



February 18, 1976

Miss Marcia Braundy,  
Chairperson,  
Kootenay Women's Council,  
Box 1200,  
Castlegar, B.C.

Dear Miss Braundy:

Thank you for your letter of January 12 asking a number of questions and requesting action in respect of various matters affecting the status of women.

In reply to the questions raised in your letter, I might mention initially that inquiries relating to citizenship should be addressed to the Secretary of State for Canada and that pensions, for the most part, come within the jurisdiction of the Minister of National Health and Welfare. You refer in particular to Bill C-52. This Bill was a Superannuation Bill applicable to persons employed in the public service, the armed forces and the R.C.M.P. and to other persons whose salaries are paid by the federal government. It came into force on December 20, 1975.

So far as rape is concerned, Bill C-71 amends the Criminal Code to provide additional protection for rape victims. The Bill removes the requirement that a judge warn the jury of the danger of convicting the accused if the complainant's testimony is not corroborated. This amendment will ensure that the same standards of proof will be applied in sexual offences as are applied in other criminal offences. The amendments to the Code also limit the right of defence counsel to examine a victim as to her previous sexual experience. The Bill permits the judge to exclude the

public from trials relating to sexual offences, enables the judge to make an order prohibiting publication of the identity of a complainant and permits the judge to change the place of trial where it appears expedient to the ends of justice. These amendments are designed to minimize the embarrassment a rape victim may feel and to encourage the reporting of rapes. However, the rights of the accused must be protected and the amendments have been framed with this in mind. Bill C-71 was passed by the House of Commons January 27 and it is hoped that it will be approved by the Senate and come into effect before the end of February.

In your letter you refer to the expression "of previous chaste character". This expression is used in the Criminal Code principally in connection with offences relating to seduction. The provisions of the Code relating to seduction are now being considered with a view to their amendment.

As to your comments respecting Bill C-72, I can only reply that the proposed legislation was prepared on the advice of persons who have had extensive experience in anti-discrimination matters. It represents an important step forward towards the protection of human rights within the federal areas of jurisdiction. To suggest that the Bill is of no use is to suggest that no action is better than some progress. While the Human Rights Bill may not be as broad as some people would hope, it provides a sound base for the protection of human rights that can be re-examined as social demands change and develop.

Miss E. I. MacDonald, Special Advisor on the Status of Women and Family Relations of this Department has recently written an article for the McGill Law Journal entitled "The Role of the Federal Government as Regards the Status of Women". In this article, which is now at the printers, Miss MacDonald describes the problems inherent in obtaining legislative change with particular reference to legislation affecting the status of women. I think you may be interested in reading the article and accordingly I have asked her to send you a copy of it when it arrives here.

Yours sincerely,

  
Ron Basford.