



*The Honourable Kim Pate, C.M. | L'honorable Kim Pate, C.M.
Senator for Ontario | Sénatrice pour l'Ontario*

News Release

Senate Considers Bill to Reinforce the Independence of the Judiciary

FOR IMMEDIATE RELEASE

OTTAWA, JUNE 1, 2018 – As three Quebec police unions were calling for an end to mandatory minimum sentencing yesterday, Senator Kim Pate was introducing a bill that would do just that.

Senator Pate urged the Upper Chamber to support Bill S-251, *An Act to amend the Criminal Code*, which will enhance the independence of the judiciary by allowing judges the discretion to not impose mandatory minimum penalties. The bill would fulfill one of the government's election promises and bring Canada in line with international best practices.

The evidence that mandatory minimums do not deter crime is overwhelming, and numerous public commissions over many decades, including most recently the Truth and Reconciliation Commission, have called for their abolishment. Despite this, Canada has witnessed a proliferation of mandatory minimum penalties over the last two decades. Yet courts continue to strike down these penalties as contrary to the *Charter of Rights and Freedoms*.

Says Senator Pate, "It's clear that Canada must restore discretion to sentencing judges if we are to remain true to our traditions of fairness, equality and the rule of law."

In her speech at second reading, Senator Pate revealed the injustices that result when judges are prevented from crafting sentences that reflect the unique circumstances of every case:

"Between 2006 and 2016, 45 per cent of women sentenced to life in prison were Indigenous, not because they represent the gravest threat to public safety but rather because Canada's principles of justice, fairness, proportionality and restraint in sentencing—including an obligation in the

Criminal Code to consider an individual's Indigenous history —have been obliterated by mandatory minimum penalties. This, despite the fact that a recent poll found that three-quarters of Canadians believe that judges should be allowed to depart from minimum penalties in order to avoid injustice in particular cases.”

She continued, “The promise of a fairer criminal justice system, of a truly just society, lies before us. The voices of the public and the experts alike tell us that judicial discretion regarding sentencing is one step down that path.”

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