



2018 CEDAW

REPORT CARD

HOW IS BC MEASURING UP IN WOMEN'S RIGHTS?

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INTRODUCTION

The CEDAW Committee raised significant concerns about Canada's commitment to women's equality rights and adherence to the treaty's protections.

WHAT IS CEDAW?

The *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW) enshrines important protections for women and girls in international human rights law. CEDAW recognizes that it is not enough to guarantee that women and men be treated identically. Instead, state signatories must take appropriate action to eliminate discrimination against women and support substantive equality.

Canada ratified CEDAW on December 10, 1981. Canada's compliance with the *Convention* was last assessed in 2016, and the UN Committee on the Elimination of Discrimination against Women (the "CEDAW Committee") raised significant concerns about Canada's commitment to women's equality rights and adherence to the treaty's protections, including with regard to areas of provincial government authority and issues specific to BC.

METHODOLOGY

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

From the CEDAW Committee's 2016 Concluding Observations on Canada, West Coast LEAF identified ten key areas relevant to our mandate and expertise. Because Canada's Constitution divides responsibility between the provincial and federal governments, the Report Card focuses on issues that fall partially or completely within the jurisdiction of the BC government.

This year's Report Card focuses on provincial developments between mid-November 2017 and early November 2018. We used the following scale to assign grades to BC's progress in each area:

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

The letter grades reflect BC's recent progress towards meeting the standards enshrined in CEDAW, not the overall effectiveness of the government programs and policies in each area. In other words, higher grades indicate that there has been considerable progress in the past year—not necessarily that BC women's needs are now being fully met and their rights fully respected—while lower grades reflect minimal progress.

A notable change to this year's CEDAW Report Card is the addition of a section on child protection. While the CEDAW Committee made only brief comments about the child protection system in its 2016 Concluding Observations, government action or inaction on this issue carries significant impacts for women, who continue to assume disproportionate child-rearing duties in our society. In particular, Indigenous women and families face devastating consequences as a result of intrusions of the child protection system in their lives.

Another important change this year is the integration of content on missing and murdered Indigenous women and girls and on violence against women generally (in past Report Cards, two separate letter grades were assigned). The new combined section is double the length of other sections.

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We are grateful to the many community members and organizations who took the time to provide valuable feedback on the draft report.

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The design template for the CEDAW Report Card was created by Nadene Rehnby of Hands On Publications.

We are grateful to the many community members and organizations who took the time to provide valuable feedback on the draft report.

Finally, we would like to thank the Law Foundation of BC for its generous support of West Coast LEAF's work. The views expressed in this report do not necessarily reflect the views of our funders.

We respectfully acknowledge that this CEDAW Report Card was produced in Vancouver on traditional, ancestral, and unceded Coast Salish homelands, including the territories of the x^wməθk^wəyəm (Musqueam), Skwxwú7mesh (Squamish), and sə́lilwətaʔt/Selilwitulh (Tsleil-Waututh) Nations.

ACCESS TO JUSTICE

WHAT DID THE CEDAW COMMITTEE SAY IN 2016?

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

WOMEN'S ACCESS TO JUSTICE IN BC

BC's legal aid system continues to be under-resourced and incapable of meeting the public demand for legal help. In January 2018, Legal Services Society (LSS), BC's provider of legal aid services, publicly stated that it was refusing approximately 60% of applicants, 70% of them women, and that its level of coverage for family law matters fell far short of the nationwide norm.² Indigenous people often bear the brunt of these shortcomings, as they are significantly overrepresented among LSS clients dealing with family, criminal, and child protection matters.³ Massive cuts to the justice system over the last two decades — including slashing legal aid,⁴ closing courthouses, eliminating the Human Rights Commission, and failing to provide adequate funding for court services — have left access to justice in dire straits in BC.

ACTION TAKEN

As recommended by the CEDAW Committee,⁵ BC increased funding for legal aid this year. An additional \$26 million over three years will support various forms of public legal assistance, including criminal legal aid, family and child protection services, and new Parents' Legal Centres to provide legal help with child protection matters in several additional communities.⁶ In April 2018, the

C-

**Limited action.
Needs significant
improvement.**

Previous years:

2017: D+

2016: D

2015: D-

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BC introduced legislative changes to create an independent human rights commissioner reporting to the legislative assembly, whose mandate will include public education and the creation of policies and guidelines to tackle discrimination.

maximum number of hours legal aid lawyers could spend on general preparation for family law cases increased from 25 to 35⁷—a step in the right direction, though still insufficient for meeting many clients’ needs. Additionally, a new online divorce application system was launched this year,⁸ which may make it easier to obtain a divorce for some women, although it is unlikely to improve access to justice for women who need legal advice regarding their divorce or face pressure from their ex-spouse to agree to an unfair division of assets.

In late 2017, BC’s Parliamentary Secretary for Multiculturalism and Sport led a public engagement process about the re-establishment of BC’s Human Rights Commission and presented a report containing 25 recommendations to the provincial Cabinet.⁹ In November 2018, BC introduced legislative changes to create an independent human rights commissioner reporting to the legislative assembly, whose mandate will include public education and the creation of policies and guidelines to tackle discrimination.¹⁰ Additionally, the legislative amendments increase the time limit for filing human rights complaints from six months to one year,¹¹ as called for by several advocates.¹²

In May 2018, BC announced it had finalized negotiations for a new courthouse in Abbotsford, slated to open by 2021—the first new courthouse to be built in the province in a decade.¹³ This step may improve access to justice for women in the Fraser Valley who face barriers to travelling outside their community to attend court.

The BC government also proposed legislation, called the *Protection of Public Participation Act*, to shield people from strategic lawsuits against public participation (often called SLAPPs) and protect freedom of expression on issues impacting the public interest.¹⁴

In this year’s provincial budget, \$2 million was allocated to support the launch of a dual program in Canadian law and Indigenous law at the University of Victoria¹⁵—the first of its kind in the world¹⁶—an encouraging step to increase the pool of lawyers knowledgeable about Indigenous legal traditions.

INACTION

A constitutional challenge of BC's inadequate family legal aid system was launched in April 2017; in this case, called *Single Mothers Alliance v BC*, West Coast LEAF is representing Single Mothers' Alliance BC and a woman who has experienced severe harms as a result of a lack of legal aid after leaving an abusive relationship.¹⁷ Disappointingly, the BC government is attempting to have the case thrown out before it gets to trial.

Although BC's increased investment in legal aid is a step in the right direction, the president of the Canadian Bar Association estimated that the funding top-up represents just a quarter of what is needed to provide family law legal aid to anyone meeting the current highly restrictive eligibility requirements based on income.¹⁸ The current income requirements exclude many who cannot afford a lawyer, and the CEDAW Committee has called on Canada to "review criteria applied in income tests for eligibility to ensure access."¹⁹ Yet, BC has taken no action in 2018 to adjust the income cut-off for legal aid access. Under the current system, legal representation remains out of reach to many women and children fleeing violence, jeopardizing their safety and human rights.

Court delays present another barrier to accessing justice, including for women attempting to re-establish their lives after leaving abusive relationships. At BC Provincial Court, the current average waiting time to trial is about seven months for family law trials lasting two to four days, and more than eight months for family law trials lasting five or more days.²⁰

While lawyers representing the Ministry of Children and Family Development in child protection cases have seen their hourly rate increase to \$135, legal aid lawyers representing families at risk of having their children apprehended continue to earn between \$84 and \$92 an hour.²¹ This disparity threatens access to justice for parents—including many single mothers—who are in need of legal help to navigate the child protection system. It is disproportionately Indigenous clients²² who are forced to rely on a dwindling roster of underpaid legal aid lawyers to represent them in these high-stakes cases that may result in the separation of their families.

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It is disproportionately Indigenous clients who are forced to rely on a dwindling roster of underpaid legal aid lawyers to represent them in these high-stakes cases that may result in the separation of their families.

A greater investment in legal aid is needed to ensure access to justice for the women who need it most, including migrant workers, women fleeing abusive relationships, and women at risk of having their children taken into government care.

Migrant workers also face serious threats as a result of inadequate legal services, including the loss of their employment, housing, or ability to remain Canada. A report published this year by the Vancouver-based Migrant Workers Centre found that few migrant workers receive legal information before or after their arrival in BC²³ and that many are hesitant to pursue legal recourse for violations of their employment rights using the current complaint-driven process because of the power imbalance between worker and employer.²⁴ Migrant caregivers—95% of whom are women,²⁵ many of them racialized—are among the workers impacted by these barriers to realizing their legal rights.

Finally, although the re-launching of BC's Human Rights Commission is a sorely needed step, it is disappointing that BC's Commission—unlike Ontario's²⁶—will lack the power to initiate human rights complaints.

OVERALL COMMENTS

Migrant workers also face serious threats as a result of inadequate legal services.

The move to re-establish BC's Human Rights Commission is a very positive and long-overdue step. However, a greater investment in legal aid is needed to ensure access to justice for the women who need it most, including migrant workers, women fleeing abusive relationships, and women at risk of having their children taken into government care.

CHILD CARE

WHAT DID THE CEDAW COMMITTEE SAY IN 2016?

