



British Columbia's  
Office of the Human Rights  
Commissioner

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FOR IMMEDIATE RELEASE

## Human Rights Commissioner to intervene in B.C. Supreme Court case on discrimination in child custody and access

Vancouver B.C. – B.C.'s Human Rights Commissioner has been granted leave to intervene in a case about whether the BC Human Rights Tribunal may make decisions about discrimination in matters concerning child protection.

Yesterday, B.C.'s Supreme Court accepted Commissioner Kasari Govender's application to make submissions in *Vancouver Aboriginal Child and Family Services Society (VACFSS) v. R.R.* In this case, the BC Human Rights Tribunal found VACFSS discriminated against "R.R.," a mother whose children were apprehended by VACFSS. VACFSS applied to B.C.'s Supreme Court for judicial review, arguing that the Tribunal made several errors, including overstepping its jurisdiction.

Commissioner Govender's intervention will look at how to properly interpret the scope of the Tribunal's jurisdiction relating to child welfare services. The Commissioner will describe how limiting the Tribunal's jurisdiction in this area negatively impacts vulnerable people who are subject to involvement with child welfare services.

"This case will be crucial in determining whether people facing discrimination in the child welfare system will be able to enforce their *Human Rights Code*-protected rights," said Commissioner Govender. "We will argue that the Provincial Court lacks jurisdiction to decide allegations of discrimination, so it is important that people are able to access the Human Rights Tribunal to address discriminatory conduct."

The judicial review will be heard in B.C. Supreme Court Aug. 22–24, 2023.

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### Media contact

To request an interview with Commissioner Kasari Govender, please contact Lindsey Bertrand, Senior Communications Advisor, at [media@bchumanrights.ca](mailto:media@bchumanrights.ca) or 604-306-7369.

### Media kit

[Visit](#) our media kit for images of Commissioner Kasari Govender and other resources.

### 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.

## 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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