

and there is no offence if the boy is under 18 or the girl over 18. The law should clearly emphasize protection for everyone, particularly young people. Therefore, they recommend that the Criminal Code be amended to extend protection from sexual abuse to all young people, male and female, and protection to everyone from sexual exploitation either by false representation, use of force, threat or the abuse of authority. Section 23 (3) of the code states:

No married woman whose husband has been a party to an offence is an accessory after the fact to that offence by receiving, comforting or assisting in his presence and by his authority any other person who has been a party to that offence for the purpose of enabling her husband or that other person to escape.

This provision recognizes the special relationship created by marriage and rejects the idea that any married woman should be liable as an accessory after the fact if she helps her husband to escape. However, this section makes it an offence for a married man to help his spouse's accomplice to escape. Therefore, in support of equity before the law they recommend that subsection 3 of section 23 of the code be amended to apply to the husband and the wife.

Many women have received ill-treatment within the administration of criminal law. Pre-trial detention of offenders both male and female is closely related to the ability of the person to obtain bail. Lack of money should not determine the obtaining of bail, and pre-trial detention should not be required unless it is for the protection of the public. There is a serious shortage of adequate pre-trial facilities and remand homes to which the court can refer a woman awaiting trial. It is only right that credit should be given to the government with regard to the recent bail bill before the House. It will be returning very shortly at the report stage and for third reading. Some of the difficulties in respect of obtaining bail will then be eased: it will be easier for women and for men to obtain bail. We should also emphasize the point that there should be pre-trial facilities and remand homes to which the court can refer women awaiting trial. Therefore, they recommend that the provincial and territorial government either provide or contract with suitable voluntary associations to provide homes for women on remand.

One of the main approaches in respect of correctional treatment of women is lacking in our present system of correction. The correctional process should respect the dignity of every person. This involves the personal appearance of offenders and the provision of proper clothing and usual accessories. Policewomen should be used to search arrested women. There are very few female police officers now employed in Canada. Therefore, they recommend that the federal government, provinces, territories and municipalities whenever possible assign female instead of male police officers to deal with women taken into custody.

The nature of offences committed by women has a strong bearing on the kind of sentence they receive. Statistics indicate that judges take a more lenient attitude to women than men. The sentence should be directed at rehabilitating the offender. Dangerous offenders

should be segregated. The casual offender should be imprisoned only when other dispositions are not appropriate. Time should be allowed for the payment of fines. Probation services should be increased.

One can see the lack of a total correctional service which should be provided not only for men but for women. Therefore, the recommendation is that the provinces and territories ensure that when the administrative policy of their corrections program is being determined, the differences in the counselling and supervisory needs of women and men probationers should be considered, staff requirements should be based on these needs and case loads adjusted accordingly.

Women present few custodial problems in prison. Therefore, it should be possible to reduce security requirements in prison. For crimes without a direct victim—vagrancy, public intoxication, drug addiction, attempted suicide—imprisonment of the offender is inappropriate. These problems should be dealt with by health and welfare authorities. No conduct should be defined as criminal unless it represents a serious threat to society and cannot be dealt with by other social or legal means. Most crimes without a victim should not be considered crimes. Vagrants should not be considered criminals. Attempted suicide is a manifestation of emotional and mental disturbances and should be referred to mental health authorities. Alcoholics are not criminals but are people who need medical help. A similar approach should be used toward drug addiction. The next recommendation is:

● (9:30 p.m.)

Therefore, we recommend that the provinces and territories (a) develop a health and social welfare policy that would remove from the penal setting the handling of persons found apparently intoxicated and assign the responsibility for diagnosis and treatment to health and welfare administration; (b) ensure that there are treatment facilities for female alcoholics; and (c) in co-operation with health and welfare authorities establish treatment programs, where they do not now exist, for female alcoholics being now detained in a penal setting for criminal offences.

Mr. Deputy Speaker: Order, please. I regret to interrupt the hon. member. I do so to advise him that his time has expired.

Some hon. Members: Continue.

Mr. Deputy Speaker: Does the House consent to the hon. member continuing?

Some hon. Members: Agreed.

Mr. Gilbert: Mr. Speaker, I thank hon. members for permitting me to continue. I will make my remarks short. I have almost finished. I point out that the Penitentiaries Act makes no distinction between the treatment of male and female offenders. The word "refuge" to designate a correctional institution for girls, and "industrial school" for boys, indicates the use of outdated terms. Some provinces discriminate on the basis of sex in determining the minimum age for sentence. Some provinces determine the type of institution by a woman's religion. The commissioners indicate that these outdated words and procedures should be eliminated. Adequate treatment pro-