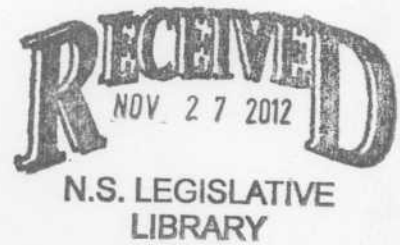


LAW AMENDMENTS COMMITTEE

Red Room, Province House

Tuesday, November 27, 2012



Bill #140 - Transgendered Persons Protection Act [amendments to the Human Rights Act]

2:00 p.m.

1. Sheena Jamieson, Support Services Co-ordinator
Leighann Wichmand, Executive Director
The Youth Project
2. Kevin Kindred, Chair
NS Rainbow Action Project
3. Nolan Pike

spoke
didn't appear;
brief

Bill #136 - Green Economy Act [amendments to the Environmental Goals and Sustainable Prosperity Act]

(deferred from previous meeting)

Bill #143 - Importation of Wine for Personal Use Act [amendments to the Liquor Control Act]

(no representation)

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November 27, 2012

Law Amendments Committee

Re: Bill 140

I am writing this letter in support of the amendment to add gender identity and expression to the Nova Scotia Human Rights Act. The Youth Project is an organization that works with lesbian, gay, bisexual, and transgender youth, 25 and under, across Nova Scotia. While we have made many great strides and accomplishments in making Nova Scotia a safer, healthier and happier place for lesbian, gay and bisexual youth, transgender youth have been left behind. The stated protection of gender identity and expression in our provincial Human Rights Acts would send a clear and powerful message that Nova Scotia does not want to leave our transgender population behind.

Often with Human Rights conversations we talk about the protection of individuals with respect to employment. While this is an extremely important area to provide protection, we tend to focus on the issues affecting transgender adults. I would like to address the challenges faced by transgender children and youth and how this amendment to the Human Rights Act would benefit them. While many transgender children and youth are affected by employment and housing either directly or indirectly, they are almost certainly affected by education. This amendment would go a long way in helping provide our education system with some direction and support in creating and maintaining safer and more inclusive schools for our transgender learners.

We have transgender children and youth in our schools who are struggling to have their identities recognized, celebrated and respected. They face daily challenges with gendered spaces such as washrooms, locker rooms, physical education, sports teams, and school records that classify them by their sex and ignore their gender identity. This often causes anxiety and depression and makes school a place to survive and not a place to learn. Often they are mistaken for being lesbian, gay or bisexual and receive inadequate or misdirected support. There are no policies or curriculum in place addressing transgender children and youth. Leadership from the government of Nova Scotia can go a long way to providing schools and school boards with the support and confidence to move forward in providing protections for transgender students.

Amending the Human Rights Act to include gender identity and expression sends a strong message of support from the government of Nova Scotia to our departments, institutions and public systems that our province cares about its transgender population. It goes beyond providing legal protection to individuals. It gives transgender Nova Scotians visibility, recognition, and respect. It will help to raise awareness about transgender issues. It will help our leaders support and maintain fair and equitable policies and practice that includes and embraces transgender people. It will make Nova Scotia a leader

in human rights protection joining Ontario, Manitoba, and the Northwest Territories allowing other provinces to follow.

Most importantly, to us here and the Youth Project, this amendment will allow transgender children and youth to grow up in a province that recognizes their existence, provides protection for their future, and includes them as valuable residents of this province. While we still have a ways to go to eliminate transphobia and secure equitable and adequate care for our transgender population, this is an amazing and important step that will help change Nova Scotia for the better. It will help lay the groundwork to positive and welcomed change. Those who are born today will grow up in a province that lists gender identity and expression as protected a human rights classification. They are already further ahead. They are already on their way to being learners, not survivors.

We hope that you think of the value of our children and youth as we move forward. This amendment will go a long way to improving the safety, health, and happiness of our youngest transgender citizens. Thank you for your diligence and support of this bill and your commitment to a better Nova Scotia.



Leighann Wichman
Executive Director
The Youth Project

Submission to the Committee on Law Amendments Respecting Bill 140.

Laura M. Shepherd, private citizen

I want to thank the government of Nova Scotia and all parties in the legislature for supporting this important extension of human rights protection to a vulnerable, misunderstood and disadvantaged group – transgender and gender-variant Nova Scotians.

My support for this initiative is unconditional. I wish to note that it is very important that the “gender expression” clause (nb) be retained. This clause provides protection against discrimination not only for those Nova Scotians who identify themselves as transgender, but also for those who are misgendered by others or whose gender variance, while not personally identified, may place them at risk. This group includes masculine women, feminine men and a great range of individuals.

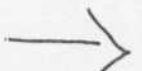
It is certainly gratifying to transgender Nova Scotians like me that there is no overt opposition to this legislation, and that no caucus of provincial parliamentarians sought to defeat or limit by amendment this important extension of rights protection. That does not equate, in my mind, to acceptance by the general population of Nova Scotians.

There remains much confusion. One MLA, for example, while surely meaning well, spoke in the legislature during Second Reading about a well known drag performer, evidently confusing drag performers with those who are transgender. This is very dangerous, because it lends credence to a widespread misconception that gender expression for trans people is a masquerade and performance. It is not, it is authentic expression of self. Drag is masquerade and performance for entertainment purposes. To confuse the two reveals much ignorance and misunderstanding, but also opens trans people to further and continued misunderstanding and mischaracterization. Please realize that our narrative – the story of our lives – belongs to us. A cisgender person, however well-meaning, does not speak for the transgender experience.

This example illustrates why, in my view, action needs to extend beyond the passage of Bill 140. Hopefully, the Minister Responsible for the Nova Scotia Human Rights Commission will recognize both the need and the opportunity to engage the Commission in a public education campaign to educate Nova Scotians about gender and its many identities and forms of expression.

Legislation alone does not create a society which celebrates its diversity. Attitudinal change and a commitment by ordinary citizens to questioning and updating their own views is the key element in creating a society that is open to those who differ, who may originate in other cultures, and who may come to this province to contribute but who face many barriers to their full participation.

At root, all human rights legislation reflects the goals of the UN Charter on Human Rights, which established three principles underpinning the rights of all people: equality, full participation in society, and self-determination.



Bill 140 sets the stage for those conditions to come about in Nova Scotia but it does not create them or ensure them. Individual Nova Scotians embracing the spirit and the letter of the legislation will create a climate that respects and celebrates diversity. It is a challenge to well as a standard for the people of our province. It mandates equality, but cannot guarantee full participation until Nova Scotians are educated about trans people. It cannot fulfill the goal of self-determination until we trans Nova Scotians are allowed to speak and be heard for ourselves about our experiences and in particular, about the many forms of discrimination, violence, hatred, ridicule and other citizenship-denying actions we face daily. That is why a concerted education effort led by the Human Rights Commission is a necessary adjunct to this legislative initiative. As the example of the MLA's well-intentioned comments illustrates, unless the Commission contracts trans Nova Scotians to develop with them such a public education campaign, it will be cisgender people speaking for transgender people, a condition that would by definition thwart the objective of self determination, and surely lead to further barriers to our full participation, self determination and equality in Nova Scotian society and that society's understanding of us.

Thank you for the opportunity to comment on Bill 140. Thank you to the Government of Nova Scotia for introducing this important legislation, and to the Opposition parties for supporting it.

Respectfully,

Laura M. Shepherd

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