

TESA **tesaonline.org** Trans Equality Society of Alberta

[via email; hardcopy to follow]

April 22, 2014

Dr. Raj Sherman
Liberal Opposition Leader
201 Legislature Annex
9718 107 ST NW
Edmonton AB T5K 1E4
e-mail: edmonton.meadowlark@assembly.ab.ca

Dear Dr. Sherman:

The Trans Equality Society of Alberta (TESA) wants to acknowledge the support of the entire Liberal Opposition in its decision to support the proposed government amendments to legislation that would make it easier for trans* people to obtain amendments to their Alberta birth certificates, as per your public statement on April 17, 2014.

TESA members began to speak out regarding identification problems in 2009 after a previous leadership decision the same year regarding the de-listing of Sex/Gender Reassignment Surgery (SRS/GRS). TESA's mission is to be a witness and a voice for matters concerning trans* Albertans. The 2012 re-listing of SRS/GRS reopened possibilities for trans* Albertans to obtain correct identification. Obtaining official, government-issued documentation is an ongoing hurdle for all trans* Albertans. A birth certificate is the foundational document required for an individual to obtain an Alberta Operator's License, Provincial Identification Card, or a Canadian Passport.

TESA is pleased that the Alberta government is following the lead of Ontario in allowing trans* Albertans to amend their birth documents without requiring surgery, as per your upcoming proposed amendments to the *Vital Statistics Act*. Once these changes are implemented, trans* Albertans will be able to obtain their official, government-issued documentation without having to follow multiple steps and processes that other Albertans have never been subject to, including but not limited to having the requirement to present letters from various health professionals; having a significantly shorter validity period of identification issued than the validity period of identification for other Albertans; and having to resubmit various documents to have identification renewed, especially when trans* individuals are still waiting in the substantial queue for SRS/GRS, or if they are unwilling or unable to undertake surgical intervention.

Premier Hancock stated that his government is looking at allowing trans* Albertans the opportunity to selected "M," "F" or to choose the option of not having a sex marker on their birth certificates. TESA

supports choice in birth certificates but is concerned that an option to have no sex marker for all Albertans (including trans* Albertans) may result in difficulties for Albertans obtaining a Canadian Passport or a NEXUS/Global Entry card, as both pieces of identification require a birth certificate as proof of sex to process an application. Rather, TESA proposes that your government allow all Albertans an alternate option of "X," the internationally-recognized avionics marker for those who wish not to disclose their sex marker publicly on their documents.

A copy of TESA's April 17, 2017 media release is attached to this letter.

TESA looks forward to working with you on this initiative and formally requests that you provide us with notice of when these amendments will be tabled into the Legislature so that we can be present when this occurs.

Regards,
TRANS EQUALITY SOCIETY of ALBERTA

[signed]

Jan Buterman, president

cc:

- Hon. Dave Hancock, Premier of Alberta
- Hon. Sandra Jansen, Associate Minister - Family and Community Safety
- Hon. Thomas Lukaszuk, Minister of Jobs, Skills, Training and Labour
- Ms. Danielle Smith, Leader of the Official Opposition
- Mr. Brian Mason, ND Opposition Leader
- TESA Board Members

Attachment

MEDIA RELEASE
TESA SUPPORTS REFORMS TO ALBERTA BIRTH CERTIFICATES

FOR IMMEDIATE RELEASE--Thursday, April 17, 2014--ALBERTA

The Trans Equality Society of Alberta (TESA) supports the government of Alberta in its decision to reform legislation that would make it easier for trans* people to obtain amendments to their Alberta birth certificates.

"Obtaining official, government-issued documentation is an ongoing hurdle for all trans* people," says Stephanie Shostak, a TESA board member. "As a birth certificate is the foundational document required for an individual to obtain a drivers' licence, passport, or other essential modern identity documents, the burden on trans* people to acquire and complete surgery, in addition to obtaining multiple legal affidavits attesting to such surgery, is unreasonably high."

Released just three weeks' ago, TESA's State of Trans* in Alberta: Trans Day of Visibility Report 2014 calls for the Province of Alberta to follow the lead of Ontario in allowing trans* people to change their birth documents without undergoing surgery.

At the moment, Section 30(1) of the *Vital Statistics Act* limits amending Alberta birth certificates to those whose "anatomical sex structure has been changed to the opposite sex from that which appears on the person's birth registration document" and also requires "an affidavit from each of 2 physicians, each affidavit stating that the anatomical sex of the person has been changed."

The province's 2012 re-listing of SRS/GRS (Sex/Gender Reassignment Surgery) reopened possibilities for trans* Albertans to obtain correct identification. However, SRS/GRS that would typically qualify as changing a person's "anatomical sex structure" results in permanent sterilisation. TESA finds it abhorrent that 42 years after the repeal of the *Sexual Sterilization Act* (1928) an Alberta statute still requires that a subset of Alberta's population must be sterilised to access appropriate legal identification.

TESA members began to speak out about identification problems in 2009 in the wake of the province of Alberta's 2009 de-listing of SRS/GRS. TESA's mission is to be a witness and a voice for matters concerning trans* Albertans.

"Since TESA's formation in 2009, we have spoken to the challenges trans* Albertans face accessing the same types of official documentation other Albertans take for granted. Incorrect documentation can impact all aspects of daily life in Alberta, including housing, employment, and education. Such barriers are inappropriate and easily corrected by government and institutions taking steps such as those

suggested by Premier Hancock," says Shostak, referring to statements made today by the premier affirming an agreement to change the process for individuals needing to amend an Alberta birth certificate.

To date, speaking out has brought some change. For example, shortly after the 2009 delisting, improvements for the ability to change an individual's sex designation on their provincial driver's license were established. This change required drivers to "make an application in writing to the Registrar" and provide "a current letter from the applicant's psychiatrist or psychologist ... that states ... in the opinion of the psychiatrist or psychologist the change in the sex designation on the person's identification card is appropriate" (*Alberta Operator Licensing and Vehicle Control Regulation*, s.20(1)(a)(b)). However, any such changes were temporary and dependent upon the individual successfully completing an Alberta birth certificate amendment to remain in place.

"Making birth certificate amendments more accessible is unquestionably positive for trans* Albertans as it removes many of the structural barriers to fully participating in our society as Alberta citizens," says Shostak.

For further information, please see:

State of Trans in Alberta: Trans Day of Visibility Report 2014*

<http://www.tesaonline.org/uploads/4/1/5/5/4155431/tesa-tdov-report-2014.pdf>

Alberta Vital Statistics Act

<http://www.qp.alberta.ca/documents/Acts/V04P1.pdf>

Alberta Operator Licensing and Vehicle Control Regulation

http://www.qp.alberta.ca/documents/Regs/2002_320.pdf

Alberta Sexual Sterilization Act (1928)

<http://www.ourfutureourpast.ca/law/page.aspx?id=2906151>

Ontario Human Rights Commission Policy on Preventing Discrimination because of Gender Identity and Gender Expression [Section 13.3 Identity documents]

<http://www.ohrc.on.ca/en/book/export/html/11169>

More information about TESA can be found at www.tesaonline.org

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