

*Criminal Law Amendment Act, 1972*

Ottawa University, speaking on a program called "View-point" said that recommendations which were set forth by inmates of Kingston penitentiary in the early thirties have now, in 1972, been fully implemented. Surely it is time we were given the benefit of a broad range of views on this important bill so that we may use them as a basis for improving the code. There has been no consultation on a national scale in connection with the provisions of Bill C-2 and I hope the minister will see to it that the experience and expertise I have mentioned is made available to the committee.

Bill C-2 makes provision for between 15 and 20 changes. Some of them are substantive in their effect upon the law, others are procedural and consequential in nature. I intend to deal with some of these matters and my hon. friends will deal with other aspects. The first subject I should like to deal with concerns aircraft piracy which is dealt with in clauses 3 and 6 having to do with offences committed on aircraft, hijacking and offences endangering the safety of aircraft in flight, rendering aircraft incapable of flight and the offence of taking onto an aircraft weapons and explosive substances. These changes have arisen out of the Convention on the Suppression of Acts of Unlawful Seizure of Aircraft signed at The Hague on December 16, 1970, and the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation signed at Montreal in 1971.

• (2110)

The law affecting piracy of aircraft and related offences is international in nature and scope. Its application and enforcement is dependent upon the acceptance of international treaties and conventions. Most countries have realized that the safety of innocent passengers in flight far transcends political motives and acts, and that hijacking cannot be excused as a political action. I should note that the Canadian delegation played a very active role at the conference in promoting a generally acceptable treaty and was particularly instrumental in securing the adoption of strong prosecution provisions. It therefore makes us realize that the job now is to make the treaties international in scope. At the first convention only 55 countries attended, and in view of the many countries there are in the world the support of a great many more is needed.

It has been said that there is also the necessity for strengthening security at airports. I think that all of us would want to congratulate captain Vern Ehman and purser John Arpin for the courageous and constructive action they took regarding the attempted hijacking at Calgary. I think we owe them and other pilots and crew personnel the duty to make sure that this law becomes operative and to make the strengthening of security at airports far stronger than it is at present. Therefore, we of the New Democratic Party support the measures dealing with piracy of aircraft.

The second main area I should like to deal with is corporal punishment. The amendments indicate the number of crimes that carried with them corporal punishment as part of the sentence. May I remind the House that it was in March, 1969, that the Ouimet report came forth, which studied the criminal law in depth. Many recommendations were made in the report and I should like to refer to page 207 where the following appears:

[Mr. Gilbert.]

The committee deems it necessary to record and deplore the fact that corporal punishment may lawfully be included as part of a sentence imposed by a Canadian court. Despite the fact that sentences of whipping are rarely imposed by present-day courts, the emphasis on liability to be whipped in the Criminal Code presents an astonishing anachronism.

Then further on:

The committee considers that the imposition of such punishment is brutal and degrading both to the recipient and the person imposing it.

Therefore, Mr. Speaker, the committee recommended the abolition of corporal punishment, and I must congratulate the minister for incorporating this recommendation into the provisions of Bill C-2. It is not only corporal punishment as part of a sentence with which we must concern ourselves, but corporal punishment in regard to disciplinary action in penitentiaries. At page 323 of the Ouimet report there is reprinted some evidence given before the Standing Committee on Legal Affairs on November 25, 1968, by the commissioner of penitentiaries. I directed a question to him as follows:

Mr. Commissioner, I would like to direct other questions to you with regard to corporal punishment—

MR. MACLEOD: —As far as institutional corporal punishment is concerned, it cannot now be imposed in an institution without the specific approval of the commissioner of penitentiaries. Of course, we have very elaborate regulations governing the manner in which it is to be imposed. No more than ten officers can be present. The prison psychiatrist or medical doctor must be there; the warden or deputy warden must be there. The punishment can be stopped at any time by the doctor or the psychiatrist or the warden or deputy warden. Of course, the only problem with making rules about corporal punishment is that the more humane you try to make them, the less humane the operation looks in the end result. My own feeling is that the tendency is for it to go into disuse as a possible prison punishment, and, of course, when that happens then presumably the regulations in the act will reflect the practice.

Then I asked:

In other words, you would not have any objection if I brought forth an amendment to repeal that particular section?

Mr. MacLeod replied:

I would not, no. As a judicial punishment, it is remarkable that it is reserved under the Criminal Code for offences that involve the use of violence or the threat of violence by the offender. Our people seem to think that it may have a useful short-term benefit if it is imposed on an offender but ultimately, society reaps more violence from him than it inflicted upon him.

They were the comments made by the former commissioner of penitentiaries. This week the Solicitor General appeared before the Standing Committee on Justice and Legal Affairs and when I asked him about the use of corporal punishment in institutions he said that he was opposed to it. When I put the same question to the present commissioner of penitentiaries, he was certainly ambivalent with regard to it. I ask the Minister of Justice to join with the Solicitor General in his view of the use of corporal punishment as a disciplinary measure in penitentiaries and to make the appropriate amendment to the requisite acts to do away with it. When a committee says it is degrading, inhumane and that society reaps more violence by its infliction, it is time we took action.

The amendments abolishing vagrancy regarding prostitutes are also welcome and in keeping with the recommendations made in the report on the status of women. I