



# 2015 CEDAW REPORT CARD

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

<b>WOMEN &amp; ACCESS TO JUSTICE</b>	<b>D-</b>	Chronic underfunding of legal aid continues to leave many women unable to access justice, but the implementation of new pilot projects led to minor improvements.
<b>POVERTY &amp; SOCIAL ASSISTANCE</b>	<b>D</b>	BC introduced new supports for single mother-led families, but social assistance rates remain inadequate, and BC is now the only province that has not committed to a poverty reduction plan.
<b>WOMEN &amp; EMPLOYMENT</b>	<b>C</b>	Despite high workforce participation, BC has made little progress in closing the earning gap between men and women or to address gendered job segregation.
<b>ACCESS TO CHILDCARE</b>	<b>C-</b>	While BC has introduced two programs that recognize the inaccessibility of childcare, services remain unaffordable and inadequate, resulting in significant economic consequences for women.
<b>MISSING &amp; MURDERED INDIGENOUS WOMEN</b>	<b>F</b>	Despite ongoing international criticism, BC has made little progress to end violence against Indigenous women, and has indicated that it does not intend to report publicly on future progress.
<b>WOMEN &amp; HOUSING</b>	<b>D-</b>	For the fourth year in a row, BC has failed to take steps to ensure that women have secure housing, instead offloading the responsibility to non-profits and municipalities.
<b>WOMEN &amp; GIRLS IN PRISON</b>	<b>F</b>	BC has failed to take steps to eliminate the increasing over-representation of Indigenous women in provincial jails or uphold many of the rights of prisoners.
<b>VIOLENCE AGAINST WOMEN &amp; GIRLS</b>	<b>B-</b>	Despite two provincial plans aimed at addressing violence against women, progress remains stagnant with little focus on systemic factors that increase women's risk of violence.
<b>WOMEN &amp; HEALTHCARE</b>	<b>B-</b>	Access to abortion services is relatively good, but BC has failed to eliminate barriers to public healthcare, and services for older women are in crisis.

# 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. Canada ratified CEDAW on December 10, 1981.

CEDAW recognizes that it is not enough to guarantee women treatment identical to men. Instead, biological and culturally constructed differences between men and women must be taken into account. Substantive equality requires appropriate state action to address such differences.

Canada's compliance with the treaty was last assessed by the CEDAW Committee in 2008, and the Committee raised significant concerns about Canada's commitment to women's equality rights and adherence to the treaty's protections. Further reports issued by the CEDAW Committee and other international bodies have continued to express concern about Canada's compliance, with a particular focus on many areas of provincial government authority and issues specific to BC.

Canada's next compliance review is expected in 2016.

## METHODOLOGY

West Coast LEAF identified nine key areas from the CEDAW Committee's 2008 Concluding Observations on Canada as priority areas based on their relevance to our mandate and expertise. The Report Card Subcommittee considered the following criteria: whether the issue was one on which West Coast LEAF had worked or has expertise; and whether the issue was one for which BC's provincial government has some responsibility.

This year's report card content focuses on provincial developments since October 2014. We used the following scale to assign grades to BC's compliance in each area:

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

West Coast LEAF distributed a draft of the report card content to a number of community organizations and individuals to seek their input. This feedback was extremely valuable in formulating the final version of the report card.

Substantial legal aid funding cuts in 2002 and ongoing underfunding since that time have led the CEDAW Committee to repeatedly express concern about access to legal aid in BC. The Committee has urged Canada to ensure that all women, and particularly women belonging to vulnerable groups and those with needs relating to family or poverty law, have access to legal aid so they can seek redress from courts and tribunals for violations of their rights.<sup>1</sup>

CEDAW requires that signatory states ensure women have equal protection of the law and equal access to all courts and tribunals.<sup>2</sup> Unfortunately, BC's legal aid services for family law and other civil legal issues—the issues most relevant to women—remained inadequate in 2014/15. Legal aid representation was available only if there was a risk of violence, persistent denial of access to a child, or a risk that a child would be permanently apprehended, and even then only if the applicant was very low income. There was no independent coverage for divorce, separation, or financial issues like the division of property and family maintenance<sup>3</sup> despite the CEDAW Committee's recognition that women disproportionately bear the economic costs of relationship breakdown and that women may need free legal services so that they are not forced to forgo their economic rights.<sup>4</sup> The coverage for family law that does exist in BC remains grossly inadequate: 60% of applicants for family law legal aid representation were denied in 2014/15.<sup>5</sup>

In 2014, BC's Attorney General announced that an additional \$2 million per year for three years would be dedicated to five pilot projects. Those projects launched in 2014/15 and include expanded family duty counsel in Victoria to assist people to resolve their own legal issues; the expansion of existing telephone advice services for people representing themselves in family law disputes; family law mediation services for issues not covered by legal aid; the Parents Legal Centre to pursue collaborative solutions in Vancouver and Burnaby child protection cases; and expanded criminal duty counsel in Port Coquitlam.<sup>6</sup> These projects are in their early stages, but the fact that four of the five projects focus on families and children reflects recognition of the need in that area. BC's Legal Services Society, the agency responsible for providing legal aid in BC, is also creating a new website to provide public legal information called MyLawBC.<sup>7</sup>

In response to the Supreme Court of Canada's 2014 decision finding that BC's court hearing fees were an unconstitutional barrier to access to justice, the province amended the court rules to allow judges to waive hearing fees where they will cause "undue hardship" instead of requiring that a party be impoverished.<sup>8</sup> The change is a small win for women's access to justice because costly hearing fees have an unequal impact on women, who are less likely than men to be able to afford to pay them.

