1. The Convention on the Rights of the Child (bilingual website)
http://www.unicef.org/crc/index_30160.html

2. B.C. Human Rights Code

3. United Nations Declaration on the Rights of Indigenous Peoples

The Assembly of First Nations bilingual website provides links to numerous legal/policy human rights issues concerning First Nations citizens, and in particular, providing current information on such important issues as the United Nations Declaration on the Rights of Indigenous Peoples and proposed/suspended bills in the House of Commons.

The On September 13, 2007, the United Nations (UN) adopted the Declaration on the Rights of Indigenous Peoples by a vote of 144 to 4 with 11 abstentions. Four nations voted against it - Canada, the U.S., Australia and New Zealand.

According to the UN, the Declaration:

"• establishes a universal framework of minimum standards for the survival, dignity, well-being and rights of the world's indigenous peoples;
• addresses individual and collective rights;
• identifies rights to education, health, employment and language;
• outlaws discrimination against indigenous peoples;
• ensures their right to remain distinct and to pursue their own priorities in economic, social and cultural development; and
• encourages harmonious and cooperative relations between States and indigenous peoples".

http://www.afn.ca/article.asp?id=2944

4. The Canadian Charter of Rights and Freedoms
http://www.efc.ca/pages/law/charter/charter.text.html

5. House of Commons - Chamber Business

A bilingual website with links to government publications such as Hansard debates, current Bills in the Senate and House of Commons, current standing orders, and so on.

http://www2.parl.gc.ca/housechamberbusiness/chambersittings.aspx

6. Bill 44 (Legislative Assembly of Alberta)

HUMAN RIGHTS, CITIZENSHIP AND MULTICULTURALISM AMENDMENT ACT, 2009 is a controversial Bill (received Royal Assent on June 4, 2009) which is under attack for allowing children to be removed from classrooms under specific circumstances. In this case, s. 11 of the Act specifies as follows:
The following is added after section 11: Notice to parent or guardian

“11.1(1) A board as defined in the School Act shall provide notice to a parent or guardian of a student where courses of study, educational programs or instructional materials, or instruction or exercises, prescribed under that Act include subject-matter that deals explicitly with religion, sexuality or sexual orientation.

(2) Where a teacher or other person providing instruction, teaching a course of study or educational program or using the instructional materials referred to in subsection (1) receives a written request signed by a parent or guardian of a student that the student be excluded from the instruction, course of study, educational program or use of instructional materials, the teacher or other person shall in accordance with the request of the parent or guardian and without academic penalty permit the student

(a) to leave the classroom or place where the instruction, course of study or educational program is taking place or the instructional materials are being used for the duration of the part of the instruction, course of study or educational program, or the use of the instructional materials, that includes the subject-matter referred to in subsection (1), or

(b) to remain in the classroom or place without taking part in the instruction, course of study or educational program or using the instructional materials.”


7. Canadian Children’s Right Council

A multi-lingual website that contains links to human rights issues on Family Law Reform, Child Identity Rights, and Corporal Punishment.

http://www.canadianrc.com/default.aspx

8. Child Rights Information Network (International) (“CRIN”)

A website dedicated to the international awareness of child rights. Their Mission is as follows:

Mission

CRIN is a global network coordinating and promoting information and action on child rights. More than 2,000 member organisations and tens of thousands more activists from across the world rely on CRIN for research and information.

CRIN presses for rights, not charity, for children and is guided by a passion for putting children’s rights at the top of the global agenda by addressing root causes and promoting systematic change. Its guiding framework is the UN Convention on the Rights of the Child (CRC).

CRIN’s activities are based on the belief that information is a powerful tool for realising children’s rights. CRIN distributes news, events and reports, lobbies, enables advocacy and promotes knowledge sharing and coordination. CRIN
participates in international child rights coalitions and advocacy groups, supports campaigns and makes the UN and regional mechanisms more accessible to those lobbying for social change.

http://www.crin.org/about/index.asp

9. EGALE Canada

Egale Canada is a national organization that advances equality and justice for lesbian, gay, bisexual, and trans-identified people and their families across Canada. This website has links to education surveys, controversial new government legislation, safe school campaigns, among many others.

http://www.egale.ca/

10.

HER MAJESTY THE QUEEN (APPELLANT) V. A.M. (RESPONDENT) AND

ATTORNEY GENERAL OF ONTARIO, ATTORNEY GENERAL OF QUEBEC, ATTORNEY GENERAL OF BRITISH COLUMBIA, CRIMINAL LAWYERS’ ASSOCIATION (ONTARIO), CANADIAN CIVIL LIBERTIES ASSOCIATION, ST. CLAIR CATHOLIC DISTRICT SCHOOL BOARD AND

CANADIAN FOUNDATION FOR CHILDREN, YOUTH AND THE LAW (JUSTICE FOR CHILDREN AND YOUTH) (INTERVENERS)

Supreme Court of Canada (2008 SCC 19, CanLII)

The police accepted a long-standing invitation by the principal of a high school to bring sniffer dogs into the school to search for drugs. The police had no knowledge that drugs were present in the school and would not have been able to obtain a warrant to search the school. The search took place while all the students were confined to their classrooms. In the gymnasium, the sniffer dog reacted to one of the unattended backpacks lined up against a wall. Without obtaining a warrant, the police opened the backpack and found illicit drugs. They charged the student who owned the backpack with possession of cannabis marihuana and psilocybin for the purpose of trafficking. At trial, the accused brought an application for exclusion of the evidence, arguing that his rights under s. 8 of the Canadian Charter of Rights and Freedoms had been violated. The trial judge allowed the application, finding two unreasonable searches: the search conducted with the sniffer dog and the search of the backpack. He excluded the evidence and acquitted the accused. The Court of Appeal upheld the acquittal. The Supreme Court of Canada upheld the acquittal and dismissed the appeal.

