



CEDAW 2013

REPORT CARD

HOW BC IS MEASURING UP IN WOMEN'S RIGHTS

SUBJECT	GRADE	TEACHER'S COMMENTS
WOMEN & ACCESS TO JUSTICE	F	<i>There was no new funding for legal aid in this year's budget, and current funding does not meet the need for legal aid services across the province.</i>
SOCIAL ASSISTANCE & POVERTY	D	<i>BC continues to have the highest poverty rate in Canada, and poverty among children living with lone-parent mothers has spiked significantly.</i>
MISSING & MURDERED ABORIGINAL WOMEN AND GIRLS	D	<i>Little has been done to implement the recommendations of the Missing Women Commission of Inquiry, and violence and poverty among Indigenous women and girls remain critical problems.</i>
WOMEN & HOUSING	C-	<i>The housing situation is dire in Vancouver's Downtown Eastside, with hundreds of units becoming unaffordable to low-income people and condo development outpacing social housing at an alarming rate.</i>
WOMEN AND GIRLS IN PRISON	D	<i>Remanded women on Vancouver Island face shocking conditions due to a lack of appropriate facilities in which to hold them.</i>
VIOLENCE AGAINST WOMEN AND GIRLS	B-	<i>Government will release a three-year plan to address domestic violence this fall, but the budget contains no new funds for crucial services in women's centres, shelters and transition houses.</i>
ACCESS TO CHILDCARE	C-	<i>BC made no progress this year on improving child care affordability for parents or quality for children, and lags behind the national average for its investment in early care and learning.</i>
WOMEN & HEALTH CARE	C+	<i>Insufficient investment in our public health care system resulted in a number of cutbacks this year, with disproportionate impacts on particularly vulnerable communities.</i>



CEDAW REPORT CARD 2013

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 and BC Gaming

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. Canada is due to make its next submission to the CEDAW Committee in December, 2014.

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 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”; the Committee called 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

As in previous years, there have been few changes to BC’s legal aid landscape this year. In its most recent Service Plan to the Minister of Justice and Attorney General, the Legal Services Society (LSS) states that it continues to face systemic challenges and that current funding does not allow it to meet the demand for legal aid services across the province.⁵ Due to the lack of legal aid funding, 90 to 95% of British Columbians in provincial court family cases are unrepresented by a lawyer, 40% are unrepresented in criminal cases and 90% are unrepresented in civil cases.⁶ In addition to stating that its core funding is inadequate to support its mandated services, the LSS Service Plan also points out that LSS has insufficient revenue to introduce legal aid initiatives that promote lasting client outcomes, including justice reform.⁷ In short, LSS does not have adequate funds to effect any positive long-term improvements in the legal services for which it is responsible. In fact, LSS recently reported that it is facing a \$2.5 million deficit and, without additional government investment, will have to significantly reduce some important client services between November 2013 and April 2014.⁸

Despite LSS’s difficult position, the government has made no commitments to improving access to legal aid. In Part 2 of its “White Paper (A Modern, Transparent Justice System)”,⁹ released in February 2013, the government states that it “intends to support LSS to expand the family legal aid services it currently provides.”¹⁰ The reference to “support” does not mention additional financial resources, nor does it suggest more support for mediation, arbitration and other out-of-court dispute resolution mechanisms emphasized in the new *Family Law Act*. There was no new money allocated to legal aid in the 2013 BC Budget.¹¹ The lack of funding for legal representation and advice services in family law disproportionately impacts women, and vulnerable women in particular, who are more likely to require legal assistance in this area.¹²

An inability to access legal representation services, either through legal aid or in the private market, is a significant barrier for women affected by domestic violence. Recent research has shown that investing in legal aid significantly reduces repeat incidents of domestic violence by helping victims obtain custody and child support arrangements that make it possible for them to leave an abusive relationship.¹⁵ By reducing domestic violence, investments in legal aid reduce public spending on medical care for injured victims, special education and counseling for affected children, and police resources and prison for perpetrators; these investments also reduce victims’ property losses and sustain their ability to work. Women’s safety and equality have been gravely undermined by BC’s repeated failure to invest in legal aid and ensure that victims of violence have access to legal representation when they need it.

