

Bill C-279, Better Protection for Transgender People

The following Ministers and members of parliament received the attached letter.
Les ministres et membres du parlement ont reçu la lettre ci-jointe.

The Honourable Kerry-Lynne Findlay, MP

The Honourable John Duncan, MP

The Honourable Jim Flaherty, MP

The Honourable Lisa Raitt, MP

The Honourable Bernard Valcourt, MP

Chris Alexander, MP

Michelle Rempel, MP

Laurie Hawn, MP

Gerald Keddy, MP

Cathy McLeod, MP

David Wilks, MP

Shelly Glover, MP

Bernard Trottier, MP

Michael Chong, MP

Bruce Stanton, MP



THE CANADIAN
BAR ASSOCIATION
L'ASSOCIATION DU
BARREAU CANADIEN

February 26, 2013

Via email: Kerry-Lynne.Findlay@parl.gc.ca

The Honourable Minister Kerry-Lynne Findlay, MP
House of Commons
Ottawa, ON K1A 0A6

Dear Minister Findlay:

Re: Bill C-279, Better Protection for Transgender People

We write on behalf the Sexual Orientation and Gender Identity Conference (SOGIC) and the Equality Committee of the Canadian Bar Association (CBA), to encourage Parliament to adopt Bill C-279 as it comes for Third Reading this Wednesday.

Opponents of Bill C-279 trivialize the critical, and often grave, issues facing transgender people. The fact is that victimization of, and discrimination against, transgender individuals remains a serious problem in Canada. Bill C-279 is a necessary step toward better protection for transgender individuals in Canada by expressly protecting transgender Canadians within existing legislation.

The CBA is a national association representing approximately 37,000 jurists, including lawyers, notaries, law teachers and students, across Canada. Our primary objectives are to improve the law and the administration of justice, and promote equality in the law.

In 2010, the CBA's governing Council unanimously resolved to urge the federal, provincial and territorial governments to amend human rights laws and the Criminal Code to expressly protect transgender individuals from hate crimes and discrimination. Ontario, Manitoba, and most recently Nova Scotia have amended their legislation to do so.

Transgender Canadians are a minority who suffer profound discrimination, such as job losses, alienation from their communities, ridicule, harassment and inadequate health care services. They also disproportionately fall victim to hate crimes, including homicide. The extent of victimization of transgender individuals by hate crimes across Canada is not known, as the City of Ottawa is the only jurisdiction where it is systematically tabulated. However, emerging data indicate that human rights violations and acts of violence ranging from verbal abuse to murder are perpetrated daily against transgender.

Opposition to Bill C-279 appears to rest primarily on a misapprehension of existing human rights law and criminal provisions.

Assertions that legal protections for transgender persons would allow male sexual predators to invade women's washrooms and change rooms wilfully ignores the fact that nothing in the proposed legislation would detract from existing criminal prohibitions against voyeurism and sexual assault. Prevalent discriminatory mischaracterizations of the proposed legislation provide further compelling evidence for why it should be passed.

Since gender identity is currently read in to existing human rights legislation, transgender people already implicitly have the same human rights as other Canadians. Accordingly, Bill C-279 does not add new rights. However, rights read in by court precedent can only address hate crimes and discriminatory conduct once they have happened and do not provide the best legal foundation for public education.

The CBA believes there is a compelling need for express legal protection for transgender Canadians in federal legislation. Bill C-279 would provide that protection. We would welcome an opportunity to present our views to the Justice and Human Right Committee at greater length.

Thank you in advance for your commitment to equality and for taking the protection of transgender Canadians seriously.

Yours truly,

(original signed by Rebecca Bromwich for Amy Sakalauskas, Robert Peterson and Level Chan)

Amy Sakalauskas

Co-Chair

Sexual Orientation and Gender
Identity Conference

Robert Peterson

Co-Chair

Sexual Orientation and Gender
Identity Conference

Level Chan

Chair

Equality Committee

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