While these are welcome developments, they do very little to address the access to justice crisis in BC, and particularly the need for full legal representation in family law.<sup>9</sup> Family law cases at the BC Supreme Court continue to have the highest rate of self-representation compared to other kinds of legal disputes.<sup>10</sup> At the BC Court of Appeal, the percentage of family law appeals with at least one self-represented party increased to 44% in 2014.<sup>11</sup> BC's courts are trying numerous pilot projects to assist self-represented litigants through the judicial process,<sup>12</sup> but these are stop-gap measures; legal representation is needed to ensure that women have access to legal remedies as mandated by CEDAW.

CEDAW also requires that states ensure the availability of effective legal remedies for women subject to discrimination, including recourse to affordable, accessible and timely remedies with legal aid and assistance as necessary.<sup>13</sup> Unfortunately, BC's human rights system, the primary forum for women seeking redress for sexual harassment and gender-based discrimination, has been subject to significant funding cuts. The Vancouver-based component of the BC Human Rights Clinic, which provides information, advice and representation for complainants under the BC *Human Rights Code*, has seen a 22% reduction in its budget since 2011/12.<sup>14</sup> In addition, legal advice and representation services, particularly in judicial reviews and appeals, have been reduced.<sup>15</sup> These reductions undermine the ability of women to seek legal remedies for discrimination, which casts doubt on BC's commitment to its CEDAW access to justice obligations and ensuring that women can work and access public services free from harassment and discrimination.

2014: F 2013: D

CEDAW recognizes that women in poverty need access to food, health, education, and opportunities for employment.<sup>16</sup> It requires that women have access to social benefits when they are unable to work due to maternity, sickness, old age or for other reasons.<sup>17</sup> Despite these requirements, BC continues to have high rates of poverty, with 16% of the population living in poverty, a rate above the national average.<sup>18</sup> From 2008-2014, reliance on food banks in BC increased by nearly 25%.<sup>19</sup> Women disproportionately experience economic insecurity, poverty, and food insecurity, and LGBTQ women, racialized women, women with disabilities, older women, and Aboriginal women experience even higher rates of poverty.<sup>20</sup> The CEDAW Committee has noted that female-headed households are the most likely to be poor and, because of employment inequity and disproportionate caregiving responsibilities, women experience a substantial and unequal reduction in income on separation and divorce, and an increased reliance on social assistance.<sup>21</sup> Despite BC's CEDAW obligations to remedy this discrimination, half of children living in lone-parent families, which are predominantly single mother-led, live in poverty.<sup>22</sup>

The last year has seen some improvements for single-parent families on social assistance. Effective September 2015, the Single Parent Employment Initiative funded tuition and related expenses, including full childcare, to help single parents on social assistance train for "in-demand" jobs.<sup>23</sup> If these parents transition to employment, they will be eligible for an additional year of childcare coverage. The program reflects a new and welcome recognition that caregiving is a root cause of poverty among single-parent families and BC's childcare subsidy rates are inadequate, but there are concerns about the limitations of the program and whether its budget will be sufficient to realize its stated promises.<sup>24</sup> After ongoing public criticism, advocacy, and legal action challenging the policy, BC eliminated the claw back of child support payments from families on social assistance.<sup>25</sup> In addition, the province increased employment income exemptions for families with children, eliminated the claw back of orphan benefits, and eliminated the mandatory assignment of family maintenance rights as a condition for social assistance eligibility.<sup>26</sup> BC has committed to continuing to provide legal assistance on a voluntary basis so that clients can realize their legal rights to family maintenance.<sup>27</sup>

These developments assist some women to retain money that will no doubt improve their families' standard of living, but they do little to address the systemic underfunding of social assistance or assist the majority of families with no access to additional sources of income. Social assistance rates have been stagnant since 2007 despite increases to the cost of living.<sup>28</sup> Single women receive \$610/month on income assistance or \$906/month on disability assistance to cover shelter, food and other basic necessities, while the average rent for a bachelor suite is \$845.<sup>29</sup> Despite BC's 2014 promise to "consider disability assistance rate increases as the fiscal situation allows" and a \$1.68 billion budgetary surplus in 2014/15,<sup>30</sup> the rates remain unchanged. As a result, families relying on social assistance in BC are forced to choose between secure housing, food and other basic necessities. In fact, 76% of families on social assistance do not have secure access to adequate food despite BC's CEDAW obligations.<sup>31</sup>

