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THE SENATE OF CANADA



PROCEEDINGS

OF THE

SPECIAL COMMITTEE

ON

HUMAN RIGHTS

AND

FUNDAMENTAL FREEDOMS

CHAIRMAN

The Honourable Arthur W. Roebuck

REPORT OF COMMITTEE

OTTAWA  
EDMOND CLOUTIER, C.M.G., B.A., L.P.L.  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY  
CONTROLLER OF STATIONERY  
1950

*Title Herman Bylles*  
*This shows how*  
*how many compromises*  
*were necessary to*  
*get the report by the*  
*committee*  
*and*

## ORDER OF REFERENCE

(Extract from the Minutes of Proceedings of the Senate  
20th March, 1950.)

On motion of the Honourable Senator Roebuck, seconded by the Honourable Senator Kinley, it was—

Ordered, That a Special Committee be appointed to consider and report on the subject of Human Rights and Fundamental Freedoms, what they are and how they may be protected and preserved, and what action, if any, can or should be taken to assure such rights to all persons in Canada, and that for greater certainty, but not so as to restrict the generality of the foregoing, that the Committee give consideration to the following draft articles:

### Article 1

Everyone has the right to life, liberty and the security of person.

### Article 2

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

### Article 3

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

### Article 4

Everyone has the right to recognition throughout Canada as a person before the law.

### Article 5

All are equal before the law and are entitled without any discrimination to equal protection of the law.

### Article 6

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the Constitution or by law.

### Article 7

- (1) No person shall be subjected to arbitrary arrest, detention or exile.
- (2) Any person who is arrested or detained shall be promptly informed of the reasons for the arrest or detention and be entitled to a fair hearing within a reasonable time or to release.
- (3) No one shall be denied the right to reasonable bail without just cause.

### Article 8

Every person who is deprived of his liberty by arrest or detention shall have an effective remedy in the nature of habeas corpus by which the lawfulness of his detention shall be decided speedily by a Court and his release ordered if the detention is not lawful.

### Article 9

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

### Article 10

(1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

(2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

### Article 11

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

### Article 12

Everyone legally resident in Canada has the right to freedom of movement and residence within the country, and the right to leave and return to Canada.

### Article 13

(1) Men and women of adult age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage and during marriage.

(2) Marriage shall be entered into only with the free and full consent of the intending spouses.

(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and state.

### Article 14

(1) Everyone has the right to own property alone as well as in association with others.

(2) No one shall be arbitrarily deprived of his property.

### Article 15

Everyone has the right to freedom of thought, conscience and religion, this right includes freedom to change his religion or belief, and freedom, either alone or in community with others, and in public or private, to manifest his religion of belief in teaching, practice, worship and observance.

### Article 16

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

## SPECIAL COMMITTEE

## Article 17

- (1) Everyone has the right to freedom of peaceful assembly and association.
- (2) No one may be compelled to belong to an association.

## Article 18

- (1) Everyone has the right to take part in the Government of the country, directly or through freely chosen representatives.
- (2) Everyone has the right of equal access to public service in the country.
- (3) The will of the people shall be the basis of the authority of Government; this will be expressed in periodic and genuine election which shall be by universal and equal suffrage and shall be held by secret vote.

149. Every person is entitled to all the rights and freedoms herein set forth, without distinction of any kind such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

150. Any person whose rights or freedoms as herein set forth have been violated may apply for relief on notice of motion to the Supreme or Superior Court of the Province in which the violation occurred.

151. The above articles shall not be deemed to abridge or exclude any rights or freedoms to which any person is otherwise entitled.

That the said Committee be composed of the Honourable Senators Baird, David, Davies, Doone, Dupuis, Gladstone, Gouin, Grant, Kinley, Petten, Reid, Roebuck, Ross, Turgeon, Vaillancourt and Wood;

That the said Committee shall have authority to send for persons, papers and records.

Attest.

