



2017 CEDAW REPORT CARD

HOW IS BC MEASURING UP IN WOMEN'S RIGHTS?

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INTRODUCTION

Canada's compliance with the *Convention* was assessed in 2016, and the UN CEDAW Committee raised significant concerns about Canada's commitment to women's equality rights and adherence to the treaty's protections, including with regard to areas of provincial government authority and issues specific to BC.

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, state signatories must 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 assessed in 2016, 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, including with regard to areas of provincial government authority and issues specific to BC.

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 concerns.

From the CEDAW Committee's 2016 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 2016 and early November 2017. We used the following scale to assign grades to BC's progress in each area:

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

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ACKNOWLEDGEMENTS

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WOMEN'S ACCESS TO JUSTICE

D+

**Limited action.
Needs significant
improvement.**

Previous years:

2016: D

2015: D-

2014: F

Family law legal aid limitations can have especially dire consequences for women, who are more likely than men to use family law legal aid, to be the primary caregivers of their children, to have abusive ex-partners, and to lack financial resources to hire a lawyer.

WHAT DID THE CEDAW COMMITTEE SAY IN 2016?

The Committee expressed concern over civil legal aid cuts and income tests for civil legal aid eligibility that exclude many low-income women. It urged Canada to increase civil legal aid funding to ensure access for women nationwide, especially women who are Indigenous, have disabilities, and/or have experienced violence.¹

WOMEN'S ACCESS TO JUSTICE IN BC

Legal aid continues to fall short of demand in BC, particularly in family law. Access to family law legal aid is restricted through the low financial cut-off, which keeps legal representation out of reach for many; through the denial of representation for most cases that do not involve family violence; and through the limited number of service hours allocated to clients.² These service limitations can have especially dire consequences for women, who are more likely than men to use family law legal aid, to be the primary caregivers of their children, to have abusive ex-partners, and to lack financial resources to hire a lawyer.

ACTION TAKEN

The announcement that the BC Human Rights Commission would be re-established³ was a promising development for equality rights and access to justice. The reinstated Commission may enhance opportunities to challenge systemic inequalities.

In a legal victory, the provincial government settled a constitutional challenge by agreeing to fund legal representation for individuals detained under the *Mental Health Act*, which will benefit persons held for mental health treatment against their will.⁴

A smaller but noteworthy step for access to justice this year was the renewal of funding for the Parents Legal Centre, a pilot project to assist parents with child protection matters. The Centre will continue in Vancouver for at least three years and also expand to Surrey.⁵ Other pilot projects whose funding has been extended include the expanded Family LawLINE legal information service and expanded Family Duty Counsel in Victoria.⁶

Government funding was also announced for a one-year pilot project called the Aboriginal Family Health Court Conference program, which aims to reduce inequalities facing Indigenous families in relation to the child protection system.⁷

Also in 2017, a Memorandum of Understanding was signed for a BC Indigenous Justice Strategy whose aims include improving access to justice. \$400,000 of provincial funding will support the BC Aboriginal Justice Council's participation in developing the strategy.⁸

Finally, a new Justice Access Centre in Surrey will expand the services available to people with family and civil legal problems,⁹ who are disproportionately women.

INACTION

Civil legal aid remains in crisis in BC. The critical shortage of family law legal aid services for women who have experienced intimate partner violence prompted a constitutional challenge this year against the BC government and Legal Services Society, BC's legal aid provider. *Single Mothers' Alliance v BC* alleges that BC's inadequate legal aid system discriminates against women and children and violates their constitutionally protected rights to life and security of the person. West Coast LEAF and the BC Public Interest Advocacy Centre are representing the plaintiffs in the case: Single Mothers' Alliance BC and two women who have experienced significant harms as a result of family law legal aid limitations.¹⁰

Lawyer attrition is another systemic problem in BC's family law legal aid system. The percentage of lawyers reporting that they will take fewer or no legal aid contracts in the coming year nearly doubled from 2010 to 2016, with lawyers taking family

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While 2017 has seen some positive developments for access to justice in BC, including the re-launching of the BC Human Rights Commission, these make barely a dent in addressing women's need for legal help.

law cases dropping off most steeply.¹¹ The most commonly cited reason for not taking legal aid work was the tariff (hourly) rate.¹² As a result, people accessing family law legal aid in BC — often women — depend on a shrinking pool of underpaid lawyers.

Legal aid for immigrants and refugees came under threat this year when Legal Services Society announced that it would stop offering representation in immigration matters due to a lack of funding.¹³ The federal government provided two consecutive funding top-ups allowing services to continue through to March 2018,^{14,15} but more funding will be needed after that to sustain legal aid for immigrants and refugees, many of whom may face persecution and torture in their countries of origin.

Finally, BC's Special Advisor on Indigenous Children in Care released a report last year containing 12 recommendations for access to justice,¹⁶ most of which the BC government has yet to implement. While the expansion of the Parents Legal Centre to Surrey is one recommendation that BC did act on, this step falls short of the report's call for Parents Legal Centres to be established in high-demand locations province-wide.¹⁷

OVERALL COMMENTS

While 2017 has seen some positive developments for access to justice in BC, including the re-launching of the BC Human Rights Commission, these make barely a dent in addressing women's need for legal help.

WOMEN AND CHILD CARE

WHAT DID THE CEDAW COMMITTEE SAY IN 2016?

The Committee highlighted the consequences of a lack of affordable, high-quality childcare for women's economic empowerment¹⁸ and called on Canada to ensure "sufficient numbers of affordable childcare facilities [. . .], including in aboriginal communities, with priority being given to low-income women."¹⁹

CHILD CARE FOR WOMEN IN BC

Child care remains a significant expense in BC, with many indications that costs are becoming more prohibitive. The Canadian Centre for Policy Alternatives' 2017 update on the living wage in Metro Vancouver calculated that child care was the second-most-expensive item in an annual family budget and had increased by \$535 since 2016.²⁰ Three of the four most expensive cities in Canada for toddler care are in BC: Vancouver has the second-highest average monthly cost at \$1,325, followed closely by Richmond and Burnaby.²¹ However, the lack of affordable child care impacts families in all regions of BC.

