



British Columbia's
Office of the Human Rights
Commissioner

Budget submission

2023/24 – 2025/26

**Presented to the Select Standing Committee on
Finance and Government Services**

Legislative Assembly of British Columbia

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Budget submission

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British Columbia's
**Office of the Human Rights
Commissioner**

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



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Overview

Mandate

BC's Human Rights Commissioner was established through the *Human Rights Code Amendment Act, 2018* (Bill 50), which received Royal Assent in November 2018. Responsible for promoting and protecting human rights in B.C., Commissioner Kasari Govender was appointed in May 2019 and began her five-year term in September 2019.

The Commissioner's mandate is to address the root causes of inequality, discrimination and injustice in B.C. by shifting laws, policies, practices and cultures through education, research, advocacy, inquiry and monitoring.

In the course of fulfilling this mandate, the Commissioner can do any of 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 B.C.'s Human Rights Commissioner by the Legislative Assembly

Approach

BCOHRC's work is grounded in **a human rights-based approach**, which seeks to centre the voices of those most marginalized and make inequality visible. Core principles include:

- Indivisibility, inalienability and universality of rights
- Meaningful participation, inclusion and empowerment
- Transparency and accountability
- Rule of law
- Intersectional equality and non-discrimination

Decolonization is also central to BCOHRC’s work. Core principles include:

- Equality and non-discrimination
- Listening, learning and honouring Indigenous worldviews, including the value of reciprocity and working in relationship
- Recognizing and addressing intergenerational trauma as a direct result of colonization
- Recognizing and supporting self-determination
- Dismantling or transforming laws and institutions designed to oppress Indigenous peoples and Indigenous ways of knowing and being
- Restoring a respectful relationship to land

BCOHRC recognizes both collective and individual rights and responsibilities and focuses on building respectful relationships that are reciprocal, reflexive, responsible and relevant.

Additionally, BCOHRC is guided by a series of principles including the concept of **“nothing about us without us,”** to ensure every aspect of our work incorporates the voices, interests and stories of those with lived experience in each of the protected grounds and areas outlined in B.C.’s *Human Rights Code* and of those who remain marginalized and unprotected.

Finally, BCOHRC promotes a **“no wrong door” approach to working with the other pillars of B.C.’s human rights system.** BCOHRC both fills a gap and complements the other pillars: the [BC Human Rights Clinic](#) (among other clinics across the province) — which provides legal advice and represents individual complainants — and the [BC Human Rights Tribunal](#) — which screens, mediates and adjudicates human rights complaints. Working collaboratively with the Clinics and Tribunal ensures that individuals and organizations are able to access the system in an efficient, effective and empowering manner.

Looking back: accomplishments in 2021/22

In 2021/22, BC's Office of the Human Rights Commissioner (BCOHRC) focused on growing – growing our organization, deepening our impact and putting down roots across the province. We have been able to achieve meaningful advances in human rights laws, policies and practices while working towards the deeper behavioural and systemic change that is necessary to achieve our vision of a province free from inequality, discrimination and injustice.

For more information on all of the highlights noted below, see our [Annual Report 2021/22 and Service Plan 2022/23 – 2024/25](#).

Strategic priority highlights

2021/22 marks the third year of BCOHRC's five-year [Strategic Plan 2020/21 – 2024/25](#), working to achieve impact in our strategic priority areas of: discrimination under B.C.'s *Human Rights Code*, decolonization, hate and the rise of white supremacy, poverty as a cause and effect of injustice and inequality and human rights protections for those detained by the state. The following are highlights from initiatives we undertook in 2021/22 in support of these priorities:

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

- A key reason BCOHRC exists is to ensure that the rights guaranteed by B.C.'s *Human Rights Code* are protected and respected. In 2021/22 we provided direct information and referrals to more than 20,000 members of the public who contact BCOHRC via phone or email; that's a 10 fold increase from 2020/21. We managed 45 Special Programs applications ([see page 20](#)), delivered a new series of Code workshops to more than 450 people ([see page 55](#)) and brought together the most comprehensive analysis of policing and arrest data in B.C.'s history ([see page 17](#)).

