

**BRIEF TO THE STANDING COMMITTEE ON LEGAL
AND CONSTITUTIONAL AFFAIRS**

Bill C-23A

*An Act to amend the Criminal Records Act (Eliminating Pardons
for Serious Crimes 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 rights and services for crime victims and for 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 C-23A, An Act to amend the Criminal Records Act (Eliminating Pardons for Serious Crimes Act)*.

On a daily basis, we assist Canadians whose lives have been affected by serious, violent crimes such as manslaughter and sexual assault. We know from our experiences supporting survivors that the consequences of their victimization are life-long. Sadly, crime victims are among society's most marginalized getting little support or help to recover. Survivors of serious violent crime want more than anything to prevent someone else from suffering in the manner that they have. When survivors and their advocates speak out in the media it is in the interest of protecting public safety.

The Canadian Resource Centre for Victims of Crime supports Bill C-23A, which amends the *Criminal Records Act* to extend the ineligibility periods for certain applications for a pardon. It also enables the National Parole Board to consider additional factors when deciding whether to grant a pardon for certain offences. Our agency was present, in support of the government, sexual abuse survivors and other public safety/victim advocates when this legislation was introduced on May 11, 2010.

We believe that pardons are useful to help non violent offenders become and remain contributing members of society by removing their criminal record from CPIC so that they may be more likely to find employment. Offenders who are successful in gaining employment are less

likely to reoffend and rely on social assistance. It is positive that since 1970, more than 400,000 people have received pardons, and 96 per cent of these are still in effect.

Nevertheless, we feel the proposed legislation makes some reasonable and necessary changes to the *Criminal Records Act* in order to increase the scrutiny that offenders face throughout the pardon process. We support increasing the waiting period to apply to 10 years in the case of a serious personal injury offence within the meaning of section 752 of the *Criminal Code*, including manslaughter, as well as to five years for summary conviction offences. Offenders whose sentences have expired should be required to spend a significant amount of time living in a pro-social manner in the community before they become eligible to be considered for a pardon. This contributes to increased public safety.

The CRCVC is equally pleased that the granting of pardons will no longer be an automatic. As you know, the National Parole Board currently approves approximately 98% of pardon requests submitted each year. We believe it is fair for the Board to have increased discretion and for offenders to prove to the National Parole Board that they are deserving of a pardon. The proposed legislation requires more than good conduct and not being convicted of an offence under an Act of Parliament. It also requires that the granting of a pardon at that time would provide a measurable benefit to the applicant; would sustain his or her rehabilitation in society as a law-abiding citizen and would not bring the administration of justice into disrepute.

The Canadian Resource Centre for Victims of Crime believes the Senate should immediately pass this legislation not only because Karla Homolka may soon be applying for a pardon. While this is a sensational case, it does not mean that the issue of granting pardons to offenders convicted of serious crimes is being sensationalized. It is fair for the media and members of the public to comment that some offenders' crimes are so heinous (despite being

convicted of lesser offences) that they should simply not receive a pardon. We believe that pardons may not be appropriate for some offenders.

Bill C-23A will improve the pardon granting process by ensuring that offenders have spent a significant amount of time having good conduct while also asking them demonstrate why a pardon is necessary. We also feel it is critical for the National Parole Board to be able to deny a pardon in cases where it would bring the administration of justice into disrepute. If passed, the legislation will require the Board in determining whether granting the pardon would bring the administration of justice into disrepute, to consider (a) the nature, gravity and duration of the offence; (b) the circumstances surrounding the commission of the offence; (c) information relating to the applicant's criminal history. This is both reasonable and fair.

The suffering of victims and survivors of violence often does not end when an offender's sentence expires. Justice is not served when offenders are quickly and quietly granted pardons for their crimes, nor is public safety. Bill C-23A improves the pardon process in Canada by allowing for offenders to request consideration for a pardon after spending increased amounts of time as a law-abiding citizen, while also placing the onus on him/her to explain why a pardon would be beneficial. It is also a critical amendment for a determination to be made about whether granting the pardon would bring the administration of justice into disrepute.

The CRCVC strongly urges that the committee support this Bill and ensure its speedy passage.