



CEDAW 2011

REPORT CARD

HOW BC IS MEASURING UP IN WOMEN'S RIGHTS

SUBJECT	GRADE	TEACHER'S COMMENTS
WOMEN & ACCESS TO JUSTICE	F	<i>Recommendations from a Public Commission have not resulted in adequate funding for legal aid, with disproportionate impacts on women.</i>
SOCIAL ASSISTANCE & POVERTY	D	<i>The minimum wage went up, but remains below the poverty line, further entrenching high rates of poverty in BC.</i>
MISSING & MURDERED ABORIGINAL WOMEN AND GIRLS	D-	<i>The Public Inquiry excludes women's, Aboriginal and community groups from the process.</i>
WOMEN & HOUSING	C-	<i>More emergency shelters exist, but long-term solutions to BC's housing crisis have not been forthcoming.</i>
WOMEN AND GIRLS IN PRISON	C+	<i>Women in prison are denied important services, and women of colour continue to be grossly overrepresented in the prison population.</i>
VIOLENCE AGAINST WOMEN AND GIRLS	C+	<i>Government agencies have altered their domestic violence policies, but women's centres and shelters are closing at an alarming rate.</i>
ACCESS TO CHILDCARE	C-	<i>BC's public spending on childcare and pre-school is the lowest in Canada, and the government contributes less now than it did in 2001.</i>
WOMEN & HEALTH CARE	B-	<i>British Columbians have access to a decent health care system; however, the needs of adults with developmental disabilities are not being met.</i>



CEDAW REPORT CARD 2011

The purpose of this report card is to grade the Government of British Columbia on its compliance with the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW).

Affiliated with the Women's Legal Education and Action Fund
Supported by the Law Foundation of British Columbia

REPORT CARD GRADING SCHEME

A	Fulfillment of CEDAW obligations and satisfaction of the concerns of the CEDAW Committee.
B	Considerable action towards fulfilling CEDAW standards and Committee standards.
C	Some action taken. Needs continued improvement.
D	Very limited action. Needs significant improvement.
F	Total inaction or detrimental action.

BACKGROUND

CEDAW enshrines important protections for women in international human rights law. The UN CEDAW Committee is an international body of independent experts who are charged with monitoring state parties' compliance and implementation of the Convention. Every four years, each country that has signed on to the Convention must report to the CEDAW Committee about how well it is measuring up to the CEDAW standards of women's equality. Non-governmental organizations may also submit what are called "shadow reports", expressing their views on that country's CEDAW compliance.

Canada ratified CEDAW on December 10, 1981. In October and November of 2008, the CEDAW Committee considered the sixth and seventh reports from Canada, along with reports from local NGOs, and issued its observations on Canada's compliance and implementation of the Convention. The BC CEDAW Group, a coalition of women's organizations in BC including West Coast LEAF, produced a shadow report about the situation for women in BC.

The Committee was very concerned about a number of issues concerning women's rights in Canada, and singled out some issues of significance in BC especially. The Committee took the unusual step of requiring Canada to report back to the Committee in a year on its progress on two issues of particular concern:

- (1) establishing and monitoring minimum standards for the provision of funding to social assistance programs, and carrying out an impact assessment of social programs related to women's rights; and
- (2) examining the failure to investigate the cases of missing and murdered Aboriginal women, and to address those failures.

The Government of Canada submitted its response to these questions in February 2010, and the BC CEDAW Group submitted a shadow report entitled "Nothing to Report."

This Report Card measures how well BC is measuring up to some of the CEDAW obligations that fall within provincial jurisdiction, including these two areas of urgent concern to the Committee. For more information on our methodology and grading scheme used, please turn to the back cover of the Report Card.

So...How is BC measuring up to international legal standards of women's equality?