L. C. MOYER,  
Clerk of the Senate.

WEDNESDAY, 31 May, 1950

Pursuant to adjournment and notice, the Special Committee appointed to consider and report upon the subject of Human Rights and Fundamental Freedoms met this day at 8.00 p.m.

Present: The Honourable Senators:

Roebuck, Chairman; Gouin, Doone, Petten, Gladstone, Reid, Kinley—7.

A draft Report was read, considered and amended. Further consideration of the Report was postponed until Tuesday, 6 June, 1950, at 8.00 p.m.

The Committee adjourned at 9.40 p.m.

Attest

J. H. JOHNSTONE,  
Clerk of the Committee.

## R E P O R T

The Special Committee on Human Rights and Fundamental Freedoms beg leave to report as follows:

By order of reference made on the 20th day of March, 1950, your Committee was authorized and directed to:

Consider and report on the subject of Human Rights and Fundamental Freedoms, what they are and how they may be protected and preserved, and what action, if any, can or should be taken to assure such rights to all persons in Canada, and that for greater certainty, but not so as to restrict the generality of the foregoing, that the Committee give consideration the following draft articles:

### *Article 1*

Everyone has the right to life, liberty and the security of person.

### *Article 2*

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

### *Article 3*

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### *Article 7*

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- (2) Any person who is arrested or detained shall be promptly informed of the reasons for the arrest or detention and be entitled to a fair hearing within a reasonable time or to release.
- (3) No one shall be denied the right to reasonable bail without just cause.

### *Article 8*

Every person who is deprived of his liberty by arrest or detention shall have an effective remedy in the nature of *habeas corpus* by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful.

### *Article 9*

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

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(1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

(2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

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(1) Everyone has the right to freedom of peaceful assembly and association.

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## Article 18

(1) Everyone has the right to take part in the government of the country, directly or through freely chosen representatives.

(2) Everyone has the right of equal access to public service in the country.

(3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine election which shall be by universal and equal suffrage and shall be held by secret vote.

149. Every person is entitled to all the rights and freedoms above set forth, without distinction of any kind such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

150. Any person whose rights or freedoms as herein set forth have been violated may apply for relief on notice of motion to the Supreme or Superior Court of the province in which the violation occurred.

151. The above articles shall not be deemed to abridge or exclude any rights or freedoms to which any person is otherwise entitled.

That the said Committee be composed of the Honourable Senators, Baird, David, Davies, Doone, Dupuis, Gladstone, Gouin, Grant, Kinley, Petten, Reid, Roebuck, Ross, Turgeon, Vaillancourt and Wood.

That the said Committee shall have authority to send for persons papers and records.

In obedience to this order of reference, your Committee has inquired into the general subject of Human Rights and Fundamental Freedoms and has held eight public sessions in the course of which thirty-six witnesses have been heard. Witnesses appearing in person before your Committee and testifying are as follows:

- April 25, Prof. F. R. Scott, Faculty of Law, McGill University, Montreal.  
Mr. King Gordon, United Nations Division of Human Rights.
- April 26, Mr. Irving Himel and Dr. Malcolm W. Wallace, Association of Civil Liberties.  
Mrs. Robert Dorman, National Council of Women in Canada.  
Mrs. E. R. Sugarman, National Council of Jewish Women of Canada.
- April 27, Messrs. Monroe Abbey and Saul Hayes, Canadian Jewish Congress.  
Dr. E. A. Forsey, Canadian Congress of Labour.  
Mrs. M. H. Spaulding, League for Democratic Rights.
- April 28, Mr. F. P. Varcoe, Deputy Minister of Justice, Ottawa.  
Mr. J. M. Magwood, Chairman, National Young Adult Program Committee, Y.M.C.A.  
Dr. R. S. K. Seeley, Provost of Trinity College, University of Toronto.  
Dr. E. A. Corbett, Director, Canadian Association of Adult Education.
- May 2, Mr. R. Grantham, Associate Editor of the Ottawa Citizen.  
Mr. Claude Jodoin and Mr. Leslie Wismer, M.P.P., Trades and Labour Congress of Canada.  
Mrs. G. N. Kennedy, Mrs. C. E. Catto, Prof. D. H. Hamly.  
Mrs. D. C. MacGregor, and Mr. H. A. Miller, World Federalists, Toronto.

