



British Columbia's  
Office of the Human Rights  
Commissioner

# Laying the foundations



Annual Report 2019/20 and Service Plan 2020/21-2022/23

# Laying the foundations

## Annual Report 2019/20 and Service Plan 2020/21–2022/23

December 2020

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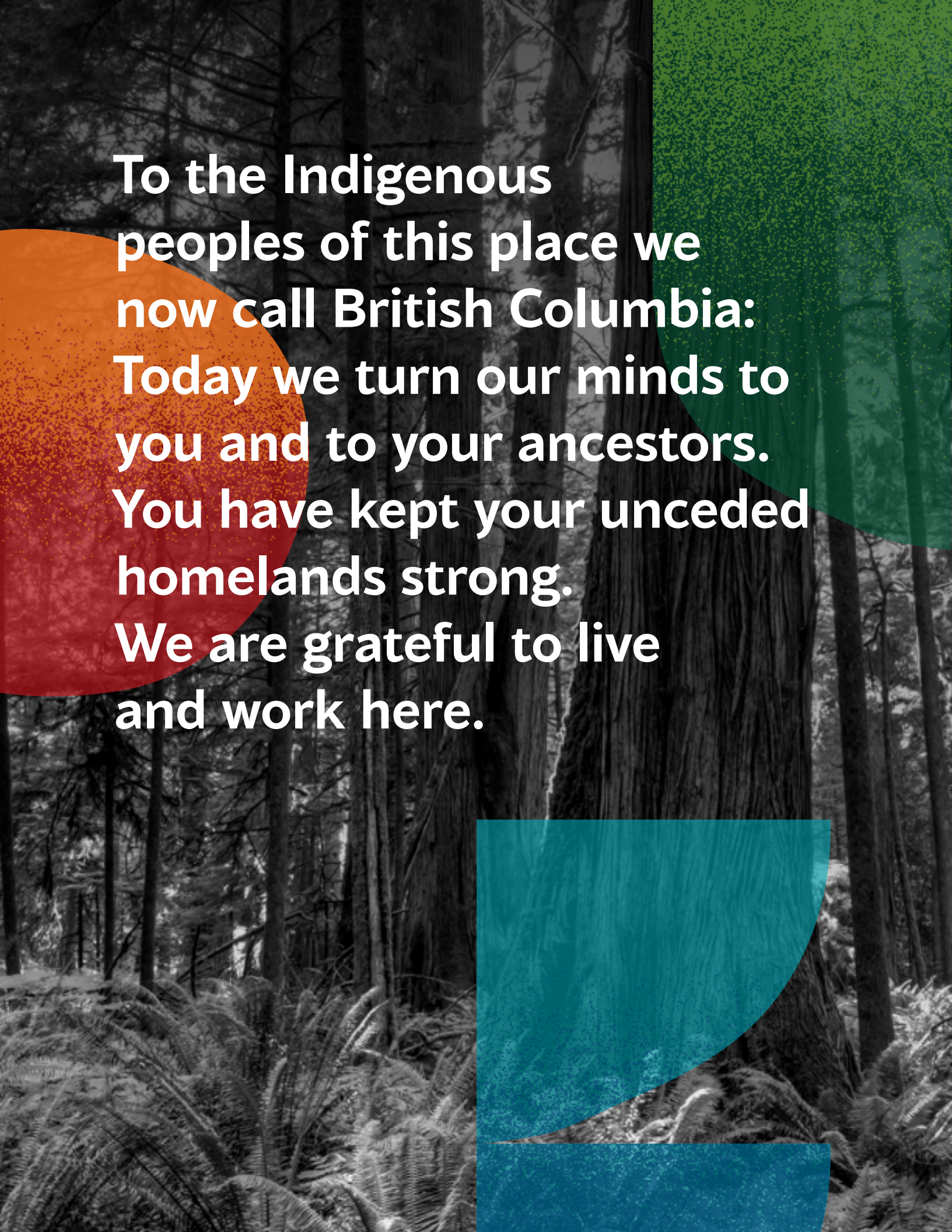


British Columbia's  
**Office of the Human Rights  
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Annual Report 2019/20 and  
Service Plan 2020/21–2022/23





**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.**

**DECEMBER 2020**

The Honourable Raj Chouhan  
Speaker of the Legislative Assembly  
Parliament Buildings  
Victoria, BC V8V 1X4

Dear Mr. Speaker,

It is my pleasure to present BC's Office of the Human Rights Commissioner's 2019/2020 Annual Report and the 2020/21–2022/23 Service Plan to the Legislative Assembly.

This document reports on the period from September 3, 2019 to March 31, 2020 and highlights activities underway and planned for April 1, 2020 to March 31, 2023, and has been prepared in accordance with Section 47.23(1) of the Human Rights Code.

Sincerely,



**Kasari Govender**  
B.C.'s Human Rights Commissioner  
Province of British Columbia

cc: Kate Ryan-Lloyd  
Clerk of the Legislative Assembly

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# Message from the Commissioner

BC's Office of the Human Rights Commissioner was created in 2019 to tackle systemic human rights issues and address obstacles that stand between us and the safe, equal B.C. in which we all want to live.

I deeply appreciate the dedicated human rights activists and advocates, civil society organizations, public servants, elected officials and citizens whose calls for a more just society led to reinstatement of this Office at a critical time. I am also grateful for our team who pour their hearts, minds and energy into building an organization to do the work envisioned by so many in the community.

*I deeply appreciate the dedicated human rights activists and advocates, civil society organizations, public servants, elected officials and citizens whose calls for a more just society led to reinstatement of this Office at a critical time.*

Our vision is a province free from inequality, discrimination, and injustice, where we uphold human rights for all and fulfil our responsibilities to one another. To achieve this, we are focusing on five strategic priorities: discrimination under B.C.'s Human Rights Code, decolonization, hate and the rise of white supremacy, poverty as a cause and effect of inequality and injustice and human rights protections for those detained by the state in prisons and institutions. Since September 2019, we've been building our organization on the fundamental principles of systemic equality and decolonization, ensuring we can meet today's human rights challenges.

So much has changed since I took office as B.C.'s first independent Human Rights Commissioner just over one year ago. To date, COVID-19 has infected more than 72 million people worldwide, killed more than 1.6 million, cost millions of jobs, upended society and lit the fuse of racism and fear. This is unfolding amid a worsening provincial health emergency: a tainted opioid epidemic killing more British Columbians each month than coronavirus. From the Black Lives Matter protests to the Wet'suwet'en solidarity protests, people have been rising up against racism and colonization, sparking conversations about systemic racism in policing and social institutions.

These crises present extraordinary obstacles to preserving human rights. This global pandemic has amplified racial tensions and fueled hatred, extremism and the rise of authoritarianism. The virus is exacerbating poverty, homelessness, hunger, mental illness and domestic abuse. The rights of children and youth are threatened as parents and educators race to find safe options



for school. Unemployment has spiked and young people and women, particularly women of colour, are disproportionately affected.

We know human rights abuses, racism and discrimination occur daily — these unprecedented times merely highlight society's inequalities. The pandemic has increased our work, as we address injustices made visible by this critical situation, yet it also presents a unique opportunity to make change.

While this Office is new and still building out basic operations, my small team has developed programs and resources at a rapid pace. We started to influence public policy on COVID-19 responses by launching two public surveys and issuing multiple submissions and letters to policy makers. We published a report with recommendations to government for collecting disaggregated demographic data while protecting citizens' privacy and rights. We jumped into public outreach, meeting with over 3,000 people and hosting virtual townhalls and public engagements across B.C. Over the last year, our Office received 500 emails and nearly 300 public queries through our 1-800 number and established a legal assistance and crisis line referral system.

Our human rights education plans are well under way. We launched a multilingual accessibility-enabled website and issued guidance for employers on their duties under the Code. We produced two videos: the first, an educational piece on human rights and the second, a video sharing the experience of Teresa Pocock, a disability advocate whose rights were threatened.



We hosted eight regional engagements, both in-person and virtually, educating more than 400 people representing 180 organizations on human rights and answering questions. British Columbians are taking notice: since September 2019, the Office has earned more than 1,500 media mentions, reaching Punjabi, Chinese, Northern and Indigenous media outlets.

In 2019/20, we focused on surveying the human rights landscape in B.C. and identifying where we could achieve maximum impact promoting and protecting human rights. Over the next three years of the 2020/21 to 2022/23 Service Plan, our focus is building operations and program foundations of the organization (2020/21), growing in size, structure and reach (2021/22), and refining our established policies, practices and activities (2022/23). Throughout, we will quickly respond to issues arising from COVID-19, plus emerging local and global developments.

In this report, we share the history of how this Office came to be and how we are laying the foundations for our human rights work by adhering to our guiding principles and embedding a human rights-based approach and decolonizing principles into everything we do. We highlight some early accomplishments in 2019/20, some key activities we're undertaking, and some early thinking on our three-year Service Plan 2020/21–2022/23, which continues to evolve as a living document and complements our Annual Report and Strategic Plan.

Driving progressive, measurable improvements in human rights and within B.C.'s human rights system is central to our mandate of shifting unjust systems through education, research, advocacy, inquiry and monitoring. My role is to act as a watchdog, working to dismantle the bias, hate and misinformation that fuel human rights abuses. I take this role — and the public's trust — very seriously.

***Driving progressive, measurable improvements in human rights and within B.C.'s human rights system is central to our mandate of shifting unjust systems through education, research, advocacy, inquiry and monitoring.***

My Office will be transparent and accountable in reporting progress on our goals, acknowledging that at this early stage, our service plans are a work in progress. While the task of rooting out systemic inequality and injustice is daunting, we will not waver in our commitment to doing so, for the sake of our children, our communities and our future society.

Sincerely,



**Kasari Govender**  
B.C.'s Human Rights Commissioner



# BC's Office of the Human Rights Commissioner

In 2018, changes to B.C.'s Human Rights Code established BC's Human Rights Commissioner as an officer of the Legislature—the first independent Human Rights Commissioner in our province's history. Under the Code, the Commissioner is responsible for promoting and protecting human rights in B.C. In May of 2019, Kasari Govender was appointed by an all-party special committee of the Legislative Assembly. Commissioner Govender began her term in September 2019.

## Our vision

A province free from inequality, discrimination and injustice where we uphold human rights for all and fulfil our responsibilities to one another.

## Our mandate

To address the root causes of inequality, discrimination and injustice in B.C. by shifting laws, policies, practices and cultures. We do this work through education, research, advocacy, inquiry and monitoring.

## Our role

**B.C.'s Human Rights Code states that the Commissioner is responsible for promoting and protecting human rights in B.C. In the course of fulfilling this mandate, the Commissioner can do the following:**

- Identify and promote the elimination of discriminatory practices, policies and programs
- Develop, deliver and support research and education about human rights
- Create policies, guidelines and recommendations to prevent discrimination and ensure policies, programs and legislation are consistent with B.C.'s Human Rights Code
- Promote compliance with international human rights obligations
- Approve special programs to improve conditions of disadvantaged individuals or groups
- Intervene in human rights proceedings before the BC Human Rights Tribunal or other courts and tribunals
- Assist complainants in human rights proceedings, as appropriate, to create systemic change
- Conduct human rights inquiries and issue reports and recommendations
- Make special reports to the Legislative Assembly about human rights in B.C.
- Inquire into matters referred to BC's Human Rights Commissioner by the Legislative Assembly

## Our guiding principles

We have developed guiding principles as anchors for our work. These principles reflect both the culture we want to create for our new organization and how we will conduct our work to ensure we are accountable to British Columbians.

- We operate on the basis of **nothing about us without us**, and we centre the perspectives and rights of those most marginalized and those whose rights are at stake. We recognize the humanity in everyone and are **accountable** to all people living on the lands now known as British Columbia.
- We take a **decolonizing** approach to all our work and recognize that human rights can be held by individuals or groups.
- We understand that all of us have **intersectional** identities and experience discrimination and privilege in diverse ways. Inequality, discrimination and injustice are rooted in the systems around us and must similarly be addressed in a **systemic** way.
- We believe that the protection and promotion of human rights is essential to a functioning **democracy** and are committed to a vision of democracy in which the rights of the majority do not trample upon the rights of those in the minority.
- When engaging with community, we **move at the speed of trust**. We recognize the importance of learning from the stories of diverse people on these lands, including both our elders and our young people.
- The urgency of **climate change**—and the important relationship between the natural environment and human rights—guides us in the work we do.
- Entrenched problems require **bold actions**. Acting boldly means taking risks, and sometimes we will make mistakes. We are committed to **being curious** and continually learning.
- We are **strategic and proactive** in creating change, and balance immediacy with sustainability.
- **Accessibility** of information, space and services is essential to the realization of human rights. Our work will be designed for a range of abilities, cultures, languages, education levels, learning styles and viewpoints.
- In all our relationships, we strive to be **trauma-informed** and **culturally safe**.

