

HUMAN RIGHTS

Prime Minister Diefenbaker introduced a Canadian Bill of Human Rights in the House of Commons, September 5. The bill will be held over until Parliament meets for the new session.

Commenting on the bill, Mr. Diefenbaker said, "This Bill of Rights and its form represent action to be taken by Parliament to carry out one of the major principles of the Charter of the United Nations which was designed to assure international co-operation and to ask for the promotion and encouragement of respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion.

"I would like to refer to the divisions of this bill. It consists of two parts, the first being the Bill of Rights as such. It makes very clear that this bill is entirely within the legislative jurisdiction of Parliament. It states:

'It is hereby recognized and declared that in Canada there have always existed and shall continue to exist the following human rights and fundamental freedoms-

"May I paraphrase those freedoms. They are the right of the individual to life, liberty, security of the person and enjoyment of property, and the right not to be deprived thereof except by due process of law; the right of the individual to protection of the law without discrimination by reason of race, national origin, colour, religion or sex; freedom of religion; freedom of speech; freedom of assembly and association; and freedom of the press.

"I would point out that radio as such or broadcasting in general is not included, because freedom of the press has been defined as including freedom respecting broadcasting. Then in order to make doubly sure that there shall never be a challenge in the future there is provision which states that all the acts of the Parliament of Canada enacted before or after the commencement of this portion of the bill and all orders, rules, regulations and laws in effect in Canada or in any part of Canada at the commencement of this part which are subject to be repealed, abolished or altered by the Parliament of Canada, shall be construed and applied so as not to abrogate, abridge or infringe any rights of human freedom.

"Then as to the rights of the individual; the right not to be subject to cruel, inhuman or degrading treatment or punishment; to be deprived of one's rights; to be informed as to the reason for his arrest; of his right to retain and instruct counsel; also the right not to be deprived of any right except after a fair hearing in accordance with the principles of fundamental justice; the right of an individual to a fair and public hearing by an independent and impartial tribunal for the determination of any criminal charge.

"Then in so far as Habeas Corpus is concerned no one shall be deprived of the remedy by way of Habeas Corpus for the determination of the validity of his detention or his release if the detention is not lawful.

"Then, sir, because of the fact that the United States and many other jurisdictions have adopted Bills of Rights since the United States did so by the First Amendment to the Constitution, so as to assure that other fundamental freedoms which are not specifically designated shall not by reason of their absence be considered to be non-existent there is a provision in part II which says:

'Nothing in part I shall be construed to abrogate or abridge any human right or fundamental freedom not enumerated therein that may have existed in Canada at the commencement of this act.'

"This section is placed in the bill to meet the situation to which I have already made reference. A similar section was recommended by the Committee of Parliament presided over by Senator Roebuck as necessary to meet the situation to which I have just referred.

"Then during time of war provision is made in keeping with the experience of the United States and also the practice and procedure in the United Kingdom, that in so far as the War Measures Act is concerned the effective sections in question, 3, 4 and 5, shall come into force only upon proclamation of the Governor in Council declaring that war, invasion or insurrection, real or apprehended, exists. Then in order to maintain the supremacy of Parliament, provision is made that the proclamation declaring that war, invasion or insurrection, real or apprehended, exists shall be laid before Parliament forthwith after its issue or, if Parliament is not sitting, within the first 15 days thereafter.

"In other words, while experience has shown both in the United Kingdom and in the United States that in time of war, rights on occasion have to be placed in pawn as security for victory, that decision hereafter must be made not by the Governor in Council but by Parliament, thereby restoring to the representatives of the people the right to declare whether or not, for a period to be designated during the progress of war or an international catastrophe similar thereto, any rights shall be deprived except in consequence of the act of Parliament."

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PROROGATION OF PARLIAMENT

The first session of the twenty-fourth Parliament of Canada was prorogued by the Deputy Governor General, Mr. Robert Taschereau, of the Supreme Court, September 6.

The Deputy Governor General said, in part:

"We have been glad to welcome this summer Her Royal Highness the Princess Margaret on her visit to Canada. We look forward with great pleasure to the presence in Canada next