- May 3, Mr. Leon Mayrand, Assistant Under-Secretary of State for External Affairs.
- Mr. A. J. Pick, Department of External Affairs, Ottawa.
- Rev. Dr. Wm. Noyes, Secretary, Committee for the Repeal of the Chinese Immigration Law.
- Mr. B. K. Sandwell, Eeditor, *Saturday Night*, Toronto.
- Mr. F. A. Brewin, K.C., Canadian Committee for a Bill of Rights.
- May 9, Mr. Morris Biderman, United Jewish People's Order.
- Mr. Edmond Major, Civil Liberties Union, Montreal.
- Ven. Archdeacon C. G. Hepburn, Executive Committee of the Department of Christian Social Service of the Church of England in Canada.
- Mr. Lyle Talbot, Windsor Council on Group Relations.
- May 10, Miss C. Wilson, Save the Children Fund.
- Mr. R. K. Ross, K.C., St. Catharines, Ont.
- Mr. George Tanaka, National Japanese-Canadian Citizens' Association.
- Miss Mary McCrimmon and Mr. Ben Nobleman, Canadian Youth Groups.

Many of those testifying presented the Committee with written briefs, and in addition to these briefs and statements have been received from ~~the following~~ persons and organizations.

The witnesses who testified or presented briefs gave freely of their time, thought, and effort in a public spirited endeavour to assist your committee by the imparting of their knowledge and convictions on the important subject under consideration. Your committee expresses its gratitude for the generous assistance which it has received.

**A Basic Conception.**

As a result of its inquiries, your committee is assured that there are a very large number of persons in Canada who are deeply interested in the subject of Human Rights and Fundamental Freedoms and that much thought has been devoted by our citizens to the subject. That every man, woman and child has rights is generally accepted as axiomatic and that such rights should be protected is a conviction as universally held.

Your committee also agrees with this view, holding that every human being irrespective of mere classifications on account of race, creed, sex, caste or colour, and other like distinctions, has rights which flow from His Divine creation. The brotherhood of man is the logical corollary to the Fatherhood of God, and a fundamental equality among men necessarily follows. Such rights are not created by men, be they ever so numerous, for the benefit of other men, nor are they the gift of governments. They are above the power of men to create. They may be violated by men, but not with impunity. They should be recognized and every care should be taken to preserve them inviolate. Individuals, communities and governments do wrong when they attempt to take such rights away or to disregard them. The invasion of the rights of an individual is wrong irrespective of how many share the guilt, and though the wrong be at the instance of government.

**Life and Liberty.**

It is not possible for your committee to give an all-inclusive definition of human rights, except in the broadest of general terms or to list the various ways in which human rights may be violated. The right to life and liberty is basic, and from this as a foundation there follows the endless ways in which life may be lived and liberty exercised, and the equally endless ways in which the life and liberty of one individual may be interfered with by another

individual, or other individuals. Men now inhabit the globe in great numbers, so that the rights of each individual must necessarily be limited by the equal right of all other individuals. It is in order to preserve this balance of rights that governments have been instituted and laws are devised and enforced. The problems with respect to Human Rights and Fundamental Freedoms arise out of the fact that human beings must live together in communities. In order that life may continue and liberty be enjoyed, certain rules of conduct become necessary. Long and painful and frequently tragic experience has taught us some of the things we must avoid both individually and collectively if the lives of individuals are to be lived in freedom. The Ten Commandments, Magna Carta, the Habeas Corpus Act, The Bill of Rights of William and Mary, the American Declaration of Independence and Bill of Rights are notable examples in world history of efforts made, in keeping with the enlightenment and needs of the times, to protect the life and liberty of the individual.

