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‘Citizenship and Social Justice’

or

‘Fend For Yourself’ and ‘Shut the Fuck Up!’: Messages from the Neoliberal State

by Shelagh Day

Basic things need to be said here. There is no citizenship in the sense we mean it without equality. Not the thin, formal version of equality to which we keep being pulled back, which merely asks the question are people treated the same on the face of law or policy. But the fat, full idea of equality, which we call substantive, which starts from looking at people’s real conditions, and asks whether they experience equal outcomes in their societies and in their lives.

Inclusion, belonging, participation are words that we use to describe the experience of social citizenship. But the central question is what are the necessary pre-conditions for that experience of inclusion, belonging, and participation.

Probably we would all agree that recognition and treatment as an equal, and the enjoyment of adequate material conditions are essential components of “social citizenship.” But equality rights and material conditions are too often seen as different and unconnected.

However, it is only the thin version of equality that does not have material conditions at its center. Only that version can be satisfied by each person having the same right to vote, or as the Poverty and Human Rights Centre said in the *Adams* case, by rich and poor alike having the right to sleep in a public park at night under a tarp.

Conditions of poverty are, by definition, exclusionary, and antithetical to the equality project. Poor women and men do not get to participate in the life of their societies, or pursue life activities that others take for

granted, even such fundamental human activities as raising their own children.

That thin formal version of equality is also connected to a stripped down version of the state, a state that is understood to deliver freedom principally through its absence. The stripped-down neo-liberal state is preoccupied with the market and with wealth-creation, but not with distribution. As individuals we are marketized, atomized, consumers, not “citizens” struggling for the collective conditions that support human flourishing. The appropriate stance for governments is “hands off”, permitting the market and social relations to control the distribution of opportunities and benefits in our society.

A key part of the work that I do is to resist that thin version of equality and the thin version of the state that goes with it, to put flesh on the spare terms that are in our Charter - equality and security of the person - and to invoke a fuller, fatter version of the state that redistributes resources and creates equality and security of the person in the real lives of all of us.

I was asked to talk recently on the occasion of the 25<sup>th</sup> anniversary of Rosalie Abella’s Royal Commission on Equality in Employment. In the speech that Rosalie Abella gave in 2004 when she was appointed to the Supreme Court she spoke of the shape of what has happened to the law and equality in Canada in her lifetime.

Here is what she said:

“From 1970, with the Report of the Royal Commission on the Status of Women... we launched a new journey in this country which was, if not always about law, always about justice. We got official bilingualism and multiculturalism, gave persons with disabilities protected status in human rights codes, entered into serious dialogues with aboriginal people, welcomed waves of non-white immigrants, abolished the matrimonial property regimes that for centuries had kept wives on an economic continuum that ranged from invisible to inconsolable, and watched women ...make the transition to a world with options....And then, with the Charter of Rights and Freedoms over 20 years ago.. we constitutionalized the protection of rights, gave independent judges the authority to enforce them, and

introduced the public to a new, uniquely Canadian legal vision that rendered the *status quo* vulnerable to heightened expectation....”

I would quibble with some of this description. But to do so is not my main interest. It is this. Justice Abella and I are about the same age, and have lived through and been a part of the same developments. I would add some crucial elements to what Rosalie has named. Since equality is an issue of material conditions not just law, the history of social programs is integrally connected to the history of equality rights in Canada. Canada’s basic social programs – health care, unemployment insurance, social assistance – and Canada’s human rights framework – emerge from the same vision of society as inclusive, based on a sharing of resources to ensure that no one will be left behind and that the most vulnerable are a part of “us”. Taken together, social programs and human rights guarantees express commitments by governments to redistribute resources and to intervene in the market and the family to create equality.

The frameworks for rights and social programs were built during the same era. Some social programs, such as unemployment insurance, and some human rights protections, like fair employment ordinances, had earlier beginnings. But the period between the 1960s and the 1980s was a period of concerted social program building - with the introduction of the *Canada Health Act*, the *Canada Assistance Plan Act*, public pensions, long term care, legal aid - as well as the period when rights guarantees were introduced in all jurisdictions.