Social benefit programs must also be accessible to women in order for BC to meet its CEDAW obligations. In March 2015, the Auditor General reported that BC's \$182 million Integrated Case Management System is prone to regular crashes, privacy breaches, and poor data quality, which put social assistance recipients at risk.<sup>32</sup> In May 2015, the BC Public Interest Advocacy Centre filed a complaint with the BC Ombudsperson regarding the inaccessibility of social assistance services, documenting the province's failure to comply with previous Ombudsperson recommendations, as well as widespread concerns regarding access barriers for people in urgent need of financial supports.<sup>33</sup> Citing resource limitations that restrict her office's ability to address issues of systemic unfairness, the Ombudsperson of BC declined to investigate the complaint. BC's income assistance system remains the subject of more complaints about basic fairness than any other government or public body.<sup>34</sup>

Solutions to poverty in BC are complex and require long-term, coordinated solutions with accountability mechanisms to ensure they meet CEDAW requirements. Despite ongoing recommendations for a legislated, comprehensive approach to poverty reduction in the province, last year BC became the only province in Canada that has not yet committed to implementing a poverty reduction plan.<sup>35</sup>

# EMPLOYMENT



(new this year)

CEDAW requires that state signatories ensure that women have equal rights to employment opportunities, choice of profession, training, job security and benefits. It also requires that states ensure that women receive equal remuneration and that their work is equally valued. In particular, the CEDAW Committee has recognized that, while the principle of equal remuneration for equal work has been reflected in the legislation of many states, more must be done to overcome the gender segregation of the labour market to ensure that equal pay is realized in practice.<sup>36</sup>

Women make up 47% of BC's employed workers.<sup>37</sup> Despite the right to equal remuneration protected by CEDAW, BC women earn 65% of what men earn, a gap that is higher than both the national and global averages.<sup>38</sup> While the gap narrows when comparing women and men who are employed full-time,<sup>39</sup> this comparison ignores the prevalence of women who do not work or work part-time because of unpaid caregiving responsibilities, childcare costs, and the corresponding negative impact on the economic security of women.<sup>40</sup>

The CEDAW Committee has previously expressed concern about gendered employment rate gaps in Canada, as well as the significant job segregation, with women disproportionately working low-paid jobs.<sup>41</sup> Despite this, women still tend to do a disproportionate amount of the low-wage work in BC, representing 63% of minimum wage earners. That number jumps to 70% for workers aged 25 to 54.<sup>42</sup> Despite a meager increase to \$10.45, BC's minimum wage is the second lowest in Canada as of October 2015.<sup>43</sup> When this is combined with the high cost of childcare, many single mothers are simply unable to enter the workforce. Instead, they are forced to rely on inadequate social assistance benefits.<sup>44</sup> Even working full-time, a single person in Vancouver earning BC's current minimum wage remains \$5,441 below the poverty line.<sup>45</sup> With the majority of minimum wage workers being women, they are more likely to experience poverty even while working full-time.

Further to the Committee's concerns about gendered job segregation, CEDAW also requires that women have equal access to their choice of profession; however, women's employment in BC still tends to be concentrated in traditionally female sectors. For example, women outnumber men in industries like education, healthcare, social services, and accommodation and food service, while men outnumber women in industries like forestry, oil and gas, mining, fishing, construction, professional and scientific services, manufacturing, and utilities.<sup>46</sup> While BC has made strides to reduce gender gaps in many professions, progress has been slow and gradual. Women make up only 35% of physicians, 38% of lawyers, 32% of dentists, and 11% of engineers,<sup>47</sup> even though women are more likely to complete a post-secondary degree than men.<sup>48</sup> Despite targeted programming to increase gender equity in the trades, women remain under-represented, making up 10% of all registered apprentices in BC.<sup>49</sup>

BC's 2015 budget, which has been criticized for under-funding education and healthcare while focusing on natural resource extraction,<sup>50</sup> is likely to have a detrimental impact on women's employment equality. Funding cuts to the public sector generally impact women disproportionately; conversely, a strong public sector tends to increase pay equity between men and women.<sup>51</sup> BC's current economic development plan is largely dependent on the liquefied natural gas industry.<sup>52</sup> Should this plan become a reality, the jobs produced will largely be in male-dominated occupations.

Finally, CEDAW requires that state signatories ensure that women migrant workers have healthy, safe working conditions free from discrimination and degrading treatment.<sup>53</sup> In 2015, the Parliamentary Budget Officer reported that BC takes more than one-fifth of all temporary foreign workers in Canada, with a significant portion employed as babysitters or nannies.<sup>54</sup> BC does not have a system in place specifically designed to protect these workers outside of the employment standards system, while other provinces have implemented legislation to regulate recruitment practices and protect them against abusive recruiters and employers.<sup>55</sup> Although the BC Federation of Labour has called on the province to take similar protective measures, including providing support and advice for workers in the province and conducting investigations of allegations of employer abuse, BC has not made significant progress in protecting these vulnerable workers. The lack of access to meaningful legal protections to address the specific vulnerabilities of temporary foreign workers puts women who come to BC to work as caregivers at risk.<sup>56</sup>





