

SOME ASPECTS OF FREEDOM OF RELIGION IN
CANADA'S CORRECTIONAL SYSTEM

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DISCLAIMER

All views that appear in this report are those of the author, or other parties wherever so attributed, and not necessarily those of the Ministry of the Solicitor General.

PREFACE

The primary objective of this report is to inform the Canadian Delegation at the thirty-third session of the United Nations' Commission on Human Rights on certain aspects in its consideration of Agenda item 13: "Draft Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief".

Two main considerations determine the aspects that this report covers. The first is that they are among those highlighted in previous relevant draft Declarations considered by the Commission on Human Rights. Secondly, they primarily concern the preservation of freedom of religion and belief within Canada's Correctional System.

The report does not pretend to be comprehensive or exhaustive in the areas that it touches upon. While it considers most segments of the correctional process, it concentrates primarily on the federal system.

The paper offers a first attempt at drawing together materials relating to a particular body of knowledge and experience. As such, its content may be of interest to a broader audience, including persons interested in Religion, the delivery of Chaplaincy Services, in Human Rights, and so forth.

Actual copies of materials asterisked in the Reference Notes have been made available to the Canadian Delegation.

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SOME ASPECTS OF FREEDOM OF RELIGION
IN CANADA'S CORRECTIONAL SYSTEM

1. INTRODUCTION

Canada's Correctional System is but one thread in the total Canadian social fabric. Its institutions are, therefore, subject to the same laws protecting Canadians from such indignities as religious discrimination as are all institutions within the total social structure.

Internationally, Canada has, for example, subscribed to the basic principles of the Charter of the United Nations including the promotion and observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion. Again, Canada supports the Universal Declaration of Human Rights and the International Covenants on Human Rights proclaiming, among other considerations, the right to freedom of religion and belief, including the right to choose, manifest and change one's religion or belief.

In federal domestic law, the Canadian Bill of Rights⁽¹⁾ has recognized and declared that freedom of religion is among the human rights and fundamental freedoms that have existed and shall continue to exist without discrimination. Parallel legislation exists in all the provinces, and in the territories, replete with Human Rights Commissions and Ombudsmen to ensure the effective application of such provisions. A full range of non-government organizations also provides protection for human rights and, indeed, so does the freedom of the press⁽²⁾.

In contrast to such overall provisions, however, the thrust of this paper is to primarily examine the range of provisions particular to Canada's Correctional System. In all instances, such provisions will impact, in one way or another, upon the extent to which freedom of religion and belief is maintained. And such freedoms will be among those identified in previous draft Declarations on the matter in general prepared under the aegis of the United Nations⁽³⁾.

2. THE UNITED NATIONS' STANDARD MINIMUM RULES

In 1958, Canada supported the United Nations' promulgation of its Standard Minimum Rules for the Treatment of Prisoners⁽⁴⁾. The Rules on Religion⁽⁵⁾ provide for the appointment of qualified representatives of religions within institutions, the provision of regular services and pastoral visits, the right of prisoners to opt out of such visits, and the satisfaction of a prisoner's religious life.

As such, the Rules on Religion cover some of the same ground as the content of previous draft Declarations directed towards protecting freedom of religion. In such instances, the co-existence will be noted, and compared with the Canadian experience.

3. THE PROBLEM OF DEFINING RELIGION

Before proceeding further, it would be as well to identify an issue central to all that follows: the problem of finding a universally, or even generally, acceptable answer to the question "What do you mean by 'religion'?" It would, after all seem appropriate to know what entity is to be conferred the rights and freedoms under discussion. At the same time, experience demonstrates that such an exercise can lapse into semantical debate.

One dictionary definition of 'Religion' is:

"Human recognition of superhuman controlling Power, and especially of a personal God entitled to obedience, and the effect of such recognition on conduct and attitude"⁽⁶⁾.

Such a definition suggests three basic ingredients - a personal God, a set of personal beliefs, and a pattern of prescribed personal conduct.

The draft Declaration, however, is on the elimination of discrimination based on 'Beliefs' as well as upon 'Religion'. In the absence of any definition, such beliefs might, or might not, be the personal beliefs that constituted one of the three ingredients of Religion noted above.

Indeed, United Nations-sponsored consideration of the subject⁽⁷⁾ elicited a series of proposals that the expression 'Religion and Beliefs' should include various combinations, depending on the particular proposal, of theistic, non-theistic, atheistic and/or agnostic belief providing, for example, that such belief "shall exclude racism, nazism, apartheid and all similar ideologies which are based on racial intolerance and terror as a gross violation of human rights and fundamental freedoms".

It would seem apparent, therefore, that at least to some, a personal God is not necessarily a basic ingredient to the entity collectively known as "Religion and Beliefs". It could be reasoned that, since such an approach eliminates a basic ingredient of the dictionary-definition of the word 'Religion', by default such a Declaration would, in fact, address only the matter of freedom for Beliefs, within whatever limits might be prescribed for them.

On the domestic front, it is noteworthy that while twenty-six⁽⁸⁾ federal statutes refer to 'religions' or entities 'religious', no definition of such terms is attempted. Whenever such statutes refer to 'belief(s)', however, the reference is clearly in a context other than religious beliefs unless explicitly indicated as such.

The definitional vacuum at the international and national levels persists within the specific context of the correctional system as well.

Among correctional jurisdictions the Canadian Penitentiary Service (C.P.S.) has possibly the most highly developed set of relevant documentation, which relates to its Religious Program. While it states that Religion is an essential part of the rehabilitation process of inmates, the major C.P.S. directive⁽⁹⁾ is silent with respect to what such a term comprises other than that, within it, moral and spiritual development are important areas. To this extent, the three basic ingredients of dictionary-defined Religion are evident: spiritual matters are generally seen as of the soul, especially as

action by God; and the impact of morality on rehabilitation suggests the development of a set of related personal beliefs that find expression in a pattern of lawful personal conduct.

In practice, however, the scope of activities falling under the 'Religious' umbrella of the Canadian Penitentiary Service is much broader than those reflecting all three attributes of the dictionary-definition. This is seen as consistent with the goal to replicate in microcosm within the institution whatever is commonly recognized as religious activity on the outside.

The agency has traditionally placed a wide and diversified definition on the content of religious programs and in the past ten years - the last three especially - the range has expanded significantly. The indicated test is whether, in the institution Chaplain's opinion, applying common sense and seeking advice where necessary, the activity will make an inmate a "better person" (10)

The individual penitentiary Chaplain, then, ultimately defines what a religious activity is, and is not. In consequence, it would appear likely that a relationship exists between the nature of the discretion he exercises and the qualifications necessary for the appointment as Chaplain in the first instance.

The provision of advice about, and participation in, the recruitment, selection and training of C.P.S. Chaplains are among the roles of the Inter-Faith Committee on Chaplaincy in the Federal Corrections Agency (11). The Committee's Constitution indicates that "any religious body accepted by (the Committee) which has an interest in and concern for chaplaincy work in the Federal Corrections Agency is eligible for representation on the (Committee)." The Constitution is silent, however, on the definition of a 'religious body' in the first instance.

It is this Committee, then, that may act as consultant to the Chaplain General on matters at his discretion - which may include whether or not to define specific organizations or bodies as religious for purposes of the C.P.S. Religion Program.

As already noted, the Committee also has a central role in the recruitment, selection and screening of candidates for Chaplain positions. This, in turn, will impact on the nature of the discretion exercised by the incumbents in defining what activities are to be included within the C.P.S. Religion Program.

In this connection, the Committee's Constitution provides that changes in established recruitment should only be made after full discussion and consultation with the churches through the Inter-Faith Committee, that the Committee should act as an evaluator of the effectiveness of recruitment procedures, and that a member of the Executive Committee or its appointee should be represented on each Selection Board.

