



CEDAW 2012

REPORT CARD

HOW BC IS MEASURING UP IN WOMEN'S RIGHTS

SUBJECT	GRADE	TEACHER'S COMMENTS
WOMEN & ACCESS TO JUSTICE	F	<i>Equal access to justice is undermined by an underfunded legal aid system, with disproportionate impacts on women and marginalized groups.</i>
SOCIAL ASSISTANCE & POVERTY	D+	<i>While government implemented some positive policy changes this year, welfare and minimum wage rates keep people in poverty, and BC lacks a provincial anti-poverty strategy.</i>
MISSING & MURDERED ABORIGINAL WOMEN AND GIRLS	F	<i>The failure of the Missing Women's Inquiry to create an inclusive process and honour community voices provides little hope that systemic problems will be adequately addressed.</i>
WOMEN & HOUSING	C	<i>New investments in social housing have been made across the province, but women's homelessness and housing insecurity remains a problem, exacerbated by domestic violence.</i>
WOMEN AND GIRLS IN PRISON	C	<i>New mandatory minimum sentences will have a disproportionate impact on racialized women, and the centralization of girl prisoners will displace girls from their communities, undermining their rehabilitation.</i>
VIOLENCE AGAINST WOMEN AND GIRLS	B-	<i>BC's new Family Law Act takes significant strides towards addressing violence against women, which remains a devastating problem in BC, particularly for Aboriginal women.</i>
ACCESS TO CHILDCARE	C-	<i>Despite research showing that a \$10-a-day child care plan would increase women's participation in the paid labour force and save government money, no plan has been forthcoming.</i>
WOMEN & HEALTH CARE	C	<i>Refugees and people with developmental disabilities and mental health and addiction issues are vulnerable to health care funding cuts and unequal services.</i>



CEDAW REPORT CARD 2012

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

Supported by the Law Foundation of British Columbia

REPORT CARD GRADING SCHEME

A

Fulfillment of CEDAW obligations and satisfaction of the concerns of the CEDAW Committee.

B

Considerable action towards fulfilling CEDAW standards and Committee standards.

C

Some action taken. Needs continued improvement.

D

Very limited action. Needs significant improvement.

F

Total inaction or detrimental action.

BACKGROUND

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

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

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

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

The Government of Canada submitted its response to these questions in February 2010, and the BC CEDAW Group submitted a shadow report entitled "Nothing to Report." The UN Committee has not yet responded to these reports.

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

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

The CEDAW Committee, as well as the UN Committees that monitor the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR) have all raised alarm about access to justice issues in Canada. In 2008, the CEDAW Committee was concerned that “financial support for civil legal aid has diminished and that access to it has become increasingly restricted, in particular in British Columbia, consequently denying low-income women access to legal representation and legal services,” and calling on governments to ensure access to justice for all women, particularly vulnerable women.¹ The ICCPR Committee has highlighted the particular needs of Aboriginal women for effective access to justice, given their high rates of violent victimization.² A 2010 Resolution of the UN General Assembly describes access to justice as an “essential determinant of effective eradication of poverty”³ and the UN Secretary General describes access to justice as an important link between women’s empowerment and poverty eradication.⁴

In 2012, the CEDAW Committee found that an Aboriginal woman from the North West Territories had been discriminated against when she was refused adequate legal aid to protect her rights from an abusive ex-spouse.⁵ The Committee asked the government to “review its legal aid system to ensure that Aboriginal women who are victims of domestic violence have effective access to justice” and “recruit and train more Aboriginal women to provide legal aid to women from their communities,” highlighting the ways in which the government’s failure to invest in legal aid has a disproportionate effect on marginalized individuals, especially women in rural and remote communities.

Little has changed on BC’s legal aid scene in the past year. The Legal Services Society extended the hours of service for its Family LawLINE, which allows qualifying low-income callers to receive brief, “next step” legal advice from a family law lawyer over the phone.⁶ In December 2011, government added \$2.1 million to the legal aid budget for family and child protection matters.⁷ This is the first funding increase for the Legal Services Society’s family programs since 2005, and will only allow LSS to maintain its current levels of service, which West Coast LEAF has repeatedly noted are far too low to meet the needs of low-income British Columbians in need of legal representation.⁸ A study conducted by a law professor at the University of Windsor found that as many as 80 percent of people involved in civil or family legal cases in BC are without a lawyer, leading to significant backlogs and delays.⁹ In a submission to government, the Legal Services Society acknowledged that, at current funding levels, “LSS is not able to provide the range of services low-income people need to resolve their legal problems”, nor is it “able to establish tariffs that will attract and retain lawyers to legal aid work.”¹⁰ Lawyers took a stand over the lack of legal aid this year, withdrawing duty counsel services in courthouses across the province to raise awareness and pressure government to address the critical underfunding of the provincial legal aid system.¹¹

BC judges have also raised the alarm about inadequate access to justice in the province and the “almost non-existent legal aid available.”¹² The Chief Justice of the Supreme Court of Canada has also called for improved access to justice in order “to keep our legal system, and our democracy, strong and healthy”, emphasizing the necessity of access to justice to the rule of law.¹³ In a recent decision, the BC Supreme Court ruled that civil court hearing fees are unconstitutional because they constitute a barrier to access to justice that undermines the fundamental principles of our democracy and the rule of law.¹⁴ In his reasons, the judge criticized the provincial legal aid system for failing to meet the needs of British Columbians: “The criteria for legal aid support continues to narrow, and most legal aid schemes do not cover at all the middle classes who can have their lives economically destroyed by a lengthy court battle.” The BC government is appealing this decision.

