

D. THE LACK OF RIGHTS AND SAFEGUARDS

Given the severity of the punishment under the 'dangerous sexual offender' legislation, the need for adequate safeguards to protect those against whom it is invoked becomes of paramount importance.

The existing legislation is blatantly inadequate in this respect and Bill C-83 does little to correct this inadequacy. In fact the rights of the subject are reduced in some areas.

Bill C-83 calls for a review by the parole board every two years (after the third year) rather than every year as in the existing legislation.

The Canadian Committee on Corrections recommended

that the proposed dangerous offender legislation, if enacted, provide in addition to an automatic yearly assessment and review by the Parole Board, that a person sentenced to preventative detention as a dangerous offender be entitled to have a hearing once every three years before a superior, county or district court judge or judge of the court of the sessions of the peace, for the purpose of determining whether he should be further detained or his sentence should be terminated if he has been released on parole.²⁴