

Article 15

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others, and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 16

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 17

1. Everyone has the right to freedom of peaceful assembly and association.

2. No one may be compelled to belong to an association.

Article 18

1. Everyone has the right to take part in the government of the country, directly or through freely chosen representatives.

2. Everyone has the right of equal access to public service in the country.

3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote.

149. Every person is entitled to all the rights and freedoms herein set forth without distinction of any kind such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

150. Any person whose rights or freedoms as herein set forth have been violated may apply for relief on notice of motion to the Supreme or Superior Court of the province in which the violation occurred.

151. This Part shall not be deemed to abridge or exclude any rights or freedoms to which any person is otherwise entitled.

2. This Act may be cited as the British North America Act, 1949, and the British North America Acts 1867 to 1946, and this Act, may be cited together as the British North America Acts 1867 to 1949.

He said: Honourable senators will recollect that when the honourable senator from De Salaberry (Hon. Mr. Gouin) presented to this chamber on June 26, 1948, the report of the special Joint Committee on Human Rights and Fundamental Freedoms, he laid on the table a resolution adopted by the International Commission on Human Rights at Lake Success on June 18, 1948. That document will be found recorded at page 683 of the Debates of the Senate for that year. The senator from De Salaberry will also recollect that the Lake Success resolution followed, in somewhat condensed form, the International Declaration on Human Rights adopted at Geneva on the 17th of December, 1947. Canada voted for that resolution. The draft bill, which constitutes part of the resolution I have just moved, is an adaptation of these two documents to suit the Canadian situation and the purpose in hand, and is drawn by the officers of a committee for a Bill of Rights, of which Mr. B. K. Sandwell, editor of *Saturday Night*,

of Toronto is president, and Mr. Irving Himel, a well-known and active barrister of my city, is secretary. The committee's membership includes many men and women of prominence and distinction resident throughout Canada, from Vancouver to Antigonish.

I am one of the very many in Canada who advocate the principle of human rights and fundamental freedoms. I believe that everyone is entitled to live his life in his own way, to express his thoughts as he may see fit, alone or in association with others, and to be protected by the state in his personal freedom from all domination or oppression by others, including the state. And so I have readily consented to move this resolution, which I understand will also be presented to the governments—or the legislatures, if any are in session—of the provinces throughout Canada.

The joint committee of the Senate and Commons held sittings in two sessions of parliament and finally reported, in effect, that the power of the Dominion Parliament to enact such a statute is disputed, and, accordingly, the committee did nothing and accomplished nothing. I expressed my disappointment at that time in unmistakable terms. The reason for inaction given by the committee was the difficulty inherent in the federal system of divided jurisdiction. The difficulties are admitted, though a very large field for the enactment of such legislation is reserved to the Dominion Parliament. It may be conceded, however, that no truly comprehensive bill of rights, applicable under all circumstances, could be enacted by the Dominion Parliament alone without infringing the provincial jurisdiction.

Technical difficulties do exist, but in my judgment they are not a justification for total inaction. Since the member for De Salaberry (Hon. Mr. Gouin) prepared the report to which I have referred, two notable developments have taken place which make this an opportune moment for progress. First, the Dominion Parliament is about to assume the right to amend the Canadian constitution with respect to matters exclusively under dominion control; and second, on the invitation of the Prime Minister of Canada, representatives of the provincial and dominion governments will meet in conference in January next for consideration of the whole subject of the enactment of constitutional amendments. Under the circumstances, honourable senators, is it too much to ask that these spokesmen for all parliamentary jurisdictions, when assembled, consider the most vital of all subjects, the preservation of the human rights and fundamental freedoms of our people?

The Prime Minister is himself much interested in this subject. Speaking in Montreal