A key component of access to justice for women is their ability to access equal protection under the law. The final report of the Missing Women Commission of Inquiry contained many concrete recommendations with respect to improving women’s access to the justice system, and to protection under the law. If implemented, the recommended changes could improve women’s access to police services, better support vulnerable women as witnesses in police investigations and courtroom settings, and help reduce women’s vulnerability within the justice system. Immediately after the release of the Inquiry report, the BC Government issued a press release stating that “the Ministry of Justice’s criminal justice branch is reviewing policy changes related to equality and vulnerable witnesses and will continue to take action to strengthen prosecution practices”.¹³ The government has also expressed willingness to explore creation of domestic violence courts in BC to provide enhanced access to justice for victims of violence in relationships.¹⁴ However, to date there has been no concrete action on these Inquiry recommendations.

2012: (D+)
2011: (D)

2013: (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, elderly women and disabled women, who may rely on social assistance for an adequate standard of living.¹⁶ The UN Committee on Economic, Social and Cultural Rights has also expressed concern about women's poverty in BC, noting that inadequate social assistance presents an additional obstacle for women fleeing abusive relationships.¹⁷

British Columbia deserves a failing grade on addressing poverty again this year, as it has every year for the past five years. BC has both the highest poverty rate and the largest gap in income between the richest 10% and the poorest 10% in Canada.¹⁸ A person working a full-time minimum wage job will often still live in poverty, as will all recipients of social assistance. This reality acutely affects women, as over twice as many women age 25 and over earn minimum wage compared to their male counterparts.¹⁹ In addition, women in certain demographics are much more likely to live in poverty: 30% of Aboriginal women living off-reserve,²⁰ 20% of immigrant women and girls,²¹ and 28% of visible minority women²² live in poverty. Women with disabilities are also over-represented among those living in poverty.²³

BC's lack of a meaningful poverty reduction strategy is reflected in a number of statistics highlighting the pervasiveness of the problem. The child poverty rate in British Columbia rose from 10.5% in 2010 to 11.3% in 2011 (the most recent year for which statistics are available), and the number of poor children rose from 87,000 in 2010 to 93,000 in 2011.²⁴ This rate puts BC in a tie with Manitoba for the worst in Canada, and means the child poverty rate in BC has been the worst of all provinces for 9 out of the last 10 years (in 2010 BC was second worst). Disturbingly, for children living with lone-parent mothers, the poverty rate jumped from 16.4% to 24.6% that year, representing 27,000 children. The median market income for female-led lone-parent families also fell dramatically, from \$32,000 to \$21,500 per year. BC women's earnings lag behind the national average; in 2010, women in BC made \$2,700/year less than the average for women throughout Canada.²⁵ In addition, the rate of growth in wages for women in BC from 2002-10 was 0.49% each year, compared to 1.4% for all Canadian women.²⁶ Moreover, women in BC make on average only 65% of what men in BC do.²⁷

Food insecurity is a major concern in British Columbia. Every year, BC food banks help about 100,000 people, and food bank use has increased by 23% since 2008.²⁸ This increase has put a massive strain on food bank supplies.²⁹ Of those accessing food banks in British Columbia, only 41.5% have social assistance as their primary source of income; many are employed in low-wage jobs.³⁰ Lone-parent families account for 21.9% of those accessing food banks in BC;³¹ over three-quarters of lone-parent families in BC are headed by women.³² Similarly, Aboriginal persons account for 25.7% of those accessing food banks in BC,³³ but comprise only 4.8% of the population.³⁴

As of April 2013, 178,032 people were receiving income assistance in BC, 58% of whom were designated as Persons with Disabilities, and 35,495 of whom were children.³⁵ Although the abysmally low assistance rates have not been increased, several positive changes to social assistance did take effect over the past year. Individuals and families in the Expected to Work category can now earn \$200/month and Persons with Disabilities can earn \$800/month without affecting their benefits;³⁶ however, the increased "work search period" from three weeks to five, during which applicants do not have access to any assistance at all, increases vulnerability and puts many applicants in jeopardy of losing their housing due to missed rent. Also in 2013, the first phase of Annualized Earning Exemptions for individuals on disability assistance began, meaning that some people with disabilities can maximize their earnings during times when they are feeling healthy and able to work.³⁷ In contrast, there is no exemption for money received as child support. The government claws back the entire amount a parent pays to support their child from the recipient parent's (usually the mother's) social assistance cheque. A demand by West Coast LEAF, the Community Legal Assistance Society and First Call to implement an exemption for child support payments has not been acknowledged by the government.³⁸