In 2008, the CEDAW Committee recommended that the Government ensure access to justice for all women, particularly vulnerable women, and expressed concern “at reports that financial support for civil legal aid has diminished and that access to it has become increasingly restricted, in particular in British Columbia, consequently denying low-income women access to legal representation and legal services.”¹ The inadequate civil legal aid system has also been criticized by other international bodies, notably the UN Committee charged with monitoring the International Covenant on Economic, Social and Cultural Rights (ICESCR).² A 2010 Resolution of the UN General Assembly describes access to justice as an “essential determinant of effective eradication of poverty”³ and the UN Secretary General describes access to justice as an important link between women’s empowerment and poverty eradication.⁴

After the devastating cuts to legal aid over the past decade, 2010/11 saw few concrete improvements in the provision of this vital public service. In November 2010, the Legal Services Society (LSS) launched a new service, likely meant to help fill the vacuum left by last year’s elimination of the LawLINE telephone advice line. The new Family LawLINE provides qualifying callers with brief advice on the next steps to take in their family law matter.⁵ LSS has taken steps to simplify the tariff for child protection matters and increase the number of hours for which lawyers may claim coverage in these serious and complex matters.⁶ It has also reinstated coverage for breach offences in the criminal context, offences that can result in jail time for individuals dealing with mental health, addiction, and poverty-related issues. Effective September 1, 2011, LSS added a 2.4% cost of living increase to the financial eligibility cut-offs to compensate for the effects of inflation.⁷ In a recent decision, the BC Supreme Court ruled that parents involved in child apprehension cases may be entitled to legal aid even if their income exceeds this cut-off, acknowledging that many people earning more than the cut-off amounts still cannot afford legal representation.⁸

A Public Commission on Legal Aid was launched in June 2010 to engage British Columbians in a discussion about the future of legal aid in the province. In his March 2011 Report on Legal Aid in British Columbia, Commissioner Leonard Doust called on the BC government to recognize legal aid as an essential public service, “a fourth pillar of our steadfast commitment to a just society” along with healthcare, education and social assistance.⁹ He emphasized the dramatic and disproportionate impact of inaccessible legal aid on women, particularly in family law matters, noting that “women are disproportionately affected by inadequate legal aid in family law because they are frequently in a situation of relative economic disadvantage and they often bear the lion’s share of both the short-term and long-term consequences of our failures in this regard.”¹⁰ Financial eligibility thresholds are so low that many low-income earners make too much to qualify, but far too little to pay the actual costs of legal representation.¹¹ This is especially problematic in cases of spousal breakdown, where women may not have access to family assets controlled by their partner, and where significant portions of a woman’s income may go towards child care, bringing her closer to the poverty line. The inaccessibility of the legal system results in women staying in situations that are unhealthy and sometimes dangerous, while women fleeing abuse without legal help are often re-victimized by their abuser and by the court system.¹²

Earlier this year, then-Attorney General Barry Penner dismissed calls to adequately fund legal aid, claiming “there are only so many tax dollars to go around.”¹³ However, under-funding legal aid actually costs society in various ways: through delays and increased court costs associated with unrepresented litigants, as well as the social costs associated with unresolved legal problems, including health care and social assistance costs. Several studies show that legal aid more than pays for itself when viewed from this more holistic perspective.¹⁴

In 2008, the CEDAW Committee expressed concern at reports of cuts in social assistance schemes in many provinces and at the resulting negative impact on the rights of vulnerable groups of women such as single mothers, aboriginal women, African-Canadian women, immigrant and migrant women, elderly women and disabled women, who rely on social assistance for an adequate standard of living.¹⁵ While the provincial government is responsible for implementing social assistance programs and standards, the CEDAW Committee was concerned at the lack of federal accountability and recommended that such programs be assessed and monitored to ensure that the needs of the most vulnerable women are served.¹⁶ The UN Committee on Economic, Social and Cultural Rights has also expressed concern about women's poverty in BC, noting that inadequate social assistance presents an additional obstacle for women fleeing abusive relationships.¹⁷

BC's social assistance rates have not changed since 2007,¹⁸ and remain at levels that do not allow individuals and families to provide for their basic necessities of life. Meanwhile, poverty in the province has continued to increase.¹⁹ BC has had the highest overall poverty rate in Canada for 11 consecutive years, and the highest rate of child poverty for the last eight years.²⁰ Twelve percent of British Columbians – more than half a million people – lived in poverty in 2009, the most recent year for which statistics are available. In 2010, more than 94,000 British Columbians visited food banks, a 5% increase over 2009, and nearly one in three of those visitors were children.²¹ Forty-four percent of individuals who visit food banks in BC receive social assistance.²²

