

THE RIGHTS OF YOUTH: HUMAN RIGHTS

April 2009

WHAT ARE HUMAN RIGHTS?

The simple question, “What are human rights?” has a rather complicated answer. The simplest answer is that human rights are those rights to which we are entitled as human beings, because without them we couldn’t be our best selves. Human rights are also those things that are essential for ensuring a just, free and peaceful world.

There is a very important document called the **Universal Declaration of Human Rights** that contains a long list of rights. This document is usually considered the best starting point in understanding what we mean when we talk about human rights.



Universal Declaration of Human Rights

After World War II, the countries that formed the **United Nations** (UN) came together to agree on a list of rights to which every human being is entitled. This was part of a big change in attitude about human rights, which resulted from the horrors of World War II. People around the world wanted to take strong measures to prevent such a tragedy from happening again.

The list that the UN committee came up with included rights that many of us in the Western world take for granted - the right to be considered innocent until proven guilty and the right to vote for your government. It also included the right to shelter and the right to medical care. The “list” was eventually adopted in 1948 and called, “The Universal Declaration of Human Rights”.



Today, the Universal Declaration of Human Rights is the most well-known human rights document in the world. The Universal Declaration begins, in Article 1, with the powerful statement, “*All human beings are born free and equal in dignity and rights.*” It has inspired people and organizations around the globe to take action against human rights abuses. And it has motivated many nations, including Canada, to create laws to protect the human rights of their citizens.

What about human rights in Canada?

Human rights do not become legal rights, protected in law, unless laws are passed to protect them. In Canada, generally three “levels” of government create our laws:

- federal
- provincial/territorial
- municipal



In Canada, we are fortunate to have laws that protect a number of rights and freedoms and which allow us to formally complain if we feel these rights and freedoms are not being respected.

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When we refer to human rights in Canada, we are usually referring to the rights and freedoms that are protected by several laws. The first, the **Canadian Charter of Rights and Freedoms**, includes protections for:

- *fundamental freedoms*, such as freedom of religion;
- *democratic rights*, such as the right to vote and run for public office;
- *legal rights*, such as the right not to be arbitrarily detained or imprisoned; and
- *equality rights*, which protect us from laws which unfairly discriminate against a particular group of people.

The Charter is part of our **Constitution**, the supreme law of Canada. That means that all other laws of Canada must respect the rights and freedoms it sets out. The rights and freedoms are guaranteed as part of our right of Canadian citizenship. They are part of the virtual definition of our country.

Human rights legislation also protects fundamental rights. In Canada, human rights laws have been passed by the provincial, territorial and federal governments to protect against discrimination.



THE RIGHTS OF YOUTH IN MANITOBA

Anyone under the age of 18 is generally considered to be a “child” in law in Manitoba. In this publication, we will look at some of the rights and government services that the Province of Manitoba has established for young people.

Laws may vary in how they apply to young people. Law makers generally take into account that, as you grow older, you become increasingly better able to participate in decisions that affect you. An example of this is found in criminal law. Very young children are not charged with a crime if they break the law of Canada. A youth of 16 or 17, however, can not only be charged but, in serious cases, may be tried in adult court.

Are human rights unconditional?

No rights are absolute. Rights must always be balanced against responsibilities – one’s ability to accept responsibility in society, and one’s responsibility to respect the rights of others.

What does this mean? One example is the right to vote. This right is included in the Universal Declaration of Human Rights as well as in our Charter of Rights and Freedoms. But the right to vote in political elections is not bestowed on those under the age of 18. This is because our society has designated the age of majority as the age at which a person is capable of accepting all of the rights and responsibilities of citizenship.

Rights are conditional in another way. Individual rights must be balanced against the rights of others. For example, your right to freedom of speech does not mean that you can publish material that is intended to spread hatred toward a particular group of people. In such cases, your right to free speech is subject to others’ rights to equality and freedom from discrimination. In some circumstances, there must also be a balancing of individual rights.

The government can also limit our fundamental rights and freedoms, but only if they can show that the limit is reasonable and justifiable “in a free and democratic society”.

Human rights are also those things that are essential for ensuring a just, free and peaceful world



Do young people have rights?



Generally speaking, human rights apply equally to everyone, regardless of age. The United Nations, however, decided that it needed to be more specific about the “rights of children”. (The word “child” is generally used in human rights to refer to anyone under the age of majority.) It recognized that young people have special needs, and that they are generally more vulnerable than adults to exploitation. As a result, the UN adopted a document called the **Universal Declaration of the Rights of the Child** in 1959.

