



CEDAW 2014

REPORT CARD

HOW BC IS MEASURING UP IN WOMEN'S RIGHTS

SUBJECT	GRADE	TEACHER'S COMMENTS
WOMEN & ACCESS TO JUSTICE	F	<i>Crises, shortfalls, and chronic underfunding continue to plague the legal aid budget, leading to serious injustices for thousands of unrepresented litigants, particularly women in family law cases.</i>
SOCIAL ASSISTANCE & POVERTY	F	<i>BC maintains its position as the province with the highest poverty rate in the country, and is one of only two provinces without a comprehensive poverty reduction plan.</i>
MISSING & MURDERED INDIGENOUS WOMEN AND GIRLS	D	<i>More than a year and a half after the final report of the Missing Women's Commission of Inquiry, the government's progress on implementing the Commissioner's recommendations has been painfully slow.</i>
WOMEN & HOUSING	D	<i>Homelessness and housing insecurity remain huge concerns for women in Vancouver and across the province, and the number of street homeless in Vancouver increased significantly this year.</i>
WOMEN AND GIRLS IN PRISON	D	<i>Government is failing to uphold the rights of prisoners in BC, and Indigenous women and girls are particularly affected.</i>
VIOLENCE AGAINST WOMEN AND GIRLS	B-	<i>BC was rocked by a number of brutal domestic violence-related murders this year, and government initiatives to address male violence against women lack clear goals and timeframes.</i>
ACCESS TO CHILDCARE	D	<i>Government has yet to recognize that investment in affordable quality child care will contribute to the province's economic growth, as well as women's equality.</i>
WOMEN & HEALTH CARE	B	<i>MSP premiums will rise again this year, and failures to address the social determinants of health, including income and housing, raise overall health costs and undermine the well-being of BC residents.</i>



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Supported by the Law Foundation of British Columbia and BC Gaming

BACKGROUND

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).

The Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) enshrines important protections for women and girls in international human rights law. Canada ratified CEDAW on December 10, 1981.

Canada's compliance with the treaty was last assessed by the CEDAW Committee in 2008, and the Committee raised significant concerns about Canada's commitment to women's equality rights and adherence to the treaty's protections.¹ The Committee also took the unusual step of requiring Canada to report back to the Committee after one year on its progress on two issues of particular concern: 1) improving social assistance programs and assessing their impact on women's rights, and 2) addressing the failure to investigate cases of missing and murdered Indigenous women.

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.

CEDAW COMMITTEE CONCERNS

Some of the CEDAW Committee's main concerns with Canada's record on women's rights in 2008 included:

Women and Access to Justice: The CEDAW Committee expressed concern 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, and called on governments to ensure access to justice for all women.

Social Assistance and Poverty: The Committee pointed to cuts in social assistance schemes in many provinces and the resulting negative impact on the rights of vulnerable groups of women such as single mothers, Indigenous women, African-Canadian women, immigrant and migrant women, and elderly and disabled women who rely on social assistance.

Missing and Murdered Indigenous Women: The CEDAW Committee was alarmed “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.” 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.

Housing: The Committee expressed regret over the absence of a national housing strategy and concern at the current severe housing shortage, in particular in Indigenous communities, and at the high cost of rent and its impact on women. The Committee expressed particular alarm that women in Canada are forced to relinquish their children into foster care due to inadequate housing.

Women and Girls in Prison: The Committee noted the disproportionate number of Indigenous, African-Canadian and other women and girls of colour incarcerated in Canadian prisons. The Committee was also 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.

Violence Against Women and Girls: The Committee observed that domestic violence continues to be a significant problem, and 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.

Access to Childcare: The Committee discussed the impact of the lack of affordable quality childcare on women's economic empowerment, and urged Canada to “step up its efforts to provide a sufficient number of affordable childcare spaces.”

Women and Healthcare: The 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. The Committee noted its concern that Indigenous women are disproportionately impacted by HIV/AIDS and that senior women are not receiving adequate care for their age-specific health problems.

The CEDAW Committee, as well as the UN Committees that monitor the International Covenant on Economic Social and Cultural Rights (ICESCR), and the International Covenant on Civil and Political Rights (ICCPR), have all raised alarm about access to justice in Canada. The CEDAW Committee has identified that barriers to accessing justice result in impunity for perpetrators and prevent women from claiming their legal rights.² The CEDAW Committee has called on States Parties to provide legal aid to enable women to protect their rights and interests in court.³ In 2012, the Special Rapporteur on Extreme Poverty and Human Rights affirmed that “access to justice is a human right in itself,”⁴ and stressed that without access to justice, people living in poverty are trapped in a cycle of exclusion and deprivation.⁵

The Government of BC continues to allocate grossly inadequate resources to addressing the crisis in access to justice, the result of dramatic cuts to legal aid in 2002 and over a decade of underfunding. Women continue to bear a disproportionate burden of the underfunding as a result of the deepest cuts being directed at family and poverty law services, which women are more likely to require.⁶ In 2012/2013, 6,579 women applied for legal aid in family law matters in comparison to 2,870 men;⁷ almost 60% of these applicants were refused.⁸ For women who do receive legal aid, the low number of funded hours mean they often do not obtain the finality and certainty they need on issues of custody and access for their children and other fundamental family law issues. Women with communication barriers, such as deafness or English as an additional language, face additional hurdles in having their justice needs met.

