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ON CIVIL AND
POLITICAL RIGHTS**



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held at the Palais des Nations, Geneva,
on Tuesday, 25 March 1980, at 3 p.m.

Chairman:

Mr. PRADO VALLEJO

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The meeting was called to order at 3.05 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 (Vols. I and II))

1. Mr. HANGA said that, in relation to article 25 of the Covenant, the Canadian report stated that no government employee could stand as a candidate in a federal, territorial or provincial election except with the authorization of the Public Service Commission. The latter could grant any employee who was not the deputy head of a department or other portion of the Public Service to which it had the exclusive right and authority to appoint persons leave of absence without pay to seek nomination as a candidate and to be a candidate in a federal, territorial or provincial election if it was of the opinion that the usefulness to the Public Service of the employee in the position he then occupied would not be impaired by reason of his having been a candidate (CCPR/C/1/Add.43 (Vol. I), pp. 101-102). He was not sure that such provisions were compatible with the letter and spirit of article 25 (b) of the Covenant.
2. In connexion with article 26, the report stated that section 1 (b) of the Canadian Bill of Rights recognized the right of every individual, without discrimination by reason of race, national origin, colour, religion or sex, to equality before the law and the protection of the law (p. 105). The wording was not entirely consistent with that of article 26 of the Covenant, which referred also to such grounds as language, political or other opinion, and property. The report went on to state that, although the Canadian Bill of Rights did not prohibit discrimination on the other grounds specified in the Covenant, a person could not be discriminated against for any of those reasons unless such discrimination was permitted by statute (p. 106). Inasmuch as there appeared to be the possibility of discrimination authorized by law, he requested more information about any such provisions and the extent to which they were consistent with the terms of article 26 of the Covenant.
3. He welcomed the fact that no federal law existed that would deny persons belonging to ethnic, religious or linguistic minorities the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language (p. 107). The question was whether there were any provisions governing the case of such a minority which sought to withdraw from the federal State and become an independent State.
4. Mr. BOUZIRI expressed his satisfaction with what was a remarkably well-written and detailed report. Particularly commendable was the Government's sincerity in not attempting to disguise the problems of implementing all the provisions of a Covenant which had not been incorporated into domestic law and therefore did not have force of law at the federal, provincial and territorial levels. The report stated that for those reasons, an individual could not base a recourse on the Covenant itself if there had occurred within Canada a breach of a right or freedom therein recognized, but he could resort to the remedies provided in Canadian law to have his rights

respected (CCPR/C/1/Add.43 (Vol. I), p. 6). The obvious questions were what would happen in the event of omissions in Canadian legislation or contradictions with the provisions of the Covenant, and how soon the Covenant would become an integral part of legislation at the federal, provincial and territorial levels. It was not clear whether Quebec's ratification of the Covenant meant that it had become a part of the domestic legislation of Quebec.

5. In connexion with article 2 of the Covenant, the report stated that legislation passed by Parliament was of general application and applied to everyone without discrimination unless there were express provisions to the contrary (p. 12). He asked about the scope of that restriction; a multitude of "provisions to the contrary" would obviously limit the application of legislation. He also wondered whether the freedom of religion guaranteed by the Canadian Bill of Rights meant that propaganda such as atheist propaganda was authorized. After all, in the preamble to the Bill of Rights, the Parliament of Canada did affirm that the nation was founded upon principles that acknowledged the supremacy of God.

6. The report affirmed the principle of equality between the sexes on many occasions. Section 11 (3) of the Canadian Human Rights Act, however, stated that, notwithstanding subsection (1), it was not a discriminatory practice to pay to male and female employees different wages if the difference was based on a factor prescribed by guidelines issued by the Canadian Human Rights Commission pursuant to subsection 22 (2) to be a reasonable factor that justified the difference. (25-26 Elizabeth II). After consulting subsection 22 (2), he still did not understand what such prescribed reasonable factors could be.

