



# 2016 CEDAW REPORT CARD

## HOW IS BC MEASURING UP IN WOMEN'S RIGHTS?

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# INTRODUCTION

The goal of West Coast LEAF's annual CEDAW Report Card is to raise public awareness about BC's progress in meeting its international obligations on women's rights, and to advocate for adequate provincial responses to the CEDAW Committee's 2008 concerns.

## WHAT IS 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. CEDAW recognizes that it is not enough to guarantee that women and men be treated identically. Instead, it requires that state signatories take appropriate action to eliminate discrimination against women and support substantive equality.

Canada ratified CEDAW on December 10, 1981. Canada's compliance with the *Convention* was last assessed in 2008, and the UN Committee on the Elimination of Discrimination against Women (the "CEDAW Committee") raised significant concerns about Canada's commitment to women's equality rights and adherence to the treaty's protections. Further reports issued by the CEDAW Committee and other international bodies have continued to express concern about Canada's compliance, with a particular focus on many areas of provincial government authority and issues specific to BC.

Canada's next CEDAW compliance review is expected in late October, 2016.

## METHODOLOGY

The goal of West Coast LEAF's annual CEDAW Report Card is to raise public awareness about BC's progress in meeting its international obligations on women's rights, and to advocate for adequate provincial responses to the CEDAW Committee's 2008 concerns.

From the CEDAW Committee's 2008 Concluding Observations on Canada, West Coast LEAF identified nine key areas relevant to our mandate and expertise. Because Canada's constitution divides responsibility between the provincial and federal governments, the Report Card focuses on issues that fall partially or completely within the jurisdiction of the BC government.

This year's Report Card focuses on provincial developments between October 2015 and September 2016. We used the following scale to assign grades to BC's progress in each area:

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

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## ACKNOWLEDGEMENTS

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We are grateful to the many community members and organizations who took the time to provide valuable feedback on sections of the draft report in response to our request for input. Finally, we would like to thank the Law Foundation of BC for their generous support and we acknowledge the financial support of the Province of British Columbia.

# WOMEN'S ACCESS TO JUSTICE

# D

**Very limited action.  
Needs significant  
improvement.**

**Previous years:**

**2015: D-**

**2014: F**

**2013: F**

Legal aid services in BC continue to be inadequate. This is particularly true for family and civil legal issues, the matters most relevant to women.

## WHAT DID THE CEDAW COMMITTEE SAY IN 2008?

The Committee expressed concern over the lack financial support for civil legal aid, particularly in BC, and urged Canada to ensure that all women, and particularly marginalized women, have access to human rights remedies and legal aid.<sup>1</sup>

## LEGAL AID FOR WOMEN IN BC

Legal aid services in BC continue to be inadequate. This is particularly true for family and civil legal issues, the matters most relevant to women. According to the most recent Annual Service Plan Report of the Legal Services Society (LSS), there were 7,888 applications for representation in family law matters in 2015/16.<sup>2</sup> Of these, only 3,803 — about 48%, a slightly higher percentage than previous years — were referred to legal aid for representation. In contrast, 81% of applications for criminal legal aid, services predominately used by men, were referred for services.<sup>3</sup> Given the crucial role of family law in responding to family violence and women's economic inequality, it is clear that the lack of legal support for these matters is a gendered issue.

Women continue to face several barriers in securing legal aid representation. First, legal aid representation is still only available for family matters deemed to be serious,<sup>4</sup> predominantly situations involving family violence. There is generally no funding for legal representation for everyday matters like divorce or the division of property. In addition, in order for an individual to qualify for legal aid representation, their net monthly household income and assets must be at

<sup>1</sup> *Concluding observations of the Committee on the Elimination of Discrimination against Women: Canada*, UN Doc CEDAW/C/CAN/CO/7 (7 Nov 2008) at para 21.

<sup>2</sup> Legal Services Society, *Annual Service Plan Report 2015/2016* (Legal Services Society, Vancouver: 2016) at 8.

<sup>3</sup> *Ibid* at 8.

<sup>4</sup> Legal Services Society, "Serious Family Problems" (2016), online: [www.legalaid.bc.ca/legal\\_aid/familyissues.php](http://www.legalaid.bc.ca/legal_aid/familyissues.php).

or below the level specified in LSS guidelines. A single woman working full time at minimum wage will not qualify because her income exceeds the financial cut off.<sup>5</sup> For a family of three, the net income threshold is \$2,730 a month, leaving many women ineligible despite that fact that they cannot realistically afford to retain a lawyer.

## ACTION TAKEN

There have been some small but important steps taken to improve access to justice in BC. LSS continued several pilot projects under the Justice Innovation and Transformation Initiatives and launched MyLawBC, an interactive website. One of the pilot projects, the Parents Legal Centre, opened in 2015 to assist eligible parents involved in child protection matters, with a focus on achieving early and collaborative resolutions.<sup>6</sup> The Centre's geographic scope is limited to Vancouver and Burnaby and clients are only eligible if a negotiated resolution can be obtained out of court. In 2015, 80% of the applicants were women and 51% were Indigenous.<sup>7</sup> The Centre is clearly addressing an important need for women, but it is only a small step in facilitating meaningful access to justice.

Individuals who do not qualify for legal aid representation may qualify for duty counsel services, which can provide advice about a variety of family matters, but services are capped at a certain number of hours.<sup>8</sup> Recently, LSS replaced their pilot project roster of duty counsel lawyers in Port Coquitlam with one dedicated legal aid lawyer. This positive change has reduced the number of court appearances on a

To qualify for legal aid, net monthly household income and assets must be at or below the level specified in LSS guidelines. A single woman working full time at minimum wage will not qualify because her income exceeds the financial cut off.

5 The current minimum wage is \$10.85 per hour. At 40 hours per week, 52 weeks per year, the net income of a single person earning minimum wage would be approximately \$1,640 per month. LSS's income threshold for a single person is \$1,520 per month.

6 Prairie Research Associates, "Evaluation of the Parent's Legal Centre Process Evaluation Report" (Nov 2015), online: [www.lss.bc.ca/assets/aboutUS/reports/PLCProcessEvaluationFinalReport.pdf](http://www.lss.bc.ca/assets/aboutUS/reports/PLCProcessEvaluationFinalReport.pdf) at 1.

7 *Ibid* at 4.

8 Legal Services Society, "Duty counsel lawyers for family law matters" (2016), online: [www.lss.bc.ca/legal\\_aid/familyDutyCounsel.php](http://www.lss.bc.ca/legal_aid/familyDutyCounsel.php).

single matter from eight to two or three, indicating more efficient and effective service for clients.<sup>9</sup>

While these pilot projects and self-help tools are positive steps, they fall far short of the comprehensive action needed to address the concerns raised by the CEDAW Committee in 2008 to ensure that women have meaningful access to civil justice in BC.

## DETRIMENTAL ACTION AND INACTION

BC has failed to make any new measurable progress with respect to the crisis in access to justice. Women, and particularly marginalized women, continue to pay the price for BC's failure to adequately invest in civil legal aid.

The crisis created by BC's lack of adequate support for women's access to justice has required non-governmental organizations to step in and fill the gaps. In May 2016, Rise Women's Legal Centre opened as a partnership between UBC's Peter A. Allard School of Law and West Coast LEAF. The Centre provides advice and representation to women who have no other means of getting legal help. It is clear the Centre provides a much needed service; within weeks of opening, all available appointments were booked and a wait list had begun for the following semester.

BC also continues to cut funding and support for the provincial human rights system. In 2014-15, despite an increase in filed complaints and an eight-year freeze on Tribunal member compensation, the BC Human Rights Tribunal was asked to reduce its budget by 5%, or \$150,000, midway through the fiscal year.<sup>10</sup> Funding for legal representation before the Tribunal also remains inadequate. Given the correlation between legal representation and success in a complaint, the fact that women often have to represent themselves undermines their access to legal remedies for issues such as employment discrimination and sexual harassment.<sup>11</sup>

## OVERALL COMMENTS

While LSS continues to implement pilot projects started in previous years, BC has failed to make any new measurable progress with respect to the crisis in access to justice. Women, and particularly marginalized women, continue to pay the price for BC's failure to adequately invest in civil legal aid.

9 Legal Services Society, "Legal Aid BC Update" (Oct 2015) online: [www.lss.bc.ca/legal\\_aid\\_update/LegalAidUpdateOctober2015.php](http://www.lss.bc.ca/legal_aid_update/LegalAidUpdateOctober2015.php).

10 BC Human Rights Tribunal, "Annual Report 2014-2015" (June 2015), online: [www.bchrt.bc.ca/shareddocs/annual\\_reports/2014-2015.pdf](http://www.bchrt.bc.ca/shareddocs/annual_reports/2014-2015.pdf) at 4, 6.

11 *Ibid* at 7.

