

*Criminal Code*

an offence more limited in scope than assault and battery. It applies only to torture that is intentionally inflicted by officials, that inflicts severe pain or suffering and that is inflicted upon the victim for a purpose or for any reason based on discrimination of any kind. Since Canada has agreed to extradite torturers and, in certain cases, to institute proceedings against them, it is important that such extraditions and proceedings be aimed at the offenses defined by the Convention and be consistent with our international commitments, without however exceeding them. The best way to achieve this is to define a new offense, torture, rather than deal with aggravated assault, an offense wider in scope whose definition is not as narrow as that of torture under the Convention.

Second, we must define a new offense because current provisions dealing with assaults do not apply adequately to the notion of purely and simply inflicting mental pain or suffering, in the absence of violence, or if the acts inflicting the mental pain or suffering are not otherwise illegal.

Third, we must define a new offense because the current legislation would not apply in the case of civil servants who would take an action otherwise lawful, for instance, the lawful imprisonment or interrogation by the police for the purpose of obtaining information from a person, for punishing this person, for intimidating or coercing the person or for any reason based on discrimination of any kind during which these persons would inflict severe mental pain or suffering.

I should like to emphasize that the definition of torture both in the Convention and the Bill applies only to an act causing severe physical pain or suffering, which is intentionally inflicted on a person. Therefore, under this Bill, a great many lawful police or non criminal activities which could unfortunately or inadvertently cause to a suspect or prisoner some degree of normal anxiety will not be deemed to be crimes.

● (1520)

[English]

In addition, the Bill, in accordance with the terms of the convention, also excludes pain or suffering arising only from, inherent in, or incidental to, lawful sanctions. In light of the history of the convention and other international instruments in the human rights area, I think it is safe to say that this exclusion shall be interpreted generally in accordance with international law and standards.

[Translation]

Fourth, for Canadian officials the creation of this new and specific offence of torture will have an educational dimension.

Pursuant to the convention, the Bill provides that it is no defence to a charge of torture that the accused executed the orders of a superior, or that the acts of torture were carried out in such exceptional circumstances as a state of war, political instability, or any other public emergency.

Again pursuant to the convention, the Bill provides that any statement obtained as a result of the commission of an act of

torture would be inadmissible in evidence in any proceedings over which Parliament has jurisdiction, except as evidence that the statement was so obtained.

The measure would enable Canada to take legal action against an alleged torturer in the following cases: the act is committed in Canada, on a Canadian aircraft or ship, the accused or victim is a Canadian citizen, or the accused is, after the commission of the act of torture, present in Canada.

With the foregoing in mind, Mr. Speaker, I think it is obvious that this Bill deserves the support of the House since it flows from Canada's commitment to eliminate torture. Canada signed the convention with the agreement of all provincial governments, for they endorse principles. They have expressed their willingness to take any measure required to implement the convention. Were Canada to ratify the convention at the earliest opportunity, we would be able to sit on the new international committee to be struck under the terms of the convention.

Mr. Speaker, I urge Hon. Members to support the adoption of this Bill.

[English]

**Mr. Roland de Corneille (Eglinton—Lawrence):** Mr. Speaker, as the Liberal critic on human rights and also as a member of the Standing Committee on Human Rights, I recently had the privilege to be an observer with the Canadian delegation at meetings of the Human Rights Commission in Geneva. One of the major concerns of that commission, a concern which has been on the agenda as one of its top priorities, has been to try to eradicate the gruesome practice of torture which unfortunately exists in all too many countries. We in Canada have tried to give leadership, as the Hon. Member who just spoke pointed out, over many years with respect to human rights legislation. Certainly we were one of the first countries to sign the international human rights covenants. We have signed many of the covenants promulgated by the UN. In fact, the Canadian delegation has played a leading role in trying to make sure that these international covenants are signed and ratified by various countries, and that there is an enforcement mechanism such as the optional protocol of the international human rights covenants. Our ultimate goal is that all countries in the world would ratify and abide by these various covenants.

● (1530)

By passing Bill C-28 we will fulfil our commitments and the ideals which we have given leadership to on the international scene. Canada has participated in discussion and preparation of documents in Geneva. An important speech was given in Geneva by Mr. Kurt Herndl on February 2. As the Assistant Secretary-General for Human Rights on the occasion of the opening of the forty-third session of the Commission on Human Rights he said:

Therefore States have an obligation to see to it that their legislation does in fact correspond to international human rights laws.