

BACKGROUND

UR PRIDE v. SASKATCHEWAN

The case will be heard by the Supreme Court of Canada

Defence for Children International – Canada

Defence for Children International (DCI) – Canada is a country member section of Defence for Children International based in Geneva, Switzerland. DCI-Canada since 1989 has worked to promote the rights of children enshrined in the United Nations Convention On The Rights Of The Child (UNCRC) in Canada.

DCI-Canada has built a long and vibrant history of public interest intervention, advocacy, rights education, and youth organizing. More information about DCI-Canada can be found here www.dci-canada.org

UR PRIDE v Saskatchewan

In August 2023, weeks before the start of the school year and without notice or consultation, the Saskatchewan government adopted a policy called “Use of Preferred First Name and Pronouns by Students.” The Policy imposed specific requirements for students under the age of 16 who “wish to change their pronouns and/or preferred first name to align with their gender identity”. The Policy only permitted school personnel to refer to a trans, non-binary, or gender-diverse student under the age of 16 by their proper name and pronouns if their parent consented. It also required school personnel to seek parental consent when a student asked that their “preferred name, gender identity, and/or gender expression be used.”

The UR Pride Centre for Sexuality and Gender Diversity commenced a Charter challenge to the Policy before the Saskatchewan Court of King’s Bench. It argued that the Policy limited the sections 7 (security of the person) and 15 (equality) Charter rights of trans, non-binary, and gender-diverse students under the age of 16.

After a judge paused the operation of the policy while the case was ongoing because the youth affected by the policy would suffer “irreparable harm” in the meantime, the Saskatchewan government enshrined the policy in law. The government also invoked the notwithstanding clause of the Charter regarding sections 7 and 15, so that even if the legislation does infringe students’ rights to security of the person and equality, it cannot be struck down in court as unconstitutional.

In response, UR Pride amended its challenge, now alleging that the law limits the section 12 rights (the right not to be subjected to cruel and unusual treatment) of gender-diverse students under the age of 16.

UR Pride also asked the Court of King's Bench to declare that the law violates the students' section 7 and 15 rights, even though that declaration would not serve the purpose of striking down the law. The judge decided that courts do have that power. The province has appealed this decision that courts have the power to issue a declaration, as well as the judge's decision that UR Pride can amend its arguments to argue a violation of section 12.

That appeal was decided by the Court of Appeal for Saskatchewan on August 11, 2025. The Court of Appeal found that UR Pride can include section 12 arguments in its application, and it also held that courts have jurisdiction to declare that a law violates Charter rights. Those questions are now being appealed to the Supreme Court of Canada. The case is on hold until those issues are resolved. (LEAF)

https://www.leaf.ca/case_summary/ur-pride-v-saskatchewan/

DCI-Canada Intervention at the Supreme Court UR PRIDE v Saskatchewan

DCI-Canada's unique model of youth engagement rests on a dovetailed approach to the *Charter* and Canada's international obligations as a signatory to the *United Nations Convention on the Rights of the Child*. DCI-Canada sought and was granted standing at the Supreme Court in order to defend the rights of children and ensure the court considered both the rights of children as afforded to them under both the UNCRC and the Canadian Charter of Rights (CoC).

As a public-interest intervenor in this case, Defence for Children International-Canada ("DCI-Canada") will be making submissions to the Court (see our Factum [here](#)) at the hearing once it has been scheduled.

The issues to be determined by the Court have far-reaching consequences for children and youth. A question asked by DCI-Canada is whether a government can avoid the scrutiny of the Court by using the notwithstanding clause under section 33 of the *Canadian Charter of Rights and Freedoms* (the "Charter"). As will be argued by our counsel, Scott Fairley and Joan Kasozi of Cambridge LLP, the temporal window of childhood means that children's rights could very well be rendered ineffective by use of the Section 33 "notwithstanding clause" in this way, and the Court must retain its inherent jurisdiction to describe and guide the law.

Through its core mandate, its national focus, the depth and breadth of its institutional knowledge, and its full independence from government funders and policy-makers, DCI-Canada and our lawyers are well-situated to provide a distinct and plain-language perspective on the complex legal issues arising in *UR Pride v. Saskatchewan*.

DCI-Canada stresses the need for formal acknowledgment in Canadian constitutional law of the reality that young people are most in need of judicial protection from infringement of their guaranteed rights under the *Charter*. As argued in our Factum, the notwithstanding clause cannot be used as a silencer. The fact is that whenever a government chooses to invoke the “notwithstanding clause”, young people will be among those with the least power to respond. Their voices must be allowed a vehicle.

The precedent set in *UR Pride* will set in motion a conversation that will shape how young people’s voices are heard, and how their rights are understood and protected in Canada’s court proceedings for years to come.

DCI-Canada will be there, at the Supreme Court of Canada, standing alongside, and with, the young people who are asking the serious questions about our democracy that all Canadians should be asking.

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