

CRUEL AND UNUSUAL PUNISHMENT

SECTION 12

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Law 12

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Section 12 of the Canadian Charter of Rights and Freedoms states the following:

1. Everyone has the right not to be subjected to any cruel or unusual punishment.

Basically, individuals whom are incarcerated or in police custody can not be subject to inhumane treatment. Any punishment that clearly violates basic human dignity and can be viewed as "cruel and unusual."

REAL CASE - ROBERT DZIEKANSKI

Robert Dziekanski was a Polish man who was in the process of immigrating from Poland to Canada. On October 14, 2007 Robert was killed during an arrest made by RCMP in Vancouver International Airport. Robert did not speak english and due to this he had trouble navigating the rather large airport. Witnesses were able to confirm his agitated state which was likely due to the lack of language support present. At one point Robert was lost and confused drawing four RCMP officers to his side. Mr. Dziekanski was in a restricted area.. Upon arrival they ordered Robert to stand still but he was unable to understand. Only 25 seconds after arriving at the scene, the taser was ordered to be used. Witnesses say that Dziekanski began to convulse but officers proceeded to taser him several more times. The poor man writhed and screamed and then went silent. The Officers did not check for a pulse and he did not receive CPR until the ambulance arrived 15 minutes after the incident. Mr. Dziekanski was pronounced dead at the scene.

Who Won and Why?

Due to the tragic death of Mr. Dziekanski there was no clear winner to this case. The RCMP apologized almost two and a half years later to Roberts Mother. All four Officers were charged with perjury. The officer in command was charged with a extra 30 months for his unacceptable behaviour in swearing a false oath.

How does this case represent importance to Canadian Society?

This case represents importance to Canadian Society because it shows Police Officers also receive punishment and that they are not immune to the law themselves. Unfortunately, the death of a young and working immigrant by RCMP gives a bad impression of Canada but these officers at least apologized formerly for their misjudgements.

PERSONAL EXAMPLE

An inmate serving time who is placed in solitary confinement is being subject to cruel and unusual punishment. Solitary confinement has a profound effect on the long term mental well-being of an inmate. Prisoners speak of the desperation to have any form of human contact, and a lack of mental stimulation. Consequently, many cases have led to suicide. An individual who is in solitary is having their right to not be subject to cruel and unusual punishment infringed upon.

Sources:

<http://www.cbc.ca/amp/1.3122941>

<https://sec.theglobeandmail.com/opinion/cruel-and-unusual-punishment-its-time-to-end-solitary-confinement/article30283378/?service=amp>