

**New Scholars, Historians and the
Canadian Museum for Human Rights**

Brief

Submitted to

Content Advisory Committee
Canadian Museum for Human Rights

From

Dr. Dominique Clément
Assistant Professor
Department of Sociology
University of Alberta
5-21 Tory Building, Edmonton, AB, T6G 2H4
Phone 780-492-4316; Fax: 780- 492-7196
dominique.clement@ualberta.ca
www.HistoryOfRights.com

17 November 2009

Introduction

In recent years a cohort of human rights academic historians has emerged in Canada, including Eric Adams, Stephanie Bangarth, Michael Behiels, George Egerton, Ruther Frager, John Hobbins, Ross Lambertson, Dominique Marshall, Christopher MacLennan, Carmela Patrias, Shirley Tillotson and myself. Our work has built on the foundations established by Constance Backhouse, Miriam Smith, Walter Tarnopolsky and James Walker who pioneered studies on the history of human rights in Canada. Several of these scholars (Adams, Bangarth, Clément) are new scholars. Our emerging cohort could be a valuable resource in developing a long-term plan for the Museum.

The following brief offers some recommendations for developing content for the forthcoming Canadian Museum for Human Rights. My experiences and background include:

- An extensive publication record on the history of human rights in Canada, including an award-winning book titled *Canada's Rights Revolution* (2008).
- I am an accomplished website designer and I have created www.HistoryOfRights.com to serve as a research and teaching portal. The Canadian Heritage Information Network (Ministry of Canadian Heritage) has also hired me in the past to consult on their expansive internet portal (www.VirtualMuseum.ca).
- My work is based on research in English and French. I have lived, worked and received training in Newfoundland, Quebec, Ontario, Alberta and British Columbia. I was also a visiting scholar at the University of Sydney (Australia, 2002) and the University of Birmingham (U.K., 2005).
- I have a PhD in Canadian history and I am an Assistant Professor in the Department of Sociology at the University of Alberta.

The Canadian Museum for Human Rights will emerge at a propitious moment in Canadian history. New scholars, including Canadianists and experts in other fields, are entering this relatively new field in larger numbers. The Museum is ideally placed to act as a hub for developing studies on human rights in Canada and linking academics with the public.

Summary of Recommendations

1. I recommend that the Museum develop exhibits on Canada's unique history of human rights and draw on Canadian experts in post-secondary institutions.
2. I recommend that the Museum conceive of human rights broadly when developing its mandate and exhibits (in other words, beyond law and legal reform). Furthermore, I recommend that the Museum develop content that encompasses a broad range of approaches including events, people, issues, laws, social movements, failed human rights campaigns and ideas.
3. I recommend that the Museum act as a hub for promoting the study of human rights in Canada. To become a centre for human rights studies the Museum could implement numerous programs to draw individuals to the Museum with unique expertise who could contribute to developing exhibits.
4. Pursuant to recommendation #3, I recommend that the Museum create an in-house research team. The team would develop content and established the Museum as a hub for promoting the study of human rights in Canada.
5. Pursuant to recommendation #3, I recommend that the Museum develop a strong internet presence. The Canadian Museum for Human Rights internet site could become a dedicated portal for public history, linking the Museum's experts with educators and promoting the study of human rights.
6. I recommend that the Museum develop an aggressive mandate to promote *public history*.
7. I recommend that the Museum actively encourage diverse members of the community to participate directly in the production of the museum's exhibits and programs.

Recommendation #1:

I recommend that the Museum develop exhibits on Canada's unique history of human rights, and draw on Canadian experts in post-secondary institutions.

The Museum should provide visitors with a global vision of human rights, but one that emphasizes Canada's largely undocumented history of human rights. The struggle of minorities and human rights abuses during national emergencies can provide valuable lessons for Canadians and visitors from around the world to avoid similar acts in the future. At the same time, people from around the world can learn from Canadian human rights innovations, from legal reform (e.g. Charter of Rights and Freedoms or Human Rights Commission) to organizing citizen campaigns for human rights (e.g. language rights or gay marriage). In developing content, the museum should endeavour to place Canada in an international context and recognize that we still have a great deal to discover about Canada's human rights history.

For example, unlike the United States, United Kingdom, Australia and New Zealand, the dichotomy between "civil liberties" and "human rights" has deeply informed the history of Canada's rights culture. It is more than a rhetorical difference. Supreme Court judges, for instance, have long understood that the terms represent different interpretations of rights. Among social movements, Canada once had a national rights organization called the Canadian Federation of Civil Liberties and Human Rights Associations. The distinction should be recognized in the Museum's exhibits and lessons.

