British Columbia's
Office of the Human Rights
Commissioner

Rights in focus: Lived realities in B.C.

Report | August 2024

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BCOHRC recognizes the important relationship between protecting the natural environment and protecting human rights. One way we reduce our environmental impact is by limiting print copies of our reports. If you have difficulties reading this report in its electronic format, please to contact our Office to request a printed copy.

Support for impacted communities: We recognize that some of the information in this report may be disturbing. The issues presented, while critical to examine, are heavy, especially for those acutely affected. British Columbians who experience distress when reading this report or who need immediate help can access a list of crisis lines and emergency mental health supports we have compiled on our website at: **bchumanrights.ca/support**

Many BCOHRC staff were involved in the development of this report at different times. The Commissioner would like to thank everyone involved in bringing this report to fruition, including the core Baseline Project team and in particular Monica Petek and Ryan Tonkin.

This publication can be found in electronic format on the website of British Columbia's Office of the Human Rights Commissioner: **bchumanrights.ca/in-focus**

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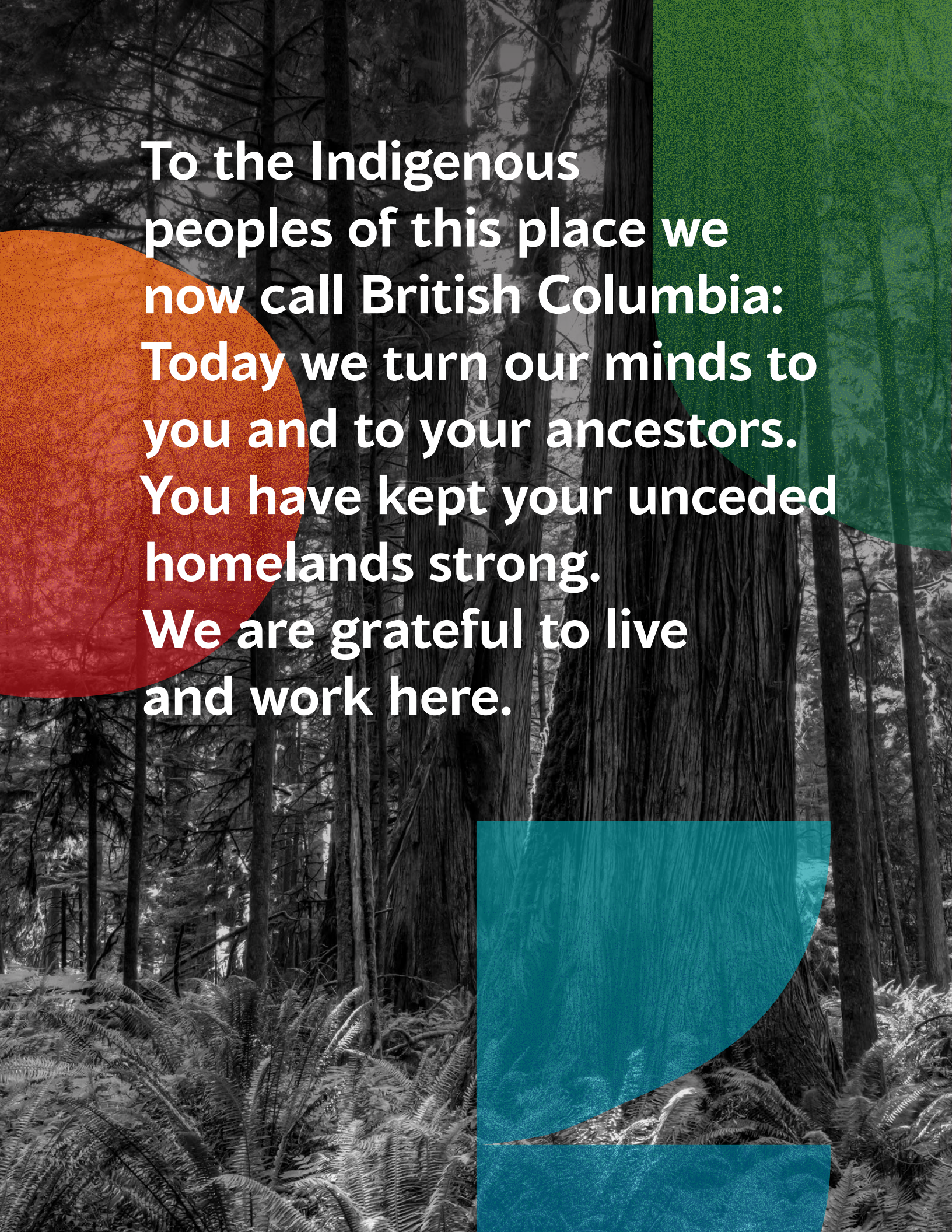
To the Indigenous
peoples of this place we
now call British Columbia:
Today we turn our minds to
you and to your ancestors.
You have kept your unceded
homelands strong.
We are grateful to live
and work here.

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If you are unsure about terminology used in this report, we invite you to visit our Human Rights Glossary at: bchumanrights.ca/glossary

Executive summary

This Rights in Focus report is a snapshot of the state of human rights in British Columbia. The report highlights key inequities and injustices related to ten major issue areas. The report emphasizes how each of these issues raises human rights concerns and the extent to which they impact the most marginalized people in our communities.

Each section in this report focuses on a different system — for example, the child welfare system, the education system and the criminal justice system. We describe how each system impacts particular communities or individuals in disproportionately harmful ways. Each "Spotlight" subsection zooms in on one specific aspect of these broad systemic issues, providing detail on some of the tangible and detrimental ways that issue is impacting people's lives and human rights.

This report documents what we learned from a variety of sources, including conversations with the people most affected, a survey of organizations working to improve the issues and research produced by academics, governments and non-governmental organizations. It also reflects the legal responsibilities and commitments found in statutory, constitutional and international human rights law, all of which protect the fundamental right to substantive equality.

The 10 issue areas

- **The right to housing** entitles everyone to the progressive realization of acceptable housing. Progressive realization means all levels of government are obligated to take steps towards realizing this basic necessity within available resources. Yet B.C. residents face the highest rate of unaffordable housing in Canada. As a result, homelessness and encampments are on the rise: the 2023 homeless count identified 31 per cent more people experiencing homelessness when compared with 2020/21. Lack of affordable housing disproportionately impacts marginalized groups, including people with disabilities, Indigenous people and women. In the **housing section**, we spotlight how women in particular are more likely to experience "hidden" homelessness, in which they avoid living on the street by accepting substandard, unsafe or exploitative housing.

- **The right to an adequate standard of living** entitles everyone to the progressive realization of a life without poverty. This depends on a set of government policies and programs, such as minimum wage and social assistance, called the social safety net. Currently, the social safety net falls short of ensuring an adequate standard of living: about one in nine B.C. residents lives in poverty. Moreover, after years of decline, the poverty rate rose from 7.6 per cent in 2020 to 11.6 per cent in 2022. In the **social safety net section**, we spotlight how many people experiencing poverty also face discrimination on the basis of their social condition. Unfortunately, such discrimination is not prohibited by law.

- **The right to education** entitles students to fair treatment in a safe, inclusive and accessible learning environment. In B.C., however, there are large differences between groups in educational outcomes. Evidence shows that groups with worse outcomes face exclusion, racism and discrimination in schools. For example, 92 per cent of all students complete secondary school in six years, but only 78 per cent of students with disabilities and 75 per cent of Indigenous students do the same. In addition, there are gaps in human-rights related education, and teaching social justice content is increasingly controversial. In the **education section**, we spotlight the experiences of LGBTQ2SAI+ children and youth in schools and controversy around SOGI 1 2 3, a supplementary education resource designed to create inclusive educational spaces. SOGI 1 2 3 has attracted considerable misunderstanding and in 2023 was the subject of large-scale political action.

- **The right to fair treatment in employment** entitles people to equality in the workplace. Yet persistent effects of systemic discrimination are evident across the labour market. People with disabilities confront prejudiced views about their work-related abilities. Compared with men, women are more likely to work part-time and earn only 68 cents for every dollar. Indigenous people are less likely than non-Indigenous people to hold secure jobs. One in 10 respondents to a poll conducted for our Office reported experiencing discrimination based on their identity when applying for a job in B.C. This is consistent with other research that shows that people from marginalized identity groups are less likely to be employed, work in secure jobs or hold managerial roles and they earn less for their work. In the **employment section**, we spotlight the experiences of temporary foreign workers. Workers who come to B.C. temporarily via the Temporary Foreign Workers Program are especially vulnerable, as their immigration status is tied to their employment. This relationship gives employers of temporary foreign workers significant power in the employment relationship and many workers report that power is too often abused.

- **The right to health care** entitles everyone to the highest attainable standard of health. Good health requires timely access to high quality medical interventions, and it also requires things like clean water, nutritious food and adequate housing. In B.C., many people lack access to basic care, including 17 per cent who are without a regular health care provider. People in rural and remote communities face additional gaps in care. People with marginalized identities live shorter lives, report worse mental health and experience discrimination in the health care system. This health care crisis has been worsened in recent years by the COVID-19 pandemic and the toxic drug crisis. In the **health care section**, we spotlight the toxic drug crisis. An unregulated supply of drugs is killing thousands of B.C. residents every year. Yet people seeking treatment face significant barriers, including inadequate staffing, confusing access requirements and insufficient social supports.

- **The right to fair treatment in public spaces** entitles everyone to free and full participation in social, political and cultural life. In recent years this right has come under threat from a rise in hate and far-right movements that aim to silence the voices of marginalized people. Hate is common both in outdoor public spaces and online: one in five Canadians, including 29 per cent of racialized people, have experienced some form of hate, harassment or violence online. Hate incidents rose dramatically during the COVID-19 pandemic and again in response to recent violence in Gaza. This rise is reflected in police-reported hate crimes and also in the many incidents not reported to police. In the **public spaces section**, we spotlight the role of mis/disinformation in spreading hate. As trust in institutions falls, hate is increasingly grounded in mis/disinformation shared online. This was evident in several recent cases, for example, mis/disinformation about the spread of the COVID-19 virus, which contributed to the rise of hate against Asian Canadians.

- **The right to fair treatment in the criminal justice system** entitles everyone to equitable treatment by police and correctional institutions. Indigenous and racialized people, as well as people with mental health or substance use (MHSU) disorders, are at severely increased risk of negative interactions with the criminal justice system. For example, on any given day in 2023, about 1,829 individuals were in B.C. correctional centres and over one-third (662) of them identified as Indigenous. In the **criminal justice section**, we spotlight the experiences of people with MHSU challenges in corrections. For example, many people with MHSU disorders receive treatment in correctional centres, but they are also often subject to traumatizing uses of force such as segregation. In many cases segregation violates international minimum standards for the treatment of prisoners. This creates additional risk for people with MHSU disorders after discharge. For example, rates of fatal overdose more than triple shortly after leaving custody.

- **The right to fair treatment in the family sphere** entitles everyone to substantive equality and freedom from violence in their homes and intimate relationships. Inequality within the family sphere continues to be evident in the unequal division of labour; regardless of employment status, women spend more time than men on child care and household chores. This additional domestic burden is compounded by lower pay in the workforce, together increasing economic vulnerability and making it hard to leave abusive relationships. More than three-quarters of B.C. residents who reported intimate partner violence (IPV) to police were women and girls, and IPV is much more common than police-reported numbers suggest. In the **family sphere section**, we spotlight the misuse of parental alienation allegations in family law cases involving family violence. In some cases, mothers reporting violence face a counteraccusation of "parental alienation"—a claim that they are trying to manipulate children against their father. This claim is often taken seriously by courts but lacks a credible evidentiary basis.

- **The right to fair treatment by the child welfare system** entitles everyone to proactive government action aimed at keeping families safe and together whenever possible. The number of children and youth in care (CYIC) has decreased in recent years, but the child welfare system disproportionately affects children from marginalized families, particularly those who are Indigenous, experiencing poverty or living with disabilities. For example, despite making up only 10 per cent of the population, 68 per cent of CYIC are Indigenous. Children and youth are often placed in care due to "neglect," yet many families face systemic barriers that masquerade as neglect but are in fact outside of parental control. Examples include the absence of affordable housing and mental health supports. Children and youth separated from their families for protection also face a new range of risks including physical and sexual violence. In addition, the child welfare system continues to struggle with adequate staffing. In the **child welfare section**, we spotlight the additional challenges faced by children and youth with disabilities and their families. For children and youth with disabilities, a lack of resources during critical developmental periods can result in health consequences that cascade into inequities throughout their lifetime. Resources are gated behind diagnoses and not all diagnoses are treated equitably. Families are pushed to the limit and some consider placing their children in care in order to access support.
- **All human rights depend on a clean, healthy and sustainable environment**. Climate change, extreme weather, pollution and other environmental crises threaten this crucial foundation to human existence. The harm falls disproportionately on marginalized people who have contributed least to the crisis and whose rights are already least secure. This was evident in recent years as unprecedented flooding, heat waves and wildfires destroyed biodiversity, lives and property across the province. Nevertheless, B.C. continues to disproportionately contribute to the climate crisis and is not on track to meet its legislated emissions reduction targets. In the **environmental crisis section**, we spotlight the important role of Indigenous peoples in addressing climate change. Indigenous peoples remain experts in climate adaptation but their voices have been too often discounted by mainstream initiatives. Centering Indigenous perspectives can revitalize climate adaptation strategies, as has been seen recently in wider recognition of cultural burning and Indigenous fire stewardship.

The systemic inequities highlighted in this Rights in Focus report impact all of us but disproportionately harm those who are most marginalized in our society. The 10 issue areas described here are not experienced in isolation; many residents of British Columbia experience violations of their human rights in multiple areas of life in ways that intersect and compound harm.

It is only with understanding that we can act. While this report focuses on where we continue to fall short in upholding the rights of all British Columbians, we also honour the many powerful ways people in all walks of life are resisting oppression, standing up for human rights and disrupting systems to create better ones. Our hope is that this snapshot of human rights in our province will serve as a catalyst for change.

Introduction

Who we are

BC's Office of the Human Rights Commissioner (BCOHRC) envisions a province free from inequality, discrimination and injustice where we uphold human rights for all and fulfil our responsibilities to one another. We strive to address the root causes of these issues by shifting laws, policies, practices and cultures. We do this work through education, research, advocacy, inquiry and monitoring.

In 2018, changes to B.C.'s *Human Rights Code* established B.C.'s Human Rights Commissioner as an independent officer of the Legislature. Commissioner Kasari Govender was appointed to lead the creation of the new Office of the Human Rights Commissioner and carry out its mandate. She began her first five-year term in September 2019 and was reappointed for a second term starting in September 2024.

Purpose and structure of this report

This Rights in Focus report is a snapshot of the state of human rights in British Columbia. The report highlights key inequities and injustices related to 10 major issue areas.

Our selection of issues — from the lack of affordable, accessible housing to the climate crisis — is likely unsurprising. These issues are top of mind for many people in British Columbia. However, it may not be as obvious how each of these issues impacts the most marginalized people in our communities and how they are, at their heart, human rights issues.

Each section in this report focuses on a different system — for example, the child welfare system, the education system and the criminal justice system. We describe how each system operates and how it impacts different communities or individuals in disproportionately harmful ways. The systems selected for this report are the primary systems impacting our social, economic and political lives and they reflect what we heard from community members about where human rights issues most often showed up in their lives. Each "Spotlight" subsection zooms in on one specific aspect of these broad systemic issues, providing detail on how it is impacting people's lives and human rights in tangible and detrimental ways.

BCOHRC initiated this project to capture the current state of human rights in the province, creating a kind of baseline that can be used to monitor change over time. In particular, the project aims to identify human rights issues and priorities facing people in B.C., in order to do the following:

a. enhance awareness and understanding among British Columbians about the state of human rights across the province and empower them to advocate for change

b. educate decision-makers in government and other duty bearing institutions and leverage opportunities to make change

c. embed community-identified human rights issues and solutions in BCOHRC's ongoing work to inform meaningful and effective social change activities

In the spirit of reciprocity, which aligns with our goal of taking a decolonizing approach, this project also aims to build relationships within the network of human rights actors in B.C. to enhance the network's capacity and strength.

This report draws on several sources of information, as detailed in the Methodology section below, including community-based research, a survey of direct service organizations, sectoral community grants and secondary research. Together, these sources of information allow us to take a snapshot of human rights across the province. The community-based research and community grants in particular have allowed the Commissioner to hear and amplify the voices of those most affected by human rights challenges in B.C.

There are challenges in creating a balanced research report that covers the major human rights issues of our time while keeping it short enough to be accessible and timely enough to remain relevant. Any broad overview like this is necessarily not comprehensive. As a result, we have neither reported extensively on the success or failures of policy responses to the issues nor canvassed relevant government or public agencies about how they have responded to the issues raised. We have also abstained from issuing recommendations for change. Instead, this report is intended to reflect what we heard in community — and what secondary and survey research shows us — about the issues creating and perpetuating inequalities and injustices in the province. Our hope is that this report will be helpful to advocates and decision makers alike in their work devising solutions to these issues.

We intend to replicate this Rights in Focus report every three years and examine the same key issues with different spotlights on lived experience. Our hope is that this series of reports will provide a useful snapshot of human rights issues facing B.C., showing where there are opportunities to create social and legal change and how the human rights landscape is evolving over time.

Project history and methodology

As noted in the **Purpose section**, this project uses community-based research, a survey of direct service organizations, sectoral community grants and secondary research.

Community-based research

Our community-based research began with a series of Community Briefs, which examine human rights issues in four unique B.C. communities. Between November 2022 and June 2023, BCOHRC and local "Community Connector" organizations conducted focus groups and interviews with over 250 individuals living in Cranbrook, Terrace, Chilliwack or Chetwynd. Participants included First Nations leaders and government staff, public employees, service providers, community advocates and, most importantly, people with lived and living experience of different human rights issues.

Our Office did this work to better understand the human rights experiences of members of these diverse communities. We wanted to see commonalities across the province and the ways diverse geographies, economies, histories and demographics result in different experiences. The Briefs were not intended to provide a comprehensive analysis of each community or to assess institutional responses to the issues raised, but rather to reflect the lived experiences of those from whom we heard. The Community Briefs were published in April 2024.

Many of the quotations included in this Rights in Focus report are also highlighted in the Community Briefs. Other quotations from interviews and focus groups are not included in the Community Briefs but are being used here with the informed consent of participants.

Survey of direct service organizations

In spring 2023, BCOHRC conducted a province-wide survey of service organizations and others whose work is connected to human rights. Participants included members of First Nation governments, public servants, education staff and community service providers. The survey received over 700 responses.

The survey gathered information about participants' perceptions of the importance of different human rights issues, of trends in those issues over time and of the prevalence of discrimination against people with whom respondents work. This helped us to capture provincial trends and identify emerging human rights issues. This report includes quotations from responses to this survey's open-ended questions.

Sectoral community grants

In spring 2023, BCOHRC awarded grants to four non-profit organizations to host roundtable discussions with Indigenous partners and other impacted parties about human rights issues in their sectors. The grantee organizations were Prisoners' Legal Services, Community Action Initiative, the BC Poverty Reduction Coalition and Justice for Girls. These organizations hosted a total of seven roundtable discussions, both virtual and in-person, with approximately 70 participants. This Rights in Focus report draws extensively on the reports that each grantee organization wrote that, among other things, summarize human rights issues raised in these roundtable discussions.

Secondary research

This report builds on decades of extensive research on these topics, including recent research by public agencies, non-profit organizations and academics. We also draw on media sources, quantitative data from Statistics Canada and the Government of B.C. and research reports from academic and non-governmental institutions conducted pursuant to grants from our Office.

The quantitative indicators featured in this Rights in Focus report have been selected through statistical reviews of publicly available data, with the goal of identifying indicators that are reliable (i.e., consistent and reproducible), representative of the underlying population of interest, disaggregated to capture inequities between groups and measured periodically to track change over time.

Disclaimer

We have not provided duty bearers such as government bodies the opportunity to review this report for factual accuracy or provide feedback prior to publication. This is because we are not assessing policy responses or making recommendations. Our goal with this report is not to provide institutional oversight, but rather to document the key human rights issues in the province through data and lived experience.

