



CENTREPIECE

EUB: The Long Road Back to Democracy

by Janet Keeping
Reprinted from the Calgary Herald September 20, 2007

GUEST OPINION

Janet Keeping is the President of the Sheldon Chumir Foundation for Ethics in Leadership and a board member of ACLRC.

Recent revelations of spying by the Energy and Utilities Board on people who oppose new energy facilities, such as electricity transmission lines, will come as a shocking disappointment to many Albertans. The EUB has been touted as the epitome of government regulatory agencies – technically competent, ethically trustworthy and a leader in nurturing good relations amongst industry, government and the public.

Let’s leave technical competence aside for the moment. Although there is plenty of criticism there too, it is of a different kind. The EUB’s reputation as a trustworthy agency committed to transparency lies in tatters. Some long-time critics of the EUB are no doubt savouring the moment. But we should all be gravely concerned about the EUB’s deception, lack of respect for human rights and illegality (see below), because the proper regulation of energy development is of critical importance to Albertans.

Rumours of harassment of energy development opponents – for example, phones tapped and tires slashed – have circulated for years. Hence not all Albertans are surprised by what is currently coming to light. But now that there is solid evidence of spying by the EUB, and the Alberta Privacy Commissioner, Frank Work, has ruled that in so doing the EUB violated provincial privacy law, some difficult questions can no longer be avoided. Here are two: How did such unethical leadership take hold at the EUB? And what would ethical leadership on remedial action look like?

A preliminary comment: the Privacy Commission’s September 13, 2007, report states that several EUB board members were involved in both authorizing and overseeing the spying. But even if an explicit connection with Board members could not be established, EUB leadership would still be responsible for an institutional “culture” which condoned spying on Albertans. There have been other privacy violations by the EUB, as well. Last year the Privacy Commissioner ruled that the EUB had broken provincial privacy law by posting personal information on the Board’s web site. It is not premature to conclude that EUB leadership has been

poor on such issues.

So how did such unethical leadership take hold at the EUB? Other theories will be advanced, but I think that the EUB has fundamentally lost its way. Even though the phrase is enshrined in every law which governs its operations – the EUB as an entity, and its leadership in particular, have forgotten that they are to work “in the public interest”. This doesn’t mean only in the interests of the oil and gas or electricity generating industries; nor does it mean only in the economic interests of the province, since Albertans cherish other values as well, such as environmental protection and the maintenance of vibrant rural communities.

- continued on page 3

Inside.....	
Feature article cont.	page 3
Staff and Volunteers.....	page 2
Is there a Right to a Roof?	page 3
No Simple Answers to Complex Questions.....	page 4
Pushing the Boundaries.....	page 5
ACLRC Publications.....	page 9
One Origin Conference.....	page 10

Staff and Volunteers

We have been busy these past few months. **Natalie Simpson** joined us for a four month article. Our Administrator, **Francie Frank**, is retiring after over 15 years of excellent service at ACLRC. We will miss her!! We continue to work on a joint Anti-Racism Education project with the Committee on Race Relations and Cross Cultural Understanding: **Pamela Dos Ramos, Vilma Dawson** and **Brenda Johnston** are working on this.

We are fortunate to be working with excellent volunteers for the last few months—including **Rose Geransar, Amina Geraldine, Sonja Clark, Brenda Kwan**, and **others**. Thanks!!
-Linda McKay-Panos

New Publication by ACLRC

Annotated Human Rights, Citizenship and Multiculturalism Act, 2007

Contains the full text of the Alberta Act, as amended, by-laws, regulations, current caselaw and panel decisions. Includes table of concordance, glossary and other resources. 176 pages. \$25 + \$5 s/h

See order form on page 9

The Alberta Civil Liberties Research Centre appreciates the contributions of volunteers and donors, and the support of agencies that provide grants to the Centre, including:

**Alberta LAW
FOUNDATION**

- *Status of Women Canada
- *The United Way of Calgary - donor choice
- *The Sheldon M. Chumir Foundation for Ethics in Leadership
- *Alberta Human Rights, Citizenship and Multiculturalism Education Fund
- *Canadian Race Relations Foundation
- *Alberta Association for Multicultural Education
- *National Crime Prevention Strategy
- *Aruna Marathe
- *Pamela Dos Ramos
- *Sherri Angevine
- *Brian Edy
- *Brian Seaman
- *Alberta Advanced Education and Community Development (S.T.E.P.)
- *Summer Career Placement (S.C.P.)

Centrepiece

c/o
Alberta Civil Liberties Research Centre
University of Calgary
Room 2350 Murray Fraser Hall
2500 University Drive N.W.
Calgary, Alberta T2N 1N4

Publisher and Editor:

Linda McKay-Panos

Regular contributors:

Linda McKay-Panos
Melissa Luhtanen
Brian Seaman

Centrepiece is the newsletter of the Alberta Civil Liberties Research Centre. The views expressed in *Centrepiece* are the opinions of the author, and not necessarily the views of the Research Centre, its Board, staff, volunteers or funders.