# WOMEN'S POVERTY

## WHAT DID THE CEDAW COMMITTEE SAY IN 2008?

The Committee expressed serious concern about the lack of accountability mechanisms to ensure Canadian women have access to social assistance schemes that meet minimum standards, as well as about cuts to provincial income assistance that negatively impacted the rights of single mothers, Indigenous women, Afro-Canadian women, immigrant women, older women, and women with disabilities.<sup>12</sup> These concerns were so significant that the Committee required Canada to report back on steps taken to address these issues within one year.<sup>13</sup>

## WOMEN'S POVERTY IN BC

BC continues to have high rates of poverty, particularly among single senior women and single-parent families, which are predominately headed by women. The Province has a high rate of working poverty and, in Metro Vancouver, families led by lone parents are the most at risk.<sup>14</sup> One in two BC children living in lone parent families lives in poverty.<sup>15</sup> While poverty rates for Indigenous children living off reserve are lower than for those living on reserve, children with status living off reserve (so those under the responsibility of the provincial government) are more than twice as likely to be living in poverty as non-Indigenous children.<sup>16</sup> Rates of child poverty directly reflect the poverty of their primary caregivers, usually their mothers.

12 *Supra* note 1 at para 14.

13 *Ibid* at para 53.

14 Igluka Ivanova, *Working Poverty in Metro Vancouver* (Canadian Centre for Policy Alternatives, Vancouver: 2016) at 14 and 16.

15 First Call: BC Child and Youth Advocacy Coalition, *2015 Child Poverty BC Report Card* (Vancouver: 2015) at 15.

16 David Macdonald & Daniel Wilson, *Shameful Neglect: Indigenous Child Poverty in Canada* (Canadian Centre for Policy Alternatives, Ottawa: 2016) at 16.

# D+

**Very limited action.  
Needs significant  
improvement.**

**Previous years:**

**2015: D**

**2014: F**

**2013: D**

The Committee's concerns in 2008 were so significant that it required Canada to report back on steps taken to address these issues within one year. However, BC continues to have high rates of poverty.

In addition to poverty rates, food insecurity in BC also reflects the Province's failure to live up to CEDAW obligations. Nearly 24% of single parents in the Province, again predominantly women, experience food insecurity. Children in those families were over six times more likely to experience food insecurity than children in two-parent families.<sup>17</sup>

## ACTION TAKEN

Food insecurity in BC also reflects the Province's failure to live up to CEDAW obligations. Nearly 24% of single parents in the Province, again predominantly women, experience food insecurity.

In 2016, BC announced a modest increase to monthly disability assistance rates of \$77 per month for a single person, effective September 1, 2016. However, the new rate fails to cover the cost of living increases that have occurred since the last rate increase in 2007.<sup>18</sup> In addition, the announcement was rendered nearly meaningless for many recipients because, also effective September 1, 2016, BC made significant changes to its bus pass and special transportation subsidy programs. Because of these changes, the effective benefit increase for many recipients of disability assistance will be only \$25 and \$11 per month respectively as they now have to cover increased transportation costs or give up their bus pass.<sup>19</sup>

BC also made a series of changes to the treatment of assets, inheritances and gifts for those on disability assistance.<sup>20</sup> While welcome, these developments will help only those disability assistance recipients who have access to financial support from family or other sources; those without such supports will experience little to no benefit. BC also announced that it will allow children whose parents have died to keep their orphan benefits from the Workers' Compensation system without provincial clawback.<sup>21</sup> Further, effective October 2016 employment insurance maternity and parental benefits will no longer be clawed back from families on social assistance.<sup>22</sup> The Single Parent Employment Initiative commenced in 2015 also continues to operate.

The 2016 BC budget also contained changes to Medical Service Plan premiums, the fees for BC's public health care coverage. Starting in 2017, there will be no fees for children under 19, and the annual income threshold for a full waiver of premiums will increase from \$22,000 to \$24,000. The income threshold for graduated premiums will also increase from \$30,000 to \$42,000. These changes

17 *Supra* note 15 at 21.

18 Iglia Ivanova, "What you need to know about BC Budget 2016" (16 Feb 2016), online, *Policy Note*: [www.policynote.ca/what-you-need-to-know-about-bc-budget-2016/](http://www.policynote.ca/what-you-need-to-know-about-bc-budget-2016/).

19 Katherine Dedyne, "I can't afford a bus': clawback of disability benefits sparks protest," *Times Colonist* (17 April 2016).

20 *Ibid.*

21 Lindsay Kines, "Clawback of WorkSafe B.C. benefits paid to children will end," *Times Colonist* (15 Mar 2016).

22 British Columbia, "Maternity and parental leave benefits exempted for people on assistance" (27 Sept 2016), online: <https://news.gov.bc.ca/releases/2016SDSI0060-001817>.

will be positive for some families including those led by single parents.<sup>23</sup> However, couples with no children, including many older adults, will see an increase in their premiums—\$168 more per year.<sup>24</sup> BC remains the only province in Canada to charge monthly health care fees outside the income tax system.

Finally, BC implemented the Farmers' Food Donation Tax Credit, which provides a tax incentive to farmers donating to food banks and similar services.<sup>25</sup> The initiative has been called "an imperfect and temporary solution to tackle food insecurity and hunger in this province"<sup>26</sup> and fails to address the underlying causes of food insecurity and poverty.

## INACTION

While BC has made some minor progress with respect to poverty this year, it has largely been piecemeal. The Province has failed to take the coordinated and comprehensive approach needed to make progress in poverty reduction. Income assistance rates in BC remain frozen despite rising costs of living, with monthly benefit levels that keep those who rely on them in deep poverty. While disability assistance received a small increase (largely eroded by changes to transportation benefits), those on regular income assistance will continue to receive \$610 for a single person, an amount that fails to cover even the average cost of rent in many parts of BC.

Illustrative of inaction at a systemic level, BC remains the only province in Canada that has not committed to developing a comprehensive poverty reduction strategy despite the Select Standing Committee on Finance and Government Services' recommendation that the Province do so in three separate budget consultation reports.<sup>27</sup>

**BC remains the only province in Canada to charge monthly healthcare fees outside the income tax system.**

## OVERALL COMMENTS

BC has made some progress in the last year, but social assistance rates and other benefits fall far short of even the most basic of living expenses. A comprehensive and coordinated approach is necessary to lift women out of poverty.

23 Iglia Ivanova, "Time to do away with MSP", *BC Commentary: A review of provincial social, economic and environmental trends*, Spring 2016, Volume 19, Number 2.

24 Michael J Prince, "MSP premiums: still a tax hike for many," *Times Colonist* (17 Sept 2016).

25 British Columbia, "B.C. Farmers' Food Donation Tax Credit," online: [www2.gov.bc.ca/gov/content/taxes/income-taxes/corporate/credits/farmers-food-donation](http://www2.gov.bc.ca/gov/content/taxes/income-taxes/corporate/credits/farmers-food-donation).

26 Robin Roff, "The Farmers' Food Donation Tax Credit misses the mark in food security" (3 Mar 2016), online, *Policy Note*: [www.policynote.ca/the-farmers-food-donation-tax-credit-misses-the-mark-in-food-security](http://www.policynote.ca/the-farmers-food-donation-tax-credit-misses-the-mark-in-food-security).

27 Select Standing Committee on Finance and Government Services, *Report on the Budget 2016 Consultations* (Legislative Assembly of BC, Victoria: 2015) at 36.

# WOMEN'S EMPLOYMENT



**Some action taken.  
Needs significant  
improvement.**

**Previous years:  
2015: C**

Systemic barriers prevent women from entering the labour market and cause significant inequality when they are employed in paid work.

## WHAT DID THE CEDAW COMMITTEE SAY IN 2008?

The Committee expressed concerns about unemployment rates for women, pay gaps, women's disproportionate engagement in part-time work and significant gendered job segregation.<sup>28</sup> In addition, it stated that it was "gravely concerned" by the widespread impact of poverty among women and its connection to low minimum wages.<sup>29</sup>

## EMPLOYMENT FOR WOMEN IN BC

Women in the Province continue to experience inequality with respect to paid employment. Systemic barriers prevent women from entering the labour market and cause significant inequality when they are employed in paid work.

Women often have to overcome obstacles to enter the workforce. One of these obstacles is the unavailability of adequate child care. According to Statistics Canada, in 2015 there were 428,200 part-time workers in BC, over two thirds of whom were women. Of the 64,900 of those workers who reported working part-time due to child care responsibilities, over 94% were women.<sup>30</sup> In other words, women are disproportionately performing part-time jobs at least in part because of unpaid child care responsibilities. The availability of affordable and adequate child care would likely lead to a boost in women's labour force participation.<sup>31</sup> While BC's Single Parent Employment Initiative is a positive step towards recognizing the role child care plays in single parent employment, the program is limited to single parents on social assistance while many other women continue to struggle to cover the costs of care.

<sup>28</sup> *Supra* note 1 at paras 37-38.

<sup>29</sup> *Ibid* at para 39.

<sup>30</sup> Statistics Canada, "CANSIM 282-0014: Labour force survey estimates (LFS), part-time employment by reason for part-time work, sex and age group" (8 Jan 2016) (2015 data).

<sup>31</sup> Igluka Ivanova, *Solving BC's Affordability Crisis in Child Care: Financing the \$10 a Day Plan* (Canadian Centre for Policy Alternatives, Vancouver: 2015) at 26 and footnote 38.