Decolonizing and human rights-based approaches

Decolonizing approach

Decolonization is foundational to the work of BCOHRC and to both the *how* and the *what* of conducting our research and writing this report.

Decolonization is the dismantling of the process of colonization, by which one nation asserts and establishes its domination and control over other nations' land, people and culture. Decolonization is central to human rights work.

A decolonizing approach requires that we recognize both collective and individual rights and responsibilities. It applies the 4Rs to building respectful relationships: reciprocity, reflexivity, responsibility and relevance.[i] Principles include:

- equality and non-discrimination
- listening, learning and honouring Indigenous worldviews, including the value of reciprocity and working in relationship
- self-reflecting as a mechanism to expose systems of bias
- recognizing and addressing intergenerational trauma as a direct result of colonization
- recognizing and supporting self-determination
- dismantling or transforming laws and institutions designed to oppress Indigenous peoples and Indigenous ways of knowing and being
- restoring a respectful relationship to land

In this project, we have applied a decolonizing approach in a number of significant ways. First, we have strived to apply the 4R approach to our relationships with communities and individuals, particularly in the way we gathered information for our community-based research, built and supported the Community Connector network, administered our province-wide survey and engaged with organizations through our sector-specific consultations.

For instance, in our community-based research, we worked with community partners to hear directly from those most affected by human rights issues. We shared our initial analysis with partners and held validation sessions to try to ensure our analysis was accurate, respectful and relevant to communities.

Indigenous people are disproportionately affected by all of the human rights issues highlighted in this report. We have aimed to clarify the impacts of colonization and systemic racism, drawing on an extensive body of existing research and reflecting what we have heard from Nations, Indigenous-led organizations and Indigenous individuals. We have aimed to amplify Indigenous voices and perspectives throughout this report.

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[i] These criteria are adaptations of the four key principles (known as the 4Rs) for participating in Indigenous research—respect, reciprocity, relevance and responsibility—as initially described in Verna J. Kirkness and Ray Barnhardt. "First Nations and higher education: The four R's—Respect, relevance, reciprocity, responsibility." *Journal of American Indian Education* 30, no. 3 (1991): 1-15.

Human rights-based approach

This report is also grounded in a human rights-based approach, which includes the following principles:

- indivisibility, inalienability and universality of rights
- intersectional equality and non-discrimination
- meaningful participation, inclusion and empowerment
- transparency and accountability
- rule of law

Importantly, we rely on a substantive equality approach, which means understanding that equality does not always mean treating everyone the same. Sometimes it requires treating people differently according to their needs and circumstances to ensure that everyone has meaningful access to the economic, social and political benefits of our society.

This focus on substantive equality — also called "equity" — shows up in comparisons between groups; disparities between groups are essential indicators of the state of human rights. It also shows up in our focus on the experiences of those who are most marginalized, as the rights of marginalized people are central to a human rights-based response.

A note on economic rights

Under international law, economic rights — like the right to an adequate standard of living, the right to housing and the right to the highest attainable standard of health — are protected. These protections are detailed in the United Nations International Covenant on Economic, Social and Cultural Rights (ICESCR),[1] which Canada ratified in 1976 with the support of all provinces and territories. The ICESCR requires the progressive realization of these rights to the maximum of available resources. This means that governments have an obligation to take appropriate steps towards the full realization of these rights.[2]

While economic rights have largely not been incorporated into domestic law and therefore lack enforceability within Canada, B.C.'s *Human Rights Code* grants the Human Rights Commissioner the responsibility for promoting and protecting human rights, including by promoting compliance with international human rights obligations such as those imposed by the ICESCR. Many of the issues detailed in this report engage human rights protected by international law, while the right to substantive equality (engaged across all the issues discussed in this report) is protected in domestic statutory and constitutional law in addition to international law.

Inequities in housing

Everyone has the right to adequate housing:[1] housing that is safe, affordable, accessible, culturally appropriate, legally secure and in good repair.[2] All levels of government are obligated to take steps, to the maximum of their available resources, to realize the right to housing.[3] Yet there remains an alarming, widening gap between this standard and the reality in British Columbia. In fact, B.C. residents face one of the world's most inaccessible housing markets.[4] While the housing crisis affects everyone, its impacts are particularly severe for marginalized people.

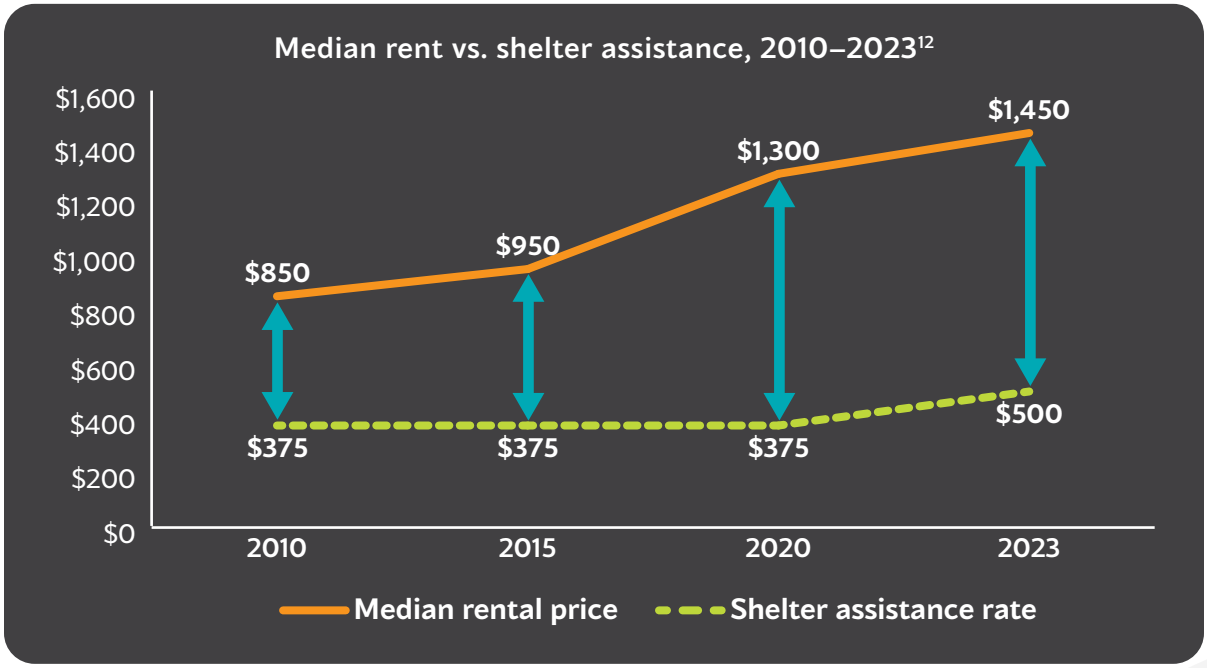
Unaffordable housing

Affordability is the primary barrier to adequate housing. B.C. has the highest rate of unaffordable housing in Canada,[5] with increasing prices in the rental market[6] continuing to outpace wages. People with fixed or low incomes are acutely affected. One of our research participants experiencing homelessness observed:

> ***"It's harder to find a place to live than it ever has been in my whole life."***[7]

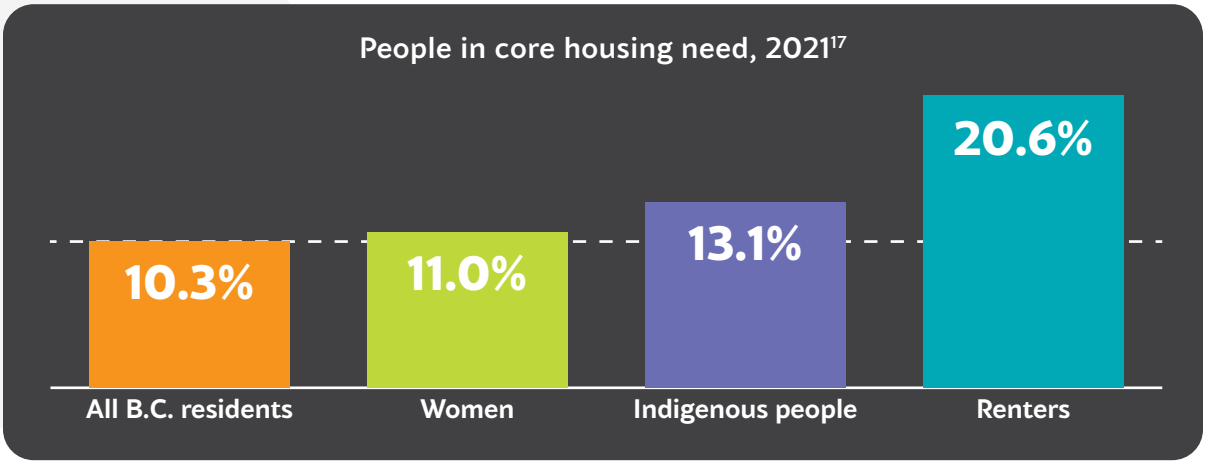
For those on social assistance, the provincial shelter assistance rate[8] is only about one-third of the median rental price.[9] Moreover, there are no controls on the price of new tenancies; regulations only limit cost increases for existing tenancies. If landlords implement increases beyond the allowable limits, tenants may feel powerless to hold them accountable, particularly where vacancy rates remain under 1.5%.[10] One participant in our research explained:

> ***"I know my rent went up 20% overnight, and I know the law is 4% but what am I going to do, if I say anything, I'm out on the streets."***[11]



Meanwhile, there are long waitlists for subsidized housing, including co-op housing. Through our community research, we heard some participants waited over ten years for a non-market housing placement.[13] Since then, BC Housing's waitlist has continued to grow massively in many municipalities.[14]

Prospective buyers also face challenges, as the average price of a home has doubled in the last decade, with much higher increases in certain regions.[15] In 2021, over one-fifth of B.C. households spent more than 30 per cent of their income on shelter and about 10.3 per cent of all B.C. residents were in core housing need, meaning their housing was unacceptable and their income insufficient to access acceptable housing in their community.[16]



Homelessness and encampments

The collision of market forces with inadequate social supports has pushed thousands of B.C. residents into homelessness and left many more on the brink. Without homes, people face heightened risks of robbery, sexual assault, accidental death, homicide and suicide.[18] For some, even accessing basic services such as health care requires the "calculated risk" of losing everything by leaving belongings unsecured.[19] Recent years have brought a striking increase in deaths among individuals experiencing homelessness in B.C., from 144 deaths in 2020 to 342 deaths in 2022.[20] In addition to risks of violence and death, people in temporary shelters are endangered by deficiencies in nutrition, sanitation, waste management and heating.[21] One participant in our research noted:

> ***"...people are very hungry and very cold."[22]***

People experiencing homelessness also face significant stigma. Per a 2023 survey conducted by our Office, service providers perceive people experiencing homelessness as the most likely group to face discrimination in many situations.[23] Despite this, discrimination on the basis of homelessness is not prohibited by B.C.'s *Human Rights Code*.[24]

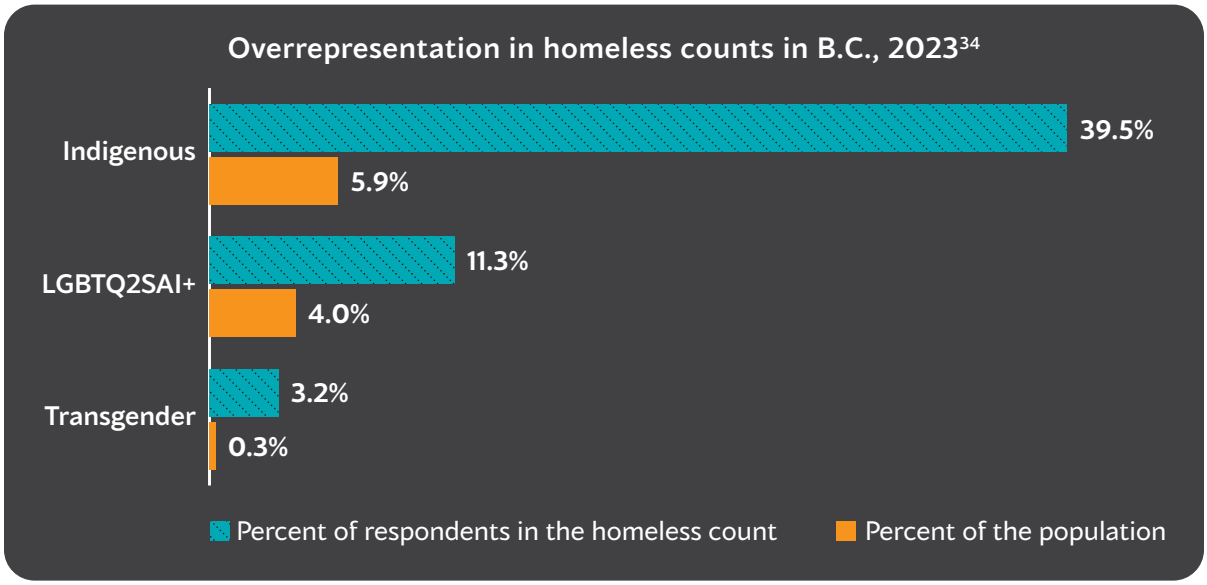
"Hidden" homelessness — such as living on someone's couch, in a vehicle, in an abandoned building or in the woods — is at least five times more common than more visible homelessness, such as living on the street or in a park.[25] Women are disproportionately affected and more likely to live in precarious or exploitative housing, including abusive households, overcrowded apartments and housing for which they trade sex.[26] As a result, homelessness and housing insecurity among women is substantially more common than most homeless counts imply.[27]

> ***"I live alone, looking for housing to rent; landlords won't accept me because I'm Deaf, a teenager, and it is not easy to look for a place. One landlord asked for sex in exchange for a rental property."[28]***

Disaggregated demographic data about homelessness expose the profound consequences of systemic racism, discrimination and colonialism. For instance, the 2023 point-in-time homeless count conducted in 27 B.C. communities identified 11,352 people experiencing homelessness, an increase of 31% from the 2020/21 count.[29] Of these people, 40 per cent identified as Indigenous, despite Indigenous people making up only six per cent of the population.[30] One Indigenous participant in our research observed:

> ***"Even trying to find housing, when I go and look at a place and they go 'You know we're really worried about drinking and partying,' and I'm like, 'because I'm Native? I don't understand where this is coming from. You don't even know me; we just met.'"*** [31]

Participants in the homeless count were also more likely than the general population to identify as LGBTQ2SAI+[i] ("queer") or transgender in particular.[32] Other research shows one-quarter of queer and trans youth in B.C. are forced out of their homes.[33]



Over two-thirds (69 per cent) of participants in the homeless count reported multiple health conditions, including acquired brain injuries (33 per cent) and physical disabilities (41 per cent).[35] This may be connected, at least in part, to the discrimination faced by many people with disabilities when trying to secure accessible housing.[36] This experience was echoed by our research participants:

> ***"We applied to so many places and only one person, because my son [has] special needs and has a wheelchair, would let us even look at a place."*** [37]

[i] Short form for lesbian, gay, bisexual, transgender, queer, two spirit, asexual/aromantic, intersex.

Homeless encampments are "an almost constant symptom of the housing crisis."[38] In 2023, 32 per cent of people experiencing homelessness reported staying in an encampment.[39] Given inadequate opportunities for shelter, people have a constitutional right to overnight shelter in public spaces.[40] But this right does not extend to daytime shelter and the storage of belongings.[41] In response to encampments, some local governments have applied to the courts for injunctions to evict residents.[42] A recent systematic review of B.C. court decisions on such applications found that they are usually successful:

> ***"[B.C. courts] often prioritize securely housed people's interests in recreation, comfort, aesthetics, public order and enforcement of municipal bylaws over the health, safety and survival of people experiencing homelessness."[43]***

When encampment residents are evicted, they simply disperse to the streets, parks or new encampments.[44] The review finds the result is a "vicious cycle of continual displacement" which ensures "encampments will persist and multiply."[45]

Spotlight: "Violence on the 'street' or violence at home"

Violations of the right to housing compromise people's safety and dignity and expose vulnerable people to increased risk of violence and exploitation. Some are forced into the untenable choice between homelessness and trading safety for housing. This choice is especially dangerous for women, who face an increased risk of violence either way. A participant in a BC Society of Transition Houses (BCSTH) survey explained:

> ***"Women are ... exposed to violence during homelessness and are given the difficult choice of violence on the 'street' or violence at home where the abuser lives."*** [46]

Violence against women is a leading cause of homelessness and disturbingly common.[47] Nearly half (44 per cent) of women in Canada have experienced some form of intimate partner abuse, whether physical, sexual, psychological or emotional.[48] A survey by the Canadian Women's Foundation found that the risk of physical abuse within intimate relationships is greatly increased among Indigenous women and women with disabilities.[49] Young women without homes are at high risk of violence of all kinds: 63 per cent have been assaulted and 37 per cent have been sexually assaulted.[50]

Shelters and transition homes are intended to provide a temporary haven while residents secure a long-term arrangement, but soaring rental costs that leave market housing out of reach frustrate this intention.[51] The BCSTH survey found that 88 per cent of transition home workers identified affordability as "always" a barrier to accessing the rental market. This puts immense pressure on the limited supply of social housing. One participant noted:

> ***"There is a low percentage of women who stay at the transition house who actually find a place in community housing in our community."*** [52]

With nowhere for women to be transitioned out, transition shelters are quickly overburdened. As a result, even access to temporary shelter is restricted by waitlists. A BCSTH participant observed:

> ***"Women have to stay much longer than 30 days in our transition house because there are so few options for them to move to. This keeps our wait list long and women staying in unsafe situations."*** [53]

Even when shelter space is available, some women still have little choice but to return to a violent home because they cannot secure long-term housing.[54] Women and their children are forced to make an impossible choice between homelessness and housed exploitation. One BCSTH participant explained:

> ***"I see women returning to abusive partners because they cannot find safe, affordable housing for their families. I see people offering sex in exchange for housing (while calling it a relationship to stay safe). I see people having to leave their community, family, support systems because they can't find housing. I see people living in unsafe situations because there just is nowhere else, I see immigrant and refugee women staying in abusive relationships because there is no safe and affordable housing when they may not have a source of income, or [housing] that is culturally relevant."*** [55]

98 per cent of respondents to the BCSTH survey indicated that the women they support are experiencing financial stress and poverty.[56] The respondents also emphasized that many women face compounding barriers and oppression associated with race, disability, immigration status, sexual orientation and gender identity and age. For example, 95 per cent reported that single mothers are impacted most significantly by housing insecurity and 100 per cent reported at least some discrimination by landlords against women with disabilities.[57] Further, one participant in the BCSTH survey observed how the effects of these barriers can last for generations:

> ***"While women are accessing our services to flee violence so are their children. The violence, trauma, homelessness, inadequate housing and poverty all contribute to future issues with housing for the children of the women who stay at transition houses."*** [58]

This injustice is inconsistent with respect for inherent dignity. No one should ever be forced to trade safety for housing.

“I see people living in unsafe situations because there just is nowhere else.”

—BC Society of Transition Houses in The Intersections of Gender-Based Violence, Housing Insecurity and Homelessness

Inequities in the social safety net

Everyone has the right to the progressive realization of an adequate standard of living.[1] Among other things, this requires sufficient income to be free from poverty. All levels of government are obligated to take steps toward realizing this basic necessity within available resources. Despite British Columbia's wealth, about one in nine residents—nearly 600,000 people—lives in poverty.[2] In addition, many people living in poverty report experiencing discrimination and unequal treatment because they are poor.