Because women continue to have lower average incomes than men and to assume a disproportionate share of childrearing responsibilities, they bear the brunt of child care's costs. Consider that in 2014, 83% of lone-parent families in BC were headed by women and that these families' median income was 35% lower than that of lone-parent families led by men.²² As a result of their caregiving responsibilities, many women are forced into part-time or precarious employment or prevented from working for pay altogether.

Access to child care is further restricted by the shortage of available spaces.²³ In fact, 96% of Vancouver child care centres report maintaining a wait list, as do most centres in Burnaby and Richmond.²⁴

Moreover, nearly half of child care facilities in Vancouver charge a wait list fee — more than anywhere else in Canada.²⁵ This practice, which Ontario has

D

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

Previous years:

2016: D-

2015: C-

2014: D

The appointment in July 2017 of a Minister of State for Child Care — a position introduced by the new BC government — suggests a prioritization of child care, although it is too soon to predict results.

Public concern over the inaccessibility of licensed care mounted this year with coverage of 15-month-old Macallan Saini's death in unlicensed child care. In the wake of Macallan's tragic death, his parents, Shelley Sheppard and Chris Saini, publicly appealed for "massive reform" of BC's "broken" child care system.

banned,²⁶ creates an additional burden for women who are already struggling to find affordable child care.

Women with disabilities may face particular obstacles given that many daycares lack accessibility policies for parents with disabilities (even if they do have policies for children with disabilities). Furthermore, care workers providing services for mothers with disabilities typically do not provide assistance with tasks relating to child care.²⁷

The barriers to accessing licensed, high-quality child care force many women to make alternative arrangements, including informal and unlicensed care.

ACTION TAKEN

The appointment in July 2017 of a Minister of State for Child Care — a position introduced by the new BC government²⁸ — suggests a prioritization of child care, although it is too soon to predict results. Priorities outlined in the Minister's mandate letter include the implementation of a universal plan "that provides affordable, accessible and high-quality care and early learning to every child whose family wants or needs it, starting with infant/toddler programs before gradually expanding," as well as investments in early childhood educators and action to speed up the creation of new child care spaces province-wide.²⁹

INACTION

Public concern over the inaccessibility of licensed care mounted this year with coverage of 15-month-old Macallan Saini's death in unlicensed child care.³⁰ In the wake of Macallan's tragic death, his parents, Shelley Sheppard and Chris Saini, publicly appealed for "massive reform" of BC's "broken" child care system.³¹ Then-Premier Christy Clark rejected Sheppard and Saini's call for universal \$10-a-day child care.³² In August 2017, it was publicly revealed that the

The BC government's stated commitment to strengthening access to high-quality, licensed child care, though welcome, has not been acted upon. Concrete measures are needed to satisfy the urgent need across BC.

unlicensed child care provider who operated the facility where Macallan died had been investigated multiple times and was found to be in violation of regulations regarding overcrowding but never fined. Vancouver Coastal Health issued a statement that the child's death has prompted a review of procedures for handling repeated violations.³³ Saini and Sheppard are now advocating for easier and faster public access to the history of complaints lodged against child care providers.³⁴

The 2017 Budget released prior to the change of government in BC did not include funding for an affordable, accessible, and high-quality child care plan,³⁵ although this was recommended by the Select Standing Committee on Finance and Government Services after public consultation not only in 2017³⁶ but also in 2016, 2015, and 2014.³⁷

The current BC government did not include funding for a \$10-a-day child care plan in its September 2017 budget update,³⁸ despite identifying it as a priority.^{39,40}

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OVERALL COMMENTS

The BC government's stated commitment to strengthening access to high-quality, licensed child care, though welcome, has not been acted upon. Concrete measures are needed to satisfy the urgent need across BC.

WOMEN'S

EMPLOYMENT



**Some action taken.
Needs continued
improvement.**

Previous years:

2016: C-

2015: C

The Committee remarked on Canada's "slow progress" with regard to pay gaps, job segregation, workplace sexual harassment, the concentration of women in low-wage and part-time work, and opportunities for marginalized women.

WHAT DID THE CEDAW COMMITTEE SAY IN 2016?

The Committee remarked on Canada's "slow progress" with regard to pay gaps, job segregation, workplace sexual harassment, the concentration of women in low-wage and part-time work, and opportunities for marginalized women.⁴¹ Additionally, the Committee recommended that Canada stop issuing employer-specific closed work permits in the Temporary Foreign Workers program to improve workers' ability to leave abusive job situations.⁴²

WOMEN'S EMPLOYMENT IN BC

BC women continue to experience labour market inequalities. For example, there is a difference of nearly 10 percentage points between the rates of employment for men and women.⁴³ While unemployment for men in BC decreased between July 2016 and July 2017, it increased for women during the same period.⁴⁴ BC's gendered employment gap is larger than the Canadian average,⁴⁵ possibly related to child care costs.⁴⁶

Given that the unemployment rate for people with disabilities in BC is 4.5 percentage points higher than for those without,⁴⁷ women with disabilities face particularly severe inequalities in access to paid work.

Immigrant women also experience obstacles, including a lack of recognition of work experience and credentials from their countries of origin, language barriers,⁴⁸ and discrimination.