2011: (D)
2010: (F)

2012: (D+)

SOCIAL ASSISTANCE AND POVERTY

2

In 2008, the CEDAW Committee expressed concern at reports of cuts in social assistance schemes in many provinces and the resulting negative impact on the rights of vulnerable groups of women such as single mothers, Aboriginal women, African-Canadian women, immigrant and migrant women, and elderly and disabled women who rely on social assistance for an adequate standard of living.¹⁵ The UN Committee on Economic, Social and Cultural Rights has also expressed concern about women's poverty in BC, noting that inadequate social assistance presents an additional obstacle for women fleeing abusive relationships.¹⁶

In May 2012, the UN Special Rapporteur on the right to food visited Canada. He noted that “a growing number of people across Canada remain unable to meet basic food needs,” and that “fifty-five percent of households in which the main source of income was social assistance are food insecure, the result of a huge discrepancy between social assistance levels and the rising costs of living.”¹⁷ The Special Rapporteur also expressed concern for the “deep and severe food insecurity faced by Aboriginal peoples across Canada living both on- and off-reserve in remote and urban areas.”

In June 2012, the BC government announced a number of positive changes to the province's income assistance regime, including allowing recipients to keep a small portion of any income they earn from working.¹⁸ However, new applicants for social assistance will now have to wait five weeks – up from the current three – before they can access any benefits at all. Research shows that this “work search period” actually diverts applicants away from the welfare system and into further poverty, rather than towards employment.¹⁹ It also has a particularly negative impact on women with responsibilities within the home caring for children or elderly parents.

The province also announced in June that mothers without legal status in Canada who are fleeing violent relationships will now be permitted to access income assistance.²⁰ Many women come to Canada on the promise of a sponsorship from an abusive husband who uses the threat of withdrawing the sponsorship as a further mechanism of control.²¹ Their inability to access income assistance, social services and legal aid exacerbates their vulnerability. While women with children will now have access to income assistance, women without children seeking to flee an abusive sponsor will not, a significant shortcoming of this otherwise positive development.

BC ended its eight-year streak as the province with the highest rate of child poverty in Canada, coming in second to Manitoba.²² However, child poverty rates among immigrant and Aboriginal families remain extremely high; a shocking 49.6% of children of new immigrants in BC are living in poverty.²³ Single mothers saw their poverty rates increase to 16.4% from 15.9%, and overall poverty rates for all age groups increased too; BC's poverty rate of 11.5% makes it the province with the highest poverty rate in the country for the 12th year in a row.²⁴

BC is one of only two provinces not working towards or already operating under a provincial anti-poverty strategy.²⁵ A community-based poverty reduction strategy will begin this fall in seven BC communities, with a stated goal of “target[ing] the unique needs of families struggling to get out of poverty in those communities.”²⁶ While regional strategies and community involvement are important, advocates are skeptical as to how effective localized strategies can be in addressing poverty when they do not address systemic barriers to earning income, such as the lack of affordable childcare, and do not increase the low social assistance rates or minimum wages that keep people poor.²⁷

In 2008, the CEDAW Committee remained “concerned that hundreds of cases involving Aboriginal women who have gone missing or been murdered in the past two decades have neither been fully investigated nor attracted priority attention, with the perpetrators remaining unpunished.”²⁸ The Committee recommended that the government: urgently investigate cases of Aboriginal women who have gone missing or been murdered in recent decades; determine whether there is a racialized pattern and address that pattern; and examine the reasons for the system’s failure to adequately protect or investigate these cases to date.²⁹ This year, the Committee on the Elimination of all forms of Racial Discrimination remained concerned that “Aboriginal women and girls are disproportionate victims of life-threatening forms of violence, spousal homicides and disappearances,” and called on Canada to establish a national database on murdered and missing Aboriginal women.³⁰

The Native Women’s Association of Canada (NWAC) and the Canadian Feminist Alliance for International Action (FAFIA) requested that the CEDAW Committee conduct an inquiry into the disappearances and deaths of Aboriginal women across Canada, which the Committee has agreed to undertake.³¹ The Downtown Eastside Women’s Centre and February 14th Women’s Memorial March Committee, groups which are rooted in the neighbourhood from which so many of the missing and murdered women disappeared, also made submissions to the CEDAW Committee.³² NWAC and FAFIA were granted a hearing before the Inter-American Commission on Human Rights, where they made submissions on the nature and extent of violence against Aboriginal women and girls in BC and across Canada, and the profound failures of supposedly corrective steps such as the Missing Women’s Inquiry.³³

In October, 2011, the Missing Women’s Commission of Inquiry commenced hearings. However, the community, women’s and Aboriginal organizations who had demanded the Inquiry in the first place were denied the opportunity to participate meaningfully in the proceedings when government refused to provide any funding for legal representation. This insult was compounded by reports of massive payments made to Inquiry staff lawyers and researchers.³⁴ As expected, the Inquiry proved to be a highly contentious and adversarial process involving dozens of lawyers, most of them representing current and former police officers.³⁵ Throughout the Inquiry, lawyers for the families of women who went missing or were murdered faced considerable difficulties gaining access to important documents, and there were a number of delays in disclosure.³⁶ The deadline imposed by the provincial government on the Inquiry hearing meant a number of potential witnesses who were thought to have critical information weren’t called to testify.

On March 4, 2012, the lawyer hired to represent Aboriginal interests at the Inquiry, Robyn Gervais, resigned from her position. In her statement to the Commission withdrawing from the Inquiry she cited the delay in calling Aboriginal witnesses, the failure to provide adequate hearing time, the ongoing lack of support for the Inquiry from the Aboriginal community, and the disproportionate focus on police evidence as indicative that Aboriginal interests had not and would not be adequately represented in the proceedings.³⁷ Earlier, Ms. Gervais had requested four days of hearings for two panels of witnesses who could provide the Inquiry with insight about Aboriginal interests and the relationship between Aboriginal people and police in Vancouver’s Downtown Eastside. She was told, without explanation, that one day of hearing would be granted for the first panel, while the second panel was dismissed entirely. “Given that these hearings were largely about missing and murdered Aboriginal women, I feel that I shouldn’t have to fight to have the voices of the Aboriginal community heard,” she said.

