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STUDY ON CANADA'S HUMAN RIGHTS OBLIGATIONS

Report of Human Rights Committee—
Debate Continued

Speech by:

The Honourable Vivienne Poy

Tuesday, April 30, 2002

THE SENATE

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STUDY ON CANADA'S HUMAN RIGHTS OBLIGATIONS

REPORT OF HUMAN RIGHTS COMMITTEE—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Andreychuk, seconded by the Honourable Senator Johnson, for the adoption of the second report of the Standing Senate Committee on Human Rights, entitled: *Promises to Keep: Implementing Canada's Human Rights Obligations*, tabled in the Senate on December 13, 2001. —(Honourable Senator Poy).

Hon. Vivienne Poy: Honourable senators, it is my pleasure to speak to the second report of the Standing Senate Committee on Human Rights. Over the last year, it has been my privilege to serve on this committee and to learn more about international and national human rights issues.

I thank the many witnesses who appeared before the committee and shared their knowledge with us. As Senator Andreychuk stressed in her speech before this chamber, Canada is now entering the third phase of the evolution of human rights in which we must strive to live up to the commitments laid out in the various international human rights instruments that we have ratified.

According to the Department of Foreign Affairs, Canada has ratified most of the principal UN treaties on international human rights. As a result of our willingness to ratify these instruments, as well as the well-justified respect accorded to our Charter of Rights and Freedoms, Canada is known as a leader in the field of human rights.

Honourable senators, do we still deserve this reputation? I ask this question because, as Senator Andreychuk noted, we have not implemented into national legislation many of the rights contained in the treaties to which we are party, while many other Western nations have developed mechanisms for integrating ratified treaties into their laws.

It is true that our federal system of governance makes implementation difficult, but as many witnesses before our committee observed, this is not an insurmountable barrier. As things stand, there is a lack of coherence between Canadian Human Rights Commission rulings and reviews and petitions at the international level.

The question is this: Do we really believe in the human rights principles that we have agreed to in ratifying these treaties and covenants, or is our commitment merely rhetorical? If we are to go beyond rhetoric, we need to implement national legislation as soon as possible so that all Canadians can have full recourse to human rights law.

A first step in this direction, as our committee recommended, would be to include references to key international human rights instruments in the Canadian Human Rights Act so as to more fully harmonize international and national legislation. In

particular, the issue of poverty, which afflicts various social groups in Canada, needs to be incorporated so that discrimination on the basis of social condition is prohibited. These measures would be in keeping with the Paris Principles of 1991, which Canada, along with the UN Human Rights Commission and the General Assembly, endorsed.

Although we have always ranked high in the UN human development index for our quality of life, we have also been criticized, in recent years, by this same report for our failure to tackle poverty, particularly among children, Aboriginal peoples, minorities and women. The homeless are crowding our urban sidewalks, and one in six adults cannot read, while 5 million Canadian children live in poverty. The gap between Canada's rich and poor continues to grow. Honourable senators, we cannot ignore these issues.

Canada has committed itself to the protection of both civil and political rights, and social and economic rights, by signing the international covenants. In fact, when CIDA ventures abroad, it recognizes the close interaction between poverty alleviation and governance issues in the development of a nation.

As the head of the Canadian Human Rights Commission, Michelle Falardeau-Ramsay, said, these two sets of rights cannot be separated if quality of life is to be ensured:

The international community has recognized for some time that human rights are indivisible, and that economic and social rights cannot be separated from political, legal, or equality rights. It is now time to recognize poverty as a human rights issue here at home as well.

Critics of social and economic rights, which are positive rights, often argue that negative rights, such as freedom from torture, freedom from arbitrary arrest, freedom of conscience, et cetera, are easier and cheaper to enforce than positive rights. One of the most important rights in a democracy, the right to vote, is in fact a positive right. Ultimately, our access to rights depends on our social and economic position in society. Despite the Charter and our best intention as a society, many inequalities do exist, and for those who find themselves on the bottom rungs of our economy, human rights are a luxury they cannot afford in their struggle for survival.

Martha Jackman wrote this recently in the *National Journal of Constitutional Law*:

It requires little imagination to question the value and meaning of a right to freedom of conscience and opinion without adequate food; to freedom of expression without adequate education; to security of person without adequate shelter and health care. In each case there exists a fundamental interdependence between the classical right, which is constitutionally recognized, and the underlying social and economic right, which is assumed to be a matter, not for the state, but for the market, for individual initiative, or even nature.

