

*The Constitution*

nuances, those legal fine points, have no place here in the discussion of the constitution of a country.

Mr. Speaker, we want to include in the constitution a charter of rights to guarantee and protect the fundamental freedoms and rights of Canadians. What are those rights? There are seven categories of rights. The first category comprises the fundamental freedoms, and I want to enumerate them because, as I said a moment ago, what ordinary people think about that, what they read in the papers is the word constitution, the word patriation, and also the word unilateral and the term charter of rights, but we will tell them what those rights are. The first category of fundamental freedoms we want to see enshrined in the Constitution of Canada are quite simply the freedom of conscience and religion, the freedom of thought, the freedom of opinion, the freedom of the press, the freedom of information, the freedom of association and the freedom to hold pacific meetings. What is wrong with the fundamental freedoms of Canadian citizens being protected forever by the Canadian Constitution?

● (1710)

People are asking themselves the question and they are told that this is what we want to do. We want it to be protected so that legislatures will not be able to tamper with it depending on the government of the day. It must be entrenched in a definite manner into a constitution which cannot be amended without the consent of a majority of provinces, as I will explain later, and that of the federal government.

The second category of rights we want to have entrenched in the constitution deals with the democratic rights that we are all aware of but that are seldom mentioned although they are fundamental. I am talking of the sacred right of citizens to vote in Canada and to be elected. Anybody in Canada who meets the normal few criteria set in a democratic society has the right to be a candidate, to become the elected member of his riding and to be its representative in the Parliament of Canada. It is one of the great advantages of our system and there is absolutely nothing wrong, indeed it is desirable that this kind of right be well entrenched in the Canadian constitution.

These democratic rights also include the duration of a Parliament. People will now have the assurance, written in the Canadian constitution, that elections will be held at least every five years and that Parliament will have to sit at least once a year. The other category of rights to be included in the constitution concerns the freedom to move to and settle in any area. It is quite essential that every Canadian, in whatever province, have the right and the freedom to enter and leave any province when he wishes and that every Canadian from whatever area and whatever province be entitled to earn his living in any province without being penalized and without being the victim of any discrimination. This is another category of rights which we want to see entrenched in the constitu-

tion and which protect Canadian citizens without penalizing the provincial governments.

The legal guarantees, the right to life, the right to freedom and to security, the right to protection against abusive searches, against unjustified detention and imprisonment, the presumption of being non-guilty, the right to have the assistance of a lawyer and to be tried within a reasonable time are all basic rights which should be entrenched in the constitution we want to patriate.

The other category of rights mentioned in the resolution concerns non-discrimination. We want everyone to be equal before the law, to have equal protection regardless of sex, colour, age or religion. This is a fundamental and current concern. As recently as last evening on the news, we heard about an obvious case of sexual discrimination. This case concerned a husband who was deprived of his right to deduct a pension that he paid to his children for income tax purposes even though this right is recognized in the case of the wife. Because he was a man, he could not benefit from this tax privilege. This is why our Human Rights Commissioner, Mr. Gordon Fairweather, has said that he himself is in favour of entrenching these rights and freedoms within the Canadian Constitution. I am happy to see that Mr. Fairweather has expressed his opinion publicly on this matter because he has a lot of credibility in this field in his capacity of chairman of the Human Rights Commission. Last evening, on the news, he stated his position very clearly and publicly when referring to the case I have mentioned. I think it is essential that the fundamental rights and freedoms of all Canadians be entrenched in the constitution. Indeed the Commissioner of Official Languages, Mr. Max Yalden, also said the same thing.

Mr. Speaker, another category of the most fundamental rights which will be entrenched in the constitution concerns the official languages of Canada, and for the first time in the history of this country, I am surprised and disappointed that so few Quebecers recognize this fact, Mr. Speaker. For the first time in our history, instead of having a simple bill or a simple federal legislation, the status of the French and English languages will be defined in the Constitution of Canada as being both official languages equally recognized everywhere in Canada. This is fundamental. People seem to forget too often that Canadians have the right to communicate with their federal institutions in their own language when their numbers warrant. That is essential. It is now guaranteed under legislation, but it will be much more secure, no one will be able to change it, it will be compulsory and all Canadian legislatures will have to comply for the greatest advantage of all Canadian citizens. Both the French and English languages will have a status of strict equality everywhere in Canada and that must be emphasized because it will be part of our project, of our constitutional initiative.