Poverty rates

B.C.'s poverty rate decreased between 2015 and 2020 due in part to federal investments in the social safety net. In 2020, temporary pandemic relief and higher Canada Child Benefit payments were effective in reducing poverty, especially among marginalized groups.[3] But by fall 2021, most of these programs had ended, cost of living had significantly increased[4] and disposable income had decreased among people in the lowest income quintile.[5] As a result, B.C.'s poverty rate increased from 7.6 per cent in 2020 to 11.6 per cent in 2022.[6] One participant in our research observed:

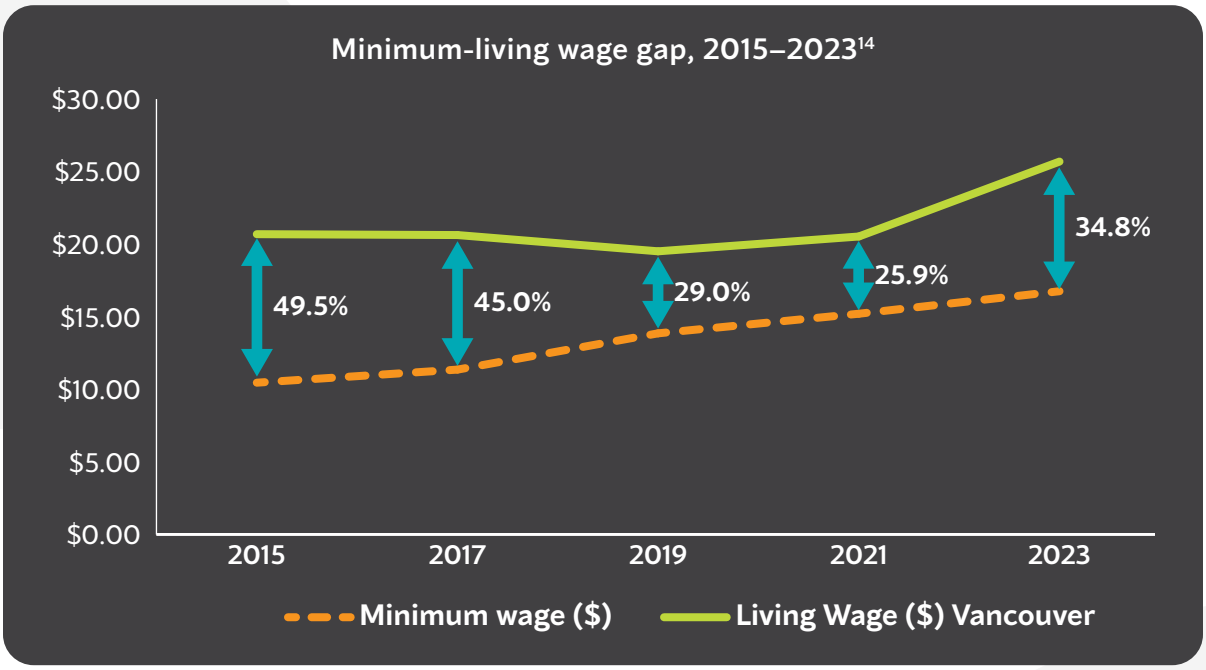
> ***"Well, poverty can be barbed, so if you fall into it … it's not just as easy as one day getting up and deciding that you're going to step out of poverty."***[7]

Disaggregated demographic data on poverty expose the effects of systemic discrimination on marginalized groups. For instance, while an unacceptable one in eight B.C. children lives in poverty, rates are far higher among Indigenous and racialized children, reaching one in three on rural reserves.[8] In addition, children in single mother families experience poverty at a much higher rate (28.2 per cent) than children in couple families (7.9 per cent), illustrating the intimate connection between child poverty and women's poverty.[9]

Minimum wage and social assistance

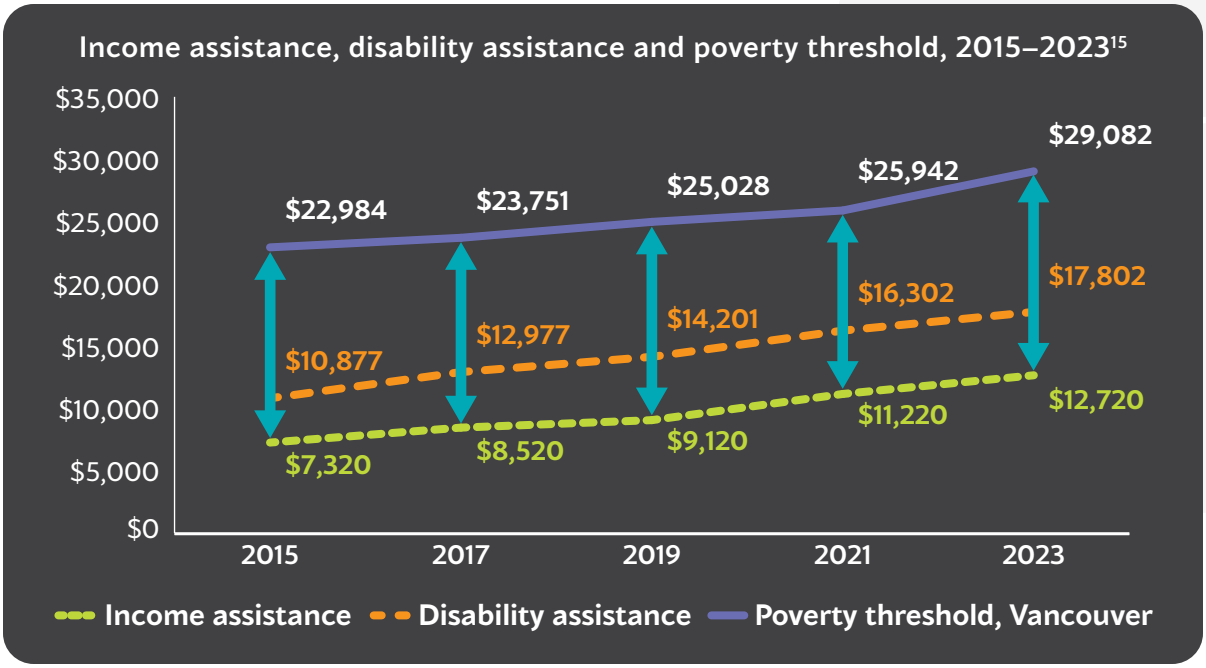
BCOHRC's survey of service organizations identified inadequate income as a top human rights issue in B.C., second only to housing. Minimum wages and social assistance rates are intended to increase resources for people with low income but both fail to ensure a basic standard of living.[10]

In every community across B.C., there is a significant gap between the minimum wage and a living wage.[11] A living wage is the hourly wage each parent must earn in a two-parent family with two children to cover basic expenses.[12] In 2023, the minimum wage was $16.75 and living wages across the province ranged from $20.64 in Dawson Creek to $26.51 in Clayoquot Sound.[13]



The minimum-living wage gap tracks the portion of a living wage that the minimum wage does not provide.

Social assistance, including both income and disability assistance, also fails to lift people out of poverty.



People receiving social assistance, the majority of whom are people with disabilities,[16] face limitations on their employment income: any earnings above set thresholds are deducted from their social assistance.[17] For single individuals, these thresholds are $16,200 per year for disability assistance[18] and $600 per month for income assistance.[19] As employment earnings are clawed back, poverty becomes difficult to escape. Recipients without employment income fall even further short of an adequate standard of living.

In addition to failing to ensure an adequate standard of living, the social assistance regime itself raises human rights concerns for applicants. Government reports from consultations with people experiencing poverty note that social assistance is difficult to access and that disability assistance in particular involves navigating complex medical and bureaucratic evaluations.[20] In our community research we heard the process described as "a fight," "wrong," "ridiculous" and "traumatic."[21] We also heard about physicians refusing to provide medical information without having known an applicant for years, despite such relationships often being impossible due to physician shortages and high turnover.[22]

Many families, especially those receiving social assistance, now face additional pressure from recent increases in the cost of food. 2022 brought an eight per cent increase in the cost of food—the largest change in over three decades.[23] 2023 brought an additional seven per cent increase.[24] Through our community research, we heard how low income is proving a substantial barrier to an adequate supply of nutritious food.

> ***"A lot of us aren't eating enough...because when it comes down to money, the first thing you're going to pay is your bills before you're going to feed yourself, right?"*** [25]

Spotlight: "I don't look the way they want me to"

Discrimination on the basis of social condition[i] is pervasive, damaging and well-documented. To better understand how people experience such discrimination, we surveyed B.C. service providers, connected directly with people living in poverty and attended roundtable discussions hosted by the BC Poverty Reduction Coalition (PRC).[26] The stories we heard echo the many voices represented in secondary research that articulate "real and specific sources of disadvantage" related to social condition.[27]

The disadvantages of poor social condition are wide-ranging, including both interpersonal and systemic discrimination. For example, some research participants reported being denied services because they appeared poor, or receiving services accompanied by increased surveillance and suspicion:

> ***"...a lot of times people will look at, like, how you dress, you know, if ... you have no income or whatnot, usually you dress pretty shabbily, maybe in slightly dirty stuff ... and they'll just look at that and immediately judge whether they're going to give that service to you or not."*** [28]

One participant, a transit driver, noted that "people from shelters or who look homeless are shunned by the public and sometimes kicked off buses by drivers."[29] Other research from the Carnegie Community Action Project (CCAP) describes how even essential needs, such as the need for life-saving medical care, may be minimized or ignored when recipients appear poor.[30]

We also heard numerous examples of systemic discrimination on the basis of poverty or class. Research participants noted that sometimes mail delivery and waste management services were denied to Vancouver's Downtown Eastside.[31] In addition, research from Pivot Legal Society has shown that some people experiencing homelessness in the Downtown Eastside have their shelters and valued personal belongings routinely destroyed in "street sweeps."[32]

We heard that discrimination entrenches conditions of poverty. For example, respondents to our survey explained how some employers screen out job applicants whose postal codes indicate they live in low-income neighbourhoods.[33] One research participant with the CCAP explained how the way someone looks can quickly inform prejudicial judgments about social condition:

> ***"So, I'm sitting at this table speaking of equity when the joke's on me because as soon as my voice is spoken, they disregard it because of the shape of my teeth. And that is classism, because the way it really trickles down is, do you have teeth or not? You know, so I'm walking into all these interviews, not accepted because I don't have teeth, not because I'm not actually good at the organizing piece or not because I know the actual education either, just simply because I don't look the way they want me to. When I walk in there, they want me to look like they do."*** [34]

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[i] Social condition means social or economic disadvantage on the basis of level or source of income, occupation or lack of employment, housing status including homelessness, level of education or literacy or any other similar circumstance.

Various government consultations have also affirmed that the stigma of experiencing poverty is distinct from other forms of discrimination. For example, during a 2018 consultation on poverty, the government of B.C. heard "how hard it is to not only have to deal with the effects of poverty on a daily basis, but to also have to deal with the stigma of being impoverished."[35] Similarly, in 2023, participants in engagements on B.C.'s poverty reduction strategy highlighted the difficult reality of discrimination on the basis of social condition.[36] Participants in a PRC roundtable we attended explained how such discrimination makes it difficult to secure their rights:

> ***"Even when the facts are on our side, stigma isn't..."[37]***

We also heard how the absence of protection for social condition under the B.C. *Human Rights Code* leaves people vulnerable to exploitation. One participant in a PRC roundtable observed:

> ***"Social conditions are not protected. We have to cobble together arguments based on assumptions about marginalized folks. Protection needs to be there so folks could launch complaints. We need advocacy for social condition to be included in the* Human Rights Code."[38]**

This call echoes a decades old appeal to prohibit discrimination on the basis of social condition under the B.C. *Human Rights Code*. In making this recommendation in 1998, the former B.C. Human Rights Commission cited the following observation.

> ***"People who live in poverty are subject to widespread systemic discrimination. These people are routinely denied housing and access to services and they are reviled in popular culture as being morally inferior. People who live in poverty are not even on the political agenda. They are marginalized to the point of invisibility. This is precisely the kind of societal disadvantage and exclusion that human rights legislation is meant to alleviate."[39]***

BCOHRC has made the same recommendation multiple times since it was reinstated in 2019.[40] No one should face discrimination on the basis of social condition.

Inequities in the education system

Everyone has the right to education.[1] Education promotes economic security, empowers learners and facilitates full participation in society.[2] Students are entitled to equitable treatment in a safe, accessible and inclusive learning environment.[3] Facilities, programs and policies should meet the needs of every student and students should be able to flourish as their authentic selves.[4] Education should "promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups."[5] Yet there are significant gaps in what human rights-related education is required by the B.C. curriculum and the social justice content of that curriculum has come under fire in our increasingly divided society.[6] Importantly, wide disparities in education outcomes in B.C. persist, particularly for Indigenous learners, learners with disabilities and LGBTQ2SAI+ learners.

Unequal access to education

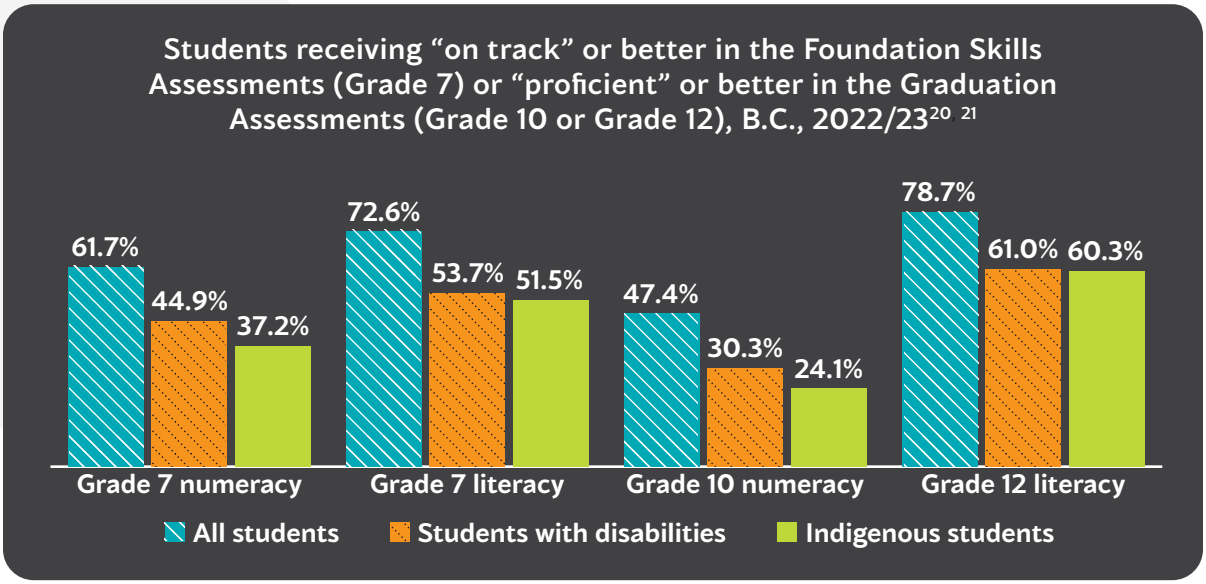
Education in B.C. has a long history of inequalities. Residential and day schools were integral tools in Canada's colonization of Indigenous peoples and their legacy endures.[7] Today, 58 per cent of B.C. students report witnessing racism in their schools.[8] A recent investigation into one school district found "behaviours and practices that are clearly discriminatory and systemically racist."[9] Moreover, the report stresses that its findings are not constrained to a single school district:

> ***"[A]s a system, the educational community can do much to better develop the competencies, practices, and approaches to make schools and school communities inclusive, accepting of differences, and better places for all learners."[10]***

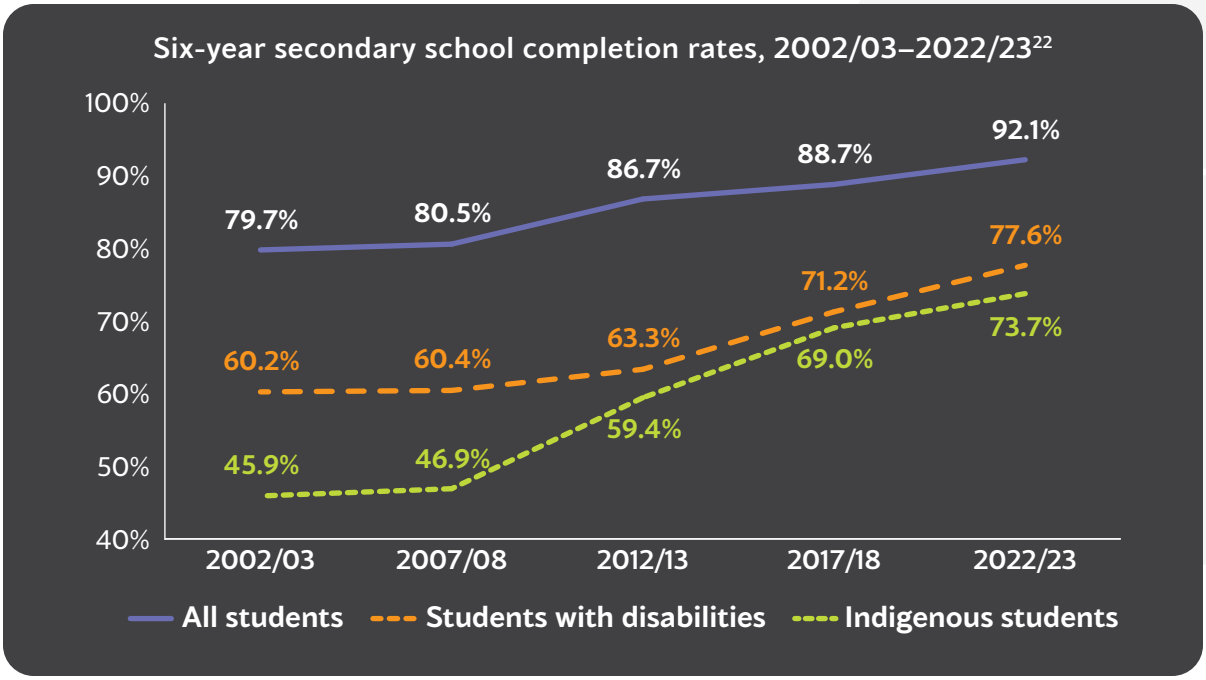
Research shows that students with disabilities also face numerous barriers that impede full participation in school activities.[11] For example, nearly 18 per cent of BCEdAccess survey respondents indicate that "their disabled child was secluded and/or restrained at school."[12] The same survey found that students are being excluded from classrooms when they require nursing care, such as administering seizure rescue medication or tube feeding.[13] These findings are consistent with other research that shows chronic underfunding of education supports for children with disabilities[14] and the experiences of families who say they receive "next to no support."[15] Inadequate supports are compounded by teacher shortages, as education assistants intended to help the most vulnerable students are forced to fill the gaps and are "used essentially as substitute teachers."[16]

Despite gaps in available disaggregated data, education researchers have observed that students with intersecting marginalized identities often face the largest barriers. For example, BCEdAccess notes that low-income Indigenous students who also identify as LGBTQ2SAI+ face layers of compounding systemic discrimination, including a lack of culturally appropriate supports and services.[17]

When students cannot safely and fully participate at school due to systemic barriers, this leads to disparities in education outcomes. Group-level disparities in education outcomes should therefore be understood as systemic discrimination rather than reflections of inherent ability. As the First Nations Leadership Council explained, provincial standardized testing, including the annual Foundation Skills Assessment (FSA) of primary students, "confirm[s] the persisting legacy of colonialism and that our students are still not receiving education that meets their needs to result in improved outcomes."[18] Similarly, the Truth and Reconciliation Commission calls on all levels of government to provide reporting and data on "the educational and income attainments of Aboriginal peoples in Canada compared with non-Aboriginal people."[19] Both the FSA and the Graduation Assessment (GA), administered annually to secondary students, show significant disparities among groups for which disaggregated data exist.



There are also disparities when comparing the rates at which different groups complete secondary school in six years. Rates for Indigenous students and students with disabilities are well below the all-students rate, though there have been substantial improvements in recent years. These improvements emphasize how social and political context can affect achievement gaps.



Even in elementary schools, students report experiencing hate and discrimination.[23] Throughout their education, students from marginalized groups are less likely to feel safe, welcome and fairly treated.[24] In addition, less than two-thirds of all students who completed the Student Learning Survey affirm that they are learning to understand and support human rights and diversity.[25] Together, these indicators stress the urgency of an educational culture that includes everyone and a curriculum grounded in human rights.