Once women access the workforce, they are faced with additional inequalities. Pay inequity persists, in part due to BC's low minimum wage. In BC, 60% of minimum wage earners are women.<sup>32</sup> Further, regardless of income level, women continue to earn less than their male counterparts. The median income of BC women working full time throughout the year is 72% of their male counterparts' income.<sup>33</sup> The gap is even larger for Indigenous women and racialized women.<sup>34</sup> Gendered job segregation also persists in BC. For example, women make up 12% of registered engineers, 37% of registered physicians, 33% of medical specialists, and just over 10% of registered apprentices in the trades.<sup>35</sup>

This year, the Minerva Foundation released its 2016 Face of Leadership BC Score Card. This project surveyed the 50 largest companies in BC and looked at the representation of women in leadership roles. It found that, while BC is performing better than other provinces, the average female representation among boards of directors was only 20%.<sup>36</sup> Moreover, none of the companies surveyed had Indigenous women in positions of leadership.<sup>37</sup>

## ACTION TAKEN

Following escalating pressure and the embarrassment of BC having the lowest minimum wage in Canada,<sup>38</sup> BC announced that it would increase the minimum wage to \$10.85 per hour effective September 15, 2016 and to \$11.25 per hour in September 2017.<sup>39</sup> While the increases are positive and much needed steps, BC's minimum wage will remain far below a living wage, which is calculated at \$20.64 an hour in Metro Vancouver.<sup>40</sup> This is the amount needed for a family of four working full time to pay for necessities and support their children.

While the increases are positive and much needed steps, BC's minimum wage will remain far below a living wage, which is calculated at \$20.64 an hour in Metro Vancouver. This is the amount needed for a family of four working full time to pay for necessities and support their children.

32 Adrienne Montani, "Maternity benefits clawbacks unfair to women," *Province* (20 June 2016).

33 Statistics Canada, "CANSIM 206-0053: Distribution of employment income of individuals by sex and work activity, Canada, provinces and selected census metropolitan areas" (8 July 2016) (2014 data).

34 Arti Patel, "Canada's Gender Pay Gap: Why Canadian Women Still Earn Less Than Men" (8 Mar 2016), online, *Huffpost Living*: [www.huffingtonpost.ca/2016/03/08/canada-gender-pay-gap\\_n\\_9393924.html](http://www.huffingtonpost.ca/2016/03/08/canada-gender-pay-gap_n_9393924.html).

35 Professional Engineers and Geoscientists of BC, *A Framework for Progress: APEGBC 2014/15 Annual Report*, online: [www.digitalityworks.com/Viewers/ViewIssue.aspx?IssueID=139](http://www.digitalityworks.com/Viewers/ViewIssue.aspx?IssueID=139) at 23; College of Physicians and Surgeons of BC, *Progress: Annual Report 2015/16*, online: [www.cpsbc.ca/files/pdf/2015-16-Annual-Report.pdf](http://www.cpsbc.ca/files/pdf/2015-16-Annual-Report.pdf) at 7; British Columbia, "Government announces support for women to start a career in the trades" (11 Mar 2016).

36 Minerva, "The Face of Leadership BC Score Card" (2016), online: <https://theminervafoundation.com/wp-content/uploads/2016/06/The-Face-of-Leadership-BC-Scorecard-2016.pdf> at 9.

37 *Ibid* at 6.

38 Government of Canada, "Current And Forthcoming Minimum Hourly Wage Rates For Experienced Adult Workers in Canada" (26 Aug 2016), online: <http://srv116.services.gc.ca/dimt-wid/sm-mw/rpt1.aspx>.

39 Dirk Meissner, "B.C.'s minimum wage to rise to \$11.25 by September, 2017," *The Globe and Mail* (4 May 2016).

40 Igluka Ivanova and Seth Klein, "Working for a Living Wage: Making Paid Work Meet Basic Family Needs in Metro Vancouver" (Canadian Centre for Policy Alternatives, Vancouver: 2016).

BC continues to make incredibly slow progress in employment equality, and many of the provincial government's policies, such as weak employment standards and lack of affordable child care, negatively impact women's employment.

## INACTION

Employees who serve liquor remain subject to lower minimum wage levels. Most other provinces do not have lower-tier minimum wages for servers; Alberta eliminated its differential wage effective October 1, 2016.

Not all workers will benefit from BC's minimum wage increases. For example, employees who serve liquor remain subject to lower minimum wage levels; effective September 2016, their minimum wage will rise to just \$9.60 per hour, the second lowest in the country.<sup>41</sup> This is particularly concerning given that 81% of food and beverage servers in BC are women and reliance on tipping for income leaves them vulnerable to sexual harassment.<sup>42</sup> Most other provinces do not have lower-tier minimum wages for servers; Alberta eliminated its differential wage effective October 1, 2016.<sup>43</sup>

In addition, low wage workers in BC have no legal entitlement to paid sick leave, and they may be subject to sporadic and unpredictable schedules. Moreover, the provincial government has refused to take steps to protect the employment of women fleeing violence by amending provincial employment standards legislation to provide leaves and flexible working conditions for women who have experienced violence or whose safety is threatened.<sup>44</sup>

## OVERALL COMMENTS

BC continues to make incredibly slow progress in employment equality, and many of the provincial government's policies, such as weak employment standards and lack of affordable child care, negatively impact women's employment.

41 Government of Canada, "Current And Forthcoming Minimum Hourly Wage Rates For Young Workers And Specific Occupations" (26 Aug 2016), online: <http://srv116.services.gc.ca/dimt-wid/sm-mw/rpt3.aspx>.

42 Kaitlyn Matulewicz & David Fairey, "Dependence on tips leave women workers vulnerable to sexual harassment" (8 Aug 2016), online, *Policy Note*: [www.policynote.ca/dependence-on-tips-leaves-women-workers-vulnerable-to-sexual-harassment/](http://www.policynote.ca/dependence-on-tips-leaves-women-workers-vulnerable-to-sexual-harassment/).

43 Staff, "Alberta minimum wage going up on October 1," *Global News* (30 Sept 2015).

44 *Employment Standards Act*, RSBC 1996, c 113; *Bill M 220 — 2016: Employment Standards (Domestic Violence Leave) Amendment Act*, 2016.

# WOMEN AND CHILD CARE

## WHAT DID THE CEDAW COMMITTEE SAY IN 2008?

The Committee expressed concern about the lack of affordable child care spaces in Canada, and particularly about the impact of the lack of affordable child care on low-income women with families.<sup>45</sup>

## CHILD CARE FOR WOMEN IN BC

The availability of child care services has a disproportionate impact on women. Over 80% of lone parent families in BC are headed by single mothers,<sup>46</sup> many of whom struggle to cover the cost of child care on one income. Additionally, in dual parent families, women tend to take on more child care responsibilities. Women perform almost twice as many hours of unpaid work as men.<sup>47</sup> This unequal division often results in women having to choose more flexible work structures to accommodate their child care responsibilities; women are 19 times more likely to cite caring for children as the reason for choosing part-time work.<sup>48</sup> Thus, the lack of affordable child care forces women into precarious work arrangements and further entrenches them in poverty.

BC continues to have regulated child care spaces for less than one in five children under the age of 12,<sup>49</sup> and the cost of regulated child care remains prohibitively expensive for many families. In Vancouver, the median full-time monthly rate for toddlers in licensed group child care has increased to \$1,290,<sup>50</sup> more than the average cost of a one bedroom apartment. The cost of child care is especially

45 *Supra* note 1 at para 39.

46 Statistics Canada, "CANSIM Table 111-0011: Family characteristics, by family type, family composition and characteristics of parents" (26 June 2015).

47 Brittany Lambert & Kate McInturff, "Making Women Count: The Unequal Economics of Women's Work" (Mar 2016), online: [www.oxfam.ca/sites/default/files/making-women-count-report-2016.pdf](http://www.oxfam.ca/sites/default/files/making-women-count-report-2016.pdf) at 4.

48 *Ibid.*

49 Martha Friendly, Bethany Grady, Lyndsay Macdonald, Barry Forer, *Early Childhood Education and Care in Canada 2014*, 10<sup>th</sup> ed Childcare Research and Resource Unit (2015) at 90 and 94.

50 David Macdonald & Thea Klinger, *They Go Up So Fast: 2015 Child Care Fees in Canadian Cities* (Canadian Centre for Policy Alternatives, Ottawa: 2015) at 6.

# D-

**Very limited action.  
Needs significant  
improvement.**

**Previous years:**

**2015: C-**

**2014: D**

**2013: C-**

The lack of affordable child care forces women into precarious work arrangements and further entrenches them in poverty.

problematic for lone-parent families (typically single mothers), whose incomes have remained stagnant for the past 40 years.<sup>51</sup> As a result, child care has become a “luxury” many women cannot afford, and yet without it, their ability to support their families and sustain financial independence is severely compromised.

## ACTION TAKEN

BC continues to announce funding for new child care spaces, although the funding remains within the Province’s existing Early Years Strategy originally developed in 2013.<sup>52</sup> While these new spaces reflect important steps in the right direction, the projected spaces will not meet the existing need.<sup>53</sup> In any event, access to more child care spaces means little without government action to ensure that they are affordable.

