

Human Rights Complaint Mechanism Fail to Respond

The number of complaints to human rights commissions has grown in recent years with little increase in their funding. The resulting backlog means there are many unresolved complaints of educational discrimination. The tragedy of the situation is that human rights complaint mechanisms have not produced the swift, accessible justice they were meant to provide. The result is that some children continue to be retained in segregated settings, taught at home or placed by their parents in alternative schools as interim measures while a complaint is being processed.

It is impossible to calculate the long-term damages to children who have been denied the academic and social benefits of regular classes and who have been ostracized in front of their communities. Two glaring examples of this unacceptable situation are the *Becky Till v. North York School Board* case, a complaint to the Ontario Human Rights Commission, and the *Zebrowski v. Assiniboine School Trustees* case, a complaint to the Manitoba Human Rights Commission.

Even where a complaint is investigated, idiosyncrasies of the different human rights commission offices sometimes impede justice. In a recent decision following an investigation, the P.E.I. Human Rights Commission alluded to discrimination but did not appoint a board of inquiry. While the commission directed integration to take place, they did not specify how or when the school board was to carry out the integration, and failed to indicate how they intended to monitor the action of the board in light of the decision. The letter to the complainant advising her of the result indicated that if no steps were taken by the school board, she could advise the commission accordingly and it would intervene.

On the other hand, there are numerous examples in various provinces and territories where the human rights commission has assumed a role in arbitrating a settlement and the matter has been resolved in favour of the child.