The Committee highlighted the consequences of a lack of affordable, high-quality child care for women's economic empowerment and called on Canada to ensure "sufficient numbers of affordable childcare facilities [. . .], including in aboriginal communities, with priority being given to low-income women."²⁸

CHILD CARE FOR WOMEN IN BC

Throughout 2017, many BC families continued to struggle to access child care, partly because of the high costs. In 2017, Vancouver's toddler daycare fees were the second highest in Canada at \$1,292 monthly, and Burnaby and Richmond's were not far behind.²⁹ In the Kootenays and South Vancouver Island, fees for infants and toddlers averaged \$1,000 monthly; fees in the Okanagan and the Interior were only slightly lower.³⁰

A shortage of licensed child care spaces remains a serious concern in BC. A recent report on child care deserts, defined as "postal codes where there are at least three children in potential competition for each licensed space,"³¹ found that more than half of the children in Metro Vancouver live in child care deserts,³² with an average of three children for each licensed space in the region³³ (although coverage varies significantly across municipalities and neighbourhoods).

Women are hit particularly hard by barriers in accessing child care, given persistent gender-based disparities in childrearing responsibilities and access to financial resources. When child care is out of reach, women may be unable to sustain adequate employment and may find themselves and their families trapped in poverty.

A-

Near fulfilment of CEDAW obligations and satisfaction of the concerns of the CEDAW Committee.

Previous years:

2017: D

2016: D-

2015: C-

A shortage of licensed child care spaces remains a serious concern in BC.

ACTION TAKEN

In the February 2018 budget, the BC government highlighted child care as a key priority,³⁴ making an historic \$1 billion commitment over three years to increase licensed child care spaces, lower parent fees, and enhance educator wages and education.³⁵ BC stated an intention to implement high-quality, universal child care over time,³⁶ as well as a commitment to Indigenous-led child care.³⁷

As part of this plan, a Fee Reduction Initiative allows licensed child care providers to apply for funding in order to pass on monthly savings to families, ranging from \$60 for children from age 3 to kindergarten in family care to \$350 for infants and toddlers in group care (with no fee reduction currently available for the care of older children).³⁸ The BC government announced that 50,000 BC children are benefiting from the initiative.³⁹

In addition, a new Affordable Child Care Benefit was introduced, replacing the Child Care Subsidy. Families may be eligible for up to \$1,250 per month towards child care⁴⁰ depending on several factors, including the number of children they have, the children's care needs, and family income. In general, families earning \$45,000 or less may qualify for full funding, families earning between \$60,000 and \$80,000 may pay about \$10 per day,⁴¹ and those earning up to \$111,000 may receive a portion of the full benefit.⁴²

Other aspects of the new approach to child care include:

- Steps to attract, educate, and retain early childhood educators, including wage increases;⁴³
- The creation of more than 22,000 spaces throughout the province over the next three years;⁴⁴
- Expansion of the Aboriginal Head Start (AHS) programs that provide culturally-based child care, early learning, and family programs for Indigenous communities;⁴⁵
- Funding to reduce waitlists for Supported Child Development and Aboriginal Supported Development programs;⁴⁶
- Supports for young parents to access child care while completing secondary school;⁴⁷

BC stated an intention to implement high-quality, universal child care over time, as well as a commitment to Indigenous-led child care.

- Prototype projects in both rural and urban areas to study the viability of a universal reduced-fee child care system. For an 18-month period beginning in the fall of 2018, care will be offered to 1,800 children province-wide for a maximum of \$200 monthly, and free of charge for families with incomes under \$45,000.⁴⁸ BC has stated an intention to prioritize prototype projects that meet the needs of families headed by young parents; families requiring extended hours of operation to accommodate shift work; Indigenous families; newcomer families; and families requiring accessible facilities and extra support for their children.⁴⁹
- Improvements to facility inspections and public access to information about child care providers, in the wake of the tragic death of 15-month-old Macallan Wayne Saini in unlicensed child care in 2017.⁵⁰ The *Community Care and Assisted Living Amendment Act, 2018*, which applies to child care and residential care facilities, now requires that summaries of substantiated complaints and inspection reports be available online for five years, regardless of whether the facility is licensed.⁵¹ BC has also increased the number of health authority licensing officers who are responsible for inspecting care facilities⁵² and has funded start-up grants for unlicensed facilities to become licensed.⁵³

While thousands of BC families are benefiting from new child care affordability measures, some parents report that the implementation of the Fee Reduction Initiative was accompanied by unexpected fee increases instigated by the child care providers themselves.

INACTION

While thousands of BC families are benefiting from new child care affordability measures, some parents report that the implementation of the Fee Reduction Initiative was accompanied by unexpected fee increases instigated by the child care providers themselves.⁵⁴ In response, the Coalition of Child Care Advocates of BC and the Early Childhood Educators of BC have called on BC to ensure that “participating providers are accountable for all fee increases, including those attributed to ‘unexpected expenses,’ and that information about provider fees and increases is transparent and publicly accessible.”⁵⁵

Additionally, the Coalition of Child Care Advocates of BC and the Early Childhood Educators of BC have suggested that government-funded child care spaces would have greater long-term stability and would better meet community needs

BC's historic investment in child care over the past year represents significant progress for women's economic security and equality.

BC must not leave its child care professionals—disproportionately women—struggling to meet their own and their families' basic needs.

if they were publicly owned—similar to libraries and schools—rather than owned by a patchwork of businesses, individuals, and non-profit organizations.⁵⁶

Although BC plans to increase compensation for early childhood educators by \$2 hourly by April 2020, this raise would leave most earning about \$20 hourly,⁵⁷ still short of the wage required to cover the living expenses of a two-parent, two-child family in Metro Vancouver, calculated at \$20.91 for 2018.⁵⁸ BC must not leave its child care professionals—disproportionately women—struggling to meet their own and their families' basic needs.

While the Fee Reduction Initiative has already reduced child care expenses in the living wage family budget by 2.5% in Metro Vancouver,⁵⁹ the adoption of a universal \$10aDay Child Care Plan would have a much deeper impact on affordability. It is estimated that the \$10aDay Plan would allow Metro Vancouver families to cover their basic living expenses on a wage of just \$16.97 an hour—almost \$4 less than the current living wage.⁶⁰

OVERALL COMMENTS

BC's historic investment in child care over the past year represents significant progress for women's economic security and equality. The new government's first steps are also broadly consistent with its stated goal of gradually implementing universal child care. But BC's child care chaos cannot be solved overnight, and much work remains to build the new system. BC must continue to prioritize child care investments in 2019 and beyond, and to work effectively across ministries and with public partners to ensure high-quality, affordable child care for all families who choose it.

CHILD PROTECTION

WHAT DID THE CEDAW COMMITTEE SAY IN 2016?

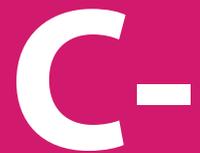
The CEDAW Committee expressed concern over “reports that indigenous women and girls in foster care and in the child welfare system are particularly vulnerable to sex trafficking.”⁶¹

Additionally, in its most recent report on Canada, the UN Committee on the Rights of the Child urged Canada to rectify funding disparities between child welfare services for Indigenous and non-Indigenous children;⁶² ensure that children are involved in child welfare decisions impacting them;⁶³ prioritize connection to identity, culture, and language for Indigenous children in government care;⁶⁴ and train all professionals working in the system on responding to violence against children.⁶⁵

THE CHILD PROTECTION SYSTEM IN BC

BC’s child protection system continues to impact Indigenous families disproportionately, often in devastating ways. Although only 10% of all BC children and youth up to the age of 14 are Indigenous,⁶⁶ fully 64% of children and youth in government care in BC are Indigenous.⁶⁷ Indigenous mothers, grandmothers, and other women caregivers—and of course, Indigenous children and youth themselves—often bear the brunt of the system’s failings. In a report published earlier this year, the Representative for Children and Youth “identified addressing the need to reduce the over-representation of Indigenous children and youth in the child-serving system as a key strategic priority.”⁶⁸

Moreover, this report revealed disturbing statistics regarding critical injuries and deaths of BC children and youth in government care or receiving services under the *Child, Family and Community Service Act* (CFCSA) or *Youth Justice Act*, including mental health and addictions services and services for children with special needs,⁶⁹ between June 2017 and March 2018. During this period, 669 critical injuries and 98 deaths of children and youth in BC were determined to be within the Representative’s mandate.⁷⁰



Limited action. Needs significant improvement.

This is a new section for the 2018 CEDAW Report Card.

BC’s child protection system continues to impact Indigenous families disproportionately, often in devastating ways.

An amendment to the CFSCA designed to increase Indigenous communities' involvement in child welfare decisions was passed in May 2018.

BC recently increased much-needed supports for former youth in care to pursue post-secondary education, with the expansion of a tuition fee waiver program and an increase in the maximum monthly student support rate.

