



Court of Appeal Unanimously Affirms Right of Mature Minors to Access Gender-Affirming Care Without Parental Consent

- [Egale](#) is Canada's national LGBTQI2S organization -

Vancouver (January 16, 2020) – In a [decision](#) released last Friday, the British Columbia Court of Appeal unanimously held that a mature minor can access gender-affirming medical care considered by medical professionals to be in his best interests, notwithstanding his father's objections. The Court affirmed that longstanding principles governing consent to medical treatment for mature minors apply without difficulty to gender-affirming medical care.

"This is a precedent setting case for young trans, non-binary and gender diverse youth across the province, and ultimately in all of Canada," said **Helen Kennedy, executive director at Egale Canada**. *"It is a step forward in providing them the freedom of autonomy over their gender and their body, regardless of their parents' beliefs or opinions."*

Egale filed an [intervenor factum](#) at the Court of Appeal to argue a related point in the case, namely that a parent's transphobic abuse—such as deadnaming, misgendering, and outing—can be lawfully restricted without infringing that parent's constitutional rights. The Court of Appeal agreed, and held that "constraints aimed at preventing harm" are permissible.

"Representing Egale in this case was an important way for our firm to support equality for the LGBTQI2S community," said **Jennifer Klinck, Partner at Power Law**. *"At its heart, the decision affirms that legal protections, both in accessing medical care and in being shielded from abuse, are no less robust for trans youth than for other young people. Through my work with Egale over the years, I have seen the issues that impact LGBTQI2S people the most across Canada, and this case in particular, I believe, will have a significant impact on the lives of young trans people that extends far beyond British Columbia."*

The Court of Appeal's decision affirms many important legal principles relating to transgender rights and health care, including:

- reviewing courts must be deferential to the autonomy of mature minors and the expertise and good faith of health care providers; and
- when medical professionals consider a particular treatment to be in a minor's best interest and assess the minor as sufficiently mature to consent to that treatment, no additional parental consent is required.

Research shows that among lesbian, gay and bisexual youth, the risk of attempting suicide was 20% greater in unsupportive environments compared to supportive



environments. This number is much greater with trans and non-binary youth. We also know from research that 1/5 youth facing homelessness in Canada identify as LGBTQI2S. This provides insight to the over representation of LGBTQI2S youth living on our streets.

“Access to health care and family support is crucial to the wellbeing of youth who are undergoing transition and not getting the acceptance and support they need from loved ones can in many cases be life threatening,” said **Kennedy**.

Overall, Egale considers the Court of Appeal's decision a positive precedent in many respects regarding transgender rights. In its intervention, Egale stressed how parental verbal abuse is routinely proscribed in the family law context where the interests and safety of children are paramount, and that, to license such abuse would unravel many critical protections for vulnerable youth. By effectively maintaining the restrictions on abuse found at first instance, the Court of Appeal affirmed this important principle, thereby upholding important protections for vulnerable LGBTQI2S youth.

About Egale Canada

Egale is Canada's only national organization working to advance LGBTQI2S rights. Egale works to improve the lives of LGBTQI2S (Lesbian, Gay, Bisexual, Trans, Intersex and Two Spirit) people in Canada and to enhance the global response to LGBTQI2S issues. Egale achieves this by informing policy, inspiring cultural change and promoting human rights and inclusion through research, education and community engagement. Egale's vision is a Canada, and ultimately a world, without homophobia, biphobia, transphobia and all other forms of oppression so that every person can achieve their full potential, free from hatred and bias.

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