

of *ICESCR* rights into domestic law, though not absolutely required, is desirable in order to enable individuals to invoke *Covenant* rights directly through court action<sup>21</sup>

The Committee's *General Comment No. 10*, on the role of national human rights institutions in the protection of social and economic rights, flows directly from the principles laid out in *General Comment No. 9*. It is clearly incompatible with the fundamental principle of the interdependence and indivisibility of all human rights for domestic human rights institutions to focus solely on civil rights. The Committee notes that, while national human rights institutions "have a potentially crucial role to play in promoting and ensuring the indivisibility and interdependence of all human rights," this role has too often been neglected. In the Committee's view it "is therefore essential that full attention be given to economic, social and cultural rights in all of the relevant activities of these institutions."<sup>22</sup> *General Comment No. 10* outlines a number of possible roles for human rights institutions with respect to social and economic rights. These include reviewing legislation and administrative practice for compliance with social and economic rights; promoting public education and information programs; investigating complaints of violations; and holding inquiries into the realization of social and economic rights within the country as a whole, or within particular vulnerable constituencies.<sup>23</sup>

### **Why the *CHRA* is the appropriate place to begin in Canada**

Adding social and economic rights to the *CHRA* would not provide a remedy for all social and economic rights violations in Canada. The Committee on Economic, Social and Cultural Rights has recommended the inclusion of social and economic rights in both provincial and federal human rights legislation. Indeed, many of the most important social rights claims of women and other disadvantaged groups fall within areas of provincial jurisdiction. And, inclusion of social and economic rights in human rights legislation is itself only part of the solution. In addition to incorporating social and economic rights in human rights statutes, the Committee has recommended a more expansive interpretation of *Charter* rights; a shared cost program for social assistance which restores a legally enforceable right to adequate financial assistance; and the protection of social and economic rights through the Social Union framework.<sup>24</sup> Thus, the incorporation of social and economic rights in the *CHRA* would represent only a partial fulfillment of Canada's overall obligation, under the *ICESCR*, to integrate social and economic rights into the domestic legal framework.

For a number of reasons, however, the *CHRA* is an ideal place to start the process of developing an approach to human rights in Canada that is more consistent with our international obligations, and more responsive to the needs and human rights claims of Canada's most disadvantaged constituencies. First, including social and economic rights within the *CHRA* affirms their inherent connection with equality rights. Such a reform will encourage an interdependent

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<sup>21</sup>*Ibid.* at paragraph 8.

<sup>22</sup>*General Comment No. 10*, *supra* note 16 at paragraph 3.

<sup>23</sup>*Ibid.*

<sup>24</sup>*Concluding Observations, 1998*, *supra* note 14.