The Alberta Civil Liberties Research Centre holds copyright to all material appearing in *Centrepiece* unless otherwise indicated. Reproduction of *Centrepiece* articles to which the Centre holds copyright is permitted, so long as the author and the source are acknowledged. Please contact the Research Centre if you wish to obtain permission to reproduce any other material.

Subscription rates are \$10.00 for one year. (Complimentary subscriptions for donors and volunteers.) Please enclose payment with your order.

*We would like to hear from readers!
Submit Letters to the Editor to:
Centrepiece, Letters to the Editor
Alberta Civil Liberties Research Centre*

-continued from page 1

In forgetting that their primary obligation is to act "in the public interest" of all Albertans, the EUB has come to view those who oppose energy developments, such as the new electricity transmission line – not as concerned citizens exercising their democratic rights of free expression and association but – as THE ENEMY, against which at least some people at the EUB think it is justified to use illegal measures.

Let's be clear: if there is a reasonably founded concern that opponents of energy development applications before the EUB might use violence, then there is good reason to call in the RCMP or municipal police forces to keep the peace at meetings. Private security personnel might have to be used where public forces are not willing or able. But using undercover security – in at least one case to pose as an "aggrieved landowner" – is sneaky and profoundly undemocratic. As a Montana legislator said when he learned that the privacy of some American citizens had also been compromised by EUB spies, "I think it speaks very poorly for the state of democracy in Alberta and Canada. Who is running Alberta? Is it the fossil fuel industries or is it the people?"

What would ethical leadership out of this mess look like? The long-term solution is a public inquiry into provincial energy policy and its implementation by the EUB and the other major government player, the Department of Energy. A quickie consultation on a limited number of specific issues or projects will not do. Only a serious, thorough inquiry conducted by a neutral and qualified panel will suffice.

Trust in the EUB as an ethical regulator is gone. It will only be re-established when the public can see that the root causes of the EUB's disrespect for democratic values have been exposed and corrected. This cannot be achieved quickly, but ethical leadership in the provincial government would recognize the profundity of this crisis in public confidence and launch the necessary inquiry as soon as is feasible.

Is There A Right to a Roof?

Reprinted from *LawNow* Vol. 36 No. 1

by

Linda McKay-Panos and Kristyn Stevens

Kristyn Stevens was a summer law student at ACLRC. She is currently in her third year of law studies.

We are experiencing an economic boom in Alberta. While many people are enjoying prosperity, there are significant numbers of people in crisis because they are either homeless or at risk of becoming homeless. Rental apartments are often being converted to condominiums, and renters are being faced with unaffordable rent increases. This is the situation in several large cities across Canada, such as Toronto, Ottawa, and Vancouver, and in smaller centres in Alberta such as Fort McMurray and Grande Prairie. It is often the most vulnerable in our society who face homelessness: senior citizens, mentally ill persons, immigrants and refugees, and Aboriginal persons. In the current situation, many of the homeless are working poor with families — living on the streets, in cars, in shelters, or in other temporary accommodations. Many of those living in shelters are working at jobs that don't pay well enough for them to afford proper housing. Consequently, the housing situation in Canada is said by many to have reached a state of crisis.

There are many statistics that back up these assertions. In Fort McMurray (population 65,000), it is estimated that in June there were as many as 500 homeless people ("Fort McMurray: Homeless, Working Poor, and Welfare Recipients," June 11, 2007, Dominion Paper (online) <www.dominionpaper.ca/weblogs/dru/1236>). The number of people

who used shelters in Ottawa in 2006 was just over 9,000 ("The Politics of Homelessness," March 1, 2007, The Ottawa Citizen (online) <www.ottawacitizen.com>). The City of Calgary also has a substantial homeless population which the City has tracked in biennial counts of homeless persons. Calgary's reports on these counts distinguish between *absolute homelessness* and *relative homelessness*. Absolute homelessness refers to "individuals living on the street with no physical shelter of their own, including those who spend their nights in emergency shelters." Relative homelessness refers to "people living in spaces that do not meet the basic health and safety standards," which could include the lack of protection from then elements, access to safe drinking water, and sanitary living conditions ("Frequently Asked Questions about the City of Calgary's Biennial Count of Homeless Persons," July 2006, p. 3, The City of Calgary (online) <www.calgary.ca/docgallery/bu/cns/homelessness/faqhc_06.pdf> [hereinafter FAQ]). The City's biennial counts only includes those who are *absolutely* homeless.