Decolonization

- Our Office is committed to supporting the self-determination of Nations, and working to improve structures that impede the full, equal and just participation of Indigenous Peoples in all aspects of life. In 2021/22 we celebrated an important improvement to B.C.'s human rights system when Indigenous identity was added to B.C.'s *Human Rights Code* as a protected ground ([see page 24](#)). We had the opportunity to deepen relationships with 15 Indigenous nations and many more representative organizations. We heard directly from Indigenous Elders in our Inquiry into hate in the pandemic through our 'Elders' Gathering' and spoke with more than 200 attendees about anti-Indigenous racism through First Nations Education Steering Committee ([see page 53](#)).

Hate and the rise of white supremacy

- With the reported rise of hate incidents during the pandemic, our work to eradicate hate in our communities has never felt more urgent. In 2021/22 we launched the Inquiry into hate in the pandemic—the only independent inquiry of its kind in the world—examining experiences of and solutions to hate in our communities ([see page 30](#)). We also developed and launched an important Hate Speech Q&A resource ([see page 56](#)) and partnered with the BC Association of Broadcasters to launch the province wide [Never Accept Hate campaign](#) ([see page 28](#)).

Poverty as a cause and effect of inequality and injustice

- BCOHRC 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. In 2021/22, we continued our work to see social condition added as a protected ground to B.C.'s Human Rights Code ([see page 34](#)), intervened before the BC Supreme Court on a key case about family status discrimination with important implications for women's employment rights and participated in coalition work to secure 10 paid days of sick leave for workers across B.C. ([see page 34](#)).

Human rights protections for those detained by the state

- BCOHRC believes that we all have the right to be free from arbitrary detention, abuse of power and unfair treatment if we are detained by the police, in correctional centres, under community supervision or in mental health systems. In 2021/22, BCOHRC pushed for culturally safe and trauma informed approaches to substance-use care ([see page 40](#)), advocated for improvements to conditions of detention in B.C. correctional facilities and worked towards the end of immigration detention in B.C. jails ([see page 43](#)).

Creating a strong and sustainable organization

- As an Office only established in 2019, our sixth priority is to build and sustain a healthy and diverse workplace. In 2021/22, we hired 25 people ([see page 46](#)), developed an internal education program, delivered Indigenous cultural safety training to all staff and collaborated with Simon Fraser University on sustainable procurement practices to understand the human rights impacts of the items we use and purchase for the organization.

Highlights of our 2021/22 impact

To measure the impact of our work and its consequences for human rights across B.C., BCOHRC has developed an evaluation and impact framework centered on five outcome areas:

- Building respectful and accountable relationships
- Creating accessible and relevant public education materials
- Providing recommendations to decision-makers on ways to improve systemic human rights issues
- Developing legal arguments to influence case law
- Building human rights-based policies, practices and culture

In each section below you can see highlights from a few key pieces of work that inform our impact evaluation for 2021/22. You can find more information on how this work (outputs) translated into important outcomes for British Columbians in our Annual Report as referenced below.

Building respectful and accountable relationships

To build trust, we must show accountability. In 2021/22, BCOHRC provided information and referral to more than 20,000 people, continued our work to improve access to B.C.'s human rights system through the 'No Wrong Door' project ([see page 50](#)), and conducted significant community and Indigenous engagement work across the province ([see page 53](#)). This commitment to providing clear and useful responses to public inquiries and improving access to the human rights system forms the backbone of becoming a trusted source for human rights across the province. Through this work, stakeholders can come to increasingly trust and build meaningful relationships with BCOHRC and see themselves in the Office's work.

