



British Columbia's
Office of the Human Rights
Commissioner

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FOR IMMEDIATE RELEASE

Human Rights Commissioner reacts with concern to recent emphasis on involuntary care, based on findings of new report

Vancouver B.C. – B.C.'s independent Human Rights Commissioner is expressing serious concerns about recently released [General Guidance for Physicians on Treatment of Children and Youth with Substance Use Disorders Under the Mental Health Act](#). Commissioner Kasari Govender is concerned the guidance runs contrary to the government's human rights obligations by ignoring important evidence on the ineffectiveness of involuntary care, especially in the absence of robust voluntary services.

"We all want to ensure children and youth experiencing mental health crises have access to effective, life-saving treatment and supports," said Commissioner Govender. "Having reviewed the evidence released by the Representative for Children and Youth (RCY) today in addition to other expert analysis, I am concerned the guidance runs contrary to the government's human rights obligations by failing to consider evidence that overreliance on involuntary detentions may put the right to life and security of young people at further risk—especially in the face of inadequate wrap around services."

"I do not oppose involuntary care as a last resort in appropriate circumstances where it can actually help people," Govender added. "Involuntary care can be an important tool when urgently required to prevent serious harms, where the evidence shows that a particular mental disorder may be alleviated through such care. However, it is irresponsible to encourage further reliance on this already greatly used system when the government has not pointed to strong evidence supporting the involuntary detention of young people dealing with substance use and dependence, and when some noteworthy evidence indicates youth are at increased risk of harm—even death—following their release from involuntary care."

The Commissioner is particularly concerned that some key research indicates that death and severe injury may increase if more children are held without their consent. For example, in the case of substance use-related detentions, [research shows](#) increased rates of drug poisoning deaths for those forced into treatment following their release, up to 3.5 times higher than those not forced into treatment. This can be [exacerbated](#) by the erosion of trust in the medical system that may also flow from involuntary detention, which can lead to youth resisting follow-up care or being reluctant to disclose indicators of mental distress including suicidal feelings.

In addition to these serious risks, the Commissioner notes that involuntary care is only one small facet of a continuum of care that is needed, and it is unclear how the new guidance will interact with the broader system of supports. Data presented in the RCY's report, [Putting Children at the Centre: Reforming and Modernizing the Mental Health Act for Children and Youth](#), shows there

were 1,771 children and youth waitlisted for Child and Youth Mental Health services on Dec. 31, 2024, with an average waitlist duration of over four months. The RCY's report also points out that beneficial services like Foundry and school-based Integrated Child and Youth services are not systematically available, leaving many communities underserved.

"Despite the Premier's claim that any youth seeking voluntary care can have a bed, we know community-based services for youth fall far short of what is required to meet the needs of young people and their families who are seeking help. While I appreciate Dr. Vigo's agreement that involuntary care should be considered a final resort, I remain concerned about how meaningful this assurance is in face of a lack of available alternatives. We must invest in voluntary community-based services that will meet the needs of those seeking care, if we are truly committed to the rights and well-being of young people dealing with mental illness and substance dependence."

Commissioner Govender stated: "My heart goes out to young people and their families struggling with these issues. Our shared goal is to ensure that the lives, rights and safety of children and youth are prioritized, and I have significant concerns that this renewed focus on involuntary care runs contrary to this important goal."

Notably, this guidance does not change the *Mental Health Act* and has no impact on the legal ability of parents to be notified of their child's mental condition or to consent to treatment. It also does not introduce new treatments.

The Commissioner continues to be open to discussing the *Mental Health Act* further with Dr. Vigo, the Minister of Health and the Attorney General, and welcomes the upcoming comprehensive review of the Act that was announced in spring 2025. The Commissioner supports the RCY's recommendations for particular attention to the paid in this review to the unique needs of children and youth.

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Media contact

For media inquiries, please contact media@bchumanrights.ca or 604-306-7369.

Media kit

[Visit our media kit](#) for images of Commissioner Kasari Govender, pronunciation guidance, bios and more.

About BCOHRC

BC's Office of the Human Rights Commissioner exists to address the root causes of inequality, discrimination and injustice in B.C. by shifting laws, policies, practices and cultures. We do this work through education, research, advocacy, inquiry and monitoring. Learn more at: bchumanrights.ca

About the Commissioner

Kasari Govender began her work as B.C.'s first independent human rights commissioner in September 2019. As an independent officer of the Legislature, Commissioner Govender is uniquely positioned to ensure human rights in B.C. are protected, respected and advanced on a systemic level. In her first five-year term, her work through BC's Office of the Human Rights Commissioner included a public inquiry into experiences of hate in the pandemic, a report on systemic discrimination in policing, community embedded research about a range of human rights issues experienced by British Columbians, public awareness campaigns about ableism and racism and



guidance to government that, among other things, informed the creation of both the *Anti-Racism Data Act* and the *Anti-Racism Act*. Commissioner Govender was reappointed for a second term beginning in September 2024.

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