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# **Standing Committee on Justice and Human Rights**

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**EVIDENCE**

**Thursday, October 6, 2016**

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**Chair**

**Mr. Anthony Housefather**



## Standing Committee on Justice and Human Rights

Thursday, October 6, 2016

•(1105)

[*English*]

**The Chair (Mr. Anthony Housefather (Mount Royal, Lib.)):** Good morning, everyone, and welcome to this meeting of the Standing Committee on Justice and Human Rights.

[*Translation*]

I welcome Ms. Laverdière, who is replacing Mr. Rankin this morning. It is a great pleasure to have you with us.

I am also pleased to welcome Mr. Amos, who is replacing Mr. Hussen.

Welcome, Mr. Amos.

[*English*]

I'd also like to welcome our witnesses from the justice department. We have with us Carole Morency, director general and senior general counsel, criminal law policy section; Glenn Gilmour, counsel, criminal law policy section; and, Dan Moore, counsel, human rights law section.

Welcome. Thank you for coming back. I'm glad we didn't scare you off the last time you were here.

Today, after having heard witnesses, we're moving to the clause-by-clause review of the private member's bill before us, Bill C-242, an act to amend the Criminal Code with respect to inflicting torture.

I think on behalf of all of the members of the committee, I want to thank Mr. Fragiskatos for having brought forward a private member's bill on such an important topic. I think all of the committee members from all parties were moved by the victims of torture who we heard from or who provided us with testimony, as well as the advocates on their behalf. We very much appreciate the views of the departments that provided testimony, as well as those of the other witnesses, such as the criminal defence lawyers, who provided us with greater clarity on the bill.

Regardless of how the bill is treated today, I think all of us recognize the importance of this issue as part of the overall review of the Criminal Code that the minister is going to be doing to make sure that we take very seriously people who are victims of torturous acts.

That being said, the committee has two options.

[*Translation*]

Today, the committee has two options. We can do the clause-by-clause study of the proposed bill.

[*English*]

Alternatively, the committee can move that the House of Commons not proceed further with the bill because we believe that perhaps there are other, better ways of addressing the issue. I would like to ask committee members for comments.

Ms. Khalid.

**Ms. Iqra Khalid (Mississauga—Erin Mills, Lib.):** Thank you, Mr. Chair.

Firstly, I'd like to thank Mr. Fragiskatos for his amazing efforts in really dealing with this very intense and very complicated issue.

At this time, I move that the Standing Committee on Justice and Human Rights, pursuant to Standing Order 97.1, recommend that the House of Commons not proceed further with Bill C-242, an act to amend the Criminal Code, inflicting torture.

While the principle of the bill is laudable, and the spirit and the intent are for victims, to really improve their state, I think the amendments proposed by the bill are redundant in light of existing Criminal Code provisions. These provisions can be used to deal with even the most serious forms of torture by private individuals. The existing offences of aggravated assault and aggravated sexual assault are specifically intended to respond to the most heinous types of non-homicidal conduct.

There could be better ways to ensure that judges clearly have the authority under section 718.2 of the Criminal Code to consider torturous conduct.

I also move that the chair present this report to the House.

**The Chair:** Do I have a seconder for that? Thank you.

Is there any debate on this issue?

Mr. McKinnon.

**Mr. Ron McKinnon (Coquitlam—Port Coquitlam, Lib.):** I'm going to support the motion.

However, I don't agree with the part of it that says this law would be redundant. Yes, there are existing charges that could be laid in these circumstances, but they don't really cover the nature of this. They don't represent the nature of the offences we're dealing with, but I am of the understanding that the justice department is looking seriously at similar provisions in the existing law to expand them to deal with those extraordinary circumstances that the bill was intended to address. I think it's very necessary and very important that we do that.

**The Chair:** If this motion is adopted, perhaps the committee can consider asking for a letter to be sent to the minister making that clear. We could talk about that after the motion.

**Mr. Ron McKinnon:** Yes.

On that basis, I will support the motion. I would make those reservations.

Thank you.

**The Chair:** Thank you.

Mr. Falk.

**Mr. Ted Falk (Provencher, CPC):** Thank you, Mr. Chair.

I would also like to recognize the intent of the bill and acknowledge the very good work that the author, Mr. Fragiskatos, has done.

We listened to some very compelling testimony from witnesses who deal with the situations that the bill sought to address. It was very graphic and detailed and very moving. While I'm very sympathetic to people who have experienced that kind of abuse and torture, I think the bill itself had some flaws in it, as we heard from our justice officials and also from the criminal defence lawyers association and Mr. Spratt.

I think there are compelling reasons to take the route that we're taking. I'm hoping that in the justice minister's mandate to review and modernize the Criminal Code this will be part of the review and will be addressed at that time.

**The Chair:** Excellent.

Madame Laverdière.

[*Translation*]

**Ms. Hélène Laverdière (Laurier—Sainte-Marie, NDP):** Mr. Chair, thank you very much for your words of welcome.

I would like to say that we feel it very important that the government take this question into consideration in its review of the Criminal Code. I would like to join Mr. McKinnon in saying that it would be good to find a word in English to replace the word “redundant”—I only have the text in English. I appreciated Mr. McKinnon's comment on this topic.

• (1110)

**The Chair:** May we say that the amendments proposed to the bill have already been covered, or are...?

**Ms. Hélène Laverdière:** They are already covered in part.

**The Chair:** In part what?

**Ms. Hélène Laverdière:** They are covered in part by...

**The Chair:** What we discovered is that any person accused of torture could not be accused of anything else. If you want to replace the word “redundant”, I have no problem with that. Let me know what you would like to replace it with.

[*English*]

The request is the same as Mr. McKinnon's, to change the word “redundant”. Perhaps we could say they are covered by existing Criminal Code provisions.

Ms. Khalid.

**Ms. Iqra Khalid:** May I suggest, then, that we change the words to say, “may be redundant” as opposed to “are redundant”.

**Ms. Hélène Laverdière:** Sorry, could you repeat?

[*Translation*]

**The Chair:** “Could be”?

[*English*]

**Ms. Hélène Laverdière:** Yes.

**The Chair:** Sure. We'll change “are” to “may be”. Thank you.

Not hearing any further requests to intervene, I'll call for a vote on Ms. Khalid's motion.

(Motion agreed to)

**The Chair:** Because I think I heard from all parties that there is a desire for the minister to further examine the questions raised by the bill in light of her mandate letter requiring an extensive review of the Criminal Code, would the committee be okay if all three co-chairs would then sign a letter to the minister asking her to consider the issues raised by Mr. Fragiskatos's bill, in light of her Criminal Code review? We'll prepare a letter that I'll bring back to you for the next meeting.

**Some hon. members:** Agreed.

**The Chair:** Because we have no other business to consider today, I wish everybody a wonderful day. The meeting is adjourned.







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