

Good afternoon, my name is Kate Shewan, I am the Executive Director of the Youth Project, a not for profit organization dedicated to improving the lives of Lesbian, Gay, Bisexual and Transgender youth in Nova Scotia. I am also a transgender woman and an active member of the trans community in Nova Scotia.

I was formerly the Chair of the Nova Scotia Rainbow Action Project (NSRAP) and in this capacity, wrote to Minister Furey requesting changes to the Vital Statistics Act.

I had the privilege of discussing the need for change with representatives of the Department of Vital Statistics.

Thank you for the opportunity to speak on Bill 82 today.

Firstly I would like to commend the intent of the bill, which is to make it easier for people to change the gender markers on their birth certificate and other identity documents and specifically to remove requirements of surgery.

Currently in Nova Scotia, people whose gender identity is different from their sex assigned at birth are forced to carry identity documents that do not match their identified and lived gender. This creates great stress and the potential for embarrassment, harassment and possibly violence whenever a transgender person must present identification to a stranger. Despite growing public awareness and understanding, transphobia remains a serious problem for our community and the prospect of being "outed" by an "M" or "F" on a piece of identification puts transgender people at risk.

The Nova Scotia Human Rights Act prohibits discrimination based on gender identity. It is our belief that prohibiting the adjustment of an individual's documents to align with their identified gender is discriminatory. This is a position that is supported by rulings on similar legislation by the Human Rights Tribunal of Ontario and the Court of Queen's Bench of Alberta. These rulings have led other provinces to make changes in this area.

So I certainly support the intent of the legislation.

With regards to the specifics of the legislation, I have a number of comments:

Firstly: I am concerned with the proposed Section 25 (1) C of the Vital Statistics Act which requires that the registrar is provided with a written statement from a person who is a member of a prescribed profession that, in the person's opinion,

the sex shown on the applicant's birth registration does not correspond with the applicant's gender identity.

The people being included as prescribed professions are medical professionals and social workers. They are being asked to form an opinion on an applicant's gender identity. With all due respect, the person who knows their gender identity best is the applicant.

The World Professional Association for Transgender Health (WPATH) states: "Being Transsexual, Transgender, or Gender Nonconforming Is a Matter of Diversity, Not Pathology."

WPATH released a statement in May 2010 urging the de-psychopathologization of gender nonconformity worldwide. This statement noted that "the expression of gender characteristics, including identities, that are not stereotypically associated with one's assigned sex at birth is a common and culturally diverse human phenomenon [that] should not be judged as inherently pathological or negative." In 2013 the diagnostic manual used by US and Canadian psychologists removed Gender Identity disorder. Having a gender identity that is different than your sex assigned at birth is no longer considered a disorder.

Requiring a person to obtain a letter of confirmation from a medical professional or social worker continues to pathologize gender non-conforming people's identities and is contradictory with medical best practices.

It would be equivalent to asking a gay or lesbian person to obtain medical confirmation of their sexual orientation before permitting them to enter into a same sex marriage, when the fact they want to enter into a same sex marriage clearly shows that they are gay or lesbian. Similarly the fact that a person is applying for a change in sex designation clearly shows that they do not identify with their sex assigned at birth.

I would like to see the change in sex designation require only a statutory declaration by the individual, stating that the requested change better reflects the applicant's gender identity than the sex shown on the birth certificate.

You may be confused when I talk about gender identity not being a medical issue since I'm sure you are aware that many trans people seek medical intervention as part of their transition. The difference is that the medical intervention is a way of treating gender dysphoria (the distress caused by the discrepancy between gender identity and their sex assigned at birth with related physical

characteristics). It is assessing and treating the dysphoria, not the persons identity.

Secondly. The legislation provides no ability for a person born outside of Nova Scotia to change their documents. Similar legislation recently passed in Manitoba included the ability to issue a "Gender change certificate" for those born outside of that province. This could then be used to correct other documents such as a drivers licence which are issued based on residency. This would greatly help those Nova Scotian residents born in provinces or countries that do not allow changes of gender on birth certificates. I would ask that we include provisions similar to what was done in Manitoba.

Thirdly I wanted to mention that many gender non-conforming people would prefer to have gender markers removed from identification documents altogether. This would benefit many people, including those who identify outside the Male/Female binary. From discussions with the Vital Statistics Department, I understand that there are interprovincial and international agreements dictating the information required on some documents, so I understand why this option was not followed for this legislation. However it would be great to see a statement of intent to remove sex designations from i.d. documents, to show the political will to do so and ensure it is on the agenda when interprovincial agreements are discussed.

Finally, I would like to commend the sections of the legislation related to youth. Specifically the sections treating those 16 and older in the same way as adults, and allowing those 15 and younger to make changes with parental consent, along with the related changes around name changes. These are very important steps that will assist many younger trans people. Through the Youth Project I personally know a number of young trans people who are extremely excited that their needs were considered.

Thank you for your efforts to improve the lives of transgender and gender non-conforming people in Nova Scotia and thank you again for the opportunity to speak on these issues today.