

*Criminal Code*

Quite often there are people who perpetrate crimes and as a result of those crimes or other crimes have plenty of money or the wherewithal to make restitution and repay. It is quite proper that this Bill require that payment to take place.

● (1600)

We do see a major step forward in recognizing that those who commit crimes have a responsibility, not only to society, because society can exact its penalty by putting someone in jail, by depriving them of their liberty, or by forcing a fine to be paid to Her Majesty the Queen, but they also have a responsibility to the victim. It is an important step forward in this legislation that the justice system not only berates, punishes, or seeks retribution from an individual towards society, but that there is recognition that the victim of that crime is entitled to restitution. The victim mediation program mentioned by my colleague, the Hon. Member for Vancouver—Kingsway and the victim criminal reconciliation program can be effective, not in all cases, but in some cases to bring about some type of understanding on the part of the criminal as to what effect his or her acts have upon the victim. Not all people who are convicted of offences are aware of the consequences of their action.

In the same vein, the victim impact statements can provide the basis for that type of understanding. When considering sentencing matters, the courts have always taken into account the effect or the consequences of a particular crime. If one looks at charges such as assault causing bodily harm, certainly the extent of the bodily harm, whether the victim ended up in hospital, whether the victim lost time from work as a result of a particular assault and hospitalization, and to what extent the injuries were caused and aggravated by the nature of the assault, have always been taken into consideration by a court when imposing sentence. They are important consequences of the crime and give an idea of the seriousness of it. Under this new Bill the provisions institutionalize that in a manner that is perhaps more acceptable.

One has to be careful that we do not allow victims of crime to get carried away with personal retribution or revenge, to exaggerate or overblow the consequences of a particular incident, which may well be horrendous to an individual, but has to be recognized in a balanced way by the court.

I have not seen the types of procedures that might be established in the various provinces for the preparation of these victim impact statements. I would hope that great care is taken to ensure that the victims of crime who are making victim impact statements are encouraged to elaborate on the factual circumstances and the emotional reaction in a measured way, and not in a way that may be designed by them personally to seek revenge against the individual who has perpetrated the crime.

It is unfortunate that more attention and consideration was not given to the suggestions made in committee and that the victim/criminal mediation services were not considered more

seriously as a first step to bringing the criminal and the victim face to face. Again, this would not be appropriate in all circumstances. In some circumstances it would be totally inappropriate for that to happen and would not be wished by the victim in any manner whatsoever. But it may be appropriate in certain circumstances. We must recognize that the most important point in our justice system is that there be justice, and that recognition of the rights of the victim do not prevent justice from being done to those who are accused of crimes and who may not be guilty or fully cognizant of what it is that they have done.

I say that as a defence counsel who practised for many years and have seen that we have a very good justice system. We do not have a perfect justice system, and we cannot be complacent. I have seen instances where the treatment of individuals as victims prior to any conviction being registered has affected the handling of a particular case. I would not want to see our justice system swing the other way and pay too much attention to victims during the course of a trial. The most important thing is that we have a system of justice that is just. For too long the victims have been ignored. Finally, we are giving recognition to them in this Bill. I welcome it, but I urge caution and balance. I look forward to seeing the implementation of this Bill in a proper and balanced manner.

**Mr. Waddell:** I would like to thank the Hon. Member for his speech which was very thoughtful, and I learned a lot from it. I wish to pursue the question of victim/offender reconciliation programs mentioned by the Hon. Member. I know that our colleague, the justice critic, the Hon. Member for Burnaby raised this matter in the legislative committee and proposed amendments in this area.

Could the Hon. Member for St. John's East (Mr. Harris) comment on some of the representations made to the legislative committee in the area of victim/offender reconciliation?

**Mr. Harris:** I thank the Hon. Member for his question. The Hon. Member for Burnaby did indeed propose several amendments in that area in the legislative committee. Unfortunately, all of the amendments were defeated by the Tory majority.

On the specific question of victim/offender mediation and reconciliation services, I wish to point out that there are many groups that made representations in this area both to the committee and to the Minister of Justice (Mr. Hnatyshyn). It is an important point, and I briefly referred to it in my speech. Perhaps I could quote from a letter sent to the Minister of Justice from a group in the Minister's own riding in Saskatoon. The letter is from Carol Riekman, the Executive Director of the Saskatoon Community Mediation Services, and she states:

On behalf of the board and staff of Saskatoon Community Mediation Services (SCMS), I would like to congratulate you on your work with Bill C-89. As an organization that works with victims of crime, we are pleased with the changes that this amendment promises for victims. However, it is our opinion that the proposed Bill C-89 as presently written falls short of its potential and, therefore, request your consideration of an additional amendment.