

The Prevention of Torture Act (In A Nutshell)

The B.C. Civil Liberties Association (BCCLA) is seeking support for its draft *The Prevention of Torture Act*. The *Act* is a concrete response to the recommendations of Commissioner Dennis O'Connor's first report relating to Maher Arar. If passed tomorrow, the legislation would be the first of its kind in the world. If passed five years ago, the legislation could have prevented the torture of Maher Arar and others.

The BCCLA has been working with officials from the Canadian Government, Opposition party MPs and Non-Governmental Organizations to encourage speedy passage of the Bill. This Bill would strengthen Canada's protection from torture by:

1. clearly defining torture in a way that makes sense to Canadians,
2. making it a criminal offence to use of information known to be derived from torture,
3. prohibiting Canadian officials, including the Armed Forces, from handing over prisoners to be tortured at home or abroad,
4. creating a government watch-list of countries which are known to engage in torture and providing for those countries to be treated accordingly when it comes to information sharing, deportation, and extradition from Canada,
5. placing a duty on officials to report their knowledge of torture to the proper authorities,
6. making sure that information sharing with foreign governments includes clear communication of Canada's stance against the use of torture to everyone with whom our government has contact, and
7. establishing diplomatic protocols for the immediate repatriation of any Canadian citizen at risk of torture abroad, without undermining our ability to investigate and prosecute those citizens at home under our laws, free of torture.
8. instituting a pervasive ethic of torture-prevention consistent with our international obligations.

The vast majority of Canadians are steadfastly opposed to torture. The Arar Inquiry revealed the need to renew and reinforce Canada's commitment to preventing torture. This legislation, together with ratification of the new Optional Protocol to the UN Convention Against Torture, would make this commitment abundantly clear to our government officials and troops at home and abroad, our allies and partners on the international stage, and to the world as a whole.

The BCCLA is Canada's most active civil liberties organization, founded in 1962. Our mandate is to preserve, defend, maintain and extend civil liberties and human rights, which we do through public education, complainant assistance, law reform and litigation.

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