Spotlight: "Our LGBTQ students feel at risk"

Nearly one in five B.C. high school students identify as "gay, lesbian, bisexual or not exclusively heterosexual."[26] About three per cent of young people (ages 12–19) in B.C. identify as non-binary or transgender.[27] The growing number of people, especially younger people, who identify as LGBTQ2SAI+ reflects a monumental shift in public awareness, acceptance and recognition of the rights of LBGTQ2SAI+ people. However, students with diverse sexual orientations and gender identities routinely face discrimination in schools.[28] One senior school district official explained, "I am very very committed to making sure people understand that our LGBTQ students feel at risk."[29] The risks are real, as widespread discrimination and exclusion are leading to inequitable education and health outcomes.

> ***"With higher levels of discrimination and bullying, and lower levels of family, school and community support, LGBTQ+ youth face higher risks for significant health challenges, including suicidal thoughts and attempts, and problem substance use. However, when LGBTQ+ youth experience safe and supportive schools and families, they are much less likely to report these health challenges."*** [30]

According to national surveys by the non-profit organization Egale, while verbal and physical manifestations of transphobia and homophobia have declined in the last decade, 62 per cent of LGBTQ2SAI+ students across Canada still feel unsafe at schools.[31] Many of these students report experiences of exclusion, harassment, intimidation and violence.[32] LGBTQ2SAI+ Indigenous students are even more likely to experience harassment.[33] According to the Student Learning Survey, as early as grade seven, about one in 20 students in B.C. report experiencing discrimination on the basis of their sexual orientation or gender identity.[34] Research shows that the majority of all students report hearing negative gendered remarks and hearing homophobic comments either daily or weekly.[35] The majority of LGBTQ2SAI+ students surveyed do not report harassment because they "do not think [the] school would do anything about it."[36]

> ***"...homophobia is still so bad that even though we have gender-neutral washrooms kids don't even want to use them because just being associated with using that washroom will get you beat up."*** [37]

The importance of safe schools and communities can be amplified by a lack of family support for LGBTQ2SAI+ youth. As one focus group participant explained:

> ***"what's so unique...with sexual and gender diversity is that you don't have your family necessarily identifying with that and you don't know if you have their support."*** [38]

National research supports this concern, as one in four LGBTQ2SAI+ youth are forced out of their homes due to severe family conflict[39] and only 58 per cent of transgender and non-binary youth report feeling respected or supported by their parents or guardians.[40] Such unsupportive family environments underline the importance and urgency of making schools safe for all students.

> ***"If a child is outed to an unsupportive parent, it can put the child in serious danger. Most of the time you don't know [what] a kid's home life is like, school might be the only place they feel like they can be themselves."*** [41]

In 2016, the Minister of Education directed all school authorities to reference sexual orientation and gender identity in school codes of conduct.[i] Many educators responded by aiming to build inclusion into the education system.[42] Although there is no specific sexual orientation and gender identity (SOGI) curriculum, SOGI 1 2 3 is a set of grade-level appropriate resources that can assist educators in addressing the value of diversity, respect for differences and responses to discrimination. It includes, for example, inclusive classroom checklists and professional development for educators.[43] While SOGI 1 2 3 is not mandatory for educators to use, it has become a key resource[44] to ensure that all students feel safe, included and empowered.

At the same time as we've seen increased visibility and broader acceptance of the LGBTQ2SAI+ community, the community has also faced growing backlash and hate. Participants in our Office's research — including educators, youth workers and school trustees — connected discrimination in schools to broader trends including misinformation and organized hate. We heard about multiple attempts to create inclusive spaces resisted by far-right groups. In one school district, Pride posters in schools were torn down and replaced with posters mocking students and their activism.[45] In another, protestors harassed attendees at school events.[46] We heard reports of protestors shouting in children's faces and calling staff pedophiles and groomers.[47] Attendees at inclusive events described:

> ***"[that] they've been followed home, that their license plates have been taken down, that their home addresses have been written down and there's kind of intimidation happening, just for being outwardly supportive of the community."*** [48]

In the fall of 2023, so-called 'SOGI curriculum' became a political flashpoint as marches were held across the country. These marches were fueled by misinformation and disinformation about SOGI 1 2 3, with many parents misunderstanding the anti-bullying and inclusive nature of the materials. These marches were met with strong opposition, as counter-protestors made it clear that LGBTQ2SAI+ students exist, their rights are not up for debate and there is no space for hate in our schools.[49]

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[i] This directive followed the 2016 amendment to the B.C. *Human Rights Code* that added gender identity and expression as protected grounds.

Inequities in employment

Everyone has the right to be free from discrimination in the context of employment.[1] However, the effects of systemic discrimination are evident across the labour market. Many Indigenous people, racialized people, immigrants, women, people with disabilities and others with marginalized identities experience barriers to employment and unequal treatment in the workplace. As a result, they are less likely to be employed, work in secure jobs or hold managerial roles and they earn less for their work.

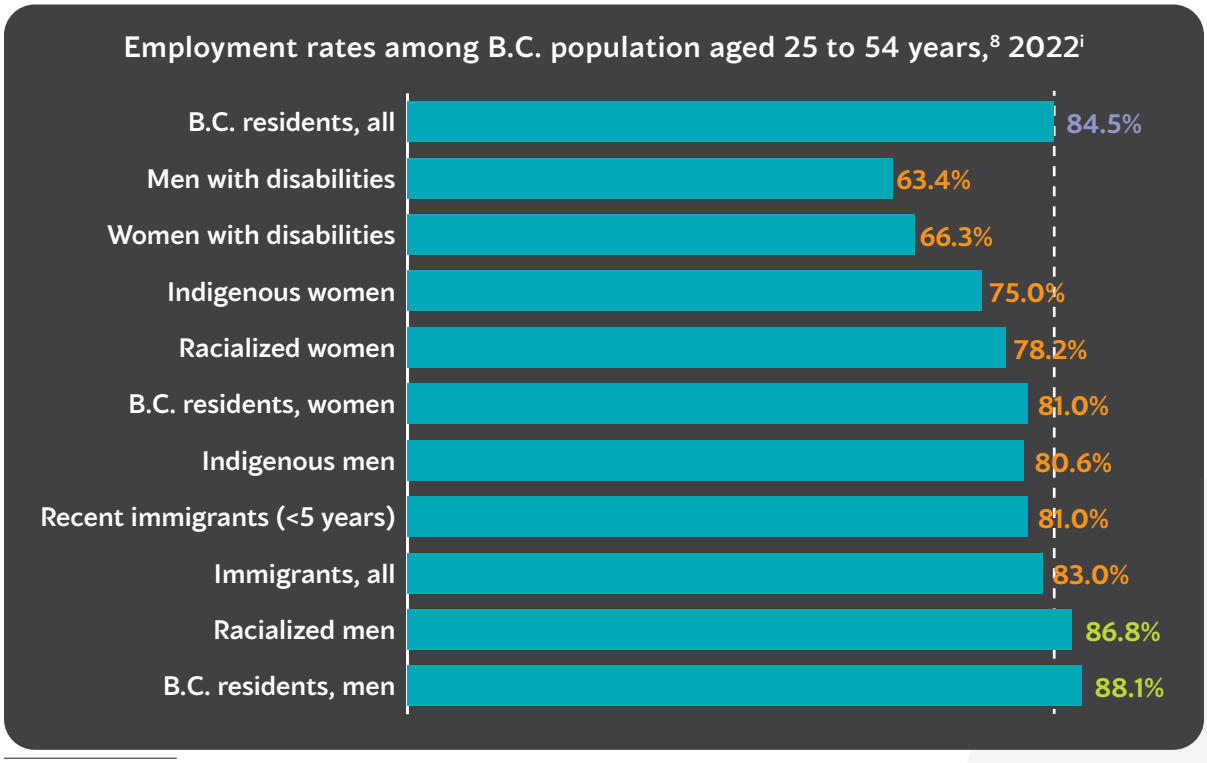
Barriers to employment

Many marginalized people experience barriers when seeking employment such as lack of access to child care,[2] limited recognition of foreign credentials and experience[3] and difficulty securing workplace accommodations.[4] In addition, many experience unconscious bias or overt discrimination from employers.

Employment is the most litigated area of discrimination at the BC Human Rights Tribunal.[5] In a poll conducted for our Office in May 2022, one in 10 respondents said they had experienced discrimination based on their identity when applying for a job in British Columbia. Many respondents reported that they were treated differently in the job application process because of their age (28 per cent), sex or gender (20 per cent) or race or ethnicity (20 per cent). Research from other parts of Canada demonstrates that even when resumes and cover letters are otherwise identical, and regardless of the level of education and work experience they include, applicants with non-Anglophone names or who mention using a wheelchair receive callbacks at significantly lower rates than other applicants.[6] One community research participant shared:

> ***"Being an Aboriginal, we don't get hired in a lot of places. I've applied everywhere in the last 30 years and I've only received about three jobs.... They tell me [to] go back to the reserve."[7]***

As a result of this systemic discrimination and interconnected inequities in education, health and distribution of unpaid domestic labour, there are significant disparities in the employment rate — that is, the percentage of people in each group who are currently employed — as shown below.



[i] 2023 employment rate data is not available for people with disabilities. To improve comparability, we have used 2022 data to include a broader set of groups. Due to data availability, the employment rates for men and women with disabilities shown here are based on population aged 25 to 64 years, rather than 25 to 54 years.

People with disabilities are significantly less likely than other groups to be employed.[9] This is partly because some people with disabilities are unable to work. However, others are able and keen to work but face systemic barriers. A recent estimate by Statistics Canada suggests over 40 per cent of adults with disabilities who are not currently employed would be able to work "within an inclusive, accessible and accommodating labour market."[10]

BCOHRC-funded research about challenges people with disabilities face in the labour market found that ableism in the workplace is "repeated and profound."[11] One main cause is employers' "prejudiced and/or discriminatory views regarding the work-related abilities of people with disabilities."[12] These views result not only in reluctance to hire people with disabilities but also in lower pay, fewer hours, isolation, limited opportunities for advancement, failures to accommodate and other barriers in the workplace.[13] A community research participant with diverse abilities noted:

> ***"People kind of scrunch their nose up at you like … something's wrong with you."[14]***

Labour market outcomes

Among those who are employed, there are significant differences in work hours, job stability and security, work conditions and opportunities for advancement. For instance, in B.C., 72 per cent of all part-time workers are women.[15] The most common reason women work part time is to care for children, which is the reason given by 33 per cent of women who work part time, compared with only six per cent of men who work part time.[16]

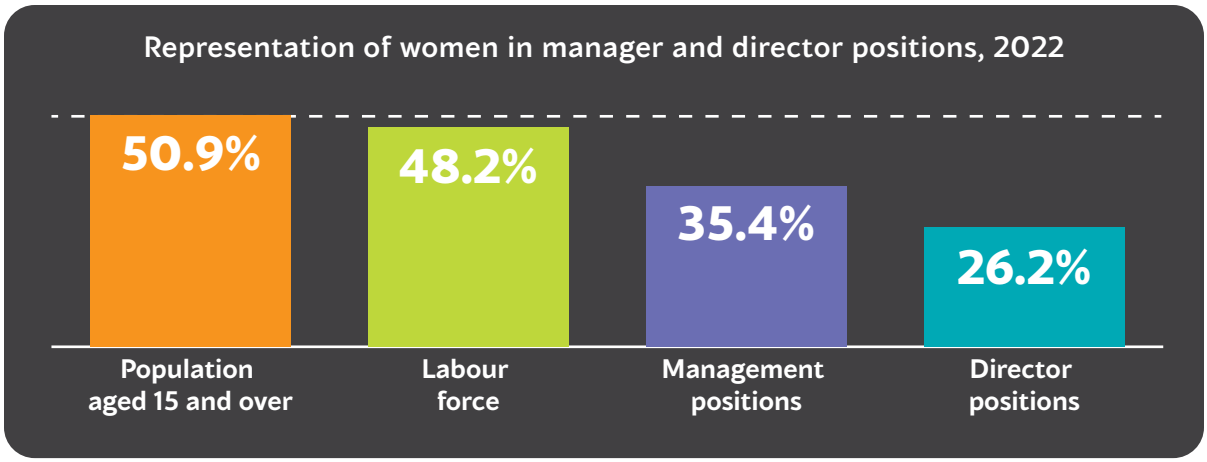
Due to systemic barriers and employment discrimination, marginalized workers are also more likely to hold precarious positions. Indicators of precarity include income variability, scheduling uncertainty, lack of benefits and more.[17] Precarious jobs are also associated with poorer mental and physical health.[18]

One study found that more than one-third (37 per cent) of B.C. workers — mostly marginalized people — were in precarious jobs prior to the COVID-19 pandemic.[19] Notably, since "racialized and Indigenous workers are much less likely than white workers to have *secure* jobs,"[20] they were disproportionality impacted by the pandemic.[21] Other research across Canada shows Indigenous people are more likely to work in jobs that pay lower wages and to work part-time involuntarily. They are also more vulnerable during economic downturns, as evidenced by increased rates of lay-offs and slower rates of economic recovery during the COVID-19 pandemic.[22]

Marginalized people are less likely to hold management and executive positions. Stereotypes, biases and unequal access to education, jobs and leadership opportunities all play roles in creating gaps in leadership representation. One participant in an employment equity focus group hosted by our Office described a "tap them on the shoulder" process of development, where some people are informally encouraged to pursue professional development and job opportunities while others are not.

> ***"[It's] 'basically a nightmare for equity' because those who get the 'tap on the shoulder' get experiences, training and opportunities while others do not."[23]***

The result of biased processes is that most marginalized groups are underrepresented in management and executive positions. One exception is immigrants, who are slightly more likely to hold management positions than non-immigrants in B.C. (12 per cent compared to 11 per cent).[24] Some ethnic groups are also an exception. People identifying as Korean (15 per cent), Chinese (12 per cent) or West Asian (12 per cent) are more likely to hold management positions than non-racialized people (11 per cent) or those who identify as Filipino (five per cent) or Black (six per cent).[25] Meanwhile, women hold 48 per cent of employment positions but only 35 per cent of management positions and 26 per cent of executive positions.[26]



Compensation

Marginalized people routinely receive inequitable compensation. Pay gaps represent how much less annual market income[27] a designated group earns than a comparison group on average.[ii] The pay gap is the result of many of the differences between groups in labour market outcomes discussed above, including employment rates, work hours, occupation and pay. For example, in 2021 the average annual market incomes for men and women were $55,100 and $37,300, respectively.[28] Since women earned about 68 per cent as much as men the gender pay gap was 32 per cent. Pay gaps persist for Indigenous people, racialized people, immigrants and people with disabilities. Many people experience larger pay gaps based on their intersectional identities. For instance, Indigenous women and women who immigrated as adults face greater pay gaps than Canadian-born women and women who immigrated as children.[29]

Pay gaps can be linked, in part, to discrimination in hiring, promotion and compensation processes.[30] For example, a pay gap persists between Black and white workers, even controlling for factors like level of education, occupation and work activity.[31]

[ii] Compensation gaps can also be measured through the wage gap. The wage gap is similar to the pay gap except that it considers average hourly wage rather than market income. This difference in hourly wage is not influenced by differences in working hours and employment between groups, though it is influenced by occupation of employment.


Pay gaps in average annual market income in B.C., 2021[32]
Designated group
Comparison group
Immigrants
$0.89
11%
Non-immigrants
Racialized people
$0.81
19%
Non-racialized
Indigenous peoples
$0.77
23%
Non-Indigenous
Women
$0.68
32%
Men
People with disabilities
$0.65
35%
Without disabilities
$0.00
$0.20
$0.40
$0.60
$0.80
$1.00
Earning of designated group for every dollar earned by the comparison group
Pay gap

Spotlight: "We feel disposable, we feel invisible, you know?"

In 2022, employers across Canada were approved to employ more than 220,000 temporary foreign workers (TFWs) [33] to fill labour force gaps in agriculture, health care, hospitality, construction and more.[34] TFWs face inequities in a number of ways, often due to the power imbalances embedded in the systems that regulate and support their temporary employment and their immigration status. The full realization of employment equity is essential to protecting the human rights of TFWs who too often feel powerless against their employers.

The TFW Program and other programs for temporary and migrant workers[iii] are administered federally but responsibility is shared with the provinces.[35] For example, provincial governments are responsible for labour rights, workplace safety, health care, tenant rights, human rights and emergency responses.[iv] The structure of the federal government's Temporary Foreign Worker Program — where workers are reliant on employers for their immigration status through employer-specific work permits — renders migrant workers "uniquely vulnerable" to abuse, exploitation and unsafe working and living conditions.[36] In the course of our research in Chilliwack and Terrace for our Community Briefs, we spoke with TFWs and migrant worker advocates to learn more about the structural barriers that undermine the human rights of TFWs.

The power imbalance begins with poverty in TFWs' countries of origin. Agricultural workers from Mexico, for example, might earn three to five times as much working in B.C.[37] and are often trying to support families in their home countries with education, medical or other living costs. Thus, the stakes of employment can be high. A migrant worker advocate noted:

> ***"If they don't get placed, then their kid does not go to school or you know, their mother doesn't get that operation that she needs. Like everything is kind of relying on them being able to work here in Canada..."*** [38]

Many employers work with recruitment agencies who connect them with foreign workers. Some recruiters take advantage of the high desirability of TFW positions and charge illegal recruitment fees.[39] We heard that fees of $1,000 to $2,000 are common and that fees can range up to $50,000 in some cases.[40] Workers are often unaware that fees are illegal.[41] As a result, many TFWs arrive in B.C. already carrying substantial debt from paying high recruitment fees or promising to provide a cut of their future earnings.[42]

[iii] Canada has many different temporary migration programs and permits, including temporary resident permits, the International Student Program, the International Mobility Program and the Temporary Foreign Worker Program (TFWP) (which in turn, includes multiple program streams, including the Seasonal Agricultural Worker Program). In addition, some workers in Canada do not have a current work permit and are undocumented or out-of-status. This report section focuses specifically on the TFWP. All TFW work permits are employer-specific or employer-restricted, with barriers to changing employers without losing immigration status.

[iv] We heard from TFWs that this division tends to diffuse responsibility in an unhelpful way: "Oh that is a Federal. The Federal say no, that is a Provincial. No that is a municipal. And everybody avoids the issue, right?" Anonymous Baseline interview participant from Chilliwack, March 2, 2023.

When workers arrive in B.C., the power imbalance with their employer can be exacerbated by language barriers and social isolation. TFWs who live where they work, which is common among agricultural and care workers, are at heightened risk of isolation and abuse.[43] As shared by one advocate in Terrace:

> ***"Sometimes people live at the hotel [where they work] ... so they only leave when they go shopping and they usually go with a co-worker who has a car. I worked with one woman and for eight months she didn't know really what the town looked like because she would go from her room to her job and back."*** [44]

One advocate explained that employers are often tasked with ensuring workers know their rights.[45] This creates a conflict of interest and is especially concerning when some employers are "really counting on people not knowing their rights and employment standards."[46]

The power imbalance inherent to employer-specific work permits places TFWs at increased risk of financial, verbal, physical and sexual abuse by their employer or employer's agents.[47] A migrant worker and advocate described:

> ***"Migrant workers ... we feel disposable, we feel invisible."*** [48]

We heard several reports of poor and unsafe working conditions and that TFWs are afraid to report these conditions to the authorities. For example, workers described spending 14 to 16 hours a day picking fruit in the Okanagan valley.[49] We heard reports of people working without adequate water or protection from pesticides or other chemicals:[50]

> ***"...people have scars all over their hands and arms because they aren't given proper equipment."*** [51]

Inadequate and unsafe housing for TFWs, particularly seasonal agricultural workers, is another well-known and long-standing problem.[52] We heard it is common for migrant worker housing to be overcrowded and in poor condition. For example, we heard reports about one employer who hosts 20 to 25 workers in a small three-bedroom house, with four to five adults in a single bed.[53] Some workers also described being denied guests, including advocacy workers and facing strict curfews.[54]

> ***"...you look at the migrant worker housing and it's disgusting, and it is covered in mold, and the doors don't close, and there is no ventilation, and they're freezing or boiling hot."*** [55]

The vulnerability created by the structure of the Temporary Foreign Worker Program hampers the ability of TFWs to report or respond to mistreatment. Many workers fear that making formal complaints or even seeking community-based support will result in loss of work and removal from Canada.[56] In the course of our research, workers and advocates told us about incidents where workers were fired for "disloyalty" after making WorkSafeBC claims, despite employer retaliation being illegal.[57]

> ***"...if they speak up, if they report, if they injure themselves, they just send them home and they say, 'You'll never work in Canada again.'"*** [58]

> ***"I'll put up with the abuse and I'll just get [my daughters] through college."*** [59]

TFWs are entitled to the same fundamental protections and human rights as other residents of B.C. However, employer-specific work permits and other structural barriers make it difficult, and sometimes dangerous, for workers to assert those rights.

