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## **B.C. Supreme Court decision delivers mixed results in ensuring human rights protections are enforceable in child custody cases: Commissioner**

Vancouver B.C. – On Monday, the B.C. Supreme Court issued a decision in *Vancouver Aboriginal Child and Family Services Society (VACFSS) v. R.R.* that will impact how issues of discrimination are dealt with in matters concerning child protection. B.C.'s Human Rights Commissioner, Kasari Govender, acted as an intervenor in the case, focusing her intervention on how to properly interpret the scope of the Tribunal's jurisdiction relating to child welfare services.

On the jurisdictional issue, the Court affirmed that the Tribunal is able to adjudicate human rights complaints arising out of matters relating to child protection, a decision welcomed by Commissioner Govender. The Commissioner's [written submission](#) and oral arguments had described how limiting the Tribunal's jurisdiction in child protection matters can negatively impact vulnerable people.

However, the Court also found that "stereotypical reasoning and escalating assertions of power and control" in the determination of whether a child is at risk are not sufficient to ground a successful human rights complaint in child protection cases. Specifically, this applies to situations where such risk assessments are made in good faith and in accordance with the *Child, Family and Community Service Act (CFCSA)*.

"The Court's decision includes an important affirmation of the Tribunal's crucial role in enforcing human rights protections in child welfare matters," said Commissioner Govender. "However, the constraints it imposes on the Tribunal's scope of decision-making undermines the effectiveness of that enforcement and may leave many families that have experienced discrimination and stereotyping without recourse."

The Commissioner will continue to monitor the *VACFSS v. R.R.* case, which has been sent back to the Tribunal for reconsideration.

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### **Media contact**

To request an interview with Commissioner Kasari Govender, please contact Lindsey Bertrand, Acting Manager, Communications, at [media@bchumanrights.ca](mailto: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](http://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.

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