

gral part of the adjudication of disputes, the courts interpret the Canadian Charter of Rights and Freedoms and human rights codes or legislation, as well as other relevant legislation, and are responsible for the development of the common law ("judge-made law"). The Supreme Court of Canada has stated that the common law must be interpreted, developed and, if necessary, amended to reflect the values of the Canadian Charter of Rights and Freedoms.

The Canadian Charter of Rights and Freedoms (1982) guarantees: the freedoms of conscience and religion, thought, belief, opinion and expression, peaceful assembly and of association; democratic rights; mobility rights; the right to life, liberty and security of the person; due process; equality before and under the law, recognition of French and English as the two official languages of Canada; and minority-language educational rights. Various modes of redress for human rights violations are available, depending on the nature of the right infringed and the form of remedy sought. Relevant authorities include the courts, statutory bodies created to administer particular legislation (variously known as commissions, boards, committees or tribunals) and ombudsmen. The primary means of enforcing the human rights codes (concerned mainly with discrimination) which have been enacted everywhere in Canada is through the human rights commissions established under them. Individuals who claim to be victims of discrimination may file complaints with the appropriate commission. These complaints are then investigated and there may be a conciliation process. If necessary, a board of inquiry or human rights tribunal determines the legal merits of the complaint. International human rights conventions that Canada has ratified apply throughout Canada federally and in all provincial and territorial jurisdictions.

Economic, Social and Cultural Rights

Acceded: 19 May 1976.

Canada's third periodic report (E/1994/104/Add.17) was considered at the November/December 1998 session of the Committee; the fourth periodic report is due 30 June 2000.

Civil and Political Rights

Acceded: 19 May 1976.

Canada's fourth periodic report (CCPR/C/103/Add.5) has been submitted and is scheduled for consideration by the Committee's March 1999 session; the fifth periodic report is due 8 April 2000.

Reservations and Declarations: Declaration under article 41.

Optional Protocol: Acceded: 19 May 1976.

Racial Discrimination

Signed: 24 August 1966; ratified: 14 October 1970.

Canada's 13th and 14th periodic reports were due 13 November 1995 and 1997 respectively.

Discrimination against Women

Signed: 17 July 1980; ratified: 10 December 1981.

Canada's fifth periodic report is due 9 January 1999.

Torture

Signed: 23 August 1985; ratified: 24 June 1987.

Canada's third periodic report was due 23 July 1996.

Reservations and Declarations: Declarations under articles 21 and 22.

Rights of the Child

Signed: 28 May 1990; ratified: 13 December 1991.

Canada's second periodic report is due 11 January 1999.

Reservations and Declarations: Articles 4, 21, 30; paragraph (c) of article 37.

REPORTS TO TREATY BODIES

Committee on Economic, Social and Cultural Rights

Canada's third periodic report (E/1990/104/Add.17, April 1997) was considered by the Committee at its November 1998 session. The report reflects the multi-jurisdictional nature of Canada and the main changes in federal policies, laws and programs since the submission of the second report on articles 6 through 9 (December 1987) and on articles 10 through 15 (September 1992). Part I reviews, *inter alia*: jurisprudence relative to the Covenant, the scope of the Canadian Charter of Rights and Freedoms, the role of governments in litigation, the Court Challenges Program, the scope of human rights legislation, the training of the judiciary, and relevant case law. Part II is based on federal considerations and contains information on, *inter alia*: the Canada Health and Social Transfer (CHST); development of a National Child Benefit System, the Employment Insurance Program 1996; measures to address poverty and hunger; housing, an adequate standard of living; and changes to the Canadian Human Rights Act to address discrimination. Part III of the report contains information relative to each of the 10 provincial governments, and Part IV reflects information provided by the two territorial governments.

The Committee's concluding observations and comments (E/C.12/1/Add.31) noted, *inter alia*: that for the last five years, Canada has been ranked at the top of the UNDP Human Development Index; the UNDP Human Poverty Index ranks Canada tenth on the list for industrialized countries; that the Supreme Court has held that section 15 (equality rights) of the Canadian Charter of Rights and Freedoms (the Charter) imposes positive obligations on governments to allocate resources and to implement programmes to address social and economic disadvantage; that the Human Rights Tribunal in Quebec has, in a number of decisions, considered the Covenant in interpreting Quebec's Charter of Rights, especially in relation to labour rights; appointment of the Royal Commission on Aboriginal Peoples (RCAP) and RCAP's 1996 report; reinstatement of the Court Challenges Program; the statement by the Canadian Human Rights Commission