

**Route 64 – Another Detour on the Road to Equality:  
An Examination of the Current Humans Rights System in British Columbia**

On March 31, 2003, Bill 64, the *Human Rights Code Amendment Act, 2002*, was brought into force. The bill enacted sweeping amendments to British Columbia's Human Rights Code and abolished the B.C. Human Rights Commission, the body formerly responsible for administering the Code through a variety of functions including research, education, monitoring, investigation and dispute resolution.

Key Issues Raised by the Paper:

***BC's 'Direct Access' Model Means Restricted Access:***

- Eliminating Commission investigations shifted the gate-keeping function to the Tribunal, which now spends “most of its time screening out inappropriate cases” rather than adjudicating the substantive merits of human rights allegations.
- Individual human right complainants face the burden of presenting and investigating their own cases with sufficient expertise to demonstrate to the Tribunal that their case is strong enough to succeed. Without the support and expertise of the Commission, complainants risk having their legitimate human rights complaints dismissed without a hearing.
- Under the Commission model, human rights complaints were understood to be publicly managed issues that could be accessed to further the provincial goal of eradicating discrimination and inequality. In the direct access model, recognition of the public element of human rights cases has been removed. The result is that a human rights complaint has become a private interaction between the parties more akin to private civil litigation.
- The public interest in addressing issues of systemic discrimination cannot be met by a complaint driven model. The resources required to mount a case of systemic discrimination are sizable and individuals and community groups are unlikely to either pursue systemic complaints or achieve systemic remedies due to resource and time constraints, investigative challenges, lack of expertise and conflicting remedial interests.

***BC Model Fails to Comply with International Law:***

- British Columbia the only Province in Canada without a public human rights institution that accords with the international principles, known as the “Paris Principles”, adopted by the UN General Assembly in 1993.
- The Paris Principles assert the importance of nation states (and in federations like Canada, provinces) having independent human rights institutions, established by law, with fixed term appointments and adequate and assured public funding.

Such institutions must also be able to hear claims, investigate, advise government, host meetings, publish reports, consult and collaborate with non-governmental organizations.

- None of the three bodies currently dealing with human rights in BC – the BC Human Rights Tribunal, the BC Human Rights Coalition and the Ministry of the Attorney General – meet the criteria set out in the Paris Principles.
- BC has already been criticized by the UN Committee monitoring Canada’s compliance with the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW). Criticism from other UN Treaty Monitoring Bodies and the international human rights community in general, can be expected until BC changes its system to accord with international law and practice.

***Human Rights Education, Research and Consultation:***

- From 1997 to 2002 the Commission engaged in research and public consultation, publishing six major reports on topics including “*Human Rights for the Next Millennium*,” “*Factors Affecting the Status of Older Women in Canada: Implications for Mandatory Retirement*,” and “*Barriers to Equal Education for Aboriginal Learners*.”
- Since 2002, when the Commission was abolished, there have been no reports, public hearings or consultations. In addition, government is without an independent human rights monitor able to advise on policy directions in response to emerging concerns.
- Efforts by the BC Human Rights Coalition, a non-governmental organization, to fill the human rights education gap, fall short of what is needed. The Coalition does not have the staff or resources to devote to human rights education, nor does it have the credibility of a human rights commission that has been legislatively enacted and publicly funded.

The BC Human Rights Defenders is a non-profit organization dedicated to protecting and promoting the advancement of human rights provincially, nationally and internationally. For more information visit: [www.hrdefenders.bc.ca](http://www.hrdefenders.bc.ca)

University of Victoria’s International and Human Rights Law Association (IHRLA) educates club members and students about the principles of international and human rights law relating to organizations, legal issues and comparisons of legal systems.

IHRLA also promotes awareness of international and human rights law and related issues. For more information visit: <http://ihrla.law.uvic.ca/>

For more information or to schedule an interview, please contact Ethos Strategy Group in Vancouver at 778.786.2838