In 2008, the CEDAW Committee expressed regret over the absence of a national housing strategy, and expressed concern at the current severe housing shortage, in particular in Aboriginal communities, and at the high cost of rent and its impact on women.³⁸ The UN Committee on Economic, Social and Cultural Rights has called on all levels of government to “address homelessness and inadequate housing as a national emergency” by reinstating or increasing social housing programs, improving and properly enforcing anti-discrimination legislation, increasing shelter allowances and social assistance rates “to realistic levels” and providing adequate support to people with disabilities.³⁹ The Committee also called on Canada to pay special attention to the particular vulnerabilities of homeless girls and take all necessary measures to provide them with adequate housing and services. In his comprehensive report on the right to housing in Canada, the UN Special Rapporteur on the right to housing described how the lack of adequate and secure housing particularly impacts women, who are disproportionately affected by poverty, homelessness, housing affordability problems, violence, and discrimination in the private rental market.⁴⁰

Overall levels of homelessness in Vancouver remained virtually unchanged this year, with 1,602 people identified as homeless during the city’s annual homeless count.⁴¹ However, street homelessness nearly doubled, with 306 people identified as living without any kind of shelter. Thirty-two percent of those experiencing homelessness in Vancouver are Aboriginal. The number of women who are homeless has also increased, and women now comprise 26% of the total homeless population in the City of Vancouver. Across Metro Vancouver, 30% of homeless individuals are women.⁴² The number of homeless families has also increased across Metro Vancouver, and the majority of the children in those families are aged 12 or younger.⁴³ These numbers most certainly underestimate the scale of women’s homelessness, as most women will go to great lengths to avoid sleeping on the streets or in shelters by couch-surfing or remaining in unsafe relationships and environments.

In June 2012, the BC government committed \$2.3 million to the St. James Community Services Society to renovate and convert a temporary 26-bed shelter into a permanent 52-bed women’s only shelter in Vancouver’s Downtown Eastside.⁴⁴ The government will also provide six months worth of operational funding for the shelter. In May, new supportive housing units for women and single mothers with children were opened in Surrey and Abbotsford,⁴⁵ and government is also assisting in the purchase and conversion of a residential home to provide eight beds of second-stage housing for women in Surrey.⁴⁶

Second-stage and transitional housing for women and girls fleeing violence is crucial to women’s safety, security and equality. However, the lack of adequate spaces means many women and girls who request assistance cannot be accommodated; over 6,000 women were turned away from BC transition houses in 2008/9.⁴⁷ Additionally, women leaving transition houses face significant challenges in finding a safe and affordable place to live. Estimates suggest that over a quarter of women leaving transition houses become homeless, including staying with family and friends, while almost a third return to their previous address, which, in most circumstances, means returning to an abusive situation.⁴⁸ In BC, all of the safe houses for youth are co-ed; research shows that teenage girls are reluctant to make use of co-ed services for street-involved youth due to hears of intimidation and violence by male patrons.⁴⁹ Clearly, much more is necessary to assist women and girls fleeing violence to access safe and affordable housing.

In 2008, the CEDAW Committee was concerned about the disproportionate number of Aboriginal, African-Canadian and other women and girls of colour incarcerated in Canadian prisons.⁵⁰ The Committee was particularly concerned about “the continuing presence of male guards in female prisons, which increases the risk of sexual harassment or assault and violates the right to privacy of female detainees” as well as “the treatment of adolescent girls in juvenile detention, who are often detained in mixed-sex prisons, where they are exposed to violence from adolescent male detainees or from male prison guards.”⁵¹ Co-ed incarceration continues in Canadian youth custody centres, and girls are also routinely transferred and held in court and police jails with male adults and youth, where they are subject to harassment and intimidation.⁵²

The *UN Standard Minimum Rules for the Treatment of Prisoners* and the *UN Rules for the Protection of Juveniles Deprived of their Liberty* require that male guards should not enter any part of a prison facility in which girls or women are imprisoned unless accompanied by a woman officer;⁵³ these rules serve as an important guideline for internationally acceptable treatment of incarcerated individuals. However, male guards and police officers continue to monitor women and girls held in some BC jail cells. An August 2012 report by the Commission for Public Complaints Against the RCMP details an incident in which seven male Mounties and guards watched two female detainees have sex in the cells of the Kamloops RCMP detachment.⁵⁴ Three RCMP officers and a Kamloops guard have been charged with breach of trust for their behaviour.

Alouette Correctional Centre for Women will soon be adding 104 maximum security units to their facility.⁵⁵ Women designated as maximum security inmates are currently housed in the Surrey Pre-Trial Centre, and the new beds will mean that all female inmates will be housed in one place. In January 2012, the Ministry of Children and Family Development announced the centralization of the detention of girls, with a proposal to transport girl prisoners across the province to the Burnaby youth prison. West Coast LEAF, the BC Civil Liberties Association and Justice for Girls condemned the move, citing likely violations of children’s human rights and expressing concerns about the impacts on Aboriginal and rural girls, who would be displaced hundreds of kilometers from their families and communities.⁵⁶ The groups called on the BC Representative for Children and Youth to review the plan, and the government has agreed to allow her office to monitor the situation; the McCreary Centre Society will also conduct an independent evaluation, including interviews with girls upon their release from custody, to determine whether the centralization is an improvement.⁵⁷