Social programs give tangible reality to the right to equality. They level the playing field by turning illness, unemployment, childbirth, single status, old age into affordable - or at least not catastrophic – incidents of being human for low income women and men as well more privileged ones. For women in particular, social programs have been fundamental creators of equality. Income security programs soften our economic dependence on men and health care, home care, child care, shift some of the burden of care-giving from individual women’s shoulders to the state, permitting us to move in greater numbers into paid employment and higher education.

Canada’s social safety net, implemented through both legislation and spending, was the backdrop in 1982 to the *Charter*. Most Canadians,

perhaps unconsciously, assumed then that the meaning of the s. 15 right to equality and the s. 7 right to life, liberty and security of the person had everything to do with these, never perfect, but fundamental social protections and programmatic equalizers.

When social programs were being voluntarily developed and maintained by governments, there was not much imperative to focus on social programs as entitlements. Historically, within liberal democracies such as Canada the emphasis in thinking about the rights-based obligations of governments to the citizenry has been on civil and political rights, such as formal equality before the law, fair trial processes, freedom of expression and the right to vote. Social and economic rights were assumed to be either irrelevant, or synonymous with whatever social programs governments deigned to provide. But when we began to lose social benefits and protections, starting in the early 90s we experienced this as a loss of established rights that we had assumed governments were not at liberty to abandon.

And, starting in the early 1990s, with the advancement of the neo-liberal project in Canada, and continuing to today, we have experienced significant and damaging losses. We have seen governments – federal and provincial – withdraw money and policy support from social assistance, employment insurance, affordable housing programs, and post-secondary education.

The pattern of withdrawal was precipitated and profoundly shaped by Paul Martin's 1995 federal budget, which repealed the *Canada Assistance Plan Act*, removed standards of adequacy for social assistance and cut the transfers to the provinces that had been designated specifically for expenditure on health, post-secondary education, social assistance and other social services.

Since that time, we have watched governments cut social assistance rates to levels that the National Council of Welfare has called "cruel"; narrow eligibility rules for Employment Insurance and social assistance benefits; cancel the Kelowna Accord; fail to create accessibility for people with disabilities; start, finally, on building a national child care program and then abandon it; turn away from addressing racism in the labour market by weakening or discarding

employment equity programs; undermine human rights institutions; and narrow access to justice.

Because strong social programs are equality-creating for women, the erosion of them has also eroded women's enjoyment of equality. And because of government withdrawal, there are high rates of poverty among the most vulnerable groups, more poor women and men trying to survive on inadequate welfare rates, and increasing hunger and homelessness in Canada.

In a society as wealthy as ours, and committed to equality, a widening gap between rich and poor is a profound failure. And in Canada 'poor people' is a group disproportionately composed of women, Aboriginal people, people of colour and people with disabilities, which illustrates that poverty is also a manifestation of deeply embedded systemic discrimination. Group inequality and poverty are integrally connected. For those who are poor, their poverty affects the enjoyment of every other right – sexual autonomy, security, political participation, life itself.

Let me talk about how poverty affects just one group, poor women. The Poverty and Human Rights Centre did a recent canvass of front line workers and legal advocates who work in the province in order to determine where new interventions to help the poorest women can be made. Our focus on women was animated by the knowledge that the poverty of women has gendered causes and consequences that are often obscured by generic approaches.

The striking feature of our consultations was the consistent description of a circle of connected events in the lives of poor women, which we refer to as the "vicious circle." Women may enter this circle at any point, and for different reasons. There is no particular event that always initiates the harmful momentum of the circle. Any one of the events identified can be the precipitating one. However, we heard that once a woman enters the vicious circle, however it happens, the likelihood of other harmful events in the circle occurring is greatly increased.

