



TUESDAY, SEPTEMBER 26, 2023  
FOR IMMEDIATE RELEASE

## **B.C. Human Rights Commissioner dismayed as court decision undermines impact of *Declaration on the Rights of Indigenous Peoples Act***

Vancouver B.C. – B.C.'s Human Rights Commissioner is disappointed by today's B.C. Supreme Court decision limiting the power of the province's *Declaration on the Rights of Indigenous Peoples Act* (*Declaration Act*).

The Commissioner had intervened in two joined cases before the Court—*Gitxaala Nation v. Chief Gold Commissioner of B.C. et al.* and *Ehattesaht First Nation v. His Majesty the King in right of B.C. et al.*—to argue that the *Declaration Act* is legally enforceable and should be interpreted as quasi-constitutional human rights legislation.

The Act, introduced in 2019, was the first piece of legislation in Canada to enact legislation in relation to the *United Nations Declaration on the Rights of Indigenous People (UNDRIP)* in provincial law. The *Gitxaala* and *Ehattesaht* cases marked the first legal test of the *Declaration Act*.

The Court found that the *Declaration Act* does not implement *UNDRIP* in B.C. or create rights for Indigenous peoples that can be litigated.

"I am disappointed that the Court's judgement undermines the important role the *Declaration Act* ought to play in decolonization and reconciliation efforts in this province," said Commissioner Kasari Govender. "The *Declaration Act* should not be merely symbolic—yet, today's decision indicates that the *UN Declaration on the Rights of Indigenous People* still does not have the force of law in B.C."

***"I am disappointed that the Court's judgement undermines the important role the Declaration Act ought to play in decolonization and reconciliation efforts in this province."***

Notably, the Court did grant some of the requests made by *Gitxaala* and *Ehattesaht*. On constitutional grounds, the Court found that the province has a duty to consult with Indigenous peoples before granting mineral tenures; it gave government 18 months to consult with *Gitxaala* and *Ehattesaht* to make changes to the mineral tenure regime to that effect.

For more information about the cases and the scope and content of the Commissioner's intervention, please see the following resources:

- [B.C.'s Human Rights Commissioner appears in court on mineral rights cases with important implications for reconciliation in B.C.](#)

- [B.C.'s Human Rights Commissioner is granted intervenor status in cases that will test B.C.'s Declaration Act in court for the first time](#)
- [B.C.'s Human Rights Commissioner applies for intervenor status in cases that could set important precedent for the interpretation of B.C.'s Declaration Act](#)
- [Gitxaala Nation and Ehattesaht First Nation challenge B.C. mineral tenure regime](#)

-30-

## Media contact

To request an interview with Commissioner Kasari Govender, please contact [media@bchumanrights.ca](mailto:media@bchumanrights.ca) or 1-604-306-7369.

## Media kit

[Download](#) our media kit for images of Commissioner Kasari Govender.

## 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.

## Follow us

Get the latest human rights news from us on Twitter ([@humanrights4BC](https://twitter.com/humanrights4BC)), Facebook ([facebook.com/HumanRights4BC](https://facebook.com/HumanRights4BC)) and Instagram ([@humanrights4BC](https://instagram.com/humanrights4BC)).