As of April 2016, receiving child support no longer impacts eligibility for a child care subsidy, which is a positive but incredibly small step towards improving affordability for a small portion of the families that need child care. As a result of this change, BC predicts that up to 900 children will either be newly eligible for a subsidy or eligible for an increase in subsidy,<sup>54</sup> which will still mean that, in an average month, subsidies are issued for less than 4% of children under 12.<sup>55</sup> Child care subsidy rates and income thresholds have remained stagnant since 2006; as a result, even low-income families qualifying for the maximum subsidy are left with considerable out-of-pocket child care expenses.<sup>56</sup>

## INACTION

BC’s (lack of) progress with respect to child care remains primarily a story of inaction on the part of BC’s provincial government. While the Province is currently in discussion with the federal government about a *National Early*

**Child care subsidy rates and income thresholds have remained stagnant since 2006; as a result, even low-income families qualifying for the maximum subsidy are left with considerable out-of-pocket child care expenses.**

51 Iglia Ivanova & Seth Klein, “Working for a living wage: Making paid work meet basic family needs in metro Vancouver 2016 update” (2016), online: [www.policyalternatives.ca/sites/default/files/uploads/publications/BC%20Office/2016/04/CCPA-BC-Living-Wage-2016.pdf](http://www.policyalternatives.ca/sites/default/files/uploads/publications/BC%20Office/2016/04/CCPA-BC-Living-Wage-2016.pdf) at 1.

52 See e.g. Ministry of Children and Family Development, “New Child-care Spaces are on Their Way” (June 2016), online: <https://news.gov.bc.ca/releases/2016CFD0029-000906>.

53 *Supra* note 31 at 17.

54 Ministry of Children and Family Development, “Child Care Subsidy fix to support more families” (Mar 2016), online: <https://new.gov.bc.ca/releases/2016CFD0014-000477>.

55 Kendra Milne, *High Stakes: The impacts of child care on the human rights of women and children* (West Coast LEAF, Vancouver: 2016), online: [www.westcoastleaf.org/wp-content/uploads/2016/07/High-Stakes-low-res-for-web.pdf](http://www.westcoastleaf.org/wp-content/uploads/2016/07/High-Stakes-low-res-for-web.pdf) at 14.

56 Iglia Ivanova, “How to make the Metro Vancouver Living wage work for single parents” (27 April 2016), online, *Policy Note*: [www.policynote.ca/how-to-make-the-metro-vancouver-living-wage-work-for-single-parents](http://www.policynote.ca/how-to-make-the-metro-vancouver-living-wage-work-for-single-parents).

*Learning and Child Care Framework*, BC has failed to transparently update the public on the process, and progress remains slow at best.<sup>57</sup>

In July 2016, West Coast LEAF released a report entitled *High Stakes: The impacts of child care on the human rights of women and children*. The report documented the experiences of a diverse group of women as they interacted with BC's child care system. It found a lack of adequate and affordable quality child care spaces in BC. The majority of child care in BC is unregulated, meaning that these services are not subjected adequate training standards, health and safety requirements, monitoring or oversight.<sup>58</sup>

The report found that BC's lack of action with respect to child care results in multiple human rights violations, including putting women at an increased risk of intimate partner violence and trapping women in cycles of poverty.<sup>59</sup> The situation is even worse for women without legal immigration status, women with disabilities, and women at risk of involvement with child protection authorities, who disproportionately experience negative consequences when they cannot access appropriate child care.<sup>60</sup> Moreover, there is still a need for child care spaces that provide culturally appropriate early childhood education programs for Indigenous families as recommended by the Truth and Reconciliation Commission.<sup>61</sup>

Despite calls from multiple sectors for BC to adopt the \$10 a Day Plan, more formally called the Community Plan for a Public System of Integrated Early Care and Learning,<sup>62</sup> and despite three consecutive budget consultation recommendations that BC fund and support the development and implementation of an affordable child care plan,<sup>63</sup> patchwork child care services in BC continue to leave many families in crisis.

West Coast LEAF's 2016 *High Stakes* report found that BC's lack of action with respect to child care results in multiple human rights violations, including putting women at an increased risk of intimate partner violence and trapping women in cycles of poverty.

## OVERALL COMMENTS

In the past year, BC has taken only nominal action to support women to access affordable and high quality child care. Very little progress has been made.

57 See for example, British Columbia, Provincial Office of the Early Years, "Bulletin: Issue #1" (Fall 2016), online: <https://bcearlyyearsblog.files.wordpress.com/2016/09/fall-2017-final.pdf>. This publication fails to even mention the national negotiations.

58 *Supra* note 55 at 12.

59 *Ibid* at 4.

60 *Ibid*.

61 Truth and Reconciliation Commission of Canada, "Truth and Reconciliation of Canada: Calls to Action" (2012), online: [www.trc.ca/websties/trcinstitution/File/2015/Findings/Calls\\_to\\_Action\\_English2.pdf](http://www.trc.ca/websties/trcinstitution/File/2015/Findings/Calls_to_Action_English2.pdf).

62 Coalition of Child Care Advocate of BC & Early Childhood Educators of BC, "It's Time for Affordable Childcare in BC: Community Plan for a Public System of Integrated Early Care and Learning" Sixth Edition (2016), online: [10aday.ca/our\\_plan](http://10aday.ca/our_plan).

63 *Supra* note 27 at 37.

# WOMEN AND HOUSING

# D

**Very limited action.  
Needs significant  
improvement.**

**Previous years:**

**2015: D-**

**2014: D**

**2013: C-**

Rental vacancy rates across the Province continue to be very low. In Metro Vancouver, the average vacancy rate plummeted to just 0.8%.

## WHAT DID THE CEDAW COMMITTEE SAY IN 2008?

The Committee expressed concern about the absence of a national housing strategy in Canada, and more specifically about severe housing shortages, particularly in Indigenous communities, as well as the high costs of rent and the resulting impacts on women.

## HOUSING FOR WOMEN IN BC

In terms of the availability of housing, rental vacancy rates across the Province continue to be very low. While 3-4% is considered to be a healthy vacancy rate range, the provincial average rate was 1.2% in October 2015.<sup>64</sup> In Metro Vancouver, the average vacancy rate plummeted to just 0.8%.<sup>65</sup>

While availability drops, the cost of housing continues to rise. Between April 2014 and April 2015, the average monthly rent for a one-bedroom apartment in BC increased by 3.4% to \$987.<sup>66</sup> The average price of a Single Room Occupancy unit in Vancouver's Downtown Eastside increased by nearly 30% between 2009 and 2015, when it hit a high of \$517 per month.<sup>67</sup> For a single person living on income assistance, paying \$517 in rent leaves \$93 to cover food, clothing and other necessities each month. In Metro Vancouver, the average rent for a one-bedroom apartment has risen to \$1,079 per month.<sup>68</sup> Costs in the area are so high that workers making median incomes in a range of employment sectors, including construction, educational services, health care and social assistance, may be unable to afford housing in the area.<sup>69</sup>

64 Canadian Mortgage and Housing Corporation, "Rental Market Report: British Columbia Highlights" (Fall 2015), online: [www.cmhc-schl.gc.ca](http://www.cmhc-schl.gc.ca) at 2.

65 Vancity, "Rent race: the growing unaffordability of rent in Metro Vancouver" (Vancity, Vancouver: 2016) at 1.

66 *Supra* note 64 at 8.

67 Jean Swanson, King-mong Chan & Maria Wallstam, "Our Homes Can't Wait: Carnegie Community Action Project's 2015 Hotel Survey and Housing Report" (Carnegie Community Action Project, Vancouver: 2016) at 2.

68 *Supra* note 64 at 8.

69 *Supra* note 65 at 1.

## ACTION TAKEN

In the 2016 provincial budget, the government committed to spend \$355 million by 2020 to build 2000 new units of social housing through the Provincial Investment in Affordable Housing Program.<sup>70</sup> While a positive step, the announcement does not reflect a new investment in affordable housing; instead, the funds will be generated by the Non-Profit Asset Transfer Program (the selling of provincially owned social housing properties).

In addition, the design of the new investment has been criticised for doing little to help those most in need because funding is not aimed at the provision of ongoing housing subsidies and the new units will not be targeted at low-income British Columbians. To be eligible for the program, families with children can earn up to \$96,000 per year, and single or two-adult households can earn up to \$65,000 per year.<sup>71</sup> As the Non-Profit Housing Association of BC noted, “Budget 2016 left major gaps in the housing continuum that, left unaddressed, could undermine all of the potential gains through these programs... Notably, BC Budget 2016 failed to provide any initiatives aimed at stimulating rental housing in BC despite an extremely low rental vacancy rate in many BC communities.”<sup>72</sup>

BC also introduced an additional property transfer tax that applies to residential property transfers to foreign entities in the Greater Vancouver Regional District in an effort to control the crisis of housing unaffordability.<sup>73</sup> Even if effective, such a measure will do little to address the quantity and affordability of rental housing in the immediate future despite the clear need.

**BC’s failure to invest in adequate housing supports continues to have serious consequences.**

## INACTION

BC’s failure to invest in adequate housing supports continues to have serious consequences. According to the 2016 Homeless Count in Vancouver, the number of homeless people increased to 1,847 from 1,746 people in 2015. Of those counted in 2016, 539 were unsheltered homeless.<sup>74</sup> The count showed a disproportionate number of men in the homeless population because women are often forced into hidden homelessness, including staying in violent or unwanted relationships to

70 British Columbia, “Historic Investment in Affordable Housing” (12 Feb 2016), online: <https://news.gov.bc.ca/releases/2016PREM0017-000200>.