The City's May 10, 2006 count revealed that 3,436 people in Calgary were homeless. 82% of homeless persons enumerated were staying in facilities, 5% were counted by service agencies, and 12% were living on the streets. The results also revealed that more males than females were homeless — males represented 78% of those counted. Individuals aged 25 to 44 accounted for 46% of the total counted. Caucasians made up the majority of persons counted, representing 68%, while 17% were Aboriginal,

-continued on page 6

No simple answers to complex questions

By Linda McKay-Panos
and
Brian Seaman

“Cancer runs in the family – it’s in the genes.” We’ve all heard that fateful statement, either about our own family or somebody’s we know. As the genetic links between some forms of cancer or other diseases keep being discovered, genes and the role they play in human health are assuming an increasingly higher profile in the public’s imagination.

But a number of questions arise along with the hopes raised by possible cures from genetic research. Questions such as:

1. Is access to adequate health care a basic human right?
2. Is freedom to procreate a basic human liberty?
3. Should access to health care include access to various forms of screening for genes that are linked to debilitating diseases or conditions?
4. Should all pregnant women undergo pre-natal screening for genetic mutations responsible for conditions like Down’s Syndrome, or just women older than 35 years?
5. Should our health care system find innovative ways to cover the cost of expensive genetic screening programmes?
6. What are the personal consequences for persons who are found to be carriers of genes that cause diseases like Huntington’s disease, cystic fibrosis, muscular dystrophy or any of the other thousands of identified conditions that have their origins in defects in a single gene?
7. To what extent do factors such as smoking or environmental pollution act as triggers for the defective genes that cause cancer, “cancer genes” which incidentally most if not all of us have?
8. When we use the term “defective gene” is there an underlying assumption

to go with that and does that assumption carry the inherent risk of developing into a subtle prejudice that will manifest overtly in decisions concerning how resources for health care are allocated?

Difficult questions, to be sure, and none of them should be seen as begging for simplistic answers. In fact, simple answers can lead to horrendous results.

The mass murder of hundreds of thousands of mentally challenged or physically disabled people during the Nazi regime in Germany is an obvious example of what can happen when a society is led to believe that some questions have simple answers, in this case, that some human beings are unworthy of life.

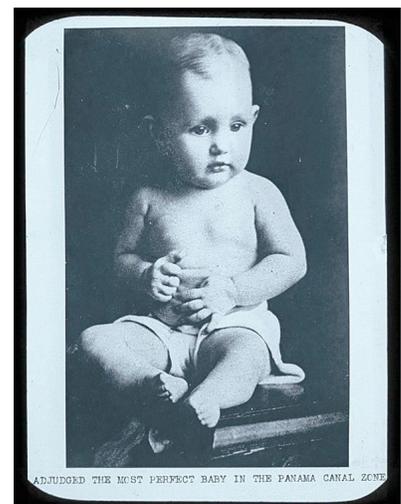
Many of us, however, may not know, or worse, may choose to ignore, that Nazi Germany drew inspiration for its eugenic policies from the state-sanctioned eugenics programmes in place in the United States throughout the period between the two world wars. Under sanction of law and with broad public support, tens of thousands of Americans were sterilized without their consent because they were deemed to be suffering from a variety of congenital diseases or conditions, including such vaguely defined, subjective conditions as “feeble-mindedness” or “moral degeneracy”.

Indeed, eugenics programmes based on the idea that the gene pool was in desperate need of improvement were common throughout what we call today the liberal democratic world, including Canada, where legally sanctioned sterilizations without consent were performed in Alberta as recently as the early 1970s.

Most contemporary scientists look back on those earlier times with a sense of appalled bewilderment. The 21st century opened with geneticists decoding the human genome. Genetic research over the past few decades has yielded the knowledge that all carbon-based life, including human, comprises DNA. Genetic research has also shown that all humans are genetically related with the variation in the genetic code among us being infinitesimally small.

The decent-minded and rational among us can only hope for a future when people will look back on the beat of our global village and wonder what all that fuss about pigmentation, language, ethnicity or religion was all about.

The Alberta Civil Liberties Research Centre is hoping to enhance understanding about genetics and human health through its One Origin, One Race, One Earth Conference being held November 15-17 in Calgary. For more information on the conference, and for a list of confirmed speakers, including Margaret Atwood, please visit: <http://www.aclrc.com/OneOrigin/>



Pushing the Boundaries Through Artistic and Scientific Discourse

By

Rose Geransar and Brian Seaman

Rose Geransar, Co-Chair of the One Origin Conference, is a Masters of Science Student at the University of Calgary.