The problems highlighted by the CEDAW Committee of overcrowding and the disproportionate incarceration of Aboriginal, African-Canadian and other women and girls of colour in Canada’s prisons continue, and a shift seems unlikely after this year’s passage of Bill C-10, the so-called *Safe Streets and Communities Act*, which imposes mandatory minimum sentences for a wide range of offences. In submissions to the Senate Committee on Legal and Constitutional Affairs, West Coast LEAF and national LEAF highlighted how the government’s formalistic, “one size fits all” approach and removal of discretion from sentencing judges will undermine substantive equality and perpetuate the historic disadvantage of marginalized groups.⁵⁸ Already, judges are refusing to impose the new mandatory minimums, with one judge describing them as “fundamentally unfair, outrageous, abhorrent and intolerable.”⁵⁹ A recent report commissioned by the Public Safety Department warns that the government’s agenda of stiffer sentences and harsher measures for prisoners “will only serve to further increase the numbers [of imprisoned Aboriginal women] and worsen the already staggering injustice experienced by Aboriginal people as a whole.”⁶⁰

The CEDAW Committee has noted that “[g]ender-based violence is a form of discrimination that seriously inhibits women’s ability to enjoy rights and freedoms on a basis of equality with men.”⁶¹ In its 2008 report, the Committee expressed concern that domestic violence continues to be a significant problem, and was particularly concerned about a number of elements of the social services’ and justice system’s response to violence against women, including: the use of diversion and mediation in situations involving domestic violence; the practice of “dual charging” (charging both partners in cases of domestic violence); an insufficient number of shelters for victims of violence; and the failure of courts to take domestic violence into account in custody and access determinations.⁶² The UN Committee on the Elimination of Racial Discrimination has expressed concern that Aboriginal women and girls are disproportionately victims of life-threatening forms of violence, spousal homicides and disappearances, while the UN Office of the High Commissioner for Human Rights has highlighted the disproportionate and often hidden impact of violence against women and girls with disabilities.⁶³

Violence against women and girls remains a devastating problem in British Columbia. The most recent statistics reveal that in 2010, there were 16,259 reported cases of intimate partner violence (which includes spousal and dating violence) and 13,574 reported cases of family violence.⁶⁴ Women’s risk of domestic and intimate partner violence was more than twice that of males, and women’s vulnerability to violence is heightened by other forms of oppression including race, poverty, disability, and immigration status. Aboriginal women were found to be three times more likely to be victims of violence overall and more than twice as likely to be victims of spousal violence than non-Aboriginal women.⁶⁵ A recently published report by the BC Coroner’s Service shows that British Columbia has an average of 16.3 deaths per year related to intimate partner violence, and 72.5% of the people who died as a result of intimate partner violence between 2003 and 2011 were women.⁶⁶ Since domestic and sexual violence remain highly underreported crimes, these statistics provide a mere glimpse into a deeply rooted social problem.

The Vancouver Police Department has drafted, but has yet to implement, new guidelines for enforcement of the laws relating to adult sex work.⁶⁷ The guidelines prioritize protection of sex workers over punishment, and emphasize a relationship-building approach and a move away from criminalization, in the hopes that sex workers will be better able to reach out to police for help and protection when they need it. Survival sex workers are an extremely vulnerable population and are at high risk of physical, sexual and emotional violence. The new guidelines set out that police calls regarding violence against sex workers are to be treated as a priority for assessment and response. The VPD guidelines follow on the heels of a City of Vancouver report issued in September 2011 that called for increased support for sex workers looking to exit the industry and funding for a 24-hour drop-in shelter for sex workers in Vancouver’s Downtown Eastside.⁶⁸ The City of Vancouver has prioritized the issue with a 26% increase in funding to address sex worker safety from 2010 to 2012.⁶⁹

BC’s new *Family Law Act*, which was passed in November 2011 and will come into force next March, takes significant strides towards addressing violence against women in the family context. The new *Act* includes a broad definition of family violence that includes physical, sexual, emotional and psychological abuse, and makes family violence a relevant factor in determining the best interests of children in custody and access cases. Another important change is that protection orders, which will replace restraining orders in family law cases, can now be issued on the court’s own initiative, removing the prior onus on women to apply for this needed protection from the court. Significantly for women’s safety, a protection order will trump any other order issued by the court in a family law proceeding, meaning that if the protection order restricts one spouse from communicating with the other, but an access order requires that the spouses communicate to coordinate access visits, the protection order takes precedence.



CEDAW requires that state parties promote the establishment and development of a network of childcare facilities in order to ensure women's effective right to work.⁷⁰ In its 2008 comments on Canada, the CEDAW Committee remained "gravely concerned at the fact that poverty is widespread among women, in particular Aboriginal women, minority women and single mothers."⁷¹ The Committee discussed the impact of the lack of affordable quality childcare on women's economic empowerment,⁷² and urged Canada to "step up its efforts to provide a sufficient number of affordable childcare spaces."⁷³

The Organization for Economic Cooperation and Development (OECD) and UNICEF both rank Canada last among OECD countries for investing in child care services for children under six years of age.⁷⁴ Federal and provincial spending on child care for children under 6, including full-day Kindergarten and the child care tax deduction, accounts for only 0.28% of provincial GDP, less than half the average of 0.7% spent by other OECD nations, and well below the 1% of GDP recommended by experts.⁷⁵

While most BC mothers with young children are also working in the paid labour force, their participation rates are lower than the Canadian average.⁷⁶ BC mothers whose youngest child is between 3 and 15 years of age have the lowest paid labour force participation in Canada, while BC mothers with a child under 2 have the second lowest participation rate. Quebec's child care program, implemented 12 years ago, has been credited with assisting 70,000 women with young children who, without access to child care would not be working, to enter the paid labour force, a 3.8% increase in women's employment overall.

This year, the Coalition of Child Care Advocates of BC (CCABC) and Early Childhood Educators of BC developed a Community Plan for a Public System of Integrated Early Care and Learning.⁷⁷ Under the Plan, full-time child care would cost families \$10 a day, and would be free for families with annual incomes under \$40,000. Every child would have the right to participate, including children with extra support needs and those facing economic, social or other barriers. Staff wages would average around \$25, and comprehensive training and professional development would be offered.