Recommendation #2:

I recommend that the Museum conceive of human rights broadly when developing its mandate and exhibits (in other words, beyond law and legal reform). Furthermore, I recommend that the Museum develop content that encompasses a broad range of approaches including events, people, issues, laws, social movements, failed human rights campaigns and ideas.

See Appendix II for an initial survey of key human rights milestones that could constitute content for the museum.

Legal scholars and political scientists have long dominated the international literature on human rights. This is not surprising. The law has become the primary vehicle for the realization and enforcement of rights. And yet, as recent scholarship has demonstrated, *ideas* of rights begin at the grass-roots level, particularly among victims of rights violations. Historically, marginalized people rather than policy-makers have played a central role in human rights innovations. While recognizing the valuable contribution of legal scholars and political scientists, I would urge the museum to reject the presumption of human rights as *legal rights*. Human rights are as much a cultural product as they are a legal product. An alternative newspaper, for instance, can sometimes provide a more powerful assertion of rights-values (e.g., free speech) than a human rights statute. Moreover, economic, social and cultural rights should be given equal prominence to civil and political rights.

In developing content for the museum, I recommend that the Museum conceive of human rights *beyond* the law. Obviously the museum will expose visitors to the Charter, international treaties, human rights laws, etc. The controversies surrounding key legal cases, as well as the role of the legal profession, are important themes in the history of human rights. Yet international treaties and domestic laws do not constitute human rights cultures. Ideas of rights have often emerged in Canada from "ordinary" citizens who have challenged the prevailing legal and political orthodoxy. I would place more emphasis on how people have interpreted and applied, sometimes imperfectly, their own ideas of equality and liberty outside the state and state institutions. Exhibits on social movements and individual activists in Canada, for instance, would be an effective way to capture this issue (see Appendix II for specific recommendations). As an historian, I have always been hesitant to use international treaties to teach students about human rights. Human rights cultures are local/national and international treaties represent little more than a vague consensus.

In August 2009 I created an email listserv of human rights scholars in Canada to discuss recommendations for the Canadian Museum of Human Rights Content Advisory Committee. I have highlighted below some of the recommendations arising from our discussion:

Wesley Pue, University of British Columbia: [The Museum should explore] the role of the legal profession in representing the interests of those who are victimized by the state. In addition, the language of “human rights” needs to be understood as encompassing what used to be called “civil liberties” but also constitutionalism.

Michael Behiels, University of Ottawa: I hope they [Canadian Museum for Human Rights] have a global view of the long and arduous history of Human Rights and that they then show how well or how poorly human rights developments in Canada are linked to the broader historical developments in both the theory and practice of human rights. The CMHR will have to work hard to put on attractive, interactive displays for tourists and students. It should have interactive website allowing students to learn online about its displays and programs. Schools all across Canada will have to be encouraged, with financial support from Ottawa, to plan trips for students to Winnipeg to visit the Museum. These visits could be combined with sports and performing arts trips that students are already involved in.

The bottom up approach has to be married to the top down approach. When the two come together then things happen. When the two -- human rights activism and the political elites who control the executive and the legislative process -- are at loggerheads for one reason or another, then human rights issues fail to gain any traction and may even suffer set backs.

The courts at all levels – including the international arena -- are crucial since it is the judges who put flesh on the skeleton of human rights. Their power of judicial review can and does run both ways. But, the courts’ role is central to the implementation of rights and can be very effective when the pressure from below is very clear, sustained, and fully democratic.

All human rights organizations need financial assistance from both the public and private sectors in order to sustain the pressure on the executive and legislative branches as well as the courts.

And, what human rights activists must understand is that the process is never ending. Simply because human rights have been enshrined in a constitutional document or in a statute does not mean that they can stop being activist and vigilant. The entrenchment of human rights is just the beginning of the process of interpretation and active implementation by governments at all levels of society.

All of this complex dynamic has to be transmitted to Canadians who visit the Winnipeg Human Rights Museum.

Pamela Jordan, University of Saskatchewan:

1) [The Museum’s content should] include clear and precise (read: not overly academic or jargon-filled) explanations of how human rights in Canada are strongly linked to international human rights regimes, both the non-binding UDHR as well as

the two binding UN covenants and other key instruments, including but not limited to the UN Convention against Torture and UN Convention against Genocide (achieved through brief, inter-active programs on computer monitors, wall posters, maps, photos, memorabilia, etc.).

