

**CENTRE FOR HUMAN RIGHTS RESEARCH, UNIVERSITY OF MANITOBA**  
**Annual report to Senate Committee on University Research**  
**2017-18**

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 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 has been an active participant in litigation and law reform efforts on sexual assault, recognition of same-sex relationships, [bawdy houses](#)/indecency, age of consent, surrogacy and gender identity. 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 also delivers seminars to new administrative board members on fair procedure, is a member of Research Manitoba's research advisory committee and is co-editor of the University of Manitoba Press [Human Rights and Social Justice book series](#).

She 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. Busby was inducted into the [Q \(Queer\) Hall of Fame](#) in 2011, was awarded the University of Manitoba's [top teaching award](#) in 2015 and received a Senate 150<sup>th</sup> Anniversary Medal in 2017.

**PERSONNEL** involved in work related to CHRR this year:

**Faculty members**<sup>1</sup> 42 UM (from 10 faculties) and 13 other

- 10 on [advisory board](#)
- 21 other UM profs and 10 from other universities involved in NSERC-funded H2O project
- 5 other UM profs collaborated on research about the obligation to report child abuse
- one other UM prof and one from another university continuing right-to-water research
- one more prof and a dean helped develop Master of Human Rights proposal
- helping two other profs with new human rights research dissemination proposals
- one prof continuing small grant project
- one prof in India collaborating on sex work research and one visiting scholar from India



Dr. Adam Muller

**Postdoctoral fellows** 2

**PhD students** 12 UM and 2 others

- 10 UM and 2 from other universities through H2O program
- One handling CHRR social media
- CHRR director on one dissertation committee

**Master's students** 10 UM and 4 other

- 7 UM and 4 from other universities through H2O program
- One on a small grant project
- CHRR director supervising one thesis and on one other thesis committee

**JD students** 17

- three involved in Speakers Bureau planning, plus 8 other occasional presenters
- two [student interns](#): placed with Canadian Human Rights Commission and UM Legal Services
- two paid research assistants
- one submitting grant application for CHRR research project
- supervised another student for an independent research paper

**Undergraduate students** 7 UM and 3 other

- 6 UM and 3 at other universities through H2O program
- one work-study assistant

**Administrative, Secretarial** 3

- manager (full-time)
- H2O project co-ordinator (full-time)

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<sup>1</sup> The range of involvement varies widely, with major engagement by Busby (50% of her workload), Agriculture's Farenhorst (15%), and Arts professors Muller (15%), Desmarais (10%). 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.

- office assistant (20 hours/week)

### Community partners

Active partners included about 20 First Nations in Manitoba, Ontario and Saskatchewan; the Office of the Children’s Advocate; the Canadian Human Rights Commission; the First Nations Health and Social Secretariat of Manitoba; Jerch Law and the International Institute for Sustainable Development.

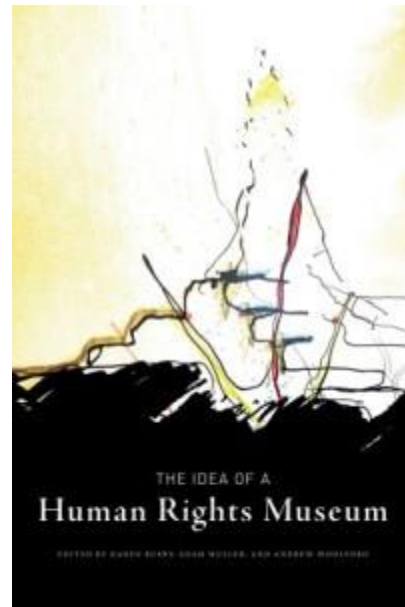
## ACADEMIC CONTRIBUTIONS

### 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

Adele Perry, “Drinking Dispossession: Shoal Lake 40, Winnipeg, and the Making of Canada” in *Surviving Canada: Indigenous Peoples Celebrate 150 Years of Betrayal*, eds. Kiera Ladner and Myra Tait (Winnipeg: ARP Books, 2017).

Karen Busby, “Legislated Ministerial Pre-Enactment Review for Fundamental Rights Compliance” in *Canada and the Rule of Law: 150 Years after Confederation*, (Ottawa: International Commission of Jurists Canada, 2017)

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

Katelin Neufeld, Danielle Gaucher, Katherine Starzyk and Gregory Boese, “How feeling connected to one’s own community can increase support for addressing injustice impacting outgroup communities,” *Group Processes and Intergroup Relations*, (2018): 1-19.

Melanie O’Gorman and Stephen Penner, “Water infrastructure and well-being among First Nations, Métis and Inuit individuals in Canada: what does the data tell us?” *S. Environ Sci Pollut Res* (2018): 1-18.

Jerome Cranston and Melanie Janzen, “A Critical Approach to Teaching About, Through, and For Human Rights.” *Canadian Journal for the Scholarship of Teaching and Learning*, 8(3) (2017), 2. <https://doi.org/10.5206/cjsotl-rcacea.2017.3.2>

Annemieke Farenhorst, Ru Li, Musarrat Jahan, Hein Min Tun, Ruidong Mi, Inoka Amarakoon, Ayush Kumar and 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.



Grad student Katelin Neufeld

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.

### **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)

## Videos

Katherine Starzyk, *Getting Canadians to care about First Nation water issues*, 2017. (short video)

Karen Busby, *Legal frameworks for helping solve First Nation water issues*, 2017. (short video)

*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)

## Plain language research summaries

Katherine Kidder, “Canada’s New Sex Work Laws: Know the Law and Stay Safe” (2018) pamphlet

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**

Aimée Craft, “Tina Fontaine’s story shows there is no real justice for Indigenous people in Canada,” *Globe and Mail*, 23 February 2018.