The increase in population, industrial development and intellectual progress, together with the tragic stimulus of two great wars, have created new needs and made apparent the necessity for the reaffirmation of old truths. The false ideology of the Nazis and the Fascists, based on ~~supremacy of the ruling class~~ and disregard of the rights of the individual, has strengthened our conviction that the way of life of the western world is based upon respect for the rights of the individual and also strengthened the conviction that governments are properly servants, not masters, of the people. Men's thoughts throughout the western world have turned to the subject of Human Rights and Fundamental Freedoms.

**The United Nations**

Five years ago representatives of forty-nine Nations gathered at San Francisco to found the organization now known as the United Nations. The long and costly war waged by the Allied Nations against a power, which professed and practised the grossest violations of individual rights, had quickened the instincts of freedom and the desire for universal security. The awakened respect for human rights was evidenced in the Atlantic Charter and the Four Freedoms message, and in other declarations of war aims. As a result, references to basic rights and fundamental freedoms appear in seven of the articles of the Charter of the United Nations adopted at San Francisco in 1945. The preamble of the Charter reaffirms faith in human rights and in the dignity and worth of the human person. The State signatories of the Charter pledge themselves to promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion. Canada was a signatory of the Charter.

Three additional years of discussion and consultation produced the document which was adopted by the General Assembly of the United Nations meeting at Paris in 1948, known as the United Nations Universal Declaration of Human Rights. Of fifty-eight Nations represented at this United Nations General Assembly, forty-eight voted for the Declaration, eight abstained and two were absent. No vote was cast against it. Canada voted for it.

The Declaration states in its preamble that "recognition of the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world," and declares that "disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind."

The Declaration enunciates the right of all to life, liberty and security of person, the right to equal treatment before the law; to fair trial; to freedom from arbitrary interference with one's privacy; family; home and correspondence; to freedom of movement; to a nationality; to marry and found a family, to own property; to freedom of thought, conscience and religion; to freedom of opinion

and governments

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and expression; to peaceful assembly and association; to take part in the government of one's country directly or through chosen representatives; to periodic and genuine elections by universal and equal suffrage.

~~Sixteen of the eighteen of the draft articles appearing in the Senate Resolution constituting this committee are taken directly from the Universal Declaration.~~

*United Nations Covenant.*

The Preamble of the Universal Declaration speaks of measures to be taken, both internationally and nationally, to secure recognition and observance of human rights, and accordingly the Human Rights Commission of the United Nations is now drafting and developing a proposed covenant to take the form of an international treaty imposing on those nations which enter into it precise legal obligations. While the terms of the proposed covenant are not yet finally settled, your committee regards with sympathetic approval this effort to bring about in the world at large a fuller recognition of human rights and a more universal practice of fundamental freedoms.

The action of the Senate of Canada in constituting this Special Committee with authority to enquire into and report on the subject of Human Rights and Fundamental Freedoms is in keeping, expressed in the national field, with the Preamble of the Universal Declaration. Your committee finds the Canadian nation deeply interested in rights and freedoms both internationally and nationally and is impressed by the serious thought on this subject expressed by the witnesses who have attended its sittings, many of whom were spokesmen for Organizations representing many thousands of Canadian citizens. Without exception and with great earnestness the witnesses urged the adoption by Canada both Federally and Provincially, of a Bill of Rights effectively guaranteeing Canadian citizens against violations of their natural rights by other individuals, groups of individuals or by our own governments.

*Specific Violations Alleged.*

Great concern was expressed by a number of witnesses at incidents which the witnesses regarded as flagrant violations of what in the witnesses' opinion were fundamental human rights. It is obvious, however, that this body is not in a position to decide conflicting claims in specific cases. A Senate Committee is not a Court, and has neither the means nor the authority to pass judgment. It should refrain from the expression of even an opinion based on ex parte evidence. Nor is it the function of the Committee to review the actions of other governments or of their officials.