In the fall of 2013, the Legal Services Society (LSS) announced that in the face of a \$2.5 million budget shortfall, a significant reduction in client services would be required, and lawyers were cautioned to avoid booking hearing dates for legal aid work in early 2014.⁹ While this particular crisis was ultimately averted, LSS emphasized in its most recent Service Plan the acute and ongoing nature of its untenable financial situation and the challenges it faces in meeting its statutory mandate to deliver publicly funded legal services to people with low incomes. The report stated that “unless there is an increase in funding in future years, LSS will not have the resources to support clients in finding timely and lasting solutions to their legal issues.”¹⁰

In May 2014, the province announced \$2 million in funding to “develop and implement pilot projects focused on increasing access to justice and exploring services that promote early resolution of disputes.”¹¹ Plans for the money include a Parents’ Legal Centre for child protection cases, expanded duty counsel and family legal advice at the Victoria Justice Access Centre, and extended hours of service for the Family LawLINE. This brings the province’s total contribution to LSS to \$74.5 million for 2014-2015, little more than half of the \$140 million in revenue the province takes in annually from taxes paid on legal services.¹² To protest this state of affairs, the Trial Lawyers Association has renewed its service withdrawal, and lawyers are being asked to refuse legal aid files during the first week of every month this fall.¹³ BC judges have also expressed concern over the number of self-represented litigants coming before the courts.¹⁴ The Chief Justice of BC noted in his 2013 annual report that 38 percent of litigants involved in family matters at the BC Court of Appeal are self-represented.¹⁵ At the provincial court the number of unrepresented family litigants is 90-95 percent.¹⁶

In September 2014, the Supreme Court of Canada struck down BC’s court hearing fees as an unconstitutional barrier to access to justice. Intervening at the BC Court of Appeal and the Supreme Court of Canada, West Coast LEAF argued that fees have an unequal impact on women, who are less likely to be able to afford the fees as a result of their unequal economic status.¹⁷ The decision is a step in the right direction for improved access to justice in family law.

2014 was also a significant year for access to legal education in BC, a key component of the broader issue of access to justice. The Ministry of Advanced Education and the Law Society of BC both approved Trinity Western University’s proposed law school, despite the community covenant students and staff are required to sign which prohibits sexual intimacy outside of heterosexual marriage and restricts women’s reproductive rights by prohibiting abortion.¹⁸ In April, BC lawyers passed a motion directing the Law Society Benchers to rescind their approval of the school. The Benchers refused to implement the results of that vote and will instead hold a binding referendum on the issue in October.

In 2012, the Special Rapporteur on the Right to Food expressed concern that in Canada, “social assistance levels are insufficient to access the basic goods and services required for an adequate standard of living, including the right to food.”¹⁹ He found that the cost of housing in Canada is a primary reason why people suffer from hunger and are compelled to use food banks across the country. Among his specific recommendations, the Special Rapporteur emphasized that social assistance levels in Canada must be immediately increased so as to meet the costs of basic necessities, and that the minimum wage level should be a living wage.

In 2013, the Working Group for the Universal Periodic Review of Canada expressed concern about severe poverty among minority populations in Canada.²⁰ This concern echoes that expressed by the UN’s Independent Expert on Minority Issues, who found that unemployment rates are significantly higher for certain minorities in Canada, income levels are lower, and minorities are disproportionately living in the poorest neighbourhoods and in social housing with relatively poor access to services.²¹ The Independent Expert recommended that poverty alleviation programs in Canada target communities in a way that recognizes the complex causes of poverty, such as racial discrimination and social and economic exclusion. The UN Committee on Economic, Social and Cultural Rights has expressed particular concern about women’s poverty in BC, noting that inadequate social assistance rates present an additional obstacle for women fleeing abusive relationships.²²

According to the latest figures from Statistics Canada, BC is once again the worst province in Canada when it comes to major measures of poverty: an overall provincial poverty rate of 15.6%, a child poverty rate of 18.6%, the most unequal distribution of income among rich and poor families with children, and a shocking rate of poverty for children living in single mother-led families, at 49.8%.²³ The high levels of poverty experienced by lone mothers can be attributed to numerous factors, including the difficulty in finding affordable childcare and lower average hourly wages for women.²⁴ Studies have consistently shown that there are significantly higher poverty rates for women and their families who are Indigenous, racialized or recent immigrants, identify as LGBTQ or have a disability.

