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Inquiry into the exclusion of media from the 2023 Hastings decampment finds transparency and oversight process were compromised

Vancouver B.C. – The final report of B.C.'s Human Rights Commissioner's Inquiry into the exclusion of media from the Hastings decampment in April 2023, titled [Un\(media\)ted](#), reveals that the City of Vancouver (the City) and the Vancouver Police Department (VPD) failed to strike the appropriate balance between potential safety or other risks with human rights, most notably the right to freedom of the press, resulting in a lack of transparency and impacts on the rights of unhoused people.

The Inquiry examined whether and why media and others were restricted from the Hastings Street encampment on April 5 and 6, 2023 and whether those restrictions were in accordance with human rights standards. While it appears not to have been the intent, the Commissioner finds that the VPD imposed restrictions on media during the decampment, which impacted the freedom of the press and transparency, and was not in accordance with human rights standards. The Inquiry also examined the process of Vancouver Police Board's (VPB) consideration of a subsequent complaint about the creation of the alleged exclusion zone, and the Commissioner concludes that the Board abdicated its legal responsibility to properly investigate this complaint following the principles of procedural fairness.

"The rights to peaceful protest and freedom of the press are essential to a functioning democracy and police must take clear and intentional steps to protect both, especially in the absence of compelling evidence of significant risk to safety," said Commissioner Kasari Govender. "Any restrictions on freedom of the press must comply with law, including human rights protections—especially restrictions involving police actions against marginalized people, where the dangers of keeping police activity hidden from public view are particularly acute."

The Commissioner made the following findings based on extensive evidence gathered from the City, VPD and VPB and interviews with representatives of the City, the VPD and the media under oath or affirmation.

Inquiry findings

Key findings from the Inquiry include:

1. **Transparency was compromised during the Hastings decampment.** Despite claims from the City and the VPD that media were only restricted during the first 45 minutes of the decampment, the Commissioner found that the VPD restricted media and others from accessing defined zones throughout April 5 and 6, 2023. The Commissioner found that VPD efforts to ensure media access, including a VPD-arranged pool camera, were not sufficient to mitigate the harms that the restrictions caused to freedom of the press. Many media were denied entry for various lengths of time, and some never gained access to the zone.
2. **The exclusion zone was not in accordance with human rights standards.** The Commissioner found that while restricting media access was not the goal of the restrictions,

the impact on the media was not adequately considered and the potential risks to staff or public safety did not justify the broad restrictions. In short, the VPD did not have legal authority to restrict the media. In addition, the Commissioner found that the disproportionate effect on marginalized groups that resulted from the April 5 and 6, 2023 forced eviction—especially Indigenous people and people with disabilities—meant that the restrictions on media and attendant harms also disproportionately impacted the rights of the encampment residents. These disproportionate impacts perpetuated systemic discrimination contrary to the *Human Rights Code*.

3. **Oversight process followed by the Vancouver Police Board was insufficient.** The Commissioner found that the investigator assigned to investigate the complaint was not sufficiently independent because the investigator was also the Gold Commander with overall operational responsibility for the decampment. The Commissioner found that the complaint was not adequately investigated and considered by the VPB due to insufficiencies in the investigative process, including the VPB's failure to hear from any witnesses or to explain how it considered any legal precedents.

These findings are described in detail in the full inquiry report and summarised in the executive summary. Both are available at bchumanrights.ca/unmediated/

"Protecting the ability of the media to report on critical stories impacting marginalized people is essential to ensuring we have shared truth in our society—that is, a shared understanding of facts and experiences that allows us to make informed political decisions and have constructive debates," said the Commissioner. "A shared understanding of what's happening in the world is also a foundation for human rights. Without it, we cannot hold police and other powerful institutions and actors to account."

Inquiry recommendations

Key recommendations include:

- The Vancouver Police Department and the City of Vancouver, as well as all other police departments and municipal governing bodies in British Columbia, immediately cease excluding or restricting media areas around police actions without explicit judicial authorization, unless required by immediate and unforeseeable circumstances limited to a credible and substantial threat to public safety (in accordance with the law) or for the integrity of a criminal investigation.
- That the Ministry of Public Safety and Solicitor General enshrines the directive in the previous recommendation in law or regulations.
- The Ministry of Public Safety and Solicitor General provide funding for rights-based training for all front-line police officers and commanders.
- The Ministry of Attorney General provide annual funding to an independent organization tasked with providing systemic advocacy and individual legal support to media and media organizations who encounter legal and policy issues concerning freedom of the press.
- The Vancouver Police Board amend its policy regarding handling of service and policy complaints to require that all complaints are handled in a procedurally fair manner and with rigour, including by ensuring that members involved in a matter under investigation are not tasked with investigating their own actions or those of their superiors and that all handling of complaints is addressed in a manner that is free from conflicts of interest, either real or perceived, and transparent.



- The Ministry of Public Safety and Solicitor General introduce amendments to the Police Act to improve independence of the investigation of Service and Policy Complaints.

To see the full list of recommendations, see the [Recommendations](#) section of the report.

Quotes from community members

Micheal Vonn, CEO, PHS Community Services Society

"Journalists have a vital role as watchdogs in government action against the vulnerable. With a growing crisis of homelessness and Vancouver about to host FIFA, there is a huge need and urgency to fix the system failures found in this inquiry. The disproportionate impact on Indigenous people and people with disabilities living on the Downtown Eastside shines a spotlight on those whose stories need to be told yet are most impacted by media restrictions."

Ethan Cox, Senior Editor, Ricochet Media

"The Commissioner's findings build on a ten year record of court decisions and oversight reports that all say the same thing: exclusion zones that prevent journalists from reporting on police actions are inconsistent with our constitutional rights. I hope police and government officials are listening. If we are to safeguard press freedom in Canada, I hope to see these common sense recommendations implemented by government."

Resources

Access the full report, executive summary, press conference livestream/recording and other resources at: bchumanrights.ca/unmediated/

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Media contact

To request an interview with Commissioner Kasari Govender, 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. Her work through BC's Office of the Human Rights Commissioner has included public inquiries into experiences of hate in the pandemic and the *Adult Guardianship Act*, a report on systemic discrimination in policing, community embedded research about a range of human rights issues experienced by people living in British Columbia, 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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