In 2010, the BC government announced a budget cut of \$26 million over the next two years from monies allocated to social assistance. However, in February 2011 the government announced it would devote an additional \$65 million dollars over 3 years to income assistance due to the fact that the number of people collecting welfare had not dropped post-recession as quickly as they had anticipated.²³ Inaccessibility of income assistance is a grave concern for women without immigration status, particularly women fleeing abusive sponsors, as these women cannot legally work in Canada until they obtain permanent resident status, a process that can take years.²⁴

BC's abysmal record on child poverty is directly related to its low minimum wage; this particularly impacts women, who are disproportionately represented in low wage and insecure jobs. In 2008, one third of poor children lived in a family where at least one adult had full-time, full-year employment.²⁵ On May 1, 2011, Premier Christy Clark finally raised BC's minimum wage to \$8.75/hour from \$8/hour, abolished the \$6/hour "training wage" for new workers, and announced a staged increase to \$9.50/hour on November 1 and \$10.25/hour on May 1, 2012.²⁶ Workers who serve alcohol will not see the same increase in their wages, which will reach only \$9/hour by May 2012. While the increase to the minimum wage is welcome, the rate still keeps workers in poverty; a single person working 40 hours/week for 52 weeks would have to earn \$10.66 an hour to reach the poverty line for Vancouver.²⁷ The *living wage* (the hourly rate at which a household can meet its basic needs, once government transfers have been added and deductions have been subtracted from family income) for Metro Vancouver is \$18.81/hour.²⁸

In June 2011, NDP MLA Shane Simpson proposed a private member's bill establishing a Poverty Reduction Strategy, which would legislate targets and timelines for poverty reduction and establish oversight and accountability mechanisms to monitor progress. The bill has not received government support and appears unlikely to become law. Research shows that implementing a comprehensive poverty reduction strategy would actually save money; economists estimate that the financial costs associated with implementing such a strategy would be about \$3 to \$4 billion per year, while the cost of poverty to society is a massive \$8.1 to \$9.2 billion per year, over 4% of BC's GDP.²⁹

3 MISSING AND MURDERED ABORIGINAL WOMEN AND GIRLS

2011:



2010:



2009:



In 2008, the CEDAW Committee remained “concerned that hundreds of cases involving Aboriginal women who have gone missing or been murdered in the past two decades have neither been fully investigated nor attracted priority attention, with the perpetrators remaining unpunished.”³⁰ The Committee recommended that the government: urgently investigate cases of Aboriginal women who have gone missing or been murdered in recent decades; determine whether there is a racialized pattern and address that pattern; and examine the reasons for the system’s failure to adequately protect or investigate these cases to date.³¹

British Columbia has the highest number of cases of murdered and missing Aboriginal women in Canada. The Native Women’s Association of Canada (NWAC) has gathered information about 582 cases of murdered and missing Aboriginal women and girls across the country, and there are likely many more; of the women and girls counted, 160, or 27%, disappeared from BC.³² Of these 160 cases, 63% are murder cases and 24% are cases of missing women and girls. Sixteen percent of the cases involve children under 18 years of age. Almost half of the BC murder cases remain unsolved, among the highest rate of unsolved cases in Canada.

In last year’s Report Card, West Coast LEAF increased the government’s grade on this measure from an F to a C based largely on its decision to hold a public inquiry into the deaths and disappearances of so many of BC’s Aboriginal women. Although the Inquiry was criticized for its temporal and geographical restrictions (the Terms of Reference limit the Commission to looking at cases of women who went missing from Vancouver’s Downtown Eastside between January 1997 and February 2002), and for the appointment of a former Attorney General as its Commissioner, it was hoped that the Inquiry would be a useful process for examining the race, gender and class dimensions of the failed systemic response to the violence against women in these cases, as recommended by the CEDAW Committee. To that end, a number of women’s, Aboriginal, and Downtown Eastside community organizations applied for and were granted standing to participate in the Inquiry. However, despite the Commissioner’s recommendation that these groups receive funding to facilitate their meaningful participation in what is sure to be a lengthy and complex legal process, in May 2011 the government refused to fund the participation of any of the community groups.³³ Only the police, criminal justice branch, and some affected families will have government-funded lawyers to review thousands of documents and participate in evidentiary hearings and the cross-examination of witnesses.

