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21 November 1980

The Clerk of the Special Joint Committee on the Constitution
Committees and Private Legislation Branch
House of Commons
Ottawa K1A 0A6

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Committees and Private
Legislation Branch
of the House of Commons

Dear members of the committee:

Members of Voice of Women/La Voix des Femmes have considered the proposed Constitution of Canada with particular attention to the Charter of Rights, and we thank the Honourable Lloyd Axworthy for his invitation to us to submit our views to your committee.

We agree with the Canadian Advisory Council on the Status of Women, the National Action Committee on the Status of Women, and the Ontario Committee on the Status of Women, that (1) the wording in Section 15 is too broad to over-ride discriminatory precedents set in such cases as the 1928 Persons' case, the Jeannette Lavell and Yvonne Bedard case, and the Stella Bliss case. We further agree that (2) the wording in Section 1 is too broad to guarantee certain rights which even war or insurrection should not affect; that (3) the three-year moratorium on application of Section 15 (specified in Section 29) is unacceptable; and that (4) the all-male membership on the bench of the Supreme Court of Canada jeopardizes essential judicial impartiality.

We therefore submit the following proposals:

A. The wording of Schedule B, Part 1, Section 15, "Non-discrimination Rights," be changed to "Every individual shall have equality of rights under the law without regard to national or ethnic origin, colour, religion, age, sex, marital status, sexual orientation, or political belief."

B. The wording of Schedule B, Part I, Section 1, "Guarantee of Rights and Freedoms," be changed, in one of two ways:

1. by deletion of its limiting clause ("...subject only to such reasonable limits...parliamentary system of government"); or

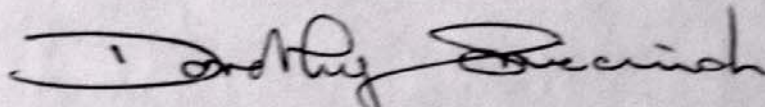
2. by specifying those rights which cannot be abrogated, even in time of war or real or apprehended insurrection: that is, the right to life, liberty, and security; the right not to be subjected to cruel or unusual treatment or punishment; and the right to equality.

C. The wording of Schedule B, Part I, Section 24, "Undeclared rights and freedoms," be changed to prevent such discrimination against native women as that in the Bedard and Lavell cases.

D. Schedule B, Part I, Section 29, "Application of Charter," Part (2), be deleted ("...section 15 shall not have application until three years after this act...comes into force").

E. Constitutional provision be made for representation of women on the Supreme Court of Canada.

Yours sincerely,

A handwritten signature in cursive script, appearing to read "Dorothy Smieciuch". The signature is written in dark ink on a light-colored, slightly wrinkled paper.

Dorothy Smieciuch
for the National Executive

DS:cmg