For individuals and social movements, there remains the possibility of litigation under the Canadian Charter. Despite seeming judicial reluctance to recognize rights for the poor (Jackman 1994) and a preference for rights that promote the economic union rather than Canada's social union (Schneiderman 1999), the Supreme Court of Canada recently has signaled an openness to claims made on behalf of the socio-economically disadvantaged. In the cases of *Eldridge* and *Vriend*, the Court held that deliberate exclusion of groups distinguished on enumerated or analogous grounds -- treating vulnerable groups as 'outside' of the penumbra of concern -- will be constitutionally suspect. This will be so even when the exclusion is a manifestation of provincial social policy, namely, balancing the claims of competing groups for scarce government resources. The Court also has signaled that the baseline for government action triggering Charter review is, at a minimum, any legislative choice that impacts on Charter Rights and Freedoms. On this basis decisions, such as the one in *Masse*, that government action reducing dramatically the level of benefits available to poor people in Ontario is not sufficient to trigger Charter review, are wrongly decided.

In the recent case of *G.(J.)*, the Supreme Court found an unconstitutional denial of Charter rights where government refused to provide free legal assistance to those who could not afford it in circumstances where serious personal security issues were at stake. Taken together, this new openness on the Court suggests that litigation for "poor rights" may have a little more success in the future. There should remain, however, every expectation that judges, particularly in lower courts, will use various techniques to resist these developments.

Conclusion

Just as divided jurisdiction has complicated social policy development in Canada, so it has made complicated the implementation of human rights commitments Canada has undertaken internationally. For jurisdictions with divided authority, what is needed is coordinated collective action by provinces and the federal government. This should be seen as non-controversial, at least as concern many norms of international human rights law. But to the extent that these norms are general and abstract, requiring interpretation and implementation, they will be somewhat controversial so far as both levels of government are concerned. What is required is the same kind of determination to deliver on these commitments that governments have shown when it comes to institutionalizing the values and norms associated with economic globalization -- an unlikely prospect without coordinated action by and pressure from we in civil society.

Cases

Baker v. Canada (Minister of Citizenship and Immigration) SCC No. 25823.
Delgamuukw v. B.C. [1997] 3 SCR 1010
New Brunswick (Minister of Health) v. G. (J.), SCC No. 26005.
Labour Conventions case [1937] AC 236.
R. v. Gladstone [1996] 2 SCR 723
R. v. Sparrow, [1990] 1 SCR 1075.
Reference re Public Service Employee Relations Act (Alta.), [1987] 1 SCR 313.
RWDSU v. Dolphin Delivery, [1986] 2 SCR 573.
Slaight Communications v. Davidson [1989] 1 SCR 1038
Vriend v. Alberta (1998) 156 DLR (4th) 385