**2014: D 2013: C-**

## ACCESS TO CHILDCARE

The CEDAW Committee has acknowledged that women have the right to pursue careers and make choices without the limitations of rigid gender roles,<sup>57</sup> and that women disproportionately bear the work of raising children, which can negatively impact their access to education, employment, participation in public life and personal development while creating inequitable workloads.<sup>58</sup> CEDAW requires signatory states to take measures to ensure that families have support services that enable them to combine family obligations and employment through the development of childcare facilities.<sup>59</sup> Despite these requirements, childcare in BC remains inadequate. Canada has no national childcare plan and the nation's spending on childcare and early childhood development is near the bottom of industrialized countries.<sup>60</sup> Despite this already concerning lack of investment, BC dedicates less spending to childcare and early-years services than the national average.

Childcare in BC remains unaffordable for most families, with fees rising faster than inflation.<sup>61</sup> The average cost of childcare for a toddler in BC is \$907/month, with costs in urban centres such as Vancouver rising as high as \$1215/month. Based on the median incomes in Vancouver, childcare fees account for 29% of a women's income.<sup>62</sup> BC has implemented two primary initiatives to assist families with the cost of childcare, but both fail to ensure affordability. First, the Provincial Childcare Subsidy Program aims to support low-income parents, but the maximum subsidy allowed for children from newborn to five-years has been frozen since 2005, provides for only two-thirds of the average cost of care, and is only available to the most low-income families. Second, BC implemented the Early Childhood Tax Benefit in 2015, which provides a maximum of \$55/month per child to families with an income of up to \$100,000.<sup>63</sup> While the benefit is a positive step and recognizes the unaffordability of childcare in BC, neither program covers the actual cost of childcare for most families or improves the quantity and quality childcare spaces available.<sup>64</sup>

There is also a shortage of quality childcare in BC, with only enough licensed centre-based childcare spaces to accommodate 21% of children aged five and younger, and regulated family-based care to accommodate another 6% of children.<sup>65</sup> While there are more unregulated spaces available, these operate without training or safety oversight. Many parents are forced to accept lower quality of care because they cannot find or afford a licensed childcare space.<sup>66</sup> In an attempt to increase the number of childcare spaces, BC is still focused on the Early Years Strategy introduced in 2013 with the goal of building 13,000 new childcare spaces by 2021; however, this will still leave two-thirds of children without access to regulated care.<sup>67</sup>

Women disproportionately bear the consequences when families cannot access care for children. Despite CEDAW requirements to ensure equal access to employment, an estimated 39,200 women are not participating in the provincial labour force due to inadequate childcare.<sup>68</sup> Prohibitive cost and lack of childcare forces many women to forgo stable and secure employment in pursuit of flexibility, leading women to disproportionately work precarious, low-wage jobs. Childcare needs can also be a barrier to low-income mothers transitioning off of social assistance because, even with a maximum subsidy, BC's assistance rates will simply not cover fees. The province has recognized this barrier and taken a positive step to address it by introducing the Single Parent Employment Initiative in 2015, which is further explored in the Poverty and Social Assistance section of this report card.<sup>69</sup>

BC's failure to ensure access to adequate childcare violates the rights of many mothers, but it also undermines the security of other women, including childcare and early childhood education workers, who tend to be disproportionately female.<sup>70</sup> In 2012, early childhood educators in BC earned a median hourly wage of \$17, which was 19% lower than the median hourly wage for BC employees and lower than the living wage in many BC cities.<sup>71</sup> In addition, because childcare spaces staffed by qualified educators are often unaffordable or unavailable, many families turn to domestic migrant workers to meet their childcare needs. The CEDAW Committee has recognized that these women are at increased risk for sexual assault, harassment, violence, and cruelty by their employers, a disturbing occurrence that has played out in a high profile BC case in 2015.<sup>72</sup> Finally, many families that are economically dependent on two incomes ask a grandmother to assist with childcare, resulting in many older women spending their retirement providing childcare at the expense of their own needs and health.<sup>73</sup>

# MISSING AND MURDERED INDIGENOUS WOMEN AND GIRLS



2014: D 2013: D

CEDAW recognizes that signatory states must take steps to eradicate all forms of racism, racial discrimination and colonialism.<sup>74</sup> States must take action to end violence against women perpetrated by both public authorities and private individuals,<sup>75</sup> and provide adequate protection to all women from acts of gender-based violence, and respect their integrity and dignity.<sup>76</sup>

Despite these requirements, the crisis of violence against Indigenous women in BC continued unabated over the past year. Several international bodies have expressed concern about Canada and BC's response to the issue. In January 2015, the Inter-American Commission on Human Rights of the Organization of American States released a report focused on violence against Indigenous women in two locations: Vancouver's Downtown Eastside, and northern BC's Highway 16.<sup>77</sup> It recommended the provision of safe public transportation along Highway 16; improved coordination between the various levels of government with the full participation of Indigenous women; the initiation of a national inquiry on missing and murdered Indigenous women; improved data collection; due diligence in investigation; and social and legal support services for families. Instead of working to implement the report's recommendations, the Minister of Justice stated, "no further response is contemplated at this time."<sup>78</sup>