One may however adduce from this evidence that the things alleged could have happened and consequently might happen in the future. If violations of Human Rights, occurring within the law, are possible, then the ideal of those who love freedom and justice is not fully achieved, and the high-minded demand for legislation protecting the individual more completely in his natural rights is well founded. That worse violations occur elsewhere is not a sufficient answer. Your committee is of opinion that human rights are respected in Canada as well if not better than in any other country in the world, and that our citizens are as free from oppression as those of any other nation, ~~but if the law as it now exists will permit the infringement of natural rights, then our citizens are not as secure from oppression as is desirable.~~

There are other reasons in support of legislative action in protection of human rights which are even more compelling.

*Entry Into Nationhood.*

Canada is just commencing her life as a Nation. The British North America Act gave to the Colonies which it federated a limited autonomy. The Imperial Parliament remained in control and our external relations were retained completely in the hands of the United Kingdom authorities at Westminster. Gradually, however, over the years, the statesmen of Canada have cast off, step by step, Canada's Colonial limitations, so that Canada has in the fullness of time achieved a complete and unfettered national status, together with a high place in international affairs. Just recently we have given final appellate jurisdiction to our own Courts, and the Dominion Parliament has assumed control of the Canadian Constitution in matters within the jurisdiction of the Dominion Parliament. At the present time representatives of the Dominion and Provincial Parliaments are endeavouring to work out an agreed procedure for control of the Constitution in all respects. This is the final step in the legalistic recognition of Canada as a Nation of equal status with all other nations within the British Commonwealth of Nations.

~~When other peoples have embarked in their own ship of State, they have charted and proclaimed the future course which the new nation would follow. The United States of America is an example. The spirit of liberty was voiced in their Declaration of Independence and the freedoms, rights and equality before the law of her citizens were guaranteed and proclaimed in ten amendments to the Constitution which are known as the American Bill of Rights.~~

~~Canada is today in a position comparable in this respect to that of the United States of America in 1776 and immediately following, in that we are just now entering an era of full and complete national status.~~

*Land of the Free.*

This is then the very time for Canada to decide the basis upon which this new Nation ~~is to be~~ founded. With an astounding unanimity, Canadians have individually decided that Canada shall be a land of the free. That here men shall live in the rule of law, in security of person, and that none shall oppress. Equality of right is basic in Canadian thought and ~~must~~ be assured in Canadian law, so that men may live confidently in self respect associating freely and expressing their thoughts without fear. This is the free, self-respecting, manly nation which Canadians have envisaged, and this is the time to nail the emblems of law, and liberty to our mast. This is the very moment in which to decide the basis of our nationhood, to guarantee human rights and fundamental freedoms to all our citizens, and to proclaim our principles to the world.

Let it be said in the future that when Canada assumed complete control of her destiny, her first act was to affirm as the basic principle of her federation, the Human Rights and Freedoms of all her citizens.

Let the Canadian Ship of State embark on her glorious voyage into the future with the rule of law at the helm, liberty at the mast-head, and beauty, culture and happiness on the prow.

Now the practical method for making these ideals effective is to write the provisions protecting human rights into the Canadian Constitution, so that they may be administered in our Courts, and so that they may become binding and obligatory alike upon individuals and upon governments.

