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Subject: Correspondence from the Minister of Justice and Attorney General of Canada
Date: January-09-17 4:33 PM

Dear Mesdames MacDonald and Sarson:

Thank you for your correspondence concerning Bill C-242, An Act to amend the Criminal Code (inflicting torture). The Office of the Prime Minister has also forwarded to me a copy of your correspondence. I regret the delay in responding.

As you may be aware, Bill C-242 was introduced into the House of Commons by Member of Parliament Mr. Peter Fragiskatos on February 26, 2016. This Private Member's Bill passed Second Reading in the House of Commons and was referred to the Standing Committee on Justice and Human Rights on April 21, 2016. The Committee recommended that the Bill not be proceeded with on November 29, 2016.

Under the Criminal Code, the existing specific offence of torture is meant to deter the infliction of pain and suffering by persons acting on behalf of a state for state purposes such as obtaining information or a confession. This policy was set by the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Convention), to which Canada and 158 other countries are states parties. The enactment of the Criminal Code offence of torture in 1985 implemented this treaty obligation in Canadian law.

It is important to note that the existing offence of torture remains focused on state-related abuses because, under the Convention, Canada must be able to prosecute torture that is committed outside of Canada where the alleged offender is a Canadian citizen or is present in Canada after the offence has been committed. This offence is also the basis of a specific rule against the use of statements obtained using torture as evidence in legal proceedings, which is another requirement of the Convention. By maintaining a distinct torture offence, Canada is able to engage in international efforts to counter the scourge of torture in countries where it remains an overt or covert element of state policy.

As you may know, the Criminal Code prohibits acts of violence through the offences of assault, sexual assault, assault causing bodily harm, aggravated assault, attempted murder, and actual murder. Aggravated assault, which is punishable by up to 14 years in prison, is one of the most serious crimes in the Criminal Code as it focuses on assaults that involve wounding, maiming, disfiguring, or endangering a person's life.

Please be assured that the Government of Canada takes the interests of victims of crime very seriously and is committed to ensuring the safety and protection of all Canadians.

Thank you again for writing.

Respectfully,

The Honourable Jody Wilson-Raybould, P.C., Q.C., M.P.

Minister of Justice and Attorney General of Canada