



British Columbia's
Office of the Human Rights
Commissioner

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FOR IMMEDIATE RELEASE

Statement: Commissioner calls for a return to facts as misinformation undermines human rights and democratic systems in B.C.

Vancouver, B.C. – As Human Rights Commissioner, mandated to promote and protect human rights in B.C. under the *Human Rights Code*, I am troubled by misinformation and disinformation that undermine the human rights and dignity of people in British Columbia.

Misinformation threatens the very basis of our political and social structures. The Canadian Commission on Democratic Expression found that “democracy cannot function without a common pool of facts with which to debate and disagree and then arrive at an accommodation,” and the Public Inquiry into Foreign Interference in Federal Electoral Processes and Democratic Institutions found that misinformation “poses the single biggest threat to our democracy.”

Inside and outside the Legislature, it is becoming common to deny well proven facts and present false information in its place. We need to get our facts straight.

As Human Rights Commissioner, I feel strongly about many things that touch upon our rights, our human dignity and government’s obligations to uphold those rights. Despite my deeply held beliefs and the foundation that human rights themselves are not up for debate, I know that many issues that touch on human rights are the subject of reasonable debate in a democracy.

However, we must also have agreement on the facts on which to base our debate and decisions. We can’t solve the problems of our time without some shared methodology about how to understand those problems. In a democracy, we should be able to debate policy approaches to shared concerns, but that is impossible if we are having entirely different conversations based on false information.

For example, a question for reasonable debate: What laws, policies and practices should be put into place to address the impact of colonialism?

The facts: Europeans arrived in what is now called Canada and systematically tried to destroy Indigenous cultures, languages, laws, families and often bodies. This history is very well documented in government and church records, as well as first-hand accounts of colonists and many generations of residential school survivors.

The precursor to the RCMP, the North-West Mounted Police, was founded to control First Nation, Métis and Inuit Peoples during settlement and to facilitate the federal government’s acquisition of land by clearing Indigenous people from their land. The purpose of the residential school system

was “to get rid of the Indian problem”. In the 1880s, the federal government implemented the pass system, enforced by police, which required Indigenous people to be authorized by the Indian Agent to leave and return to their reserves. This is the same pass system that was later studied by the architects of South African apartheid as a template for their own racial segregation. These are facts that aren’t up for debate.

Another question for reasonable debate: What is appropriate content for school-based materials on sexual health and gender identity? While in my view, these materials are vital to be delivered in an age-appropriate way to protect the rights of young people, BC’s Human Rights Tribunal in the *Neufeld* case clarified the law that “on its own, it is not hate speech to criticize SOGI 123, or advocate against LGBTQ inclusive education or gender affirming care.”

However, we have to get our facts straight. And the facts are that trans people exist, discrimination against trans people is prohibited by the *Human Rights Code* and the SOGI 123 materials are a non-mandatory set of inclusion and anti-bullying resources for teachers that does not advocate for any particular sexual orientation or gender identity.

Similarly, what the law says and what people believe it should say are two different things: the first is a matter of facts and the second is a matter of opinion and reasonable debate. For example, should the law limit freedom of speech to protect against hate speech? Fact: It does. A question for reasonable debate: Should it?

Just like we need to keep our facts straight, we also need to keep our law straight. For example, there is a danger in casually conflating the *Canadian Charter of Rights and Freedoms* (Charter) and B.C.’s *Human Rights Code* (Code) to infer they are interchangeable or duplicative. The facts are the Charter protects our rights against government violations and the Code protects us from discrimination by both public and private entities primarily in the delivery of housing, employment and services. These separate pieces of law are unique but fit together to create a system of protections. Without the *Human Rights Code*, people in B.C. would not be protected from discrimination by private provincially regulated companies.

Similarly, there is a cloud of misinformation about the *Declaration on the Rights of Indigenous Peoples Act* (DRIPA) in current debates. The facts: DRIPA is a law passed unanimously by the B.C. Legislature that was hailed as a new tool to protect the rights of Indigenous peoples and further reconciliation. In the law, there can be no right without a remedy; meaning rights cannot be protected in law without a means to enforce them, such as the courts.

The debate over human rights — and trans rights and Indigenous rights in particular — have raged in the public sphere in recent months. My job is not to weigh into partisan politics but rather to protect and promote human rights in this province, pursuant to the *Human Rights Code*. However, when mis and disinformation undermine both our laws and the human rights protected in them, I am bound to promote compliance and call on everyone in British Columbia to remember our responsibilities to one another.

Our human rights laws exist because of a social contract citizens have with our government. We agree to uphold each others’ rights because we live as a collective, not as isolated individuals; we must abide by certain rules or restrictions in order for our communities to survive. Elected



officials agree that in exchange for the power we give them, they will govern in good faith, they will honour the trust we put in them and they will be bound by law, including human rights laws.

When we debate legitimate matters of policy, no matter how we or others may feel about them, we have to get our facts straight and uphold our responsibilities to each other and the laws that govern. The very basis of our democracy is at stake.

Resources

[BCOHRC resources on the *Human Rights Code*](#)

[Misinformation: Can You STOP It?](#) campaign

[B.C.'s *Human Rights Code*](#)

[Canadian Charter of Rights and Freedoms](#)

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Media contact

To request an interview with Commissioner Kasari Govender, please contact

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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 detentions under 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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