The failure to fund counsel for the women’s, Aboriginal and community groups effectively shuts these groups out of the process and silences the very voices necessary to uncover the systemic reasons for the flawed investigations and the justice system’s failure to protect marginalized women from sexual and violent predators like Robert Pickton. As a result, a number of groups, including West Coast LEAF and our coalition partner Ending Violence Association of BC, have lost confidence in the Inquiry process and made the difficult decision not to participate.³⁴ The Commission announced it would be hiring outside counsel to “present the perspectives” of Aboriginal women and the Downtown Eastside community; however, it is highly questionable whether the diversity of perspectives and histories of community participants can be adequately represented in this way.

Many of the women who went missing or were murdered by Robert Pickton were involved in the sex trade; women involved in the sex trade face an extremely heightened risk of violence. A coalition of Vancouver organizations have filed a complaint to the Ombudsman for Victims of Crime arguing that the voices of sex workers have again been excluded, this time from a National Strategy on Missing Women that was specifically mandated to consider the extreme risks of violence and sexual assaults faced by sex workers, particularly street-based sex workers.³⁵

In 2008, the CEDAW Committee expressed regret over “the absence of a national housing strategy and expressed concern at the current severe housing shortage, in particular in Aboriginal communities, and at the high costs of rent and the impact thereof on women.”³⁶ The right to housing, and the failure to fulfill this right, is connected to a number of other rights protected in the Convention and other instruments of international law, including the right to an adequate standard of living, keeping children with their parents where possible and appropriate, employment, and access to basic services like sanitation and clean water.

The 2011 Metro Vancouver homeless count found that total levels of homelessness in Metro Vancouver remained virtually unchanged compared to 2008.³⁷ Homeless counts are an unreliable measure of the true extent of women’s homelessness, since women are less likely to sleep on the streets than men and more likely to stay with family or friends, or to remain in inappropriate or unsafe relationships; homeless women are therefore often missed by the counters. Having to double up with other families, which can lead to overcrowding, is particularly common among immigrant and refugee families.³⁸ In 2011, while the total number of people counted sleeping outside decreased, the number of “sheltered” homeless – people staying in emergency shelters, safe houses and transition houses – increased by 74%, likely due to the city and province’s increased expenditures on emergency shelter during the winter months.³⁹ Shelters are important emergency measures to protect people who are homeless from the elements, but they are no substitute for safe and affordable permanent housing. Safety in emergency shelters is of particular concern for homeless women. Vancouver Police confirm that six sexual assaults were reported at the First United shelter in Vancouver’s Downtown Eastside, and frontline workers have also heard reports of assaults and safety concerns at the shelter.⁴⁰ As a result of these assaults and pressure from women’s and community groups, the BC government recently announced it will be opening a new 24-hour women’s only shelter in the Downtown Eastside.⁴¹

Last year, West Coast LEAF and Pivot Legal Society filed a complaint to the Ombudsperson about a discriminatory policy that reduced a parent’s monthly shelter allowance if their child(ren) were taken into temporary care by the Ministry of Children and Family Development. As a result of the policy, many low income parents lost their homes and struggled to get their kids back. This May, the policy was revised to provide that when a dependent child is temporarily in care the shelter allowance may be maintained as long as the parent is actively working toward the return of the child.⁴²

Throughout BC, homelessness and critical shortages of affordable housing remain a major problem. Wait lists for subsidized housing are years long; in 2008 there were over 13,400 people waiting for a social housing.⁴³ While there have been much-needed improvements in the availability of supportive housing and housing for frail seniors, the province has seen a net loss of 2,820 independent social housing units over the past five years.⁴⁴ Thus, many low-income individuals, families and seniors must find accommodation in the private rental market, even as those rents escalate. Rental assistance programs are not available to those receiving income assistance, or to families with a gross annual income over \$35,000, an amount that falls well below the living wage (see the Social Assistance and Poverty section).

