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FOR IMMEDIATE RELEASE

B.C. Human Rights Commissioner pleased with court decision upholding Declaration on the Rights of Indigenous Peoples Act

Vancouver B.C. – B.C.'s Human Rights Commissioner welcomes the B.C. Court of Appeal's groundbreaking decision today to affirm the rights of Indigenous Peoples through its interpretation of the *Declaration on the Rights of Indigenous Peoples Act* (*Declaration Act*).

The Commissioner had intervened in the appeal of two cases heard together—*Gitxaala Nation v. Chief Gold Commissioner of B.C. et al.* and *Ehattesaht First Nation v. His Majesty the King in right of B.C. et al.*—to argue that the incorporation of *United Nations Declaration of the Rights of Indigenous Peoples* (UNDRIP) into B.C. law through the *Declaration Act* means that the articles of UNDRIP must be given legal effect in B.C. and courts must be able to hear cases about inconsistency between B.C. laws and those articles.

The Court largely agreed with the Commissioner's submissions, finding that the *Declaration Act* incorporates UNDRIP in B.C. and creates rights for Indigenous Peoples that can be litigated. In so doing, it affirmed that the *Declaration Act* should be interpreted as quasi-constitutional human rights legislation, which, like other human rights law, takes primacy over other kinds of statutes.

"The *Declaration Act* and the implementation of UNDRIP cannot be merely symbolic," said Commissioner Kasari Govender. "Today's affirmation that the *Declaration Act* has real legal import that can be applied by courts supports the future of human rights, and Indigenous rights in particular, in the province."

In 2021, Gitxaala Nation and Ehattesaht First Nation filed legal challenges to B.C.'s *Mineral Tenure Act* regarding territories over which the Nations claim rights and title. B.C.'s Human Rights Commissioner was granted leave to intervene in the appeal in June 2024 and made submissions on the implementation of UNDRIP as it relates to legislation in British Columbia. The Gitxaala and Ehattesaht cases marked the first legal test of the *Declaration Act*, with the appeal decision setting important precedents about the rights of Indigenous Peoples in B.C.

The *Declaration Act*, introduced in 2019, was the first piece of legislation in Canada to enact legislation in relation to the UNDRIP in provincial law. UNDRIP was adopted by the UN General Assembly in 2007 and Canada committed to its full and effective implementation in 2016.

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Media contact

To request an interview with Commissioner Kasari Govender, please contact Lindsey Bertrand, Manager, Communications, at media@bchumanrights.ca or 604-306-7369.

Resources

For more information about the cases and the Commissioner's intervention, please view the following resources:

- [B.C.'s Human Rights Commissioner appears in court on mineral rights cases with important implications for reconciliation in B.C.](#)
- [B.C.'s Human Rights Commissioner is granted intervenor status in cases that will test B.C.'s Declaration Act in court for the first time](#)
- [B.C.'s Human Rights Commissioner applies for intervenor status in cases that could set important precedent for the interpretation of B.C.'s Declaration Act](#)
- [Gitxaala Nation and Ehattesaht First Nation challenge B.C. mineral tenure regime](#)

Media kit

[Visit our media kit](#) for images of Commissioner Kasari Govender, pronunciation, 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

B.C.'s Human Rights Commissioner, Kasari Govender, started her five-year term on Sept. 3, 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. Her work through BC's Office of the Human Rights Commissioner centres listening deeply to British Columbians to inform educational materials, policy guidance, public inquiries, interventions, community-based research and more that protects marginalized communities, addresses discrimination and injustice and upholds human rights for all. Commissioner Govender was reappointed on May 15, 2024.

About interventions

The Commissioner can apply to intervene in court and can intervene as a matter of right in B.C. Human Rights Tribunal cases with the potential to make a significant impact on human rights across the province. Interventions can impact how the law evolves, making them an important tool in systemic work to promote and protect human rights.

If the Commissioner's request to intervene is approved by a court, BCOHRC provides submissions (also called legal arguments) to the judge in the case in question. These submissions are usually about how to interpret a narrow point of the law. Intervenors do not represent either side in a case; their submissions must be different from the arguments being made by the parties to the case, and submissions must not advocate for either side to win or lose.

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