

Transfer of Offenders

[Translation]

I hope the bill goes through as fast as possible. The United States and Mexico, in addition to the treaty with Canada, have signed a treaty between themselves, and they already exchange prisoners. They can do the same with Canada when treaties are ratified. Most recent statistics show that 90 Canadians are doing prison terms in the United States and nine Canadians are doing time in Mexico. There are 102 Americans in provincial prisons in Canada and 172 in federal penitentiaries. One Mexican is doing time in Canada. The more the passing of the bill is delayed, the longer prisoners abroad will have to wait for repatriation. A number of them, together with their parents and friends here in Canada, no doubt are awaiting the outcome with the utmost interest. This is just the more understandable because, as has been recognized for a long time, penal sanctions are particularly brutal when suffered in a foreign land, and the effect is heavier than expected by the court.

[English]

Mr. Bill Jarvis (Perth-Wilmot): Mr. Speaker, Bill C-21 deals with the implementation of international treaties signed with the United States and Mexico wherein U.S. and Mexican nationals who have been charged, convicted and sentenced in Canada may, under certain circumstances, serve their sentence in their home country; and similarly, Canadians who have gone through the same unhappy experience in either the U.S. or Mexico may, presuming they comply with the provisions of the legislation and the treaty, serve their sentence in Canada.

May I assure the House, first of all, that we in the official opposition want to give speedy passage to this bill, not only at the second reading stage but, more important, at the committee stage. We are in the rather awkward situation that the spending estimates have been referred to the committee and generally one does not interfere with the examination of those estimates to permit the examination of legislation such as this. May I suggest to the parliamentary secretary—I have not discussed this with my colleagues in the NDP or with any other member—that provision be made for special meetings of the Standing Committee on Justice and Legal Affairs so that we can come to grips with the legislation at the earliest possible date in order that it might come back to the House and be given eventual passage before the expected election.

I do not want to appear to be critical about this, but the treaty with the United States was signed over a year ago and the treaty with Mexico some three and a half months ago, although the agreement in principle with Mexico was arrived at last April. So I am not terribly impressed with the haste with which the government has dealt with this important piece of legislation.

Quite obviously, the reason for the legislation is our acceptance of the principle that a person who has been convicted might be better rehabilitated close to friends and relatives and in their natural home land. The other side of the situation is that we will be accepting foreign sentences.

● (1542)

Most members of parliament have had the experience from time to time of being contacted by constituents whose relatives, often sons or daughters, have been incarcerated in foreign jurisdictions or, at least, arrested before trial. We have all shared the agony of those particular families while their children might have been awaiting sentences or trials in situations which were not humane according to our views and traditions. I understand that this legislation cannot come to grips with that particular situation. I am not suggesting that it should or could; I merely point out that this legislation will not be the answer to all situations with which we as members of parliament are from time to time faced when we get frantic phone calls—and justifiably so—from parents or other relatives who have found that members of their families have been seized and imprisoned before their trials in foreign jurisdictions.

What we will become with this legislation is a penal agent for foreign jurisdictions and, as I see it, we have a conflict between our role as that penal agent for Mexico or the United States and certain rights which we enjoy here, many of which are embodied in our Bill of Rights. We will enforce under this legislation judgments arrived at by means which may be repugnant to us. It may be that a Canadian in Mexico or the United States has been deprived of counsel. He may have been convicted and sentenced without due process. He may be sentenced to serve a term which goes far beyond anything we would find acceptable, according to our traditions. That individual may have been deprived of one of our basic rights embodied in section 1 of the Bill of Rights; that is, the right of the individual to liberty. In Canada that right may not be deprived except under due process of law. A Canadian may very well be deprived of exactly that due process, and we will accept persons in Canada who have been subjected, possibly, to what we would consider an arbitrary judicial process which would be unacceptable to us. Under this bill we have no real choice.

I want to emphasize this because inevitably there will be a situation where a Canadian imprisoned in Mexico will make application, Mexico and Canada will agree and that national will be returned to his homeland, at which point we will hear that he has been deprived of counsel, that he has been convicted without what we consider due process and that he has been sentenced to a term which flies in the face of what we consider to be justice. There will be a great deal of pressure, in the political sense, upon us to try to mitigate those very unhappy circumstances.

I have no answer except to say to the Parliamentary Secretary to the Solicitor General (Mr. Blaker) that we are going to have to be very diligent in explaining to that national and perhaps to his family exactly the situation in which we find ourselves under this legislation. There are those of my colleagues in the House who have had very good and happy experiences with consular representatives and with representatives of our foreign service who have assisted in these serious situations where our constituents' relatives may have been