

The Canadian Statement on The Universal Declaration of Human Rights

When the Universal Declaration of Human Rights came before the General Assembly of the United Nations for final consideration, a special statement outlining the views of the Government of Canada was presented by Mr. L. B. Chairman of the Canadian Delegation. The full text of the statement, which appears below, includes references not only to the Declaration and the circumstances under which it was being discussed, but also to certain aspects of federal-provincial relations in this country.

BEFORE A VOTE is taken on the Draft Declaration on Human Rights in the form which it has now taken, I wish to make clear the attitude which the Canadian Government adopts, generally speaking, towards it.

In the first place, we regard this document as one inspired by the highest ideals; as one which contains a statement of a number of noble principles and aspirations of very great significance which the peoples of the world will endeavour to fulfil, though they will make these efforts variously, each nation in its own way and according to its own traditions and political methods. In an imperfect world, it is clearly impossible to secure a perfect application of all these principles immediately. The Charter itself commits the members of the United Nations to principles which are not yet applied uniformly throughout the world. The difficulties in the way of a full and universal application of the principles of the Declaration of Human Rights will be even more complex. We must, however, move towards that great goal.

Lack of Precision

The Draft Declaration, because it is a statement of general principles, is unfortunately, though no doubt unavoidable-

ably, often worded in vague and unprecise language. We do not believe in Canada that legislation should be placed on our statute books unless that legislation can indicate in precise terms the obligations which are demanded of our citizens, and unless those obligations can be interpreted clearly and definitely in the courts. Obviously many of the clauses of this Draft Declaration lack the precision required in the definition of positive obligations and the establishment of enforceable rights. For example, Article (21) which gives the right to public employment to people irrespective of political creed might, unless it is taken in conjunction with Article (30), be interpreted as implying an obligation to employ persons in public service even if it was their stated and open desire and intention to destroy all the free institutions which this Declaration of Rights is intended to preserve and extend. Without those free institutions, which can only flourish in a liberal democratic society, there can be no human rights.

It is our view that some of the difficulties and ambiguities in this Declaration might have been removed had this document been reviewed by a body of international jurists, such as the International Law Commission, before final action was taken by the General Assembly; and we regret that the general desire to expedite this important matter has made such a reference impossible. If the Soviet Delegation had had this in mind in their amendment (which sought to defer final consideration until the next session), we would have been able to support it. But in their speeches, Mr. Vinshinsky and Mr. Manuilsky showed that, for them, a reconsideration of this Declaration would merely mean a further attempt to include in it ideas which, in our view, are far removed from human rights—

as far removed as a town meeting from a slave labour parade. We do not accept—and never will accept—the doctrine that the rights of man include only those which are sanctioned and sanctified by communist doctrine; that all other rights are to be outlawed as 'fascist'—a word which once had a clear, of dread, meaning in the dictionary if despotism, but which now has become blurred by its abuse to cover any person or any idea of which communism does not approve.

Position of Canada

So far as the position of Canada in regard to the maintenance and extension of human rights is concerned, we shall, in the future, as we have in the past, protect the freedom of the individual in our country where freedom is not only a matter of resolutions but also of day-to-day practice from one end of the country to the other.

The freedoms to which I refer have developed in Canada within the framework of a system of law derived both from statutes and from the judgements of our courts. We have depended for the development of this system rather than upon general declarations. Because this method is in accord with our tradition, we shall continue to depend on it and to expand it as the need may arise. While we now subscribe to a general statement of principles such as that contained in this Declaration, in doing so we should not wish to suggest that we intend to depart from the procedures by which we have built our own code under our own federal constitution for the protection of human rights.

Rights of Provinces

In this regard, there is a special circumstance which applies to Canada.

When some of the articles of the Draft Convention were adopted in committee, the Canadian Delegation abstained, explaining that the subject under consideration was in some of its important aspects within the field of provincial jurisdiction in Canada. I wish to make it clear that, in regard to any rights which are defined in this document, the federal government of Canada does not intend to invade other rights which are also important to the people of Canada, and by this I mean the rights of the provinces under our federal constitution. We believe that the rights set forth in this Declaration are already well protected in Canada. We shall continue to develop and maintain these rights and freedoms, but we shall do so within the framework of our constitution which assigns jurisdiction in regard to a number of important questions to the legislatures of our provinces.

Because of these various reservations on details in the Draft Declaration, the Canadian Delegation abstained when the Declaration as a whole was put to the vote in committee. The Canadian Delegation, however, approves and supports the general principles contained in the Declaration and would not wish to do anything which might appear to discourage the effort, which it embodies, to define the rights of men and women. Canadians believe in these rights and practice them in their communities. In order that there may be no misinterpretation of our position on this subject therefore, the Canadian Delegation, having made its position clear in the committee, will, in accordance with the understanding I have expressed, now vote in favour of the resolution, in the hope that it will mark a milestone in humanity's upward march.

The Universal Declaration of Human Rights was adopted by the General Assembly of the United Nations on 10 December, 1948. The vote was 48 to 0 with 8 abstentions—the Soviet bloc plus Saudi Arabia and the Union of South Africa. The Soviet Union resolution, which sought to defer final consideration until the next Session of the General Assembly, was defeated by 45 to 6, with 3 abstentions.

The Economic and Social Council and the Human Rights Commission were requested to prepare a draft Convention on Human Rights, and measures of implementation. The Economic and Social Council was further asked to examine in greater detail the problem of petitions and minority rights during study of the draft covenant.

Following its historic act in passing and proclaiming the Universal Declara-

tion of Human Rights, the General Assembly of the United Nations called upon all Member countries to publicize the text of the document and "to cause it to be disseminated, displayed, read and expounded principally in the schools and other educational institutions."

Canadians who are students of public affairs, teachers, or discussion group leaders may wish to secure educational materials which will aid in this task. The text of the Declaration is obtainable from the Canadian Citizenship Council, 46 Elgin Street, Ottawa; single copies are free, while quantity orders, for 25 or more, may be placed at a unit cost of 3 cents. An attractive poster, reprinting the complete text, may be obtained, free, from the United Nations Association in Canada, 163 Laurier Avenue West, Ottawa. A film strip, prepared by the United Nations, may also be secured from the Association in Ottawa or from local film libraries.

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