WIC RADIO LTD. AND RAFE MAIR (APPELLANTS)  
V.  
KARI SIMPSON (RESPONDENT)  
AND  
CANADIAN CIVIL LIBERTIES ASSOCIATION, BRITISH COLUMBIA CIVIL LIBERTIES ASSOCIATION AND CANADIAN NEWSPAPER ASSOCIATION, AD IDEM/CANADIAN MEDIA LAWYERS ASSOCIATION, BRITISH COLUMBIA ASSOCIATION OF BROADCASTERS, RTNDA CANADA/THE ASSOCIATION OF ELECTRONIC JOURNALISTS, CANADIAN PUBLISHERS’ COUNCIL, MAGAZINES CANADA, CANADIAN ASSOCIATION OF JOURNALISTS AND CANADIAN JOURNALISTS FOR FREE EXPRESSION (COLLECTIVELY “MEDIA COALITION”) (INTERVENERS)  

Supreme Court of Canada (2008 SCC 40, CanLII)  

M is a well-known and sometimes controversial radio talk show host. The target of one of his editorials was S, a widely known social activist opposed to any positive portrayal of a gay lifestyle. M and S took opposing sides in the debate about whether the purpose of introducing materials dealing with homosexuality into public schools was to teach tolerance of homosexuality or to promote a homosexual lifestyle. In his editorial, M compared S in her public persona to Hitler, the Ku Klux Klan and skinheads. S brought an action against M and WIC Radio, claiming that certain words in the broadcast were defamatory. At trial, M testified that no imputations of condoning violence were intended by him nor in fact made. Rather, M had intended to convey simply that S was an intolerant bigot. The trial judge dismissed the action on the basis that, while statements complained of in the editorial were defamatory, the defence of fair comment applied and provided a complete defence. The Court of Appeal reversed the trial judgment, finding that the defence of fair comment was not available because there was no evidentiary foundation for the imputation that S would condone violence against gay people, nor had M testified that he had an honest belief S would condone violence.  

The Supreme Court of Canada allowed the appeal and dismissed the decision of the Court of Appeal.

BALVIR SINGH MULTANI AND BALVIR SINGH MULTANI,  
IN HIS CAPACITY AS TUTOR TO HIS MINOR SON GURBAJ  
SINGH MULTANI (APPELLANTS)  

v.  
COMMISSION SCOLAIRE MARGUERITE-BOURGEOYS AND  
ATTORNEY GENERAL OF QUEBEC (RESPONDENTS)  

- AND -  
WORLD SIKH ORGANIZATION OF CANADA, CANADIAN CIVIL  
LIBERTIES ASSOCIATION, CANADIAN HUMAN RIGHTS  
COMMISSION AND ONTARIO HUMAN RIGHTS COMMISSION  
INTERVENERS  

Supreme Court of Canada (2006 SCC 6, CanLII)

G and his father B are orthodox Sikhs. G believes that his religion requires him to wear a kirpan at all times; a kirpan is a religious object that resembles a dagger and must be made of metal. In 2001, G accidentally dropped the kirpan he was wearing under his clothes in the yard of the school he was attending. The school board sent G’s parents a letter in which, as a reasonable accommodation, it authorized their son to wear his kirpan to school provided that he complied with certain conditions to ensure that it was sealed inside his clothing. G and his parents agreed to this arrangement. The governing board of the school refused to ratify the agreement on the basis that wearing a kirpan at the school violated art. 5 of the school’s Code de vie (code of conduct), which prohibited the carrying of weapons. The school board’s council of commissioners upheld that decision and notified G and his parents that a symbolic kirpan in the form of a pendant or one in another form made of a material rendering it harmless would be acceptable in the place of a real kirpan. B then filed in the Superior Court a motion for a declaratory judgment to the effect that the council of commissioners’ decision was of no force or effect. The Superior Court granted the motion, declared the decision to be null, and authorized G to wear his kirpan under certain conditions. The Court of Appeal set aside the Superior Court’s judgment. After deciding that the applicable standard of review was reasonableness simpliciter, the Court of Appeal restored the council of commissioners’ decision. It concluded that the decision in question infringed G’s freedom of religion under s. 2(a) of the Canadian Charter of Rights and Freedoms (“Canadian Charter”) and s. 3 of Quebec’s Charter of human rights and freedoms (“Quebec Charter”), but that the infringement was justified for the purposes of s. 1 of the Canadian Charter and s. 9.1 of the Quebec Charter.

The Supreme Court of Canada allowed the appeal, setting aside the decision of the Court of Appeal.

NOTE: A poll conducted in 2007 by La Presse (a French-language daily newspaper published in Montreal, Quebec) subsequent to the Supreme Court of Canada decision reported that 91% of Quebecers opposed the court-sanctioned right of young Sikhs to wear the bladed object to class.

Supreme Court of Canada (2004 SCC 4, CanLII)

Section 43 of the Criminal Code justifies the reasonable use of force by way of correction by parents and teachers against children in their care. The appellant sought a declaration that s. 43 violates ss. 7, 12 and 15(1) of the Canadian Charter of Rights and Freedoms. The trial judge and the Court of Appeal rejected the appellant’s contentions and refused to issue the declaration requested. The Supreme Court of Canada dismissed the appeal and again refused to issue the requested declaration.