Under the terms of the Penitentiary Act, appointment of Chaplains - as of all C.P.S. staff - is formally in the hands of the Public Service Commission. And the Commission, under the terms of the Public Service Employment Act, in applying selection standards "shall not discriminate against any person by reason of... religion..."⁽¹²⁾. A typical competition poster indicates the basic requirement for appointment as Chaplain includes "completion of educational pastoral and counselling training and experience required by the relevant religious denominations", a point that speaks to nominees of the Inter-Faith Committee serving on selection boards.

And so, in sum, what may be said concerning the definition of "Religion" in the context of this paper? First, that no written definition is known to exist in any of the jurisdictions involved. Secondly, that a definition does exist in the minds of those principally involved in either operating or advising on the Religion Program of the Canadian Penitentiary Service and this situation is likely typical of correctional jurisdictions generally in Canada. And third, that the more liberal the definition of the term "religion" in the minds of those involved, the greater the chances of such definitions being other than the dictionary definition of the term. Indeed, existing practice accepts that a personal God is not a necessary ingredient.

And so what might be said about the term "freedom of religion" from a definitional standpoint? First, that the scope of its application is potentially infinite and, therefore, subject to abuse. Second, that so long as such non-defined parameters to "religion" are found acceptable by parties who unsuccessfully advocate such a label for new patterns of belief and behaviour, the question will remain largely non-visible as an issue in correctional administration. And third, when and if such parties take the position that an infringement of their right to religious freedom is involved, a body of domestic correctional case law may likely emerge that will attempt to address the definitional question.

It would appear, then, for the present at least, those considering the question of religious freedom in corrections, as in other areas, could, with some legitimacy, be challenged that they know not of what they speak. An appropriate response might be that while the edges are fuzzy, the vast preponderance of the content of religious programs is, in accord with the range of religious beliefs professed by offenders, directed to religion as dictionary-defined. It is this position that will be adopted for the balance of the paper.

4. SPECIFIC AREAS OF RELIGIOUS FREEDOM

We embark now on an examination of the manner in which the Canadian Correctional System approaches the range of areas in which draft U.N. Declarations have earlier specified that religious freedom should exist.

At this point it is also appropriate to reiterate that the greatest concentration in the following review of religious freedom in Canadian Corrections will be upon the Federal Corrections System. Such a review, in general, seems particularly appropriate because to demonstrate the existence of religious freedom for Canada's captive community is a significant indicator verifying its existence within the community-at-large.

- a) The Right to Adhere or Not to Adhere to any Religion or Belief, and to Refuse Instruction in a Religion or Belief Contrary to Convictions or, in the Case of Children, Contrary to the Wishes of their Parents.

Exercise of these rights is usually manifest in the extent of access to clergymen and religious services.

The Standard Minimum Rules state that access to a qualified representative of any religion shall not be refused to any prisoner. They also indicate that if any prisoner should object to a visit of any religious representative, his attitude shall be fully respected.

Compatible with such expectations, the Canadian Penitentiary Service directs that every inmate shall be accorded religious freedom, and that participation in religious activities is voluntary⁽¹³⁾. Inmates shall, however, be encouraged to recognize the benefits that can be derived from the religious program and each inmate is required to state his religious affiliation upon admission⁽¹⁴⁾.

Similar provisions are evident in provincial and territorial correctional legislation and regulations. For example, the Yukon provides:

"If an inmate so wishes or if, in the case of a child, the Director approves, and the parent or guardian does not object, a clergyman may visit the inmate or child at any correctional institution or industrial school as the case may be, where the inmate or child is lawfully detained, for the purpose of instructing the inmate or child in religion on such days and at such times as the superintendent may authorize"⁽¹⁵⁾.

Again, the North West Territories has this to say:

"Religious worship, instruction and moral counselling is permitted and shall be encouraged in every correctional centre, but it is not compulsory"⁽¹⁶⁾.

Pressures to adhere to a religion may also be made by one inmate upon another, or by outside parties while visiting institutions. In this, the direction of the C.P.S. is quite explicit: 'Proselytism is forbidden'⁽¹⁷⁾.

While such a provision is supportive of the freedom of one person not to adhere to a particular religion, it would appear to correspondingly impinge upon the freedom of another to practice his religion if it calls for the conversion of other people to it. The spirit of the C.P.S. directive is clear, however, in

the agency's brochure for potential Chapel Volunteers from the outside community:

"It is important to stress, however, that the relationship which develops between volunteer and offender is no place for proselyting activities on the part of the volunteer. He may not use the relationship to "convert" the offender, to "preach" to him, or in any way influence him to religious activity beyond his own inclinations. This is not to say, of course, that the offender may not be encouraged to follow through with any religious interests he may already have⁽¹⁸⁾.

Indeed, there is full accord for the exercise of Christian witness, for example, by one inmate to another where the second is receptive and the good order and discipline of the institution remains unaffected⁽¹⁹⁾.

b) The Right to Change Religion or Belief in Accordance with Conscience Without Coercion or Harassment

The change of religion or belief would seem to remain a matter entirely to the individual so long as he kept it to himself. It is in the outside manifestation of the change that such a right would appear to have practical application.

In this connection, the C.P.S. provides that an inmate shall be permitted to change his religious affiliation - which was recorded initially upon admittance - after consultation with the Chaplain⁽²⁰⁾.

Where adherence to a religion also involves a change in religion, the comments in the foregoing paragraph would also apply.

c) The Right to Effective Remedial Relief Against Any Discrimination That May be Suffered on the Grounds of Religion or Belief

The Canadian Criminal Code provides that certain acts of discrimination, on grounds of religion among others, are criminal offences and provides relief on this basis. There are four such provisions within the Criminal Code.

The first is the offence of Blasphemous Libel. However, no person shall be so convicted for expressing in good faith and in decent language, or attempting to establish by argument reflecting the same qualities, an opinion on a religious subject⁽²¹⁾.

The second such offence is that of Advocating or Promoting Genocide. Such an act would be committed with the intent of destroying certain identifiable groups - which include any section of the public distinguishable by religion - by killing their members or deliberately inflicting on the group conditions of life calculated to bring about its physical destruction⁽²²⁾.

Third, Public Incitement to Hatred is an offence committed where public statements are made inciting hatred against any identifiable group where such incitement is likely to lead to a breach of the peace⁽²³⁾.

And fourth, to Wilfully Promote Hatred by communicating statements, other than in private conversation, against any identifiable group is also an offence. If the opinion is upon a religious subject, however, and is expressed or attempted to be established by argument in good faith, no offence occurred⁽²³⁾.

No proceedings for any of the four above offences may be instituted without the consent of the Attorney General of the province in which the offence is alleged to have occurred.

Special remedies for relief exist for inmates of federal penitentiaries through appeal to the Correctional Investigator. This protection is also largely replicated through the offices of provincial Human Rights Commissions and provincial Ombudsmen for inmates of provincial correctional institutions.

Inmates of both provincial and federal correctional institutions can, generally, in the first instance, bring complaints of religious discrimination to the attention of institutional authorities either informally, or formally in an official Grievance Process. Alternatively, they can seek redress through confidential correspondence with their elected representatives at the appropriate level of government.

If all reasonable steps to obtain available legal or administrative remedies have been exhausted, the complaints or problems of a federal inmate can, subject to certain other conditions, be examined by the Correctional Investigator with a view to their resolution. However, none of the 1,770 complaints and problems investigated in the fiscal years 1973-74 and 1974-75 involved any question of religious discrimination and, in fact, no such case is reported to have ever come to the attention of the Correctional Investigator⁽²⁴⁾.

d) The Right to Freedom of Religion or Belief Without Distinction of any kind, in Particular as to Race, Colour, Sex, Religion or National Origin.

There appear to be two principal dimensions to this issue: the range of the religions that are practised, and the diversity of those persons that do the practising. If religious discrimination existed, it could limit the practising to a few religions by the many, or to limit the practising of many religions to a few.

It would seem possible, however, to demonstrate that in Canada's correctional system freedom exists for the practising of many religions by many persons.

To place this discussion in perspective, it is helpful to examine the range of religions that are actually manifest among penitentiary inmates. It was noted above that they are all required to declare a religious affiliation upon admittance to penitentiary, and such affiliations are shown in Table 1.

