

June 15, 2006

Premier Dalton McGuinty
Queen's Park
Rm 281, Main Legislative Building
Toronto ON M7A 1A4

OPEN LETTER

Dear Premier McGuinty,

As individuals and community organizations who believe Ontario needs a strong human rights system, we are writing to urge your government to take a balanced and genuinely open approach in reforming the human rights system.

Bill 107, the *Human Rights Code Amendment Act, 2006*, sets out to reform the process for enforcing human rights in Ontario. We agree reform is long overdue, but Bill 107 is not the solution we are looking for.

We understand that, prior to the introduction of the Bill, the Attorney General's office has engaged in some private dialogues with select human rights and legal clinic lawyers, all of whom are very skilled, but are not the people who are in need of the assistance afforded by the human rights system. Many communities - including racialized, disabled, LGBT, Aboriginal and women's communities - of which we are a part, were never consulted by this Government on what is truly needed to improve the system.

The human rights system has many problems that need fixing. For instance, investigation of complaints takes too long and often does not yield useful results. As well, too many cases are dismissed by the Commission without a hearing.

But how does taking away the investigation power of the Commission make the system better? As it stands now, Bill 107 deprives complainants of an important right to access publicly funded investigation, without replacing it with another form of statutory assistance.

Similarly, if access to hearing is seen as an important right, then why does Bill 107 give even broader power to and add new grounds for the Tribunal to dismiss cases without a hearing? Just as troubling, why does the Bill allow the Tribunal to charge user fees in a system that is currently accessible to everyone without cost?

The Attorney General has stated that he would provide "full access to legal assistance" to all complainants. Yet this promise is not mandated in the Bill itself. Even if we accept the sincerity of the promise by your government, can we be certain that a new government, under new leadership, would necessarily share your commitment?

We do not oppose the idea that complainants should be able to take their complaints directly to the tribunal, but this should not come at the expense of the right to publicly funded investigation and prosecution of complaints.

Without proper assistance and legal representation, complainants who do "get their day in court" would only find themselves winning an empty moral victory, but not the legal remedy they are seeking.

No one wants the status quo. That said, we would never have expected the Government to respond to our cry for reform by taking away our rights without providing us with new guarantees. As it now stands, Bill 107 simply does not represent the change we need.

We commend your Government's commitment to advance human rights. But to make the system right, you must listen to those who are most in need of its protection - the marginalized communities whose voices have yet to be heard in the process of reform. We ask you to begin this process of consultation immediately, and hold off public hearings until the fall when people are better able to attend and boards are able to meet to approve submissions.

We thank you and we urge you to honour your commitment to strengthen the human rights system in this province.

Sincerely,

Accessibility for Ontarians with Disabilities Act Alliance (AODA)
Afghan Association of Toronto
Afghan Women's Organization
African Canadian Legal Clinic
Africans in Partnership Against AIDS (APAA)
Alliance for Equality of Blind Canadians
Alliance for South Asian AIDS Prevention (ASAAP)
Amy Go - Former National President of the Chinese Canadian National Council
Asian Community AIDS Services (ACAS)
Beverly Johnson - Member of 1992 Cornish Task Force Advisory Committee
Brain Injury Association Network (BIAN)
Bromley Armstrong – Former Human Rights Commissioner, Member of the Order of Canada and the Order of Ontario
Canadian Arab Federation
Canadian Association of the Deaf
Canadian Council of Muslim Women
Canadian Council on American-Islamic Relations
Canadian Muslim Civil Liberties Association
Centre for Equity in Health and Society
Chinese Canadian National Council
Chinese Interagency Network
Coalition for Lesbian & Gay Rights in Ontario

Coalition of Black Trade Unionists
DAWN Ontario: DisAbled Women's Network Ontario
DAWN: DisAbled Women's Network Ontario, North Bay & Network
Dr. Joseph Wong, O.C. - Founder, Yee Hong Centre for Geriatric Care and Yee Hong Community Wellness Foundation
Family Services à la famille Ottawa
Federation of Jambo Seniors
Howard Shulman - Coordinator of The 519 Anti-Violence Programme
Karuna Community Services
Kathy Marshall - Executive Director of Womenspace
Mary Woo Sims - former Chief of the B.C. Human Rights Commission, President of the B.C. Human Rights Defenders
Metro Toronto Chinese and Southeast Asian Legal Clinic
Midaynta Community Services
Multicultural Alliance for Seniors and Aging (MASA)
Multicultural History Society of Ontario
National Anti-Racism Council of Canada
National Organization of Immigrant and Visible Minority Women of Canada
Native Canadian Centre of Toronto
Nellie's
North Bay Network for Social Action
Older Women's Network
Ontario Council of Agencies Serving Immigrants (OCASI)
Ontario Public Interest Research Group (OPIRG) – Toronto
Parkdale Community Legal Services Staff
Raheel Raza - Director of the Forum for Learning
Rev. Barbara McDowall
Rev. Dr. Lois M. Wilson - former Moderator of the United Church of Canada
Rev. Terry O'Connor - North Bay & District Labour Council
Riverdale Immigrant Women's Center
South Asian Legal Clinic of Ontario (SALCO)
Sri-Guggan Sri-Skanda-Rajah - Former Vice-Chair of the Human Rights Tribunal
Susan Eng
Tom Warner - Member of 1992 Cornish Task Force Advisory Committee
Toronto Rape Crisis Centre / Multicultural Women Against Rape
Toronto Residents in Partnership (formerly the North York Race Relations Committee)
United Senior Citizens of Ontario
Urban Alliance on Race Relations
Worker's Action Centre
YWCA Toronto

cc All Members of Provincial Parliament