

*The Constitution**[English]*

One of the five women involved in the "persons" case was a police magistrate who, on more than one occasion, heard argued in her court the rather interesting proposition that "women are persons in matters of pain and penalties but not persons in the matter of rights and privileges".

● (2140)

Those who argue that our rights are sufficiently well protected by existing law and traditions would do well to stop and reflect on the severe limitations faced by women even in this century. We can really take nothing for granted where basic rights are concerned.

In Canada, even in this century, laws have been passed which removed basic human rights from groups of citizens in different provinces. For example, in the west, Japanese-Canadians were deprived of their rights. There was suppression of freedom of religion in Quebec and, more recently, the right of citizens to seek employment from one province to another has been limited in Quebec and Newfoundland.

The resolution before the House provides for a Canadian charter of rights and freedoms binding on Parliament and on all provincial legislatures and governments. While it is true that a number of rights and freedoms are provided for by law now in such federal statutes as the Canadian Human Rights Act, the Canadian Bill of Rights, the Criminal Code and in various laws at the provincial level, most of these laws are subject to change, and the protection legislated today could theoretically be removed or limited by another enactment in the future. Entrenching the rights contained in this charter would place those basic human rights beyond the ordinary reach of Parliament or a provincial legislature.

I am very pleased to see the concept of mobility rights included in this charter. All citizens, as a matter of right, should be free to live and work anywhere in Canada without discrimination based on the previous province of residence. The situation which we have seen recently of one province refusing employment to Canadians who come from another province is indeed a serious matter. It is understandable, perhaps, that in times of some economic difficulty people become self-protective and more narrow and parochial in their views, but that is all the more reason to have mobility rights entrenched in the constitution to help us maintain our normal generous, open characteristics in difficult times and to remind us that we have one Canadian citizenship, not ten provincial citizenships.

The practice of using federal revenues to redistribute wealth to the less advantaged provinces of this country has existed since 1957, and this equalization principle is also in the motion before us. Equalization payments are now an established convention established by statute so that basic services to citizens can be maintained at a comparable level across Canada. Enshrining the principle of equalization in the constitution is an important recognition of the Canadian tradition of sharing our resources and our prosperity just as we share in certain risks and difficulties.

*[Translation]*

Parliament and the Government of Canada will have to respect the principle of equalization as concerns the less privileged provinces. Both levels of government will have to undertake to promote equal opportunities among Canadians, stimulate economic development to reduce disparities and provide essential public services of a reasonable quality for all Canadians.

*[English]*

On the question of language rights, the charter uses wording very similar to that agreed on by the provincial premiers in Montreal in 1978. The charter will give Canadians the right to have their children educated in whichever official language is used by the parents where there are sufficient numbers of the minority language group to justify a school.

This, of course, is a very important right when viewed in connection with mobility of workers. If we really want to make it easier for Québécois to live and work for a few years in other parts of Canada and for Anglophone Canadians to live and work in Quebec from time to time, we must make it easier for people to move their families. Undoubtedly English-speaking Canadians who move to Quebec will want to improve their French and will want their children to learn French in order to take part fully in the social and cultural life of that province. But if the long-term future of the children is in English-speaking Canada, they will also want to ensure that the children maintain and build on their knowledge of English.

Obviously one can make comparable statements about the Quebecker who moves to another province in Canada for a few years as part of his or her career line progression and who wants his or her children to maintain their proficiency in French. Parents may make different choices depending on the ages of their children, their facility in the second official language and so forth, but they should have the right of choice and the educational facilities to make that choice a reality.

An important historical and political reality in our country is that we have an entire province where a vast majority of the people speak French. The legal, religious and social institutions of Quebec are primarily of French origin. This French fact is an important part of Canada, and all of us are richer for it.

At the same time as we adopted a multiculturalism policy we adopted the official languages policy. In these twin and mutually reinforcing policies we were saying that Canada recognizes the aspirations of all its people to participate fully in our society. As Canadians we undertook then to ensure that cultural differences do not bar anyone from full participation.

Not long ago the people of Quebec voted overwhelmingly against separation and for Canada. Let us now move to ensure that it is easier for them to work and to be welcomed in all of Canada.

● (2150)

We live in an essentially tolerant country, a country in which human and cultural values matter, a country in which