Egale Canada Candidate Questionnaire – Federal Election May 2, 2011

1) Trans Issues

Following a year-long national consultation process, a Canadian Human Rights Act Review Panel unanimously recommended in 2000 that the *Canadian Human Rights Act* be amended to explicitly protect trans people from discrimination. On October 31, 2002, the Northwest Territories became the first jurisdiction in Canada to explicitly add "gender identity" to its human rights legislation as a prohibited ground of discrimination.

Q1. Do you support amending the *Canadian Human Rights Act* to include "gender identity" and "gender expression" in order to provide explicit protection for trans people from discrimination?

☐ Yes ☐ No	Comments/Record: _____ _____ _____ _____ _____

In 1995, the government passed legislation (Bill C-41) providing increased sentences for crimes motivated by hatred on certain grounds, including sexual orientation. Trans people are not explicitly covered by these provisions. The implication is that hate crimes against trans people are not considered as serious as hate crimes against other protected groups.

Q2. Do you support the addition of crimes motivated by transphobia to the list of crimes treated by the *Criminal Code* as potential hate crimes?

☐ Yes ☐ No	Comments/Record: _____ _____ _____ _____ _____

Bill C-389, An Act to amend the *Canadian Human Rights Act* and the *Criminal Code* (gender identity and gender expression) was introduced in the last session of Parliament, and would have amended the *Canadian Human Rights Act* (CHRA) to include "gender identity" and "gender expression" as prohibited grounds of discrimination. It would also have added crimes motivated by transphobia to the list of crimes treated by the *Criminal Code* as potential hate crimes. This kind of explicit reference within the CHRA would afford transgender, transsexual, cross-dresser, intersex, gender-queer, gender non-conforming and gender-open individuals clearer protection against discrimination. Bill C-389 had been approved by the House of Commons and was on the Order Paper awaiting second reading in the Senate of Canada at the time Parliament was dissolved.

Q3. If elected, will you commit to sponsoring a bill in the House of Commons that would introduce these amendments, similar to Bill C-389?

☐ Yes ☐ No	Comments/Record: _____ _____ _____ _____ _____

Q4. Would you support adding provincial coverage of trans health needs, including sex reassignment surgery and hormone replacement therapy, as a requirement for receiving Canada Health Transfer (CHT) payments?

☐ Yes ☐ No	Comments/Record: _____ _____ _____ _____ _____

2) Court Challenges Program

The Court Challenges Program was established by the federal government to provide funding for groups and individuals seeking to advance their equality and language rights under the *Canadian Charter of Rights and Freedoms*. The Program was essential to enable disadvantaged communities to further their constitutional right to equality and to enable all Canadians to have equal access to justice. In 2006, the federal government cancelled the Court Challenges Program.

Q6. Do you support the reinstatement of the Court Challenges Program?

☐ Yes ☐ No	Comments/Record: _____ _____ _____

Before it was cancelled, the Court Challenges Program could only sponsor equality challenges to federal laws. This meant there was, and still is, no funding for equality challenges to provincial laws even when these cases involve questions of national importance with significant *Charter* implications for federal legislation.

Q7. Do you support extending the mandate of the Court Challenges Program to cover Charter equality challenges to both federal and provincial laws which raise questions of national importance?

☐ Yes ☐ No	Comments/Record: _____ _____ _____ _____ _____

3) MSM Blood Donation Ban

As of 1983, Health Canada has maintained a indefinite ban on blood donation for any man who has had sex with another man even once since 1977. In 1983, given the lack of scientific knowledge about HIV and AIDS, this approach was justified, because the prevalence of HIV among men who had sex with men was much higher than among most other individuals, and there was no blood test to screen donors for HIV infection. However, in Canada today, more than 94% of men who have sex with men are not HIV-positive, and the current availability of highly sensitive methods to screen for HIV-positive samples argues against the maintenance of a lifetime ban for all men who have had sex with men. According to a recent peer-reviewed article in the *Canadian Medical Association Journal*, changing to a one-year deferral would result in a risk increment of one unit of blood for every 11 million units collected, while a five-year deferral period could maintain the same residual risk as indefinite deferral. In the United States, it has been estimated that a five-year deferral would lead to an increase of 71 400 donors, whereas a one-year deferral would lead to an increase of 139 000 donors.

Currently, many industrialized countries throughout the world have shorter deferral periods: 1 year in Argentina, Australia, Japan, Hungary and Sweden; 5 years in South Africa; and 10 years in New Zealand. Elsewhere, deferral is discretionary, based on an individual's description of past sexual activity.

Q8. Do you agree that the current lifetime ban on blood donation by men who have sex with men is discriminatory, and scientifically unjustified?

☐ Yes ☐ No	Comments/Record: _____ _____ _____ _____ _____

Q9. Which of the following would you consider to be an appropriate qualifier for blood donation by men who have sex with men:

☐ One-year deferral period

☐ Five-year deferral period

☐ Change to a discretionary deferral period based on individual behaviour

☐ None of the above, the lifetime ban should remain in place

Comments/Record:
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4) Assisted Human Reproduction

For many gay men who wish to conceive a child, surrogacy is the most practical option. Most often, surrogacy requires some form of medical assistance, such as in vitro fertilization (IVF). However, under section 2 of Health Canada's 2000 directive, *Technical Requirements For Therapeutic Donor Insemination*, medical practitioners are prohibited from accepting sperm from "any man who has had sex with another man, even once, since 1977." Thus, gay men who are seeking to undergo assisted reproduction procedures are quite effectively discriminated against on the basis of sexual orientation, as all gay men are initially prohibited from accessing medically assisted IVF. The only way around this blanket provision is a complicated application to the Ministry of Health for special permission and exemption from the exclusions on the use of sperm.

