

PANEL: LINKING THE DOMESTIC AND THE INTERNATIONAL: HUMAN RIGHTS INTO THE 21ST CENTURY

David Beatty: "Comparative Constitutional Law and the Protection of Human Rights"

David Beatty discussed the explosion of human rights jurisprudence throughout the world. Courts in South Africa, Spain and Germany have sent down landmark decisions on issues as diverse as religion, freedom of expression and torture. This allows for the comparative development of human rights law. However, judgements are meaningless without enforcement. He also suggested that comparative studies of human rights law will lead to more sensitive developments. As an example, he contrasted the U.S. and German approaches to freedom of religion and concluded that the U.S. is not sensitive enough while the German approach appears to be very balanced.

Brenda Cossman: "Comparative Feminism and Women's Rights in India"

Brenda Cossman spoke on the difficulties of doing comparative law and the conceptual separation in the West between here and there. She cited the example of dowry death in India, which is viewed as a cultural phenomenon, rather than a violent form of gender-specific murder. This is the problem of an ethnocentric gaze that takes culture too seriously. Again citing Indian law, Brenda Cossman noted how some Western terms are part of the Indian culture, but one can only understand their meaning by placing oneself in the opposite position. This allows the cultural lens to be turned back on itself.

Adele Dion: "Protection and Promotion of International Human Rights: Finding a Canadian Niche"

Adele Dion stated that Canada has three roles to play in finding its niche in international human rights: (1) as a rules-based society, it can stand as an example in its observance of international treaties; (2) it has several areas of expertise in the rights of women, rights of children and freedom of expression, which it can use to develop new law; and (3) it can forge links with the nongovernmental (NGO) community to push the envelope of human rights.

John Hucker: "The Implementation of Human Rights at the National Level: the Role of the Canadian Human Rights Commission"

John Hucker discussed the history and the role of the Canadian Human Rights Commission (CHRC). Although based in international law such as the Universal Declaration of Human Rights, it is a Canadian institution. However, its role has now been overtaken somewhat by the Charter. It is shifting towards a public awareness and international advisory function, including work in China and Indonesia. John Hucker noted that the procedures and processes of the CHRC are problematic, but places the fault for this with the Commission and with the courts who made the CHRC in their own image.