



Report

SPECIAL COMMITTEE TO APPOINT A HUMAN RIGHTS COMMISSIONER

May 2024



LEGISLATIVE ASSEMBLY
of BRITISH COLUMBIA

Fifth Session, 42nd Parliament



May 15, 2024

To the Honourable
Legislative Assembly of the
Province of British Columbia

Honourable Members:

We have the honour to present herewith the Report of the Special Committee to Appoint a Human Rights Commissioner containing our unanimous recommendation.

Respectfully submitted on behalf of the Committee,

Joan Phillip, MLA
Chair

Norm Letnick, MLA
Deputy Chair

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Composition of the Committee

Members

Joan Phillip, MLA, [Chair](#)
Vancouver-Mount Pleasant

Norm Letnick, MLA, [Deputy Chair](#)
Kelowna-Lake Country

Brittney Anderson, MLA
Nelson-Creston

Ravi Parmar, MLA
Langford-Juan de Fuca

Teresa Wat, MLA
Richmond North Centre

Committee Staff

Kate Ryan-Lloyd, Clerk of the Legislative Assembly

Jennifer Arril, Clerk of Committees

Darryl Hol, Committee Clerk

Mary Heeg, Committee Research Analyst

Jonathon Hamilton, Committee Researcher

Mary Newell, Parliamentary Committees Officer

Sean Morgado, Parliamentary Committees Coordinator

Terms of Reference

On February 26, 2024 the Legislative Assembly agreed that a Special Committee to Appoint a Human Rights Commissioner be appointed to select and unanimously recommend to the Legislative Assembly the appointment of an individual as Human Rights Commissioner for the province of British Columbia, pursuant to section 47.01 of the *Human Rights Code* (R.S.B.C. 1996, c. 210).

That the Special Committee have all the powers of a Select Standing Committee and in addition be empowered to:

- a. appoint of its number, one or more subcommittees and to refer to such subcommittees any of the matters referred to the Special Committee and to delegate to the subcommittees all or any of its powers except the power to report directly to the House;
- b. sit during a period in which the House is adjourned, during the recess after prorogation until the next following Session and during any sitting of the House;
- c. adjourn from place to place as may be convenient; and
- d. retain such personnel as required to assist the Special Committee.

That any information and materials previously under consideration by the Special Committee appointed by order of the Legislative Assembly on November 29, 2023 for the same purpose be referred to the Special Committee.

That the Special Committee report to the House as soon as possible; and that during a period of adjournment, the Special Committee deposit its reports with the Clerk of the Legislative Assembly, and upon resumption of the sittings of the House, or in the next following Session, as the case may be, the Chair present all reports to the House.

Introduction

The Human Rights Commissioner (the Commissioner) is an independent officer of the Legislature responsible for protecting and promoting human rights. The Commissioner's responsibilities include: identifying and promoting the elimination of discriminatory practices, policies, and programs; developing and delivering public information and education about human rights; undertaking and supporting research regarding human rights; examining the human rights implications of any policy, program, or legislation; and promoting compliance with international human rights obligations. The Commissioner does not have jurisdiction over screening and adjudicating individual and group human rights complaints; this responsibility remains with the Human Rights Tribunal. The Commissioner may, however, call an inquiry into broader human rights issues or systemic discrimination.

The position was established through amendments to the Human Rights Code in 2018. Pursuant to section 47.01 of the Code, the Commissioner is appointed by the Legislative Assembly following the unanimous recommendation of a special committee of the Legislative Assembly. The Commissioner holds office for a term of five years and may be reappointed for one additional term of up to five years.

The Office of the Human Rights Commissioner has its headquarters in Vancouver and a satellite office in Victoria. The Office's operating budget for the 2024-25 fiscal year is \$7.668 million, which includes funding for approximately 37 FTEs. The Commissioner reports to the Legislative Assembly through the Speaker and its parliamentary committees. Oversight of the Commissioner and other statutory officers is currently assigned to the Select Standing Committee on Finance and Government Services. The Committee is responsible for considering and making recommendations regarding statutory offices' budgets, annual reports, and service plans, including with respect to the effective and efficient administration of each office.

The current Commissioner, Kasari Govender, K.C., was appointed by the Legislative Assembly on September 3, 2019 for a five-year term, and is BC's first independent Human Rights Commissioner.

Meetings Schedule

The Committee met on the following dates for the purposes described below.