Creating accessible and relevant public education materials

For over seventeen years, the absence of a human rights commission in B.C. has meant that there was a significant unmet need for fundamental public education about the B.C. *Human Rights Code*. In 2021/22, BCOHRC launched 16 new educational resources on subjects as diverse as a facilitators' guide on systemic racism to [policy guidance on COVID-19 rights](#) and responsibilities. Our '[Intro to human rights](#)' video has now been viewed more than 21,000 times, and our new Code workshop attended by more than 450 people so far ([see page 55](#)). Our 'I love my human rights' video series continued to explore the extraordinary human rights stories of every day British Columbians by launching the heartfelt and moving stories of Brandon Yan, Danny Ramadan and Anthony Brown ([see page 57](#)). Through the provision of educational materials, BCOHRC supports people's awareness and understanding of both their rights and responsibilities, and contributes to a province where these rights and responsibilities are fully realized.

Providing recommendations to improve systemic human rights issues

As an independent officer of the Legislature, B.C.'s Human Rights Commissioner provides guidance and recommendations to elected officials and government leaders as well as employers, landlords and service providers in other sectors on ways to ensure these systems cease to disadvantage and discriminate against marginalized communities. Since 2020, BCOHRC has been calling for the province of B.C. to develop legislation to collect disaggregated data. In 2022, that goal was realized through the passage of the Anti-Racism Data Act ([see page 61](#)). Significant resources continued to be dedicated to providing human rights guidance in response to the COVID-19 pandemic, including developing resources on proof of vaccination requirements and the ending of B.C.'s mask mandate ([see page 63](#)). Work in this area over the last year has shown an important number of duty bearers adopting BCOHRC recommendations in policies, practices and law, leading to important structural and systemic change.

Developing legal arguments to influence case law

BCOHRC aims to improve human rights laws and systems in B.C. through the exercise of our legislative powers to hold public legal inquiries and to intervene in court cases that may have a systemic impact on human rights in B.C. This means that the Office can participate in cases to assist the court or the tribunal hearing the case to understand issues related to systemic discrimination and legal principles that otherwise

might not be raised by the complainant or the responding parties. In 2021/22, BCOHRC intervened in two court cases: *Gibraltar Mines v. Harvey* and *Neufeld v. British Columbia Teachers' Federation (BCTF) on behalf of Chilliwack Teachers' Association* ([see page 64](#)). Through our work in this area, we aim to make the B.C. human rights and justice system more responsive to the human rights needs of people across B.C.

Building human rights-based policies, practices and culture

Across all of our operations, we strive to embody human rights values and our guiding principles in our policies (what we say), practices (what we do) and culture (who we are). In 2021/22, we worked to further integrate human rights principles into our organization's policies through the creation of a flexible work policy and a specialized counselling policy ([see page 67](#)). We also sought to support leadership accountability, organizational growth and employee engagement through our first Workplace Environment Survey, incorporating these insights into our strategic planning process. Through this work we aim to make BCOHRC offices inclusive and accessible for staff and the public.

Looking ahead: service plan 2022/23 – 2024/25

Our Service plan (2022/23–2024/25) grows out of our strategic priorities and [evaluation and impact framework](#). It outlines the objectives, key performance indicators and a sample of the activities we envision undertaking over a three-year period to fulfil the Office's mandate and to establish a baseline for setting future targets.

Some of our activities in the service plan period include launching our Baseline project in 12 communities across the province, delivering a provincial public awareness campaign focused on the rights of people with disabilities, producing a toolkit of resources for employers about employment equity best practices, and conducting an accessibility audit of our current materials to improve access to our work for all people. Our work ahead also includes releasing the recommendations from the Inquiry into hate in the pandemic, continued work on human rights in policing by monitoring for the implementation of the recommendations of the Special Committee on Reforming the Police Act and much more ([see page 69](#)).

For more information on all of our plans for the service plan period, see page 69 of our [Annual Report 2021/22 and Service Plan 2022/23 – 2024/25](#).

Budget request

Enabling sustainability and progressive impact of a new independent office of the Legislature

As a new organization, BCOHRC is implementing a progressive and sustainable model of development over the course of the Commissioner's five-year term that balances building the organization internally with generating external impact.