## Our approach

The work of BC's Office of the Human Rights Commissioner (BCOHRC) is grounded in a **human rights-based approach**. How we do things matters. A human rights-based approach seeks to centre the voices of those most marginalized, and to make inequality visible in order to redistribute unjust distributions of power.

### Human rights-based approach principles



**Decolonization** is central to the work of human rights in our society, and consequently to the work of BCOHRC. Decolonization is the dismantling of the process by which one nation asserts and establishes its domination and control over another nation's land, people and culture. It is the framework through which we are working toward undoing the oppression and subjugation of Indigenous peoples in what is now known as British Columbia and unlearning colonial ways of thinking and being.

### Decolonizing principles

- Equality and non-discrimination
- Listening, learning and honouring Indigenous world views, 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 people and Indigenous ways of knowing and being
- Restoring a respectful relationship to land

A decolonizing approach to human rights requires us to recognize both collective and individual rights and responsibilities. It applies the four 'R's for building respectful relationships: reciprocity, reflexivity, responsibility and relevance.<sup>1</sup>

---

<sup>1</sup> 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 1991 by Kirkness, V.J. & Barnhardt, R. (1991). First Nations and Higher Education: The Four R's—Respect, Relevance, Reciprocity, Responsibility. *Journal of American Indian Education*, 30(3): pp. 1-15





# 2019/20 highlights

In 2019/20 we invested in a thoughtful and strategic approach to planning. We balanced building the operations of a new organization with creating an immediate and sustained impact on human rights for people in British Columbia. The following are highlights of some of our work over the past year, from September 2019 when the Commissioner began her term through to publication.

## Surveying the landscape

- We gathered the stories and histories of human rights work that came before us and took stock of existing recommendations on human rights and the role our Office should play ([see page 21](#)).
- We started a project to create a snapshot of the state of human rights across B.C. to establish a baseline from which to measure change and progress on human rights over time ([see page 25](#)). We also planned a province-wide poll to gauge British Columbians' understanding and awareness of their rights.
- We began engaging with people across the province to better understand the key rights issues facing diverse urban, rural and remote communities ([see page 26](#)).

## Defining our role

- The rich and layered stories and information we gathered guided us in developing our vision, mandate and guiding principles, which were the starting point for shaping our organizational culture and theory of change ([see page 55](#)).
- We identified our strategic priorities for the next five years of our [Strategic Plan 2020/21–2024/25](#), and we set objectives and began planning activities we would undertake over the three years of our Service Plan 2020/21–2022/23 ([see page 55](#)). These are: discrimination under the Human Rights Code, decolonization, hate and the rise of white supremacy, poverty as a cause and effect of inequality and injustice and human rights protections for those being detained by the state ([see page 37](#)).

## Building relationships

- We began to build our team with leaders in research and policy, education and engagement, human rights law, communications and operations applying a hiring approach based on justice, equity, diversity and inclusion ([see page 33](#)).
- We established a collaborative, shared corporate services model with another independent office for efficient information management/technology (IM/IT), finance and human resources support ([see page 30](#)). We also found ways to collaborate on complementary issues with other independent offices of the Legislature ([see page 30](#)).
- We contributed to the national conversation on key human rights issues, working collaboratively with human rights commissions across the country ([see page 30](#)).
- We established relationships with key stakeholders in the provincial human rights system to begin collaborating on improvements to its accessibility and effectiveness ([see page 30](#)).
- We conducted extensive research on how to best create an innovative advisory council with diverse and varied experience in human rights issues and strong Indigenous representation ([see page 32](#)).
- We began building respectful relationships with Indigenous leadership and First Nations ([see page 27](#)).

## Creating awareness

- Since the Commissioner began her term in September 2019, she participated in 33 speaking engagements, reaching approximately 3,000 people ([see Appendix](#)).
- We held 46 stakeholder engagements and connected with hundreds of individuals and groups across the province.
- Our eight regional townhalls attracted 600 individuals representing 180 organizations.
- We earned media coverage in more than 1,500 media stories, including broad multilingual coverage of our COVID-19 response.
- We fielded nearly 300 questions and 500 emails from the public on human rights issues.
- We launched a modern, accessible and multilingual website with a social media campaign.
- We developed an educational video detailing the human rights fight of a disability advocate and one on the basics of human rights to ensure a shared understanding among B.C. citizens.

## Making progress

- We undertook significant work to recommend strengthened protections for marginalized groups by improving B.C.'s Human Rights Code (see page 40).
- We reported to the United Nations on the province's protections of economic, social and cultural rights (see page 49).
- We worked with the Human Rights Tribunal and other key stakeholders to make the human rights complaint system more relevant and useful to Indigenous peoples (see page 44).
- We participated in numerous public talks where the Commissioner discussed issues of hate crimes and racist violence (see Appendix).
- We issued several letters addressing the human rights impact of COVID-19 on gender-based violence, on the inclusion of human rights in B.C.'s economic recovery plan, on the impacts of social condition and poverty during the pandemic, and on reducing transmission of COVID-19 in provincial detention facilities (see page 53).
- We worked diligently to prepare for and take over administration of Special Programs from the BC Human Rights Tribunal (see page 31).

### The Code project

From December 2019 to March 2020, BCOHRC researched the strengths and limitations of our existing provincial human rights legislation. We re-examined B.C.'s Human Rights Code to ensure it was meeting its primary defined purpose: to foster a society "in which there are no impediments to full and free participation in the economic, social, political and cultural life of British Columbia."

We reviewed literature and consulted with human rights lawyers, community members, and human rights commissions across Canada, and we analyzed public input from the 2017 government consultation on the re-establishment of BC's Human Rights Commission.

Multiple issues of discrimination not currently protected by the Code were identified in the review. This included social condition (poverty), Indigeneity, body size (weight, height, etc.), language including American Sign Language (ASL), genetic characteristics, substance use and more. Some of these areas are protected in other jurisdictions. As an initial step, we have recommended the addition of social condition and Indigeneity to the Code and we will continue to explore opportunities to expand protected areas in more depth over future years to ensure we are upholding the rights of all British Columbians.

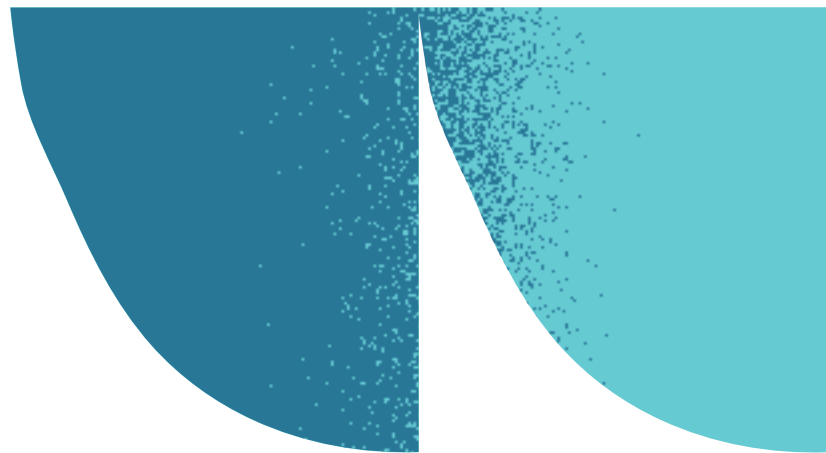


# Laying the foundations

## Taking stock of previous recommendations

Respecting the history that has come before us, we have invested time reviewing past recommendations, cases before the BC Human Rights Tribunal, civil society campaigns and community calls to action, including rights-related recommendations made to government. Even before Commissioner Govender started in her role, civil society had made recommendations about what issues they wanted to see BCOHRC act on.

We would like to acknowledge the tireless work of organizations, communities and individuals who have kept human rights at the centre of provincial conversations over the last 17 years. We are able to build on their work, on recommendations generated from United Nations committees and special rapporteurs, and from reports such as [A Human Rights Commission for the 21<sup>st</sup> Century](#), [Strengthening Human Rights: Why British Columbia Needs a Human Rights Commission](#), the [Truth and Reconciliation Commission of Canada Calls to Action](#), the [National Inquiry into Missing and Murdered Indigenous Women and Girls](#), and recent reports such as [Expanding Our Vision: Cultural Equality & Indigenous Peoples' Human Rights](#). With gratitude and humility, we honour this work and commit to taking it forward.



## KEY REPORT

# A Human Rights Commission for the 21<sup>st</sup> Century

BCOHRC was born from community-generated recommendations made via MLA Ravi Kahlon's 2017 report, [A Human Rights Commission for the 21<sup>st</sup> Century](#). The following are some of the recommendations that informed our strategic planning in our first year, with others highlighted throughout this report in the activities and work we have undertaken:

### RECOMMENDATION 4

The Human Rights Commission should hold governments to account through its research, investigation, policy development and recommendation functions

Our Office advised the provincial government on human rights issues and their interplay with COVID-19 health policy and economic recovery plans. We delivered a report to the Legislature with recommendations guiding the collection and use of disaggregated demographic data in the province that may be used to pinpoint areas of systemic racism. Our Office used a human rights lens in providing a series of reports, statements and guidance to government, including a statement on the Wet'suwet'en pipeline conflict and a letter concerning a proposal to subject youth who overdose to involuntary detention under the Mental Health Act. We also issued a letter recommending amendments to BC Corrections policy to respect the human rights of prisoners during the pandemic.

### RECOMMENDATION 5

As a primary function, the commission should educate British Columbians on human rights

We're building this recommendation into the very foundations of our organization. The Education and Engagement team has ambitious plans for connecting B.C. rights holders and duty bearers to critical information about human rights and responsibilities. Since September 2019, we have produced educational material on hate speech and created "Storytelling Project" videos featuring everyday human rights champions as a means to discuss rights issues, break down stereotypes and build empathy.

### RECOMMENDATION 7

The commission should take the leading role on education, research and recommendations related to systemic discrimination and develop appropriate tools, policies and guidelines for use by governments, businesses and other interested parties

Among other projects, we provided [policy guidance on preserving human rights amid the COVID-19 pandemic](#) to employers, landlords, duty bearers and service providers to ensure human rights are protected during altered operations. We also provided [a detailed FAQ](#).

## RECOMMENDATION 8

[A] new commission should promote compliance with international human rights obligations and the protection of human rights in their broadest sense

BCOHRC's first [research report](#) was a contribution to the monitoring cycle of the UN Covenant on Economic, Social and Cultural Rights ([see page 49](#)). The breadth of human rights obligations in international law run through our strategic priorities and Service Plan for the years ahead.

## RECOMMENDATION 9

The Human Rights Commission should champion the use of technology to improve access to justice, particularly by expanding the reach of human rights services to rural and remote communities across B.C.

We've been engaging with rural and remote communities through extensive use of technology and we committed to championing internet accessibility for people and communities across B.C., from Cranbrook to 100 Mile House. The internet is a critical vehicle for access to information and education; we will continue to work to ensure all British Columbians are included.

## RECOMMENDATION 10

The commission should, where possible, advance human rights research and facilitate conversations through partnerships with institutions

BCOHRC embarked on several collaborative projects with [Simon Fraser University's Morris J. Wosk Centre for Dialogue](#), the [University of Victoria's Cedar Trees Institute](#) and the [University of Northern British Columbia's Community Development Institute](#) in order to build relationships between these learning centres and the public. Through these partnerships, we aim to produce publicly available, clear, accessible and practical research, tools and guidance that are at the forefront of human rights. Together, we will make sure that ground-breaking human rights work belongs to and supports everyone in the province.

## RECOMMENDATION 14

### Communicate in multiple languages

B.C. communities have a wealth of language diversity and they deserve to access critical information in languages they can understand. This is why we committed to offer translation of key public-facing materials about rights issues. For example, our [COVID-19 human rights materials](#) are available in Chinese (traditional and simplified), Filipino, Persian, French, Punjabi and ASL.