Fourth Session, 42nd Parliament

January 22, 2024	Organizational Meeting and Deliberations
February 16, 2024	Interview

Fifth Session, 42nd Parliament

March 6, 2024	Organizational Meeting and Deliberations
April 29, 2024	Deliberations
May 8, 2024	Deliberations
May 13, 2024	Adoption of Report

More Information on the work of the Special Committee is available at: www.leg.bc.ca/cmt/hrc

Recruitment Process

The Committee began its work to appoint a Human Rights Commissioner on January 22, 2024, with an organizational meeting. The Committee elected a Chair and Deputy Chair and adopted a motion to hold all meetings and deliberations on a confidential, *in camera* basis, in keeping with the usual practice for appointment committees. Members also reviewed the Committee's terms of reference, a preliminary workplan for the Committee's activities, and the functions of and key competencies for the position of Commissioner. Noting that the incumbent, Kasari Govender, K.C., had indicated her interest to seek reappointment for an additional term, the Committee agreed to interview Ms. Govender and considered the interview questions.

On February 16, 2024, the Committee interviewed Ms. Govender. Members reviewed her qualifications, experience, and work as Commissioner. The Committee assessed her perspective on human rights in BC and her views on her role and the effectiveness of her Office's work. Members considered Ms. Govender's leadership as Commissioner, including how she has approached building a new statutory office, led staff, and aimed to create a respectful work environment. They also evaluated her approach to making difficult decisions, leading the financial management of the Office, and developing public confidence in and awareness of its work. Finally, the Committee reflected on Ms. Govender's ethics, values, and suitability for reappointment as a non-partisan officer of the Legislature.

Reflecting on Ms. Govender's first term as Commissioner, the Committee recognized her success in building and operationalizing the Office. Members noted that she was appointed only six months before the onset of the COVID-19 pandemic and worked to establish the Office under trying circumstances. They recognized that the Office now has nearly 40 staff and has conducted a range of inquiries, interventions in court cases, educational campaigns, and policy and research projects. Additionally, Committee Members appreciated Ms. Govender's pragmatic approach and focus on ensuring meaningful change. They also recognized her efforts to evaluate the impact and efficacy of her Office's work.

Members were also impressed with Ms. Govender's strong values, perspective on leadership, and clear commitment to human rights throughout her career. They appreciated her dedication to fairness, equality, and compassion. The Committee recognized Ms. Govender's focus on providing authentic leadership and treating her staff with respect and equity. Additionally, Members were impressed with her emphasis on collaboration and relationship-building and noted that the Office has engaged with several First Nations and First Nations organizations. The Committee appreciated Ms. Govender's work to create credibility with government, media, and other organizations and felt she was well-suited to continue building public confidence in the Office.

As a result, the Committee has full confidence in Ms. Govender's continued leadership as Human Rights Commissioner and unanimously agreed to recommend to the Legislative Assembly that she be reappointed for one additional five-year term, beginning September 3, 2024.

Recommendation

That the Special Committee to Appoint a Human Rights Commissioner unanimously recommend to the Legislative Assembly that Kasari Govender, K.C., be reappointed as Human Rights Commissioner for one additional five-year term, effective September 3, 2024, pursuant to section 47.01 of the *Human Rights Code*.

Biographical Information

Kasari Govender (she/her/hers) has devoted her life to promoting human rights, with a focus on the rights of those most marginalized. In her legal work as a constitutional and human rights lawyer, she has worked closely with people fighting for their human rights, including gender equality, Indigenous rights, children's rights, the rights of people with disabilities, and the rights of racialized people and newcomers. She is passionate about equality rights and using the law as a tool to build a more equal and just BC.

From 2008 until 2019, Govender held leadership positions at West Coast LEAF and was appointed Executive Director in 2011. Her earlier work includes a pivotal role in establishing the Rise Women's Legal Centre, a non-profit legal clinic in BC. She took office as BC's first independent Human Rights Commissioner on September 3, 2019, and is currently the Vice-Chair of Government Relations for the Canadian Association of Statutory Human Rights Agencies (CASHRA). She has co-authored key reports and articles, led the groundbreaking inquiry into the rise of hate during the COVID-19 pandemic, and speaks widely on crucial social issues such as hate speech, gender-based violence, human rights issues in policing, and systemic racism.



Govender earned her law degree from the University of Victoria and her Master's Degree in International Human Rights Law from the University of Oxford, UK. She has served on the board of directors for the University of Victoria, Pivot Legal Society, the Coalition for Public Legal Services, and the Society for Children and Youth. Govender has taught as an Adjunct Professor of Law at the University of British Columbia and as an instructor at Simon Fraser University. She was recognized with the King's Counsel (KC) designation for exceptional contributions to the legal profession in BC in 2023.

Her commitment to building a more equal world is inspired by her roles as a mother, an aunt, a daughter, and a sister.