Inequities in the health care system

Everyone has the right to the highest attainable standard of physical and mental health.[1] Governments have an obligation to ensure everyone has equal access to the medical care they need and to things like clean water, nutritious food and adequate housing, which create circumstances for good health.[2] In British Columbia, inequities in health care are revealed through indicators such as disparities in life expectancy, rates of premature death and self-reported mental health for marginalized groups. These inequities in health are connected to inequities in other areas of life, such as income and social status, employment and working conditions, education and literacy and the cumulative burden of discrimination and intergenerational trauma.[3] Inequities in health also reflect differences in access to health services, including discrimination within the health care system.[4]

Health care system

The health care system is in crisis.[5] A number of policy decisions have contributed to this crisis, such as reduced medical school seats, privatization of long term care facilities and restrictions on international medical graduates' ability to practice.[6] In recent years, both the COVID-19 pandemic and the toxic drug crisis have placed unprecedented additional demands on an already stretched health care system.[7] The result is that the health care system has not kept pace with the needs of B.C.'s rapidly growing and aging population.[8]

In 2022, 17 per cent of B.C. residents were without a regular health care provider.[9] For racialized people, that figure exceeds 20 per cent.[10] Only 35 per cent of B.C. residents are confident they could receive timely emergency care and only 10 per cent report "comfortable access" to the health care system, meaning that they feel it would be easy to access different types of care when they need it.[11] As described by a health care worker who participated in our research:

> ***"We're getting called in to somebody who's in crisis because they haven't taken their medications for four months because their prescription ran out. Or the wound has become infected … We're ending up dealing with far more acute cases because people just haven't been able to get access in a timely fashion."*** [12]

Rural and remote communities typically have worse access to health care than urban areas. Physicians tend to concentrate in cities: only eight per cent of physicians serve the 18 per cent of Canada's population living in rural communities.[13] A 2021 survey of people in rural B.C. communities identified access to primary care as "the most pronounced gap."[14] But respondents also identified concerns over local access to emergency services, maternity care, seniors care and more.[15] Due to gaps in local access, people in rural areas are much more likely to need to travel to receive care, which is associated with added cost, stress and poorer health outcomes.[16] Those who cannot afford to travel have no choice but to wait. As one Fraser Lake resident put it:

> ***"If you're rich enough you can go elsewhere and get it done, when you don't have the money you gotta stick around"*** [17]

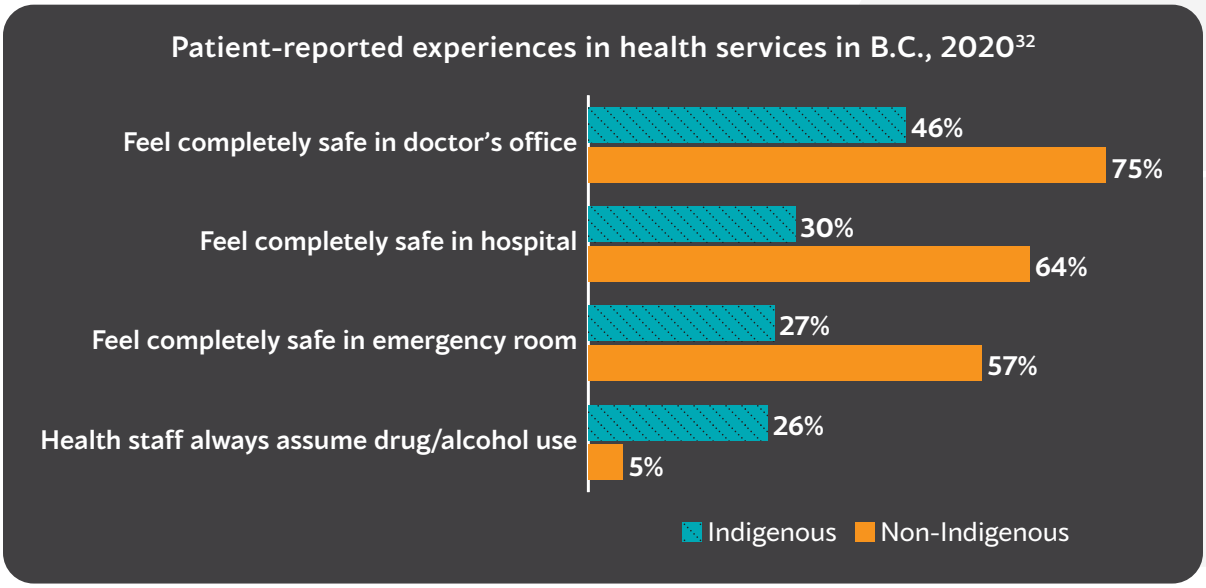
For marginalized groups, difficulty accessing health care is compounded by systemic barriers and unequal treatment in health care settings. For example, lack of transportation and lack of child care are common obstacles to in-person appointments,[18] while the lack of a reliable internet connection or private space can impede telehealth appointments.[19] A service provider who participated in our community research described a common scenario for the women with whom they work who face multiple intersecting barriers:

> ***"… This might be the only time that she gets to see a doctor … she's got some child care and it's safe and she's got connections and she's only allowed to present one issue and she's got 10 minutes to do it … The doctor calls an hour late, and she's fought really hard to get this appointment. And then is she even heard? Does the doctor think that she's drug seeking? … Is [the doctor] really listening to the roots of the problem?"*** [20]

Research from across Canada suggests that many Indigenous people,[21] racialized people,[22] women,[23] people with disabilities,[24] seniors,[25] people experiencing homelessness[26] and LGBQT2SAI+ people[27] experience discriminatory treatment in health care settings, which can result in unmet health care needs. In our community research, many people reported being dismissed, disrespected and mistreated based on their identity when seeking health care. One community research participant experiencing homelessness described:

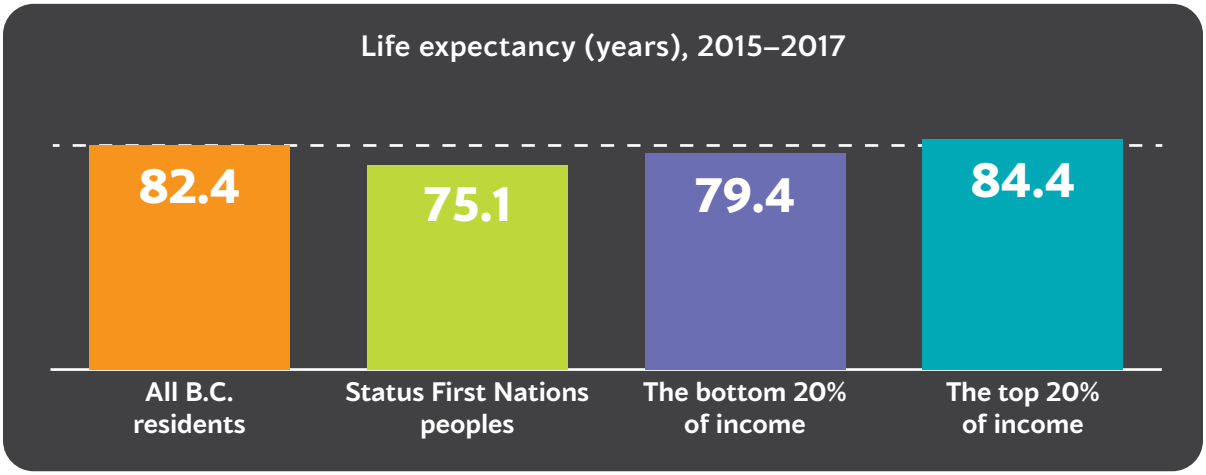
> ***"I'm stuck and left on the hospital floor.... Sometimes you need help at the hospital but they won't help you because they think you just want a place to sleep. Or they say things... bad things. One time I was up at the hospital and a nurse said, 'Well if you really wanted to kill yourself you would have.'"*** [28]

Indigenous people frequently report receiving substandard care, which results in poor health outcomes. This was also found in the 2020 In Plain Sight review, which identified pervasive systemic anti-Indigenous racism in the B.C. health care system.[29] Of those surveyed, 84 per cent of Indigenous people reported experiences of discrimination when receiving health care services and 35 per cent of health care workers reported "having personally witnessed discrimination inflicted upon Indigenous patients or their families and friends."[30] Medical facilities are not always seen as safe by Indigenous people and discrimination can have tragic outcomes. Discrimination damages trust and deters people from seeking care, worsening health outcomes. As noted by one participant in the In Plain Sight review: "that is where our people go to die."[31]



Health outcomes

Inequities in health care and other social systems create a wide range of poor health outcomes for marginalized people. This can be seen most starkly in differences in life expectancy between groups.[33]



These differences in life expectancy reflect higher rates of premature deaths among marginalized groups. Premature deaths are those that occur before the age of 75 and that could potentially have been avoided through effective prevention (e.g., wearing seatbelts, healthy eating, immunization) or treatment (e.g., screening and management of chronic disease).[34] Socio-economic status is strongly linked to both preventable and treatable premature death. Compared with the highest income group, those in the lowest income group experience more than double the rate of treatable mortality and nearly triple the rate of preventable mortality.[35]

Suicide is a stark example of avoidable death that is strongly linked to social factors. For example, the suicide rate among Status First Nation youths (15–24 years) more than triples the rate among other B.C. youths, reflecting the intergenerational and ongoing impacts of colonization.[36]

In general, mental health is worse among marginalized groups.[37] Across Canada, self-rated mental health is worse among those with lower incomes, with less education and holding unskilled occupations.[38] Low self-rated mental health is also more common among people with diverse sexual identities.[39] Intergenerational trauma, social exclusion, discrimination, violence and lack of economic resources can all contribute to poor mental health.[40]

Self-rated mental health among youth in B.C. has also decreased significantly over the past decade. According to provincial survey data collected by the McCreary Society, the share of youth who rated their mental health as good or excellent dropped from 81 per cent in 2013 to only 60 per cent in 2023.[41] The share who reported good or excellent mental health was even lower among girls (50 per cent) and non-binary youth (22 per cent).[42]

The two most recent public health crises, the COVID-19 pandemic and the toxic drug crisis, have also disproportionately impacted marginalized populations, with major impacts on both physical and mental health.[43] For example, in 2023, the rate of death from toxic drug poisoning was six times higher among First Nations people in B.C. than other B.C. residents and nearly 12 times higher for First Nations women compared with non-First Nations women.[44] Gaps in health outcomes following an overdose are also large and growing.[45] In 2024, the First Nations Health Authority released data showing that life expectancy for First Nations people in B.C. had fallen 7.1 years between 2015 and 2021, due primarily to the toxic drug crisis and followed by deaths from COVID-19.[46]

Spotlight: "I need community and belonging"

The toxic drug supply is a human rights crisis. About 225,000 people in B.C. use unregulated drugs and about 100,000 of them have an opioid use disorder (OUD).[47] In April 2016, B.C. declared a public health emergency in response to the rising number of deaths linked to toxic drugs. Since that announcement, almost 14,000 people have died. In 2023 alone, over 2,500 people died from toxic drug supply — nearly seven deaths every day.[48] Unregulated drug toxicity is the leading cause of death in B.C. for people aged 10 to 59.[49] The fact that this overwhelming public health crisis has not been effectively addressed by public policy and services is intimately connected with stigma and bias against users of unregulated drugs (and the already marginalized people who disproportionately make up the population of people using unregulated drugs), which raises significant human rights concerns.[50]

While people of many different backgrounds have been affected by this crisis, some people are at increased risk due to lack of affordable housing, inadequate social supports and major gaps in health services including mental health care and care for people living with chronic pain.[51]

> ***"People end up abusing substances because they haven't been helped before that."*** [52]

The primary cause of drug poisoning deaths is unregulated supply.[53] As noted by the BC Coroners Service Death Review Panel, "all substance use carries inherent risks … these risks are significantly increased when the substances are obtained illicitly via an unregulated market with no quality controls or other protections."[54]

In B.C., physicians and nurse practitioners can prescribe safer supply alternatives. Some people have benefited significantly from their access to safer supply. As reported by one user:

> ***"I've overdosed 12 times, but I've had no overdoses since starting [prescribed safer supply]."*** [55]

However, there have been significant barriers in the implementation of prescribed safer supply, including:

- barriers to access and limited trust in health care providers among Indigenous people, people experiencing poverty and people with other marginalized identities
- limited clinician uptake, especially outside of major urban centres
- adequacy of both potency and route of administration of the prescribed alternative, especially for high-risk populations with greater tolerance[56]

As a result of these barriers, as of December 2023, fewer than 4,500 people were receiving a prescribed alternative, down from a peak of about 5,200 in March 2023.[57]

Other forms of harm reduction, which have been shown to significantly lower risk of death for individuals using drugs, are also not equally available across the province due to "municipal resistance, the lack of infrastructure and health-care staffing."[58] For example, in 2022, the rate of toxic drug deaths per capita in the Northern Health area was more than 70 per cent higher than the Fraser Health area.[59] Despite having the highest death rate, the Northern Health area has the fewest supervised consumption and overdose prevention sites.[60]

In addition, for those with a substance use disorder, there are many barriers to effective, evidence-based and culturally safe treatment and gaps in supports needed for long-term recovery and wellness. While it is estimated that over 300,000 people in B.C. have a substance use disorder,[61] there are only about 3,500 publicly funded treatment beds available,[62] illustrating the significant gap between the potential need or demand for residential treatment and its availability.

> ***"I woke up, wanting to start treatment, but my doctor told me to wait, there were no spots."*** [63]

The overwhelming complexity of the current treatment system is also a barrier to access. Patients report not knowing whether they satisfy entry requirements[64] or whether a given treatment protocol is a good fit for their needs.[65] Limited providers, especially in rural and remote areas, can compound the challenge of finding an appropriate treatment protocol.[66] As noted by the B.C. Coroners Services Death Review Panel: "current [treatment and recovery] services in B.C. are limited, often not evidence based and often expensive, and those wishing to access these services often encounter significant waiting times, navigation and/or other barriers."[67] A doctor participating in an engagement led by BC Patient Safety and Quality Council noted:

> ***"...it's difficult for me as a physician to navigate the system – I can't imagine how it is for families."*** [68]

Once in treatment, some patients report experiencing excessive restrictions, describing it as rigid, disempowering, infantilizing and punitive.[69] By contrast, many patients emphasize the role of trust and relationships in successful treatment journeys:

> ***"...someone believing in you or hugging you and caring is number one."*** [70]

> ***"I need community and belonging."*** [71]

Through our research and roundtable discussions, we heard many times that withdrawal management or treatment alone—without supports to help people with the underlying factors that lead to their substance use—set up people for failure and place them at extremely high risk of drug poisoning.[72]

> ***"We put people into detox–"***

> ***"–Only to bring them back to the street, and then they die because they overdose"*** [73]

The toxic drug crisis is a human rights crisis. The marginalization of drug users—often intersecting with other forms of marginalization—is at the heart of this crisis. Evidence suggests that effective and accessible harm reduction, treatment and post-treatment supports could prevent many deaths from the toxic drug supply.

“People end up abusing substances because they haven’t been helped before that.”

—Anonymous Baseline focus group participant in Cranbrook

Inequities in public spaces

Everyone has the right to fully participate in public spaces.[1] Public spaces are vital sites of political, social and cultural participation and include roads, public squares, parks and at least some of the internet. In recent years, however, the rise in hate and far-right[i] movements have made many people, especially those with marginalized identities, feel unsafe participating in public spaces.

[i] The term "far-right" encompasses a wide range of groups and ideologies. At their root, these ideologies typically view some groups of people as legitimate and superior (i.e., white people, men, etc.) and others as subordinate and/or illegitimate (i.e., racialized people, LGBTQ2SAI+ people, women, etc.). They often see government as 'standing in the way' of a society based on their hierarchical, authoritarian views and may see government as illegitimate as a result.

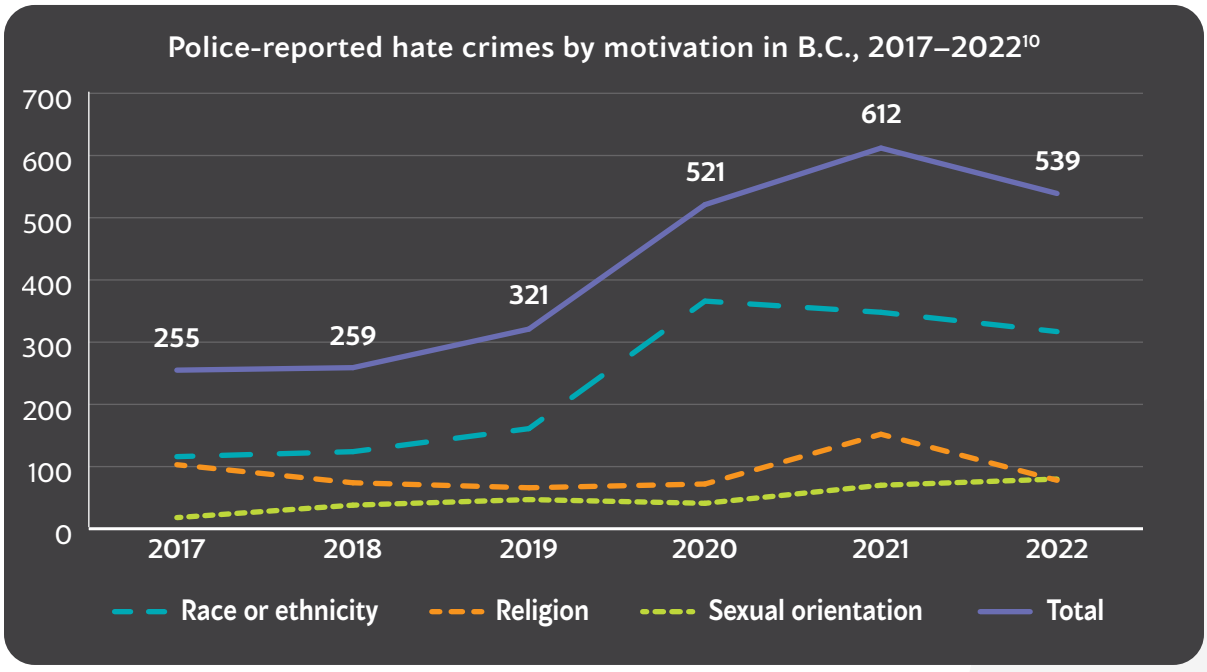
Rise in hate

Hate is prevalent across B.C. and often takes place in public spaces.[ii] Respondents to a survey from our Office reported that hate incidents were most likely to occur in outdoor public spaces.[2] Online hate is also common: one in five Canadians, including 29 per cent of racialized people, have experienced some form of hate, harassment or violence online.[3] A national poll of women and gender diverse youth (aged 16 to 30) found that one in four respondents had been personally targeted by online hate and one in two had witnessed it.[4]

Hate in B.C. rose significantly over the course of the COVID-19 pandemic and again in response to local and global events. For example, the violence in Gaza has led to a rise in discrimination against Palestinian, Jewish and Muslim people.[5] We can measure these jumps in hate incidents in part through police-reported hate crimes, which more than doubled between 2017 and 2022.[6] But our Office also heard about many hate incidents that were not reported to police or did not meet the threshold of a criminal offence.

A 2022 poll conducted by our Office found one in 10 B.C. respondents had experienced a hate incident since the beginning of the pandemic, including 20 per cent of Indigenous respondents and 15 per cent of East Asian respondents.[7] Most respondents to a survey conducted by our Office said they had been affected by hate many times (60 per cent) or regularly (19 per cent).[8] This underscores the idea that hate is a pervasive experience for people — rather than a single isolated incident — that can become "embedded in almost all aspects of their lives."[9]

Through our Office's Inquiry into Hate in the COVID-19 Pandemic (the Hate Inquiry), people shared many experiences of hate, including hateful comments and slurs, graffiti, property damage, physical harassment, threats of violence, being spat on or having garbage thrown at them and violent assaults.