The Saskatchewan Human Rights Commission (Appellant) and Gloria and Mike Mahussier (Complainants) and Prince Albert Roman Catholic School Division No. 6 (Respondent)

The Court of Appeal for Saskatchewan (2009 SKCA 19, CanLII)

The issue on this appeal is very narrow. Was Travis Mahussier discriminated against by reason of his disability, Williams Syndrome, when he was suspended for three days because of his use of profanity in the classroom, resource room and
surrounding area with the result that he was denied an education? The parents appealed the suspension, the appeal was denied and a formal complaint was lodged with the Saskatchewan Human Rights Commission. A hearing was held before a Human Rights Tribunal pursuant to s. 30(1)(a) of The Saskatchewan Human Rights Code. The Human Rights Tribunal found that Travis was not discriminated against by reason of his disability and dismissed the complaint. That decision was confirmed on judicial review. The Saskatchewan Human Rights Commission appeals, contending the reviewing court erred in several respects, in finding that the Human Rights Tribunal did not err in finding that the Commission had failed to establish a prima facie case of discrimination. I agree with the result of the reviewing judge’s decision, if not all of his reasons. The Saskatchewan Court of Appeal dismissed the appeal.


15.

LISA MILLER
(COMPLAINANT)

-AND-

BRITISH COLUMBIA TEACHERS’ FEDERATION
(RESPONDENT)

British Columbia Human Rights Tribunal (No. 2, 2009 BCHRT 34, CanLII)

1. At the material times Ms. Miller was an English teacher at Oak Bay High School in Victoria, B.C. …

2. As a public school teacher, Ms. Miller is a member of the [Federation]. The Federation is a provincial union that represents public school teachers in British Columbia in respect of provincial matters.

3. As a member, Ms. Miller is subject to the Federation’s Constitution, By-laws, and Policies and Procedures, including its Code of Ethics.

4. Ms. Miller has two children, both of whom are students in the public school system.

5. During the 2004-2005 school year, Ms. Miller’s son was a student in a grade 5 classroom in a Victoria elementary school and was taught by Sheldon Kusher. At that time, Mr. Kusher was also a member of the Federation …

6. In that same year, Ms. Miller was the parent class representative to the Parent Advisory Committee (“PAC”) for her son’s class.

7. On February 2, 2005, Ms. Miller sent the following email to many of the parents in her son’s class:

   a. Subject: grade 5 info from [CT, sometimes also referred to as “C”], Pac President – VERY IMPORTANT
Good afternoon,

As the grade 5 class rep I am passing along some very important information, as requested by [CT].

I believe everyone is aware of the situation in our children’s classroom. A parent spoke to [C] today about it and [C] immediately took her to [TR-J, the School Principal, sometimes also referred to as “T” or “R-J”] and requested a confidential meeting. During the course of this meeting [T] acknowledged knowing about the general concerns parent have had about their children’s negative educational environment, but I believe this was the first time she had heard directly from the source how truly awful things have been. She is committed to helping us but she needs to follow protocol to be successful. Below are the steps [C] indicated to me EACH one of us must go through ASAP in order to effect a positive change, as quickly as possible, for our children. What is crucial to note here is that contrary to general assumptions, IT IS POSSIBLE FOR CHANGE TO OCCUR THIS YEAR.

[C] could not emphasize enough how CRUCIAL it is for us ALL to do what is outlined below:

1. Each parent must make an appointment (preferably this week or early next week) with R-J. When you made this appointment over the phone, do NOT specify to what it is pertaining. Simply tell the office staff person it is CONFIDENTIAL. [T] is expecting our calls and will expedite all meetings.

2. You must bring, in writing, a specific list of issues you and your child have been struggling with. This can include hours per day spent on homework, peer marking of assignments, lack of specific criteria for marking and for the assignment itself, lack of feedback for improvement, verbal abuse, etc. MAKE YOUR COMMENTS SPECIFIC TO YOUR CHILD. They cannot be a “group effort”. YOU DO NOT HAVE TO PUT YOUR NAME ON THIS DOCUMENT.

3. Before seeing R-J you must have spoken with the teacher at least once during the course of the year. This includes any time you have popped in after school for a quick word, letters you may have written, a parent-teacher interview, phone conversations, anything that had you speaking with the teacher about your child. R-J will ask you if you have done this, and you must be able to say yes. If you haven't done so yet, pop in sometime this week.

4. Before your conversation with R-J begins, you must tell her it is CONFIDENTIAL. After that, NOTHING YOU SAY OR GIVE TO HER WILL GO TO THE TEACHER. [C] asked me to stress this point.

5. Once R-J has received several complaints from parents in writing, she can go to [the Associate Superintendent] and start the ball rolling.

NOTHING WILL BE DONE FOR OUR CHILDREN IF WE DO NOT MAKE THE EFFORT TO GO IN AND SEE R-J ABOUT THIS SITUATION. [C] stressed, most emphatically, that R-J is serious about addressing our concerns, but she needs our help. Also, this information must remain inside the circle of PARENTS in this classroom. It must not go any further.

8. Although the e-mail does not identify Ms. Miller as a teacher, at least some of the email recipients knew that Ms. Miller was a teacher.
9. The Federation received a complaint from Mr. Kushner, dated February 23, 2005, alleging that Ms. Miller breached Clause 5 of the Federation’s Code of Ethics when she distributed the email above to parents of children in his grade 5 classroom.

The British Columbia Human Rights Tribunal dismissed the complaint.


16.