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.”³⁹ 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.⁴⁰

In 2012, the UN 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.⁴¹ More than a dozen countries raised the issue of violence against Indigenous women and girls during Canada’s second Universal Periodic Review by the United Nations Human Rights Council in April 2013, calling on Canada to take effective action to prevent and respond to the crisis.⁴² However, Canada has formally rejected the Human Rights Council’s calls to develop a comprehensive national review aimed at ending violence against Aboriginal women and girls.⁴³

Despite the hundreds of Indigenous women and girls who have disappeared over the years, calls for a national inquiry coming from indigenous groups, human rights organizations, opposition MPs and, most recently, provincial and territorial leaders, have not been heeded.⁴⁴ The future of a Special Committee on Violence Against Indigenous Women, struck in February 2013, is also in question after Prime Minister Harper’s decision to prorogue Parliament this fall.⁴⁵

BC’s Missing Women’s Commission of Inquiry published its final report in December, 2012.⁴⁶ Despite its many procedural and substantive flaws (which are documented in previous Report Cards), the report makes a number of strong recommendations for important systemic reforms. Commissioner Oppal concluded that bias and discrimination against Aboriginal women, sex workers, and women with addictions led to a “colossal failure” in the police investigation of serial killer Robert Pickton. In particular, the Commissioner found that systemic bias in the police response to the missing women investigations allowed faulty stereotyping of street-involved women to negatively impact the investigations, resulted in a failure by police to uphold their duty to protect an endangered segment of our community, and contributed to a failure to prioritize and effectively investigate the missing women cases.

Many fear that little has changed in the years since Pickton’s killing spree; a recent Human Rights Watch report documents RCMP failures in British Columbia to protect Indigenous women and girls from violence, as well as abusive police behaviour against Indigenous women and girls, including excessive use of force and physical and sexual assault.⁴⁷ The RCMP’s Plans and Priorities Report for 2013/14 makes no mention of the Commissioner’s recommendations or its plans for addressing the concerns of human rights experts.⁴⁸ Problems of violence and poverty among Indigenous women and girls also remain critical, as highlighted by recent reports of decades of sex trafficking of Indigenous women and girls between Thunder Bay and Minnesota.⁴⁹

Immediately following the Inquiry report’s release, then-Attorney General Shirley Bond promised an additional \$750,000 for the WISH Drop-In Centre’s sex worker outreach programs. Government also appointed former Lieutenant-General Steven Point to act as the “champion” for the remaining recommendations and solicit community involvement in their implementation. However, Mr. Point has resigned his post, and Minister Bond has stated that civil litigation launched by family members of some of the missing and murdered women will constrain government’s ability to move forward on the recommendations, a position strongly criticized by many of the community groups excluded from the Inquiry.⁵⁰ A second immediate measure recommended by Commissioner Oppal—to develop and implement an enhanced public transit system to provide a safer travel option along Highway 16 (the Highway of Tears)—has not been implemented. The newly appointed Minister of Justice told the legislature in July that government would be publishing a report setting out its plan for implementing the Inquiry recommendations in October 2013.⁵¹

In August, representatives of the Inter-American Commission on Human Rights visited Ottawa, Prince George and Vancouver to speak with government agencies, nongovernmental organizations, families of victims, and others about the murders and disappearances of Aboriginal women across Canada.⁵² The visit follows two hearings at the Inter-American Commission in Washington, DC, in 2012 and 2013, at which the Native Women’s Association of Canada and the Feminist Alliance for International Action presented information about the murders and disappearances in British Columbia and violence against indigenous women across Canada. Members of the UN’s CEDAW Committee and the UN Special Rapporteur on the Rights of Indigenous Peoples also conducted in-person meetings and investigations in Canada this fall.

