

Prisoners' Voting Rights

praiseworthy efforts to train the prisoners, have still not explored in depth all avenues open to treat the delinquents.

I feel that the Canadian public is willing, to a certain extent, perhaps not to do away with the element of retribution in the sentence, but at least to graft on it the positive aspects of rehabilitation and all it entails: parole, day parole, probation and the hiring of former inmates. Here, our responsibility, that of the federal government, is considerable and we quickly understood our responsibilities in that field. Rehabilitation also involves community impacts on prison life, vocational training of inmates through easier visits and within the same concept of non-rejection by the community of prison people, and also voting rights for inmates.

The second question arises by inference. How? Prisoner voting must remain within the other qualification criteria set forth in the Canada Elections Act. The main objection to such a liberalization move is the residence concept. Where is an inmate's residence? His last permanent residence or the prison itself? In either case impossible problems arise. First, most prisoners have no permanent home, and second, after they have been in prison for four or five years, they no longer have community links with their original abode. And often they live away from their family. On the other hand, if they elect domicile at the penitentiary, how do multiple transfers from one institution to another fit in, and in what way can we minimize the enormous impact of massive prison voting in one constituency?

More than a simple question of procedure is implied here. It is very well to give prisoners an opportunity to have an interest in public life and actively state their preference for such or such government but this should not entail an abrupt change in our electoral habits. And then, what would we do in the case of provincial institutions? Because the administration of justice is to a large extent on provincial responsibility. There should therefore be a consensus among all levels of government. There are indeed so many obstacles in the way of granting prisoners voting rights, not on principles because I am in complete agreement there with the hon. member for Egmont (Mr. MacDonald), but as far as practical procedures are concerned, I suggest Bill C-222 in its present formulation cannot be accepted at this point.

Let me indicate I certainly anticipate the day when the Solicitor General (Mr. Allmand) will rise to announce an overall reform policy for our Canadian penitential system, as the Governor of California did recently, in order that permanent status be given to the rehabilitation principle and that at long last the effective means be taken to translate rehabilitation into action for those who have an earnest desire for it. I see a double-headed penitentiary system including on one hand, standard penitentiaries for hardened criminals who emphatically refuse any rehabilitation or treatment for effective individual revalorization and, on the other hand, a new rehabilitation system based on reconditioning for delinquents who would freely accept a complex and sophisticated program for the effective and generally final reintegration in the community. Those delinquents would be willing to follow very strict rules for a set period during which they could fulfil their vocational

or educational yearnings and they would be treated accordingly, because they would then be given all necessary mental or physical tools for the implementation of those programs.

Our present system indeed has a serious flaw, because it is very difficult to motivate the inmates of our penitentiaries. This condition is the direct consequence of daily contacts among unworthy individuals who are interested only in getting out to relapse into crime and it is moreover useless to try to regenerate offenders who have realized their mistakes and are willing to mend their ways. Such promiscuity generates an unhealthy atmosphere which acts as a negative counterpart to the beneficial principle of rehabilitation.

Here now is the last question to be answered: Who should be granted the right to vote? With a dual type of penitentiary system in mind, I would suggest it makes no sense to allow inmates who are totally maladjusted to vote, for all they care anyway. On the other hand, with the prospect of a possible rehabilitation still in mind, that privilege should be granted inmates who enroll in the training program, and I believe the above described impact on the electoral process and the risk associated with it would then become far less significant and would also be far more welcomed by all parties.

As a conclusion, common law convicts should be granted voting rights in so far as that innovation would be part of a global reform of our penitentiary system, a reform which should be undertaken and carried out without delay.

I would however make a distinction as to the nature of the crime. To this day offenders have been deprived of their voting rights owing only to their personality since it was considered that their conviction made it obvious that they were not to enjoy the same civil rights as ordinary citizens.

With my system, the granting of voting rights would be geared to a certain extent not to the personality as such of the offender, but to his desire to resume the position he might be led to keep up after completion of his training period. And I would add a supplementary restriction based this time on the character of the offence. I consider indeed that with respect to any offence against the state, such as sedition, spying, bribery attempts on public officers, etc., convicts should be deprived of their voting and other related rights throughout their terms. For indeed no one who deliberately acted in such a way as to undermine the foundations of our democracy should be granted such a basic privilege.

● (1730)

[English]

Mr. Stuart Leggatt (New Westminster): Madam Speaker, I would like to congratulate the hon. member for Egmont (Mr. MacDonald) for raising this subject at a time when it is not particularly popular to do so. I think it is to the hon. member's great credit that he raises the subject of penal institutions, and particularly the conditions of convicts within them, at a time when there is very clearly a backlash in the country against prison laxity. I must say that it does the hon. member and the House great credit that we are now debating how we treat prisoners.