CANADIAN DELEGATION TO THE UNITED NATIONS GENERAL ASSEMBLY

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Item 43 - Draft Declaration on the Elimination of All Forms of Racial Discrimination

Statement by Mrs. M. Konantz
Canadian Representative on the Third Committee
In Explanation of Vote in Plenary

Mr. President:

By adopting the Declaration on the Elimination of all Forms of Radial Discrimination, the Assembly has given greater expression to the pronouncement in the Universal Declaration of Human Rights that all human beings are born free and equal.

The right of the individual to protection of the law without discrimination by reason of race, national origin, colour, religion or sex is enshrined in the Canadian Bill of Rights and elsewhere in Canadian law. Therefore, there can be no question about the attitude and action of Canada to a declaration of the United Nations which elaborates the provisions of the Charter intended to promote respect for human rights and fundamental freedoms. However, in the Canadian view a declaration should concern itself primarily with principles to guide the conduct and behaviour of nations. Since it creates no legal obligation it should be designed to exert the maximum moral influence. The language used should commend itself to the widest possible support.

My Delegation continues to regret that the Assembly should have found it desirable to depart from the text carefully drafted by the Commission on Human Rights at its 19th Session. When this draft was being considered in the Third Committee some views were expressed and some language included which, in the Canadian Government's view were inappropriate for a declaration and which involve for Canada considerations related to provincial jurisdiction.

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Canada has been particularly concerned about the implications in Article 9, sub-paragraph 3 since it could have been interpreted as restricting such well established rights as freedom of opinion and expression and freedom of association. We fully recognize the aims of those who wish to provide new safeguards against the evil of racial discrimination, but we must guard against the temptation to pursue one desirable aim at the expense of others equally desirable. The laws of Canada have long provided for the punishment of those who would incite or use violence in pursuit of racial discrimination. To contemplate in addition the persecution and punishment of groups or individuals, on the ground that they seek to promote any particular view even one as offensive as racial discrimination, is to go too far. This would encroach on one of the most cherished human rights in our society, the right to express opinion freely. Moreover, such an approach can hardly be reconciled with Articles 19 and 20 of the Universal Declaration of Human Rights by which everyone has a right to freedom of opinion and expression, as well as the right to freedom of peaceful assembly and association.

For these reaons and in the hope of persuading the General Assembly to modify this article, the Canadian Delegation in the Third Committee abstained in the vote on the declaration as a whole. On the other hand we in Canada have always fully supported the intent and purposes of the declaration and for this reason the Canadian Delegation has voted for the declaration in this Assembly. It would have been a sad reflection on the United Nations if the declaration could not have been adopted (unanimously). Lack of complete agreement would only serve to encourage those who would practice racial discrimination.

Thank you, Mr. President.