

Given that Canada's human rights commissions and tribunals are infringing upon our fundamental rights of speech, religion, assembly, association, conscience, and more, what can be done to address this problem? Here are the options (*please note that these options do not constitute legal advice*) :

Reform:

Make amendments to the parts of the provincial and federal human rights codes that have most severely infringed upon our fundamental freedoms. First and foremost would be the removal of the infamous Section 13 from the federal code and similar sections in the provincial codes which target anything that "is likely" to cause hatred and contempt, regardless of whether it actually does.

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Advantages: The need for change has broad support, and small amendments will be much easier to implement than replacement. The Codes can continue to be used with only the needed changes, as opposed to starting over with new codes. Those employed within the commissions maintain their positions with little disruption. The end result is positive change with less resistance than removal or replacement.

Disadvantages: The various problems run so deep within the very structure of the commissions and tribunals that even numerous changes to the codes will not solve them all. The Commissions will still have the leeway within their mandate to continually broaden their scope. Frivolous cases will continue to be brought before a Tribunal rather than deflected to justify the Tribunal's existence and provide the workload to further increase the size of the bureaucracy. Cases brought before a Tribunal will still be adjudicated by individuals who are unqualified to adjudicate in a real court which has statutory qualifications for appointment. This will result in poor judgments being appealed in real courts and overturned by qualified judges.

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Replace:

Minor changes aren't enough when the entire structure is corrupt. What is needed is the abolishment of the HRC's and the creation of new structures(provincially and federally) that are

much more limited in scope and accountable to traditional standards of justice.

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Advantages: The existing Commissions and Tribunals can be disbanded ending their excesses. The employment of ideological commissioners and adjudicators can be terminated. New codes can be written, creating a new system that has a similar aim to the original intention of the human rights commissions and tribunals while only minimally infringing on fundamental freedoms guaranteed in the Charter. The new codes can ensure equal treatment of both complainants and defendants in a conciliatory manner. The relationship between the commissions and tribunals can be reformed to address the current conflict of interest that results in frivolous complaints and the ever increasing size of the bureaucracy. Statutory qualifications can be made for adjudicators on the tribunal to ensure proper administration of Canadian law, the Charter of Rights and the newly written Codes. The new 'commission' will serve its intended purpose resulting in justice served and a substantial long-term cost savings.

Disadvantages: Replacement will be drastic and have short term costs. The existing system will be disbanded disrupting the cases currently under investigation and jeopardizing the employment of existing investigators and adjudicators. It will take time to fill a new tribunal or Human Rights Court that has statutory qualifications for appointment, with qualified adjudicators/judges. In addition, a new bureaucracy will still be created, which will be prone to expanding its mandate and justifying its existence. The new system will still pose some of the same problems as the current one. History should teach us that the very idea of human rights commissions and tribunals are liable to be exploited into powerful tools that advance the agendas of activists rather than protect human rights. {/slide}

Remove:

"As long as the commissions exist, even in skeletal form, the temptation to rebuild them as agencies of social control will remain and will almost certainly be too much for some government to resist." *Nigel Hanniford, FCPP Policy Series No. 45.* Other commissions, laws, and codes already exist to address genuine violations of human rights. The HRC's and HRT's are unnecessary in today's society and should be done away with. Crimes committed against genuine human rights can be brought before a judge in a real court.

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Advantages: Frivolous complaints will cease as there will no longer be the incentive of no-cost complaint filings. There will be no commission or tribunal needing to expand or justify its existence saving millions of dollars annually. Government interference in private individual's lives by means of the human rights commissions and tribunals will be halted. There will no longer be "protected groups" that have special protections not offered to the rest of Canadians putting an end to the reverse discriminatory practice of affirmative action. New prohibited grounds for discrimination will not be created without democratic consent.

Disadvantages: Some claim that there are still systemic problems with racism and bigotry in our society that, when unchecked, will grow to become a serious problem. Minor issues, such as discrimination in accommodation and services, will not be dealt with due to the high cost of bringing a complaint to the courts. There will also be a significant deterrent to filing human rights complaints in the courts due to the costs that can be awarded to the defendant if the case is found to be frivolous. Abolition of the commissions and tribunals would remove mediation and conciliation, as the courts approach these issues on an adversarial basis. {/slide}

Looking for more details about how to reform, replace, or remove the commissions and tribunals? [Click here for suggestions.](#)

Stand up for Freedom Canada welcomes all legislative efforts that seek to address the problems of the provincial and federal human rights commissions and tribunals. However, we remain unconvinced that reforms, especially those proposed by the commissions and tribunals themselves, are sufficient to address the magnitude of the problems that are entrenched in the current system. We challenge interested readers to make a case for their continued existence in light of the problems and options outlined on this site. Send us your argument and we will consider posting it online (info@humanrightscommissions.ca).