

## A Challenge for Our Democracies

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On the eve of the dual event constituted by the Summit of the Peoples of the Americas and the Summit of the Americas, the Commission des droits de la personne et des droits de la jeunesse would like to raise certain concerns that are at the heart of current discussions.

In light of recent experiences (Seattle, Prague, etc.), one has to wonder why meetings of heads of state can now be held only in conjunction with exceptional security measures and too often degenerate into confrontations between police forces and demonstrators. This situation poses the problem of relations between respect for human rights and freedoms and public security. More significantly still, it is the symptom of a critical time in the development of our democracies.

### **How did we reach this point?**

How have our societies reached the point where heads of state must meet in fortified places and where, on the other side of the barricade, an increasing number of citizens consider that their right to political participation can only be exercised by resorting to mass demonstrations?

To appreciate the phenomenon in its entirety, it is necessary to understand the frustrations expressed by the demonstrators. In essence, democracy requires that power belong to all citizens of a nation. However, the new world economic order places major constraints on the exercise of democracy. Uncontained anger as a result of the secrecy surrounding the FTAA deliberations and ambient cynicism regarding “politics” are illustrations of the fact that citizens are losing their power. They no longer have the impression of exercising any control over the development of their nations, since from all indications the rules are now being negotiated at another level with other stakeholders, more or less secretly. How, under these conditions, can confidence between nations and their representatives be restored?

It is imperative that all societies of the Americas, as well as their political, economic and civil authorities, ask themselves this question. The Commission hence shares the concern of the parliamentarians of the National Assembly of Québec, who last December expressed concern about a “democratic deficit” in the definition of the continent’s future. Similarly, in the coming months, the Commission intends to continue reflecting on the theme of the relationships between globalization and respect for human rights and freedoms.

## **Rights and Freedoms and Public Security**

Under the effect of the declarations concerning apprehended security threats at these summits and the concern shown by a significant number of people, the Commission is seeing a growing conception of the relationship between human rights and freedoms and public security which it considers insidious.

This conception pits respect for human rights and freedoms and public security against each other. But what do history and the present of our societies teach us? That it is precisely in societies where human rights and freedoms are neglected or considered to be of no use by the political authorities that insecurity — both public and private — is the greatest. The equation can be verified throughout the planet and in the 34 countries that will meet at the Summit of the Americas.

We must not close our eyes to the dangers of violence or misbehaviour and, accordingly, certain precautionary measures must be taken. However, we must never lose sight of the fact that violence and vandalism at such summits are the lot of only a very small minority of troublemakers and that the vast majority of demonstrators are exercising a fundamental political right: the right to express their opinion by assembling, in good faith, to transmit a message on the major challenges that will affect communities for generations to come.

The equation can also be verified inversely. Hence, security — public and private — is best assured in countries where respect for rights is considered to be a fundamental political value. In addition, the participation of citizens in political life is exercised most peacefully in these countries.

From this perspective, promotion and respect of human rights become instruments which when rigorously implemented endorse, rather than thwart, security.

## **Rights and Freedoms and International Trade**

We must emphasize these fundamentals to ensure that our trade policies consider respect for human rights and freedoms to be an incontrovertible element of future trade treaties to be negotiated. In fact, the same amount of effort must go into the implementation of conditions that are appropriate to the exercise of civil, political, social, and economic rights in countries of the Americas as goes into the search for wealth through the development of international trade.

The requirement for respect of these rights, acknowledged in numerous ways in several international-law instruments, including, primarily, the *Universal Declaration of Human Rights*, must be a key element of any multilateral trade agreement. By espousing this requirement, Canada and Québec would be performing a concrete act, in accordance with

the commitments made when these international instruments were ratified. It should be noted that at the U.N. World Conference on Human Rights (Vienna, 1993), 170 governments declared that respect for human rights constituted the primary obligation of the states.

### **A pressing call for non-violence**

In the effervescence surrounding the preparation of the two Summits, the Commission wishes to launch a clear call for non-violence to one and all. In this respect, Québec can rely on a solid tradition: for thirty years, our society has been discussing major challenges concerning, in particular, our constitutional future, at times with strong divergences of opinion, but maintaining a proper regard for the opinions of others. This is a remarkable achievement to be guarded preciously.

The *Charter of Human Rights and Freedoms* acknowledges freedom of expression and the right of **peaceful** assembly. In exercising these rights, a person must maintain a proper regard for the democratic values, public order and the well-being of the citizens of Québec. Hence, the demonstrators must respect the safety and integrity of persons and the ownership of property. However, if illegal acts are performed, law-enforcement services are responsible for using only the **minimum force required** to confront these situations. In this regard, the Commission recently produced 20,000 copies of a document describing the primary rights and freedoms granted by our *Charter of Human Rights and Freedoms*, in the four principal languages spoken in America (French, English, Spanish, and Portuguese).

The Commission hopes that the escalation of security measures will be defused and give way to the emergence of a substantive public debate on the real challenges surrounding the Summit of the Americas. It is important to associate the economic development of the countries of the Americas with respect for fundamental rights and peace. Mr. Kofi Annan, Secretary-General of the United Nations, recently noted in his letter to future generations that the notion of peace must henceforth take into account economic development, social justice, environmental protection, democratization, disarmament, respect for human rights, and the all-powerfulness of the law.