Aboriginal women are among those most affected by homelessness and unstable housing situations. Nearly half of the women experiencing homelessness in Metro Vancouver are Aboriginal.⁴⁵ In her final report to Parliament, Canada’s Auditor General Sheila Fraser decried the lack of progress in improving housing conditions on Aboriginal reserves and noted that in many respects, conditions had deteriorated over the past ten years.⁴⁶ On top of a lack of housing on reserves, much of the housing that is available is inadequate: houses are overcrowded and often do not meet federal building standards, mould remains a significant problem, and there is a lack of access to safe drinking water.

In 2008, the CEDAW Committee was concerned about the disproportionate number of Aboriginal, African-Canadian and other women and girls of colour incarcerated in Canadian prisons.⁴⁷ The Committee was particularly concerned about “the continuing presence of male guards in female prisons, which increases the risk of sexual harassment or assault and violates the right to privacy of female detainees” as well as “the treatment of adolescent girls in juvenile detention, who are often detained in mixed-sex prisons, where they are exposed to violence from adolescent male detainees or from male prison guards.”⁴⁸ The *UN Standard Minimum Rules for the Treatment of Prisoners* and the *UN Rules for the Protection of Juveniles Deprived of their Liberty* require that male guards should not enter any part of a prison facility in which girls or women are imprisoned unless accompanied by a woman officer;⁴⁹ these rules serve as an important guideline for internationally acceptable treatment of incarcerated individuals.

The Committee’s concern about the disproportionate number of women and girls of colour incarcerated in Canadian prisons remains well-founded. In the last ten years, the number of women incarcerated in federal jails has increased by almost 40%, and the number of incarcerated Aboriginal women has increased by almost 90%, making Aboriginal women the fastest growing offender category under federal jurisdiction.⁵⁰ Overcrowding in women’s prisons is becoming a serious issue.⁵¹ Despite overall decreases in custody rates for both male and female youth, the representation of Aboriginal girls in custody remains very high. Aboriginal girls account for 34% of girls on remand, 44% in sentenced custody and 31% of those on probation, and Aboriginal youth are vastly over-represented in BC remand facilities.⁵²

The majority of women offenders are mothers and many are single parents.⁵³ The 2008 cancellation of the mother-baby program at Alouette Correctional Centre for Women disproportionately impacts Aboriginal mothers, who make up one-third of all women in BC prisons and who are more likely to come from remote communities, making it extremely difficult to maintain contact with children staying with other family members.⁵⁴ Five women have sued the provincial government for ending the program;⁵⁵ the trial is expected to begin next spring. To help foster connection between children and their incarcerated parents, BC Corrections and the Elizabeth Fry Society have created the Storybook Program, which provides children of prisoners with books and recordings of their parents reading to them.⁵⁶

In March 2011, the BC Civil Liberties Association filed a lawsuit on behalf of a 24-year-old Aboriginal woman who had spent more than three years in solitary confinement in an Abbotsford prison under a Correctional Service of Canada (CSC) Management Protocol, a central feature of which is the use of prolonged and indefinite solitary confinement for female prisoners deemed “high risk”.⁵⁷ This spring, West Coast LEAF joined a coalition of organizations calling on Minister of Public Safety Vic Toews to end the use of the Management Protocol on the grounds that it is used only in women’s prisons, there is no judicial oversight on its use, and there are no limits on its duration. Disturbingly, all of the women subject to the Protocol at the time the letter was sent were Aboriginal, which strongly suggests a discriminatory application of the Protocol. In the wake of the lawsuit, the Correctional Service stated that it would be “moving away” from the Management Protocol;⁵⁸ however, that claim has been made several times previously and the coalition awaits confirmation that the practice has been abolished once and for all.

