

Bill C-279, the Gender Identity Bill

Summary

The Gender Identity Bill is aimed at providing equal human rights protections for trans people in Canada. If passed, the *Gender Identity Bill* would accomplish three things:

1. It would amend the prohibited grounds of discrimination under the *Canadian Human Rights Act*, explicitly making it illegal to discriminate on the basis of gender identity;
2. It would amend the *Criminal Code*, making it illegal to advocate genocide, or willfully and publically incite hatred based on gender identity; and
3. It would amend the *Criminal Code*, requiring judges to increase a sentence for a crime when there is evidence that the crime was motivated by bias, prejudice or hatred based on gender identity.

Effectively, Bill C-279 would legally recognize and protect the human rights of trans people in Canada, as well as require courts to recognize and penalize hate crimes against trans people. The *Gender Identity Bill* does not add any special protections for trans people; it ensures that the same protections that other people in Canada already enjoy are applied equally to trans people.

The Gender Identity Bill is needed to:

- Help address and prevent discrimination and harassment against trans people in Canada.
 - In a recent nationwide survey, 74% of transgender youth reported experiencing verbal harassment in school, and 37% reported experiencing physical violence.¹
- Ensure trans people have the same protection from discrimination as all Canadians when they are employed by or receive services from the federal government, First Nations governments or private companies that are regulated by the federal government.
- Correct the current injustice in that existing hate crime provisions do not recognize trans people, making it perfectly legal in Canada to advocate genocide against the trans community.
- Provide *explicit* human rights protections for trans people in Canada. While *implicit* protection does exist in certain Canadian jurisdictions, this is not sufficient and is complicit in sustaining the inequality and discrimination that many trans people in Canada experience as a daily fact of life.
- Bring Canadian legislation in line with that of other countries.
 - As of May 2012, seventeen countries had enacted laws prohibiting discrimination based on gender identity.² Sixteen US States had laws prohibiting discrimination based on gender identity, and eleven had included gender identity within their hate crime provisions.³ Eight countries had enacted hate/bias crime provisions based on gender identity.

The Gender Identity Bill does not:

- Enable people to gain access to sex-segregated spaces in which they do not belong, nor will it inhibit the courts' ability to prosecute and convict those who perpetrate harm, abuse or exploitation.

¹ C. Taylor et al., *Every Class in Every School: The First National Climate Survey on Homophobia, Biphobia, and Transphobia in Canadian Schools. Final Report*. (Toronto, ON: Egale Canada Human Rights Trust, 2011), 15–16.

² Lucas Paoli Itaborahy, *State-sponsored Homophobia: A World Survey of Laws Criminalising Same-sex Sexual Acts Between Consenting Adults* (ILGA, May 2012).

³ * Indicates states with hate crime provisions based on gender identity *in addition to* Maryland (2005) and Missouri (2001).