

Time To Go Into Worry Mode

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Is it time to go into worry mode about Canada's human rights commissions? The Canadian Human Rights Commission is closing three regional offices. Some fear that will mean that the Canadian Commission will withdraw even further from direct contact with the communities of people who need its protection. The Public

Service Alliance attributes the closure of these offices to Stephen Harper, but the Secretary General has said that it was a decision of the Commission itself.

Accepting that this is case, there is still reason to worry about the attitude of the federal government towards human rights, and human rights institutions. In 1999 when Stephen Harper was the head of the Canadian Taxpayers Federation he told B.C. Report that "Human rights commissions, as they are evolving, are an attack on our fundamental freedoms and the basic existence of a democratic society... It is in fact totalitarianism. I find this is very scary stuff". He has done nothing in the last decade to indicate that he has recused himself from this position.

In another new development, the Government of Saskatchewan is considering closing down the Saskatchewan Human Rights Tribunal and sending human rights complaints to the provincial courts for adjudication, apparently with the blessing of Chief Commissioner David Arnot, who is a judge of the provincial court himself. The ostensible reason for scrapping the Tribunal is that, according to Justice Minister Don Morgan, "there are criticisms that the Saskatchewan Human Rights Tribunal may be seen as too close to the Saskatchewan Human Rights Commission".

"Too close" means biased; presumably the Tribunal is biased in favour of arguments made by the Commission. But what is the evidence that in Saskatchewan, or in any other jurisdiction, the human rights tribunal is biased in favour of the Commission.

Of course, the effect of sending complaints to the courts is to send them to bodies that, because the majority of their workload lies elsewhere, have little or no human rights expertise. But this is an old standard too. Ignorance of human rights is called "neutrality". Human rights bodies have always been criticized for being biased. They are, necessarily, biased in favour of human rights. They cannot be neutral about human rights, except with respect to how any particular case will turn out. For those who are resistant to dealing with the transformation of society that human rights entails, dedication to the fulfillment of human rights commitments is called "bias".

That is why "worry mode" may be the right setting. This seems to be a time when criticism of human rights, or human rights institutions, need not be factual, reasonable, or constructive. The media likes emotional, angry claims, which depict human rights institutions as authoritarian, frightening, and intrusive, as Harper did more than a decade ago. Unfortunately, human rights institutions, in an effort to counteract the perception that they are "biased" have become distanced from the organizations and leaders in the community who are also dedicated to the fulfillment of human rights. Nonetheless, those organizations and leaders need to speak up regularly now to protect Canada's human rights institutions.