In March 2015, the CEDAW Committee released a report after an investigation into Canada's failure to protect Indigenous women from violence, concluding that violence against Indigenous women in Canada is widespread, overt and linked to poverty.<sup>79</sup> The Committee found grave violations of the rights of female Aboriginal victims of violence, noting that Canada's failure "to address and remedy the disadvantaged social and economic conditions in which Aboriginal women and girls live, compounded by the insufficient measures taken to address the prevalence of all forms of violence against Aboriginal women and their difficulties in accessing justice, has allowed such violence to persist."<sup>80</sup> Many of the failures fall within BC's constitutional responsibility, including education, housing, public transportation, access to justice, and support for families and children.<sup>81</sup> In August 2015, the UN Human Rights Committee reiterated the CEDAW Committee's recommendations.<sup>82</sup>

In the midst of ongoing international scrutiny, BC released its *Final Status Update Report* in December 2014 regarding implementation of the 56 recommendations directed at the province in *Forsaken: The Report of the Missing Women Commission of Inquiry*.<sup>83</sup> While BC's status update confirmed some progress has been made on 44 of the 56 recommendations, it also admitted that implementation of most recommendations is ongoing and that no progress has been made on the remaining 12.<sup>84</sup> Given that BC's response to the vast majority of Inquiry recommendations is ongoing or has not yet begun, it is extremely concerning that the province has suggested it will not undertake continued transparent reporting or further public evaluation of provincial implementation work.

BC's implementation of some of the Inquiry recommendations has been troubling. In response to the urgent recommendation to implement a public transportation system along Highway 16, the province reports that, instead of implementing the recommended services, it has created a informational website that fails to meaningfully improve safety for Indigenous women along the highway.<sup>85</sup> In October 2015, the Information and Privacy Commissioner found that Ministry of Transportation staff intentionally deleted email records related to the issue of violence along Highway 16 to avoid disclosing them in response to an access to information request.<sup>86</sup>

Signatories to CEDAW may be held responsible for violence committed by third parties if the state fails to act with due diligence to prevent violations of rights or to investigate and punish acts of violence. BC's commitment to investigate and punish violence against Indigenous women has also been called into question this year. In 2005, the RCMP started a project called E-PANA, a task force created to investigate cases of missing and murdered women along Highway 16. While the task force made its first arrest in late 2014, BC has cut its annual budget from a high of over \$5 million and a staff of 70 from 2009-2012 to \$880,000 and a staff of 12.<sup>87</sup> Further cuts are expected, including cutting the task force's staff by half, a move that will seriously hamper the task force's ability to investigate new cases.<sup>88</sup>

While BC's commitment to host a gathering for families of murdered and missing Indigenous women is laudable and those families certainly need support, it does little to prevent violence against other women in the future.<sup>89</sup>

The UN Commission on Human Rights has resolved that women have a right to adequate housing.<sup>90</sup> CEDAW requires that signatory states ensure that women have the right to social security,<sup>91</sup> which has been broadly interpreted as social benefits including a right to adequate housing.<sup>92</sup> Many of the rights protected under CEDAW depend on access to secure and safe housing; inadequate housing can put women at increased risk of violence and, conversely, gender-based violence can lead to loss of housing. The CEDAW Committee noted this year that violence against Aboriginal women and girls in Canada is linked to their socio-economic status, including insecure housing.<sup>93</sup> Poverty is one of the primary factors that force women into homelessness and increased vulnerability to violence.<sup>94</sup> Despite this, BC continues to experience levels of housing unaffordability that seriously undermine compliance with these obligations.

Last year, the BC Non-Profit Housing Association's Rental Housing Index revealed that almost a quarter of all renter households in BC are paying more than 50% of their gross income on rent, which indicates crisis levels of housing insecurity.<sup>95</sup> Despite this ongoing problem, in 2015/16 BC's overall spending on social housing programs is expected to decrease, a trend that is budgeted to continue until at least 2017/18. When combined with the federal government's ongoing reductions to funding for social housing and the anticipated increase in demand, BC can expect housing unaffordability, homelessness and housing insecurity to continue to increase.<sup>96</sup>

The *2014 Hotel Survey and Housing Report* revealed that the average lowest rents available for single room occupancy hotels in Vancouver's Downtown Eastside have increased to \$485/month, which is well above BC's social assistance shelter allowance of \$375.<sup>97</sup> The average monthly cost of a bachelor suite apartment in BC is much further out of reach at \$845.<sup>98</sup> The increasing practice of double bunking in hotels due to the lack of affordable rooms is also a concern as it places women in situations where they are more vulnerable to violence.<sup>99</sup>