The connected events described by participants include: male violence, lack of adequate housing, welfare that is insufficient to meet

basic needs, lack of access to legal aid, child apprehension, and depression/addiction. For many women, these events are caused by, and are a consequence of, both sex and race discrimination. They are difficult to escape, especially without significant supports.

One participant described the vicious circle for Aboriginal women this way: sexual abuse in childhood; addictions; poverty; inadequate welfare; loss of housing; loss of children.

Another participant described this circle of events: A woman seeks to leave a violent relationship, but there are few adequate supports. Often a woman needs social assistance so that she can support herself and her children independently from the violent partner. Once she is receiving social assistance, inadequate rates mean finding and maintaining adequate housing for herself and her children is difficult, if not impossible. Children may be apprehended because they have witnessed male violence, or because living conditions are considered poor enough to constitute “neglect”. Once children are apprehended, it is often hard for women to get them back. Shelter allowances are cut when children are not present, but a mother has to show that she has an adequate place for children to live before the children can be returned. Lack of legal aid to deal with separation matters, representation *before* children are taken away, welfare entitlements, and poor housing, makes it difficult to break out of the circle.

The women we consulted are clear that male violence, inadequate welfare, lack of adequate housing, lack of legal aid, and child apprehension are integrally connected in the experience of poor women, and that effective intervention requires dealing with these events and conditions simultaneously and holistically.

Governments have abandoned these women - failing to protect them from violent men, to support them when they leave, to give them access to exercising their rights, to ensure that they can adequately care for their children, to ensure that they can keep their children. And then governments appear in their lives only as the cruelest punisher of the women for being oppressed and poor.

In this province, most children are removed by the Ministry of Children and Family Development (“MCFD”) from families because of

'neglect' not because of physical or mental abuse. In 2004, physical harm or abuse accounted for only around 10% of child removals in British Columbia.<sup>1</sup>

'Neglect', which is defined as the "failure to provide for a child's basic needs: food, clothing, adequate shelter, supervision and medical care" is, almost by definition, poverty.<sup>2</sup> Not surprisingly then a disproportionate number of children are removed from families in receipt of social assistance and Aboriginal families. 41% of child apprehensions are from families in receipt of social assistance.<sup>3</sup> And an Aboriginal child is around six times more likely to be taken into care than a non-Aboriginal child.<sup>4</sup>

Removals are generally the result of a parent's (and primarily a mother's) struggle with poverty,<sup>5</sup> addiction,<sup>6</sup> or family violence.<sup>7</sup>

In 2009 BC's Representative for Children and Youth, Mary-Ellen Turpel-Lafond, released a report regarding a young First Nations couple, who were willing and able to nurture their two-month-old boy but needed short-term assistance with housing. Although there was discretion in the system to help them, they did not receive assistance. Instead, their child was removed, placed in three successive foster homes that had no connection to his culture, and was profoundly injured while in foster care. Today, at the age of three, the child has cerebral palsy, is blind in one eye, does not walk yet, and will need life-long supports.<sup>8</sup> Turpel-Lafond concluded that BC income assistance did not provide the family with enough income to afford housing that was considered acceptable.<sup>9</sup> According to the Representative, "[t]he removal of children through the child welfare system appears to be the default approach...when supports and services...are not in place..."<sup>10</sup>

This pattern of child removals from poor parents, most often Aboriginal women, when adequate social assistance, housing, addiction and mental health services would preclude the need for the removals, illustrates that when governments withdraw there is a widening gap between the rights that Canada has committed itself to and the realization of them in people's lives. The right of these women to sex equality, to security of the person – which Canadian courts have already recognized is engaged when a parent's

guardianship of a child is in issue, and to the right to an adequate standard of living and to protection of the family are all jeopardized.

When government pulls back from its role as a remover of barriers, as a creator of the conditions that allow relations of equality to flourish, the human rights of the most vulnerable people are violated. Positive action by governments to create equality and security of the person is essential. Without it, rights are merely empty.

