SENATE SÉNAT
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Statement: Bill C-22 Aims to Do Justice for Some, Not All

FOR IMMEDIATE RELEASE

OTTAWA, THURSDAY, FEBRUARY 18, 2021—Government legislation introduced today will eliminate some mandatory minimum penalties, and expand some diversion and conditional sentencing options. While this is a move in the right direction, if the goal is to remedy systemic racism in in the criminal legal system, much bolder steps are in order.

Although it seems to respond to some court decisions, Bill C-22 fails to eliminate many mandatory minimum penalties that have been struck down by courts as unjust and unconstitutional. It also fails to heed the Calls to Action of the Truth and Reconciliation Commission, the Calls for Justice of the National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG Inquiry), the 2020 Statement of the Parliamentary Black Caucus and countless expert reports and recommendations that have emphasized that all mandatory minimum penalties entrench and exacerbate systemic biases, particularly when it comes to racism and sexism.

Mandatory minimum penalties discriminate by preventing judges from considering systemic discrimination and individual circumstances. Without a more fulsome approach, the mass incarceration of Black and Indigenous Peoples will not be stemmed, much less remedied.

Almost half of the women sentenced to mandatory life sentences are Indigenous, and most of them acted in the context of lifetimes of abuse and trauma. The Minister of Justice focused his comments on the plight of women, particularly racialized and single moms, yet failed to explain why the government has refused to address the reality of the underprotection and overpolicing underscored by the MMIWG inquiry that results in women being deputized to protect themselves and their children from abuse.

As the Department of Justice's own research has emphasized, there is no compelling evidence to suggest that mandatory minimum penalties prevent or deter crime. Nor that they make Canadians safer.

Bill C-22 emphasizes the vital importance of alternatives to criminalization and imprisonment to redress systemic racism. It is regrettable that the government acknowledges these realities yet stopped short of taking the kinds of bold steps we need right now.

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