



# **A HUMAN RIGHTS COMMISSION FOR THE 21<sup>ST</sup> CENTURY: British Columbians talk about Human Rights**

A report and recommendations to the  
Attorney General of British Columbia



*"Indigenous peoples don't have control to do what they need to do to prosper. To build infrastructure, schools, hospitals and police stations — to make their communities rich and have what other cities have." — Juanita Coltman (Squli'qwana), participant at the Indigenous Peoples Workshop held in Vancouver*

*"I am a Person with Disability (PWD) as defined by both the provincial as well as the federal legislation and survive on PWD and CPP Disability Benefits. This situation has resulted because of an accident. I am a highly educated and well-informed person. I am trying to stand up on my feet again to support myself, my family and my community. However, at every step the discrimination takes place as people instead of recognizing my strengths and potential, recognize my disability and refuse to accept me and it is acting as a stumbling block in my rehabilitation and success and there is no law to take action against them and correct this position. It is disheartening." — Ashfaq*

*"I grew up in a white, hard-working family with biases. Biases against people with non-white skin, non-heterosexual, non-Christian, etc. — basically anyone that wasn't like us. Differences in socio-economics were always attributed to the personal failings of the individual, rather than anything systemic, and certainly nothing we had any responsibility for. I feel very fortunate that I had the opportunity to go to university and learn about all the systemic factors that contribute — and often dictate — a person's position in life. So, my story is not a personal story of being on the receiving end of any of these biases — but a story of shaking these beliefs, little by little, and learning to challenge these kinds of damaging beliefs in a way that people can truly listen, and hopefully shift to a different way of thinking. I believe that education, role-modelling, and open constructive dialogue are keys to changing mindsets — as well as eliminating all forms of institutionally sanctioned bias." — Tracee, one of hundreds who brought their voice to shape B.C.'s new Human Rights Commission*

The views represented by quotes in this public engagement report reflect the interests, priorities, and concerns of many participants who self-selected themselves for participation in the engagement and therefore do not reflect a random sample. The quotes illustrate a range, but not all, thoughts and opinions expressed during the engagement. For a full account of the engagement see <https://engage.gov.bc.ca/bchumanrights/>



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## MESSAGE FROM THE PARLIAMENTARY SECRETARY FOR SPORT AND MULTICULTURALISM

To: The Honourable David Eby, Attorney General

Dear Minister Eby,

I am honoured to submit this report on the Human Rights Commission public engagement, for government consideration. This report summarizes the public response to questions asked during the public engagement regarding the state of human rights in British Columbia. Informed by what we heard, this report presents my recommendations for the model, scope and priorities of the province's new Human Rights Commission.

I want to thank you and Premier John Horgan for the opportunity to hear from British Columbians and to help shape what will be historic changes for human rights in our province.

It is not an exaggeration to say that this experience has been life-changing. I am grateful for the frank dialogues I have participated in the realities of discrimination, misogyny, colonialism, transphobia, homophobia, xenophobia, ableism, classism, and racism and the intersectional system of oppression that exists within our borders. With this report I ask you, the Attorney General, to act on the 25 recommendations I have made, including those concerning the new commission, the Human Rights Tribunal and the Human Rights Clinic.

It is clear that reconciliation must be a priority for the new commission. Throughout this engagement, many Indigenous persons explained their frustration with report after report being written and little-to-no action being taken. This frustration was shared by groups representing people with disabilities, mental health, and children in care. That is why one of my recommendations for the new commission is to aggregate these reports, engage with the people affected, and respect a “nothing about us, without us” motto to create real change on education, health and systemic discrimination.

Education and awareness has been the most common theme throughout this process. A lack of understanding and knowledge is often the cause of discrimination — especially in the workplace. I am recommending that the primary focus of B.C.'s new Human Rights Commission is education. Healthy, respectful relationships built on an understanding of circumstance and history, together with inclusive, solution-based approaches to issues will create a stronger and more cohesive community.

I want to acknowledge all the advocates and activists who have stepped forward to bolster human rights. In particular, I want to express my gratitude to those who have campaigned over the years for the re-establishment of a Human Rights Commission in British Columbia — thank you.

I am deeply thankful for the opportunity to lead this engagement and I look forward to continuing this dialogue with the people of B.C. and government.

Sincerely and respectfully,

Ravi Kahlon

Parliamentary Secretary for Sport and Multiculturalism



## INTRODUCTION

British Columbians believe that our province is a place where equality, inclusiveness and mutual respect are essential to our future.

In August, the Premier announced the re-establishment of a Human Rights Commission. The Attorney General asked me to lead an engagement process that would provide him with recommendations before the end of 2017 on the new Human Rights Commission. It has been an inspiring assignment.

The engagement opportunities provided a window into the deep wealth of expertise and passion British Columbians have for human rights. Ideas were shared about the roles the commission should perform and how it should be structured to promote equality and prevent discrimination. Individuals and organizations sent in thoughtful written submissions while others shared personal stories through an online discussion and face-to-face meetings about how human rights issues impact their daily lives. These inspiring stories and thoughtful submissions guided my recommendations in this report.

The general consensus is that the new commission must be modern, efficient and effective. It should educate the public about human rights, promote equality, awareness and respect, and address systemic abuse. It should also complement not replace the current work of the BC Human Rights Tribunal and Human Rights Clinic. I have heard British Columbians say that B.C. should aspire to be the human rights leader by adopting innovative practices to ensure that individuals, no matter where they live, have equal access to justice and to the supports they need to turn human rights ideals into reality.

*“Ultimately the road towards a more just society is long and hard, but I wish the BC Human Rights Commission every success in their efforts to ensure every citizen has the chance to be judged by their aspirations, their actions, and the content of their character.” — Scott*

*“Indigenous people have for a long time been dealing with extreme violations of their human rights across the country.” — Denise Williams, President and Executive Director, First Nations Technology Council*

Once established through legislation, which is expected in 2018, I hope the new commission will enable our province to serve as a national and global leader in the protection and promotion of human rights.

*“[The legal system does not work for Indigenous people.] You have to go there with all your wounds and brokenness, and that doesn’t work for us.” — Elaine, Power of Women meeting on the Downtown Eastside*



## CURRENT HUMAN RIGHTS LANDSCAPE

To eliminate discrimination and protect human rights, we benefit from a legal framework that includes the B.C. *Human Rights Code*, the common law and international human rights. Also, a number of organizations play an important role in B.C.'s human rights system, including our Human Rights Tribunal, Human Rights Clinic and the Ministry of Attorney General. Many individuals and groups, and all levels of government, shape our human rights landscape every day. Below outlines the roles and responsibilities of each group.

The B.C. *Human Rights Code* protects persons from discrimination in areas such as tenancy, services available to the public and employment on the basis of personal characteristics including sex, race, religion, family status, physical or mental disability, place of origin, sexual orientation and, most recently, gender identity or expression in areas such as tenancy, services available to the public and employment.

B.C.'s "direct access" Human Rights Tribunal enables complainants to file complaints directly with the tribunal. The tribunal has its own screening and early resolution systems, including a mediation program that resolves almost half of complaints. The tribunal resolves discrimination complaints but cannot advocate for either party given its role as an impartial decision-maker. The tribunal also provides some public education through its website ( <http://www.bchrt.bc.ca> ).

B.C.'s Human Rights Clinic delivers information, advice and advocacy services with an emphasis on the early resolution of human rights matters for eligible complainants and respondents. It provides weekly drop-in assistance at the Human Rights Tribunal office to give in-person advice on human rights matters to members of the public. The clinic works with community groups, employers, labour unions, colleges, governments and others to provide training, from introductory to intensive, on a variety of human rights topics. The clinic staffs an information phone line and publishes materials relevant to human rights throughout B.C. <http://www.bchrc.net>

The Ministry of Attorney General has statutory responsibility for public education, information, research and consultations related to human rights. Some of these functions are delivered through the Human Rights Tribunal or Human Rights Clinic. The ministry is also responsible for providing policy and legal advice to the B.C. government on domestic and international human rights, as well as coordinating international human rights matters with other jurisdictions on behalf of the B.C. government.

International human rights standards are also part of our human rights landscape in B.C. For example, in 1993 the United Nations General Assembly adopted a set of "Principles relating to the Status of National Institutions", less formally known as the Paris Principles. These standards provide a framework for the development of human rights organizations, such as human rights commissions, around the world.

However, the human rights landscape in B.C. is missing an important feature: a Human Rights Commission. British Columbia is the only province in Canada without one — a situation that has been noted by provincial, national and international observers. B.C.'s previous Human Rights Commission was eliminated in 2002, leaving the Human Rights Tribunal to resolve human rights complaints after the alleged discrimination occurs. As an impartial mediator and decision maker, the tribunal is not able to take on systemic discrimination by instituting preventative measures to combat discrimination or taking on province-wide educational and advocacy functions.



Systemic discrimination issues are currently managed by following these steps:

1. Complaint of a systemic nature is filed with the Human Rights Tribunal;
2. The B.C. Human Rights Clinic assists complainants and respondents, addressing systemic issues during negotiations, mediations or hearings;
3. The tribunal may allow any person to intervene in the complaint whether that person is affected by the decision or not; and
4. Remedies ordered by the tribunal when it finds that discrimination has occurred, may be systemic in nature where appropriate.

## Challenges in the Current Model

### Education, prevention and advocacy

Education about human rights and obligations for members of disadvantaged groups, employers, landlords, service providers, and the general public is an important preventative tool. Education based programs increase understanding and support for human rights, as well as decrease the number of painful and costly human rights violations that must be addressed.

Since 2003, B.C.'s human rights system has been primarily complaint driven, with limited emphasis or resources devoted to education and prevention work. Responsibility for education and information sharing currently lies with the Ministry of Attorney General and focuses on the *Human Rights Code*. The remaining and majority of the education is contracted to the Human Rights Clinic.

*“The problem with not having had a Human Rights Commission in B.C. is that human rights education has gone backwards. People don’t understand balancing rights.” — Susan O’Donnell, former executive director, BC Human Rights Coalition*

Non-governmental organizations, human rights experts and advocates have been vocal about the need for a commission to deliver on a robust educational mandate. As Gwen Brodsky and Shelagh Day put it in their 2014 report (*Strengthening Human Rights; Why British Columbia Needs a Human Rights Commission: Human rights education matters*): “A significant role for human rights commissions in Canada is educating ... about various aspects of human rights including their meaning; the interpretation and application of statutory human rights law in Canada; the connections between Canada’s international human rights commitments and domestic human rights law; what human rights mean in daily life; how discrimination in employment and services affects the opportunities of individuals and members of groups in our communities; what compliance with human rights law requires; and how workplaces and services can be made discrimination-free.”

*“I think there needs to be a multifaceted approach that reaches out to everyone in society whether it is kids in school, seniors in homes, people at the doctor’s office, or the homeless and most vulnerable wherever they are. If reinstituting the human rights commission is supposed to increase our quality of life, then there should be measures for that.... I think government will also have to do work on those in society who have the most power and thus the first opportunity to either reinforce or abuse human rights — landlords, employers, etc.” — Heidi*



## Systemic discrimination

*"I am [a] LGBTQ person and Aboriginal... I have had to fight every day for basic human rights and services. Discrimination is rampant in our society and needs to be snuffed out..." — Garth*

Many people who spoke at the engagement sessions said that a lot of prevention work must be done to address systemic discrimination. Non-governmental organizations have worked hard over the years to address systemic discrimination. Often these organizations advocate at a grassroots level and intervene when human rights issues make it to the courts. However, they do not have the broad public mandate, the investigative powers and the resources that a commission would have.

The limitations of the current B.C. human rights system are addressed in human rights systems across Canada and internationally by commissions with the mandate and resources to prevent and resolve systemic issues. Across Canada, with the exception of Nunavut, which doesn't have a human rights commission, all federal, provincial and territorial commissions have been given a mandate to deliver human rights education and to address systemic issues.


*"Addicts in B.C. are still seen as sub-human, undeserving of resources or even basic care. Every addict is someone's loved one, no matter where they came from or have ended up. We need to annihilate the stigma addicts face as a barrier to receiving basic human care and concern." — Anonymous*

## Perception and trust

I heard from numerous stakeholders and individuals that the creation of a commission independent of government is paramount to ensuring its effectiveness. By reporting to the Legislature as opposed to the Attorney General, the commission can build trust with British Columbians and ensure that it is free to speak the truth through candid commentary on the actions of government and its elected officials.

## Opportunities for Improvement

*"Part of the education component isn't just 'this is a human right', 'this is not a human right', but root-cause issues need to be addressed that can systematically and functionally shift attitudes, behaviours, and policies. We need to teach people about the importance of human rights and how to centre work in anti-oppression. Anti-oppression work isn't just for the service providers that are serving marginalized communities, it needs to be ingrained and woven through all aspects of our society — with teachers; health care professionals; law firms; business and tech; shelter and housing; on and on and on..." — Joel*



A new commission should focus on deep and lasting change, leaving the resolution of particular disputes to the Human Rights Tribunal. The general consensus I heard during our consultation process is that British Columbians want to keep the current “direct-access” tribunal model. Many said that it would be a mistake to turn back the clock by creating a commission with a “gatekeeper” function to investigate particular complaints that should be resolved speedily by the tribunal. Wait times for access to early resolutions and adjudications were reduced from years to months in B.C. through the implementation of the direct access tribunal. By focusing on addressing the causes of systemic discrimination and reducing its impact, the commission will complement the dispute resolution work of the tribunal.

## **A 21<sup>st</sup> Century Human Rights System**

As a place that is open to new ideas and modernizing our systems, B.C. should become a leader in 21<sup>st</sup> century human rights services.

The need for more accessible services was a common theme throughout the discussions. I heard from many British Columbians who said that justice services are not accessible, too costly, too complicated and too slow. A challenge for the new commission will be to assist all British Columbians in accessing human rights services.

B.C. is already a global leader in justice service transformation and the development of digital justice services. By building on this experience, the new commission should be able to launch modernized human rights services, with a particular focus on long-distance services to British Columbians in rural and remote communities. Any person with online access through a computer or smartphone should be able to receive end-to-end human rights services through guided pathways — such as a series of questions to answer — that lead to the services they need. This may include both digital services (online information, self-help tools, early resolution tools and legal advice) and human services (provided in person, online or by telephone).

I also heard that the commission must focus on serving the most marginalized and vulnerable British Columbians, some of whom may not have the skills, literacy, access or education necessary to resolve their human rights issues through digital services on their own. In addition, not all British Columbians have access online and multiple options are needed to access these fundamental services. Ideally, British Columbians and service providers will be supported through local clinics, community centres, libraries and other community services.

The adoption of modernized justice tools must complement the availability of person-to-person supports. Family members, friends, shelter staff, community advocates, clinic staff, the legal professions and many others are essential partners in human rights services for the most disadvantaged.

*“It drives me crazy that we are still talking about this (access to Internet)... The lack of access to this tool could disenfranchise multiple generations.” — speaker at a workshop for Indigenous persons*



## LISTENING TO BRITISH COLUMBIANS: ENGAGEMENT OVERVIEW

When I was asked to listen to British Columbians about human rights and a new commission, my hope was to hear as many voices as possible and to connect with a wide range of people who have been affected by human rights issues. It has been an inspiring, humbling, and rewarding experience. Each story of personal challenge, each vision for a better future and each concrete suggestion on how to create a new Human Rights Commission was carefully considered in writing this report. I am grateful that so many individuals and organizations took the time for thoughtful participation at meetings and through the online engagement website.

*“When you are just trying to survive, human rights are the furthest thing from your mind.” — a speaker at a workshop for Indigenous persons*

I was reminded again and again during the engagement sessions that ideas around human rights are not fixed in time but change as our society changes. For example, laws have been in place for many years to protect individuals from discrimination based on gender. What that means and who it impacts are both evolving. For example, one question raised was: “Why do we have IDs that refer to gender?”


*“As a transgender person, the amount of discrimination and humiliation I have experienced from medical professionals is disgusting. I have had psychologists tell me that they could ‘fix’ me. I have been denied proper healthcare at hospitals after nurses found out I was transgender. (I had strep throat and was sent to a different hospital because of my genital status.) The list goes on. I deserve better. British Columbians deserve better.” — Stephen*

I also heard from British Columbians who have been discriminated against and find it hard to talk about their experiences – they need to build trust and respect before they do so. This is especially true for Indigenous peoples, which includes First Nations, Métis and Inuit, where much of the discrimination they have faced, and continue to face, is deeply systemic. I am honoured by the many Indigenous organizations and individuals who came to speak with me about their own experiences as well as those they have witnessed in their communities. Educators spoke about their deep concern for the educational outcomes for Indigenous youth — the same is true in many areas including health outcomes, clean water, accessibility, and Internet access. We must do better and a Human Rights Commission can play a vital role.