- 2019/20 was focused on **surveying** the landscape, reviewing research and recommendations, consulting community, recruiting key team members and beginning the strategic planning process.
- 2020/21 was focused on **building** the operational and programmatic foundations of the organization by scaling up recruitment of the team, opening an office space in Vancouver, mapping stakeholders, engaging with community, building relationship with Indigenous leadership, scoping the tools available to the Commissioner through her mandate, and designing and piloting programs and projects.
- 2021/22 was focused on **growing** the organization in size, structure and reach including nearing the Office's full staff complement; continuing to build organizational policies, practices, management systems and an evaluation framework; scaling programs and projects; issuing reports and policy guidance and launching BCOHRC's first public inquiry.
- 2022/23 is focused on **refining** established policies, practices and activities to meet the needs of the future of work and society, improving projects based on lessons learned, innovating in program areas, streamlining processes for efficiency and sharing best practices with stakeholders and peers.
- 2023/24 will focus on **sustaining** wise practices and increasing impact by building on early successes and strengthening key programs and projects.
- 2024/25 will focus on **renewing** BCOHRC's planning process for the next five-year cycle with an organizational review that will aggregate previous project and program evaluations and begin the visioning and transitioning process.

Budgeting approach

BCOHRC maintains the highest standard in its investment of public resources. In principle and in practice this means adhering to provincial laws and policies related to spending, focusing efforts on maximizing impact through evidence-based projects on the most salient rights issues identified by rights holders and duty bearers, operating in a transparent and accountable manner through regular reporting to the Treasury Board and Office of the Comptroller General and expertly balancing short and long-term priorities in order to build a sustainable organization capable of generating lasting positive impact for British Columbians.

Budgeting considerations

Scope

The Human Rights Commissioner is unique as the only independent officer of the Legislature responsible for protecting all people in the province - with a particular focus on the most marginalized—and promoting awareness and respect for rights among all duty bearers, including employers, landlords and service providers representing every sector and industry. The budget request is reflective of this significant scope of responsibilities.

Scale

In August 2021, the Commissioner launched her first public inquiry pursuant to her powers to conduct inquiries, which came into force in late 2020, increasing the Commissioner's responsibilities and scale of work going forward. The report and recommendations flowing from this significant undertaking will be released in early 2023 with ensuing work on ensuring those recommendations are operationalized by various dutybearers in government and beyond. 2023/24 will also see the launch of a second public inquiry, the scope and scale of which will be determined mid-2023. BCOHRC's long-term work of assessing the state of progress on key human rights issues affecting regions across the province involves establishing a baseline from which to measure progress, work that will occur across 12 regions between 2022/23-2024/25. Additionally, BCOHRC will continue its human rights education work, its annual public awareness campaign, ongoing engagement with Indigenous and other communities across the province, advocacy on a numerous policy areas including ongoing work on addressing systemic racism in policing, and legal interventions in a few cases before courts and tribunals. BCOHRC is working with its human rights system partners (the BC Human Rights Tribunal and BC Human Rights Clinic) to operationalize some of the recommendations flowing from an assessment of the current human rights system model through the 'No Wrong Door' initiative, requiring 2023/24 investments in an online 'One Door' portal and IT systems and frontline resources to respond to increasing requests from the public for information and support with their human rights issues.

Future of work

Remarkably, BCOHRC has been able to build a new organization and onboard most of its staff base virtually during the global pandemic. In 2022/23 BCOHRC is working to shift from interim work strategies and measures that have supported staff during the pandemic, towards a long-term 'future of work' model that considers flexible work as well as hybrid and remote work. Our focus is on ensuring alignment of these practices with key values and drivers of organizational development such as health and wellness, belonging and retention, and effectiveness and performance. Aligned with this approach, BCOHRC will implement the next phase of its systems and practices development, notably through an internal communications system and ongoing evolution of its other management systems and processes.

Although in 2021/22 there have been some reduced expenditures related to COVID-19 (e.g. travel) that were re-allocated to other areas (e.g. contractors and temporary staff while the Office reaches its full complement), like many organizations, BCOHRC has been gradually moving towards a 'new normal' which includes increasing travel to engage with communities across the province thus savings are not anticipated in future years.

