

# **'Nothing to Report'**

**Submission of the B.C. CEDAW Group  
To the United Nations Committee on the Elimination of All Forms of  
Discrimination against Women**

**December 2009**

**in response to  
Canada's Follow-up Report on Progress in Implementing Priority  
Recommendations made by the Committee in its 2008 Concluding  
Observations on Canada**

The B.C. CEDAW Group is a coalition of women's non-governmental and non-profit British Columbia organizations that are committed to advancing the equality interests of women and girls. The B.C. CEDAW Group made submissions to the United Nations Committee on the Elimination of Discrimination against Women at the time of its reviews of Canada in 2003 and 2008. The B.C. CEDAW Group also made submissions to the Committee on Economic, Social and Cultural Rights in 2006, and participated in the preparation of the Canadian non-governmental report for the United Nations Human Rights Council's Universal Periodic Review of Canada in 2009. The goal of the coalition is to ensure that governments in British Columbia comply with their human rights obligations to women.

The 2009 B.C. CEDAW Group includes:

The Poverty and Human Rights Centre  
Aboriginal Women's Action Network  
Coalition of Child Care Advocates of B.C.  
Hospital Employees' Union  
Justice for Girls  
Womens' Housing Equality Network  
North Shore Women's Centre  
Vancouver Committee for Domestic Workers and Caregivers Rights  
Vancouver Rape Relief and Women's Shelter  
Canadian Association of Sexual Assault Centres, B.C. and Yukon Region  
Vancouver Women's Health Collective  
West Coast Legal Education and Action Fund

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Shelagh Day, Dani Bryant, and Christian Morey served as authors and researchers for this report. Members of the B.C. CEDAW Group contributed to the content of this submission.

## Canada's Report Back

By the end of November 2009, Canada must report back to the United Nations Committee on the Elimination of Discrimination against Women (CEDAW) on steps it has taken to implement two recommendations made by the Committee after its review of Canada in 2008.<sup>1</sup>

The two recommendations address issues of central concern to women in British Columbia:

- women's poverty and inadequate social assistance rates; and
- police and government failure to prevent or effectively investigate violence against Aboriginal women and girls.

The request that Canada report back to the CEDAW Committee in one year, rather than in the usual four years, highlights the seriousness of these issues.

### A. Missing and Murdered Aboriginal Women and Girls

In 2008, the UN CEDAW Committee wrote:

31. Although the Committee notes that a working group has been established to review the situation relating to missing and murdered women in the State party and those at risk in that context, it remains concerned that hundreds of cases involving aboriginal women who have gone missing or been murdered in the past two decades have neither been fully investigated nor attracted priority attention, with the perpetrators remaining unpunished.

**32. The Committee urges the State party to examine the reasons for the failure to investigate the cases of missing or murdered aboriginal women and to take the necessary steps to remedy the deficiencies in the system. The Committee calls upon the State party to urgently carry out thorough investigations of the cases of aboriginal women who have gone missing or been murdered in recent decades. It also urges the State party to carry out an analysis of those cases in order to determine whether there**

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<sup>1</sup> Committee on the Elimination of Discrimination against Women, 7 November 2008, Concluding observations of the Committee on the Elimination of Discrimination against Women: Canada, CEDAW/C/CAN/CO/7, paras. 14, 32, and 53.

**is a racialized pattern to the disappearances and take measures to address the problem if that is the case.**

- **Facts**

Aboriginal women in Canada report rates of violence including domestic violence and sexual assault, 3.5 times higher than non-Aboriginal women.<sup>2</sup> Also, young Aboriginal women are five times more likely than other Canadian women of the same age to die of violence.<sup>3</sup> Aboriginal women and girls experience both high levels of sexual abuse and violence in their own families and communities, and high levels of stranger violence in the broader society.<sup>4</sup>

Aboriginal girls in British Columbia have also experienced sexual violence directly from officials of the justice system. In British Columbia in 2006, Judge David Ramsay plead guilty to charges of procuring and sexual assault on four First Nations girls, who were between twelve and sixteen at the time of his attacks, and who had all appeared before him in youth criminal court or family court. The RCMP began their investigation into Judge Ramsay's assaults after a complaint in August 1999. But Judge Ramsay was not removed from the Bench until 2002, three years after the investigation began. According to media reports his assaults continued until 2001.<sup>5</sup>