WILLIAM WHATCOTT
(APPELLANT)

AND

SASKATCHEWAN HUMAN RIGHTS TRIBUNAL,
SASKATCHEWAN HUMAN RIGHTS COMMISSION, JAMES
KOMAR, BRENDAN WALLACE, GUY TAYLOR AND KATHY
HAMRE
(RESPONDENTS)

AND

ATTORNEY GENERAL FOR SASKATCHEWAN
(INTERVENER)

Queen’s Bench for Saskatchewan (2007 SKQB 450 (CanLII))

This appeal before the Queen’s Bench for Saskatchewan stems from a hearing before the Saskatchewan Human Rights Tribunal, in which the Tribunal ruled that William Whatcott contravened s. 14 of the Saskatchewan Human Rights Code.

Mr. Whatcott promoted hatred pursuant to s. 14 by distributing flyers denouncing the incorporation of same sex issues in Saskatchewan school classrooms. The first flyer Mr. Whatcott distributed, entitled “Keep Homosexuality out of Saskatoon’s Public Schools!”, included homophobic statements such as “sexual politics of the perverted type . . .”, “now the homosexuals want to share their filth and propaganda with Saskatchewan’s children” and “Our children will pay the price in disease, death, abuse and ultimately eternal judgement if we do not say no to the sodomite desire to socialize your children into accepting something that is clearly wrong.” Mr. Whatcott’s second flyer, “Sodomites in our Public Schools”, again contained homophobic hatred,

“Break the Silence! Born Gay? No Way! Homosexual sex is about risky & addictive behaviour!”

“Break the Silence! Sodomites are 430 times more likely to acquire Aids & 3 times more likely to sexually abuse children!”

The Queen’s Bench of Saskatchewan upheld decision of the Tribunal in determining that the distribution of the flyers was a contravention of s. 14(1)(b) of the Code.

SUSTAINABILITY

1. West Coast Environmental Law

This website defines itself as “British Columbia’s legal champion for the environment”. As stated on its website, West Coast provides "citizens and organizations with the knowledge, tools and innovative solutions needed to protect our environment and build sustainability locally, nationally and internationally". The website has links to numerous environmental issues and concerns.

This is one of the leading websites on environmental legal issues in British Columbia.
http://www.wcel.org/

2. Canadian Environmental Law Association

The Canadian Environmental Law Association (“CELA”) is a non-profit association mandated to use existing laws to protect the environment and to advocate environmental law reforms.

http://www.cela.ca/

Also has a link to the Sustainable Development Act.
http://www.canlii.org/eliisa/highlight.do?text=sustainability&language=en&searchTitle=Search+all+CanLII+Databases&path=/mb/laws/regu/2004r.4/20090324/whole.html

4. Clean Energy Classrooms

Various links to schools and programs, government initiatives, green energy NGOs, and First Nations.
http://www.cleanenergyclassrooms.ca/


Links to various environmental issues.
http://thegreenpages.ca/portal/ca/


This Bill received Royal Assent on May 14, 2009.


Received assent on June 26, 2008, this Act “requires the development and implementation of a Federal Sustainable Development Strategy and the development of goals and targets with respect to sustainable development in Canada, and to make consequential amendments to another Act”.


8. B.C. Sustainable Energy Association

Links to various levels of government and their initiatives (Federal, Provincial, Municipal). You can also calculate your carbon footprint!
http://www.bcsea.org/solutions/government

9. Willms & Shier Environmental Lawyers LLP

An Ontario law firm that has an excellent website on current legal environmental issues.
http://www.willmsshier.com/default.asp

10. Bill C-16: Environmental Enforcement Act

Bill C-16 makes a number of changes to Canada’s environmental enforcement
scheme, including establishing minimum penalties and increasing maximum penalties for environmental offences; providing for different fine amounts for individuals, corporations and vessels; providing sentencing guidance to courts; and creating administrative monetary penalties for less serious environmental offences.

There has been some controversy as the Bill, according to global shipowners and unions, leaves in place contentious provisions that deny maritime stakeholders of certain rights.

http://www2.parl.gc.ca/Sites/LOP/LegislativeSummaries/Bills_ls.asp?lang=E&ls=c16&source=library_prb&Parl=40&Ses=2

11.
THE BAYNES SOUND AREA SOCIETY FOR SUSTAINABILITY AND JANET THOMAS (PETITIONERS)

AND

COMOX STRATHCONA REGIONAL DISTRICT (RESPONDENT)

The Supreme Court of British Columbia (2009 BCSC 565, CanLII)

A zoning dispute regarding sustainability issues on Vancouver Island. The Petitioners applied to the Court to have two zoning bylaws declared illegal. Decision and costs awarded to the Petitioners.


12.
GREAT LAKES UNITED and MININGWATCH CANADA (APPLICANTS)

AND

MINISTER OF THE ENVIRONMENT (RESPONDENT)

AND

MINING ASSOCIATION OF CANADA (INTERVENER)

Federal Court of Canada (2009 FC 408, CanLII)

The Applicants are seeking a declaration that the Minister has erred in interpreting Canadian Environmental Protection Act (“CEPA”) by not providing such pollutant release information and data from mining facilities of releases of tailings and waste rock disposal areas for the 2006 reporting year and subsequent years in accordance with sections 48 and 50 of CEPA.
Waste Rock and Tailings

Waste rock and tailings are created from mining. There are three steps involved in extracting ore from the ground and processing it:

1) Removal of “overburden” such as soil, sand and gravel, trees, lichens, mosses, and other vegetation;

2) Break up and removal of “waste rock” (rock that surrounds or overlays the ore) to access the ore; and

3) Crushing of the ore to a powder and processing it to extract minerals, the waste from which is referred to as “tailings.”

The Federal Court awarded judgment and costs to the Applicants

13.

