



British Columbia Human Rights Tribunal

British Columbia Human Rights Tribunal releases “transformational” report on Indigenous human rights and access to justice

Key partners commit to an action plan to transform human rights for Indigenous Peoples

Today, the British Columbia Human Rights Tribunal (BCHRT) released a report addressing serious access to justice concerns for Indigenous peoples bringing human rights complaints to the tribunal. The report, entitled *Expanding our Vision: Cultural Equality and Indigenous Peoples Human Rights*, makes far-reaching recommendations that, according to Human Rights Tribunal Chair, Diana Juricevic, could transform human rights in this province.

The BCHRT is being joined by Indigenous, legal and human rights organizations in a shared commitment to transform human rights for Indigenous Peoples in the province.

Report author Ardith Walpetko We’dalx Walkem QC surveyed over 100 Indigenous People about their experiences with discrimination and the Human Rights Tribunal. Overwhelmingly those interviewed reported pervasive levels of discrimination. Many Indigenous People 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 widespread that they did not believe it would make any difference to file a complaint with the Human Rights Tribunal.

Expanding our Vision makes nine recommendations. Removing barriers to access to the Human Rights Tribunal is not enough. Structural change is needed to incorporate Indigenous definitions of human rights according to Indigenous laws. The main recommendations broaden the concept of human rights, including adding Indigenous Identity to the BC *Human Rights Code* and incorporating Indigenous legal traditions and international human rights principles as reflected in the *United Nations Declaration on the Rights of Indigenous Peoples*, which BC has recently committed to implementing through legislation.

“This report is a call to action,” says Chair Juricevic. “The Tribunal will actively engage with Indigenous Peoples and communities to move forward in a meaningful way on these recommendations. The report has implications beyond the Tribunal’s work, and we are committed to working collaboratively with others.”

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Backgrounder Attached

Quotes:

Ardith Walkem QC, Author of *Expanding our Vision*, from 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.”

The Honourable Chief Justice Robert Bauman, Chair of Access to Justice BC

"*Expanding our Vision* is a very important report. It requires us to re-imagine our relationship with Indigenous peoples in British Columbia. The Leadership Group of Access to Justice BC will focus its fall 2020 semi-annual meeting on the implications of the *United Nations Declaration of the Rights of Indigenous Peoples* on Indigenous access to justice."

Douglas White, Chairperson, BC First Nations Justice Council

"The recent treatment by BMO and the Vancouver PD of Maxwell Johnson and his granddaughter for banking while Indigenous, sharply illustrates that anti-Indigenous racism is not a historic issue but a present day reality in British Columbia." said Douglas White, Chairperson, BC First Nations Justice Council, "We are at a defining moment in our country's history where we must collectively recreate the basic institutions of society to include Indigenous Peoples in an appropriate and just way. Today's publication of Ardith Walkem's *Expanding Our Vision* report for the BC Human Rights Tribunal is an important example of the critical work needed to reorient and decolonize our country's powerful institutions to be better for Indigenous people."

Grand Chief Stewart Phillip, President of the Union of BC Indian Chiefs

"*Expanding our Vision* identifies the critical changes needed to eradicate the discrimination that continues to cast a long shadow over the Province's commitment to real reconciliation and implementation of the UN Declaration. The repeated incidents of violence, racial profiling, and prejudice that Indigenous Peoples are experiencing highlights the necessity of immediately implementing the Report's recommendations. The Province needs to work collaboratively with Indigenous Peoples to incite and carry forth the systemic changes that will protect their human rights and support equality and justice."

Amber Prince, Atira Women's Resource Society / member of Sucker Creek Cree Nation

"This Report reflects and affirms the voices of so many Indigenous peoples who experience systemic and epidemic levels of discrimination, often on a daily basis. At Atira we see the devastating consequences that discrimination has, in particular, on Indigenous women, their children and families. This Report offers key insights and recommendations to human rights tribunals, government, and service providers. This is a call to action to effectively respond to the unaddressed human rights violations that Indigenous peoples continue to endure. Kinanāskōmitin (thank you) to Ardith Walkem, QC., for this powerful document, and the BC Human Rights Tribunal for its leadership in facilitating this Report."

Kasari Govender, Commissioner, Office of the Human Rights Commissioner for British Columbia

"This is a bold report that looks squarely at some of the challenges Indigenous peoples face in accessing the human rights system here in BC," says Kasari Govender, BC's Human Rights Commissioner. "We know that Indigenous people face significant human rights issues, and yet they are largely not accessing the human rights system through the BC Human Rights Tribunal. That's a disconnect we need to be paying attention to. This report calls us to address not only the individual complaints system, but to work systemically to shift the laws, policies, and practices that perpetuate human rights abuses against Indigenous peoples. As BC's Human Rights Commissioner, I welcome this report and look forward to working on many of the issues it raises."

Josh Paterson, Executive Director, Law Foundation of British Columbia

"In this report, Indigenous people's voices make clear that when they face routine and systemic discrimination in British Columbia, accessing justice isn't easy. The report concludes that the human rights system has been built in a way that leaves many Indigenous people out, culturally and procedurally. This means that many people who experience discrimination never come forward. It took courage for the Tribunal to open itself up to a deep examination of its practices like this, and it is an important step forward in ensuring access to justice for Indigenous people."

Laura Track, Human Rights Lawyer and Director of Education, Community Legal Assistance Society

"The BC Human Rights Clinic and Community Legal Assistance Society offer our wholehearted endorsement of the *Expanding our Vision* report and its recommendations. We commit to supporting the Tribunal to take action on these key recommendations. We also commit to taking steps of our own to promote meaningful access to justice for Indigenous peoples, and to ensuring that Indigenous people are aware of their human rights and know how to enforce them."