

The Constitution

charter could be achieved. Again I am talking today primarily about those parts affecting women.

A number of valuable clarifications and strengthenings were proposed by the ad hoc conference on Canadian women and the Constitution, about which hon. members have heard a great deal. There was a tremendously successful meeting in Ottawa the weekend of February 14 attended by over 1,000 women. I will not go through all the groups in Canada that have endorsed the recommendations of that conference, but once again there are literally dozens and dozens of them. This reflects the keen interest and participation in the creation of this charter of Canadian women.

I hope all hon. members will read very carefully the further suggestions made by the ad hoc conference. These are all now available to all hon. members. I hope hon. members will look particularly at three of the suggestions because the women themselves would like to see them highlighted in the charter.

The first suggestion is that there be a general statement, either in Section 1 or perhaps in Section 25, that the rights and freedoms set out in this charter be guaranteed to men and women equally. This should be an overriding statement, making it clear, in case there is any doubt in Section 15 or anywhere else, that the rights apply fully, completely and equally to women and men alike. This is important for all women but, perhaps I should say, particularly important for native women. It is something on which I think there is agreement on all sides. I know it is one of two amendments we proposed in the constitutional committee which the Conservatives were willing to support.

I am therefore very hopeful that if the Conservatives do not propose it as an amendment, or if we do not get the opportunity to propose it as an amendment, the Minister of Justice will bring it in.

Some hon. Members: Hear, hear!

Miss Jewett: The two others I would like to mention were not supported by either of the other two parties when the New Democrats introduced them in the committee. However, I think several members on the government side were willing at any rate to look at them very seriously. One is the use throughout the charter of the word "person" rather than "any individual", "anyone" or any of the other words being used. The word "person" should be used throughout the charter.

The other one has to do with Section 15(2), the affirmative action section of the equal rights provisions. The suggestion is that affirmative action programs which are to be allowed—indeed, encouraged—should relate to disadvantaged groups. It is not necessary to include individuals. In fact, it might be dangerous in some ways if we did.

The whole purpose of Section 15(2) is to ensure that the equality rights set out in Section 15(1) do not prevent any law, program or activity which has as its object the amelioration of conditions of disadvantaged groups. However, unfortunately it says "disadvantaged individuals or groups" and thereby makes it possible that a single individual, as happened in the famous

Bakke case in the United States, could get some advantage that the group of which he was a member already had in abundance, and thereby prevent an individual in another group from being able to be advantaged by an affirmative action program. One has to look at the condition and situation of a group as a whole, and if a group as a whole is advantaged then the fact that a single member of that group is not should not give him or her something special. When one looks at the group as a whole and discovers it is disadvantaged, then it is the group as a whole for whom the affirmative action program should be undertaken.

I stress this because the women I have talked with and with whom other Members of Parliament have talked as well—and there are many from all over Canada—feel that to ensure that the intent of the charter is carried out so far as women are concerned and, indeed, other disadvantaged groups are concerned, it is vitally important to make this deletion from Section 15(2).

A moment ago I mentioned that the New Democratic Party had during the course of the committee actually introduced all but one of the amendments which are now being proposed by the ad hoc committee on women and the Constitution, and we would be more than happy to introduce them all again, but this may be procedurally extremely difficult to do. If it is, I can only urge the government, and specifically the Minister of Justice—I am afraid I have given up on the minister responsible for the status of women—

Some hon. Members: Hear, hear!

Miss Jewett: —with all the power at my command to seriously consider highlighting those three amendments I have mentioned and to look seriously at the others as well.

I am somewhat comforted because hon. members will remember that on February 20 in the House I asked the Minister of Justice about this possibility. He said, "It is not possible to have a perfect charter." These are the points of the women. Then he said, "If there is a possibility of more improvements, we will do our best to study all aspects of them". On an earlier day, on February 16, the Prime Minister (Mr. Trudeau) said that the additions, clarifications and further amendments are "probably very sensitive and worth-while additions." I say to the government: do not wait until the Tories support these amendments. I do not think they are going to do so, except for the one I mentioned first. They are paying lip service to them. Quite honestly, I have found no evidence that they are going to support them, let alone introduce them, although I encourage them to do so and I hope they will.

● (1640)

Unlike the people of Canada who have spoken, there are many parliamentarians and members of provincial legislatures who think we should wait until we have the Constitution back home with an amending formula before we start working on a charter of fundamental rights and freedoms. I become very upset when I realize that what these proponents are asking for