Such affiliations may, of course, vary from being purely nominal and on no meaningful consequence to the inmate through to the complete and genuine practise of religious customs and rites. At another level, certain affiliations might be professed in the expectation that certain advantages or privileges may result.

Regrouped by major religious categories, the above population is as shown in Table 2. It is noteworthy that 88% of the total at least profess either Christian (Roman Catholic or Protestant) or Jewish religious affiliation and that, accordingly, at least this proportion of inmates profess adherence to a religion as dictionary defined. Of the balance, some 3% express affiliation with another religion.

In this context, it is useful to note what the Standard Minimum Rules have to say concerning the relationship between the particular religious affiliations of prisoners and the accommodation of these religions in the institutional program:

TABLE 1

ESTIMATE OF RELIGIOUS AFFILIATION OF PENITENTIARY INMATES, CANADA, DECEMBER, 1976

RELIGION	NUMBER	PER CENT
ANGLICAN	774	8.5
BAPTIST	173	1.9
DOUKHOBOR	3	-
JEWISH	98	1.1
PRESBYTERIAN	90	1.0
ROMAN CATHOLIC	4,201	46.1
UNITED	1,237	13.6
OTHER PROTESTANT	1,443	15.8
OTHER RELIGION	246	2.7
ATHEIST OR UNKNOWN	843	9.3
TOTAL	9,108	100.0

SOURCE: Canadian Penitentiary Service

PREPARED BY: Information Systems & Statistics Division
Ministry of the Solicitor General
Ottawa, December, 1976

TABLE 2

MAJOR RELIGIOUS GROUPINGS, PENITENTIARY INMATES, CANADA, DECEMBER, 1976

RELIGIOUS GROUPING	PER CENT	PER 10
ROMAN CATHOLIC	46.1	4
PROTESTANT	40.8	4
ATHEIST OR UNKNOWN	9.3	1
OTHER	2.7	1
JEWISH	1.1	1
TOTAL	100.0	10

SOURCE: Canadian Penitentiary Service.

PREPARED BY: Information Systems & Statistics Division
Ministry of the Solicitor General
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41. (1) If the institution contains a sufficient number of prisoners of the same religion, a qualified representative of that religion shall be appointed or approved. If the number of prisoners justifies it and conditions permit, the arrangement should be on a full-time basis.
- (2) A qualified representative appointed or approved under paragraph (1) shall be allowed to hold regular services and to pay pastoral visits in private to prisoners of his religion at proper times.

The foregoing paragraphs, then, provide a measure of the range of the religions to be potentially practised. It remains to examine the extent to which standards implied for recognizing diversity of the background of religious affiliates in the preliminary drafts of the U.N. Declaration of Religious Freedom, and in place under the Standard Minimum Rules for diversity of religion, are met by existing practice.

Again employing the Canadian Penitentiary Service experience as typical of a broader experience, there are two indicators of the extent to which diversity of religion and diversity of prisoner characteristics are accommodated: the diversity of the religious programs, and the diversity of the personnel who operate them.

The diversity of C.P.S. religious programs is apparent in Table 3, which is intended to include all elements with the basic objective of improving knowledge regarding religion or of practising a religion.

In the study involved (25), 41 different Spiritual Development programs were identified, of which 25 were reported initiated by institutional staff, 9 by C.P.S. Headquarters and 1 by C.P.S. Regional Headquarters. A total of 23 different types of such programs occurred in maximum security institutions, 32 in medium and 13 in minimum security. It was noted that there had been a steady increase in program development in all regions over the past 5 years in the area of spiritual development, among others.



TABLE 3

SPIRITUAL DEVELOPMENT PROGRAMS OPERATED WITHIN THE CANADIAN PENITENTIARY SERVICE

(Definition: Intended to include all elements with the basic objectives of improving knowledge regarding a religion or of practising a religion)

<u>PACIFIC REGION</u>	<u>PRAIRIE REGION</u>	<u>ONTARIO REGION</u>	<u>QUEBEC REGION</u>	<u>ATLANTIC REGION</u>
Salvation Army	Religious Services	Chaplaincy Program	Choir	Jehovah Witness
Christian Group	Volunteer Groups - First	Mormon Group	Audio-Visual Presentation	Religious Study Group
Religious Services (Pro- testant & Catholic)	Baptist	Jehovah Witness	Religious Services	Religious Services (Prot- estant & R.C.)
Choir	Emmanuel	Bible Study Group	Shalom Group	Castalia (Yoga)
Jehovah Witness	Koinonia	Frank 1 Group	Comprehension Group	
Divine Light Mission	Glee Club	Rover Group	Catechism Group	
Phase Group 1	Cursillio	Hebrew Group	Spiritual Dynamic	
Native Hour	Christopher Leadership	Salvation Army	Discussion Group	
Ukrainian Church Service	Courses	Scripture Group		
Bible Study	Scripture Study Group	Prayer Group		
	Religious Films	Cursillio		
	Bible Class	Religious Services		
	Protective Custody Group			
	Hebrew Class			
	Chapel Choir			
	Salvation Army			
	Jehovah Witness			
	Native Bible Study			
	Prayer Group			
	Bible Correspondence Course			
	Indian Alliance Bible Class			
TOTAL-10 PROGRAMS	TOTAL- 19 PROGRAMS	TOTAL- 12 PROGRAMS	TOTAL- 8 PROGRAMS	TOTAL- 4 PROGRAMS

Source: Canada, Solicitor General, Analysis of Progress in Federal Corrections, (Ottawa, 1976) pp. 19-32

Prepared By: Information Systems and Statistics Division
Ministry of the Solicitor General
OTTAWA, December, 1976

The program development aspect is important, as there would appear to be a direct relationship between the scope of programs accommodated through greater resource commitment on one hand, and freedom of religious expression on the other. This would seem especially true for those religions that have relatively few affiliates.

Table 4 depicts estimated expenditures on the organization and administration of Religious Services, and of total rehabilitative services, within a five year time-frame covering the past, present and future. Such estimates would, of course, be proxies of actual expenditures in past fiscal years. There are two particular points of interest in these figures.

The first point is that while the proportion of such resources for all rehabilitative services that is directed to Religious Services has remained relatively constant over the years (an average 2.7%) there is a very slight upward trend. Secondly, and more significantly perhaps, even when controlled for inflation, while the estimated expenditure on all rehabilitative services is expected to increase by 46% over the five year time frame, the expenditure on Religious Services is expected to increase by 63%.

The second indicator of the extent to which diversity of religion and religious affiliates is recognized within the C.P.S. Religion Program is the diversity of the personnel who run the programs.

The personnel who operate the various components of the Religion Program may be divided into different groups: full-time Protestant and Catholic Chaplains; part time Visiting or Co-ordinating Chaplains; Official Religious Visitors; Chapel Volunteers; and, in some cases, non-clergy members of the prison staff, and the inmates themselves.

The C.P.S. directs that there shall be a full-time Protestant and a full-time Roman Catholic Chaplain at each large institution. Other institutions are to have Visiting or part-time Protestant and Roman Catholic Chaplains, or a Co-ordinating Chaplain⁽²⁶⁾.