ACTION TAKEN

BC's spending on child welfare services is projected to rise by about \$195 million between 2017/18 and 2018/19, with increases forecasted for the next two fiscal years as well.⁷¹ Although the provincial budget does not indicate how much of that funding is earmarked for Indigenous communities, BC announced in the fall of 2017 that \$6.4 million would support First Nations and Métis-serving agencies to develop and deliver family support services, increasing to \$9.5 million annually in 2018/19.⁷²

In June 2018, Métis Nation British Columbia (MNBC) and the provincial government signed an agreement with the goal of transferring authority for child welfare to MNBC by 2021.⁷³ The following month, Secwépemc Chiefs and representatives of the governments of BC and Canada signed a Memorandum of Understanding (MoU) with the intention of laying the groundwork for Secwépemc jurisdiction over children and families, including providing necessary resources.⁷⁴ In October 2018, the Wet'suwet'en Nation and the governments of BC and Canada also signed an MoU affirming the jurisdiction of Wet'suwet'en over their children and youth.⁷⁵

Additionally, an amendment to the CFSCA designed to increase Indigenous communities' involvement in child welfare decisions was passed in May 2018.⁷⁶ This amendment gives the Ministry of Children and Family Development (MCFD) new abilities to engage in planning processes and enter into agreements with Indigenous parents and communities,⁷⁷ and to withdraw from proceedings if a parent has made an agreement with an Indigenous community that MCFD deems adequate for the child's protection.⁷⁸ It also requires MCFD to notify Indigenous communities of extensions to temporary custody orders;⁷⁹ provide them with copies of continuing custody orders and notices should these be cancelled;⁸⁰ and work to involve them in planning for each child's care at least annually.⁸¹ Finally, changes to the definitions, principles, and rights section of the CFSCA recognize the shared responsibility of Indigenous families and communities in caring for their children; the impact of residential schools; and

BC has been criticized by several advocates for failing to consult adequately — or indeed consult at all — with community before introducing changes to the CFCSA.

the importance of Indigenous traditions, customs, and language to a child's best interest.⁸²

Finally, BC recently increased much-needed supports for former youth in care to pursue post-secondary education, with the expansion of a tuition fee waiver program⁸³ and an increase in the maximum monthly student support rate.⁸⁴

INACTION

The new funding for Indigenous-led family support services announced in the fall of 2017 was to be shared among all BC First Nations and Métis-serving agencies, amounting to a paltry \$30,000 in possible annual funding per nation or agency.⁸⁵

Furthermore, BC has been criticized by several advocates for failing to consult adequately — or indeed consult at all — with community before introducing changes to the CFCSA.⁸⁶ The Representative for Children and Youth and the First Nations Leadership Council asserted that the amendments leave too much power in the hands of MCFD rather than Indigenous communities.⁸⁷

Additionally, in December 2017, the Representative reported a significant decline in the adoption of Indigenous children in BC who are under a Continuing Custody Order⁸⁸ (meaning that they have already been permanently removed from their parents' care⁸⁹). As of September 30, 2017, only 16 Indigenous children had been placed for adoption (and only four of these in Indigenous homes), compared to 40 at the same point in the year in 2016, and 55 in 2015.⁹⁰ The Representative stated that this trend is "contrary to existing policy and standards that call for placement of Indigenous children and youth in Indigenous homes."⁹¹

The Representative also noted that "not a single Indigenous child or youth in care in BC has ever been adopted through custom adoption [based on traditional cultural practices] despite legislation in place to permit that since December 31, 1996."⁹² He called for the implementation of recommendations from a 2016 report by the Special Advisor on Indigenous Child Welfare in BC⁹³ to register Indigenous custom adoptions and ensure that these families have access to post-adoption services and financial support.⁹⁴ Advocates have similarly been asking

The current system too often inflicts trauma and harm on children and their families.

Advocates have similarly been asking that the Ministry provide the same benefits to kinship care providers as those received by foster parents, including funding, respite, training, and counselling services.

that the Ministry provide the same benefits to kinship care providers as those received by foster parents, including funding, respite, training, and counselling services.⁹⁵

A heartbreaking case study published by the Representative in 2017 illustrates the life-threatening harms to Indigenous children and youth that can result when MCFD fails to support care arrangements and adoptions within families or to properly monitor paid care providers.⁹⁶ The report centres on a Métis youth named Alex who died by suicide at age 18 after being shuffled in and out of 17 care placements supervised by 23 different social workers. Although Alex's step-mother and aunt both expressed interest in caring for him permanently, MCFD did not explore either possibility thoroughly and refused to provide the modest financial support requested by Alex's step-mother to facilitate his placement with her. Instead, MCFD spent far more on Alex's stay in a contracted residential facility that neglected to perform proper criminal record checks for staff; at least 12 youth were found to have been harmed as a result of being placed there.⁹⁷ At the end of his life, Alex was housed in a hotel under the supervision of a worker who received 11 times the pay Alex's step-mother had requested for his care and, according to witnesses, often neglected his needs.⁹⁸ In July 2018, the Representative issued a statement that BC's ongoing failure to address recommendations flowing from Alex's case—particularly those concerning screening of paid caregivers—was “clearly unacceptable” and of urgent concern.⁹⁹

Additionally, a class action lawsuit initiated in 2018 contends that BC's Director of Child Welfare is partly at fault for a social worker's alleged theft of funds from 14 youths, most of them Indigenous, because the social worker's team leader neglected to hold consultations that might have detected concerns.¹⁰⁰

OVERALL COMMENTS

Recent steps to increase Indigenous communities' control over their own child welfare services, though needed, do not go far enough. BC needs to invest in services and supports to prevent family separations where possible and facilitate care arrangements within children's own communities.

EMPLOYMENT

WHAT DID THE CEDAW COMMITTEE SAY IN 2016?

The Committee remarked on Canada's "slow progress" with regard to pay gaps, job segregation, workplace sexual harassment, the concentration of women in low-wage and part-time work, and opportunities for marginalized women.¹⁰¹ Additionally, the Committee recommended that Canada stop issuing employer-specific closed work permits in the Temporary Foreign Workers program to improve workers' ability to leave abusive job situations.¹⁰²

WOMEN'S EMPLOYMENT IN BC

Pay inequality continues to undermine the economic security of BC women. Their average employment income is significantly below the average for all Canadian workers,¹⁰³ and there is a gap of \$4.54 per hour between the median wages of men and women in BC.¹⁰⁴ Wage gaps are especially deep for those who experience interlocking inequalities—including marginalization based on race,¹⁰⁵ Indigenous identity,¹⁰⁶ disability,¹⁰⁷ sexual orientation and gender identity,¹⁰⁸ and recent immigration to Canada.¹⁰⁹

Sexual harassment and assault continue to be widespread, with a recent study finding that half of working women across Canada have endured sexual harassment, but less than 30% have reported it.¹¹⁰

More than 60% of minimum wage earners in BC are women.¹¹¹ Furthermore, liquor servers and farm workers who pick low-rate crops—workers not paid currently according to the standard minimum wage in BC—are predominantly women.¹¹²

Women continue to be over-represented in low-wage, precarious, and part-time work in BC, in part because of gendered pressures to juggle employment with child care responsibilities.¹¹³ About twice as many women work part-time compared to men in BC,¹¹⁴ and women are more likely than men to hold multiple jobs.¹¹⁵ Part-time work tends to provide less stability, schedule predictability, and non-wage benefits than full-time work.¹¹⁶

B-

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

Previous years:

2017: C+

2016: C-

2015: C

**Wage gaps are
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More than 60% of minimum wage earners in BC are women. Furthermore, liquor servers and farm workers who pick low-rate crops—workers not paid currently according to the standard minimum wage in BC—are predominantly women.

Women are also over-represented in sectors, such as retail and hospitality, which remain largely inaccessible to unions due to a lack of legislative support for broad-based bargaining.¹¹⁷ The absence of meaningful access to union representation means that women are both less likely to secure workplace conditions beyond the minimum legislated standards and more likely to experience violations of these rights.¹¹⁸

ACTION TAKEN

Even once it increases to \$15.20, BC's minimum wage will still fall significantly below the living wage, which currently ranges from \$16.51 in North Central BC to \$20.91 in Metro Vancouver.

The Fair Wages Commission was established in October 2017 to advise the BC government on raising the minimum wage.¹¹⁹ As a result of the Commission's recommendations, the general minimum wage increased from \$11.35 to \$12.65 per hour on June 1, 2018.¹²⁰ The minimum wages for liquor servers, resident caretakers, and live-in camp leaders were also raised.¹²¹ These minimum wages will increase on June 1 every year until 2021, by which time the BC government intends to eliminate the lower liquor server wage and raise the minimum general wage to at least \$15.20 per hour.¹²² Farm workers who are paid by piece rate will receive an increase to the minimum rates on January 1, 2019.¹²³

Research shows that increasing the minimum wage reduces wage inequality, so these steps—though incremental—are welcome.¹²⁴ However, even once it increases to \$15.20, BC's minimum wage will still fall significantly below the living wage, which currently ranges from \$16.51 in North Central BC to \$20.91 in Metro Vancouver.¹²⁵

BC has also taken some steps towards protecting migrant workers. In October 2018, legislation was proposed that would require recruiters of temporary foreign workers to be licensed and employers of these workers to be registered; introduce tougher sanctions for employers and recruiters who do not comply with the law; and allow the government to recover any illegal fees charged by recruiters and give them back to workers.¹²⁶

In an important step to restore protections for workers in the health care sector, the government passed Bill 47, the *Health Sector Statutes Repeal Act*, repealing two pieces of legislation passed in the early 2000s that excluded health care workers from key provisions of BC's labour laws.