*“Flip the conversation. Can you drink the water in your home?”*

*“Missing the mark on inclusivity when it comes to Métis.”*

— speakers at workshop for Indigenous persons



Young people were often hesitant about speaking in public about their concerns as well, perhaps fearing reprisals or further judgments. One high school student who identifies as LGBTQ2S+ wrote about sitting through religious services with her family where she suffered in painful silence as she was told that she did not belong, nor would there be a place in heaven for her when she died. She went on to note how a rainbow crosswalk, along with the overwhelming public support for it, gave her a sense of empowerment and belonging in a world that otherwise appeared to reject her.

It is both natural and important that government consult a range of stakeholders — including academics, activists, business and legal communities, among many others — to help re-establish the commission. Indigenous people whose views are vital for our society have often not been engaged in setting the correct course for our future. In setting up our meetings, we carefully considered engagement with the Indigenous community and hosted two workshops in Victoria and Vancouver for Indigenous groups to come and speak to their experiences. In addition, Indigenous groups met with me in other centres in the province.

The subjects discussed at these workshops were wide-ranging but highlighted how Indigenous people feel excluded from mainstream society. I heard again and again about systemic discrimination against Indigenous people in B.C., resulting in under-representation in positions of power while being over-represented in systems such as foster care and correctional systems.

*“People are just living their lives and not thinking about human rights.”*

*“Poverty is a huge thing. That is a huge barrier to accessing things and a huge barrier to even caring about things.”* — participant at a workshop in Victoria for Indigenous persons

I also visited a high school and university to engage with youth and young adults about their understanding of human rights and experience with discrimination. A high school class from a small community used the public engagement process as a catalyst for students to write about human rights in their daily lives. There were heartbreaking stories that confirmed we have a lot of work to do. One participant pointed out:

*“People who are just trying to get by don’t always know what their rights are.”*



## Approach

Between September 20, 2017 and November 24, 2017 I met with hundreds of British Columbians. Right up until the release of this report, I read hundreds of messages including nearly 70 formal submissions sent to the online engagement site. The focus of my work was on the mandate and functions of the new commission. I received feedback on how the new commission could educate on human rights, prevent discrimination and help address systemic human rights violations.

There were several opportunities for engagement and to encourage participation from British Columbians by November 17:

1. A public online discussion, moderated and publicly visible. The site received 13,253 visits, and over 500 comments.
2. Interested groups and individuals were invited to provide written submissions to [BCHumanRights@gov.bc.ca](mailto:BCHumanRights@gov.bc.ca). Close to 70 submissions were received and have been posted to the engagement site.
3. I attended nearly 100 meetings on the topic of human rights, including two workshops for Indigenous organizations. As well British Columbians shared their stories and feedback with me at meetings in Victoria, Vancouver, Kelowna and Prince George.

## What I heard


I heard many personal stories about the experiences of British Columbians who have faced discrimination and the barriers it creates for individuals, communities and service providers. Issues around systemic discrimination came up frequently and participants spoke of a need to resource and fund supports that help people navigate healthcare, justice and assistance programs. They also spoke of the importance for those who have lived through these experiences to be included and represented in the new commission.

Throughout the engagement, I heard many insightful ideas and several stories filled with pain. I learned much, and my hope is that those I met with were also able to consider human rights in ways that they may not have considered or discussed before.

The stories from Indigenous people made it clear to me that the commission will need to continue to engage with their communities.

I also acknowledge that the importance of re-establishing a commission has been an active topic of discussion among human rights experts in B.C. and abroad for a number of years. The many papers and books on human rights commissions that have been produced as a result, have been helpful to me in preparing to lead the engagement sessions and the writing of this report.

Numerous organizations expressed the need for improved public education as a preventative measure, including a broad media strategy that is widely accessible and available in multiple languages. This campaign should address topics such as the rights of persons with disabilities, gender identity and expression, the role of the commission, and the responsibilities of employers, service providers and landlords, to name just a few. The need to provide education about available supports and resources was also discussed. I heard that many individuals do not know their own basic human rights and, even if they do, they do not know what to do or where to go when those rights are violated. The accessibility of these services is of paramount concern when speaking of B.C.'s most vulnerable individuals and hard-to-reach communities.



In addition to public education, many participants suggested that the new commission could develop workshops and training sessions on inclusiveness and diversity. This could engage frontline workers and service providers to help reduce disparities in access to services and to de-stigmatize those who access them.

I am inspired by those who spend so much of their professional and personal energy committed to improving the lives of those around them. There is a wealth of individual and organizational knowledge and expertise in our province that can inform the commission and provide ongoing updates and information on the stories throughout our communities.

Concerns were raised over current trends in safe and affordable housing, tenancy, and access to permanent shelter for those with addictions, disabilities and mental health issues, as well as for newcomers to B.C., Indigenous peoples and members of the LGBTQ2S+ community.

*“The one that winds up being the biggest things for me, as a doctor, is shelter... When we look at the population we work with they may not be homeless but they may have unstable shelter situations. They may technically be in a safe place right now, with shelter from the snow. But there may be no guarantee that they will have that. Someone may steal their things. Someone may attack them. Horrible things happen to these people. It may be shelter from the rain, but it is not safe... It comes down to human rights.” — Dr. Eric Butler, Central Interior Native Health Society.*

The needs of our most vulnerable populations — from children to seasonal migrant workers to seniors — require a commission that can help them navigate the services and supports to face the barriers that can often feel insurmountable.

The long list of participants in the appendices to this report demonstrates that the engagement process reached British Columbians from all corners of our province. Human rights groups, academics, legal experts, advocates, Indigenous persons, and individual citizens all provided information that created the fabric for this report and its recommendations. People are passionate about human rights.

## Online Discussion Forum: Questions and Responses

An online discussion forum was open to the general public throughout the engagement and received 511 comments in response to the five questions I posed for the purpose of gathering input, sharing stories and sparking conversation. Those questions were:

1. Which *Human Rights Code* grounds have played a role in your own life?
2. What roles do you think the B.C. Human Rights Commission should take on?
3. How do you feel the new commission should educate people about human rights under the B.C. *Human Rights Code*? Based on your experience, what topics of education would be important to individuals? What would be most helpful for employers or other organizations? What are the most convenient ways that you use to find information you need in your daily life?
4. What kind of discrimination have you experienced in the workplace? What did you do about it? If you're an employer or supervisor, how do you contribute to an inclusive workplace?
5. How do you feel your views on human rights and discrimination compare to the way you were raised? What youth-centred issues do you think the new Human Rights Commission should focus on? And how do you think a Human Rights Commission should interact with youth?

While individuals did not have to identify where they lived in the province, many did and illustrated that people in every region of B.C. wanted a voice on the topic.


The overwhelming majority of comments related to discussion topic 1: "Human Rights and You". This first question received over 250 responses with a range of topics. I was truly humbled by the genuine openness with which so many individuals shared their deeply personal stories. Some were heartwarming and others painted a poignant picture for me as to why this commission is so vital. I want to thank those who participated for having the courage to speak up, and to recognize that many were unable to do so for their own reasons. Your stories are the tip of an iceberg and there is much work for the commission to take on.

The need for accessible services was a theme I read multiple times in the discussion forum. Many referred to the absence of plain language, roadblocks in locating resources, financial barriers to justice and inclusion, and physical inaccessibility for those with mobility impairment and those who live in rural communities. Ensuring that we reach those who cannot reach us must be a priority for the commission. As noted, a modern approach to delivering digital and human services will be essential to addressing this priority.

I read many stories of discrimination in the workplace, and heard how addressing violations was intimidating and brought up feelings of fear and anxiety over reprisals. One anonymous commenter wrote:

*"I would love to see some place to report work place issues anonymously so statistics can be gathered and a better understanding can be gained. In fact, it would be great if there were more councillors and hot lines for these problems."*

I read that some were concerned about how a commission would impact their freedom of speech, and how others didn't feel represented by current laws.



I read many comments that pressed the need of public education and a need to break down stigma and stereotypes surrounding mental health, addictions, persons with disabilities, Indigenous populations, homeless individuals, residents of Vancouver's downtown east side, gender identity or expression.

*"I believe people should be protected from bias and discrimination based upon body size and shape. Obesity is a non-communicable chronic disease which is openly mocked, targeted with bullying and hate, and subjects persons with obesity to open hostility in the workplace as well as discrimination from potential employers based on assumed 'laziness' or assumed poor lifestyle choices..." — Linda*

## Written Submissions and Direct Contact


Nearly 70 written submissions, all thoughtful and thorough, provided excellent guidance for this report. I also held 94 meetings with individuals and organizations in Victoria, Vancouver, Kelowna and Prince George.

The issues addressed in these submissions and meetings varied widely. A large majority of those who commented specifically on the structure of the commission called for the commission to be independent of government. Across the province British Columbians recognize that human rights are fundamental to our society and while we have come a long way, there is still much work to be done. The diversity and the passion of the groups and individuals who attended meetings and made submissions was a signal that many communities in B.C. continue to face significant barriers in today's world.

Numerous organizations and human rights practitioners from around the province took the time to write formal submissions on the pain points and systemic discrimination that they witness throughout their work. By sharing their insights and experiences, they helped me to understand the complexities of inequality and systemic discrimination, and the intersectional qualities — where a series of social identities such as homelessness, race, gender, disability come together — create even more complex barriers for individuals to being fully included in our society.

The issues highlighted in these submissions were varied. The submissions addressed the many aspects of society where people are excluded and treated unfairly. From accessibility, to clean drinking water, to timely treatment for those with serious mental illness, to equitable access of healthcare services, many members of our communities are unable to reach the essential resources they so desperately need.

Numerous groups and individuals asked that for the B.C. *Human Rights Code* be updated to include the provision of social condition (particularly poverty) as grounds of discrimination. Some called for non-religion to be a protected ground, while others highlighted everyday struggles that need proactive and sustained outreach. Inclusion and representation of those with first-hand or 'lived' experience were prominent concerns amongst many organizations. Understanding the root causes of the many struggles our communities face, will help us to advance more effective strategies that can achieve better outcomes for those that have been disenfranchised and marginalized.



As our society continues to change rapidly, the new commission will need to consider how those changes affect human rights, respond appropriately and in a timely manner. Rapid strides in genetic engineering and bioethics will also raise human rights issues. Developments in artificial intelligence, online technologies relying on algorithms, and other transformational services raise human rights issues and opportunities. The commission will need to monitor trends and future concerns, while retaining its primary focus: fostering human rights in the daily lives of all British Columbians.

## Comments From Participants

The following is a selection of additional comments raised in written submissions and through my in-person contacts with British Columbians.

### Discrimination Against Indigenous Peoples

*"I get the impression that we in B.C. can sometimes fall into the trap of thinking we're doing everything right. Casual racism is rampant here, especially against the First Nations. It exists across the province, and in our government and public services; it serves to undermine any effort that we make to achieve true reconciliation and collaboration." — Tim*

### Sex and Gender Discrimination

*"Pay equity and women's rights are areas where [the Employment Standards Act] ESA can use more support from B.C. Human Rights Commission. ESA must fall in line with the BC Human Rights Code statement shall not be discriminated based on sex. Pay issues are certainly viewed differently in Ontario and should be considered for review here." — Don*

*"Our healthcare system is severely lacking in what should be basic knowledge when assisting transgender patients." — Stephen*

### Family Status Discrimination

*"A parent's right to take parental leave with discrimination in the workplace – including fathers! My husband was treated so badly upon exercising his right to take a short-term parental leave after the birth of our first born that he felt the best option was to look for another job; all this after nine years in a senior position in the private sector, with high performance ratings. The risk in escalating the issue was also with the professional association with whom he was a member – he would then be seen as a trouble maker, making it harder for him to find a new job." — Chris*

*"The whole discussion on human rights is pretty obscure to me until I started thinking about a situation when I was pregnant. I was acting in a job for many years and just prior to going on maternity leave was demoted back to my original position.... which meant my maternity leave salary was reduced greatly*



*from what I should have received. The reason for the demotion was unclear and had no merit. I complained to HR and they ruled in my favour and I was reimbursed about a year later. It made maternity leave more difficult than it needed to be but in the end I knew I was being treated unfairly and I was glad my employer did too. I didn't stay long after returning though, found a better alternative." — Lynn*

## Disability Discrimination

*"Living with a disability in BC is challenging at best. People living with both visible and invisible disabilities face discrimination on a daily basis, be it in housing, employment, medical treatment, or when we interface with government and law enforcement. Might I recommend we have a space in the BC Human Rights Commission specifically for those of us living with disabilities? Re: Topics for employers and organizations. Living with a disability, employing people with disabilities, universal design, and grants available for workplace enhancements for PLWD (Persons Living with Disability) in B.C." — Anonymous*

*"When I approached BC Disability, I learned I again did not qualify, as my husband's salary was considered too much. So I am left feeling like a parasite, unable to contribute and unable to get support from the federal or provincial government. Oddly enough, if my husband and I divorce and I have a separate address, I could collect BC disability." — Sheila*

## Age Discrimination

*"Age discrimination when it comes to housing is a very real issue for our family. Because we have a child, we are unable to rent or even purchase housing in certain developments. It makes no sense to restrict families from moving into neighborhoods and development where everyone has to be 19 years or older, 40 years or older, etc. due to strata council rules." — Ailsa*

*"I am concerned that after spending most of my life living and working in Victoria I can no longer afford to live here and must move, leaving my friends and beloved city behind. There are many seniors ... who have worked their whole lives and in their retirement can no longer find any affordable housing. And too many are being laughed at and told to leave town as they are too poor to live here anymore. Many try to find work to supplement their pensions but are too often faced with ageism. I realize housing is not a human right but I believe that is not right to treat people with disrespect because of their age or income." — Jacqueline*



## Race, Colour, Ancestry and Place of Origin Discrimination

*"People make fun of me because of my Aboriginal background." — high school student*

*"I have experienced discrimination based on race, especially in the school system while growing up in Canada ... however I would caution that while it's important to deal with individual cases, real lasting change can only happen when racism, discrimination and colonialism are dealt with at the systemic and institutional levels." — D*

*"worked for a major supermarket for over a decade  
new manager comments that the produce dept is all chinese  
within a year, all the chinese are gone, replaced by white  
employees  
i was a victim of constructive dismissal  
assault, threats, intimidation  
i did not know my rights  
the union was useless  
i am uneducated  
the statute of limitations acts prevent me from taking legal  
action  
the statute of limitations should be abolished  
there should never be a time limit for justice  
the BCHRC could not help me even if i applied" — John*

## Religious Discrimination

*"Under Canadian case law, religion requires worship of a supernatural deity. Non-believers in supernatural deities should be protected as well." — Ezra*

*"Non religious people need to be protected too. For example, I am not religious but do not want to be forced to take prescription pain medication [as required to comply with an insurance claim]. I prefer to use mindfulness, Pilates, physiotherapy, etc to manage my pain, not prescription drugs. If I were part of a religion that banned prescriptions, I wouldn't need to take them. However, I prefer science... Why should I be made to pollute my body with unproven drugs in order to receive ... insurance? This violates my person and my values." —Anonymous*



## Social Condition Discrimination

*“Vulnerable women don’t have phones, phone numbers, or addresses. They are often not literate and can’t use computers.” — Downtown Eastside Women’s Centre representative*

*“I support the following human rights:  
A place to live, so no one is homeless.  
A minimum wage that is a living wage, that increases each year based on the rate of inflation. Then it will never be a poverty wage.  
The person who makes the most amount of money at a business cannot make more than five times what the person makes who is paid the least.  
A universal basic income so that those who fall through the cracks can get back up, be able to look for work, and contribute back to society again. Charity is not an effective way to fix this, government has to get involved.  
The price of places to live, whether to own or rent, is strictly controlled so that huge amounts of money cannot flood the market and make it unaffordable to all except for the 1%.” — Carl*

*“Poverty is a direct violation of human rights. This is a simple idea with complicated implications, because poverty itself is very hard to understand. It has many causes and factors that lead to it, and everyone experiences poverty differently. Despite these differences, it is important to keep in mind that poverty does not just mean financial insecurity, but rather it refers to the “chronic deprivation of the resources, capabilities, choices, security and power necessary for the enjoyment of an adequate standard of living.” — Darren*



## VISION FOR A 21<sup>ST</sup> CENTURY COMMISSION

By building a new house from the ground up, rather than renovating an old one, it is possible to address today's pressing needs. Representatives from other jurisdictions told me they were envious of B.C.'s ability to start afresh in establishing a new commission, making it easier to build a truly modern commission from the ground up.

A system — one with an independent commission with responsibilities for human rights and systemic discrimination; a tribunal responsible for resolving particular disputes; and a clinic to provide early resolution services — clearly emerges as the gold standard. It is the one recommended in 2002 by the Canadian Human Rights Act Review Panel and it has been successfully implemented in Ontario.