[ii] Hate can also occur in private spaces. For instance, gender-based violence, which may be considered a hate crime in some circumstances, often occurs within family or intimate relationships, inside the home, as discussed in the **Family Sphere section** of this report.

Silencing and exclusion

Experiences of hate can exclude people from public spaces and impede free expression. The Hate Inquiry found 65 per cent of people who experienced, witnessed or were affected by a hate incident reported a loss to their sense of safety.[11]

Marginalized groups are acutely affected. For example, a survey of trans and non-binary people found 62 per cent avoided three or more types of public spaces for fear of harassment.[12] As hate crimes targeting race doubled from 2019 to 2020, many people withdrew from public spaces. As described by a representative from the Vietnamese Professionals Association in their submission to the Hate Inquiry:

> ***"No one should be scared about going for walks. Like, at the height of the pandemic, my grandma [of East Asian descent] was going for walks in her backyard, just in circles."[13]***

And as shared by a respondent to our Service Provider Survey:

> ***"Many [Muslim women] are experiencing intimidation, verbal assault, violent and abhorrent language on the streets, and demands to go home or take off the hijab... I have friends who are afraid to leave their home..."[14]***

As one expert explains, "silencing victims is often the primary motivation for such abuse."[15] Hate speech normalizes and motivates discrimination, oppression and even targeted violence. Marginalized people take on significant risk when they participate in public conversation in a way that reveals or highlights their identity, and so some choose to avoid or reduce participation altogether. Hate therefore degrades the quality of our democracy both by directly harming certain people and communities and by excluding diverse voices from public spaces.

Spotlight: "With technology … people can radicalize in a weekend"

False or misleading information — shared either unintentionally (misinformation) or with malign intent (disinformation) — plays a central role in propagating hate and silencing people, especially online. Misinformation is not always hateful but it often amplifies hatred toward marginalized groups. Research shows that people tend to accept mis/disinformation when it conforms to their beliefs, reinforcing existing prejudices.[16] Mis/disinformation can pull people towards extreme views and even far-right radicalization. In 2023, 59 per cent of Canadians said they were very or extremely concerned about misinformation online and 43 per cent said it was getting harder to identify misinformation compared with three years earlier.[17]

Today, mis/disinformation thrives as institutions become less trusted and public discourse moves increasingly online. About half of Canadians agree that "much of the information we receive from news organizations is false" (44 per cent) and that "official government accounts of events can't be trusted" (52 per cent).[18] This signals a profound erosion of a once-shared foundation of facts.

Meanwhile, Canadians are spending more time online — half of all Canadians spend five or more hours online per day, up from 36 per cent in 2016[19] — where misinformation is often sensational and elicits strong emotions and is therefore highly effective at capturing attention[20] and bypassing critical evaluation.[21] Mis/disinformation is easy to access online as recommendation algorithms saturate users in extreme content. For instance, one study created TikTok accounts to search for topics like masculinity and loneliness and found that misogynistic content made up 13 per cent of recommendations on the first day and 56 per cent later that week.[22] A former white supremacist noted:

> ***"When I was recruiting, the internet had only sort of just come out, but it took months if not years to radicalize a person. But with technology and social media now, people can radicalize in a weekend."***[23]

There are numerous examples of mis/disinformation spreading across B.C. in recent years. Most prominent was misinformation about the COVID-19 virus, social distancing, masking and vaccines, including racist conspiracy theories. A poll conducted in 2020 found that about one in four B.C. residents believed COVID-19 was engineered as a bioweapon in a Chinese lab.[24] Some 58 per cent of respondents to the Hate Inquiry survey reported that blame for the pandemic was a factor in a hate incident they experienced, including 89 per cent of East Asian respondents.[25] The Commissioner also heard this described during the Inquiry by many people of Asian descent:[26]

> ***"An older Caucasian lady started yelling at us…about bringing the virus here and told us to get off the streets. She then…coughed in [my child's] face. My seven-year-old is confused and doesn't understand how we had anything to do with the virus."***[27]

Another case of disinformation comes from 2021, when unmarked graves were discovered near the former Kamloops Indian Residential School and later at multiple other residential school sites. Claims that the graves were a 'hoax' or being misrepresented[28] led some individuals to target Indigenous people with harassment and violence. According to the Independent Special Interlocutor for Indian Residential School Burials (appointed by the federal government),[iii] "this violence is prolific and takes place via email, telephone, social media, op-eds and at times, through in-person confrontations."[29] Denialists trespassed on burial grounds, in one case with the intent to dig up the graves to 'see for themselves' if children were buried there.[30]

In 2023, mis/disinformation about gender identity and sexual orientation contributed to national protests against teaching about diverse gender and sexual identities in schools,[31] as well as violent threats and protests against Drag Queen Storytimes at public libraries.[32] In Chilliwack, we heard that people radicalized by far-right ideas about sex and gender participated in harassment campaigns against school trustees and LBGTQ2SAI+ community members, including children and youth.[33] As noted by a respondent to our Office's Service Provider Survey:

> ***"Attacks on access to information for LGBTQ2SAI+ youth are intensifying, with focused pressure on school curriculum and school and public library offerings. This is a major risk for the well being of young people, as being able to access factual information, see your own experience represented and identify your experience with others is crucial for self-esteem, health and safety."[34]***

Far-right movements have an outsized influence in spreading disinformation and mobilizing people on the basis of hateful beliefs. Their rhetoric aims to normalize extremist views and produce a veneer of legitimacy. Online spaces can provide the false sense that such views have broad public support.[35] Those who seek out and believe large amounts of mis/disinformation, especially conspiracy theories reinforced by online communities, are most at risk of radicalization, including radicalization to commit acts of violence.[36] As noted by the director of a Toronto-based program that aims to divert youth and young adults from violent ideologies:

> ***"All of our clients who are involved in hate crime, or hate ideology, also are very staunch supporters, are engaged with conspiracy theories"[37]***

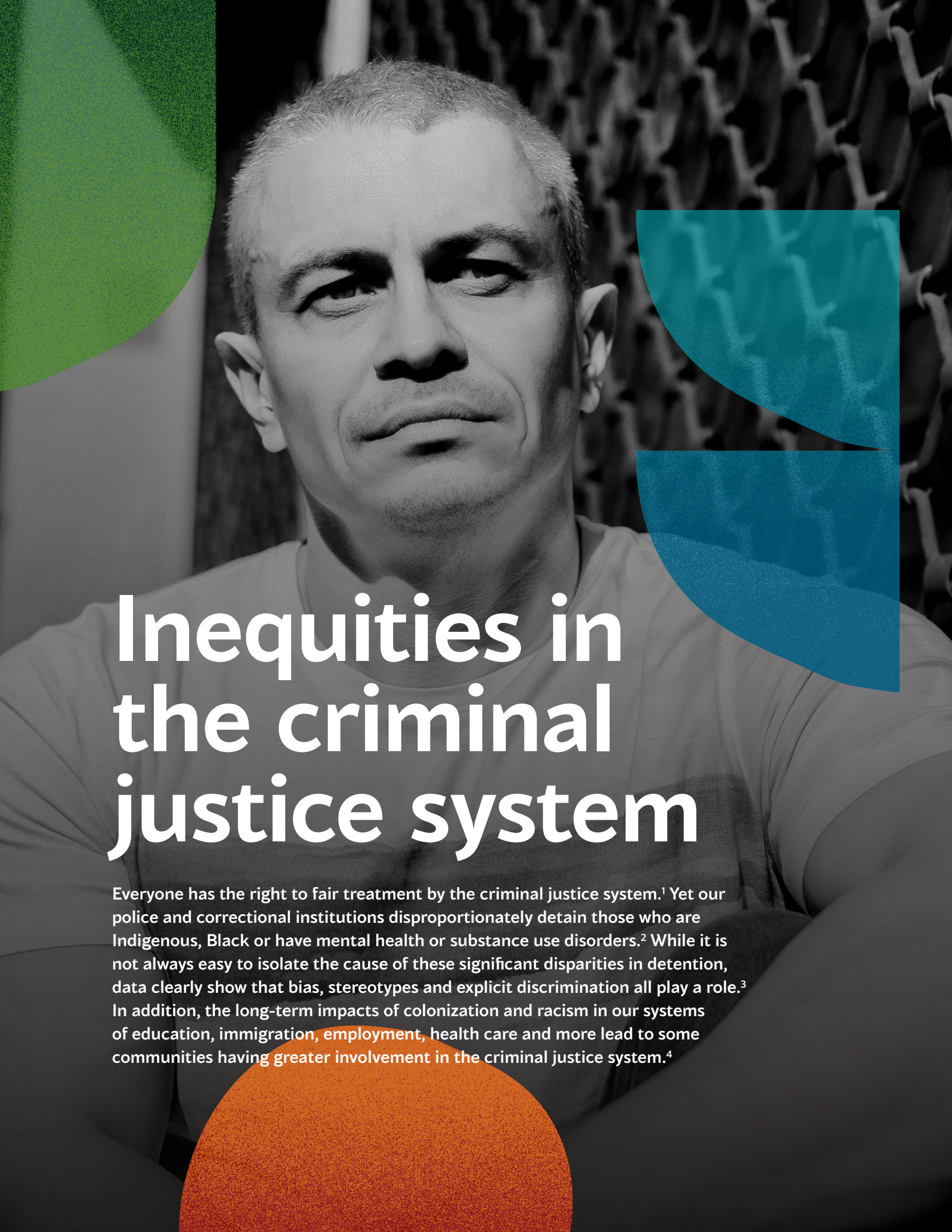
In B.C., we see a concerning link between mis/disinformation, the rise of hate and extremist violence. The Canadian Security Intelligence Service recently warned that the "anti-gender movement" poses a threat of extreme violence.[38] In Canada, there have been several incidents in recent years where individuals radicalized by mis/disinformation have perpetrated acts of extremist violence motivated by Islamophobic or misogynistic hate.[39]

Mis/disinformation is highly prevalent and can be dangerous. It often amplifies hateful beliefs about marginalized groups, which can result in discrimination and violence.

[iii] This Special Interlocutor was appointed by Canada's Minister of Justice and the Attorney General of Canada to work with First Nations, Metis, Inuit and Indigenous governments and communities to identify and remove barriers to recovering missing children and unmarked burials from residential schools.

"Being able to access factual information, see your own experience represented and identify your experience with others is crucial for self-esteem, health and safety."

—Participant in BCOHRC's Provincial Survey of Service Providers



Inequities in the criminal justice system

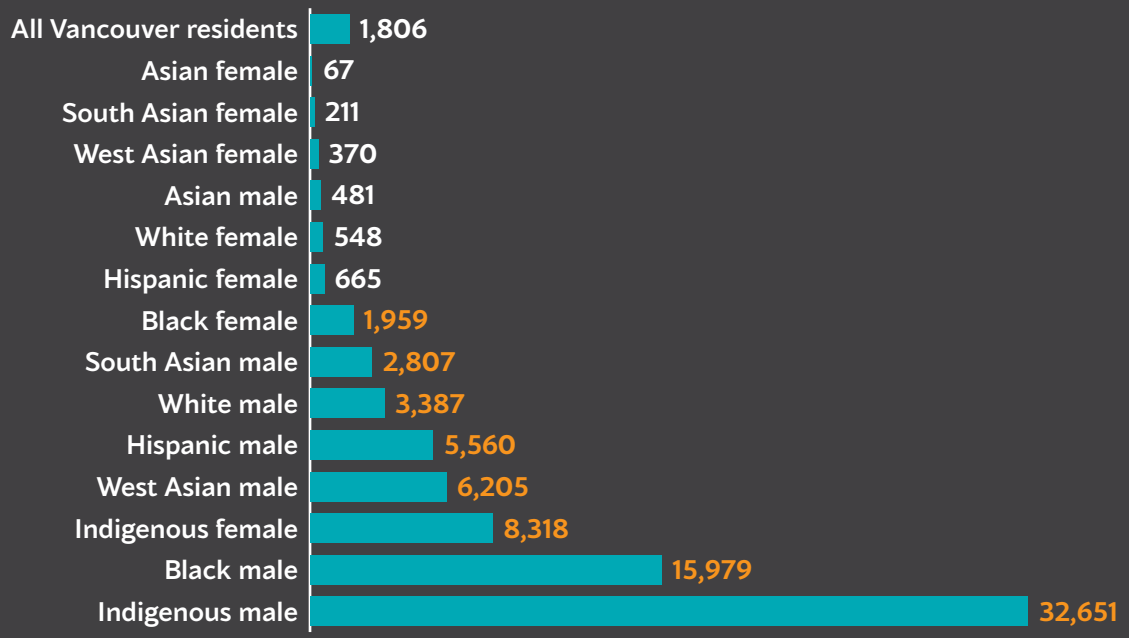
Everyone has the right to fair treatment by the criminal justice system.[1] Yet our police and correctional institutions disproportionately detain those who are Indigenous, Black or have mental health or substance use disorders.[2] While it is not always easy to isolate the cause of these significant disparities in detention, data clearly show that bias, stereotypes and explicit discrimination all play a role.[3] In addition, the long-term impacts of colonization and racism in our systems of education, immigration, employment, health care and more lead to some communities having greater involvement in the criminal justice system.[4]

Policing

The Royal Canadian Mounted Police and its predecessors have a long history as a tool of colonial government, including enforcing laws intended to "suppress and assimilate Indigenous peoples,"[5] containing Indigenous peoples on reserves[6] and enforcing attendance at residential schools.[7] First Nations leadership reports that systemic bias remains "deeply entrenched" in policing practices.[8]

Indigenous, Black and other racialized people are significantly overrepresented in encounters with police, such as arrests and mental health incidents.[9] In addition, the CBC Deadly Force database found that Indigenous and Black people are overrepresented in police-involved deaths[10] and that B.C. has the highest rate of such deaths in Canada.[11]

Average annual arrest rates (per 100,000) by race and gender, Vancouver Police Department, 2011 to 2020[12]



Intersections of race, gender, disability and social condition or poverty[13] impact experiences with the criminal justice system. For example, Indigenous women are much more likely than non-Indigenous women to be involved with the system, from police[14] to jails.[15] A 2013 investigation by Human Rights Watch found that "Indigenous women and girls are under-protected by police" and in some cases experience "outright police abuse."[16] Today, Indigenous women across Canada are more than twice as likely as non-Indigenous women to report little to no confidence in police.[17]

Public trust requires civilian oversight of policing.[18] As former police officer and former Deputy Police Complaint Commissioner Rollie Woods observed, "it's natural that former police officers will be biased in favour of police..."[19] Nevertheless, half of the investigators with the Independent Investigations Office, which adjudicates police incidents involving serious harm, are former police officers.[20]

The police oversight system has also been criticized as being difficult to navigate.[21] Complainants lack access to representation and sometimes fear retaliation.[22] Still, complaints are on the rise. The Office of the Police Complaint Commissioner, which oversees all complaints regarding municipal police in B.C., received 706 complaints in the 2022/23 fiscal year, a 45 per cent increase since 2018/19.[23]

Police activities also disproportionately impact people with mental health issues, which frequently involve matters beyond police expertise. For example, B.C.'s Ministry of Health reported that in 2020, one in five interactions with the police involved someone with a mental health or substance use issue.[24] These interactions can include proactive street checks for "well-being or safety," which also disproportionately involve certain racialized communities such as Indigenous and Black people.[25] In 2019, the BC Coroners Service found that people experiencing mental health issues accounted for more than two-thirds of deaths during or shortly after police encounters.[26] Similarly, CBC's Deadly Force database reported that more than two-thirds of people killed during police confrontations across Canada were experiencing mental health or substance use challenges.[27]

Currently, there is no comprehensive study on police use of force in B.C. BCOHRC is in the process of conducting an inquiry into any disproportionate impacts police use of force may have on certain marginalized communities. The inquiry will be based on data gathered from police services and the Ministry of Public Safety and Solicitor General. A report is expected in 2025.

Corrections

B.C. operates 10 correctional centres for adults serving sentences of less than two years, on remand (awaiting trial or sentencing) or awaiting transfer to a federal prison. On any given day in 2023, about 1,829 individuals were in custody and over one-third (662) of them identified as Indigenous.[28] A 2023 report by the Office of the Auditor General found that 70 per cent of detainees had a mental health or substance use disorder, rising to 90 per cent among the Indigenous population.[29]

Provincial jails are overcrowded. About two-thirds of incarcerated people are on remand, due in part to inadequate funding for legal aid and significant trial delays.[30] This disproportionately affects people experiencing low income, homelessness, addiction or mental health issues, as they are more likely to be denied bail due to lacking stability in, for example, housing and employment and are less likely to be able to afford their own counsel.[31] Early in the COVID-19 pandemic, overcrowding was relieved by placing fewer people into remand and releasing non-violent offenders.[32] The average number of individuals in custody fell from 2,286 in 2019 to 1,525 in 2021.[33]

Advocacy organizations have raised concerns about jail conditions, oversight and accountability based on what they have heard from incarcerated people.[34] For example, Prisoners' Legal Services described prisoners' experiences with mice, flies, ants and human waste on walls and floors.[35] They report that one incarcerated person with a broken toilet was recommended to use dog training pads on the ground.[36] In another example, one prisoner reported being tackled, knocked unconscious with a baton, forced to wear a spit mask (a restraint device that prevents the wearer from spitting or biting), pepper sprayed and then forced into a decontamination shower while handcuffed, making it impossible to remove the chemicals from the pepper spray.[37]

Spotlight: "A lifetime of victimization"

In the late 20th century, British Columbia joined a nationwide movement to shift medical treatment for people with mental health disorders from institution-based care to community-based care.[38] Care in community settings was intended to improve patient well-being and "maintain as normal a lifestyle as possible."[39] However, that intention has not been adequately realized. As stated by the Mental Health Commission of Canada in 2020:

> ***"Deinstitutionalization is a key, historical contribution to the disproportionate rates of justice involvement among people with mental health problems and illnesses."[40]***

As a result, people with mental health and substance use (MHSU) disorders are increasingly likely to find themselves forcibly institutionalized.[41] For some, this means involuntary hospitalization, which rose among British Columbians 15 and older from 14,195[42] to 28,734[43] between 2008/09 and 2021/22. Many others receive treatment for their MHSU disorders in custody.[44] In B.C., about two-thirds of incarcerated people have a mental health or substance use disorder and over one-third have both.[45] Yet many experts have concluded that "prisons are not suitable for treating mental illness"[46] and are "unlikely to produce lasting recovery from addiction or to prevent future incarcerations."[47]

> ***"The treatment of acute illness is inappropriate for prison. The ethos of prison is wrong. Resources, facilities and clinical skills are usually inadequate; the institutions are not geared to therapeutic environments."[48]***

The trauma cycle experienced by many people in prison often begins in childhood.[49] Men who have been incarcerated are more likely to have experienced childhood trauma and "a large proportion of women in prison have experienced a lifetime of victimization, including child abuse, neglect and domestic violence."[50] Such experiences increase the likelihood of MHSU disorders.[51] Resulting trauma-related behaviours such as substance use are "often misunderstood and met with responses that exacerbate psychiatric and behavioral problems."[52]

One such response is segregation (solitary confinement), a frequently used carceral tool that can traumatically impact the health of prisoners. Research has shown that segregation can cause "substantial health effects … within a few days."[53] The risk of "serious psychological harm … is intensified for those who suffer from a pre-existing mental illness."[54] Accordingly, United Nations standards prohibit segregation in excess of 15 consecutive days, associating it with "torture or other cruel, inhuman, or degrading treatment."[55] The standards fully prohibit segregation when it will exacerbate a physical or mental disability.[56] Yet in 2023, more than half of all individuals who spent at least one night in B.C. custody centres spent some time in segregation.[57] The average length of stay for people with "mental health needs" was 9.4 days—more than three days longer than the stays of those without such needs.[58] Of particular concern is that 12.8 per cent of stays for people with "mental health needs" exceeded 15 days.[59] Other research has shown that people who are segregated are among those most in need of MHSU supports and also the least likely to receive them.[60]

Following incarceration, many people face elevated mental health risks upon release. As one researcher noted, jails do not "take into account the likely course of mental illness or deteriorating general health subsequent to serving a prison term."[61] People are released — both from custody and its related treatment — when their sentence ends rather than in accordance with their mental health needs. But their need for treatment on release may be higher than ever before and discharge planning does not fully address mental health needs.[62] This lack of planning combined with few supports can pose a serious threat to reintegration into society.[63] Indeed, it can even be deadly: fatal overdoses more than triple in the two weeks after release.[64] Some evidence suggests that peer-based interventions[65] and stable housing[66] may be protective factors, both from poor health outcomes and reincarceration. However, there is evidence that the experience of incarceration and release may worsen MHSU issues[67] and so risks leaving B.C. jails a "revolving door" for marginalized people.

