

# MHR *Connections*

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## Students learn their human rights with enthusiasm

Students at École River Heights School are talking about human rights. And, after a day with the school's grade seven classes, the Manitoba Human Rights Commission is talking about the students.



*Student Elijah Dietrich says the skits "were a great way to understand discrimination and how to deal with different situations."*

Both workshops are very interactive and the students jumped in with amazing enthusiasm. In *Scenes from a Hat*, a small group of students are given a scenario to act out. Props are available to help the students get into character. Sometime the scene involves discrimination, sometimes it doesn't. After the presentation, the Commission staff explains what, if any, discrimination or harassment was taking place.

Over in the *Millionaire* workshop, students compete with each other for the opportunity to answer a human rights question. If they need help, they can ask a friend, have the four possible answers reduced to two, or get advice from the audience. If the group gets the answer right, they can add another student to their team. At the end of the workshop, the biggest team is the winner.

As a special guest, Rebekah Enns the 2011 recipient of the Sybil Shack Human Rights Youth Award of Manitoba, told the students not to underestimate the good things they do. "Acceptance" she said, "takes bravery and bravery is something we all have."

Although the Commission has been hosting youth conferences for ten years, this is the first time Commission staff took their workshops to younger students. In the past, the youth rights conferences involved senior students.

"These are smart, informed students who already know about human rights and are anxious to learn more," says Jerry Woods, Chairperson of the Human Rights Board of Commissioners.

The students were offered two workshops, *Do You want to be a Millionaire* and *Scenes from a Hat*.



*"Everyone is equal, no matter what", says student Grace Budoloski.*

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### The Rights Connection by Jerry Woods - Chairperson

This year is the 25th anniversary of two events that changed the lives of many Manitobans.

In the summer of 1987, 250 people participated in the first annual Pride event, celebrating gay, lesbian, transgendered and two-spirited people. Later in the year, on December 10, the *Human Rights Code* officially replaced the *Human Rights Act*. Under the new *Human Rights Code*, sexual orientation was added to the list of protections from discrimination.

Roland Penner has said that this was what he is most proud of doing during his time as Attorney General of Manitoba.

As soon as the legislation changed, Chris Vogel and his same sex partner Richard North, filed complaints against the government and Vogel's union and the Civil Service Commission alleging discrimination on the basis of sexual orientation because they lacked access to employee benefits available to heterosexual couples.

They had originally filed complaints in 1983 under the old legislation, but without the sexual orientation protection, the complaint was dismissed.

In 2004 Chris Vogel and Richard North received the Human Rights Commitment Award of Manitoba for their equality rights work, which had contributed to the elimination of discrimination based on sexual orientation.

They received their awards on the same day that the decision of the Supreme Court of Canada in the marriage reference case, endorsed the Federal Government's proposal to extend the right of civil marriage to same-sex couples.

Skipping forward to 2011, Rebekah Enns a student at Westgate Mennonite Collegiate, was the recipient of the Sybil Shack Human Rights Youth Award for initiating a Gay-Straight alliance group in her school.

And earlier last year, an incredible 10,000 people took part in what organizers called the largest Pride parade in the city's history. The Pride celebration has come a long way from its humble beginnings with 250 participants. And how does the future look?

The Manitoba Human Rights Commission is encouraging the current government to amend *The Code* to make it clear that "gender identity" is a protected characteristic, and Pride is planning and preparing for its biggest gathering ever.

Discrimination based on sexual orientation may still exist, but the successes over the last 25 years are a cause for celebration.

# Supreme Court ruling ends barriers for women with mental disabilities

In the *R. v. D.A.I.* appeal, the question facing the Supreme Court of Canada (SCC) was “Does a mentally challenged witness need to demonstrate an understanding of telling the truth before being permitted to testify?”

The Council of Canadians with Disabilities (CCD) intervened in this appeal before the Supreme Court of Canada. The CCD argued that people with disabilities should not face additional barriers when testifying in court and should have equal and meaningful access to justice.

“CCD is pleased that the decision refutes a negative stereotype about the truthfulness of people with disabilities,” said Jim Derksen, a CCD Human Rights Committee Member.

Other interveners LEAF (Legal Education and Action Foundation) and DAWN (DisAbled Women’s Network Canada) argued that these voices must be heard and that excluding women with mental disabilities who are able to describe their experiences of abuse, exacerbates their victimization, devalues them as human beings and allows their abusers to continue the abuse with impunity.

“At stake in this appeal was whether women with mental disabilities, who are among the most vulnerable women in our society, have access to justice when they are sexually abused” says DAWN-RAFH Canada President Carmela Hutchison.

On February 10, 2012 the SCC answered the question when it released its decision and confirmed the importance of access to justice for sexual assault complainants with intellectual and other disabilities.

“It is important to understand” explains Joanna Birenbaum, Legal Director of LEAF, “that it is only the already disadvantaged category of witnesses whose competence was challenged and who must answer questions about their understanding of the duty to tell the truth.” She adds that not even convicted perjurers are probed before taking the stand on whether they feel bound to tell the truth.

The Court put an end to those arbitrary barriers and confirmed the critical importance of these women’s evidence to prosecuting sexual offenders.

In the Supreme Court of Canada decision, Chief Justice McLachlin, writing for the majority, described sexual assault as “an evil” and acknowledged that women with intellectual and other disabilities are targeted for this offence at alarming rates.

The Court confirmed the importance of hearing the voices of women with mental disabilities in court. “The Court acknowledged that the testimony of women with mental disabilities is essential to stopping sexual abuse and ensuring that sexual offenders are brought to justice” states Ms Birenbaum.

The case involves an intellectually disabled woman (K.B.) who reported to a teacher that her step-father played “games” with her, which included inappropriate touching and photographs.

At trial, K.D.’s competence to testify was successfully challenged. The Court held that she was unable to adequately explain the meaning of abstract concepts like “truth”, “lie” and “promise”. For example, she was asked “what do you think about the truth” and “what’s a promise”. The trial proceeded without her evidence and the accused was acquitted. As a result of the SCC ruling, however, the acquittal has been set aside and a new trial ordered.

## Manitoba Association for Rights & Liberties



The annual March 21st Human Rights Film Festival highlights the Day for the Elimination of Racial Discrimination, and showcases films and speakers addressing local human rights issues and social inequalities.

The film festival is open to the public and most of the events are free.

### More Information:

**Website:** <http://marl.mb.ca/content/filmfestival>

**Email:** [ed@marl.mb.ca](mailto:ed@marl.mb.ca) **Phone:** 204-947-0213

### March 8, 2012

**The Honourable Jennifer Howard, Minister responsible for the Status of Women, invites you to join her at a celebration of International Women’s Day. This year’s event will recognize and celebrate the accomplishments of women in business in Manitoba.**

- **Theme: Women Helping Women in Business**
- **Thursday, March 8, 2012**
- **Room 200, Manitoba Legislative Building**
- **11:45 a.m. to 1:00 p.m.**

**A light luncheon will be provided. Please RSVP by March 2, 2012 to 204-945-6281 in Winnipeg or toll free at 1-800-263-0234.**

**TEACHERS!** Do not miss this FIRST ever human rights youth conference for grades 7 - 9 students!  
Register your students for this FREE  
**Y Rights Conference today!**

Space is limited & expected to reach capacity quickly!  
Shilo—Tuesday, April 17, 2012 (9:00 – 4:00) or  
Winnipeg—Thursday, April 19, 2012 (9:00 – 4:00)  
Information/online registration: [www.manitobahumanrights.ca](http://www.manitobahumanrights.ca)

