

CENTRE FOR HUMAN RIGHTS RESEARCH, UNIVERSITY OF MANITOBA
Annual report to Senate Committee on University Research
2016-17

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. The centre's status was renewed by the university until Mar. 31, 2022 following a five-year review.

DIRECTOR: Prof. Karen Busby



Prof. Karen Busby's research interests include laws connected to sex, sexuality, violence and the human right to safe drinking water. Her current research is on human rights laws affecting lesbian, gay, bisexual and trans-identified (LGBT) people; sex work; surrogacy contracts; [religious freedom](#); and child protection. She also leads a team

working on the [right to clean water](#) in First Nations. Busby writes a [regular column](#) about human rights for *Canadian Lawyer*.

She was an active participant in litigation and law reform efforts on sexual assault, recognition of same-sex relationships, [bawdy houses](#)/indecentcy, age of consent and gender identity. 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 [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. 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 a Mental Disability Act from 2001-12. She served on the board of governors of the Winnipeg Art Gallery from 2000-2009. Busby delivers seminars to new administrative board members on fair procedures and is a member of Research Manitoba's research advisory committee.

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 into the [Q \(Queer\) Hall of Fame](#) in 2011 and was awarded the University of Manitoba's [top teaching award](#) in 2015.

PERSONNEL involved in work related to CHRR this year:

Faculty members¹ 54 UM (from 12 faculties) and 14 other

- 2 [small grant recipients](#)
- 10 on [advisory board](#)
- 7 other UM profs and 3 from other universities working on director's SSHRC partnership development grant
- 21 other UM profs and 10 from other universities involved in NSERC H2O project
- 5 other UM profs collaborated on research about the obligation to report child abuse
- one prof in India collaborating on sex work research
- 9 more profs developing Master of Human Rights proposal



Postdoctoral fellows 2

PhD students 11 UM and 4 others

- 9 UM and 3 from other universities through H2O program
- one at UM through director's partnership development grant
- CHRR director on one dissertation committee
- One student (at McGill) a co-author on the Muslim women project

Master's students 11 UM and 2 other

- 7 UM and 2 from another university through H2O program
- one for small grant project
- CHRR director supervised one thesis and on two other thesis committees

Law students 18

- 3 summer research assistants
- one year-round, part-time for Speakers Bureau, plus 10 occasional presenters
- one work-study research assistant
- one student is a co-author on the Muslim women's project
- supervised two independent research papers

Undergraduate students 12 UM and 1 other

- 8 UM and 1 at another university through H2O program
- one through partnership development grant and one through University Collaborative Research Program grant
- one on small grant project
- one work-study assistant

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%), Desmarais (10%) and Starzyk (8%). 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.

Administrative, Secretarial

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- manager (full-time)
- H2O project co-ordinator (full-time)
- office assistant (20 hours/week)

Community partners

Active partners include about 20 First Nations in Manitoba, Ontario and Saskatchewan; the Office of the Children's Advocate; the First Nations Health and Social Secretariat of Manitoba; Jerch Law and the International Institute for Sustainable Development.

ACADEMIC CONTRIBUTIONS

Books

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

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

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

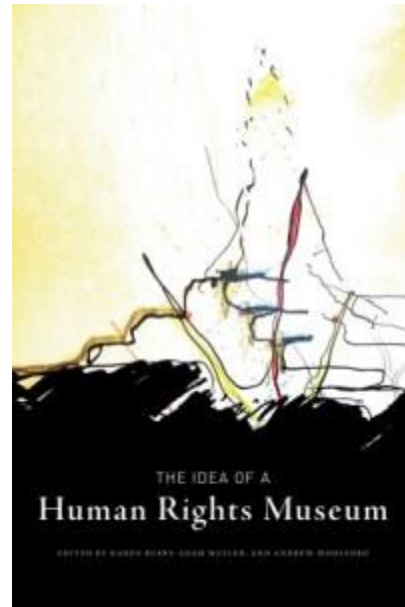
Chapters in refereed books

Aimée Craft, "Giving and Receiving Life from Anishinaabe Nibi Inaakonigewin (Our Water Law) Research" in *Methodological Challenges in Nature-Culture and Environmental History Research* (Routledge, 2017)

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)

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).

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. Brett Dawson (Concord, Ont.: Captus Press, 2013).



Other chapters

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

Refereed papers

Annemieke Farenhorst, Ru Li, Musarrat Jahan, Hein Min Tun, Ruidong Mi, Inoka Amarakoon, Ayush Kumar, Ehsan Khafipour, “Bacteria in drinking water sources of a First Nation reserve in Canada,” *Science of the Total Environment* 575 (1) (2017): 813–819

Karen Busby, “Troubling Waters: Recent Developments in Canada on International Law and the Right to Water and Sanitation,” *Canadian Journal of Human Rights* 5(1) (2016): 1-26.