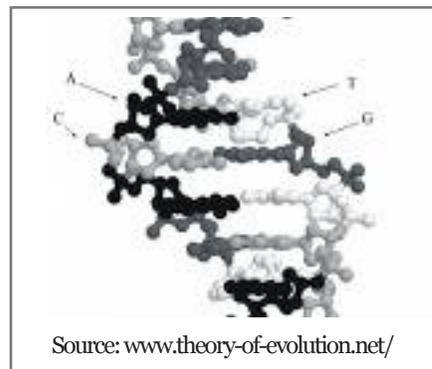
What do Frankenstein, Jurassic Park and a Canadian television series called *Regenesis* have in common? A mad scientist creating life in a lab, dinosaurs brought to life from ancient DNA, and recurring stories of genetic engineering and wombs to rent are all examples of how popular culture can stir the public imagination to look to the deeper issues behind the pursuit of science. That science fuels imagination would come as no surprise to Albert Einstein, who once said: "I am enough of an artist to draw freely upon my imagination. Imagination is more important than knowledge." In the view of arguably the greatest scientist of the 20th century, then, imagination also propels the progress of science.

Now, with an award-winning Canadian poet paired up with a University of Calgary geneticist to create "living poetry" using the genome of bacteria, you might say you've heard it all. Christian Bök, who teaches English at the University of Calgary, is currently working with a renowned geneticist named Stuart Kauffman. Bök will encipher a poem as a sequence of DNA and then Kauffman will implant it into the genome of a bacterium called *Deinococcus radiodurans*, an organism that can survive a thermonuclear blast and could be around when the sun explodes.

Scientists and bioethicists have recently been exploring the role of the arts as a way to engage people

in questions about science policy. However, the imaginations of artists and writers have always inspired the public fascination with science, as much through stories of hope as through tales driven by fear. The bleak future of *A Brave New World* and the chilling prospect of Nazis re-creating Hitler through cloning as set out in *The Boys From Brazil* illustrate the role of creative arts in using imagination to make real the limits of biology. They also suggest the ethical bounds beyond which a decent society ought not to venture. More recently, movies such as *GATTACA* or *The Island* have led us to question whether we want a world where our lives are pre-determined by our genes or where humans are created for spare organs for those rich enough to pay the price.

There are also many contemporary examples of creative public engagement in Canada. For example, scientists and artists have collaborated on a television series called *ReGenesis*. Set in the near future, this unique show features online science fact sheets and commentaries that explore the ethical and social issues underlying each episode. Genome British Columbia and other organizations have used Caryl Churchill's play *A Number* to introduce audiences to the lives of cloned human beings of the future. Discussions about the intrinsic value of human life, led by a science expert, follow productions of the play. Health Canada has even used theatre as a



Source: www.theory-of-evolution.net/

tool to engage Canadians in discussion when it was developing the new Assisted Reproduction Technologies Act. One such Health Canada project was a play called *Orchids*, written by an Ontario professor of obstetrics and gynecology named Jeff Nisker.

From a living poem to a day in the life of a clone, from live tissue sculptures to the end of the world as Margaret Atwood saw it in her disturbing, 2003 novel *Oryx and Crake*, the arts can be a profoundly significant means for us to seriously question the world we live in and ask what kind of a world we want for our children.

Margaret Atwood and Christian Bök will be on hand to present their views at the One Origin, One Race, One Earth Conference being held November 15-17 in Calgary. The event also features the Rosalind Franklin Art Exhibit that will display student art works inspired by genetic science from November 12 to 30, 2007 in the "Space", Faculty of Fine Arts, Dean's Office (U of C). The conference is open to the public and aims to enhance understanding about genetics and human health by involving diverse groups of individuals in dialogue and debate. For more information on the art exhibition or other conference events please visit <http://www.aclrc.com/OneOrigin/>.

- continued from page 3

and 9% were members of a visible minority. Aboriginals were over-represented in the count relative to the total number of Aboriginals in Calgary. A total of 145 families were counted as being homeless (a family was defined as a couple, a couple with one or more children, or a single adult with one or more children). The results also indicated that the number of homeless persons in Calgary was continuing to rise, having increased by 32% since 2004 ("Results of the 2006 Count of Homeless Persons in Calgary: Enumerated in Emergency and Transitional Facilities, by Service Agencies, and On the Streets- 2006 May 10," July 2006, The City of Calgary (online) <www.calgary.ca/docgallery/bu/cns/homelessness/2006_calgary_homeless_count_summary.pdf>).

A 2002 Calgary Homelessness Survey conducted by Helen Gardiner and Kathleen Cairns also examined the demographics of the then homeless population in Calgary. Twenty-six percent of all homeless individuals surveyed had a mental health problem and 69% reported a history of substance abuse. Thirty-two percent of the absolute homeless individuals had been homeless for more than one year but less than five, and 8% of the absolute homeless surveyed had been continually homeless for more than five years. Among the absolute homeless, 50% were working full-time, part-time, or occasionally, while 28% of the relative homeless were working full-time, part-time, or occasionally ("Fast Facts #7: Facts and Stats on Homelessness and Affordable Housing," May 2007, pp. 3-4, The City of Calgary (online) <www.calgary.ca/docgallery/bu/cns/homelessness/ff-07_facts_stats_homelessness_affordable_housing.pdf>).