Those women who do participate in paid work experience disparities in compensation. BC's gender-based pay gap based on weekly earnings, at nearly 23%, is worse than the statistic for Canada as a whole.⁴⁹ Women account for 62% of BC's minimum wage workers⁵⁰ and are more likely to be among the working poor. Women of colour, Indigenous women, immigrant women, and women with disabilities experience especially severe pay gaps.⁵¹

ACTION TAKEN

While it is too early to assess action on the priorities outlined for the new BC Cabinet, some are promising for women's employment. The Minister of Labour's mandate letter specifies priorities such as creating a Temporary Foreign Worker registry; updating employment standards; and improving consistency in the enforcement of laws that protect workers.⁵² One priority already carried out is the formation of a Fair Wages Commission tasked with developing a plan to raise minimum wage to \$15 and to address the discrepancy between minimum wage and the living wage.⁵³

Effective September 15, both the standard and liquor-server minimum wages were raised by 50 cents, to \$11.35 and \$10.10 per hour respectively, an increase identical to the one planned by the previous BC government.⁵⁴ Some advocates have called for a faster increase to meet the needs of full-time workers living in poverty.⁵⁵

Some steps have been taken to reduce barriers to employment. For example, the move to offer English Language Learning and Adult Basic Education free of charge⁵⁶ may lessen obstacles to workforce participation. Additionally, the \$200-a-month increase to the earnings exemption for income and disability assistance⁵⁷ may increase opportunities for women with disabilities and women living in poverty.

Before the change of government, a regulation under the *Workers Compensation Act* was amended to ban the practice of requiring employees to wear high-heeled shoes on the job where this might compromise their safety,⁵⁸ a small but noteworthy step.

Finally, about \$750,000 of provincial funding was announced for programs to train unemployed women as truck drivers⁵⁹ and construction tradespeople,⁶⁰ a modest but welcome step to address gender-based job segregation.

While it is too early to assess action on the priorities outlined for the new BC Cabinet, some are promising for women's employment.

Although the government says it plans to raise minimum wage to \$15, it has backed down from the 2021 deadline promised during the election campaign.

Many workers in anti-violence services and other community programs report that funding cuts have led to increasing caseloads, inadequate resources and staffing, chronic stress, and safety risks.

INACTION

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Moreover, a lower minimum wage continues to exist for liquor servers. In a report published this year based on experiences shared by 145 workers, the BC Employment Standards Coalition recommended ending the double-standard because it reinforces “the dependence predominantly women workers have on customers for tips, leaving them vulnerable to [. . .] sexual harassment.”⁶²

Finally, research suggests that cuts to social services have had an impact on the safety and well-being of women workers, who predominate in this field. According to a 2017 report, many workers in anti-violence services and other community programs report that funding cuts have led to increasing caseloads, inadequate resources and staffing, chronic stress, and safety risks.⁶³

OVERALL COMMENTS

It is encouraging that the BC government has stated an intention to increase minimum wage to \$15 and has taken steps to reduce barriers to employment. However, faster action is needed to close the gap between the living wage and minimum wage and tackle inequalities in employment rates and pay.

WOMEN'S HEALTH

WHAT DID THE CEDAW COMMITTEE SAY IN 2016?

The Committee raised several concerns about women's health in Canada, including disparities in availability of reproductive health services and barriers to accessing harm reduction services for drug users.⁶⁴

WOMEN'S HEALTH IN BC

BC continues to be on par with other provinces, or even slightly ahead, when it comes to indicators of women's health. For example, according to the most recent available data, the rates of premature and potentially avoidable deaths of women are slightly lower in BC than in Canada as a whole.⁶⁵

However, serious inequalities persist. For example, Indigenous women in BC are more likely to experience chronic health conditions and significantly less likely to describe their health as very good or excellent.⁶⁶

Furthermore, data from across Canada suggest that people with lower household incomes are less likely to report very good or excellent health.⁶⁷ The costs of dental care and contraception keep these vital services out of reach for many women, especially in rural and remote areas.

Limited access to sign language interpretation can be a barrier to care. Though the right to medical sign language interpretation has been affirmed by the Supreme Court of Canada, services often depend on interpreter availability.⁶⁸

Older women face particular health threats as a result of the 20% decrease in access to assisted living spaces and 30% decrease in home support services between 2001 and 2016.⁶⁹ All for-profit facilities and more than 90% of residential facilities reported on by the BC Seniors Advocate in 2017 fell short of the provincial staffing guidelines.⁷⁰ Women are more likely than men to live in residential care or receive home support, to provide unpaid caregiving and housekeeping, and to have their own needs go unmet if they become unable to

C+

**Some action taken.
Needs continued
improvement.**

Previous years:

2016: C+

2015: B-

2014: B

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Indigenous people are disproportionately harmed by the crisis, experiencing opioid-related deaths at 12 times the average rate. Furthermore, 40% of the Indigenous people experiencing overdoses are women, double the proportion of women experiencing overdoses in general.

perform these tasks for themselves.⁷¹ Additionally, for older women who are LGBTQ+, it can be hard to find affirming care services, according to a recent report.⁷²

Women who use illegal drugs face severe health inequalities and risks given the recent spike in fatal opioid overdoses in BC, with more than 1,000 deaths in the first eight months of 2017 alone, more than the total for all of 2016.⁷³

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ACTION TAKEN

In the year since BC's public health officer first declared the opioid crisis a public health emergency, the government has taken steps aimed at preventing deaths. For example, health authorities have helped open supervised consumption sites in several regions and submitted applications to open more.⁷⁵ A women-only supervised consumption site was launched in Vancouver with partial provincial funding, recognizing the barriers women face in accessing mixed-gender services.⁷⁶ Other steps to stem the crisis have included distributing overdose response kits⁷⁷ and amending legislation to expand the services that paramedics and Emergency Health Services dispatch staff can provide.⁷⁸

In July 2017, a new Ministry of Mental Health and Addictions was formed,⁷⁹ and the September 2017 budget update allocated \$61 million to the Ministry for various measures to tackle the opioid crisis.⁸⁰

The Minister of Health's mandate letter lists several priorities for equality in health care, including strengthening services for seniors,⁸¹ and \$189 million has now been allocated to enhance home and residential care.⁸²

The new government also confirmed a 50% decrease in Medical Service Plan (MSP) premiums and a four-year plan to eliminate them.⁸³ This change came after years of advocacy to scrap MSP given its disproportionate impact for lower-income families.⁸⁴

INACTION

Mifegymiso, the World Health Organization's recommended method of medical abortion,⁸⁵ became available in BC early in 2017,⁸⁶ but its potential to expand reproductive choice is limited by barriers to access. The drug costs about \$325 per use⁸⁷ and is not covered for most people in BC, although it is now covered for patients on BC Pharmacare.⁸⁸ BC is lagging behind several other provinces that have now pledged full coverage.⁸⁹ Access to Mifegymiso could be particularly crucial for women in rural and remote areas where other forms of abortion are less available.