Despite these statistics, the provincial government has refused to follow the lead of almost every other Canadian province and territory by implementing a comprehensive poverty reduction strategy. Such a plan was proposed by a member of the opposition in May 2014, but in response to a letter sent by West Coast LEAF calling on her to support this bill, Premier Clark stated that her government does not believe such a strategy is necessary.

Rather than implement a comprehensive poverty reduction strategy, the province in 2012 launched a Community Poverty Reduction Pilot Program, with the stated aim of developing community-specific strategies for moving families out of poverty. Family Consultants worked with 72 families in seven BC communities, primarily focusing on helping them access existing services. On May 13, 2014, the Ministry of Children and Family Development and the Union of BC Municipalities released the first progress report on the pilot. While some families were assisted in crisis situations like dealing with evictions or finding free food, anti-poverty advocates note that BC’s poverty crisis is not due to poor families’ failure to find the services they need; more often, required services simply do not exist.²⁵ The report reinforces the need to address widespread issues like affordable child care, housing and adequate income sources at a policy level.

Welfare rates in BC have not increased since 2007, despite a rising cost of living. At present, the monthly social assistance rate for a single employable person in BC is \$610, which is less than the average rent of a bachelor suite in several major cities in BC.²⁶ Estimates based on data from 2011 show that a BC two-parent family with two children on income assistance will live \$21,287 below the poverty line, while a lone-parent family with one child will live \$11,602 below the poverty line.²⁷ Low welfare rates have disproportionate and potentially dangerous impacts on women, as women are often afraid to leave abusive relationships due to the well-known difficulties of supporting their families at current social assistance rates.²⁸ The government’s plan to make BC “the most progressive place in the world” for people with disabilities contains no commitment to raising disability assistance rates, which have also not risen since 2007. The government has also refused to amend its policy of clawing back child support from parents on income assistance, despite calls from advocates, affected parents, opposition MLAs, and even members of their own party to do so.

New research conducted by the BC Poverty Reduction shows that queer and trans people face high levels of poverty and marginalization. 1 in 4 queer and trans youth in BC are forced out of their homes due to severe family conflict, and among homeless youth in BC, 1 in 3 females and 1 in 10 males self-identify as queer, trans or questioning.²⁹

Following his visit to Canada in 2013, the UN Special Rapporteur on the Rights of Indigenous Peoples addressed the “disturbing phenomenon of aboriginal women missing and murdered at the hands of both aboriginal and non-aboriginal assailants, whose cases have a much higher tendency to remain unresolved than those involving non-aboriginal victims.”³⁰ He noted that since 1996, there have been 29 official inquiries and reports dealing with aspects of the crisis of missing and murdered Indigenous women and girls, which have resulted in over 500 recommendations for action.³¹ While the Special Rapporteur recognized that both federal and provincial governments have taken some action, he noted that Indigenous peoples across the country lack confidence in the effectiveness of the government’s efforts. Describing the crisis as “an aspect of the long shadow of residential schools,” the Special Rapporteur joined the call for a comprehensive national inquiry to ensure a coordinated response to the crisis. The Canadian government, however, has rejected this recommendation.³²

The crisis of missing and murdered Indigenous women in Canada is national in scope; a report prepared by the RCMP in May 2014 found that between 1980 and 2012, there were 1,181 police-recorded incidents and unresolved cases of Indigenous female homicides nation-wide.³³ As of November 2013, there were 225 unsolved cases of either missing or murdered Indigenous women, the majority of them in British Columbia.³⁴ While almost certainly an under-count, these numbers significantly exceed previous estimates. Nevertheless, the federal government has rejected renewed calls for a national inquiry from provincial and territorial leaders after the August death of an Indigenous teen from Winnipeg, though they have indicated openness to a “roundtable” on these issues.³⁵

More than a year and a half after the final report of BC’s Missing Women’s Commission of Inquiry (MWCI), the BC government’s record on implementing Commissioner Oppal’s recommendations remains disappointing. In November 2013 the government’s own status report indicated that it had completed only 3 of the 65 recommendations.³⁶ One of the completed recommendations listed in the report was the appointment of Steven Point to oversee the implementation of the MWCI reform process. Point, however, resigned barely six months into his tenure and despite calls to replace him, the position has remained vacant ever since.

