



Statement from the Canadian Professional Association for Transgender Health (CPATH) on the Alberta Government's Anti-Trans Legislation and the Use of the Notwithstanding Clause

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The Canadian Professional Association for Transgender Health (CPATH) is an interdisciplinary professional organization consisting of clinicians, researchers, educators, health systems and policy leaders, and community members, dedicated to the health and well-being of transgender, Two-Spirit, and gender diverse Canadians.

CPATH is deeply alarmed that Premier Danielle Smith intends to invoke the notwithstanding clause to shield three pieces of legislation targeting TTGD individuals in the realms of healthcare, education, and athletics from constitutional challenge (*The Education Amendment Act*; *Fairness and Safety in Sport Act*; and *Health Statutes Amendment Act*). These pieces of legislation represent the most extreme attack on TTGD rights ever seen in Canada, and will cause profound harm to TTGD individuals, as well as their families and communities.

These pieces of legislation have introduced sweeping restrictions on education, athletics, and health care. All three acts represent serious attacks against TTGD people and their rights. *The Education Amendment Act* reaches into schools, preventing students under 16-years-old from using their chosen name or pronouns without parental permission, and mandating parental notification for students aged 16-17 regardless of whether those students consent to being outed. This creates unsafe school environments that force vulnerable youth to suppress their identities, causing profound emotional harm and undermining their sense of safety, belonging, and self-worth. *The Fairness and Safety in Sport Act* bars trans girls and women from participation in female sports, requiring that they instead participate in male or co-ed categories, regardless of their gender identity or the availability of these options. This legislation is already having negative impacts on both trans youth and cisgender girls in sports, with some being forced out of teams and competitions they have trained for, undermining their physical and mental well-being.

The Health Statutes Amendment Act bans access to puberty blockers and hormone therapy for anyone under the age of 16, and requires those aged 16 and 17 to obtain parental consent, while completely prohibiting all surgical procedures for those under 18-years-old. These restrictions disregard well-established Canadian legal and ethical principles that affirm the right of mature minors to consent to or decline medical treatment, and leave many without access to medically necessary care. This legislation stands in direct contradiction to decades of rigorous research and clinical expertise consistently demonstrates that gender-affirming care improves

health outcomes, reduces psychological distress, suicidality, and allows young people to flourish.

Denying access to this care does not protect children; it places them at risk.

Gender-affirming care, which may include social support, puberty blockers, hormone therapy, and surgery, has been practiced safely and effectively for decades and is endorsed as medically necessary by every major Canadian and international health authority, including the Canadian Pediatric Society, the Canadian Psychological Association, the Canadian Medical Association, and the World Professional Association for Transgender Health. A substantial body of research evidence and decades of clinical expertise consistently demonstrates that gender-affirming care is safe, effective, and medically necessary.

Canadians have a right to make personal choices about their health with the support of their families, the guidance of licensed and regulated health professionals, and free from political interference. These core tenets protect the integrity of our healthcare system and form the foundation of medical ethics, grounded in the core principles of beneficence, non-maleficence, and respect for patient autonomy. When governments interfere with evidence-based clinical decision-making, they violate these core ethical standards and cross a dangerous threshold that undermines the right of all Canadians to make personal health decisions in collaboration with their healthcare providers and to access high-quality, patient-centred care.

Together, the *Education Amendment Act*, *Fairness and Safety in Sport Act*, and *Health Statutes Amendment Act* introduce sweeping restrictions that undermine the health, dignity, and safety of TTGD individuals across Alberta. CPATH collectively and unequivocally opposes these pieces of legislation and the misuse of the notwithstanding clause to enforce it. The clause was never intended to allow governments to suspend Charter rights in order to target vulnerable populations for political gain. If this clause can be used to strip marginalized youth of their basic rights today, it sets a dangerous precedent that could be used to erode the rights of other groups in the future. Once political ideology replaces clinical judgment, every Canadian's health, safety, and autonomy are at risk.

CPATH stands alongside Egale Canada, the Canadian Medical Association, and countless allied organizations, providers, and families in opposing this legislation. We are committed to defending the rights of TTGD people, including by challenging these laws and countering the misinformation and disinformation that is being used to justify them. We will not remain silent while governments advance policies that violate the principles of medical ethics and put the lives of TTGD people at risk. These bills are dangerous, unethical, and rooted in ideology rather than medical evidence.

This is a critical moment for Canada. TTGD individuals, and especially youth, deserve to be heard, believed, and protected. They deserve access to safe schools, inclusive sports, and life-saving medical care. Above all, they deserve the freedom to grow, to thrive, and to live as their authentic selves without government-imposed barriers. CPATH calls on healthcare providers, educators, parents, policymakers, and all Canadians to speak out against these dangerous attacks. The lives and futures of TTGD people depend on it.