The CEDAW Committee highlighted the need for more "culturally appropriate harm reduction services"⁹⁰ for drug users, and indeed, a recent report by the BC Overdose Action Exchange called for culturally appropriate pain management and addiction treatment services, particularly for Indigenous people.⁹¹ The report also recommended supporting peer-based leadership, addressing contamination of the drug supply, reorienting law enforcement to better serve public health, reforming drug laws, targeting systemic factors that contribute to addiction, and expanding research and evaluation efforts.⁹² Clearly, then, the BC government can and must do more to intervene in the opioid crisis.

As well, a recent policy change has reduced some low-income patients' access to prescription drugs. As a result of the expansion of the Reference Drug Program, 17 medications that were fully covered by BC Pharmacare are now only partially covered.⁹³ The program requires the use of less expensive drugs when deemed equally safe and effective.⁹⁴ BC continues to be the only province with a Reference Drug Program, despite research suggesting that it may harm the health of elderly and low-income people.⁹⁵

OVERALL COMMENTS

BC has taken some steps to support BC women's health, but much work remains to respond fully to the CEDAW Committee's concerns about disparities in health care, particularly access to harm reduction services.

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WOMEN AND HOUSING

C

**Some action taken.
Needs continued
improvement.**

Previous years:

2016: D

2015: D-

2014: D

Women's lower average incomes mean that they are especially likely to struggle to find housing within their budget. About a third of single mothers in BC spend more than half their gross income on rent, placing them at a serious risk of homelessness.

WHAT DID THE CEDAW COMMITTEE SAY IN 2016?

The Committee expressed concerns with Canada's "severe housing shortage, in particular in aboriginal communities" and the impacts of unaffordable rents on women and families.⁹⁶ It called for a national rights-based housing strategy and increased affordable housing with priority access for low-income women.⁹⁷

WOMEN'S HOUSING IN BC

The 2017 Homeless Count in Metro Vancouver revealed that homelessness in the region is at a record high, up 30% from 2014.⁹⁸ This year's Fraser Valley Regional District Homeless Count also indicated an all-time high and a whopping 72% increase since 2014.⁹⁹

Deep inequalities are evident in the Homeless Counts. For example, Indigenous people made up a third of people counted in both the Fraser Valley and Metro Vancouver counts this year^{100,101} and experience homelessness at 18 times the average rate.¹⁰² People with disabilities and health conditions accounted for 82% of those included in this year's Metro Vancouver count.¹⁰³ In addition, seniors' homelessness has been steadily rising throughout the past decade and was up more than 27% since 2014 in Metro Vancouver.¹⁰⁴ The overlap of multiple forms of marginalization — based on Indigeneity, age, and disability, for example — may exacerbate the risk of ending up on the streets.

Women's lower average incomes¹⁰⁵ mean that they are especially likely to struggle to find housing within their budget. About a third of single mothers in BC spend more than half their gross income on rent,¹⁰⁶ placing them at a serious risk of homelessness.¹⁰⁷ Moreover, nearly a quarter of renter households led by single mothers live in overcrowded conditions, double the rate for all renter households.¹⁰⁸ That being said, women accounted for only 27% of the people included in the Homeless Count in Metro Vancouver¹⁰⁹ and 35% in the Fraser Valley.¹¹⁰ Women's homelessness tends to be hidden given that they face a

greater risk of violence on the streets and in shelters and may be forced to stay in abusive relationships to keep a roof over their heads.¹¹¹

The consequences of homelessness can include intrusions of the child protection system — especially for women, who continue to assume disproportionate parenting responsibilities. The CBC reported on the case of three children taken into foster care in Kelowna this year because their mother was unable to secure housing, a situation that occurs about 25 times a year in the Kelowna area alone, according to a local housing organization.¹¹²

ACTION TAKEN

In a step to protect tenants, the BC government introduced legislation to eliminate vacate clauses in fixed-term leases except in limited circumstances.¹¹³ Landlords have historically used these clauses to skirt rent control rules, forcing tenants either to move out or accept large rent increases at the end of a lease. The legislation, if passed, will apply to existing tenancies as well as new ones,¹¹⁴ thus preventing landlords from evicting tenants immediately before the changes take effect.

Additionally, the 2017 BC budget update included \$6.8 million for the Residential Tenancy Branch over three years to reduce wait times and strengthen enforcement of tenancy legislation.¹¹⁵

Some funding has also been allocated to address BC's housing shortage. For example, the BC government has pledged funding for 1,000 units of modular housing province-wide¹¹⁶ as part of a four-year plan to build 2,000 modular housing units and 1,700 affordable housing units.¹¹⁷ The 2017 budget update also included \$172 million towards modular housing operating costs.¹¹⁸

Finally, the provincial government has vowed to develop a homelessness action plan, including a provincial homeless count,¹¹⁹ but the details and timelines remain unknown.

Women's homelessness tends to be hidden given that they face a greater risk of violence on the streets and in shelters and may be forced to stay in abusive relationships to keep a roof over their heads.

INACTION

Although the 2017 budget update included some funding for housing-related issues, it did not allocate funding for the \$400 annual renter's rebate promised during the provincial election campaign.¹²⁰

Furthermore, the number of housing units promised to date is far from adequate for meeting BC's needs. To keep pace with demand, 7,000 units of housing would need to be built annually throughout the next decade with some government support, including 2,350 affordable units for low-income households.¹²¹ By some accounts, only 6% of the social housing under development or built between 2012 and 2016 in Vancouver was affordable for individuals living on income assistance at 2016 rates.¹²²

Even some of the cheapest accommodations in Vancouver, single-room occupancy hotels (SROs) in the Downtown Eastside, rented at an average of \$548 in 2016, more than \$150 above the shelter rate for people on income assistance at 2016 rates.¹²³ Clearly, then, the unavailability of housing for individuals and families living in poverty remains a driving force of homelessness.