## RECOMMENDATION 15

### The Commission should develop in collaboration with Indigenous partners

As outlined above, a key approach to developing BCOHRC's goals and activities is to engage directly with Indigenous nations and organizations. Guided by Indigenous engagement principles, we aim to build long-term relationships of respect through reciprocity, relevance, reflexivity and responsibility. As detailed in our guiding principles ([see page 13](#)), we are committed to taking a decolonizing approach that recognizes human rights can be held by both individuals and communities. To date, the Commissioner has met with the Carrier Sekani Tribal Council, the Naut'sa mawt Tribal Council, the Minister's Advisory Council on Indigenous Women (MACIW), PHSA Indigenous Health (part of the Provincial Health Services Authority), the First Nations Leadership Council and the First Nations Education Steering Committee, and is in the process of establishing Memoranda of Understanding with the latter two organizations.



## Capturing a snapshot of human rights in B.C.

How do we assess the state of human rights in our province? How can we measure the impact of our work in addressing human rights? BCOHRC has sought to tackle these big questions with a number of projects and activities.

### The Baseline project

The Baseline project aims to piece together a detailed picture of the state of human rights across B.C. at this moment in time. This snapshot will establish a baseline from which to measure changes to human rights over time and will also help assess the impact of our Office.

In 2019/20 we determined the scope of this long-term, province-wide project and identified opportunities for collaboration on building out the framework for such an undertaking. In 2020/21 we began working with the Cedar Trees Institute at the University of Victoria who brought together a team of leading scholars, applied researchers and community development practitioners from across the country to co-develop an approach and plan. Currently, we are scoping the key measures and data points needed to effectively implement a community-driven, decolonized approach to identifying, measuring and understanding the state of human rights in the province. To maximize our impact, we are taking a view to directing our efforts toward priority rights issues. Over the remainder of 2020/21, we will pilot and then fully implement this project. We have planned broad polling, surveys, community engagements, human rights needs assessments and literature reviews.

***“Many other human rights institutions around the world are trying to now change their existing structures to integrate decolonization values and principles, but we have a unique opportunity to start out in a good way. This takes time in building relationships and trust with Indigenous people, communities and nations, and other British Columbians throughout B.C.”***

*—A participant in our community interviews*

Due to the 17-year absence of a human rights commission, we know little about the state of the public’s knowledge and perception of human rights. In order to deliver effective, meaningful human rights education, we need to better understand what people already know and feel about human rights in B.C. To this end, and as a part of this larger project, we are planning a province-wide poll to measure public knowledge of B.C.’s Human Rights Code, examine public perception of human rights issues and provide direction for future systemic inquiries. We have taken into account accessibility considerations to allow full participation of people with disabilities, including mixed-mode delivery (offering different ways of taking the poll in case one method is inaccessible) and weighted sampling (adding “weight” to the responses of people from underrepresented communities to ensure they are heard).

## KEY TERMS

### Rights holders and duty bearers

All people are **rights holders**. These include members of groups that are protected by B.C.'s Human Rights Code: those who may face discrimination on the basis of race, colour, ancestry, place of origin, religion, marital status, family status, age, physical or mental disability, sex, sexual orientation or gender identity or expression. Marginalized individuals and groups who are not protected by the Code are also rights holders.

**Duty bearers** are those who have a legal obligation or responsibility to respect, protect and fulfil human rights, including governments, institutions, service providers, employers and housing providers.

## Stakeholder engagement

What are the real human rights priorities of our diverse communities? What does the next generation want to see? How are Indigenous governments and communities experiencing and engaging with human rights?


Our engagement process has been designed to help us understand the key human rights issues facing B.C.'s communities and to increase public knowledge about the provincial human rights system and our Office's role. In addition, the design of the engagement process helped guide us in developing education and engagement materials and activities that build human rights literacy and assist duty bearers in meeting their responsibilities.

### Regional engagement

Over the course of our first year, the Commissioner conducted eight regional engagements across the province. We began our outreach in person in Prince George and then pivoted to digital town halls due to COVID-19. During these events, we spoke with hundreds of people across B.C. in both urban and rural locations—including Fort St. John, Cranbrook, Nelson, Lytton and 100 Mile House—about the specific issues facing their communities.

***“Thank you and your office for remembering those of us who reside in rural and remote communities across B.C.”***

*—Jan Hilton, rural/remote regional engagement participant*



What have we heard so far? Attendees in our Prince George sessions highlighted race and Indigeneity as key areas of discrimination while access to affordable, safe housing was a top-of-mind issue in many other communities. On Vancouver Island and the Coast, we heard repeatedly about the challenges of people with disabilities. In the Interior, we heard that access to housing and substance use treatment programs were important issues. In Vancouver and the Lower Mainland, we heard concerns about issues ranging from access to education to the rights of migrant workers. Throughout the province, people are concerned about systemic discrimination, accessibility and poverty-related injustices. All of this feedback has informed the development of BCOHRC's first [five-year strategic plan](#) and three-year Service Plan ([see page 55](#)).

### Indigenous engagement

A key element of our strategy is extensive and direct engagement with Indigenous communities, leadership and service organizations across the province. Our approach is built around a three-year trajectory with the first year focused on building respectful relationships. Over the course of the Commissioner's initial five-year mandate, we've set an ambitious target to meet with dozens of First Nations communities every year. Already, we have heard shared concern among Indigenous stakeholders about infringements on civil, political, economic, social and cultural rights. Our teams heard about lack of access to basic services for Indigenous people, such as lack of clean water and quality education, self-harm and suicide among youth, and challenges for women in rural areas who must travel to give birth outside their communities.

***“I’m really excited to be a part of this movement towards educating people in the area about the commission.”***

*— Jolene Wesley, Kermode Friendship Society,  
Northwest regional engagement participant*

### Youth engagement

We had the pleasure of conducting several engagements with high school students over the past year. This next generation of community leaders engaged deeply on issues of racism, discrimination, anti-Indigenous and anti-Black sentiment in their communities. They, too, are working to build a more inclusive B.C. for the future.

### Direct community engagement

Our Office met with many community groups and civil society organizations across B.C. this year. This included consultations with a number of neighbourhood houses, anti-poverty groups and direct care service providers, anti-racism groups, legal clinics, disability groups, LGBTQ2SAI+ advocates, immigrants' groups, women's centres, seniors' groups, Indigenous leadership, educational institutions and many others. We hosted regular calls with community agencies across the province to share and hear about human rights issues arising in their communities during COVID-19 and hosted virtual townhalls on social media using Twitter. Many organizations reached out to invite the Commissioner to speak at their events or to request meetings in regard to specific human rights concerns they face. We are deeply grateful for the time these community organizations made to share with us. They played a key role informing the overall direction of our work and providing input on specific initiatives, including our work toward adding "social condition" to B.C.'s Human Rights Code, our campaign against racism, and other projects.

***"I was impressed how you demonstrated inclusivity and accessibility within the webinar. This will serve as an excellent example for an online education session my team is planning."***

*—Sharon Paulse, BC Cancer, Vancouver regional engagement participant*



Photo taken at the BC Human Rights Tribunal press conference for the release of *Expanding Our Vision: Cultural Equality & Indigenous Peoples' Human Rights*, which took place Jan. 15, 2020. From left to right: Diana Juricevic (Chair, BC Human Rights Tribunal), Amber Prince (Atira Women's Resource Society), Kasari Govender (BC's Human Rights Commissioner) and Grand Chief Stewart Phillip (President, Union of BC Indian Chiefs).

### Duty bearer engagement

In addition to meeting with many rights holders and their representatives, our Office met with representatives from nearly every B.C. government ministry, as well as representatives from the Public Service Agency, Premier John Horgan, Attorney General David Eby and Provincial Health Officer Dr. Bonnie Henry. We also engaged with universities, public health groups, housing associations, police departments, city councillors, as well as other Independent Officers of the B.C. Legislature. We reached out to duty bearers through a survey to understand their experiences during the pandemic, as well as engaged in person with duty bearers' lawyers to discuss potential recommendations for amendments to the Human Rights Code.

## Public requests for information

Even as a small team, within the Commissioner's first week of her term, our Office was already receiving requests for information from the public across B.C. To date, we have received nearly 300 questions from the public and 500 emails on a wide range of topics including service animals, family violence, bullying and harassment, police violence, and discrimination. Trends have begun to emerge in questions about discrimination in employment and tenancy, largely on the grounds of disability or race.

Using a trauma-informed, rights-based, decolonizing approach, we speak with or respond to people directly, offering referral to services like community support services, complainant legal assistance and crisis lines. We also work to integrate systemic issues that we hear about through the public into our work in education, research, policy, advocacy and inquiry.

The demand for human rights information from the public reconfirms the need for both robust educational services as well as trauma-sensitive and well-informed referral services within our Office. We began to establish these supports in 2019/20 and will continue to build out as we grow.

We know that the BC Human Rights Tribunal and the BC Human Rights Clinic have seen an increase in calls since BCOHRC was re-established. We are working in partnership to improve access to the human rights system in B.C.

We are seeking to establish a coordinated approach to responding to the public in an effort to reduce the number of doors people need to knock on to have their questions answered and their challenges resolved (see page 31). We are building systems to work collaboratively in an ongoing way. For example, BCOHRC is working with the Human Rights Tribunal as they design a new case management structure, with a view to gaining better access to data about demographics and trends related to human rights complaints. We also developed risk assessment and reporting protocols and are implementing systems to better track trends identified through individual requests for information.

## Building relationships with our peers

### Independent offices of the Legislature

Commissioner Govender’s approach to achieving progressive human rights impact is to start with building respectful relationships. She and the team have focused not only on organizations and communities across the province, but also on the Independent Offices of the Legislature.

One of the first collaborations was a corporate shared services model with the Representative for Children and Youth to share human resource, finance and IM/IT services. This relationship moved beyond the operational to program-related opportunities when the Representative for Children and Youth, Jennifer Charlesworth, and Commissioner Govender issued a [joint statement](#) on the rise in domestic violence during the COVID-19 pandemic.

In developing our research and recommendations on the collection of disaggregated data, B.C.’s Information and Privacy Commissioner, Michael McEvoy, and his team provided comments on the report’s information access and privacy protection sections. We forged links with the Office of the Ombudsperson after their Director of Human Resources completed a temporary assignment with our office. Together, we are sharing wise practices as she returned equipped to apply a human rights-based approach and equity, diversity and inclusion principles to their human resources work as a result of her time with us.

### Federal, provincial and territorial human rights commissions

The Office became a member of the [Canadian Association of Statutory Human Rights Agencies](#) (CASHRA) early in 2019. This has provided us with opportunities to contribute to the national conversation on key human rights issues, and to share information and lessons learned with human rights commissions across Canada. CASHRA enables individual human rights commissions to maximize their impact by working on common issues together. For example, during the early days of the COVID-19 pandemic, human rights commissions shared updates of their [jurisdictional work on emerging issues](#) with one another to support best practices across the country. In June, eleven of Canada’s federal, provincial and territorial human rights commissions, including BCOHRC, issued a [joint letter](#) calling on the Government of Canada to develop and implement a nationwide strategy for the collection of disaggregated health data focused on race and Indigeneity.

Following the Premier of B.C.’s request for the Commissioner to tackle the issue of disaggregated demographic data in the province, experts in other jurisdictions were prepared to share their knowledge in order to contribute to this important report for B.C.

CASHRA also provides joint opportunities for educating Canadians on human rights. Publicly available online courses provide employers and employees with workplace education on sexual harassment — training used by some of Canada’s largest employers. Other courses available and in development include education on consumer racial profiling and workplace accessibility for people with disabilities.

## BC Human Rights Tribunal and BC Human Rights Clinic

One of our earliest objectives was to engage with other stakeholders in the human rights system to explore how we could improve access to justice. We are grateful to the BC Human Rights Tribunal and the BC Human Rights Clinic (a program of the Community Legal Assistance Society), which engaged early in important conversations about facilitating the public's access to the human rights system. These conversations have since expanded to include other human rights and Indigenous legal clinics across the province.

It was from these early discussions that the "No Wrong Door" initiative was conceived. The goal of this initiative is to improve the accessibility and effectiveness of our human rights system, with a real focus on improving access for marginalized populations and Indigenous peoples.