DAY & ROSS INC.,
(APPELLANT)

AND

HER MAJESTY THE QUEEN
(RESPONDENT)

In the Court of Queen’s Bench of New Brunswick (2006 NBQB 21, CanLII)

This is an appeal from a conviction of a pollution infraction as follows:

“did fail to immediately report to the Minister the release of any contaminant in any place such that it may directly or indirectly result in water pollution or increased water pollution in any waters of the Province, contrary to section 11(2) of N.B. Regulation 82-126 of the Water Quality Regulation, thereby committing an offence contrary to section 33(1)(b) of the Clean Environment Act, being Chapter C-6 of the Revised Statutes of New Brunswick and amendments thereto.”

The Court of Queen’s Bench of New Brunswick ordered a new trial.

1. EGALE Canada

Egale Canada is a national organization that advances equality and justice for lesbian, gay, bisexual, and trans-identified people and their families across Canada. This website has links to education surveys, controversial new government legislation, safe school campaigns, among many others.

http://www.egale.ca/

2. The Canadian Charter of Rights and Freedoms

http://www.efc.ca/pages/law/charter/charter.text.html


In particular, inciting hate against an identifiable group, which means any section of the public distinguished by colour, race, religion, ethnic origin or sexual orientation (ss. 318, 319 and 718.2).


4. BOARD OF SCHOOL TRUSTEES OF SCHOOL DISTRICT NO. 44 (NORTH VANCOUVER) RESPONDENT (PETITIONER)

AND

AZMI JUBRAN, APPELLANT (RESPONDENT)

AND

BRITISH COLUMBIA HUMAN RIGHTS TRIBUNAL (RESPONDENT)

Court of Appeal for British Columbia (2005 BCCA 201, CanLII)

This appeal raises difficult and important questions of interpretation of British Columbia’s human rights legislation, the Human Rights Code, R.S.B.C. 1996, c. 210 (the “Code”). Must a person who complains of discriminatory harassment on the basis of sexual orientation actually be homosexual or perceived by his harassers to be a homosexual? Is a School Board responsible where the conduct of students violates the Code? The issues arise in the context of homophobic bullying in a public school.

This appeal raises a question of the administrative and constitutional validity of disciplinary proceedings taken against a teacher in the provincial school system for statements made publicly about homosexuality.

The Appeal was dismissed.


The parties were married in 1969. Divorce proceedings were commenced in 1980 and three months later, the parties negotiated a Consent to Corollary Relief. Clause 12 of the agreement stated that the parties agreed to appear before the rabbinical authorities to obtain a Jewish divorce, or get, immediately upon the granting of the divorce. The civil divorce became final in 1981, when the husband, M, was 48 and the wife, B, was 31.

A wife cannot obtain a get unless her husband agrees to give it. Without one, she remains his wife and is unable to remarry under Jewish law. In this case, despite the wife’s repeated requests, the husband consistently refused to provide a get for 15 years, by which time the wife was almost 47. The wife sought damages for breach of the agreement. The husband argued that his agreement to give a get was not valid.
under Quebec law and that he was protected by his right to freedom of religion from having to pay damages for its breach.

The trial judge found that the agreement was valid and binding and that a claim for damages based on a breach of this civil obligation was within the domain of the civil courts. The Court of Appeal allowed the husband’s appeal. It found that because the substance of the obligation was religious in nature, the obligation was a moral one and was therefore unenforceable by the courts.

The Supreme Court of Canada allowed the wife’s appeal.

7.

HER MAJESTY THE QUEEN  
(RESPONDENT)

AND

N. S.  
(APPLICANT)

AND

M----D. S.  
(RESPONDENT)

- AND -

M----L. S.  
(RESPONDENT)

ONTARIO HUMAN RIGHTS COMMISSION  
(INTERVENOR)

Ontario Superior Court of Justice (2009 CanLII 21203 (ON S.C.)

The Applicant requests two orders. The first quashes an order of Judge Weisman made October 16, 2008, during the course of a preliminary inquiry, requiring the Applicant to remove her veil during her testimony. The second requests an order permitting the Applicant to wear her veil when testifying at the preliminary inquiry in this matter. The first request was granted. The second was refused.
8. **JUSTIN SCHLEPPE (COMPLAINANT)**

AND:

**TERRY JONES BEX, ATILLA PIRCHER KAPUS, AND THE PRISM LOUNGE – NOW THE “PAPARAZZI CLUB” (RESPONDENTS)**

British Columbia Human Rights Tribunal (2009 BCHRT 146, CanLII)

On December 8, 2008, Justin Schleppe filed a complaint against Terry Jones Bex, Atilla Pircher Kapus and “The Prism Lounge – now the ‘Paparazzi Club’”. The complainant self-identifies as “Justin Schleppe AKA: Jenna … a humble T-gUrl”. As the complainant’s gender identity was somewhat unclear on the materials, and in an effort to be respectful to all parties, the Tribunal Member referred to “the complainant” as such in the decision, thus attempting to avoid gendered pronoun references wherever possible. The complaint involves alleged discrimination by the two individual respondents, and the Lounge, which they operate, and at which the complainant was employed. The complainant alleges that the respondents discriminated on the basis of sex in employment, contrary to s. 13 of the Human Rights Code.

The complaint was dismissed.


9. **SHOAIB AHMAD NASIN (PLAINTIFF)**

AND

**YEGANA NASIN (DEFENDANT)**

Reasons for Judgment, Court of Queen’s Bench of Alberta (2008, ABQB 219, CanLII)

They were married according to Muslim tradition and culture. During the time of their marriage they accumulated property the division of which is the subject of this trial. They disagree about what comprises the matrimonial property, what exemptions apply and how it should be divided. In particular, the evidence disclosed that there were a number of Muslim traditions concerning payment for events leading up to the marriage.

