Covenant on Civil and Political Rights and failed to perform its duty under Article 2 of that Covenant.

In 1947, Canada enacted, through amendments to the Criminal Code, habitual criminal legislation. Effectively, under this legislation, a person who had been found to be a habitual criminal could be sentenced to preventive detention; in other words, an indeterminate sentence under which a person could be imprisoned for the rest of his or her life, subject to reviews by the National Parole Board. That legislation was reviewed in 1969 by the Ouimet Committee, which came to the conclusion that the habitual criminal legislation should in fact be repealed and replaced by dangerous offender legislation which focused clearly on those individuals who constituted a continuing danger to the personal safety of others, and were not simply social nuisances of some sort.

I might note that in the application of this legislation, there was great geographical inequity. In fact, of the 80 persons who were sentenced to preventive detention, 45 were sentenced in British Columbia and 39 of those 45 were sentenced in the City of Vancouver. The reason for that is well known to those who are familiar with the criminal justice system in Vancouver in the 1960s. It was the then senior Crown counsel, Mr. Steward McMorran, now a county court judge, who invoked this habitual criminal legislation, basically to deter, as much as possible, in what he called the wild west posse state of justice, criminals who might have come to British Columbia from other Provinces.

Following the recommendation of the Ouimet Committee, in 1977, some eight years after the Committee reported, its recommendations were enacted by the federal Government. The old habitual criminal legislation was replaced by new dangerous offender legislation in Part 21 of the Criminal Code.

The new dangerous offenders legislation emphasizes that the offender must have committed an indictable offence that involved the use of violence against another person, or conduct that constituted a threat to the life, safety, or physical or mental well being of other persons, punishable by a sentence of ten or more years. There are other specific criteria, as well.

At the time this legislation was implemented, the former Minister of Justice, the Hon. Ron Basford, gave a commitment to the Committee on Justice and Legal Affairs. He stated that, as a matter of policy, all those persons sentenced under the old habitual criminal legislation would be reviewed by the Parole Board. He said:

> Then there were questions about those already in the penitentiaries as dangerous sexual offenders or habitual criminals. They are covered by the old Code, but as a matter of policy their cases will be reviewed once a year.

This is the critical portion:

> They will be reviewed on the basis by the Parole Board against the new formulation of what a dangerous offender is. That does not obviously guarantee that they will be paroled, but it does mean that their cases will be reviewed in accordance with the new standard.

That commitment made by the then Minister of Justice was never fulfilled. To this day it has not been fulfilled and it is on that basis that Mr. Robert Haddock and a number of other habitual criminals argue that their cases should in fact be reviewed.

● (1830)

Time does not allow me to summarize all the findings of the study conducted by Professor Jackson, but certainly I can summarize the major findings. They are, first of all, that the majority of men who were part of the study have always been regarded not as serious, dangerous offenders in terms of their propensity to commit violence, but rather as serious social nuisances. Professor Jackson came to the conclusion that none of these men could properly be regarded as dangerous offenders within the definition of the 1977 legislation, and that the parole board had not been using those criteria in conducting its reviews of the men involved. It notes as well that the length of time that has been served by these people is greatly disproportionate to the harm or damage they have done and the risk of further harm or damage they may pose to the public.

Professor Jackson argues that in fact if there is not speedy redress of their grievances that the Government will be in breach of Section 12 of the Canadian Charter of Rights and Freedoms which states that everyone has the right not to be subjected to any cruel or unusual treatment or punishment.

Professor Jackson makes two key recommendations, first, that legislation should be introduced providing for judicial review of all habitual criminals to determine whether or not they are dangerous offenders within the definition of the 1977 dangerous offenders' legislation and, second, and very importantly considering the people we are dealing with and the lengthy terms of imprisonment they have served, that resources be made available on a voluntary basis to facilitate the establishment and reintegration of former habitual criminals into the community.

I was encouraged by the response of the Minister of Justice to my question on February 8. I hope that he will in fact implement the recommendations of Professor Jackson's study and once and for all redress what is obviously a very serious grievance that has led to complaints before the United Nations Human Rights Committee, and certainly an injustice with respect to the individuals involved.

Mr. Al MacBain (Parliamentary Secretary to Minister of Justice and Attorney General of Canada): Mr. Speaker, Department officials have examined Professor Jackson's report, which was referred to by the Hon. Member for Burnaby (Mr. Robinson). The Minister met with Professor Jackson in Ottawa recently concerning his report. As a result we are exploring the feasibility of various methods that might be available, both under current law and, if necessary, under new legislation, to remedy the situation, bearing in mind the need both to be fair to the individuals in question and to ensure that no dangerous individuals are released.

The Hon. Member will know that Professor Jackson's study related only to habitual offenders incarcerated in the Province of British Columbia. The facts surrounding habitual offenders incarcerated outside of British Columbia must also be exam-