Q10. Do you support lifting the blanket ban on assisted reproductive services for men who have sex with men, and replacing it with a discretionary deferral period based on individual behaviour and medical screening?

	Comments/Record:
☐ Yes ☐ No	_____ _____ _____ _____ _____

5) LGBT Seniors

Canada's population is aging, and our growing demographic of seniors includes lesbian, gay, bisexual and trans people. Sadly, the unique needs and experiences of LGBT seniors have gone largely ignored. Having lived most of their days at a time when gay and lesbian relationships were illegal, homosexuality was pathologized as a mental illness, and same-sex marriage was little more than a dream, they have made immense sacrifices to secure the rights and protections that exist today. For many, these sacrifices have included losing ties to their biological family, not having children to care for them in their later years, or remaining in low-paying jobs where they were not at risk of being fired because of their sexual orientation or gender identity. Today, despite a lifetime of fighting to live openly, many are forced to return to the closet due to unwelcoming and insensitive environments in long-term care facilities.

According to Services and Advocacy for Gay, Lesbian, Bisexual & Transgender Elders (SAGE), in comparison to their heterosexual peers, aging members of the LGBT community are...

- Twice as likely to live alone.
- Half as likely to have life partners or significant others.
- Half as likely to have no close relatives to call for help.
- Four times less likely to have children to help them.

Currently, the Employment Insurance Compassionate Care Leave Benefit, Infirm Dependent Tax Credit, and Caregiver Tax Credit are available to offer assistance to individuals who offer care to family members. To be eligible for these benefits and credits, an individual must be caring for a spouse, biological-relative, or biological-relative of a spouse. Given the circumstances outlined above, LGBT seniors are much less likely to have such relationships. Rather, many have developed "chosen families" who have taken the place of biological relatives.

Q11. Would you support amending the Employment Insurance Compassionate Care Leave Benefit, Infirm Dependent Tax Credit, and/or Caregiver Tax Credit to include support provided by close friends, or "chosen families," rather than limiting them to spousal or biological relatives?

☐ Yes ☐ No	Comments/Record: _____ _____ _____ _____ _____

6) Violence Prevention

According to Statistics Canada, the largest increase in reported hate crimes in Canada between 2007 and 2008 were those motivated by sexual orientation, which more than doubled. In 2008, 75% of hate crimes motivated by sexual orientation were violent crimes, with common assault being the most frequent type of violent offence. As a result, hate incidents motivated by sexual orientation were more likely than any other type of hate crime to result in physical injury to victims. Even more startling, half of the victims of hate crimes in Canada were between 12 and 24 years old, and 59% of all persons charged

with a hate crime in Canada were between 12 and 22 years old. This is occurring in an environment where 42% of LGBT youth have had thoughts of suicide at some time, and LGBT youth are 4 times more likely to attempt suicide than their heterosexual peers.

Q12. Do you support increased federal funding and initiatives for hate crimes prevention and anti-homophobia/transphobia education in schools, communities, workplaces and police services?

☐ Yes ☐ No	Comments/Record: _____ _____ _____ _____ _____

7) LGBT Refugees

According to the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), seventy-seven countries continue to criminalize homosexuality and five prescribe the death penalty. Anti-discrimination laws apply to sexual orientation in only fifty-two countries, and a mere six recognize full marriage equality for same-sex couples. Only sixteen countries prohibit discrimination based on gender identity, leaving the overwhelming majority of the world's trans and gender variant people vulnerable to discrimination and human rights abuses.

Many LGBT refugees have escaped imminent imprisonment, torture or execution. They leave home with few or no possessions, some with only a few hours to escape. Virtually all have been cut off from family support. They often arrive in transit countries to face harassment, physical violence and severe marginalization. Many then turn to Canada in search of asylum.

Q13. Do you support increased federal funding for LGBT awareness and sensitivity training for members of the Immigration and Refugee Board, and other border and asylum authorities?

☐ Yes ☐ No	Comments/Record: _____ _____ _____ _____ _____

Q14. Are you in favour of increased federal support for non-governmental initiatives to: increase LGBT refugee protection in transit countries and countries of first asylum; conduct field research to document international protection gaps facing LGBT refugees; and improve the reception and integration of LGBT refugees in Canada?

☐ Yes ☐ No	Comments/Record: _____ _____ _____ _____ _____

8) Additional Questions

Q15. Do you support the Yogyakarta Principles, a set of principles on the application of international human rights law in relation to sexual orientation and gender identity?

☐ Yes ☐ No	Comments/Record: _____ _____ _____ _____ _____

Q16. Would you support reinstating the mandatory long-form census in order to ensure that marginalized groups, including members of the LGBT community, are adequately represented and accounted for?

☐ Yes ☐ No	Comments/Record: _____ _____ _____ _____ _____

Q17. Have you spoken in the House of Commons or elsewhere or taken any other actions to support equality and justice for lesbian, gay, bisexual or trans people?

☐ Yes ☐ No	Comments/Record: _____ _____ _____ _____ _____