

## THE SENATE

Friday, June 30, 1950

The Senate met at 11 a.m., the Speaker in the Chair.

Prayers and routine proceedings.

### PROROGATION OF PARLIAMENT

The Hon. the Speaker informed the Senate that he had received a communication from the Assistant Secretary of the Governor General, acquainting him that the Honourable Patrick Kerwin, acting as Deputy for His Excellency the Governor General, would proceed to the Senate Chamber this day at 11.30 a.m. for the purpose of proroguing the present session of parliament.

### HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

#### REPORT OF COMMITTEE CONCURRED IN

The Senate resumed from yesterday the debate on the motion of Hon. Senator Roebuck (Toronto-Trinity) for concurrence in the report of the Special Committee on Human Rights and Fundamental Freedoms.

**Hon. Arthur W. Roebuck:** Honourable senators, I see that the resolution which I had the honour to move stands this morning in solitary grandeur upon our order paper. And it may be that if it were not for the purposes of the record, little need be said this morning, but I feel that I must make some comment about the report in closing this debate. No doubt many honourable senators will agree that in debates of this kind, where people express their honest thoughts, differences may be resolved for the most part by holding clearly in mind precisely what is before them for decision. I feel this is very much the case in this instance, and that any differences expressed so far in this debate lie in misunderstandings or in misapprehension of the precise matters that are before the house. Therefore, if you will bear with me, I purpose to make my answer in the positive way, that is by addressing myself to just what it is we are determining.

As honourable senators who have read the report will remember, it opens with the broad statement that every human being has rights which flow from his divine creation; that the brotherhood of man results from the fatherhood of God, and a fundamental equality among men necessarily follows. I suppose no one in Canada would take objection to the

statement that man, because of his divine origin, has rights and that these rights should be respected and, if necessary, protected.

The report goes on to mention the formation five years ago of the United Nations, and the adoption of the United Nations Charter with its assertion of human rights. This was followed by the universal declaration for which Canada and most other nations voted.

The report then describes the timeliness of the subject. Canada is just commencing her life as a nation, and assuming complete control of her own affairs, both domestic and foreign, so that this is the time to decide the philosophical basis of our nationhood. Canadian statesmen have swept away our former colonial limitations, and we are now endeavouring to agree among ourselves upon a way to amend in Canada our Canadian constitution. And the report makes the point that this is the time, therefore, "to decide upon the philosophical foundation of our nationhood"—which, as of course no one will dispute, is freedom,—and "to guarantee human rights and fundamental freedoms to all our citizens, and to proclaim our principles to the world."

Having asserted the desirability of some acknowledgment in Canada of human rights, the report turns to the practical method of attaining that end, and it states that the most effective way of guaranteeing rights is by incorporation of such provisions in the constitution. It is pointed out that the British North America Act already guarantees a number of valued human rights, and the suggestion is that further steps might be taken in the same direction. To all who are somewhat fearful of what is proposed, I call attention to this paragraph:

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 constitutional progress.

Let no one misunderstand those words. There is no intention on the part of a single member of the committee responsible for this report to advise anything that may be regarded as, or that might even look like an invasion of provincial rights.

Our present constitution, the British North America Act, is a statute of the Imperial Parliament, and, in the words of the report, "objection is now taken by Canadians to legislative intervention by an authority beyond our shores and not of our own election, even