The government’s November Status Report stated that action on over half of the MWCI recommendations was underway; however, there has been little concrete progress on some of the most critical recommendations, including the recommendation to immediately establish a safe means of public transportation along Highway 16, known as the Highway of Tears.³⁷ When questioned in May 2014 about the ongoing lack of safe and accessible transportation on the highway – where no fewer than 17 women have disappeared since the 1970s – government refused to commit to implementing a public transportation system or shuttle. Instead, Attorney General Suzanne Anton emphasized a \$100,000 grant to the Carrier-Sekani First Nation to conduct personal safety workshops and a government partnership with Telus to increase cell phone coverage along the highway.³⁸ Like the billboards lining Highway 16 advising women not to hitchhike, these measures fail to reflect an adequate understanding of the underlying poverty and lack of affordable alternatives that make hitchhiking the only option for many Northern women.³⁹

The government also cut \$1.4 million from the RCMP’s major crime unit, which is responsible for investigating cases of missing and murdered Indigenous women along the Highway of Tears. Six investigator positions from the Highway of Tears section, known as E-PANA, are being eliminated,⁴⁰ a move criticized by the BC Supreme Court judge who recently sentenced Cory Legebokoff for the murders of four women along the notorious stretch of highway.⁴¹

Even where the government has adopted measures to fulfill the MWCI recommendations, its record has been mixed. In March 2014, government passed the *Missing Persons Act*. While many lauded the bill’s intention, the final legislation failed to reflect concerns expressed by BC’s Privacy Commissioner that the law unnecessarily broadened police powers without commensurate increases in the safety of vulnerable persons.⁴² Nor did government satisfactorily address concerns raised by the BC Society of Transition Houses that the *Act* could undermine the safety of women fleeing abuse.⁴³ Amendments to the *Police Act* to provide for audits of open but inactive missing persons files have also been criticized for not making such audits mandatory, as recommended in the MWCI report.⁴⁴

In May 2014 the government announced it would provide the Justice Institute with a \$205,000 grant to develop a “cultural competency” curriculum for police officers.⁴⁵ In June 2014, the Province signed a Memorandum of Understanding with Indigenous leaders to affirm a “shared commitment to end violence against women and girls.”⁴⁶ The MOU is commendable for its acknowledgement that “Aboriginal women and girls suffer disproportionately high levels of violence and that research indicates that the root causes can be linked back to years of colonial policies and practices that sought to exclude Aboriginal people economically and socially, and attempted to destroy their cultures.”⁴⁷ The measure of the MOU’s success, however, will be the actions taken in light of it by the Province.

The UN Committee on Economic, Social and Cultural Rights has called on all levels of the Canadian government to “address homelessness and inadequate housing as a national emergency” by reinstating or increasing social housing programs, improving and properly enforcing anti-discrimination legislation, increasing shelter allowances and social assistance rates “to realistic levels” and providing adequate support to people with disabilities.⁴⁸ Following his 2013 visit to Canada, the Special Rapporteur on the Rights of Indigenous Peoples recognized that the “housing situation in Inuit and First Nations communities has reached a crisis level,”⁴⁹ which has an extreme negative effect on a wide variety of social and economic conditions, including health, violence, poor educational achievement and an inability to retain employment. The negative effects of Canada’s housing shortage are particularly pronounced for women and girls in Canada, who are disproportionately impacted by poverty and inadequate housing, a reality noted by the CEDAW Committee and the UN Special Rapporteur on Adequate Housing.⁵⁰

Homelessness and housing insecurity remain huge concerns in Vancouver and across the province. The Carnegie Community Action Project’s 2013 report on single room occupancy hotels in Vancouver’s Downtown Eastside (DTES) notes that these rooms are more expensive than ever, and that owners are increasingly seeking to push low-income residents out in favour of students and workers able to pay higher rents.⁵¹ The average monthly rent in the neighbourhood increased again last year, and 200 rooms that were previously affordable to people on social assistance have been lost. Inadequate social housing stock is reflected in the huge spike in street homelessness this year; almost twice as many people – 538 compared to 273 in 2013 – had no shelter in Vancouver on March 12, the day of the 2014 Metro Vancouver homeless count. A tent city sprung up over the summer to protest the dire housing situation in the neighbourhood. The City of Vancouver has issued an injunction to clear the park and is trying to find housing for the homeless campers.

The City’s Local Area Plan (LAP) for the DTES, passed in March 2014, is unlikely to solve the housing crisis in the neighbourhood. In contrast to the previous plan from 2005, the 2014 LAP does not emphasize development without displacement, and envisions that residents displaced from the DTES will be housed elsewhere through private-market rent vouchers and “scattered site” social housing (where social housing is situated in neighbourhoods without a concentration of low income residents and therefore also without a concentration of the services and supports many low income people rely on).