*How to Proceed.*

The preferable place for such fundamental law is in the Constitution, which as present in Canada is the British North America Act. This Act already contains a number of clauses protecting certain valued human rights such as the use of the two official languages, annual sessions of Parliament ~~held every~~

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an independent Judiciary, Separate Schools and generally a Constitution "similar in principle to that of Great Britain," or, in other words, the practices of Parliamentary Government. These guarantees of certain minority rights have profoundly influenced our national development and indicate the procedure we should now follow when guaranteeing individual rights, as distinguished from minority rights. The advantage of incorporating provisions of fundamental law in the Constitution are obvious. Such provisions would be binding upon persons in all parts of the country and upon all governments, thus no problems of Dominion-Provincial jurisdiction on Human Rights and Fundamental Freedoms would arise. Alterations in this fundamental law would require national and provincial concurrence, so that setting these safeguards aside in isolated instances would present considerable difficulty. The preservation of liberty has a national as well as a local significance, and were the safeguards national in scope, the guardianship of an independent judiciary would be most effective.

The enactment of a National Bill of Rights, however, presents difficulties. In Canada, because of her history and the harmonious association of peoples of different races, language and religion, respect for Provincial rights as they have been defined in the past is essential. No informed person with any sense of responsibility would suggest that the Dominion Parliament forcibly invade the Provincial jurisdiction. Concurrence, therefore, is an essential requisite to progress.

Constitutional  
A Passing Difficulty.

This difficulty may not be insuperable, but there is also another presently existing but, it is hoped, passing obstacle. The British North America Act is a statute of the Imperial Parliament at Westminster, and objection is now taken by ~~many~~ Canadians to ~~having restrictions imposed upon our people and our several governments~~ by an authority beyond our shores and not of our own selection, even though such action is taken at our own instance. Such a request by Canada to the United Kingdom Parliament would have the appearance at least of a surrender of sovereignty.

For these reasons, your Committee is of opinion that it would be wise to await the time, which we hope is not far distant, when prospective Dominion-Provincial Conferences will have worked out a method for the control within Canada of the Canadian Constitution, and agreement has been reached as to incorporation in the Constitution of a national Bill of Rights.

Such agreement may not be as difficult or unlikely as it might first appear, for such a Bill of Rights in the National Constitution would contain only the simple first principles of human rights and freedoms, matters upon which there is already very general agreement, leaving the more detailed and specific provisions to future amendments, or statutory enactment, as might from time to time seem desirable.

It is realized that this procedure will take time, however great the goodwill and concurrence of those in authority, and however desirable the objective.

Statutory Bill of Rights.

Your committee therefore recommends, that as an interim measure, the Dominion Parliament enact ~~its~~ its own statutory Bill of Rights to have application strictly within its own legislative jurisdiction. While such a statute would not invade the Provincial legislative territory, it would nevertheless cover a very wide field. There is not one article in the United Nations-Universal Declaration which is wholly and exclusively within Provincial jurisdiction, though most of these articles give rise also to Provincial responsibilities. While

an act of the Dominion Parliament would not bind itself or future Dominion Parliaments, it would control the Dominion Government and the whole Dominion Civil Service. It would have application within the ~~criminal law, trade and commerce, the banking business and the railway, shipping and aeronautics industries, and in others of the important matters reserved to the Dominion~~ Parliament in section 91 and other sections of the British North America Act. It would apply without limitation within the North-West Territories.

Such a statute of the Dominion Parliament would solemnly affirm the faith of all Canadians in the basic principles of freedom and it would evidence a national concern for human rights and security. Judges would ~~come to~~ recognize the principles of the National Bill of Rights as part of Canada's public policy, and subsequent Parliaments and Legislatures would hesitate to enact legislation repugnant to its revered principles. To adults it would convey a feeling of security and children would memorize its terms with pride.

Canada should lead the world in reliance upon the rule of law, in her respect for human rights and in her care for fundamental freedom, and in a love of liberty. Her adoption of a National Bill of Rights would set an example which would enhance her status among the nations and ~~which~~ might lead to similar progress by others.

Draw the Bill.

A Bill of Rights, whether statutory or constitutional, should be carefully though courageously drawn. It should be drafted in the first place by men specially qualified for such work, and your committee recommends that the task be referred at once to a carefully selected committee under the direction of the Minister of Justice.

