

*Human Rights*

In 1958 I said, and I repeat it today, that this bill will not do everything that I should have liked to see done. However, it is a major step forward in that henceforth Canadians will know that their national rights cannot be disregarded, that the government will have before it an unmistakable and clear declaration that it must at all times preserve and maintain the freedoms in the legislation that it brings before parliament and has passed in parliament. I do not assert—and I want to make this point clear—that I am alone in my feelings in this regard. I would be the last to assert that there have not been others. Mention was made of several of them. I mention others such as the hon. member for Greenwood (Mr. Macdonnell), the Minister of Justice (Mr. Fulton), M. J. Coldwell, Alistair Stewart, Senator Roebuck and there are still others that I could mention. They have said what I have said during the years. Today I am in the position, if the house accepts this bill, of being able to carry into effect many of the abiding principles to which they have referred on many occasions.

I am going to refer in particular to the bill. I am going to deal with the various arguments that were used. One was that we should not really have our rights in writing; others were that the bill should be a constitutional amendment, that it should be in outstanding and grandiloquent language and that it should enumerate economic rights. I am going to deal with each of these items, possibly with greater particularity than did the Minister of Justice, limited as he was in that outstanding speech by the fact that he was limited to 40 minutes. I start by quoting no less an authority than the Canadian Daily Newspaper Publishers Association. In its legislative bulletin of March 17, 1958, it is stated:

The C.D.N.P.A. has often discussed the question of civil rights in the forum of freedom of the press committee meetings.

Their views are expressed in these words.

The great lessons to learn are—

First, that a bill of rights is a great asset, it limits the rights of government to encroach on individual liberties, it advertises these facts to government and citizen alike.

Second, it establishes an acceptable and respectable fighting ground for citizens against the encroachments of governments on their personal liberties.

Third, after having obtained an appropriate bill of rights the public, individually and collectively must be ready and willing to assert their bill of rights privileges and to challenge transgressions by governments.

Fourth, all people must be interested in and support the maintenance of rights of an individual by all other individuals, particularly by unworthy litigants, because it is by the defeat of unworthy

litigants that the detailed powers of the government are enlarged and the rights of all other individuals are diminished or lost.

Finally, it is in the enlightened interest of all newspapers to elucidate these facts, to arouse public interest, to oppose abuses of governmental power, and to arouse public interest and support for individuals who are endeavouring to preserve their rights.

I underline this duty enunciated by the press for the essence of freedom of the press is the assurance that no one's rights shall be transgressed and that, if they are transgressed, the fullest publicity will be given thereto.

The general objective of the bill is to cover the continuing threat to the individual which falls into three classes of matters. First, there is the problem of protecting the individual and his property from the modern administrative process and the need of increasingly complex governmental operations. Second, there is the need to assure ourselves that the classical liberties and freedoms of a modern democratic state are set out with a degree of certainty and completeness that their diffusion among the various branches of the legal system sometimes does not provide. Finally, there is the particular modern concern for all problems of racial or religious discrimination as these problems express themselves both in private and in public law.

The various clauses of this bill are as follows and I doubt whether too many understand them as yet: clause 3 is primarily concerned with questions of procedure; clause 2 is primarily concerned with statements of substance. Clause 3 sets out essential procedures which guarantee the minimum that a decent and free society will tolerate with respect to detention, trials, punishments, fair hearings and the other matters referred to. Clause 2, briefly sets out six paragraphs from (a) to (f)—two rights and four freedoms.

Paragraph (b) is really a modern formulation of the theory of equality before the law. In paragraph (c) we have freedom of religion, which the statute law of some of the provinces and which the judgments of the Supreme Court of Canada in recent years particularly have made perfectly clear is a concept of the essence of society.

Finally, paragraph (f) concerns the freedom of the press. Here again there is a long British-Canadian tradition for preventing the use of government power by licence or censorship to interfere with the printed word. This is the first time in the history of Canada that the freedom of the press has been asserted, and according to the Alberta press case, freedom of the press is one freedom which comes within the authority of the federal parliament.