

May 2, 2017

Submission to the Senate Standing Committee on Legal and Constitutional Affairs

Study: Bill C-16, an Act to Amend the Canadian Human Rights Act and the Criminal Code

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It is the view of the Canadian Centre for Gender and Sexual Diversity that Bill C-16 represents the most significant stride made in the movement towards equality for LGBTQ+ Canadians since same-sex marriage became legal in 2005. It is the right of every Canadian to be protected and equal under the law, and we would be remiss if we did not campaign strongly for these rights to be made available for every citizen.

We feel that these protections must extend to those who have been empowered to identify and express themselves diversely. Gender identity and expression should not be boxes into which Canadians must fit neatly in order to have shelter from and recourse against discrimination. The reinforcement of the gender binary is harmful to those who do not conform to it – we count among this community transgender men and women, and gender queer, non-binary, gender fluid, intersex, and other gender non-conforming individuals. Transphobia, like homophobia, is damaging to those who are victimized by it and also to society as a whole – when stigma is present, it creates barriers to understanding and acceptance. It is our view that the first step in removing this unnecessary stigma is to celebrate diversity through the passage of this Bill.

Due to the presence of social stigma and a lack of understanding, non-binary individuals and persons of diverse gender identity and expression are disproportionately at risk in various ways. For example, statistics from the 2015 Trans PULSE Survey tell us that transgender individuals residing in Ontario experience violence specifically due to their gender identity or expression, and also face obstacles to employment, access to health care, and access to public spaces, as this sobering data illustrates:

**20% of individuals surveyed have been physically or sexually assaulted for being trans
34% were verbally abused or harassed for being trans**

13% were fired for being trans

17% declined a job they were offered due to the lack of a trans-positive work environment

28% could not obtain references with their current name or pronoun

21% have avoided the visiting the emergency room when they needed to due to fear of discrimination

57% have avoided public washrooms due to fears for their own safety

These challenges are compounded by the keenly felt dissonance that comes from being unable to express their true gender identity, or the physical and mental danger that may be experienced by those who choose to live as the person they know and feel they are. The bottom line is that this group is vulnerable, yet invisible under the law.

The protections against discrimination and hate-motivated crimes currently offered to non-binary folks provincially and territorially are not required by federal law or even in place in all

provinces and territories across the country. The freedom and right to diverse gender identity and gender expression must be mandated by federal legislation to ensure that these protections, as well as other issues not managed by provincial or territorial governments, are upheld in our highest courts.

The history of this Bill and the vigour with which it has been pursued both from within government, by activists' groups, and by individuals shows that this change is one that all Canadians are ready to see become law. The recent passage of this Bill through the House of Commons with an overwhelming supportive majority shows also that our country's legislators are ready to make this change so that our laws reflect the values of modern Canadian citizens. Indeed, we are also seeing a different type of support from within the legislature – we are proud to note LGBTQ+ politicians holding office throughout all levels of government, their way paved by the activists that came before them both from within and outside of the government.

It is the hope of our organization that the Senate Standing Committee on Legal and Constitutional Affairs recommend that the Members of the Senate pass Bill C-16 unchanged. We respectfully request that the Committee consider the positive effect that this legislation will have on the lives of the gender non-binary community, and the milestone it will represent in their fight for equality.

Respectfully submitted,

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The Canadian Centre for Gender and Sexual Diversity
May 2, 2017

Reference:

Bauer, Greta, author. (2015). *Transgender people in Ontario, Canada: Statistics from the Trans PULSE Project to inform human rights policy.*