

The importance of human rights

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Introduction – what I am going to touch on

1) Importance of human rights, 2) Why don't more people see it that way? 3) How do we get over this polarization on human rights? 4) How do diversity issues and our work on diversity fit into this picture?

The recognition and protection of human rights are not just personal interests of mine. At the Chumir Foundation we have done a lot of work on human rights. Our 4 year project aimed at human rights law and policy reform in Alberta has concluded. But human rights topics will never disappear from our radar screens. They are what made Sheldon tick. In our view, concerns about the protection and enhancement of human rights should be at the forefront of every leader's mind, if he or she hopes to exhibit ethical leadership.

Where I start

There is nothing more important than human rights, that is, at the most general of levels – how we should treat each other. We should treat each other with dignity and respect. This means, at a minimum, that we don't discriminate against each other, for example, that we don't treat a person unfairly because of their skin colour, ethnicity, disability of any kind, gender or sexual orientation. To treat one another with dignity and respect means a

lot more than that. I think it also includes an obligation to try to ensure that everyone has the material support for a chance at a decent life – in particular, adequate income and housing – but it certainly includes a prohibition on discrimination.

My life experience tells me this is so: What happens when human rights are not respected? Things go wrong, often very badly wrong. And they stay wrong. I look around and what do I see? Conflict all over the world driven by hurt feelings, bitterness over past unfairness and grievance over perceived and actual insults to dignity. Showing respect for human rights matters, and matters I think more than anything else.

So why don't more people see it this way?

Oddly, I think most people do see it this way, when they stop to think about it. But too often they don't stop to think about it, until of course the bad happens to them or someone close. It is one of the great frustrations of life, that so many people have such limited imaginations. They can't imagine what it would feel to be – you fill in the blank – poor, pregnant when you don't want to be or stricken by disease, until it happens to them. Then they get all excited about the form of unfairness they have suffered, but they couldn't imagine it in advance or anything much broader. It's a real limitation on ethical consciousness. And through education, I think we can expand our ability to recognize human suffering.

And of course there are other things that get in the way. A few words about polarization, in particular polarization here in Alberta on human rights.

How to get over this polarization?

I'll offer as a partial solution: we need to work together to re-establish a human rights community. It's very simple: united we stand; divided we fall. It is no surprise that it took a "rainbow" coalition to defeat Apartheid in South Africa. (What's happened there since is another, quite different, story.)

We have to focus on what we share in common, not what divides us. We should attend each other's events, support each other's causes through letters, calls, e-mails, all the usual ways we try to exert influence. Support the good; criticize the bad.

How do questions of diversity, in particular, cultural and religious diversity, fit into this picture?

One of the areas on which the Foundation is presently concentrating is diversity, or "otherness". Many organizations are. What sets our work apart, perhaps? I will explain our motivation.

Some of the recent debates over Canadian public policy have been very disturbing. One of the most notable of these, in our view, was the 2004 – 2005 controversy in Ontario over whether arbitrations carried out by religious leaders should have the force of law.

Until public outrage cancelled the plan (some of that outrage coming from outside Canada embarrassingly enough), the government of Ontario was ready to give legal force to arbitrations based on sharia, a Muslim legal

system which – amongst other things – severely discounts the evidentiary value of testimony given by women. During the debate it came to light that the government had in 1991, that is, *already*, extended that power to arbitrations conducted by Orthodox Jews whose rules also profoundly discriminate against women. Eventually the provincial government backtracked deciding that no religiously-based arbitrations would carry the force of law. Given the Charter’s guarantee of the equal benefit and protection of the law, they had to go one way or the other – all religious arbitration having the force of law, or none. They opted for none.

But confidence in Canadian political leaders’ understanding of the rule of law and respect for the human rights gains made by women and, by extension, other minorities in the country had already been severely undermined. Many Canadians asked themselves: in a country the constitution of which guarantees everyone, including women, the equal benefit and protection of the law, how could it possibly have come to this?

The religious arbitration debate in Ontario and other such controversies have demonstrated to us that more careful thinking is needed on the question, when ought we to embrace diversity and when not, because to do so would take us backwards? Greater care is needed, in particular, we think, when proposed changes to our public governance systems are based on non-democratic traditions, such as those which condone or even require in-your-face (blatant) discrimination, for example, against women.

Cultural practices brought from countries where the status of women is much lower than in Canada do not enhance our society but instead

undermine the human rights gains which have been made. Things aren't perfect for women in Canada – far from it. But women's rights are better respected in Canada than in most countries of the world. So, should practices be tolerated or laws adopted in Canada that undermine those gains? No: anything that takes women backwards is a bad thing.

The same should be said of human rights advances made by gays who still face – no news here, I know – considerable discrimination in Canada. There is no need to make matters worse by adopting standards or practices than are even more discriminatory than those which already prevail in this country, which is what we do when we accommodate difference that is less respectful of human rights. (And so on vis a vis other groups.)

Think here of the CCMW's fear about "honour killings". They worry that by calling such murders "honour" killings, they may be looked at as less serious than would otherwise be the case. Note too the recent horrific stories of murderous attacks on gays in Iraq. Imagine that some of that were imported here. Should we accept such crimes as *less* seriousness because they were motivated by some twisted notion of "family honour"? No. If anything, the reverse: some people would argue that they should be treated as being of *greater* seriousness. (And see the Canadian Criminal Code, s. 718.2)

In our view, a line needs to be drawn between change which promotes the public good and that which detracts from it. The general orientation of the Chumir Foundation briefly stated is this: increased diversity in Canadian society should ordinarily be welcomed, but not where that diversity threatens

to undermine institutions, including the legal protection of human rights, which are essential to a progressive democracy.

Civil liberties are of as much concern as human rights in this context. For example, the ability to express yourself freely on topics of public concern is a cornerstone of democracy. So restrictions on speech imported from less democratic societies – such as, prohibitions on depictions of religious leaders – should be viewed very skeptically indeed, for it is unlikely they would enhance Canadian democracy. They are better seen as regressive and hence not a desirable addition to our socio-political mix.

Conclusion

So we are back, I think, to the primacy of human rights. If we believe in their primacy, then we have to walk that talk. We don't backtrack when things become uncomfortable and we don't hesitate for fear of "offending" people. We should always treat people with dignity and respect, including in our debates with them over human rights, but to do so does not entail adopting wrong-headed ideas about how minorities and women should be treated or watering down our precious civil liberties. We can't shy away from defending the primacy of human rights, but we should always defend them in as respectful a manner as possible.