

NOW OR NEVER?

AN OPEN LETTER TO MY COLLEAGUES IN THE SOCIAL JUSTICE MOVEMENT

Nearly 15 years ago the people of Ontario spoke about the pressing need for human rights reform. Individuals and representatives of organizations committed to the quest for social justice took the leap of faith that it requires to assemble resources, to prepare briefs, to attend hearings and to speak out.

In June of 1992, the independent Task Force appointed by the Government of Ontario and chaired by Mary Cornish expressed its gratitude to the members of the Ontario public who "gave generously" to their province-wide consultation. Their Task Force concluded that the problems chronicled in their report were "serious and urgent" and that "the current enforcement system for the protection of human rights needs to be radically altered to fulfill its mandate".

Was anyone listening?

A few. Staffers and commissioners at the beleaguered human rights commission, myself included, were listening. We were humbled by what we heard, as we too knew it was time for change. Our Human Rights Commission had been structured for a different kind of discrimination, a one-on-one contest between a clear offender and a clear victim. The institution that had stood as a beacon on our social landscape in 1961 had become backlogged and reactive. Public trust in the Commission's mission and vision was compromised by conflicting objectives -- in part, a legacy of legislative design better suited to keeping a lid on claims for redress than to addressing the deeper roots of social inequity.

Mary Cornish and her colleagues, Rick Miles and Ratna Omidvar, listened carefully. They engaged in a consultation process involving hundreds of community stakeholders, (135 written submissions and 750 oral presentations) conducted in seven different cities, with supportive documents prepared in 12 different languages, and designed to accommodate the unique needs and cultures of Aboriginal Ontarians and Deaf and Disabled Ontarians. Those consultations were honoured in the Task Force's 250-page final report, a report which described a Commission that had lost its way, a Commission that was "overwhelmed by individual claims that use up [it's] resources", a Commission therefore unable to "challenge systemic discrimination in a strategic and proactive way". The same report detailed a blueprint for reform, a blueprint informed by the advisory and consultant contributions of some of Ontario's most highly respected human rights advocates: Bill Black, Beverly Johnson, Arnold Minors, David Lepofsky, Bruce Porter, Tom Warner, Mila Chavez-Wong and many others.

Until now, it would seem that no one else was listening. Until February of this year, when Attorney General Michael Bryant announced plans to introduce legislation this spring that would reform Ontario's human rights system. In the words of Globe columnist Murray Campbell, the government's proposals "mirror the recommendations" of the 1992 Cornish Task Force.

Reasonable people will disagree about the precise shape that change should take. Direct access to a tribunal, or an option of direct access; investigatory powers vested to a commission or a tribunal; advocacy services from a centralized commission or from community-based centres. We all have views on these questions, and good reasons to cite in support of these divergent views.

The issue of the moment is not the question of whose views will prevail on the nuts and bolts questions of human rights reform -- crucial though these questions may be. What matters at this moment is that we seem to have the attention of the government of the day, an on-the-record commitment and a timetable for reform this spring. I urge my colleagues in the social justice

movement, for whom I have nothing but the greatest of affection and respect, not to squander this opportunity.

Let us hold our politicians' feet to the fire to ensure that a newly structured system will direct an appropriate level of public dollars to the project of human rights enforcement. They have committed to a total human rights budget of \$15.1 million -- we can and should remain skeptical that \$1.2 million in new dollars will suffice. Good faith demands generous resourcing appropriate to the project of reform.

Our Attorney General has committed to provide "ongoing legal support and assistance", a "third branch of the human rights system, the commission being one, the tribunal being the second and the third being the provision of assistance or representation to complainants." Let us hold his government to account, in no uncertain terms, to realize this commitment in the form of accessible, publicly funded, regionally situated expertise, along the lines of what Cornish described as "consumer oriented and community-driven advocacy services".

The government has committed to reforms that will "shorten the pipeline from complaint to resolution, and eliminate the detours to justice." Is that not music to our ears? Let us applaud this commitment, and as we do so, let us advocate for redeployment of the present Commission's skilled and committed staff, and recognition of the vital role played by community clinics and organizations currently supporting the human rights struggles of Ontarians -- partners like the African Canadian Legal Clinic, the Centre for Equality Rights in Accommodation, and ARCH Disability Law Centre. Let us remind everyone that a human rights commission must emerge from this reform as nothing less than a full-bodied **champion** for human rights, a champion equipped to pursue leading edge strategies for the elimination of discrimination that leave no room for any doubt about who and what it stands for.

But please, let's not demand another public consultation that can become one more excuse for government inaction. We can have full, open and accessible public hearings on the basis of tabled legislation or a detailed pre-legislative proposal. But let's remember that every day of talk takes us one day further away from the moment of political resolve, one day further away from reforms now at least 15 years overdue, and still counting.

It is time for solidarity of purpose. The communities that we represent deserve nothing less. The principles that we stand for demand nothing less. It is time to seize the moment.

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April 5, 2006