7. He inquired whether in addition to visa requirements for nationals of certain countries, any financial conditions had to be met by visitors, and whether a person denied entry on such grounds could appeal against the decision. In relation to article 17 of the Covenant, the report stated that the interception of private communications and the carrying out of a search might be authorized under the Criminal Code (CCPR/C/1/Add.43 (Vol. I), p. 75). He asked on what grounds such authorization could be given. The report further stated, in relation to article 19, that the Criminal Code prohibited seditious words and actions, and blasphemous libel (p. 84). He would like to know the precise meaning of "seditious" and "blasphemous" in Canadian legislation. At one time in Tunisia, people had been convicted of sedition for shouting: "Down with colonialism!" and in some countries the proclamation that God did not exist might be considered blasphemous. In view of the prohibition by the Criminal Code of the use of words, writings or any other means to interfere with, impair or influence the loyalty or efficiency of the Canadian Armed Forces, he also asked whether or not conscientious objection was punishable.

8. He would like some explanation of the following comments on article 20, paragraph 1, of the Covenant: "There is no law prohibiting propaganda in favour of war. An individual or organization may, therefore, legally disseminate such propaganda. The Government of Canada cannot do so, however, without breaking the commitments it made by signing the Covenant." However commendable that statement of principle, it needed to be accompanied by concrete legal provisions. The question was whether there was any procedure to which a citizen could resort if he felt that the Government was disseminating propaganda in favour of war.

9. In relation to article 25 of the Covenant, there appeared to be a discrepancy between the English and French texts of section 12 of the Public Service Employment Act. Where the English text stated that the Public Service Commission "must not discriminate" against any person by reason of sex, race, national origin, colour, religion, marital status or age (CCPR/C/1/Add.43 (Vol. I), p.104), the French text used the words "ne doit établir ... une distinction injuste", which could imply that the Commission could legally practise "just" discrimination.
10. Section 3 of the Canadian Human Rights Act stated that for all purposes of the Act, race, national or ethnic origin, colour, religion, age, sex, marital status, conviction for which a pardon had been granted and, in matters related to employment, physical handicap, were prohibited grounds of discrimination. Nowhere, however, in the Act, the report or the other documents submitted by the Canadian delegation was it stated that discrimination was prohibited on the ground of political or other opinion. One clear reference to that question which he had noticed was in the section of the report dealing with Saskatchewan, where there was a sincere, but none the less disturbing, statement that there was no prohibition in Saskatchewan of discrimination based on political or other opinion (CCPR/C/1/Add.43 (Vol.II), p.462). He wondered whether extremist political parties would be automatically banned and wanted an assurance that discrimination was prohibited on the grounds of political or other opinion.
11. In connexion with article 6, the report stated that to protect human life the Criminal Code prohibited and punished actions which constituted a direct or indirect threat to life, such as unauthorized abortion (Vol.I, pp.19-20). One important question which had already been asked was in what circumstances abortions were authorized. He wished to know whether abortion would be authorized in cases of pregnancy resulting from rape and whether due account was taken not only of the physical health of the pregnant woman, but also of her psychological health.
12. The foot-note concerning the Indian Act (Vol.I, pp.94-95) did not give enough information on the Act. He was particularly interested to learn to what extent, if any, the Indians formed a distinct community with a particular legal status, what were the philosophical and legal criteria of the Indian Act, and whether there was a similar Act for the Eskimos. The foot-note stated that a person ceased to be an Indian if he was enfranchised by the Governor in Council. He was not sure about the meaning of the word "enfranchise" in the Canadian context. Nor did he altogether understand either the provisions governing the enfranchisement of the wife and minor children of the applicant, in section 109 of the Indian Act, or the provisions governing the registration as an Indian of an Indian woman who married a non-Indian. He was anxious to know what would be the legal status of an Indian woman whose name had been struck off the Indian register and whom the Governor refused to enfranchise. Those provisions did not appear to be consistent with the letter and spirit of the Covenant. It was not clear, for example, whether there was any possibility of appeal against the Governor's decisions.
13. Mr. TOMUSCHAT commended the seriousness with which Canada took its obligations under the Covenant, as was evident from the long and detailed report it had submitted and the large high-level delegation it had sent to introduce the report. He noted that under Canadian federal law the Covenant was not part of domestic legislation,

although, according to the report, tribunals would probably take account of the Covenant in rendering judgements. That did not, however, seem to be a firm jurisprudential rule, one which would state, for instance, that domestic legislation would be generally interpreted in the light of international obligations. He asked for further information concerning Canadian practice in that regard.