*"I think we need a Human Rights Commission in order to promote ideas about protecting people and protecting the right to be an advocate for the most vulnerable. I think we need a Commission to engage in education. Children today will be our leaders tomorrow and we need to prepare them for the future. A Human Rights Commission can begin discussions in classrooms across British Columbia about how to make and keep our society compassionate and respectful for all citizens regardless of their color of skin, their sexual identity or their religion." — Larry, an Algonquin Indian*

I heard widespread agreement that many functions in the existing B.C.'s human rights system should be maintained, and the absence of a Human Rights Commission means that critical work is not being done to promote and protect human rights. Existing organizations have limited capacity to promote a climate of understanding and mutual respect concerning human rights. They do not have the mandate or capacity to prevent discrimination, as their services are primarily responsive. As noted, these organizations have limited capacity to identify and eliminate persistent patterns of inequality given the limitations around their research and outreach resources. A strong and independent human rights system in B.C. should be built upon four pillars:

1. An independent Human Rights Commission that promotes and protects human rights;
2. A direct-access Human Rights Tribunal with a dispute resolution mandate;
3. A Human Rights Clinic that provides specialized information, advocacy and representation services focused on early resolution; and
4. The Ministry of Attorney General with the responsibility and oversight of the B.C. *Human Rights Code* and the legislative framework necessary to protect persons from discrimination.

*"The Code is really just a bunch of black marks on a page and unless people enact its spirit, it only comes into action when explicit, traceable discrimination occurs. Most of the time in the workplace, discrimination is subtle, systemic, cultural, invisibilized, couched, casual, micro and unintentional. The Commission will have to prioritize its goals and define its roles along the continuum of upholding a policy and changing everyday behaviour." — Mela*



## RECOMMENDATIONS RELATED TO A NEW HUMAN RIGHTS COMMISSION

### A: Creation of a Human Rights Commission

#### 1. Recommendation on the independence of the commission

Structure the commission to be independent of government by having the Human Rights Commissioner report directly to the Legislature.

The turbulent history of human rights commissions in British Columbia speaks to the negative impact of partisanship on services that are basic to a civil society. The need to create a stable human rights system was a common theme among many stakeholders who urged that an all-party, merit-based appointment process, like the one for B.C.'s Ombudsman and for the Representative for Children and Youth, be adopted for B.C.'s Human Rights Commission.

The authors of *Strengthening Human Rights: Why British Columbia Needs a Human Rights Commission* wrote convincingly on this subject. Respected academics also urged this approach. International standards, such as those set out by the Paris Principles, also identify independence as an important “effectiveness factor” for human rights systems.

An independent commission — one that has an allocated budget — will permit open and candid commentary on the human rights performance of the government and elected officials within B.C. An independent commission reporting to the Legislature is the gold standard in human rights protection.

*“I repeatedly asked what was meant by their claim of being ‘independent’, since they are government-run and their lawyers are government.” — Olga*

#### 2. Recommendation on the size of the commission

The commission should comprise one appointed commissioner. It should be supported by knowledgeable staff, human rights advisory council, working groups and community partnerships.

Bureaucratic structures can sometimes fall victim to their size and related processes. A theme that emerged in my conversations was the need for a new commission to be streamlined and efficient. A dynamic and visionary single commissioner was recommended by a number of stakeholders and I see the wisdom in taking this approach for British Columbia.

*“I would also like to see a commission that is properly resourced to serve its mandate. Long waits to have cases settled should be avoided.” — Maria*



## **B: Purpose of the new Human Rights Commission**

### **3. Recommendation for commission's role in relation to the Human Rights Tribunal**

B.C.'s new Human Rights Commission should proactively promote and advocate for human rights. It should be separate from the Human Rights Tribunal whose role will remain as the impartial adjudicator of human rights complaints.

Broadly speaking, the B.C. government will look to the Human Rights Commission to educate British Columbians on their human rights; lead or inspire research in the field; and develop guidelines and policies that promote human rights. British Columbians will look to the commission to initiate inquiries of relevance to society and publish special reports. It should be proactive in its push for greater human rights for all by initiating, supporting and sustaining change with a particular focus on the root causes of ongoing discrimination and inequality.

### **4. Recommendation on the commission's role in relation to government**

In its independent role, the Human Rights Commission should hold governments to account through its research, investigation, policy development and recommendation functions.

I heard from British Columbians that they look to their governments to be role models for inclusiveness and anti-discriminatory practices. We know that this is not always how things turn out. Through the commission's research, investigation — including the power to require the production of information and data — and policy functions, it should address decisions taken by governments. If a commission reaches a conclusion that a systemic human rights issue exists in B.C., it should formally recommend corrective measures. Like the B.C. Ombudsperson, the commission should have the ability to report to the Legislature if it determines that no suitable action has been taken.


## **C: Functions of the Human Rights Commission**

### **5. Recommendation on the commission's primary functions**

As a primary function, the commission should educate British Columbians on human rights, helping to build healthy and respectful relationships across our society. Its education function should be aimed at fostering social change. In addition, the commission's education function should be targeted to groups both in the private and public sector so as to deepen the understanding about rights and obligations. Education is a vital element in reducing discrimination and addressing systemic discrimination.

Educating the public — in particular, employers, service providers, members of disadvantaged groups, as well as those who are advantaged — about their human rights and obligations can foster a culture of respect and can be a useful preventative tool in reducing the likelihood of human rights violations. This was heard repeatedly in many of my discussions.

As well, I heard from British Columbians about their growing unease regarding racist commentary, particularly online, and a desire for the new commission to play a role in looking for tools and strategies to combat racism.



Education and the ability to examine systemic human rights issues are key functions of human rights commissions both domestically and internationally. The Paris Principles confirm that the fundamental mandate of such institutions is to promote and protect human rights, with education as a central responsibility. More specifically, the Paris Principles state that a commission has the responsibility “to assist in the formulation of programmes for the teaching of, and research into, human rights and to take part in their execution in schools, universities and professional circles”. It should also “publicize human rights and efforts to combat all forms of discrimination... by increasing public awareness, especially through information and education, and by making use of all press organs.”

Ways in which commissions can carry out their educational function include working in collaboration with others to:

1. Develop human rights resources and best practices for employers, service providers and businesses, including train-the-trainer education services and digital services that can reach audiences online.
2. Create awareness and education campaigns for the public and elected officials.
3. Develop educational tools and resources — such as tool kits, training courses and creative new digital services — for officials, such as law enforcement officers who have frequent involvement with traumatized victims and members of marginalized communities.
4. Create public awareness campaigns and human rights supports for disadvantaged and marginalized groups such as: Indigenous peoples; LGBTQ2S; persons with disabilities; ethnic, religious or linguistic minorities; and women and children.
5. Act as a resource and training centre for both public sector and non-governmental bodies.

*“Put B.C. on the cutting edge of community inclusion by training police, judges, courts, and others who work in the justice system and corrections to deal with people with developmental disabilities and dual diagnosis of people with developmental disabilities too thank you!” — Krystian*

*“Human Rights violations are difficult on workers and workplace culture. They can cause significant disruptions to team dynamics and productivity.... As a province with an eye towards innovation, we should be doing all we can to prevent human rights violations from happening in the first place...” — Association of Administrative and Professional Staff at UBC*

*“The commission can also set-up a recognition mechanism to honour businesses, NGO’s, institutions that set best examples for others. Through nomination by individuals or other institutions, the institutions’ efforts in the area of human rights can be recognized.” — Denize*

## 6. Recommendation on special programs

The commission should be given responsibility for approving special programs, such as those that enable the hiring from an identified category of people who are disadvantaged to fill certain types of positions.

In the existing system, the Human Rights Tribunal fields requests for special programs. An example of a special program that has recently been approved is a program for the preferential hire of Indigenous teachers to teach Indigenous culture at a B.C. university. Currently, there are over 60 special programs approved by the tribunal. The goal of a special program that is adopted by an employer or other service provider is to improve the conditions for an individual or group that has faced disadvantages. Special programs treat groups differently in order to achieve their specific aims and the larger goal of ensuring equality. Pre-approval from the Human Rights Tribunal for a special program, doing so can protect the employer or service provider from a successful claim of discrimination.

With the recommendation that the commission engage in research and education, I feel that the commission will be better situated than the tribunal to assess and approve these types of programs aimed at improving equality. In addition, its outreach and partnership role with community organizations will facilitate special programming, as well as provide real opportunities to accurately assess their effectiveness.

## 7. Recommendation on role related to systemic discrimination


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.

A commission with a mandate to examine, inquire into, and report on systemic issues of inequality and discrimination can similarly assist in addressing unfair practices that adversely affect groups of people (not just individuals), and support employers, service providers, landlords and others with practical resolution tools, policies and guidelines.

*“Staff in all government agencies must be trained AND demonstrate proficiency in assisting citizens for whom they work.” — Anonymous*

Systemic discrimination in B.C. was a subject that came up often through the online discussion, with individuals writing about their experiences in hospitals, with landlords, in the education system and in a range of other contexts.

*“The marginalization and discrimination that First Nations students face manifests in low achievement results. For example, in 2015-2016, the six-year completion rate was only 53% for First Nations status on-reserve students in comparison to 86% for non-Aboriginal students...this achievement gap is not a failure by First Nations students, but ‘a failure of the education system to meet their needs.’” — member of First Nations Education Steering Committee*



Education and training on systemic issues in schools, hospitals, the public service and other institutional bodies were functions that many considered critical to reducing or eliminating systemic discrimination. Ontario's Human Rights Commission is a successful example of this having produced a number of policies, guidelines and papers regarding systemic racism. Similarly, the Canadian Human Rights Commission has published policies and guides on numerous subjects including workplace harassment; alcohol and drug testing; Aboriginal employment preferences; environmental sensitivities; accommodating mental illness; and pregnancy and human rights in the workplace.

The Australian Human Rights Commission has addressed systemic issues regarding race, disability, children's rights and gender identity. The Danish Institute for Human Rights has recently published a paper on "Hate Speech in the Public Online Debate." In Scotland, the Human Rights Commission developed a training video to improve police understanding about the trauma domestic violence victims face and the resulting impact that trauma can have on their investigations. These are just a few examples that the new commission should consider in addressing systemic discrimination in B.C.

*"I experience systemic discrimination as a result of unequal mental health care, inadequate rehabilitation, and multiple barriers to a life where I could flourish. In a word, I am not fully included into society, nor are my differences respected or accepted by many or even understood, I don't have equal access to health care or equal opportunities." — LGM*

## 8. Recommendation on international human rights

As set out in the Paris Principles, a new commission should promote compliance with international human rights obligations and the protection of human rights in their broadest sense. While it should develop relationships with other human rights commissions, Non-governmental Organizations (NGOs) and governments to identify best practices that will advance equality in British Columbia, it should remain focused on the day-to-day experience of British Columbians.

The Universal Declaration of Human Rights remains as relevant today as it was when it was proclaimed and adopted by the United Nations General Assembly in 1948. Since that time, many more international human rights declarations and treaties have been developed and adopted by Canada. For example, I heard about the importance of the Convention on the Rights of Persons with Disabilities, the Convention on the Rights of the Child, and the Declaration on the Rights of Indigenous Peoples as key to the ultimate promotion and protection of human rights in B.C.

With its recommended independence, it is hoped that the commission will look to international obligations and undertake initiatives that promote compliance with international treaties and norms in a manner that will serve the best purpose for the ultimate promotion and protection of human rights in B.C.

*"The B.C. Human Rights Commission [can] ensure [that] the International Human Rights Treaties Canada has ratified are fully implemented in B.C. The Convention on the Rights of Persons with Disabilities for example, is BINDING on all Provinces and Territories in Canada since 2008 but B.C. has yet to conduct a legislative review to harmonize this Treaty with BC Laws a decade later." — Janice*

## 9. Recommendation on the use of technology

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. and by making efficient use of resources. It should also promote equal access to the Internet across B.C.

A 21<sup>st</sup> century commission must deliver effective services by adopting appropriate technology to support and enhance distance services. While technology is not a cure-all, for the majority of British Columbians it is part of everyday life. Technology is a dynamic force, useful for conveying information, assisting in decision making and facilitating action. It can perform all these roles in a human rights system.

A 2011 United Nations report stated that access to the Internet is a human right and, without universal access, the Internet will “become a technological tool that is accessible only to a certain elite...”

It is important to recognize that human rights matters often involve some of the most marginalized and vulnerable populations. Some individuals may not have access to the Internet, or may have barriers that prevent them from accessing it, or may not feel familiar or comfortable enough to use it. The application of technology within the human rights context should be done with a goal of expanding access to those who have the capability and capacity to use it, thereby freeing up person-to-person services for those that do not. It should include online-guided resources to legal information, self-help tools, early resolution tools, digital legal services and the human supports required by disadvantaged persons to justify rights and to inform others of their human rights obligations.

*“The Internet is no longer a luxury that exists simply to make our lives easier and provide entertainment. It’s progressed to a necessity for access to many services because more and more service providers are requiring Internet access to complete application processes, communicate with staff in order to maintain eligibility benefits, and obtain service in a timely manner.... The Internet needs to be declared a fundamental human right and provisions need to be made to ensure that everybody has access to it, including hardware, a reliable connection and the skills to successfully navigate the Internet.” — Nicky Dunlop, Executive Co-ordinator, PovNet*

*“Poor connectivity places students in First Nations schools far behind their counterparts in the public school system.” — First Nations Education Steering Committee*

*“Do NOT depend on social media or other technology. Many persons who need to know their rights do not have access or skills to use.” — Anonymous*

*“Citizen complaints must be investigated by an outside agency, not an agency manager. All written information must be in plain language NOT legaleze!” — Sharon*



## 10. Recommendation on research partnerships

The commission should, where possible, advance human rights research and facilitate conversations through partnerships with institutions which have shared interests. However, this work should be carried out with a clear focus on promoting the day-to-day human rights of British Columbians.

British Columbia has an influential and well-developed body of non-government agencies, business and professional associations, and well-respected academic institutions. By working with them and facilitating open discussions among them, the Human Rights Commission will gain an ongoing, clear understanding of the needs and desires of British Columbians.

*“The Commission should take the lead on facilitating respectful discussion and debate amongst all members of the public, allowing everyone to share their views, while educating and helping to reduce ignorance and stereotyping.” — David G. Wong*

## 11. Recommendation on existing human rights-related reports

The commission should consider the extensive reporting already carried out in the human rights arena and shine a spotlight on action items that remain outstanding.

Individuals and organizations are enthused about the new path the government is taking on human rights, and are looking to the commission to help move the province’s human rights agenda forward. I also heard fears that the commission might become another organization that produces many reports and little action. These individuals spoke to me about their frustrations and increasing cynicism arising out of inaction on critical recommendations on many human rights topics. Repeatedly, I heard that the commission should put a spotlight on action items that remain outstanding from reports already done.

A commission that plays this role would meet public expectations about holding governments to account. Commissions and international bodies that have reported in details on human rights include: the Truth and Reconciliation Commission of Canada; the National Inquiry into Missing and Murdered Women and Girls; Report of the United Nations Committee on the Elimination of Discrimination against Women; Report of the Special Rapporteur on the Rights of Indigenous Peoples in Canada; Report of the Inter-American Commission on Human Rights Missing and Murdered Indigenous Women in British Columbia; and many other reports produced by NGOs, academics, and treaty bodies.



## D: Powers of the Human Rights Commission

### 12. Recommendation on inquiry powers

The Human Rights Commission should be given power to call an inquiry on systemic instances of discrimination where the goal is not to find fault, but to hear evidence from those involved and affected, gather data and documents, and make recommendations about steps that would prevent or ameliorate the discrimination.

Inquiries can be highly effective ways to advance the work of human rights commissions as inquiries can create a platform to address broader issues that individual complaints may not adequately resolve. As an example, the Ontario Human Rights Commission regularly identifies issues, such as racial profiling by police, gathers information on those issues, and makes a report with recommendations for action.

*“Listen, learn and then act. Always in that order. Government often does it the other way around.” — Sto:lo Tribal Council  
Grand Chief Doug Kelly’s advice to the new commission*

### 13. Recommendation on human rights working groups

The Human Rights Commission should be given the power to create a working group for special assignments where particular expertise would bring value to the work of the commission.


The best policy and actions grow out of trust, respect and carefully listening to others. In its role as champion of human rights, it will be essential for the commission to adopt the “nothing about us without us” principle. By turning to working groups to guide and verify its work, the commission can ensure the voices of persons with human rights issues are reflected in its work.

*“Adopt a human-centred design approach to all work done by the [commission], thus including people with disabilities directly in the work of the commission. Canada is a signatory to the United Nations Conventions for the Rights of Persons with Disabilities (UNCRPD) and as part of this commitment, all levels of government must commit to an inclusive design process which ensures that principle “nothing about us without us” is followed. — Tanya Vrionis, president, MS Society of Canada, BC & Yukon Division*

### 14. Recommendation on communicating in multiple languages

The commission should develop its communications materials in various languages and facilitate the availability of human rights information in a way that reflects the diverse nature of British Columbians.