An independent panel of experts formed by the Labour Minister has proposed important changes to BC's Labour Relations Code including banning 'contract retendering': replacing contractors during retendering processes, often to substitute unionized contractors for non-unionized ones.¹²⁷ The protections, if introduced, will have a significant impact for low-wage workers in sectors such as building services and health care by protecting hard-fought collective bargaining gains.¹²⁸

In an important step to restore protections for workers in the health care sector, the government passed Bill 47, the *Health Sector Statutes Repeal Act*, repealing two pieces of legislation passed in the early 2000s that excluded health care workers from key provisions of BC's labour laws.¹²⁹ The original amendments resulted in the single largest mass layoff of women in Canadian history.¹³⁰

The continued existence of exemptions to the general minimum wage is detrimental to women in BC, in part because it makes workers more vulnerable to exploitation and abuse.

INACTION

The continued existence of exemptions to the general minimum wage is detrimental to women in BC, in part because it makes workers more vulnerable to exploitation and abuse.¹³¹ Although BC has committed to addressing these wage inequalities by gradually increasing the minimum pay for workers who do not earn the standard minimum wage, the decision to postpone changes to the farm worker piece rate by more than six months¹³² is disappointing in light of the serious economic hardships faced by this group of workers. There are gendered, age-based, and racial dimensions to this differential treatment, as older immigrant women are over-represented among workers picking low-rate crops.¹³³

Faster action is also needed to eliminate the lower minimum wage for liquor servers, an incremental process that BC says will be completed by June 2021.¹³⁴ Women make up 81% of food and beverage servers in BC, and their lower minimum wage increases their reliance on tips and places them in more precarious economic positions.¹³⁵

While the Government's commitment to dedicate \$3 million over three years to initiatives that will improve compliance with minimum employment standards is welcome, this amount falls far short of what is needed to end the systemic impunity that exists in many sectors.

BC must take further action to ensure that minimum wage workers can meet their own and their families' basic needs, to promote pay equity, and to prevent and respond to exploitation of women workers.

Concrete action to promote pay equity is also sorely needed and well overdue in BC.

While the Government's commitment to dedicate \$3 million over three years to initiatives that will improve compliance with minimum employment standards¹³⁶ is welcome, this amount falls far short of what is needed to end the systemic impunity that exists in many sectors that regularly rely on exploitative employment practices. Replacing the current complaints-based enforcement model with an effective proactive enforcement framework will require significant amendments to the *Employment Standards Act* as well as considerable investment in staffing and resources to allow for improvements in due process, investigations, and targeted enforcement.¹³⁷

OVERALL COMMENTS

The incremental changes to BC's minimum wages are positive developments. However, BC must take further action to ensure that minimum wage workers can meet their own and their families' basic needs, to promote pay equity, and to prevent and respond to exploitation of women workers.

HEALTH

WHAT DID THE CEDAW COMMITTEE SAY IN 2016?

The Committee raised several concerns about women's health in Canada, including disparities in availability of reproductive health services, barriers to accessing harm reduction services for drug users, and harsh criminal sanctions for HIV non-disclosure.¹³⁸

WOMEN'S HEALTH IN BC

Serious health disparities continue to impact BC women. Poverty, for example, is a well-documented barrier to accessing health care and is associated with poorer health outcomes.¹³⁹

Indigenous women throughout Canada disproportionately face poverty,¹⁴⁰ as well as unmet health care needs, disabilities, chronic conditions,¹⁴¹ and injuries.¹⁴² A recent BC-based study found that mainstream health services often fail to account for the realities of racism and multiple traumas in Indigenous women's lives, which may deter Indigenous women from seeking health services or lead to misdiagnoses and inadequate treatment.¹⁴³ For example, although Indigenous people in Canada have a below-average cancer rate overall, First Nations women in BC are 92% more likely than non-First Nations women to develop cervical cancer, a fact BC Cancer suggests may be attributable to lack of "access to geographically available and/or culturally safe cervical cancer screening services."¹⁴⁴ Furthermore, First Nations people in BC have lower cancer survival rates than non-First Nations people.¹⁴⁵ A recent study also found that prejudiced remarks from health practitioners and disrespect for cultural traditions increase attrition rates from HIV care for Indigenous women.¹⁴⁶

The opioid crisis continues to devastate BC, although a modest reduction in overdose deaths was reported in July 2018 (27%) and August 2018 (20%) compared to the same period in 2017.¹⁴⁷ No deaths at supervised consumption sites have occurred.¹⁴⁸ While women account for 20% of drug overdose deaths overall in BC, Indigenous women face a severely elevated risk and represent about half of overdose deaths among Indigenous people in BC.¹⁴⁹

B

Considerable action taken. Needs continued improvement.

Previous years:

2017: C+

2016: C+

2015: B-

A recent BC-based study found that mainstream health services often fail to account for the realities of racism and multiple traumas in Indigenous women's lives, which may deter Indigenous women from seeking health services or lead to misdiagnoses and inadequate treatment.

While women account for 20% of drug overdose deaths overall in BC, Indigenous women face a severely elevated risk and represent about half of overdose deaths among Indigenous people in BC.

To improve access to health providers, BC announced a new primary health care strategy with a focus on team-based care.

Universal, no-cost coverage for the abortion drug Mifepymiso began in January 2018.

ACTION TAKEN

In a welcome step to reduce financial barriers to prescription medications, BC announced a plan to eliminate Pharmacare deductibles for families with an annual income of \$15,000 to \$30,000, effective at the start of 2019.¹⁵⁰ Other low-income families will see their deductible decrease at the same time. BC also decreased Medical Service Plan (MSP) premiums by 50% as of January 1, 2018, and raised the income threshold for full MSP fee exemption by \$2,000.¹⁵¹

To improve access to health providers, BC announced a new primary health care strategy with a focus on team-based care, including funding for up to 200 new general practitioners, urgent primary care centres and community health centres,¹⁵² and 50 clinical pharmacists.¹⁵³

Small but notable steps were taken this year to support the health of Indigenous people in BC. The provincial government announced \$20 million over three years for Indigenous community initiatives addressing the overdose crisis.¹⁵⁴ In partnership with the federal government and the First Nations Health Council, BC also signed an agreement outlining a new approach to funding community-based mental health services that are planned and delivered by First Nations communities.¹⁵⁵

Some progress was also made on access to reproductive health services. Universal, no-cost coverage for the abortion drug Mifepymiso began in January 2018, and the government announced that the drug would be stocked at remote and rural pharmacies as well as those where the demand has been high.¹⁵⁶

BC adopted some measures this year to address the opioid crisis, including funding for addiction recovery supports, including youth-specific¹⁵⁷ and residential¹⁵⁸ programs; a campaign to challenge stigma surrounding substance use;¹⁵⁹ and distribution of free naloxone kits through pharmacies.¹⁶⁰

Additionally, BC has taken some steps to improve seniors' care. Over three years, \$240 million will be invested to enhance staffing in residential care facilities,¹⁶¹

and \$75 million will increase the availability of adult day programs and respite care.¹⁶² This spending will particularly benefit women's health, as women make up the majority of people living in care facilities or accessing home supports in BC.¹⁶³

Some new drugs were made more accessible, with particular impacts for injection drug users and sex workers. Effective at the start of 2018, certain groups deemed at higher risk of HIV infection are eligible to receive an HIV prevention medication called PrEP (pre-exposure prophylaxis) at no cost.¹⁶⁴ In addition, a new and highly effective chronic hepatitis C drug was added to the PharmaCare formulary this year.¹⁶⁵

In March, BC released new Crown Counsel guidelines about criminal charges in cases of non-disclosure of HIV+ status to sex partners.¹⁶⁶ While the guidelines were designed to ensure that current scientific knowledge about HIV transmission risk is applied in decisions about charges and more than one legal opinion is obtained,¹⁶⁷ it is disappointing that the guidelines were created without community input.¹⁶⁸

IN ACTION

More work is needed to ensure equitable access to abortion. There are nine abortion clinics in BC, most in cities, and only five of these provide both surgical and medical abortions.¹⁶⁹ Thus, many people who live in rural areas and northern areas must travel to seek abortion services, which can carry costs in travel, child care, and missed work. Additionally, these patients may not be able to obtain an appointment as quickly as those who live near abortion clinics, putting them at a higher risk of missing the gestational age cut-off. By some estimates, each week of delay in obtaining an abortion is also associated with a 20% increase in medical risks.¹⁷⁰ As well, stigma surrounding abortion may make health providers less likely to schedule timely abortions when there are logistical challenges.¹⁷¹ Physicians and pharmacists in BC are still allowed to invoke conscientious objection regarding abortion, birth control, and emergency contraception. They are required to "cooperate in effective transfers of care" but are not required to make a referral.¹⁷² Health providers' lack of confidence and education in providing reproductive health services can also pose barriers to access. A Canada-wide study published this year found that 80% of family medicine residents reported that they had

More work is needed to ensure equitable access to abortion.

For older women in BC, rapidly increasing demand for care services and understaffing are negatively impacting care quality.