Further, according to Muslim tradition, just before the marriage ceremony took place, they entered into a form of pre-nuptial agreement called the Mahr in which Mr. Nasin agreed to pay Mrs. Nasin $10,000.00 in the event of the failure of their marriage. Mr. Nasin maintains that this forms part of the matrimonial property and is not a separate contract. Mrs. Nasin disagrees.

The Court found that the Mahr is not an enforceable contract. Disposition of assets were accordingly distributed.
IDENTITY
(con’t)

10.

CONNIE HEINTZ
(COMPLAINANT)

AND

ONTARIO HUMAN RIGHTS COMMISSION
(COMMISSION)

AND

CHRISTIAN HORIZONS
(RESPONDENT)

Human Rights Tribunal of Ontario (2008 HRTO 22, CanLII)

In March 1995, the complainant, Ms. Connie Heintz, began employment as a support worker at a community living residence operated by Christian Horizons in Waterloo, Ontario. Christian Horizons is a not-for-profit corporation which self-identifies as an Evangelical Christian ministry. It operates over 180 residential homes across Ontario. In providing this care and support, it is funded almost exclusively by the Ontario Ministry of Community and Social Services.

Central to Christian Horizons’ vision as an organization, are articles of faith as expressed in a Doctrinal Statement which all members of the organization are required to adopt and sign. However, not only are members of the organization required to adopt these articles of faith, but employees are as well, and Christian Horizons has made its Doctrinal Statement, along with a Lifestyle and Morality Statement, part of the contract of employment for all employees.

Ms. Heintz is an individual of deep Christian faith. She is also a lesbian. Ms. Heintz came to an understanding of who she was, and her sexual orientation during her tenure as an employee of Christian Horizons. The Lifestyle and Morality Statement prohibits homosexual relationships, and the faith belief adopted by Christian Horizons views homosexuality as unnatural, immoral and contrary to the scriptures. Because she was not in compliance with the Lifestyle and Morality Statement, Ms. Heintz was required to leave her employment in the fall of 2000.

The Commission and Ms. Heintz allege that Ms. Heintz was terminated from employment because of her sexual orientation, and the requirement that all employees sign the Lifestyle and Morality Statement is a violation of the Human Rights Code. They also allege that the manner in which Ms. Heintz was treated, after she came out as a lesbian, constitutes discrimination on the grounds of sexual orientation.

The Tribunal found that Christian Horizons violated section 5(1) and section 9 of the Human Rights Code and awarded damages accordingly.
11. AMINA MOHAMED, SULDANA HAGI ABUCAR, ASHA FARAH, NADIFO YUSUF, DALES YUSUF, ANISA HAGI, RUN EGAH HASSAN, HALIMO OSMAN
   (COMPLAINANTS)
   - AND -
   CANADIAN HUMAN RIGHTS COMMISSION
   (COMMISSION)
   - AND -
   UPS CANADA LTD.
   (RESPONDENT)

Canadian Human Rights Tribunal (2008 CHRT 18, CanLII)

The Complainants in this case have alleged that the Respondent discriminated against them on the basis of their religion by refusing to hire them or terminating their employment because they would not shorten the length of their skirts and/or wear pants on the job. The Complainants are devout practicing Muslim women. They cover their bodies, by among other things, wearing a long skirt and a headscarf. The original complaint form alleges discrimination on the basis of religion only. The Commission seeks to add discrimination on the basis of sex to the complaint.

The Commission’s request to add the allegation of sex is granted.


12.

HER MAJESTY THE QUEEN
   - AND -
   MOHAMMEDREZA GHALAMREZAZDEHSHIRAZI

In the Provincial Court of Alberta (2008 ABPC 198, CanLII)

Mohammedreza Gholamrezazdehshirazi pleaded guilty to Criminal Code offences: aggravated assault contrary to s. 268, and conveying death threats contrary to s. 264.1(1)(a) against a dentist. Mr. Gholamrezazdehshirazi had expressed strong hatred toward Muslims and assumed that the dentist was a Muslim. When he was arrested, he told an officer that Muslims had to worry about him because they had taken away his land and country.

The Court sentenced Mr. Gholamrezazdehshirazi to four years for the aggravated assault offence, and one year for the threatening offence to be served concurrently. The time he spent in custody will be subtracted from that total on a two to one basis. The remaining sentence to be served is thirty-two months.

Dr. Mohamed Elmasry, on behalf of all Muslim residents of British Columbia, and Dr. Naiyer Habib, each filed a complaint with the Tribunal. Dr. Elmasry is the National President of the Canadian Islamic Congress and Dr. Habib is a cardiologist from Abbotsford, British Columbia. The complaints relate to an article written by Mark Steyn and published by Roger’s Publishing Ltd. and its publisher Ken MacQueen, in the October 23, 2006 edition of Maclean’s magazine (the “Article”). The Article is an excerpt from America Alone, a book written by Mr. Steyn. In brief, the Article concerns Mr. Steyn’s view that Muslims, adherents of the religion of Islam, have serious global ambitions for world religious domination, which they will be assisted in achieving by demographically outnumbering the populations in traditional Western cultures and, if necessary, by the use of violence.

The cover page for the Maclean’s issue, in which the Article was published, depicts a group of women all fully clothed in black burkhas so that their faces are not visible. Among them is a young girl whose face is exposed.

The complaints are virtually identical and allege that the Article exposes Muslims in British Columbia to hatred and contempt, on the basis of their religion, in breach of s. 7(1)(b) of the Human Rights Code.