Canada, a country that was once thought of internationally as a human rights leader, is no more. We are known now to be an international laggard, to be a country with serious, internationally recorded and documented human rights failures.

For about fifteen years I have been doing work in the international arena, at the United Nations treaty bodies, in order to bring together international human rights commitments and domestic rights practice. This has been a project shared in by many Canadian NGOs.

There are a number of reasons for engaging in the development of an international human rights jurisprudence, or discourse, about Canada.

- First of all, United Nations forums are an excellent place (to quote the conference materials) “to challenge and reject the procrustean, homogenizing logic of neo-liberal discourses”. The international human rights framework is built on a conception of the individual as inherently worthy of respect and dignity, and as entitled, by virtue of being human, to adequate food, clothing, housing, and social security – that is, to freedom from want, as well as to participation in political, religious and cultural life and to freedom from torture and slavery – that is, to freedom from fear. This conceptual framework stands in stark contradiction to the view of society and the individual that underpins the neoliberal project. And it is a global agreement of nation-states about the entitlements of all human beings. We can draw down the power of this global consensus to illuminate the local – to highlight why and how slashing social programs and pushing the most vulnerable people into sleeping under tarps in a public park stands in

contradiction to internationally debated, negotiated and agreed upon standards.

- Secondly because the United Nations process permits NGOs to provide snapshots of the state of human rights at about five year intervals, we can draw a big picture, we can delineate the broad impacts of neo-liberalism on the human rights of people in Canada.
- Thirdly, the rights in international treaties, which Canada has ratified, tend to be much more spelled out, written in much more detail than the rights in our Charter or in statutory anti-discrimination law. Since the Supreme Court of Canada has said that international human rights law is a “relevant and persuasive” source for interpretation of Charter provisions, that fatter, fuller understanding of equality and security of the person can be developed by drawing in Canada’s agreement, by ratifying the *International Covenant on Economic, Social and Cultural Rights*, that everyone has the right to an adequate standard of living, including food clothing and housing, and the right to the continuous improvement of living conditions. Similarly, it is essential to a more pragmatic and complete understanding of women’s human rights that Canada has agreed - by ratifying the *Convention on the Elimination of All Forms of Discrimination against Women* - that women’s right to equality includes a right to childcare and to equal pay for work of equal value.
- Fourthly, the United Nations treaty bodies and the Human Rights Council function as a kind of accountability system, a forum where we can be the citizens we want to be, and hold our governments to account for fulfillment of their fundamental commitments to equality and security of the person. Our job as NGOs is to document when and how Canada is falling away from international human rights standards, and, in that way, we flesh out what international human rights norms mean in the Canadian context, or to say it a different way we flesh out what full social citizenship would look like, if we had it.

What do we say when we go to Geneva to talk to expert bodies about the implementation of norms in the Canadian context.

We say these things:

- The fulfillment of the rights to equality and security of the person impose positive obligations on governments. Human rights are not mere negative constraints, not mere warnings to do no harm. A state of non-discrimination or equality cannot be achieved in Canada (or anywhere) unless governments plan, spend money, and act to create it.
- Adherence to an understanding of substantive equality means a focus on conditions of equality, real lives, real conditions. That means, in the international context, that social and economic rights are an integral part of the “substance” of substantive equality, inseparable from it.
  - So at the center of our submissions to the United Nations is a careful documentation of how the erosion of social programs and income security programs diminish equality and security of the person in the Canadian context.

We have talked to them about poverty rates in Canada and in B.C. British Columbia is the poverty leader in Canada now. The Canadian Centre for Policy Alternatives reports that in 2006, 13 per cent of British Columbians were living on low incomes — 2.5 percentage points above the national rate and significantly higher than in any other province.<sup>11</sup> Poverty rates have risen in recent years, and they are even higher now because of the recession. According to a new report from Citizens for Public Justice 900,000 more Canadians are living in poverty now than in 2007, and social assistance case loads are rising dramatically.