Dinesh M. Fernando, Hein Min Tun, Jenna Poole, Rakesh Patidar, Ru Li, Ruidong Mi, Geethani E. A. Amarawansa, W. G. Dilantha Fernando, Ehsan Khafipour, Annemieke Farenhorst and Ayush Kumar, “Detection of Antibiotic Resistance Genes in Source and Drinking Water Samples from a First Nation Community in Canada,” *Applied and Environmental Microbiology* 82(15) (2016): 4767-4775.

Thomas Falkenberg, “Assessing Well-Being and Well-Becoming in Canadian Schools: Contributions of Children’s Rights Perspectives,” *Revue d’éducation/Education Review*, 5(1) (2016): 29-34.

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.

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

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.

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

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

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.

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.

Other papers

Karen Busby, "Tied Up in K/nots: The Criminalization of BDSM in Canada," *Law Matters* 41, 2 (2016): 23-26.

Melanie Janzen and Jerome Cranston, "Exploring the Past, Present and Future Stories of Human Rights," *Reflections* (Manitoba ASCD journal), Summer 2015.

Conference proceedings

Karen Busby, "Discussed, reformulated and enriched many times: The Supreme Court of Canada's Equality Jurisprudence," Canadian Bar Association conference proceedings (2014).

Reports

Colin Bonnycastle, "The Right to Clean Water in First Nations: The Photovoice Project, Nisichawayasihk Cree Nation" (2015).

Karen Busby and Sara Mahboob, "Influences on Young Muslim Women in Winnipeg: Preliminary Report on Key Informant Interviews" (2014).

Aimée Craft, "Anishinaabe Nibi Inaakonigewin Report: Reflecting the Water Laws Research Gathering conducted with Anishinaabe Elders June 20-23, 2013 at Roseau River, Manitoba" (2014).

Curriculum

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

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 Adivasi in India*, 2013. (short video)

Plain language research summaries

Katherine Starzyk, "Is water a human right?" (2016).

Diane Dupont, Morgan Vespa, Shianne McKay, Russell Anthony, Khan Islam, Raymond Harper and Melanie O'Gorman, "Water and Sanitation in First Nations Communities: Economic Analysis" (2016).



Dr. Katherine Starzyk

Laura Funk, "How do non-Indigenous Canadians understand access to safe water in First Nations communities?" (2015).

Karen Busby and Aimée Craft, "Water and Sanitation in First Nations Communities: Legal Principles" (2015).

Newspaper columns

Helen Fallding, "Standing up to the 'moron' in the White House," *Winnipeg Free Press*, 9 March 2017.

Karen Busby, "Winnipeg doing more for victims of sex assault," *Winnipeg Free Press*, 16 February 2017.

Shauna Labman, "Asylum no easy way to stay here," *Winnipeg Free Press*, 7 February 2017.

Melanie Janzen, "Canada's children deserve better," *Winnipeg Free Press*, 16 December 2016.

Karen Busby, "Duelling approaches to sex work," *Winnipeg Free Press*, 7 December 2016.

Madison Pearlman, “Ezra project brings Yazidis to Canada,” *Winnipeg Free Press*, 11 July 2016.

Ayush Kumar and Annemieke Farenhorst, “Water distribution systems failing,” *Winnipeg Free Press*, 15 June 2016.

Mary Shariff, “More questions on assisted dying,” *Winnipeg Free Press*, 8 June 2016.

Lorna Turnbull, “Making this a 'have' province,” *Winnipeg Free Press*, 17 May 2016.

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.

Dr. Annemieke Farenhorst



Prof. Aimée Craft



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.

Debra Parkes, “‘The hole’ is hell for prisoners,” Winnipeg Free Press, 21 March 2013.

Karen Busby, “Judge not lest ye be spanked,” Globe and Mail, 23 July 2012.

Karen Busby and Lorna Turnbull, “Humiliation of judge was avoidable,” Winnipeg Free Press, 21 June 2012.

GRADUATE DEGREES (past academic year)

Falilat Mobolaji (Beejay) Ibrahim, LL.M., *Spousal Abuse Laws and Policies in Canada and Nigeria: A Comparison*, advisor Prof. Karen Busby.

Vanja Karpisek, M.Sc., *Natural wetlands as additional wastewater treatment for phosphorus removal in First Nations communities in Manitoba*, advisors Dr. Nazim Cicek and Dr. Qiuyan Yuan.