BC began implementing the BC Housing Asset Transfer Program in 2014, which will divest 350 existing social housing properties owned by the Provincial Rental Housing Corporation to non-profit organizations.<sup>100</sup> The total land is valued at an estimated \$500 million and will be transferred over the next three years.<sup>101</sup> While BC Housing will continue to subsidize eligible tenants in these buildings, the long-term costs of upkeep for the aging social housing stock will likely fall on the non-profit organizations, which may not have the capacity to adequately maintain them.<sup>102</sup> The BC Non-Profit Housing Association was originally supportive of the Asset Transfer Program because it understood that the funds generated would go towards new affordable housing initiatives in BC. However, the Association has since raised concerns after learning that the revenue from sales will fund existing programs that would have otherwise been funded by general revenue, resulting in no additional funds for social housing.<sup>103</sup>

As the province divests itself from the provision of low-income housing, the larger municipalities continue to try to take up the slack. Vancouver's Affordable Housing Agency is tasked with creating 2,500 new affordable homes by 2021, with 500 planned for the next three years. In March 2015, the City announced the \$11.4 million purchase of eight lots that will be used to build up to 125 rental housing units divided between two projects.<sup>104</sup> Outside of the social housing stock, the Agency has also issued a request for proposals from consultants to help investigate the issue of vacant housing in Vancouver. Statistics on how much housing is left empty in Vancouver are varied and unreliable, but the percentage has been estimated at 6-7% of apartment buildings.<sup>105</sup> Most smaller municipalities are unable to take this kind of action, leaving inconsistent services across the province.

The 2014 Homeless Count in the Metro Vancouver Region counted 2,777 people, which represents a 4% increase from 2008 despite policies targeted to address the issue.<sup>106</sup> One-third of the homeless population identified as Aboriginal, which is a distinct overrepresentation given that Aboriginal people make up 2% of Metro Vancouver's overall population. While three-quarters of those counted were male, homelessness is often hidden for women. Homeless women are at increased risk of violence, so they often avoid shelters, deploying strategies such as couch surfing, living in over-crowded conditions, trading sex for accommodation, and moving in and out of abusive relationships with periods of episodic homelessness.<sup>107</sup> These measures may actually exclude women from qualifying for provincial housing programs because they may not be considered to be experiencing "chronic homelessness."<sup>108</sup>



# WOMEN AND GIRLS IN PRISON



**2014: D 2013: D**

CEDAW requires that state signatories take all appropriate measures to eliminate discrimination against women, which includes any infliction of physical or mental harm that disproportionately affects women.<sup>109</sup> CEDAW also expressly calls for signatory states to repeal all penal laws that constitute discrimination against women.<sup>110</sup> Despite these clear obligations, Indigenous women are drastically over-represented in BC's corrections system. Five percent of the BC adult population is Aboriginal, but Indigenous women make up over 35% of the women in provincial custody.<sup>111</sup> This shocking over-representation worsens when looking at overall intake numbers for Corrections BC: 45% of new female intakes were Indigenous women.<sup>112</sup> The CEDAW Committee has previously condemned this over-representation as a clear example of racial and gender-based stereotyping and widespread systemic discrimination.<sup>113</sup> Despite this, the number of Indigenous women classified as new clients in the BC correctional system has consistently grown over the past few years, increasing by almost 25% since 2010/11.<sup>114</sup>

Women's detention in facilities that are degrading or inadequate have been found to be a violation of CEDAW.<sup>115</sup> Because women and girls make up a small percentage of those incarcerated, services specifically designed for them are minimal. Stories of girls in custody being transported with adult male offenders persist.<sup>116</sup> There are only two provincial custody centres for women in BC: one in Maple Ridge and one in Prince George,<sup>117</sup> which means that women are detained far from their home communities. When waiting for remand, they are often kept in inadequate holding cells.<sup>118</sup> For example, there is still no remand or custody centre for women on Vancouver Island despite the availability of the Victoria Youth Custody Centre; BC has not backed down on plans to close it. The building remains partially vacant and unused.<sup>119</sup> To date, the facility remains open only because the province has been unable to develop a temporary holding plan for youth in the area. The province is currently building a new correctional centre in Oliver, which is set to open in 2016 and will contain cells for women on remand or serving provincial sentences, improving the situation in that area of BC.<sup>120</sup>

As a result of concerns about overcrowding in prisons, the BC Auditor General issued a report in January 2015 addressing whether the Adult Custody Division of the Ministry of Justice is effectively managing capacity to ensure safe and secure custody, and providing programs to reduce re-offending. The report found that BC detention facilities are operating at an average of 140% of their designed capacity, with women's facilities being slightly better but still over-capacity at 110%.<sup>121</sup> Overcrowding reduces opportunities for rehabilitative programming, increases the tension and risk between inmates and staff, and can increase the rates of illness and suicide among inmates.

