

impact on women,³¹ would be reversed by incorporating social and economic rights into the *CHRA*.

Fourth, a procedure for claiming social and economic rights must respond to the needs of the most disadvantaged members of society. Human rights tribunals are more accessible, less expensive and less tied to legal procedures than are the courts. Advocates before human rights tribunals do not need to be lawyers, and tribunal members can be chosen for their expertise in human rights, without the requirement that they have formal legal training or accreditation. Racialized women, women with disabilities, and other members of equality seeking groups are better represented on human rights tribunals than on courts. Human rights tribunals will therefore provide a more accessible and responsive forum for the consideration of social and economic rights claims, and the development of a social and economic rights jurisprudence, particularly in the early stages of their evolution.

Fifth, the Canadian Human Rights Commission is Canada's "national human rights institution" with corresponding responsibilities and obligations.³² The fact that the Commission's mandate has historically been restricted to non-discrimination rights is no defense to a failure to establish a national human rights institution in conformity with international norms. In 1991, a series of principles establishing minimum standards for national human rights institutions were adopted by a U.N. sponsored meeting of representatives of national human rights institutions in Paris. The *Paris Principles* were subsequently endorsed by the United Nations Human Rights Commission and the General Assembly, including Canada.³³ The *Paris Principles* provide that a national human rights institution shall have "as broad a mandate as possible" with particular responsibility "to promote and ensure the harmonization of national legislation regulations and practices with the international human rights instruments to which the State is a party, and their effective implementation."³⁴ Including social and economic rights in the *CHRA*, and expanding the mandate of the Canadian Human Rights Commission, is therefore necessary if the Canadian Human Rights Commission is to conform with the *Paris Principles*, as well as with the requirements of the

- Report No. 2 (July 1997); and 1996 APC Provincial-Territorial Working Group on Social Policy Reform and Renewal, *Issues Paper on Social Policy Reform and Renewal: Next Steps* (August 1996).

³⁰For a description of this trend, see National Anti-Poverty Organization, *Poverty and the Canadian Welfare State: A Report Card* (Ottawa: National Anti-Poverty Organization, June 1998); C. Girard & L. Lamarche, "Évolution de la sécurité sociale au Canada: Le mise à l'écart progressive de l'état providence Canadien" (1998) 13 *Journal of Law & Social Policy* 95; R. Ellsworth, "Squading Our Inheritance: Re-Forming the Canadian Welfare State in the 1990s" (1997) 12 *Journal of Law & Social Policy* 259.

³¹See M. Jackman, "Women and the Canada Health and Social Transfer: Ensuring Gender Equality in Federal Welfare Reform" (1995) 8 *Canadian Journal of Women and the Law* 371; S. Day & G. Brodsky, *Women and the Equality Deficit: The Impact of Restructuring Canada's Social Programs* (Ottawa: Status of Women Canada, 1998).

³²United Nations General Assembly, World Conference on Human Rights, *Vienna Declaration and Programme of Action*, Vienna, 14-25 June 1993, UN Doc. A/CONF.157/23 (12 July 1993) at paragraphs 36-37.

³³*National Institutions for the Promotion and Protection of Human Rights*, GA Res. 48.134, UN GAOR, 48th Sess., 8th Plenary Mtg, UN Doc. A/RES/48/134 (20 December 1993); *National Institutions for the Promotion and Protection of Human Rights*, Res. 1994/54, UN HRC, 56th Meeting, UN Doc. E/CN.4/RES/1994/54 (4 March 1994) [hereinafter *Paris Principles*].

³⁴*Ibid.* at paragraphs 2 and 3(b).