2) [The Museum's content should] acknowledge the decades-old debate about universality and about how civil/political rights and economic/social/cultural rights are inter-related and equal in importance (achieved through brief, inter-active programs on computer monitors, wall posters, maps, photos, memorabilia, etc.).

3) [The Museum's content should] be inclusive in acknowledging the human-rights struggles of various groups (indigenous or otherwise) in Canadian society: aboriginal, Armenian, Chinese, disabled people, homosexuals, Jews, Muslims, Ukrainians, women etc. (perhaps this goal could best be met by rotating exhibits, shown at times of the year that correspond with a certain commemorative date).

4) [The Museum's overall content should] be as fair and "objective" as possible in its interpretation of the Canadian government's role in infringing on the human rights of groups and individuals and how the Canadian government and Canadian culture have evolved to protect these rights, and why.

Marc Epprecht, Queen's University: There needs to be some balance so that visitors can learn some humility as well as having their stereotypes about Canadian values reinforced. Naturally this would include abuses against Aboriginal peoples, and slavery but I would think it could extend to racist immigration laws/policies, the Red Scare, support for US or other NATO allies' colonial wars, the East Timor campaign. There could be a section on the so-called war on terror.

David Webster, University of Regina: If there must be celebration, I hope it will both be balanced with critical reflection and that the celebration will be of rights movements and activism. It's discouraging that the first online exhibit has "the Canadian John Humphrey" highlighted, while the Canadian government's unwillingness to support the UDHR is relegated to a subordinate "although" clause in the history section.

Truth commissions are big these days, and for good reason. I'd suggest framing some of the Canadian rights history around the idea of reconciliation with Canada's past - to me, the TRC on residential schools shows the model and the idea of critical reflection on the human rights violations need not be alien to Canada (http://www.trc-cvr.ca/index_e.html). I think they would do well to look to a partnership with Rights and Democracy (a government-funded but semi-independent organization) or at least perhaps some highlighting of Rights and Democracy's annual Humphrey Freedom Award winner as an annual rotating exhibit.

In general, I think the content should be determined using a great deal of consultation with human rights NGOs, including those oriented both domestically and internationally. East Timor makes another story worth telling as we stand at the one-decade mark since the independence vote and violence there. Had there been a museum of this sort willing to take the banners, visuals, and so on from the East Timor Alert Network, they might have been spared the trash bin. As it is, ETAN papers are preserved in the McMaster University Archives and visuals can likely still be found. I could say much the same about the anti-apartheid movements and its predecessors like the Toronto Campaign for the Liberation of Portugal's African Colonies, examples of transnational collaborative movements engaged with African debates at the time over the nature of rights as the East Timor support movement was engaged with the 1990s "Asian values" debates. Far too many NGO's trash what could make good exhibits, tell stories, and allow others to build on past successes. I think there's a possibility here to "connect stories" by reaching out to current and former activist groups.

Finally, the museum could include some content on the historical and current impact of Canadian companies overseas from a human rights perspective. This need not be all bad - maybe Inco in New Caledonia/Kanaky has helped create autonomous spaces outside Societe Le Nickel and advance indigenous rights - but it could help illuminate debates as they come up. I think for instance of the debate over trade with Peru and the substantial Canadian mining presence there. Again, Rights and Democracy's "current work on investment and human rights." This sort of content could contribute to national dialogues on rights and Canada's place in the world in valuable ways.

Laurel Macdowell, University of Toronto: I wanted to suggest as a long-time labour historian that the museum include something about the labour movement. Ross Lambertson has written about labour and human rights, the work of organized labour after World War II in fighting discrimination against people of colour and against Jews. Agnes Calliste has written about the Canadian Labour Congress's efforts to end discrimination against railway porters and its work for Canada's Fair Employment Practices Act.

The tendency is to discuss human rights in gender, racial and ethnicity terms, but there have been campaigns in Canada to achieve greater human rights for people by virtue of their being part of the human race, and that organizational approach which is broad and unites people should also be reflected in the museum.

I note that Human Rights Watch in the United States a number of years ago brought out a report that for the first time said that free collective bargaining was a civil right and that anti-unionism was discrimination and suppressed civil liberties in a democratic society. The context for this report was the recognition that the labour movement in the United States in the past 30 years has been weakened dramatically

leaving most workers with no rights on the job. That state of affairs is presumably an infringement on human rights.

