



November 18, 2016

Via email: [wmackay@gov.nu.ca](mailto:wmackay@gov.nu.ca)

William MacKay  
Deputy Minister of Justice  
Government of Nunavut  
P.O. Box 1000, Station 500  
Iqaluit, NU X0A0H0

Dear Mr. MacKay:

**Re: Inclusion of gender identity and gender expression in Nunavut *Human Rights Act***

We are writing on behalf of the Canadian Bar Association (CBA) Nunavut Branch and the CBA National Sexual Orientation and Gender Identity Community Forum (SOGIC) to encourage your government to amend the Nunavut *Human Rights Act* to include both gender identity and gender expression as prohibited grounds of discrimination.

The CBA is a national association representing approximately 36,000 jurists, including lawyers, notaries, law teachers and students. The CBA has branches in all provinces and territories, including Nunavut. CBA Nunavut Branch's mandate includes the promotion of improvements in the law and the administration of justice. SOGIC works to address the needs and concerns of lesbian, gay, bisexual, transgendered and two-spirited people within the CBA. Together, we are committed to encouraging governments in all jurisdictions to review their legislation and policies and to make amendments necessary to protect individuals from discrimination on the basis of both gender identity and gender expression, consistent with the attached resolution.

Currently, nine provinces and one territory offer statutory protections against discrimination on the basis of "gender identity," and a majority of those include the additional ground of gender expression (see Appendix A). Bill C-16, currently before Parliament, would add gender identity and gender expression to the list of prohibited grounds of discrimination under the *Canadian Human Rights Act*. Nunavummiut who are transgender should have the same right to live a full and productive life, free of discrimination. Amendments to the Nunavut *Human Rights Act* will serve as a preventative measure, denouncing and dissuading discrimination and prejudice against transgender individuals.

We encourage you to consider adopting as distinct grounds "gender identity" and "gender expression," which encompass an individual's internal sense of their gender and their public

presentation of their gender, to avoid unproductive distinctions and confusion in the interpretation of the amendments.

Thank you for considering this important and urgent issue.

Sincerely,

*(original letter signed by Tina Head for Kathryn E. Kellough, Brian Yuen and Francis Durnford)*

Kathryn E. Kellough  
President, CBA Nunavut

Brian Yuen & Francis Durnford  
Co-Chairs, CBA SOGIC

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## Appendix A

### Provincial/Territorial/Federal Human Rights Legislation: Status of grounds - gender identity/gender expression

Jurisdiction	Ground	Legislation
BC	gender identity or expression	Human Rights Code, RSBC 1996, c 210
AB	gender identity, gender expression	Alberta Human Rights Act, RSA 2000, c A-25.5
SK	gender identity	The Saskatchewan Human Rights Code, SS 1979, c S-24.1
MB	gender identity	The Human Rights Code, CCSM c H175
ON	gender identity, gender expression	Human Rights Code, RSO 1990, c H.19
QC	gender identity or expression	Charter of Human Rights and Freedoms, CQLR c C-12
NB	not included	Human Rights Act, RSNB 2011, c 171
NS	gender identity, gender expression	Human Rights Act, RSNS 1989, c 214
PEI	gender expression, gender identity	Human Rights Act, RSPEI 1988, c H-12
NL	gender identity, gender expression	Human Rights Act, 2010, SNL 2010, c H-13.1
YK	not included	Human Rights Act, RSY 2002, c 116
NWT	gender identity	Human Rights Act, SNWT 2002, c 18
NU	not included	Human Rights Act, SNU 2003, c 12
Canada	not included*	Canadian Human Rights Act, RSC 1985, c H-6

\*[Bill C-16](#), An Act to amend the Canadian Human Rights Act and the Criminal Code, amends the Canadian Human Rights Act to add gender identity and gender expression to the list of prohibited grounds of discrimination. The bill has been reported back to the House of Commons without amendment by the Justice Committee.