There a number of transgendered prisoners in BC jails whose safety and security may be put at risk by a CSC policy of placing transgendered inmates who identify as female in men’s jails if they have not yet undergone full sex reassignment surgery.⁵⁹ A decision of the Canadian Human Rights Tribunal in 2001 requires the government to consider sex reassignment surgery as an “essential medical treatment” and fund it for inmates meeting certain criteria.⁶⁰ However, in November 2010 the federal government ordered an abrupt halt to funding for the procedure, despite the Tribunal ruling.⁶¹

The CEDAW Committee has noted that “[g]ender-based violence is a form of discrimination that seriously inhibits women’s ability to enjoy rights and freedoms on a basis of equality with men.”⁶² In its 2008 report, the Committee “remains concerned that domestic violence continues to be a significant problem.”⁶³ The Committee was particularly concerned about a number of elements of the social services’ and justice system’s response to violence against women, including: the use of diversion and mediation in situations involving domestic violence; the practice of “dual charging” (charging both partners in cases of domestic violence); an insufficient number of shelters for victims of violence; and the failure of courts to take domestic violence into account in custody and access determinations.⁶⁴

Violence against women remains a massive problem in Canada, and Aboriginal women are particularly impacted. A recent Statistics Canada survey found that nearly 67,000, or 13% of Aboriginal women aged 15 or older self-reported that they had been the victim a violent crime in the previous 12 months.⁶⁵ This rate of self-reported violent victimization among Aboriginal women was almost three times higher than the rate reported by non-Aboriginal women. The majority of violent incidents reported by Aboriginal women were committed by males who were acting alone. The proportion of Aboriginal women who reported spousal violence by a current or former spouse was about two and a half times higher than the proportion of non-Aboriginal women.

Women’s centres provide critical support and resources for women who have experienced violence. Unfortunately, the last year has seen a number of women’s centres throughout the province closed due to a lack of funding. Centres in Cranbrook, Kelowna, Vernon and Comox have all had to shut their doors due to a lack of government investment in these important services for vulnerable women.⁶⁶ UN Secretary General Ban Ki-Moon’s UNiTE to End Violence Against Women campaign, which aims to prevent and eliminate violence against women and girls in all parts of the world, declares that “the most effective way to fight violence against women is a clear demonstration of political commitment by States, backed by action and resources.”⁶⁷ However, in Canada neither political commitment, nor action and resources, have been forthcoming. On one day in April 2010, 426 women were turned away from emergency shelters for abused women, most often because the shelter was full.⁶⁸

Late last year, Vancouver Mayor Gregor Robertson and Chief of Police Jim Chu unveiled Sister Watch, an initiative aimed at improving women’s safety in the Downtown Eastside by encouraging more anonymous reporting of violence against women and establishing regular community meetings to share concerns.⁶⁹ Some women in the neighbourhood fear criminalization themselves, making them reluctant to come forward to police with information about violent crime, and the project is intended to break through that sense of fear and mistrust. Early indications from the community suggest that the project is producing positive results, including improved relations between residents and police.⁷⁰

In December 2010, the BC government released an updated Violence Against Women In Relationships (VAWIR) policy.⁷¹ The policy outlines the role and responsibilities of nine different agencies when encountering situations of family violence.⁷² Unfortunately the component relating to sexual assault has not been implemented, and resources for victims of sexual assault, particularly girls under 18, are critically lacking.⁷³ The VAWIR policy discourages the practice of dual charging identified as problematic by the CEDAW Committee, and instructs police to conduct a “primary aggressor analysis” to determine which party to arrest based on which was the most dominant aggressor. However, front-line advocates report that women continue to face arrest in contexts involving a history of domestic violence; many of these women are recent immigrants who cannot communicate with police in English as well as their abusers.⁷⁴



CEDAW requires that state parties promote the establishment and development of a network of childcare facilities in order to ensure women’s effective right to work.⁷⁵ In its 2008 comments on Canada, the CEDAW Committee remained “gravely concerned at the fact that poverty is widespread among women, in particular Aboriginal women, minority women and single mothers.”⁷⁶ The Committee discussed the impact of the lack of affordable quality childcare on women’s economic empowerment,⁷⁷ and urged Canada to “step up its efforts to provide a sufficient number of affordable childcare spaces.”⁷⁸

