



Dear Parliamentary Secretary Kahlon,

Re: Your invitation to Comment on Recommendations for a New Human Rights Commission

The City of Victoria is a signatory to both the Canadian Coalition of Municipalities Against Racism and Discrimination and the Vienna Declaration, and has committed to taking concrete action to identify, monitor, and proactively address forms of individualized and systemic racism and discrimination in the Victoria community.

Your efforts to re-invigorate a Human Rights Commission, and its role to adjudicate human rights disputes in British Columbia, are commendable, and we appreciate the opportunity to provide input to your deliberations.

There are a number of issues and topics that we hope you will consider as you design a new legislative and operational human rights system.

The role of a Human Rights body is to advise government and other bodies through the production of opinions, recommendations, proposals and reports. A new Commission should have the **power, authority and resources** to investigate through any process of hearing complaints. The process of investigation should be set out to allow a complainant and respondent to engage in an informed and prepared manner.

We urge you to ensure that your new program and process will be one that is, in aspiration and operation, **open and transparent**. Protecting human rights in British Columbia should engage a clear, fair and efficient system for handling complaints of discrimination. It should enhance the administration, enforcement and promotion of human rights, and meet the needs of anyone facing discrimination in British Columbia.

A human rights adjudication program and process should meet the requirements of the United Nations Paris Principles, reflect the **equality principles** embodied in the Canadian Charter of Rights and Freedoms and fundamental principles in the administration of justice, support the concept of basic human rights for all, and include some form of **public accountability**.

The mandate of any new human rights body should include **education** on human rights. Human Rights education is a fundamental responsibility of the government, as noted by the Paris Principles that demand that education be included as a statutory requirement.

There should be some systemic manner to support non-profit agencies as they intervene on behalf of individuals engaging with the legal system. Non-profit agencies may



require extensive consultation to determine what resources are adequate to meet the needs of their constituents.

Careful consideration should be given to the role, if any, of interveners in cases. Interveners could undermine a case by bringing political debate into a legal or administrative field. If interveners are included in the system, their utility may depend on their capacity, resources, access to information and history.

Government is often a respondent in a Human Rights matter, so care should be taken to ensure clear, transparent rules as they apply to any body that is directly accountable to the public. There should be a mechanism to allow for input from people whose interests are at stake. This may require a role for an independent third party as facilitator or advocate.

Any human rights program should have a method to facilitate and routinely receive **community input** through a variety of methods. Whether this is a function of a commission or an additional advisory body of community volunteers bears further consideration.

The effect of time limits should be carefully considered. Some human rights adjudication programs allow a complaint to be considered even if it is outside set time limits, if the delay was incurred in good faith and no one would be prejudiced by the delay. Even without this provision, **reasonable time limits** should be put in place, arguably at least one or more years from the time of the alleged incident.

There is also a consideration to be made on the matter of public interest versus personal effect. There should be no requirement for a complainant to prove a broad public interest before being able to proceed with a complaint.

Forced settlements undermine the reason for strong human rights legislation and adjudication programs. Complaints should not be dismissed just because a settlement is offered. There can be a public interest in having complaints brought forward. However a complainant's right to seek and accept a settlement should be upheld.

There can be a strong role for mediation in any human rights program, but mediation should be voluntary. Mandatory mediation can undermine potential ongoing relationships, should they be required in the circumstances, and also do not recognize the power imbalances that often exist between complainants and respondents.

A human rights commission or other advisory instrument should also have a statutory requirement for some form of **regular review** process.



Human Rights legislation is based on the principle that the elimination of discrimination serves the public interest. Any program, policies or operational models should be designed to ensure that there is balance between this fundamental public good and the need for individuals to have redress for discriminatory actions taken against them.

The City of Victoria looks forward to seeing the renewal of a Human Rights Commission. Thank you again for this opportunity.

Yours truly,

Lisa Helps
Mayor