71 BC Non-Profit Housing Association, “Most Vulnerable Left Out of New Affordable Housing Fund” (20 April 2016), online: <http://bcnpha.ca/news/most-vulnerable-left-out-of-new-affordable-housing-fund/>.

72 BC Non-Profit Housing Association, “Provincial Budget Member Update 2016” (16 Feb 2016), online: <http://bcnpha.ca/news/provincial-budget-member-update-2016/>.

73 Ministry of Finance, “Tax Information Sheet: Additional Property Transfer Tax on Residential Property Transfers to Foreign Entities in the Greater Vancouver Regional District” (July 2016), online: [www2.gov.bc.ca/assets/gov/taxes/property-transfer-tax/forms-publications/is-006-additional-property-transfer-tax-foreign-entities-vancouver.pdf](http://www2.gov.bc.ca/assets/gov/taxes/property-transfer-tax/forms-publications/is-006-additional-property-transfer-tax-foreign-entities-vancouver.pdf).

74 Matt Thomson, “Vancouver Homeless Count 2016” (M. Thomson Consulting, Vancouver: 2016).

A 2016 report noted that more than 50% of single older renters and lone-parent families (the majority of which are headed by women) reside in over-crowded, unaffordable homes or homes in need of major repairs.

secure shelter.<sup>75</sup> A 2016 investigative report uncovered a disturbing aspect of this by trend by documenting male landlords advertising for female tenants willing to exchange sex for rent.<sup>76</sup>

The inadequacy and unaffordability of housing in BC impacts some families more than others. In particular, recent research indicates that BC's housing crisis continues to impact groups of women the CEDAW Committee expressed concern about in 2008. A 2016 report noted that more than 50% of single older renters and lone-parent families (the majority of which are headed by women) reside in over-crowded, unaffordable homes or homes in need of major repairs.<sup>77</sup> One third of single mothers spend more than half of their income on rent, which has been characterized as a "crisis level of overspending."<sup>78</sup> Indigenous and new immigrant families also experience heightened core housing need.<sup>79</sup>

In response to BC's housing crisis, a tent city emerged in Victoria. While the Province eventually opened up new and much needed housing options for the camp residents, it has not made significant progress on a more systemic, province-wide solution.<sup>80</sup> In addition, BC has not taken action on several recommendations that would improve housing affordability, including rent controls to preserve affordable housing or limits on the ability of landlords to evict tenants in order to increase rents.<sup>81</sup>

## OVERALL COMMENTS

While BC has taken some limited action with respect to housing in the last year, the primary concerns flagged by the CEDAW Committee in 2008 continue to worsen. The Province has failed to develop a comprehensive housing strategy to address plummeting vacancy rates and unaffordable rental costs.

75 Sean Condon, "Still Dying in the Streets: Homeless Deaths in British Columbia, 2006-2014" 2<sup>nd</sup> ed (March 2016), online: [www.megaphonemagazine.com/dying\\_on\\_the\\_streets](http://www.megaphonemagazine.com/dying_on_the_streets) at 9.

76 Grace Lee, "CTV investigation: I posed as a woman willing to exchange sex for rent," *CTV News Vancouver* (27 Sept 2016).

77 Mark Lee, *Getting Serious About Affordable Housing: Towards a Plan for Metro Vancouver* (Canadian Centre for Policy Alternatives, Vancouver: 2016) at 23.

78 BC Non-Profit Housing Association, "Housing Crisis Severe for Single Mothers, Youth & Aboriginal People" (4 Dec 2015), online: <http://bcnpha.ca/news/housing-crisis-severe-for-single-mothers-youth-aboriginal-people/>.

79 *Supra* note 77 at 23; *ibid*.

80 Richard Zussman, "Final goodbye to tent city, ramshackle Victoria B.C. camp dismantled," *CBC* (12 Aug 2016).

81 Neal Hall, "Cafe Politics: More stringent rent control needed for Vancouver's hot housing market, advocates say," *Metro* (4 May 2016); Mike Laanela, "Landlords 'gaming the system' with fixed-term leases could face crackdown," *CBC* (16 Sept 2016).

# MISSING AND MURDERED INDIGENOUS WOMEN AND GIRLS

## WHAT DID THE CEDAW COMMITTEE SAY IN 2008?

The Committee expressed concern that Aboriginal women in Canada live in impoverished conditions and urged Canada “to examine the reasons for the failure to investigate the cases of missing or murdered [A]boriginal women” and “to urgently carry through on investigations.”<sup>82</sup> The Committee also asked Canada to report back on progress within one year of the 2008<sup>83</sup> assessment and issued a report after a targeted inquiry into the issue in 2015.<sup>84</sup>

## MISSING AND MURDERED INDIGENOUS WOMEN

As a result of decades of advocacy by Indigenous women and front-line service providers, violence against Indigenous women has gained increasing public attention. However, current and past violence continues to seriously undermine the security, dignity and human rights of Indigenous women and girls in BC.

## ACTION TAKEN

In the last year, BC made some improvements in its efforts to address violence against Indigenous women and girls, although its action remains inadequate. For example, the provincial government held a private gathering for the family members of missing or murdered Indigenous women,<sup>85</sup> at which family members created 90 handmade quilt pieces. While the event was an important

82 *Supra* note 1 at paras 31-32 and 43-44.

83 *Ibid* at para 53.

84 Report of the inquiry concerning Canada of the Committee of the Elimination of Discrimination against Women under article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, UN Doc CEDAW/C/OP.8/CAN/1 (6 Mar 2015).

85 Betsy Trumpener, “Missing, murdered indigenous women’s families grieve at special ceremony,” *CBC* (Feb 7, 2016).

# D-

**Very limited action.  
Needs significant  
improvement.**

**Previous years:**

**2015: F**

**2014: D**

**2013: D**

In the last year, BC made some improvements in its efforts to address violence against Indigenous women and girls, although its action remains inadequate.

**Despite the clear recommendations of the CEDAW Committee and increasing spotlight on the issue of violence against Indigenous women in BC, provincial efforts to address the matter have remained wholly insufficient and call into question BC's commitment to the National Inquiry process.**

step forward, many family members were disappointed when the provincial government held a public event to reveal the quilt without supporting some family members to attend, including some that participated directly in making the quilt.<sup>86</sup>

While the federal government's National Inquiry on Missing and Murdered Indigenous Women and Girls has only just begun to unfold and it remains unclear how BC will participate, BC's Minister of Justice has indicated that BC will commit to participate in the Inquiry through an Order In Council in the fall of 2016 and that the Province will not refuse to cooperate with the Inquiry's work in any areas of provincial jurisdiction.<sup>87</sup> Because the Inquiry will examine and provide recommendations aimed at remedying the root causes of violence, it will be particularly important for BC to commit to active participation and implementation of any recommendations that come out of the Inquiry given that many issues like policing, housing, child protection and other relevant areas fall fully or partly within the jurisdiction of the Province.

Safety along BC's highway 16, or the Highway of Tears, has also remained an ongoing concern, although there has been some progress. After the Ministry of Transportation and Infrastructure and the First Nations Health Authority hosted a Northern Transportation Symposium in November 2015, Minister of Transportation and Infrastructure Todd Stone announced that the government was investing \$3 million to "go towards enhancing existing transit services, expanding driver-training programs and helping local communities buy and operate transit vehicles" along the highway.<sup>88</sup> First Nations communities were quick to point out that the government's actions did not include a shuttle bus between communities, which many had advocated for but which the Minister called impractical.<sup>89</sup> In June 2016, Minister Stone finally announced that the provincial government would be investing \$2.5 million over three years into a transit service between the communities of Prince George and Prince Rupert,<sup>90</sup> a move that will increase the safety of women travelling in the area.

86 Coalition on Missing and Murdered Indigenous Women and Girls, open letter re: Coalition extremely disappointed with BC's failure to include all Family Members in Event (10 May 2016).

87 Meeting between Minister of Justice and the Coalition on Missing and Murdered Indigenous Women and Girls (3 Aug 2016).

88 Staff, "B.C. commits \$3 million to improve safety along Highway of Tears," *Global News* (14 Dec 2015).

89 *Ibid.*

90 British Columbia, "Highway 16 Transportation Action Plan," online: [www2.gov.bc.ca/gov/content/transportation/transportation-reports-and-reference/reports-studies/planning-strategic-economic/highway16-action-plan](http://www2.gov.bc.ca/gov/content/transportation/transportation-reports-and-reference/reports-studies/planning-strategic-economic/highway16-action-plan).

