

Canada: Conservatives' reactionary "tough on crime" bill soon to become law

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Stephen Harper's new majority Conservative government has made pushing the *Safe Streets and Communities Act*, Bill C-10, through parliament a top priority.

Comprised of nine bills that were either defeated by the last parliament or died with its dissolution, the Conservatives' omnibus anti-crime bill is a collection of socially regressive measures. Most of these would make the criminal justice system more arbitrary and vindictive. Some are petty. Taken together they represent a wholesale repudiation of the bourgeois liberal concept of rehabilitation, in favor of punishment and vengeance.

Among other things, Bill C-10 would:

- Significantly erode the distinction between youth and adult offenders. Henceforth, the courts would be obliged to consider imposing adult sentences on persons as young as 14 convicted of murder, attempted murder, manslaughter or aggravated sexual assault. Judges would also have the right to impose harsher sentences in cases involving violent or repeat offenders, including those found guilty of reckless behavior.

- Allow police to arrest without a warrant "an offender who appears to be in breach of a condition of any conditional release."

- Eliminate judges' discretion to impose conditional sentences or house arrest for many crimes, including manslaughter and drug trafficking.

- Impose new or increased mandatory minimum sentences for those in possession of even small amounts of marijuana and other illicit drugs if deemed "for the purposes of trafficking," and for persons convicted of child sex offenses.

- Impose longer wait-time before persons can request a pardon and bar those convicted of serious crimes from ever obtaining a pardon.

- Introduce new hurdles for Canadian citizens jailed abroad to serve the remainder of their sentences in

Canada.

Claiming that they have a popular mandate, the Conservatives brushed aside opposition reservations about Bill C-10, including some 88 proposed amendments, and invoked cloture last month to ensure its passage by the House of Commons. The bill now only needs the imprimatur of the Conservative-dominated Senate and the Governor-General's signature to become law.

The government claims stern action is needed because for the last 20 years the criminal justice system has "worked for criminals, not victims" and ordinary Canadians feel vulnerable.

In fact, Statistics Canada polls in 2004 and 2008 found that vast majority of the populace—about 93 percent—feels very safe. Moreover, crime rates, including rates of violent crime, have steadily declined for more than a quarter century.

Even some crime victim "advocates" have spoken out against the government's emphasis on incarceration and retribution. As Steve Sullivan of Ottawa Victim Services pointed out, "Victims understand, better than most, that nearly all offenders will eventually be released from prison... The best protection victims, their families, and the community will have is if the offender can learn to modify negative behaviour before he or she is released."

It is widely agreed among criminologists and others with expert knowledge about the criminal justice system that mandatory minimum sentences do not enhance community safety or lower crime rates. The Canadian Civil Liberties Association argues that mandatory minimum sentencing will make it impossible for the judiciary to respond to the particularities of individual crimes, resulting in prison terms way out of proportion with the crimes committed. By way of an example, it notes that under Bill C-10 a person who was coerced by a relative into participating in a marijuana grow-up would be subjected to the mandatory sixth-month minimum

prison sentence.

As a result of Bill C-10's mandatory-sentencing provisions, persons convicted of crimes will be treated less as individual human beings, responding to and operating within widely different circumstances, and more as members of a general deviant subgroup—"criminals"—all deserving of essentially the same penalty.

One of the inevitable perverse impacts of mandatory minimum sentencing will be a surge in the prison population. Bourgeois critics of Bill C-10, such as the *Globe and Mail*, the Canadian Broadcasting Corporation, the Liberals and the trade-union-supported New Democrats (NDP) have made this consequence a key point of criticism. Their objections, however, have chiefly to do with the huge increased cost to the state of housing all these new prisoners and whether, in a period of austerity, the government is making the best expenditure of taxpayer dollars in embarking on a major federal prison-building program.

To be sure, it is a telling indication of the government's priorities that the criminal justice system and the military are among the only programs that will escape massive budget cuts in the coming years.

But even more important than dollars and cents is the suffering that will be inflicted on the prison population as the result of mandatory sentencing. Cramped conditions will lead to greater violence and force reductions in already inadequate services such as libraries, psychological and substance abuse counselling, and skills programs. All the more so, as the government is much more interested in building prisons than providing prisoners with programs aimed at their rehabilitation.

The government has cavalierly dismissed its bourgeois critics. When challenged over the statistics demonstrating a long-term decrease in crime, Justice Minister Rob Nicholson retorted,

"We don't govern on the basis of statistics. If we see a need to better protect children or send a message to drug dealers, that's the basis upon which we're proceeding."

The Conservatives' law-and-order campaign has deeply reactionary political and ideological motivations that go far beyond the common media refrain that Prime Minister Harper is pandering to the religious social conservatives who constitute an important part of the party's activist base.

The thrust of the Conservatives' criminal justice policy is the repudiation of any notion that crime is rooted in poverty and other social ills and the resurrection of pre-Enlightenment views of crime as a product of personal evil

and original sin. Likewise, the Conservatives and the bourgeois establishment as a whole more and more present unemployment and all the other social injustices of capitalism as the product of individual failings.

Nicholson has promised that Bill C-10 is only the beginning of a massive "overhaul" of the criminal justice system. The Conservatives have already announced plans to significantly expand police powers, including to spy on the Internet, and to revive two lapsed provisions of the 2001 Anti-Terrorism Act that provide for detention without charge and set aside the right to silence.

Under the cover of their "law and order" agenda, the Conservatives are building up the repressive apparatus of the state; promoting the police, along with the military, as an elite owed special respect, indeed deference, from the public; and cultivating the most base popular instincts, with their insistence that criminals must be "made to pay" through ever harsher sentences and prison conditions.

This goes alongside the criminalization of popular dissent and workers' resistance, as in the case of the massive security mobilization and police riot during the 2010 Toronto G20 summit and the government's use of emergency strikebreaking laws to break last year's postal and Air Canada strikes.

While some of the measures in Bill C-10 have caused handwringing in sections of the elite, the Conservatives' authoritarian measures against working people have been backed with enthusiasm by big business.



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