

THIRD READING

Hon. Mr. ROBERTSON moved the third reading of the bill.

The motion was agreed to, and the bill was read the third time, and passed.

HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

REPORT OF JOINT COMMITTEE

The Senate proceeded to consideration of the second and final report of the Special Joint Committee on Human Rights and Fundamental Freedoms.

Hon. L. M. GOUIN moved concurrence in the report.

He said: Honourable senators, first of all, in the capacity of Joint Chairman of the Special Joint Committee on Human Rights and Fundamental Freedoms, I wish to thank you very sincerely for having appointed me as your representative on that committee. As you will remember, the committee was reconstituted this spring because during the previous session we had been able to do only some preliminary work. In 1947 we merely explored this almost unlimited subject, and the only material which was before us was the charter of the United Nations and the documents referring to the organization of its Commission on Human Rights. This year our task was much more definite; we were called upon to study the report submitted by the United Nations Commission on Human Rights to the Economic and Social Council of the United Nations. This report was adopted at Geneva on December 17 of last year, at the end of the second session of that commission.

The two most important documents which form part of or are annexed to the report consist of, first, a draft international declaration on human rights, and second, a draft international covenant on the same subject. This afternoon, while explaining the report which is now before this house, I shall confine my remarks to the draft international declaration. The International Draft Bill of Rights has been referred to the General Assembly, but for various reasons it has not yet been considered by our committee, and it is not even mentioned in the report, which is to be found in our *Minutes of Proceedings* of yesterday, at page 512 and following. I give this reference because, by referring to the text of our rather long and elaborate report, it will be easier for those senators who were not members of our committee to follow my remarks.

As honourable senators will remember, by the terms of our order of reference of April 16 last we were called upon "to consider the question of human rights and fundamental freedoms, and the manner in which those obligations accepted by all members of the United Nations may best be implemented". You already know that the charter of the United Nations organization refers in several places to human rights and fundamental freedoms, but nowhere in the charter of the United Nations and, let me add, nowhere in the report of the United Nations Commission on Human Rights, nor in fact anywhere else in the documents received either from Geneva or from Lake Success, do we find any definition of the expression "human rights and fundamental freedoms." This absence of any definition or any interpretative section has in my opinion made our work much more difficult. In accordance with the ancient system of our scholastic philosophy, we always begin with what we call a *definitio terminorum*. Such a definition of terms is considered by us to be essential. Otherwise, those who argue do not use the contested words in the same sense, and consequently do not speak the same language: accordingly the result of the discussion can never be very satisfactory, and will probably be disappointing.

I must confess that throughout the many long sittings which we had in our committee room this year, as well as last year, I always felt handicapped and embarrassed by the lack of any definition and by the fatal vagueness and ambiguity which was its sequel. So before proceeding any further, let us try to discover some general landmarks which will help us to not lose our way in this labyrinth of elaborate texts and contradictory comments.

I would remark first of all that the expression "human rights" seems very clearly to be a translation of the words "droits de l'homme" or "rights of the individual", and that it was borrowed from the language of the French Revolution. I do not intend to make any criticism of the French Revolution, because I accept it as a great historical fact. In a certain sense it was a necessary evil, with a record of many errors and crimes, but on the other hand it left to mankind at large the immortal slogan, "Liberté, Egalité et Fraternité", which is now accepted in all democratic countries. This three-fold principle of freedom, equality and brotherhood is well understood, and constitutes a glorious heritage which all Canadians are anxious to preserve and develop, and to share with their brothers and sisters of all races and colours, and of all religious and social creeds.

We come now to the expression "fundamental freedoms", which I have always assumed to