The situation of homeless people

in Canada appears not to have gone entirely unnoticed by the federal government. Between 2000 and 2003, the federal government signed affordable housing agreements with a number of territories and provinces promising to provide funding to help increase the supply of affordable housing. Several private members' bills have also been introduced in Parliament that seek to include a right to housing as a human right recognized in Canada's Bill of Rights. The most recent was introduced on May 1, 2006 (Bill C-242). In addition, Bill C-382, *An Act to provide for secure, adequate, accessible and affordable housing for Canadians*, provides:

"11. (1) Every individual who is homeless has a right to the immediate provision by public authorities of adequate, self-contained and appropriate housing.

(2) A hostel, emergency shelter or accommodation that provides only bed and breakfast is not adequate housing for the purposes of subsection (1)."

So, what will be considered to be adequate housing in Canada? The Caledon Institute of Social Policy provides definitions of the terms *affordable*, *suitable*, and *adequate* housing. As set out in Steve Pomeroy's October 2001 article "Toward a Comprehensive Affordable Housing Strategy for Canada," the Caledon Institute defines these terms as follows:

* affordable: the household is not paying more than 30 percent of its income for housing;

* suitable: the household has a sufficient number of bedrooms based on the family composition; and

*adequate: the household is safe, has basic plumbing, and is in a reasonable, habitable state of repair.

These criteria seem reasonable in light of Canada's standard of living and our climate. The Caledon Institute found that affordability of housing was the greatest problem in Canada. It suggests the causes are incomes that are too low and rents that are too high.

The lack of affordable housing is one of the main factors leading to homelessness, both absolute and relative. Thirty-four percent of all renters and 10% of all owners in Calgary spend more than 30% of their income on shelter. This puts them at an increased risk of homelessness. In 2006, the average market rent in Calgary was \$618 for a bachelor apartment, \$781 for a one-bedroom apartment, \$962 for a two-bedroom apartment, and \$887 for an apartment with three bedrooms or more. An individual who works 40 hours per week for 52 weeks per year at Alberta's minimum wage of \$8.00 per hour can only afford a monthly rent of \$384 (sic) (which is 30% of their gross monthly income). Such an individual would have a difficult time finding affordable housing ("Fast Facts #4: Affordable Housing and Homelessness," January 2002, p. 1, The City of Calgary (online) <www.calgary.ca/docgallery/bu/cns/homelessness/ff-04_affordable_housing_homelessness.pdf>).

As the price of housing soars, the issue of rent control is under great debate in Alberta. The average rate of rent increase in Calgary was 18 % over the past year — the highest in Canada (Kelly Criderman, "Calgary leads in rent increases", Calgary Herald, February 13, 2007, Canada.com (online) <www.canada.com>). Changes have recently been made to the *Alberta Residential Tenancies Act* in an attempt to address the lack of tenants' rights. Such changes include limiting rent increases to once per year, and requiring landlords to give one year's notice before converting a rental unit to a condominium ("Changes to landlord-tenant legislation to help stabilize rental market", May 2, 2007,

-continued on page 7

- continued from page 6

Government of Alberta (online) <www.gov.ab.ca/acn/200705/213854E1A71DE-F46F-168C-6BA08DED47794A49.html>; Bill 34: "Tenancies Statutes Amendment Act, 2007" (Snelgrove), Legislative Assembly of Alberta (online) www.assembly.ab.ca/net/index.aspx?p=bills_status&selectbill=034; *Residential Tenancies Ministerial Amendment Regulation*).

Despite these changes, it is feared that not enough has been done to address the issue of affordable housing, and loopholes in the legislation may even make the situation worse. Although one year's notice is required to convert a rental unit to a condominium, there is no rent control. Thus, landlords can increase the rent as much as they want (as long as it is done only once per year), effectively forcing tenants to leave. If this happens, they do not need to give any notice about condominium conversion. Rent increases in Calgary in recent months have been reported to be as high as \$1,000 per month (Jason Fekete, "Displaced renters storm Tory office: Premier wants to hear stories of housing crisis" *Calgary Herald* May 9, 2007).