B.C. is one of the most ethnically diverse provinces in Canada. In total, there are 203 First Nations in B.C. (of 600 in Canada), representing 34 distinct languages. In fact, 1/3 of all Indigenous languages in Canada are spoken here in B.C. An estimated 40,000 new immigrants arrive each year, with little to no English or speaking it as a second language. The communities where they reside often face human



rights issues. While efforts have been made to make existing materials on human rights available in a number of languages, those efforts do not come close to addressing the diversity of languages spoken in the province. This results in barriers for many individuals.

While the use of artificial intelligence translation programs is controversial in some jurisdictions, there is substantial value in exploring the use of such programs by others, including Saskatchewan, as they push forward in making materials available in dozens of languages using cost-effective digital tools.

*“Addressing language, culture and information barriers to ensure newcomer communities know and understand human protection and process should be a key mission of the commission.” — Member agency of Affiliation of Multicultural Societies and Service Agencies of British Columbia*

## **E: Early priorities of a Human Rights Commission**

As I spoke with British Columbians, I was moved by the willingness of individuals to bring to life how human rights affect their day-to-day lives. These stories were sometimes painful to hear, yet out of the stories, strong themes emerged serving as a compass for the new commission’s early work. In addition to my recommendations for the commission’s structure and roles, I have identified a set of recommendations that directly affect the lives of British Columbians.


### **15. Recommendation on human rights for Indigenous peoples**

The Human Rights Commission should, as soon as practically possible, collaborate with and consult Indigenous groups to develop commission policies and practices that honour the principles set out in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). Commission staff should all have cultural understanding and cultural safety training to help create a space where respectful conversations can take place. As well, the commission should develop in collaboration with Indigenous partners, a focused engagement strategy to increase awareness and effectiveness of the commission and its role, and for the commission to learn from Indigenous communities.

The commission will have an important and groundbreaking role to play in building trust and working toward reconciliation between Indigenous communities and non-Indigenous peoples, as noted. To do this, the commission must create the space for a dialogue around the province’s human rights laws by travelling to and engaging with Indigenous communities. Indigenous people have many lessons to teach us and it is vital the commission take the time to hear them. This momentous task cannot be completed overnight, and ongoing engagement and respectful conversation will be essential.

*“If you are serious about hearing from Indigenous Nations, you should go to those nations.” — comment from Vancouver Indigenous peoples workshop*

History has shown that advancements made in society are accompanied by timely opportunities seized; a set of circumstances arises and presents a new canvas ready for painting. I believe, and I am not alone, that we are at a time that is ripe for transformation in our relations with Indigenous people. It



is in this context that the conversations with Indigenous people, organizations and leaders highlighted the importance of the new commission and human rights as they related to Indigenous people.

In B.C. we have made a commitment to work in collaboration with First Nations to develop a clear, cross-government vision to guide the adoption of UNDRIP, the Truth and Reconciliations Commission's (TRC) Calls to Action, and the Tsilhqot'in decision. This will be inclusive of all Indigenous people and communities, including non-status, Inuit and Métis peoples.

UNDRIP sets out the internationally recognized minimum standards for the treatment of Indigenous peoples and seeks to ensure recognition of the collective and individual rights of Indigenous peoples. Among its key themes are:

- 1.** Fundamental human rights and freedoms
- 2.** Self-determination and internal governance
- 3.** Preservation of culture, spiritual and religious traditions
- 4.** Education and communication
- 5.** Consultation - including free, prior and informed consent
- 6.** Lands and resources; and
- 7.** Social and economic conditions

It is essential to the success of the commission, and the province's relations with Indigenous people, that UNDRIP lens be brought into the creation of the new commission, and the work it will do. All of government has the responsibility to review policies, programs and legislation to determine how to bring the UNDRIP's principles into action. The commission will have a role, from a human rights perspective, in ensuring that government fulfills this responsibility.

The conversations I had with Indigenous individuals, organizations and nations made it clear that building trust will take time, and the first and essential step will be for the commission to honour Indigenous peoples' expertise and contributions, as well as build trust and respect.

*"I would... like to see the B.C. commission carve out a special role for itself in encouraging implementation of the parts of the UNDRIP that B.C. could in fact act on. This could be especially relevant to how Indigenous children in care are treated, and most especially, the ones that age out of the system and occupy that transition period where they're not quite ready to be on their own but the system forces them ahead." — Peggy*

*"Recently saw two posting for youth workers in one of our school districts. One was an Aboriginal youth worker and the other was a youth worker for non-Aboriginals. Both job descriptions educational expectations and required experience were exactly the same. The Aboriginal youth worker was paid \$2 less per hour. This is not alright" — Elaine*

## 16. Recommendation on gender identity

As soon as practically possible, the commission should take on the study of gender as an identity requirement in public documents, and make recommendations on its necessity or where it should be eliminated.

Over the course of the public engagement meetings, I met with numerous representatives of the LGBTQ2S+ community who questioned whether it is necessary to include gender on official documentation. They expressed the view that the binary system of gender identification is problematic for them and for others in their community. They told me that if their gender doesn't match their identification, then they are 'outed' every time they show their ID, which can include occasions when they are seeking employment, housing or medical services. For these individuals, gender identification raises concerns for their safety and wellbeing.


I respect and appreciate the candour with which they shared their concerns and experiences. Several groups I met with expressed the hope that this was an issue that the commission could take up early in its mandate. It is a complex area with differing perspectives, both within and outside the LGBTQ2S+ community, and deeper appreciation of how best to support the concept is required.

Some people want gender eliminated from identity documentation entirely; others feel strongly that their documentation should explicitly reflect their (lived) gender. Some of the people I met told me that, for them, gender was meaningless; others viewed gender as their own deeply felt, experience. I heard that gender identification can be necessary for health care providers or for some medical purposes, but I also heard that the health care sector is one of the worst places in which to use gender data. There were groups that felt data collection on gender should continue because it benefits the LGBTQ2S+ community; others expressed the view that it is embarrassing and leads to further discrimination for members of that community.

These issues are multi-faceted and many hold strong opinions. The commission will be well-placed to examine the various perspectives and considerations important to all stakeholders and, if appropriate, to make recommendations that will help advance these issues and our understanding of them.

*"We have transitioned away from race [as an identity requirement] so why not sexual identity." — Aaron H. Devor, Professor of Sociology, University of Victoria and author of Gender Blending: Confronting the Limits of Duality; FTM: Female-to-Male Transsexuals in Society; and The Transgender Archives: Foundations for the Future.*

*"I am gender-nonconforming and I would like to see more options presented to those of us who do not identify as man or woman. I would like to not face either/or options presented to me by the Province of B.C. in a variety of social spaces and documentation. Every time I bump into one of those restrictions, it is another reminder that we have a ways to go for human rights in B.C. — a ways to go in acknowledging a gender constellation." — Lee*



*“In asking Two-Spirited people to identify as ‘male’ or ‘female’, we are supporting colonizing practices of homophobia and transphobia and are repeating historic damage by requiring Indigenous people to draw lines through their bodies to fit within a western gender framework.” — Raincity Housing/Gender Free ID Coalition*

*“One of the most basic ways the commission can promote and protect our rights is to stop gendering us without consent.” — Shantel Ivits, Gender Free ID Coalition*

## **17. Recommendation on foreign credentials**

As soon as practically possible, the commission should take on the issue of foreign credentials, particularly whether immigrants and other newcomers to the province are being discriminated against.

The main areas of concern we heard from stakeholders were the failure of B.C. employers to recognize the work experience of newcomers to the province, and the failure of employers, regulatory bodies and educational institutions to recognize foreign-earned credentials. These issues have long been recognized as obstacles for immigrants and other newcomers to Canada and B.C. They have a negative impact on both our economy and our society as a whole.

The Ontario Human Rights Commission has addressed the “Canadian experience” barrier in a policy published on its website dated February 1, 2013. It has set out a series of best practices for employers and regulatory bodies, with a focus on facilitating newcomers’ integration into and contribution to Canadian society.

*“...lack of Canadian experience is the most common barrier for newcomers seeking meaningful employment in Canada. Indeed, newcomers often find themselves in an impossible bind; they cannot get a job without Canadian experience but they cannot get Canadian experience without a job. — Multi-Lingual Orientation Services Association for Immigrant Communities (MOSAIC)*



## Recommendations for the Human Rights Tribunal

### 18. Recommendation for the Human Rights Tribunal to retain its “direct access” model, including the screening of complaints

The tribunal should continue to directly accept discrimination complaints. It should continue its screening practices to determine if complaints should be formally accepted for filing; however, it should also be leveraging new technology solutions in order to reduce delay and deliver distance services more effectively.

The direct access model used in British Columbia has been well received by participants involved in human rights disputes, experts and other stakeholders. The vast majority of advice we received urged us to maintain this model as it has been proven to be an efficient means of identifying and resolving issues that fall within the protections of the Code. This serves parties to the dispute well, in that it has eliminated lengthy delays relating to investigation that occurred in the past.

### 19. Recommendation for enhancing restorative justice processes

The Human Rights Tribunal should explore opportunities to make further improvements around alternative resolution practices by embracing the concepts found in restorative justice.

The Human Rights Tribunal had made significant advancements in the effectiveness of its early mediation procedure, resulting in many complaints being resolved before going to formal adjudication. There may even be potential for further improvements around alternative resolution practices by embracing the concepts found in restorative justice. While use of a restorative justice model will be limited to appropriate cases, a restorative justice dialogue between parties can be expanded to include a discussion of their perspective of the harms and the impact on the parties, the issues, and what parties are seeking as an outcome. Restorative justice processes are holistic in nature and can facilitate a move toward resolutions that are cost effective, time effective and lasting.

*“We have seen tremendous growth in understanding of the real experience...and its impact [upon] the person who was harmed. For this reason, in limited circumstances, where both parties desire it, and are ready to voluntarily participate, this approach can have much wider impact than a prosecution under the Human Rights Act.” — Andrew Stringfellow*



## Recommendations for the Human Rights Clinic

### 20. Recommendation for clinic services

Enhance the existing clinic system to reach all parts of the province by enabling partnering or collaborating among grassroots organizations already serving vulnerable populations and by adopting distance service technologies.

Grassroots community organizations already have established relationships with people who are comfortable seeking services from them. These organizations are ideally suited to be an important conduit for the delivery of services and information. The clinic should explore collaboration with community organizations already serving individuals with issues that intersect with human rights issues such as housing, employment and disability ways to enhance access to justice services. They should also adopt advanced technologies that enable users of the human rights system to access services, including online legal information.

*“There has to be a structure where people can enter without legal counsel.” — Melissa, a participant at a workshop for Indigenous persons.*

### 21. Recommendation for supports for complainants and respondents

Create better supports for both complainants and respondents involved in a discrimination complaint including small businesses that can’t afford to fund a defence.

The clinic is the primary vehicle for helping complainants and respondents through the human rights complaints process. This role is performed well and is vital to B.C.’s human rights system. I heard calls for the clinic’s capacity to support complainants and respondents to be broadened. This recommendation arose particularly from small businesses and service providers that cannot afford to fund an expensive response.

I believe that with the implementation of digital services by the commission and the participation of knowledgeable representatives on both sides of a discrimination complaint, the chances increase for a more efficient, less costly and less adversarial process.

## Recommendations for the Attorney General

### 22. Recommendation on engaging British Columbians

Appoint a human rights advisory council with representation from all regions of the province that includes individuals who can ground the commission’s work with “lived” experiences. Representation should be drawn from a range of communities including the business, disability, local government, Indigenous, and LGBTQ2S+ (lesbian, gay, bisexual, transgender, queer, and two-spirited) communities.

For the commission to be effective it must have public trust. Trust can be earned by understanding the real experiences of people who face human rights issues. A human rights advisory council, whose members are appointed by Order in Council and represent the province’s diverse regions and populations, will provide the commission with a sounding board for its ideas and highlight



public interest concerns. It will also help to build public confidence and transparency in our human rights system.

“Nothing about us without us” was a phrase that I heard often in my discussions with British Columbians, particularly Indigenous peoples, and the human rights advisory council should embody the spirit of that sentiment.

### **23. Recommendation related to intervenor status**

The Human Rights Commission should have the power to intervene in disputes involving systemic discrimination being considered by the Human Rights Tribunal.

In our public engagement activities, I heard from stakeholders who had divergent views on whether the new commission should have the power to intervene in complaints before the Human Rights Tribunal. Supporters saw this as a valuable role in complaints that had, or would likely have, systemic impact. In these circumstances, the commission could play the role of a ‘friend of the court’ bringing perspectives into consideration that otherwise might not be raised by the disputing parties. The commission could compile data and other research to present to the tribunal — something that complainants are sometimes ill-equipped to do.

Those against this role preferred a commission that plays a more neutral role, rather than an advocacy role. It can discharge its mandate regarding systemic discrimination as well as influence the outcomes of matters before the Human Rights Tribunal through its inquiry, research, education and policy development functions.

Weighing the discussion, I hold the view that enabling the commission to intervene in human rights matters with a systemic aspect will result in forward-reaching outcomes and lead to broader societal change. I recognize that considerable policy work needs to be done to address such matters as the criteria for intervention.


### **24. Recommendation on social condition as protected ground under the Human Rights Code**

Begin consultation and policy work to consider whether the *Human Rights Code* should be amended to include “social condition” as a protected ground.

The subject of social condition where factors such as income or education levels create discrimination came up far too many times throughout this engagement for it not to be addressed in my report. The code addresses discrimination on specific grounds but does not address the underlying causes of homelessness, unemployment, low income, and so on. In our public engagement, I learned that multiple social conditions often lead to instances of discrimination. Thus the code has a limitation in not making poverty or social condition a protected ground.

It would be naïve not to acknowledge that considerable work and consultation needs to take place before becoming part of the code. Social condition has not been uniformly adopted in the codes of other Canadian jurisdictions. Québec, New Brunswick, and the Northwest Territories are the only jurisdictions in Canada that protect against discrimination on the basis of social condition and their definitions vary widely. Manitoba protects on the basis of social disadvantage (defined as unemployed, homeless, low income, chronic low income or unemployment).

Most other jurisdictions, like B.C., provide protection from discrimination on the basis of “source of income” which generally implies collecting public welfare or social assistance. The B.C. *Human Rights*



Code includes a provision that prevents discrimination on the basis of lawful source of income, but only in relation to tenancy matters. Otherwise, homeless people, people with limited education and people on income assistance are not protected from discrimination for those reasons.

*"I am a disabled mother of 3. I never chose to have scoliosis and fibromyalgia, but ever since the day I started receiving disability when I came of age, it sure feels like Service BC thinks I chose this, and that I am being punished for it. Every cheque I receive feels like a violation of mine and my children's human rights. A disabled person receives \$375-\$600 for shelter? That's basically denying anyone who lives in Victoria (or Sooke – such as myself) the right to housing. — Erin*

*"We need 'social condition' to be added to the Human Rights Code so we would have a means of tackling this hate against homeless people." — Jean*

## 25. Recommendation for time limits

Extend the time limit for filing Human Right Tribunal complaints to one year from the current six months.

Many people told me that the human rights system compounded their feelings of being marginalized by having a very short six-month period to file a discrimination complaint. This is especially true of individuals who have multiple barriers or in instances where the discrimination resulted in significant trauma and it took months to can become healthy enough to initiate a complaint. While the Code permits the tribunal to accept late-filed complaints, these stories confirmed to me that a longer time limit for bringing complaints to the tribunal may be reasonable, as long as it does not cause undue hardship to others.



## CONCLUSION

I was not sure what to expect when the Attorney General asked me to make recommendations on the mandate of a new Human Rights Commission. I set out to listen and learn from British Columbians and certainly heard many ideas, ranging from visionary to practical thoughts. The exercise caused me to reflect on where we are in terms of our human rights record in B.C. I learned that we have a lot of work to do in building the truly respectful and equal society most of us yearn for.

Discrimination exists in the deep fabric of our communities. Often, it is overt, like the racist graffiti found on one of our university campuses this fall. The list of British Columbians who can recount stories of racism, inequality and discrimination is very long. I encourage you to review the comments made on our online blog if you have any doubts about the presence of racism in B.C.

*“Those who target minority communities ultimately threaten the freedom, equality, and security of our society.” — Centre for Israel and Jewish Affairs*

Discrimination can also be less obvious but more complex when multiple factors — poverty, disability, employment, housing issues, and even violence — come together to create what human rights experts refer to as “intersectionality”. These challenges are daunting. At the start of this assignment I could see an enormous task ahead.

Now, I see hope. I sincerely hope that the work of a new commission will point the way forward into the 21<sup>st</sup> Century. Enthusiastic stakeholders urged us to be bold with our new commission, building from the ground up to deliver new services in new ways. I met with and read submissions from many British Columbians who want to contribute to the building of a new human rights system in B.C. and it is clear that our work will not be done in isolation. “Rejuvenate” and “re-energize” B.C.’s human rights system, I was told. With this report, particularly its recommendations, we are opening a new chapter in the history of human rights in B.C. I hope that chapter will culminate in the introduction of legislation creating the Human Rights Commission in 2018.