Corporate shared services

The Representative for Children and Youth (RCY) provides human resource, IM/IT and financial services to BCOHRC modelled off the Ombudsperson's shared services agreement. In late 2021/22 and early 2022/23, RCY and BCOHRC undertook an assessment of the effectiveness and efficiency of the current shared services arrangement with the support of a third-party consultant. We are currently in the process of implementing the associated recommendations including reviewing the services agreement to refine the scope of services and the governance structure these require. This work is being undertaken during the second half of the 2022/23 fiscal period and may result in future implications for BCOHRC internal resourcing.

The Auditor General provides a small office space in Victoria, at no additional cost, to complement BCOHRC's main office in Vancouver. In a spirit of reciprocity, BCOHRC's Vancouver office has been designed with collaboration in mind, including multi-use spaces such as meeting rooms and hot desks that are available to other independent offices at no cost. These innovative collaboration agreements represent overall cost savings for all independent offices. In late 2022/23 BCOHRC will vacate the Auditor General's space as they prepare for tenant improvements. The RCY will provide flexible workspaces to BCOHRC staff in Victoria, who will remain remote-based, in alignment with BCOHRC's future of work strategy. Similarly, BCOHRC will provide use of flexible workspaces to RCY's staff who are located in the Lower Mainland, at no cost to either organization. We are grateful to the Auditor General for the use of their space since 2019 and to the RCY for this new space and shared corporate services arrangement.

Request for fiscal year 2023/24

In November 2021, BCOHRC presented its three-year budget for the period 2022/23 to 2024/25 to the Committee for consideration as the Office continues to build to full capacity in the first five years of operation. The Committee recommended the presented budget of \$6.809 million (2022/23), \$6.826 million (2023/24) and \$6.839 million (2024/25) in operating and \$35,000 in capital for each of the three years.

BCOHRC is requesting a status quo capital budget of \$35,000 and an operating budget of \$7.703 million for fiscal year 2023/24, the latter of which represents an increase of \$0.877 million (12.85%) over the previously approved operating budget. The request is comprised of the following:

Inflation calculation

Ratification of the tentative BCGEU agreement is pending. This budget submission has utilized known tentative agreement percentages as a basis for this submission, acknowledging ratification may mean this information will need to be revisited. The tentative agreement will provide for approximately a 4.00% increase in fiscal year 2022/23, 6.75% increase in 2023/24 and 3.00% increase in fiscal year 2024/25. We anticipate, as evidenced by past practice, the Public Service Agency will approve the same salary increase for all staff (included and management classified).

Salaries and benefits

Our current budget includes 2.00% for April/July 2022 salary increases. Payment of these increases has not occurred or been approved by the PSA. The current tentative BCGEU settlement provides for a 4.00% increase in 2022/23, up to 6.75% in 2023/24 and 3.00% in 2024/25. Consequently, BCOHRC is requesting an additional 2.00% for the 2022/23 fiscal, 6.75% in fiscal 2023/24 and 3.00% in 2024/25, acknowledging ratification may mean this information will need to be revisited. For the current fiscal year, should settlements that are forthcoming in the next few months be greater than this, BCOHRC will, as far as possible, absorb the increases and, where this is not possible, return to the Select Standing Committee with an additional request.

BCOHRC is requesting one additional frontline position – an intake coordinator – to support the No Wrong Door initiative by managing the vast increase in public requests for information, applications for special programs and engagement with the Commissioner. This public facing position will be first point of contact for many members of the public, fielding questions and triaging internally and with the Human Rights Clinic and Human Rights Tribunal to enable greater overall organizational efficiency in responding to requests from the public. This position will fill a need across our departments while simultaneously streamlining the public's interaction with our staff, contributing to the No Wrong Door initiative's goal of increasing accessibility to the human rights system. The salary cost of this position is \$71,000, with the total cost, including salary with the noted increase, benefits, and associated IM/IT, travel, office supplies and corporate shared services costs, which are calculated on a per FTE basis, of \$129,000.

