

## Round Table Discussion on Social Condition

Representatives of organizations involved in poverty issues recently attended a public consultation hosted by The Manitoba Human Rights Commission on the issue of amending The Human Rights Code to include social condition as a protected characteristic.

During the round table discussion, led by Commissioner Yvonne Peters, 20 participants, whose work engages human rights and poverty issues, shared their views on extending human rights protections to include “social condition”. According to Ms Peters, adding social condition “would allow persons who are discriminated against because of disadvantaged social or economic status to file a human rights complaint.”

The Code currently prohibits discrimination and harassment on the basis of ancestry, nationality or national origin, religion, age, sex, gender-determined characteristics, sexual orientation, marital or family status, source of income, political belief and physical or mental disability.

Commission Policy Analyst Debra Beauchamp explained that social condition “means circumstances relating to social or economic status.” She added that while source of income and other grounds provide some of the protection that social condition would offer, the protection is limited. “Sometimes it is the overall ‘social condition’ of a person that is the basis for discriminatory treatment, and not a single or group of personal characteristics,” she said.

In response to a participant’s question, Ms Beauchamp said that Quebec human rights law protects from discrimination on the basis of social condition, and that the Northwest Territories and New Brunswick have passed legislation which will soon extend this protection.

Chairperson Janet Baldwin thought the feedback and insight received through this public consultation were of great benefit to the Commission, and she hopes to hold future round table discussions on other human rights issues.



*The Commission’s policy analyst Deb Beauchamp (left) explains to participants what is meant by social condition*

### The Rights Connection

by Janet Baldwin - Chairperson

#### What’s in a word?

A lot can turn on a phrase. The Supreme Court of Canada recently heard an appeal in the *Krymowski* case, where charges that the accused had promoted hatred against Roma had been dismissed on the basis that “Roma” and “gypsies” are not interchangeable words.

It seems the Crown may have specified “Roma” in the information so as to be sensitive to the Roma people. It stated that the accused had promoted hatred against Roma by communicating statements, including the written statements: “Honk if you hate Gypsies”, “Canada is not a Trash Can”, and “Your [sic] a cancer to Canada”. Affirming the trial judge’s decision, the Court of Appeal for Ontario noted: “We understand the Crown’s concern for sensitivity; however, what seems to be common ground is that not all people who are referred to as gypsies are in fact Roma.”

Under hate crime provisions in the Criminal Code, it is a crime to “advocate or promote genocide” of members of a group identifiable by colour, race, religion, ethnic origin or sexual orientation, or to publicly incite hatred against members of those same groups. Judges are also directed, when sentencing offenders, to consider “evidence that the offence was motivated by bias, prejudice or hate based on race, national or ethnic origin, language, colour, religion, sex, age mental or physical disability, sexual orientation, or any other similar factor”.

Our own Human Rights Code prohibits discriminatory signs and statements, and we are studying approaches used by other provinces to determine whether amendments are needed to better assist us in addressing incidents of hate speech.

As we await the Supreme Court of Canada’s decision in *Krymowski*, one thing is clear: combatting hate speech is a difficult task and action on many fronts is needed. Hon. Irwin Cotler, Minister of Justice has said that the federal government’s national action plan against racism will be put into effect against hate crimes. Let’s hope these actions speak louder than words.

## Upcoming Events

### December 6, 2004 - Sunrise Memorial 7:30 a.m.

Manitoba Women's Advisory Council hosts this Memorial ceremony at the Manitoba Legislative Building to remember 14 young women killed in Montreal on December 6, 1989, as well as all women affected by violence.

Breakfast will follow in the Rotunda. Unwrapped toys will be collected for children in women's shelters. For more information call 945-6281

### December 9, 2004 International Human Rights Day Luncheon

Lloyd Axworthy will be the keynote speaker at the 5<sup>th</sup> Annual Manitoba Human Rights Commitment and Youth Awards Luncheon. The event, commemorating International Human Rights Day, is sponsored by The Manitoba Human Rights Commission, the Canadian Human Rights Commission, the Manitoba Association for Rights and Liberties and the Community Legal Education Association. Tickets are \$25.00.

For more information call 945-3007

### New Centre for Peace and Justice at the University of Manitoba

Arthur Mauro, former chancellor of the University of Manitoba, has donated \$1 million to the University of Manitoba to establish the Arthur V. Mauro Centre for Peace and Justice at St. Paul's College.

The Centre will conduct educational, research and outreach programs to promote international peace and justice. Its focus will be on the cultural, religious and philosophical dimensions of peace; on social, economic and environmental justice; on peace education; and on the role of international organizations and standards in the quest for peace and justice. Its initial emphasis will address the role of Judaism, Christianity and Islam in pointing the way to live in peace and harmony in a post-modern world.

# The Challenge of Inclusive Disability Rights

By Beatrice Watson

Yvonne Peters, Manitoba Human Rights Commissioner, took a principled position at the ACDCA conference on Friday October 29<sup>th</sup>, demanding her right to accommodation by doing her presentation entitled *Litigating for Equality: The Challenge to Design an Inclusive Disability Rights Analysis*, from her seat in the middle of the conference because the stage area was not able to accommodate her needs as a person with a disability. Ms Peters was one of the presenters at the recent conference on the National Policies and Legal Rights: from the Disability and Multiculturalism perspectives, sponsored by the African Canadian Disability Community Association Inc. on October 28 and 29<sup>th</sup> at the Winnipeg Convention Centre.

As a community there is a need to expand our thinking about how we characterize disability, Ms Peters said. "It is a complex term that encompasses a wide variety and degree of disabilities and each person has their own way of experiencing that disability. Intersecting factors such as sex, race, and social and economic status can further compound the disability experience. Human rights law does not deal well with the compounding aspects of disability". Ms Peters said that human rights law tends to focus on fitting a complaint of discrimination under one particular ground. When confronted with multiple forms of discrimination, this approach can create difficulty in the analysis of that complaint. For example if a person experiences discrimination because of race and disability, in the processing of that complaint, only one of those grounds may be used. "The single ground approach ignores the presence of other grounds. Grounds can and do intersect," she said.

Ms Peters added that society must adopt a social equality model, which focuses on removing barriers to full participation rather than on a medical description of disability.

She said that while there is some evidence that this analysis has made its way into current government thinking, the actual reality is that life has not improved significantly over the last several years for people with a disability.

According to a 2001 government of Canada survey, Ms Peters said it was found that people with disabilities continue to be poor, encounter high levels of unemployment and are generally paid less than others.

On the bright side, Ms Peters pointed out that over the last couple of decades, people with disabilities have achieved victories in ensuring that both human rights law and Canada's Constitution protect their rights. She emphasized that these are invaluable tools, which can assist us in our quest for full equality and inclusion.