In 2008, the CEDAW Committee expressed regret over the absence of a national housing strategy in Canada, 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.⁵³ 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.⁵⁴ 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.⁵⁵

A 2013 assessment of BC’s social housing numbers found that, since 2006, BC has seen a net increase of approximately 3,340 new units of social housing, or 418 new units per year since 2006.⁵⁶ However, by historic comparison, these numbers are low and are drastically insufficient to meet the province’s need. Between the mid-1970s and the early-1990s, with joint funding from the federal government, BC used to create between 1,000 and 1,500 new units of social housing per year. However, the federal government no longer funds the construction of social housing, and a federal program that subsidizes the rent of many co-operative housing residents will be ending over the next several years.⁵⁷ There is no indication that the province will be taking over the funding; the only housing commitment in the February BC Budget was money for renovations for SRO hotels that have already been purchased by government, and there is no mention of other investments in the Ministry’s Revised Service Plan for 2013/14 – 2014/15.⁵⁸ The expiry of this assistance would put more than 3,000 BC households, who rely on this rental assistance, at risk of losing their homes.⁵⁹ If these trends don’t change, researchers believe that in a few years, the extent of the homeless crisis will be back to where it was before the 2010 Olympics.⁶⁰

The housing situation is particularly dire in BC’s most impoverished neighbourhood, the Downtown Eastside. According to a Carnegie Community Action Project report released in February 2013, the Downtown Eastside housing crisis got worse in 2012.⁶¹ Not only were there about 850 homeless people in the neighbourhood, up from about 700 last year, but at least 426 SRO hotel rooms, the city’s last low-income housing stock, went from being affordable to being unaffordable to people on welfare, disability and basic pension. Contrary to the City’s 2005 Downtown Eastside housing plan, social housing development did not keep pace with market condo developments in the area. According to the CCAP report, in 2012, six market units were developed for every one social housing unit.

While always an undercount, the City of Vancouver’s Homeless Count found no change in the overall number of homeless people this year, at approximately 1,600, and only a small decrease in the number of people sleeping on the street, from 306 people in 2012 to 273 in 2013.⁶² Worryingly, 361 homeless women were counted in 2013, more than in any previous year. Most homeless women stayed in a shelter of some kind, but 45 women were found sleeping on the streets, the highest number seen in many years. Immediately after the Homeless Count data were released, the City announced that it will open a homeless shelter for women this winter, which advocates have been demanding for years.⁶³ Women consistently report concerns for their safety in co-ed shelters, and increasingly, designated women-only spaces in co-ed shelters are being lost.⁶⁴ While far from a solution to women’s homelessness, the women’s-only winter shelter is a welcome announcement.

Finally, teens continue to be denied access to subsidized housing in BC. Currently, teenage girls make up about 10% of the homeless in Canadian cities and approximately half of all homeless youth.⁶⁵ A BC study found that 42% of homeless girls in Vancouver were First Nation, Metis or Inuit, a rate 10 times their representation in the general population.⁶⁶ However, in spite of the *Residential Tenancy Act*, which allows persons under 19 years of age to sign tenancy agreements, BC Housing does not allow teens to apply for subsidized housing. Teenage girls who are on their own and low income or living on income assistance are therefore prevented from accessing subsidized suites.⁶⁷

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.⁶⁸ 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.”⁶⁹ 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.⁷⁰

BC deserves a failing grade in this category this year due to the grave violations of women’s right to equal treatment as a result of a lack of remand facilities on Vancouver Island. Detained women are held in police cells, sometimes for days at a time, without showers, medical care or even the ability to brush their teeth, in “a tiny cement cube with a rubber mat on the floor, usually beside the drunk tank with screaming drunks all night,” says Paul Pearson, co-chair of the Canadian Bar Association’s criminal section in Victoria.⁷¹ In contrast, remanded men have access to a shower, toiletries, a gym, a TV, and a padded bed. Conditions are so profoundly unfair that judges have taken the unusual step of apologizing to remanded women for the conditions they endured, with one judge telling a woman: “On behalf of the state, I apologize for you being held at West Shore as long as you were. That’s just totally unacceptable.”⁷²