Much work remains to rectify serious health inequalities facing Indigenous women, women in remote and rural areas, illicit drug users, incarcerated women, and older women.

received less than one hour of training on abortion; a similar percentage had never observed an abortion or assisted in one.¹⁷³

For older women in BC, rapidly increasing demand for care services and understaffing are negatively impacting care quality, according to a report published this year by the BC Care Providers Association.¹⁷⁴ Recent funding announcements fall short of the needs of BC's ageing population. What's more, home care in BC generally does not include assistance with meal preparation, shopping, and housework.¹⁷⁵ Because these tasks have historically tended to fall to women—often without pay—women are likely to have their needs go unmet if they become unable to perform them independently.¹⁷⁶

Finally, as described in elsewhere in the Report Card, many BC women with a history of incarceration suffer unmet health needs both during their prison sentences and after their release.¹⁷⁷

OVERALL COMMENTS

While BC has made progress this year when it comes to the affordability of prescription drugs and accessibility of Mifegymiso, much work remains to rectify serious health inequalities facing Indigenous women, women in remote and rural areas, illicit drug users, incarcerated women, and older women.

HOUSING

WHAT DID THE CEDAW COMMITTEE SAY IN 2016?

The Committee expressed concerns with Canada’s “severe housing shortage, in particular in aboriginal communities” and the impacts of unaffordable rents on women and families.¹⁷⁸ It called for a national rights-based housing strategy and increased affordable housing with priority access for low-income women.¹⁷⁹

WOMEN’S HOUSING IN BC

The 2018 Vancouver Homelessness Count shows that homelessness in Vancouver increased by 2% from 2017 to 2018 and is at the highest point since the first count in 2005.¹⁸⁰ About a quarter of participants in the Vancouver count identified as women, but the number of women experiencing homelessness is probably higher, as women commonly remain in dangerous situations or stay with others (including abusive partners, ex-partners, or family members) to avoid living on the street.¹⁸¹ This trend is matched in other parts of the province, with local counts in Kamloops, Victoria, and the Comox Valley showing women making up 27%,¹⁸² 30%,¹⁸³ and 45%¹⁸⁴ of participants respectively.

The data suggest that intersecting inequalities increase the risk of homelessness. Indigenous women are over-represented among the homeless population in Vancouver, constituting the majority of homeless women (53%).¹⁸⁵ Thirty-nine per cent of participants in the Vancouver count reported having a mental health issue, and 34% reported having a physical disability.¹⁸⁶ Twenty-eight per cent of homeless youth identified as lesbian, gay, bisexual, Two-Spirit, queer, or questioning.¹⁸⁷

Across the province, low-income renters continue to face a housing crisis. Renters with income in the lowest quartile are spending, on average, 80% of their income on rent and utilities—far exceeding the 30% that the Canada Housing and Mortgage Corporation recommends.¹⁸⁸ The unaffordability of rent has a particularly severe impact on women-led single parent households, with research indicating that approximately one-third of single mothers spend over 50% of gross income on shelter.¹⁸⁹

C+

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

Previous years:

2017: C

2016: D

2015: D-

**The data suggest
that intersecting
inequalities
increase the risk
of homelessness.**

In 2018, BC made a significant commitment to housing through its 30-point housing affordability plan and established multiple programs that are a step forward for women's housing.

This is the first time that BC has provided housing funding for all Indigenous people regardless of residence on- or off-reserve, an important step in breaking down jurisdictional funding disputes and barriers to services.

ACTION TAKEN

In 2018, BC made a significant commitment to housing through its 30-point housing affordability plan¹⁹⁰ and established multiple programs that are a step forward for women's housing.

BC announced it will establish the Building BC: Women's Transition Housing Fund program, through which it commits to investing \$734 million over the next decade "to build and operate 1,500 new units of much-needed housing, including transition houses, safe homes, second-stage and long-term housing" for women and children fleeing violence.¹⁹¹ In October 2018, BC announced that \$90 million from this fund would enable 12 non-profit organizations to build and operate 280 new units of specialized housing to support women and children who face violence.¹⁹²

Additionally, the Building BC: Supportive Housing Fund program was established to provide "supportive housing for people who are experiencing homelessness, or who are at risk of homelessness,"¹⁹³ and the Building BC: Community Housing Fund program was created to fund affordable rental housing for families and seniors with the aim of building nearly 20,000 units of low- and moderate-income rental housing.¹⁹⁴

BC also announced it will establish the Building BC: Indigenous Housing Fund program in partnership with the Aboriginal Housing Management Association, through which it intends to invest \$550 million over the next decade in the construction of 1,750 units of social housing for Indigenous people.¹⁹⁵ Indigenous organizations will be able to access this fund to construct social housing units in urban, rural, and northern regions, on- and off-reserve.¹⁹⁶ This is the first time that BC has provided housing funding for all Indigenous people regardless of residence on- or off-reserve,¹⁹⁷ an important step in breaking down jurisdictional funding disputes and barriers to services.

In April 2018, BC established a Rental Housing Task Force.¹⁹⁸ The provincial government implemented the Task Force's preliminary recommendation¹⁹⁹ to reduce the annual allowable rent increase from 2% plus inflation to inflation

only starting in 2019.²⁰⁰ BC also eliminated the geographic rent increase clause in the Residential Tenancy Regulation and the Manufactured Home Park Tenancy Regulation, a legal loophole that allowed some landlords to increase rents dramatically.²⁰¹ To assist low-income families and seniors, BC expanded the Rental Assistance Program and increased funding for this program and the Shelter Aid for Elderly Renters (SAFER) program.²⁰²

BC also introduced a new speculation and vacancy tax to reduce housing speculation and increase housing availability.²⁰³ The government has said that revenue from the tax, expected to raise close to \$200 million annually,²⁰⁴ will be used to fund affordable housing.²⁰⁵ It also introduced a new progressive tier to the provincial portion of the School Tax for properties over \$3 million, though advocates say that the increase could have gone much further, especially considering that BC has comparatively low property taxes.²⁰⁶

Under the National Housing Strategy, BC signed a 10-year agreement with the federal government to invest in affordable housing.²⁰⁷ This agreement recognizes “the importance of prioritizing people most in need, incorporating a human rights-based approach to housing, and applying a gender lens to all investments” —a noteworthy acknowledgement.²⁰⁸

IN ACTION

Although BC has made substantial commitments to increasing housing access in 2018, the effectiveness of new initiatives remains to be seen, and more action is needed to harness for the public good the significant unequal growth in land wealth seen across BC.²⁰⁹ There is a need to scale up the BC government’s current investments in affordable housing, with advocates calling for up to 10,000 units of social and co-op housing to be built each year in Metro Vancouver alone.²¹⁰

Some advocates recommend changing the *Residential Tenancy Act* to increase the grace period for late rent payments, strengthen protection against fraudulent evictions, and remove the Act’s exemption of non-profit social housing tenants from tenancy rights.²¹¹

There is a need to scale up the BC government’s current investments in affordable housing, with advocates calling for up to 10,000 units of social and co-op housing to be built each year in Metro Vancouver alone.

Chronically steep rents have prompted some advocates to call for a rent freeze and other kinds of tightened rent controls.

BC's housing crisis is far from over, and more work is needed to ensure that secure, affordable housing is available to all.

Chronically steep rents have prompted some advocates to call for a rent freeze and other kinds of tightened rent controls.²¹² The absence of rent control tied

to the unit of housing may undermine BC's housing affordability measures²¹³ by allowing landlords to jack up rents between tenancies. The current system also allows landlords to significantly increase rents for tenants moving back into their housing after renovations,²¹⁴ although there have been some steps taken to tighten the rules against renovations.²¹⁵

Furthermore, BC has not yet granted the \$400 renters' rebate promised during the provincial election campaign.²¹⁶

OVERALL COMMENTS

It is encouraging that BC has finally taken significant steps towards improving housing access and affordability for many women in BC. However, BC's housing crisis is far from over, and more work is needed to ensure that secure, affordable housing is available to all.

POVERTY

WHAT DID THE CEDAW COMMITTEE SAY IN 2016?

The Committee observed that women in Canada continue to experience significant poverty, particularly Indigenous women, Black women, immigrant women, women with disabilities, elderly women, and single mothers.²¹⁷ The Committee called on Canada to set social assistance rates at adequate levels and provide more affordable housing and child care services.²¹⁸ Significantly, the Committee identified poverty as a root cause of the epidemic of violence against Indigenous women²¹⁹ and urged the development of a plan targeting socioeconomic inequalities facing Indigenous communities.²²⁰

WOMEN'S POVERTY IN BC

About 13% of BC women live in poverty—an alarming figure, albeit one that is slightly below the national average for women.²²¹ For children and youth in lone-parent families headed by women in BC, the poverty rate is a devastating 42% (compared to 9% for children and youth in two-parent families).²²²

Economic insecurity disproportionately impacts those facing interlocking forms of marginalization. For example, about 16% of racialized women in BC live in poverty, higher than the rate for either racialized men or white women.²²³ The disparity is even more pronounced for Indigenous women. About 31% of First Nations women and 33% of Inuit women in BC live in poverty²²⁴—more than double the poverty rate for BC women in general. Furthermore, research suggests that Indigenous women who have been incarcerated face increased economic marginalization.²²⁵

About 15.5% of BC women aged 65 and older live in poverty, compared to 10% of men in the same age group,²²⁶ and seniors who are Indigenous, racialized, or disabled are particularly at risk.²²⁷ Additionally, while LGBTQ+ people of all ages are overrepresented among low-income Canadians, seniors are particularly likely to face economic insecurity as a result of employment discrimination and alienation from their families.²²⁸ LGBTQ+ youth, who represent between

B-

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

Previous years:

2017: C

2016: D+

2015: D

For children and youth in lone-parent families headed by women in BC, the poverty rate is a devastating 42%.