BC’s public spending on childcare and pre-school is the lowest in Canada.⁷⁹ In 2011, the BC government is contributing less to the costs of childcare than it did in 2001,⁸⁰ despite the fact that almost all parents of young children need quality, accessible childcare if they are to remain in the paid labour force.⁸¹ Significantly, the largest labour supply increase in recent decades has occurred among female lone-parent families and married women with young children: 76% of women with children aged three to five work for pay, as do 64% of women with children under age three.⁸² There are only childcare spaces available for 5% of children under the age of three in this province, and wait times are years long.⁸³ Even for three to five year olds, fewer than 40% are enrolled in a licensed childcare centre, many only for part-time pre-school programming a few days a week.⁸⁴ Finding childcare is even more difficult for immigrant women, who are more likely to work in part-time jobs, to do shift work, and to work irregular hours.⁸⁵

After housing, childcare is the second highest cost facing BC families.⁸⁶ Childcare can cost families more than post-secondary education, with fees as high as \$1,600 a month for one child.⁸⁷ The average cost of regulated childcare for children aged three to five is \$868/month, while the maximum subsidy available for low-income parents is \$550.⁸⁸ On September 1, the subsidy rate for children attending full-time kindergarten was reduced from \$340-550/month (depending on the childcare setting) to \$210/month, while the income cut-off for a full subsidy was decreased from \$33,300 to \$21,480 per year for families with a kindergarten-aged child attending childcare.⁸⁹ Small increases in the subsidy rates for before and after-school care of between \$4.65 - \$9.30/month do not come close to covering the actual costs of this essential care.⁹⁰

In February 2011, the government announced a \$150 monthly increase in a program for young moms trying to finish high school, boosting it to \$1,000 a child.⁹¹ Yet the government has closed several young parent programs in Smithers, Terrace, Nelson, and Kelowna – areas with a high incidence of teen pregnancies.⁹² The 44 remaining organizations receiving funding under the young parent program will also received a one-time grant of about \$1,000 to help their operations.⁹³

In September 2011, full-day kindergarten will be extended to all five year-olds in the province. Teachers have criticized the implementation of the program and argue that the \$365 million the government expects to spend on the program over the next three years will be insufficient to meet children’s needs.⁹⁴ It has also placed a strain on before- and after-school care programs, and has resulted in some childcare centres actually losing money because they are no longer providing full-time care. In March 2011, the Ministry of Children and Family Development announced that it would be allocating \$1 million in one-time funding to licensed group childcare providers to assist with the enrolment decline at childcare centres due to full day kindergarten.⁹⁵ However, this \$1 million is spread among all 3 to 5 year-old children in group childcare centres across all of BC, which amounts to \$45 for each child care space.⁹⁶

2010: C+
2009: NONE

2011: B-

WOMEN AND HEALTH CARE

8

In 2008, the CEDAW Committee applauded Canada's attempts to integrate gender and diversity considerations into the delivery of health care services, but expressed concern about the health of marginalized populations and the services available to them.⁹⁷ The Committee noted its concern that Aboriginal women are disproportionately impacted by HIV/AIDS and that senior women are not receiving adequate care for their age-specific health problems.⁹⁸ The Committee expressed regret "that Aboriginal women in Canada continue to live in impoverished conditions, which include high rates of poverty, poor health, inadequate housing, lack of access to clean water, low school-completion rates and high rates of violence."⁹⁹ The World Health Organization's Commission on Social Determinants of Health found that: "In countries at all levels of income, health and illness follow a social gradient: the lower the socioeconomic position, the worse the health."¹⁰⁰

Medical Service Premiums were increased again in 2011, in line with the government's 2009 plan to raise premiums by about 6% each year for the next three years.¹⁰¹ A single person earning over \$30,000 pays \$60.50 in MSP per month, while a family of three with a combined income over \$30,000 pays \$121/month.¹⁰² These fee increases impact women differently than men because on average, women have lower income and are more likely to be single parents than men.¹⁰³ Only Canadian citizens and permanent residents who have held that status and been resident in Canada for the past 12 consecutive months can apply for premium assistance if their income falls below \$30,000,¹⁰⁴ creating barriers for immigrant and refugee women who need to access health care for themselves and their children.

