



Submission to the House of Commons
Standing Committee on Justice and Human Rights
regarding

Bill C-54, An Act to amend the Criminal Code
(sexual offences against children)
(Protecting Children from Sexual Predators Act)

40th Parliament, 3rd Session

February 14, 2011

Mission Statement of the John Howard Society of Canada:

“Effective, just and humane responses to the causes and consequences of crime.”

*Ed McIsaac,
Interim Director of Policy
The John Howard Society of Canada
809 Blackburn Mews,
Kingston, ON K7P 2N6
Phone: 613-384-6272
edmcisaac@gmail.com*

Opening Statement, February 14, 2011

Thank you.

I'll begin by thanking the committee, on behalf of the John Howard Society of Canada, for the invitation to appear. We appreciate the opportunity to meet with you today to discuss Bill C-54.

For those of you who don't know, the John Howard Society of Canada is a non-profit organization whose mission is to support effective, just, and humane responses to the causes and the consequences of crime. The society has 65 front-line offices across the country, which deliver programs and services to support the safe reintegration of offenders into our communities.

Everyone in this room is supportive of protecting our children from sexual predators and promoting safer communities. Where our concern lies with this legislation is in the vehicle chosen to accomplish this goal. The introduction of mandatory minimum sentences and the corresponding elimination of conditional sentences proposed by this legislation will, in our opinion, not move us forward on these issues.

The John Howard Society of Canada has been on record for a decade as opposing mandatory minimum sentences. One of the cornerstones of our sentencing policy is proportionality. We sentence the offender, not the offence. The ability of the judiciary after having heard all of the evidence to pass sentence consistent with that evidence is central to ensuring proportionality and effective interventions.

I am unaware that we have experienced in this country a rash of unreasonable sentencing decisions that would cause us to limit the traditional discretion given our judges. Both experience and research tell us that mandatory minimum sentences, in addition to limiting the ability to ensure that sanctions imposed fit the crime, result in fewer guilty pleas, which results in more trials, with more offenders being sentenced to longer periods of incarceration. Our courts are currently backlogged, resulting in excessive delays in initiating corrective interventions. Our jails are currently overcrowded at both the provincial and the federal level, causing further delays in accessing treatment programs.

We know that mandatory minimum sentences neither act as a deterrent nor reduce crime rates. The protection of society is best served through the timely, supportive reintegration of offenders back into our communities. Mandatory minimum sentences do not facilitate that process.

The limitations placed on judicial discretion by this legislation will, in both the long and short term, act as barriers to achieving the legislative objective. As both our neighbours to the south and Great Britain retreat from decades of mandatory minimum sentencing policy, I urge this committee to take a step back and ensure that proportionality remains the cornerstone of our sentencing policies.

I thank you for your attention. I look forward to your comments and questions.