About 31% of First Nations women and 33% of Inuit women in BC live in poverty—more than double the poverty rate for BC women in general.

25 and 40% of Canada's homeless youth population, are also at an economic disadvantage.²²⁹

ACTION TAKEN

BC is the last province in Canada to develop and implement a poverty reduction strategy.²³⁰ In October 2018, following public consultations,²³¹ the BC government passed Bill 39, the *Poverty Reduction Strategy Act*.²³² The Act will require BC to release its first poverty reduction strategy by March 31, 2019, and to review and update the strategy at least once every five years.²³³ The strategy will include initiatives to improve “the affordability of goods, services, and housing”; increase “opportunities for persons living in poverty to move out of poverty”; and promote the inclusion of people living in poverty in community life and supportive networks.²³⁴ The Act also sets targets for the first poverty reduction strategy: to reduce the overall poverty rate by 25% and the child poverty rate by 50% in the next five years.²³⁵ In developing the strategy, the Minister must consider various groups, including Indigenous people, people with disabilities, immigrants and refugees, seniors, people of colour, LGBTQ2+ people, and people experiencing or escaping abuse.²³⁶ Following feedback from advocates,²³⁷ the Act was also amended to include “women and people of all genders” among the groups to be considered²³⁸ (previously the non-specific phrase “people of all genders” was used²³⁹). The Minister will be required to publicize annual reports on the strategy’s actions and effects, as well as progress made,²⁴⁰ and will need to consult with community groups and an advisory committee composed of representatives of those groups, 50% of whom must identify as women.²⁴¹

In the 2018 Budget, BC also committed to several other meaningful actions to address poverty, including investments in child care, housing, PharmaCare, and educational supports for youth aging out of foster care,²⁴² which are detailed elsewhere in this Report Card.

BC has allocated \$4 million over the next two years for a study of universal basic income, conducted by three independent researchers, to assess the viability of a basic income pilot project.²⁴³

BC is the last province in Canada to develop and implement a poverty reduction strategy.

In a welcome step for BC's working poor, BC also announced changes to the minimum wage system,²⁴⁴ which are described in the Employment section of this Report Card.

INACTION

BC's actions fail to fully address the province's widespread poverty. For example, the current income assistance rate of \$710 per month for a single person reaches only 43% of the poverty line, so people on income assistance continue to struggle to pay for shelter, food, and other basic necessities.²⁴⁵

Some advocates—while applauding the BC's government's move to enact poverty reduction legislation—have criticized its failure to commit to raising welfare and disability rates or adopting concrete measures to ensure that marginalized groups will benefit significantly from the legislation.²⁴⁶ They have also pointed out that BC, unlike Quebec, has failed to include an 'impact clause' in its legislation to guarantee that no branch of the provincial government could carry out actions that would harm people living in poverty.²⁴⁷ Some have also called attention to the fact that the poverty reduction targets in the Act are based on 2016 poverty rates,²⁴⁸ which may make them less ambitious than they appear at first glance.²⁴⁹

Moreover, BC's Early Childhood Tax Benefit is available only for children up to the age of six, while similar tax benefits in other provinces cover children up to the age of 18.²⁵⁰ Women in BC, particularly single mothers, suffer economic repercussions as a result of this disparity. Additionally, a section of BC's Employment and Assistance Regulation deems parents to be employable when their youngest child turns three (for the purposes of determining benefits eligibility),²⁵¹ when in fact child care and employment can be out of reach for many parents (particularly single parents) whose children are older.

Some advocates—while applauding the BC's government's move to enact poverty reduction legislation—have criticized its failure to commit to raising welfare and disability rates.

OVERALL COMMENTS

It is encouraging that BC has finally begun developing a long-overdue poverty reduction strategy. Until the details of the strategy are released in 2019, we will not know to what extent it will meet the needs of those most impacted by poverty and marginalization.

PRISON

WHAT DID THE CEDAW COMMITTEE SAY IN 2016?

The Committee voiced concerns about over-incarceration of Indigenous and Black women (as it also did in 2008²⁵²); barriers to support services and employment for women with maximum-security designations; prolonged segregation; high HIV/AIDS rates; and overuse of incarceration for drug control.²⁵³ The Committee recommended alternatives to incarceration for non-violent offenses and expanded harm reduction, treatment, and support services for women affected by HIV/ AIDS.²⁵⁴

PRISON FOR WOMEN IN BC

In 2018, Statistics Canada reported that the number of women admitted to correctional facilities in BC increased in 2016/17, rising to 2,928 (from 2,803 the previous year).²⁵⁵ There have been yearly increases in women's admissions since 2012/13.²⁵⁶ The overrepresentation of Indigenous women in the correctional system continues to worsen in BC, a devastating impact of colonialism. Although only about 6% of women in BC self-identify as Aboriginal,²⁵⁷ almost half of women held in custody awaiting court dates in BC in 2016/17 were Aboriginal.²⁵⁸

Within Canada, BC had the lowest youth incarceration rate in 2016/17 at 2 per 10,000 youth population,²⁵⁹ but Indigenous youth remain grossly overrepresented. Indigenous youth made up 46% of youth incarcerated nationwide in 2016/17 but only 8% of the general youth population.²⁶⁰ Even as the number of female youth admitted to custody in BC declined in 2016/2017, the proportion of Indigenous female youth admitted increased: in 2016/17, young Indigenous women accounted for 56% of female youth admissions in BC, compared to 49% the year before.²⁶¹

ACTION TAKEN

In September 2018, the Office of the Ombudsperson found that BC Corrections had fully implemented six of the seven recommendations from a 2016 Ombudsperson report on prison inspections.²⁶² The Corrections Branch

D-

Very limited positive action and some detrimental action taken. Needs significant improvement.

Previous years:

2017: C

2016: F

2015: F

The overrepresentation of Indigenous women in the correctional system continues to worsen in BC, a devastating impact of colonialism.

The Office of the Ombudsperson found that BC Corrections had fully implemented six of the seven recommendations from a 2016 Ombudsperson report on prison inspections.

The Medical Director of the Correctional Health Service has stated that a third of people incarcerated in BC are receiving addictions treatment and no inmates have died from drug overdoses in BC prisons since October 2017.

developed training for employees who conduct inspections and implemented a policy to help ensure that inspections occur in a consistent, timely, safe, and humane way.²⁶³ Inspections now require the presence of at least one member from the Investigation and Standards Office (ISO) from the Ministry of Attorney General.²⁶⁴

According to the BC Coroner's March 2018 report, 18% of individuals who died from illicit drug overdoses from January 2016 to July 2017 were under community corrections supervision or within a month of their release from a correctional facility.²⁶⁵ BC's Ministry of Health assumed responsibility for Correctional Health Services in October 2017.²⁶⁶ Since then, the Ministry of Health has not issued an official update on the quality of care in prisons, but the Medical Director of the Correctional Health Service has stated that a third of people incarcerated in BC are receiving addictions treatment and no inmates have died from drug overdoses in BC prisons since October 2017.²⁶⁷ A woman incarcerated at Alouette Correctional Centre for Women anonymously told us that treatment for withdrawal symptoms is being provided at the facility since the transfer of authority for health services, but women going through withdrawal are still placed in segregation.

BC has taken some initial steps to prioritize Indigenous justice. In September 2017, the BC Aboriginal Justice Council (BCAJC) and the Ministry of the Attorney General and Ministry of Public Safety & the Solicitor General formed a partnership to develop an Indigenous Justice Strategy, whose aims will include decreasing the overrepresentation of Indigenous people in the criminal justice system.²⁶⁸ The BC government and the BCAJC also hosted two BC Justice Summits in 2018,²⁶⁹ the first-ever to concentrate on Indigenous justice and to be designed and facilitated by Indigenous leaders.²⁷⁰

INACTION AND DETRIMENTAL ACTION

Although the provincial government has now implemented most of the Ombudsperson's recommendations about prison inspections, the Ombudsperson found that BC Corrections still has not applied the current UN standard for the treatment of prisoners, the *Nelson Mandela Rules*.²⁷¹ Under the

Nelson Mandela Rules, independent inspectors would have the power to access information and interview inmates confidentially for the purpose of issuing reports and recommendations.²⁷² BC had promised to respect this international standard by March 31, 2018²⁷³ but instead continues to violate it.

Furthermore, there are serious concerns about transparency in the BC prison system. Last year, the Ministry of Justice published updated incarceration data online via the Corrections Adult Custody Dashboard.²⁷⁴ This site appears to be no longer available—or at least not readily accessible. BC Corrections' *Adult Custody Policy* also appears not to be easily accessible by the public, although portions of it were provided to West Coast LEAF by a community advocate.