I expect this aspect of human rights might be overlooked. The fact remains that unions are often on the frontline of human rights issues - for example in South America, the example of Solidarity in Poland etc. And dictatorships don't have labour movements.

Recommendation #3:

I recommend that the Museum act as a hub for promoting the study of human rights in Canada. To become a centre for human rights studies the Museum could implement numerous programs to draw individuals to the Museum with unique expertise who could contribute to developing exhibits.

The Museum could act as a hub for the study of human rights by hosting visitors to the Museum for research and collaborating with Museum staff. For instance, the museum could fund **Internships** for secondary and post-secondary students; provide office space for **Visiting Scholars** (academics interested in the study of human rights); host former or current **Human Rights Activists** including directors of leading NGOs in Canada and abroad; and host **Graduate Students** studying human rights for their degrees or interested in working in a museum in the future. Several universities also have **Community Service Learning Programs**: undergraduate students spend 20 to 30 hours of class time working with a community organization (or the Museum) and submit a paper to their professor based on their work.

The Museum could also host a **Bi-annual Conference** on human rights. The gathering would include academics, activists, lawyers, judges, policy-makers and human rights practitioners (e.g. human rights commission staff). Human rights conferences are rare in Canada and numerous professional associations would be interested in working with the Museum on this initiative (e.g. the Association for Canadian Studies, the Canadian Historical Association, or the Canadian Law and Society Association). I would also strongly encourage the Museum to **forge links with academic associations** to promote the study of human rights.

Finally, if the Museum has physical space available, I recommend creating a **Human Rights Archives**. The lack of shelf space in Canadian archives has forced archivists to reject or destroy vast quantities of historical documents and artifacts. And yet this is the ideal time to collect documents. Many human rights activists and organizations that emerged in the 1960s, for instance, have recently begun to donate materials from that period. The University of Birmingham (U.K.) recently secured a major grant, over US\$1 million, to collect and archive documents relating to NGOs. The international (and Canadian) human rights movement is a product of modern history, particularly the post-World War Two period – potential archival collections are thus only now becoming available for archives. A Human Rights Archives, combined with these other initiatives, could establish the Museum as a genuine hub for human rights studies on an international scale.

Recommendation #4:

Pursuant to recommendation #3, I recommend that the Museum create an in-house research team. The team would develop content and established the Museum as a hub for promoting the study of human rights in Canada.

Michael Behiels, University of Ottawa: The CMHR most certainly will need an in house research facility to accomplish two things. It should focus on greater historical research on human rights and then use this knowledge to plan all the displays and programs put on by the Museum. This is what the Canadian War Museum and the CMC do, and they do it quite well. Both these institutions have hired quite a few historians over the years. The Museum should plan to hold an annual series of talks by academics specialized in human rights research and activists working in the field of human rights. These talks should be aimed at the educated public and the video made available to the general public via the internet.

Recommendation #5:

Pursuant to recommendation #3, I recommend that the Museum develop a strong internet presence. The Canadian Museum for Human Rights internet site could become a dedicated portal for public history, linking the Museum's experts with educators and promoting the study of human rights. [I have provided more detailed recommendations in Appendix III].

The Museum's internet presence will be crucial for reaching out to various stakeholders, drawing people to the Museum and acting as a hub for human rights studies in Canada. Existing education portals, including the Canadian Heritage Information Network's Virtual Museum of Canada (www.VirtualMuseum.ca), would be ideal partners for linking the museum to the domestic and international community. In 2008 the Canadian Heritage Information Network hired me to evaluate the content of the Virtual Museum, a site designed to make museum content available on-line. Drawing on that experience, I can offer a few tentative recommendations for the Canadian Museum for Human Rights' internet portal:

The Museum's internet portal could incorporate an infrastructure for constructing lesson plans and providing an interactive interface for learners (e.g. blogs, wikis, email, listservs, video-conferencing). Each of these tools will appeal to primary, secondary and post-secondary educators and may, in fact, encourage educators and learners to explore new pedagogical tools such as blogs and wikis.

Despite the proliferation of resources for developing on-line teaching resources, post-secondary instructors teaching Canadian history have yet to fully embrace virtual teaching tools. The most impressive Canadian history portal in the country is *Great Unsolved Mysteries in Canada* (www.canadianmysteries.ca). Most post-secondary instructors, however, lack the skills or the resources to develop comparable virtual teaching tools. The Canadian Museum for Human Rights could work with educators, particularly post-secondary instructors, to develop a dependable virtual presence to complement their lesson plans and to encourage instructors to incorporate human rights themes in their teaching.