In March 2009, the Native Women's Association of Canada issued the second report of the Sisters in Spirit project documenting 520 known cases of Aboriginal women and girls who have gone missing or been murdered across the country over the last 30 years.<sup>6</sup>

The Native Women's Association of Canada points out that their documented number "likely does not reflect the actual number of missing and murdered Aboriginal women and girls in Canada." Most cases included in the Sisters in Spirit database are those that have been: 1) reported to police/ media; 2) acknowledged by police/media; and 3) publicized by police/media.<sup>7</sup>

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<sup>2</sup> Violence against Aboriginal women and girls is well-documented in Canada. See Jodi-Anne Brzozowski, Andrea Taylor-Butts and Sara Johnson, "Victimization and offending among the Aboriginal population in Canada", *Juristat*. Vol. 26, no. 3, Canadian Centre for Justice Statistics, 2006. Online at: <http://dsp-psd.tpsgc.gc.ca/Collection-R/Statcan/85-002-XIE/85-002-XIE2006003.pdf>

<sup>3</sup> Amnesty International, *No More Stolen Sisters: The Need for a Comprehensive Response to Discrimination and Violence Against Aboriginal Women*, September 2009, at 1. Online at: <http://www.amnesty.org/en/library/info/AMR20/012/2009/en>.

<sup>4</sup> See Brzozowski, *supra* note 2.

<sup>5</sup> Kelly A. MacDonald, Justice for Girls, *Justice System's Response: Violence against Aboriginal Girls*, Submitted to: Honourable Wally Oppal, Attorney General of British Columbia, September 2005, at 12. Online at: <http://justiceforgirls.org/publications/pdfs/Violence%20against%20Aboriginal%20Girls%20-%20Final%20Brief%20-%20Sept%202005.pdf?/20040213/newsPink.html>

<sup>6</sup> Native Women's Association of Canada, *Voices of Our Sisters in Spirit: A Report to Families and Communities*, 2<sup>nd</sup> Edition, March 2009. Online at: [http://www.nwac-hq.org/en/documents/NWAC\\_VoicesofOurSistersInSpiritII\\_March2009FINAL.pdf](http://www.nwac-hq.org/en/documents/NWAC_VoicesofOurSistersInSpiritII_March2009FINAL.pdf).

<sup>7</sup> *Ibid.* at p. 6.

Walk 4 Justice has carried out a walk across Canada each summer for the last four years to talk with Aboriginal families and communities about missing women. From anecdotal evidence Walk 4 Justice believes that there are many more cases of missing and murdered Aboriginal women and girls that have gone undocumented by police or media.<sup>8</sup> Most Aboriginal and human rights organizations agree that the count of missing and murdered Aboriginal women and girls is likely much higher.

Of the 520 documented cases:

- 43% of disappearances and 50% of murders occurred during or since 2000
- 26% of the cases are in B.C. (137 women and girls)
- 24% are cases of missing women and girls
- 67% are cases of murder (homicide or negligence causing death)
- 43% of the murder cases remain open (no one has been charged)
- 52% are women and girls under 30
- the majority of the missing and murdered women were mothers.

In British Columbia, since the mid-1990s 69 women have been reported missing from the Downtown Eastside, Canada's poorest neighbourhood. The majority of these women were Aboriginal. In 2001 Robert William Picton was charged with the murder of 26 women, and tried for the murders of six of them. In 2007, he was sentenced to life without parole. He is not expected to be tried for the murders of the other 20 women.