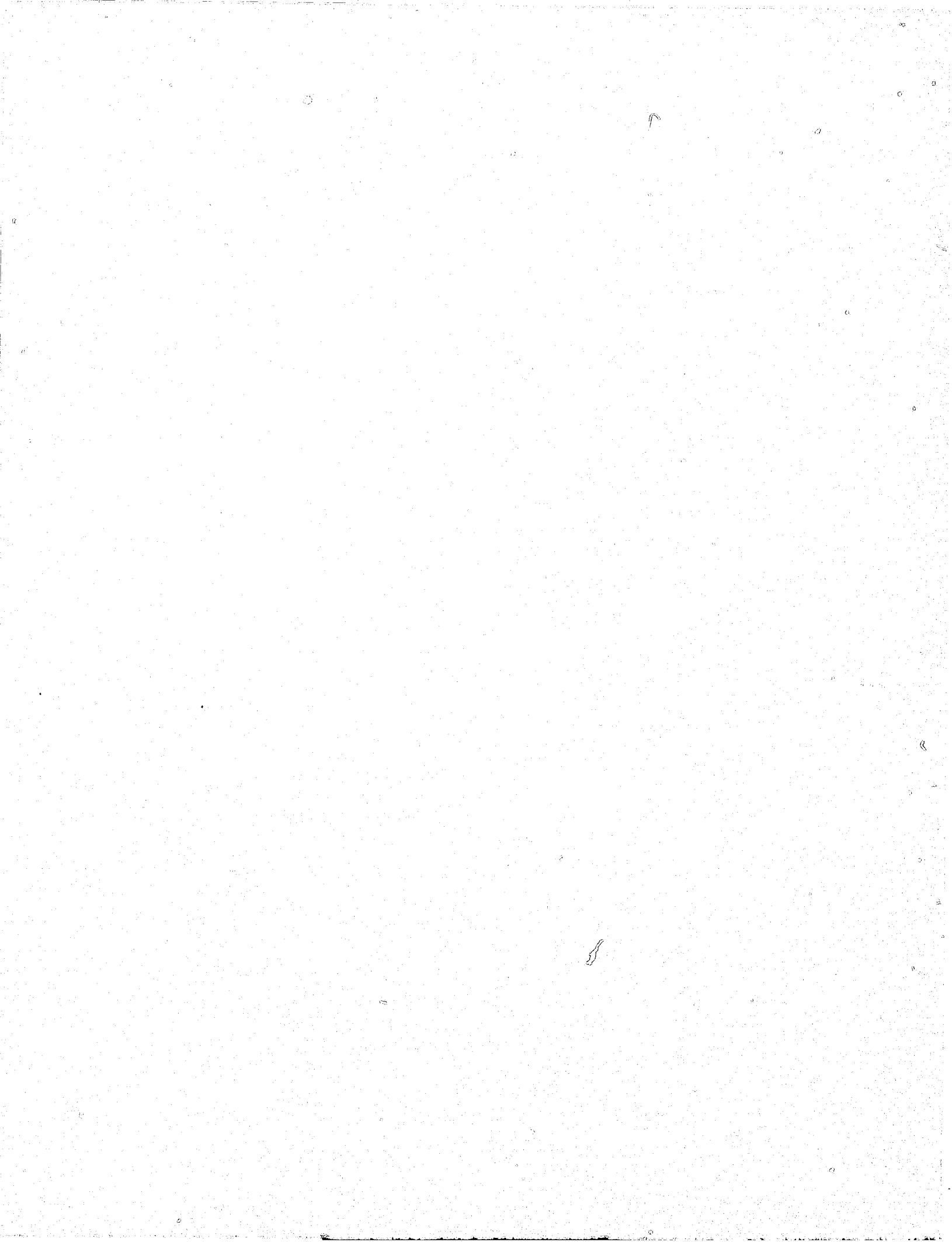


TABLE 4

ESTIMATED EXPENDITURES ON ORGANIZATION AND ADMINISTRATION OF RELIGIOUS SERVICES AND TOTAL REHABILITATIVE SERVICES, CANADIAN PENITENTIARY SERVICE, FISCAL YEAR 1973-74 TO 1977-78.

Fiscal Year	Estimated Expenditure (000 's of Current Dollars)		Estimated Expenditure (1) (000 's of Constant 1973 Dollars)		
	Religious Services	All Rehab. Services	Religious Services	All Rehab. Services	Religion as % of Total Rehab. Svs.
1973-74	675	27,174	675	27,174	2.5
1974-75	761	28,335	685	25,502	2.7
1975-76	914	34,532	740	27,971	2.7
1976-77	1,345	48,174	1,022	36,612	2.8
1977-78	1,528	55,119	1,100	39,686	2.8
% INCREASE			63%	46%	

(1) 1973-74 to 1976-77: based on Consumer Price Indexes for Canada, all-items (not seasonally adjusted), 1973 = 100.

1977-78: assumes 8% growth in Consumer Price Index over 1976-77.

Source: Main Estimates, Canadian Penitentiary Service, OTTAWA

Prepared By: Information System and Statistics Division
Ministry of the Solicitor General
OTTAWA, December 1976

At last report, the C.P.S. Chaplaincy Division was comprised of 39 full-time Chaplains, 2 part-time Chaplains, 25 Visiting Chaplains, 14 Co-ordinating Chaplains, and 3 Nuns working as full-time assistants to Chaplains, bringing the total to 83⁽²⁷⁾. Of the 39 full-time Chaplains, about half are Roman Catholic and half Protestant. And the latter, aside from the major Protestant denominations, include representatives from such denominations as Pentecostal, Dutch Reform, Mennonite, and Church of the Way⁽²⁸⁾.

For denominations other than those represented by institutional Chaplains, provision is made for their Ministers to attend, on a voluntary and continuing basis, to conduct institutional services for these denominations or to visit individual inmates of his denomination at their request⁽²⁹⁾. Such Ministers would, however, be limited to those ordained in a member Church of the Canadian Council of Churches or the Canadian Catholic Conference⁽³⁰⁾.

In addition, for other religions, there is provision for the services of persons designated as Official Religious Visitors. These visitors may adhere to any Christian denomination or sect, or non-Christian, but must be certified by their religious authorities to minister to a congregation of their sect⁽³¹⁾. Such visiting privileges would be granted for the purpose of providing religious guidance, counselling, or education⁽³²⁾, or to otherwise participate in the religious program.

A Chapel Volunteer is a private citizen who, upon satisfactory completion of basic training and checking for personal suitability, undertakes one or several voluntary roles generally associated with the rehabilitation of an inmate. He or she may visit as a connection with outside society, aid in parole planning, act as a employment resource and, in general, provide human warmth and understanding. The Chapel Volunteer may be devoutly religious or may profess little or no religion at all. Maturity is emphasised over age, and about 40% are women. Members of all ethnic groups are welcome, especially persons who speak a language other than the two official languages⁽³³⁾.

Finally, on occasion members of the general penitentiary staff or the inmates themselves may be involved in delivering the religious program. In some instances, for example, a penitentiary staff member may belong to the same religious sect as an inmate and will minister to him in much the same way as an Official Religious Visitor. In others, inmates will have been trained to assume leadership in religious training and education, such as to conduct bible study sessions⁽³⁴⁾.

While the foregoing reflects the C.P.S. situation, it is also noteworthy that all nine provinces and territories that responded to a Human Rights Survey in 1974 indicated that provision is made to allow clergy or spiritual advisors of all faiths represented in the institutions population to visit the inmates who may wish it⁽³⁵⁾.

e) The Right to Manifest Religion or Belief in Public or Private, Particularly Including Freedom to Worship, Assemble, Teach, Disseminate and Learn

Having examined the diversity of the C.P.S. Religious Program, and of those persons who both lead and participate the various components, we move now to review the extent to which such programs ensure additional religious freedoms. Specifically: the freedom of worship, to assemble, and to establish and maintain places of worship and assembly; the freedom to teach, to disseminate and to learn particular religious beliefs, and also their language and sacred writings.

The Standard Minimum Rules have this to say relative to such freedoms:

42. "So far as practicable, every prisoner shall be allowed to satisfy the needs of his religious life by attending the services provided in the institution and having in his possession the books of religious observance and instruction of his denomination".

Protection is specifically provided for such freedom in the Canadian Criminal Code. Both the obstruction of officiating clergyman and the disturbance of religious worship are indictable offences⁽³⁶⁾.

The C.P.S. directs that its Religious Program shall contain provision for every inmate requesting such to obtain counselling, guidance, and training in his faith and to practice his religious duties and responsibilities⁽³⁷⁾. The agency further directs that inmates shall have religious freedom, both individually and in accordance with special requirements of a particular faith, and are entitled to receive religious literature, including tracts, upon request⁽³⁸⁾.

