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2003 CASHRA Conference A Meeting of Open Minds

Justice Murray Sinclair was a hit at the CASHRA Conference held in Winnipeg last month. Comments regarding Justice Sinclair's keynote address ranged from "Excellent, thought provoking and challenging" to "WOW".

Justice Sinclair talked about the dichotomy between civil rights and Aboriginal rights, which he suggested might explain why Aboriginal people do not use human rights agencies very often. He said that while human rights are about inclusion, Aboriginal rights are about resisting inclusion.



Justice Murray Sinclair

"Aboriginal rights come from a background where there has been a desire to be included but not to surrender those rights they worked so hard to obtain. Aboriginal leaders do not want to lose their independence or culture..."

Also present on the first morning of the 2003 CASHRA Conference were Anita Neville, who brought greetings from the Federal Government and Elder Art Shofley who offered words of guidance. Vice Chairperson of the Manitoba Human Rights Commission Jerry Woods was the Conference Chair. In his opening remarks he spoke about how Winnipeg is steeped in



Janet Baldwin Manitoba Human Rights Commission Chairperson (left), Mary Gusella Chief Commissioner, Canadian Human Rights Commission (centre), and Jerry Woods Vice Chair of the Manitoba Human Rights Commission (right).

Aboriginal history and referred to the focus of the Conference, which was human rights issues facing Aboriginal people. He said that human rights workers need to acknowledge that there is still much work to be done whether the issue is poverty, education, abuse, harassment or discrimination.

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The Rights Connection By Janet Baldwin - Chairperson Marriage Barrier Falls

The Manitoba Human Rights Commission has repeatedly urged the federal and Manitoba governments to take steps to remove the bar to same-sex couples marrying. We applaud, therefore, the recent realization of the right of gays and lesbians to marry. Prime Minister Chretien has announced that Ottawa will not appeal recent court rulings in Ontario, B.C. and Quebec, which all found that banning same-sex marriages is unconstitutional.

While the B.C. and Quebec decisions gave Parliament time to legislate to correct the Charter violation, the Ontario Court of Appeal in the Halpern case decided not to so limit its remedy. That Court found: "There is no evidence... that a declaration of invalidity without a period of suspension will pose any harm to the public, threaten the rule of law, or deny anyone the benefit of legal recognition of their marriage." The Ontario Court of Appeal continued: "We would reformulate the common law definition of marriage as 'the voluntary union for life of two persons to the exclusion of all others'." The result is that gay and lesbian couples are now able to legally wed in Ontario.

In his statement that Ottawa would not appeal these rulings, the Prime Minister said that the legislation that his government would propose "will protect the right of churches and religious organizations to sanctify marriage as they define it."

As reported in The Globe and Mail, the position of our Minister of Justice, Gord Mackintosh, is that Manitoba "... would comply and update its paperwork if Ottawa legalizes gay marriages". I am pleased that Manitoba will not be opposing this advance in the recognition of rights, but I hope that it will not delay the issuing of licenses to same-sex couples. Rather, the province should consider moving forward immediately, on the basis that the federal government has already recognized the legality of same-sex marriages by deciding against appealing these court rulings.

“Many of our workshops reflect our awareness of the continual need to understand the challenges facing Aboriginal people as well as our determination to bring about change. “ He added that, “equality of opportunity and freedom from discrimination remain goals, not realities, in Canadian society.”



One of the younger members of the Mamawaii Youth Pow Wow Group.

The following day’s plenary session, which was The Impact of the Governance Act on Aboriginal Human Rights, proved to be both stimulating and controversial. Most appreciated hearing opposing points of view. Southern Grand Chief Margaret Swan of the Southern Chiefs Organization and Grand Chief Dennis Whitebird of the Assembly of Manitoba Chiefs spoke out against the Governance Act legislation. They contended that it would strip treaty rights, interfere in band governance and impose more federal control over Aboriginals instead of furthering self-government.

Robert Groves, the Special Advisor on Governance in Indian and Northern Affairs Canada, gave an historical perspective and pointed out that since parliament passed the Canadian Human Rights Act in 1977, some Canadians, namely First Nations People, have not had full access to the human rights complaint process. Both Groves and Kelly Russ, a Canadian Human Rights Commissioner, said that the new Governance Act would remove the section of the Canadian Human Rights Act that severely limits the Commission’s ability to deal with First Nations people. The new act would allow First Nations people full access, for the first time, to file discrimination complaints.



The Pan Handlers entertained at the opening night reception at the Forks in Winnipeg

Also on the first day of the conference, Justice Minister Gord Mackintosh was the lunch time guest speaker. He spoke of the importance of human rights legislation and his particular fondness of the Manitoba Human Rights Commission, having once worked there.

The Conference was not all work. During the Opening Ceremony, which was held at the Forks the night before the conference began, participants were treated to food provided by the Aboriginal Centre of Winnipeg and the music of the Manitoba Pan Handlers, a steel band featuring one of the Manitoba Commissioners, Robin Dwarka. On Monday night, after dinner, everyone was entertained by traditional Aboriginal dances performed by Mamawaii Youth Pow Wow Group. And, after two days of keynote speakers, workshops and discussions, local comedian Dean Jenkins offered some Manitoba style humour to end the 2003 CASHRA conference with laughter.

June 27 is Multiculturalism Day in Canada, a time to recognize and celebrate the economic, social and cultural benefits that Canada has realized as a result of its diversity.

A Champion of Human Rights



**Rosemary Brown
1930 - 2003**

Janet Baldwin, the President of CASHRA and Chairperson of the Manitoba Human Rights Commission took a few minutes to mark the passing of Dr. Rosemary Brown at the 2003 CASHRA Conference. Dr. Brown served as Chief Commissioner of the Ontario Human Rights Commission from 1993 - 1996.

Ms. Baldwin said that Rosemary Brown was a prominent human rights champion who was admired and respected for her tireless work for social justice and human rights. “Whether as a member of the legislative assembly of British Columbia, helping to found the Vancouver Status of Women Council and the Vancouver Crisis and Suicide Prevention Society or running for the leadership of the federal New Democratic Party, she generously gave of herself to challenge intolerant attitudes, to dismantle racist and sexist barriers, and to build a more equitable society,” she said.

Rosemary Brown died on April 26, 2003.

National Aboriginal Day Celebrated in Manitoba

On June 21st, thousands of Canadians across the country celebrated National Aboriginal Day, a time to recognize the unique heritage, cultures and contributions of First Nations, Inuit and Metis people in Canada.

In Winnipeg the Aboriginal Languages of Manitoba Inc. marked the 2003 celebrations with a sunrise ceremony, a pancake breakfast, a solidarity parade, children’s activities, music entertainment, pow wow dancers, crafters and artisans.

In Thompson the theme of the celebration was Respecting our Mother Earth. Activities included a youth street festival, fiddling, games, story telling and a traditional feast. There was also square dancing, jigging and traditional dance demonstrations.