

### *Young Offenders Act*

tation process be faced with a second trial at the end of his stay in a training school where he has undergone a transformation. Such a procedure amounts to advocating euthanasia for sick people suffering from a very serious but curable disease.

All those who realize what the rehabilitation of a young offender really means must vigorously oppose this clause. Boscoville's experience shows us that it is possible to save such youths and protect society at the same time without starting new proceedings which would only prove a set-back in the rehabilitation of a young person who would have to undergo a new trial. It even seems to us that such a measure amounts to prevent any real possibility of rehabilitation for these young offenders. Therefore we oppose this clause.

A second point is underlined on page 55, section 60(4), in connection with publicity and this is what those who have been dealing with this type of problem for the past 20 years have to say about it:

It is said that a judge could grant permission to publish reports on some of the proceedings in the case of a young offender.

For purposes of rehabilitation, we submit that no publicity whatsoever should be allowed on the subject of the actual act committed by a young offender whenever the latter appears before a juvenile court.

No permission to disclose to the public any aspect of the family or personal problem should be granted. The risks involved are too great for such a thing to be allowed. This is clearly viewed from the rehabilitation standpoint which definitely implies that an individual should not have to bear social stigmas which are not conducive to social reinstatement.

This is unavoidable in the case of adults and under no circumstances must it be permitted in the case of young people, for it would be a backward step.

Then the following point is emphasized on page 53 of the brief, with regard to clause 59(2) (b):  
Incarceration with adults.

A judge may by warrant commit a young person to detention. It seems to us that such a measure should not be applied towards a young person when there are detention facilities for adolescents within the judicial area where the proceedings are taking place. Contacts with adult inmates, during the incarceration prior to rehabilitation are to be avoided since they might well stigmatize a young person. Past experiences prove that such things are to be eliminated whenever possible.

About the judge's role, here is what they say:

The judge is the final representative of society. We should like to point out that as a rule, the judge must be the final representative of society for the young person and it is important that he be in a position to play that role.

The judge's personalization. The judge must as much as possible be a personalized judge, that is a judge who is responsible for a youth throughout his criminal life. If possible, a young offender should not appear before a new judge each time he is charged with a new offence. The judge who started with him should continue to hear the cases involving the young man unless it is clearly inadvisable.

And about the judge and the superintendent:

We must avoid giving to the superintendent, as pointed out in clause 47, paragraph 1, the responsibility to transfer from one institution to another. The judge must be the one who appraises the value of the rehabilitation measures that society, of which he is the final representative, takes for this youth. This must be respected if we want the judge to play the role that experience has proved essential to a successful rehabilitation.

And the brief goes on about the age of the children:

A child between 10 and 14 should not, under any circumstances, be kept in a place where there are persons other than children of his age. Such a juvenile should never be allowed to come into

[Mr. Matte.]

contact with adults or older youths. Experience in the matter proves the absolute necessity of avoiding such contacts.

And further on, the preparation and training of people is mentioned:

All through the act, no mention is made of the quality of the preparation and training of persons who must deal with young people, at any level.

As to institutions, the brief says, and I quote:

Furthermore, nothing is said about the quality of the institutions (in a broad sense) which must receive, greet and take care of the juveniles entrusted to them by the judge.

In other words, Mr. Speaker, we must consider that a law may appear, at first glance, to be efficient, but if the essential elements are missing which would prevent its application and, especially, dent its spirit, it is useless. It is the same as putting the cart before the horse, and how can we really succeed in solving the problem of juvenile delinquents only through rules and laws, if we have not completely solved the problem of the persons who will be trained to do it, and of the institutions which will be established to provide the rehabilitation?

In conclusion, this brief from Boscoville states:

We are aware that these remarks might appear very limited in scope since they deal mainly with rehabilitation aspects. However, in the long run, it must be kept in mind that legislation dealing with young offenders must pave the way to rehabilitation and if this is not the case, we shall have gone against the spirit of the law. It must be understood that Boscoville felt duty bound to point this out to the legislator, and it hopes that the later will take its views into consideration. The Boscoville Executive Committee would be very happy to give further information if required.

Mr. Speaker, in conclusion, may I say that I hope the minister and his officials have consulted these people who are directly concerned with juvenile delinquency, and that the minister will agree to the amendments that are needed in order to improve this bill which, in principle, is a good one, as I said in my first speech on the subject.

But, Mr. Speaker, this is the proper time for the minister to show the necessary objectivity. Indeed, if we must change the law, let us change it in such a way that it may help settle this extraordinary problem of juvenile delinquency, a problem which becomes that much more complicated today because adults, as such and by their legislation, do nothing to set a very stimulating example to young people.

In the end, if all the problems were thoroughly analyzed, we would realize that often it is the adults' fault if delinquency fares well and flourishes so easily in our country in these particularly difficult times.

Then, Mr. Speaker, hoping that the minister may note and apply all the objective suggestions which may be put to him, I hope that this reform of the Juvenile Delinquents Act may benefit all the young people of Canada.

● (5:10 p.m.)

[English]

**Mr. Doug Rowland (Selkirk):** Mr. Speaker, it would seem that this type of legislation frequently produces the best sort of debate in this House. I speak not in terms of