



British Columbia Human Rights Tribunal

1170 – 605 Robson Street
Vancouver BC V6B 5J3

Phone: 604-775-2000

Fax: 604-775-2020

TTY: 604-775-2021

Toll Free: 1-888-440-8844

www.bchrt.bc.ca

May 19, 2020

Richard Fyfe, QC
Deputy Attorney General
PO Box 9290, Stn. Prov. Govt.
Victoria BC V8W 9J7

Dear Mr. Fyfe:

RE: Request to add Indigenous Identity to the *Human Rights Code*

I am writing to request, on an urgent basis, an amendment to ss. 7-14 of the *Human Rights Code* to add Indigenous identity as a ground of discrimination.

These sections of the *Human Rights Code* set out the protections from discrimination under the *Code*. Each prohibits discrimination based on race, colour, ancestry, and place of origin. These grounds have been interpreted to encompass a person's Indigenous identity. However, in *Expanding Our Vision: Cultural Equality & Indigenous Peoples Human Rights [Expanding Our Vision]*, Ardith Walkem Q.C. explains that these grounds "do not adequately address the discrimination Indigenous Peoples report experiencing" and that amending the *Code* to add "Indigenous identity" would "send a message of inclusion and reflect the individual and collective nature of Indigenous human rights" (see p. 7). Accordingly, the report's recommendation 1.2 is to add Indigenous identity as a protected ground.

This amendment would also advance BC's commitment to the United Nations Declaration on the Rights of Indigenous Peoples. The *Declaration of the Rights of Indigenous Peoples Act* aims to, among other things, affirm the application of the Declaration in BC and contribute to the implementation of Declaration. Article 2 of the Declaration provides that Indigenous Peoples "have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity".

The *Expanding Our Vision* Implementation Committee, established under recommendation 2.2, has asked the Tribunal to bring forward this request. The urgency of this request flows from two sources. First, the urgency of taking concrete steps to implement the Declaration in BC. Second, the urgency arising from the current pandemic, which has disproportionate impacts across society, including on Indigenous Peoples. Viewed in the twin contexts of inequalities in

health for Indigenous Peoples and the history of colonization and its negative health effects, the current pandemic is the appropriate time to send the powerful message that Indigenous Peoples have the right to freedom from discrimination under BC's *Human Rights Code*, on the ground of their Indigenous identity.

The organizations listed below have expressed their support for this request.

Thank you for your time and consideration.

Yours truly,

A handwritten signature in black ink, appearing to read "D. Juricevic". The signature is fluid and cursive, with a large loop at the end.

Diana Juricevic
Chair

CC: Kurt Sandstrom, Carmen Zabarauckas

Union of BC Indian Chiefs
BC Assembly of First Nations
Métis Nation British Columbia
Office of the Human Rights Commissioner

Aboriginal Front Door
Aboriginal Women's Action Network
ATIRA Group of Women Serving Agencies
BC Civil Liberties Association
Downtown Eastside Women's Center
Ending Violence Association of BC
First United Church Community Ministry Society
Indigenous Community Legal Clinic, UBC
Native Education College
Pacific Association of First Nations Women
Provincial Council of Women of British Columbia
Residential School History and Dialogue Centre, UBC
Rise Women's Legal Centre
Vancouver Aboriginal Community Policing Centre
WAVAW Rape Crisis Centre
West Coast LEAF