

The most important and comprehensive human rights agreements are the two Covenants: one on civil and political rights, the other on economic, social and cultural rights. They entered into force for Canada in 1976, as did the Optional Protocol to the first Covenant. The Covenants represent a further elaboration of the Universal Declaration of Human Rights adopted by the General Assembly of the United Nations in 1948. The Declaration, which sets out the basic rights recognized by all states, is not itself a treaty but a resolution of the U.N., yet many authorities now consider it a binding part of customary international law.

The Covenant on Economic, Social and Cultural Rights specifically recognizes that full implementation of such rights can only be achieved progressively. Both this Covenant and the Covenant on Civil and Political Rights oblige Canada to report to international agencies, in the first case to ECOSOC* and in the second case to the Human Rights Committee. The first Canadian report to the Human Rights Committee was considered in 1980. It was the longest and, in my opinion, the best so far submitted by any country. Each province, as you know, contributed a section to the report. This made the report longer but at the same time more interesting than those from unitary states. You will recall, of course, that Article 50 of the Covenant on Civil and Political Rights requires that "the provisions of the present Covenant shall extend to all parts of federal states without any limitations or exceptions".

The members of the Committee, who represent almost every region of the world, subjected the Canadian report to close scrutiny. While the report was highly praised, some members of the Committee questioned whether Canada was fully implementing certain provisions of the Covenant, relating for instance to The Indian Act, the prohibition of propaganda for war, the adequacy of remedies for violations of the Covenant, and so on. Although we know that Canada's record is better than most, this does not mean that we should take exception to honest queries and criticisms, or that we can relax our efforts to ensure that Canadian law and practice conform to the terms of the Covenant.

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*Economic and Social Council of the United Nations.