In recognition of the severity of the problem, many people would like to be able to point to legislation as support for the assertion that we have the right to adequate housing in Canada. What are our human rights to affordable, sufficient, and adequate housing? This right and similar standard of living rights are well articulated in the international sphere. Article 25(1) of the *Universal Declaration of Human Rights* says that, "Everyone has the right to a standard of living adequate for health and well-being ... including food, clothing, housing." Article 11 of the *International Covenant on Economic, Social and Cultural Rights* states that everyone has the right to an adequate standard of living for

himself and his family, including adequate food, clothing, and housing, and to the continuous improvement of living conditions. Canada has signed and is bound by this United Nations Convention. Our government must report on a regular basis to the United Nations Committee on Economic, Social and Cultural Rights (the Committee) about compliance with all of the provisions in this Convention. The Committee then responds to this report. In its concluding observations in 1998, the Committee said, "The Committee is gravely concerned that such a wealthy country as Canada has allowed the problem of homelessness and inadequate housing to grow to such proportions that the mayors of Canada's largest cities have now declared homelessness a national disaster." This Covenant and recommendations by the United Nations that Canada address the homeless situation have been extensively quoted in the previously mentioned private member's Bill C-382.

One of the drawbacks of international law is that the remedies it provides are elusive to many everyday people. While the force of international opinion will probably have an impact on Canadian federal and provincial governments over time, what can individual Canadians do now to assert an immediate right to affordable, sufficient, and adequate housing? And how can they obtain a remedy in Canada? Two main sources of human rights protection in Canadian law are the *Charter of Rights and Freedoms* (the *Charter*) and the human rights legislation found in all provinces. If people experience discrimination in housing — that is, they are turned away from rental accommodation because of their source of income, race, religion, and the like — they can complain to the human rights commission in their province and

obtain a remedy.

Anti-discrimination legislation does therefore support the right to housing in situations where the problem centres on discrimination. However, what if the problem is not one of discrimination but one of poverty? Can we assert our right to housing using the *Charter*? Can we argue that the government has an obligation to provide an adequate standard of living, which includes adequate housing? Section 7 of the *Charter* guarantees our right to security of the person and subsection 15(1) protects us from discrimination. Nonetheless, translating these provisions into a right to housing is far from certain. There are very few reported decisions dealing with whether Canadians have the right to housing under the *Charter*. Any possible right to housing under the *Charter* is therefore, at best, in an embryonic stage.

Section 7 of the *Charter* guarantees the right to life, liberty, and security of the person. As the United Nations Human Rights Commission found, homelessness can affect these rights. However, the Supreme Court of Canada has been unwilling to state that section 7 includes the right to adequate housing. In 1989 Justice La Forest in *Andrews v. Law Society of British Columbia* stated that, "[m]uch economic and social policy-making is simply beyond the institutional competence of the courts: their role is to protect against incursions on fundamental values, not to second-guess policy decisions." Comments such as these suggest that it will continue to be difficult for claimants to succeed with claims for economic and social rights under the *Charter*.

In the 2003 decision of *Gosselin v. Quebec*, the Supreme Court of Canada was asked to rule on whether sections 7 and 15 of the *Charter*

-continued on page 8

-continued from page 7

are violated when a person receives inadequate welfare benefits, resulting in the deprivation of their basic needs. The ruling on section 7 is of particular interest to the right to adequate housing. Seven of the nine Justices found that nothing in the jurisprudence on section 7 suggested that it placed positive obligations on the state, such as the obligation to guarantee adequate living standards. Thus, in the circumstances of the case, there was no violation of the right to life, liberty, and security of the person that warranted a novel application of section 7. However, two dissenting Justices held that section 7 imposes a positive obligation on the state to offer basic protection for the life, liberty, and security of its citizens. Although the Court was not addressing the issue of the right to housing, this decision perhaps sheds some light on the position the Court might take if faced with a right to housing case. However, it remains to be seen whether section 7 can be helpful in asserting a right to adequate housing.

In the 1990s, when Canadians were looking at amending our Constitution, some human rights advocates argued that economic and social rights should be clearly spelled out in the *Charter*, leaving no doubt about our basic rights to an adequate standard of living, housing, and the like. However, the negotiations failed and our Constitution remains unchanged. Sometimes, human rights *law* does not keep up with what many of us would agree are human rights. At the moment, Canadian law has not yet developed sufficiently for it to be possible to strongly assert that we have a recognizable legal right to adequate housing. However, the international community has made it clear that this right exists, and that it should be recognized in Canada. Many would say that the Canadian jurisprudence needs to catch up.



ACLRC's 25th Anniversary

Come Celebrate with Us!

*We are looking for former staff, volunteers
and friends of ACLRC to help celebrate our*

anniversary on:

Wednesday, December 5, 2007

2:30 p.m. to 6:00 p.m.

