

CENTRE FOR HUMAN RIGHTS RESEARCH, UNIVERSITY OF MANITOBA
Annual report to Senate Committee on University Research
2015-16

Interdisciplinary (Type II) Research Centre
Report prepared by Helen Fallding, Manager

MISSION STATEMENT

The Centre for Human Rights Research brings together people and organizations – both within and outside the University of Manitoba – to enhance interdisciplinary and collaborative research capacity, create richer training opportunities for students, and facilitate the fusion of research-driven knowledge, public policy and intellectual debate on issues related to human rights and social justice. The centre aims to facilitate research that is both academically rigorous and accessible to the public.

Objectives and functions: remain the same as when the centre was established in 2012.

DIRECTOR: Prof. Karen Busby



Prof. Karen Busby's research interests include laws connected to sex, sexuality, and violence and on the human right to safe drinking water. Her current research is on human rights laws affecting lesbian, gay, bi-sexual and trans-identified (LGBT) people; sex work; surrogacy contracts; [religious freedom](#) and child protection laws. She is also the principal investigator on a \$200,000 partnership development grant from the Social Sciences and Humanities Research Council of Canada on the [right to clean water in First Nations](#).

Busby was an active participant in litigation and law reform efforts on sexual assault, legal recognition of same-sex relationships, and challenges to [laws on bawdy houses](#)/indecency, age of consent and gender identity. She has worked on numerous research projects on gendered violence, including sexual assault, girls involved in prostitution, sexual expression, and the implementation of civil domestic violence legislation. Prof. Busby appeared as counsel in the Supreme Court of Canada in the *Little Sisters* case about the discriminatory treatment of LGBT bookstores by Canada Customs. She teaches constitutional law, administrative law, gender and the law, and a multi-disciplinary graduate-level seminar course on a current human rights topic.

Busby was a member the Women's Legal Education and Action Fund (LEAF) national legal committee from 1992-1997 and she remains on the LEAF Assisted Human Reproduction sub-committee and sexual assault case sub-committees. She also served on the board of Egale Canada (2003-08), a national organization representing LGBT folks. Prof. Busby was on the review panel established under Manitoba's Vulnerable Persons Living with Mental Disabilities Act from 2001-12. She served on the board of governors of the Winnipeg Art Gallery from 2000-2009.

Prof. Busby has received numerous awards recognizing her human rights work, including a YWCA Women of Distinction award, and awards from the Manitoba and Canadian bar associations. She was inducted in 2011 into the [Q \(Queer\) Hall of Fame](#) and, in 2015, Busby was awarded the University of Manitoba's [top teaching award](#).

PERSONNEL involved in work related to CHRR this year:

Faculty members¹	76 UM and 23 other
• 4 small grant recipients	
• 10 on advisory board	
• 7 other UM profs and 3 from other universities working on director's SSHRC partnership development grant	
• 25 other UM profs and 7 from other universities involved in NSERC H2O project	
• 2 other UM profs collaborating on research about the obligation to report child abuse	
• one prof in India collaborating on sex work research	
• 10 more UM profs working on Master of Human Rights proposal	
• 4 other UM profs/sessional instructors and 8 profs from other universities contributed to the human rights museum book	
• 7 other UM faculty collaborated on a research workshop on queer health	
• one other UM faculty member and 3 from other universities participated in a legal strategy workshop on First Nation drinking water rights	
• 6 other UM profs and one from another university gave presentations at CHRR events	
Postdoctoral fellows	3
Ph.D. students	12 UM and 3 others
• 8 UM (including one recipient of an emerging leader award) and 3 from other universities through H2O program	
• 3 at UM through director's partnership development grant	
• CHRR director on one dissertation committee	
Master's students	14 UM and 7 other
• 8 UM and 3 from another university through H2O program	
• one at UM and 4 at another university through partnership development grant	
• 2 on small grant projects	
• one to podcast/summarize seminar series	
• CHRR director supervising one thesis and on another thesis committee	
Law students	22
• 3 summer research assistants (one received a UM emerging leader award)	
• one year-round part-time for Speakers Bureau	
▪ plus 12 occasional presenters	
• one work-study research assistant	
• three short-term research assistants	
• CHRR director supervising 2 human rights research papers	

¹ The range of involvement varies widely, with major engagement by Busby (50% of her workload), Law's Craft (18%), Agriculture's Farenhorst (15%), and Arts professors Muller (15%), Starzyk (8%), Woolford (3%) and Desmarais. Note that the professors listed above as involved with CHRR this year are not all formal members and some formal members were not active this year.

