physical damages resulting from a crime.

Basically, the Bill establishes a procedure through which a judge could award personal or mental damages to a victim of a crime when someone is found guilty of a crime. The judge could perhaps adjourn the matter of damages but he could hear the evidence, perhaps from a doctor, and award those damages. Some may say that this will delay the courts. The answer is quite clear that the courts should sit longer than six hours a day, which most do at present. If the matter must be adjourned to another day or perhaps even for a hearing by a master in chambers, this could be done as well.

The point is that this system of awarding damages works. I am told that it works very well in Switzerland. For example, it saves the victim of an assault the necessity of hiring a lawyer and waiting for two years while a civil action goes through the courts.

I do not think that there is any question that the last thing on earth that an assailant worries about is being sued by his victim. If this Bill is passed, it would allow the damages question to be settled in the criminal court at the same time as the evidence for a criminal case is heard. I suggest that it would significantly cut down on the time because the same evidence would not have to be heard twice.

I hasten to point out that this Bill is based in large measure on a Bill that was passed in the United States Congress approximately two years ago. That Bill is called The Victim-Witness Protection Act. My Bill simply refers all of these questions to the Attorney General of Canada and the Solicitor General and their provincial counterparts so they can study these problems and come up with a comprehensive plan to help victims within 270 days.

I believe that by working together these law enforcement officials from the federal Government and the Provinces would come up with a very good and comprehensive plan to improve the position of victims.