We have three main objectives with this initiative:

- 1** To increase understanding of our three-part human rights system by streamlining external communications on our websites and other communications platforms
- 2** To increase access to human rights information and referrals by coordinating our responses to public requests for information
- 3** To enhance our respective services through the identification of disaggregated data-collection opportunities and information sharing

### Special programs

Responsibility for special programs previously lay with the BC Human Rights Tribunal. They became BCOHRC's responsibility on April 1, 2020. In preparation for the transfer, our Office worked closely with the Human Rights Tribunal to ensure knowledge about the scope, procedure, adjudication process and administration of applications was transferred successfully.

Implementing a special program is a unique opportunity to advance equality in British Columbia. A **special program** is any program adopted by an employer, landlord or other service provider that aims to improve the conditions for a group that has faced disadvantage. It may be part of an employment equity program.

While it is not necessary for a body to get approval in order to implement a special program and defend it against a claim of discrimination, the benefit of BCOHRC's approval process is that, for so long as that approval is in place, the special program cannot be considered to discriminate.

## Advisory Council

In collaboration with Simon Fraser University's Morris J. Wosk Centre for Dialogue, BCOHRC is developing a set of wise practices for establishing a council that will advise the Office. This high-level advisory body will comprise experts and peers with diverse and varied experience with human rights issues—including both professional and lived experience and expertise—and will include strong Indigenous involvement.

This council will contribute to our Office's efforts to foster connections with communities, civil society and public institutions, including historically marginalized and equity-seeking groups. These connections will be vital as we work to address complex, intersecting human rights issues and create the conditions for transformative, values-driven action. They will also ensure that we remain accountable to the people we serve by helping us ground our work in the knowledge and experience of real people across B.C.

### Message from the BC Human Rights Tribunal

The Human Rights Tribunal celebrates the establishment of the Office of the Human Rights Commissioner. Over the past year, we have witnessed the strong and principled leadership of our new Human Rights Commissioner in action. Commissioner Govender is successfully building a new organization, while at the same time, leading efforts to promote and protect human rights in British Columbia. This is a Herculean task and she has achieved an incredible amount in her first year.

Together, our organizations have established a strong and principled partnership that is grounded in our shared commitment to improve access to justice within the human rights system. We have successfully transitioned duties to align with new independent mandates. We are working collaboratively to transform B.C.'s human rights infrastructure to be more responsive to the needs of British Columbians. We are actively working to implement the No Wrong Door project, expand the Human Rights Code and be responsive to the needs of Indigenous peoples.

We support all efforts to promote transparency and accountability, and the independence of both bodies. We are providing the Office of the Human Rights Commissioner with access to information about our human rights dispute resolution process to ensure that we are held accountable to the highest standards. Together, we are building a strong and sustainable partnership that will flourish in the years to come.

— Diana Juricevic, Chair, BC Human Rights Tribunal



## Justice, equity, diversity and inclusion in our operations

### Recruitment

In all of our operations, we seek to bring to life our guiding principles and honour our commitments to decolonization and human rights-based analysis. In start-up, one key example of these commitments in action has been our approach to justice, equity, diversity and inclusion in hiring.

We recognize our work is stronger when it is grounded in a diversity of perspectives. Acknowledging that marginalized people are frequently disadvantaged by traditional hiring practices, we are committed to implementing hiring practices that value diversity and strive for equity.

One way we operationalize this commitment is to treat lived experience as a form of subject matter expertise in our hiring process. This ensures that our approach to equity supports a nuanced understanding of the expertise each staff member brings to our team.

### Culture of learning and accountability

We also seek to build an inclusive organization through the ongoing practice of staff learning and development. To operationalize this, we convene ongoing Communities of Practice on the topics of accessibility, equity, diversity and inclusion to bring to light and address issues related to these topics. Through our staff learning strategy, we provide opportunities through workshops, seminars and discussions for peer-to-peer training and facilitated learning from outside experts.

We also ensure that our staff's professional development, both in terms of skills and knowledge growth, is supported by the provision of time and financial resources.

Finally, we seek to hold ourselves accountable to our commitments around equity, diversity, inclusion and cultural safety. Through continual improvement of methods for uncovering issues of racism or discrimination in our workplace, we address the issues in a way that ensures the safety and privacy of the individual who is harmed. These include formal mechanisms for grievance through the public service and informal mechanisms for mediated dispute resolution, which are currently under development.

## My 23-year journey to BCOHRC

**Karen-Marie Elah Perry (they/she) is BCOHRC's Manager, Research and an applied anthropologist. Their decades of experience in community-embedded research is one example of building lived and experiential knowledge into our staff base. Here, they share the 23-year journey that brought them to our team.**

In the mid-1990s I experienced a violent hate crime. In broad daylight I was hit by a car as the driver, a stranger, yelled familiar slurs.

As a gender-queer youth I did not have access to safe health care at the time so I did not go to the hospital, even though I should have. When I did work up the courage to phone the police to report a hate crime I was laughed at when I mentioned I was queer.

In that moment I realized my survival, and the survival of others in the Northern B.C. community I was living in, was dependent on our resistance and commitment to community organizing. We advocated for Prince George's first pride parade, snuck into the high schools we had been forced to leave and secretly distributed resources to other LGBTQ2SAI+ youth, wrote letters to government, learned self-defense and tried to ignore hate mail from Canada's Ku Klux Klan and other groups.

At Rainbow Conference 97, an event held in Kamloops and co-sponsored by the former B.C. human rights commission, I was invited to co-facilitate a workshop on LGBTQ2SAI+ youth safety in rural communities. BC's Office of the Human Rights Commissioner came into my life at a time when very few institutions advocated for LGBTQ2SAI+ rights. The presence of the Commissioner's Office made a difference. When it was eliminated in 2002, LGBTQ2SAI+ communities felt it in Quesnel, Williams Lake, Prince George and Kamloops.

To return to work with the new Office 23 years later feels to me like a sense of justice a long time coming. I look forward to the work ahead as we rebuild the Commissioner's Office and pursue human rights in the province.

— Karen-Marie Elah Perry, PhD





*“At the heart of it, human rights are about human dignity. I’ve spent my career thinking about how to change systems, laws and policies to ensure our human rights are protected. Now, I want to foster a culture of human rights in our province, to really change peoples’ hearts and minds and help them better fulfill their rights and obligations under the Human Rights Code.”*

*—B.C.’s Human Rights Commissioner, Kasari Govender*

# Our strategic priorities

Our strategic planning process ([see the Service Plan section below for more details](#)) began with Commissioner Govender’s vision of changing hearts and minds in B.C. in order to contribute to a new culture of human rights. This process culminated in “[Reimagining Human Rights in B.C.](#),” our five-year strategic plan for 2020/21 to 2024/25, and is the foundational companion document to our Service Plan 2020/21–2022/23.

Early on, we acknowledged the enormous scope of human rights issues in the province. We recognized that in order to be effective as a small, nimble organization, we needed to identify strategic priorities for the next five years of Commissioner Govender’s term.



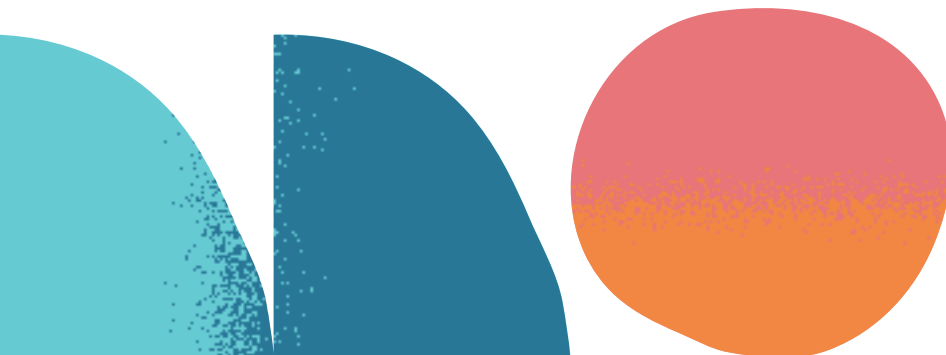
These urgent priorities—discrimination under B.C.’s Human Rights Code, decolonization, hate and the rise of white supremacy, poverty as a cause and effect of inequality and injustice and human rights protections for those detained by the state—bring structure and focus to our work and are detailed in the sections to follow. These priorities are broad enough to ensure we can respond to issues as they emerge, while being specific enough to enable us to work diligently on specific initiatives we believe will achieve measurable impact.

We arrived at these strategic priorities through a considered process detailed in our strategic plan. We reviewed countless reports and recommendations made previously on human rights in B.C. and we established relationships and information sharing opportunities with our peers in the human rights system in B.C. and human rights commissions across the country and around the world.

Our consultations included regular and continuous strategic planning sessions with a wide range of stakeholders—our multi-disciplinary team of human rights specialists, one-to-one discussions between the Commissioner and human rights experts, rights holders and duty bearers, as well as advocates in civil society, government, public institutions and private sectors. We then tested our thinking and received feedback on our direction through a series of eight regional engagements (held both in person and virtually) with people and organizations in communities across B.C. to validate our priorities. As our service plans will demonstrate, we will continue to validate, pilot and evaluate the direction we take with these priorities over the coming years.

While our mandate is broad and we are flexible and responsive to emerging human rights issues in British Columbia, we are focusing on our strategic priorities in order to dig deep into these critical issues. Most of our projects span across multiple strategic priorities as these issues are connected in many ways. We aim to make the interconnections visible between systemic human rights issues and responsibilities.

Since Commissioner Govender commenced her term one year ago, we have already undertaken many activities in support of achieving our goals.





## Discrimination under B.C.'s Human Rights Code

The core purpose of BCOHRC is to ensure the rights of everyone in our province — particularly those guaranteed by B.C.'s Human Rights Code — are protected and respected.

We all have the right to be free from discrimination in employment and housing, when accessing services and in union membership. Under the Code, we are protected from discrimination on the basis of a number of grounds such as gender, race and disability. Dismantling or restructuring the laws, policies and practices that create and sustain such discrimination as a regular part of many people's lives is foundational to the work of the Commissioner.

For example, we know that complaints about discriminatory treatment on the basis of disability continue to form the largest single source of cases before the BC Human Rights Tribunal — indeed, more than 30 per cent of cases relate to disability. Despite decades of activism from individuals and organizations, people with disabilities continue to be excluded from employment opportunities, housing and publicly accessible services on a routine basis. Seeking to remedy and prevent this and other forms of discrimination will always be a key strategic priority area for BCOHRC.

## By the numbers

- In 2018/2019 active human rights complaints in B.C. increased 19 per cent compared to the previous year and more than 66 per cent since 2014/2015.<sup>2</sup>
- In 2018/2019 persons with disabilities filed the largest number of human rights complaints with the BC Human Rights Tribunal.<sup>3</sup>
- 2018/2019 produced the first decisions on “gender identity and expression” since it was added to B.C.’s Human Rights Code in 2016.<sup>4</sup>

### HIGHLIGHTED ACTIVITY

## Improving B.C.'s Human Rights Code

BCOHRC has undertaken significant work in our first year to strengthen protections for marginalized groups by improving B.C.’s Human Rights Code. This includes conducting a major research project and issuing policy recommendations on the inclusion of “social condition” — meaning social or economic disadvantage — and “Indigeneity” as prohibited grounds of discrimination under the Code.

This ongoing research project is grounded in a human rights-based approach. In addition to a review and analysis of relevant literature and case law, the project to date has included focus groups with people affected by discrimination on the basis of social condition. Focus groups were also held with lawyers who represent complainants at the BC Human Rights Tribunal and those who represent respondents — primarily employers.

Protections from discrimination based on social condition exist in human rights legislation in Quebec,<sup>5</sup> New Brunswick,<sup>6</sup> Manitoba<sup>7</sup> and the Northwest Territories.<sup>8</sup> The Quebec Charter of Human Rights and Freedoms has contained social condition as a protected ground since its inception in 1975, as has the Human Rights Act of the Northwest Territories since its foundation in 2002. New Brunswick amended its Human Rights Code to add social condition in 2005 and Manitoba added social disadvantage in 2012.<sup>9</sup> In 2017, Ontario also tabled legislation to add social condition to their human rights code, but the legislation was stalled at second reading as a result of elections.

<sup>2</sup> BC Human Rights Tribunal. 2019, July. *2018/2019 Annual Report*, p. 6.

<sup>3</sup> *Ibid.*, 21.

<sup>4</sup> *Ibid.*, 11.

<sup>5</sup> *Charter of Human Rights and Freedoms*, CQLR c. C-12.

<sup>6</sup> *Human Rights Act*, RSNB 2011, c. 171.

