

*Government Orders*

it would be contempt. This is repeated countless times in countless courtrooms across our land, and the government would have us believe it is seriously responding to the submissions and correspondence it has received from Canadians in recent months.

Society sees violent crime as an abhorrence needing retribution and a sensible social defence response. If a violent offender of 16 or 17 years of age is kept within the bounds of the Young Offenders Act the maximum penalty available for first degree murder would be 10 years. If that same violent offender were dealt with in adult court, the penalty for first degree murder would be life imprisonment with no parole for 25 years.

While 10 years under the new proposal would seem to be sufficiently harsh, the reality is that probably only six years would be spent in detention, with the remaining four years being spent under community supervision. How tragically painful for the families of the victim and perhaps how dangerous for the community. It is blatantly obvious that this provision is written for the protection of the offender, and a violent one at that, with disregard to the rights or protection of the victims, past and future.

Anyone capable of committing a premeditated murder at 16 or 17 years of age must surely be accountable to society at a level commensurate with the severity of the crime. I choose to highlight the charge of first degree murder as that is as severe as it gets in Canadian law. This does not even begin to touch less serious crimes, which in reality seem no less serious to the victim. I say this clause does not appropriately respond to these offenders. These criminals are not young offenders; they are youthful appearing adults and should be treated as such.

At the other end of the spectrum there are youngsters 10 and 11 years old who are flexing their muscles and daring society to take them to task. Under the provisions of Bill C-37 they remain untouchable. By the time they are 12 years old they are street wise and are becoming increasingly sophisticated in testing the system. When they finally appear as young offenders they are often already beyond being intimidated by the system and the successive warnings and breaks they receive as young offenders become meaningless. They are often too deeply entrenched in the game to see or desire a way out.

I believe that 10 and 11-year olds, if brought under the umbrella of the justice system, publicly denounced and placed in programs of education and rehabilitation, would be much more responsive to efforts to set them straight.

Sometimes violent patterns in children are identifiable at the kindergarten level. Schools and social helping agencies respond, but by the time these exceptional children are 12 years of age, a justice system response of monitoring and intervention is

problematic. By identifying these young offenders before they graduate into the teen world of crime set before them, we drastically reduce the number of youthful adults we are forced to deal with six years down the road. This is social engineering at its best.

Statistics indicate that of the 42 murder cases heard by youth courts in 1992-93, 25 cases or 60 per cent involved 16 and 17-year olds. That means a full 40 per cent of the cases involved children 15 and under. Of the 74 cases of attempted murder, 39 per cent were 15 and under. Manslaughter saw an even split of 50 per cent. For aggravated assault, some 311 cases or 32 per cent were 15 years old and under.

• (1650)

These are astounding figures in themselves, but consider the burden placed on the youth court system and the correctional facilities. It has been argued that 16 and 17-year-olds should not be placed in full adult prisons, a position we endorse. There is ample flexibility within the correctional system to accommodate the youthful adults who would be sentenced in adult court.

It is imperative that 16 and 17-year old violent offenders be removed from the environment in which true young offenders are housed. The younger we are able to begin the process of education and rehabilitation, the greater chances of success. Seeing negative role models who are 16 and 17-year olds who can exert tremendous power over the younger population decreases the chances of positive redirection.

Teens themselves are frustrated and concerned about how they are perceived within our society. There are so many young people who are really trying to make a positive contribution to their world. They see themselves as victims within the youth culture. They are in fact victims of the violence which is so prevalent in the high schools.

Inner city schools have gang wars between ethnic groups, punks, skinheads and others of diverse styles and attitudes as well as drug dealers. These differences erupt in fighting over territories and are typified by aggression using weapons. It is easy to say that the problems of the schools are provincial jurisdiction, but if there is little accountability for violence under the law the schools have little recourse.

Teens often feel that society blames them for all its problems and they feel condemnation for just being young. At a recent high school meeting of 40 young people, my colleague, the member for North Vancouver, addressed the issue of the Young Offenders Act. Thirty-nine of the 40 students raised their hands to appeal for changes to the act. Locally about 250 students participated in a march through downtown Hull to protest the violence of a schoolmate's death. Melanie Moore was quoted as saying: "We just want all this violence to stop". Student Renée