In the drafting of a Bill of Rights, whether constitutional or statutory, the terms and phraseology of the Senate resolution, or the Universal Declaration of the United Nations, will be found useful. The text of the latter has been discussed and considered for a period of two years by the United Nations Commission on Human Rights and was approved in the United Nations general assembly by Canada and forty-seven other Nations, but it need not be followed in detail. ~~accepted in toto~~

What is required in Canada is a broad statement of Human Rights, leaving as did the drafters of the United States Bill of Rights, the detail of application and the necessary qualifications and exceptions to the Courts.

Many of the provisions suitable for inclusion in a Bill of Rights already appear in some portions of our law, but they are not always of nation-wide application. Some fundamental rights are already expressed in the Constitution. The British North America Act guarantees the right to the use of the French and English languages in Parliament and in the Quebec Legislature and Courts, periodic elections and annual sessions of Parliament and the Legislatures, the right to vote, parliamentary practice, and some other basic provisions of democracy. Other provisions of freedom and security are in the Statutes and still others in decisions of the Courts, together with custom, or the commonly accepted way of doing things.

What is required is one grand and comprehensive affirmation, or reaffirmation, of human rights, equality before the law and of security, as the philosophical foundation of our nationhood, that will assure to each Canadian continually that he is born free and equal in rights and dignity with all other Canadians, that he cannot be held in slavery, or arbitrarily arrested, that he will always be presumed innocent of any offence until proven guilty, that he

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has freedom of thought, conscience, expression and movement, and so on through the Universal Declaration. Thus may Canadians know of their freedom, exercise it in manly confidence and be proud of their country.

*Individual Responsibility Declaration*

The enactment of a Bill of Rights is not however the last requisite to a free and just society. While individuals and groups have natural rights, they have also responsibilities. ~~Your committee heard evidence of discrimination practised in many parts of Canada on grounds of race, colour, political opinion and religion, which, without passing judgment in specific cases, your committee must in general deplore. Individuals who practise discrimination, who in their daily life invade the fundamental rights of others, or who exercise authority arbitrarily and oppressively, should pause to remember that this is Canada, a Christian country in which the spirit of fairness, kindness, courtesy and understanding is the basis of our well-being and happiness.~~

~~Canada is at present revising her Criminal Code. The protection of human rights and security of person should run as a golden thread through all our criminal law. Special attention should be given to measures designed to prevent oppression in all its forms which may be classified as criminal.~~

*Conclusion:*

Your committee recommends:

1. That a comprehensive Bill of Rights be enacted as part of the Canadian Constitution,
  - (a) so soon as Canada has established a method of herself amending her own Constitution,
  - (b) to be applicable within the jurisdiction of the Dominion Parliament and also within the jurisdiction of such Provinces as accept it by vote of their respective Legislatures.
2. That pending the enactment of a Constitutional Bill of Rights, as recommended in Clause 1 hereof, a statutory Bill of Rights be enacted by the Parliament of Canada to have force and effect to the full legislative competence of the Dominion Parliament, and no further, so as not to infringe the Provincial jurisdiction.
3. That the Dominion Government at once constitute a committee under the presidency of the Minister of Justice to forthwith draft
  - (a) a Bill of Rights suitable for incorporation in the Constitution of Canada, and
  - (b) a Bill of Rights suitable for enactment as a statute of the Dominion of Canada, and

*and* That such committee be instructed to report to the next session of Parliament.
4. ~~That appeal to the Supreme Court of Canada be provided in all matters involving all rights protected in the Bill of Rights whether constitutional or statutory.~~
5. That all men give thought to Fatherhood of God and the Brotherhood of Man, so that by common consent the rule of law and liberty be more fully established and more universally practised to the end that the rights of the individual be recognized and respected and the well-being, dignity and security of all humanity be thus preserved.

All of which is respectfully submitted.

A. W. ROEBUCK,  
Chairman.