According to an April 2011 report, there is a crisis in service and support for adults with developmental disabilities in BC.¹⁰⁵ The authors report that provincial funding levels are insufficient to meet demands for services, waitlists are long and growing, programs are being cut back or eliminated, group homes are being closed, and support options are being reduced.¹⁰⁶ Last year, 33 group homes across the province were closed as part of a government objective to reduce costs by \$22 million, in part by reducing staffed residential resources (group homes) and expanding other lower-cost residential options, including home sharing placements, where an adult with a developmental disability shares a home with his or her support provider.¹⁰⁷ This shift from staffed group homes to home sharing raises concerns about isolation and violence against women with disabilities: women with disabilities are significantly more likely to experience physical and sexual abuse than non-disabled women, and a recent review found that 65% of violent crimes committed against persons with disabilities were perpetrated by someone the victim knew.¹⁰⁸ A strong network of relationships and access to qualified healthcare professionals helps to safeguard against and identify violence against women with disabilities.¹⁰⁹

There is a clear link between poverty and health: poverty is associated with acute and chronic ill health, increased susceptibility to infections, and increased risk of heart disease, depression, arthritis and mental illness.¹¹⁰ Women's lower socio-economic position puts them at greater risk for all serious health concerns, and the already financially vulnerable position of women is further exacerbated if they are immigrant or aboriginal women, who have lower rates of employment than Canadian-born non-Aboriginal women.¹¹¹

In June 2011, Canada's Auditor General released a report assessing progress on a decade's worth of recommendations from her office regarding health and quality of life for Canada's First Nations.¹¹² The report warns that more than half of drinking water systems on reserves are at risk, while rampant mould problems in reserve housing have been met with an information campaign, rather than funding to eradicate the harmful spores, which cause respiratory illnesses such as asthma.

CITATIONS

- ¹ *Concluding observations of the Committee on the Elimination of Discrimination against Women: Canada*, at 5, para. 21 UN CEDAWOR, 42d Sess., UN Doc. CEDAW/C/CAN/CO/7 (7 November 2008), online: <<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N08/602/42/PDF/N0860242.pdf?OpenElement>>.
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ABOUT WEST COAST LEAF



West Coast LEAF's mandate is to achieve equality by changing historic patterns of systemic discrimination against women through BC-based equality rights litigation, law reform and public legal education.

METHODOLOGY

The goal of West Coast LEAF's CEDAW Report Card project is to raise public awareness about the shortcomings and successes of BC in meeting its international obligations on women's rights, and to advocate for adequate responses to the CEDAW Committee's concerns.

West Coast LEAF identified eight key areas from the most recent CEDAW Concluding Observations on Canada as priorities based on their relevance to our mandate and expertise. The Report Card Subcommittee considered the following specific criteria: whether the issue was legal in nature; whether the issue was one the organization had worked on in the past, or about which it had any expertise to offer (although this was not determinative); and whether the issue was one for which the provincial Government had some responsibility.

West Coast LEAF distributed a draft of the report card to a number of community organizations and representatives. We sought their written input and feedback, and engaged in telephone and in-person conversations as well. The feedback we received was extremely valuable in formulating the final version of this report card.

West Coast LEAF would like to thank the members of our Report Card Subcommittee: Amanda Winters, Goldie Leoppky, Maggie Knowlan, Menka Sull, Shiva Olyaei and Stephanie Mayor, as well as our research assistants Danielle Fostey and Heather Cassells. The report card was drafted by Laura Track, West Coast LEAF Legal Director. We would also like to thank all the community members and organizations who took the time to consult with us and provided their insight and expertise. Last but not least, we want to thank our tireless designer Asad Kiyani.

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