



The Critical Role of a Human Rights Commission in BC

The **BC Poverty Reduction Coalition** is an alliance of organizations that have come together to raise awareness about poverty in BC and improve the health and well-being of all British Columbians. The Coalition was launched in 2009 and has now gained the support of over 400 organizations throughout the province in the call for a **strong, comprehensive poverty reduction strategy with legislated targets and timelines** to significantly reduce poverty, inequality, and homelessness in BC.

The Coalition is made up of a diverse membership of over 70 organizations that bring their collective strength and support to this call, including community and non-profit groups, faith groups, health organizations, indigenous organizations, immigrant service agencies, businesses, labour organizations, and social policy groups. Current members listed as an Appendix.

Our work is grounded in the foundation of universal human rights.

Poverty is a Violation of Human Rights

The existence of poverty in Canada is a violation of human rights. There is not only a moral duty to eradicate poverty but also a legal obligation under international human rights law.

A human rights approach to poverty reduction is based on a fundamental respect for human dignity as opposed to a charitable approach, and is grounded in the experiences and engagement of low-income people and communities. It recognizes people in poverty as rights-bearers entitled to assert legal claims rather than being passive recipients of charitable aid.

In 1976, Canada ratified the United Nations *International Covenant of Economic, Social and Cultural Rights*, which recognizes “the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.”

The government of British Columbia has clearly failed to meet its human rights obligations. BC has had one of the highest poverty rates in Canada for the last 15 years, and yet, until now, it has been the last province left without a poverty reduction plan.

The high rates of child poverty in BC violate BC’s obligations to respect children’s rights as enshrined in the United Nations Convention on the Rights of the Child. This includes “children’s right to a standard of living adequate for their physical, mental, spiritual, moral and social development,” which is far from being met by keeping children in poverty and malnourishment.

BC’s welfare rate of \$710 per month is inadequate to provide an adequate standard of living, and the minimum wage of \$11.35 per hour is still not enough to lift a full-time worker above the poverty line. “The UN Committee on Economic, Social and Cultural Rights has expressed particular concern about women’s poverty in BC, noting that inadequate welfare rates present an additional obstacle for women fleeing abusive relationships” ([West Coast LEAF’s 2014 CEDAW Report Card, Oct. 2014](#)).

Basic civil and political rights, such as freedom of speech and the right to vote, are relatively well protected in Canadian law, but economic and social rights to basic necessities such as food, water, housing, and education are routinely violated. Without these rights secured, poverty is a barrier to accessing civil and political rights in a meaningful and effective way. This has a disproportionate impact on marginalized groups including women, LGBTQ communities, racialized and Indigenous persons, and people with disabilities, among others.

Human Rights Commission focused on systemic change

For people in poverty, a human rights commission is urgent and necessary

Individuals must have an avenue to claim their rights and report violations. Legislation may be one avenue but it is an expensive route to securing adequate solutions. This complaints-based process is highly ineffective for marginalized people as there are so many barriers to accessibility. People in poverty live in a state of survival, focused on immediate needs such as where their next meal is going to come from or how to pay their rent from their minimal income. While their human rights are constantly being violated, they are most often unable to respond to that violation through legal action.

A commission is an important venue through which rights claimants can obtain a hearing and secure effective remedies but, more importantly, a commission can report on systemic issues and recommend preventative approaches. It should provide an independent body aimed at systemic change and prevention on behalf of many in contrast to the current system that is dependent on individuals bringing forward human rights violations they have experienced.

We support the submissions from our members (including the BC Public Interest Advocacy Centre, Canadian Centre for Policy Alternatives, WestCoast LEAF and Community Legal Assistance Society), in particular, their recommendation to ensure that the Commission has the mandate to enforce **both** the BC Human Rights Code and **all** international United Nations covenants and declarations, including the *Universal Declaration of Human Rights*, the *International Covenant on Economic, Social, and Cultural Rights*, the *International Covenant on Civil and Political Rights*, the *International Convention on the Elimination of All Forms of Racial Discrimination*, the *UN Declaration of the Rights of Indigenous Peoples*, the *Convention on the Elimination of all forms of Discrimination Against Women*, and the *Convention on the Rights of Persons with Disabilities*.

This creates a responsibility for the Commission to protect and progressively fulfill those obligations in BC. Such a mandate would reinforce the government's recent commitments to the UN Declaration on the Rights of Indigenous Peoples and a comprehensive poverty reduction plan.

Further recommendations we support include:

- Ensure the Commission is an independent body set up as an Office of the Legislature, similar to and with the same level of authority as the Ombudsperson or the Representative of Children and Youth.
- Ensure separation of the Human Rights Tribunal and the Commission, and maintain direct access to the Human Rights Tribunal not reinstate the Commission in a gatekeeper role.
- Engage in public awareness and education, including having a strong media presence, to promote human rights.
- Conduct consultations with communities throughout BC to identify issues, and produce research reports and guidelines with specific policy recommendations on systemic human rights issues.

Recommendation to include “social condition” in the Human Rights Code

Although never taking the place of fulfilling BC’s obligations to economic, social and cultural rights, a further recommendation is to amend the BC Human Rights Code to include social condition as a prohibited ground of discrimination in publications, accommodation, service, facilities, purchase of property, tenancy, employment advertisements, wages, unions and associations.

