

THE SENATE

Thursday, November 3, 1949

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

EXPORT AND IMPORT PERMITS BILL

REPORT OF COMMITTEE

Hon. G. P. Campbell presented and moved concurrence in the report of the Standing Committee on Banking and Commerce on Bill Z-3, an Act to amend the Export and Import Permits Act.

He said: Honourable senators, the committee have, in obedience to the order of reference of October 26, 1949, examined the said bill, and now beg leave to report the same with one amendment.

*(The amendment was then read by the Clerk Assistant.)*

1. Page 1, lines 8 and 9: Delete "thirty-first day of March, nineteen hundred and fifty-two" and substitute "thirty-first day of July, nineteen hundred and fifty-one".

The motion was agreed to.

THIRD READING

The Hon. the Speaker: When shall the bill be read the third time?

Hon. Mr. Campbell: With leave of the Senate, now.

The motion was agreed to, and the bill was read the third time, and passed.

HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

MOTION

Hon. Arthur W. Roebuck moved:

That the government be requested to submit to the forthcoming Dominion-Provincial Conference on the Constitution the following draft amendment to the British North America Act:

1. The British North America Act, 1867, is hereby amended by adding thereto the following part, which shall be known as "The Canadian Bill of Human Rights and Fundamental Freedoms":

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148. Every person is entitled to the human rights and fundamental freedoms herein set forth, and notwithstanding anything in the British North America Act, 1867, or in any Act amending the same, it shall not be lawful for the Parliament of Canada or legislature of any province to make laws violating these rights and freedoms.

Article 1

Everyone has the right to life, liberty and the security of person.

Article 2

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 3

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 4

Everyone has the right to recognition throughout Canada as a person before the law.

Article 5

All are equal before the law and are entitled without any discrimination to equal protection of the law.

Article 6

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 7

1. No person shall be subjected to arbitrary arrest, detention or exile.

2. Any person who is arrested or detained shall be promptly informed of the reasons for the arrest or detention and be entitled to a fair hearing within a reasonable time or to release.

3. No one shall be denied the right to reasonable bail without just cause.

Article 8

Every person who is deprived of his liberty by arrest or detention shall have an effective remedy in the nature of habeas corpus by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful.

Article 9

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 10

1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

2. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 11

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 12

Everyone legally resident in Canada has the right to freedom of movement and residence within the country, and the right to leave and return to Canada.

Article 13

1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

2. Marriages shall be entered into only with the free and full consent of the intending spouses.

3. The family is the natural and fundamental group unit of society and is entitled to protection by society and state.

Article 14

1. Everyone has the right to own property alone as well as in association with others.

2. No one shall be arbitrarily deprived of his property.