Thus, all rights require access to resources. However, many poverty-related claims, such as those related to social assistance and to low-income women, that are brought before Canada's Human Rights Commissions are ignored, despite their legitimate basis in international law.

Aside from harmonizing international and domestic legislation, one of the most pressing issues that has emerged since September 11 is the need to maintain a proper balance between demands for collective security and human rights. We need to closely monitor our domestic situation to ensure that security concerns do not supersede the rights of Canadians.

Aside from assuring that the different levels of government respect human rights in practice, we need to encourage all Canadians to talk about these issues. One way to do so is to give them the information they need through education. How many Canadians know what international human rights instruments Canada has ratified? How many Canadians understand how to file a complaint under these treaties at the international level? Even if much of this legislation is not codified into Canadian law, Canadians need to know what principles Canada has publicly committed to uphold.

It is my personal desire that the Standing Senate Committee on Human Rights will raise awareness of the importance of human rights among parliamentarians and among all Canadians. For too long, we have taken Canada's human rights record for granted. There is a tendency to be complacent, even when there is much more to achieve.

Now is the time for Canada to take our international human rights commitments more seriously, both nationally and globally. Our committee was informed that there has not been an intergovernmental meeting on human rights at the ministerial level in some 13 years. Much has happened in the field of human rights during that period. It is obviously time for the federal, provincial and territorial ministers to sit down together.

As the committee hearings have made evident, many questions need to be addressed if Canada is to retain its status in the international arena as a champion of human rights.

This month, we celebrate the twentieth anniversary of the Canadian Charter of Rights and Freedoms. Let us take this opportunity to review our many triumphs over the past 20 years, but also to set our course for the future.

Honourable senators, as the Standing Senate Committee on Human Rights continues its fine work, it will play a pivotal role in shaping that future and moving the human rights agenda forward in Canada and around the world.

Hon. Senators: Hear, hear!

Hon. Marcel Prud'homme: Will the honourable senator accept one or two questions?

Senator Poy: Yes, if I am able to.

Senator Prud'homme: Honourable senators, I attend this important committee as often as I am able to. As honourable senators are aware, I am a member of no committee because my choice is Foreign Affairs, where I think I have expertise, but I am deprived of sitting as a supplementary on that committee. I make no concessions; therefore, I am a member of no committee. Talk about the rights of parliamentarians.

The Human Rights Committee is doing fabulous work. I attend that committee on Mondays whenever I can as a non-member. The chair treats me as if I were a member of the committee; if I raise my hand, the chair recognizes me. I appreciate Senator Andreychuk's courtesy and Senator Poy's able participation.

One thing strikes me about the Human Rights Committee, however. Why is it that that committee attracts mostly women, compared to the Banking Committee and other committees where the membership is made up mostly of males? Why is the Human Rights Committee entirely composed of women, except for two Conservative senators, Senators Kinsella and Beaudoin? Senators Andreychuk, Kinsella and Beaudoin, the three Conservative representatives, are two men and a woman.

Senator Joyal is not a member. He attends as a volunteer, as I do. All the members for the government — my party for 40 years — are women. May I make a plea to the House Leader?

Maybe there should be some adjustment there, so that males could have the same sensitivity that the committee shows. It is a suggestion.

My question is: The honourable senator does believe in the universality of human rights, does she not?

Senator Poy: Yes, I do.

Senator Prud'homme: As we talk about almost everything touching on human rights except the one thing that is of greatest interest to world peace, something that could explode overnight, could I ask the honourable senator to ask her committee if the time has come for some women — and I feel that women have more guts than men, and I do say so publicly on the record — to decide that they will study the human rights situation of the Palestinian people?

I put my question to Senator Poy, as I do to the able chair, very humbly. Will the honourable senator at least consider studying the possibility of looking into this very explosive matter and promote the idea through her very important committee?

I repeat, I was not wrong in the past when I predicted things I was horrified to see happening. It will become worse and worse.

For those colleagues who are very cynical, I would remind them that this committee sits on Mondays, and we should tip our hats to the members who chose to sit on those days.

Senator Poy: Honourable senators, I am glad the Honourable Senator Prud'homme mentioned that in the Human Rights Committee there are more women than men. It is something I have noticed in many other meetings I attend regarding peace and security as well. It is mainly women, but I cannot answer why that is so.

To answer the question regarding studying the Palestinian question, I think it would be more appropriate if the honourable senator put it to our chair and deputy chair. I am vitally interested in that myself, though I retain, as my main concern, the rights of

Canadians here in Canada. We need to solve that problem first before we can solve the problems of the world.

On motion of Senator Kinsella, for Senator Beaudoin, debate adjourned.
