

statuses" which cannot limit what are purported to be universal human rights. It is of some concern to the Committee, however, that age is not explicitly set out as a proscribed ground of discrimination in any of these instruments. Its explicit inclusion is clearly required if these instruments are to perform the educative function which is essential to their effectiveness in fostering the suasive application of world opinion against age discrimination.

The Committee would therefore like to add its voice to that of one witness — Dr. Noel Kinsella, Chairman of the New Brunswick Human Rights Commission — in recommending that Canada assume a leadership role at the United Nations in the development of a specific human rights instrument on age and age discrimination (Recommendation 1). Such an instrument might perform functions parallel to those of the *International Convention on the Elimination of All Forms of Racial Discrimination*. It would, as that Convention does with respect to race discrimination, emphatically place age discrimination on the global human rights agenda.

The Committee also shares the concerns of several witnesses who have drawn attention to an apparent anomaly in the human rights legislation of some provinces, where proscriptions of age discrimination do not protect those over age 65. Whether such matters lie within the federal jurisdiction or not, legislative provisions in any jurisdiction which appear to legitimize an age-based differentiation between the rights of some Canadians and the rights of others undermine the educational effectiveness of Canadian human rights legislation considered collectively. They thus impact directly on central issues addressed in this report. Furthermore, such provisions are *prima facie* discriminatory and would appear to be in potential conflict with *The Canadian Charter of Rights and Freedoms*, Section 15. The Committee therefore recommends that those provinces which have not already done so be encouraged to remove age discriminatory definitions of age from their human rights statutes (Recommendation 2).

Notwithstanding the qualifications just reviewed, there can be little doubt about the underlying commitments of Canada in the area of human rights as they apply to the aged and elderly. Canada is committed to the view that all human beings share certain fundamental needs of such central importance that the failure to meet them constitutes an assault on the value and dignity of the human being itself, and that the meeting of these needs constitutes for all human beings a right. Among such rights, possessed by all human beings irrespective of any of the distinctions of status (including