Although the BC government has recently proposed some changes to the *Residential Tenancy Act* to protect tenants, additional reforms may be needed. The *Act* has been criticized for allowing landlords to apply to increase rent for a unit based on the rent of similar units in the same geographical area.¹²⁴ Although geographical rent increases are currently uncommon, some advocates warn that they may increase once most vacate clauses are prohibited.¹²⁵

Finally, because the *Residential Tenancy Act* allows for rent hikes of 2% plus inflation annually,¹²⁶ the Residential Tenancy Branch set the maximum allowable rent increase for 4% in 2018,¹²⁷ a significant burden for tenants in an already overpriced rental market. Women are likely to be particularly impacted given their lower average incomes and greater likelihood of heading lone-parent families.

OVERALL COMMENTS

It is encouraging that BC is investing in tenants' access to justice at the Residential Tenancy Branch and ending a legislative loophole that has allowed unreasonable rent hikes. However, significant action to increase the supply of affordable housing is still needed to respond to the crisis-level need in BC.

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MISSING AND MURDERED INDIGENOUS WOMEN AND GIRLS

WHAT DID THE CEDAW COMMITTEE SAY IN 2016?

The Committee urged swift action to implement all 38 of the recommendations in its 2015 report on missing and murdered Indigenous women, most of which have not been completed.¹²⁸ In that report, the Committee identified “grave violations” of Indigenous women’s rights “to life, personal security, physical and mental integrity and health”¹²⁹ and called for significant improvements in law enforcement, police complaints mechanisms, access to justice, victim services, public education, and the socioeconomic conditions of Indigenous women.¹³⁰

In its 2016 Concluding Observations, the Committee commended Canada’s establishment of a National Inquiry into Missing and Murdered Indigenous Women and Girls but expressed concern that the mandate does not explicitly include examining criminal justice system practices and policies, adequately supporting and protecting witnesses, or providing a mechanism for the independent review of police conduct.¹³¹ The Committee called on Canada to rectify these shortcomings.¹³²

MISSING AND MURDERED WOMEN AND GIRLS IN BC

Tireless advocacy by Indigenous women, Indigenous-led organizations, and anti-violence groups has focused public attention on the grossly disproportionate and often deadly violence faced by Indigenous women and girls. Ongoing violence and the impacts of past violence continue to threaten the safety and human rights of Indigenous women and girls across BC.

ACTION TAKEN

The provincial government has taken some steps in the last year to address violence against Indigenous women and girls, although these fall far short of what is needed to address the crisis.

D

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

Previous years:

2016: D-

2015: F

2014: D

The Committee urged swift action to implement all 38 of the recommendations in its 2015 report on missing and murdered Indigenous women, most of which have not been completed.

BC has yet to create a plan for implementing the CEDAW Committee's 2015 recommendations on addressing violence against Indigenous women in Canada, the vast majority of which would require provincial action.

For example, some of the recommendations made in 2012 following the Missing Women Commission of Inquiry into disappearances and murders of women in Vancouver's Downtown Eastside have been implemented. As of December 2016, most of the surviving biological children of the missing and murdered women identified in the Commission's report had received a compensation payment of \$50,000, as recommended.¹³³

In December 2016, in response to pressure from the Auditor General of BC, the previous government pledged to resume public reporting (which it had dropped in 2014) on progress towards implementing recommendations of the provincial Inquiry.¹³⁴ It is unclear whether the new provincial government will fulfill this promise.

Regarding the National Inquiry, the BC government granted commissioners the authority to examine matters within provincial jurisdiction.¹³⁵ However, some advocates questioned the province's commitment to the process in light of its unwillingness to subject Crown Counsel to scrutiny or to disclose legally restricted information as part of the Inquiry.¹³⁶

To support families participating in the National Inquiry, BC is forming a Family Information Liaison Unit tasked with gathering information that families are seeking and liaising between families and services they may need to access.¹³⁷

Some recent steps have also been taken to enhance safety along Highway 16, known as the Highway of Tears because of numerous disappearances and murders of women and girls, many of them Indigenous. BC Transit has initiated regular public transit serving some communities¹³⁸ and has installed six bus shelters and five web cams along Highway 16.¹³⁹ In addition, \$2 million has been distributed to 12 local organizations for the purchase and operation of community vehicles and for driver education in First Nations communities.¹⁴⁰

Finally, it is noteworthy that the mandate letters for the new BC government's Executive Council members include a statement that the "government will be fully adopting and implementing the United Nations Declaration on the Rights of Indigenous Peoples, and the Calls to Action of the Truth and Reconciliation Commission."¹⁴¹ It remains to be seen whether this commitment will translate into meaningful action to address systemic violence against Indigenous women and girls.

INACTION

BC has yet to create a plan for implementing the CEDAW Committee's 2015 recommendations on addressing violence against Indigenous women in Canada, the vast majority of which would require provincial action.

Instead, BC has focused on implementing recommendations from the BC Missing Women Commission of Inquiry — but many of these recommendations are stalled,¹⁴² although it has now been five years since they were issued.¹⁴³ A December 2016 progress report by BC’s Auditor General assessed government compliance with only 21 of the 63 recommendations from the Missing Women Commission of Inquiry¹⁴⁴ — a disappointingly limited scope. Of the recommendations examined, only eight had been fully met.¹⁴⁵ For instance, no healing fund for the families of missing and murdered women has been established,¹⁴⁶ and no provincial protocol has been adopted to reduce barriers to contacting police for women involved in sex work who have an outstanding warrant.¹⁴⁷ Additionally, bias-free policing standards are still in development, although they were expected to be in place by April 2017.¹⁴⁸

The Auditor General’s report states that BC still lacks a “comprehensive approach to supporting families and friends of missing persons,”¹⁴⁹ and indeed, family members have spoken out about the absence of support and healing resources as a devastating example of government inaction.¹⁵⁰

BC has also failed to appoint a new champion of the recommendations from the BC Missing Women Inquiry — a position that has been vacant since 2013. The Province has argued that a new champion is not needed because action on the recommendations is underway,¹⁵¹ yet major work remains to be done to implement them. As a result, communities are in the dark about whether action is being taken to keep Indigenous women safe.