In many ways, the conditions in the holding cells replicate solitary confinement, which international treaties to which Canada is party aim to limit. In October 2011, Juan Méndez, the UN Special Rapporteur on torture, condemned the use of any practice resembling solitary confinement except in extremely rare cases.⁷³ He cited inherent human rights violations and detrimental effects on rehabilitation for his condemnation of the practice. The fact that the women being exposed to these conditions in BC have not been convicted, and are presumed innocent under the law, renders the situation even more appalling. In May, an Indigenous woman who settled a lawsuit against the government after being held in solitary confinement for 3 ½ years issued an emotional plea to end the practice. “Solitary confinement does one thing. It breaks a person,” she said.⁷⁴ “The more time I spent in solitary confinement the more trouble I had in prison. They told me solitary confinement would help me but it made me even worse.”

Lack of facilities for remanded women is a problem not only on Vancouver Island, but across the province. Women in remote communities are often held in police cells for long periods until they can be transported to jail or appear before a travelling judge. However, the Minister of Justice has dismissed calls for investment in adequate facilities for women on the basis that the number of remanded women in the province does not justify the expense.⁷⁵

Despite these cost concerns, the government expended considerable resources this year defending its decision to end the mother-baby program at Alouette Correctional Facility for Women. A constitutional challenge to the closure was launched by women and children affected by the decision, and a 22-day trial ensued. The provincial government argued that the jail is not a suitable environment for babies, despite overwhelming evidence of the benefits of nursery programs in prison facilities and testimony from the facility’s warden that she could not recall a single incident of concern among participants.⁷⁶

Women and girls in prison have high rates of abuse and victimization – common causes of mental illness and addiction – and in a recent report, 76% of provincially incarcerated women were found to suffer from substance abuse, mental illness, or both.⁷⁷ Disturbingly, nearly every incarcerated girl interviewed by the McCreary Society in their August 2013 profile of BC youth in custody had been physically abused at some point in their life (compared to 57% of incarcerated boys), and 75% had been sexually abused (compared to 32% of boys).⁷⁸ Maintaining connections and relationships in their communities was found to make a significant difference to the mental health of incarcerated youth; youth who had visits from family or friends were less likely to report experiencing extreme anxiety or stress in the past month (17% vs. 37% of those whose family or friends never visited) and extreme despair (12% vs. 28%). This finding adds further weight to criticisms leveled against the government’s decision last year to close incarceration facilities for girls in Prince George and Victoria and centralize all girls in Burnaby, displacing many girls – particularly from northern First Nations – far from their families and communities.⁷⁹

2012: (B-)
2011: (C+)

2013: (B-)

VIOLENCE AGAINST WOMEN AND GIRLS

6

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.”⁸⁰ 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.⁸¹ 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.⁸²

Male violence against women remains a grave problem in BC and around the world. Our grade on this measure reflects our belief that the provincial government has demonstrated some commitment to addressing male violence against women, though the lack of financial investment in services for victims of sexual assault and gender-based violence rendered us unable to raise the grade from last year.

A recent 24-hour census report by the BC Society of Transition Houses found that in one 24-hour period in BC, 3,435 people were supported, sheltered and/or educated through Transition Housing and Children Who Witness Abuse programs across BC.⁸³ Unfortunately, an additional 663 people were still waiting for services or had to be turned away from these programs, due in large part to limited space, program hours and resources to support women with complex needs. Unfortunately, the provincial budget tabled in February contains no increased funding to ensure equal access to services for victims of sexual assault or domestic violence, nor resources to meet the needs of women with disabilities, immigrant women, older women and other women who are particularly vulnerable to violence.⁸⁴

In response to the Representative for Children and Youth’s 2012 report *Honouring Kaithlyne, Max and Gordon: Make Their Voices Heard Now*, the newly-created Provincial Office of Domestic Violence is developing a three-year provincial plan to address domestic violence.⁸⁵ The Representative has criticized the lack of progress on the development and implementation of the plan, noting that government has missed numerous deadlines, leaving children vulnerable.⁸⁶ Government says it expects to release the plan this fall, and has announced a child domestic violence unit within the children’s ministry to drive change.⁸⁷

