

SECRET

July 13, 1982

COMMUNICATIONS PLAN  
CHARTER OF RIGHTS IMPLEMENTATION  
Department of Justice

### Background

Now that the Canadian Charter of Rights and Freedoms is in force, it is vital that the federal government move as quickly as possible to ensure that all federal laws, statutes, policies, and programs comply with the Charter. To fail to do so could result in embarrassment to the government and could disrupt the administration of government in the event of an adverse court decision arising from the Charter. Furthermore, Canada is a party to certain international human rights agreements such as the International Covenant on Civil and Political Rights. For the sake of our international reputation, not to mention our legal and moral obligation, it is imperative that all federal laws be reviewed and where necessary, revised at the earliest possible date to ensure conformity with those agreements.

Cabinet is thus being asked to approve a work plan to guide the implementation of the Charter of Rights and Freedoms and of Canada's corresponding international human rights commitments in areas of federal jurisdiction. At the same time, Cabinet is being asked to establish the priority of the project; to approve the responsibilities of the Minister of Justice and other Ministers in this regard; and to establish a mechanism for the continuing review of federal initiatives to ensure consistency with the Charter and other human rights obligations.

The Minister of Justice briefly raised the issue of the proposed implementation process at a recent Estimates meeting. At that time, members of the opposition parties expressed the view they were encouraged by the plan proposed by the federal government.

The need for establishing an implementation process at both levels of government was discussed at a federal-provincial meeting of Deputy Attorneys General in February 1982. Consequently, the provinces are expected to be generally supportive of the federal proposals.

The media and the Canadian population at large are not expected to have much interest in the implementation process. Judging from media reports and letters from individuals to the Department of Justice, the main interest of Canadians with regards to the Charter appears to center around the application of the Charter in particular circumstances. If the work plan is disclosed, it is not expected to arouse much public controversy. It may give rise to isolated questions on how this process might affect such issues as the rights of civil servants to criticize federal policies and practices but this is not expected to be a major problem and such questions will be dealt with on an individual basis.

### Measurable Objectives

Since the work plan is intended primarily for internal use, the communication strategy will be kept very low key. The major communications objectives are:

- 1) To inform senior federal officials, by means of a Cabinet directive, of the importance of the implementation process and the need for their full participation;
- 2) To keep federal ministers up to date on the progress of the implementation process by:
  - a) obtaining information from departments and agencies on the steps being taken; and
  - b) on the basis of the above-mentioned information, preparing reports that will be submitted periodically to Cabinet.

- 3) To advise the provinces of the basic nature of the proposed federal implementation process and to encourage their adopting a similar process, by discussing the matter at a federal-provincial meeting of Deputy Attorneys General, to be held in early fall of this year;
- 4) To respond on an individual basis to specific questions from the media, politicians and anyone else with regard to the implementation process.

#### Target Populations

Information on the work plan will, for the most part, be limited to those federal officials who are involved in the implementation process. Also, the basic nature of the implementation process will be made known to the provincial Deputy Attorneys General, who will undoubtedly convey the information to the Attorneys General. Other than that, the communication strategy will not be directed toward any particular group but rather, will respond to specific questions that may be raised by any sector of the Canadian public or by other countries. At this point in time it is difficult to identify where these questions are most likely to come from but as indicated earlier, they are expected to be quite few in number, given the apparently limited interest in this matter.

#### Most Important Themes

- 1) The appropriate federal officials will be advised of the need for their full cooperation in order to implement effectively and efficiently the Charter of Rights and Freedoms and the corresponding international human rights obligations. They will also be reminded of the potential embarrassment to the federal government, both nationally and internationally, that may result from failure to make federal laws, policies, etc. comply as quickly as possible with the Charter and with international human rights agreements.
- 2) At the federal-provincial meeting in the fall, the provincial Deputy Attorneys General will be reminded of earlier discussions on the urgent need for implementation processes at both levels of government. In addition, there will be a brief review of the federal developments in this areas.
- 3) With regard to questions that may be asked by the media, politicians and others, the themes will probably vary somewhat according to variations in the questions. If the work plan is disclosed and comments and questions are raised, one common theme might be that the federal government has an obligation to ensure that its laws, policies and practices comply with the Charter of Rights and Freedoms and certain international human rights agreements. The work plan will enable federal officials to conduct the necessary review and revisions in a timely, orderly fashion.

Some concern may be raised about the potential cost of implementing the Charter. If this should occur, it will be pointed out that costs are somewhat difficult to assess at this time but are expected to be minimal for the most part.

#### Plans For Initial Announcement

There will be no formal announcement of the proposed work plan since it is intended as an internal document. The provincial Deputy Attorneys General will be advised of the basic thrust

of the work plan at a federal-provincial meeting scheduled for this fall. In addition, information on the implementation process will be revealed on an individual basis in response to specific questions.

#### Plans For Regional Announcement

None.

#### The Relationship to Other Relevant Communications Plans

The communications strategy for the work plan for implementing the Charter of Rights and Freedoms may be affected by the overall communication strategy with regard to the Constitution.

The communication strategy may also affect future strategies developed for specific measures, such as an Omnibus Human Rights Amendment Bill, that are undertaken as the implementation process progresses.

#### Interdepartmental Division of Work

Although senior officials in each of the departments and agencies will play an essential role in helping to identify laws and policies that must be revised to comply with the Charter and related international human rights obligations, the major responsibility for coordinating this effort will lie with the Human Rights Law Section at Justice Headquarters, in conjunction with Justice counsel in the legal services units.

Similarly, the main responsibility for any communication strategy with regard to the work plan will also lie with the Department of Justice, especially with Public Affairs, the Human Rights Law Section and the Correspondence Section in the Departmental Secretariat at Justice. Later, other departments and agencies will become more actively involved in communications strategies for specific measures that touch on their area of responsibility.

#### Follow-Up Activities

As specific steps, such as the introduction of an Omnibus Human Rights Amendment Bill are taken to implement the Charter and related international human rights agreements, substantial communications efforts will be required to bring these measures to the attention of the Canadian public. The communications strategies used will depend largely on the nature of the particular measure being implemented and the public environment at the time.

In order to ensure the most effective communication strategy for each of the specific measures, it is essential that Public Affairs be involved in the early stages of developing these measures. This will enable the Public Affairs officials who will be developing the strategy to acquire sufficient knowledge of the subject and will allow for greater lead time in determining the best way of communicating the various initiatives. The Minister of Justice may be required from time to time to respond to questions in the House of Commons. It is important, therefore, that he be well briefed by the appropriate officials in the Human Rights Law Section.

#### Budget

Since no formal announcement is intended and no promotional material will be published, costs of implementing the communication strategy are expected to be minimal. Any costs will easily be absorbed by the existing Public Affairs budget.

Procedures for Evaluation of the Communications Program

As indicated earlier, Public Affairs will monitor the media to determine their overall response, if any, to the implementation process. Also, it is recommended that the Human Rights Law Section be asked to monitor the quantity and types of inquiries it receives on the subject of the implementation process.

If media reports, correspondence and telephone enquiries appear to indicate greater public interest than originally indicated, the Department of Justice will determine whether a more active communication strategy, such as a policy statement by the Minister or press release, is required. If so, this will be developed in conjunction with the Human Rights Law Section.