While the introduction of public transportation along the Highway of Tears is a positive step, the new bus service is not free¹⁵² and fares may create a barrier to access for low-income riders. At the time of the CEDAW Report Card’s publication, BC Transit had not responded to West Coast LEAF’s inquiry about whether fare waivers can be granted. Many women are forced to hitchhike as a result of barriers to accessing public bus service and the limited routes available.¹⁵³

OVERALL COMMENTS

It is past time for BC to do its part to implement all of the CEDAW Committee’s 2015 recommendations on violence against Indigenous women and girls, particularly those dealing with systemic inequalities as an underlying cause of violence. Many of the recommendations echoed a 2014 report by the Inter-American Commission on Human Rights focusing on missing and murdered Indigenous women in BC, which emphasized the need for decisive action on “past and present institutional and structural inequalities.”¹⁵⁴ Clearly, BC continues to fall short of international human rights standards in addressing violence against Indigenous women and girls.

It is past time for BC to do its part to implement all of the CEDAW Committee’s 2015 recommendations on violence against Indigenous women and girls, particularly those dealing with systemic inequalities as an underlying cause of violence.

WOMEN'S POVERTY

C

**Some action taken.
Needs continued
improvement.**

Previous years:

2016: D+

2015: D

2014: F

The Committee called on Canada to set social assistance rates at adequate levels and provide more affordable housing and child care services.

WHAT DID THE CEDAW COMMITTEE SAY IN 2016?

The Committee observed that women in Canada continue to experience significant poverty, particularly Indigenous women, Afro-Canadian women, immigrant women, women with disabilities, elderly women, and single mothers.¹⁵⁵ The Committee called on Canada to set social assistance rates at adequate levels and provide more affordable housing and child care services.¹⁵⁶ Significantly, the Committee identified poverty as a root cause of the epidemic of violence against Indigenous women¹⁵⁷ and urged the development of a plan targeting socioeconomic inequalities facing Indigenous communities.¹⁵⁸

WOMEN'S POVERTY IN BC

Economic insecurity continues to affect large numbers of women. According to the most recent data from Statistics Canada, the poverty rate for BC women is 15% to 16%.¹⁵⁹ These figures may in fact underestimate BC women's poverty because Statistics Canada does not apply its low-income measurements to Indigenous people living on reserve, despite deep inequalities impacting Indigenous communities.¹⁶⁰ For instance, a recent report found that about 60% of Indigenous children on reserve in Canada experience poverty.¹⁶¹ Indigenous women face an elevated risk of economic insecurity, as do women with disabilities, immigrant and refugee women, and single mothers.¹⁶²

Nearly half of children in families headed by single women in BC live in poverty, compared to about 10% of children in two-parent families,¹⁶³ and around a quarter of single-parent families — predominantly headed by women¹⁶⁴ — face moderate to severe food insecurity.¹⁶⁵

Inadequate wages particularly impact women given that they account for 58% of low-wage workers in BC.¹⁶⁶ It is estimated that about half of people living in poverty in BC are either the working poor or their children.¹⁶⁷ BC's minimum wage is just 55% of the current living wage for Metro Vancouver.¹⁶⁸

People who receive income assistance live in even deeper poverty. Inadequate rates for income assistance and disability benefits may force women to return to abusive relationships or engage in sex work in order to survive.¹⁶⁹

Older women often experience inequalities in pension entitlements driven by a lifetime of lower pay: BC women tend to receive about 20% less than their male counterparts in Canada Pension benefits and almost 50% less in private retirement income.¹⁷⁰ For this reason and many others, poverty affects about a third of BC senior women who live alone.¹⁷¹

ACTION TAKEN

In a welcome step for poverty reduction, the monthly rates for income assistance and disability benefits increased by \$100 effective September 2017.¹⁷² However, after 10 years of stagnant rates, the increase is far from adequate to ensure economic security.

The rates hike was one of several priorities outlined in the mandate letter for the Minister of Social Development and Poverty Reduction.¹⁷³ Other steps already implemented include a \$2,400 increase to annual earnings exemptions for people on income assistance and disability benefits,¹⁷⁴ the formation of an advisory committee to develop a poverty reduction strategy,¹⁷⁵ and the restoration of the transit pass for those designated as persons with disabilities.¹⁷⁶ Effective January 2018, people on disability benefits will receive an additional \$52 per month transportation supplement.¹⁷⁷

Two small steps taken before the change of government warrant mention. First, as of September 2016, nurse practitioners can verify Persons with Disabilities status for individuals applying for benefits, thanks to a legislative amendment.¹⁷⁸ This may reduce barriers to obtaining benefits for applicants who lack access to a doctor — an all-too-common scenario, especially in rural BC.

Second, policy guidelines were released specifying how ministry staff should interpret “spouse” and “dependent” when assessing benefits eligibility.¹⁷⁹ The

In a welcome step for poverty reduction, the monthly rates for income assistance and disability benefits increased by \$100 effective September 2017. However, after 10 years of stagnant rates, the increase is far from adequate to ensure economic security.

introduction of the policy guidelines came on the heels of West Coast LEAF's call for legislative amendments to ensure that only relationships characterized by significant financial dependence or interdependence would count for the purposes of benefits. The current definitions force many women into financial dependency and restrict their choice in relationships and their ability to flee abuse.¹⁸⁰ Unfortunately, the ministry's new policy guidelines lack the force of law.