Part 2 of the province’s White Paper on Justice Reform was released in February 2013, and is aimed at establishing an action plan for creating a transparent, timely, and balanced justice system in BC.⁸⁸ The White Paper includes a commitment to delivering a multi-year action plan that will identify a comprehensive approach to addressing domestic violence across government; expanding the number of Domestic Violence Units (integrated teams of police, victim services, and child protection workers) across the province; and exploring the creation of specialized domestic violence courts.

BC’s new *Family Law Act* came into force in March, 2013. The Act’s broad definition of “family violence” and requirement to consider the impact of family violence on the best interests of children has been positively interpreted by the courts; in one case, the judge concluded that improper litigation conduct was a form of emotional abuse and harassment constituting family violence.⁸⁹ Litigation harassment and abuse are tools that some abusers use to maintain control over their spouses during a family law case, and the litigation process can become a tool for batterers to continue their abusive behaviour in a new forum.⁹⁰ This decision is likely to be helpful to many women, who are disproportionately impacted by the lack of legal aid for family law matters and more likely to find themselves vulnerable in these types of cases.

Also in force this year are new sex work enforcement guidelines⁹¹ drafted by the Vancouver Police Department in collaboration with local organizations and sex workers. The guidelines prioritize protection of sex workers over punishment and emphasize a relationship-building approach and a move away from criminalization, in the hope that sex workers will be better able to reach out to police for help and protection when they need it.

CEDAW requires that States Parties promote the establishment and development of a network of child care facilities in order to ensure women's effective right to work.⁹² 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."⁹³ The Committee discussed the impact of the lack of affordable quality child care on women's economic empowerment,⁹⁴ and urged Canada to "step up its efforts to provide a sufficient number of affordable childcare spaces."⁹⁵

In an October 2012 report, the UN Committee on the Rights of the Child noted that despite Canada's significant resources, "there has been a lack of funding directed towards the improvement of early childhood development and affordable and accessible early childhood care and services."⁹⁶ It expressed general concerns regarding the high cost of child care, the lack of available places for children, the absence of uniform training requirements for child care staff, and the standards of quality care. The Committee was particularly concerned that child care continues to be inadequate for children under four years of age, and that "the majority of early childhood care and education services are provided by private, profit-driven institutions, resulting in such services being unaffordable for most families".⁹⁷ Canada is currently ranked last among industrialized countries for its investment in early care and learning, and within Canada, BC lags behind the national average.⁹⁸

BC made no progress this year on improving child care affordability for parents or quality for children. There has been no substantive increase in the number of regulated child care spaces, and the need for improved wages and training for early childhood educators has not been addressed. Worryingly, BC communities have witnessed unprecedented growth in the commercial, for-profit child care sector, which the UN Committee on the Rights of the Child has specifically warned against.⁹⁹

The provincial government's Early Years Strategy, announced in February 2013, aims to create up to 2,000 new child-care spaces. While this is welcome, it is clearly inadequate to meet families' needs; currently, only 19% of children have access to a regulated child care space, despite the fact that the vast majority of parents with young children are participating in the paid labour force.¹⁰⁰ Moreover, there is no guarantee that the additional spaces will be affordable.

The Early Years Strategy also includes a new BC Early Childhood Tax Benefit that will become available in 2015 to families with children under the age of six and incomes under \$100,000. Families will receive a maximum benefit of \$55 per month (or \$660 dollars annually) for each child under age six. Parents report that this tax credit will not cover the cost of even one day of child care.¹⁰¹

The government has also proposed an amendment to the School Act that would require boards of education to establish a policy encouraging the use of their property for child care purposes between the hours of 7:00am and 6:00pm on weekdays.¹⁰² However, school districts widely report being underfunded, with no money available for retrofits to facilitate child care programs.¹⁰³

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.¹⁰⁴ 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.¹⁰⁵ 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."¹⁰⁶ The World Health Organization's Commission on Social Determinants of Health reports that "in countries at all levels of income, health and illness follow a social gradient: the lower the socioeconomic position, the worse the health."¹⁰⁷