## APPENDICES

### A: Terms of Reference

#### Parliamentary Secretary's Terms of Reference:

##### *Background*

Everyone in British Columbia has rights and duties under the *Human Rights Code*. The Code's purposes are to promote a climate of understanding and mutual respect where all are equal, to prevent discrimination, and enable people to participate equally in the economic, social, political and cultural life of British Columbia. The Code's purpose is also to provide a means of redress for those who are discriminated against. In particular, the Code forbids discrimination based on certain personal characteristics.

Currently, British Columbia is the only province in Canada without a human rights commission. The previous commission was dismantled in 2002 in favour of a complaint-driven tribunal; however, addressing discrimination after it happens is not enough. To prevent both every day and systemic discrimination before it happens, information and education are essential. B.C. will build a leading Human Rights Commission that will bring our province into the 21<sup>st</sup> century, and prepare us for the future. Human Rights issues are diverse and constantly evolving, it's therefore essential that the commission is proactive and forward thinking, gearing towards achieving results and creating an environment that encourages and supports a commitment to human rights accountability in our communities.

The role of the commission will be to address the complex, intersecting conditions that foster and preserve systemic discrimination by promoting and enforcing human rights, and acting as a driver for social change based on principles of dignity and equality. The commission will work to expose, challenge and end widespread entrenched structures and systems of discrimination through education, policy development and public inquiries.

##### *Objective*

On August 4, 2017, the Premier and the Attorney General of British Columbia announced that Ravi Kahlon Parliamentary Secretary for Multiculturalism would lead a public and stakeholder engagement process in order to make recommendations about the restoration of a Human Rights Commission in B.C.

##### *Deliverable*

A report to the Attorney General that includes recommendations that are based on: (1) a thorough analysis of the many different perspectives presented during the engagement; and (2) a proposed model for a Human Rights Commission based on substantive research and a jurisdictional scan of leading Human Rights Commissions globally. The scope of the engagement and report does not include the identification of costs of implementing the recommendations.

##### *Guiding Principles*

The Parliamentary Secretary's guiding principles are to ensure:

- That the public engagement is accessible to all, particularly marginalized communities, Indigenous peoples, and youth;

- The engagement focuses on listening to a diverse set of people and stakeholder groups around the province to help structure the mission of the Commission, and understand the needs of British Columbians;
- The public is informed regularly on what is upcoming, what has been heard and what has been accomplished;
- That British Columbians and stakeholder groups across the province are made aware of the opportunity to participate; and
- Recommendations to the Minister are evidence-based and transparent.

## *Tasks*

The Parliamentary Secretary's tasks will include:

- Leading an online discussion that will pose questions to the public and allow an opportunity for everyone to provide input and ideas;
- Meeting with a broad range of stakeholders, including representatives and individuals from First Nations communities, people with disabilities, visible minorities, cultural/linguistic communities, youth, seniors, employers, industry, local government and the general public;
- Establishing and working with the Human Rights Advisory Group after the public and stakeholder engagement has been completed, with membership to be determined in collaboration with Ministry of Attorney General staff;
- Producing a final report by the end of 2017 for the Attorney General's consideration that may go to Cabinet for restoration of a Human Rights Commission; and
- Ensuring recommendations are based on substantive research and a jurisdictional scan of leading Human Rights Commissions globally.

## *Reporting*

The Parliamentary Secretary will report to the Attorney General of British Columbia.

## *Support*

The budget for this engagement will be provided by the Ministry of Attorney General.

The Parliamentary Secretary may discuss resourcing with the Ministry of Attorney General to ensure resource requirements consistent with the engagement plan are met. Resourcing may include obtaining additional policy support from the Ministry and communications support as needed.

## *Timelines*

The public engagement will be completed by November 17, 2017 at 4PM. The stakeholder engagement will conclude at the end of November 2017.

The Attorney General must receive a final report and recommendations from the Parliamentary Secretary by the end of December 2017.

The Attorney General will report to the public on the actions that government will be taking as a result of the feedback.

## B: Participants in the public engagement

An online site was launched in September to provide information and receive feedback on a new Human Rights Commission and human rights experiences.

**[HTTPS://ENGAGE.GOV.BC.CA/BCHUMANRIGHTS/](https://engage.gov.bc.ca/bchumanrights/)**

### Site statistics\*

	Total
Site visits	13,253
Number of Comments	511

\* These stats are based on visits to the home page of the engagement site. Site visits are not unique visitors, so may include repeat visitors.

\* Moderator and the Parliamentary Secretary's comments are not included in the total number of comments

Regions:	Number of Comments:
Mainland/Southwest	178
Vancouver Island/Coast	136
Thompson Okanagan	69
Kootenay	22
Northeast	6
North Coast	6
Cariboo	23
Didn't identify region	71

### List of public engagement participants attending meetings

1. Access Pro Bono
2. ACORN (Association of Community Organizations for Reform Now) Canada
3. Affiliation of Multicultural Societies and Service Agencies of BC (AMSSA)
4. AiMHi
5. AutismBC
6. Autism in Sport
7. BC Association for Child Development and Intervention (BCACDI)
8. BC Civil Liberties Association
9. BC Federation of Labour
10. BC Government and Service Employees' Union (BCGEU)
11. BC Humanist Association
12. BC Human Rights Organization
13. BC Public Interest Advocacy Centre
14. BC Society of Transition Houses
15. British Columbia Humanist Association
16. Canadian Bar Association
17. Canadian Human Rights Commission
18. Canadian Mental Health Association
19. Canadian Union of Public Employees (CUPE) – BC Region
20. Central Interior Native Health Society
21. Central Okanagan Disability Coalition
22. Connections Place Society
23. Courthouse Libraries BC
24. Deaf Children's Society of BC
25. Disability Alliance BC
26. Downtown Eastside Women's Centre
27. Elizabeth Fry Society
28. Ending Violence Association of BC

29. European Network of National Human Rights Institutions
30. Families for Equal Parenting
31. First Nations Steering Committee
32. Immigrant & Multicultural Services Society of Prince George
33. Indigenous Law Research Unit (UVIC)
34. Justice Education Society
35. Kelowna Community Resources (KCR)
36. Kickstart Disability Arts and Culture
37. Ki-Low-Na Friendship Society
38. Law Foundation
39. Legal Services Society
40. People's Law School
41. Minister's Advisory Council on Aboriginal Women (MACAW)
42. MS Society of Canada
43. Multi-Lingual Orientation Services Association for Immigrant Communities (MOSAIC)
44. Notaries BC
45. North Delta High School
46. Office of the Seniors Advocate
47. Okanagan Advocacy and Resource Society
48. Ontario's Office of the Independent Police Review Director
49. People's Law School
50. Pivot Legal Society
51. PovNet
52. Power of Women group
53. Prince George Nechako Aboriginal Employment and Training Association
54. Radical Action with Migrants in Agriculture (RAMA)
55. QMUNITY
56. The Law Society of BC
57. Society for Children and Youth of BC
58. Surrey Board of Trade
59. Tenant Resource & Advocacy Centre (TRAC)
60. Trans Care BC
61. TransFocus Consulting
62. Lookout Housing and Health Society
63. Unity Centre Association for Black Cultures
64. Urban Native Youth Association
65. UVIC Law Centre
66. Vancouver Island Human Rights Coalition
67. Victoria Disability Resource Centre
68. West Coast LEAF
69. West Coast Prisoners' Legal Society

### **Participants attending Indigenous Workshops in Victoria and Vancouver**

1. Rachel Holmes, Ministry of Indigenous Relations & Reconciliation (UNDRIP).
2. Denise Williams, President, Executive Director, First Nations Technology Council
3. Karen White, Ministry of Indigenous Relations and Reconciliation
4. Sarah Robinson, Principal, Rainwatch Consulting & Minister's Advisory Council on Aboriginal Women.
5. Bernice Robinson (Badine) Fort Nelson FN, Teacher Gr 2-5.
6. Christopher Gall, In-house Legal Counsel, Métis Nation British Columbia.
7. Colette Trudeau, Director of Youth, Off-Reserve Aboriginal Action Plan (ORAAP) & Unified Native Youth Collective.
8. Juanita Coltman (Squli'qwana), K-12 Policy Manager, First Nations Education Steering Committee Member
9. Melissa Louie, Legal and Policy Advisor, First Nations Summit
10. Cheryl Casimer, Political Executive, First Nations Summit
11. Candace Quesnel, Executive Director, Operations (Fraser Valley) Atira Women's Resource Society

12. Terry Smith, (Fisher River Cree and Metis) Atira Women's Resource Society
13. Maura Gowan, Atira Women's Resource Society, MMIWG

14. Donna Tennant, Native Courtworker & Counselling Association of BC
15. Grand Chief Doug Kelly (Soowahlie First Nation), Chair, First Nations Health Council

### Individuals attending meetings

1. Gwen Brodsky, human rights expert and co-director of the Poverty and Human Rights Centre
2. Therese Boullard, former Director, Northwest Territories Human Rights Commission
3. Dulce Cuence, Chris Finding, Harinder Mahil, Linelle Mogado, Deirdre Rice: former members, Deputy Chief Commissioner and Acting Chief Commissioner, BC Human Rights Commission
4. Bill Black, UBC, professor emeritus, Peter A. Allard School of Law
5. Shelagh Day, human rights expert, co-director of the Poverty and Human Rights Centre
6. Dr. Aaron Devor, UVIC, Chair in Transgender Studies
7. barbara findlay, QC, Lawyer
8. Rob Kruyt, Advocate for gender (& children) discrimination in BC court system

9. Stan Lowe, Office of the Police Complaint Commissioner
10. Caroline Nevin, Canadian Bar Association
11. Martha Rans, Human Rights lawyer
12. Susan O'Donnell, former Executive Director, BC Human Rights Coalition
13. Geoff Plant, QC, lawyer, former Attorney General of BC
14. Justice Heather MacNaughton, former Chair, BC Human Rights Tribunal
15. Renu Mandhane, Chief Commissioner, Ontario Human Rights Commission
16. Catherine McCreary, BC Human Rights Tribunal
17. Ana Mohammed, lawyer, former member BC Human Rights Tribunal
18. Mary-Woo Sims, former chief commissioner of the British Columbia Human Rights Commission
19. Paul Winn, former member, BC Human Rights Tribunal
20. Margot Young, UBC, professor, Peter A. Allard School of Law

### Stakeholder written submission for BC Human Rights Commission Engagement

1. ACORN (Association of Community Organizations for Reform Now) Canada
2. Alliance of BC Students
3. Amnesty International
4. Affiliation of Multicultural Societies and Service Agencies of British Columbia (AMSSA)
5. Architectural Institute of British Columbia
6. Autism in Sport
7. BC Aboriginal Justice Council
8. BC Association for Child Development and Intervention
9. BC Civil Liberties Association
10. BCEdAccess
11. BC Federation of Labour
12. BC Government Employees Union (BCGEU)
13. BC Humanist Association
14. BC Human Rights Tribunal

15. BC Poverty Reduction Coalition
16. BC Public Interest Advocacy Centre (BCPIAC)
17. BC Society of Landscape Architects
18. BC Society of Transition Houses
19. BC Teachers' Federation
20. BullyFreeBC Society
21. Canadian Association of Counsel to Employers
22. Canadian Association of Labour Lawyers
23. Canadian Bar Association BC - Labour Law Section Executive
24. Canadian Bar Association BC - Legislative Liaison
25. Canadian Federation of the Blind
26. Canadian Centre for Policy Alternatives (CCPA)
27. Canadian Mental Health Association
28. Catherine White Holman Wellness Centre
29. Central Interior Native Health Society
30. Central Okanagan Disability Coalition
31. Centre for Architecture and Human Rights
32. Centre for Israel and Jewish Affairs
33. Community Legal Assistance Society (CLAS)
34. Community Justice Centre of the Comox Valley
35. Connections Place
36. Cowichan Intercultural Society
37. Deaf Children's Society
38. Disability Alliance B.C.
39. Dr. Aaron Devor (UVIC, Chair in Transgender Studies)
40. Dr. Val Napoleon (UVIC, Indigenous Law Research Unit)
41. Elizabeth Fry Society
42. Fasken Martineau DuMoulin LLP (David G. Wong)
43. Federation of Post-Secondary Educators
44. First Nations Education Steering Committee
45. First Nations Summit
46. Forte Law
47. Greater Vancouver Japanese Canadian Citizens Association
48. Harinder Mahil and Linelle Mogado
49. Hospital Employees Union
50. Kelowna Community Resources (KCR)
51. Legal Services Society
52. McCreary Centre Society
53. Multi-Lingual Orientation Services Association for Immigrant Communities (MOSAIC)
54. Multiple Sclerosis Society of Canada
55. Multicultural and Anti-Racism Committee of the BC Association of Social Workers'
56. North Shore Schizophrenia Society
57. Out On Screen
58. Pacific South Western Advocates
59. PHSA Trans Care BC
60. Progressive Intercultural Community Services Society (PICS)
61. Pivot Legal Society
62. PovNet
63. Pride at Work Canada
64. Radical Action with Migrants in Agriculture (RAMA)
65. The Salvation Army
66. UBC Association of Administrative and Professional Staff
67. UBC School of Nursing
68. Vancouver Island Human Rights Coalition
69. Victoria Disability Resource Centre
70. Victoria Immigrant and Refugee Centre Society's
71. WAVAW Rape Crisis Centre
72. West Coast Domestic Workers' Association
73. West Coast LEAF



## Individuals providing written submissions

1. Adam Clarke
2. Melanie Forsythe
3. Jean Greatbatch, Restorative Solutions
4. Ela Esra Gunad
5. Fiona Robertson
6. Mary-Woo Sims
7. Toni Lee Wagner
8. Paul A. Winn
9. Bryon Wood

## Advisory Group Participants

1. Lucy Buchanan-Parker – Affiliation of Multicultural Societies and Service Agencies of British Columbia (AMSSA)
2. Courtney Daws – BC Aboriginal Justice Council
3. Drew Dennis – TransFocus Consulting
4. Nancy Deshaw – Condominium Home Owners Association of BC
5. Joanna Gislason – Rise Leadership
6. Kasari Govender – West Coast LEAF
7. Mandie La Montagne – Surrey Board of Trade
8. Gillian MacGregor – BC Restaurant & Food Services Association
9. Dylan Mazur – BC Civil Liberties Association
10. Sarah Robinson – Rainwatch Consulting & Minister's Advisory Council on Aboriginal Women
11. Sam Turcott – Disability Alliance BC
12. David Wong – Fasken Martineau DuMoulin LLP

## C: Outreach efforts – B.C. Human Rights Commission Citizen Engagement

Outreach tools provided	Action
<b>Poster PDF</b>	Distributed to: <ul style="list-style-type: none"> <li>▶ BC Teacher Librarian Association</li> <li>▶ BC Library Association</li> <li>▶ Educator and school administrators</li> <li>▶ Post-secondary communications offices, Presidents and Vice-Presidents' offices</li> <li>▶ Citizens Engagement group of the B.C. government employee intranet @Work</li> <li>▶ Inter-Cultural Association of Greater Victoria</li> <li>▶ University of Northern British Columbia Wellness Centre</li> <li>▶ Provincial Advocates Conference breakout session</li> <li>▶ B.C. Black History Awareness Society</li> <li>▶ Nanaimo African Heritage Society</li> <li>▶ City of Vancouver Recreation Office</li> <li>▶ Law school student engagement events at University of Victoria, University of British Columbia, Thompson Rivers University</li> <li>▶ Society of Children and Youth B.C.</li> <li>▶ The Federation of BC Youth in Care Networks</li> <li>▶ B.C. Youth Parliament</li> </ul>
<b>Rack Cards</b>	Distributed to: <ul style="list-style-type: none"> <li>▶ BC Human Rights Clinic</li> <li>▶ Provincial Advocates Conference breakout session</li> <li>▶ Museum of Northern British Columbia</li> <li>▶ Law school student engagement events at the University of Victoria, University of British Columbia and Thompson Rivers University</li> <li>▶ B.C. government communications staff</li> </ul>
<b>Web graphic, social media graphic or blog post URL</b>	Distributed to: <ul style="list-style-type: none"> <li>▶ BC Teacher Librarian Association</li> <li>▶ BC Library Association</li> <li>▶ Educator and school administrators</li> <li>▶ Post-secondary communications offices, Presidents and Vice-Presidents' offices</li> <li>▶ Citizens Engagement group of the B.C. government employee intranet @Work</li> <li>▶ B.C. government communications staff</li> <li>▶ B.C. Humanist Association</li> </ul>
<b>Newsletter writing</b>	Distributed to: <ul style="list-style-type: none"> <li>▶ BC Teacher Librarian Association</li> <li>▶ BC Library Association</li> <li>▶ Educator and school administrators</li> <li>▶ Post-secondary communications offices, Presidents and Vice-Presidents' offices</li> <li>▶ Inter-Cultural Association of Greater Victoria</li> <li>▶ Museum of Northern British Columbia</li> </ul>