Undergraduate students	9 UM and 4 other
• 6 UM and 4 others through H2O program	
• 3 through partnership development grant	
Technical support	1
• through Robson Hall	
Administrative, Secretarial	4
• manager (full-time)	
• H2O project co-ordinator (full-time)	
• office assistant (20 hours/week)	
• Anishinaabe gathering co-ordinator (casual)	
Community partners	
• Active partners include a dozen First Nations in Manitoba and Ontario, Manitoba Keewatinowi Okimakanak, the Public Interest Law Centre, the Office of the Children's Advocate, the First Nations Health and Social Secretariat of Manitoba and the International Institute for Sustainable Development.	

ACADEMIC CONTRIBUTIONS

Academic publications

Karen Busby, “All manner of wickedness abounds: reconciling queer rights and religious rights,” in *Human Rights: Current Issues and Controversies*, ed. Gordon DiGiacomo (Toronto: University of Toronto Press, 2016) (Refereed collection.)

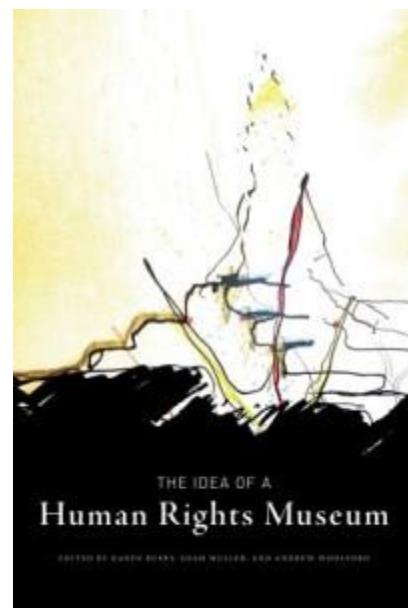
Karen Busby, “The Politics of Religious Diversity: Can Legal Principles Advance Cooperation?” in *Global Cooperation through Cultural Diversity: Remaking Democracy?* ed. Jan Aart Scholte (Duisburg: Centre for Global Cooperation Research, 2015)

Karen Busby, Adam Muller and Andrew Woolford, eds., *The Idea of a Human Rights Museum* (University of Manitoba Press, 2015). (Refereed collection.)

Andrew Woolford, Jeff Benvenuto and Alexander Hinton, eds., *Colonial Genocide in Indigenous North America* (Durham, NC: Duke University Press, 2014). (Refereed collection.)

Karen Busby, ‘Sex Was in the Air:’ Pernicious Myths and Other Problems with Sexual Violence Prosecutions” in *Locating Law: Race/Class/Gender/Sexuality Connections*, 3rd edition, ed. Elizabeth Comack (Halifax and Winnipeg: Fernwood Publishing, 2014). (Refereed collection.)

Karen Busby and Delaney Vun, “Revisiting the Handmaid’s Tale: Feminist Theory Meets Empirical Research on Surrogate



Mothers,” reprinted in *[Persons and Property in Private Law](#)*, 2nd edition, ed. Brettel Dawson (Concord, Ont.: Captus Press, 2013). (Refereed collection).

Gary Raven, *[The Seven Teachings and More](#)* (Winnipeg: KIND Publishing, 2013).

Karen Busby, “Canada: Halalt First Nation,” in *[The Human Rights to Water and Sanitation in Courts Worldwide](#)*, (WaterLex and WASH United, 2014)

Karen Busby, “‘Providing Essential Services of Reasonable Quality to All Canadians’: Understanding Section 36(1)(c) of the *Constitution Act, 1982*,” *Review of Constitutional Studies* 20(2) (2016): 191-212. (Refereed)

Joshua Shaw, “De-Recognition of Disability: Canadian Parens Patriae Jurisdiction and Sterilization,” *Windsor Review of Legal and Social Issues* 36 (2015): 147-174. (Refereed)

Brenda Elias, Karen Busby and Pat Martens, “[One little, too little](#): Counting Canada’s Indigenous people for improved health reporting,” *Social Science & Medicine* 138 (2015): 179–186. (Refereed)

Karen Busby, “On Democracy and Dialogue at the Canadian Museum for Human Rights,” *Journal of Parliamentary and Political Law* 9, 1 (2015): 147-152. (Refereed)

Karen Busby and Susan Drummond, “[Editorial](#),” *Canadian Journal of Women and the Law/Revue Femmes et Droit* 25, 2 (2013): i-iv. (Refereed)

Karen Busby, “[Of Surrogate Mother Born](#): Parentage Determinations in Canada and Elsewhere,” *Canadian Journal of Women and the Law/Revue Femmes et Droit* 25, 2 (2013): 284-314. (Refereed)

Karen Busby, “[Every Breath You Take](#): Erotic Asphyxiation, Vengeful Wives and Other Enduring Myths In Spousal Sexual Assault Prosecutions,” *Canadian Journal of Women and the Law/Revue Femmes et Droit* 24, 2 (2012): 328-358. (Refereed)

Karen Busby, “[Discussed, reformulated and enriched many times](#): The Supreme Court of Canada’s Equality Jurisprudence,” Canadian Bar Association conference proceedings (2014).

