

# Reform: More victims' rights and no coddling of crooks

MacDuffee says Homolka case shows justice system favours criminals

By SAL BOMMARITO  
The Champion

The Karla Homolka case is a perfect example of how Canada's justice system protects criminals rather than victims of crimes, a Reform Party of Canada candidate says.

"The whole criminal justice system is bending over backwards to protect the rights of criminals and the victims are being ignored," Dick MacDuffee, the Reform Party candidate for Halton-Peel, said.

Ms Homolka was recently sentenced to 12 years in prison on manslaughter charges for her part in the slayings of Kristen French, 15, of St. Catharines and Leslie Mahaffy, 14, of Burlington.

A publication ban prohibits the reporting of Ms Homolka's trial. Her husband, Paul Teale, 28, who changed his name from Bernardo, is in jail awaiting trial on two charges of murder in the killings of Ms French and Ms Mahaffy.

Mr. MacDuffee said reforms to the criminal justice system unveiled by party leader Preston Manning Aug. 5 in Toronto are designed "to put the victim's standing ahead of the criminal's."

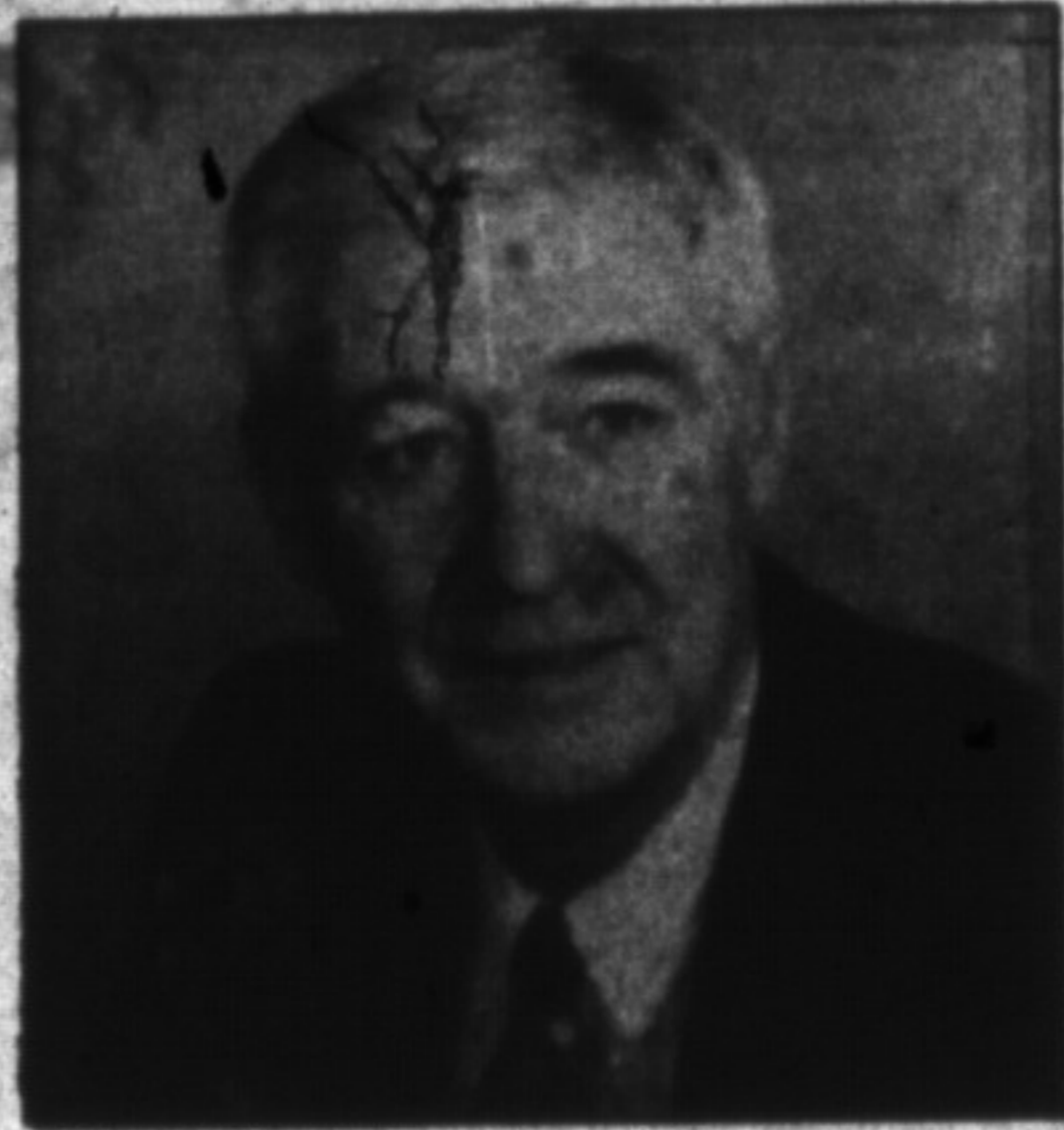
He said the five-point plan, unveiled during a noon luncheon at a Toronto hotel, represents only those portions of the party's criminal justice reform platform which relate to victims' rights.

Other proposals focussing on the Young Offenders Act, parole, sentencing and prison reform will be unveiled during the upcoming federal election campaign, Mr. MacDuffee said.

Mr. MacDuffee said all the proposals include specific amendments to the Criminal Code, the Parole Act and the Charter of Rights and Freedoms.

Recent court interpretations of the Charter of Rights and Freedoms have given the impression that the rights of criminals are more respected and protected than those of law-abiding citizens, Mr. MacDuffee said.

He cited the case of a Quebec rape victim whose attempt to get a Quebec court to compel her attacker to take a blood test — to determine



Dick MacDuffee

whether he was HIV-positive — was turned down.

The judge ruled that the Crown had no right to intervene on behalf of the woman, and that granting the request would compromise the right of the accused to privacy and security under the charter.

"What's been happening under the charter is the criminal's rights are getting the most attention. We want the charter amended to make it clear

that where there's a conflict between the victim's rights and those of the criminal's, the victim's should prevail," Mr. MacDuffee said.

The Reform Party is also proposing an amendment to the Criminal Code to make it mandatory that the Crown present the court with a victim-impact statement whenever an identifiable victim exists.

"It is optional. We're stating it be absolutely mandatory. It would assure the courts are well aware of the impacts of the crime on the victim," he said.

Under the changes, victims would be given "official standing" in all criminal cases and be financially compensated by the convicted criminal — not the government. The extent of the compensation would depend on the severity of the crime.

In the case of young offenders, their parents or guardians would be held legally responsible for providing compensation to victims if it could be proven they "abrogated" their responsibilities and it was a

contributing factor to the crime, Mr. MacDuffee said.

Victims would also be given official standing at parole hearings.

The Parole Act would be amended to require that victims of crime be informed of parole hearings affecting them, he said. The victims would be given open access to the parole hearing and have the right to give direct evidence to the board.

Victims would also have the right to be informed of the date of release of an offender, the nature of the release — temporary absence, work release, parole — the conditions attached to the offender's release, the offender's destination, and whether the offender will be in the vicinity of the victim while on conditional releases.

Mr. MacDuffee said the Reform Party would fund changes to the criminal justice system by making budget cuts in other areas.

He said criminal justice reform ranks third behind parliamentary and economic reform on the Reform Party's list of priorities.

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