According to the official police count, 18 women and girls, half of them Aboriginal, have gone missing in the vicinity of Highway 16, the Yellowhead Highway, which runs from Manitoba to the Pacific Ocean through Northern B.C. This remote highway is now known as 'the Highway of Tears'. The count of 18, however, is also questioned. Victim's families and women's advocates claim the official list could be much longer. A recent investigation by a senior journalist with the Vancouver Sun newspaper revealed another thirteen women and girls missing or murdered in the same area and in similar circumstances.<sup>9</sup>

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<sup>8</sup> See The Hook, "Walk 4 Justice demands answers to missing women cases". Online at: <http://thetyee.ca/Blogs/TheHook/Aboriginal-Affairs/2009/06/05/Walk4JusticeMissingWomenCases>

<sup>9</sup> Neal Hall, Vancouver Sun, "Vanishing Point: Women Missing or Murdered", Five Part Series, December 12 - 17, 2009. Online at: <http://www.vancouversun.com/news/vanished/index3.html>

- **Two Facets: Police Failure and Disadvantaged Social Conditions**

Two facets of this problem have been identified by Aboriginal women, families, and non-governmental organizations, including the Native Women's Association of Canada, Amnesty International, the Canadian Feminist Alliance for International Action, and the Aboriginal Women's Action Network. These two facets are:

- the failure of police to protect Aboriginal women and girls from violence and to investigate promptly and thoroughly when they are missing or murdered;
- the disadvantaged social and economic conditions in which Aboriginal women and girls live, which make them vulnerable to violence and unable to escape from it.

Both of these issues have been highlighted by various United Nations treaty bodies after reviews of Canada, including: the CEDAW Committee in 2008;<sup>10</sup> the Committee on Economic, Social and Cultural Rights in 2006;<sup>11</sup> and the Committee on the Elimination of Racial Discrimination in 2007.<sup>12</sup>

## 1. Police Failure

In the face of overwhelming evidence of high levels of violence against Aboriginal women and girls, Canadian police forces have been slow, if not reluctant, to take this violence seriously. Amnesty International reports that Canadian police and public officials have long been aware of a pattern of racist violence against Aboriginal women - but have done little to prevent it.<sup>13</sup> Justice for Girls reported to B.C.'s Attorney General in 2005 that Aboriginal girls are targeted by violent men because of their vulnerability, including the vulnerability created by the lack of response of the police and courts to violence against them.<sup>14</sup>

There are also multiple reports in the media, and in the reports from the Native Women's Association of Canada of the negative experiences that families, communities, and friends of missing Aboriginal women have had with police. From police personnel, they have experienced "a lack of responsiveness, disrespect, confusing or incorrect information, poor adherence to policies and protocols, and an overall discounting of family information."<sup>15</sup> Many family

<sup>10</sup> *Supra*, note 1 at paras.13, 29 and 31.

<sup>11</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights: Canada. UN Doc. E/C.12/CAN/CO/4, E/C.12/CAN/CO/5 (22 May 2006) at paras.11(d), 15, 26

<sup>12</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination: Canada. UN Doc.CERD/C/CAN/CO/18 (25 May 2007) at paras.20-21

<sup>13</sup> Amnesty International, Stolen Sisters, Overview. Online at: [http://www.amnesty.ca/campaigns/sisters\\_overview.php](http://www.amnesty.ca/campaigns/sisters_overview.php)

<sup>14</sup> Kelly A. MacDonald, *supra* note 5, at 8.

<sup>15</sup> NWAC, *Voices*, *supra* note 6, at 96.

members or friends who report the disappearance of an Aboriginal woman or girl have been brushed off with justifications that blamed the women or discounted the family's concerns, such as, "she has a high-risk life style" or "she'll come back when she wants to." Many of the cases did not receive timely or thorough investigation.<sup>16</sup> Beverly Jacobs, President of the Native Women's Association of Canada said to the media when presenting Sisters in Spirit's second report, "it's as if society is prepared to disregard the missing women as 'garbage.'"<sup>17</sup>

In British Columbia there are currently two police task forces in operation:

- **Vancouver Police Department - R.C.M.P. Project Even-Handed**

A joint task force between the Vancouver Police Department and the Royal Canadian Mounted Police (R.C.M.P.) was established in 2001. Project Even-Handed has a mandate to investigate and solve disappearances of women from the Downtown Eastside of Vancouver and surrounding areas between 1978 and end of 2001. As of March 4, 2009, there were 38 unsolved missing women cases that remain open investigations. At its peak 69 women were on the official list.

