

CONFIDENTIAL

November 24, 1980.

Meeting re Justice Human Rights  
Discussion Paper, 21 November, 1980

Davey: Can't keep national security out of this  
discussion.

POLITICAL BELIEF

Discussion of merits of opinion/belief/creed vs political  
opinion

- better to narrow to political opinion  
(HRC view).

PSC (Chodos): concern that HRC second guessing existing  
redress procedure for PS.

HRC view: HR Act already exists - but says, exhaust other  
mechanism before coming to HRC.

ND strongly against including opinion as a basic human  
right

- should not use international obligations  
as an argument.
- appeal to G in C should be final.
- concern re binding HRC guidelines.

International conventions do permit restrictions (NS, public  
order).

HRC would develop guidelines.

SG Correction Service: religion, political belief OK  
but opinion: contrary to CS policy.  
("right to escape")

Chairperson summing up: Justice will reflect

- how to balance human rights and security.
- how to honour international obligations  
and have adequate exceptions.

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SECURITY CLEARANCES

TB: be sure to consider security clearance problems  
before going to Cabinet.

ND: HRC naturally prejudiced on side of human rights.

HRC: we have no interest in security risks. No wish to  
second guess re clearances, criteria.

- only interest: ensure there is an  
occupational requirement
- : not operate in arbitrary fashion.
- : would refer security complaints  
to a tribunal or another body.
- : HR Commissioner feels security  
clearances improperly used.

PSC: not just a security problem: other sensitive positions.

SEXUAL ORIENTATION

HRC: onus on employer to show there is bona fide job  
requirement

- : did a research project in private sector - employers  
contacted - none were negative about SO.

ND: not just security: ND a closed society (e.g. ships) -  
need to except some agencies - not fight on case by case  
basis - convince Cabinet - obligation to parents -  
"abnormal".

HRC: same situation as women a few years ago? ND: not yet.

Correctional Services: problem re staff.

RCMP: paper should strengthen concern of RCMP and others

- : Security Service troubled about being identified  
in HRC study

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CRIMINAL AND PENAL CONVICTIONS

Immigration concern re excluding criminals from Canada

- would HRA have precedence?

DSS: problem re auditing service.

(DSS checks with professional associations)

- problem of Privacy Act violation of  
identifying persons with convictions.

HRC: must look at what convicted for - not just conviction  
(e.g. no problem about auditor if convicted for a  
traffic offence)

RCMP: re pardon.

Parole Board - must consider previous criminal record  
- could be regarded as discriminatory.

Correctional Services: problems - prefer general exclusion.

AD: must reflect on exclusion by department.

