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Human Rights Tribunal orders \$150,000 in compensation for Indigenous mother in child welfare case

November 23, 2022

Unceded territories of the ʷməθkwəy̓əm (Musqueam), Sk̓wxwú7mesh (Squamish), and səliłwətał (Tseil-Waututh) Nations, Vancouver, BC.

CLAS is celebrating the decision of the BC Human Rights Tribunal in [RR v. Vancouver Aboriginal Child and Family Services Society](#). The Tribunal found that our client, referred to as RR in the decision, was discriminated against by the child protection agency that apprehended her four children. The Tribunal awarded her \$150,000 in compensation for the significant and devastating impacts the discrimination had on her.

RR is a racialized Afro-Indigenous woman and a single mother. She is an inter-generational survivor of residential schools with disabilities stemming from trauma. She is also a leader in her community, and a passionate advocate for justice.

In 2016, the Vancouver Aboriginal Child and Family Services Society (VACFSS) apprehended RR's four children. For nearly three years, VACFSS retained custody over the children and strictly regulated RR's access to them. For seven months, she was cut off from them almost entirely. The Tribunal found that VACFSS's decisions to retain custody and restrict RR's access to her children were informed by stereotypes about her as an Indigenous mother with past mental health issues. It also found that VACFSS did not have reasonable grounds to continue keeping the children in its custody and that none of the discriminatory conduct could be justified as reasonably necessary to protect RR's children.

“This case exposes the systemic forces of discrimination impacting Indigenous mothers” said Aleem Bharmal, KC, who acted as co-counsel to RR. “The decision is a victory for RR as an individual, but the precedent it sets will reverberate across the country. Though it was an individual complaint brought by one brave and strong Indigenous mother, it sheds light on a system that is stacked against Indigenous families and communities. My hope is that today's decision helps drive change to child protection laws, services, and practices across Canada so that no other Indigenous parent is forced to endure the stereotyping, prejudice, and discrimination experienced by our client.”

The compensation ordered by the Tribunal is the second-highest award ever made in British Columbia. The Tribunal found that the unprecedented and systemic nature of the discrimination warranted an award at the highest end of human rights damages.

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About:

The **Community Legal Assistance Society (CLAS)** has provided free legal services to marginalized British Columbians since 1971 in the areas of mental health, human rights, housing, income security, and workers' rights.

We have assisted tens of thousands of British Columbians over the years through law reform, test case litigation, systemic advocacy, delivery of public legal education, summary advice, workshops and representation of clients before administrative tribunals and the courts.