

The Constitution

Mr. Clark: Let me elaborate briefly for a moment. Two years ago, as prime minister, when statements were still made on motions, if Your Honour can remember that far back—

Some hon. Members: Oh, oh!

Mr. Clark: —I had the opportunity to make a statement on motions marking the fiftieth anniversary of the Person's case in Canada. The Person's case, as this House will recall, was a case brought by five courageous women who, I am pleased to say, came from my province of Alberta and believed that it was absolutely unacceptable that interpretations of the Supreme Court of Canada should prevent women from being interpreted as persons in a way which would not allow them to be appointed to the Senate. One might ask why they would ever want to be appointed there; but certainly, their case was that if anyone were to be appointed there, they should have as much right to be appointed as men. They raised the case, they fought the case and they won the case. From that point in the late 1920s and early 1930s, we achieved a very significant movement forward toward equality of status of male and female persons.

● (1430)

I make the point that while the symbolic battle was won with Senator Cairine Wilson being named to the Senate, we had only begun to approach the issue. The Senate was the symbol. The issue was inequality. The symbol has been repaired. The inequality persists.

I will not spend long on this point because too many of us, to our shame, know that if we have a daughter, as I do, she will not have the opportunity in this country to play hockey if she chooses to do so in the same way that a male child might have.

We know that women are denied equal rights to use the training they acquire, whether professional training—

Miss Bégin: They can play ringette.

An hon. Member: Why don't you play hockey, Monique?

Mr. Clark: Yes, they can play ringette. That is right. They can play something else.

Some hon. Members: Oh, oh!

Mr. Clark: I do not want to get into partisan debates so I will not comment on my continuing surprise at the Minister of National Health and Welfare (Miss Bégin).

Some hon. Members: Oh, oh!

Some hon. Members: Hear, hear!

Mr. Clark: What I am going to say, I say also as someone who is occasionally guilty of the infraction myself. Nothing demonstrates the point I am trying to make more dramatically than matters about which this House jokes or titters most often. They usually relate in one way or another to the status of women. For instance, the dispute as to whether my colleague, the hon. member for Kingston and the Islands, should

be called an hon. lady when I am called an hon. member. That sort of thing indicates that prejudice runs deep, even in this House where we are supposed to stand and fight against prejudice.

That, I believe, makes the case very clearly and very dramatically why, even though we have espoused the goal of equality, we need to take that step one point further. What must be put right into the Constitution of Canada is the guarantee that male and female persons will be treated equally in relation to the rights and freedoms of Canadians. That will be another step forward, as was the Person's case some 50 years ago which guaranteed in daily practice, where wages were paid and people were hired, that female persons were to be treated equally with male persons.

Some hon. Members: Hear, hear!

Mr. Clark: At this point I would like to move a motion, and I will, continue my remarks after having done so. I move, seconded by the hon. member for Kingston and the Islands:

That the proposed *Constitution Act 1981* be amended

(a) by striking out clause 28 and substituting the following:

Rights
guaranteed
equally to both
sexes

28. Notwithstanding anything in this Charter, the rights and freedoms referred to in it are guaranteed equally to male and female persons.

(b) by striking out subclause 33(1), and substituting the following:

Exception
where express
declaration

33. (1) Parliament or the legislature of a province may expressly declare in an Act of Parliament or of the legislature, as the case may be, that the Act or a provision thereof shall operate notwithstanding a provision included in section 2 or sections 7 to 15 of this Charter.

What that does is remove the *non obstante* clause from Section 28. It restores the guarantee of equality of male and female persons to the position enjoyed when the accord was tabled in this House of Commons by the Prime Minister of Canada after his meeting with the first ministers.

There is another matter to which an hon. member of my party will be addressing himself and submitting an amendment later. It cannot be done today because we can only submit one amendment at a time if we want to have them voted on individually, as we do. This other matter of major importance has to do with the question of aboriginal rights, aboriginal title. As I say, that will be introduced later. I was given to understand by the speech made by the Minister of Justice (Mr. Chrétien) that there are some negotiations continuing with representatives of at least some of the status Indian groups. We will naturally want to take account of those negotiations and to keep current with them. But I make the specific point, Madam Speaker, as someone who has had the interests of the native people at heart for a long time both in