The City has established an Affordable Housing Agency charged with enabling the creation of new low and modest income housing in Vancouver and carrying out related data-collection and research.⁵² It has a target of enabling the building of 2,500 new affordable homes by 2021, with “affordability” being defined as “a maximum allocation to housing cost of 30 per cent of household income.”⁵³ The agency has been allocated a modest budget of \$1 million a year, and the units will be available to people with incomes ranging from the welfare rate to less than \$86,500.⁵⁴ The agency itself will not build or own housing, but will ease the bureaucratic process for for-profit and non-profit developers. It will be empowered to form partnerships and develop selected city land.

Elsewhere in BC, Abbotsford’s City Council rejected a permit for a new shelter for its growing homeless population, citing “not in my backyard” concerns.⁵⁵ Abbotsford has also attracted heavy criticism for practices that are hostile to the local homeless population and not solution-oriented, including spreading chicken manure where homeless people gather,⁵⁶ evicting homeless people from parks,⁵⁷ and destroying the property of homeless people living in public space.⁵⁸ In the north, resource development is strongly affecting the housing market in towns such as Kitimat, Terrace and Fort St John. In Kitimat, housing prices are up 70% over 2013 in the first months of 2014.⁵⁹ With the influx of workers to the resource extraction industry, Kitimat is experiencing acute housing shortages and seeing “renovictions” as landlords attempt to get around the rent-increase restrictions in the Residential Tenancy Act (RTA) and cash in on the massive spike in rent.⁶⁰ Calls from advocacy groups to make a number of amendments to the RTA, including ending renovictions and allowing victims of violence to break their leases when necessary in order to flee abuse, have resulted in no government action to date.

In 2012, the UN Committee against Torture raised concerns about detention issues in Canada, including inadequate infrastructure to deal with the rising and complex needs of prisoners and the prolonged use of solitary confinement.⁶¹ The Committee against Torture recommended that Canada strengthen its efforts to improve material conditions in prisons, reduce the current overcrowding, properly meet the basic needs of all persons deprived of their liberty, increase the capacity of treatment centres for prisoners with mental health issues, limit the use of solitary confinement as a measure of last resort, and abolish the use of solitary confinement for persons with serious or acute mental illness. The Committee on the Elimination of Racial Discrimination and the Special Rapporteur on the Rights of Indigenous Peoples have also expressed serious concern at the disproportionately high rates of incarceration of Indigenous women in federal and provincial prisons across Canada.⁶²

Women who are poor or who are dealing with mental illness, violence, or the effects of colonialism are all more likely to encounter the justice system and incarceration. Approximately 26% of the women's prison population in BC is Indigenous,⁶³ despite constituting only 4.5% of the adult population.⁶⁴ More than half of adults admitted into the BC Corrections service are believed to have substance abuse or mental illness disorders, or a combination of both.⁶⁵ Seventy-five percent of girls in custody have a history of physical abuse, compared to 18% of girls in the general population, and 58% have a history of sexual abuse, compared to 13% of girls in the general population.⁶⁶ Youth in custody also have higher rates of homelessness, poverty, family breakdown, and being expelled or suspended from school. The government's recent decision to close the Victoria Youth Custody Facility flies in the face of extensive research on how best to rehabilitate young offenders and prevent recidivism, experts say, as evidence shows that youth do worse when moved away from their home communities into larger institutions.⁶⁷ Calls by West Coast LEAF and a number of Vancouver Island mayors to maintain the Youth Custody Centre and open unused wings to house remanded women, who face appalling conditions on Vancouver Island as detailed in last year's Report Card, went unheeded.⁶⁸

Despite the over-representation of Indigenous people in BC prisons, there is a lack of corrections facilities in British Columbia that take the specific needs of Indigenous people into account. Section 81 of the *Corrections and Conditional Release Act* allows the government to enter agreements with Indigenous communities to transfer Indigenous prisoners into their custody. However, there are no Section 81 facilities in British Columbia. A Human Rights Watch report released in 2013 reported widespread abuses of Indigenous women in BC's jails, including sexual and physical abuse. Women reported being beaten by guards, being pepper sprayed, and having their clothes ripped off.

