

## Action Recommended

CBABC recommends the B.C. government establish data collection and disclosure standards across government agencies to identify and address major inequalities in our justice system. Collecting quality data, including disaggregated data, around the demographics of British Columbians who interact with the justice system will provide the government and other stakeholders with the information needed for reform.

## Issues

There is a glaring gap in the collection and disclosure of data regarding how our justice system operates, particularly with respect to our courts and tribunals. Without accurate data, government is unable to address key challenges and inequalities in the administration of justice.

Governments collect and use data to make decisions about the allocation of resources and delivery of programs and services. Ideally, they collect disaggregated data, which is data that has been divided into more detailed sub-categories. Collecting, analyzing and reporting this type of data help government and others meet the needs of the population they serve. This leads to more responsive systems and enables needed structural and systemic change.

Data collection across the B.C. government's service areas (including public safety, judicial and court services) has significant gaps related to the experiences of marginalized communities, including:

- Indigenous, Black and other racialized groups; Lesbian, gay, bisexual, transgender, queer, two-spirit, intersex, non-binary, and other sexual orientations, gender identities and gender expressions (2SLGBTQ2IA+)
- Persons with disabilities
- Francophones and others with a primary language other than English
- Other socioeconomically vulnerable communities

In September 2020, BC's Office of the Human Rights Commissioner presented their special report, *Disaggregated demographic data collection in British Columbia: The grandmother perspective, to the B.C. government*. The report considers issues related to "race and ethnicity-based data collection and dissemination of disaggregated data that protects



individual privacy” and how such collection could be applied across multiple ministries including “housing, education, policing, poverty reduction and healthcare”. In areas where missing data can result in people losing their lives, the report calls for the B.C. government to immediately start collecting disaggregated data (prior to developing legislation and standards) in the areas of health care, mental health, policing, corrections, poverty reduction, education, gender-based violence and children and family development.

CBABC joins BC’s Office of the Human Rights Commissioner in urging the government to collect and routinely report disaggregated data on factors such as race, ethnicity, Indigeneity, language, sexual orientation, gender identity and expression, physical or mental disability or social condition across all service areas.

The government can build on previous use-cases in the collection of disaggregated data to address justice-related issues. *In Plain Sight: Addressing Indigenous-specific Racism and Discrimination in B.C. Health Care* is a recent example of a government-commissioned independent investigation that collected disaggregated data. The collection, reporting and use of this information will be foundational in creating meaningful change in B.C.’s healthcare system by identifying specific areas in need of improvement.

CBABC strongly suggests that the government approach data collection regarding the justice system in a similar fashion. CBABC acknowledges that data collection and distribution in the courts and tribunals is a joint endeavour, but leadership from the B.C. government to recognize the gap in its own processes and enact a response for modernization would lead others to do the same.

Central to any data collection efforts is the need to consult affected communities on best practices and develop measures that build trust and confidence in the government’s data collection process. Protecting individual and group privacy, along with making disclosure voluntary, will be pivotal in building trust and confidence by keeping the process non-stigmatizing. On this note, CBABC commends the B.C. government for passing the *Anti-Racism Data Act*, which will empower the government to address systemic racism and inequality through data collection. Under this new legislation, CBABC urges the government to develop fair and equitable standards for data collection and disclosure, so that the data collected will be used to implement solutions that address instead of perpetuate racism and discrimination.



## Why It Matters

A stronger focus on collecting comprehensive and accurate data across the justice system will lead to more targeted solutions that address the key barriers that prevent British Columbians from accessing justice. It will allow government and others to better meet the needs of those in B.C., particularly individuals who have long been struggling against systemic discrimination and inequality. Disaggregated data will help government better allocate resources, develop responsive systems and drive structural and systemic change, such as addressing racism and discrimination in B.C. or the neglect of marginalized groups.

Establishing data collection and disclosure standards across government will create consistent outcomes and will support constructive uses of data in identifying and addressing major inequalities in B.C.'s justice system. These standards will ensure that discrimination is identified and eliminated, rather than perpetuated through biased information. Furthermore, disclosure standards help to build trust among marginalized groups, increasing the likelihood that they are willing to share their experiences to help improve government services.

## Key Resources

[\*Disaggregated demographic data collection in British Columbia: The grandmother perspective\*](#), British Columbia's Office of the Human Rights Commissioner (Sep 2020)

[\*In Plain Sight: Addressing Indigenous-specific Racism and Discrimination in B.C. Health Care\*](#), Hon. Dr. M.E. Turpel-Lafond (Aki-Kwe) (Nov 2020)

[\*Submission to Ministry of the Attorney General re: Court User Surveys\*](#), Canadian Bar Association, BC Branch (Oct 2022)

[\*Anti-Racism Data Act\*](#) [SBC 2022] c. 18