Finally, in a welcome move to help low-income people pay their electricity bills, the BC Utilities Commission approved a Customer Emergency Fund Pilot,¹⁸¹ which will provide up to \$600 per year in assistance for BC Hydro ratepayers who are in arrears and are facing a financial emergency, in certain circumstances.¹⁸²

More action is needed to alleviate poverty and address its root causes, particularly for Indigenous women, women with disabilities, single mothers, racialized women, and newcomer women.

INACTION

The approval of the Customer Emergency Pilot Fund was a positive step following a disappointing decision by the BC Utilities Commission that created a barrier to making electricity more affordable. In January 2017, following a request by several anti-poverty, seniors', tenants', and disability rights organizations, the Commission determined that it does not have the jurisdiction to order BC Hydro to adopt measures to assist low-income customers.¹⁸³

Furthermore, BC has been slow to raise minimum wage, improve housing affordability, and ensure access to child care. While these shortcomings are discussed elsewhere in the Report Card, they bear mention here because they are major obstacles to tackling BC's high poverty rate.

OVERALL COMMENTS

After years of advocacy to raise income assistance and disability benefits rates, the \$100 increase was an overdue step. However, many people living on social assistance are still unable to afford basic necessities. More action is needed to alleviate poverty and address its root causes, particularly for Indigenous women, women with disabilities, single mothers, racialized women, and newcomer women.

WOMEN IN PRISON

WHAT DID THE CEDAW COMMITTEE SAY IN 2016?

The Committee voiced concerns about over-incarceration of Indigenous and Black women (as it also did in 2008¹⁸⁴); barriers to support services and employment for women with maximum-security designations; prolonged segregation; high HIV/AIDS rates; and overuse of incarceration for drug control.¹⁸⁵ The Committee's recommended alternatives to incarceration for non-violent offenses and expanded harm reduction, treatment, and support services for women affected by HIV/AIDS.¹⁸⁶

PRISON FOR WOMEN IN BC

The number of intakes of women new to the BC correctional system increased slightly this year, although the average daily population of women in the system dropped marginally.¹⁸⁷ However, the number of Indigenous women in BC's prisons has steadily increased. Indigenous women represented 925 of the 2,002 new admissions of women to custody in 2016/2017, a 4% increase over the previous year.¹⁸⁸

The continued practice of solitary confinement in BC uniquely harms women given their greater likelihood of entering prison with self-harming behaviours and traumatization due to violence. These risk factors and harms are compounded for Indigenous women and women with mental illness.¹⁸⁹ In contravention of international law,¹⁹⁰ BC permits solitary confinement in excess of 15 days if the person in charge believes it is warranted.¹⁹¹

ACTION

The mandate letter to BC's new Minister of Public Safety and Solicitor General lists priorities for correctional system reform including addressing systemic



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

Previous years:

2016: F

2015: F

2014: D

The continued practice of solitary confinement in BC uniquely harms women given their greater likelihood of entering prison with self-harming behaviours and traumatization due to violence.

In October 2017, BC became one of the first provinces to transfer responsibility for health services in prisons from a ministry of justice to a ministry of health, as recommended by the World Health Organization.

Although the average length of stay in solitary confinement in BC's provincial prisons was 7 days in 2016/2017, two individuals had been segregated for more than 100 days.

inequalities facing Indigenous people; expanding culturally appropriate programming; and supporting restorative justice and crime prevention initiatives.¹⁹²

Addressing the overrepresentation of Indigenous people is also stated as a goal in the correctional system's Service Plan for 2017. In addition, the Service Plan emphasizes engaging with First Nations and expanding the use of specialized courts (such as First Nations courts and domestic violence courts) to respond to community needs.¹⁹³

In October 2017, BC became one of the first provinces to transfer responsibility for health services in prisons from a ministry of justice to a ministry of health, as recommended by the World Health Organization.¹⁹⁴ This change may improve continuity of care, treatment of mental health and substance use issues, and responses to infections.¹⁹⁵

One encouraging step for transparency in the correctional system was the updating of online incarceration data up to March 2017.¹⁹⁶ This data went unpublished last year.

INACTION

This year's provincial budget and budget update failed to allocate funding to address the problem of increasing incarceration rates of Indigenous people or to reform the prison system.^{197,198} Moreover, the correctional system's Service Plan made no mention of improving prison conditions.¹⁹⁹

BC has also failed to perform a court-ordered review of a solitary confinement program. The right to reasonable opportunity to request review of solitary confinement decisions was affirmed in a 2016 court case involving Teresa Charlie. Charlie, an Indigenous woman, was held in solitary confinement for more than 30 days with no recourse to challenge her placement in solitary.²⁰⁰ As of October 2017, the court-ordered review appears to be unfinished or not publicly available.

Although the average length of stay in solitary confinement in BC's provincial prisons was seven days in 2016/2017, two individuals had been segregated for more than 100 days.²⁰¹ The UN has called for an absolute ban on solitary confinement exceeding 15 days and stated that prolonged isolation "can amount to torture."²⁰² In coalition with other legal non-profits, West Coast LEAF has called for the eventual abolishment of solitary confinement in BC prisons and an immediate end to solitary for women, minors, and persons with mental illnesses or disabilities.²⁰³

Finally, BC has not announced a plan to resume prison inspections and public reporting in accordance with international law.²⁰⁴ Although BC Corrections told West Coast LEAF that it is taking steps to implement inspections,²⁰⁵ to our knowledge, no information about measures taken is publicly available.

OVERALL COMMENTS

Transferring health care for people in prison to the Ministry of Health from a private contractor operating under the Ministry of Public Safety²⁰⁶ may remove one source of inequality for incarcerated women, but others remain. Most of the positive intentions outlined in ministerial mandate letters and the correctional system's Service Plan have not been realized. Furthermore, the population of Indigenous women behind bars continues to grow at an alarming rate.

BC has not announced a plan to resume prison inspections and public reporting in accordance with international law. Although BC Corrections told West Coast LEAF that it is taking steps to implement inspections, to our knowledge, no information about measures taken is publicly available.