- Two groups of women – Aboriginal women and single mothers – have the highest rates of poverty of all groups in the country. In 2000 36% of Aboriginal women in Canada lived below the poverty line,<sup>12</sup> as did 23% of immigrant women,<sup>13</sup> 29% of women of colour,<sup>14</sup> and 26% of women with disabilities<sup>15</sup>. In British Columbia in 2006 35.7 % of

single mothers lived below the poverty line.<sup>16</sup> Single mothers are a third of all welfare recipients in British Columbia.

United Nations treaty body experts know that Canada is resource rich. In a society as wealthy as Canada, and committed to equality, the widening gap between rich and poor is a human rights failure.

- Federalism. It has been very important to talk to UN treaty bodies about Canadian federalism. Canada tells the United Nations that because of the complicated arrangements of federalism, we have difficulty addressing poverty, inadequate housing, and access to justice. While the federal government still transfers funds to the provinces for social programs under the Canada Social Transfer, it now does so with no conditions or designations attached and it says that the responsibility for dealing with social assistance, housing, civil legal aid and other basic programs, fall in provincial jurisdiction. Like Pontius Pilate, it says it cannot interfere.

Of course the current federal government's stance on federalism, which it calls 'open federalism', is in effect a refusal to play a leadership role with respect to the human rights of people in Canada. Harper believes in small government, and in the rights of the provinces.

Interestingly none of this washes with the United Nations treaty bodies and the Human Rights Council. Canada is one of many federal states in the world. International human rights law is clear that the internal arrangements of duties and powers in a state cannot be used to justify failures to implement human rights. The treaty bodies understand that there is divided jurisdiction, but expect the federal government to be a leader, and to use its powers, including the spending power, to create consistency in access to and enjoyment of rights across jurisdictions.

So, most recently, the Committee on the Elimination of Discrimination Against Women, which has found that inadequate social assistance rates violate the rights of

women in Canada, recommended that Canada establish minimum standards for social assistance across jurisdictions and a monitoring mechanism to ensure that funds from the Canada Social Transfer are used by the provinces and territories in ways that adequately meet the needs of the most vulnerable women.

We have been successful in developing a consistent jurisprudence about Canada at the international level – a jurisprudence in which equality is given a full meaning, and the social rights of Canadians are deeply embedded. NGOs, coming from very different bases, have contributed to this, and there is a big consensus and solidarity among us.

There is also a big consensus among the different treaty bodies – the Committee on the Elimination of Discrimination against Women, the Human Rights Committee, the Committee on Economic Social and Cultural Rights and most recently the Human Rights Council - about the depth and nature of Canada's human rights failings. The Poverty and Human Rights Centre has documented this consensus and I invite you to look for our law sheet on the treaty body consensus on Canada on our website.

What we have not been successful at, YET, is convincing governments at home that these human rights failings are profound, affect our society at its core, and damage everyone, not just the most disadvantaged.

We cannot yet bring this consensus into the center of Canadian political life, and work from it to make the transformations of government conduct and resource distribution that we need.

A central reason why we cannot do this is because at the same time some people are being discarded, democratic space is being closed down and voices are being silenced. Over the last eight years human rights advocates like myself have experienced a number of emotions: disquiet, uncertainty, frustration, outrage, sometimes despair. Every one of us works to understand the political moment we are living in, and to grasp what is happening. My colleagues use strong terms

these days: “dissent under attack, opposition being silenced, civil society under siege, democracy in peril” as the examples pile up.

Here are just some of them at the federal level:

- Status of Women funding rules were changed so that groups advocating for protection of women’s human rights are no longer eligible. The impact has been dramatic, including the closure of the highly respected National Association of Women and the Law.
- The Court Challenges program was discontinued, cutting off virtually the only avenue for anyone other than the rich to exercise their equality rights under the *Charter*.
- The Canadian Human Rights Commission has just closed down three offices in Toronto, Vancouver and Halifax because of funding constraints.
- The Canadian International Development Agency, Status of Women and other government departments have made decisions, which have devastated some organizations, like KAIROS and Match International, which do important human rights-based aid work.
- For Aboriginal Canadians: the National Residential School Survivors Society, the Aboriginal Healing Foundation, and the Native Women’s Association of Canada’s Sisters in Spirit initiative, which is documenting Canada’s missing and murdered Aboriginal women and girls, are all cut or in danger of losing funding.

