

We have had a major conference and we have had proposals, but the problem seems to get worse. People are not monitoring the answers. They are not looking. They are not trying. They are using excuses. They are accepting excuses. My proposals are to begin with the premise that native people are not more criminal than anybody else. It is urgent that we get those figures down. Any figures that show a greater representation of native peoples in jail are an indictment of the system that shows that in the end there has been some discrimination. That is not to document where it occurs precisely along the way. Unless we believe that native people are more criminal, we cannot accept that they should be in our jails in those numbers.

The federal Government should work with the provincial and territorial governments to set up concrete plans to look at the figures, monitor them, publish the information yearly, change the methods of training of police officers, review the procedures, and monitor all this annually to see that the rates go down. We do not want a conference ten years hence to find that the rates have again gone up. It has to be looked at. It has to get into the system. People have to report. They have to be held accountable.

People make annual reports, but what is in them? What should be in the annual report is the rate of incarceration, the rate of charge and the rate of prosecution for that year compared to the previous year. If the area has not managed a diminution, you fire the staff, demote them or do something. There have to be implications for those involved in the system. They need some incentive to deal with the problem and not make pious speeches about how lenient they are and how many diversion programs there are, when there is no real leniency, not that is demonstrable, and no diversion programs.

I wonder what the response of the Government will be. If it is simply going to be more pious words about its intentions, if we are simply going to hear about all its good plans and how it is working on this, that is not enough. We have plenty in the Justice Committee. I have been receiving replies from people. They are not facing up to the real problem before us.

The over-representation of native peoples in our jails is an indictment of the criminal justice system. If the Government is serious about correcting this injustice, it will speak up and give its agreement. My motion before the House today is a motion. It states a principle. It gives direction to the Government. If the Government really wants to see this terrible over-representation of native peoples in our jails, it will welcome this motion and act on it constructively. Merely to talk the motion out with all kinds of other possibilities, fiddling with the statistics, blaming the provinces, talking about programs in place or stating that statistics are difficult to get, is not enough. We have plenty of years. Since the conference in 1975, nearly ten years have passed. We know what needs to be done. We do not need another conference. We do not need more time. Injustice is staring us in the face. We must act promptly and constructively. I ask Hon. Members to support my motion this afternoon.

Incarceration of Native Persons

• (1720)

[Translation]

Mr. Raymond Dupont (Chambly): Mr. Speaker, I am pleased with this opportunity to speak to the motion moved by the Hon. Member for Broadview-Greenwood (Ms. McDonald), concerning the incarceration of native persons.

The rate of incarceration of native persons is, quite rightly, a matter of concern to the Government. This concern has led to a number of initiatives aimed at establishing why so many native persons are incarcerated. Measures are being taken that should lead to a drop in the incarceration rate.

The Hon. Member for Broadview-Greenwood has emphasized three particular steps. Changes in police practice, informal community-based responses to non-violent offences and the revival of customary law and practice in criminal justice matters. I shall elaborate only on the last two points, since my hon. colleagues will probably be commenting on changes in police practice.

The concept of native government, in other words, a form of political autonomy for Canada's native peoples, is not a new one. Native peoples had their own governments before the Europeans arrived. Over the last ten years, native peoples have shown a renewed interest in controlling their own system of government, native peoples also had their own way of resolving conflicts. In some cases, the Indian nations had developed procedures for judgment and sentencing very similar to our present system. However, although some customs have continued to exist, their role in society has been almost entirely replaced by the Canadian legal system. To find out whether both customary law and our own legal system can co-exist will require a great deal of research and consultation by federal and provincial governments and native peoples. We have learned a lot from native customary law. For instance, the concept of mediation and reconciliation of the victim with the offender and the community is gradually becoming accepted in our present legal system.

I believe we are getting away from a system of government paternalism which will give way to a system in which native peoples will have the legal and real power to govern their own lives and their own institutions. The Department of Justice is trying to translate these objectives in concrete terms. The Minister of Justice and Attorney General of Canada (Mr. MacGuigan) announced in Calgary last September, at the Conference on Native Rights, that he was considering specific proposals by native governments, models of band government, alternatives to court proceedings and a vast range of specific issues. The Minister also indicated that he was seeking ways to ensure that the Canadian legal system would take into consideration the concept of native justice. This plan has already been realized in a number of provisions of Bill C-19 on criminal law reform, which I shall refer to later on.