- **E-PANA Coordinated Investigation Team**

Formed in 2005 by E Division Criminal Operations of the R.C.M.P., E-PANA has a mandate to review the unsolved murders and suspicious missing persons cases linked to the 'Highway of Tears'. E-PANA is currently investigating the disappearances or homicides of 18 women dating back to 1969. It has completed the review phase of incidents, and is now in its operational phase.

These task forces are dealing with cold files, reviewing individual incidents, and looking for possible links. This is an important job to do. But it is striking that there is no systemic response - either in the province or nationally. Despite the known prevalence of violence against Aboriginal women and girls, there is no national database of information on missing and murdered women that identifies them by Aboriginal status and sex, nor is there any established pan-Canadian, or even intra-provincial, co-ordination among police forces. (In B.C., as in most provinces, there are several police forces operating - federal (R.C.M.P.), provincial and municipal.)

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<sup>16</sup> Amnesty International, *Stolen Sisters: Discrimination and Violence Against Indigenous Women in Canada*, 2004, at 2 and 23 - 33. Online at: <http://www.amnesty.ca/campaigns/resources/amr2000304.pdf>; see also *Voices*, *supra* note 6, at 96.

<sup>17</sup> Winnipeg Free Press, Mia Rabson, "Feds urged to stem tragedies", May 1, 2009. Online at: <http://www.winnipegfreepress.com/local/feds-urged-to-stem-tragedies-44125677.html>

There are also no standard police protocols for dealing with missing and murdered Aboriginal women and girls, and no mandatory comprehensive training for all police personnel on this issue.<sup>18</sup>

No commission, task force, or judge in British Columbia has been appointed to inquire into the reasons for police inaction and delay, or into what steps, protocols, resources, co-ordination and training are necessary to ensure that Aboriginal women and girls receive effective protection from violence and the equal support and assistance of police agencies and the justice system.

Neither the Government of British Columbia nor the Government of Canada has taken responsibility for determining “the reasons for the failure to investigate the cases of missing or murdered aboriginal women” or for designing and implementing “the necessary steps to remedy the deficiencies in the system.”

## **2. Disadvantaged Social and Economic Conditions of Aboriginal Women and Girls**

When, in 2008, the Committee urged Canada to inquire into missing and murdered Aboriginal women, it also called on Canada to:

develop a specific and integrated plan for addressing the particular conditions affecting aboriginal women, both on and off reserves, ...including poverty, poor health, inadequate housing, low school-completion rates, low employment rates, [and] low income....<sup>19</sup>

Such a plan is an essential component of any successful strategy to end the violence against Aboriginal women and girls.

The broad spectrum of poor socio-economic conditions faced by Aboriginal women is directly connected to both the issues on which Canada is required to report back, namely, violence against Aboriginal women and inadequate social assistance rates. Racialized patterns of poverty, lack of education and inaccessibility of adequate housing all contribute to the marginalization of Aboriginal women and their increased vulnerability to violence.

Poverty rates for Aboriginal women are extremely high. Canada’s 2006 report on *Women in Canada*, whose figures are taken from the 2000 census, shows the poverty rate of Aboriginal women, including Indian, Inuit and Metis women, at 36% - more than double that for non-Aboriginal women, and higher than Aboriginal men.<sup>20</sup> In addition, all of the other indicators of equality and well-being

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<sup>18</sup> *Stolen Sisters*, 2004, *supra* note 16, at pp 23 - 33; see also *Voices*, *supra* note 6 at 101-102.

<sup>19</sup> Concluding observations of the Committee on the Elimination of Discrimination against Women: Canada, CEDAW/C/CAN/CO/7, 7 November 2008, para. 44.

<sup>20</sup> Statistics Canada, *Women in Canada 2005: A Gender-Based Statistical Report (2005)* at 190-200. Online at: <http://www.statcan.ca/english/freepub/89-503-XIE/0010589-503-XIE.pdf>



- educational attainment, health status, income level, housing adequacy, participation in paid work, and rates of child apprehension - reveal an entrenched pattern of inequality and dismal conditions of life for Aboriginal women and girls. These disadvantaged conditions are the legacy of colonialism, and a manifestation of systemic racism and sexism.