In B.C.

Funding for all women’s centers has been eliminated.

The Human Rights Commission has been abolished. And now the majority of human rights complainants appear unrepresented before the B.C. Human Rights Tribunal. The Tribunal reports that there is a clear correlation between

success and legal representation: in the last year represented complainants succeeded in 52% of the hearings but unrepresented ones succeeded in only 28%.

Legal aid has been gutted, leaving poor people with **no** access to legal aid to deal with denials of welfare, CPP, or WCB benefits or with tenancy issues, and women with family law disputes can only obtain completely inadequate services.

The Ministry of Women's Equality has been abolished and women's issues have been moved from ministry to ministry, residing now in the Ministry of Olympics and ActNow.

Most recently the B.C. Representative of Children and Youth has sued the government because it introduced legislation that prevents her from having access to cabinet documents, which are essential to her doing her job.

A common thread is a solidification of government policy not to fund organizations engaged in human rights advocacy, and to restrict access to fora for contestation. Our ability to carry forward the project of advancing the rights of the most disadvantaged people is endangered by this withdrawal of support for civil society's participation in the development of policy and laws and the closing down of democratic spaces.

I am sure that you have heard about Conservative Senator Nancy Ruth's advice to women's and aid organizations who were speaking out against Harper's decision to exclude funding for safe abortion services from the proposed G8 maternal health package. Her simple, and blunt, advice was 'Shut the Fuck Up!'

However, it is the job of citizens not to shut the fuck up, to push out the democratic space again so that we can speak and act against the marginalization of the most vulnerable among us. We need more voices, more allies, more resistance, and more solidarity. We need universities, teachers, thinkers, students, to engage more actively in the project of closing the gap between our espoused values and the harsh reality of inequality in Canada. As NGO capacity is diminished, we need you more than ever.

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<sup>1</sup> BC CEDAW Group, *Inaction and Non-Compliance: British Columbia's Approach to Women's Inequality* (September 2008), online: <http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/CEDAWCanadaBC2008.pdf> at 54.

<sup>2</sup> See [http://www.mcf.gov.bc.ca/child\\_protection/keeping\\_kids\\_safe.htm](http://www.mcf.gov.bc.ca/child_protection/keeping_kids_safe.htm). See also *The BC Handbook for Action on Child Abuse and Neglect*, online: [http://www.mcf.gov.bc.ca/child\\_protection/pdf/handbook\\_action\\_child\\_abuse.pdf](http://www.mcf.gov.bc.ca/child_protection/pdf/handbook_action_child_abuse.pdf).

<sup>3</sup> BC CEDAW Group, *Inaction and Non-Compliance: British Columbia's Approach to Women's Inequality* (September 2008), online: <http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/CEDAWCanadaBC2008.pdf> at 54.

<sup>4</sup> BC Auditor General, *Management of Aboriginal Child Protection Services* (Victoria: Government of British Columbia, 2008), online: <http://www.bcauditor.com/files/publications/2008/report3/report/management-aboriginal-child-protection-services.pdf> at 2.

<sup>5</sup> See Karen J. Swift and Henry Parada, "Child Welfare Reform: Protecting Children or Policing the Poor?" (2004) 19 J.L. & Social Pol'y 1. See also *British Columbia (Director of Family & Child Services) v. H. (T.)*, 2001 BCPC 137 (director had found removal was warranted and did not believe there were any less disruptive measures because there was no family able to assist parents, and parents, who were living in Vancouver's downtown east side, had not obtained alternate housing for a considerable time despite warnings that their housing was inadequate; parents had applied for subsidized housing but had been told that they would have to find alternate accommodation until subsidized housing became available; the director felt that housing was a main priority and that they needed to address this issue first before considering other services); *British Columbia (Director of Child, Family & Community Service) v. G. (S.)*, 2006 BCPC 116 (director granted continuing custody order; parents' failure to maintain stable housing significant factor in decision).