<sup>7</sup> *The Human Rights Code*, CCSM c. H175.

<sup>8</sup> *Human Rights Act*, SNWT 2002, c. 18.

<sup>9</sup> Manitoba Human Rights Commission. *30 Years of the Human Rights Code: 1987-2017*.

BCOHRC worked with community groups — such as the BC Poverty Reduction Coalition, Megaphone, First United Church and the Binners' Project — to connect with people in poverty to hear their personal stories of discrimination on the basis of social condition.

Some described the inescapable pervasiveness of this form of discrimination. One participant said that it is “everywhere. It's in my co-op, it's in every restaurant around where I live, every grocery store. It's almost like there's no getting away from it.”

Others described the impact on their housing status. While “source of income” is protected in the area of tenancy in B.C.'s Human Rights Code, examples we heard highlight the limit of that protection.

***“I feel like landlords are quite often abusive of their power, especially when you're coming from deep poverty and they try to take advantage of you. They'll do things like trying to raise your rent by saying: ‘Oh the bills increased. You just be lucky you have a place because you didn't pass your credit check.’ Where are you going to find another rental? That's always in the back of your mind.”***

*— Research participant's experience of discrimination due to poverty*

BCOHRC's recommendations to include social condition and Indigeneity under the Code build on the recommendations issued by MLA Ravi Kahlon's 2017 report, [A Human Rights Commission for the 21<sup>st</sup> Century](#) (see page 22). The province-wide consultation leading up to the Kahlon report identified the expansion of the Code to include protection for social condition as a priority, and it was included within the final report as a specific recommendation to the Attorney General. We will continue to advocate for these amendments to B.C.'s Human Rights Code as an important step toward strengthening protections for marginalized groups.





## Decolonization

Historical and ongoing colonialism, including the dispossession of lands, has a deep and devastating impact on Indigenous people and communities. Indigenous people are overrepresented in prisons and child protection systems and excluded from many societal benefits, including equal access to the human rights system. Our Office is committed to listening deeply to Indigenous peoples, supporting self-determination of Nations. We will work to dismantle structures that impede the full, equal and just participation of Indigenous people in all aspects of economic, social, cultural and political life.

We know that Indigenous peoples face serious human rights abuses across the province. We know that the history and ongoing processes of colonization put the very lives of Indigenous people — particularly women, girls and Two-Spirit people — at risk. Nearly one third of missing and murdered Indigenous women and girls in Canada are from British Columbia. The [National Inquiry into Missing and Murdered Indigenous Women and Girls](#) called this ongoing crisis “a genocide” of gendered and racialized violence.<sup>10</sup>

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<sup>10</sup> National Inquiry into Missing and Murdered Indigenous Women and Girls, 2019. [Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls](#), Volume 1a.

The Inquiry identified some important root causes of this violence, including the overrepresentation of Indigenous children in care and of Indigenous people in prisons. In 2017, while Indigenous people made up about five per cent of the population in B.C., 44 per cent of the male youth in custody — and 32 per cent of imprisoned women — were Indigenous. Indigenous children accounted for a staggering 63 per cent of all children placed in the care of child protection services.

The problem is not unique to our province. Correctional Investigator for Canada, Ivan Zinger, identified a steady increase in the federally incarcerated Indigenous population since 2001. The percentage of Indigenous inmates has risen rapidly — from 17.5 per cent initially, it is now expected to reach 33 per cent of the total federal inmate population in the next three years. Zinger called it “nothing short of a national travesty.”

The human rights system, as we now know it today, is not the answer. A part of our work is recognizing these realities exist because our systems are neither accessible nor responsive enough to Indigenous peoples and the rights violations that they face.

## United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP)

In fall 2019, the provincial government enshrined the United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP) in provincial legislation. The passage of this legislation presents a momentous opportunity, and potentially a seismic shift in relations between the Province of B.C. and the governments of Indigenous nations across this province, as well as urban Indigenous populations. However, most of the hard work of giving meaning to this legislation remains in front of us. It is a critical time to ensure the spirit of this legislation is embedded into law, policy and regulation. BCOHRC is committed to monitoring the implementation of these important human rights commitments, in collaboration with Indigenous leadership.

### By the numbers

- In a recent study, 83 per cent of Indigenous women aged 16–24 reported that accessing health care is difficult in B.C., largely due to systemic inequalities.<sup>11</sup>
- Just six per cent of settlers in Canada report knowledge of the long-term impacts of residential schools on Indigenous families.<sup>12</sup>
- One study surveying Indigenous peoples from across B.C. found 48 per cent of participants did not file a human rights complaint even when they identified experiences of discrimination because they did not think they would be believed.<sup>13</sup>

<sup>11</sup> BC Women’s Health Foundation and Pacific Blue Cross. 2019. *In Her Words*, p. 6.

<sup>12</sup> Environics Institute for Survey Research. 2016. *Canadian Public Opinion on Aboriginal Peoples*, p. 30.

<sup>13</sup> Walkem, Ardith Walpetko We’dalx. 2020. *Expanding Our Vision: Cultural Equality and Indigenous Peoples’ Human Rights*, p. 13.

## HIGHLIGHTED ACTIVITY

### Transforming the human rights system

An important example of work to transform these structures came earlier this year from [Expanding our Vision: Cultural Equality and Indigenous Peoples' Human Rights](#), a transformational report by Ardith Walpetko We'dalx Walkem for the BC Human Rights Tribunal, which aimed to make the province's human rights system more accessible and effective for Indigenous peoples.

We know that Indigenous peoples face significant human rights issues here in B.C. — yet they are largely not accessing the human rights system through the BC Human Rights Tribunal. We need to pay attention to that disconnect. Expanding our Vision looks squarely at some of the challenges Indigenous peoples face in accessing the human rights system and reveals that Indigenous peoples carry an abiding sense of exclusion from the complaint process.

Indigenous people report feeling that the discrimination and exclusion they face in their daily lives is reflected and replicated in B.C.'s human rights system. They feel alienated from systems of employment, justice, community, and education that do not reflect their collective rights or foundational beliefs. They are frustrated by the lack of access to lawyers to help navigate technical procedures and uneasy about the lack of Indigenous representation among the Human Rights Tribunal's members and staff. The result is that many Indigenous people are left feeling that to file a human rights complaint is futile.

We are committed to transforming B.C.'s human rights system to better respond to the needs of Indigenous peoples across the province. We begin this work through ambitious commitments to build relationships with First Nations governments and Indigenous communities in all corners of B.C. We seek to connect with dozens of nations per year in the hope of meeting with representatives from nearly all Nations in B.C. over the course of the Commissioner's five-year term.

We are working in collaboration with the BC Human Rights Tribunal and other stakeholders in the human rights system to implement the key recommendations of this report. These include policy and legislative change and public education to make the human rights complaint system more relevant and useful to Indigenous peoples and calling on government to amend the Human Rights Code to include a prohibition against discrimination on the basis of Indigenous identity.



## Hate and the rise of white supremacy

Fear and ignorance underlie much of the rise of hate and white supremacy in B.C. and around the world. Hate stems from a fear of losing power and is rooted in racism and misogyny. Combating hate in all its forms—from hateful speech to hateful violence—requires addressing fear and ignorance through an evidence-based approach to change. Our Office is committed to reducing the presence of hate in our society.

## By the numbers

- Between April 23 and May 18 of 2020, Project 1907 documented a rise in anti-Asian racism in Canada. B.C. accounted for 87 per cent of reported incidents of anti-Asian racism and one in five participants reported incidents of assault.<sup>14</sup>
- Some 15 per cent of British Columbians, the highest percentage in any province, believe hate crimes have increased since the pandemic began.<sup>15</sup>
- Hate crimes were on the rise prior to COVID-19. In 2017, some 255 hate crimes were reported to the police in B.C., an increase of 55 per cent from two years earlier.

Recent incidents of racism and violence across B.C. during the COVID-19 pandemic are deeply disturbing. These violent acts are rooted in ignorance and discrimination against marginalized communities, specifically Asian, Indigenous and Black communities. The province is experiencing dramatic increases in hate-associated police files, in addition to many under-reported acts of violence. For example, the Vancouver Police Department identified 84 specifically anti-Asian hate-associated reports between Jan. 1 and Aug. 31, 2020, compared to eight anti-Asian hate reports during the same period in 2019.<sup>16</sup> Half of the ethnically Chinese participants in a recent Angus Reid Institute survey reported they are being called names or insulted as a direct result of COVID-19.<sup>17</sup> We have seen racially motivated physical attacks and vandalism that have left members of some communities stuck inside for fear of falling victim to violence. Over 60 per cent of respondents to the Angus Reid survey reported having to change their routines to avoid abusive encounters during the pandemic.

But while COVID-19 has highlighted the problems of hate and white supremacy in B.C., it did not create them. Our province and country have a legacy of colonialism and institutional racism that continues to this day, and racially motivated hatred and violence are unfortunately nothing new.

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<sup>14</sup> Project 1907. 2020. [COVID-19 Anti-Asian Racism in Canada](#).

<sup>15</sup> Statistics Canada. 2020, June 9. [Canadians' perceptions of personal safety since COVID-19](#).

<sup>16</sup> Vancouver Police Department statistics provided to BCOHRC by Const. Tania Visintin via email, Oct. 8, 2020.

<sup>17</sup> Angus Reid Institute. 2020, June 22. [Blame, bullying and disrespect: Chinese Canadians reveal their experiences with racism during COVID-19](#).

## HIGHLIGHTED ACTIVITY

### Responding to the rise of racist violence during COVID-19

- Over the last several months, the Commissioner and our Education and Engagement team have been meeting extensively with community organizations responding to incidents of hate and racism.
- We made headlines during the pandemic discussing racism and a rise in hate and were quoted in more than 400 news stories examining the topic from January to November 2020.<sup>18</sup>
- Our Office has responded to more than 80 public inquiries focused specifically on issues surrounding race.<sup>19</sup>
- We have held more than 36 meetings with diverse B.C. organizations and community members while researching the intersection of race and COVID-19.<sup>20</sup>
- Commissioner Govender issued a video statement addressing racism and hate called “#DifferentTogether” which reached nearly 11,000 people on social media and was viewed close to 4,000 times.<sup>21</sup>

Over the past year, the Commissioner participated in numerous town halls, roundtables and virtual events, the majority touching on issues of racist violence. Several public talks focused on the issue of hate crimes, notably Commissioner Govender’s presentation at the SFU Morris J. Wosk Centre for Dialogue in September 2019 on “Hate in the Digital Age,” and her speech at the Vancouver Forum Against Racism and Hate hosted by the Organizing Against Hate and Racism Network in March.

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<sup>18</sup> Meltwater media monitoring query (Jan. 1 – Nov. 5)

<sup>19</sup> BCOHRC phone and email service records (Jan. 1 – Sept. 30)

<sup>20</sup> BCOHRC staff meeting records

<sup>21</sup> BCOHRC website analytics and social media metrics



## Poverty as a cause and effect of inequality and injustice

Inadequate standard of living is both a cause and an effect of inequality and injustice. Women, gender diverse people, Indigenous people, people with disabilities, seniors and people of colour are more likely to live in poverty. While domestic protections have lagged behind, the high rates of poverty in the province violate B.C.'s obligations to respect people's right to an adequate standard of living as enshrined in international law. BC's Office of the Human Rights Commissioner is committed to working towards effective and meaningful domestic protections for economic rights, engaging with poverty as a human rights issue and dismantling discrimination against people living in poverty.

B.C.'s Human Rights Commissioner is concerned that economic, social and cultural rights—such as access to necessities like food, water and housing—continue to be routinely violated in Canada. In particular, all levels of our government have a responsibility to make sure social assistance rates (“welfare”) are not below the poverty line and instead provide an adequate standard of living, which includes the right to food and housing. The reality is poverty in British Columbia is high: one in eight people here live in poverty,<sup>22</sup> and those receiving basic assistance are still left with an annualized income that is less than 50 per cent of the poverty line threshold.

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<sup>22</sup> Statistics Canada. Table 11-10-0135-01 Low income statistics by age, sex and economic family type

## By the numbers

- One in five children in B.C. grow up living in poverty.<sup>23</sup> Studies show there are long-term impacts on children's health and development.<sup>24</sup>
- Queer, transgender and Two-Spirit youth in B.C. are up to five times more likely to go to bed hungry at night because of no food in the house.<sup>25</sup>
- B.C. has the highest seniors' poverty rate in Canada at eight per cent,<sup>26</sup> and single senior women are likely to experience even higher rates of poverty.<sup>27</sup>

### HIGHLIGHTED ACTIVITY

## Report to the United Nations

In support of the Office's mandate to promote compliance with international human rights obligations, BCOHRC submitted [its first report](#) on the International Covenant on Economic, Social and Cultural Rights (ICESCR) [to the United Nations periodic review process](#) in February 2020.

