



# British Columbia Human Rights Tribunal

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## ***Expanding our Vision: Cultural Equality and Indigenous Peoples Human Rights report***

### **History of Report**

The British Columbia Human Rights Tribunal is responsible for receiving and reviewing complaints under the *BC Human Rights Code*. Indigenous Peoples do not file as many human rights complaints as others. Diana Juricevic, Chair of the Human Rights Tribunal wanted to understand why. Ardith Walpetko We'dalx Walkem, QC, was commissioned to write a report on the current situation and make recommendations. In preparing her report, Ms. Walkem surveyed over 100 Indigenous People about their experiences with discrimination and the Human Rights Tribunal.

### **Context of report**

The Province of BC is moving forward in the spirit of change and reconciliation with Indigenous Peoples. The *United Nations Declaration on the Rights of Indigenous Peoples*, is a human rights framework which the BC government will implement through the *Declaration on the Rights of Indigenous Peoples Act*, the Truth and Reconciliation Commission Calls to Action, and the MMIWG2S Inquiry's Calls for Justice.

These widespread calls for change in the relationship between Indigenous Peoples and Canadian society are inspired by Indigenous Peoples who are speaking up and are being heard. The Walkem report is informed by this larger context and contributes to the access to justice 'journey of renewal' currently being undertaken by the BC Human Rights Tribunal. This report identifies a bold path forward that is accessible and achievable.

The provincial government's legislation to implement the *United Nations Declaration on the Rights of Indigenous Peoples* has made embarking on this journey an immediate obligation.

### **Key quotes from Ardith Walpetko We'dalx Walkem QC in the report**

"Incorporation of Indigenous legal definitions of human rights, and mechanisms for ensuring fairness and freedom from discrimination, is a cornerstone of access to justice".

"Human rights, at their core, are about inclusion and honouring the dignity and uniqueness of others, and for Indigenous Peoples, this protection includes the collective expression of those human rights".

## Survey Results

Indigenous Peoples overwhelmingly identified that they have experienced instances of discrimination which they feel violated their human rights. They reported numerous and repeated incidents of what they believed to be discrimination. Yet, in the vast majority of cases, they did not file complaints through the Human Rights Tribunal. Some had no idea that the Human Rights Tribunal existed, or how to access it. Many said that their experiences of racism as Indigenous Peoples were so pervasive that they did not believe it would make any difference to file a complaint with the Human Rights Tribunal.

The Human Rights Tribunal is seen as primarily an urban entity which is disconnected from, and unreachable by, Indigenous Peoples in different regions, particularly smaller and more remote communities. Many highlighted the need to create public awareness about specific forms and expressions of discrimination that Indigenous Peoples face, but which are often unacknowledged.

## Summary of Recommendations

The report makes nine recommendations. The Human Rights Tribunal will act immediately on five recommendations:

1. **Recruitment:** Increase the number of Indigenous Peoples at the Human Rights Tribunal.
2. **Remove Barriers:** Identify and remove procedural barriers within the Human Rights Tribunal.
3. **Affirmative Access:** Implement active efforts to address underrepresentation of Indigenous complainants accessing the Human Rights Tribunal. Create an affirmative access program for Indigenous Peoples.
4. **Action Plan:** Create a Human Rights Tribunal committee to implement the recommendations in *Expanding Our Vision*. Indigenous lawyers and cultural leaders or academics with knowledge of human rights should be recruited to join these efforts.
5. **Report on Progress:** Human Rights Tribunal will report on immediate steps within the first six months and then on a yearly basis.

The Human Rights Tribunal will collaborate for transformative change on four recommendations:

6. **Expand Legislation:** Add Indigenous Identity as a ground of discrimination under the BC Human Rights Code. This would send a message of inclusion and reflect the individual and collective nature of Indigenous human rights.
7. **Broaden the concept of human rights** to incorporate Indigenous Legal Traditions and international human rights principles as reflected in the *United Nations Declaration on the Rights of Indigenous Peoples*.
8. **Education and Training:** Create education materials and training for Indigenous Peoples, Human Rights Tribunal, and general public. Education about human rights are necessary to begin the process of transforming relationships between Indigenous Peoples and Canadian Society.
9. **Legal Representation:** Increase funding for Indigenous legal representation. Improve the training for and number of lawyers available to support Indigenous Peoples in bringing human rights complaints, with an emphasis on Indigenous lawyers.

**Moving Forward with this Call to Action – Response from Human Rights Tribunal Chair, Diana Juricevic**

*Expanding our Vision* is a challenge to those of us who have some power to change the institutions that have for so long discriminated against Indigenous Peoples.

The Human Rights Tribunal welcomes the recommendations in *Expanding our Vision*. We want to offer a process that is safe and accessible for Indigenous Peoples, and will work directly with Indigenous communities to achieve that result. We aim to transform the human rights process into one that is inclusive and makes a real difference in the lives of Indigenous Peoples.

I invite everyone to join us on this journey, together with Indigenous Peoples and communities, to transform the way we provide justice.

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