## DETRIMENTAL ACTION OR INACTION

Despite the clear recommendations of the CEDAW Committee and increasing spotlight on the issue of violence against Indigenous women in BC, provincial efforts to address the matter have remained wholly insufficient and call into question BC's commitment to the National Inquiry process. In particular, BC has failed to take adequate and transparent steps to address the CEDAW Committee's concerns about the investigations of violence against Indigenous women. In late 2014, the Province issued its final report on the implementation of recommendations that came out of BC's Missing Women Commission of Inquiry, which were in large part focused on policing and investigation issues.<sup>91</sup> No further formalized progress updates have been released despite the fact that many of the recommendations have yet to be fully implemented, even by the Province's own admission. BC's failure to implement the Inquiry recommendations in a complete and transparent way caught the attention of the Office of the Auditor General of BC, which has launched an examination of how the provincial government has responded to selected recommendations.<sup>92</sup>

The provincial government's lack of transparency with respect to issues related to violence against Indigenous women also continues to make headlines in other ways. In October 2015, the Information and Privacy Commissioner for BC reviewed three allegations of "triple-deleting" emails (thus hiding government communications) within the office of the Premier as well as by a number of cabinet members, which included an incident following a 2014 access to information request made of the Ministry of Transportation and Infrastructure about Highway 16. The Commissioner found that not only did Ministerial Assistant George Gretes purposefully triple-delete the requested emails, but he lied under oath during the investigation.<sup>93</sup> Gretes pleaded guilty and was fined in July 2016.<sup>94</sup>

The provincial government's lack of transparency with respect to issues related to violence against Indigenous women also continues to make headlines in other ways.

## OVERALL COMMENTS

Decades of advocacy in pursuit of improved safety for Indigenous women and girls have led to some minor action on the part of BC this past year. In particular, the Province's apparent commitment to the National Inquiry process appears promising. However, BC's ongoing lack of transparency and accountability with respect to existing recommendations for action in this area continue to seriously impede progress.

91 Kendra Milne, *2015 CEDAW Report Card* (West Coast LEAF, Vancouver: 2015) at 7.

92 Office of the Auditor General of BC, "Work in Progress," online: [www.bcauditor.com/work-in-progress](http://www.bcauditor.com/work-in-progress).

93 CBC News, "Highway of Tears email deletion referred to RCMP watchdog," *CBC* (22 Oct 2015).

94 Rob Shaw, "Former political aide George Gretes fined \$2,500 for misleading B.C.'s privacy commissioner," *Vancouver Sun* (14 July 2016).

# WOMEN IN PRISON

# F

Total inaction or detrimental action.

Previous years:

2015: F

2014: D

2013: D

Although Aboriginal women make up about 5% of BC's female population, in 2014/15 Indigenous women comprised 35% of the female provincial prison population.

## WHAT DID THE CEDAW COMMITTEE SAY IN 2008?

The Committee called on Canada "to address the issue of the over incarceration of Aboriginal women and women of colour."<sup>95</sup>

## PRISON FOR WOMEN AND GIRLS IN BC

While crime rates in Canada have been declining for over a decade,<sup>96</sup> the number of individuals being admitted to correctional facilities is increasing, and Indigenous women are still being disproportionately incarcerated. Although Aboriginal women make up about 5% of BC's female population, in 2014/15 Indigenous women comprised 35% of the female provincial prison population,<sup>97</sup> illustrating a trend of shocking over-representation and systemic bias. Additionally, Aboriginal youth make up half of the youth in custody in BC.<sup>98</sup>

The health and safety of inmates should be of paramount importance, especially given that 60% of the individuals under BC Corrections supervision have been diagnosed with a mental health and/or substance use disorder.<sup>99</sup> Incarcerated women are 79% more likely than male offenders to have a psychiatric diagnosis.<sup>100</sup>

95 *Supra* note 1 at para 34.

96 The Canadian Press, "Police-reported crime rate falls to the lowest level since 1969, Statistics Canada says," *CBC News* (22 July 2015).

97 Statistics Canada, "First Nations, Metis and Inuit Women" (23 Feb 2016), online: [www.statcan.gc.ca/pub/89-503-x/2015001/article/14313-eng.pdf](http://www.statcan.gc.ca/pub/89-503-x/2015001/article/14313-eng.pdf) at 5; *supra* note 91 at 9. Note that BC corrections statistics classify incarcerated people as "Aboriginal", "Metis" or "Native". Inmates under these three categories are referred to here as "Indigenous".

98 Ministry of Children and Family Development, "Average Number of Youth in Custody in BC" and "Average Number of Aboriginal Youth in Custody in BC," obtained from West Coast Prison Justice Society.

99 BC Corrections Branch Performance, Research and Evaluation Unit, "Revealing Research & Evaluation Issue #11" (Winter 2016), online: [www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/corrections/research-evaluation/issue-11.pdf](http://www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/corrections/research-evaluation/issue-11.pdf) at 1.

100 *Ibid.*

## ACTION

The Province is considering establishing two more First Nations courts, which employ a restorative justice model to promote healing.<sup>101</sup> They also involve elders and assist in keeping individuals out of correctional facilities. However, the impacts of these courts are limited given that there are only four in the Province.

Recently, BC Corrections amended its existing policies to protect the rights of transgender prisoners.<sup>102</sup> In addition, in 2015 a transgender woman was moved from an all-male prison to Alouette, the women-only prison, marking improved recognition of the right of trans prisoners to be housed in a facility that is appropriate to their gender identity.<sup>103</sup>

## INACTION

Unfortunately, despite nine email requests made by the author of this Report Card, the Ministry of Justice has not updated its online Corrections Adult Custody Dashboard to include 2015/16 data on women in provincial custody.<sup>104</sup> Given that BC created the Dashboard to “promote transparency and accountability within the justice system” and given the concerning over-representation of Indigenous women in BC’s criminal justice system, this failure to provide basic transparency is extremely troubling.<sup>105</sup>

In addition to the continued over-representation of Indigenous women and girls in BC’s corrections systems, conditions of incarceration continue to be inadequate. There is still no correctional facility for women on Vancouver Island. As a result, women with court proceedings on the Island must be transferred to a mainland facility away from their support networks, or held in inappropriate police cells that are not designed for long-term stays.<sup>106</sup>

Youth facilities are also inadequate. The Province shut down Victoria Youth Detention Centre in 2014, citing high costs and empty beds.<sup>107</sup> Consequently, youth must be transferred off the Island to facilities in either Burnaby or Prince George.<sup>108</sup> The detention centre is currently being used as a homeless shelter.<sup>109</sup> While this is a positive step for those in urgent need of housing, the fact that women and youth are being taken further

Despite nine email requests made by the author of this Report Card, the Ministry of Justice has not updated its online Corrections Adult Custody Dashboard to include 2015/16 data on women in provincial custody.

101 Sunny Dhillon, “Two more First Nations courts proposed in British Columbia,” *The Globe and Mail* (6 Mar 2016).

102 J Metcalfe, “Prisoners’ Legal Services Applauds BC Corrections’ New Trans Policy” (23 Nov 2015), online: <https://prisonjustice.org/2015/11/23/prisoners-legal-services-applauds-bc-corrections-new-trans-policy/>.

103 Jon Azpiri, “In a BC first, transgender prisoner moved from male to female prison,” *Global News* (4 Nov 2015).

104 See email exchanges between K Milne and Tammy Chattem, “Jesikah – The DataBC Team,” and “Loren – The DataBC Team” dated 20 June 2016; 22 June 2016 (multiple emails); 4 July 2016; 14 July 2016; 21 July 2016; 8 Aug 2016; 21 Sept 2016; and 30 Sept 2016.

105 British Columbia, “Open corrections data advances justice reform” (27 June 2012), online: <https://news.gov.bc.ca/stories/open-corrections-data-advances-justice-reform>.

106 Richard Watts, “Mainland judge aghast at lack of jails for women on Island,” *The Times Colonist* (27 April 2016).

107 Sunny Dhillon, “B.C. watchdog concerned over ‘temporary’ youth custody centre,” *The Globe and Mail* (10 May 2016).

108 *Ibid.*

109 Megan Thomas, “Former Victoria Youth detention centre opens as homeless shelter,” *CBC News* (6 Mar 2016).

A 2016 report from the provincial Ombudsperson concluded that these failures were in violation of legal and international standards and put the health and safety of incarcerated people at risk.

away to serve sentences is problematic. It is more difficult for these individuals to maintain connections with children and family, rehabilitate and reintegrate into their communities. The lack of suitable local facilities designated for women and youth also creates safety issues. For young inmates from Vancouver Island, the lack of consistent services that results from ongoing transfers between the Lower Mainland and Vancouver Island has been connected to increasing unsafety, escalating violence, and a major riot at the Burnaby Youth Custody Centre in July 2016.<sup>110</sup>

The correctional facilities that do exist for women are not safe. In June 2016, the Office of the Ombudsperson issued a report entitled *Under Inspection: The Hiatus in BC Correctional Centre Inspections*.<sup>111</sup> Prison inspections are mandated by both s. 27(1) of the *BC Correction Act*<sup>112</sup> and the newly revised *United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules)*, which require an internal inspection to be done by an independent body.<sup>113</sup> The frank report concluded that BC Corrections failed to adequately carry out inspections to ensure that its correctional centres were safe and complying with the law for nearly 11 years due to inadequate planning and a failure to prioritize matters relating to the human rights, health, and safety of prisoners. The report concluded that these failures were in violation of legal and international standards and put the health and safety of incarcerated people at risk.