14. With regard to the Canadian Bill of Rights of 1960, he took it that the Bill was not an "entrenched" statute, in the sense that it ranked higher in the hierarchy of norms and took precedence over ordinary posterior law. Its respect was ensured only through the rule of interpretation found in section 2, to the effect that no Canadian statute should be so construed and applied as to abrogate or infringe the rights or freedoms recognized in the Bill, unless it was expressly declared by an Act of Parliament that the statute in question should operate notwithstanding the Canadian Bill of Rights. It would seem then that the legislature could do away with the guarantees under the Bill of Rights. Furthermore, only a limited set of rights seemed to be under the protection of the rule of interpretation. He asked what was the situation with regard to the freedoms established under section 1. Furthermore, the formulation of rights seemed to be too broad, and Canada undoubtedly had laws which limited those rights. He asked whether tribunals referred to section 1 in the process of interpretation and whether there was a general rule of presumption that normally the balance should be tipped in favour of the individual's freedoms. He asked whether section 2 had led to any jurisprudence and how Canadian judges viewed conflicts between the Bill of Rights and later statutes. He wondered whether it ever happened that legislators said outright that they deliberately wished to deviate from the Bill of Rights. In general, it would be useful to have more information on the workings of the Bill of Rights, as also on the analogous documents of the provinces, with which there seemed to be similar problems.

15. The report made much reference to the equality of rights and the prohibition of discrimination but the concept of equality discussed was, in his view, too narrow. For instance, it appeared from page 105-106 of the report, dealing with article 26 of the Covenant, that Canadian jurisprudence did not subject legislative bodies to the rule on non-discrimination but only required equality before the law. The Covenant, however, required States parties to ensure equal protection, irrespective of whether the infringement could be attributed to the executive, legislative or judicial branches of government. It was a fact that citizens also needed protection against the legislature. One problem area was the protection of minorities and dissidents. There might, for instance, be Canadian laws which discriminated on the grounds discussed in article 2, paragraph 1, of the Covenant, such as statutes focussing on political opinions. He would like to know whether any political parties were outlawed and whether extremists were free to enter the civil service, a freedom protected under article 25 of the Covenant.

16. In general, there was little information on the right of the individual to be protected against State discrimination, although there was much reference to discrimination between private citizens, such as in the Saskatchewan Human Rights Code and the federal Canadian Human Rights Act. It was clear from the report that Canada had gone a long way towards establishing a democratic society but it was not clear that the sort of equality discussed in the report came under the purview of the Covenant, which was mainly concerned with the relationship between the individual and

the State. Under the Covenant, States parties were required to protect private rights. Thus, under article 6, paragraph 1, of the Covenant, life was to be protected by law and States were obliged to punish the taking of human life. Similarly, under article 17, the law was seen as an instrument designed to safeguard private rights against interference. Equality was not among the values which required such broad protection. Equality in private law could be sought only in a limited number of areas where the vital bases of individual existence were at stake, such as housing, employment, schooling, advertising, the news media and so forth. Article 26 of the Covenant did not identify such specific areas but merely provided a general formula protecting citizens against State interference. To hold that article 26 should be given general horizontal effect or third-party effect would lead to unreasonable results.