Rozsa Centre (Husky Great Hall)

University of Calgary

~International Human Rights Day~

~Civil Liberties Award~

~Panel Discussion~

~Entertainment~

~Refreshments~

Please R.S.V.P. by November 23, 2007

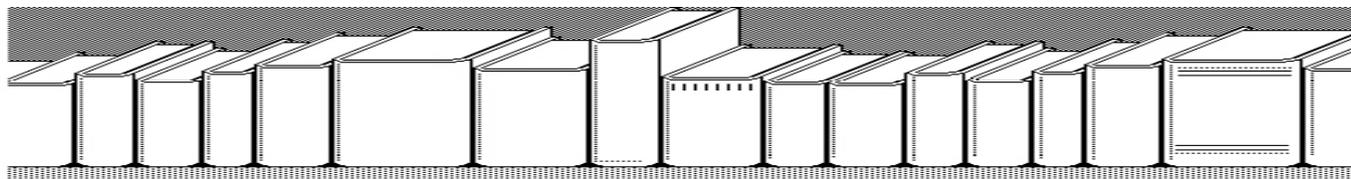
to aclrc@ucalgary.ca or 220-2505

Share this invite with other friends

of ACLRC!



Research Centre Publications



Annotation of the Human Rights, Citizenship and Multicultural Education Act (2007 Edition). This publication contains the full text of the Alberta Act, as amended, by-laws, regulations, current caselaw and panel decisions. Includes table of concordance, glossary and other resources. 176 pages. 2007. ISBN# 1-896225-54-3. (\$25 + \$5 s/h)

Barriers and Borders: How Canada Manages National Security Through Immigration Legislation. Since 2001, many countries have rushed to implement new immigration and anti-terrorism legislation in the name of increased security, but often without due consideration to their effects on human rights and civil liberties. This study examines Canadian immigration law and the security certificate process in light of the new S.C.C. decision in Charkaoui. 65+ pages 2007. ISBN# 1-896225-31-4 (\$15 + \$5 s/h)

Anti- Racism Resource Kit. This Resource Kit is part the Anti-Racism Curriculum and Mentoring Project, and connected specifically to curriculum part of the project. The intent of the project is to promote and facilitate anti-racism education, at all levels of the formal education system. The goal is to ensure that every student receives appropriate and effective anti-racism education and support to address personal experiences of racism and enhance safety in self-affirming and productive ways. Includes books, websites and videos for teachers K-12. 130+ pages 2007. ISBN# 1-896225-50-0 (\$25 + \$5 s/h)

Techno-tonomy: Privacy, Autonomy and Technology in a Networked World. Teacher and student material on the nature and value of identity, anonymity and authentication, the constitutional and legal aspects of anonymity and the new technologies which have changed our world. Includes a CD-Rom with interactive student activities, handouts and overheads. Suitable for grade 9 and up. 76+ pages 2007. ISBN # 1-896225-48-9 (\$25 + \$5 s/h).

Refugees and Discrimination: Teacher and Student materials. Background information for teachers, and student activities on refugees in Canada. Includes applicable laws; suitable for secondary school students. 190+ pages. 2006. ISBN# 1-896225-43-8 (\$35 + \$5 s/h).

Family Law: Don't Get Lost in the Shuffle: Adult Handbook. Answers questions that young people have about separation and divorce. Intended to assist adults. Can be used alone or with Don't Get Lost in the Shuffle Cards which may be obtained from CLERC at 207-9029. 32 pages. 2005. ISBN# 1-896225-39-X (\$7 + \$3 s/h)

Adoption Handbook. Answers questions that young people have about adoption. Intended to assist adults. 28 pages. 2006. ISBN# 1-896225-41-1 (\$7 + \$3 s/h)

Religion in Public School— The Alberta Situation. Examines the unique situation in Alberta regarding constitutional protection for prayers in public schools. Looks at this issue in the context of the Charter of Rights guarantee of freedom of religion, which includes freedom from religion. 48 pages. 2004. ISBN# 1-896225-29-2. (\$12 + \$3 s/h)

Butt Out: Smokers and Anti-Smoking Bylaws in Alberta. Despite the fact that several municipalities have passed by-laws that restrict or prohibit smoking in public places, a number of persons continue to smoke. Examines the possible challenges to anti-smoking by-laws, the cases that have involved these challenges and whether there may be an argument that smoking is a disability under the Charter. 38 pages. 2004. ISBN #1-896225-33-0. (\$10 + \$3 s/h)

...but words DO hurt: Stories from GLBTT Youth Video. 30 mins. Young people who identify as GLBTT talk about identity issues, the media, coming out, their family, their experiences in school and their hopes for the future. Some of the biggest obstacles they face include discrimination and name-calling and they share some of these experiences. Includes guidebook. 2005. Order from Comm Media, buymedia@ucalgary.ca ; tel 403-220-3722.

Hopes and Dreams: Stories from Young Refugees Video (25 mins. and guidebook 60+ pages) 2002. ISBN #1-896225-38-1. Order from

Please contact the office or visit aclrc.com for a complete resource list.