The duties of the Chaplain include the conducting of religious services, organizing discussion groups and conducting religious instruction periods, all towards the rehabilitation of inmates⁽³⁹⁾. Alternatively, these same activities can be undertaken by the part-time and voluntary personnel considered above, under the supervision of the appointed Chaplains⁽⁴⁰⁾.

The C.P.S. directs that religious services and religious educational activities shall be conducted on a regular basis, and that facilities shall be made available to Chaplains and approved visitors for religious counselling, instruction of inmates, religious education, and related activities⁽⁴¹⁾. Such is consistent with the aims of the Religious Program overall, especially the aim to provide religious libraries and chaplaincy centres for the conduct of worship services, religious education activities and related multi-purpose programmes⁽⁴²⁾.

To ensure that all materials are on hand to give practical effect to these freedoms is an undertaking that involves resources both within and outside the Canadian Penitentiary Service. The Service, for example, issues a 13 page Scales of Issues document⁽⁴³⁾ which comprehensively itemizes supply items to Protestant and Roman Catholic Chaplains, covering such areas as clothing and personal issue, and Chapel and Vestry furnishings. In addition, each main institution has a budget of some \$6,000 for purposes of obtaining supplies at the discretion of Chaplain, to support the entire range of the religious program activity.

A wide range of outside religious organizations include penitentiary inmates within their materials outreach, in both official languages. A wide variety of Bible correspondence courses, and scriptural materials generally enters the institutions from such sources as the Moody Bible Institute, the Gideons, the Canadian Catholic Conference and the Canadian Bible Society.

While each main institution has a budget of about \$600 for the purchasing of these supplies, some literature is distributed gratis. The Canadian Bible Society, for example, has a special order form which enables a Chaplain to request a Canadian Bible Society Grant to cover the supply if local funds are not available. The effectiveness of this particular ministry is reflected in the flow of materials from headquarters alone during the past five years: 700 Bibles, 11,500 New Testaments, 3,500 portions of Gospels, and some 5,000 Selections⁽⁴⁴⁾.

Provincial correctional institutions report similar circumstances. For example, all 9 provinces and territories responding to the aforementioned Human Rights Survey, reported that inmates were permitted to receive any and all religious literature that may be transmitted through the mails.

f) The Right to Observe the Rites and Customs of Particular Religions or Beliefs

Inextricably woven to the right to manifest religion or belief is the right to observe the related rites and customs. Considered here are the rights to: observe prescribed dietary practices; adopt prescribed styles of dress and personal appearance; to make pilgrimages to sites held in veneration; to have prescribed marriage rites performed; to observe Holy Days; and to know that, upon death, all matters effecting burial customs will be observed.

Both the C.P.S. Directives on the Religion Program are silent on the matter of special diets prescribed by religion or belief. There is, however, a Divisional Instruction under the Supplies and Services Division that specifies Religious Dietary Procedures, issued in 1972⁽⁴⁵⁾.

In general, while making the point that no legal obligation exists to comply with religious dietary practices, the following provisions will apply according to the Directive: "no-pork" diets will continue in special cases; no special kitchen facilities or utensils will be allowed; individual knife, fork and spoon may be issued and retained under certain conditions; additional food items may be provided to Jewish inmates at High Holidays and Festivals; and, under prescribed conditions, kosher meat diets may be arranged.

In the above mentioned Human Rights Survey, most institutions (both Federal and Provincial) stated that they made provision for "no-pork diets" or "diets for the Jewish faith". There were no specific provisions, however, for the dietary concerns of other religious faiths. In addition, a few institutions stated that they made no provision at all for religious dietary laws⁽⁴⁶⁾.

In the C.P.S. it is reported that, beyond the provisions of the Directive, special diets other than Jewish - such as Buddhist - are respected, although they are difficult to administer⁽⁴⁷⁾.

A related administrative problem is created by observance of styles of dress and personal appearance prescribed by religion. These include the wearing of turbans by Sikhs, of beards by Quakers, and of a left ear-ring by Rasafarians. The reported practice within the C.P.S. is to first verify that the inmate concerned is a bona fide member of the religion by checking with outside sources. The merits of the individual situation are then assessed and, in a significant number of instances, it is reportedly found possible to accommodate the request⁽⁴⁸⁾.

Pilgrimages to overseas locations clearly fall beyond the scope of the present discussion. The name of the C.P.S. Religion program is, however, to provide community contacts for inmates through the provision of religious visitors, and where possible, attendance by inmates at community churches. Indeed, provision will be made for a mission, retreat, seminar or workshop on an annual basis or when required⁽⁴⁹⁾.

With regard to Holy Days, the C.P.S. directs that regular services shall be held on Sundays and/or on weekdays, Religious Festivals and Holy Days in accordance with ecclesiastical requirements. In addition, with the approval of the Institutional Director, special ecumenical or family services may be held⁽⁵⁰⁾.

Similar provisions are set forth in some provinces and territories. For example, the Northwest Territories provide that no inmate shall be assigned any unnecessary work on a recognized day of his religious observance, and that no activities shall have precedence over the divine service⁽⁵¹⁾.

As the Human Rights survey indicated, however, some concern has been expressed that the inmate's right of religious observance (such as attendance at religious ceremonies) should not be removed while he is segregated⁽⁵²⁾.

Matrimony and Sacraments to the Sick and Dying among those for which the C.P.S. directs that administration should be arranged and approved. These and other ministrations of the church are to be arranged according to the traditions of the denominations concerned⁽⁵³⁾.

Marriages may be solemnized within the institution providing certain pre-requisites are first met: consultation by the inmate with the Chaplain and the Assistant Director, Socialization; receipt of a favourable community report; receipt of advice from the provincial Attorney General that the marriage will not interfere with, or prejudice the administration of Justice; and approval by the Institutional Director that the marriage may take place in the institution⁽⁵⁴⁾. However, since marriage is a civil contract, and, therefore under provincial authority, the Institution Director has no authority to say whether or not the actual marriage itself may take place.

Alternatively, should an inmate wish to be released on temporary absence to the community for purposes of marrying, the above type inquiries and approvals are again sought, and it remains the Institution Director's prerogative to decide whether or not the inmate shall be so released. However, the withholding of such approval would not,

in itself, void a marriage should it, through some set of circumstances, come about in any event.

Notwithstanding the foregoing, the C.P.S. Directives are silent with respect to any assurance that the marriage rites involved will be performed in accordance with the prescriptions of the inmate's religion or belief.

The C.P.S. directs that sacraments of the Sick and the Dying shall be arranged as circumstance necessitate⁽⁵⁵⁾. Upon death, it is the Chaplain who is responsible either directly or indirectly for notification of next-of-kin⁽⁵⁶⁾, and implied is that they will claim the body of the deceased. In these circumstances, it would be incumbent upon the next-of-kin to determine that burial is in accordance with the faith of the deceased.

In the alternative - when the deceased inmate's body is unclaimed - the C.P.S. directs that a burial service shall be conducted in accordance with the faith of the deceased⁽⁵⁷⁾.

g) The Right to Communicate With and Visit Co-religionists and Believers, Whether Individual or Organizations

Communication with co-religionists - be they Chaplains, outside ministers, official religious visitors, volunteers or fellow inmates - is discussed at length above in the context of worship and the various religious activities, as well as during retreats and similar missions.

Special word is appropriate, however, regarding the contact of inmates with co-religionists in the community. It is an aim of the C.P.S. Religion Program to be involved with inmate families in the community during and after incarceration⁽⁵⁸⁾. On Temporary Absences, for example, such contacts may lead to the inmate worshipping at his family church in the community. Alternatively, inmates have witnessed in the community and, indeed, in juvenile institutions with respect to their faith, and given testimonies concerning its relationship to their overcoming their own anti-social attitudes and actions⁽⁵⁹⁾.

Further, communication with co-religionists is manifest in the privately operated Community-Based Residential Centres (CRC's) where inmates are often resident during initial release to the community or, in some instances, in later periods of their re-adjustment in the community either under the supervision of parole or mandatory supervision, or upon completion of sentence.