Colin Bonnycastle, “The Right to Clean Water in First Nations: The Photovoice Project” report (2015).

Karen Busby and Sara Mahboob, “[Influences on Young Muslim Women in Winnipeg](#): Preliminary Report on Key Informant Interviews” (2014).

Ashley Edson and Cathy Rocke, “Racism: Indigenous and Non-Indigenous Relationship in Canada.” (Undergraduate curriculum, 2015)

Newspaper columns

Lori Wilkinson, “[Gates to prosperity](#): Welcoming Syrian refugees fuels economy,” *Winnipeg Free Press*, 19 February 2016.

Karen Busby, “[Tories' tip line: playing on fears](#),” *Winnipeg Free Press*, 6 October 2015.

Karen Busby, “[Could Cindy Gladue have consented to what killed her?](#)” *Winnipeg Free Press*, 8 April 2015.

Karen Busby, “[Prejudice in the court](#),” *Winnipeg Free Press*, 3 March 2015, A7.

Karen Busby, “[The limits of blasphemy](#),” *Winnipeg Free Press*, 26 January 2015, A7.

Aimée Craft, “We have nowhere safe to go: [Manitoba should support an indigenous-led inquiry into murdered and missing](#),” *Winnipeg Free Press*, 18 December 2014, A15.

Sarah Teetzel, “[Transgender athletes deserve support and respect](#),” *Winnipeg Free Press*, 17 December 2014, A9.

Karen Busby, “[Case shows the perils of being a woman](#),” *Winnipeg Free Press*, 22 November 2014, A17.

Karen Busby, “[The cool, not cool in BDSM activity](#),” *Winnipeg Free Press*, 6 November 2014, A11.

Sarah Teetzel, “[No to sex-tests of female Olympians](#),” *Winnipeg Free Press*, 6 February 2014, A10.

Karen Busby, “[Sex-trade workers: protect, don't arrest](#),” *Winnipeg Free Press*, 21 December 2013, A17.

Mary Shariff, “[Assisted suicide – what next?](#)” *Winnipeg Free Press*, 15 October 2013.

Karen Busby, “[First Nations water act doomed?](#)” *Winnipeg Free Press*, 26 June 2013, A9.

Karen Busby, “[Manitoba could follow B.C. on surrogacy issue](#),” *Winnipeg Free Press*, 9 May 2013, A15.

Creative works

[Cherishing Water, Claiming Health](#): *Water as a Holistic Health Right*, 2014. (30-minute video)

Directed by Dr. Warren Cariou

Edited by Andrew Eyer

Camera Operators: Mark Neufeld and Teddy Zegeye-Gebrehiwot



Jerome Cranston and Elise Ahrens-Townsend, [You Only Need Feet to Walk: A Look Inside the Barefoot Teacher Training Program](#), 2013. (short video)

Jerome Cranston and Elise Ahrens-Townsend, [The Brickfield Schools: The Nexus of Education and Child Labour](#), 2013. (short video, featured at University Council for Educational Administration's 2014 film festival in Washington)

Jerome Cranston and Elise Ahrens-Townsend, *A Journey to a Santal School: A Way Forward for the Adavasi in India*, 2013. (short video)

DEGREES (past academic year)

Ahmed Oyegunle, MNRM, *Solid waste management practices in two northern Manitoba first nations communities: community perspectives on the issues and solution*, supervisor Dr. Shirley Thompson.

Matthew Quesnel, *Increasing openness to outgroup members' persuasive appeals*, supervisor Dr. Jacquie Vorauer.

OTHER SIGNIFICANT ACTIVITIES, 2015-16

- Second annual [First Nation water rights research conference](#).
- Four-day outdoor [Anishinaabe Nibi \(water\) gathering](#) of 140 people in Whiteshell.
- Research workshops on [clean water litigation](#) (national) and [queer health](#) (local).
 - Co-ordinated external review of proposed Master of Human Rights program, in collaboration with Dr. Annette Desmarais, Canada Research Chair in Human Rights, Social Justice and Food Sovereignty, and genocide scholar Dr. Adam Muller.
 - Critical Conversations seminar series on the [Idea of a Human Rights Museum](#) (plus more than 3,000 hits on the web page)
 - [Student Speakers Bureau](#)
- Co-hosted [Visionary Conversation on refugees](#).
- Book launch for the first independent book on the Canadian Museum for Human Rights.
- Networking meeting for social justice researchers at U of M.
- Hosted followup workshop for female researchers on writing editorials and a meeting of law professors with the new chief commissioner of the Canadian Human Rights Commission.
- Co-sponsored events on the concept of genocide and the legal profession's contribution to sexual violence.
- At least 37 invited local, national and [international presentations](#) by faculty, staff and students about CHRR projects to a combined audience of almost 1,800.
- At least five invited conference posters on CHRR-related research.
- Director became a regular [online columnist](#) for *Canadian Lawyer* magazine.
- Director is an active member of the research advisory committee for Research Manitoba.
- The director and other CHRR-supported researchers were quoted in or wrote about 70 print and broadcast news stories about human rights issues, including the newspaper columns listed above.