A 2018 revision of the *Adult Custody Policy* represents a disturbing step backwards for the human rights of transgender inmates. While the 2015 policy stated that "Transgender inmates are placed in a correctional centre according to their self-identified gender or housing preference, unless there are overriding health and/or safety concerns which cannot be resolved,"²⁷⁵ the 2018 policy now states only that "Transgender inmates' self-identification is a factor to be considered in placement"²⁷⁶—a serious erosion of their right to self-determination. Additionally, while the 2015 policy allowed trans people to choose the gender of officers who would perform a strip or frisk search,²⁷⁷ the 2018 policy allows them only to "indicate a preference."²⁷⁸

The use of solitary confinement in BC prisons continues to pose major human rights concerns, although one community advocate believes it may be on the decline at Alouette.²⁷⁹ The woman incarcerated at Alouette who anonymously shared information with West Coast LEAF said she believes the facility is not complying with the 2016 judgement in the Charlie case, which ordered reforms of a solitary confinement regime called the Enhanced Supervision Program.²⁸⁰ She told us that inmates are not always provided with specific reasons for their placement in solitary (as required by the court) and are isolated for up to 21 hours a day, with little meaningful human contact.

Although advocates have long pressed for needle-exchange programs in

There are serious concerns about transparency in the BC prison system.

A 2018 revision of the *Adult Custody Policy* represents a disturbing step backwards for the human rights of transgender inmates.

Further action is needed to address the unmet mental and physical health needs of people currently or previously incarcerated, as well as their need for support to reintegrate into the community.

prisons to protect the health and safety of inmates,²⁸¹ BC has taken no action to implement needle-exchange programs such as those introduced in two federal prisons in Ontario and New Brunswick this year.²⁸²

In order to reintegrate into society, women in BC who are leaving prison also require access to health services²⁸³—services which, all too often, they lacked before incarceration.²⁸⁴ They often suffer trauma-related mental health disorders, as well as physical health issues related to drug use.²⁸⁵ Currently, the rate of re-incarceration of women in BC is 40% within the first year and 70% within the first two years of exiting prison.²⁸⁶ Recent research shows that access to dentists, primary care health providers, and essential prescription medications could support reintegration and reduce recidivism.²⁸⁷

Advocates also continue to call for greater support for women when they are released from prison.²⁸⁸ BC Corrections does not escort women back to their communities but instead issues them a bus or ferry ticket that is valid only for the day of their release.²⁸⁹ If women lack support in getting home, they are more likely to use substances, face violence, and not make it back to their communities.²⁹⁰ This problem disproportionately impacts Indigenous women and is only likely to worsen in light of the elimination of Greyhound bus services in BC.²⁹¹

OVERALL COMMENTS

BC has failed to correct its ever-worsening over-incarceration of Indigenous people, particularly girls and women. Its recent steps backwards on transgender rights in the prison system are also deeply troubling. Further action is needed to address the unmet mental and physical health needs of people currently or previously incarcerated, as well as their need for support to reintegrate into the community.

VIOLENCE

INCLUDING MISSING AND MURDERED INDIGENOUS WOMEN AND GIRLS

WHAT DID THE CEDAW COMMITTEE SAY IN 2016?

The Committee voiced concerns about the continued prevalence of gender-based violence, particularly against Indigenous women and girls; low reporting, prosecution, and conviction rates; lack of adequate support services for women facing violence; lack of data on violence against women;²⁹² and insufficient measures to prevent trafficking and exploitation, which disproportionately impact Indigenous women and girls.²⁹³ It called for a national action plan to combat violence against women, to be developed in consultation with civil society and Indigenous women's organizations, and outlined measures to increase reporting of violence.²⁹⁴

Additionally, the Committee urged swift action to implement all 38 of the recommendations in its 2015 report on missing and murdered Indigenous women, many of which have not been completed.²⁹⁵ It emphasized the need for a "coordinated plan for the overseeing of the implementation [of the 2015 CEDAW recommendations]" in order to ensure government accountability.²⁹⁶ In its 2015 report, the CEDAW Committee identified "grave violations" of Indigenous women's rights "to life, personal security, physical and mental integrity and health"²⁹⁷ and called for significant improvements in law enforcement, police complaints mechanisms, access to justice, victim services, public education, and the socioeconomic conditions of Indigenous women.²⁹⁸

VIOLENCE AGAINST WOMEN IN BC

Statistics on violent offenses in BC reveal starkly gendered patterns: 91% of police-reported sexual offenses are perpetrated against women, as are 78% of incidences of criminal harassment and 72% of incidents of indecent and harassing communications.²⁹⁹ Additionally, national figures indicate that about two-thirds of police-reported family violence (including intimate partner violence) targets women.³⁰⁰

D-

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

Previous years:

**Violence against
women generally:**

2017: C

2016: C+

2015: B-

**Missing and
murdered
Indigenous
women and girls:**

2017: D

2016: D-

2015: F

Statistics on violent offenses in BC reveal starkly gendered patterns: 91% of police-reported sexual offenses are perpetrated against women, as are 78% of incidences of criminal harassment and 72% of incidents of indecent and harassing communications.

According to 2014 data from across Canada, Indigenous women face violent victimization at double the rate of Indigenous men, almost triple the rate of non-Indigenous women, and more than triple the rate of non-Indigenous men.

Between 2016 and 2017, the rate of sexual assaults reported to police increased in nine Canadian provinces and territories, including in BC, where it rose by 16%.³⁰¹ Even accounting for this increase, only a tiny minority of sexual assaults are reported to police, and serious barriers remain in the criminal justice system for sexual assault survivors.³⁰²

In general, the probability of being sexually assaulted is strongly linked with marginalization, and this risk is compounded for those facing overlapping inequalities. For example, the national rate of sexual assault of Indigenous women is more than three times the rate for their non-Indigenous counterparts.³⁰³ Other groups facing a disproportionate rate of sexual assault include people who are not heterosexual,³⁰⁴ people with disabilities,³⁰⁵ people dealing with poverty and housing insecurity,³⁰⁶ and transgender people.³⁰⁷

According to 2014 data from across Canada, Indigenous women face violent victimization at double the rate of Indigenous men, almost triple the rate of non-Indigenous women, and more than triple the rate of non-Indigenous men.³⁰⁸ From a statistical standpoint, this severely disproportionate violence cannot be attributed solely to socio-economic inequalities impacting Indigenous communities.³⁰⁹ The situation is particularly dire for Indigenous girls and women aged 15 to 24, who reported more than 600 incidents of violence in the last year per 1,000 people surveyed,³¹⁰ compared to the overall average of 76 incidents per 1,000 people.³¹¹

Moreover, Indigenous people are more likely than their non-Indigenous counterparts to lack confidence in the police and criminal courts, and those with recent experience with the criminal justice system reported even greater mistrust³¹²—a reflection of the system's failings when it comes to preventing and responding to violence against Indigenous people. The CEDAW Committee has called for "specific measures to break the circle of distrust between the authorities and the aboriginal community."³¹³

The most recent data available suggest that Indigenous women in BC are murdered at 2.5 times the rate of non-Indigenous women. This devastating disparity is, however, even more pronounced in other provinces in Western

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Canada.³¹⁴ Indigenous women and their communities continue to call attention to this grossly disproportionate violence and to advocate for justice and safety.

ACTION TAKEN

In December 2017, BC provided \$5 million in immediate one-time funding for community organizations working to prevent and respond to violence against women and children.³¹⁵ The 2018 BC budget also indicated that a \$5 million funding top-up would be repeated in 2018/19 and 2019/20 and increased to \$8 million in 2020/21, for a total investment of \$18 million over three years.³¹⁶

In February 2018, a Parliamentary Secretary for Gender Equity—a new role introduced by the current BC government—was tasked with “co-ordinating cross-government action on gender issues, including gender violence” and “tracking progress on the National Inquiry into Missing and Murdered Indigenous Women.”³¹⁷

In May 2018, BC also announced an investment of \$734 million over 10 years to build and operate 1,500 new housing units for women fleeing violence.³¹⁸

As called for in a 2016 report by the BC Office of the Auditor General,³¹⁹ BC has resumed public reporting on the implementation of recommendations arising from the BC Missing Women Commission of Inquiry in 2012.³²⁰ A status update on the recommendations published in February 2018 reveals that most steps taken in 2017 and early 2018 were minor: for example, BC provided grants averaging under \$20,000 each to 17 projects focused on healing from violence for Indigenous women and girls;³²¹ and delivered a training on impartial policing to an unspecified number of officers,³²² and another training on police board roles and responsibilities to 25 police board members.³²³

As recommended by the BC Missing Women Commission of Inquiry, policing guidelines that “emphasize considerations for the safety of persons involved in sex work” were endorsed by the BC Association of Chiefs of Police in November 2017.³²⁴ The guidelines include treating violence against sex workers as serious

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The various small funding initiatives and one-time grants outlined in BC's 2018 status update on the Missing Women Commission of Inquiry's recommendations are a drop in the bucket of BC's need for sustainable, adequately resourced, culturally appropriate violence prevention and healing programs.