Of the 218 CRC's in Canada, 68 or 31% are sponsored or co-sponsored by religious organizations⁽⁶⁰⁾. Table 5 indicates the nature of such sponsorship and the proportion of these CRC's in which spiritual guidance is provided: 68% of the total.

Direct spiritual guidance will also be available to paroled inmates and those under mandatory supervision where supervision is provided by a religious organization. For example, at the end of 1975, the Salvation Army was supervising 9 cases of Day Parole, 68 of Full Parole, and 44 on Mandatory Supervision. In addition, the Catholic Welfare Bureau was supervising a case of Full Parole⁽⁶¹⁾.

A pilot study is also underway in Toronto in the use of a full-time C.P.S. Community Chaplain to assist ex-inmates on the street. As a resource person to the inmate under community supervision and to his family, the Community Chaplain complements the services of parole officers, and forms a valuable link with the community's churches in order to mobilize their full rehabilitative potential. Upon integration of the C.P.S. and the National Parole Service, community chaplains would work under the aegis of the thus formed Federal Corrections Agency.

h) The Right to Decline to Take an Oath of a Religious Nature Contrary to Convictions

The Canada Evidence Act provides for such a right in the following terms:

14. (1) Where a person called or desiring to give evidence objects, on grounds of conscientious scruples, to take an oath, or is objected to as incompetent to take an oath, such person may make the following affirmation:

I solemnly affirm that the evidence to be given by me shall be the truth, the whole truth, and nothing but the truth.

- (2) Upon the person making such solemn affirmation, his evidence shall be taken and have the same effect as if taken under oath⁽⁶³⁾.

TABLE 5

PROVISION OF SPIRITUAL GUIDANCE IN RELIGIOUSLY SPONSORED COMMUNITY-BASED RESIDENTIAL CENTRES,
CANADA, 1975

Sponsorship	Spiritual Guidance*		Not Provided		Total	
	Provided No.	Hor. %**	No.	Hor. %**	No.	%
ANGLICAN	-	-	2	100	2	100
ANGLICAN & UNITED	-	-	1	100	1	100
MENNONITE	-	-	1	100	1	100
PENTECOSTAL	1	100	-	-	1	100
PRIVATE INDIVIDUAL OR GROUP	6	66	3	33	9	100
ROMAN CATHOLIC	-	-	7	100	7	100
SALVATION ARMY	38	97	1	3	39	100
SALVATION ARMY WITH GOVERNMENT	-	-	1	100	1	100
UNITED CHURCH	-	-	3	100	3	100
UNITED CHURCH WITH GOVERNMENT	-	-	1	100	1	100
OTHER	1	33	2	66	3	100
TOTAL	46	68	22	32	68	100

* As reflected in the Objectives and/or Program of each Residential Centre cited in the Source.

** Horizontal %

Source: Canada, Solicitor General, Directory of Community-Based Residential Centres in Canada, 1975.

Prepared By: Information Systems and Statistics Division
Ministry of the Solicitor General
OTTAWA, December, 1976

i) The Parental Right to Decide Upon the Religion or Belief in Which a Child Should be Brought Up

In the correctional context, the parental right to determine and sustain a child's religion is respected in the general provision contained in provincial Child Welfare legislation that, where a child comes into Care following an adjudication of juvenile delinquency, such a child will be placed in a setting compatible with his religion. Where a foster home placement is involved, this would be either Roman Catholic or Protestant as the case may be, and other religions would be respected to the extent possible. Similarly, where placement is in a juvenile training school or some other institutional setting is involved, such an institution would either be solely for Roman Catholic or Protestant children or, alternatively, provision would be made in a single institution for children of both religions.

In federal legislation, the Juvenile Delinquents Act contains provisions similar to the foregoing providing that the religion of a child is to be respected, where process is under the Act⁽⁶⁴⁾. Similarly, the Prisons and Reformatories Act contains parallel provisions covering the five provincial reformatory institutions to which the Act refers⁽⁶⁵⁾.

j) The Right of Religious Groups, in Association with Similar Groups, to Form Territorial Federations on an International, National, Regional or Local Basis

The advanced state of ecumenicalism in the federal Chaplaincy Service is seen by Rev. John A. Nickels, its first Chaplain General, as a principal reason for its effectiveness. Active in the prison chaplaincy since 1962, Rev. Nickels has observed significant progress in development of a team approach among the chaplaincy staff of different denominations. On the international front, he has also assumed a leadership role in the creation of the North American Senior Chaplain's Association and is, in fact, its present President.

There also exists the Canadian Correctional Chaplain's Association, bringing together Chaplains from federal and provincial correctional jurisdictions. In addition to considering matters of mutual interest, the Association has been effective in submitting briefs to a number of Committees of Enquiry making recommendations on the future of Canadian Corrections⁽⁶⁶⁾.

k) The Right of Religious Groups to Train Ministers and Teachers in the Performance of Practices and Rites

The C.P.S. has given considerable study to the training program for Chaplains in the correctional field, and has established and staffed the position of Staff Training Chaplain at Headquarters to assume specific leadership in this area. Six week, introductory, clinical, pastoral, and educational courses have been held for Chaplains and community clergy in the past⁽⁶⁷⁾, and similar courses are planned for the future.

The Inter-Faith Committee also acts as a consultant regarding new developments in the churches respecting training, among other areas⁽⁶⁸⁾. In consultation with the Committee, Chaplains working in the field as well as other qualified, experienced chaplains have taken specialized training⁽⁶⁹⁾. Training reports have been prepared, especially concerning the Chaplain/Volunteer interface⁽⁷⁰⁾.

l) The Right of the State to Recognize a Religion or Belief

In Canadian Corrections, the existence of religious organizations has been long recognized by the federal government and by the provinces. For example, the Salvation Army has contributed to the development of federal corrections since 1880 through the provision of counselling within the institutions and parole supervision in the outside community. The scope and nature of current contributions to correctional jurisdictions, at both federal and provincial levels, are depicted in Table 6.

Since 1971, there has been tangible recognition by the Government of Canada in payment for correctional services rendered, by private organizations both religious and non-religious in nature.

TABLE 6

CORRECTIONAL SERVICES BY SALVATION ARMY, CANADA, 1975

<u>Prison Visitation:</u>	Number of Centres	-	138
	Prisoners visited - men	-	60,048
	women	-	4,292
	Number helped on discharge	-	7,298
<u>In Prisons:</u>	Meetings held	-	2,932
	Spiritual help given	-	4,906
<u>Police Court Work:</u>	Number of centres	-	71
	Cases assisted - men	-	96,725
	women	-	11,376
	Homes visited	-	8,332
	Visits to prisons and police courts	-	21,344
	Services held in prisons and Penitentiaries	-	3,743
	No. of men and women restored to homes, former employment, or for whom employment was found	-	1,445
	Beds and meals supplied free	-	11,253
	Periodicals distributed	-	118,234
	Persons given assistance	-	123,731
<u>SALVATION ARMY INSTITUTIONS</u>			
	Capacity	-	870
	No. of facilities	-	11
	No. of persons received	-	1,085
	No. of meals served	-	246,902
	No. successfully rehabilitated	-	401
	No. of services held	-	1,036

Source: Captain Mel Bond,
Public Relations Officer,
The Salvation Army, Ottawa

Prepared by: Information Systems & Statistics Division,
Ministry of the Solicitor General,
Ottawa, Ontario
January, 1977

For example, the National Parole Service (N.P.S.) has negotiated contractual agreements with after-care agencies which provide for the payment of \$73.00 for each community assessment completed according to specification, and \$60.00 for each paroled person for each month or portion of a month of parole supervision⁽⁷¹⁾. Similar arrangements are in force between after-care agencies and the C.P.S. for provision of institutionally-oriented services.

Perhaps the most significant recent correctional innovation is the development of the network of Community-based Residential Centres which, as discussed above, has included a number sponsored or co-sponsored by a variety of religious organizations.

