

*Execution of Mass Murderers Act*

for Bow River (Mr. Taylor) is suggesting that the hanging take place before the appeal is heard. Let us hang him right away and we shall see later if he really murdered ten people! In my opinion, Mr. Speaker, he disregards the right of appeal, which is fundamental in our penal system and which can normally be exercised up to the highest Court in the land, that is the Supreme Court of Canada. Moreover, the Hon. Member is ignoring completely the historical right of all those condemned to death to petition for a reprieve or a commutation of sentence. During this week when we are celebrating the 36th anniversary of the International Bill of Rights, it is ironic that this House should be asked to consider a Bill which deliberately goes against some of the most basic rights guaranteed by this charter and by various other international instruments, including the International Covenant on Civil Political Rights.

• (1750)

I need not to remind this House that Canada has played an active role in the formulation and the adoption of these instruments. By passing such a Bill, we would be repudiating all the international commitments made by Canada in the field of human rights. For instance, as recently as last May, at a meeting of the Economic and Social Council of the United Nations, Canada approved a resolution containing provisions which reasserted the commitment already made in the International Bill of Rights and the Covenant. Anyone condemned to death has the right to petition for a reprieve or a commutation of sentence, and this can be granted to anyone condemned to death. The capital penalty will not be applied if there is an appeals procedure or any other procedure or power to obtain a reprieve or a commutation of a death sentence.

We are all aware that those provisions are not operative in Canada, but are we not morally required to honour our international commitments, inasmuch as Canada has for so long played the role of a supporter and promoter of human rights in the world?

Also, under our Common Law, anyone sentenced to death is entitled to clemency and pardon. Such executive clemency is a royal prerogative and an integral part of our Canadian judicial traditions that are confirmed in our Criminal Code.

Mr. Speaker, it is my view that the enactment of my hon. colleague's Bill would place Canada on an equal footing with some nations that ignore human rights and profess that international commitments are of no value, even moral even symbolic. Surely this House has no desire to opt for the road proposed by the Hon. Member for Bow River (Mr. Taylor).

To conclude, Mr. Speaker, it is Clause 5 of the legislation that I would like to discuss, the Clause under which my hon. colleague proposes to bypass the Canadian Charter of Rights and Freedoms enacted less than three years ago for the purpose of entrenching for Canadians, under the Constitution itself, the most basic rights, the most essential to the survival and growth of democracy.

My hon. colleague proposes to use the procedure provided for in Section 33 of the Canadian Charter of Rights and Freedoms, the "notwithstanding" Section under which the Parliament of Canada or a Legislative Assembly can specify that an Act shall operate notwithstanding the Charter. So my hon. colleague would have us bypass the Charter, ignore those basic guarantees that all Canadians are supposed to enjoy. But what are those specific guarantees he proposes to bypass? The one in Section 7, the right to life, liberty and security, not to be infringed upon except in accordance with the principles of fundamental justice? The one in Section 12, the protection against cruel and irrelevant treatment and penalties? And finally, the one in Section 11, the right to the benefits of the lesser punishment if the punishment has been changed between the time of commission and the time of the sentencing?

Mr. Speaker, there is no doubt in my mind that it is in all good faith and quite within the law that my hon. colleague, by way of Clause 5 of the Bill, tries to bypass those provisions of the Canadian Charter of Rights and Freedoms. But I have serious doubts as to whether we should do so. Since April 1982, when the Canadian Charter of Rights and Freedoms came into force, the Canadian people have been convinced that their rights are protected. They are assured that there is a mechanism which guarantees that their rights are safeguarded.

It is my view that it would be unworthy of the Parliament of Canada to use Section 33 in order to keep the Charter away from a debate in which its application is so basic. Bypassing the Canadian Charter under such circumstances would downgrade it to the level of an ordinary piece of legislation, rob it of all its character of a constitutional, basic and supreme statute.

I indicated earlier that this legislation was not appropriate by reason especially of the commitment made by our Leader to refer the question to the House for scrutiny and propose a free vote on it. The Prime Minister renewed that commitment in this House on December 3, in answer to the Hon. Member for Annapolis Valley-Hants (Mr. Nowlan). Is our Leader's commitment not enough for my colleague from Bow River (Mr. Taylor)?

Also, without being an expert on parliamentary procedure, I do not feel a Private Member's Bill is the right avenue for debating a matter of public interest, as it is in my view.

Indeed, it seems to me that the public interest is at stake here, and that the Hon. Member's Bill is not under the circumstances the most appropriate way of raising the issue of capital punishment.

Although we realize that capital punishment is of interest to the public, and that the Government is very sensitive to the expressed concerns of Canadians, it is therefore my view that introducing this legislation is not the proper procedure for debating the issue.