In my experience, museum experts dedicated to original research feel that their skills are under-utilized. Teachers/students could schedule live chats with museum experts. Video conferencing also has a great deal of potential. As a university professor, I could book a computer laboratory on campus (20 to 60 computers in a room with a projection screen) and organize a conferencing session with an expert at the Museum. Alternatively, teachers can link their computers to a projector in the classroom and museum officials could provide brief presentations

or lectures to students via streaming video. To do so, teachers need to build relationships with museum staff to find ways to integrate video conferencing into their lesson plans. Educators would not be limited to the resources provided in the internet portal. Instead, the Museum's staff would form *part* of the education process.

Recommendation #6:

I recommend that the Museum develop an aggressive mandate to promote *public history*.

Pam Jordan, University of Saskatchewan The CMHR should offer public talks by scholars, NGO staff members, and HR "heroes," via regular lecture series or occasional conferences on particular topics. I think that the public, especially young people, would be particularly interested in learning about practical work in the human rights field and personal testimony of human rights "heroes."

Recommendation #7:

I recommend that the Museum actively encourage diverse members of the community to participate directly in the production of the museum's exhibits and programs.

A human rights program, defined broadly, would attract a broad base of stakeholders: educators; lawyers; academics; activists; learners; judges; policy makers; independent historians; and international actors. Each of these stakeholders would offer a unique contribution to the museum and act as a resource for drawing Canadians and the international community to Winnipeg. For example, many universities offer co-operative education programs to place students within community organizations and will often fund half the salary. The Museum could provide a physical space for students and community groups to work together on an education program (virtual or an exhibit).

Appendix I

Useful links within www.HistoryOfRights.com:

A list of historians in Canada currently writing on the history of human rights:
www.HistoryOfRights.com/research.html

A list of recent publications on the history of human rights in Canada, please visit
www.HistoryOfRights.com/current.html

A list of academic sources on the history of human rights in Canada:
<http://www.HistoryOfRights.com/sources.html>

Updates and news on human rights research initiatives in Canada:
<http://www.HistoryOfRights.com/news.html>

Museum Links

National Liberty Museum in Philadelphia: <http://www.libertymuseum.org>

Centre for Civil and Human Rights Partnerships in Atlanta:
<http://www.cchrpartnership.org>

Museum of the American Indian: <http://www.nmai.si.edu>

Holocaust Memorial Museum: <http://www.ushmm.org/research/center>

Osaka Museum for Human Rights: <http://www.liberty.or.jp>

Other Links

International Human Rights Treaties: <http://www.bayefsky.com>

Human Rights links: <http://www.HistoryOfRights.com/links.html>

Appendix II

The following lists are **NOT** exhaustive. It is beyond the scope of this brief to provide a comprehensive list. Instead, I have endeavoured to demonstrate the potential range of options for future content.

<p>*Canadian Rights Movements</p> <p>Human rights Women Students Gay and lesbian Children Prisoners Ethnic minorities Racial minorities Disabled Religious minorities Anti-poverty Organized labour Aboriginals</p> <p>Jewish Labour Committee Canadian Bar Association Civil liberties & human rights associations</p>	<p>NGOs (International)</p> <p>Amnesty International Human Rights Watch Anti-Slavery Society International League for Human Rights Helsinki Watch Freedom House American Civil Liberties Union Fédération internationale des ligues des droits de la personne International Labour Organization</p> <p>Institutions</p> <p>Canadian Human Rights Commissions High Commissioner for Human Rights U.N. Human Rights Commission/Council Special Rapporteurs International Criminal Court</p>
<p>Events</p> <p>October Crisis, 1970 WWI WWII Komagata Maru Japanese Canadians expulsion Japanese Canadians deportation Gouzenko affair Royal commission on espionage Gastown Riot Montreal Olympics (e.g. homeless) Confederation</p>	<p>Events cont'd</p> <p>International Year for Human Rights 1949 Rebellions Allan Gardens Riot Bathhouse raids (Toronto) Winnipeg General Strike 1959 IWW Strike Newfoundland Royal Commission on the Status of Women Privy Council appeals (1949)</p>