“Prisons are not suitable for treating mental illness...”

—Amanda Butler, Tonia Nicholls, Hasina Samji, Sheri Fabian, and M. Ruth Lavergne

Inequities in the family sphere

Everyone has the right to fair treatment, substantive equality and freedom from violence in the family sphere—that is, in their homes and intimate relationships.[1] But many people, especially women and gender diverse people, experience exploitation and violence in domestic life behind closed doors. The family sphere has traditionally been considered outside the realm of human rights protections. However, it is in the home that we are often most vulnerable; the home is where women are often economically dependent on their spouses and disproportionately responsible for the care of children, seniors and family members with disabilities. These power imbalances within the home can sometimes result in human rights violations that must be addressed through law and institutional protections. Human rights must be extended into the private sphere to provide equal protection across the gender spectrum.

The double burden: Underpaid and unpaid labour

Women experience inequities in paid employment that are partially rooted in the inequitable distribution of unpaid labour in the family sphere. Women are overrepresented in low paying jobs and are more likely than men to live in poverty, especially when they are single with children.[2] Gendered wage gaps are magnified for racialized women, women immigrants and refugees and women with disabilities.[3] Compared with men—and regardless of employment status—women spend more time on household chores and caring for children and have less leisure time.[4]

This unpaid labour burden reduces wages, labour market participation, career progression and economic security for many women across all stages of life.[5] For instance, women are disproportionately burdened by the shortage of regulated child care spaces and limited workplace accommodations. As described by one mother:

> ***"We have one income because my son [has] special needs and if we get a call and I have to go get him because he's having a bad day, I can't work."[6]***

Due to additional caregiving responsibilities, women are more likely to report being tired, overwhelmed and depressed.[7] Reduced economic power, combined with rising cost of living and lack of affordable housing can make it difficult for women and gender diverse people to leave abusive relationships. Women with children who separate from their partners experience poverty at high rates.[8]

Gender-based intimate partner violence

Women and gender diverse people also experience disproportionate violence in the family sphere. In 2022, about 14,000 B.C. residents reported intimate partner violence (IPV) to the police, of which about 79 per cent were women and girls.[9] The majority of perpetrators have been men.[10] Women are also disproportionately affected by the most severe forms of IPV and are more likely than men to report that the violence they experienced made them fear for their lives.[11]

IPV is more prevalent than these police-reported numbers suggest. Nearly half of all women have experienced IPV in their lifetime.[12] Indigenous women, women with disabilities, sexual minority women, trans women and gender diverse people and women living in rural communities all experience IPV at even higher rates.[13] Women who experience IPV—and Indigenous women in particular—commonly avoid police involvement, especially when children are involved.[14] Some fear that reporting violence to authorities can lead to retaliation from the abuser, police violence or involvement with child protection services.[15]

> ***"Indigenous women and speaking as one again myself, we have gone through perhaps, years of trauma … and have had witnessed police brutality against our family members … and in the case where we are sexually assaulted or abused … we feel very scared to be cared for medically, very afraid to call police as sometimes police have been the perpetrators of said abuse … and it's very hard for us to seek assistance when we do not have a level of trust … that our bodies will not be put in any more harm and that our rights will be upheld."[16]***

Similarly, immigrants and newcomers who experience violence in the family sphere may fear that reporting abuse will lead to deportation or child apprehension.[17] Immigrant women are often unaware of legal provisions protecting them from losing their immigration status in cases of IPV and they sometimes also face significant language barriers when seeking help.[18]

Family law

Family law deals with rights and responsibilities within families, especially when spouses separate, including major decisions regarding division of property, debt and assets as well as financial support and guardianship and care of children. Under B.C.'s *Family Law Act*, the court can also grant protection orders that restrain individuals from contacting their ex-partners or children due to risk of violence.[19]

The family law system often exacerbates inequities by failing to recognize underlying inequities in the family sphere, including the gendered distribution of labour and the prevalence of IPV. This system leaves too many single mothers in poverty and too often puts those who have experienced family violence at further risk of abuse.[20]

Due to decades of drastic underfunding, many people who most need assistance during family separation are not able to access legal support.[21] Funding has been available in only a "very limited number of situations"[22] and "the number of legal aid hours granted are rarely enough to complete all the necessary legal processes."[23] As a result, many individuals who cannot afford a lawyer have been forced to navigate complex, lengthy and adversarial legal processes on their own.[24] In early 2024, the government of B.C. reached a settlement in response to a *Charter* challenge that will expand legal aid coverage for those experiencing family violence and develop a new, multidisciplinary and trauma-informed family law clinic model.[25] The impacts of this new development are yet to be seen.

In addition, family law may not adequately respond to the diversity of people it must serve. For example, some marginalized groups may have a justified distrust of the legal system in general.

> ***"Indigenous people going to family court also experience a lack of trust, because they have no choice but to seek to resolve family law problems using the very same court system where they may be fighting for the return of their children or have interactions with the criminal justice system."*** [26]

In 2013, B.C.'s *Family Law Act* was amended to better address the realities of gender-based violence. However, systemic inequalities still leave many at risk.[27] When women report violence, legal professionals often do not believe them or minimize the safety risks.[28] Judges can be reluctant to grant protection orders or will grant them only on a short-term basis, "requiring women to go to court continually to renew the order and worry about whether they will be at risk if the order is not renewed."[29] Many women are forced to share custody of their children with their abuser.

> ***"My lawyer told me I presented horribly in court and to let it go because 'nobody is going to believe you — it sounds like you're exaggerating.'"*** [30]

> ***"I've heard women say, 'I feel like the law was like my abusive spouse.'"*** [31]

Spotlight: "A lens of disbelief"

Around the world, family courts tend to judge women's credible allegations of physical and sexual abuse as "deliberate efforts by mothers to manipulate their children and to separate them from their fathers."[32] These judgements are based on the concept of "parental alienation," the idea that parents—usually mothers—deliberately cause "unwarranted rejection by the child"[33] towards the other parent. The concept exerts considerable influence across Canada.[34] But, as a UN Special Rapporteur notes, the notion of parental alienation is poorly established and often harmful, particularly when used to counter allegations of violence.

> ***"...the discredited and unscientific pseudo-concept of parental alienation is used in family law proceedings by abusers as a tool to continue their abuse and coercion and to undermine and discredit allegations of domestic violence made by mothers who are trying to keep their children safe."*** [35]

The term "parental alienation" was coined by child psychiatrist Richard Gardner in 1985, after which he proposed a diagnosis of "Parental Alienation Syndrome" (PAS).[36] The proposal was not well-received[37] and in 2006 a report from Canada's Department of Justice described it as "empirically unsupported."[38] Today, four decades after its introduction, there remains "no commonly accepted clinical or scientific definition of 'parental alienation.'"[39] As a result, parental alienation is excluded from all major diagnostic indices and is "largely rejected by most credible professionals."[40]

Nevertheless, the concept of parental alienation routinely informs child custody decisions.[41] Parental alienation can be invoked by a broad range of professionals including lawyers, child protection workers and family court officers.[42] Case reviews demonstrate that women are disproportionately impacted by parental alienation accusations; they are both more likely to be deemed "alienators" and more likely to experience negative changes to custody than men accused of alienation.[43]

Allegations of parental alienation contribute to a widespread "tendency to dismiss [a] history of domestic violence and abuse."[44] When abusers allege parental alienation, it shifts the focus of court proceedings away from IPV and toward indicators of deliberate manipulation.[45] As noted by legal scholars Elizabeth Sheehy and Susan Body based on their review of 289 family law cases across Canada that featured both parental alienation and IPV allegations:

> ***"Judges are more likely to focus on alienating behaviours than IPV when determining custody and access. IPV is rarely condemned or related to children's best interests in the way that alienation is."*** [46]

In one study, many legal and non-legal professionals who help women who have experienced IPV to navigate the family law system in B.C. confirmed that the "myth that women exaggerate or falsify violence to alienate children from their fathers and unjustly obtain sole guardianship [is] a key barrier to justice."[47] Moreover, the myth is only one part of a larger pattern in which "women's statements about family-based violence are viewed through a lens of disbelief and incredulity."[48] As shared by one who woman who experienced IPV:

> ***"We sat there for this case conference and I was immediately accused of parental alienation and making up all the violence. I was so terrified. I had no idea what to say..."*** [49]

The result is that women may be afraid to disclose their experiences of IPV out of fear of allegations of parental alienation.[50] Some women reported that lawyers recommended against naming the violence they experienced, in part to avoid a counteraccusation of parental alienation.[51]

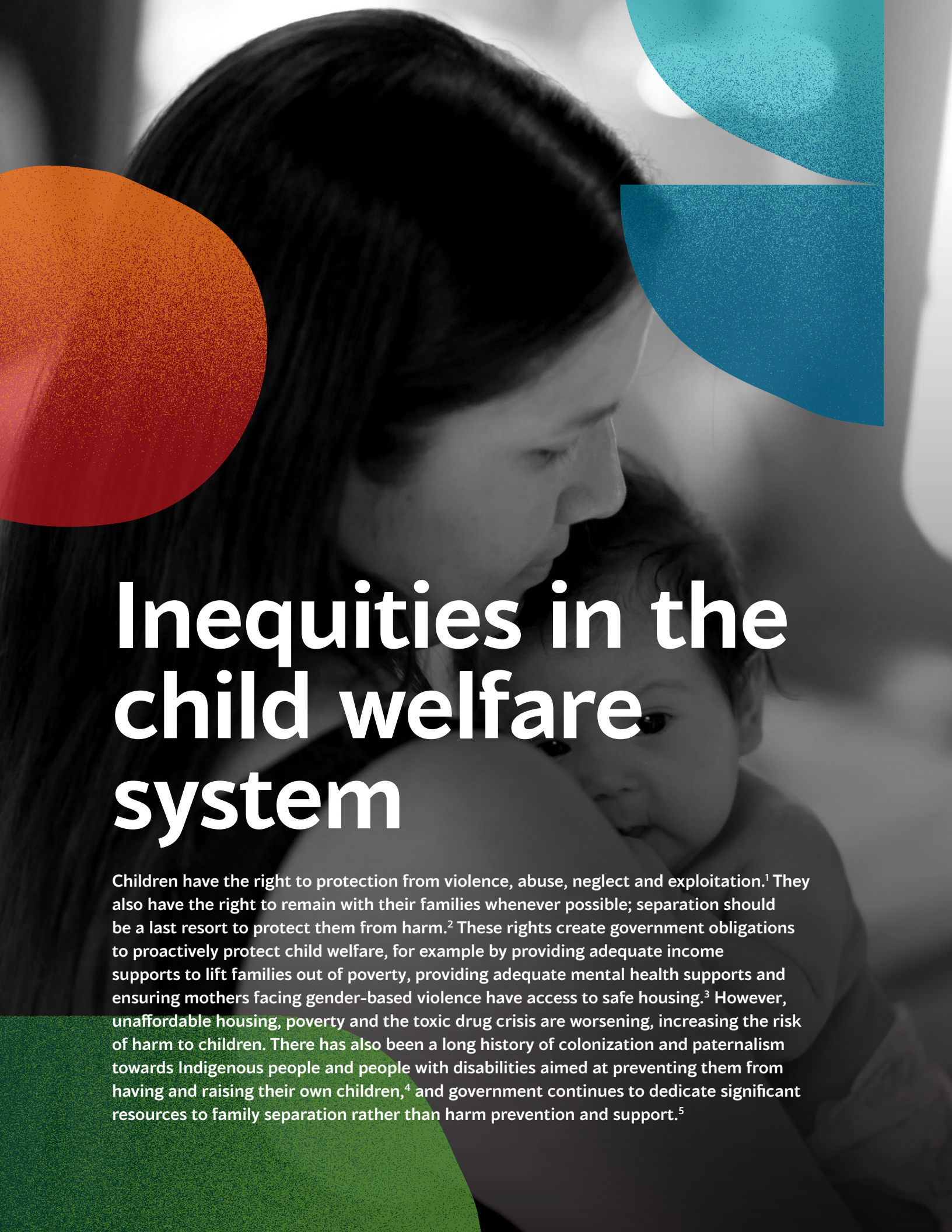
As a result, many women are placed in a "horrifying double bind" where attempts to protect themselves and their children could be labelled "parental alienation" and result in losing primary care or contact. This in turn places their children at increased risk of harm.[52] One woman in this situation described:

> ***"I'm worried about the safety of my kid ... So, then I'm in the position of having to withhold her [from visits with her father] which puts me and her in danger. Very easy for me to look like the bad one. I am creating [the appearance of] a child alienation situation."*** [53]

Allegations of parental alienation are too often misused in order to silence women and children who have experienced violence and abuse. Women and children are disproportionately impacted by family violence. The failure to properly factor this inequity into family law decisions is a failure to protect and respect women's and children's rights.

“It’s very hard for us to seek assistance when we do not have a level of trust … that our bodies will not be put in any more harm and that our rights will be upheld.”

—Anonymous Baseline interview participant in Terrace



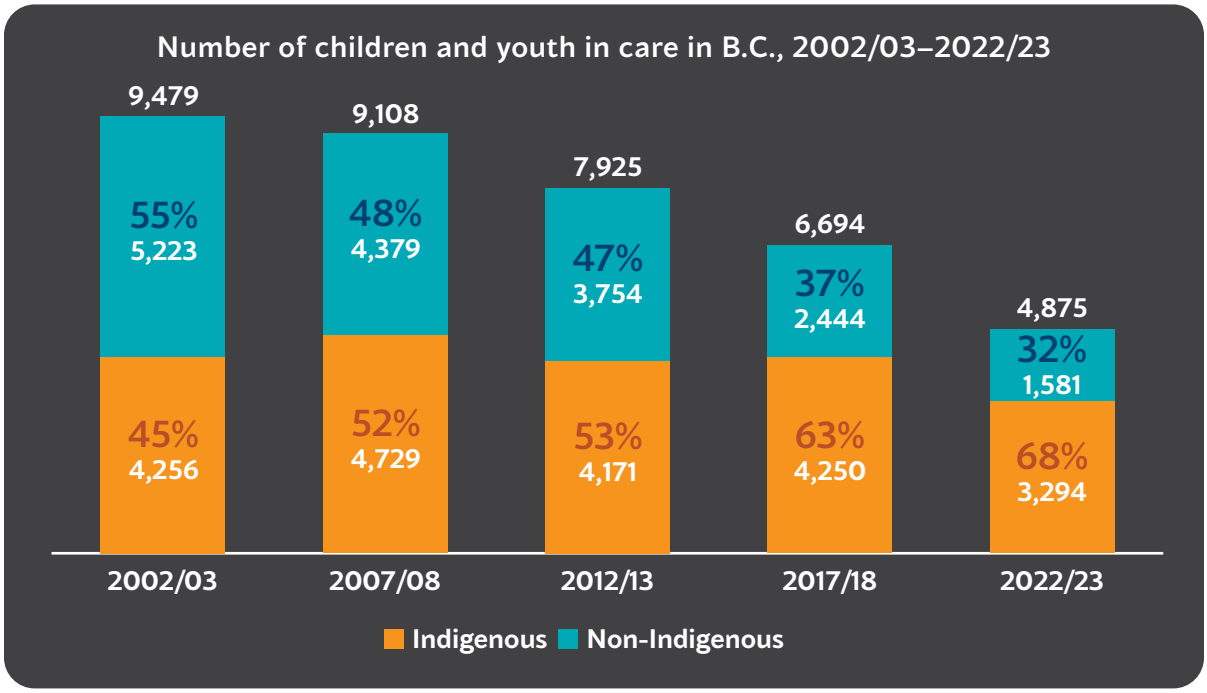
Inequities in the child welfare system

Children have the right to protection from violence, abuse, neglect and exploitation.[1] They also have the right to remain with their families whenever possible; separation should be a last resort to protect them from harm.[2] These rights create government obligations to proactively protect child welfare, for example by providing adequate income supports to lift families out of poverty, providing adequate mental health supports and ensuring mothers facing gender-based violence have access to safe housing.[3] However, unaffordable housing, poverty and the toxic drug crisis are worsening, increasing the risk of harm to children. There has also been a long history of colonization and paternalism towards Indigenous people and people with disabilities aimed at preventing them from having and raising their own children,[4] and government continues to dedicate significant resources to family separation rather than harm prevention and support.[5]

Disproportionate impacts of the child welfare system

As of Mar. 31, 2024, there were 10,277 children and youth living in out-of-home care in B.C.[6] Some 47 per cent of these children and youth were in government care living in foster or group homes and 53 per cent were in out-of-care arrangements, living with extended family or community members or on a youth agreement.[i,7]

The number of children and youth in care (CYIC) has decreased significantly over the past two decades, from 9,479 in 2002/03 to 4,875 in 2022/23.[8] However, the child welfare system continues to disproportionately affect children who come from marginalized families, particularly those who are Indigenous, experiencing poverty or living with disabilities.[9] The number of non-Indigenous CYIC has decreased to a much greater extent than the number of Indigenous CYIC. Despite making up only 10 per cent of the population, 68 per cent of CYIC are Indigenous.[10]



Out-of-care or kinship arrangements, where children are placed with relatives or trusted community members, can be a positive alternative to foster care or staffed residential care. However, the growing number of out-of-care arrangements suggests that the total number of children and youth who are unable to live in their parental home has not changed substantially over the last two decades. Since 2018, the number of children and youth in out-of-care arrangements has increased significantly, with the greatest increase for Indigenous children.[11] With the growing number of children and youth placed in out-of-care arrangements, it is essential that they also have access to the necessary supports and services when they need them.

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[i] "Out-of-care" includes the Extended Family Program, Out of Care by Court Order, sections 54.1 and 54.01 CFCSA and Youth Agreements.

Based on conversations with over 60 parents who have interacted with the child welfare system, West Coast LEAF stated:

> ***"The foundational beliefs and practices that existed in the residential school system and the Sixties Scoop continue to exist in the current child welfare system."*** [12]

In addition, due to the long-term impacts of colonization, Indigenous families are more likely to experience poverty, gender-based violence, disability, substance use, history in care, incarceration and sex work.[13] All of these factors increase the chance of involvement with the child welfare system.

The resumption of jurisdiction over child welfare by Indigenous governing bodies is an important move toward Indigenous self-determination, but is not without challenges, including adequate and specific funding to support this transition.[14]

Parents and children with disabilities[ii] are also overrepresented in the child welfare system.[15] One review found over half of court decisions regarding continuing custody orders involved children with disabilities.[16] In some cases, when parents indicate they need assistance, this need is used against them by decision makers as evidence that they are not capable caregivers.[17]

> ***"It puts people in a position where asking for help is basically like putting a giant flag on your head saying, 'come get me.'"*** [18]

Mistaking systemic failures for "neglect"

The most common reason for children and youth to be placed in care is neglect (73 per cent of all cases).[19] However, systemic barriers can be mistaken for neglect.[20] Factors outside of parental control—such as a lack of affordable housing or inadequate mental health support (particularly in the context of intergenerational trauma)—can be used against parents in child welfare decisions.[21] One study found child protection decisions in B.C. "overwhelmingly are about single mothers who experience mental disability, addiction, male violence and poverty."[22] The authors observed that "women are blamed and found responsible for the desperate social circumstances in which they find themselves."[23] As shared by an advocate from the housing sector in response to our Service Provider Survey:

> ***"Mothers and fathers are losing their children to the Ministry simply because they cannot find housing for themselves and their family. Facing homelessness and losing children due to a chronic health disability and lack of affordable housing is one of the greatest human rights issues I have ever seen."*** [24]

[ii] Disability also intersects with Indigeneity. Indigenous women are three times more likely to have a physical or mental disability than non-Indigenous women.