The Plan's authors cite research showing that public investments in early care and learning systems pay for themselves, with a return of \$2.54 for every dollar invested in the type of system proposed in the Plan. Research from Quebec shows that the ripple effect of working mothers' employment contributed an additional \$5.2 billion to the province's economy and increased Quebec's GDP by 1.7%, and the impact of working mothers' increased purchasing power and taxes paid, along with reduced social transfers, means that for every dollar Quebec invests in its child care system, it recovers \$1.05, while the federal government recovers an additional 44 cents.

In 2008, the CEDAW Committee applauded Canada's attempts to integrate gender and diversity considerations into the delivery of health care services, but expressed concern about the health of marginalized populations and the services available to them.⁷⁸ The Committee noted its concern that Aboriginal women are disproportionately impacted by HIV/AIDS and that senior women are not receiving adequate care for their age-specific health problems.⁷⁹ The Committee expressed regret "that Aboriginal women in Canada continue to live in impoverished conditions, which include high rates of poverty, poor health, inadequate housing, lack of access to clean water, low school-completion rates and high rates of violence."⁸⁰ The World Health Organization's Commission on Social Determinants of Health found that: "In countries at all levels of income, health and illness follow a social gradient: the lower the socioeconomic position, the worse the health."⁸¹

The BC Centre of Excellence for Women's Health, an organization dedicated to women's health research, had its federal funding eliminated in the Harper government's 2012 budget.⁸² The Centre is one of six federally funded organizations devoted to research and communication in women's health that will lose its funding after the Conservative government eliminated the Women's Health Contribution Program, which was critical to funding innovative social policy research, building community partnerships and providing mentorship opportunities for students in women's health.

Federal funding cuts will also affect refugees in BC, many of whom are no longer eligible for supplemental health benefits including drugs, dentistry, vision care and mobility devices. Most refugees, including children, will no longer be covered for medications for serious diseases such as diabetes and heart disease, and services including prenatal care will also lose coverage. The move has been widely criticized by doctors, including the president of the Canadian Medical Association, who stated that Canada is "turning its back" on some of the most vulnerable and disenfranchised residents in the country.⁸³

In June, the BC government restored access to some medically necessary devices for people with disabilities, which it had cut in 2010.⁸⁴ In January, the BC government promised \$40 million towards supports and services for people with developmental disabilities, falling far short of the \$65 million that Community Living BC says it needs to clear the backlog in its services.⁸⁵ An internal review of CLBC last year found that the agency had forced people out of group homes, routinely downgraded services for young people with developmental disabilities, and lacked sufficient funding to keep pace with growing demands.⁸⁶ A few months after the review, senior CLBC executives received pay increases, drawing criticism from disability rights advocates who point out that community service workers providing front-line care to people with developmental disabilities have not received a pay increase in three years.⁸⁷

The lack of specialized care for people with mental health and addiction issues is a serious issue across the province. Several individuals have spent months, even years, in regional general hospitals because no other facility exists that can meet their needs.⁸⁸ The Fraser Health Authority recently cut the budget of the Delta View Habilitation Centre, forcing the relocation of 71 seniors with mental health and substance use problems to other facilities.⁸⁹

It is well-established that income, and socioeconomic status more broadly, is closely related to virtually all health outcomes, and a recent Canadian Medical Association poll found a large and increasing gap between the health status of Canadians in lower income brackets compared to their wealthier counterparts.⁹⁰ Living and working conditions play a significant role in determining health,⁹¹ and women's higher poverty rates and more precarious employment situations may mean that their health is adversely affected. In fact, reducing poverty may be the best way to improve health among lower income Canadians.⁹²

