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## Court of Appeal affirms Tribunal's authority to address discrimination in child custody cases

Vancouver B.C. – On Thursday, the B.C. Court of Appeal issued a decision that upholds the BC Human Rights Tribunal's jurisdiction to make decisions about discrimination in cases relating to child welfare services. B.C.'s Human Rights Commissioner, Kasari Govender, acted as an intervenor in the appeal of the *Vancouver Aboriginal Child and Family Services Society (VACFSS) v. R.R.* case, providing guidance to the Court on how to interpret the Tribunal's jurisdiction.

"I welcome this decision. It is essential that people experiencing discrimination in the child welfare system can rely on the Human Rights Tribunal to fully consider and address discriminatory conduct and enforce their *Human Rights Code*-protected rights. I am pleased to see this confirmation that stereotypes have no place in child protection decisions," said Commissioner Govender.

The Commissioner's intervention focused on how to properly interpret the scope of the Tribunal's jurisdiction relating to child welfare services and how limiting this jurisdiction negatively impacts vulnerable people. In the appeal, she argued that the Tribunal is empowered to decide whether discrimination occurred in the provision of child welfare services, even when the discrimination is unintentional.

In the B.C. Supreme Court's January 2024 decision, which was the subject of this appeal, the BCSC affirmed the Tribunal's ability to adjudicate human rights complaints relating to child protection but imposed significant constraints on the Tribunal's decision-making, finding that decisions could be made on the basis of stereotypes as long as they were made in good faith. The Commissioner [responded to that original ruling](#) stating that it "undermines the effectiveness of that enforcement and may leave many families that have experienced discrimination and stereotyping without recourse." The appeals were heard from Dec. 11 to 13, 2024.

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### Media contact

To request an interview with Commissioner Kasari Govender, please contact Lindsey Bertrand, 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

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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