## Outreach tools provided

## Action

### Email Update

Distributed to:

- ▶ 162 B.C. Human Rights Commission public engagement subscribers

### Animated Video

Distributed via:

- ▶ Government social media channels
- ▶ Paid social media advertising

## D: Human Rights in other jurisdictions

### Canadian Human Rights Commissions

Jurisdiction	Reports to minister or legislature	Commissioners Appointed by	Appointment Terms	Other Staff Appointed by
<b>Former BC Human Rights Commission</b>	Minister	Lt. Governor in Council	Chief commissioner, five years. May be reappointed for one more five-year term.  Deputy chief Commissioner, first appointment three years, thereafter five years. May be reappointed one or more term(s) of five years.  Commissioner of Investigation & Mediation, first appointment four years, thereafter five years. May be reappointed one or more terms of five years.	
<b>Alberta</b>	Minister of Justice and Solicitor General	Lt. Governor in Council	The Chief of the Commission and Tribunal and members of the Commission are typically appointed by the minister for a two to three year term, although the duration of this term is at the discretion of the minister. These individuals may serve for up to 12 consecutive years.	Minister
<b>Manitoba</b>	Minister of Justice	Lt. Governor in Council	Chair three years and thereafter until reappointed or replaced,  Other members three years until reappointed or replaced, but in order to assure that three of the appointments shall expire in each year the Lt. Governor in Council shall, if necessary, appoint any such members to terms of less than three years.	The Commission

Jurisdiction	Reports to minister or legislature	Commissioners Appointed by	Appointment Terms	Other Staff Appointed by
<b>New Brunswick</b>	Minister of Post-Secondary Education, Training and Labour	Lt. Governor in Council	S. 12 <i>Human Rights Act</i> Establishes the commission, composed of three or more members as appointed by the Lt. Governor in Council. There are usually between eight and ten members. The Act does not set terms, but they are set at three years, renewable once by custom. No statutory term durations	Lt. Governor in Council
<b>Newfoundland</b>	Attorney General	Lt. Governor in Council	Five years and shall hold office until he or she is reappointed or his or her successor is appointed.	There are presently six commissioners who are appointed by the Lt. Governor in Council. An Executive Director and other staff may also be appointed for the purpose of administering the Act.
<b>Northwest Territories</b>	Legislative Assembly	Legislative Assembly	Four years	The Commissioner, on recommendation of the Legislative Assembly, appoints a Director of Human Rights for a four-year term. The Director of Human Rights may appoint a Deputy Director and other staff, as required.
<b>Nova Scotia</b>	Minister of Justice	Governor in Council	Each commissioner holds office for the term prescribed in the commissioner's appointment and is eligible for re-appointment.	Director of Human Rights appointed by GIC and Manager of Race relations, equity and inclusion established in the act, and other officials and staff appointed under the <i>Civil Service Act</i> .
<b>Ontario</b>	Attorney General	Lt. Governor in Council	All members shall hold office for such term as may be specified by the Lt. Governor in Council.	The Commission
<b>Prince Edward Island</b>	Attorney General	Legislative Assembly	Not to exceed three years, but eligible for re-appointment.	The Commission
<b>Québec</b>	National Assembly	National Assembly	Not to exceed 10 years. Once determined it shall not be reduced.	The Commission

Jurisdiction	Reports to minister or legislature	Commissioners Appointed by	Appointment Terms	Other Staff Appointed by
<b>Saskatchewan</b>	Minister of Justice and Attorney General	Lt. Governor in Council	<p>Subject to s. 21(6) &amp; (7) of the <i>Saskatchewan Human Rights Code</i>, each member shall be appointed for a term of five years and shall hold office until a successor is appointed and may be reappointed for further terms of five years.</p> <p>(6) Of the members first appointed after this section comes into force:</p> <p>(a) one-third, as nearly as may be, shall be appointed for a term of three years;</p> <p>(b) one-third, as nearly as may be, shall be appointed for a term of four years; and</p> <p>(c) the remaining members shall be appointed for a term of five years;</p> <p>and thereafter each member shall be appointed for a term of five years.</p> <p>(7) The Lieutenant Governor in Council may appoint a person to fill any vacancy in the membership of the commission and that person shall be appointed to hold office for the remainder of the term of office of the member.</p>	The Commission
<b>Yukon</b>	Legislature	Legislature	Three years	The Commission
<b>Canada</b>	Minister of Justice	Governor in Council	<p>Seven years for full-time members</p> <p>Three years for part-time members</p>	The Commission

## Canadian Human Rights Commissions Mandates

Jurisdiction	Mandate	Source
Alberta	<p><b>Functions</b></p> <p>16(1) It is the function of the Commission</p> <p>(a) to forward the principle that all persons are equal in: dignity, rights and responsibilities without regard to race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation,</p> <p>(b) to promote awareness and appreciation of and respect for the multicultural heritage of Alberta society,</p> <p>(c) to promote an environment in which all Albertans can participate in and contribute to the cultural, social, economic and political life of Alberta,</p> <p>(d) to encourage all sectors of Alberta society to provide equality of opportunity,</p> <p>(e) to research, develop and conduct educational programs designed to eliminate discriminatory practices related to race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation,</p> <p>(f) to promote an understanding of, acceptance of and compliance with this Act,</p> <p>(g) to encourage and co-ordinate both public and private human rights programs and activities, and</p> <p>(h) to advise the Minister on matters related to this Act.</p> <p>(2) The Commission may delegate in writing to a member or to a person referred to in section 18 any of its functions, powers or duties.</p> <p>In Alberta, the <i>Alberta Human Rights Act</i> protects Albertans from discrimination in certain areas based on specified grounds. The purpose of the <i>Alberta Human Rights Act</i> is to ensure that all Albertans are offered an equal opportunity to earn a living, find a place to live, and enjoy services customarily available to the public without discrimination.</p> <p>The <i>Alberta Human Rights Act</i> establishes the Alberta Human Rights Commission to carry out functions under the act. The Commission is an independent commission created by the Government of Alberta. The Minister of Justice and Solicitor General is responsible for the Commission.</p>	<p>Human Rights Act <a href="http://www.qp.alberta.ca/1266.cfm?page=A25P5.cfm&amp;leg_type=Acts&amp;isbncln=9780779744060">http://www.qp.alberta.ca/1266.cfm?page=A25P5.cfm&amp;leg_type=Acts&amp;isbncln=9780779744060</a></p> <p>Website <a href="https://www.albertahumanrights.ab.ca/about/Pages/about.aspx">https://www.albertahumanrights.ab.ca/about/Pages/about.aspx</a></p>

Jurisdiction	Mandate	Source
Alberta	<p><b>Mandate</b></p> <p>The Alberta Human Rights Commission has a two-fold mandate:</p> <ul style="list-style-type: none"> <li>▶ to foster equality</li> <li>▶ to reduce discrimination</li> </ul> <p>It fulfills this mandate through public education initiatives and the resolution and settlement of complaints of discrimination.</p> <p>The <i>Alberta Human Rights Act</i> (AHR Act) protects Albertans against discrimination in the following areas:</p> <ul style="list-style-type: none"> <li>▶ publications and notices</li> <li>▶ goods, services, accommodation and facilities</li> <li>▶ tenancy</li> <li>▶ employment practices</li> <li>▶ applications and advertising regarding employment</li> <li>▶ membership in trade unions, employers' organizations or occupational associations</li> </ul> <p>Within the areas listed above, it is a contravention of the AHR Act to discriminate against any person on the basis of race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, ancestry, place of origin, marital status, family status, source of income or sexual orientation. Age is also a ground protected from discrimination, except in the areas of tenancy and goods and services.</p> <p>In addition to the areas and grounds discussed above, the AHR Act protects Albertans in the area of equal pay. This provision requires that employees who perform the same or substantially similar work for an employer must be paid at the same rate, regardless of gender.</p> <p>Related page: What the Commission does and does not do? <a href="https://www.albertahumanrights.ab.ca/about/mandate/Pages/what_commission_does.aspx">https://www.albertahumanrights.ab.ca/about/mandate/Pages/what_commission_does.aspx</a></p>	<p>Website <a href="https://www.albertahumanrights.ab.ca/about/mandate">https://www.albertahumanrights.ab.ca/about/mandate</a></p>

Jurisdiction	Mandate	Source
Canada	<p><b>Powers, Duties and Functions</b></p> <p>27 (1) In addition to its duties under Part III with respect to complaints regarding discriminatory practices, the Commission is generally responsible for the administration of this Part and Parts I and III and</p> <p>(a) shall develop and conduct information programs to foster public understanding of this Act and of the role and activities of the Commission thereunder and to foster public recognition of the principle described in section 2;</p> <p>(b) shall undertake or sponsor research programs relating to its duties and functions under this Act and respecting the principle described in section 2;</p> <p>(c) shall maintain close liaison with similar bodies or authorities in the provinces in order to foster common policies and practices and to avoid conflicts respecting the handling of complaints in cases of overlapping jurisdiction;</p> <p>(d) shall perform duties and functions to be performed by it pursuant to any agreement entered into under subsection 28(2);</p> <p>(e) may consider such recommendations, suggestions and requests concerning human rights and freedoms as it receives from any source and, where deemed by the Commission to be appropriate, include in a report referred to in section 61 reference to and comment on any such recommendation, suggestion or request;</p> <p>(f) shall carry out or cause to be carried out such studies concerning human rights and freedoms as may be referred to it by the Minister of Justice and include in a report referred to in section 61 a report setting out the results of each such study together with such recommendations in relation thereto as it considers appropriate;</p> <p>(g) may review any regulations, rules, orders, by-laws and other instruments made pursuant to an Act of Parliament and, where deemed by the Commission to be appropriate, include in a report referred to in section 61 reference to and comment on any provision thereof that in its opinion is inconsistent with the principle described in section 2; and</p> <p>(h) shall, so far as is practical and consistent with the application of Part III, try by persuasion, publicity or any other means that it considers appropriate to discourage and reduce discriminatory practices referred to in sections 5 to 14.1.</p>	<p>Human Rights Act <a href="http://laws-lois.justice.gc.ca/eng/acts/h-6/page-4.html#docCont">http://laws-lois.justice.gc.ca/eng/acts/h-6/page-4.html#docCont</a></p>

Jurisdiction	Mandate	Source
Canada	<p><b>Work</b></p> <p>The Canadian Human Rights Commission is akin to an Agent of Parliament. It operates independently from government. As Canada's human rights watchdog, the Commission is responsible for representing the public interest and holding the Government of Canada to account on matters related to human rights.</p> <p>The Canadian <i>Human Rights Act</i> gives the Commission the authority to research, raise awareness and speak out on any matter related to human rights in Canada.</p> <p>The Commission is responsible for administering the law, which protects people in Canada from discrimination when based on any of the 11 grounds such as race, sex and disability.</p> <p>The Commission receives discrimination complaints and works with both the complainant and respondent to resolve the issues through mediation. When a complaint cannot be settled, or when the Commission determines that further examination is warranted, it may refer the complaint to the Canadian Human Rights Tribunal.</p> <p>The Commission also works with federally regulated employers to ensure compliance with the <i>Employment Equity Act</i>. This contributes to the elimination of employment barriers in various workplaces for women, Indigenous peoples, persons with disabilities and visible minorities.</p>	<p>Website <a href="http://www.chrc-ccdp.gc.ca/eng/content/our-work">http://www.chrc-ccdp.gc.ca/eng/content/our-work</a></p>
Manitoba	<p><b>Responsibilities of Commission</b></p> <p>4 In addition to discharging its other responsibilities under this Code, the Commission shall</p> <ul style="list-style-type: none"> <li>(a) promote the principle that all members of the human family are free and equal in dignity and rights and entitled to be treated on the basis of their personal merits, regardless of their actual or presumed association with any group;</li> <li>(b) further the principle of equality of opportunity and equality in the exercise of civil and legal rights regardless of status;</li> <li>(c) disseminate knowledge and promote understanding of the civil and legal rights of residents of Manitoba and develop, promote and conduct educational programs for that purpose;</li> <li>(d) develop, promote and conduct educational programs designed to eliminate all forms of discrimination prohibited by this Code; and</li> <li>(e) promote understanding and acceptance of, and compliance with, this Code and the regulations.</li> </ul>	<p>HR Code <a href="http://web2.gov.mb.ca/laws/statutes/ccsm/h175e.php#2">http://web2.gov.mb.ca/laws/statutes/ccsm/h175e.php#2</a></p>

Jurisdiction	Mandate	Source
Manitoba	<p><b>Mandate</b></p> <p>The Manitoba Human Rights Commission is an independent agency of the Government of Manitoba and is responsible for administering <i>The Human Rights Code</i>.</p> <p>We are governed by a Board of Commissioners who are appointed by the Government to represent the geographic, cultural, social and economic profile of Manitoba. We report annually to the Minister of Justice.</p> <p>We are responsible for promoting human rights principles and educating the public about the rights and responsibilities in The Code</p> <p>We provide human rights training and regularly present to groups and at conferences about human rights principles. We consult with the public about emerging human rights issues and use the information we gather to develop education tools to assist the public and to raise awareness about issues with the public, organizations and Government. We reach out to all Manitobans in various ways to share that “we are all equal in dignity and rights”.</p> <p>We are responsible for administering a complaint process.</p> <p>We take complaints of discrimination, investigate them and determine if there is sufficient evidence that The Code has been contravened to warrant a public hearing of the complaint. At the adjudication of a complaint, we represent the public’s interest in eliminating discrimination and ensuring that employers, landlords and service providers comply with The Code.</p> <p>We also offer mediation at various stages in the complaint process to give parties an opportunity to try and resolve their complaint without the need for a hearing.</p>	<p>Website</p> <p><a href="http://www.manitobahumanrights.ca/v1/about-us/">http://www.manitobahumanrights.ca/v1/about-us/</a></p>
New Brunswick	<p><b>Objects</b></p> <p>13 The Commission has the power to administer this Act and, without limiting the generality of the foregoing, it is the function of the Commission</p> <p>(a) to forward the principle that every person is free and equal in dignity and rights without regard to race, colour, religion, national origin, ancestry, place of origin, age, physical disability, mental disability, marital status, family status, sexual orientation, sex, gender identity or expression, social condition or political belief or activity,</p> <p>(b) to promote an understanding of, an acceptance of, and compliance with this Act, and</p> <p>(c) to develop and conduct educational programs designed to eliminate discriminatory practices related to race, colour, religion, national origin, ancestry, place of origin, age, physical disability, mental disability, marital status, family status, sexual orientation, sex, gender identity or expression, social condition or political belief or activity.</p>	<p>Human Rights Act <a href="http://laws.gnb.ca/en/showfulldoc/cs/2011-c.171/#anchorse:12">http://laws.gnb.ca/en/showfulldoc/cs/2011-c.171/#anchorse:12</a></p>

Jurisdiction	Mandate	Source
New Brunswick	<p><b>Mandate</b></p> <p>The New Brunswick Human Rights Commission is the government agency responsible for the administration of the <i>Human Rights Act</i>. The mandate of the Commission as described in the Act is:</p> <p>To forward the principle that every person is free and equal with dignity and respect;</p> <p>To promote an understanding of, acceptance of, and compliance with the Act; and</p> <p>To develop and conduct educational programs designed to eliminate discriminatory practices.</p> <p>To administer the mechanism for complaint intake and resolution.</p>	<p>Website <a href="http://www2.gnb.ca/content/gnb/en/departments/nbhrc/about-us/mandate.html">http://www2.gnb.ca/content/gnb/en/departments/nbhrc/about-us/mandate.html</a></p>
Newfoundland	<p><b>Functions of commission</b></p> <p>23. The commission shall</p> <p>(a) promote the principle that every person is equal in dignity and rights without regard to a prohibited ground of discrimination;</p> <p>(b) promote an understanding of, acceptance of and compliance with this Act;</p> <p>(c) distribute information and develop and conduct educational programs and research designed to eliminate discriminatory practices related to a prohibited ground of discrimination;</p> <p>(d) advise and assist government departments, and agencies of the government, and co-ordinate their activities where these activities concern human rights;</p> <p>(e) advise the government on suggestions, recommendations and requests made by private organizations, groups and individuals where these suggestions, recommendations and requests concern human rights;</p> <p>(f) co-operate with and help a person, an organization or a group concerned with human rights, whether within or outside the province;</p> <p>(g) report as required by the minister on the business and activities of the commission; and</p> <p>(h) consider, investigate or administer a matter or activity relating to human rights referred to the commission by the Lieutenant-Governor in Council or the minister.</p>	<p><i>Human Rights Act</i> <a href="http://assembly.nl.ca/Legislation/sr/statutes/h13-1.htm#23">http://assembly.nl.ca/Legislation/sr/statutes/h13-1.htm#23</a></p>