17. Political opinion, for instance, was one of the important forbidden grounds for discrimination. States should not be allowed to place certain categories of citizens in a privileged or disadvantageous position on political grounds or to take punitive or discriminatory action against individuals who held heterodox opinions and manifested them in a peaceful manner. On the other hand, to demand that private citizens should not take into account the political beliefs of other persons was absurd. Citizens had the freedoms of expression, assembly and association, the press and so forth, which enabled them to foster common interests among groups of like-minded persons and to oppose different political trends. Newspapers must also be allowed to take a political standpoint. Political parties were associations of citizens sharing specific political values. If there were a general prohibition of discrimination, the result would be the end of political freedom and the establishment of government machinery for comprehensive control of the life and existence of citizens. In the area of religious beliefs, for instance, churches must be free not to accept non-believers. In the area of schooling, parents must be free to choose the schools which they felt were most suited to their children.

18. While it was perhaps true that article 26 of the Covenant was somewhat ambiguous in its wording, there was no doubt that it did not go beyond article 2, paragraph 1. Like article 2, it proscribed State discrimination but its coverage was not confined to rights and freedoms guaranteed under earlier articles of the Covenant.

19. He was somewhat puzzled by the fact that Quebec, according to page 431 of the report, had ratified the Covenant, although as a province it could not be a State party to the Covenant and had no international obligations. The act of ratification had neither international nor domestic effect, since the Covenant had not been introduced into the legislation of the province. He wondered whether the ratification was simply some kind of formality or transaction which took place between the federal and provisional Governments.

20. Another area on which he would like to have further information was the right to life and the general protection of life, by which he meant not only the matter of the death sentence but the use of firearms by police forces. It was his conviction that the police must be committed to use more restraint than the private citizen in the use of firearms and that the grounds of self-defence must not apply to the police forces in the same manner as to private citizens.

21. The report provided some information on machinery for inspecting penal institutions, but information covering all the provinces had not been provided. He asked whether there were any specific institutions, such as monitoring or inspecting bodies, which ensured respect of the relevant legislation by the prison authorities. A related area was the assignment of persons to psychiatric hospitals, a matter related to the rights guaranteed under article 9 of the Covenant, which covered not only cases of penal prosecution but all cases of the deprivation of liberty. The report generally provided too little information on the subject. The review boards referred to in the report were not fully described. He would like to know how they were composed and whether they were judicial bodies or simply bodies of experts without judicial standing. It appeared that in Nova Scotia only one medical certificate was required to confine an individual to a psychiatric institution; that provided completely inadequate protection for the individual.

22. Other members of the Committee had referred to the status of aliens and the guarantees provided under article 13 of the Covenant. Referring to page 56 of the report, he asked whether any protection was provided to an individual holding a specific authorization of the Minister of Employment and Immigration in the event of that permit expiring or being cancelled. If the permit was cancelled, the alien found himself in a situation for which he could not prepare and the protection guaranteed under article 13 should apply. If the permit had expired, protection should also be granted. It would be valuable to know more about the substantive status of aliens and what their rights were. There was some evidence on page 463 of the report of discrimination based on nationality in the province of Saskatchewan. It should be remembered that the guarantees provided by the Covenant covered not only nationals but also aliens. With reference to article 14, paragraph 3(a), of the Covenant he noticed that the provision of translation services for individuals not understanding the language of court proceedings was limited, in particular in the Yukon and the Northwest Territories. He understood that the law had recently been changed to make both English and French available but no mention was made of other languages, those of minority groups or aliens.

23. He was curious to know more about the political system of Canada, in particular the composition and workings of the Canadian Senate. Under article 25 of the Covenant all citizens must have equal opportunity to take part in the conduct of public affairs. It would appear that members of the Senate were appointed by the Governor-General but the criteria for that choice were not specified. He would like to know whether all citizens had equal access, whether anyone could propose candidates, and to what extent it was a matter for the discretion of the Governor-General. The question of compensation for victims of unjustified arrest or conviction, covered by article 9, paragraph 5, and article 14, paragraph 6, of the Covenant was not clearly presented in the Canadian report. It was the objective responsibility of States to provide such compensation, without any need to prove the subjective fault of any particular official. The right of action against particular officials alone was not sufficient coverage.

24. In conclusion, he noted that the Canadian Government had been quite frank in stating that there were inconsistencies between Canadian legislation and the Covenant. While such honesty was unusual and commendable, he would like to know what the Government intended to do to correct the discrepancies.