Issues	Issues (cont'd)
<p>Suffrage (women & minorities) Acadian expulsion Métis Language rights Cold War and communism Conscription Residential Schools Land claims Anti-semitism Separate schools Lord's Prayer in public schools Africville Eugenics Sterilization laws (BC, AB) Abortion Forcibly institutionalize mentally ill Narcotics (eg. abusive laws or forced treatment for addicts) War on Terror Internment Multiculturalism Hutterites (Alberta land ownership) Mandatory retirement Due process (e.g. habitual criminals; writs of assistant) Landlord-tenant laws Gay marriage & adoption Equal pay Christie Pitts riot (Toronto) Bylaw 3926 (Montreal) Insurance policies (discriminate against women, minorities) Hate speech (free speech?)</p>	<p>Jehovah's Witnesses Immigration (e.g. head tax) Padlock Act Censorship (WWI/WWII) Censorship (obscenity laws) film & literature & theatre Denominational education (esp NFLD) Police abuses Welfare regulations Section 98 (criminal code) Discrimination (accommodation, services and employment) Doukhobours Conscientious objectors RCMP illegal activities 1970s Youth justice/law Privacy (surveillance; information; wiretapping) Freedom of information Slavery Holocaust Official languages Corporal punishment schools Capital punishment Maurice Duplessis Restrictive covenants Emergency Powers (Defence of Canada Regulations; War Measures Act; Emergencies Act) Hate propaganda Married women's property laws Assisted suicide</p>
People	
<p><i>Chairs of human rights commission</i> (Daniel G. Hill; Kathleen Ruff) <i>Judges</i> (Bora Laskin; Ivan Rand; James C. McRuer; Lyman Duff) <i>Lawyers</i> (Frank Scott; J.L.Cohen; J.C. Cartwright) <i>Leaders of advocacy groups</i> (Alan Borovoy; Gus Wedderburn; Irving Himel; Andrew Brewin; Kalmen Kaplansky; A.R. Mosher; Sid Blum; June Callwood) <i>Path-breakers</i> (Rosemary Brown; Frank Calder; Doris Anderson; Thérèse Casgrain) <i>Political leaders</i> (Trudeau; Diefenbaker; Frost; Arthur Roebuck; David Croll)</p>	

Religious leaders (Rabbi Abraham Feinberg)
Campaigns (Hugh Burnette; George Tanaka; Famous Five; Viola Desmond; Fred Christie)
Canada and the World (Lester Pearson; John Humphrey)

Campaigns

Anti-slavery
 Union organizing
 s.15 Charter of Rights and Freedoms
 Suffrage
 Georgia Straight & free speech
 Bill of rights
 Civilian review for police abuse
 Dresden, ON de-segregation
 Anti-discrimination legislation
 Sexual orientation in human rights law

Debates/Themes

Positive vs negative rights
 Collective vs minority rights
 Egalitarian vs libertarian
 Human rights in foreign policy
 Origins of human rights
 Communism and human rights
 Should social movements use the courts?
 Bill of rights debate
 Cultural relativism
 International law and domestic practice
 Development and human rights
 Canada and the UDHR
 Judicial activism
 Religion and human rights
 Human rights as basis for war

****Legal Cases**

Alberta Bills (Accurate News and Information Act) [SCR 1938] (press)
 Saumur v City of Québec [SCR 1953] (religion)
 Switzman v Elbling [SCR 1957] (speech and association)
 The Queen v Drybones [SCR 1970] (aboriginals)
 Regina v McLeod and Georgia Straight Publishing Ltd. [Western Weekly Reports, British Columbia Court of Appeal 1970] (press)
 Duke v The Queen [SCR 1972] (due process)
 Attorney General of Canada v Lavell - Isaac v Bédard [SCR 1972] (aboriginals)
 Murdoch v Murdoch [SCR 1975] 423 (divorce)
 Morgentauler v The Queen [SCR 1976] (abortion)
 Morgentaler, Smoling and Scott v The Queen (1988) 37 CCC (3d) 449 (Supreme Court of Canada)
 Gay Alliance Towards Equality v Vancouver Sun [SCR 1979] (sexual orientation)
 Edwards v Canada [SCR 1929] (women, right to vote)
 Egan v The Queen in Right of Canada [SCR 1995] 513 (gay rights)
 R. v Seaboyer [1991] 2 SCR 577
 National Citizens Coalition Inc. v Attorney General for Canada (1984) 11 DLR (4th) 38
 R v. Zundel (1992) 75 CCC (3d) 449 (Supreme Court of Canada)(hate speech)
 Operation Dismantle v The Queen (nuclear war)

Calder v Attorney General of British Columbia SCR 313 (1973)(Aboriginal land claims)

Roncarelli v Duplessis SCR 121 (1959)(religion)