Disproportionate numbers of Aboriginal women and girls are in street prostitution in British Columbia. They experience very high levels of violence. Many Aboriginal women and girls are coerced into street prostitution by their impoverished conditions, and by early experiences of violence and sexual abuse in their own communities, and in the broader society. Well-designed strategies are needed to support Aboriginal women and girls so that they can exit prostitution. Necessary resources include treatment beds in detoxification programs, recovery centres, funding for educational initiatives and job training, and funding for grassroots Aboriginal women's organizations.

Also needed are: poverty elimination strategies, including provision of social assistance in an amount that will provide adequate food, clothing, and shelter; adequate housing for Aboriginal women and girls, both on and off reserves; culturally appropriate training and supports for education; shelter services for women in or near Aboriginal communities; and a change to policies regarding child apprehension to bring to an end the high rates of Aboriginal children being taken away from poor Aboriginal mothers.<sup>21</sup>

Conditions for Aboriginal women and girls will not change in British Columbia until strategic and co-ordinated policies are put in place to address and reverse the specific disadvantages of Aboriginal women and girls, and until adequate resources are allocated, over a sustained period, to support systemic change.

The failure by all levels of government in Canada to fulfill the social and economic rights of Aboriginal women and girls to an adequate standard of living, including adequate food, clothing and shelter, leads directly to violations of their rights to security of the person and to life.<sup>22</sup>

## **Calls for Inquiry Ignored**

The issue of police and government failures surrounding the murdered and missing Aboriginal women and girls has been on the desk of the Attorney General of British Columbia for many years now. Calls for a public inquiry came from family members of missing women from the Downtown Eastside of Vancouver, and from Vancouver Rape Relief and Women's Shelter starting as

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<sup>21</sup> See *Voices*, *supra* note 6, at 98-104.

<sup>22</sup> Rights to security of the person and to life are set out in Articles 6 and 9 of the *International Covenant on Civil and Political Rights*, which Canada ratified in 1976, as well as in s. 7 of the *Canadian Charter of Rights and Freedoms*.

early as 2001.<sup>23</sup> In 2005 organizations, including Justice for Girls, the B.C. Native Women's Society, the First Nations Summit, and the Native Women's Association of Canada, called for a systemic inquiry into the failed criminal justice response to violence against Aboriginal girls in B.C.

Since then, as well as the B.C. CEDAW Group, the United Native Nations, which represents approximately 90,000 Aboriginal people, the Union of B.C. Indian Chiefs, Walk 4 Justice, the Aboriginal Women's Action Network, the Carrier Sekani group of First Nations, the B.C. Civil Liberties Association, PIVOT Legal Society, and most recently, the Vancouver Police Department, have all called for a public inquiry into the failed law enforcement response to missing and murdered Aboriginal women and girls.<sup>24</sup>

So far, the Government of British Columbia has not acted.

## **B. Social Assistance Rates**

In its 2008 Concluding Observations, the Committee wrote:

13. The Committee notes that federal funds to support social assistance are provided to provinces and territories through the Canada Social Transfer (CST) and welcomes information indicating that the CST budget increased in the past year and will continue to increase in future. Nevertheless, the Committee is concerned at the fact that decisions on expenditure of funds from the CST are completely at the discretion of the provinces and territories and that there is no federal accountability mechanism to ensure minimum standards across the country for the provision of funding to social assistance programmes for women. The Committee is also concerned at reports of cuts in social assistance schemes in many provinces and at the resulting negative impact on the rights of vulnerable groups of women, such as single mothers, aboriginal women, Afro-Canadian women, immigrant women, elderly women and disabled women, who rely on social assistance for an adequate standard of living.

**14. The Committee calls upon the State party to establish minimum standards for the provision of funding to social assistance programmes, applicable at the federal, provincial and territorial**

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<sup>23</sup> Vancouver Rape Relief and Women's Shelter, Daisy Kler, *Speech on the 10th annual memorial for the missing and murdered women of the Downtown Eastside*, February 14, 2001. Online at: [http://www.rapereliefshelter.bc.ca/issues/eastside\\_women03.html](http://www.rapereliefshelter.bc.ca/issues/eastside_women03.html); "Vancouver Rape Relief and Women's Shelter in Solidarity with Native Women on Call for Inquiry into Missing Women", Press Release April 12, 2002. Online at: [http://www.rapereliefshelter.bc.ca/issues/eastside\\_women\\_pr.html](http://www.rapereliefshelter.bc.ca/issues/eastside_women_pr.html)