Not only would this perform an important public education role in raising awareness of the increasing level and general acceptance of prejudice and discrimination against the poor, it would provide a concrete way to challenge stereotypes against the poor, such as regular “poor-bashing” in the mainstream media.

With the crisis of poverty that BC is currently facing, discrimination against those in poverty is more acute. When housing is so limited and renters line up to ‘bid’ on a rental unit, those on welfare are regularly turned away. While homeless people find safety and community in tent cities, their visibility highlights the level of verbal and physical violence homeless people face on a daily basis. The backlash against a social housing development in Marpole, Vancouver, where some residents have characterized homeless people as drug addicts, degenerates, and a threat to neighbourhood children, highlights the urgency of the inclusion of “social condition” in the Code.

As the Ontario Human Rights Commission (OHCR) states:

The poor also comprise a discrete and identifiable group that is subject to its own particular forms of discrimination and disadvantage. Given the socially and politically marginalized status of the poor, commentators have highlighted the fact that legislation designed specifically to ameliorate the condition of groups facing historic and continuing discrimination does not contain protection for low socio-economic status. This omission “reflects, reinforces, and facilitates continued systemic bias” against the poor in Canadian society.¹

The Ontario Human Rights Commission also highlights that this amendment has an important role to play in protecting the rights already explicitly recognized within the legislation given that there is frequent intersection of poverty and other forms of disadvantage, including but not limited to poverty and gender, poverty and disability, and poverty and race.² “Without protection on the basis of poverty, human rights legislation may be unable to truly address the complex experience of those who are most disadvantaged.”³

¹ <http://www.ohrc.on.ca/en/human-rights-commissions-and-economic-and-social-rights/social-condition-%E2%80%93-option-human-rights-commissions>

² *ibid*

³ *ibid*

As a previous Chief Commissioner of the Canadian Human Rights Commission, Michelle Falardeau-Ramsay, said in an argument to include “social condition” in the Canadian Human Rights Act in 1988, this addition:

would give recognition to the idea that differences in economic status are as much a source of inequality in our society as race, gender or disability...[P]oor Canadians live daily with social stigma and negative stereotypes and face prejudice similar to those who are discriminated against on the other grounds enumerated in the [Canadian Human Rights] Act...Adding “social condition” to the CHRA would send the message to Canadians that prejudice against people who are poor is as unacceptable in our society as prejudice against people who are black or aboriginal or disabled or female.⁴

⁴ Michelle Falardeau-Ramsay, Chief Commissioner, Canadian Human Rights Commission, *Proceedings of the Standing Committee on Legal and Constitutional Affairs*, 1st Sess., 36th Parl., (May 27, 1998).

Appendix A: Current Members of BCPRC

Africa Great Lakes Networking Foundation
Association of Neighbourhood Houses BC
Basic Income Vancouver
ACORN BC
BC Alliance on Mental Health/Illness & Addiction
BC Disability Caucus
BC Federation of Labour
BC Federation of Students
BC Ferry and Marine Workers Union
BC Food Systems Network
BC Government and Service Employees' Union
BC Health Coalition
BC Healthy Communities
BC Healthy Living Alliance
BC Non-Profit Housing Association
BC Public Interest Advocacy Centre
BC Teachers' Federation
Burnaby Community Services Society
Canada Without Poverty
Canadian Cancer Society, BC & Yukon Division
Canadian Centre for Policy Alternatives - BC
Canadian Federation of University Women BC Council
Canadian Mental Health Association - BC Division
Cedar Cottage Neighbourhood House
Check Your Head: The Youth Global Education Network
Citizens for Accessible Neighbourhoods
Coalition of Child Care Advocates of BC
Community Legal Assistance Society
Community Social Planning Council, Victoria
Council of Senior Citizens' Organizations of BC
Cranbrook Social Planning Society
Disability Alliance BC
Downtown Eastside Neighbourhood House
Early Childhood Educators of BC
Faith in Action
Federation of Community Social Services of BC
Federation of Post-Secondary Educators of BC
First Call: BC Child and Youth Advocacy Coalition
Gordon Neighbourhood House
Grandview Woodland Food Connection
Greater Trail Community Skills Centre
Greater Vancouver Food Bank
Health Officer's Council of BC
Health Sciences Association of BC
Hospital Employees' Union
Interspiritual Centre of Vancouver Society
Jewish Seniors Alliance of Greater Vancouver
Living Wage for Families Campaign
Megaphone Magazine
MOSAIC
MoveUP
New Westminster & District Labour Council
North Shore Disability Resource Centre
North Shore Homelessness Task Force
Pacific Community Resource Centre
Parent Advocacy Network for Public Education
PIVOT Legal Society
Positive Living BC
Protein for People
Public Health Association of BC
Raise the Rates Coalition
Revelstoke Poverty Reduction Working Group
Richmond Poverty Response Committee
Single Mothers' Alliance of BC
Society for Children and Youth of BC
SPARC BC
Streams of Justice
Surrey Poverty Reduction Coalition
Together Against Poverty Society
UFCW 1518
Unifor
Union Gospel Mission
United Way of Greater Victoria
United Way of the Lower Mainland
Vancity Community Foundation
Vancity Credit Union
Vancouver & District Labour Council
Vancouver Foundation
Vancouver Neighbourhood Food Networks
Vancouver Rape Relief and Women's Shelter
Vibrant Abbotsford
West Coast Domestic Workers' Association
West Coast Women's LEAF
Women Against Violence Against Women
YWCA Metro Vancouver