Where such sponsors are non-profit organizations, and adhere to other established standards⁽⁷²⁾, contractual agreements can be entered into with the Government of Canada. Such agreements provide for payment, at a per diem rate, to cover the cost of residents placed in the CRC's by the C.P.S. or N.P.S. while on parole or on temporary absence. The present rate is \$16.00 per person per day, in respect of services provided in accordance with the provisions of the agreement⁽⁷³⁾.

Table 7 indicates that 49% of CRC's having such contracts with the federal government, through the Ministry of the Solicitor General, are sponsored by religious organizations. It is noteworthy that such contracts cover all Salvation Army Residences in Canada⁽⁷⁴⁾.

The churches have also made useful contributions to the development of corrections policy overall through the submission of briefs to Committees of Enquiry. For example, seven religious organizations presented briefs to the Canadian Committee on Corrections appointed in 1968 "to study the broad field of corrections, in its widest sense and to recommend... what changes, if any, should be made in the law and practice relating to these matters"⁽⁷⁵⁾.

Certain special initiatives by religious organizations have also been tangibly recognized by the Government of Canada. For example, the Church Council on Justice and Corrections recently launched a National Community Education Program entitled "Alternatives" to assist churches to minister in the area of justice and corrections. The Council, sponsored by eleven national churches, received a grant of \$20,000 from the federal Ministry of the Solicitor General in partial support of this enterprise⁽⁷⁶⁾.

TABLE 7

CENTRES HAVING CONTRACTS WITH MINISTRY OF THE SOLICITOR GENERAL OF CANADA FOR THE PROVISION OF RESIDENTIAL SERVICES FOR PERSONS ON PAROLE, MANDATORY SUPERVISION AND TEMPORARY ABSENCE, 1975-76.

Type of Sponsoring Organization	No.	%
RELIGIOUS	43	49
NON-RELIGIOUS	44	51
TOTAL	87	100

Source: Canada, Solicitor General,
Directory of Community-Based Residential
Centres in Canada, 1975

Prepared By: Information Systems and Statistics Division
Ministry of the Solicitor General
OTTAWA, December 1976

REFERENCE NOTES

(Asterisks indicate items for which original copies are available to the Canadian Delegation)

- (1) Canadian Bill of Rights, 8-9 Elizabeth II, c.44 (Canada), Assented to 10th August, 1960.
- (2) For a more detailed treatment of such mechanisms see:

Solicitor General Canada, Measures Taken in Canada to Intervene When Attacks on Human Dignity are Reported, (Ottawa, June, 1976)
- (3) Especially:

United Nations, Economic and Social Council, Draft Declaration on the Elimination of all Forms of Religious Intolerance, Working Paper prepared by the Secretariat, (Document E/CN.4/1145, 5 December, 1973)
- (4) U.N. Document A/CONF/6/1, Annex 1A
- (5) There are two such Rules, which will be identified later in the Report in context.
- (6) The Concise Oxford Dictionary of Current English, Fifth Edition, Oxford, 1964
- (7) See Report of Working Group Set-up by the Commission on Human Rights at its Twentieth Session, in document E/CN.4/1145, at page 11
- (8) The Revised Statutes of Canada concerned are:

Bank Act
Québec Savings Banks Act
Canada Pension Plan
Canadian Bill of Rights
Canada Corporations Act
Canada Business Corporations Act
Criminal Code
Canada Elections Act
Expropriation Act
Government Annuities Act
Immigration Act

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- (8) Income Tax Act
Indian Act
Canadian and British Insurance Companies Act
Foreign Insurance Companies Act
Juvenile Delinquents Act
Canada Labour Code
Municipal Grants Act
Post Office Act
Prisons and Reformatories Act
Public Service Employment Act
Public Service Staff Relations Act
Railway Act
Small Business Loans Act
Unemployment Insurance Act
Veteran's Land Act

* (9) Commissioner's Directive No. 223, section 3(a).

(10) Verbal advice received from Rev. John A. Nickels
Chaplain General, Canadian Penitentiary Service,
in December, 1976.

(11) As at September 25, 1976 the Committee's Composition
was as follows:

1 representative each: Apostolic Church of Pentecost
of Canada, Baptist Federation of Canada, Canadian
Correctional Chaplain's Association, Canadian Council
of Churches, Christian and Missionary Alliance, Church
Council on Justice and Corrections, Jewish, Lutheran
Council in Canada, Pentecostal Assemblies of Canada,
Presbyterian Church in Canada, Salvation Army, and the
Chaplain General;

2 representatives each: Anglican Church of Canada,
United Church of Canada;

5 representatives each: Roman Catholic (Canadian
Catholic Conference - 3 French, 2 English).

(12) Section 12 of the Public Service Employment Act reads,
in part, as follows:

12. (1) The Commission may, in determining pursuant to
section 10 the basis of assessment of merit in relation to
any position or class of positions, prescribe selection
standards as to education, knowledge, experience, language,
residence or any other matters that, in the opinion of the

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(12) Commission, are necessary or desirable having regard to the nature of the duties to be performed, but any such selection standards shall not be inconsistent with any classification standard prescribed pursuant to the Financial Administration Act for that position or any position in that class.

(2) The Commission, in prescribing or applying selection standards under subsection (1), shall not discriminate against any person by reason of sex, race, national origin, colour, marital status or age.

- * (13) Commissioner's Directive No. 223, section 4.
- * (14) C.P.S. Divisional Instruction No. 1301, sections 5 and 7.
- (15) Ordinances of the Yukon Territory, 1973 (First Session), Chapter 2, Corrections Ordinance, section 30 (2).
- (16) Corrections Ordinance and Regulations, North West Territories, effective May 1, 1973.
- * (17) Canadian Penitentiary Service Divisional Instruction No. 1301, section 7(6).
- * (18) Some Questions Answered, p. 3, in Canadian Penitentiary Service, "Whom Shall We Send?".
- (19) Verbal advice from Rev. John A. Nickels, Chaplain General, CPS, December 1976.
- * (20) Canadian Penitentiary Service Divisional Instruction No. 1301, section 7(c).
- (21) Criminal Code of Canada, section 260
- (22) Criminal Code of Canada, section 281.1
- (23) Criminal Code of Canada, section 281.2
- (24) Canada, Annual Reports of the Correctional Investigator, 1973-74 and 1974-75, and verbal advice from the Office of the Correctional Investigator, December 1976.
- (25) Robichaud, Jean Marie; Steinhauser, Mary; and Luciani, Fred; Analysis of Programs in Federal Corrections, Solicitor General Canada, Ministry Secretariat (Ottawa, 1976).

- * (26) Canadian Penitentiary Service, Commissioner's Directive No. 223, section 4(b) (1).
- (27) Canada, Solicitor General, Annual Report 1974-75, p. 38
- (28) Verbal advice received from Rev. Paul Crosby, Training Chaplain, CPS.
- * (29) Canadian Penitentiary Service, Commissioner's Directive No. 223, section 4 (b) (2)
- * (30) Canadian Penitentiary Service, Divisional Instruction No. 1301, section 3(a)
- * (31) Canadian Penitentiary Service, Divisional Instruction No. 1301, section 3(b)
- * (32) Canadian Penitentiary Service, Commissioner's Directive No. 223, section 4 (d)
- * (33) Canadian Penitentiary Service, "Whom Shall We Send?" orientation kit for potential Chapel Volunteers.
- (34) Verbal advice received from Rev. Paul Crosby, Training Chaplain, CPS
- (35) Human Rights Questionnaire administered under the aegis of the Continuing Committee of Deputy Ministers of Corrections, in 1975.
- (36) Section 172 of the Criminal Code (R.S.C, chapters C-34)
- * (37) Canadian Penitentiary Service, Commissioner's Directive No. 223, section 4(a) (2)
- * (38) Canadian Penitentiary Service, Divisional Instruction No. 1301, section 8
- * (39) As specified in a typical competition poster (Competition No. 76-CPS-OC-213)
- * (40) Canadian Penitentiary Service, Divisional Instruction No. 1301, section 5
- * (41) Canadian Penitentiary Service, Commissioner's Directive No. 223, section 4(c)

