



Action Recommended

CBABC urges the B.C. government to take the following steps to address systemic barriers to justice for 2SLGBTQIA+ communities:

- Fund legal aid services provided by and for 2SLGBTQIA+ community, with a particular focus on the transgender communities.
- Educate all professionals in the justice system about issues specific to 2SLGBTQIA+ communities to create a more welcoming space.
- Fund a collaborative platform where 2SLGBTQIA+ legal aid practitioners and allied lawyers can enhance their understanding.
- Monitor legal aid resources allocated to 2SLGBTQIA+ communities using disaggregated data like sexual orientation, gender identity and gender expression to inform meaningful change.

Issues

British Columbia's 2SLGBTQIA+ communities face particular barriers in accessing government services, and access to justice is a particularly onerous challenge for these communities. Notably, they are both overrepresented in the lowest income brackets and have a greater need for legal services than the general population, given the heightened discrimination many suffer. Those who also experience racism face an even larger gap in accessing justice (especially trans persons who are Indigenous, Black or racialized).

Approximately 25-40% of homeless youth are 2SLGBTQIA+. In B.C., 1 in 4 queer and trans youth are forced out of their homes because of severe family conflict. Added to these barriers are issues of over-policing, threats to personal safety and isolation, all of which make improving access to justice for 2SLGBTQIA+ communities urgently important.

Despite this heightened need, there are few legal aid clinics or law reform organizations run by an 2SLGBTQIA+ community group or with a specific mandate to serve 2SLGBTQIA+ members residing in B.C. Several new specialist legal clinics with specific ameliorative mandates for other marginalized groups received funding in response to the 2018-2019 Legal Aid Services Review. However, 2SLGBTQIA+ communities did not directly benefit from those funding increases. The Law Foundation 2022 Annual Report, which details Law Foundation funding

(and, to an extent, Legal Aid BC public resources) to address access to justice deficits, notes one law clinic related to 2SLGBTQIA+ communities that received funding. This clinic, run by and for trans people, offers services including summary legal advice and legal representation. While this is a positive step, additional supports are needed.

The CBA's Access to Justice for Trans People report illustrates the barriers that trans people face when attempting to access legal services – barriers the greater 2SLGBTQIA+ communities are also subjected to – underscoring the need for more dedicated legal aid services. Discrimination is the top legal problem faced, demonstrating the need for trans people to be able to access legal services essential to protecting their basic human rights. For example, many trans people stated that they lacked clarity on their basic legal rights, where to access information about their rights and how to access trans-specific legal services. Legal information or services are not readily available for issues specific to 2SLGBTQIA+ communities, outside of online resources. With a community that is so prone to isolation, more public resources must be available.

While 2SLGBTQIA+ communities benefit from many existing legal aid service providers with wider mandates, there isn't enough comprehensive data on the communities' service uptake. This means we can't fully assess the legal aid and information service gap facing these communities. Collecting disaggregated data from recipients of legal aid services will help us track the flow of legal aid funds. This will help us understand the extent to which legal aid is meeting the needs of 2SLGBTQIA+ community, identify gaps and inform meaningful change.

Additionally, more 2SLGBTQIA+ people should be encouraged to join the legal professions and be provided with appropriate mentorship. Academic institutions should ensure their admissions processes are free of discrimination and systemic barriers. 2SLGBTQIA+ people who join the legal professions can then advocate on behalf of 2SLGBTQIA+ interests, leading change in the legal world. These individuals can then service 2SLGBTQIA+-specific legal clinics and create safe spaces. Improving the perception that 2SLGBTQIA+ people have of lawyers, paralegals and the justice system enables access to important legal services.

Education for legal service providers should be better informed about issues that are specific to 2SLGBTQIA+ communities. It is crucial to design services that address the specific needs of 2SLGBTQIA+ communities by creating a welcoming space with competent professionals familiar with the issues they face. 2SLGBTQIA+ positive spaces will encourage people who identify as part of the community to use the law to navigate non-2SLGBTQIA+ legal issues. A collaborative platform for 2SLGBTQIA+ lawyers will support the continuous professional development of 2SLGBTQIA+ lawyers.



Why It Matters

The current lack of investment in promoting 2SLGBTQIA+ British Columbians' equal access to justice – and correspondingly, their equal dignity and respect within society – means that people in these communities are struggling to access legal services, protect themselves and assert their legal rights. Given the disproportionate discrimination and violence these communities face, they often endure more financial worries, lower employment and more barriers to housing. It is crucial that legal services are made more accessible to 2SLGBTQIA+ people. Right now, many trans people in need of changes on identity documents or 2SLGBTQIA+ people facing discrimination in housing or employment do not feel comfortable accessing the law. Many 2SLGBTQIA+ people experiencing violence or being improperly profiled by police are left feeling unsafe engaging with the legal system. Their past encounters with the law have left them feeling ridiculed and excluded.

Key Resources

[*Access to Justice for Trans People*](#), Canadian Bar Association (Sep 2022)

[*Poverty is a Queer & Trans issue*](#), BC Poverty Reduction (2013)

[*Annual Report 2022*](#), The Law Foundation of BC