



Canadian Professional Association for Transgender Health

11 August, 2013

Dear CPATH Members

Welcome to this summer issue of CPATH news. Hope you are all doing well.

Your Board of Directors have been involved with various activities over recent months. We are very excited about our new *Strategic Plan 2013 – 2018*. It is currently being translated along with *The Consultation on Success for CPATH* document. Look for both documents in the very new future.

Today we want to bring you up to date with our specific efforts in Nova Scotia, Quebec and with the Federal Bill C-279.

News from Quebec:

On May 22nd and 23rd, 2013 the Quebec government heard testimonies from representatives of several trans advocacy groups regarding bill 35, a bill sponsored by the current Minister of Justice, to amend several provisions of the Civil Code in regards to the *État civil* (the Quebec Office of the Registrar) of trans individuals. Here are the issues at hand:

- Currently, in order, to change one's legal name in Quebec, a trans person has to publish their request in a local newspaper and include their home address.
- In order to change sex designation, proof of a hysterectomy or vaginoplasty is required.
- Quebec-born individuals residing outside the province cannot change their name or sex designation unless they return to Quebec and re-establish residency.
- Quebec requires a minimum age of 18 to change sex designation.
- Immigrants to Quebec must obtain citizenship before being allowed to change their sex designation.

CPATH provided a brief in support of the corrective amendments asked for by the trans community. The document produced was inspired by the document CPATH presented in the Ontario case that supported the removal of surgery requirements in order to change sex designation. The Ontario letter can be found [\[here\]](#); the brief produced for Quebec is in French and can be found [\[here\]](#).

After the testimonies were heard, the bill was tabled as it lacked the support needed to pass. It will be presented again in the Fall and a wider consultation process will most probably be asked for before it is again up for a vote.

In the meantime, a class action suit is being prepared to fight these restrictions through legal means. The Quebec trans community is still feeling hopeful these changes can be brought about through legislative rather than judicial means. We'll keep you posted

News from Nova Scotia

On June 12th the Nova Scotia government announced it will become the eighth province to fund gender confirming surgery (SRS). Accompanying this is the promise to amend the MSI Physician's Manual (provincial medical insurance) to allow applications for new fee codes related to transgender health. This is significant and welcomed news. CPATH's letter of acknowledgement to Nova Scotia's Minister of Health and Wellness can be found ([here](#))

News from Federal Bill C-279

On June 3rd and June 10th, 2013, the Senate Standing Committee on Human Rights conducted hearings on Bill C-279, An Act to amend the Canadian Human Rights Act and the Criminal Code (gender identity). CPATH was invited to present to the committee on June 10th to assist the committee in its deliberations. CPATH's testimony referenced statements of the governing bodies of a number of health professions and trans health organizations affirming the right to define and express one's own gender identity and calling on governments to enact legislative protections of these rights. As there has been criticism expressed with respect to the vagueness of the proposed ground, we clarified that the term gender identity was well defined in the medical/psychological literature as well as in legislation and jurisprudence. We also highlighted developments in a number of international jurisdictions where legislation has been enacted providing explicit human rights and hate crimes protection, as well as identity recognition, for trans and gender diverse people. Our testimony concluded by stressing the educational and preventative aspects of human rights and hate crimes legislation, and the value of explicit legislation to advance societal visibility and inclusion of trans and gender diverse people.

Transcripts of the committee debates can be found here:

June 3rd, 2013 - <http://www.parl.gc.ca/content/sen/committee/411/RIDR/27EV-50199-E.HTM>

June 10th, 2013 - <http://www.parl.gc.ca/content/sen/committee/411/RIDR/28EV-50227-E.HTM>

The Bill was passed by the Senate Standing Committee on Human Rights on division; however, it had the overwhelming support of the members of the committee. The Bill was then reported back to the Senate and debate on third reading commenced. In the course of that debate, Senator Nancy Ruth proposed an amendment to the bill to add the ground of sex to the hate crimes provisions of the criminal code. Neither the proposed amendment, nor the bill, was voted on prior to the Senate's rise for the summer recess. What happens next is dependent on a few different factors, and in particular, whether or not the government is prorogued before the amendment and the bill are voted on when the Senate reconvenes in the fall.

We will keep you posted regarding the status of this bill. It is still not too late to write or call your senator to express your support for the bill and how important it is that the bill gets a vote and passes in a timely way. You can find your Senator here: (<http://www.parl.gc.ca/SenatorsMembers/Senate/SenatorsBiography/IsenAssist.asp?Languag>

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It is important to note that while Bill C-279 would add Gender Identity as an explicit and visible ground of protection under the Canadian Human Rights Act, courts and tribunals have interpreted the prohibited grounds of discrimination, sex and/or disability, contained in the act to include protections for trans persons.

In closing, we acknowledge and thank you all for your continued interest in this important work.

Warm Regards
CPATH Board of Directors