Even where support is offered, it may not always be accepted due to stigma and fear. Women experiencing violence may not report it or access support services out of fear that child welfare services might be called or take their children away. This fear is often even higher among Indigenous and racialized women and people with mental health or substance use issues.[25]

In October 2022, s.13 of the *Child Family and Community Service Act* was updated to align with s.15 of *An Act respecting First Nations, Inuit and Métis Children youth and families*, specifically clarifying that poverty, lack of housing and health concerns of a parent alone do not constitute child protection concerns. The full effect of this important legislative change on child welfare decisions remains to be seen.

Failures to protect children from harm

Many children and youth in the child welfare system experience violations of their human rights. As described by the Representative for Children and Youth (RCY) in their report on the hundreds of children and youth who are lost, fleeing or missing from government care, the child welfare system routinely fails to uphold children's rights to adequate care, to protection from harm and to be heard.[26] Children in care experience disruption to meaningful relationships and loss of belonging.[27] First Nations, Métis and Inuit children and youth in particular often do not receive adequate support to establish and maintain connection with their identities, cultures and communities.[28] And too many children and youth experience abuse, including physical and sexual violence, while in government care.[29] As noted by an Indigenous woman quoted in the Downtown Eastside Women's Centre's Red Women Rising report:

> ***"Like residential schools, there is so much physical and sexual abuse in the child welfare system. In another 50 years are they going to apologize for apprehending our children?"*** [30]

One of the most significant systemic issues in the child welfare system is inadequate staffing.[31] Staffing shortages impact quality of care within the child welfare system in many ways including poor compliance with safety protocols and reporting requirements,[32] delays in visits and response from social workers,[33] discontinuity in planning and frequent disruption to relationships.[34]

In fact, out of 13 regions audited in 2020 and 2021, none met even 50 per cent compliance on safety protocols such as screening of caregivers and routine visits to foster homes.[35] The required steps were not documented, delayed or never took place. Some parents reported they were not even provided the reasons for their child's apprehension in writing, instead getting "inconsistent verbal explanations."[36] It is clear that staffing shortages and the resulting unsustainable caseloads and workplace pressures make it difficult for the child welfare system to fully uphold the rights of children and youth and their families.

Spotlight: "Help is … always 45 forms and one year away"

The Representative for Children and Youth estimates that there are over 100,000 children and youth with disabilities in B.C.[37] However, many children with disabilities do not receive the supports they need to flourish when they need them. As a result, these children may suffer long term health impacts, delayed development and an increased risk of critical injuries.[38] These consequences can cascade into future inequities throughout a child's life. A respondent to our Service Provider Survey noted:

> ***"Many young children with delays and special needs are experiencing permanent and unnecessary delays to their development due to the unavailability and insufficient resourcing of related supports. … This leaves them with a lifetime of unnecessary challenges, and largely with an inability to develop into the person they could have become."*** [39]

In 2020 and 2023, RCY published the reports Left Out and Still Left Out detailing the challenges that families with children with disabilities face in accessing the services they need. The reports are based on a provincial survey and in-depth stories of 14 families. Direct quotations from the families whose experiences are featured in these reports are included below.

For many families of children with disabilities, the first challenge in receiving services is having their child diagnosed. Referrals and diagnoses can take months to years. For example, the wait time for an autism diagnosis in B.C. is more than a year and a half.[40] Wealthier families can expedite the process through private assessment but lower-income families do not have that option.

At this point, diagnosis is essential because most resources for children and youth with support needs are tied to specific conditions rather than personalized assessments of what a child needs. RCY estimates that this leaves 80,000 children with disabilities without support "because they don't fit into the right boxes for eligibility."[41] Diagnosis-based eligibility also results in certain conditions attracting significantly more resources than others. For example, children with an autism diagnosis are entitled to some funding and supports through the Autism Individualized Funding program while resources for children with other neuro-cognitive disabilities are more limited.[42] For example, fetal alcohol spectrum disorder (FASD) is the "leading developmental disability in Canada"[43] yet attracts limited resources.

> ***"Because my child's diagnosis is FASD, we do not qualify for any support, yet my child needs one-to-one, 24/7 supervision as well as mental health support, occupational therapy, special therapy. We continue to be denied essential services."*** [44]

This example is especially concerning because, due to racial stereotypes, Indigenous children may be more likely to be referred for assessments for FASD while non-Indigenous children with similar behaviours may be more likely to be referred for autism or attention-deficit/hyperactivity disorder (ADHD).[45]

Even after a diagnosis is received, regardless of what diagnosis, families still struggle to receive support. As RCY explains, "there's a big difference between being eligible and actually receiving services" due to insufficient funding, long wait lists and a lack of professionals and respite workers.[46] About 80 per cent of parents surveyed by RCY reported struggling to navigate the system.[47] Families are assigned a Child and Youth

with Support Needs (CYSN) worker to help them access supports. However, each CYSN worker typically carries a caseload of about 130 families[48] and many families report minimal contact with their worker.[49] More than half said their child's supports were inadequate and nearly half observed a decline in services over the past three years.[50] Three-quarters reported minimal or no confidence that their child would receive needed services within the next one to three years.[51] Accordingly, many families are desperate for help.

> ***"Families are stretched to their limit and help is never close by. It's always 45 forms and one year away."*** [52]

> ***"That my kids have autism is not my biggest life challenge, it's all the other stuff that goes on. When someone hands me a form, they're asking me to stay up until 2 a.m., because that's the only time I can get it done."*** [53]

For some families the barriers to service are so impassable that they choose to place their child in government care. This can occur because "severe behaviours overwhelm caregivers and put other children in the home at risk."[54] But it can also be "for the sole reason of getting services and supports for their child, that they could not get if they remained in their own home," as reported by 21 per cent of 68 families who told RCY they had placed their child under a special needs or voluntary care agreement.[55] This extreme decision—considered by 14 per cent of families surveyed by RCY[56]—is inseparable from the failure to provide adequate supports.

> ***"We never considered this ever until the past two months, but we are considering placing our child in care due to burnout and to salvage the rest of the family."*** [57]

The tiered funding system in B.C. means that foster parents receive specialized funding and resources while birth families do not receive financial support for their caregiving work and rely on a patchwork of publicly funded and private services.[58]

> ***"We have been told that in order to get the care and services that our child requires, we would need to sign a special needs care agreement and give up custody of our child, as the funding can then come from a separate budget... The need for us to do this to get required care and supports is a clear human rights infringement, and one that is regularly occurring with multiple families."*** [59]

MCFD is currently redesigning their CYSN framework to improve access to supports for all children and youth with disabilities, regardless of diagnosis status. A new service model was proposed in 2022 based on multidisciplinary Family Connection Centres. However, Indigenous leadership, service providers and families of children with disabilities expressed significant concerns about this proposal, including inadequate consultation, risk of losing existing services and lack of a long-term funding commitment or human resources plan to ensure the new model would meet the needs of families.[60] In response, the provincial government has paused implementation of this framework, committing to a deeper process of engagement and consultation and piloting Family Connection Centres in four communities.[61] In the meantime, children with disabilities—many of whom receive no services at all—continue to wait for their human rights to be realized and for B.C. to ensure there are enough trained staff to provide the necessary services in all communities.

Inequities in the effects of the environmental crisis

The realization of our human rights requires a clean, healthy and sustainable environment capable of supporting human existence. In 2022, the right to such an environment was recognized by the United Nations General Assembly[1] and the following year it became federal law in Canada (albeit subject to "reasonable limits" and without an enforcement mechanism).[2] Yet climate change, pollution and extreme weather all threaten to erode a healthy environment[3] and the resulting harms fall disproportionately on marginalized people.[4] Thus, failure to adequately address environmental crisis poses the greatest risk to those whose rights are already least secure.

Climate change: An unchecked threat to the foundations of human rights

Environmental crises threaten the foundations of human rights. "Environmental degradation, climate change and unsustainable development constitute some of the most pressing and serious threats to the ability of present and future generations to enjoy the right to life."[5] As the global climate changes, extreme weather events will occur more often and with greater intensity.[6] 2023 shattered global warming records[7] and Canada warmed nearly twice as quickly as the global average.[8] In B.C., temperature records were set in over a dozen communities.[9] The highest temperature anywhere above the 45th parallel was set in Lytton (49.6 C);[10] it burned to the ground the next day.[11] A provincial emergency was declared soon after[12] in response to the most destructive wildfires in B.C.'s recorded history (previous records were set in 2017 and again in 2018[13]), which burned 2.84 million hectares, displaced tens of thousands of residents[14] and caused smoke-related issues for many more.[15] This accompanied a record setting heat dome, with near-surface air temperature reaching 16–20 degrees over normal[16] and resulting in over 600 heat related deaths.[17] The same year, severe flooding became the costliest natural disaster in the province's history.[18]

Experts warn that these extreme weather events will pale in comparison to the longer-term catastrophic impacts of unchecked climate change,[19] yet B.C. continues to disproportionately contribute to the climate crisis. Of the 10 largest greenhouse gas emitters in 2020, Canada was the second-worst country per capita with emissions of 17.8 tonnes of CO2e.[20] B.C. does better than the national average, with per capita emissions of 12.3 tonnes of CO2e,[21] but this remains significantly higher than the vast majority of countries.[22]

B.C. is not on track to meet its legislated emissions reduction targets.[23] The *Climate Change Accountability Act* obligates B.C. to reduce emissions to 40 per cent below 2007 levels by 2030,[24] yet recent data show that emissions persist near record levels.[25] According to the Sendai Framework on disaster risk reduction, which was adopted by the B.C. government in 2018, "addressing climate change … represents an opportunity to reduce disaster risk in a meaningful and coherent manner."[26] However, the province continues to issue permits for fossil fuel projects that will drastically increase pollution levels. For example, LNG Canada was approved in 2019 and is expected to release 13 million tonnes of emissions every year at full capacity.[27] This will worsen the gross emissions from oil and gas, which already nearly equal all other industries combined.[28] As a result, even if emissions from the rest of the economy were reduced to zero by 2035, emissions from oil and gas production alone would exceed B.C.'s 2050 target by 160 per cent.[29]

Disproportionate impacts of the environmental crisis

The environmental crisis compounds and magnifies existing inequalities in alarming ways. In 2019, a UN expert warned that climate change "threatens to undo the last 50 years of progress in development, global health and poverty reduction."[30]

The disproportionate effects of environmental crisis are evident in B.C. as marginalized groups endure the worst impacts of heat, flooding, fires and biodiversity loss. Without adequate resources, people may have nowhere to stay, no means to regulate temperature or evacuate, no way to safely work, no reliable source of food and so on. This puts marginalized people at serious risk. For example, during the 2021 heat dome, heat-related deaths were disproportionately high for people over the age of 70, living in poverty and with specific chronic health issues such as schizophrenia, substance use disorder, epilepsy, chronic obstructive pulmonary disease, depression, asthma, mood and anxiety disorders and diabetes.[31]

Many people with insecure housing—or no housing at all—are especially vulnerable in environmental crises. For example, during extreme weather, an increased demand for transition house spots is an additional burden on women experiencing gender-based violence.[32] Renters trying to regulate temperatures also reported threats and other resistance from some landowners.

> ***"...tenants' physical safety was put at risk, often to a lethal degree, by the heat dome and others faced backlash or threats of loss of housing due to disputes over air conditioning and utilities costs (e.g., a tenant was served with an eviction notice for using their air conditioner during the heat dome)."[33]***

Some people experiencing homelessness reported difficulties even finding outdoor shelter from the heat.

> ***"There's limited green shady spots when you're homeless...it's hard to find a place where you can be without someone giving you a hard time."[34]***

Climate change is also exacerbating biodiversity loss, restricting "access to traditional medicine, harvest and food because of changes in migration patterns."[35] This is especially concerning for Indigenous and rural or remote communities whose lives may be closely connected to local resources.[36] In turn, this reduction "impacts culture at multiple levels—access to traditional harvest is part of social interactions, sharing the bounty; it's spirituality, in addition to nutrition."[37]

> ***"[W]ith climate change ... your harvesting seasons are going to change. Your berry picking times are going to change.... as the glaciers diminish in size, they are also regulating the temperature of the river and 20 degrees is lethal for Sockeye. So, the water temperatures get that high, then we're not going to have any Sockeye ... it's a domino effect."[38]***

Climate emergencies are also disproportionately impacting migrant workers. For instance, in late November 2021, flooding in the Fraser Valley caused massive damage throughout the region.[39] Many Temporary Foreign Workers (TFWs), especially those working in the agricultural sector, were directly impacted. As one advocate explained, "people came for people like me, but nobody came for these migrant workers."[40]

> ***"When you're a migrant worker, you don't have family here. You don't have networks. You don't have connections... So, when these kinds of things happen, you are truly alone. You are truly at the mercy of the system. And if there's no system, you're at the mercy of the individuals who know how to navigate the system."*** [41]

Workers in Chilliwack described how shelters were woefully unprepared to receive them. They showed up in the hundreds, many without medication, shoes or other essential belongings.[42] Some workers were exploited by recruiters charging fees for access to jobs not affected by flooding[43] while others had their employment duties illegally changed so they were, for example, fixing houses instead of working on the farms, even though they lacked the qualifications to do so safely.[44]

The Sendai framework affirms that governments must take a human rights-based approach to addressing climate emergencies.[45] But a recent Ombudsperson report expressed serious concerns about the equitable delivery of emergency programs in the province.[46] The report notes that delivery has involved confusing communications, unreasonable delays, inflexibility and an overly rigid process not suited to address the unique needs of diverse communities. It notes that a "one size fits all" approach does not result in fair and equitable outcomes. In contrast, "in a human rights-based approach, marginalized and vulnerable people, including recipients of aid, are involved in all stages of emergency planning in an active, voluntary and meaningful way."[47]

Spotlight: "Colonialism is alive and well"

The "realization of human rights is indivisibly connected to protection of the lands, waters and natural world."[48] Indigenous peoples have provided that protection since time immemorial.[49] However, their effective stewardship was undermined by the assertion of Crown sovereignty and today they are on the front lines of environmental crisis.[50] Nevertheless, Indigenous perspectives and knowledge of environmental protection are too often discounted.[51] According to the First Nations Leadership Council:

> ***"Provincial and federal climate responses have fallen short of adequately engaging and co-developing appropriate climate actions with First Nations in BC."*** [52]

Recent Indigenous-led research supports this view: "opportunities for meaningful Indigenous engagement in the creation and development of climate solutions remain few and far between."[53] A decolonial approach to addressing climate change therefore requires a fundamental shift that centers Indigenous perspectives.[54] As the First Nations Leadership Council explains:

> ***"The Creator put us here to look after the land. When you take away the right to make decisions to care for the land, it is one of the deepest cuts of colonization."*** [55]

In a recent roundtable discussion, Indigenous activists, leaders, experts and community members shared their perspectives on colonialism and environmental justice. We heard that protecting the natural world is both "a cornerstone of Indigenous cultures and ways of knowing"[56] and enshrined in the laws of many Indigenous Nations.[57] For example, while colonial law might set out a right to fish, Indigenous law might also include "the right to go out and look after [the fish]."[58] The participants explained that this foundational duty to preserve the natural world for current and future generations emerges from a reimagination of the relationship between humans and the environment: the Earth does not belong to humans—"we belong to the Earth."[59] As one participant explained, we all come from our mothers:

> ***"...and so, when we talk about these impacts on our environment, we are literally looking after mom. Mother Earth is not a thing. She's our mother, it's a familial connection."*** [60]

The participants also emphasized how under colonial law they are "not able to exercise their duties and responsibilities as opposed to their rights."[61]

> ***"You have this criminalization of Indigenous land defenders, it's not just civil disobedience for breaking colonial laws, it's criminalization for following our own laws, like following the laws of our Nations and our People. It's actually a legal requirement in our systems to protect the land for the next 7 generations or whatever the teachings may be in your nation. By upholding our laws we are being criminalized ... [as] a result of us trying to protect our land for future generations."***

> ***"For many of our people this is life or death. In my community I've seen so much pain and dysfunction because we are not able to enforce our own laws, it is necessary for a healthy community."*** [62]

Indigenous peoples continue to experience the adverse effects of environmental crisis at higher rates than any other group in Canada.[63] For example, 42 per cent of wildfire evacuations occur in Indigenous communities.[64] Other adverse effects include increased risks of floods and fires, lower food productivity, loss of biodiversity and destruction of wildlife habitat.[65] One roundtable participant observed:

> ***"It actually acid rains here, the cedar all dies, the rates of dementia, and cancer are extremely high here … [we have] the right to clean air, but we are getting poisoned."*** [66]

Another participant explained how poverty caused by colonization makes even environmentally damaging economic opportunities hard to turn down:

> ***"After being trapped and having no other option but to work for these industries, after so many years, people are tired and they're just trying to feed their families. It's a hard reality to deal with."*** [67]

> ***"Colonialism is alive and well, and the colonial project is ongoing, any Indigenous person will tell you that."*** [68]

First Nations are also on the front lines of responding to the environmental crisis as "climate leaders who have effectively responded to climate change over thousands of years."[69] Indeed, many Indigenous communities in B.C. have already developed community-led climate adaptation plans grounded in "multigenerational, land-based Indigenous Knowledge Systems."[70]

For example, Indigenous fire stewardship (IFS) offers proven practices for "preventing, containing and managing wildfires."[71] In contrast with "decades of fire-fighting policies that focused on fire suppression and prevention,"[72] IFS uses fire to "adapt and respond to climate and local environmental conditions."[73] This practice was implemented in April 2023 when the ʔaq̓am community of the Ktunaxa Nation completed a burn of 1,200 hectares.[74] The burn followed five years of planning and was intended to improve forest health, biodiversity and wildfire resilience.[75] The last point was tested within months when a July wildfire swept through the region.[76] The damage was significant, but the burn mitigated what would have been a much worse disaster. ʔaq̓am Chief Joe Pierre confirmed the burn did "what we wanted it to do," a sentiment echoed by the B.C. Wildfire Service,[77] the nearby airport[78] and the Fire Chief of Cranbrook who applauded the burn for its "significant easing of concern" with respect to the fire spreading north.[79]

Yet the struggle for environmental protection comes at significant cost. Participants in the roundtable discussion were unanimous that "fighting for Indigenous rights and environmental justice is both physically and emotionally extremely taxing."

> ***"when we try and we try to do everything in our power to protect [the environment], and it's not enough ... and we see [damage] happening no matter what we do, that is a really, really difficult thing for us to live with. On top of the actual genocide to our people, and ecocide to the lands, it is a personal battle that we also have to face every day."*** [80]

> ***"When I started down this road, [to protect mother earth], the people I started out with — the men who were beside me — I'm the last one left. I haven't hit 50. It's rough on you, and it's rough on your spirit."*** [81]

> ***"I apologize for my tears, I care deeply for my community and our environment, we don't have to live this way, but it's happening. And I am heartbroken."*** [82]

Environmental crises across B.C. affect everyone, although they pose a heightened risk to Indigenous peoples, whose perspectives often remain undervalued by mainstream responses to climate change and weather-related disasters.

Conclusion

From Indigenous people facing stereotypes and discrimination when trying to access health care to children with disabilities being excluded from schools, from the rise in pay inequity to the rise in hate incidents, from a lack of accessible affordable housing to a lack of appropriate mental health supports leading to the overincarceration of people with mental illnesses, this report describes the many ways that systemic inequities play out across the province, impacting all of us but disproportionately harming those most marginalized among us. The issues described here are rarely experienced in isolation; as our identities are intertwined, so are our experiences of various systems. For example, failures to address gender-based violence or provide timely mental health supports lead to increased involvement of families in the child protection system and increased risk of incarceration for people who were abused as children.

By canvassing the key human rights issues in the province, our hope is that this report will serve as a catalyst for change. To be a rights-respecting society, we must first understand what human rights violations are occurring around us and how systemic discrimination in one system can lead to other human rights issues throughout a person's lifespan and across systems. It is only with this understanding that we can act.

While this catalogue of human rights violations paints a picture of the many harms suffered, we also honour the many powerful ways people in all walks of life are resisting oppression, standing up for human rights and disrupting systems to create better ones.

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