

BRIEF TO THE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

Bill S-2

An Act to amend the Criminal Code (Protecting Victims of Sex Offenders Act)

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The Canadian Resource Centre for Victims of Crime (CRCVC) is a national, non-profit advocacy group for victims and survivors of serious, violent crime. We provide direct assistance and support to victims across the country, as well as advocating for more services and rights for crime victims and for increased public safety. The CRCVC is pleased to appear today before the Standing Senate Committee on Legal and Constitutional Affairs to take part in the debate over *Bill S-2: An Act to amend the Criminal Code (Protecting Victims of Sex Offenders Act)*.

On a daily basis, we assist Canadians whose lives have been impacted by serious, violent crime, including recent and historic sexual assaults. These victims and survivors want more than anything to ensure that the tools are in place to prevent what happened to them or to their loved one from happening to anyone else. The legislative change proposed by Bill S-2 seeks to enhance current legislation concerning the registration of sex offenders and provide concrete tools that law enforcement can use as both an investigative tool, but also one that can prevent victimization and potentially save lives.

The bill proposes to more closely align the national registry with the Ontario registry. We see this as a great step forward for the national registry. The Ontario registry is more comprehensive, and is used by law enforcement as an investigative tool. We feel that the more information specific to the offender, such as the inclusion of license plate or vehicle data, or employment information, and the specifics of the crimes that have been committed, the more law enforcement will be able to utilize the tool in a proactive manner.

We are very supportive of the mandatory inclusion provisions proposed. The Sex Offender Registry cannot hope to be an effective database if not all offenders are captured within. The provisions of the current registry have allowed for far too many sexual offenders to avoid inclusion. In addition, the proposed changes simplify the process for inclusion of offenders on the registry, and removes the burden from the Crowns to make an application for inclusion.

Our office has advocated for the inclusion of DNA samples with the offender's information in the Sex Offender Registry. The DNA databank has been used to link crimes and identify perpetrators. Sexual assault cases where the assailant is unknown to the victim may only have DNA to identify the offender. If it a case of a repeat offence, the offender can be identified.

The committee has heard from a number of witnesses, and our office echoes the sentiments that were raised by several of those witnesses. We do however, have a couple of points that I would like to address concerning some of the testimony.

In hearing from Dr. Paul Fedoroff of the Royal Ottawa Health Care Group, the Committee learned that the recidivism rates for sexual offenders do not vary greatly when comparing offenders who do receive treatment versus those who do not. I find that disconcerting, and feel that it actually strengthens the argument that there need to be more

tools at the disposal of the police, tools that will not only help to prevent victimization, but to assist in solving crimes once they have occurred. The data supports the fact that a significant number of sexual offenders do reoffend, and that the rates of recidivism are fairly significant over the long term for sexual offenders. To have mandatory inclusion with reporting for significant periods of time, sexual assaults committed by repeat offenders will have a better chance of being solved.

Dr. Fedoroff also spoke of dwindling rates of sexual victimization. Unfortunately, the figures that Dr. Fedoroff referred to seem to capture the rates of **reported** sexual assaults. The results of the General Social Survey on Victimization, which captures self reported crimes does not support this data. They show that the **reporting** to police of sexual assaults is declining, not the actual incidence. Based on the GSS results, it is believed that approximately eight per cent of sexual assaults are reported to police. I am also not certain that the statistics regarding reported victimization can fully capture the harm suffered by children. We cannot forget that children are frequently preyed upon and repeatedly victimized. There are a number of reasons why victims may not report, one that is frequently cited is that the victims have little faith that the police will be able to identify the offender. Providing police with a more comprehensive tool to do just that is one way that we can demonstrate to victims that law enforcement is able to find the perpetrator.

I would also like to address comments made by the Privacy Commissioner, Jennifer Stoddart. Ms. Stoddart raised some concerns as to whether the new provisions represent an

intrusion on the privacy rights of the offenders that is proportional to the benefits to society, law enforcement and the victims. It is our contention that these measures represent a *minimal* infringement on the rights of the offenders. As Mr. Stephenson indicated, many who *do* register do not feel that it is a great intrusion. The victims of their crimes would also feel that this is a *minimal* infringement, one that pales in comparison to the breach of their privacy at the hands of these offenders.

The proposed enhancements to the Registry will not prevent all sexual assaults from occurring in the future, nor will they prevent recidivism in sexual offenders. They will, however, prevent future offenders from escaping inclusion on the registry, and provide law enforcement with a more meaningful tool to both prevent victimization, and investigate when an assault does occur. We urge the Committee to adopt this legislation.