Jurisdiction	Mandate	Source
Newfoundland	<p><b>Mandate</b></p> <p>The mandate of the Human Rights Commission is contained in Section 23 of the <i>Human Rights Act</i> which states:</p> <p>The Commission shall:</p> <ul style="list-style-type: none"> <li>▶ forward the principle that every person is equal in dignity and rights without regard to a prohibited ground of discrimination;</li> <li>▶ promote an understanding of, acceptance of and compliance with this Act;</li> <li>▶ distribute information and develop and conduct educational programs and research designed to eliminate discriminatory practices related to a prohibited ground of discrimination;</li> <li>▶ advise and assist government departments and agencies of the government and co-ordinate their activities where these activities concern human rights;</li> <li>▶ advise the government on suggestions, recommendations and requests made by private organizations, groups and individuals where these suggestions, recommendations and requests concern human rights;</li> <li>▶ co-operate with and help a person, an organization or a group concerned with human rights, whether within or outside the province;</li> <li>▶ report as required by the minister on the business and activities of the commission; and</li> <li>▶ consider, investigate or administer a matter or activity referred to the commission by the Lieutenant-Governor in Council or the minister.</li> </ul> <p>Given this, the Commission's lines of business are:</p> <ul style="list-style-type: none"> <li>▶ Receiving, recording and investigating individuals' written complaints that allege violations of the <i>Human Rights Act</i>;</li> <li>▶ Promotion of the <i>Human Rights Act</i>;</li> <li>▶ Education and research designed to eliminate discriminatory conduct; and</li> <li>▶ Advising and helping individuals, groups, organizations and governments on matters related to human rights.</li> </ul>	<p>Website <a href="https://thinkhumanrights.ca/about-us/">https://thinkhumanrights.ca/about-us/</a></p>

Jurisdiction	Mandate	Source
Northwest Territories	<p><b>Functions</b></p> <p>20. In addition to its other responsibilities under this Act, it is the function of the Commission</p> <ul style="list-style-type: none"> <li>(a) to promote a climate of understanding and mutual respect where all are equal in dignity and rights;</li> <li>(b) to promote the policy that the dignity and worth of every individual must be recognized and that equal rights and opportunities must be provided without discrimination that is contrary to the law;</li> <li>(c) to develop and conduct programs of public information and education designed to eliminate discriminatory practices that are contrary to this Act;</li> <li>(d) to undertake the research it considers advisable to promote human rights and to eliminate discriminatory practices that are contrary to this Act;</li> <li>(e) to promote an understanding and acceptance of and compliance with this Act;</li> <li>(e.1) to monitor and assess the effectiveness of the administration of this Act and report as it considers necessary to the Legislative Assembly; and</li> <li>(f) to advise the Legislative Assembly on matters related to this Act.</li> </ul>	<p>Human Rights Act <a href="https://www.justice.gov.nt.ca/en/files/legislation/human-rights/human-rights.a.pdf">https://www.justice.gov.nt.ca/en/files/legislation/human-rights/human-rights.a.pdf</a></p>
Nova Scotia	<p><b>Duties</b></p> <p>24 (1) The Commission shall</p> <ul style="list-style-type: none"> <li>(a) administer and enforce the provisions of this Act;</li> <li>(b) develop a program of public information and education in the field of human rights to forward the principle that every person is free and equal in dignity and rights without regard to race, religion, creed, colour or ethnic or national origin;</li> <li>(c) conduct research and encourage research by universities and other bodies in the general field of human rights;</li> <li>(d) advise and assist government departments and co-ordinate their activities as far as these activities concern human rights;</li> <li>(e) advise the Government on suggestions, recommendations and requests made by private organizations and individuals;</li> <li>(f) co-operate with and assist any person, organization or body concerned with human rights, within or outside the Province;</li> <li>(g) report as required by the Minister on the business and activities of the Commission; and</li> <li>(h) consider, investigate or administer any matter or activity referred to the Commission by the Governor in Council or the Minister.</li> </ul>	<p>Human Rights Act <a href="http://nslegislature.ca/legc/statutes/human%20rights.pdf">http://nslegislature.ca/legc/statutes/human%20rights.pdf</a></p>

Jurisdiction	Mandate	Source
Nova Scotia	The Commission has many responsibilities. Currently, the Commission is focused on two main areas; providing a human rights dispute resolution process to resolve allegations of discrimination both on an individual and systemic level; and working to eliminate barriers and prevent discrimination through education, training, public engagement and policy development.	Website <a href="https://humanrights.novascotia.ca/content/about">https://humanrights.novascotia.ca/content/about</a>
Ontario	<p><b>Functions</b></p> <p>29. The functions of the Commission are to promote and advance respect for human rights in Ontario, to protect human rights in Ontario and, recognizing that it is in the public interest to do so and that it is the Commission's duty to protect the public interest, to identify and promote the elimination of discriminatory practices and, more specifically,</p> <ul style="list-style-type: none"> <li>(a) to forward the policy that the dignity and worth of every person be recognized and that equal rights and opportunities be provided without discrimination that is contrary to law;</li> <li>(b) to develop and conduct programs of public information and education to, <ul style="list-style-type: none"> <li>(i) promote awareness and understanding of, respect for and compliance with this Act, and</li> <li>(ii) prevent and eliminate discriminatory practices that infringe rights under Part I;</li> </ul> </li> <li>(c) to undertake, direct and encourage research into discriminatory practices and to make recommendations designed to prevent and eliminate such discriminatory practices;</li> <li>(d) to examine and review any statute or regulation, and any program or policy made by or under a statute, and make recommendations on any provision, program or policy that in its opinion is inconsistent with the intent of this Act;</li> <li>(e) to initiate reviews and inquiries into incidents of tension or conflict, or conditions that lead or may lead to incidents of tension or conflict, in a community, institution, industry or sector of the economy, and to make recommendations, and encourage and co-ordinate plans, programs and activities, to reduce or prevent such incidents or sources of tension or conflict;</li> <li>(f) to promote, assist and encourage public, municipal or private agencies, organizations, groups or persons to engage in programs to alleviate tensions and conflicts based upon identification by a prohibited ground of discrimination;</li> <li>(g) to designate programs as special programs in accordance with section 14;</li> <li>(h) to approve policies under section 30;</li> <li>(i) to make applications to the Tribunal under section 35;</li> <li>(j) to report to the people of Ontario on the state of human rights in Ontario and on its affairs;</li> <li>(k) to perform the functions assigned to the Commission under this or any other Act. 2006, c. 30, s. 4.</li> </ul>	Human Rights Code <a href="https://www.ontario.ca/laws/statute/90h19">https://www.ontario.ca/laws/statute/90h19</a>

Jurisdiction	Mandate	Source
Ontario	<p><b>Mandate</b></p> <p>The Ontario Human Rights Commission (the "Commission") is an independent, arm's length agency of the provincial government, accountable to the Legislature through the Attorney General. As Canada's oldest Commission, it was established in 1961 to administer the <i>Ontario Human Rights Code</i> (the "Code"). The Commission's mandate is to protect, promote and advance human rights in Ontario, and this mandate is central to building stronger, safer communities.</p> <p>The Code sets out the right of individuals in Ontario to be free from discrimination in employment, housing accommodation, goods, services and facilities, contracts, and membership in vocational associations and trade unions, based on fifteen prohibited grounds. These include: race, ancestry, place of origin, colour, ethnic origin, citizenship, creed (religion), sex (including pregnancy and gender identity), sexual orientation, disability, age (18 and older, except 16 and older in housing, and up to 65 in employment), marital status (including same sex partners), family status, receipt of public assistance (in accommodation only) and record of offences (in employment only).</p> <p>The Commission has broad functions and powers under the Code and acts independently on behalf of the public interest. The Commission investigates complaints of discrimination, endeavours to settle complaints between parties, and litigates cases at the Human Rights Tribunal of Ontario and higher courts. The Commission also inquires into human rights matters, initiates complaints, and undertakes to prevent discrimination through research, policy development, cooperation, and public education. The Commission's inquiry and intake, mediation, investigation, policy, and legal services work in an integrated fashion to fulfill all aspects of the Commission's mandate.</p>	<p>Website <a href="http://www.ohrc.on.ca/en/annual-report-2005-2006/commission%E2%80%99s-mandate">http://www.ohrc.on.ca/en/annual-report-2005-2006/commission%E2%80%99s-mandate</a></p>
Prince Edward Island	<p>18. Powers and duties of Commission</p> <p>The Commission shall</p> <ul style="list-style-type: none"> <li>(a) administer and enforce this Act;</li> <li>(b) develop a program of public information and education in the field of human rights to forward the principle that every person is free and equal in dignity and rights without regard to age, colour, creed, disability, ethnic or national origin, family status, gender expression, gender identity, marital status, political belief, race, religion, sex, sexual orientation, or source of income;</li> <li>(c) advise the government on suggestions, recommendations and requests made by private organizations and individuals;</li> <li>(d) report as required by the Minister on the business and activities of the Commission;</li> <li>(e) consider, investigate or administer any matter or activity referred to the Commission by the Lieutenant Governor in Council or the Minister.</li> </ul>	<p>Human Rights Act <a href="https://www.princeedwardisland.ca/sites/default/files/legislation/H-12%20-Human%20Rights%20Act.pdf">https://www.princeedwardisland.ca/sites/default/files/legislation/H-12%20-Human%20Rights%20Act.pdf</a></p>

Jurisdiction	Mandate	Source
Prince Edward Island	The Prince Edward Island Human Rights Commission is an independent body that administers and enforces the Prince Edward Island <i>Human Rights Act</i> . The Act establishes a complaint process for the investigation and adjudication of complaints. The Commission also develops programs of public information and education about human rights.	Website <a href="http://www.gov.pe.ca/humanrights/">http://www.gov.pe.ca/humanrights/</a>
Québec	<p><b>Functions</b></p> <p>71. The commission shall promote and uphold, by every appropriate measure, the principles enunciated in this Charter.</p> <p>The responsibilities of the commission include, without being limited to, the following:</p> <ul style="list-style-type: none"> <li>(1) to make a non-adversary investigation, on its own initiative or following receipt of a complaint, into any situation, except those referred to in section 49.1, which appears to the commission to be either a case of discrimination within the meaning of sections 10 to 19, including a case contemplated by section 86, or a violation of the right of aged or handicapped persons against exploitation enunciated in the first paragraph of section 48;</li> <li>(2) to foster a settlement between a person whose rights allegedly have been violated, or the person or organization representing him, and the person to whom the violation is attributed;</li> <li>(3) to report to the Public Curator any case it becomes aware of in the exercise of its functions where, in its opinion, protective supervision within the jurisdiction of the Public Curator is required;</li> <li>(4) to develop and conduct a program of public information and education designed to promote an understanding and acceptance of the object and provisions of this Charter;</li> <li>(5) to direct and encourage research and publications relating to fundamental rights and freedoms;</li> <li>(6) to point out any provision in the laws of Québec that may be contrary to this Charter and make the appropriate recommendations to the Government;</li> <li>(7) to receive and examine suggestions, recommendations and requests made to it concerning human rights and freedoms, possibly by inviting any interested person or body of persons to present his or its views before the commission where it believes that the interest of the public or of a body of persons so requires, with a view to making the appropriate recommendations to the Government;</li> <li>(8) to cooperate with any organization dedicated to the promotion of human rights and freedoms in or outside Québec;</li> <li>(9) to make an investigation into any act of reprisal or attempted reprisals and into any other act or omission which, in the opinion of the commission, constitutes an offence under this Charter, and report its findings to the Attorney General and to the Director of Criminal and Penal Prosecutions.</li> </ul>	Québec Charter of Human Rights and Freedoms <a href="http://legisQuebec.gouv.qc.ca/en/showdoc/cs/C-12?langCont=en#ga:l_ii-gb:l_ii-h1">http://legisQuebec.gouv.qc.ca/en/showdoc/cs/C-12?langCont=en#ga:l_ii-gb:l_ii-h1</a>

Jurisdiction	Mandate	Source
Québec	<p><b>One mission, two mandates</b></p> <p>The Commission des droits de la personne et des droits de la jeunesse promotes and upholds the principles set forth in the Charter of Human Rights and Freedoms. It is also responsible for the administration of the Act Respecting Equal Access to Employment in Public Bodies. In addition, it is responsible for ensuring that the interests of children are protected and that their rights recognized by the Youth Protection Act and the Youth Criminal Justice Act are respected.</p> <p>The members of the Commission are appointed by the National Assembly. The Commission is independent of the government and carries out its mission by taking all appropriate measures for the benefit of citizens and in the public interest.</p> <p>Our organization provides services to the population throughout Québec and to any person on its territory. These services include reception, investigation and legal representation, mediation, advice concerning reasonable accommodation, information, cooperation and rights education, as well as services related to the establishment and implementation of equal access to employment programs. All services offered by the Commission are free of charge.</p>	<p>Website <a href="http://www.cdpdj.qc.ca/Publications/declaration_services_2012_En.pdf">http://www.cdpdj.qc.ca/Publications/declaration_services_2012_En.pdf</a></p>

Jurisdiction	Mandate	Source
Québec	<p>The Commission was constituted under the Charter of Human Rights and Freedoms in 1976. The present name and responsibilities of the Commission result from the merging in 1995 of the Commission des droits de la personne and the Commission de protection des droits de la jeunesse.</p> <p>The Commission is independent from the gouvernement [sic] and fulfills its mission for the sole benefit of citizens and in the public interest.</p> <p>The Commission's mission is to promote and uphold the principles stated in:</p> <ul style="list-style-type: none"> <li>▶ the Charter of Human Rights and Freedoms This link will redirect you to an external Website in a new window.</li> <li>▶ the Youth Protection Act This link will redirect you to an external Website in a new window.</li> <li>▶ the Youth Criminal Justice Act This link will redirect you to an external Website in a new window.</li> </ul> <p>The Commission also ensures the enforcement of:</p> <ul style="list-style-type: none"> <li>▶ the Act respecting equal access to employment in public bodies This link will redirect you to an external Website in a new window.</li> <li>▶ The Commission's mission includes the following responsibilities [sic]:</li> <li>▶ Inform the public about rights recognized by the Charter, the Youth Protection Act and Youth Criminal Justice Act</li> <li>▶ Carry out investigations in cases of discrimination and exploitation (under the Charter) and in cases of infringements of children and youth rights (under the YPA or the YCJA)</li> <li>▶ Make recommendations to the Québec gouvernement [sic] regarding conformity of laws with the Charter and regarding any issue related to rights and freedoms and youth protection.</li> <li>▶ Undertake and promote research and publications on fundamental rights and freedoms and on children rights</li> <li>▶ Offer an advisory service on reasonable [sic] accommodation to employers and decision-makers</li> <li>▶ Monitors the application of equal access to employment programs</li> <li>▶ Cooperate with any organization, dedicated to the promotion of human rights and freedoms, in or outside Québec</li> </ul>	<p>Website <a href="http://www.cdpdj.qc.ca/en/commission/Pages/default.aspx">http://www.cdpdj.qc.ca/en/commission/Pages/default.aspx</a></p>

Jurisdiction	Mandate	Source
Saskatchewan	<p><b>Duties of commission</b></p> <p>25 The commission shall:</p> <ul style="list-style-type: none"> <li>(a) forward the principle that every person is free and equal in dignity and rights without regard to religion, creed, marital status, family status, sex, gender identity, sexual orientation, disability, age, colour, ancestry, nationality, place of origin, race or perceived race or receipt of public assistance;</li> <li>(b) promote an understanding and acceptance of, and compliance with, this Act;</li> <li>(c) develop and conduct educational programs designed to eliminate discriminatory practices;</li> <li>(d) disseminate information and promote understanding of the legal rights of residents of the province and conduct educational programs in that respect;</li> <li>(e) further the principle of the equality of opportunities for persons, and equality in the exercise of the legal rights of persons, regardless of their status;</li> <li>(f) conduct and encourage research by persons and associations actively engaged in the field of promoting human rights;</li> <li>(g) forward the principle that cultural diversity is a basic human right and fundamental human value;</li> <li>(h) promote and pursue measures to prevent and address systemic patterns of discrimination; and</li> <li>(i) promote and pursue alternative dispute resolution methods in resolving complaints.</li> </ul> <p><b>Our Mandate</b></p> <p>Discourage and eliminate discrimination</p> <p>Investigate and resolve discrimination complaints quickly and effectively</p> <p>Support and seek remedies for individuals and groups who suffer discrimination</p> <p>Promote, approve and monitor equity programs</p> <p>Promote research and education strategies to advance the principles of equality and diversity, and to encourage understanding of human rights issues</p> <p>Promote leadership on human rights related public policy development and implementation</p> <p>Promote advances in human rights legislation and protection</p>	<p>Human Rights Code <a href="http://www.qp.gov.sk.ca/documents/English/Statutes/Statutes/S24-1.pdf">http://www.qp.gov.sk.ca/documents/English/Statutes/Statutes/S24-1.pdf</a></p> <p>Website <a href="http://saskatchewanhumanrights.ca/about-us/about-us">http://saskatchewanhumanrights.ca/about-us/about-us</a></p>



## International

All references to sections are a reference to the *Australian Human Rights Commission Act*, 1986, including amendments up to Act No. 32, 2017.

