

MHR *Connections*

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Leadership changes announced at the Manitoba Human Rights Commission

There are changes at the Manitoba Human Rights Commission. The Chairperson, Vice-Chairperson and Executive Director are taking on their new roles. Former



New Executive Director Azim Jiwa sees the Commission as a driving force in human rights awareness.

Vice-Chairperson Yvonne Peters is now Chairperson and Elliot Leven is Vice-Chairperson of the Manitoba Human Rights Board of Commissioners. Within weeks of becoming Chairperson, Yvonne Peters announced that Azim Jiwa would be its next executive director.

Mr. Jiwa's interest in law follows his desire for justice. Armed with a Law Degree and a Master of Laws, for which he researched constitutional law with a particular emphasis on the Canadian Charter of Rights and Freedoms and Immigration Law, it naturally

followed that human rights would be in his future. He believes that the Commission has two important functions.

"The Human Rights Commission has a dual role," Mr. Jiwa says. "First, it is the place to turn to when faced with discrimination and second, its education mandate is significant."

Mr. Jiwa sees many challenges facing the Commission especially the growing number of systemic complaints. "The commission has had numerous successes dealing with systemic discrimination" he says. "Although these cases can be very complex and require many resources, it is important to understand that *The Human Rights Code* can be used as a tool to achieve this type of change."

He also sees the Commission as a driving force in human rights awareness and education, especially at the school level.

"It may be simplistic," he says, "but really the message of human rights is that we need to learn to get along."

In the future Mr. Jiwa is hoping to expand the Commission's presence in schools and look to the future by continuing to forge a relationship with the Canadian Museum of Human Rights.

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The Rights Connection
by Azim Jiwa - Executive Director

The Manitoba Human Rights Commission congratulates all our Manitoba Olympians and acknowledges the dedication of the coaches, officials and mission staff and consultants.

The 2014 Sochi Olympic Games were both rewarding and controversial. The disappointment began with Russia's attitude towards the international Gay and Lesbian Community. In a country like Canada where human rights means inclusiveness, this was not worthy of Olympic ideals.

On the other hand, the Olympic spirit was found throughout the games and not necessarily in the winning of medals. This was certainly the case as a Russian cross-country skier crashed during the men's sprint, shredding his ski and desperately limping along in an effort to try and finish the race. The Olympic moment occurred when the Canadian cross country ski coach Justin Wadsworth rushed in to assist with a new ski; another moment was the generous offer by Canadian Gilmore Junio to give up his spot so that the higher-ranked Denny Morrison could race in his place.

No doubt my favourite moment was the first time in the 90-year history of the Winter Olympics that women's ski jumping was in the program alongside its male counterpart. I recall the bitter disappointment when women's ski jumping was denied a place at the 2010 Vancouver Olympics.

This brings me back to human rights and the Olympic movement. The very words of the Olympic Charter suggest that discrimination will not be tolerated. Article 4 reads, "Every individual must have the possibility of practicing sport, without discrimination of any kind..." This thought is further reinforced by another principle stating, "Any form of discrimination with regard to a country or a person on grounds of race, religion, politics, gender or otherwise is incompatible with belonging to the Olympic Movement."

A coalition, including Human Rights Watch, Amnesty International and the Human Rights Campaign, wrote a letter to IOC President Thomas Bach asking that future contracts between the IOC and host cities should include specific human rights pledges and a commitment not to introduce laws or policies before the Olympics that would violate human rights. An objective worthy of the Olympic ideal.

Commission reviews its options after discrimination case dismissed

The Manitoba Human Rights Commission is disappointed to learn of the decision by an adjudicator to dismiss the human rights complaint of Dianne Brockmeyer vs Cornerstone Housing Corporation. This is the first human rights case in Manitoba dealing with reasonable accommodation and new housing construction.

The complaint of discrimination originated when Ms Brockmeyer and her mother Dorothy Englot jointly leased a life-lease unit from the Cornerstone Housing Corporation. It was alleged that the housing corporation failed to reasonably accommodate Ms Englot's disability related needs by denying her access to the unit while it was under construction so she could make modifications to her ensuite bathroom, such as installing grab bars.

In his written decision Adjudicator Peter Sim said that Cornerstone Housing Corporation had met its obligation to reasonably accommodate Ms Englot's needs.

The Commission was responsible for presenting the complaint to the adjudicator, who is independent from the Commission, and appointed by the Government of Manitoba. The Commission had argued that Cornerstone Housing Corporation had an obligation to discuss Ms Englot's needs and reasonably facilitate her requests unless it would be an undue hardship to the corporation.

The Commission maintains that the prohibition against discrimination in housing in *The Human Rights Code* requires a landlord to have an accommodation process in place and to individually assess whether it would be an undue hardship to grant the request, adding this standard also applies to employers and service providers.

The Commission believes that when the process of reasonable accommodation fails, participation in all aspects of daily life for persons with disabilities is not possible.

Executive director Azim Jiwa said the case had potential to break new ground in housing and reasonable accommodation rights for seniors with mobility issues at a time Canada faces an increasingly older population.

The Commission is reviewing the decision and is strongly considering pursuing a judicial review of the case.

The full decision is on the Manitoba Human Rights website www.manitobahumanrights.ca

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Mr. Jiwa practiced law for several years as well as pursuing other interests such as teaching before working for the Department of Housing with the Manitoba Government.



Yvonne Peters takes over as Chairperson of the Board of Commissioners.

He also taught criminal law and criminal procedure at the University of Winnipeg.

As the new Chairperson, Yvonne Peters has years of experience on both the Board of Commissioners and as an equity rights lawyer in Winnipeg. Her community work includes serving as a council

member of the Manitoba Bar Association and as a member of the Council of Canadians with Disabilities' Human Rights Committee.

Elliot Leven is also a long-serving commissioner on the Board. Mr. Leven is a lawyer and his preferred areas of practice are labour and employment law and Aboriginal law.



Elliot Leven becomes Vice-Chairperson of the Board of Commissioners.

And there is a new appointment to the Board of Commissioners. Loretta Ross is a member of the Hollow Water First Nation in Manitoba and a Winnipeg lawyer.

A Manitoba Olympian to remember from 1912

Did you know that Winnipeg born John Armstrong (Army) Howard is believed to be Canada's first black Olympic athlete? He competed in the 1912 Summer Olympics in Track and field. Although considered to be one of Canada's best medal hopefuls, this was not to be. Amid rumors of insubordination, discrimination and stress, he was eliminated in the semi finals of the 100 metre and 200 metre events and he and his team had the same fate in the relay events.



The lanky 6ft 3in athlete faced down discrimination

During World War One Howard served as a stretcher bearer for army hospitals. He met and married an English woman but the two faced hostility when they returned to Manitoba due to their interracial marriage. The marriage did not last.

Howard left a legacy of athletes to follow him. He is the grandfather of Olympic sprinters Harry Jerome and Valerie Jerome. Although not a medal winner, he remains one of Manitoba's great Olympians.