25. Mr. GRAEFRATH said that he was puzzled by the plethora of commissions and committees in Canada, all dealing in some way or another with human rights, and would like their functions and competence to be more closely described. The functions of the human rights commissions in the provinces, for instance, seemed rather limited, in that they dealt only with complaints against individuals and not against State organs. He asked what was the legal significance of the Canadian Human Rights Act and the various codes dealing with human rights in the provinces.

26. Like Mr. Opsahl, he was interested in the right to self-determination, covered by article 1 of the Covenant, on which the Canadian report provided very little information. It would seem in general that the right did not apply to the various provinces or ethnic groups in Canada. What were the criteria applied in Canada to minorities and peoples with regard to the right to self-determination? The problem was related to a question raised by Mr. Bouziri, who had sought information on the general Canadian policy on indigenous inhabitants. He wondered whether Canada sought to strengthen ethnic identity or to assimilate minorities into the general population.

27. With regard to article 2 of the Covenant, which covered discrimination based not only on political opinion but also on language and social origin, he asked why some Acts and codes whose wording differed from that of the Covenant had been enacted after the Covenant had entered into force in respect of Canada. It was stated on page 13 of the report that the courts would declare inoperative any law of Canada which abrogated, abridged or infringed any of the rights listed in section 1 of the Canadian Bill of Rights. The grounds for the prohibition of discrimination seemed to be somewhat different from those set forth in the Covenant and he was also not sure that the courts would in fact always declare discriminatory laws inoperative. An example of such a problem could be found in the reference on page 94 of the report to the Indian Act, from which it appeared that discrimination based on sex, namely the right of the spouse of an Indian to enfranchisement, had been allowed; it could be seen from page 106 of the report that the Supreme Court of Canada had not declared the law inoperative, i.e. it had not decided in favour of the Covenant. Since the procedure established in Canada did not always produce a decision in favour of the Covenant, it might be better to develop some other procedure, e.g. to bring legislation into line with the Covenant.

28. The interpretation of articles 2 and 26 of the Covenant shown on pages 106 and 185 of the Canadian report seemed too limited, in that under the Covenant rights must not only be respected but ensured and all persons were entitled not only to equality before the law but to equal protection under the law. He was also puzzled by apparent differences between the general law and the law in force in the Yukon and Northwest Territories. It seemed, for instance, from page 116 of the report that employees of the Territorial governments, as agents of the Crown, were not liable for acts performed in the course of their employment.

29. With regard to article 6 of the Covenant and the reference on page 22 of the report to social, health and welfare programmes, the report provided rather little information concerning the result of such programmes. He was particularly interested in efforts to reduce infant mortality, especially in rural areas.

30. With reference to article 14, paragraph 3(c), of the Covenant, he noted on page 61 of the report that very little was said concerning the right to be tried without undue delay. With regard to the following paragraph, dealing with article 14, paragraph 3(d) of the Covenant and rights to legal advice and counsel, he asked how equality in the ability to obtain legal counsel was ensured, whether legal counsel was expensive and whether it was necessary to have legal counsel in order to proceed or to have access to the courts. With reference to article 14, paragraph 6, of the Covenant, he noted that Canada provided only for ex gratia compensation in the event of a miscarriage of justice, whereas the Covenant coverage went further.

31. He was interested in the discussion on page 85 of the report concerning policies seeking to protect and enrich Canadian culture and strengthen the political, social and economic structure of the country by the application of a national broadcasting policy which determined not only who should have access to broadcasting rights but also the rights and obligations of those who had applied for and obtained broadcasting licences. Since such measures dealt with a problem faced by many countries, i.e. to protect national cultural development against intervention and forces from outside, it would be interesting to have more information on the reasons for and the application of such a policy.

32. It had already been noted that the Canadian Government's position in connexion with article 20 did not seem to be quite in conformity with the Covenant; it was not possible to maintain that war propaganda was lawful for individuals and organizations but not for the Government, since the Covenant made it quite clear that it was the responsibility of the State to prohibit propaganda for war within the area of its jurisdiction.

