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HUMAN RIGHTS INSTITUTE OF CANADA
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BY HAND

June 25, 1984

The Right Honourable Pierre Elliott Trudeau, P.C., Q.C., M.P.,
Prime Minister of Canada,
Langevin Block,
Wellington Street,
Ottawa, Ontario
K1A 0A3

Dear Mr. Prime Minister;

It is our understanding that you will be making appointments to existing vacancies in the Senate before you step down from your place as Canada's 15th Prime Minister.

In recent years your prime ministership has been marked by an increasing concern with Canada's role in world affairs, and by an emphasis on the importance of international law as regulating the relations between States. Your prime ministership has also been marked by the historic patriation of the Constitution. Citizens throughout Canada are aware of the fact that you are personally responsible for the Charter of Rights and Freedoms.

Your interest in these matters prompts the Institute to write to you to draw your attention to the fact that Canada has undertaken specific International obligations with respect to equality of appointment of women, and that these obligations clearly include equality of appointment of women to the Canadian Senate.

We have done extensive research into this subject, and have confirmed that the International undertakings are deliberate Government policy and extend over a period of many years. We refer not merely to the obligations Canada accepted under the Charter of the United Nations on 9 November, 1945, but to a series of specific International agreements that Canada has ratified or accepted since that time.

The position of the Canadian Government has been consistent. In document after document, agreement after agreement, Canada has accepted binding obligations to ensure that women are appointed to public office and to perform public functions on equal terms with men.

The Senate is clearly included within those obligations. We refer particularly to the United Nations Convention on the Political Rights of Women, which was adopted by the United Nations on 20 December, 1952. Article I requires women to be given the vote in elections on equal terms with men. Article II requires that women be eligible for election to all publicly elected bodies, established by national law, on equal terms with men, without any discrimination. Article III provides that:

"Women shall be entitled to hold public office and to exercise all public functions established by national law, on equal terms with men, without any discrimination."

This clearly refers to non-elected offices and includes the Senate. There can be no doubt that Senators hold a "public office" and exercise "public functions" and that the Senate is established by national law.

The Canadian Government does not enter into International obligations lightly or without study. Significantly, before Canada had made any commitment, the United Nations published an official booklet entitled, "Convention on the Political Rights of Women - History and Commentary". That booklet emphasized that Article III refers to appointed positions. It cited the Canadian Senate expressly as an example. On January 30, 1957, two years after this official booklet had been published, Canada deposited its instrument of acceptance. On April 30, 1957, the Convention on the Political Rights of Women came into force for Canada.

Other States, such as Iran and India, made reservations as to certain areas of appointed office that they were not prepared to open to women, or expressed an interpretation intended to have the same effect. Canada merely made a reservation with respect to rights within the legislative jurisdiction of the provinces. Since April 30, 1957, when the Convention came into force for Canada, Canada has failed to carry out its obligations of equality of appointment of women and men to the Senate.

We invite you to take the historic step of beginning to redeem Canada's word in international affairs. We draw your attention to the fact that later International agreements have reinforced the legal undertaking that Canada accepted in 1957. You are aware of the International Covenant on Civil and Political Rights, which Canada acceded to on 19 May, 1976. You are also aware of the Optional Protocol to the International Covenant on Civil and Political Rights, for which Canada also deposited the instrument of accession on 19 May, 1976. You would also be aware of the ratification by Canada on December 10, 1981, of the United Nations Convention on the Elimination of Discrimination Against Women,

in which Canada again accepted express obligations to take steps to ensure to women, on equal terms with men, the right to hold public office and perform all public functions at all levels of Government.

Since there are only 104 seats in the Senate, we are only discussing 52. 12 seats are now vacant. The 92 seats presently filled are held by 82 men and only 10 women. Women constitute more than 50 percent of the population, but there are more than 8 times as many men as women presently in the Senate.

The constitutional qualifications for appointment to the Senate (citizenship, residence, age, freehold property worth more than \$4,000) apply to countless women. Statistics Canada has provided us with figures for 1981 (the latest year available) showing that there were 5,280,315 women as compared with 5,125,400 men. In other words, there are far more women than men who are within the appointing years and who are citizens. Women can be found with every possible experience that could add to the ability of Parliament to make laws that are relevant to all Canadians.

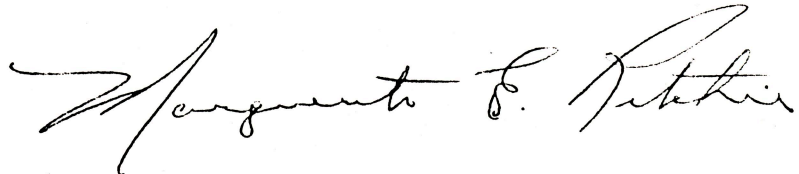
Your own party has such eminent women as Lauris Talmey whose concern for women and for a better Canada reflects well on the Liberal Party. You undoubtedly know Mrs. Ruth Bell, whose recognition by the Order of Canada and by Honorary Degrees at different universities reflects the public appreciation of her leadership in national women's organizations and in a broad spectrum of public service. You made an appointment of one distinguished woman member of the NDP, the late Therese Casgrain, and we are sure that you know others who would bring equally warm commendation from the public.

You have appointed to the Senate two male members of the original peoples of Canada, but you have not yet appointed any women members of the original peoples. You know Dr. Mary Two-Axe Earley, Clan Mother from Caughnawaga, who has led the fight for justice for Indian women under the Indian Act. Her appointment would be an outstanding tribute to the cause of justice and equality, and would recognize the fact that women constitute part of every group within Canada. It is significant that Indian women were signing treaties in Canada in the earliest stages of Canadian history, before their rights were gradually taken from them. You might wish to consider this most significant appointment.

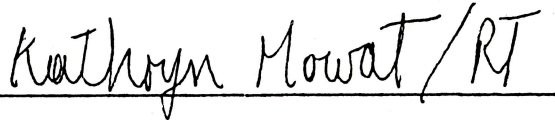
Mr. Prime Minister, adoption of the principle of equal appointments of men and women to the Senate will be a dramatic affirmation for all Canada, of your commitment to equality and justice, and your recognition of Canada's responsibilities for carrying out the legal obligations it has accepted under International agreements it signed and ratified.

We invite you to take this landmark step in appointments to the Senate and in issuing a statement affirming your position.

Sincerely yours,

A handwritten signature in cursive script, reading "Marguerite E. Ritchie". The signature is fluid and elegant, with a large initial 'M' and 'R'.

(Dr.) Marguerite E. Ritchie, Q.C.
PRESIDENT

A handwritten signature in cursive script, reading "Kathryn Mowat/RT". The signature is written in a more formal, slightly less fluid style than the one above.

Kathryn Mowat,
Executive Secretary.