

VIA EMAIL

February 23, 2015

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Dear Members of the Senate Legal and Constitutional Affairs Committee,

Re: Bill C-279: An Act to Amend the *Canadian Human Rights Act* and the *Criminal Code* (gender identity)

The B.C. Civil Liberties Association is concerned that Bill C-279, the “Gender Identity Bill”, is likely to die on the Order Paper because of an amendment about to be tabled in the Senate’s Legal and Constitutional Affairs Committee. We believe this bill is sound as currently drafted and will offer urgently needed protections to transgender people in Canada. We urge you to pass this vital bill without further delay.

On May 16, 2014, the International Day Against Homophobia and Transphobia, the B.C. Civil Liberties Association wrote to members of the Senate endorsing the bill and urging them to support its timely passage. As you know, this is the fourth time such legislation has been introduced by Parliament, and each time it has been set back by prorogation or an election. Bill C-279 passed the House with support from members of all parties. We urge you to reject any further delays and to pass this bill into law now.

Given the high rates of violence, stigma, harassment and discrimination faced by members of Canada’s trans community, it is both essential and

urgent that legal protections be extended to protect this marginalized and vulnerable community. Bill C-279 affirms the dignity and equality of trans people in law. Such legal recognition and protection is long overdue.

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Some Members of Parliament, Senators, and members of this Committee have opined that this bill has the potential to be abused by sexual predators and pedophiles who would use it to access public women's washrooms. We are aware of no evidence to support such a claim. In fact, the Vancouver Parks Board has recently approved a number of recommendations to make washroom facilities more inclusive for trans members of our communities, including universal signage and single stall change booths. There is no basis for assuming that trans individuals will behave inappropriately in a washroom that corresponds to their gender identity, and every reason to expect that these measures will foster equality, dignity and inclusion. Existing laws are more than adequate to address any concerns that may arise, however unlikely.

The UN High Commissioner for Human Rights has expressed concern about impunity for crimes of violence against LGBT persons and emphasized the responsibility of States to extend effective protection to these vulnerable communities. Bill C-279 will help give effect to Canada's international human rights obligations to respect, protect and fulfill the rights of trans people. It will also address the government's obligation to ensure that legislation complies with *Charter* guarantees of equality and non-discrimination.

We reiterate our strong support for this bill in its current form, and encourage you to pass it into law without further delay.

Kind regards,



Laura Track
Counsel

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