Canada is one of the healthiest nations in the world,¹⁰⁸ and BC is recognized as the healthiest province in Canada.¹⁰⁹ We wanted the grade in this category to reflect pride in our universal health care system, while also acknowledging that the health needs of particularly marginalized women are still not being met, as highlighted by the CEDAW Committee. Health is tied to all of the other categories assessed in this Report Card; investment in housing, poverty alleviation, child care and ending violence against women will promote the realization of the highest attainable standard of health for all BC residents.¹¹⁰

The Rainier Hotel Treatment Centre, a women's treatment centre providing physical, emotional and spiritual healing to women with addictions living in poverty in Vancouver's Downtown Eastside, lost its funding this year.¹¹¹ According to an evaluation report prepared by the Portland Hotel Society and the BC Centre for Excellence in HIV/AIDS, the Rainier was effective at reaching extremely marginalized women and assisting them to improve their health outcomes.¹¹² However, when federal funding for the piloting of its programs came to an end in December 2012, Vancouver Coastal Health and the BC Ministry of Health refused to provide ongoing support for these unique programs, despite a strong appeal from the community. The closure is especially unfortunate in light of two studies conducted over 10 years by researchers at the BC Centre for Excellence in HIV/AIDS, which found that women with HIV/AIDS are more likely than men to receive sub-standard care and treatment, putting them at higher risk of death or transmission to others.¹¹³

While health care is the largest part of the provincial budget, BC is not keeping up with other Canadian provinces; by 2011, BC had fallen to the second lowest level of health spending per capita in Canada—the result of 10 years of restraint policies.¹¹⁴ Insufficient investment in our public health care system has resulted in a number of cutbacks this year, with disproportionate impacts on particularly vulnerable communities.

Starting September 1, the Fraser Health Authority will charge seniors a \$25/month "maintenance" fee for use of a wheelchair in public extended care facilities.¹¹⁵ Seniors in residential care already pay 80% of their after-tax income towards accommodation and food;¹¹⁶ an additional \$300/year will be extremely burdensome for many seniors. Seniors, as well as people with disabilities, are also disadvantaged by a lack of investment in home care services, which researchers say are urgently required to meet the needs of an aging population.¹¹⁷ Moreover, a June 2013 update report from the Ombudsperson's Office reports that just eight of the 176 recommendations made to the Ministry of Health last year to improve care for seniors have been implemented, and action has been taken on only one quarter of the recommendations overall.¹¹⁸ Other cutbacks this year include a reduction of hours for six BC mental health clinics, announced just days after Vancouver police, the RCMP and several Metro Vancouver mayors publicly decried the lack of facilities for people struggling with mental illness and substance abuse.¹¹⁹

A new study finds that the number of doctors in rural and small towns who offer abortion services in BC has dropped dramatically over the last several years.¹²⁰ The study also concludes that those who remain face a raft of obstacles, from difficulty getting operating time to hostility from some medical colleagues and the perceived need to keep a low profile. The dwindling number of rural abortion doctors can force women to travel hundreds of kilometres to end unwanted pregnancies. Compounding the challenges, abortion is included on a list of "excluded services" in reciprocal provincial billing agreements, meaning that women cannot always access an insured abortion outside of their home province, despite the fact that abortion is a legal and insured service in every Canadian province.¹²¹ This often creates a tremendous burden for women in need of abortions who are temporarily living away from home, such as students, or who have recently relocated to another province and have not yet qualified for health care insurance in their new home province.

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ABOUT WEST COAST LEAF



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

METHODOLOGY

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

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

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

West Coast LEAF would like to thank the members of this year's CEDAW Report Card Subcommittee: Laura Avelino, Terran Bell, Lindsay Clark, Sarah Conroy, Kaity Cooper, Veronique Delahaye, Jodie Gauthier, Olena Gavrilova, Alejandra Henao, Grace Shaw, Kendra Shupe, Menka Sull and Gabrielle White. The report card was drafted by Laura Track, West Coast LEAF Legal Director.

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