Lastly, we are currently conducting a compensation review in view of increased competition to recruit and retain employees that is being experienced across sectors and industries. This review includes a market analysis of comparable public and non-profit sector roles. Preliminary findings illustrate opportunities for increasing BCOHRC's competitiveness in salaries. Extensive work needs to be completed over the coming months, including a review of private and public markets, so we are anticipating returning to the Committee with further increases following this review. In the interim, we will be implementing a 5.00% increase, representing \$198,000 in salaries and benefits in fiscal 2023/24, to mitigate the significant and ongoing financial and programmatic risks retention represents for the Office.

Professional Services and Information Technology

Inflation has not only affected our employee salary and benefits costs but has had impacts across expense categories. BCOHRC has mitigated and managed those costs internally in 2022/23. There are two areas that do require adjustments for 2023/24 and beyond – professional services and information technology.

This request includes an additional \$60,000 (10.00%) for professional services in alignment with associated increases we have experienced as our suppliers and contractors also deal with inflation impacts to their businesses.

The Office utilizes the services provided by the Ministry of Citizen Services for the provision of IM/IT equipment and services on a chargeback model. In the summer of 2022, the Office participated in a regularly scheduled, Ministry-led equipment refresh process which occurs once every 3 years. One-time costs associated with the refresh process will be absorbed by the Office. The 2023/24 request includes \$31,000 (10.00%) related to ongoing increased chargeback costs and an inflation lift for BCOHRC's IM/IT contractors.

As described above, BCOHRC plans to embark on a critical high impact initiative of the 'No Wrong Door' project through the creation of a unified web portal for BCOHRC, the BC Human Rights Tribunal and the BC Human Rights Clinic. This unified portal will ensure that regardless of whether someone is looking for human rights resources and education, to file a complaint, or for support with their complaint, that they will be able to access the appropriate institution more easily. This project will create a single 'front door' for B.C.'s human rights system on the web which greets people looking for support and helps navigate them to the right place, with links to relevant resources. This represents an important step forward in improving access to the human rights system as evidenced in the third party needs assessment conducted in late 2021/22 and early 2022/23. The 2023/24 request is for \$30,000 to support the web build for this project.