Mahrooz Sabri, M.Sc., *Freeze/thaw treatment for sludge dewatering, nutrient recovery and biogas production in Northern Canadian Communities*, advisors Dr. Nazim Cicek and Dr. Qiuyan Yuan.

OTHER SIGNIFICANT ACTIVITIES, 2016-17

- Third annual [First Nation water rights research conference](#).
- Research consultation workshops with youth and service providers on the obligation to report adolescent sexual abuse.
- Prepared Master of Human Rights proposal for internal reviews and assisted with fundraising efforts, in collaboration with genocide scholar Dr. Adam Muller and Dr. Annette Desmarais, Canada Research Chair in Human Rights, Social Justice and Food Sovereignty.
- [Student Speakers Bureau](#)
- Co-sponsored symposium on Cultural Genocide in Comparative Perspective, human rights [photography art exhibit](#) and [Muslim human rights conference](#).
- At least 31 invited local, national and [international presentations](#) by faculty, staff and students about CHRR projects to a combined audience of almost 1,600.
- The director and other CHRR-supported researchers were quoted in or wrote more than 50 print and



Dr. Annette Desmarais



broadcast news stories about human rights issues, including the newspaper columns listed above. A few other examples:

- [A Museum About Rights, and a Legacy of Uncomfortable Canadian Truths](#) (*New York Times*)
- [Water ‘alarmingly’ tainted even on reserves with good treatment plants, study suggests](#)
- 27 [videos](#) of CHRR and [H2O presentations](#) are posted online.
- The [CHRR website](#) was rebuilt in WordPress following security issues with an obsolete Joomla platform.
- Government policy consultation by:
 - Health Canada on assisted human reproduction regulations
 - Justice Canada on sexual assault trials
 - Manitoba Justice on electronic monitoring of high-risk suspected domestic violence perpetrators and
 - Canadian Human Rights Commission on access to justice for Indigenous women.
- Director served on program committee for [Association of Human Rights Institutes conference](#), Utrecht University, Netherlands, September 2016.
- Hosted networking meetings with: human rights researchers from Université de Caen (France) and Hebrew University (Israel), and for visiting scholars attending the Pathways to Reconciliation conference.
- Assisted with hiring process for Canada Research Chair in Transnational Feminisms and Gender-based Violence and research co-ordinator for National Centre for Truth and Reconciliation

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 (2013-17)
- 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 (2013-17)

Endowment or trust income

- Robson Hall endowment fund, \$2,800 for student Speakers Bureau.
- No income will be disbursed from the CHRR endowment fund (valued at \$15,256) until the capital has grown to a more significant value.

University support

- \$205,002 operating funds + \$2,862 from Career Services for two work-study student assistants = \$207,864 for core operations
- \$152,000: 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 adolescent sexual abuse.
- \$2,000 from Legal Research Institute for sex work project
- In-kind support from Law, including two desktop computers and a laptop, two phones, photocopying, office supplies and website/communications assistance.
- Space in Robson Hall: one double office and an open area, totaling 57 square metres, beyond an office the director is already entitled to as a professor.

EXPENSES 2016-17

Salaries:

Staff salaries	\$122,487
Student research assistants	\$ 5,346
Benefits	<u>\$ 26,630</u>
Total salaries	\$154,463

Other:

Small grants to researchers	\$ 6,322
Supplies	\$ 2,551
Staff training	\$ 875
Printing	\$ 748
Travel & hospitality	\$ 692
Membership in international association	\$ 424
Event sponsorship	\$ 400
Audio-visual support	<u>\$ 276</u>
Total non-salary	\$ 12,288

Total operating expenses **\$166,751**

FINANCIAL STABILITY

- The centre's expenses were unusually low this year because many activities were fundable by research grants and some expenses were reduced during the director's sabbatical. Expenses will rise as the centre expands into newer research areas not yet funded by large grants.
- The surplus funds will be needed to cover inflation in future years when university funding is expected to drop or be frozen. If we spend the surplus funds now, we may not be able to cover salaries within a few years. This approach was taken in the five-year financial plan recently reviewed by the Senate Committee on University Research.
- The research centre will suspend its small grants program pending receipt of future research grants that include cost recovery for staff time – something many funders do not allow. Retrenchment is unfortunate at a time when Winnipeg is striving to become an internationally recognized centre for human rights research and education.
- The university's Donor Relations department has the potential to raise endowment funds that could give CHRR long-term stability. However, 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 establishing 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 research experience through CHRR. Meanwhile, CHRR is expanding its international collaborations and work on children's rights.

Difficulties foreseen: Overcoming the **silos 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 inter-faculty initiative will grow at their expense. 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.