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JUDICIAL ACCOUNTABILITY THROUGH SEXUAL ASSAULT LAW TRAINING BILL

**BILL TO AMEND—SECOND READING—
DEBATE CONTINUED**

Speech by:

The Honourable Diane Bellemare

Tuesday, March 27, 2018

THE SENATE

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[Translation]

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Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate): Honourable senators, I rise today to speak to Bill C-377, An Act to amend the Judges Act and the Criminal Code. Let me begin by thanking the Honourable Rona Ambrose, who introduced this bill at the other place, Senator Andreychuk, who sponsored this bill in the Senate, and all the other senators who have contributed to this interesting and edifying debate.

I add my comments to those of the Government Representative in the Senate, Senator Harder, who said that this bill has the support of the government. He even said that Bill C-377 is a priority for the government.

In total, nine senators have spoken at second reading, and they all agree with the objectives of Bill C-377, which, in the words of Senator Pratte, are:

... to ensure that judges who preside over sexual assault trials have a better understanding of the legal subtleties pertaining to this criminal offence, that they are more sensitive to the difficult situations facing victims, and that they are educated about the still-too-prevalent negative myths and stereotypes affecting these complainants.

[English]

Honourable colleagues, some of you have raised important issues in your remarks. Specifically, constitutional issues have been brought forward to underline questions of federal and provincial jurisdiction, as have concerns about the independence of the judiciary. Other questions of a more practical nature were raised concerning the training of judges — more precisely, how training would be delivered, by which authority and when it should be undertaken.

[Translation]

This bill ignited a great deal of interest at second reading. Today I am asking that we continue on to the next step, that is,

that the bill be referred to a committee, where the issues that have been raised can be thoroughly examined.

Although we may have differing opinions on some of the issues raised in this chamber, we all agree on the bill's objective to find a balance between the independence of the justice system and the rights of sexual assault victims within the justice system.

[English]

We must find a balance between the independence of the justice system and the rights of sexual assault victims within the justice system.

I believe that every bill passed by the House of Commons should be debated in committee at the Senate. I believe that it is completely undemocratic not to do so. The same goes for bills initiated by the Senate unless the principles of the bill are completely contrary to our deepest democratic values.

In the case of Bill C-337, we know that too many sexual assault victims choose silence rather than pressing charges. We know some refuse to be witnesses because they fear reprisals. Others fear further suffering by subjecting themselves to behaviours based on stereotypes, sexism and prejudice on the part of law enforcement or members of the judiciary.

[Translation]

These concerns might explain why these crimes are under-reported, more specifically, why there is a gap between the number of crimes reported to law enforcement and the number of cases that make it through the criminal justice system. If sexual assaults are not reported because victims fear more injustices, then society will remain ignorant, which prevents us from making improvements.

Honourable senators, Bill C-337 must move forward. Let us do our part by sending the bill to committee. This is the least we can do to help those who need a credible justice system and to ensure that Canada treats sexual assault victims fairly.

I want to apologize to Senator Cools, since I had originally asked to speak to this bill. I therefore ask that the debate remain adjourned in the name of Senator Cools.