

#### PURPOSE OF IMMUNITIES

The international community has acknowledged that diplomatic and consular personnel must not be subject to any possible interference, pressure, or harassment by the receiving state if they are to perform their functions efficiently. Therefore, immunities are accorded to diplomatic and consular personnel. However, since the immunities are not for the benefit of individuals, law enforcement officers should note that Canada does not accept the abuse of immunities by diplomatic and consular personnel. Moreover, without prejudice to their immunities, diplomatic and consular personnel have a duty to respect the laws and regulations of the receiving state.

#### KINDS OF IMMUNITIES

Given that immunities may be either diplomatic or consular, with the former being more extensive than the latter, law enforcement officers ought to be careful to ascertain which kind of immunities is applicable to persons claiming them. It often occurs that persons having consular status claim, falsely or erroneously, that they have diplomatic immunities, but law enforcement officers should not allow themselves to be misled.

#### LEGAL BASES OF IMMUNITIES

Diplomatic and consular immunities are set out in federal law by the Diplomatic and Consular Privileges and Immunities Act (1977 as amended 1981) and the Privileges and Immunities (International Organizations) Act (1965), and in international law by the Vienna Convention on Diplomatic Relations (1961), the Vienna Convention on Consular Relations (1963), and the Convention on the Privileges and Immunities of the United Nations (1946). It is important for law enforcement officers to bear in mind that where there are inconsistencies between the Diplomatic and Consular Privileges and Immunities Act and any other federal or provincial legislation, the Act prevails to the extent of the inconsistencies.