A recently announced project to build a cell tower is expected to result in continuous cell phone reception along the stretch of Highway 16 between New Hazelton and Smithers.

criminal matters regardless of the timeliness of victims' reports; not directing victims to return later to make their reports; inquiring about whether victims have been connected to support resources; responding to public complaints relating to sex work "at the lowest level of enforcement appropriate"; and engaging with sex work advocacy groups and other community support services when appropriate.³²⁵ In a letter dated June 2018, an Assistant Deputy Minister indicated that the Ministry of Public Safety and Solicitor General (MPSSG) supported the development of the guidelines but did not specify the nature or extent of that support.³²⁶

In the 2018 BC budget, a three-year investment of \$6 million was allocated to Aboriginal Friendship Centres,³²⁷ which offer culturally appropriate anti-violence and healing programs.³²⁸ Additionally, BC pledged \$2 million for the Moose Hide Campaign,³²⁹ "a grassroots movement of Indigenous and non-Indigenous men and boys who are standing up against violence towards women and children."³³⁰

Following many disappearances and murders of Indigenous women along Highway 16 in Northern BC, also called the Highway of Tears, BC initiated a bus service in January 2017³³¹ which was accessed by 16,000 travellers in its first 19 months, a community vehicle program offering over 2,000 rides monthly, and a First Nations driver education program resulting in 190 participants obtaining driver's licenses as of August 2018.³³² Additionally, BC provided one year of funding for BC Bus North to replace a few of the routes formerly covered by Greyhound,³³³ which discontinued its bus service throughout Western Canada effective October 2018 (apart from one route between Vancouver and Seattle).³³⁴ Finally, a recently announced project to build a cell tower is expected to result in continuous cell phone reception along the stretch of Highway 16 between New Hazelton and Smithers.³³⁵ However, vast—and dangerous—gaps in cell coverage remain in many remote areas of BC.³³⁶

INACTION

Although the appointment of a Parliamentary Secretary for Gender Equity was an encouraging step, some advocates have criticized the BC government's failure to specify how she would achieve her mandate and what would become of the Provincial Office of Domestic Violence (PODV), which was initiated as part of a three-year plan in 2014, and whose mandate overlaps with the Parliamentary Secretary's.³³⁷ West Coast LEAF has been unable to find an official announcement about the status of PODV, but an email from a Senior Ministerial Assistant confirmed that PODV "was disbanded at the end of the 2017/2018 fiscal year" and that "responsibility for addressing domestic violence was moved to the Ministry of Public Safety and Solicitor General's Community Safety and Crime Prevention Branch."³³⁸

Consultation with frontline anti-violence workers by the Ending Violence Association of BC (EVA BC) this year revealed several concerning trends. Many believed that lawyers and judges need better training on family violence and protocols for coordinated, community-based responses.³³⁹ Many were also concerned about increasing subpoenas of service providers and a lack of up-to-date information about the process of disclosure of client records and best practices for defending the rights of clients.³⁴⁰

The various small funding initiatives and one-time grants outlined in BC's 2018 status update on the Missing Women Commission of Inquiry's recommendations are a drop in the bucket of BC's need for sustainable, adequately resourced, culturally appropriate violence prevention and healing programs. Although the status update noted substantial increases since 2013 in provincial funding for two organizations serving women in Vancouver's Downtown Eastside, WISH Drop-In Centre and the Downtown Eastside Women's Centre,³⁴¹ the Executive Director of WISH told the *Globe and Mail* in December 2017 that \$500,000 more would be needed to keep the centre open 24/7.³⁴² Similarly, the \$6 million three-year investment in Aboriginal Friendship Centres works out to an underwhelming average funding top-up of just \$80,000 annually for each of the 25 Friendship Centres in BC.³⁴³ The CEDAW Committee has called for a significant expansion of "culturally-appropriate violence prevention services, shelters,

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The CEDAW Committee has called for a significant expansion of “culturally-appropriate violence prevention services, shelters, counselling, and rehabilitation programmes for aboriginal women victims of violence.”

Without a designated champion to hold the government accountable, many recommendations of the BC Missing Women Commission of Inquiry are likely to remain unfulfilled.

counselling, and rehabilitation programmes for aboriginal women victims of violence.”³⁴⁴

Furthermore, the policing guidelines regarding sex work endorsed by the BC Association of Chiefs of Police fail to specify accountability and enforcement mechanisms.³⁴⁵

Although BC sought public input on bias in policing this year, the resulting report fails to outline concrete steps or any timeline for the development and implementation of unbiased policing standards.³⁴⁶ Therefore, instituting binding policing standards to promote equality remains an unfulfilled recommendation from the BC Missing Women Commission of Inquiry.³⁴⁷ Similarly, much work remains to fully implement the CEDAW Committee’s call for “all police agencies to follow standardized and mandatory protocols” in cases of missing and murdered Indigenous women and “establish a monitoring mechanism” to ensure compliance, including sanctions when the protocols are not applied.³⁴⁸

The BC Prosecution Service released an updated Crown Counsel Policy Manual in 2018, but it neither specifies equality as a guiding principal nor includes a policy on prosecuting assaults of vulnerable women,³⁴⁹ both of which were recommended by the BC Missing Women Commission of Inquiry³⁵⁰ (although it does contain a policy for working with vulnerable adult victims and witnesses in general,³⁵¹ as well as a policy on sexual offences against adults, which includes informing complainants of accommodations available to them³⁵²).

Without a designated champion to hold the government accountable, many recommendations of the BC Missing Women Commission of Inquiry are likely to remain unfulfilled: five years after the Honourable Steven Point resigned from this position, BC has yet to fill the vacancy.³⁵³

Although last year’s CEDAW Report Card noted that BC was establishing a Family Information Liaison Unit (FILU) to help the loved ones of missing and murdered Indigenous women and girls track down information and access services, some advocates report that FILU has been under-utilized because it has not been adequately promoted to police and others working in the justice system who would be well-positioned to make referrals.³⁵⁴

When it comes to missing and murdered Indigenous women and girls, BC continues to be woefully slow to comply with recommendations of the BC Missing Women Commission of Inquiry and the CEDAW Committee.

Problems also remain—and may indeed be worsening—when it comes to safe and accessible transportation for Indigenous women. The interim report from Canada’s National Inquiry into Missing and Murdered Indigenous Women and Girls notes that Highway 16 bus service remains “limited,” although “the Highway of Tears Symposium recommended a bus or shuttle service along Highway 16 in BC over a decade ago.”³⁵⁵ Only one or two round trips are available weekly from BC Bus North to connect several northern communities.³⁵⁶ Moreover, the BC government has yet to announce a plan for public bus service province-wide, although it expects that more than 80% of routes formerly covered by Greyhound will have been picked up by other companies by the end of 2018.³⁵⁷

Finally, research has shown that industrial camps are frequently associated with increased physical and sexual violence against Indigenous women and girls,³⁵⁸ therefore, there may be cause for concern regarding BC’s approval of a massive project to build a natural gas pipeline from north-eastern BC to Kitimat.³⁵⁹

OVERALL COMMENTS

BC’s investments in gender-based violence prevention and response this year have been modest at best. Significant action is needed—including for access to justice and poverty alleviation—to remove barriers to seeking safety.

Furthermore, when it comes to missing and murdered Indigenous women and girls, BC continues to be woefully slow to comply with recommendations of the BC Missing Women Commission of Inquiry and the CEDAW Committee. BC’s inadequate commitment to action leaves the lives of Indigenous women and girls in jeopardy.

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ABOUT WEST COAST LEAF

OUR MANDATE

West Coast LEAF is the first and only organization in BC dedicated to using the law as a strategy to work towards an equal and just society for all women and people who experience gender-based discrimination. Since our founding in 1985, we have helped bring about some of Canada's most important feminist victories for reproductive rights, workplace standards, fairness in family law, legal protections from sexual harassment, and more.

In collaboration with community, West Coast LEAF uses litigation, law reform, and public legal education to create social change. While we are focused on issues in British Columbia, we also take action in matters of national significance that are important to the equality and human rights of people in British Columbia. We aim to transform society by achieving:

- Access to healthcare
- Access to justice
- Economic security
- Freedom from gender-based violence
- Justice for those who are criminalized
- The right to parent

OUR VISION

West Coast LEAF envisions an equal and just society for all women and people who experience gender-based discrimination.

We recognize that gender-based inequalities threaten the safety, well-being, and human rights not only of women, but also of Two-Spirit people, intersex people, gender non-conforming people, trans people of all genders (not only women), and people with non-binary gender identities. West Coast LEAF is committed to an inclusive vision of feminism that defends the right to be free from discrimination based on gender identity and gender expression.

West Coast LEAF recognizes our responsibility to work for the full realization of the rights of Indigenous peoples. In the context of historic and ongoing colonial violence and injustice, West Coast LEAF understands that fulfilling this responsibility requires a deep and continual commitment. We respectfully acknowledge that our office is located in Vancouver on traditional, ancestral, and unceded Coast Salish homeland, including the territories of the x^wməθk^wəyəm (Musqueam), Skwxwú7mesh (Squamish), and səliłwətaʔɬ/Selilwitulh (Tsleil-Waututh) Nations. We understand that many of us are uninvited guests to these territories. As an organization that includes many settlers, we take responsibility for learning and seeking long-term transformation in our relationships with Indigenous peoples and land.

West Coast LEAF promotes substantive equality, an approach that recognizes and celebrates differences. Rather than treating everyone the same, substantive equality ensures that historically disadvantaged people can actively participate in society and access justice. We strive to ensure that the equality principles in the *Charter of Rights and Freedoms*, which advance the rights of all disadvantaged and marginalized groups, are fulfilled.

westcoastleaf.org

In collaboration with community, West Coast LEAF works to advance gender equality and human rights through litigation, law and policy reform, and public legal education in British Columbia.

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



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