Under international law, economic rights — like the right to an adequate standard of living through necessities like food, water and housing — are protected. These basic rights — as well as rights to education, health care, work and more — are contained within the ICESCR, which Canada ratified in 1976.

However, these rights are not currently protected under Canadian domestic law, which makes them difficult to enforce. BCOHRC is committed to ensuring domestic protections for economic rights. One way we work towards this is by engaging with the United Nation's periodic review process, which looks at how countries are doing in relation to the rights outlined in the ICESCR.

<sup>23</sup> First Call: BC Child and Youth Advocacy Coalition. 2019. [2019 Child Poverty Report Card](#), p. 3.

<sup>24</sup> Human Early Learning Partnership. 2019, November. [Early Development Instrument British Columbia, 2016-2019 Wave 7 provincial report](#). Vancouver, B.C.: University of British Columbia, Faculty of Medicine, School of Population and Public Health.

<sup>25</sup> BC Poverty Reduction Coalition. 2013, [Queer & Trans Poverty in BC fact sheet: Poverty is a Queer & Trans issue](#), p. 1.

<sup>26</sup> Lower Mainland United Way, the Social Planning and Research Council of BC. 2018. [B.C. Seniors' Poverty Report Card](#), p. 5.

<sup>27</sup> Ivanova, Igluka. 2017. [Poverty and Inequality Amount British Columbia's Seniors](#). Vancouver, B.C.: Canadian Centre for Policy Alternatives BC Office, p. 20.





## Human rights protections for those being detained by the state

BCOHRC believes that we all have the right to be free from arbitrary detention, abuse of power and other unfair treatment if we are detained by the police, in correctional centres, under community supervision or through mental health systems.

Disproportionate detention of certain groups, particularly Indigenous people, reveal systemic and substantive inequality in the operation of the law. These public institutions are required to interact with people when they are at their most vulnerable (including detained people, victims and family members of both), and they are therefore charged with upholding human rights protections in highly challenging and important circumstances. Our Office is committed to ensuring that laws and practices around detention are applied sparingly, proportionately and equitably. We will make certain that public bodies are held accountable for treating people in their custody in accordance with human rights protections.

## By the numbers

- According to B.C.'s Ombudsperson, psychiatric facilities across British Columbia regularly violate the legal rights of people involuntarily admitted for mental health reasons. For example, all mandatory forms were completed in only 28 per cent of involuntary patient admissions.<sup>28</sup>
- Between 2008 and 2017, Black people were subject to over four per cent of street checks made by the Vancouver Police Department despite representing less than one per cent of the population. Indigenous people were subject to over 15 per cent of street checks despite representing just over two per cent of the population.<sup>29</sup>
- In B.C. the proportion of Indigenous women and girls involved in the correctional system has nearly doubled since 2006/2007.<sup>30</sup>

### HIGHLIGHTED ACTIVITY

## Protecting the rights of B.C. prisoners amid COVID-19

In the early days of the COVID-19 pandemic, B.C. faced the possibility of an outbreak in provincial jails. The Commissioner issued a letter to Minister of Public Safety and Solicitor General, Mike Farnworth, and Provincial Director of BC Corrections, Stephanie Macpherson, raising human rights concerns facing prisoners held in close quarters during the pandemic.

The Office urged government to apply a human rights lens to reducing transmission of COVID-19 in detention centres in British Columbia and issued a series of recommendations. Among them, a call to enable social distancing through targeted release of non-violent offenders with health conditions, and a request to ensure access to services upon release to enable them to self-isolate and protect their health.

Given the suspension of in-person family visits during the pandemic, the Commissioner also advocated that prisoners should have open, ongoing free access to phone calls so they can communicate with family during this period of heightened insecurity and fear.

<sup>28</sup> BC Ombudsperson. 2019, March. [Committed to Change: Protecting the Rights of Involuntary Patients under the Mental Health Act](#), p 7.

<sup>29</sup> Union of BC Indian Chiefs and the BC Civil Liberties Association. 2018, June 14. [Re: Policy Complaint Concerning Street Checks by the Vancouver Police Department](#), pp. 1-2.

<sup>30</sup> Statistics Canada. 2018. [Adult and Youth Correctional Statistics in Canada, 2016/2017](#).



SPECIAL ISSUE

# COVID-19

## Human rights are never more important than in times of crisis.

In these challenging times it is critical for us all to place human rights at the centre of our decision making. This is why BCOHRC devoted significant resources to responding to the human rights issues that emerged as a result of the COVID-19 global pandemic.

*In these challenging times it is critical for us all to place human rights at the centre of our decision making.*

[BCOHRC issued extensive policy guidance](#) to employers, landlords, service providers and individuals about how to ensure that human rights are protected and balanced against urgent public health priorities. This guidance was made available in seven languages including ASL.

We regularly updated public responses to [frequently asked questions](#) about addressing human rights issues during the pandemic. And we engaged across government in targeted ways to support the protection of human rights during this fast-changing public health emergency.

Our COVID-19 work included issuing policy recommendations to correctional services, working with public health officials to protect the safety of people affected by domestic and gender-based violence and ensuring the needs of the disability community are met in the communication of critical public health information.

In addition, we made a number of key recommendations to various Ministries and public authorities emerging from our COVID-19 human rights work, including targeted recommendations on housing, income support, food security, employee protections, mental and physical health supports, access to the internet, childcare, and harm reduction services.



# Service Plan 2020/21–2022/23

There has never been a more important time to focus on human rights. As the worldwide pandemic continues to spread disease, fear and hate, people have risen up in protest against systemic racism and discrimination. BC's Office of the Human Rights Commissioner is uniquely positioned to build on this potentially transformational moment in history.

## Our approach to strategic planning

For our first five years in operation, we have identified a model for progressive and sustained development as a new organization, which is outlined in our Strategic Plan. This model balances a thoughtful and strategic approach to building the internal architecture of the organization with producing a meaningful external impact on human rights in B.C. at each stage of our development.

<p><b>Year 1 (2020/21)</b> We are <b>building</b> the operational and programmatic foundations of the organization.</p> <p><b>FOCUS</b> Recruiting, new office opening, strategic planning, identifying stakeholders, engaging community, tool scoping, project and program designing, piloting.</p>
<p><b>Year 2 (2021/22)</b> We will <b>grow</b> the organization in size, structure and reach.</p> <p><b>FOCUS</b> Team building, educating, engaging and building relationships, projects and program scaling, issues reporting, policy guiding, clearly communicating.</p>
<p><b>Year 3 (2022/23)</b> We will <b>refine</b> our established policies, practices and activities.</p> <p><b>FOCUS</b> Improving projects, program innovating, problem solving, process streamlining, best practice sharing.</p>
<p><b>Year 4 (2023/24)</b> We will <b>sustain</b> our wise practices and increase our impact.</p> <p><b>FOCUS</b> Expanding, embedding, enabling, spreading, collaborating, changing, transforming, preserving.</p>
<p><b>Year 5 (2024/25)</b> We will renew our planning process for the next five-year cycle in our growth and development.</p> <p><b>FOCUS</b> Concluding, reviewing, organizing, assessing, improving, visioning, future planning, transitioning.</p>

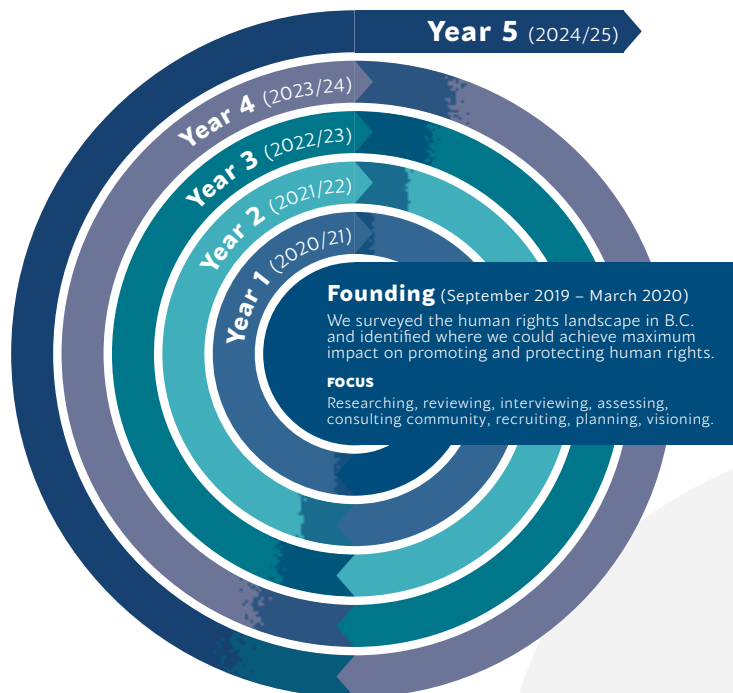




Photo of BCOHRC and shared services staff in Dec. 2019. From left to right: Trish Garner, Mark Milotay, Dianne Buljat, Haida Antolick, Commissioner Kasari Govender, Sharon Thira, Stephanie Addis, Lynnette Kissoon, Stephanie Garrett, Linda Shout, Charlotte Kingston

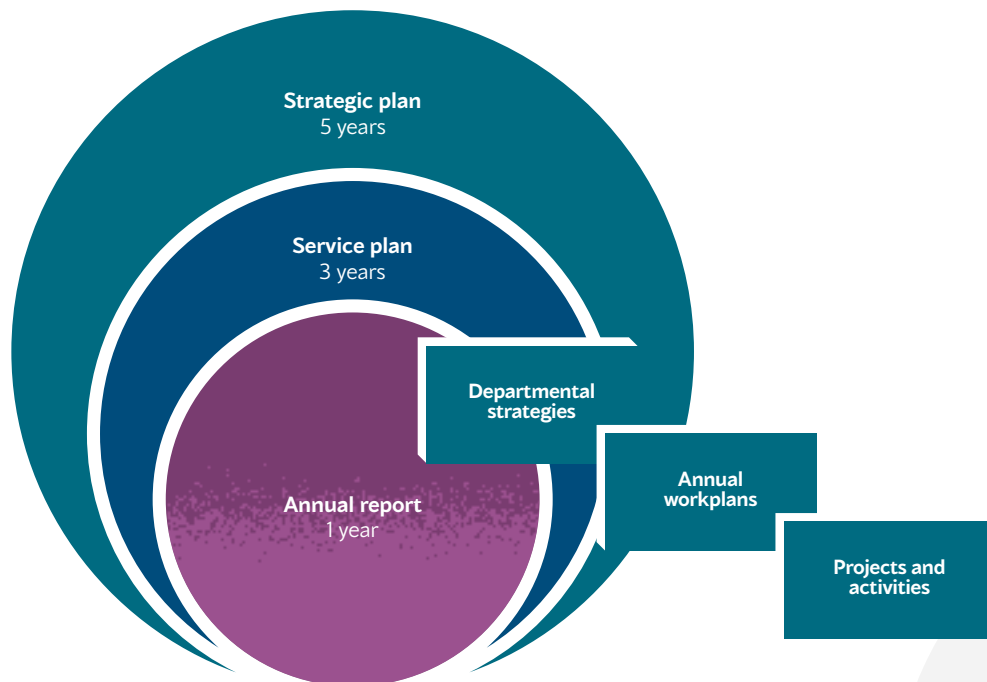
*As with our external work, every internal decision is driven by our guiding principles, with particular attention to equity, diversity and inclusion; and accessibility.*

We are committed to embedding a **human rights-based approach** and **decolonizing principles** into the development, implementation and continuous improvement of our internal policies (what we say), practices (how we work), and culture (who we are). Our strategic planning processes follow the same approach.

Our planning cycle is anchored by a series of cascading plans and reports. At the centre of these is our five-year **Strategic Plan (2020/21–2024/25)**. It lays the foundation for all our work by outlining our vision, mandate, theory of change, guiding principles, strategic priorities and approach to understanding our impact on promoting and protecting human rights in the province. Development and implementation of our strategic plan relies on regular internal planning sessions, engagement with stakeholders across the province to ensure our strategic priorities resonate, and ongoing monitoring and evaluation of both the plan’s relevance and our progress in implementation. Our strategic plan is a living document and has been created to ensure responsiveness to the evolving context in which we operate.