BC Corrections has prepared a "Strategic Plan for Aboriginal Programs and Relationships" for 2012-2016.⁶⁹ In this plan, the corrections branch states they are "committed to eliminating factors that contribute to the over-representation of Aboriginal Peoples in the justice system." However, one important tool for addressing the over-representation of Indigenous Peoples in the justice system is facing a funding shortfall. Gladue Reports, which describe for the courts the impacts of colonization and disadvantage faced by Indigenous offenders, have been described by one judge as "indispensable", and necessary to enable the judge to "come to the fit and proper sentence" required by law.⁷⁰ However, the BC Legal Services Society (LSS) is struggling to meet the rising demand for these reports for clients receiving legal aid.⁷¹ A pilot project in which Indigenous offenders were able to meet with LSS-trained Gladue report writers to access a report ended in June 2013 and is not being continued due to a lack of funding.⁷² The program was very successful, and LSS states that Indigenous offenders who received a Gladue report prepared by an LSS-trained writer received jail sentences less often than comparable offenders without a report. The end of the pilot project means "LSS will not be able to fund Gladue reports except in very limited circumstances."⁷³ This is occurring in a context in which a number of new mandatory minimum sentences have been introduced, which override the right of Indigenous offenders to access the benefits of Gladue reports at all.

The Assistant Deputy Commissioner for Pacific Correctional Operations recently released a memorandum reminding prison staff of the duty to accommodate inmates with disabilities.⁷⁴ The impact this memorandum will have on the situation of women with disabilities in prison is not yet clear, but it is hoped it will have a positive impact for incarcerated women and girls with disabilities. Accommodation of transgender prisoners also remains problematic across Canada, and a BC prisoners' advocacy organization has suggested that a court challenge of government practices is inevitable.⁷⁵

In December, the BC Supreme Court released its decision in *Inglis v British Columbia (Minister of Public Safety)*⁷⁶ finding that the BC government's decision to discontinue the Mother Baby Program at the Alouette Regional Correctional Centre infringed the constitutional rights of incarcerated women in custody. The government did not appeal the decision, and Alouette has resumed the Mother Baby Program.⁷⁷ However, the provincial government did appeal two important human rights decisions involving the equality rights of prisoners, attempting to prevent them from having their cases heard at all.⁷⁸ The BC Court of Appeal rejected the government's applications in both cases and ruled that the cases should proceed.

The United Nations Entity for Gender Equality and the Empowerment of Women holds that “violence against women and girls is both an extreme manifestation of gender inequality and discrimination, and a deadly tool used to maintain women’s subordinate status.”⁷⁹ Numerous countries in the 2013 Universal Periodic Review Working Group, the UN Committee against Torture, and the Committee on the Elimination of Racial Discrimination have all expressed serious concern about violence against women in Canada, and particularly against Indigenous women and girls and women with disabilities. The Special Rapporteur on Violence against Women reported that a young Indigenous woman is five times more likely than other Canadian women of the same age to die of violence.⁸⁰ In 2012, the UN Office of the High Commissioner for Human Rights stressed the disproportionate and often hidden impact of violence against women and girls with disabilities, and recommended “initiating awareness raising programmes designed to change the societal perceptions of persons with disabilities” and training for law enforcement officials, prosecutors and judges on the forms of violence experienced by individuals with disabilities.⁸¹

In 2014, BC was rocked by a number of brutal and high-profile domestic violence-related murders, attempted murders and suicides that left 18 people dead.⁸² Among the deceased were 12 women, 5 men (4 of whom were offenders who committed suicide) and one child. Another 11 people were injured. Twelve men have been charged with murder or attempted murder of their female partners and one man charged with the murder of his ex-partner’s current boyfriend.

In reaction to the killings, the Representative for Children and Youth pointed to the persistence of problems she identified in her 2009 report in response to the killing by Peter Lee of his six year-old son, his estranged wife and her parents in Oak Bay: an uncoordinated responses system, lack of domestic violence courts, and toothless restraining orders that are not properly served or enforced.⁸³ A coroner’s inquest into the Lee killings produced a number of recommendations, including a province-wide domestic violence unit and consistent training in threat assessment across the criminal-justice system. As of April, 80 per cent of municipal police and 60 per cent of RCMP who work on the front lines had completed domestic violence training, according to the Ministry of Justice.

In response to the Representative for Children and Youth’s report on the Lee killings, the province established the Provincial Office of Domestic Violence (PODV) in 2012, tasked with ensuring all provincial policies, programs and services related to domestic violence are effective and delivered in a comprehensive and unified way across government. Almost 2 years following the establishment of the PODV and a year and a half later than originally promised,⁸⁴ the PODV released its 3-year Provincial Domestic Violence Plan in February 2014.⁸⁵ The 3-Year Plan committed \$5.5 million for anti-violence initiatives, which will be spent as follows:

- \$1 million for additional specialized domestic violence units;
- \$2 million for programs specifically for Aboriginal people affected by domestic violence;
- \$1 million for support and intervention for perpetrators to hold them accountable and support changes in behaviour and attitude; and
- \$1.5 for women’s and children’s housing and transportation in remote communities.⁸⁶

Considering the time it took the government to release the 3-Year Plan, it remains surprisingly vague and lacks clear goals or timeframes. For example, it says it will “support” or “coordinate” with existing organizations, such as the Legal Services Society, Aboriginal communities, and Community Coordination for Women’s Safety program, but does not specify what form such support or coordination will take. The 3-Year Plan also states that the PODV will “review”, “consult” on, or “explore” certain topics, such as the possibility of domestic violence courts and the general coordination of various BC ministries. The Representative for Children and Youth was highly critical of the plan, stating: “The plan has no depth to it, has no resources attached to it, and as a result there’s nothing to announce in this plan...It’s a plan to do something in the future should we have some money, and that’s not a plan. We can’t improve the system by putting nothing into it.”