### Leading Edge Practices – Australia – Australian Human Rights Commission

Roles and Functions	Notes	Source(s)
<b>Education</b>		
Can the commission develop guidelines or policies for the public's use to determine compliance?	The commission can prepare and publish guidelines for the avoidance of practices that are inconsistent with or contrary to human rights.	Section 11(1)(n)
Are there legislative guidelines for public education or outreach?	The commission can promote understanding, acceptance and public discussion of human rights in Australia and undertake research and educational programs for the purpose of promoting human rights.	Section 11(1)(g) and (h)
<b>Monitoring</b>		
Does the commission have mandatory powers of review, for example with respect to the state of human rights in the jurisdiction?	The commission can inquire into any act or practice that may be inconsistent with or contrary to any human right and if the commission considers it to be appropriate, the commission can endeavour by conciliation to effect a settlement of the matters that give rise to the inquiry.  The commission shall do the above when requested to do so by the minister or when a complaint is made in writing to the commission.	Section 11(1)(f)(i) and (ii) Section 20(1)
Does the commission review legislation for compliance with or impact on protected human rights (or are such reviews conducting by the ministry sponsoring the legislation or is there no review)?	The commission can review enactments and, when requested to do so by the minister, proposed enactments, for the purpose of ascertaining consistency with human rights and may report to the minister the results of any examination.	Section 11(1)(e)
Is there a group designated to review the commission's work?	Not in the legislation	
Can the commission make recommendations about expanding protected grounds of discrimination?	The commission can on its own initiative or when requested by the minister report to the minister as to laws that should be made by Parliament or action that should be taken by the Commonwealth on matters relating to human rights.  The commission can on its own initiative or when requested by the minister report actions the commission believes are necessary for compliance with international instruments.	Section 11(1)(j) Section 11(1)(k)
<b>Powers</b>		
Can the commission file complaints (systemic or individual)	The commission can inquire into and attempt to conciliate complaints of unlawful discrimination.	Section 11(1)(aa)
Can the commission intervene (in what circumstances?)	With the leave of the court the commission can intervene in proceedings that involve human rights issues (the court may impose conditions).	Section 11(1)(o)

Roles and Functions	Notes	Source(s)
Does the commission have any gatekeeping function with respect to tribunal complaints?	Not in the legislation.	
Does the commission have the powers of inquiry, and can it conduct a review or issue a special report?	The commission has the power to do all things that are necessary or convenient to be done for or in connection with the performance of its functions, which includes promoting human rights, inquiring into violations, etc. Reports shall contain recommendations for amendment.	Section 13 Section 29(1)
Does the commission have the power to search and seize documents or information?	Yes – where the commission has reason to believe a person is capable of giving information or producing documents relevant to a matter under examination or inquiry the commission may serve notice requiring a signed statement of information or delivery of documents.	Section 21(1)
Does the commission have the power of subpoena?	Yes – Where the commission has reason to believe a person is capable of giving information relevant to a matter under inquiry the commission may require attendance.	Section 21(5)
Governance and Structure of the Commission		
To whom does the commission report (the legislature or a minister?)	Independent statutory organization that reports to the federal Parliament through the attorney general.	<a href="https://www.humanrights.gov.au/about-commission-o">https://www.humanrights.gov.au/about-commission-o</a>
Who is the person heading the commission? Who appoints the person?	The president of the commission is appointed by the governor-general.  The president is responsible for managing the administrative affairs of the commission.	Section 8A(1) and (3)
How are the functions of the commission organized (e.g., are there deputies with independent functions or do the deputies co-ordinate responsibilities)?	The commission is made up of a president and 7 commissioners; each commissioner has a specialized role (e.g., Aboriginal and Torres Strait Islander social justice, children, race discrimination, etc.)	<a href="https://www.humanrights.gov.au/about-commission-o">https://www.humanrights.gov.au/about-commission-o</a>
<b>Best Practices</b>		
<b>Technology</b>		
What does the commission do to overcome barriers, generally, and specifically those that may arise from technology?	The commission has a duty to take reasonable steps to provide appropriate assistance to persons who the commission believes wish to make a complaint regarding a human rights issue but require assistance to formulate the complaint or reduce it to writing.	Section 20(5)
Does the commission use technology in a notable way?	commission has an App – the “Rights App”, a quick free reference guide to international human rights law.  Commission has a YouTube channel and produces commercials.  Online information for children and lesson plans/resources for teachers on various human rights related topics.	<a href="https://www.youtube.com/user/AustralianHRC/featured">https://www.youtube.com/user/AustralianHRC/featured</a>  <a href="https://www.humanrights.gov.au/education/human-rights-school-classroom">https://www.humanrights.gov.au/education/human-rights-school-classroom</a>

Roles and Functions	Notes	Source(s)
<b>Indigenous Experiences</b>		
Does the commission incorporate other models for education or promote other models for adjudication drawn from Indigenous experiences?	<p>The commission establishes an Aboriginal and Torres Strait Islander social justice commissioner who must have significant experience in community life of Aboriginal persons or Torres Strait Islanders.</p> <p>Specific role to promote discussion and awareness of human rights in relation to Aboriginal persons and Torres Strait Islanders, and undertake specialized research and educational programs for the purpose of promoting respect for their human rights and enjoyment and exercise of human rights.</p> <p>Community guide for Aboriginal and Torres Strait Islander people to learn about the UN Declaration on the Rights of Indigenous Peoples – outlines how rights can be used in everyday life (accompanying booklet and poster).</p>	<p>Section 46B</p> <p>Section 46C</p> <p><a href="https://www.humanrights.gov.au/sites/default/files/document/publication/declaration_community_guide.pdf">https://www.humanrights.gov.au/sites/default/files/document/publication/declaration_community_guide.pdf</a></p> <p><a href="https://www.humanrights.gov.au/our-work/aboriginal-and-torres-strait-islander-social-justice/publications/community-guide-un">https://www.humanrights.gov.au/our-work/aboriginal-and-torres-strait-islander-social-justice/publications/community-guide-un</a></p>

## Leading Edge Practices – Denmark – Danish Institute of Human Rights (DIHR) and the Board of Equal Treatment

Roles and Functions	Notes	Source(s)
<b>Education</b>		
Can the commission develop guidelines or policies for the public's use to determine compliance?	Could not find that this was explicitly allowed or prohibited.	
Are there legislative guidelines for public education or outreach?	<p>Act establishing the DIHR is only in Danish.</p> <p>DIHR engages in public outreach – meetings, debates, seminars, events, and social media.</p> <p>The act that establishes the DIHR sets out education as one of its mandates.</p>	<p><a href="https://www.retsinformation.dk/Forms/R0710.aspx?id=152005">https://www.retsinformation.dk/Forms/R0710.aspx?id=152005</a></p> <p><a href="https://www.humanrights.dk/about-us/afdelinger/communication">https://www.humanrights.dk/about-us/afdelinger/communication</a></p> <p><a href="https://www.ucl.ac.uk/laws/bridging-the-divide/docs/btd-denmark-study">https://www.ucl.ac.uk/laws/bridging-the-divide/docs/btd-denmark-study</a> (page 11)</p>
<b>Monitoring</b>		
Does the commission have mandatory powers of review, for example with respect to the state of human rights in the jurisdiction?	<p>Monitors how Denmark fulfils human rights obligations, e.g. by implementing treaties; advises Danish government and Parliament</p> <p>DIHR also monitors Denmark's reporting to the UN and provides complementary materials; monitors whether Denmark has followed up on UN recommendations.</p>	<p><a href="https://www.humanrights.dk/about-us/afdelinger/monitoring">https://www.humanrights.dk/about-us/afdelinger/monitoring</a></p>
Does the commission review legislation for compliance with or impact on protected human rights (or are such reviews conducting by the ministry sponsoring the legislation or is there no review)?	DIHR drafts legislative consultation responses that evaluate whether a given bill complies with human rights law; if it does not they draft amendments and recommendations.	<p><a href="https://www.humanrights.dk/about-us/afdelinger/monitoring">https://www.humanrights.dk/about-us/afdelinger/monitoring</a></p>

Roles and Functions	Notes	Source(s)
Is there a group designated to review the commission's work?	The DIHR must submit an annual report to parliament about the activities of the institution and about the development of human rights in Denmark.	<a href="https://www.ucl.ac.uk/laws/bridging-the-divide/docs/btd-denmark-study">https://www.ucl.ac.uk/laws/bridging-the-divide/docs/btd-denmark-study</a> (page 12)
Can the commission make recommendations about expanding protected grounds of discrimination?	The DIHR can make recommendations to Parliament and government generally; no evidence found that this would be an excluded area.	<a href="https://www.humanrights.dk/about-us/afdelinger/monitoring">https://www.humanrights.dk/about-us/afdelinger/monitoring</a>
Powers		
Can the commission file complaints (systemic or individual)	The DIHR can file a complaint on behalf of complainants before the National Board of Equal Treatment and file independent complaints in cases of principal matter.  DIHR can provide assistance to individual victims of discrimination.	<a href="http://www.equineteurope.org/Danish-Institute-for-Human-Rights">http://www.equineteurope.org/Danish-Institute-for-Human-Rights</a>  <a href="https://www.ucl.ac.uk/laws/bridging-the-divide/docs/btd-denmark-study">https://www.ucl.ac.uk/laws/bridging-the-divide/docs/btd-denmark-study</a> (page 6)
Can the commission intervene (in what circumstances?)	Could not find a reference to the right to intervene.	
Does the commission have any gatekeeping function with respect to Tribunal complaints?	The DIHR and the National Board of Equal Treatment seem to work independently.	<a href="https://www.ucl.ac.uk/laws/bridging-the-divide/docs/btd-denmark-study">https://www.ucl.ac.uk/laws/bridging-the-divide/docs/btd-denmark-study</a> (page 9)
Does the commission have the powers of inquiry, and can it conduct a review or issue a special report?	Yes, the DIHR produces special reports at its own initiative.  The DIHR can launch independent inquiries and projects which form the basis of recommendations to Parliament and government.	<a href="https://www.humanrights.dk/publications">https://www.humanrights.dk/publications</a>  <a href="https://www.humanrights.dk/about-us/mandate">https://www.humanrights.dk/about-us/mandate</a>
Does the commission have the power to search and seize documents or information?	No specific mention; seems unlikely.	
Does the commission have the power of subpoena?	No specific mention; seems unlikely.	
Governance and Structure of the Commission		
To whom does the commission report (the Legislature or a minister?)	Independent of government.  Board of directors can prepare statutes for the DIHR which must be approved by the minister of foreign affairs.	<a href="https://www.humanrights.dk/who-we-are">https://www.humanrights.dk/who-we-are</a>  <a href="https://www.ucl.ac.uk/laws/bridging-the-divide/docs/btd-denmark-study">https://www.ucl.ac.uk/laws/bridging-the-divide/docs/btd-denmark-study</a> (page 13)

Roles and Functions	Notes	Source(s)
Who is the person heading the commission? Who appoints the person?	<p>Denmark's Council for Human Rights is composed of representatives from civil society organisations who discuss the undertakings of the DIHR.</p> <p>Council appoints 6 board members.</p> <p>Board members are appointed every 4 years according to public consultation so that they reflect attitudes of civil society organizations engaged in human rights activities.</p> <p>Board members appointed by universities of Denmark, Council for Human Rights in Denmark and Greenland and employees of DIHR.</p> <p>Board is controlling body of DIHR, Board appoints the institute's director.</p>	<p><a href="https://www.humanrights.dk/about-us/the-council-human-rights">https://www.humanrights.dk/about-us/the-council-human-rights</a></p> <p><a href="https://www.humanrights.dk/about-us/board">https://www.humanrights.dk/about-us/board</a></p>
How are the functions of the commission organized (e.g., are there deputies with independent functions or do the deputies co-ordinate responsibilities)?	<p>DIHR has different specialized departments, e.g. monitoring, equal treatment, human rights systems, etc.</p> <p>Does not appear that board members or committee members are specialized, but, among the 6 members of the board appointed by the Council for Human Rights, one member must be associated with each of: an organization working on ethnic minority issues, an organization working in equality between men and women, and one member must be appointed on the recommendation of Disabled Peoples Organisations Denmark.</p>	<p><a href="https://www.humanrights.dk/about-us/departments">https://www.humanrights.dk/about-us/departments</a></p> <p><a href="https://www.ucl.ac.uk/laws/bridging-the-divide/docs/btd-denmark-study">https://www.ucl.ac.uk/laws/bridging-the-divide/docs/btd-denmark-study</a> (page 13)</p>

## Best Practices

### Technology

What does the commission do to overcome barriers, generally, and specifically those that may arise from technology?	<p>Contact link for people experiencing accessibility difficulties</p> <p>Accessibility strategy</p>	<p><a href="https://www.humanrights.dk/about-us/accessibility">https://www.humanrights.dk/about-us/accessibility</a></p> <p><a href="https://www.humanrights.dk/sites/humanrights.dk/files/strategies/tilgaengelighedsstrategi_2014_uk.pdf">https://www.humanrights.dk/sites/humanrights.dk/files/strategies/tilgaengelighedsstrategi_2014_uk.pdf</a></p>
Does the commission use technology in a notable way?	Has a social media presence and makes YouTube videos – both interview style and animated videos that seem educational	<a href="https://youtu.be/Jo9QFVQIxM">https://youtu.be/Jo9QFVQIxM</a> (link to one video produced in English)

### Indigenous Experiences

Does the commission incorporate other models for education or promote other models for adjudication drawn from Indigenous experiences?	Nothing found.
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## E: Recommended reading/online resources

*Administrative Justice Project human rights review*, A background paper prepared by Deborah K. Lovett and Angela R. Westmacott for Administrative Justice Project, Ministry of Attorney General, Victoria, B.C.

<http://www.llbccat.leg.bc.ca/ipac20/ipac.jsp?session=1K11884673M55.55025&profile=main&source=~!llbchz&view=subscriptionsummary&uri=full=3100001~!350060~!4&ri=2&aspect=subtab150&menu=search&ipp=20&spp=20&staffonly=&term=Lovett,+Deborah+K.&index=PZAUTH&uindex=&aspect=subtab150&menu=search&ri=2>

*Australian Human Rights Commission* <http://www.humanrights.gov.au>

*British Columbia Human Rights Commission Bill Black Report on Human Rights in BC* (1994) recommended that the structure of the then-B.C. Council of Human Rights be changed with adjudication assigned to a Human Rights Tribunal and other functions assigned to a Human Rights Commission. The author also proposed that the Human Rights Act be replaced by a new *Human Rights Code*.

<http://www.llbc.leg.bc.ca/public/pubdocs/bcdocs/192467/index.htm>

*Defining Rights and Wrongs: Bureaucracy, Human Rights, and Public Accountability* by Rosanna L. Langer, UBC Press, Vancouver Toronto 2007

*La Forest Report* on page 15 describes a model for advisory groups to fulfill community outreach.

<http://publications.gc.ca/collections/Collection/J2-168-2000E.pdfapproa>

*Report of The Ontario Human Rights Review* (2012) by Andrew Pinto outlines findings, advice and recommendations with respect to the implementation and effectiveness of the changes to the human rights system in Ontario.

[https://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/human\\_rights/](https://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/human_rights/)

*Restraining Equality: Human Rights Commissions in Canada* by R. Brian Howe and David Johnson, University of Toronto Press, Toronto, Buffalo, London, 2000

*Speaking Out on Human Rights: Debating Canada's Human Rights System* by Pearl Eliadis, (McGill-Queens University Press, 2014) ISBN 9780773543058

<http://www.mqup.ca/speaking-out-on-human-rights-products-9780773543058.php>

*Strengthening Human Rights: Why British Columbia Needs a Human Rights Commission* by Gwen Brodsky and Shelagh Day, (Vancouver: The Poverty and Human Rights Centre and Canadian Centre for Policy Alternatives - BC Office, 2014). ISBN: 978-1-77125-158-7

[https://www.policyalternatives.ca/sites/default/files/uploads/publications/BC%20Office/2014/12/ccpa-bc-StrengtheningHumanRights\\_web.pdf](https://www.policyalternatives.ca/sites/default/files/uploads/publications/BC%20Office/2014/12/ccpa-bc-StrengtheningHumanRights_web.pdf)

United Nations Human Rights, Office of the High Commissioner, Principles relating to the Status of National Institutions (The Paris Principles).

<http://www.ohchr.org/EN/ProfessionalInterest/Pages/StatusOfNationalInstitutions.aspx>