Internally, a series of **departmental strategies** lay out our approach to education, engagement, communications, research, policy and legal work including interventions, investigations and inquiries. Development of these strategies is led by our senior leadership team as subject matter experts and is a collaborative process to ensure each strategy includes cross-functional elements. These strategies are iterative, living documents that are not time bound and they inform **annual departmental work plans**, the framework that details the projects and activities undertaken each year to achieve the goals laid out in the strategic plan. Our departmental strategies and annual work plans are strengthened by our interdisciplinary project approach to work. It is through this unique **project management framework** that every activity we undertake includes the perspectives and insights of a member of each department.

This **Service Plan (2020/21–2022/23)** flows from our Strategic Plan and outlines the objectives and a sample of the activities we envision undertaking in each of our priority areas over a three-year period in order to fulfill the Office’s mandate. We spent the past few months developing a **monitoring and evaluation framework** which will support us in establishing key performance indicators and targets. These measures will help track and link progress with our overarching strategic goals (see the evaluation section below). Given that our Office was recently brought into existence, we do not yet have baseline data from this or previous years to benchmark or build out reliable key performance indicators. To that end, we will continue to collect and refine data on our baseline year engagement and activities in order to establish metrics. This evaluation framework will be introduced in subsequent BCOHRC annual reports and service plans.





## Our goals, objectives and activities

From 2020/21 to 2022/23, BCOHRC will seek to make a significant impact in our strategic priority areas, focusing our efforts on meeting the key objectives outlined below. Some of our planned activities in the areas of education, engagement, research and policy, take the form of projects, with defined timelines and scope, while other activities in these departments are programs which are ongoing and will exist beyond the length of these service plans.

Longer term programs addressing our priority areas include:

- Educating the public on their human rights,
- Building relationships and collaborating with key stakeholders,
- Identifying gaps in data, policy and legislation,
- Administering special programs,
- Reviewing cases for interventions,
- Conducting inquiries, and
- Providing policy guidance to those responsible for protecting human rights.

It is our aim to make all of our activities intersectional, so that one activity can lead to progress on multiple objectives across these strategic priorities.

As the tables below demonstrate, addressing discrimination under B.C.'s Human Rights Code is foundational and ongoing. Decolonization is both a priority and a principle which is integrated into all of our work. The other strategic priorities are built out from this base.

## Discrimination under B.C.'s Human Rights Code

Goal	
Improve access to protections of the human rights system	
Objectives	Highlighted activities
Strengthen protections for marginalized groups by improving the Human Rights Code	<ul style="list-style-type: none"> <li>• Recommendations to government on Human Rights Code amendments</li> <li>• Education materials and presentations for the public on the Human Rights Code</li> </ul>
Raise awareness of human rights and responsibilities	<ul style="list-style-type: none"> <li>• Educational video, guides, workshops and webinars on the human rights system and Code</li> <li>• Policy guidelines to help duty bearers integrate human rights</li> <li>• System for managing requests for information, referrals from public</li> <li>• Special programs administration, development of data tracking and evaluation system</li> <li>• Selecting strategic priority cases for interventions at BC Human Rights Tribunal, other tribunals and courts</li> <li>• Framework for inquiries into systemic human rights issues and inquiry procedures</li> </ul>
Monitor and respond to emerging issues of discrimination	<ul style="list-style-type: none"> <li>• Baseline project assessing state of human rights in B.C., benchmarking every two years</li> <li>• Issues and crisis management framework</li> <li>• Fact sheets and FAQs on emerging human rights issues</li> </ul>
Develop a “no wrong door” approach to working with the BC Human Rights Tribunal and B.C. human rights clinics	<ul style="list-style-type: none"> <li>• MOU, action plan with stakeholders in B.C.’s human rights system</li> <li>• Support BC Human Rights Tribunal’s case management system update</li> <li>• Demographic data collection agreement with BC Human Rights Tribunal and clinics</li> </ul>

## Decolonization

### Goal

Support the self-determination of nations and work to dismantle structures of colonialism

### Objectives

### Highlighted activities

Increase the accessibility and relevance of the human rights system for Indigenous peoples through education, law reform and support of BC Human Rights Tribunal and BC Human Rights Clinic Indigenous initiatives

- Participation in the Tribunal's Indigenous Committee and support for an Indigenous stream or alternative dispute resolution process
- Inclusion of Indigenous identity/origin as a recommended amendment to the Human Rights Code

Support implementation, monitoring and enforcement of the Declaration on the Rights of Indigenous Peoples Act (DRIPA)

- Commissioner relationship building with First Nation on- and off-reserve communities
- Implementation of DRIPA in any recommendations we make to government
- Analysis of the DRIPA implementation plan including consultation with Indigenous leaders to amplify their concerns/support

Raise awareness of Indigenous experiences of discrimination and the rights of Indigenous peoples

- Speaking engagements that draw attention to the rights of Indigenous peoples
- Monitoring the implementation of the recommendations of our report, [Disaggregated demographic data collection in British Columbia](#)

## Hate and the rise of white supremacy

### Goal

Reduce hate and work to dismantle white supremacy in our society.

### Objectives

**Build empathy, curiosity and social change across difference by contributing to:**

Improving research and data on the root causes and manifestations of hate

Reducing misinformation that feeds stereotyping, fear and violence

Improving effectiveness of legal responses to hate

### Highlighted activities

- Policy guidance including education on racial discrimination within the COVID-19 context
- Monitoring of racism and hate during the COVID-19 pandemic and providing information the public on organizations and initiatives fighting racism
- Provincial anti-racism public awareness campaign including bus ads, an interactive resource page on racism on BCOHRC's website and social media engagements
- Fact sheet and FAQ on hate and hate speech

## Poverty as a cause and effect of inequality and injustice

### Goal

Reduce discrimination on the basis of poverty

### Objectives

### Highlighted activities

Raise awareness of poverty and classism as human rights issues

- Clear and accessible policy guidelines, informational materials and an online presentation on the link between social condition and discrimination

Embed human rights approaches and law in government strategies related to poverty

- Monitoring and analysis of the government's basic income report and draft response as needed

Monitor and respond to legislation and policy that affects people in poverty

- Analysis and response to the Ministry of Social Development and Poverty Reduction's Together BC annual report
- Analysis and response to proposed accessibility legislation

## Human rights protections for those being detained by the state

### Goal

Ensure that laws and practices around detention are applied sparingly, proportionately and equitably

### Objectives

### Highlighted activities

Reduce overuse and discriminatory application of involuntary mental health detention

- Recommendations on changes to Bill 22 and ongoing monitoring

Work toward implementation of domestic and international law standards within all forms of detention

- Advocacy for appropriate data collection in corrections and mental health to address current gaps (advocacy approach depends on results of demographic disaggregated data report uptake of recommendations)

Reduce discrimination in policing practices

- Monitor and response to street checks policies and practices by policing authorities across B.C.
- Recommend changes to policing legislation and practices in order to reduce systemic discrimination

# Operational priority: Creating a strong and sustainable organization

Goal	
Build, grow and sustain an organization capable of generating progressive impact on human rights in B.C.	
Objectives	Highlighted activities
Establish effective operational systems, structures and processes in alignment with the organization’s goals, guiding principles and human rights-based approach	<ul style="list-style-type: none"> <li>• Annual work plans</li> <li>• Refining of strategic plan, service plans, department strategies</li> <li>• Evaluation framework, key performance indicators, ongoing monitoring and evaluation of early stage performance</li> <li>• Policy and practice framework</li> </ul>
Build and sustain a dynamic, healthy, diverse and inclusive team and organizational culture	<ul style="list-style-type: none"> <li>• Recruitment equity assessment and strategy</li> <li>• Staff training and professional development framework</li> </ul>
Create a unique identity that is recognizable and establishes the Commissioner as the voice of credibility on human rights in B.C.	<ul style="list-style-type: none"> <li>• Website content development and refinement</li> <li>• Online education platform</li> <li>• Stakeholder relationship management system developed</li> </ul>



## Our approach to monitoring and evaluation

We have considered monitoring, evaluation and continuous improvement throughout our planning process and aim to ensure these are built into each stage of our development as we build, grow, sustain, refine and renew. Working with the Cedar Trees Institute at the University of Victoria, we are currently in the process of finalizing an innovative, multi-dimensional evaluation framework that will enable us to measure not only our short-term outputs, but also our medium-term outcomes, and long-term impacts as an Office.

We recognize the enormous complexity in evaluating systemic human rights work, where creating the type of social change we envision requires collaboration, sustained commitment, and time. This means we must think beyond traditional evaluation techniques that focus on an individual organization's contributions or quantitative-only methods. These kinds of indicators are often divorced from the ecosystem of collaborators who supported those achievements or focus exclusively on short-term outputs from activities without looking at the larger picture.

Our evaluation framework, which we will pilot over the next two years, seeks to address these complexities by taking a new, holistic approach.

When these elements are put together, they create a multi-dimensional evaluation framework ([see page 67](#)).



## Key considerations of our monitoring and evaluation



The **process** of evaluation is as important as the **outcome**. We will strive to use our evaluation activities to build relationships with impacted rights holders, to educate and engage on human rights in general and to learn about what is important to people across B.C. We will look to how well we are building and sustaining respectful relationships using the criteria of reciprocity, relevance, reflexivity and responsibility.<sup>31</sup>



We will situate our work within the broader **context** of human rights in B.C. by integrating our monitoring and evaluation framework into our ongoing project of assessing the state of human rights in B.C. over time. This will enable us to see the links between our short-term project outputs, medium-term community outcomes and long-term societal impact taking into account a rapidly shifting social landscape. We will demonstrate accountability in what we measure and how we report, place equality and non-discrimination at the heart of each of our measures and ensure that participation is integrated into every step of our evaluation process by engaging with rights holders and duty bearers. Additionally, we will use a diversity of methods to gather information and ensure the data we collect is disaggregated, protected and upholds the right to privacy.<sup>32</sup>



Most organizations tell their own **story** about their achievements, often focusing on numbers over words (or statistics over people). We value qualitative research methods as much as quantitative and will focus on people's stories, highlighting the value of lived experience. We will also work alongside communities and organizations impacted by our work to **co-create** indicators of our performance where relevant. This will enable the evaluation of our work to be both reflective of and responsive to the needs of diverse people across B.C. We are in the process of developing a hybrid model that incorporates both mainstream and community-based indicators.



We will **balance** point-in-time evaluation with ongoing evaluation and continually review our theory of change to test our assumptions. We'll also balance evaluation of our short-term outputs, which will be emphasized in our first few years as a new organization, with the measurement of our larger impact on society over the long-term. We will be realistic and transparent about what we are able to measure and attribute to our actions. We'll know we're on the right track if our work is relevant, coherent, effective and sustainable.<sup>33</sup>

<sup>31</sup> 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 1991 by Kirkness, V.J. & Barnhardt, R. (1991). First Nations and Higher Education: The Four R's—Respect, Relevance, Reciprocity, Responsibility. *Journal of American Indian Education*, 30(3): 1-15

<sup>32</sup> Adapted from: ENNHRI: European Network of National Human Rights Institutions' report: [Applying a Human Rights Based Approach to Poverty Reduction and Measurement: A Guide for National Human Rights](#), The European Union, October 2019.

<sup>33</sup> These concepts derive from the OECD's Development Advisory Committee DAC Recommendation on the Humanitarian-Development-Peace Nexus, OECD/LEGAL/5019. <https://legalinstruments.oecd.org/public/doc/643/643.en.pdf>

# EVALUATING OUR IMPACT ON HUMAN RIGHTS

NATURAL WORLD

SOCIETY  
Impacts

COMMUNITY  
Outcomes

PROJECTS  
Outputs & Process

Who we are  
**CULTURE**

What we say  
**POLICIES**

How we work  
**PRACTICES**

guiding principles • human rights-based approach • decolonizing principles • equity, diversity, inclusion and accessibility

Discrimination

Decolonization

Detention

Hate

Poverty

We are well positioned to evaluate our impact for a number of reasons, including the expertise of our in-house research team, the interdisciplinary approach we take to executing our work and our human rights based, decolonized strategy which enables us to balance quantitative and qualitative indicators alongside the stories and truths of those most impacted by our work. Lastly, the opportunity we've been presented as a new organization in start-up allows us to develop our strategy and evaluation system simultaneously.