Constitutional References cases (Canada) 1981

*****Documents**

Canadian Human Rights Codes/Acts

Louis Riel's Bill of Rights

United Nations Human Rights Treaties

Regina Manifesto

Magna Carta (England, 1215)

Vienna Declaration (1993)

Civil Rights Act (United States, 1957)

Civil Rights Act (United States, 1964)

Canadian Bill of Rights (1960)

Canadian Charter of Rights and Freedoms (1982)

Helsinki Final Act (1975)

Organization of American States: American Declaration of the Rights and Duties of Man (1948)

Human Rights Act (1988), United Kingdom

European Convention on Human Rights (1950)

United Nations: Universal Declaration of Human Rights (1948)

New Zealand Bill of Rights Act (1990)

Saskatchewan Bill of Rights (1947)

American Bill of Rights (1791)

French Declaration of the Rights of Man and Citizen (1789)

Sex Discrimination Act (Australia, 1984)

African Charter on Human and Peoples' Rights (1986)

Constitution of the Republic of South Africa, Bill of Rights (1996)

*see www.HistoryOfRights.com for lists of specific NGOs in Canada

**for further cases, see books by Constance Backhouse, Phil Girard, Ross Lambertson, Walter Tarnopolsky and James Walker in recommended reading

***see link above (Bayfesky.com) for list of international human rights treaties

Appendix III

Further recommendations for developing the Canadian Museum for Human Rights' internet portal:

The most successful teaching and research portals employ a simple design. For instance, the home page for *Great Unsolved Mysteries in Canadian History* and *Canada's Rights Revolution* provide a detailed introduction and no distracting links. Many other teaching portals use similar formats.

The University of Victoria recently completed a major reconstruction project for its primary website (www.uvic.ca). The site is based on extensive research, including focus groups, and the internet habits of secondary students. Some of the strengths of the site include employing 'dynamic' headings for primary hyperlinks and testimonials. For instance, instead of core hyperlinks such as '[About](#)' or '[Programs](#)', the buttons read as "[Explore UVic](#)" and "[Choose Your Program](#)". Testimonials are increasingly popular tools for university web designers, and site designers are posting positive comments from teachers and students on the home page.

An effective search engine is crucial to developing an effective teaching portal. André Picard explored this issue in an article written for the *Globe and Mail* (13 December 2007). Picard compared the *Canadian Health Network* portal with *Healthy Canadians* site: "And let's compare the search engines. Enter the word 'abortion' on the CHN search engine and you will get 16 references ranging from 'what to expect if you decide to have an abortion' through to 'abortion and breast cancer.' Enter the word 'abortion' in the Healthy Canadians search engine and you get an unwieldy 1,637 hits, ranging from 'shoot-tip abortion and pseudoterminal buds,' a no doubt-riveting scientific paper from the Canadian Forest Service, to a link to the Canadian Museum of Civilization. Not exactly the timely, useful health information a Canadian needs." Another example of a poor search engine is the *Canadian Heritage Gallery*. The site provides a database of images on Canadian history. Educators commonly use this site for teaching (e.g. PowerPoint slides). The search engine, however, only generates a weak list of page titles. The titles are vague, and, without explanatory notes, a visitor has to click on every link, many of which have little or no relation to the search topic. Moreover, the search engine does not recognize phrases. If you search "women activism", the program will generate every page that has the words "women" or "activism." It is not possible to search only for pages that include both words. Nor does the site, which has dozens of photos per page, allow visitors to narrow the search to specific images.

Video conferencing holds enormous potential in the future for making museums accessible to all Canadians. If museum officials are willing to become a resource for teachers and students, the Museum's site could include a list of biographies — photographs, contact information and lists of expertise — of museum experts. Many Canadians, particularly young students, will never have the opportunity to visit the Canadian Museum for Human Rights.

To my knowledge, only one site consistently draws Canadian history professors to integrate on-line tools in their teaching: *Great Unsolved Mysteries*. An important aspect of the site's success lies in its design as a teaching tool. It does not attempt to provide a complete lesson plan. In fact, there are no 'answers' among the unsolved mysteries. The site's primary function is to introduce an activity, an unsolved murder, and expose students to a large number of primary documents. Students are required to use the material to develop and defend a hypothesis about the mystery. Why was the person killed? Why did their community not react? Why did the family respond in this fashion?

If the Museum's internet portal facilitates the provision of research materials in a simple and accessible format, it will attract post-secondary educators. It must also provide content that engages and challenges students to continue their explorations outside the Museum's site.