CITATIONS

- 1 *Concluding observations of the Committee on the Elimination of Discrimination against Women: Canada*, at para. 21, UN Doc. CEDAW/C/CAN/CO/7 (7 November 2008).
- 2 *Concluding observations of the Committee on the Civil and Political Rights: Canada* at para. 23, UN Doc. CCPR/C/CAN/CO/5 (20 April 2006).
- 3 *Legal empowerment of the poor and eradication of poverty*, GA Res., UN GAOR, 64th Sess., UN Doc. A/RES/64/215 at 2 (23 March 2010).
- 4 *Report of the Secretary General, Legal empowerment of the poor and eradication of poverty*, UN GAOR, 64th Sess., UN Doc. A/64/133 (13 July 2009) at 6.
- 5 Committee on the Elimination of Discrimination against Women, Communication No. 19/2008, Views adopted by the Committee at its fifty-first session, 13 February – 2 March 2012.
- 6 Legal Services Society, Legal Aid Brief, May 2012, online: <http://www.lss.bc.ca/lab/2012_may.php>.
- 7 Ministry of Justice press release, “Legal aid for families and children increased” (30 December 2011), online: <<http://www.newsroom.gov.bc.ca/2011/12/legal-aid-for-families-and-children-increased.html>>.
- 8 See West Coast LEAF, *Rights-Based Legal Aid: Rebuilding BC’s Broken System*, online: <http://www.westcoastleaf.org/userfiles/file/CCPA_Legal_Aid_2010.pdf>.
- 9 Kim Nursall and Neal Hall, “Lay litigants’ add to delays in BC courts” *The Vancouver Sun* (5 June 2012), online: <<http://www.vancouversun.com/news/todays-paper/litigants+delays+courts/6731227/story.html>>.
- 10 Legal Services Society, *Making Justice Work: Improving access and outcomes for British Columbians, Report to the Minister of Justice and Attorney General* (1 July 2012), online: <<http://www.lss.bc.ca/assets/aboutUs/reports/submissions/makingJusticeWork.pdf>>.
- 11 “BC trial lawyers take stand over lack of legal aid” *CBC News* (4 January 2012), online: <<http://www.cbc.ca/news/canada/british-columbia/story/2012/01/04/bc-legal-aid-trial-lawyers.html>>.
- 12 *DeKova v. DeKova*, 2011 BCSC 1271 at para. 14.
- 13 Cristin Schmitz, “Access to Justice initiative builds” *The Lawyers Weekly* (24 August 2012), online: <<http://www.lawyersweekly.ca/index.php?section=article&articleid=1720>>.
- 14 *Vilardell v. Dunham*, 2012 BCSC 748.
- 15 *Concluding observations of the Committee on the Elimination of Discrimination against Women: Canada*, *supra* note 1, at para. 13.
- 16 *Concluding observations of the Committee on Economic, Social and Cultural Rights, Canada*, at para. 26 (22 May 2006).
- 17 Olivier De Schutter, Special Rapporteur on the Right to Food: Visit to Canada from 6 to 16 May 2012, End of Mission Statement, online: <<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12159&LangID=E>>.
- 18 Raise the Rates, “Welfare changes help and hurt BC’s most vulnerable” (11 June 2012), online: <<http://raisetherates.org/2012/06/11/welfare-changes-help-and-hurt-bcs-most-vulnerable/>>.
- 19 Canadian Centre for Policy Alternatives, *Denied Assistance: Closing the Front Door on Welfare in BC* (March 2006), online: <http://www.policyalternatives.ca/sites/default/files/uploads/publications/BC_Office_Pubs/bc_2006/denied_assistance.pdf>.
- 20 Cheryl Ross, “Advocates laud BC premier’s abused women decision” *The Courier* (14 June 2012), online: <<http://www.vancourier.com/Advocates+laud+premier+abused+women+decision/6782459/story.html>>.
- 21 See West Coast LEAF Position Paper on Violence against Women without Immigration Status (May 2012), online: <<http://westcoastleaf.org/userfiles/file/Position%20Statement%20-%20Women%20without%20Status%20in%20Canada.pdf>>.
- 22 CBC News, “BC child poverty rate improves” (18 June 2012), online: <<http://www.cbc.ca/news/canada/british-columbia/story/2012/06/18/bc-child-poverty.html>>.
- 23 First Call, 2011 Child Poverty Report Card, online: <<http://www.firstcallbc.org/pdfs/economicquality/3-reportcard2011.pdf>>.
- 24 Katie Hyslop, “BC drops in child poverty, up in overall poverty” *The Tyee*, (18 June 2012), online: <<http://thetyee.ca/Blogs/The-Hook/BC-Politics/2012/06/18/BC-drops-in-child-poverty-up-in-overall-poverty/>>.
- 25 *Ibid.*
- 26 Ministry of Children and Family Development press release, “Seven communities to pilot poverty reduction strategies” (12 April 2012), online: <<http://www.newsroom.gov.bc.ca/2012/04/seven-communities-to-pilot-poverty-reduction-strategies.html>>.
- 27 First Call, “BC’s ‘alleged’ poverty reduction strategy: When is a strategy not a strategy?” (August 2012), online: <<http://www.firstcallbc.org/pdfs/EconomicEquality/BC%27s%20regl%20PR%20plans%20Aug%202012.pdf>>.
- 28 *Concluding observations of the Committee on the Elimination of Discrimination against Women: Canada*, *supra* note 1 at para. 31.
- 29 *Ibid.* at para. 32.
- 30 *Concluding observations of the Committee on the Elimination of all forms of Racial Discrimination: Canada* at para. 17, UN Doc CERD/C/CAN/CO/19-20 (4 April 2012).

CITATIONS (cont.)