<sup>24</sup> See: B.C. CEDAW Group letter to Attorney General Wally Oppal, March 11, 2009. Online at: <http://www.justiceforgirls.org/publications/InquiryletterCEDAW2009.pdf>; see also: [www.bccla.org/othercontent/09missing\\_women.pdf](http://www.bccla.org/othercontent/09missing_women.pdf); <http://www.globallethbridge.com/Highway+Tears+inquiry+possible+attorney+general/2220244/sto ry.html>; <http://www.missingjustice.ca/2009/06/activists-call-for-inquiry-into-the-highway-of-tears>.

levels, and a monitoring mechanism to ensure the accountability of provincial and territorial governments for the use of such funds so as to ensure that funding decisions meet the needs of the most vulnerable groups of women and do not result in discrimination against women. The Committee also calls upon the State party to carry out an impact assessment of social programmes related to women's rights.

- **Poverty**

B.C. has the highest overall rate of poverty in the country. In 2006, 13% of all British Columbians, or over half a million people, lived below the poverty line, well above the national average of 10.5%.<sup>25</sup> Statistics Canada figures show that in 2006, poor people in British Columbia were living not just below the poverty line, but \$7,700 below the poverty line (using Statistics Canada's Low Income Cut-Off line). They are not just poor, they are very poor.<sup>26</sup>

B.C. also has the highest rate of child poverty in Canada at 18.8% - well above the national child poverty rate of 15% (before-tax Low Income Cut-Offs (LICOs)).<sup>27</sup>

Particular groups of women have very high poverty rates. In 2006, B.C. single mothers had a poverty rate of 35.7 per cent. In the same year, single senior women in B.C. had a poverty rate of 20.4 per cent (compared to 11.6 per cent for single senior men).<sup>28</sup> Nation-wide data shows rates of poverty for Aboriginal women at 36%, for women of colour at 29%, for immigrant women at 23%, rising to 35% for those who arrived in Canada between 1991 and 2000, and for women with disabilities at 26%.<sup>29</sup>

- **Social Assistance Rates in British Columbia**

In 2008, the B.C. CEDAW Group reported to the CEDAW Committee that:

- In 2002, the Government of British Columbia restructured and cutback provincial income assistance (welfare), instituting a number of regressive changes to eligibility as well as cuts to welfare rates.

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<sup>25</sup> Klein et al., *The Time is Now: A Poverty Reduction Plan for BC.*, Canadian Centre for Policy Alternatives, 2008, at 5. Online at: [http://www.policyalternatives.ca/sites/default/files/uploads/publications/BC\\_Office\\_Pubs/bc\\_2008/ccpa\\_bc\\_poverty\\_reduction\\_summary.pdf](http://www.policyalternatives.ca/sites/default/files/uploads/publications/BC_Office_Pubs/bc_2008/ccpa_bc_poverty_reduction_summary.pdf)

<sup>26</sup> Ibid.

<sup>27</sup> First Call, *BC Child Poverty Report Card*, November 24, 2009, <http://www.firstcallbc.org/pdfs/EconomicEquality/3-09reportcard.pdf>

<sup>28</sup> Klein et al., *A Poverty Reduction Plan for B.C.*, Canadian Centre for Policy Alternatives, 2008, at 21-22. Online at: [http://www.policyalternatives.ca/sites/default/files/uploads/publications/BC\\_Office\\_Pubs/bc\\_2008/ccpa\\_bc\\_poverty\\_reduction\\_full.pdf](http://www.policyalternatives.ca/sites/default/files/uploads/publications/BC_Office_Pubs/bc_2008/ccpa_bc_poverty_reduction_full.pdf)

<sup>29</sup> Statistics Canada, *Women in Canada: A Gender-Based Statistical Report (2005)*. Online at: <http://www.statcan.ca/english/freepub/89-503-XIE/0010589-503-XIE.pdf>.