BC also continues to keep youth in solitary confinement. One teen, who suffers from an intellectual impairment and a behavioral disorder, is suing the BC government for holding him in solitary confinement for four months.<sup>114</sup> Rule 45 of the *Mandela Rules* prohibits the use of solitary confinement for prisoners with mental or physical disabilities,<sup>115</sup> and Rule 67 of the *United Nations Rules for the Protection of Juveniles Deprived of their Liberty* prohibits the use of solitary confinement for juveniles.<sup>116</sup> Prolonged solitary confinement is particularly harmful for female offenders given their higher rates of violent victimization and mental illness.

## OVERALL COMMENTS

BC has failed to take reasonable steps to address the shocking over-representation of Indigenous women and girls in BC's corrections system, and conditions of incarceration continue to fall short of minimum international standards, putting already vulnerable inmates at risk.

110 BCGEU, "Riot marks increasing violence at Burnaby Youth Custody Centre" (20 July, 2016), online: <http://bcgeu.ca/riot-marks-increasing-violence-burnaby-youth-custody-centre>.

111 Office of the Ombudsperson, *Under Inspection: The Hiatus in B.C. Correctional Centre Inspections* (16 June 2016).

112 SBC 2004, c 46.

113 *Supra* note 111 at 5.

114 Sunny Dhillon, "Teen inmate suing B.C. over alleged solitary confinement," *The Globe and Mail* (25 Nov 2015).

115 UN General Assembly, "United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)" A/RES/70/175 (17 Dec 2015).

116 UN General Assembly, "United Nations Rules for the Protection of Juveniles Deprived of their Liberty" A/RES/45/113 (14 Dec 1990).

# VIOLENCE AGAINST WOMEN

## WHAT DID THE CEDAW COMMITTEE SAY IN 2008?

The Committee expressed concern that domestic violence is a significant problem in Canada, as is the trend to use mediation and other alternative dispute resolution mechanisms instead of prosecution in cases of domestic violence. Additionally, the Committee expressed concern about the insufficient shelter availability for victims of violence and the lack of consideration of convictions for violence in child custody and visitation cases. The Committee recommended that Canada prioritize violence against women, including by ensuring adequate shelters and appropriate support services for women and girls who are victims of violence and legislating that convictions for violence be considered in child custody cases.<sup>117</sup>

## VIOLENCE AGAINST WOMEN IN BC

Violence against women in BC continues to be a major concern. In 2014, the most recent year for which data is available, there were approximately 70,000 sexual assaults in BC, the vast majority of which were experienced by women.<sup>118</sup> Victimization rates for all crimes have decreased in the past decade with the exception of sexual assault, the only crime which has an incidence rate that has remained relatively stable.<sup>119</sup> Women with mental health-related disabilities, a history of homelessness or minimal social supports, queer people, and Indigenous women are more likely to be victims of crime.<sup>120</sup>

Services for women who have experienced violence continue to be in high demand. According to one organization providing sexual assault support services, about 4000 women call their centre's 24-hour crisis line each year and roughly 200 women are waiting an average of two years to see a specialized

117 *Supra* note 1 at paras 29-30.

118 Samuel Perreault, "Criminal victimization in Canada, 2014," *Juristat* (23 Nov 2015) at 31 and 33.

119 *Ibid* at 5.

120 *Ibid* at 13-17.

# C+

**Some action taken.  
Needs continuous  
improvement.**

**Previous years:**

**2015: B-**

**2014: B-**

**2013: B-**

In 2014, the most recent year for which data is available, there were approximately 70,000 sexual assaults in BC, the vast majority of which were experienced by women.

counselor.<sup>121</sup> Further, representatives of women serving organizations have noted a lack of political will to fund adequate community services to support women who want to leave abusive relationships.<sup>122</sup>

## ACTION TAKEN

The last year saw BC take small steps to address violence against women. In May 2016, BC passed the *Sexual Violence and Misconduct Policy Act*, an act that requires post-secondary institutions to establish and implement sexual assault policies.<sup>123</sup> While welcome, the definition of “sexual misconduct” in the Act with respect to the distribution of intimate images is problematic and sets a higher bar than the *Criminal Code*.<sup>124</sup>

In response to West Coast LEAF’s recommendations, BC also passed amendments to the *Residential Tenancy Act* in November 2015, which will allow tenants at risk of family violence to break fixed term leases in order to protect their safety.<sup>125</sup> While a positive step, women continue to experience many other barriers when they try to seek safety, including an inability to secure affordable housing.

As of September 2016, the UBC Hospital is now able to provide forensic sexual assault services, increasing access to such services for some women who wish to report sexual violence.<sup>126</sup> The Provincial Office of Domestic Violence, which released its three-year Provincial Domestic Violence Plan in 2014, published its first annual progress report in 2015 highlighting campaigns to increase public awareness and prevention including the #SaySomething, Moose Hide and the Be More than a Bystander campaigns.<sup>127</sup> The report also noted grants provided to support survivors, funding for legal aid pilot programs, and \$1.5 million investment for Aboriginal people affected by domestic violence.

Finally, in June 2016 Premier Christy Clark spoke publicly about her personal experience with violence in an effort to support and encourage other women who have experienced violence to report it.<sup>128</sup>

**In response to West Coast LEAF’s recommendations, BC also passed amendments to the Residential Tenancy Act in November 2015, which will allow tenants at risk of family violence to break fixed term leases in order to protect their safety.**

121 Mike Hagar, “Advocates hope Christy Clark’s outspokenness on sexual violence leads to more investment,” *The Globe and Mail* (10 June 2016).

122 Tamsyn Burgmann, “Governments must fund women’s supports to prevent domestic homicide: advocate,” *Canadian Press* (12 July 2016).

123 *Bill C-23: Sexual Violence and Misconduct Policy Act*.

124 Debates of the Legislative Assembly, Volume 39, Number 6 at 12918 (10 May 2016).

125 *Bill 40: Natural Gas Development Statutes Amendment Act, 2015*.

126 BC Women’s Hospital, “Forensic Sexual Assault Services Planned for UBC Hospital” (28 April 2016), online: [www.bcwomens.ca/about/news-stories/news/2016/forensic-sexual-assault-services-planned-for-ubc-hospital](http://www.bcwomens.ca/about/news-stories/news/2016/forensic-sexual-assault-services-planned-for-ubc-hospital).

127 Ministry of Children and Family Development, *British Columbia’s Provincial Domestic Violence Plan: First Annual Report 2015*, online: [www.mcf.gov.bc.ca/podv/pdf/dv\\_pp\\_far.pdf](http://www.mcf.gov.bc.ca/podv/pdf/dv_pp_far.pdf) at 8.

128 CBC News, “B.C. Premier Christy Clark reveals personal story behind support for campus sex assault bill,” (9 June 2016).

## INACTION

Despite these welcome developments, BC continues to take a fragmented approach to dealing with violence against women instead of developing a comprehensive solution aimed at prevention, education and effective enforcement through the court system that improves women's safety.<sup>129</sup>

For example, despite the CEDAW Committee's clear concerns, BC continues to focus on alternative dispute resolution as a solution to family law disputes, even in cases involving violence.<sup>130</sup> Although the *Family Law Act* requires the consideration of family violence, the application of that requirement has been challenging, particularly given that many women are not able to access legal advice or representation to enforce their rights under the *Act*. Further, the inadequacy of BC's legal aid coverage can force women who have experienced violence into alternative dispute resolution because they cannot afford a lawyer to seek justice in court.

A report issued in January 2016 indicated that both lawyers and judges agree that judges do not always have access to the information they need to make adequate risk determinations in cases of violence.<sup>131</sup> The report also documented judges noting that the lack of enforcement of protection orders under the *Family Law Act* is "a massive problem that could undermine the effectiveness not only of the protection order provisions in the [*Act*], but also the whole [*Family Law Act*] scheme, making it a 'broken piece of legislation.'"<sup>132</sup>

## OVERALL COMMENTS

While BC has taken a number of steps to address aspects of violence against women, approaches continue to be fragmented and minor in nature. In particular, BC has failed to adequately address the CEDAW Committee's 2008 concerns and recommendations.

While BC has taken a number of steps to address aspects of violence against women, approaches continue to be fragmented and minor in nature. In particular, BC has failed to adequately address the CEDAW Committee's 2008 concerns and recommendations.

129 Jennifer Saltman, "Specialized domestic-violence court becomes law in Surrey," *Vancouver Sun* (23 June 2016).

130 British Columbia, *Province of BC Strategic Plan 2016/17-2019/20*, online: [www.bcbudget.gov.bc.ca/2016/stplan/StrategicPlan\\_2016-17\\_2019-20.pdf](http://www.bcbudget.gov.bc.ca/2016/stplan/StrategicPlan_2016-17_2019-20.pdf) at 14.

131 M Jackson & D Martinson QC, "Risk of Future Harm: Family Violence and Information Sharing Between Family and Criminal Courts" (14 Jan 2016), online: [www.fredacentre.com/wp-content/uploads/2016/01/Observatory-Martinson-Jackson-Risk-Report-FINAL-January-14-2016.pdf](http://www.fredacentre.com/wp-content/uploads/2016/01/Observatory-Martinson-Jackson-Risk-Report-FINAL-January-14-2016.pdf) at 48.