- 31 Native Women's Association of Canada press release, "UN will conduct Inquiry into Missing and Murdered Aboriginal Women in Canada" (13 December 2011), online: <<http://www.nwac.ca/media/release/13-12-11>>.
- 32 February 14th Annual Women's Memorial March press release, "DTES Women's Organizations release UN Submission Details" (14 December 2011), online: <<http://womensmemorialmarch.wordpress.com/2011/12/14/dtes-womens-organizations-release-un-submissions-details/>>.
- 33 Feminist Alliance for International Action press release, "Inter-American Commission on Human Rights holds hearings on Disappearances and Murders of Aboriginal Women and Girls in BC" (27 March 2012), online: <<http://fafai-afai.org/blog/2012/03/27/inter-american-commission-on-human-rights-holds-hearing-on-disappearances-and-murders-of-aboriginal-women-and-girls-in-bc/>>.
- 34 Brian Hutchinson, "Missing Women Inquiry workers paid more than BC's longest-serving judges" *National Post* (10 August 2012), online: <<http://news.nationalpost.com/2012/08/10/missing-women-inquiry-workers-paid-more-than-b-c-s-longest-serving-judges/>>.
- 35 Neal Hall, "Missing Women Inquiry costs soar as police 'lawyer up'" *The Vancouver Sun* (14 February 2012), online: <<http://www.vancouversun.com/news/EXCLUSIVE+Missing+Women+inquiry+costs+soar+police+lawyer/6148004/story.html>>.
- 36 "Brian Hutchinson on the Pickton Inquiry: Whole story still untold" *National Post* (15 June 2012), online: <<http://fullcomment.nationalpost.com/2012/06/15/brian-hutchinson-on-the-pickton-inquiry-whole-story-still-untold/>>.
- 37 Robyn Gervais, Statement to Commission, 6 March 2012, at para. 6, online: <<http://www.harpergrey.com/%7EASSETS/DOCUMENT/PDF/1/GervaisStatementtoCommissionerMarch62012.pdf>>.
- 38 *Concluding observations of the Committee on the Elimination of Discrimination against Women: Canada*, *supra* note 1 at para. 8.
- 39 *Concluding observations of the Committee on Economic, Social and Cultural Rights: Canada*, *supra* note 16 at para. 62.
- 40 Report of the Special Rapporteur on the Right to Housing, Miloon Kothari, UN Doc. A/HRC/10/7/Add.3 (17 February 2009) at para. 63.
- 41 Presentation to Vancouver City Council, Vancouver 2012 Homeless Count Results (29 May 2012), online: <<http://vancouver.ca/cycle/cclerk/20120529/documents/rr1presentationrevised.pdf>>.
- 42 Stop Homelessness Media Backgrounder, "One step forward... Results of the 2011 Metro Vancouver Homeless Count (28 February 2012), online: <<http://stophomelessness.ca/wp-content/uploads/2012/02/Homeless-Count-Report-Media-Backgrounder-FINAL.pdf>>.
- 43 *Ibid.*
- 44 BC Housing, "Province affirms commitment for permanent women's shelter" (19 June 2012), online: <http://www.bchousing.org/Media/NR/2012/06/19/9590_1206190950-427>.
- 45 BC Housing, "Supportive housing for women & children opens in Abbotsford" (11 May 2012), online: <http://www.bchousing.org/Media/NR/2012/05/10/5590_1205101405-992?pagenumber=4&cmbYear=&cmbMonth=&bchProgram=>>, and "Supportive housing for women and children opens in Surrey (4 May 2012), online: <http://www.bchousing.org/Media/NR/2012/05/03/9590_1205031508-757?pagenumber=4&cmbYear=&cmbMonth=&bchProgram=>>.
- 46 BC Housing, "New second-stage homes for women in Surrey" (20 January 2012), online: <http://www.bchousing.org/Media/NR/2012/01/19/9590_1201191502-712?pagenumber=8&cmbYear=&cmbMonth=&bchProgram=>>.
- 47 BC Housing and BC Society of Transition Houses, *Review of Women's Transition Housing and Supports Program, Consolidated Report: Key Findings and Recommendations*, online: <http://www.bchousing.org/resources/Partner_Resources/Program_Resources/Transition_Housing_Key-Findings-And-Recommendations.pdf>.
- 48 *Ibid.*
- 49 Justice for Girls, *More than Bricks and Mortar: A Rights-Based Strategy to Prevent Girl Homelessness in Canada* (May 2008), online: <http://justiceforgirls.org/publications/pdfs/jfg_housing_web.pdf>.
- 50 *Concluding observations of the Committee on the Elimination of Discrimination against Women: Canada*, *supra* note 1, at para. 34.
- 51 *Ibid.*
- 52 Justice for Girls, Submission to the UPR Follow-Up Programme for Canada (November 2011), online: <<http://www.upr-info.org/followup/session16/canada/JfGOS-Canada.pdf>>.
- 53 United Nations, *Standard Minimum Rules for the Treatment of Prisoners*, 1955 at para. 53(2), online: <<http://www2.ohchr.org/english/law/pdf/treatmentprisoners.pdf>>.
- 54 Commission for Public Complaints Against the RCMP, *Report following the public interest investigation into an incident occurring in the Kamloops, British Columbia cells*, (29 August 2012), online: <<http://www.cpc-cpp.gc.ca/pr/rep/pii/kamloops/kamloopsIntR-eng.aspx>>.
- 55 Amy Judd, "Alouette gets max beds" *The Times* (8 March 2011), online: <<http://www.canada.com/sports/Alouette+gets+beds/4402402/story.html>>.
- 56 Online: <http://westcoastleaf.org/userfiles/file/Letter_to_METL_re_prison_closures_FINAL%5B1%5D.pdf>.

CITATIONS (cont.)