VIOLENCE AGAINST WOMEN

C

**Some action taken.
Needs continued
improvement.**

Previous years:

2016: C+

2015: B-

2014: B-

The statistics show that girls and women in every age group are more likely to be victims of family violence than their male counterparts. They also show that Indigenous women are more likely to have experienced childhood physical and sexual abuse in comparison to their non-Indigenous counterparts, a devastating consequence of colonialism.

WHAT DID THE CEDAW COMMITTEE SAY IN 2016?

The Committee voiced concerns about the continued prevalence of gender-based violence, particularly against Indigenous women and girls; low reporting, prosecution, and conviction rates; lenient penalties for perpetrators; lack of adequate support services for women experiencing violence; lack of data on violence against women;²⁰⁷ and insufficient measures to prevent trafficking and exploitation, which disproportionately impact Indigenous women and girls.²⁰⁸ It called for a national action plan to combat violence against women, to be developed in consultation with civil society and Indigenous women's organizations, and outlined measures to increase reporting of violence.²⁰⁹

The Committee commended BC's *Family Law Act* as an example to be followed in legislative reform across Canada, in particular with regards to the definition of family violence and the consideration of violence when making child custody determinations.²¹⁰

VIOLENCE AGAINST WOMEN IN BC

Data released in 2017 confirm that violence against women in BC remains a serious concern, with police reports holding steady or even increasing in recent years.²¹¹ The statistics show that girls and women in every age group are more likely to be victims of family violence than their male counterparts.²¹² They also show that Indigenous women are more likely to have experienced childhood physical and sexual abuse in comparison to their non-Indigenous counterparts²¹³ a devastating consequence of colonialism.

In November 2016, the BC Coroners Service published a report on intimate partner violence (IPV) after conducting a review of data from 2010 to 2015 on IPV-related deaths.²¹⁴ The review revealed the following concerns: the reporting rate for IPV was low; most victims were women; very few victims had a protection order in place; and IPV claimed 12 lives per year in BC on average during the period studied.²¹⁵ The review also showed that 15% of the victims were Indigenous and almost 80% of all victims were killed in their own home.²¹⁶

In February 2017, the *Globe and Mail* published a series of articles on sexual assault reports dismissed as unfounded by police across Canada.²¹⁷ The newspaper's investigation found that while Central Saanich, BC had the highest rate of reports deemed unfounded anywhere in Canada, BC as a whole had lower unfounded rates compared to other provinces. The percentage of allegations deemed unfounded between 2010 and 2014 in BC was 11% — lower than the national rate of 19%, but still deeply concerning.

ACTION TAKEN

This year has seen improvements in the procedure for serving protection orders (family law orders designed to offer protection from an abusive person). As of December 2016, protection orders can be served by contracted process servers at no cost to the applicant when the respondent is not present in court, thus strengthening safety, affordability, and the ability to enforce and prosecute protection orders.²¹⁸

In March 2017, as part of the Provincial Domestic Violence Plan, BC promised to invest more than \$1.5 million to expand and strengthen services for those affected by domestic violence, including funding for programs by Aboriginal Friendship Centres, transportation for women and children fleeing violence, and training for frontline workers.²¹⁹ Implementation of these commitments is yet to be seen. One step recently completed was the creation of an information toolkit on early childhood exposure to family violence, designed for Ministry of Children and Family Development staff and others who work with young children. The toolkit highlights the disproportionate impact of family violence on women and discusses considerations for working with Indigenous communities, immigrant and refugee communities, people with disabilities, and LGBTQ+ people.²²⁰

Also in March 2017, new measures were announced to increase the availability and effectiveness of third party reporting, a process that allows adults to report sexual assaults to police anonymously. For example, a new RCMP liaison position was created to support police investigation of third party reports, ensure due attention to these reports, and help identify connections among investigations in different policing jurisdictions.²²¹

In February 2017, the *Globe and Mail* published a series of articles on sexual assault reports dismissed as unfounded by police across Canada. The newspaper's investigation found that while Central Saanich, BC had the highest rate of reports deemed unfounded anywhere in Canada, BC as a whole had lower unfounded rates compared to other provinces.

Health care options for sexual assault survivors also expanded this year with the opening of a sexual assault service at UBC Hospital.^{222,223}

INACTION

In the September 2017 budget update, no new funding was allocated to support women who have experienced violence,²²⁴ although this was identified as a priority in the mandate letter to the Minister of Public Safety and Solicitor General.²²⁵

Despite the opening of a new sexual assault service at UBC Hospital, forensic health services for survivors can be difficult to access, especially outside of major cities. For example, women in the Sea-to-Sky region can access a forensic examination only between 8:30 am and 4:30 pm Monday to Friday.²²⁶

There are also concerns with options for women seeking legal protection from an abusive person, as protection orders expire after one year unless the court provides otherwise.²²⁷ This limitation places the onus on survivors to extend the protection order and incur legal costs, assuming they are first able to overcome the challenge of accessing legal advice and representation. Additionally, several lawyers have informally shared with West Coast LEAF that protection orders are increasingly being created with an extremely short duration, and their expiry creates serious safety risks for women and their children. West Coast LEAF, along with BC Civil Liberties Association, Pivot Legal Society, and Community Legal Assistance Society, has called for justice reforms including a revision to the *Family Law Act* to add a rebuttable presumption that protection orders will be in place for at least one year.²²⁸

Finally, BC women face significant practical and financial barriers to escaping abuse, which are only exacerbated by government inaction in the areas of access to justice, poverty, housing, and child care. Though these issues are addressed elsewhere in the Report Card, they directly impact women's ability to seek safety.

OVERALL COMMENTS

Although there have been a number of recent efforts to address violence against women, it is too early to determine their effectiveness or to predict follow-through on funding promises. Substantial action is needed to address the CEDAW Committee's concerns about the prevalence of violence, particularly against Indigenous women and girls, and to make the justice system more responsive to the needs of survivors.

BC women face significant practical and financial barriers to escaping abuse, which are only exacerbated by government inaction in the areas of access to justice, poverty, housing, and child care.

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