A few other examples:

- [Setting the record straight on the TRC](#)
- [CBC creates a database of Missing and Murdered Indigenous Women](#)
- [Flight seating spurs dispute over religious beliefs & civil rights](#)
- [Northern Manitoba First Nations gather evidence for drinking-water lawsuit](#)



Dr. Annette Desmarais

Prof. Aimée Craft



- The CHRR website was used by 15,824 different people this year. Twenty [videos](#) of CHRR seminars or lectures are posted online.
- After CHRR joined the Association of Human Rights Institutes, the CHRR director agreed to help organize its 2016 conference in Utrecht.

SOURCES OF FUNDING

External funds



- Dr. Annemieke Farenhorst, NSERC, [H2O program](#) for water and sanitation security in First Nations, \$1.65 million (2013-19)
- Prof. Karen Busby, SSHRC, the [Right to Clean Water in First Nations](#), \$200,000 (2013-16)
- Dr. Sarasu Thomas (India) and Prof. Karen Busby, Shastri Indo-Canadian Institute, Sex work laws in India and Canada, \$12,000 (2015-17)
- Aimée Craft and Prof. Karen Busby, anonymous donor, Anishinaabe water law, \$9,800 (2013-16)

Dr. Annemieke Farenhorst



CHRR also supported this project:

- Dr. Andrew Woolford, SSHRC, [Embodying Empathy](#), \$195,657 (2014-17)

Endowment or trust income

- Robson Hall endowment fund, \$2,800 for student Speakers Bureau.
- No income will be disbursed from the CHRR endowment fund (currently valued at \$14,092) until the capital is closer to the target of \$3 million.

University support

- \$189,218 operating funds + \$5,450 carried over from 2014-15 + \$1,700 from Career Services to support work-study research assistant + \$1,323 from Jarislowsky Chair for research assistant on Muslim women project = \$197,691 for core operations
- \$113,000: H2O program salary/student support from VP research, Grad Studies and Agriculture
- \$25,000: University Collaborative Research Program for interdisciplinary research on the obligation to report child abuse.
- In-kind support from Law, including maintenance of three desktop computers and a laptop, two phones, photocopying, office supplies, communications and payroll assistance.
- Space in Robson Hall: one double office and an open area, totaling 57 square metres, beyond the office the director is entitled to as a professor.

EXPENSES 2015-16

Salaries:

Staff salaries & teaching release	\$139,917
Student research assistants	\$ 6,751
Benefits	<u>\$ 26,634</u>
Total salaries	\$173,302

Other:

Small grants to researchers	\$ 8,000
Travel & hospitality	\$ 513
Supplies	\$ 464
Printing	<u>\$ 179</u>
Total non-salary	\$ 9,156

Total operating expenses **\$182,458** (\$15,234 carried over to 2016/17)

FINANCIAL STABILITY

- The centre's non-salary expenses were unusually low this year because so many activities were fundable by research grants. This is unlikely to continue as the centre expands into newer research areas not yet funded by large grants.
- Research grant funds will help the CHRR survive a further 3% budget cut this year. However, the research centre will need to cancel its small grants program and reduce programming within a couple of years unless future research grants include cost recovery for staff time – something many funders do not allow. Retrenchment would be unfortunate at a time when Winnipeg is striving to become an internationally recognized centre for human rights research and education.
- An early announcement by U of M's finance department on whether surplus operating funds will be retained in 2017-18 and future years would help immensely with planning.
- The university's Donor Relations department has the potential to raise endowment funds that could give CHRR long-term stability. However, there are not yet any specific commitments towards CHRR operating costs, as the focus during the capital campaign has shifted to funding the proposed Master of Human Rights program.

LOOKING AHEAD

Expected growth: CHRR continues to take a lead role in the establishment of a new Master of Human Rights degree program, which could dramatically increase both the number of research projects that might benefit from CHRR assistance and the number of graduate students looking for the kind of research experience CHRR provides. Meanwhile, CHRR's new membership in the Association of Human Rights Institutes is already expanding CHRR's international collaboration.

Difficulties foreseen: Overcoming the **silo mentality** and structure of faculties remains an issue for this inter-faculty research centre. Recent funding cuts have exacerbated the situation, with faculties fearing that any interfaculty initiative will be funded at the expense of their own budgets. Individual deans and department heads with a broader vision have helped us overcome these barriers in some instances. It will help if the university continues to remove structural barriers to collaboration and to set aside funds for inter-faculty initiatives that support the university's strategic priorities.