Healthcare in BC correctional facilities, including those housing women, has been an ongoing concern for many years,<sup>122</sup> and it is well established that women have unique healthcare needs.<sup>123</sup> Unfortunately, despite several recommendations to transfer provincial prison healthcare to the jurisdiction of the Ministry of Health, the Ministry of Justice continues to oversee its delivery via a private contractor. The provision of healthcare through a contractor means that continuity of care, particularly upon initial detention and release, is problematic.<sup>124</sup>

Appropriate healthcare is particularly important given the high rates of mental illness among prisoners.<sup>125</sup> In recent years, there has been public discussion and legal action about the alleged overuse of administrative segregation in Canadian prisons as a substitute for mental health treatment, particularly for self-harm, which women disproportionately experience.<sup>126</sup> Recent litigation suggests that similar problems occur in BC corrections facilities.<sup>127</sup> In addition, BC laws authorize detaining youth in solitary confinement for up to 72 hours, a practice that goes against accepted international legal standards.<sup>128</sup> The policy leaves open the possibility for the term of confinement to be extended indefinitely depending on the behaviour of the prisoner and approval from the provincial director.

Finally, despite the BC Supreme Court's unequivocal 2013 ruling that it was a violation of the constitutional rights of both mothers and babies to separate them without legitimate reason, reports of the apprehension of two newborns from provincially incarcerated mothers emerged in the summer of 2015. The Mother-Child Program was technically re-opened at Alouette Correctional Centre in 2014, but no women or babies have participated in it. Advocates criticize BC for failing to adopt the appropriate policy guidelines for the reintroduced program to be effective.<sup>129</sup>

2014: B- 2013: B-

CEDAW requires that state signatories take all appropriate measures to eliminate discrimination against women by both public and private entities, including authorities, organizations, family members, acquaintances, and strangers. Discrimination against women includes gender-based violence, which includes mental, physical, or sexual violence directed at women or that affects women disproportionately, including family violence, sexual assault, and sexual harassment. The CEDAW Committee has acknowledged that gender-based violence subordinates women, reduces their political participation, and reduces their education and employment opportunities.<sup>130</sup>

Domestic and sexual violence against women remain under-reported crimes, in part because of the shame and stigma associated with this type of violence, which makes them difficult to accurately measure. For example, there were 3,238 police-reported sexual assaults in BC in 2013, which is estimated to represent only 10% of the actual assaults that occurred.<sup>131</sup> In 2015, the UN Human Rights Committee expressed concern about Canada's low reporting rates and lack of statistical data; insufficient shelters and other services that assist women from leaving violence; and failure to effectively investigate, prosecute, convict and punish perpetrators with appropriate penalties. Rape crisis centres report waitlists of up to 200 women and 1.5-year delays before women who have survived violence can access counseling services.<sup>132</sup>

The CEDAW Committee recognizes that family violence is one of the most insidious forms of violence against women. According to the BC Coroners Service, there were 14 deaths attributed to intimate-partner violence in 2014, and all victims were women. Some sources place the count even higher.<sup>133</sup> While the number of intimate-partner violence-related deaths across Canada dropped between 2013 and 2014, the number of these deaths doubled in BC and was the highest it has been in five years. In April 2015, a spousal murder-suicide that occurred on Vancouver Island triggered concerns when the local municipal police refused to acknowledge that the incident was related to domestic violence,<sup>134</sup> further stigmatizing and delegitimizing women's experiences of violence. Other provinces have domestic violence review committees dedicated to analyzing incidences of domestic homicide and homicide-suicide in order to identify risk factors and make public recommendations for change.<sup>135</sup> While BC has a Child Death Review Unit, there is no comparable initiative dedicated to reviewing and learning from domestic violence-related deaths.

BC has taken some action to comply with the CEDAW obligations to take steps to address gender-based violence: in February 2014, a three-year *Provincial Domestic Violence Plan* was introduced,<sup>136</sup> and in February 2015, the province introduced its *Vision for a Violence Free BC*, which appears to be a ten-year plan.<sup>137</sup> Pursuant to the ten-year plan, BC allocated \$3.6 million in civil forfeiture grants for programs to support vulnerable women.<sup>138</sup> It also introduced amendments to the *Residential Tenancy Act* in 2015 to bring BC in line with other provinces by eliminating financial penalties for renters breaking their fixed-term tenancy agreements in order to flee family violence.<sup>139</sup> Although all these steps are positive, they do little to address key risk factors for women, such as poverty, housing, and unemployment, or to provide adequate funding to support women who have survived violence.<sup>140</sup>

Other provinces have dedicated domestic violence courts in an effort to improve coordination and reduce the incidence and recurrence of domestic violence. In response to recommendations made by the Representative for Children and Youth in response to child deaths that resulted from two high-profile cases of domestic violence, BC's 2014 *Provincial Domestic Violence Plan* commits to working with the judiciary and other justice system partners to explore the development of a framework for specialized domestic violence courts. However, the Representative for Children and Youth has deemed the response to her recommendations inadequate.<sup>141</sup> In an effort to improve the efficacy and coordination of legal responses to family violence, the Provincial Court and other service providers have been operating their own initiatives to try to improve court services.<sup>142</sup>