This document lists ten important rights of young people, such as the right to be protected from neglect and cruelty. The Declaration was followed in 1989 by the more detailed **Convention on the Rights of the Child**. The Convention sets out international standards for young people in health care, education and many other areas of life. Its guiding principle is “the best interests of the child”. It includes the following human rights of young people:

- the right to survival;
- the right to be cared for;
- the right to be kept safe from harm by others; and
- the right to fully participate in family, cultural and social life.

Canada is among those countries that have agreed to be bound by it. Like the Universal Declaration of Human Rights, the Convention is not a law in Canada. It nevertheless is an extremely important document, one which helps to establish policies and actions for the treatment of young people.



OFFICES THAT PROTECT THE RIGHTS OF YOUTH

Office of the Manitoba Ombudsman

Winnipeg

750 - 500 Portage Avenue
Winnipeg, MB R3C 3X1
Ph: 982-9130
Toll-free: 1-800-665-0531
Fax: 942-7803
www.ombudsman.mb.ca

Brandon

202 Scotia Towers
1011 Rosser Avenue
Brandon, MB R7A 0L5
Ph: 571-5151
Toll-free: 1-888-543-8230
Fax: 571-5157

Office of the Children's Advocate

100 - 346 Portage Avenue
Winnipeg, Manitoba R3C 0C3
Ph: 988-7440
Toll Free: 1-800-263-7146
Fax: 988-7472
www.childrensadvocate.mb.ca

Manitoba Human Rights Commission

Winnipeg

7th Flr-175 Hargrave Street
Winnipeg, MB R3C 3R8
Ph: 945-3007
Fax: 945-1292

Brandon

Provincial Government Building
353-340 Ninth Street
Brandon R7A 6C2
Ph: 726-6261
Fax: 726-6035

The Pas

2 Flr-Otineka Mall
PO Box 2550
The Pas, MB R9A 1K5
Ph: 627-8270
Fax: 623-5404

TOLL-FREE: 1-888-884-8681

TTY: 1-888-897-2811

Collect calls accepted in all locations
www.manitoba.ca/hrc

Office of the Manitoba Ombudsman

The Manitoba Ombudsman investigates complaints from anyone who feels he or she has been treated unfairly by departments or agencies of the provincial or a municipal government.

There are also laws in Manitoba that require the provincial and municipal governments, school divisions, hospitals and health professionals such as doctors to respect and uphold your information access and privacy rights. The Ombudsman investigates complaints about your access to information and privacy rights under those laws.

If you feel a decision or action of someone in government that affects you was wrong or unfair, or if you have questions about your information access and privacy rights, you may contact the Ombudsman's Office. There is an intake officer you can speak to and who will listen to you. You can discuss your complaint privately.

If your concern is something they can investigate, they will explain the process. If it is not something that they can investigate, they will try to refer you to someone who can help.

Information about the Manitoba Ombudsman, *The Ombudsman Act*, *The Freedom of Information and Protection of Privacy Act* and *The Personal Health Information Act* can be found on its website www.ombudsman.mb.ca.

Manitoba Human Rights Commission

The Manitoba Human Rights Commission deals with complaints of **discrimination** and **harassment** in a number of areas of public life, including:

- employment;
- rental of housing; and
- public services and facilities such as stores, hospitals, schools and recreation programs.

Manitoba's *Human Rights Code* is designed to promote equality of opportunity and to protect against discrimination based on:

- ✓ age;
- ✓ ancestry (including colour and perceived race);
- ✓ nationality or national origin;
- ✓ ethnic background;
- ✓ religion or religious association or activity;
- ✓ sex (including pregnancy);
- ✓ gender-determined characteristics;
- ✓ sexual orientation;

- ✓ marital or family status;
- ✓ source of income;
- ✓ physical or mental disability (which includes circumstances related to your disability, such as reliance on a wheelchair);
- ✓ political belief, activity or association.

Information on the Commission and *The Manitoba Human Rights Code* can be found on its website www.manitoba.ca/hrc

Office of the Children's Advocate

The Children's Advocate represents the rights, interests and views of children and youth who feel they are not getting the services they need from a child and family services agency or department.

An advocate is someone who speaks with you and for you. Advocacy is about supporting and helping to make sure you are heard and taken seriously.

The Office of the Children's Advocate will do its best to help you and support you whenever you have a concern. More specifically, the Advocate:

- can listen; give you information about how you can solve your situation on your own; help you say what you want to say; call someone for you and explain what you want or need; and assist you in participating in decisions that affect your life.
- may also: arrange a meeting with all the people involved and try to sort things out; work to change the system for all children and youth having the same problem; and work with the community to promote and support advocacy for all children and youth.

Information about the Children's Advocate Office, *The Child and Family Services Act* and *The Adoption Act* can be found on its website www.childrensadvocate.mb.ca.

The content of this publication may be subject to change. Check the websites of The Manitoba Human Rights Commission, Ombudsman or Children's Advocate for updates.