- 57 Ministry of Children and Families press release, “New measures respond to youth custody concerns” (30 March 2012), online: <<http://www.newsroom.gov.bc.ca/2012/03/new-measures-respond-to-youth-custody-concerns.html>>.
- 58 West Coast LEAF and LEAF, Submissions on Bill C-10: The Safe Streets and Communities Act (27 February 2012), online: <http://www.westcoastleaf.org/userfiles/file/Submission_LEAF_WCL_Bill_C_10_Final.pdf>.
- 59 *R. v. Smickle*, 2012 ONSC 602.
- 60 Jim Bronskill, “Tory crime agenda fuelling ‘crisis’ of aboriginal women in prison: report” *The Globe and Mail* (27 September 2012), online: <<http://www.theglobeandmail.com/news/national/tory-crime-agenda-fuelling-crisis-of-aboriginal-women-in-prison-report/article4571334/>>.
- 61 Committee on the Elimination of Discrimination against Women, General Rec. No. 19, *Violence against women*, 11th Sess. (1992) at para. 1, online: <<http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm>>.
- 62 *Ibid.*
- 63 United Nations Office of the High Commissioner for Human Rights, “Strengthening the protection of women and girls with disabilities, a priority” (11 July 2012), online: <<http://www.ohchr.org/EN/NewsEvents/Pages/Strengtheningtheprotectionofwomenandgirls-with-disabilities.aspx>>.
- 64 StatsCan, “Family violence in Canada: A statistical profile, 2010” (22 May 2012), online: <<http://www.statcan.gc.ca/pub/85-002-x/2012001/article/11643-eng.pdf>>.
- 65 Stats Canada, “Study: Violent victimization of Aboriginal women” (17 May 2011), online: <<http://www.statcan.gc.ca/daily-quotidien/110517/dq110517b-eng.htm>>.
- 66 BC Coroners Service, “Intimate partner violence in British Columbia, 2003 – 2011” at p.6, online: <<http://www.pssg.gov.bc.ca/coroners/publications/docs/stats-domestic-violence.pdf>>.
- 67 Vancouver Police Department Administrative Report, Sex Work Enforcement Guidelines (2 March 2012), online: <<http://vancouver.ca/police/policeboard/agenda/2012/0321/1230.pdf>>.
- 68 City of Vancouver Administrative Report, Preventing sexual exploitation and protecting vulnerable adults and neighbourhoods affected by sex work: A comprehensive approach and action plan (8 September 2011), online: <<http://former.vancouver.ca/ctyclerk/cclerk/20110922/documents/penv4.pdf>>.
- 69 City of Vancouver, 2012 Social Grant Recommendations (2 May 2012), online: <<http://vancouver.ca/ctyclerk/cclerk/20120502/documents/ptec4presentation.pdf>>.
- 70 *Convention on the Elimination of All Forms of Discrimination against Women*, GA Res. 34/180, UN GAOR, 34th Sess., UN Doc. A/RES/34/180 (1979) at Article 11, 2(c).
- 71 *Concluding observations of the Committee on the Elimination of Discrimination against Women: Canada*, *supra* note 1 at para. 39.
- 72 *Ibid.*
- 73 *Ibid* para. 40.
- 74 “Early learning and child care: How does Canada Measure up?” (OECD, 2006), pp. 9-10, online: <http://childcarecanada.org/sites/childcarecanada.org/files/BN_EarlyLearning06.pdf> and Peter Adamson, “The child care transition: A league table of early childhood education and care in economically advanced countries,” Innocenti Report Card 8, (UNICEF Innocenti Research Centre, 2008), p. 2, online: <www.unicef-irc.org/publications/507>.
- 75 Coalition of Child Care Advocates of BC and Early Childhood Educators of BC, “Factsheet 2: It makes good dollars & cents” online: <http://www.cccabc.bc.ca/plan/wp-content/uploads/2011/12/CCCABC_ECEBC_Factsheet2.pdf>.
- 76 *Ibid.*
- 77 See online: <<http://www.cccabc.bc.ca/plan/>>.
- 78 *Concluding observations of the Committee on the Elimination of Discrimination against Women: Canada*, *supra* note 1, at 41.
- 79 *Ibid.*
- 80 *Ibid.* at para. 43.
- 81 Commission on Social Determinants of Health, World Health Organization, *Closing the gap in a generation: Health equity through action on the social determinants of health: Final Report of the Commission on Social Determinants of Health*. Geneva: World Health Organization, 2008.
- 82 BC Centre for Excellence in Women’s Health press release, “Latest cuts: Another federal ministry announces program closure – the end of the Health Contribution Program at Health Canada” (23 April 2012), online: <<http://www.bccewh.bc.ca/news-events/documents/HealthCanadaWHCFundingcutpressrelease.pdf>>.
- 83 David P. Ball, “Conservatives’ refugee health cuts rile doctors” *The Tyee* (19 June 2012), online: <<http://thetyee.ca/News/2012/06/19/Refugee-Health-Cuts/>>.
- 84 Ministry of Social Development press release, “BC government restores medically necessary equipment and supplies” (3 July 2012), online: <<http://www.newsroom.gov.bc.ca/2012/07/bc-government-restores-medically-necessary-equipment-and-supplies.html>>.
- 85 BC developmental disability agency gets \$40M extra” *CTV News* (20 January 2012), online: <<http://www.ctvnews.ca/b-c-developmental-disability-agency-gets-40m-extra-1.756817>>.

CITATIONS (cont.)

- 86 Jonathan Fowle, Community Living BC admits it pushed clients 'too hard' out of group homes" *The Vancouver Sun* (18 November 2011), online: <<http://www.vancouversun.com/Community+Living+admits+pushed+clients+hard+group+homes/5733866/story.html>>.
- 87 Lindsay Kines, "Pay hikes for Community Living BC execs draw fire" *Victoria Times Colonist* (20 June 2012), online: <<http://www.vancouversun.com/health/hikes+Community+Living+execs+draw+fire/6810951/story.html>>.
- 88 "BC hospital unable to release homeless woman *CBC News* (2 February 2012), online: <<http://www.cbc.ca/news/canada/british-columbia/story/2012/02/02/bc-homeless-hospital.html>>.
- 89 Maria Spitale-Leisk, "Delta View serves Fraser Health with notice" *South Delta Leader* (5 July 2012), online: <<http://www.southdeltaleader.com/news/161450305.html>>.
- 90 Canadian Medical Association press release, "CMA poll finds 'worrisome' gap in income-related health status" (13 August 2012), online: <http://www.cma.ca/index.php?ci_id=204846&cl_id=1>.
- 91 Emma Haydon et al., "Chronic disease in Ontario and Canada: Determinants, Risk factors and prevention priorities" (March 2006), online: <<http://www.ocdpa.on.ca/OCDPA/docs/CDP-FullReport-Mar06.pdf>>.
- 92 Igljka Ivanova, "To address health inequalities, look beyond the role of individual responsibility" *Policy Note* (13 August 2012), online: <<http://www.policynote.ca/to-address-health-inequalities-look-beyond-the-role-of-individual-responsibility/>>.

ABOUT WEST COAST LEAF



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

METHODOLOGY

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

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

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

West Coast LEAF would like to thank the members of this year's CEDAW Report Card Subcommittee: Amanda Winters, Amber Timothy, Anna Turyrina, Dia Montgomery, Goldie Leoppky, Mischa Grunberg, Raha Seyedali, Sarah Conroy, Stephanie Mayor and Terran Bell. The report card was drafted by Laura Track, West Coast LEAF Legal Director. West Coast LEAF would also like to thank the community members and organizations who took the time to consult with us and provided their insight and expertise. We would also like to thank the original designer of the Report Card, Asad Kiyani, and this year's designer, Kevin Harding of the Incipe Cooperative.

CONTACT INFORMATION

For more information about West Coast LEAF, please visit our website at www.westcoastleaf.org or contact us directly:

West Coast LEAF
555-409 Granville Street
Vancouver, BC, V6C 1T2
604.684.8772
Toll free 1-(866)-737-7716
FAX 604.684.1543
info@westcoastleaf.org