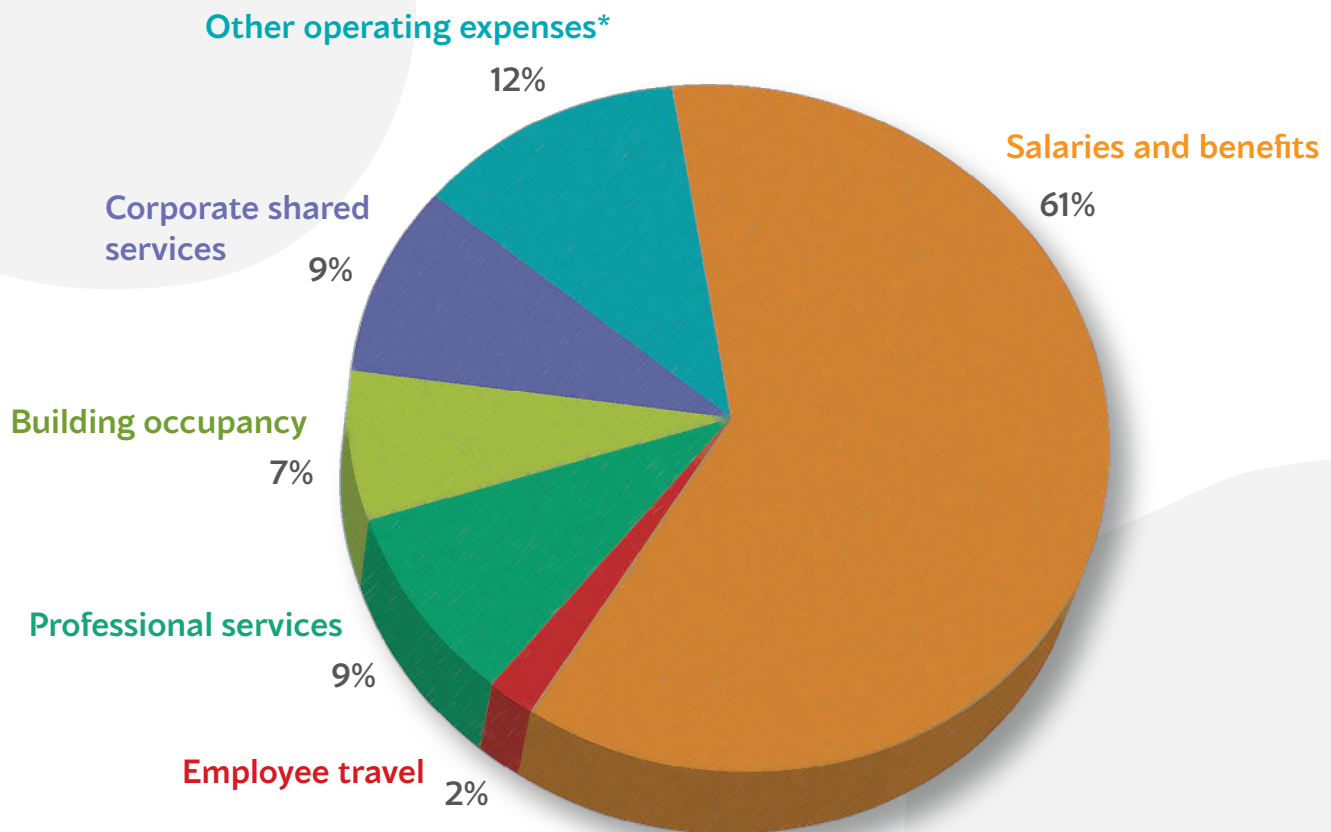
Further, as described above in the 'Future of work' section, BCOHRC is also taking the next steps in building critical internal communications infrastructure to support our growing office, and following an extensive internal needs assessment at this stage in our start-up. This infrastructure will respond to current and future stages of growth of the organization, as well as the evolving nature of our hybrid workplace, facilitating more effective and efficient information sharing, communication and collaboration between staff operating in multiple regions across the province. This project includes the building of an intranet and integration of a task management system. The total 2023/24 request is \$45,000.

Capital

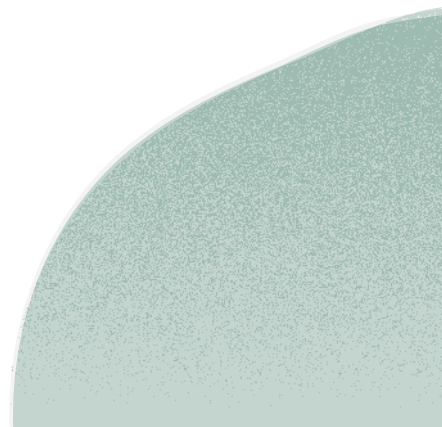
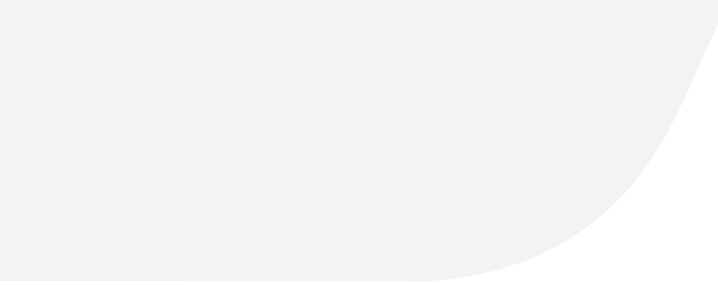
The capital components of the above mentioned IM/IT initiatives will be absorbed within the approved capital budget.

BCOHRC remains on track with its considered, sustainable approach to building a new organization recognizing the Commissioner's [broad mandate](#).

Proposed operating budget by expenditure type, fiscal year 2023/24



*Other Operating Expenses includes Information Systems (63), Office & Business Expenses (65), Info Advertising & Publications (67), Utilities (69), Amortization (73), Grants (77), Other (85) and Recoveries (89/90).





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