The Tribunal dismissed the complaints.


14.

HER MAJESTY THE QUEEN CROWN

- AND -

CHRISTOPHER PETER GEOGHEGAN, ACCUSED
In the Provincial Court of Alberta (2005 ABPC 255, CanLII)

The accused is charged with unlawfully and wilfully disturbing an assemblage of persons for religious worship. An organization called the Concerned Christian’s Coalition, now called Concerned Christian’s Canada, was holding its annual meeting at the Coast Plaza Hotel in Calgary on April 17, 2004. The annual meeting was followed by a dinner for which tickets were sold to discuss a new Federal Bill, C250, regarding amendments to hate crime legislation. Two speakers had been brought in to talk about the Bill and explain the impact of the amendments on Christian organizations and churches. It was a private assembly, by invitation only. The organization is for profit and raises issues that affect religion and tax fairness for families. Any profit is used to assist needy families.

As one speaker was making his presentation, a group of young people, some dressed in army fatigues, some wearing bandannas or scarves over a portion of their face, some carrying sticks, entered the room, yelling and chanting, carrying a banner of some sort that appeared to favour some sort of gay rights. They marched up to the stage area, where the podium was and the speaker was standing, and stood there chanting and yelling and waving their sticks. It appeared as though they didn’t really know what to do but successfully drowned out the speaker and effectively disrupted the meeting. Some of them engaged attendees in conversation, some used vulgar language throughout.

The Court found the accused guilty of an offence under Section 176(2).


15.

HER MAJESTY THE QUEEN
(APPELLANT)

- AND -

MARK ELMS
(RESPONDENT)

Ontario Superior Court of Justice (2005 CanLII 24759 (ON S.C.)

Mark Elms was charged with 15 counts of wilfully promoting hatred against identifiable groups, i.e., Jews, Blacks, Hispanics, East Asians and Muslims.

These charges arise from his offering for sale certain compact audio discs, the covers of which and lyric sheets within which contained song titles and lyrics conceded by the defence to promote hatred against these identifiable groups contrary to s.319(2) of the Criminal Code.

The appeal was allowed and a new trial was ordered.

Clemente Carrillo Garcia is a citizen of Mexico. The Refugee Protection Division of the Immigration and Refugee Board accepted that Mr. Garcia had been subjected to acts of verbal abuse and sexual violence at the hands of the police in his home town of Ruiz, because of his sexual orientation. The Board also accepted that while he was living in Puerto Vallarta, two police officers regularly extorted money from him, because he is gay. The Board nevertheless rejected Mr. Garcia’s refugee claim, finding that he had an internal flight alternative (or “IFA”) in Mexico City.

Although not mentioned in the Board’s decision, Mr. Garcia produced a 1998 report prepared by the Citizen’s Commission Against Homophobic Hate Crimes. Based upon reports in the media, the Report examined the frequency of “assassinations committed because of homophobic hate” between 1995 and 1998.

The study articulates clearly defined criteria for the identification of killings motivated by homophobia. Using these criteria, the authors of the study concluded that there were 125 killings in Mexico during the time in question, all but five of whom were gay men. Sixty-five of the murders took place in Mexico City.

The Report goes on to observe that the great majority of the victims were killed with “cruel and extreme violence”, leading to an inference that the perpetrators did not merely want to kill their victims, but also wanted to inflict damage and punishment on them, because of their sexual orientation.

The Report also observed that the press coverage of these incidents tended to minimize the importance of the killings, and was often derogatory in tone. By way of example, the authors referred to newspaper headlines such as “Murder of Faggots” or “Faggot Turned into a Patchwork of Knife-wounds”.

The Court allowed Mr. Garcia’s application for a judicial review and the matter was remitted to a differently constituted panel for redetermination.


The plaintiff is a Roman Catholic 17-year-old Oshawa high school student currently attending Grade 12 at Monsignor John Pereyma Catholic Secondary School. This has been his school since Grade 9 and, prior to that, he attended a Catholic elementary and junior high school. Mr. Hall has identified himself to his parents, his...
friends and his school peers as having a homosexual orientation.

About a year ago, Mr. Hall first raised with one of his teachers his wish to bring his boyfriend to the prom this spring. He understood that his teacher would be discussing his request with the school principal. His teacher counselled him that he must follow the Church’s teachings guided by his individual conscience. His teacher did not tell him whether he should or should not bring Mr. Dumond, who has been his boyfriend for about one year, as his date. On February 25, 2002, Principal Powers denied Mr. Hall permission to attend the prom with his boyfriend.

The Court granted an interlocutory injunction restraining the defendants and their agents and all persons having knowledge of this order from preventing or impeding Marc Hall from attending his high school prom with his boyfriend on May 10, 2002. The defendants have undertaken to the court not to cancel the prom in the event.


18.

R. V. CRAN

Reasons for Sentence, (2005 BCSC 171, CanLII)

Mr. Cran was involved in the death of Aaron Webster. The Court found that Mr. Cran was a member of a group that came upon and pursued Mr. Webster, that he participated in beating Mr. Webster with a weapon, that he did not strike the fatal blow to the chin or the neck, that he stopped beating Mr. Webster before J.S. and A.C. did, but he was still in the area of the car while more blows were struck. He then ran from the scene with the others, leaving Mr. Webster on the ground where he died shortly thereafter. The evidence before me at trial was that some of the group had had a great deal to drink, but J.S. testified that Ryan Cran was the most sober.

Mr. Cran was sentenced to six years incarceration.