33. He considered that article 25 of the Covenant was not concerned only with elections; he requested information on the other possibilities available to Canadians to take part in the conduct of public affairs.

34. Mr. SADI said that Canada's report was to be commended because it was a serious report which endeavoured to provide information on most issues; it was frank and admitted to shortcomings; it was also encouraging that, the representative of Canada in introducing the report, had indicated that the Canadian Government would take the Committee's observations into account.

35. With regard to the position of the Covenant in Canadian law, whether federal or provincial, there was an admission that international treaty law was not automatically a part of the law of the land; that situation needed to be remedied.

36. On page 12 of the report there was a serious admission that persons within Canadian territory enjoyed most of the rights and freedoms recognized by the Covenant; that situation needed to be rectified so that Canadians would enjoy all the rights and freedoms. There was a major omission in the Canadian Bill of Rights because it made no mention of discrimination on the basis of political belief, and the same applied to provincial legislation, although the Unemployment Insurance Act mentioned on page 14 of the report did refer to discrimination on the basis of political affiliation so that there was a recognition that political belief was a relevant criterion.

37. In connexion with article 6, paragraph 2, of the Covenant, the report stated that the death penalty had been abolished for all crimes except certain offences; he asked what those offences were. The report also indicated that Canada had acceded to the Convention on the Prevention and Punishment of the Crime of Genocide, but information was needed on whether the provisions of that Convention had been incorporated into domestic law. In connexion with article 9, it was not clear whether in Canada evidence obtained by illegal methods, even if it was relevant, was admissible. In relation to article 18, the report listed the freedoms afforded under the Canadian Bill of Rights, but the Covenant required that a State should not only legislate to protect religious freedom but also put its legislation into effect; he asked whether there was any policy to promote harmony between the religions in Canada, since without religious tolerance, legislation did not help a great deal.

38. In connexion with the information provided on the Canadian election laws, in relation to article 19, he asked whether the principle of one man, one vote was respected in Canada. The equality of individuals implied equality of political power, and the only way to achieve that equality was to give individuals equal voting power.

39. The absence of a law prohibiting war propaganda was a serious omission which had already been referred to. In connexion with article 20, paragraph 2, the Criminal Code failed to mention political belief. Similarly, in relation to article 21 of the Covenant, there was no mention of political belief in connexion with the freedom of assembly.

40. In relation to article 23 of the Covenant, the report indicated that under the Civil Code in Quebec, "men" could contract marriage at the age of 14 years and "women" at the age of 12 years; he felt that children of that age needed to be protected. Moreover, that provision was inconsistent with the provision of the British North American Act prohibiting sexual intercourse between a male person and a female person under the age of 16 years.

41. The conclusion drawn on page 106 regarding the prohibition of discrimination under the Canadian Bill of Rights seemed to contradict some earlier statements in the report.

42. He asked why the Northwest Territories and the Yukon were territories rather than provinces, particularly since the inhabitants were mainly Indians or Eskimos; if those groups were treated differently from other Canadians under Canadian law, that would be a violation of the Covenant. He hoped that the Canadian Government would continue the process of harmonizing its laws with the provisions of the Covenant.

43. Sir Vincent EVANS said that Canada's report was one of the most thorough and frank reports which the Committee had received and showed a genuine effort to comply with all aspects of the reporting obligation under article 40 of the Covenant. He had been interested to learn that the report had been made widely available to the public in Canada; that practice ought to be followed by other Governments since it helped to stimulate interest among the public in the Covenant and demonstrated the Government's good faith in presenting the facts of the case in a proper and complete manner and the importance it attached to its obligations under the Covenant.

44. The report indicated, on page 11, that an Interdepartmental Human Rights Committee was currently studying federal law in order to determine to what extent it was in accordance with the Covenant and to recommend whatever changes were required, and that other studies were under way in the provinces for a similar purpose. That raised an important question regarding the interpretation of the Covenant. If article 2 of the Covenant was compared with the corresponding article in the International Covenant on Economic, Social and Cultural Rights, it could be seen that there was a significant difference in the obligation undertaken by the State party. That difference indicated that it had been realized at the time when the Covenants had been drafted that although for economic and other reasons the full realization of economic, social and cultural rights could only be achieved progressively, there was an immediate obligation to ensure at least the minimum standards established by the International Covenant on Civil and Political Rights.