Using our vision, mandate, guiding principles and approach as the lens through which we conduct our monitoring and evaluation, we will evaluate at several levels including:

- Internal operations as an organization including our policies, practices and culture
- BCOHRC projects and programs large and small
- The effectiveness of our tools including education, research, advocacy, inquiry and monitoring.
- BCOHRC influence on shifting laws, policies, practices and the culture of human rights in B.C.
- Links between our impact and larger trends in human rights across the province examined in our semi-annual assessment of the state of human rights in B.C.

In dealing with complex systems in which human rights issues are situated, it is hard to determine the cause of impact. We will collect information and data in a number of ways including through storytelling, engagement sessions and surveys, and our Advisory Council. We are also embarking on a community longitudinal study where we will identify the challenges and opportunities associated with measuring changes in attitudes and behaviours.

We plan to incorporate more traditional techniques such as polling, reviews of legislative and policy change, collection of and measurement against publicly reported statistics and reviews of international, provincial and other governmental reporting on our province's performance. We will balance these by testing new and innovative evaluation techniques (such as narrative assessment) and validate our assumptions and work with the support of external validators and third-party evaluation.



# Budget and expenditures

Given that our budget is approved annually by the Select Standing Committee on Finance and Government Service (an all-party committee of the Legislative Assembly) we hold ourselves to the highest standard in directing our investment of public resources. In principle and practice, this means:

- We adhere to provincial laws and policies related to spending.
- We focus on maximizing the impact our budget has on promoting systemic equality by directing our resources to evidence-based projects that are reflective of what rights holders and duty bearers have identified as their core rights issues. We focus our resources where we can enhance the rights of the most marginalized, and we are committed to continual evaluation and improvement.
- We are transparent and accountable through regular reporting to the Treasury Board and the Office of the Comptroller General. We also provide regular program reports to the all-party Select Standing Committee on Finance and Government Services of the Legislative Assembly.

As we are in the process of building a new organization, we have the unique opportunity to build in a human rights-based approach to budgeting early on. We can look downstream in terms of how we evaluate the impact we achieve compared to the resources we invest, and upstream in terms of how we can influence the integration of human rights considerations through our supply chains. Being in a start-up phase also means we review public spending policies and practices through our own experience of implementing them for our Office. This perspective allows us to highlight opportunities for improved alignment with human rights principles, a process we expect to sustain as we grow and evolve.

## Our finances

The 2019/20 annual operating budget for BC's Office of the Human Rights Commissioner was \$2,000,000 and the annual capital budget was \$1,000,000. The Office disbursed the majority of its operating budget this year in the course of hiring staff and securing temporary office space. However, a decision was made to defer our office construction, and therefore the capital expense for the same, to 2020/21.

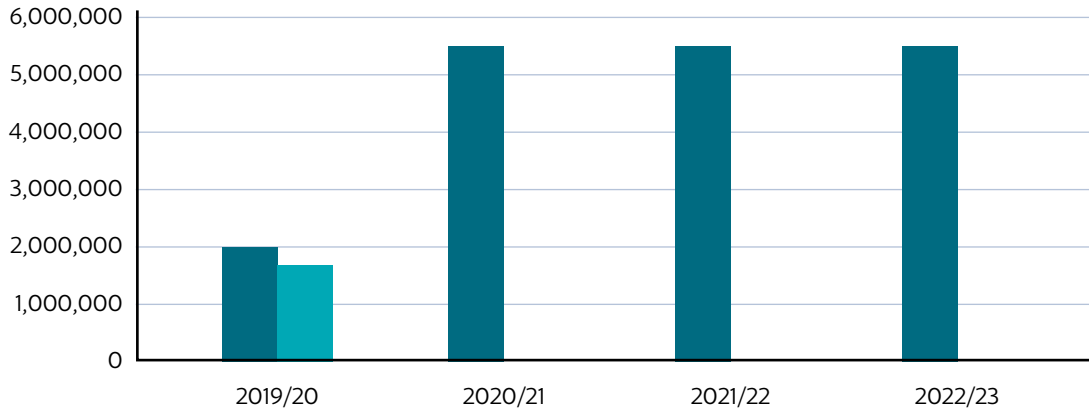
The COVID-19 pandemic has only increased the need for human rights oversight. Already, BCOHRC has provided significant policy guidance on human rights law, especially in the areas of employment, service provision and housing. Essentially all the social impacts emerging during this time raise issues that fall squarely within our mandate. This increased demand for our work and oversight has put extraordinary pressure on our limited capacity, staff and resources.

To meet these needs, we have been building our core team, rapidly expanding and building capacity to launch some bold initiatives and community projects over the coming year.

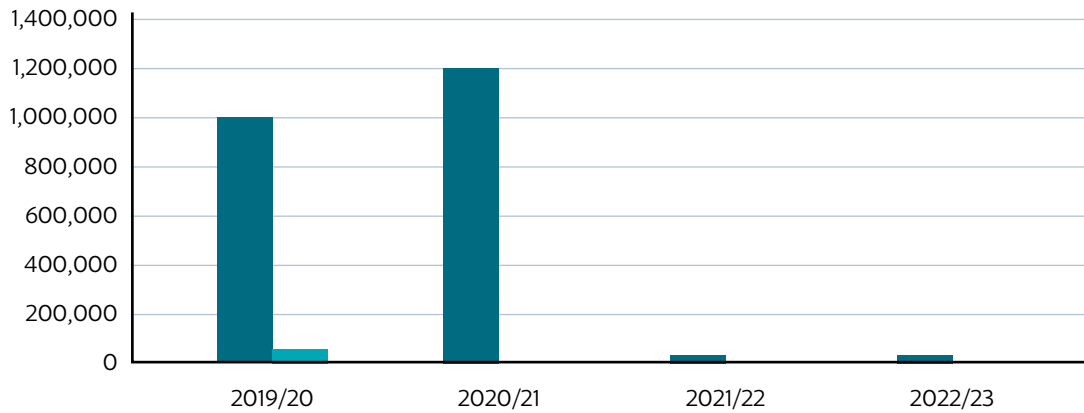
We established the Office on Sept. 3, 2019, when the Commissioner started, and began by hiring our leadership team to bring strategic focus in building the organization. Over the following year, we pursued an intentionally equity focused recruitment process to build our team of high performing and diverse staff. Our current staff complement is 16 with additional competitions underway that will nearly double our team before the end of the fiscal year, keeping us on target to reach our projected hiring goals for 2020/21. In line with our mandate and values, BCOHRC continues to set high standards for equity and inclusion in our hiring practices, as a result, we have built a team of high-performing, diverse candidates.

In our new era of virtual and remote work, we continue to collaborate with the Office of the Auditor General, who provides us with office space in Victoria. Our collaboration with the Office of the Representative of Children and Youth provides us with shared services for efficient, effective, and innovative finance, human resources, and IT functions, allowing us to dedicate more resources to program delivery. We are grateful for the generosity of both of these independent statutory officers and their teams.

### Approved Operating Budget to Actual Expenditure by Fiscal Year



### Approved Capital Budget to Actual Expenditure by Fiscal Year



● Approved Budget ● Actual Expenditure

## Appendix

### Presentations to community groups

Commissioner Kasari Govender attended the following presentations, where she gave keynotes, speeches and engaged in panels and dialogue at the invitation of community, reaching approximately 3,000 attendees. These included:

**Sep 12, 2019:** SFU Morris J. Wosk Centre for Dialogue Simces & Rabkin Family Dialogue on Human Rights keynote discussion: From hate to hope in a digital age

**Oct 10, 2019:** Law Foundation of British Columbia Provincial Advocates Conference speech: Introducing BCOHRC

**Oct 17, 2019:** UBC Law Students Legal Advice Program (LSLAP) 2019 Annual Gala keynote speech: Introducing BCOHRC

**Oct 17, 2019:** Fasken Martineau Seminar on their Blockbuster Annual Update on Labour Employment, Human Rights and Privacy Law presentation: Introducing BCOHRC

**Oct 30, 2019:** First Nations Leadership Council (FNLC) meeting discussion: How can BCOHRC support the FNLC and Indigenous rights?

**Nov 1, 2019:** BC Government and Service Employees' Union (BCGEU) Women's Conference 2019 panel discussion: What does #MeToo really mean for women?

**Nov 14, 2019:** The Continuing Legal Education Society of British Columbia (CLE BC)'s Human Rights Law Conference 2019 keynote speech: Introducing BCOHRC

**Nov 14, 2019:** Multilingual Orientation Service Association for Immigrant Communities (MOSAIC) 25th Anniversary Celebration of Legal Advocacy Program toast: Rights of newcomers to B.C.

**Nov 21, 2019:** National Council of Jewish Women of Canada - Vancouver, Meet Kasari Govender: Introducing BCOHRC

**Dec 6, 2019:** Vancouver Foundation Board meeting presentation: Introducing BCOHRC

**Dec 9, 2019:** Richmond Centre for Disability event with Paul Claude Bérubé speech: Introducing BCOHRC

**Dec 10, 2019:** The Community Legal Assistance Society (CLAS) / The United Nations Association in Canada (UNAC) International Human Rights Day celebration speech: Anniversary of the Universal Declaration of Human Rights

**Feb 1, 2020:** Social Justice Law Conference keynote speech: Changing Systems- What Can Lawyers and Advocates Do?

**Feb 4, 2020:** University of Victoria Distinguished Alumni Award acceptance speech

**Feb 22, 2020:** Migrant Workers Centre: Annual Post-Valentine's Dinner & Dance Fundraiser keynote speech: Migrant Justice



**Feb 27, 2020:** Independent Living Canada Western Summit Meeting speech:  
Rights of people with disabilities

**Mar 8, 2020:** Surrey Women's Centre and Pakistani Canadian Women's Society International  
Women's Day event speech: Ending violence against women

**Mar 9, 2020:** The Centre for Civic Religious Literacy (CCRL) and The Canadian Race Relations  
Foundation (CRRF) Roundtable: Racism and Civil Society

**Mar 11, 2020:** Vancouver Forum Against Racism and Hate keynote speech:  
Interpersonal, structural and systemic racism

**Mar 13, 2020:** UBC Allard Law School lecture series speech: Poverty and the law:  
The possibilities and limits of a human rights approach in B.C.

**May 30, 2020:** MLA Mable Elmore's Virtual Town Hall Against Racism panel discussion:  
Racism and hate

**Jun 17, 2020:** The Canadian Bar Association (CBA) webinar presentation:  
COVID-19 and human rights

**Jun 25, 2020:** Trudeau Foundation Scholars' Spaces of Engaged Leadership webinar series:  
virtual panel discussion- Leading Canada's Human Rights Response to the COVID-19 Pandemic

**Jun 26, 2020:** Vancouver Foundation LEVEL youth engagement initiative speech:  
The role of BC's Office of the Human Rights Commissioner in advancing racial equity

**Jun 30, 2020:** Federation of Asian Canadian Lawyers (FACL BC) Community Discussion:  
The Rise in Anti-Asian Discrimination in B.C.

**Sep 16, 2020:** Lancaster House Human Rights and Employment Conference speech:  
B.C.'s new legislative framework and the role of disaggregated data in advancing human rights

**Sep 17, 2020:** Law Foundation & Legal Aid BC's Provincial Training Conference for Legal Advocates  
keynote speech: Update from BC's Human Rights Commissioner

**Sep 24, 2020:** Resilience BC Anti-Racism Hub meeting talk: Anti-racism across B.C.

**Oct 2, 2020:** BC Association of Social Workers (BCASW) meeting keynote speech:  
Protecting and expanding human rights during the COVID-19 pandemic

**Oct 21, 2020:** BC Society of Transition Houses (BCSTH) Annual Training Forum keynote speech:  
A gendered pandemic, a just recovery: COVID-19's impacts on women, and how we can build  
change through crisis

**Nov 17, 2020:** The Continuing Legal Education Society of British Columbia (CLE BC)  
Human Rights Law Conference presentations: Decolonizing Human Rights/Indigenous Rights with  
Ardith Walpetko We'dalx Walkem



**Nov 20, 2020:** Canadian Evaluation Society of BC (CESBC) Annual General Meeting keynote  
speech: Exposing systemic racism and improving human rights for marginalized people in B.C.:  
The role of disaggregated demographic data



British Columbia's  
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Commissioner**

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