

Harper Attacks Rights

The attack on human rights

On Jan. 11, 1999, while he was on leave from formal politics and running the National Citizen's Coalition, Stephen Harper told the right wing *BC Report* newsmagazine, that: "Human rights commissions, as they are evolving, are an attack on our fundamental freedoms and the basic existence of a democratic society... It is in fact totalitarianism. I find this is very scary stuff."

With this extremist view on human rights it should come as no surprise that in the first year in power Harper eliminated one of the most effective and innovative programs promoting and facilitating human rights – the Court Challenges Program (CCP).

The CCP, established in 1978, provided funding for individuals challenging government legislation that was discriminatory (it expanded its program after the Charter came into existence in 1982). Here is what the Community Social Planning Council of Toronto said of the program: "The rationale behind the program lies in the fact that access to justice requires significant financial resources which are beyond the reach of most individuals and groups, particularly those most marginalized. Without financial support to test the constitutionality of questionable laws, constitutional rights are only protected for the wealthy that have the resources to access the courts."

In short, the CCP made constitutional rights accessible – that is, they made them real rather than theoretical. The CCP was instrumental over a period of 20 years in advancing the rights and equality not only of women (including First Nations women) but of gays and lesbians, and the disabled. "The

program has also enabled many community-based agencies to undertake court challenges regarding laws and policies that negatively affect racialized communities, immigrants and refugees, and other disadvantaged groups in Canada." Even the CCP-funded cases that lost in the courts often led, as a result of the high-profile challenges, to changes in legislation.

Prime Minister Harper cannot get rid of the Charter of Rights and Freedoms but by eliminating the modest (\$5.6 million) budget of the CCP he has effectively made challenging discrimination in Canada a luxury available only to those with access to a quarter of a million dollars – the amount it can cost to take a case all the way to the Supreme Court.

The attack on women's rights and equality

No other part of society has suffered from Harper's contempt for democracy and his determination to turn back the clock as women. After three decades of (admittedly uneven) progress towards equality and full human rights, women have experienced the full force of Harper's visceral disdain for the notion of women's equality. It is one of the most shocking and dangerous examples of Harper's assault on democracy.

Democracy is not just political parties, voting and Parliament – it is a whole array of institutions and traditions of the country and the evolution of norms in society. Specifically, it encompasses human rights and civil liberties. The Charter of Rights and Freedoms is a relatively new institution in Canada but when it was enacted it both reflected and helped establish in law the changes that Canadian society was already going through. One of the most critical areas of change was that of

women's rights and equality. The Charter merely recognized that Canadian society had moved on from the period where women were treated as second-class citizens and discriminated against as a matter of course.

Like the earlier, decades-long struggle of women just to get the right to vote, this was a classic example of how society changes through the influence of powerful democratic movements – the feminist movement in this case – and how the law is then forced to catch up. It could not be any other way. Contrary to what the political right likes to say, this was not “social engineering” from the left, some conspiracy by a “liberal elite” – it was social change created from the bottom up by women throwing off decades of discrimination. Indeed, even before the Charter became law, the federal government, in 1981, ratified the United Nations Convention for the Elimination of All Forms of Discrimination Against Women – a convention that reflected the strength of the global women's movement.

In the very first year that Stephen Harper was prime minister he moved in a myriad of ways to reverse the course of progress for women and he has not stopped since then. In his first year in power the Harper government summarily cancelled the national child care program that the previous Liberal government had spent years negotiating with the provinces – their partners in the planned multi-billion dollar program. This program was hardly a radical proposal – Canada is one of the most backward countries among western developed nations regarding early childhood education. This program would simply have begun to close the gap. According to Sharon Gregson of the Coalition of Childcare Advocates of B.C.: “Other countries are able to provide childcare for up to 100 per cent of children between the age of three and six. Other countries, like Belgium, Denmark, Italy, Sweden, even England and the United States, invest more per capita in early-childhood-development services than Canada does.” The universal program was “replaced” by a taxable \$100 a month payment to parents of kids under six, a pittance compared to the cost of professional childcare (but an approach recommended by the right wing group REAL Women).

As referred to above, Harper then eliminated the Court Challenges Program amongst whose major beneficiaries were women. At a forum in Vancouver, organized after the September 2006, announcement that the CCP would be eliminated, Gretchin Brewin listed some of the advances made because of the program: “...pregnancy discrimination is (now) actually considered sex discrimination. ... “implied consent” – meaning what a woman wears – cannot be cited in court to justify sexual assault... men accused of sexual assault are no longer entitled to unfettered access to the personal records of their accusers. (And) human-rights law now prohibits discrimination based on sexual orientation.”

The government also closed 12 out of 16 regional offices of Status of Women Canada across the country as well as eliminating the \$1 million Status of Women Independent Research Fund. Changes were imposed to the criteria for funding for the Status of Women Canada's Women's Programme which precluded support for advocacy or lobbying for law reform. That meant that dozens of women-run NGOs would no longer receive funding because virtually all of them combined advocacy with the provision of services – such as women's shelters advocating for an end to violence against women.

One of the most cynical and callous acts by the Harper government was its decision – again, with no reference to Parliament and no consultation with women or women's organizations – to simply refuse to take the issue of pay equity any further than the law already allowed. Harper, breaking a promise made in the 2006 election, simply rejected recommendations from a federal task force to move toward what is called a “proactive pay-equity system.” Shelagh Day, one of Canada's foremost feminist and human rights scholars, told a Vancouver forum in December 2006: “The Harper government has come forward a few months ago and simply said they're not going to do anything on pay equity. The law will stay the way it is.”

In 2009, the Harper government introduced the Public Sector Equitable Compensation Act but according to human rights advocates the bill emptied “...the right to pay equity of its meaning. The new legislated criteria for evaluating ‘equitable compensation’ will reintroduce sex discrimination into pay practices, rather than eliminate it.” The law (passed by stealth by placing it in the 2009 budget where it could not be voted down without forcing an election) introduced additional criteria that would allow public sector employers to consider “market demand” in determining compensation – meaning higher pay for men even if the work was of equal value.

While women's groups organized forums across the country to draw attention to the assault on 20 years of progress, Harper has not listening to them. He was, however, listening to a group that had demonstrated its full support for himself and the Conservatives during the election: REAL Women. Responding to the \$5 million in cuts to the Status of Women, REAL Women stated: “This is a good start, and we hope that the Status of Women will eventually be eliminated entirely since it does not represent ‘women,’ but only represents the ideology of feminists.” It also congratulated the government for cancelling the “troublesome” Court Challenges Program and revealed the “social engineering” argument so often used by the right: “...the Court Challenges Program was a profoundly undemocratic use of taxpayers' money to restructure society ... The elimination of the Court Challenges Program will go a long way to promoting democracy in Canada.”

If there was any doubt that it was Stephen Harper's personal determination to set back women's equality, Garth Turner, a Conservative MP who eventually left the caucus, told the Georgia Straight: "[Harper] said, 'We have determined a series of cuts... which will be announced.... They are our position. And... anyone [who] has got any problem with that – who says anything about it – is going to have a short political career.' He said that in caucus."