<sup>6</sup> See e.g. *British Columbia (Director of Child, Family & Community Service) v. G. (C.M.)*, 2006 BCPC 364 (child removed at birth because mother used drugs and alcohol, although mother essentially consented so long as child would be placed with foster parents who had cared for mother when she had been in foster care); *British Columbia (Director of Child, Family & Community Service) v. N. (B.)*, 2007 BCPC 75 (director granted continuing custody order; mother at risk of relapsing and abusing drugs although she was currently clean; mother had history of abusive relationships that endangered her children); *C. (P.) v. British Columbia (Director of Family & Child Services)*, 2002 BCPC 126 ("last chance" order made pursuant to section 47(7) of the *Act*; mother had serious drug and alcohol problems but had sought treatment through residential treatment program); *C. (E.J.) v. British Columbia (Director of Child, Family & Community Service)*, 2005 BCSC 932 (director granted interim custody order and successfully applying for permanent custody; judge finding mother's continuing alcoholism causing danger of emotional harm to son; mother's appeal granted; judge erring in law basing custody order on alleged emotional harm; mother granted trial period of six month supervisory custody of son); *British Columbia (Director of Family & Child Services) v. H. (S.M.)*, 2001 BCPC 393 (order pursuant to section 41(1)(c) that one of two children for whom the director sought a continuing

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custody order to remain in temporary custody of director for five months; if the mother could maintain a sober lifestyle, real prospect that it would be in the child's best interests to be returned to her mother at the end of the temporary custody order, notwithstanding the mother's personality disorder, which would not likely be remedied in the near future).

<sup>7</sup> *K. (J.) v. British Columbia (Superintendent of Family & Child Service)* (1987), 9 R.F.L. (3d) 78 (B.C.A.) / *H. (A.), Re* (1994), 6 R.F.L. (4th) 33 (B.C. Prov. Ct.) (superintendent's application for temporary custody allowed; stepfather physically abused mother, and when mother was not present, child; mother's lack of intervention to protect child and unwillingness to leave stepfather when she became aware of bruises on child indicated she was not capable of meeting child's needs; not capable of meeting needs of a child when she had not yet achieved skills necessary to protect herself from abusive relationship).

<sup>8</sup> Mary-Ellen Turpel-Lafond, *Housing, Help and Hope: A Better Path for Struggling Families* (Victoria: Representative for Children and Youth, 2009), online: <http://www.rcybc.ca/Images/PDFs/Reports/HHH-Rpt-July-28-09.pdf> at 1

<sup>9</sup> *Ibid.* at 35.

<sup>10</sup> *Ibid.* at 2.

See also *British Columbia (Director of Family & Child Services) v. H. (T.)*, 2001 BCPC 137 (director had found removal was warranted and did not believe there were any less disruptive measures because there was no family able to assist parents, and parents, who were living in Vancouver's downtown east side, had not obtained alternate housing for a considerable time despite warnings that their housing was inadequate; parents had applied for subsidized housing but had been told that they would have to find alternate accommodation until subsidized housing became available; the director felt that housing was a main priority and that they needed to address this issue first before considering other services); *British Columbia (Director of Child, Family & Community Service) v. G. (S.)*, 2006 BCPC 116 (director granted continuing custody order; parents' failure to maintain stable housing significant factor in decision).

<sup>11</sup> *Supra*, note 20 at 16.

<sup>12</sup> Statistics Canada, *Women in Canada 2005*, at 200.

<sup>13</sup> *Ibid.* at 228.

<sup>14</sup> *Ibid.* at 254.

<sup>15</sup> *Ibid.* at 297.

<sup>16</sup> *Supra*, note 20 at 21.