- In 2006, a single person in BC received \$510 per month; a lone parent with one child received \$969. Taking inflation into account, these rates are lower than the benefits recipients received in 1994.
- In 2007, shelter allowances were raised by \$50, plus an additional \$50 for lone parents and single adults. In most cases these new rates remain lower than pre-2002 rates.

**There has been no change in social assistance rates in B. C. since 2007.**

- **Consequences**

The Dietitians of Canada in their report *The Cost of Eating in B.C. 2007* demonstrate that, at current rates, income assistance in British Columbia is too low to pay rent and buy healthy food.<sup>30</sup>

Cuts to welfare rates and the erosion of the value of benefits through inflation have a harsh impact on women who are in need. And it is the women with the highest rates of poverty, including single mothers and Aboriginal women, who are most likely to have to turn to welfare.

Lacking the means of subsistence has well-documented gendered consequences:

- Women and girls lose autonomy in their relations with men. Low welfare rates coerce women into “survival sex” or prostitution;
- Women and girls living on inadequate welfare benefits live in squats, cars, and other unsafe housing and are more vulnerable to rape and sexual harassment;
- Women cannot leave abusive relationships because welfare rates are not sufficient to support them and their children. If they do leave, they often return for economic reasons, even when they are endangered;<sup>31</sup>
- Women receiving welfare are more likely to have their children apprehended, not because the children are mistreated, but because they cannot provide adequate housing and food.

The rate of child apprehension from mothers receiving social assistance and from Aboriginal mothers is high. Almost half of families from whom children are

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<sup>30</sup> Dietitians of Canada, *The Cost of Eating in B.C. 2007*, Media Backgrounder. Online at: [http://www.dietitians.ca/news/frm\\_resource/imageserver.asp?id=1010&document\\_type=document&popup=true&contentid=1944](http://www.dietitians.ca/news/frm_resource/imageserver.asp?id=1010&document_type=document&popup=true&contentid=1944);

<sup>31</sup> Klein et al., *supra* note 28, at 21.

apprehended are either on income assistance or have recently been.<sup>32</sup> Also, while the number of non-Aboriginal children in state care has decreased, the number of Aboriginal children being taken into care continues to rise.<sup>33</sup> According to a recent study entitled *Broken Promises: Parents Speak about BC.'s Child Welfare System*,<sup>34</sup> there are currently 9,271 children living in foster care in B.C., and more than half are Aboriginal. An Aboriginal child is around six times more likely to be taken into care than a non-Aboriginal child.<sup>35</sup>

Children are rarely removed from their families because of physical or sexual abuse. Most often they are removed because of "neglect." "Neglect" usually means the effects of poverty - poor housing, and inadequate food.<sup>36</sup>

The B.C. Representative for Children and Youth documented the disastrous results that child apprehension can have in her report entitled *Housing, Help and Hope*.<sup>37</sup> A young First Nations couple, willing and able to nurture their two-month-old boy, needed short-term assistance with housing. Despite discretion in the system to help them, they did not receive it. Instead the child was apprehended and placed, over a period of months, in three different non-Aboriginal foster care homes. In the one of them he was injured and permanently brain damaged. Today, at the age of three, the child has cerebral palsy, is blind in one eye, doesn't walk yet, and will need life-long supports.<sup>38</sup> The Representative for Children and Youth concluded that B.C. income assistance did not provide the family with enough income to afford housing that was considered acceptable.<sup>39</sup>

Not only does the government fail to adequately support women living in poverty, the Ministry of Housing and Social Development (MHSD) requires the reduction of social assistance if children are apprehended. The housing portion of welfare is reduced if the children are taken into care, which makes it more difficult for women to afford adequate housing. Then, if she does not have adequate housing, her children will not be returned.

In short, along with its other harmful effects on women's equality in their relationships with men, their sexual autonomy, their health, and their security of

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<sup>32</sup> Honourable Ted Hughes, *BC Children and Youth Review*, April 2006, at 52. Online at: [http://www.mcf.gov.bc.ca/bcchildprotection/pdf/BC\\_Children\\_and\\_Youth\\_Review\\_Report\\_FINAL\\_April\\_4.pdf](http://www.mcf.gov.bc.ca/bcchildprotection/pdf/BC_Children_and_Youth_Review_Report_FINAL_April_4.pdf)

<sup>33</sup> Klein et al, *supra* note 28, at 18-19.