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.

Dr. Annemieke Farenhorst



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.

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.

### **GRADUATE DEGREES** (past academic year)

Johanna Theroux, MSc, *Characterizing turbidity and identifying sediment sources in Norway House Cree Nation drinking water using sediment fingerprinting*, advisors Dr. Annemieke Farenhorst and Dr. David Lobb

### **OTHER SIGNIFICANT ACTIVITIES, 2017-18**

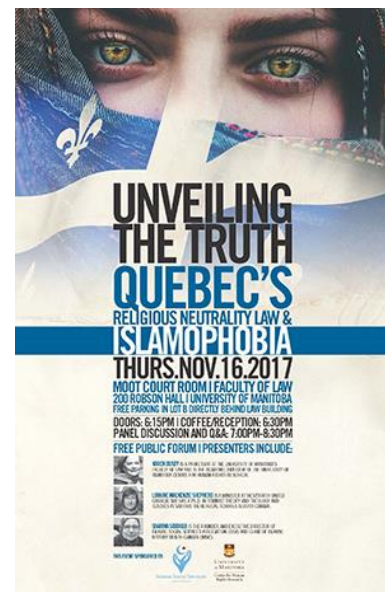
- New Master of Human Rights program approved by the UM board of governors and \$3-million raised for a [related chair](#), in collaboration with the Faculty of Law, Donor Relations, genocide scholar Dr. Adam Muller and Dr. Annette Desmarais, Canada Research Chair in Human Rights, Social Justice and Food Sovereignty.
- Started new research collaboration with law Prof. Brenda Gunn, Métis lawyer Céleste McKay and former Truth and Reconciliation Commissioner Wilton Littlechild on implementation of the *UN Declaration on the Rights of Indigenous Peoples*.



Dr. Annette Desmarais



- Assisting sociologist Dr. Andrew Woolford with planning an October 2018 workshop on genocide prevention.
- Director spent two weeks in India working on comparative sex work laws project.
- Fourth annual [First Nation water rights research conference](#).
- [Student Speakers Bureau](#)
- Co-sponsored a panel discussion on Quebec's Religious Neutrality Law & Islamophobia, a session on how universities should deal with sexual harassment complaints and a discussion about the LGBT purge class action.
- Seminar series on the [Right to Water and Sanitation in First Nation Communities](#), with podcasts for those unable to attend.
- At least 20 invited local, national and [international presentations](#) and webinars by faculty, staff and students about CHRR projects to a combined audience of more than 4,000.
- The director and other CHRR-supported researchers were quoted in or wrote more than 42 print and broadcast news stories about human rights issues, including the newspaper columns listed above. A few other examples:
  - [Is sexual harassment still too common in the workplace?](#) (CBC Radio *Cross Country Checkup*)
  - [Support grows for paying surrogates](#) (*Canadian Medical Association Journal*)
- 30 [videos](#) of CHRR and [H2O presentations](#) are posted online.
- 4,462 people visited the [chrr.info](#) website this year. The centre also has 274 email list subscribers and a growing number of Facebook (893) and Twitter followers (427).
- Director serves on the U of M's Respectful Workplace and Learning Environment and Sexual Assault Policy advisory committee.
- Director reviewed Charter of Rights exhibit plan for the Canadian Museum for Human Rights.
- Manager attended founding meeting of new Canadian Association of Human Rights Institutes.
- Office assistant learned from the University of Ottawa Human Rights and Education Centre through U of M's Support Staff Learning Exchange program.



## 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, Indigenous and Northern Affairs Canada, for an international research project on implementation of the UN *Declaration on the Rights of Indigenous Peoples*, \$68,088 for 2017-18 (further funding under discussion)
- Dr. Sarasu Thomas (India) and Prof. Karen Busby, Shastri Indo-Canadian Institute, Sex work laws in India and Canada, \$12,000 (2015-18)

**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 \$19,105) until the capital has grown to a more significant value.

**University support**

- \$235,799 operating funds, including carryover from previous year + \$2,965 from Career Services for two work-study student assistants = \$238,764 available for core operations
- \$75,000: H2O program salary support from VP research, Grad Studies and Agriculture
- \$25,000: University Collaborative Research Program grant for interdisciplinary research on the obligation to report adolescent sexual abuse.
- In-kind support from Law, including two desktop computers and a laptop, two phones, photocopying, office supplies and website/communications/accounting 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 2017-18**

**Salaries**

Staff salaries and teaching release	\$144,301
Student research assistants	\$ 5,205
Benefits	<u>\$ 27,228</u>
Total salaries	\$176,734

**Other:**

Staff training	\$ 962
AV support	\$ 901
Small grants to researchers (committed prev. yr)	\$ 835
Printing	\$ 671
Event catering	\$ 578
Supplies	\$ 273
Travel	\$ 156
Computing supplies	<u>\$ 98</u>
Total non-salary	\$ 4,474

**Total operating expenses** **\$181,208** (\$57,555 carried over for future yrs)

## FINANCIAL STABILITY

- The centre's expenses were unusually low this year because we did not host an annual research workshop (we might fund two next year) and most travel plus some student research assistants were funded by other sources. Expenses are likely to 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. Without these surplus funds, we may not be able to cover salaries within a few years. This approach was part of the five-year financial plan reviewed by the Senate Committee on University Research in 2017.
- The research centre has suspended 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 been on funding the proposed Master of Human Rights program.

## LOOKING AHEAD

**Expected growth:** CHRR continues to take a lead role in implementing the new Master of Human Rights degree program, due to start in September 2020. This 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 offering assistance to research affiliates with their human rights research projects.

**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.