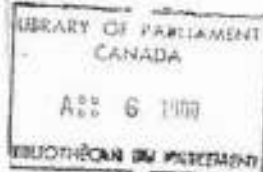


STATEMENT BY
THE HONOURABLE JEAN CHRETIEN
CONTINUING COMMITTEE OF MINISTERS ON THE CONSTITUTION



CHARTER OF RIGHTS AND FREEDOMS

I would like to speak briefly to each of the rights which have been included in a draft of the Charter which I will leave with you following this statement. Also, I wish to put before you my own views as to why it is necessary to entrench these rights rather than leave the protection of each Canadian's rights to the ordinary legislative process.

In deciding which rights should be included in this Charter we have selected only those which we feel reflect the central values of our society. Each of the rights we have listed is an essential ingredient for the Charter and all are rights which all Canadians should have regardless of where they live in our country.

I understand that there is a fairly wide consensus that Fundamental Freedoms and Democratic Rights should be included in the Charter. These rights may seem self-evident but they should be in the Constitution so that all Canadians can fully understand not only what measure of freedom they possess but also what limitations exist, since no right is absolute.

The Legal Rights included in the draft Charter are so basic in our society that they cannot be disregarded and, as with the first two categories of rights, should be part of a Charter. However, the federal government appreciates the difficulties involved in applying some of these rights throughout the legal system and you will find us reasonably flexible when we come to discuss the precise language to be used.

Non-Discrimination Rights, Mobility Rights and Property Rights are also included in the draft Charter. I am aware that these categories have not, in the past, been supported by the majority of provinces. However, we feel these are necessary. Constitutional guarantees are required to protect Canadians against unjustified discrimination. Barriers must be removed to ensure that our citizens can move freely in their own country, and it seems fair that we guarantee to Canadians that property rights will be safeguarded.

With respect to Language Rights, I believe that there is a general consensus on many of the items proposed by the federal government. In my trips to provincial capitals last May, there was general agreement from Ministers I met that minority language education rights should be entrenched. I also hope that provinces would agree to the entrenchment of other basic linguistic rights.

Some governments have legitimate concerns about their capacity to give full and immediate effect to certain rights. There are also questions about the precise demographic and geographic criteria to be used when determining the circumstances under which certain rights would be practicable and we will need to work out sensible solutions.

What we are proposing on entrenchment of language rights is not utopian. It is the best mix possible of basic principles (especially fairness) and practical, common sense. Entrenching these rights will constitute recognition of the duality of Canadian society. It will give reasonable assurance to all Canadians that their linguistic rights will be respected and that all will share as equals the rich heritage of this country.

My last point on the matter of a Charter of Freedoms and Rights is to give you the reasons why I personally feel it is essential to have the Charter included in a renewed constitution. The full Charter should apply to both orders of government and this could best be done with the support of provincial governments and legislatures.

I feel that we have been given an opportunity, through this constitutional exercise, to guarantee in effective fashion the basic rights and freedoms of all Canadians. It would be wasteful - worse still, we would be guilty of negligence - if this opportunity were not seized. The rights and freedoms listed in this Charter should be clearly known to everyone as well as protected by the courts. I want that very much and I know that many, many other Canadians do as well. Only an entrenched Charter ensures this. I feel that all Canadians should have the same basic rights and freedoms and that each of us should have the same expectations with respect to our rights no matter where we are in our country. Given our federal state, with eleven governments and jurisdiction divided between two orders of government, this is virtually impossible to achieve without placing these minimum rights and freedoms in the Constitution.

Entrenchment of these rights will not increase your power or my power, in fact, it will reduce both your power and my power. What entrenchment will do is transfer this power to the people.

I am tabling three documents which follow from this statement. The first, which I mentioned earlier, is the discussion draft of the Charter. I wish to stress that the federal government is not wedded to the precise language of this draft. We consider it most important that preparation of the Charter should be a joint federal-provincial venture. The second paper is a background document which sets forth the federal government's thoughts on the necessity of entrenchment. The third document contains background notes on each category of rights.