

Criminal Code

use of victim impact statements, will allow the use of photographs and affidavit evidence to provide for the early and prompt return of recovered property to the victim, will require the court to consider restitution in all appropriate cases and will extend the ban on publication of the identity of victims and witnesses of sexual and extortion offences.

I would like to highlight one particular amendment to the Bill which was adopted by the legislative committee. Victims have long expressed the view that the impact of a crime upon them should be taken into consideration by the court at the time of sentencing. In certain cases, however, the victim of an offence is unable to present a victim impact statement; if the victim is deceased or, by reason of age or infirmity, incapable of providing such a statement.

• (1510)

For this reason, the legislative committee added a definition of "victim" to the victim impact statement provisions of the Bill to ensure that such statements can be made by family members and others where the direct victim is dead, ill, or otherwise incapable of making a statement. This will enable the introduction of victim impact statements by those closely connected to and affected by the commission of the offence, for example, families of homicide victims, child victims, and disabled victims.

The proposals presented in Bill C-89 enhance and strengthen the current restitution provisions in the Criminal Code. Victims of crime have stressed the need to increase the opportunities for a victim to receive financial reparation for the losses resulting from the criminal activity. In addition, the committee adopted a number of amendments to the Bill relating to enforcement of the proposed restitution provisions. These amendments will further serve to ensure that restitution orders are satisfied by the offender.

Finally, I would like to refer to one additional amendment adopted by the committee. That amendment will add the offence of robbery to the procedures dealing with photographic evidence outlined in Section 446.3, so that these victims may also have the benefit of prompt return of property. In this way, they will be subject to less inconvenience before and during any court proceedings.

[*Translation*]

Mr. Speaker, I must say that I am most heartened by the support that has been voiced for the principles presented in this Bill—by victims' groups, the Canadian public, Members of all parties, the various witnesses who appeared before the legislative committee and the committee Members themselves.

I believe that we have a common goal—to make the criminal trial and sentencing process more responsive and sensitive to the special needs of victims of crime, so that no further victimization is suffered through their involvement with the criminal justice system.

To this end, I urge the Members of this House to allow the passage of Bill C-89 so that we may move closer to ensuring that justice for victims of crime becomes a reality.

Hon. Robert Kaplan (York Centre): Mr. Speaker, I am very pleased to see this important Bill adopted on third reading because it really is a step forward for victims in Canada. I would also like to say that I was very pleased with our work done in committee that the Minister just mentioned. I had many amendments. I suggested eight, nine or ten amendments and finally some were adopted. I accept them with an open mind; the work we do in committee is much more important.

[*English*]

We did a lot in the committee, and I think at least four or five of my amendments were adopted. In fact, the difficult amendment we voted on last night was a result of my French being not as good as I thought it was and the necessity to correct at report stage what I thought was a pretty good translation of one of my amendments. I want to apologize to the Minister for not putting forward the French text in my amendment in better form.

[*Translation*]

Every amendment we make here in the House is said to cost \$4,500. That shows that if as much had been spent on my French training, the cost of this amendment might have been saved. But in any case, the Committee was really moved by a desire to improve the legislation.

[*English*]

Regrettably, I cannot say this is an entirely good news Bill because there is a lot more that could have been done for victims. If I can reminisce, I remember that the plight of the victim, the injustice to the victim in the criminal justice system, was very little recognized until recently. I had the honour of being the first Minister of the Government of Canada to call a conference to look at the question of victims' rights in the criminal justice system, way back in 1981. The meeting was held at the Park Plaza Hotel in Toronto. I am a lawyer, my experience was in the courts with people who had grievances against the criminal justice system, and all of us who attended that conference had our eyes opened with respect to a system that we knew very well from a point of view that, until that time, it seems, had never been fully appreciated.

We were told how the victim, having suffered from the crime, can then suffer from the criminal justice system itself, in some cases worse than at the hands of the criminal. I am thinking of the delay in getting property back while a trial carries on for a year or, in some cases, more than two years. I am thinking about the problems of coming to court to testify, only to find that the case has been remanded without notice. People have taken time off work, gotten babysitters, made other arrangements and so on, and then were not given notice of the situation.

These grievances poured forth by the hour at the meeting, and since then a number of steps have been taken to make the