The Province also announced one-time funding of \$5 million from civil forfeiture funds for anti-violence initiatives.⁸⁷ These funds have been devoted to taking further action on certain recommendations from the Missing Women Commission of Inquiry (MWCI) and supporting the prevention of violence against women and youth crime prevention initiatives. Included in this amount are twelve grants, for an aggregate amount of \$845,000, to organizations focused on domestic violence, and \$1 million for existing and new Domestic Violence Units (DVUs).⁸⁸ While welcome and needed, these one-off grants do not support long-term sustainability of these essential community-based organizations, and fail to meet the needs of northern BC women, who often face even more barriers than many women in urban areas.⁸⁹

In 2012, the UN Committee on the Rights of the Child expressed concern at the lack of funding directed towards accessible childhood care and services in Canada.⁹⁰ The Committee was also concerned at the high cost of child care across the country, the lack of available spaces for children, and that the majority of early childhood care and education services in Canada are provided by private, profit-driven institutions, which are unaffordable for most families. The Committee recommended that Canada prioritize the provision of child care for children between the ages of zero and three, and increase the availability of early childhood care and education for all children through provision of publicly funded services.

Access to child care is a key defence against poverty, as it can assist women in finding and holding employment. The Organization for Economic Cooperation and Development (OECD) has emphasized the important role that child care plays in enabling families to find and sustain employment, and in reducing income poverty in lone parent families.⁹¹

In 2012 the average annual cost of child care for a toddler in British Columbia was \$10,884, making it the second most expensive province in the country for obtaining day care.⁹² While the affordability of child care affects everyone in BC, the failure to adequately address this issue continues to have a disproportionate impact on women. The gendered relationship between child care policy and labour market participation is vividly illustrated in BC, which ranks lowest among provinces in terms of the labour market participation of women with children aged 0-12.⁹³ At 72.9%, BC's labour participation rate of women lags far behind Québec's rate of 80.9% (a province with a \$7/day child care plan). These figures are consistent with research showing that when the costs associated with working, including child care, are higher than earnings, parents are likely to withdraw from the labour market.⁹⁴

For single parents who do not have the option of relying on a spouse's income, the risk of poverty is significant in BC. Not only are the vast majority of single-parent households led by women, but 50% of single mother-led families live below the poverty line.⁹⁵ Even among two-parent families that can afford child care, a shortage of spaces means one parent may have to leave the workforce until a space becomes available.⁹⁶ Because women's incomes tend to be lower than men's, it is often the woman in a heterosexual couple who will leave the workforce. On average women still spend twice as many unpaid hours caring for children as men.⁹⁷ Under these circumstances, the lack of available and affordable child care constitutes a significant barrier to workforce participation and economic equality for women.

Despite the dire state of child care in the BC, the provincial government has continued to commit inadequate resources to addressing affordability and access. In March 2013, child care advocates marched to the Premier's office in Vancouver calling for a publicly-funded \$10/day childcare plan.⁹⁸ In rejecting these calls the Premier pointed to existing government initiatives and indicated that the estimated \$2 billion cost of publicly funded day care would be inconsistent with the government's efforts to "budget and create jobs and attract investment."⁹⁹

There is increasing evidence, however, that BC's lack of affordable child care itself places significant limitations on economic growth. In 2012, the Surrey Board of Trade and Children's Partnership of Surrey released a report recommending a "reform [of] the child care subsidy system so that parents pay no more than \$10/day (full-time) and \$7/day (part-time) making it free for families earning less than \$40,000/year."¹⁰⁰ The Board cited research suggesting that "work-life conflict among employees with preschool-aged children costs the BC business community in excess of \$600 million annually and the Canadian business community more than \$4 billion."¹⁰¹ In September 2014, the Surrey Board of Trade brought a resolution to the Canadian Chamber of Commerce calling upon the federal government to "work with the provinces and territories to develop, improve and expand access to a Canadian child care program that will determine an appropriate child care rate for parents and rate of public investment per space."¹⁰²

In January 2014 the BC government announced the opening of the Provincial Office for the Early Years.¹⁰³ According to the government, the office will "focus on the needs of families with children up to age six and help ensure they have easy access to a range of early-years services no matter where they live in BC."¹⁰⁴ Yet as last year's Report Card emphasized, the Early Years plan will not come close to addressing the extent of the shortage and cost of child care in the province.

