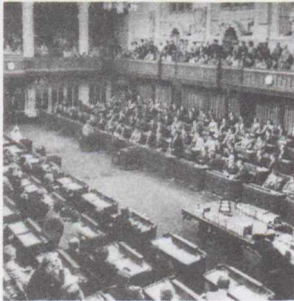


RECOMMENDATION

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ALLOW CANADIAN HUMAN RIGHTS COMMISSION TO REPORT DIRECTLY TO PARLIAMENT

Opposed and Supported: Under the present law, the Canadian Human Rights Commission transmits its Annual and Special Reports to the Minister of Justice, who causes them to be tabled in each House of Parliament. Under certain circumstances, the Minister of Justice may refer studies of human rights and freedoms to the Commission to carry out. Because the Commission investigates complaints involving federal government departments, it often finds itself opposed before human rights tribunals and the courts by lawyers from the Department of Justice representing these departments. In recent months, the Attorney General of Canada, through Department of Justice lawyers, has both opposed and supported the Canadian Human Rights Commission in separate court cases.

Transmits: This state of affairs is perceived as, if it is not actually, a conflict of interest. The Minister of Justice transmits the Commission's Annual and Special Reports and he can ask it to undertake specific studies: at the same time, lawyers in this Department are often in an adversarial position to that of the Commission.

Speaker: In its 1981 Annual Report, the Canadian Human Rights Commission urged that its Act be amended so that it would report to Parliament through the Speakers of both Houses. It also proposed that the President of the Privy Council be designated as the Minister responsible for the Commission.

Other 'watchdogs' of the rights of Canadians, such as the Commissioner of Official Languages, the Auditor-General and the Chief Electoral Officer, are directly responsible to Parliament. Their Annual and Special Reports are transmitted to the Speaker of the House of Commons, in the cases of the Chief Electoral Officer and the Auditor General, or to the Speakers of both Houses, in the case of the Commissioner of Official Languages, and then tabled by the Speaker(s).

Responsible: The Committee believes that the Canadian Human Rights Commission, whose mandate is to ensure that the legal safeguards preventing discrimination are upheld, should be directly responsible to Parliament by reporting to the House of Commons through the Speaker.

RECOMMENDATION:

Justice Canada should prepare amendments to the Canadian Human Rights Act so that the Commission is directly responsible to Parliament.