Finally, inadequate funding for legal aid in BC means that women fleeing domestic violence are often unable to obtain legal representation. For women who financially qualify for legal aid representation in BC, there is a 25-hour funding cap in most cases. Women in BC may be forced to compromise their rights in order to avoid a costly trial or may end up representing themselves against an abusive former partner in drawn-out litigation.<sup>143</sup>

# WOMEN AND HEALTHCARE

**B-**

**2014: B 2013: C+**

CEDAW requires that state parties ensure that women have access to healthcare services throughout their lives, and that those services should include a full range of high-quality and affordable care, including sexual and reproductive healthcare services.<sup>144</sup> BC ranks well in terms of quantity and location of surgical abortion providers with seven private clinics and 18 hospitals providing abortion services.<sup>145</sup> About half of these are located in rural areas; however, access remains a concern in remote parts of the province.<sup>146</sup> The recent federal approval of RU-486, a prescription drug used to terminate pregnancies, may begin to remedy access issues, but BC has yet to determine if it will be covered under the provincial PharmaCare program.<sup>147</sup> In 2015, abortion was removed from the interprovincial reciprocal billing agreements excluded service list so women who have recently relocated, or are temporarily outside their home province, no longer have to pay for the procedure up front.<sup>148</sup> However, BC remains without universal coverage for contraception. Because cheaper contraceptives have been associated with higher rates of failure, poor and already marginalized women are currently at greater risk of unwanted pregnancy. Publicly funded access to better contraception would reduce public expenditures, positively impact the private sector, and optimize the economic power of BC residents.<sup>149</sup>

CEDAW also requires that states take steps to eliminate barriers faced by women in accessing healthcare services and ensure timely and affordable access to care.<sup>150</sup> Barriers can include fees for services; requirements for authorization by a spouse, parent or medical authority; distance from health facilities; and the absence of affordable and convenient public transportation.<sup>151</sup> Despite these obligations, women in BC continue to face real barriers to accessing public healthcare. BC continues to be the only province in Canada to impose fees for public health coverage outside of the annual income tax system. In 2015, BC's Medical Services Plan premiums increased by approximately four percent, marking the sixth year in a row that premiums have increased.<sup>152</sup> The premiums have doubled since 2000, and a family of three now pays \$144/month whether their annual income is \$40,000 or \$400,000.

Women who migrate to BC also face disproportionate and harmful barriers to accessing reproductive healthcare on their arrival because BC imposes a waiting period of two full calendar months, in addition to the days remaining in their month of arrival, before new and returning residents can qualify for provincial healthcare coverage. The issue is particularly acute for pregnant women, who are often forced to choose between inadequate prenatal/obstetric care and massive debt because they cannot access private health insurance for their pregnancy even if they can afford it.<sup>153</sup>

Transgender women also continue to experience barriers to healthcare in BC. Top and bottom gender-affirming surgeries are covered by the public healthcare system and considered medically necessary, but in late-2014, funding ran out for the only BC office that approves final assessments for such surgeries. In the wake of the news, the Vancouver Coastal Health Authority provided interim funding until April 2015, when the Provincial Health Services Authority took over coordination of trans\* services in BC with an aim to expand services and set up an advisory committee including community members and experts.<sup>154</sup> This is a positive development, although waitlists for both approval and surgery are enormous and some procedures are only available if an individual can travel to Quebec at their own expense.<sup>155</sup>

CEDAW requires states to ensure women's access to appropriate healthcare throughout their lifespan.<sup>156</sup> Because women tend to live longer than men and are more likely to suffer from disabling and degenerative chronic diseases,<sup>157</sup> health services for older adults disproportionately impact women. Unfortunately, services for BC seniors residing in their homes are at their breaking point—service levels have remained the same for 12 years despite a 49% increase in the number of British Columbians over the age of 80.<sup>158</sup> With this increased pressure on home-support services, access to residential care has also become increasingly restricted.<sup>159</sup> In response to a massive systemic investigation, BC's Ombudsperson's Office issued a report on seniors care in 2012. As of June 2015, BC has fully implemented only 14 of the report's 142 recommendations aimed at the Ministry of Health and has made no progress on 58% of the recommendations.<sup>160</sup> The current state of healthcare services available to senior women in BC fails to meet the CEDAW requirement of a comprehensive healthcare system aimed at protecting the health needs of senior women.<sup>161</sup>

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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.

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 would like to thank the members of this year's CEDAW Report Card Subcommittee: Danielle Fostey, Rebecca Graham, Lisa Sammartino, Martina Zanetti, Jagnoor Bhandal, Lindsay Clark, Rebecca Hines, Karen Segal, Amanda Winters, Magal Huberman, Harshada Deshpande, Tasha Rennie, Tamara Ramusovic and Jessica Yip. The report card was drafted by Kendra Milne, Director of Law Reform at West Coast LEAF. West Coast LEAF would also like to thank the community members and organizations who took the time to consult with us and provide their insight and expertise. In addition, we would like to thank the original designer of the report card, Asad Kiyani, our designer from past years, Kevin Harding, and Jessica Yip for her editing.

Finally, we thank the Law Foundation of BC and BC Gaming for their generous support of this project.

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