

If You Could, Would You?

By Pam Roberts - Manitoba Human Rights Officer

Crocus Plains Regional Secondary School's answer to this question is "We could, and we did." Last year Grade 11 student Scott Desormeau was one of the Crocus students who, with his teacher Katie Bonk, attended the Westman MHRC Youth Conference. At this conference the Commission sent students back to their schools with a challenge to complete a human rights project that would make a difference in their schools and their communities.



The Youth Making a Difference Committee celebrates the success of the conference and share a smile with Mr. Stephen Lewis.

From this challenge Y MAD (Youth Making a Difference) was born. Scott, along with student conference co-chairs Jenna Cameron and Ryan McKim, an incredibly supportive staff and numerous students, spent the year making a difference at Crocus. Student-led activities ranging from sending supplies and gifts to third world countries, supporting literacy programs and helping families in Brandon, initiating the first in-school blood drive (which realized enough donations to potentially save 129 lives), and various fund raising events kept students busy all year.

Crocus' main event was having Mr. Stephen Lewis, former U.N. Special Envoy for HIV/AIDS in Africa, as Keynote Speaker for both a Community Forum and the student conference, "Youth Making a Difference Changing the World". This initiative was supported by the Manitoba Nurses Union, which covered Mr. Lewis' expenses and other community supports and grants.

On April 22, 2007 Mr. Lewis spoke with conviction and commitment to a sold out community crowd of 1000 people. The next day, at the "Youth Making a Difference Changing the

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The Rights Connection by Janet Baldwin - Chairperson Charting our Rights

This month marks the 25th anniversary of the Canadian Charter of Rights and Freedoms. The equality section of the Charter, section 15, came into force 3 years later, on April 17, 1985. This delay gave governments time to review legislation, policies and programs and to take steps to bring them into compliance with section 15. The Charter does not apply to the private sector, but only to government actions.

On the other hand, human rights legislation, such as The Human Rights Code (Manitoba), gives human rights commissions and adjudicators jurisdiction over human rights complaints in both the public and private context. Individuals cannot bring civil actions alleging discrimination, because there is no separate claim of discrimination or harassment in Canada.

Where government laws or services are alleged to be discriminatory, individuals and groups can either file a complaint of discrimination under provincial or federal human rights codes, or undertake a Charter challenge. There is no fee for filing a complaint under The Human Rights Code (Manitoba), and, if following an investigation, the Commission determines that a complaint has sufficient merit to proceed to a hearing, it takes carriage of the complaint. Charter litigants, on the other hand, can face significant costs. With the federal government's decision to dismantle the Court Challenges Program, it will be even more difficult for vulnerable groups and individuals to enforce their rights under the Charter.

Both avenues for seeking protection from discrimination are important in the recognition of equality rights. For that reason, the Manitoba Human Rights Commission has intervened in many Charter cases, including Gosselin (poverty rights) and the Reference re Same-Sex Marriage, in support of the rights of same-sex partners to choose to marry. Most recently, we intervened in the Via Rail case, in support of access for persons with disabilities to the refurbished Renaissance rail cars. These interventions are one way that we fulfill our responsibilities to promote and protect human rights.

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World” conference, over 1200 people, 1000 being students, heard Mr. Lewis speak about the AIDS pandemic in Africa and how the global community must come together to address this human atrocity.

His audiences were captivated by his description of the African condition, which he described as overwhelming and frustrating. He spoke of women and children in particular, as being ravaged by HIV/AIDS and said “I have come to the conclusion that the struggle for gender equality is the single most important struggle on the planet today.”

His message was full of hope and encouragement though, as he commented that “being at Crocus warmed his heart, seeing youth in action” and continued to say that “all it takes is a small group of people to get the pendulum to swing”. The Stephen Lewis Foundation was presented a cheque from Crocus for \$10,000, from ticket sales for the community evening and raised an additional \$1,200 from donations at the door.

Following the keynote address, students were offered a choice of 37 different workshops on various topics from human rights, volunteering, war orphans, midwifery and women’s health, and many other global issues.

Mr. Fred Penner, family entertainer and child advocate, also addressed the student body and spoke of his trip to Africa with World Vision. Echoing Mr. Lewis, his message was that individual actions can make a huge difference in the life of someone else. He saluted the student body and encouraged them to continue to make a difference in the lives of others.

Crocus Plains Regional Secondary School receives Certificate of Achievement from the MHRC.

MHRC Officers Pat Daniels and Pam Roberts, attended the Youth Making a Difference Conference and presented at one of the sessions. While the focus of the day was on global issues, they applauded the students for making a difference and reminded students and staff that Manitoba Human Rights need to be celebrated, recognized and nurtured. They were proud to announce to the conference that Crocus won the Westman MHRC Making a Difference Challenge and will be awarded \$500 at the Westman Youth Conference, Mission Possible on May 9, 2007.



Council of Canadians with Disabilities v. Via Rail Canada

Decision ensures equality and freedom from discrimination

The Manitoba Human Rights Commission is extremely pleased with the recent Supreme Court of Canada Decision, which affirms the universal application of human rights principles and the right to equality for people with disabilities, says Executive Director Dianna Scarth, adding “The Court says clearly that equal access means independent access with the same comfort, dignity, safety and security as those without physical limitations.”

“The Commission particularly appreciates the great work of the Council of Canadian with Disabilities, which, as a non-profit organization, pursued this issue to the country’s highest court at considerable expense and effort,” she says.

The Commission had intervened in the appeal before the Supreme Court of Canada with its Saskatchewan counterpart arguing that human rights principles must be applied and applied consistently, by all government agencies entrusted to protect them. “Otherwise, the modern trend of incorporating human rights principles will not achieve the goal of promoting a society where all people enjoy recognition in law as equal human beings and members of society,” says Sarah Lugtig, the Commission’s Legal Counsel.

In their written submission, the Prairie-based Commissions noted that human rights principles can be applied in a flexible manner that responds to a unique context. The Commissions also emphasized that service providers have an obligation to engage in an appropriate process to assess accommodation issues for people with disabilities, including the obligation to gather concrete information of any cost, safety or other hardships that they later allege prevent them from implementing measures to ensure equal access to their service.

According to Ms Lugtig, “fears or myths about excessive cost or disruption to services with no back up in evidence cannot be used to justify the failure to remove obstacles to access by people with disabilities.”

Finally, the Commissions directed the Court’s attention to the harm to disabled travellers on the prairies if VIA Rail was allowed to justify lack of access in some of its routes by offering equal access elsewhere in its network. “The decision acknowledges the right of disabled persons to be self reliant and have independent access to rail transportation,” she says.

Ms Lugtig adds that “the Court’s decision provides a very thorough and comprehensive description of the obligation to ensure equality and freedom from discrimination for people with disabilities when accessing services and facilities that will greatly assist all agencies entrusted with deciding similar issues in the future.”

Last Two MHRC Education Seminars Before Summer

**Human Rights in the Workplace:
June 6, 2007, 9:00 – 12:30 pm**

**Harassment in the Workplace:
June 13, 2007, 9:00 – 12:30 pm**

To register or for more information please call 945-3007