- * (42) Canadian Penitentiary Service, Divisional Instruction No. 1301, section 4 (c)
- * (43) Canadian Penitentiary Service, Chaplaincy Services, Scales of Issue, Annex "A" to Divisional Instruction No. 1301, dated June 10, 1976
- (44) Verbal advice from Rev. Howard G. Zurbrigg, Scripture Production, Supply and Distribution, Canadian Bible Society, December, 1976
- * (45) Canadian Penitentiary Service, Divisional Instruction No. 665, Inmate Rations - Religious Dietary Procedures
- (46) Verbatim extract from informal overview of survey results written by Mr. Larry Cohen.
- (47) Verbal advice from Rev. John A. Nickels, Chaplain General, CPS, December 1976
- (48) loc. cit.
- * (49) Canadian Penitentiary Service, Divisional Instruction No. 1301, section 4(c) and section 10
- * (50) Canadian Penitentiary Service, Divisional Instruction No. 1301, section 9 and section 11
- * (51) North West Territories, Corrections Ordinance and Regulations, May 1, 1973
- (52) Verbatim extract from informal overview of survey results written by Mr. Larry Cohen
- * (53) Canadian Penitentiary Service, Commissioner's Directive No. 223, section 4(c) (3)
- * (54) Canadian Penitentiary Service, Divisional Instruction No. 1301, section 12(c)
- * (55) Canadian Penitentiary Service, Divisional Instruction No. 1301, section 12(b)
- * (56) Canadian Penitentiary Service, Divisional Instruction No. 1301, section 14
- * (57) Canadian Penitentiary Service, Divisional Instruction No. 1301, section 14(e)

- * (58) Canadian Penitentiary Service, Divisional Instruction No. 1301, section 4(d)
- (59) Verbal advice from Rev. John A. Nickels, Chaplain General, CPS
- (60) Derived from content of Canada, Solicitor General, Directory of Community-Based Residential Centres in Canada, 1975
- (61) Figures provided by Planning and Research Division, National Parole Service
- (62) Verbal advice from Rev. John A. Nickels, Chaplain General, CPS, December 1976
- (63) Revised Statutes of Canada, Chapter E-10
- (64) Revised Statutes of Canada, Chapter J-3, section 23
- (65) Revised Statutes of Canada, Chapter P-21, section 70
- (66) For example, to the Canadian Committee on Corrections, in 1968
- (67) Canada, Solicitor General, Annual Report, 1974-75, p. 38
- * (68) Constitution of the Inter-Faith Committee, section III (3)
- (69) Canada, Solicitor General, Annual Report 1974-75, p.38
- * (70) Nash, Rev. R. Chaplain/Volunteer Study Report, Canadian Penitentiary Service, Chaplaincy Division, (Kingston, 1975)
- * (71) Standard-form Memorandum of Agreement, for provision of community assessments and parole supervision services, p.3
- * (72) National Parole Service, Proposed Guidelines for the Use of Community-Based Residential Centres.
- * (73) Standard-form Memorandum of Agreement for Community-Based Residential Centre Services, p.2

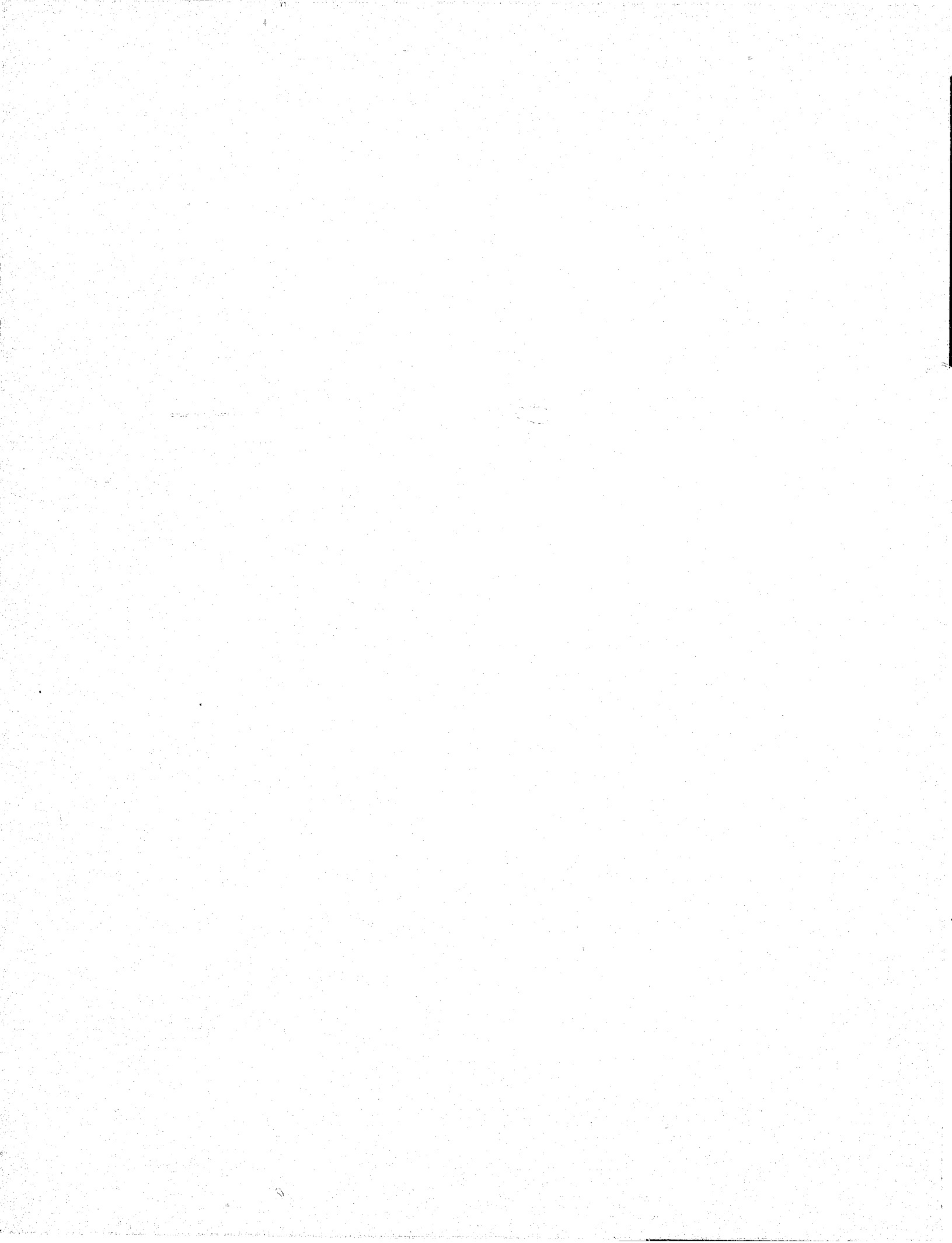
(74) Statement by Mr. Louis Zeitoun, Director of Community Resources, National Parole Service, dated July 12, 1976, and contained in A List of Community-Based Residential Centres which Have Contracts with the Ministry for 1976-77

(75) See Appendix C to Report of the Canadian Committee on Corrections (Ottawa, 1969). The seven briefs were received from:

- Anglican Church of Canada
- Baptist Convention of Ontario and Quebec
- Diocese of Toronto
- Inter-Church Committee for Community Service (Ottawa)
- Presbyterian Church in Canada (two briefs)
- Salvation Army

* (76) The program is embodied in a package of materials entitled "Alternatives - A Program of Community Involvement". The content of this package indicates the sponsoring churches as:

- Anglican Church of Canada
- Baptist Federation of Canada
- Canadian Catholic Conference
- Greek Orthodox Diocese of Canada
- Lutheran Council in Canada
- Mennonite Central Committee (Canada)
- Presbyterian Church in Canada
- Religious Society of Friends
- Salvation Army
- United Church of Canada



END