



# Discussion Document

## Amendments to *Human Rights Act* and *Vital Statistics Act*

### Enhancing the rights of transgender persons

The Government of Yukon is committed to reviewing its laws, policies and practices to eliminate discrimination based on gender identity or gender expression.

To that end, the Yukon government is proposing amendments to the *Human Rights Act* and to the *Vital Statistics Act*.

These amendments are moving forward now to ensure that transgender Yukoners have fair and equitable access to all government programs and services.

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### We want to hear from you

We want to hear your comments and feedback on the questions below, so we can better understand how to serve the LGBTQ2S community.

Feedback or questions about the *Human Rights Act* can be directed to the Department of Justice Policy and Communications unit at: [tyler.plaunt@gov.yk.ca](mailto:tyler.plaunt@gov.yk.ca) or 867-667-3033.

Feedback or questions about the *Vital Statistics Act* can be directed to the Department of Health and Social Services - Policy and Program Development unit at: [clara.northcott@gov.yk.ca](mailto:clara.northcott@gov.yk.ca) or 867-667-8156.

# Discussion Questions

Consider the following questions. Provide your feedback by filling out a Response Form (PDF or MS Word document) OR by phone or in writing to the Department of Justice or the Department of Health and Social Services (contact information below).

## ***Human Rights Act***

1. We are proposing to amend section seven of the *Human Rights Act* to prohibit discrimination based on gender identity or gender expression. What do you think?

**Gender identity** is our internal and individual experience of gender. It is our sense of being a woman, a man, both, neither, or anywhere along the gender spectrum. A person's gender identity may be the same as, or different from, their birth-assigned sex.

**Gender expression** is how a person publicly presents their gender. This can include behaviour and outward appearance such as dress, hair, makeup, body language and voice.

## ***Vital Statistics Act***

2. We are considering two age categories for those applying for a change in sex designation: 19 years old and over (adult) and under 19 years old (child). The age of legal majority in Yukon is 19. What do you think of this option?
3. We are proposing that applications from adults (over 19 years of age) include a letter from a supporting person who has known the applicant for at least two years (similar to applying for a passport), which states that that the sex designation requested is consistent with the person's gender identity. What do you think of this proposal?
4. We are proposing that custodial parents would apply on behalf of children under 19 years of age. The application would need the consent of all custodial parents. Do you agree or disagree? Why?
5. We are proposing that applications for children (under 19 years of age) include one letter from a supporting person who has known the child for at least two years and one letter from a list of individuals that could include: medical practitioner, psychologist, nurse, nurse practitioner, school counsellor, teacher, social worker, lawyer, or a chief or counsellor of a Yukon First Nation. What do you think of this proposal?

6. We are proposing that applications made for children over the age of 12 will require the written consent of the child. Do you agree or disagree?
7. Many transgender youth do not have the support of their custodial parents. We are proposing to allow youth to apply on their own if they do not have the consent of their custodial parents. They would have to get an order from court stating that parental consent is not needed. Do you think this is a good idea?
8. We are proposing to introduce a gender-neutral option for sex designation i.e., male, female, or X (unspecified) for all Yukoners. What do you think of this option?
9. Intersex babies are babies who are born with ambiguous sexual reproductive organs. We are thinking of allowing for identification at birth as other than male or female. Do you think that this is a good idea?
10. Are there any *Vital Statistics Act* or *Human Rights Act* provisions related to transgender persons that are not mentioned in this document that you think Yukon should consider adopting? Are there any provisions that you think Yukon should not consider adopting?
11. Do you have any other comments or questions?

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