<sup>34</sup> D. Bennett and L. Sadrehashemi, *Broken Promises: Parents Speak about BC.'s Child Welfare System* (2008), Pivot Legal Society. Online at: <http://www.pivotlegal.org/pdfs/BrokenPromises.pdf>

<sup>35</sup> B.C. Auditor General, *Management of Aboriginal Child Protection Services* (Victoria: Government of British Columbia, 2008), at 2. Online at:

<http://www.bcauditor.com/files/publications/2008/report3/report/management-aboriginal-child-protection-services.pdf>.

<sup>36</sup> *Ibid.*

<sup>37</sup> Representative for Children and Youth, *Housing, Help and Hope: A Better Path for Struggling Families*, July 2009. Online at: <http://www.rcybc.ca/images/pdfs/reports/hhh-rpt-july-28-09.pdf>

<sup>38</sup> *Ibid.* at 1.

<sup>39</sup> *Ibid.* at 35.

the person, inadequate social assistance can cause women to lose the care and guardianship of their own children.

- **Poverty Reduction for B.C.**

The Canadian Centre for Policy Alternatives developed a carefully reasoned and budgeted Poverty Reduction Plan for British Columbia, which calls on the Government of British Columbia to increase social assistance rates by 50% and index them to inflation.<sup>40</sup> The Canadian Centre for Policy Alternatives concluded:

If the global financial crisis draws BC into a prolonged economic downturn, the province's surpluses will shrink or disappear, but this, even more so, must not be an excuse for inaction. If the province finds itself in recession, the unemployment rate will increase and we risk a higher poverty rate, making the need for action that much greater. An accessible and decent social safety net (*and in particular social assistance*) must serve as an automatic stabilizer in such times – putting money in the pockets of those hardest hit, and concentrating that assistance in the communities hardest hit. (emphasis added)

The poorest women do not enjoy equality or security of the person in British Columbia. Until social assistance provides adequate incomes to women and their families when they are in need, the human rights of women will not be respected or fulfilled.

- **Impact Assessment**

As well as restructuring social assistance to ensure that adequate levels of assistance are provided to women, the Committee's recommendation also urges Canada, and its various levels of government, "to carry out an impact assessment of social programmes related to women's rights." B.C. was specifically asked to do this by the Committee in 2003.<sup>41</sup> However, since 2003 and even since 2008, the policy focus on women's issues has diminished dramatically inside the Government of British Columbia.

Before 2002, there was a Ministry of Women's Equality. In 2002, the women's portfolio was moved to the Ministry of Community Services, Aboriginal and Women's Services. In 2005, this Ministry became simply the Ministry of Community Services. As of 2008, following another Cabinet restructuring, the women's portfolio appears to be notionally included in the Ministry of Olympics and ActNow.

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<sup>40</sup> Klein et al. *supra* note 28, at 39.

<sup>41</sup> Committee on the Elimination of Discrimination against Women, *Report of the Committee on the Elimination of Discrimination against Women, Twenty-eighth session (13 - 31 January 2003) and Twenty-ninth session (30 June - 18 July 2003)*, Fifty-eighth Session Supplement No. 38 (A/58/38) at paras. 359-60.

The fact is that women's equality and women's human rights have virtually vanished from the official policy agenda in British Columbia.<sup>42</sup>

## Conclusion

The Government of British Columbia has failed to act on either of these central issues:

- women's poverty and the lack of adequate social assistance, and
- police and government failure to prevent or effectively investigate violence against Aboriginal women and girls.

The Government of British Columbia stands in violation of its obligations under Articles 2 and 3 of the *Convention on the Elimination of Discrimination against Women*.

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<sup>42</sup> Gillian Creese and Victoria Strong-Boag, *Still Waiting for Justice: Update 2009*, at 8-9. Online at: [http://www.bcfed.ca/files/1670-09br-Still\\_Waiting\\_for\\_Justice-2009.pdf](http://www.bcfed.ca/files/1670-09br-Still_Waiting_for_Justice-2009.pdf)