

Government Orders

There are other groups that accused the government of breaking sections 7, 11 and 15 of the Charter of Rights and Freedoms, as well as numerous international conventions dealing with refugee treatment, torture, execution and war zones.

I do not have to quote the sections because they have already been quoted by people who know more about the law than I do, and the hon. member too, I might add.

Ms. Mary Clancy (Parliamentary Secretary to Minister of Citizenship and Immigration, Lib.): Madam Speaker, I am delighted to take part in third reading debate on Bill C-44.

I am sure the hon. member for Cariboo—Chilcotin who spoke before me will probably stay for some of my speech. I was very interested to hear the comments of the hon. member. I am still waiting to hear which sections of the Charter of Rights and Freedoms are violated, but I was particularly interested to hear him talk about the way people feel about politicians.

I was particularly interested in the comments of the hon. member for Medicine Hat who made a comment about politicians. I would really like to tell the member for Medicine Hat that like it or lump it the day he got elected he became a politician.

Mr. White (Fraser Valley West): A representative.

Ms. Clancy: We are all representatives, Madam Speaker, through you to that gentleman.

Mr. White (Fraser Valley West): Some better than others.

Ms. Clancy: I represent the people of Halifax and I have been re-elected.

Mr. White (Fraser Valley West): You won't be next time. That seat is gone.

Ms. Clancy: Wait and see.

At any rate, the member for Cariboo—Chilcotin talked about this and I would like to say it is interesting that he used that against a government with a Prime Minister who enjoys an unprecedented rate of approval and popularity. I merely bring it up as an anomaly, clearly in the way the members opposite seem to deal with the realities of politics.

• (1645)

What I really want to talk about here today is again the question of a phrase that is often used in this House and is perhaps ill understood. The phrase I want to talk about is due process. I want to make it very clear that I ascribe to my Reform colleagues across the way the best of intentions when it comes to areas of criminal law and the protection of Canadian citizens, the protection of victims and the incredible need to ensure the very important concept of safety in our streets and in our homes. I want to make very clear to my colleagues across the way that the questions of safety for Canadians are very important.

The hon. member is whistling. I will talk to him later. I will finish my thought first.

At any rate, the whole question of due process is one that can be very frustrating, as we all know. Situations arise and the way the law works can often be mystifying, lengthy, unsatisfactory. To many people it creates a solution that on the face of it at the very least is unjust or appears to be unjust. It is a difficult concept to come to grips with.

If you look at the concept of due process and the development of English law under which our criminal law has developed you will know that it is a process that has been developing for well over 1,000 years. The courts in England developed it prior to the Magna Carta and the bill of rights and they worked along through these various times and ages, through the politics of monarchs to the politics of Parliament, until now when we have arrived at the last decade of the 20th century and they still are colossally imperfect.

I do not think anyone who deals with the criminal justice system in any of those countries that follow the English system of common law would disagree with that. They are colossally imperfect. While they are colossally imperfect, they tend to be better than anything else. The difficulty is that if you lift the rights for some you lift the rights for all.

I have a constituent with whom I discuss these matters quite frequently and we tend to disagree a lot. This constituent is very concerned with questions of public safety, as am I. He feels that our courts are too lax, give too much credence to the rights of the accused, and on and on.

Not too long ago he told me about his son who in his early twenties was pulled over because his car resembled a car that had been used in the commission of an offence. He was very upset that his son was stopped and put in the position of possibly being a suspect in a criminal offence. As it turned out for his son it came to nothing because his son was completely innocent in this case and went on his way. It was a frightening experience for the young man and a disturbing experience for the father.

I listened to that and I took it under advisement. A couple of weeks later when he called me and talked again about the accused having too many rights and the accused being allowed this and that, I reminded him of his concern about his son who had been stopped, who was completely innocent.

• (1650)

I reminded him that those safeguards that protected his son have to protect the guilty and the innocent alike or they will not work at all. We have to believe in the presumption of innocence and we have to practise the presumption of innocence. We have to practise fairness in the courts. We have to practise the independence of the judiciary and the independence of quasi-judicial bodies.