

## Manitoba Human Rights Commission balances enforcement with education

The Manitoba Human Rights Commission has released its 2005 Annual Report, which reveals that one of the challenges facing the Commission is balancing its enforcement activities with the promotion of human rights and public education.



*This year's annual report cover features students from St. Mary's Academy in Winnipeg performing in a multimedia play called "Your Voice Is All It Takes." The play was performed at a Manitoba Human Rights Youth Conference and revealed that by using art and dance, you can speak out against racism without using words. The banners, which formed a backdrop for the play, reflect the diversity of cultures. The artist is Amelia Smandych, a student at St. Mary's Academy. Photo: Bruce Bumstead, Brandon Sun*

"The Commission places a high value on providing education," says Chairperson Janet Baldwin, adding that although resources are extremely limited, she is proud of its many accomplishments.

The Code states that "much discrimination is rooted in ignorance and education is essential to its eradication."

For example the Commission, in partnership with the Office of the Ombudsman and Children's Advocate, launched a series of publications called The Rights of Youth. The first three, published in 2005, were: *The Rights of Youth – You and School*, *The Rights of Youth – On the Job* and, *The Rights of Youth – Human Rights*.

"It was the lack of information available to young people that was the driving force behind the project," says Executive Director Dianna Scarth. These unique publications offer a combination of practical information about employment and education, as well as providing contact information. All the Rights of Youth publications are available on the Commission's website [www.gov.mb.ca/hrc](http://www.gov.mb.ca/hrc).

In 2005, the Commission also built on its highly successful youth conferences by holding its first Westman Youth Conference in Brandon, Manitoba. The Respect Reloaded Youth Conferences were also held in Winnipeg and Thompson.

*Annual Report continued on page 2*

### The Rights Connection by Janet Baldwin - Chairperson Three Legal Parents

A recent decision of the Ontario Court of Appeal gave legal recognition to the parental status of the same-sex partner of a five-year-old boy's biological mother. The boy resides with his two moms, and regularly visits with his biological dad (and his dad's family).

All three of the child's parents sought legal recognition of the parental status of the non-birth mother ("A.A."). The Globe and Mail reported that A.A. sought legal recognition as a parent in part so that she would have authority in situations such as medical emergencies, and in part because she felt "a little bit like somebody who had to sit at the back of the parent bus." A.A. could not adopt the child, as this would have required the father to give up his parental rights, and did not seek to become a legal guardian of the boy, as that would not have recognized her role as a parent for life, as guardianship of a child ends when the child reaches the age of majority.

Mr. Justice Rosenberg, writing on behalf of the Court of Appeal, found that it was contrary to the child's best interests to be "deprived of the legal recognition of the parentage of one of his mothers."

In Manitoba, The Vital Statistics Act allows for the female spouse of the mother of a child to register as the child's other parent. It does not appear, however, that there is any explicit provision under the Act for the registration of more than two parents on the child's birth certificate.

Some have argued that the Ontario Court of Appeal has opened the floodgates on the question of who is a child's parent. Article 7 of the United Nations Convention on the Rights of the Child sets out that a child shall have "...as far as possible, the right to know and be cared for by his or her parents." What the Court of Appeal did was preserve the child's right to know and be cared for by both of his biological parents, as well as the spouse of a biological parent who was in a custodial parental relationship to him. This recognized his social truth, that he had two moms and a dad, and protected his best interests. It did not open the floodgates, but rather removed the ice jam on the river.

**Members of the West Broadway Community are invited to attend a community meeting on bias-free policing**

**Share stories about your experiences with the Winnipeg Police Service**

**These community meetings are part of the University of Winnipeg's and The Manitoba Human Rights Commission's Racialized Communities and Police Services Project (RCAPS)**

**When: Thursday, February 8, 2007  
6:00 pm – 8:00 pm (refreshments)**

**Where: Crossways-in-Common  
222 Furby Street, Winnipeg**

*For more information call The Manitoba Human Rights Commission  
945-3007 / TOLL FREE 1-888-884-8681 / TTY 945-3441*

*Annual Report continued from page 1*

The Commission continues to provide human rights presentations, round table discussions, new publications and educational workshops. In 2005 the Commission added a new workshop, How to Investigate a Human Rights Complaint, to its already popular programs.

Other highlights of the 2005 Annual Report include:

- The provincial government's directive, following the federal Civil Marriage Act, that marriage commissioners perform same-sex marriages or resign, gave rise to two complaints of religious discrimination by marriage commissioners. The Board of Commissioners had to balance competing rights to freedom from discrimination on the basis of religion, and sexual orientation. The board dismissed the complaints. (One of the complainants made an application for Judicial Review in 2006).
- The Commission continues to expand the use of mediation and conciliation to resolve human rights complaints.
- A research project revealed that pre-complaint mediation results in an equal level of satisfaction among complainants and respondents.
- The Commission sought intervener status before the Supreme Court of Canada in the Council of Canadians with Disabilities v Via Rail Canada case (This intervention took place in 2006).
- The greatest number of complaints (37%) continues to be those based on physical and mental disability. The second highest was sex, including pregnancy (25%).

The 2005 Annual Report is available on the Commission's website [www.gov.mb.ca/hrc](http://www.gov.mb.ca/hrc).

# Not every right is a human right

by Elliot Leven

**Manitoba Human Rights Commissioner**

In my law practice, I get questions from individuals who feel that they have been treated unfairly. Often, they ask me if that unfair treatment is a violation of their human rights. Sometimes it is, but often it is not.

If an employer is equally rude and insensitive to all employees, and one of those employees happens to be a member of a minority group, that employee's human rights have not necessarily been violated. Sometimes the employee may have legal remedies under labour relations law or contract law, but no legal remedy under human rights law.

I recently read a commentary arguing that federal laws requiring farmers to sell their wheat to the Canadian Wheat Board violate the farmers' human rights. The philosophy of the Wheat Board and other single-desk marketing programs is to use volume-selling to get higher prices for all farmers. Whether the single-desk system for wheat is a good thing or a bad thing is an interesting question, but it is not a human rights issue. The laws establishing the single-desk system certainly place restrictions on those farmers who choose to grow wheat, but those laws do not violate farmers' human rights.

All kinds of laws place all kinds of restrictions on what individuals can do. Zoning laws prevent people from building houses in some places and factories in others. No doubt zoning laws inconvenience some individuals but they are also a valid tool for protecting the public interest.

There has been much debate about the federal gun registry. Again, the registry may be a good idea or a bad idea, but this is not a human rights issue. Requiring gun-owners to register their guns does not violate their human rights.

Human rights laws were established to protect groups that have historically suffered from disadvantage, if not outright persecution. They were not established to protect people in general from every law that places public interest above individual interest.

There are more than enough real human issues for us all to debate. Let's not muddy the waters by pretending that selling wheat and registering guns are human rights issues.

