

*Criminal Code*

tails—I would explain that it has nine nylon quarter-inch cords attached to a handle. The strap is made of leather. It is sixteen inches long, two inches wide, and is attached to a ten-inch handle. On some occasions there are eight holes punched through the leather. So, Mr. Speaker, you will realize the laceration that results when the strap hits the flesh because there are holes in the strap. I do not know how many members of this house have been sufficiently interested in our institutions of penology to visit the jails and penitentiaries in order to examine what is known as the "hole" or "solitary", and to see the room where corporal punishment is administered and the equipment used. It is worth seeing from the point of view of anyone who is interested in penology and in the treatment, custody and rehabilitation of the criminal element.

When a person, as a result of a judicial sentence, or as a result of the findings of a warden's court, is subject to corporal punishment by means of the lash or strap he is taken down to a very small room, his feet are strapped to a metal plate fixed on the floor, he is stretched over a table and strapped to the table so that he is completely immobilized. Then there is a wide leather belt which is placed over the kidneys, because if either the lash or the strap were to strike the kidneys with sufficient violence it would maim or kill. If the penalty is the lash, it is received on the bare shoulders; if it is the strap, on the bare buttocks. By regulation, a doctor must be in attendance at all times in case it should be found that a person has not the physical ability to take the punishment. That is corporal punishment in Canada.

As I say, we are one of the few remaining countries in the free world to retain it. As a matter of fact, I was amazed to discover that we are one of only three countries which still retain corporal punishment of any nature. This is one of the reasons why I think this house should give some consideration to its abolition, particularly as part of a judicial sentence.

It is obvious from the experience of other countries and from the researches that have been made in our own country that corporal punishment is not a deterrent to bad behaviour or to criminal tendencies. It has been amply proven, in my estimation, by all the research which has taken place in this country that the tendency of corporal punishment is to make the person upon whom it is inflicted more antagonistic towards society and the law than he was before. Over a period of 25 years I have visited a great many of the jails and penitentiaries of this country. I have spoken to a great many men

who have received the lash or the strap. I have spoken to them individually, and I have spoken to them collectively with the warden and the deputy warden of the penitentiary present. It was on very rare occasions that a person who had received corporal punishment said it had done him any good. In almost every case they said it made them bitter and antagonistic and worse behaved than before. I have spoken to those who had received only four or five strokes of the lash or paddle, and I have spoken to those who have received as many as 160 strokes over a period of time. The conclusions were always the same.

This is not only my own personal experience, but it is also the finding of the joint committee of the Senate and the House of Commons which for a period of three years investigated this matter of corporal punishment along with capital punishment. The members of that committee did not personally interview those who had suffered corporal punishment, but the committee did authorize its counsel to meet personally and confidentially with a number of individuals who had received corporal punishment and who, on release from the penal institutions in which they had been confined, had become rehabilitated. Counsel was instructed to obtain on a confidential basis their reactions to this form of punishment. It is most interesting to read the testimony which was reported back to the committee. Naturally, all names have been deleted because these men did become rehabilitated and in the majority of cases they now hold respected positions in the communities in which they live. For this reason the individuals concerned are referred to as "Mr. A", "Mr. B", and so on. I should like to read to the house the evidence of these men who had experienced either the lash or the paddle, as given to the counsel who interviewed them, and recorded in the transcript of the committee's proceedings:

Mr. "A"

He considered it had done him no good . . . He repeated several times that the strap had no effect in controlling his conduct within the institution or outside of it and he stated that he knew of several instances where a man was strapped and turned around and committed the same offence again.

Mr. "B"

He said that corporal punishment was like strapping a person every once in a while to show a person who was boss; it was no way to reform a man. Corporal punishment was much worse than the "hole".

Mr. "D"

He reiterated that it had not done him any good, and stated that only a minority of prisoners ever got the strap and most of them seemed to get it more than once.