

Under the Optional Protocol to the Covenant, Canadian citizens may lodge complaints with the U.N. Committee regarding alleged violations of their human rights. The government is obliged to respond to these complaints and the Human Rights Committee states its views on the issue and sometimes makes recommendations. The Committee's findings are not like a judgment of a court of law, and there is no mechanism to enforce them. Nevertheless, they have a great deal of persuasive value.

The Covenants and the Protocol provide a yardstick and a form for Canadians to judge the actions of the federal and provincial governments and take action against them, in a limited sense. Certainly Canadians do not hesitate to use this yardstick and this forum. And certainly these international agreements have contributed to the promotion of human rights in Canada, and have encouraged the establishment of statutory human rights agencies at both the federal and provincial levels.

Foreign governments, of course, can also judge Canada's conduct under the Covenants. It says something about Canadians -- something good, on the whole -- that when we have criticized the performance of others in the field of human rights we have been taken to task more by Canadians than we have been criticized by others, whether in the U.N. Committee or elsewhere. Yet this reticence can be carried too far. When we ratified the U.N. Charter, we undertook to promote human rights abroad as well as at home. Moreover, the U.N. Charter as well as the Covenants give us a solid legal basis for taking any country to task when it grossly infringes fundamental human rights in clear violation of international obligations it has freely assumed. Governments may repudiate their human rights obligations if they do not like being open to criticism. So far as I am aware, however, none has ever done so.

Human rights debates can be highly political, and even counter-productive, but I believe that they are going to become an increasingly significant phenomenon, and a positive one in the end. We must be careful, of course, in determining when to use quiet diplomacy and when to "go public", or when to adopt a judicious blend of these two approaches. We must also be prepared to take into