



March 12, 2012

Via email: Toews.V@parl.gc.ca

The Honourable Vic Toews, P.C., M.P.
Minister of Public Safety
Public Safety and Emergency Preparedness
269 Laurier Avenue West
Ottawa, ON K1A 0P8

Dear Minister Toews:

Re: Travel ban on certain transgender and gender non-conforming persons

I write on behalf of the Sexual Orientation and Gender Identity Conference (SOGIC) of the Canadian Bar Association (the CBA) to express concern that recent changes to the Identity Screening Regulations under the *Aeronautics Act*¹ (the Regulations) undermine the equality of Canadians and are an affront to their dignity. These Regulations effectively ban many law-abiding Canadian citizens from flying.

The CBA is a national association representing 37,000 jurists, including lawyers, notaries, law teachers and students across Canada. Our mandate includes improvement of the law and promoting equality in the justice system.

The new Regulations are ostensibly set forth with the ambit of ensuring passenger safety. However, it does not seem rationally connected to the objective of public safety in transportation to prohibit passengers from travelling by air if their gender presents, or appears to be, inconsistent with the gender specified on their identity document. The uneven patchwork of federal and provincial legislation governing identity documents prohibits many transgender and gender non-conforming (TGNC) people from designating a gender on their identity documents that matches their gender presentation. That said, it is unnecessary to evaluate gender presentation to confirm the identity of the bearer of a photo identity document. This problem would be easily resolved by removing that requirement from the Regulations.

TGNC Canadians face arbitrary discrimination and harassment in many areas of their lives. Regardless of the legislative intent, the Regulations constitute one more instance of this arbitrary and insensitive discrimination.

¹ SOR-DORS/2011-156 July 29, 2011

The CBA respectfully urges the federal government to amend the Regulations by removing that requirement to ensure the TGNC persons are treated with dignity. TGNC persons have a right to travel without regard to real or perceived inconsistency between their gender presentation and the gender specified on their identity documents.

Yours truly,

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

Mark L. Berlin

-And-

(original signed by Rebecca Bromwich for Amy Sakalauskas)

Amy Sakalauskas

Co-Chairs, CBA SOGIC