The right to health is grounded in article 12 of the International Covenant on Economic, Social and Cultural Rights, which recognizes the right of everyone to “the enjoyment of the highest attainable standard of mental and physical health.” In 2013, the Special Rapporteur on the Right to Health emphasized that “ensuring the availability, accessibility, acceptability and quality of health facilities, goods and services on a non-discriminatory basis, especially for vulnerable populations...is a core obligation under the right to health.”¹⁰⁵ The World Health Organization’s Commission on Social Determinants of Health has highlighted the ways in which poverty and inequality influence health outcomes, emphasizing the importance of tackling these issues to promote the right to health.¹⁰⁶

The Special Rapporteur on the Rights of Indigenous Peoples highlighted in his 2014 report on Canada that while the overall health situation of Indigenous peoples in Canada has improved, “significant gaps still remain in health outcomes of Aboriginal as compared to non-Aboriginal Canadians, including in terms of life expectancy, infant mortality, suicide, injuries, and communicable and chronic diseases such as diabetes.”¹⁰⁷ The Special Rapporteur noted a recent positive development in BC: the 2013 implementation of a tripartite agreement between First Nations and the provincial and federal governments that aims to create a more integrated, responsive and accountable health-care system.

In 2013, the Provincial Health Services Authority (PHSA) Aboriginal Health Program rolled out its Indigenous Cultural Competency Training program, an online course that aims to enhance the skills and knowledge of over 500 health service providers who work directly or indirectly with Indigenous clients.¹⁰⁸ The goal of the training is to strengthen knowledge about culturally specific approaches to health care provision, including terminology, customs, and the harmful legacy of colonialism, with the goal of more effective communication and relationship building between health service providers and Indigenous patients.

With respect to BC’s broader health care system, the Ministry of Health implemented a number of positive policy changes this year. All British Columbians will now be offered a blood test for HIV/AIDs as part of new testing guidelines which, experts hope, will help decrease stigma and improve early access to treatment.¹⁰⁹ The Province has also invested \$3 million towards training addiction care providers across the province and funding clinical trials with a focus on early intervention.¹¹⁰ However, the province still has the second lowest per person health expenditure in the country,¹¹¹ and in 2015, Medical Services Premiums will increase for the sixth consecutive year, by four per cent.¹¹²

While adequate funding for the public health care system is crucial, research from Canada and around the world shows that the social and economic conditions in which people live profoundly affect their health outcomes, and the primary factors that shape the health of Canadians are not medical treatments or lifestyle choices but rather the conditions in which they live.¹¹³ For example, a recent study found that new mothers living on low incomes were more than 20 times more likely to experience multiple health problems than mothers living on high incomes.¹¹⁴ Lone parent families are more likely to have lower incomes and are thus more at risk of negative health outcomes, and in British Columbia, 80% of lone parent families are headed by women.¹¹⁵

There is a critical shortage of family doctors in BC, both in rural and urban areas.¹¹⁶ The Province and Doctors of BC have launched an initiative called A GP For Me, which seeks to ensure that every British Columbian has access to a family doctor by 2015, but the target is proving difficult to meet.¹¹⁷ Women with physical disabilities living in remote communities, for example, may not have access to a doctor’s office that can meet their accessibility needs. Women living in rural, remote, and First Nations communities in BC must travel hundreds of kilometres to receive quality maternity care, which is associated with worsened birth outcomes according to a recent study commissioned by Perinatal Services of British Columbia and the Ministry of Health.¹¹⁸

There is also an urgent need to expand midwifery services across the province and to fully integrate registered midwives into the health care system so that women and families have access to maternity care in their home communities. However, the Midwives Association of BC claims that the BC Government is being inflexible and unfair in its contract negotiations with BC’s midwives, and has issued a 90-day notice to BC’s Ministry of Health to terminate their Master Agreement with the Province, effective October 7, 2014.¹¹⁹ The Association believes that an investment of \$3-million per year would result in savings of \$60-million by 2020 by increasing home births, which are cheaper than hospital births, shortening hospital stays and reducing cesarean section rates.¹²⁰

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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 this year's CEDAW Report Card Subcommittee: Terran Bell, Meera Bennett, Lindsay Clark, Harshada Deshpande, Olena Gavrilova, Eileen Myrdahl, Tasha Rennie, Lisa Sammartino, Karen Segal, Kendra Shupe, and Amber Timothy. The report card was drafted by Laura Track, West Coast LEAF Legal Director.

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