ORDER FORM

Please send me the publications indicated:

___ *Annotation of the Human Rights, Citizenship and Multiculturalism Act 2007* \$25 + \$5 s/h

___ *Barriers and Borders* \$15 + \$5 s/h

___ *Anti-Racism Resource Kit* \$25 + \$5 s/h

___ *Techno-tonomy: Privacy, Autonomy and Technology in a Networked World* \$25 + \$5 s/h

___ *Refugees and Discrimination* \$35 + \$5 s/h

___ *Family Law: Don't Get Lost in the Shuffle Handbook* \$7 + \$3 s/h

___ *Adoption Handbook* \$7 + \$3 s/h

___ *Religion in Public School-The Alberta Situation* \$12 + 3 s/h

___ *Butt Out: Smokers and Anti-smoking Bylaws in Alberta* \$10 + \$3 s/h

___ *Rights and Responsibilities in Canada: Young Offenders.* \$13 + \$3 s/h

___ *Privacy Handbook for Canadians:*

___ *Discrimination, Human Rights and You—Student Guide—Junior High* \$10 + \$3 s/h

___ *Discrimination, Human Rights and You—Video.* \$22 + \$3 s/h

___ *Harassment and What You Can Do About It* (video). \$22 + \$3 s/h

___ *The Rights Angle: Human Rights Education Using the Newspaper.* \$35 + \$5 s/h

___ *United Nations Convention on the Rights of the Child: How Does Alberta's Legislation Measure Up?* \$20 + \$5 s/h

No shipping/handling charges for publications picked up at our office. No GST is payable. Please complete the form on reverse.

**“One Origin, One Race, One Earth:
Genetics, Human Rights and the Next
Phase in Human Evolution”
November 15-17, 2007
University of Calgary**

BY BRIAN SEAMAN



Conference planning has entered the final stretch with the conference now only weeks away. Our fundraising has concluded, with over \$100,000 in grants or donations secured and received. Registrations are proceeding steadily too, with many registrants; the majority of these are non-Albertan registrants so our focus now is on encouraging the University of Calgary community and the general public in Calgary and the rest of Alberta to attend.

With regard to advance advertising and publicity, we have retained the services of two media consultants to assist us with getting the message out. For our campaign external to the U of C, we have retained TroyMedia Consulting, a media production and promotion service owned by a veteran ex-journalist named Gary Slwyuchuk. He has edited two commentaries for us and the first commentary has been circulated to hundreds of media outlets on his contact list. Locally, it appeared in the Calgary Herald on Sept. 11/07. The second commentary will be circulated the last week of September. For promoting the conference to the U of C community, and to students in particular, we’ve hired a U of C student named Deanna Cameron Dubuque who runs her own graphic and media consulting company. Deanna will also act as our media liaison officer for the conference itself, so, in essence, she will be our press officer, responsible for arranging and managing media interviews both with conference organizers and with our speakers.

The process of reviewing abstracts and selecting those for presentation has concluded and a final programme is now up on the conference website: <http://www.aclrc.com/OneOrigin/>. We’re currently talking with a major New Zealand bioethicist and neurosurgeon named Grant Gillett, who is going to be in town anyway during the conference at the invitation of Glenys Godlovitch, lawyer, bioethicist and chair of the conjoint research ethics board for the CHR and the U of C. The medical school is paying for his trip and, because of Dr. Godlovitch’s close connection to our conference co-chair, Rose Geransar (she’s her Ph.D. thesis adviser), has kindly made Dr. Gillett available to One Origin in any capacity we wish. In addition to presenting a paper at the conference, Dr. Gillett is currently in consultation with Rose Geransar, Brian Seaman and Dr. Godlovitch, working out the details of a moderated discussion that will take place on opening night between Dr. Gillett and our opening keynote speaker, Dr. Greg Stock, a renowned U.S. biophysicist. Once the details of this discussion have been worked out, information will be posted on the conference website.

I want to support the Research Centre with a donation of:

Friend \$20___ Dear Friend \$50___ Dear, Dear Friend \$100___ Benefactor \$250___ Patron \$500___ Other \$_____

(All donations acknowledged with tax receipt. Reg. #11878 0568 RR0001)

Send me the publications checked on reverse.

I am interested in becoming a Research Centre volunteer.

I want to subscribe to *Centrepiece*. A cheque or money order for \$10.00 is enclosed (1 year subscription).

(Note: All donors and volunteers receive a complimentary subscription to Centrepiece.)

Cheque or money order made out to ACLRC

Visa or Mastercard (check one) Account number.

Expiry date.

Name of person on card: Signature.

Name:

Address:

Postal Code: Telephone:

ALBERTA CIVIL LIBERTIES RESEARCH CENTRE
c/o UNIVERSITY OF CALGARY, FACULTY OF LAW
2500 UNIVERSITY DR. N.W.
Calgary, Alberta T2N 1N4