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HUMAN RIGHTS COMMITTEE

Ninth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC) */
OF THE 208TH MEETING

held at the Palais des Nations, Geneva,
on Wednesday, 26 March 1980, at 3 p.m.

Chairman: Mr. KOULISHEV

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*/ The summary record of the second part (closed) of the meeting appears as document CCPR/C/SR.208/Add.1.

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The meeting was called to order at 3.15 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (agenda item 4) (continued)

Canada (continued) (CCPR/C/1/Add.43(vol.I and vol.II))

1. Mr. JANCA said that Canada's report was a thorough and comprehensive survey of the implementation of civil and political rights in that country. It referred openly to certain inconsistencies between the provisions of the Covenant and Canadian legislation. Nevertheless, the report had not altogether fulfilled his expectations because it was concerned mainly with Canadian legislation and did not provide facts or information on progress made in the enjoyment of human rights, as required by article 40 of the Covenant.

2. In connexion with article 2 of the Covenant, it had been asked why Canadian legislation, and in particular the Acts passed since the Covenant had entered into force for Canada, did not as a rule include political or other opinion, or language, as grounds for the prohibition of discrimination. Explanations were needed on that point in connexion with articles 2, 24 and 26.

3. In view of the importance of the right of peoples to self-determination and the inadequate attention given to that right in the report, he asked whether Canadian legislation provided specific guarantees and included measures to ensure respect for that principle.

4. In connexion with article 4, it was not enough to assume that, if ever a situation requiring the application of the War Measures Act should arise, Canada would fulfil the obligations it had assumed under the Covenant. A similar consideration applied in respect of article 6, paragraph 5, since the report merely stated that since the Governor in Council was fully aware of the obligations which Canada had contracted under the Covenant, it was unlikely that a person under 18 years of age or a pregnant woman would be executed for an offence against the Code of Service Discipline. Article 6, paragraph 5, required unconditional guarantees by the State party; Canadian law did not seem to be consistent with the Covenant in that respect.

5. Canadian law, and specifically the Criminal Code and the Royal Canadian Mounted Police Act, included provisions which were similar to article 7, but not identical. Additional explanations would be useful in that respect.

6. In relation to article 24, it was indicated that, under the Indian Act, a child who failed to attend school or had been either expelled or suspended was deemed to be a juvenile delinquent; that provision constituted a form of discrimination since it applied only to Indian children. The provision, and the punishment applicable to the parents of truant children, was somewhat inhumane, despite the good intention of improving the general level of education among Indians.

7. There appeared to be discrimination also on the grounds of religious conviction in the education field, since it was indicated in volume II that a provision in the Nova Scotia Education Act directed that teachers should instill Christianity in children and that in Ontario the Education Act specified that teachers must inculcate respect for religion and the principles of Judeo-Christian morality.

8. Since the Canadian Government had no power to bind the provincial authorities to bring their legislation into line with Canada's international obligations, that could lead to difficulties for Canada in fulfilling those obligations. Nevertheless, he hoped that the Canadian Government would persist in its initiatives and would inform the Committee of the results.

The public meeting rose at 3.30 p.m.