

**Response to Amnesty International's News Release (2012, June 5). *Canada Must Move Immediately to Implement UN Committee against Torture Recommendations***  
<http://www.amnesty.ca/media2010.php?DocID=1582>

10 June 2012

I was present at the Committee against Torture hearings. Missing in this Amnesty report is the Committee's statement that Canada needed to legally address torture perpetrated by non-state actors, explaining this would strengthen the protection of persons allowing them to invoke all provisions of the Convention directly before the courts thereby giving prominence to the Convention and raising awareness of Conventions provisions among the judiciary and the public (art. 2, para. 8). Canada's responsibility to include non-state actors in national law was made clear. The Committee wrote that Canada "bears responsibility and its officials should be considered as authors, complicit or otherwise responsible under the Convention for consenting to or acquiescing in acts of torture or ill-treatment committed by non-State officials or private actors. (arts. 2...). The State party should strengthen its efforts to exercise due diligence to intervene to stop, sanction acts of torture or ill-treatment committed by non-State officials or private actors" (para. 20). The Committee went on to say that Canada "should compile statistical data relevant to the monitoring of the implementation of the Convention obligations at the national level, including data on complaints, investigations, prosecutions and convictions of cases of torture and ill-treatment, ... [involving] domestic and sexual violence as well as on means of redress, including compensation and rehabilitation, provided to the victims" (para. 23). Until torture perpetrated by non-state actors is added to the Criminal Code of Canada it will be impossible for Canada to comply with the provisions of the Convention against Torture which includes the Committee's General Comment No. 2 Implementation of article 2 by States Parties. An inclusive law is essential for upholding the inherent dignity of those so tortured: it is a non-derogable human right that no one shall be subjected to torture whether perpetrated by State or non-state actors. The criminalization of torture by non-state actors will promote the development of greater humanity within Canadian society, its culture and its communities.

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