45. The report described a plethora of laws and mechanisms which had been introduced at both the federal and the provincial levels to promote and protect human rights; he wondered whether, having ratified the Covenant, the Canadian Government had given any consideration to the possibility of setting up more streamlined machinery based on the Covenant itself, since the Covenant provided a common standard which had been accepted by all Canada including the provinces; it might, for example, set up a single human rights commission for the whole of Canada with jurisdiction to ensure compliance with the Covenant at all levels of government. That would make it possible to simplify the system and make the machinery more comprehensive and more co-extensive with the Covenant, and it would be a more direct way of ensuring the implementation of the provisions of the Covenant and especially of providing a remedy in the event of alleged violations as required under article 2 of the Covenant.

46. He asked how much publicity had been given in Canada to the Covenant and Optional Protocol and to the work of the Committee, and whether the representatives of Canada had any suggestions about how the Committee and its Secretariat could help to make the Covenant and the work of the Committee better known.

47. In connexion with article 6 of the Covenant, it was heartening to learn that no execution had taken place in Canada since 1962. As well as regulating the use of the death penalty, article 6 provided for its eventual abolition, and in an increasing number of countries the death penalty was being regarded as both inhumane to the victim and degrading to those who imposed it; he was therefore glad to see that its use had been suspended in Canada.

48. The report raised the question, on page 28, whether Canadian law, as applied in the Gamracy case, sufficiently accorded with the provisions of article 9, paragraph 2. In the case in question, it appeared that the officer who had made the arrest had had no warrant and had given the arrested person no information about the reason for the arrest; that was not enough to satisfy the provisions of the Covenant. In interpreting article 9, paragraph 2, of the Covenant it was useful to compare it to article 14, paragraph 3 (a), which called for the provision of even more detailed and specific information. Nevertheless, article 9 was intended to be more than a mere formality and it required that anyone who was arrested should be informed, in substance, of the reasons for his arrest. In connexion with article 9, paragraph 4, there seemed to be some uncertainty about the Canadian law on habeas corpus.

49. Turning to volume II of Canada's report, he said that insufficient information was provided on the implementation of articles 9 and 14 in the provinces, for example in British Columbia, New Brunswick and Newfoundland; he requested fuller information on that point.

50. In connexion with article 14, paragraph 7, there seemed to be a rather unusual exception to the principle of non bis in idem for juveniles, since a juvenile who had already been convicted in a juvenile court could apparently be ordered to stand trial in another court; he asked how that situation could be justified under the Covenant, or indeed at all.

51. It was evident that considerable efforts were being made, in particular through special government agencies, to assist ethnic, religious and linguistic minorities in preserving their cultural identity. The problems were obviously considerable and the programmes were no doubt expensive. He understood that there were over a quarter of a million native Indians in Canada, although little was said about them in the report. The greatest threat to their rights and interests no doubt arose from the spread of industrialization and modernization into the areas they had traditionally inhabited and he asked how the resultant problems were solved. The same process must also affect the Eskimos, as Europeans moved into their areas, for example, to exploit the natural resources; he asked what steps were being taken to protect their interests and what was being done to help them to integrate into the new society and to enable them to share its benefits. The problem was partly one of the preservation of cultural identity and partly one of integration into society as a whole. He asked whether there had been any exchange of information and experience between Canada and other countries which had Eskimo populations, such as the United States, Denmark and the Soviet Union. Canada also had sizeable immigrant groups of other national origins, since it had admitted considerable numbers of refugees; resettlement was not always easy in such circumstances and no doubt there had been social and cultural problems. He asked what Canada's experience had been regarding the absorption of such immigrants into Canadian society and how those problems had been met.

The meeting rose at 6 p.m.