

## **Constitutional/Human Rights Section Report 2017-2018**

Constitutional and Human Rights issues are complex and multi-faceted with consequences often extending into various different areas of law. With this in mind, our section has historically taken the approach of delivering joint-presentations with other MBA sections so as to broaden our reach and expand organizational expertise. This year was no different.

This past year, the Constitutional and Human Rights section co-presented two seminars through the MBA:

On Tuesday, November 28, 2017, we delivered a joint session with the Child and Youth Law Section. The topic of this session was “Delay in Child Protection Proceedings” and was presented in a panel format where participants heard from the Honourable Madam Justice Hatch (Court of Queen’s Bench of Manitoba), Meredith Mitchell (Child Protection Law Office), and Jessica Dillon (Tapper Cuddy LLP). Considering the requirement of a fair and prompt post-apprehension hearing (as set out in the cases of *The Director of CFS v K LW* [2000] 2 SCR 519 and *The Director of CFS v HH and CG*, 2017 MBCA 33) the discussions centered around issues of delay from the perspective of families, agencies and the bench as well as Queen’s Bench reforms and the obligations of parties to be better prepared for timely hearings and settlement discussions.

Our Section also held a session on Thursday, June 7, 2018 which was jointly presented by the Criminal Justice Section of the MBA. The topic of this session is “Forensic Biology and DNA Evidence”. Attendees heard from Forensic Biologist Valerie Blackmore (Wyndham Forensic Group) who spoke to the following issues:

- Strengths and limitations of body fluid and DNA evidence;
- Transfer and persistence of DNA, especially in the context of “touch” DNA;
- What counsel should understand about Probabilistic genotyping (a new technology being introduced into Canadian courts);
- Taking DNA evidence from “who” to “what happened”.

We have both had a great year as co-chairs and are looking forward to continuing in the role for 2018/2019.

Submitted by,  
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