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women for political action

December 8th, 1980

Joint Senate-Commons Committee on the Constitution
House of Parliament
Ottawa, Ontario

Re: Constitution Act, 1980; Part I; Canadian Charter
of Rights and Freedoms

Dear Sir:

I wish to offer my comments on the above proposed legislation. My comments are as follows.

PART I (1) : This limiting clause on the guarantee of rights and freedoms is open to interpretation and should be deleted.

In addition, rights and freedoms should not be abridged under any circumstances; such rights should include the right not to be subjected to any cruel and unusual treatment or punishment and the human right to equality in the law.

15(1) : Regarding non-discrimination rights, the clause "equality before the law" should be amended to read "equality under the law." This would provide for equality in both the administration of the law, and in the laws themselves.

A new clause to specify the human right to equality as a positive objective should be added.

The specified categories in Section 15(1) should be amended to include place of origin, citizenship, marital status and political belief or activity.

* 15(2) : This clause does not specify that women are a target group, and should be altered to read ^{including} "women and ethnic minorities". This would prevent visible minority women from being bypassed by affirmative action programs as is current practice.

24 : This section should be amended by adding the words "providing that any such rights or freedoms apply equally to native men and to native women."

29(2) : The 3 year moratorium on the Charter of Rights should be deleted. Why should equality be delayed?

The addition of a new section to guarantee the appointment of a representative number of women to the courts, including the Supreme Court of Canada is desirable.

The word "everyone" should be replaced with "every person." throughout this legislation.

I trust you will seriously consider these recommendations when you vote on this legislation.

Sincerely,

Sandra M. Bell

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Sandra M. Bell
Information Coordinator

cc. Charles Caccia, MP