

Human Rights

Mr. Fulton: May I particularly ask those who might otherwise be misled by the criticism of the hon. member for Essex East to compare the language with regard to punishment which I have quoted from the English bill of rights with the provision in our bill. The English bill of rights provides that excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted. Our bill provides that no statute shall be construed or interpreted as imposing or authorizing the imposition of torture, or cruel, inhuman or degrading treatment or punishment. There is a striking similarity of language.

It is clear, therefore, that we are in fact following, in the framing of our bill, the fine traditions of the great constitutional documents of history, namely that rights should be clearly and simply defined in legal language capable of being understood by the most humble person affected. This we have done in clause 2.

We are also following the tradition of those same documents that the rights thus defined should be protected in a manner recognized under the rule of law, binding on the executive, interpreted and applied by the courts, and having the sanction of a parliamentary enactment, the highest authority in the land. This we have done by clause 3.

Indeed, when I refer the house to a passage in the speech of the Leader of the Opposition appearing at page 5661 of *Hansard* it will become apparent that, inadvertently and accidentally, the Leader of the Opposition himself has recognized the soundness of the drafting and framework of our bill of rights. He said at that time:

Incorruptible and respected courts enforcing laws made by free men in parliament assembled and dealing with specific matters, with specific sanctions to enforce their observance; these are the best guarantee of our rights and liberties. This is the tried and tested British way, and this is a better course to follow than the mere pious affirmation of general principles, to which some political societies are addicted.

An understanding of the scheme of this bill of rights makes it clear that it is precisely on that basis that it has been laid. We are grateful to the Leader of the Opposition for having come, even though unwittingly, to the support of the approach we have followed.

(Translation):

Hon. Lionel Chevrier (Laurier): Mr. Speaker, we are entering upon our third day of debate on the bill of rights. In the course [Mr. Martin (Essex East).]

of this discussion we have heard a good many speeches, some good, some not so good, according to our own views on the matter. The Prime Minister's (Mr. Diefenbaker) own contribution was, of course, a remarkable one. As for the chief of the opposition (Mr. Pearson), his statement will, to my mind, leave its mark on our parliamentary records.

The Minister of Justice (Mr. Fulton) has just completed his speech. Of course, he dealt with the matter from a legal point of view, but may I tell him, incidentally, that several authorities are of the opinion that the arguments he submitted a few moments ago are not only erroneous but misleading.

We have also heard from the Associate Minister of National Defense (Mr. Sevigny), and I am still wondering how his remarks could have any bearing on the bill of rights we are considering. However, if the minister's speech was not altogether flawless, I can unhesitatingly say that he spoke like a gentleman. As for the Minister of Public Works (Mr. Walker), he is unfortunately unacquainted with gentlemanliness. I might press the point, but I do not want to aggrieve the Minister of Public Works any further.

I should also say to the Minister of Justice that he too is beginning to show a tendency to take the same line as the Minister of Public Works. That is precisely the attitude he took, not today, fortunately, but at the beginning of his remarks last Tuesday. It seems to me that the sooner those ministers of the crown will realize that this course of action in the house is not the one which commends itself to hon. members and to the people of Canada, the better it will be for them and for those around them.

Mr. Walker: Mr. Speaker, let us get back to the point.

Mr. Chevrier: Mr. Speaker, as I listened closely to the speech of the Associate Minister of National Defence, I could not help wondering how it had struck the hon. member for Bellechasse (Mr. Dorion). I refer particularly to the last part, which practically cuts right across ideas advocated for years by the hon. member for Bellechasse.

Mr. Speaker, in spite of what the Minister of Justice has just said, everyone agrees on the need to recognize and protect human rights and fundamental freedoms in this country. For our part we support the principle of the bill. I think there is complete unanimity, both inside and outside Liberal ranks, on the need to protect fundamental freedoms and individual rights. This is at