• Awareness of rights and respect
• Boundaries
• Acceptance
• Support
• Engagement
• Community

FEDERAL STATUTES

1. Immigration and Refugee Protection Act, 2001, c. 27

[Assented to November 1st, 2001]

An Act respecting immigration to Canada and the granting of refugee protection to persons who are displaced, persecuted or in danger


2. Personal Information Protection and Electronic Documents Act, 2000, c. 5

[Assented to April 13th, 2000]

An Act to support and promote electronic commerce by protecting personal information that is collected, used or disclosed in certain circumstances, by providing for the use of electronic means to communicate or record information or transactions and by amending the Canada Evidence Act, the Statutory Instruments Act and the Statute Revision Act


An Act to extend the present laws of Canada that protect the privacy of individuals and that provide individuals with a right of access to personal information about themselves.


[Assented to November 7th, 2003]

An Act respecting employment in the public service. The public service, whose members are drawn from across the country, reflects a myriad of backgrounds, skills and professions that are a unique resource for Canada.


5. Pension Act, ( R.S., 1985, c. P-6 )

An Act to provide pensions and other benefits to or in respect of members of the Canadian naval, army and air forces and of the Canadian Forces. The provisions of this Act shall be liberally construed and interpreted to the end that the recognized obligation of the people and Government of Canada to provide compensation to...
those members of the forces who have been disabled or have died as a result of military service, and to their dependants, may be fulfilled.


6. Crimes Against Humanity and War Crimes Act, 2000, c. 24

[Assented to June 29th, 2000]

An Act respecting genocide, crimes against humanity and war crimes and to implement the Rome Statute of the International Criminal Court, and to make consequential amendments to other Acts.


7. Employment Equity Act, 1995, c. 44

[Assented to December 15th, 1995]

An Act respecting employment equity. The purpose of this Act is to achieve equality in the workplace so that no person shall be denied employment opportunities or benefits for reasons unrelated to ability and, in the fulfilment of that goal, to correct the conditions of disadvantage in employment experienced by women, aboriginal peoples, persons with disabilities and members of visible minorities by giving effect to the principle that employment equity means more than treating persons in the same way but also requires special measures and the accommodation of differences.


8. Holocaust Memorial Day Act, 2003, c. 24

[Assented to November 7th, 2003]

An Act to establish Holocaust Memorial Day. The Parliament of Canada is committed to using legislation, education and example to protect Canadians from violence, racism and hatred and to stopping those who foster or commit crimes of violence, racism and hatred. Yom ha-Shoah or the Day of the Holocaust, as determined in each year by the Jewish lunar calendar, is an opportune day to reflect on and educate about the enduring lessons of the Holocaust and to reaffirm a commitment to uphold human rights.


[Assented to December 18th, 1981]

An Act to incorporate the Jules and Paul-Émile Léger Foundation. There is hereby established a non-profit corporation to be known as the Jules and Paul-Émile Léger Foundation, in this Act referred to as the “Foundation”. The objects of the Foundation are:
(a) to relieve sickness and hunger and to provide assistance to all in need including orphans, lepers, the aged, the handicapped and the ill-treated;

(b) to support and establish hospitals, rehabilitation centres, refuges and other similar institutions;

(c) to support persons and organizations with objects similar to its own;

(d) to organize, promote and participate in fund raising drives for itself and for persons and organizations with objects similar to its own;

(e) to solicit and receive gifts, legacies and grants; and

(f) generally, to organize, promote, coordinate and support, both morally and financially, in Canada and elsewhere, all educational, religious, philanthropic and benevolent charities, causes and activities.


[Assented to June 18th, 2008]

An Act respecting a National Peacekeepers’ Day. In 1956 the Minister of External Affairs, the Right Honourable Lester B. Pearson, proposed the first United Nations peacekeeping mission and, since that time, Canada has been a leader in keeping the peace around the world, with more than one hundred thousand members of the Canadian Forces participating in peacekeeping and peace support operations along with many members of Canadian police services, diplomats and civilians.


An Act to provide for old age security.


An Act respecting Article 41 of the Charter of the United Nations

PROVINCIAL LEGISLATION

1. Bill 212 (Ontario), An Act to amend the Education Act in respect of behaviour, discipline and safety

This Bill came into effect on February 1, 2008. It modified the existing system of suspension and expulsion of students while keeping elements of the existing discretionary and mandatory suspensions in the Education Act. The list of infractions
that may lead to suspension will now include bullying - an important step in achieving safe schools. Further, Bill 212 changes the decision making structure so that teachers no longer have the authority to suspend.


http://www.bclaws.ca/Recon/document/freeside/--%20s%20--/school%20act%20%20rsbc%201996%20%20c.%20412/00_act/96412_00.htm#FOUND-NOTHING

3. B.C. Ministry of Education – Safe, Caring and Orderly Schools

The British Columbia safe school strategy.

http://www.bced.gov.bc.ca/sco/


This Act sets out the statutory requirements for protecting children.

http://www.bclaws.ca/Recon/document/freeside/--%20c%20--/child%20%20family%20and%20community%20service%20act%20%20rsbc%201996%20%20c.%2046/00_96046_01.xml#FOUND-NOTHING

5. Civil Rights Protection Act [RSBC 1996] CHAPTER 49

In this Act, “prohibited act” means any conduct or communication by a person that has as its purpose interference with the civil rights of a person or class of persons.

http://www.bclaws.ca/Recon/document/freeside/--%20c%20--/civil%20rights%20protection%20act%20%20rsbc%201996%20%20c.%2049/00_96049_01.xml#FOUND-NOTHING

6. Independent School Regulation, B.C. Reg. 262/89


Act in force April 7, 2009; B.C. Reg. 122/2009