

*Capital Punishment*

sentences to life imprisonment according to the merits of each case.

In 1976, when it was faced with the arduous task of reviewing ten death sentences, and in a strong position because of the knowledge it had gained over the years through the study of death penalty cases, the government of the day came to the conclusion that the law was indeed prescribing a cruel and barbarous punishment which stood in the way of a new approach and of legislative and operational amendments likely to guarantee a better protection for society. Neither the judges nor the jurors would voice their opinion on the sentence since all they were required to do under the law was to decide whether the accused was guilty or not guilty. The sentence is spelled out in the law.

Mr. Speaker, the parliamentary decision to do away with the death penalty was not taken on the spur of the moment. Briefly, here are some of the major aspects which the parliamentarians had in mind. First, the only rational justification for the death penalty would be evidence that it is indeed a deterrent against murder. Such evidence cannot be deduced from the figures that have been gathered thus far. That is why repeating the action of killing can only contribute to the violence which our society is trying to prevent through every kind of alternate legislative and civic measures. Indeed, the mere fact that a sentence is even more likely to be handed down is one of the most effective deterrents against any kind of criminal action, even murder. Jurors are more inclined to come up with a verdict of guilty when they know that the sentence will not automatically call for capital punishment.

For that reason, the death penalty had seriously undermined the probability of a sentence, which is essential for the effective application of a deterrent measure. Besides, studies have shown that, as a rule, in those countries or states where the death penalty has been abolished there has not been an abnormal increase in the number of murders. Nor did the reinstatement of capital punishment significantly contribute to lower the murder rate. Proof positive is that our American neighbours have a criminal code which is applied differently in 51 states.

● (1630)

Furthermore, the number of police officers or prison guards who are murdered fluctuates greatly from year to year. Therefore, there is no connection whatsoever between this type of murder and the death penalty. In fact, experience in Britain shows that the abolition of capital punishment has had no effect on the murder rate of police officers. The abolition of capital punishment was but one of the reforms the government undertook with a view to protect society more adequately and remedy the problem of violent crimes. Because they were completely revamped, the firearms provisions contained in the Criminal Code are now better suited to meeting the needs of police forces and the public in that they prohibit the dangerous

and criminal use of firearms. To ensure that criminals are convicted and placed under custody in detention centres, the government has set strict sentences for murder. For instance, premeditated murder, including murders committed by hired killers, is considered first degree murder and leads to a 25-year prison term before which time the National Parole Board will not consider granting parole. The killing of police officers and prison staff is also considered first degree murder. Let us take for example the case of someone who commits such a crime at age 20. His sentence could not be reduced nor could parole be considered before he has reached the age of 45. That means, Mr. Speaker, that the accused would spend more than half his adult life in prison, based on life expectancy in Canada today. I believe, Mr. Speaker, that such a sentence is much more civilized albeit very strict.

I have met inmates in some of our federal penitentiaries who are serving a 25-year prison term, and let me tell you that they are experiencing terrible mortal distress which I found absolutely wrenching. If this House, by a motion other than the one now before us, proposed to reconsider this 25-year sentence with a view to shortening it to a more human scale, I would be the first to support it.

Individuals guilty of a second degree murder are not eligible for parole until they have served a 10-year jail sentence. Once again, Mr. Speaker, since most murderers are generally young, it means that they will spend a good part of their adulthood in prison.

Those strict provisions will establish a system whereby the criminal will have to bear the brunt of the law and suffer the rejection of society. The courts can now impose a jail sentence for an indefinite period on dangerous delinquents who are likely to wound or harm other people, because they may be unable to control their feelings. I think of some individuals, Mr. Speaker, who could be described as mentally ill but who are really dangerous criminals and about whom it is quite difficult to determine whether they might again resort to violence.

The adoption by Canada of more sensible and effective measures to control violent crimes is in keeping with a worldwide movement. I would like to remind my colleague opposite, who a while ago referred to countries such as France, that in a special interview granted by government officials at the Élysée Palace, the new President of the French Republic, Mr. François Mitterrand, publicly stated that he was against capital punishment and that when in office, he would act in a way consistent with his view on this matter.

Moreover, Mr. Speaker, I can say that the President of the Republic intends to introduce a bill in the French National Assembly in the fall to repeal capital punishment. The spokesman for Mr. Mitterrand's government said he felt that justice must constantly be concerned with the fight against crime but that, for his part, he could not accept a justice that kills. To