

Brief

The Calamitous Risks for Trans, Non-Binary, and Intersex Youth in Bill 2

**On behalf of Project 10**

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To the National Assembly of Quebec,

My name is Mitchell Rae Cousineau and I am writing this brief on behalf of Project 10, for which I am the Executive Director. Project 10 is a non-profit community organization that has worked to support the well-being of two-spirit, lesbian, gay, bisexual, trans, queer, intersex, and asexual (2SLGBTQIA+) youth in the Greater Montreal Area for over three decades. We are a dedicated by-and-for team of eight people, and every year we see hundreds of 2SLGBTQIA+ youth between the ages of 14 and 25. Since 1990, Project 10, affectionately referred to as “P10” by the youth who use our services, has worked tirelessly to improve the lives of young 2SLGBTQIA+ people as much as we can, learning about their daily struggles and challenges along the way.

Here at Project 10 we have worked with trans and non-binary youth for years, being most well known in the community for our gender gear program. Our gender gear program provides trans and non-binary youth free access to gender affirming materials that help reduce gender dysphoria and can even be a source of gender euphoria. Everyday we meet 2SLGBTQIA+ youth in Quebec who graciously share their lives with us, and to our great dismay, recently we have found ourselves facing an unprecedented rise in requests for support from trans and non-binary youth who are feeling devastated by the recent announcement of Bill 2. This sense of despair originates entirely as a result of the transphobic articles contained within Bill 2, introduced by Simon Jolin-Barrette. The CAQ government, in proposing these articles, has demonstrated to us at Project 10 a total lack of consideration for the calamitous consequences it will have for the trans, non-binary, and intersex communities in its province. Ultimately, it exemplifies an absence of respect for trans, non-binary, and intersex people at the most fundamental level.

Given this, Project 10 proposes the following three things to maintain the safety and wellness of transgender, non-binary, and intersex people in our community. First, the distinction between sex and gender on identifying legal documents should be retracted, where otherwise this separation

would expose trans and non-binary individuals to discrimination and violence. Additionally, any identification marker which would nonconsentually disclose someone as being intersex should be removed. This and the suggestion that people who have legally transitioned should have a note designating them as having done so on their birth certificate would be a breach of Quebecers rights as provided by the *Quebec Charter of Human Rights and Freedoms*. Our Charter promises that all persons be treated equally and be protected from discrimination based on gender identity; that all persons have the right to personal security and inviolability; and that all persons be guaranteed a right to dignity and privacy in their private lives.

Second, we assert that any and all medical and surgical interventions as required to access a change of sex marker be nullified. This outdated and uninformed precondition to obtain a legal change of sex designation not only disregards the 2012 denouncement made by the *Commission des droits de la personne*, but it operates counter to the expert opinions of trans scholarship and goes against the recommendations established by the *World Professional Association for Transgender Health* (WPATH). Indeed, the requirement for surgical interventions, namely those which would permanently sterilize the individual, were recognized as being inhumane barriers to access by France five years ago. Furthermore, we call to have any and all administrative fees concerning name and gender marker changes eliminated entirely.

As an organization that works with youth between the ages of 14 and 25, we are particularly concerned by the proposed article which would obligate a transgender or non-binary person to undergo an aforementioned sterilizing surgery in order to have their change of sex designation request considered. Whereas minors cannot access gender reassignment surgery until they turn the age of majority at 18, Project 10 is disturbed at the discourtesy being shown to trans and non-binary youth who would be rendered particularly vulnerable by these superfluous and harmful new restrictions. Inevitably, the offending articles of Bill 2 will have the effect of coercing trans and non-binary people to undergo permanent, sterilizing surgeries to be granted access to a change of

their gender marker. Notwithstanding the fact that many trans, non-binary, and intersex people do not desire to undergo certain medical interventions, Jolin-Barrette's project forces sterilization onto these communities as the only option to have one's gender identity legally affirmed; which again, is an avenue of recourse left cruelly unattainable for trans and non-binary youth under the age of majority.

Third, we argue that the option to self-identify as either a mother, father, or parent on a child's birth certificate should be made available to all persons, irrespective of an individual's gender identity. Providing these options to all parents would reduce discrimination that would become possible when only some persons have a third option, effectively breaching those people's right to privacy and dignity. Without this protection, the well-being of trans, non-binary, and intersex people would be endangered; exposing an already marginalized community to both a greater quantity and a greater severity of risks.

Project 10 stands vehemently opposed to the articles of Bill 2 which would impose real and serious risks to trans, non-binary, and intersex people. Our communities should not be disregarded. We deserve to live, to live well, and to live fulfilling lives without fear of judgement, discrimination, harassment, violence, and death as a result of the measures the government imposes on us via the offending articles of Bill 2 or any other future piece of transphobic legislature or policy.

Thank you for your time,

Mitchell Rae Cousineau

Project 10

A handwritten signature in black ink that reads "Mitchell Rae". The signature is written in a cursive, flowing style.