



THE CANADIAN
BAR ASSOCIATION
L'ASSOCIATION DU
BARREAU CANADIEN

September 19, 2012

Via email: Correspondence-Correspondance@pptc.gc.ca

Christine Desloges
Chief Executive Officer
Passport Canada
Foreign Affairs and International Trade Canada
Gatineau, QC K1A 0G3

Dear Ms. Desloges :

Re: Gender identification of transgender and transsexual individuals on passports

We write on behalf of the Canadian Bar Association's Sexual Orientation and Gender Identity Conference (SOGIC) relating to the gender identification of transgender and transsexual individuals for the purpose of cross-border travel. This letter follows our letter of March 12, 2012 to the Minister of Public Safety, and responses from the Minister of Transport on August 8, 2012, and from you on August 27, 2012.

The CBA is a national association representing approximately 37,000 jurists, including lawyers, notaries, law teachers and students, across Canada, with a mandate that includes seeking improvements in the law and the administration of justice, and promote equality in the law. SOGIC represents lesbian, gay, bisexual, transgendered and two-spirited (LGBT) members within the Association and provides a forum for the exchange of information, ideas and action on legal issues relating to sexual orientation and gender identity.

We understand that Passport Canada is undertaking a policy review to explore the possibility of adding a "third gender" on applications, to allow transgender and transsexual individuals to apply under their true gender identity even without having undergone sex reassignment surgery.

Under current requirements, Canadians can change the sex on their passport only if they provide medical proof of having undergone gender-reassignment surgery. Those in transition can obtain a temporary two-year passport by furnishing medical documents showing the surgery is scheduled in the next 12 months. In practice, transgender and transsexual individuals may have to use a passport bearing a gender that does not match their external physical appearance for long periods of time. This may lead to uncomfortable questioning with officials prying into their personal circumstances before they board a plane or cross a border, and could impede or prevent their

ability to enter a foreign country or return home. The problem may go on for years for individuals unable or unwilling to undergo gender-reassignment surgery. This policy creates one more hurdle for transgender and transsexual individuals, who continue to be the target of discrimination, intimidation and violence.

SOGIC welcomes Passport Canada's policy review initiative and hopes it will lead to a new policy that provides transgender and transsexual individuals with the option of being officially recognized under their true gender identity when they travel.

SOGIC would appreciate the opportunity to review and comment on any draft policy, direction or regulation that Passport Canada is considering. SOGIC is in a unique position to make a positive contribution to Passport Canada's review, to ensure that any changes meet the needs of transgender and transsexual individuals.

Yours truly,

(original signed by Rebecca Bromwich for Mark L. Berlin and Amy Sakalauskas)

Mark L. Berlin
Co-Chair
Sexual Orientation & Gender Identity Conference

Amy Sakalauskas
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