

Mr. Blaker: Mr. Speaker, for five years I have been sitting in this House on Friday afternoons and for the first time the hon. member for Winnipeg North Centre has paid me a compliment. I do not know what to say to him.

On behalf of the Solicitor General (Mr. Blais) may I present the second reading of Bill C-21, which I hope will commend itself to the members of all parties in this House.

Essentially it consists of the legislation that is necessary in order to implement treaties allowing persons under sentence to be returned to the country of which they are citizens. Such treaties have been entered into with the United States and with Mexico, and we hope that similar treaties can be concluded with other countries. The treaties with the United States and Mexico are not yet effective and are awaiting ratification. This ratification cannot take place until this legislation has been enacted, enabling effect to be given to the terms of the treaties.

[*Translation*]

To understand the nature of this bill, I think it is necessary to keep in mind the general tenor of a number of treaties which Canada has signed, as well as some of their provisions. First of all, this bill is not in any way concerned with the extradition or expulsion of foreign nationals. On the contrary, a person could not be sent back to his country of origin unless he requested his own transfer. Under this bill, no one could be transferred against his will. The purpose of these treaties is to make it possible for prisoners who so desire to return to their country of origin to serve their time or obtain parole in a cultural surrounding which is familiar to them and which may favour their social readaptation. Those who have been found guilty of a criminal offence should have the opportunity, whenever possible, to serve their sentence or be paroled in a country where they have relatives and friends and where they can seek assistance. Humanitarianism and good sense favour this option.

[*English*]

The treaties do not, however, provide for the automatic transfer of any offender merely because he has expressed his wish to be returned to his own country. The application is first considered by the country in which he has been convicted, and unless that country approves of his transfer the matter is at an end. If that country agrees that the transfer is appropriate, then the country that would receive the offender is approached and its views are sought. It is only with the concurrence of all three parties, namely, the offender, the state in which he was convicted, and the country of his destination, that any transfer will take place. Additionally, so far as Canada is concerned, we will not return a prisoner convicted abroad to a provincial institution, nor will we send a person from a Canadian provincial institution to another country, unless we first have the consent of the provincial authorities.

[*Translation*]

I used words which might give the impression that the bill deals exclusively with people serving a jail term. Let me specify that the treaties and the bill also relate to individuals

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benefiting from parole in the country where they have been convicted and who wish to go back to their home country. It might be interesting to stress that the treaty on the international exchange of parolees is at the origin of the bill. During the Fifth United Nations Conference on Crime Prevention and the Treatment of Young Offenders held in Geneva in 1975, Canada raised the possibility of an international exchange of parolees. Other countries have welcomed our initiative and proposed that this arrangement be extended to persons under detention.

[*English*]

Turning now to the provisions of the bill being considered by the House, I should like to examine first the way in which it will apply to Canadians convicted abroad and being returned to Canada. The bill has been drafted on the basis that so far as possible the offender who comes back to this country should be treated in the same fashion as if his conviction and sentence had been those of a Canadian court.

Certain specific provisions have obviously been necessary in addition to this general concept. For example, the bill provides that there shall be no appeal against, or other review of, the conviction and sentence imposed by the foreign state. Such a provision is in conformity with Canada's undertaking to this effect as set out in the treaties.

In reality, this provision in the treaties and in the bill is based upon the practicalities of the situation as well as upon the desire of sovereign states that their judicial proceedings shall not be challenged in another country. Certainly it will not be practical for a Canadian transferred, for example, from Mexico, to have our courts adjudicate upon a contention by him that evidence was admitted that would not have been admissible in Canada. The complications inherent in this or any similar proceeding will at once be apparent.

[*Translation*]

One of the legislation's provisions deals with the place of imprisonment for a patriated Canadian offender. In that case, the regular rule prevails: when the initial sentence is for two years or more, and there is no parole involved, the offender will be detained in a penitentiary. When the sentence is for less than two years, he will be detained in a provincial prison subject as I said, to the province's consent before the transfer. Upon the arrival of the offender in the establishment, the authorities will have to decide on the time to be served. There are three considerations involved, each one being provided for in the legislation. First, how much time will he be credited with toward the completion of his sentence? Second, will he also be eligible to earn remission? And finally, when will he be eligible for parole?

[*English*]

The first of these considerations has been dealt with fairly simply by providing that, upon reception at the institution, the inmate is to be credited toward completion of his sentence with all time that stood to his credit in the foreign state at the time of his transfer. The documents supplied by the foreign state will set this out. This is believed to be the only equitable way