Recent innovations in virtual education have created new opportunities for learners. The following sites are accessible to secondary and post-secondary students and include primary sources:

Canada's Rights Revolution: A History (Victoria): www.HistoryOfRights.com
 Crime and Punishment in New Brunswick (UNB):
www.unbsj.ca/arts/hist/gregmarquis
 Disappearing a Lake (McGill-Queen's Press):
http://mqup.mcgill.ca/files/cameron_laura/
 Great Unsolved Mysteries in Canada (Victoria): <http://www.canadianmysteries.ca>
 Mystery Quests (Victoria): www.mysteryquests.ca
 Progress and Permanence: Women and the New Brunswick Museum, 1880-1980 (UNB): <http://www.unbf.ca/womenandmuseum>
 Victoria's Victoria: <http://web.uvic.ca/vv/>

I conducted a brief survey of sites constructed by post-secondary teachers across Canada that link directly to their teaching/courses. The following is a sample of the type of sites currently available.

Canadian history (Carleton): <http://http-server.carleton.ca/~domarsha/>
 Canadian history (Victoria): <http://www.HistoryOfRights.com/teaching.html>
 Cultural history (Waterloo): <http://www.arts.uwaterloo.ca/~aehunt/>
 First Nations history (UBC): <http://faculty.arts.ubc.ca/pruibmon/>
 United States history (York):
<http://www.yorku.ca/uhistory/megnal/2600/index.html>
 University of Toronto, standard: <https://ccnet.utoronto.ca/20079/his263y1y/>
 York University, standard format:
www.yorku.ca/uhistory/undergraduate/courses/1010

Appendix IV

Recommended Reading:

- Backhouse, Constance. *Colour-Coded: A Legal History of Racism in Canada, 1900-1950*. Toronto: University of Toronto Press, 1999.
- Bangarth, Stephanie. *Voices Raised in Protest: Defending North American Citizens of Japanese Ancestry, 1942-49*. Vancouver: UBC Press, 2007.
- Berger, Thomas. *Fragile Freedoms: Human Rights and Dissent in Canada*. Toronto: Clarke-Irwin, 1981.
- Borovoy, Alan. *When Freedoms Collide: The Case for Our Civil Liberties*. Toronto: Lester & Orpen Denny's, 1988.
- Clément, Dominique. *Canada's Rights Revolution: Social Movements and Social Change, 1937-1982*. Vancouver: UBC Press, 2008.
- Kenneth Cmiel, "The Recent History of Human Rights" *American Historical Review* 109, 1 (2004).
- Girard, Philip. *Bora Laskin: Bringing Law to Life*. Toronto: University of Toronto Press, 2005.
- Kallen, Evelyn. *Ethnicity and Human Rights in Canada: A Human Rights Perspective on Ethnicity, Racism and Systemic Inequality*. 3rd ed. Don Mills: Oxford University Press, 2003.
- Lambertson, Ross. *Repression and Resistance: Canadian Human Rights Activists, 1930-1960*. Toronto: University of Toronto Press, 2005.
- Lauren, Paul Gordon. *The Evolution of International Human Rights: Visions Seen*. 2nd ed. Philadelphia: University of Pennsylvania Press, 2003.
- MacDowell, Laura Sefton. *Renegade Lawyer: The Life of J.L. Cohen*. Toronto: University of Toronto Press, 2001.
- MacLennan, Christopher. *Toward the Charter: Canadians and the Demand for a National Bill of Rights, 1929-1960*. Montreal: McGill-Queen's University Press, 2003.
- Matthews, Robert O., and Cranford Pratt, eds. *Human Rights in Canadian Foreign Policy*. Kingston and Montreal: McGill-Queen's University Press, 1988.
- Miron, Janet, ed. *A History of Human Rights in Canada*. Toronto: Canadian Scholars Press, 2009.
- Nevitte, Neil, and Allan Kornberg. *Minorities and the Canadian State*. New York: Mosaic Press, 1985.
- Smith, Miriam. *Lesbian and Gay Rights in Canada: Social Movements and Equality-Seeking, 1971-1995*. Toronto: University of Toronto Press, 1999.
- Tarnopolsky, Walter. *The Canadian Bill of Rights*. Toronto: The Carswell Company Ltd., 1966.
- Walker, James. *"Race," Rights and the Law in the Supreme Court of Canada: Historical Case Studies*. Toronto: Wilfrid Laurier University Press, 1997.