132 *Ibid.*

# WOMEN'S HEALTH

# C+

Some action taken.  
Needs continued  
improvement.

Previous years:

2015: B-

2014: B

2013: C+

In general, the  
health of women  
in BC is above the  
Canadian average  
in many respects.

## WHAT DID THE CEDAW COMMITTEE SAY IN 2008?

Despite some welcome new initiatives, the Committee expressed concern about the disproportionate impact of HIV/AIDS on Aboriginal women, the poor health of Aboriginal women in general, and the health of older women, who may be disadvantaged by age-related health problems.<sup>133</sup>

## HEALTH CARE FOR WOMEN IN BC

In general, the health of women in BC is above the Canadian average in many respects. For example, BC's age-adjusted, pregnancy-related mortality rates are lower and women's life expectancy is slightly higher than the national averages.<sup>134</sup> However, women are more likely than men to report that their health needs are not being met<sup>135</sup> and all women in BC do not enjoy equal access to positive health outcomes. For example, low income women, Indigenous women and women living in rural areas experience health disparities.<sup>136</sup> Aboriginal women in BC are more likely to report perceived poor health than the national average,<sup>137</sup> and rural women can experience reduced maternal health outcomes due to barriers in accessing appropriate health care services, such as specialists.<sup>138</sup>

<sup>133</sup> *Supra* note 1 at paras 41-44.

<sup>134</sup> Statistics Canada, "CANSIM 102-0552: Deaths and mortality rate, by selected grouped causes and sex, Canada, provinces and territories" (10 Dec Jan 2015) (2012 data); Statistics Canada "CANSIM 102-0512: Life expectancy, at birth and at age 65, by sex, Canada, provinces and territories" (31 May 2012).

<sup>135</sup> Eric MacKenzie, "B.C. women feel health needs unmet: Study," *24 Hours Vancouver* (26 Jan 2016).

<sup>136</sup> Ministry of Health, *Healthy Families BC Policy Framework: A focused Approach to Chronic Disease and Injury Prevention* (Mar 2014), online: [www.health.gov.bc.ca/library/publications/year/2014/healthy-families-bc-policy-framework.pdf](http://www.health.gov.bc.ca/library/publications/year/2014/healthy-families-bc-policy-framework.pdf); Ministry of Health, *Rural Health Services in BC: A Policy Framework to Provide a System of Quality Care* (2015), online: [www.health.gov.bc.ca/library/publications/year/2015/rural-health-policy-paper.pdf](http://www.health.gov.bc.ca/library/publications/year/2015/rural-health-policy-paper.pdf).

<sup>137</sup> Statistics Canada, "CANSIM 577-0001: Aboriginal peoples survey, perceived general health, by Aboriginal identity, age group and sex, population aged 6 years and over, Canada, provinces and territories" (14 July 2015).

<sup>138</sup> *Rural Health Services*, *supra* note 136.

## ACTION TAKEN

The hearing of a long delayed court case attacking BC's ban on the purchase of private insurance for medically necessary services that are already covered by the public system commended in September 2016. The Province is defending its ban and has noted that its priority is to uphold the *Medicare Protection Act* and the benefits it safeguards.<sup>139</sup> Further, the Premier has taken a stand against the federal government's implementation of previously announced funding cuts to provincial and territorial health transfers.<sup>140</sup>

In addition, in 2015 the Provincial Health Services Authority launched "Trans Care BC", making BC the first province in Canada to create a provincial system to support transgender health.<sup>141</sup> More recently, in October 2015, Trans Care BC announced it would fund lower surgery aftercare in Montreal and two doctors are now performing upper surgeries in Victoria,<sup>142</sup> both of which are improvements to health care services for the trans community.

## INACTION

With respect to the impact of HIV/AIDS on the health and well-being of Indigenous women in BC, the CEDAW Committee has again requested that Canada address the issue in its upcoming 2016 review and for good reason. Despite overall declining new diagnoses and a new guiding treatment policy released in 2012,<sup>143</sup> Indigenous British Columbians remain disproportionately represented in BC's HIV epidemic, consistently comprising approximately 11-17% of new HIV diagnoses while only representing about 5% of the total provincial population.<sup>144</sup> The disparity gets worse for Indigenous women, who comprised over 34% of new HIV diagnoses among females in 2014, meaning that rate of new diagnoses among Indigenous women was almost 10 times higher than the provincial average.

The health of older women also continues to be a concern in BC. Because women tend to live longer than men, are more likely to suffer from disabling and degenerative chronic illness, and are more likely to provide unpaid care to ailing partners, health services for seniors disproportionately affect women. The BC population aged 75+ increased by 10% between 2012 and 2015, but public

In 2015 the Provincial Health Services Authority launched "Trans Care BC", making BC the first province in Canada to create a provincial system to support transgender health.

139 Geordan Omand, "Landmark private health care lawsuit heads to court," *CBC* (5 Sept 2016).

140 CTVNews.ca Staff, "B.C.'s Christy Clark calls for PM to meet with premiers on health transfers," *CTV* (1 Oct 2016).

141 Provincial Health Services Authority, "Trans Care BC," online: [www.phsa.ca/our-services/programs-services/trans-care-bc](http://www.phsa.ca/our-services/programs-services/trans-care-bc).

142 Provincial Health Services Authority, "Program Progress," online: [www.phsa.ca/our-services/programs-services/trans-care-bc/program-progress](http://www.phsa.ca/our-services/programs-services/trans-care-bc/program-progress).

143 Ministry of Health, *From Hope to Health: Towards and AIDS-free Generation* (Dec 2012), online: [www.health.gov.bc.ca/library/publications/year/2012/from-hope-to-health-aids-free.pdf](http://www.health.gov.bc.ca/library/publications/year/2012/from-hope-to-health-aids-free.pdf).

144 BC Centre for Disease Control, *HIV in British Columbia: Annual Surveillance Report 2014* (30 Nov 2015) at 10-12.

**The number of provincially subsidized assisted living units increased by less than 1% between 2012 and 2015, while the number of private, non-subsidized units increased by 25% (registered) and 8% (non-registered). Private units now make up more than 80% of the assisted living units available in BC.**

assisted living and residential care services have failed to keep pace.<sup>145</sup> For example, during the same period, the number of residential care beds in BC increased by only 3.5%.

Even more troubling, the number of provincially subsidized assisted living units increased by less than 1% between 2012 and 2015, while the number of private, non-subsidized units increased by 25% (registered) and 8% (non-registered). Private units now make up more than 80% of the assisted living units available in BC. While fees vary, over 60% of non-registered private units have a monthly fee of \$2,500 or more, which many senior women are unable to afford. In December 2015, 943 people were waitlisted for a subsidized assisted living unit in the Province, enough people to fill over one fifth of all available public beds. Women are further impacted by the trend towards privatization because increased costs require family members (mostly women) to take on more responsibilities for care when supports are simply not affordable.<sup>146</sup>

Finally, BC continues to rank well in terms of number and location of surgical abortion providers. However, there remains no universal coverage for contraception and BC has not yet determined whether the newly approved abortion pill, marketed as Mifegymiso and expected to cost approximately \$270 per package, will be covered by provincial Pharmacare.<sup>147</sup> It is also unclear whether and how the medication will be prescribed and dispensed in BC. The College of Physicians and Surgeons of BC have expressed concern about problematic rules developed by Health Canada, which require that the drug be directly dispensed by a doctor in addition to other requirements.<sup>148</sup> If the rules are not amended and the cost of the medication is not covered, Mifegymiso will have limited impact improving reproductive rights for women, and particularly for rural women who already have reduced access to surgical abortion providers and could therefore benefit more from the medication.

## OVERALL COMMENTS

BC took some action to improve the health of women in BC in the last year, but the CEDAW Committee's 2008 concerns regarding the health of Indigenous and older women remain substantially unaddressed.

145 Office of the Seniors Advocate, *Monitoring Seniors' Services – 2015* (Jan 2016), online: [www.seniorsadvocatebc.ca/wp-content/uploads/sites/4/2016/01/SA-MonitoringSeniorsServices-2015.pdf](http://www.seniorsadvocatebc.ca/wp-content/uploads/sites/4/2016/01/SA-MonitoringSeniorsServices-2015.pdf) at 11-17.

146 BC CEDAW Group, *Holding British Columbia Accountable: Women's Economic, Social and Cultural Rights* (1 Feb 2016), online: [www.westcoastleaf.org/wp-content/uploads/2016/02/CEDAWreport\\_Jan2016.pdf](http://www.westcoastleaf.org/wp-content/uploads/2016/02/CEDAWreport_Jan2016.pdf) at 44.

147 Your Parts, "FAQ Mifegymiso," online: <http://srhweek.ca/caring-for-yourself/pregnancy/positive-test-pregnancy-options/mifegymiso/>.

148 Maryse Zeidler, "New abortion pill rollout hits regulatory snag in B.C.," *CBC* (6 July 2016).

**westcoastleaf.org**

**West Coast LEAF works to advance women's equality and human rights through litigation, law and policy reform, and public legal education in British Columbia.**

**West Coast LEAF is an incorporated BC non-profit society and federally registered charity. It is governed by an elected Board of Directors and supported by active members, committed volunteers, and a dedicated staff.**



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