

### Capital Punishment

that here we find a clear example of the actions of those who formed the government being in sharp contrast with the legislation they recommended that parliament pass in 1967 and which they again recommend in 1973.

Having said this, I believe it is important we review the situation as outlined by the Prime Minister when he spoke in this debate. Early in his address he said:

If Canada is a civilized place, it is that way because of the concern Canadians have for one another.

I hope there is no question in this chamber that Canada is in fact a civilized place. The Prime Minister then touched on another matter. He said he believed we should take our place with other countries in the world, by, in effect, voting for abolition. I think it is wise for this House to remember that there are only nine countries in the world that in fact have abolished capital punishment. Is the Prime Minister suggesting that if we do not become an abolitionist country, somehow or other we are not as civilized as countries that have? The countries which, according to the United Nations, have abolition at the present time are as follows: Austria, Colombia, Costa Rica, Dominican Republic, Ecuador, Finland, Iceland, Uruguay and Venezuela. Those are the only member countries of the United Nations that have not retained capital punishment in their judicial systems.

● (2020)

In considering the bill before the House it is wise that we not be caught up in the general impression that somehow we are catching up to the rest of the world which to a great degree is abolitionist, because the fact is that the rest of the world to a great degree is retentionist. If we are to follow the world, then we should be retentionist. On this point I have before me a publication produced by the United Nations, dated February 23, 1972, which is very revealing. This report reads:

Whilst the imposition of the death penalty for reasons of vengeance or revenge finds few if any advocates and the notion of a premeditated judicial killing is generally abhorred, retributive justice and necessity in the public interest are still considerations which hold considerable sway as new forms of terror and violence evolve in society; the tendency to revert to the death penalty as the main deterrent is conspicuously increased.

This, I remind hon. members, is a United Nations' report. It continues:

There are large bodies of people and a wide range of authority who believe capital punishment is necessary either as a deterrent or at least as a matter of basic justice.

For every state member of the United Nations devoted to the abolition of capital punishment in law or fact, there would appear to be three others legally committed to the sanction and use—at least as a very last resort. Moreover, there are examples of some states abolishing the death penalty but then returning to it, either in law or practice, either because they saw no adequate way of dealing with certain offences or because they feel the need for some final and extreme public denunciation of the particular behaviour for which the sentence is awarded.

The publication then goes on to state:

An important consideration in any truly international appraisal is that most published studies have taken their data and orientations from the developed world and largely from the western world. The result has been a rather misleading picture which has frequently given unwarranted universality to values, theories and practices prevalent in the west in academic circles.

I emphasize the words "academic circles".

[Mr. Stevens.]

It has sometimes become unfashionable to support capital punishment. Civilization is tolerance, and severity in punishment is a sign of backwardness and regression and so liberal thinking and the abolition of the death penalty are expected to coincide. Therefore writings available on the death penalty leave the impression that there is a certain inevitability about the movement to more "civilized standards" and fewer executions. A reader could be excused for concluding that throughout the world there is in fact an irresistible and ineluctable trend to abolish capital punishment, or that even where the death penalty is still a last legal resort, the penal codes have fewer offences leading to capital punishment, or methods of execution are becoming more humane, or that the person liable to the extreme penalty will usually have the benefit of the best legal safeguards.

This is the conclusion to the United Nations' report:

In fact, the world picture provides no such assurances. It is extremely doubtful whether there is any uniform progression towards the restriction of the use of the death penalty.

Surely it is important, when we consider the bill before us, to bear in mind that we are the ones who will be out of step with the world if we accept a judicial system that does not include the death penalty among its provisions. On this point it has been suggested by some that we should vote for the bill, allow it to go to committee and there amend it to overcome one of the objections that people sometimes raise, which is that while they feel the death penalty is wrong, there should be a mandatory 25-year sentence of imprisonment or a life sentence.

I believe that a life sentence would impose an impossible burden on prison officers who would look after men who had nothing to lose, in effect. Just think, Mr. Speaker, of the ramifications of the suggestion of a mandatory life sentence. You would be suggesting that men would be confined to prison for life. Should they, either as a result of an escape or even within the prison walls, murder someone, they have nothing to fear. They would not fear any greater judgment. I suggest that those who advocate passage of the bill with a view to its being amended to include a provision relating to a life sentence are being unrealistic in their attitude.

I also believe that it is important that the government and Members of Parliament bear in mind that there is a great danger of the law getting out of line with the moral feelings of the majority of the people in the country. This is a point that I know many like to skip over. In this regard, I found it very odd that in speaking on this subject the Solicitor General used figures in, I felt, an extremely unfair way. Let me quote what he said on January 26, when he referred, at page 689 of *Hansard*, to what he called a profile of public attitudes in respect of the death penalty. He stated that the profile showed that those in favour of capital punishment in all instances, and those opposed to capital punishment in all instances balanced each other off with 19.1 per cent and 20.9 per cent respectively; and 59 per cent favoured retention of capital punishment in limited cases.

● (2030)

What an interesting twist to put on figures! Any member of this House might have taken the same profile and pointed out, with the same weight, that in fact 79.9 per cent of the people in that profile said they wanted some form of capital punishment. However, the impression left by our Solicitor General was that somehow those for