

## **Submission to the Committee on Law Amendments Respecting Bill 140.**

Laura M. Shepherd, private citizen

I want to thank the government of Nova Scotia and all parties in the legislature for supporting this important extension of human rights protection to a vulnerable, misunderstood and disadvantaged group – transgender and gender-variant Nova Scotians.

My support for this initiative is unconditional. I wish to note that it is very important that the “gender expression” clause (nb) be retained. This clause provides protection against discrimination not only for those Nova Scotians who identify themselves as transgender, but also for those who are misgendered by others or whose gender variance, while not personally identified, may place them at risk. This group includes masculine women, feminine men and a great range of individuals.

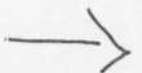
It is certainly gratifying to transgender Nova Scotians like me that there is no overt opposition to this legislation, and that no caucus of provincial parliamentarians sought to defeat or limit by amendment this important extension of rights protection. That does not equate, in my mind, to acceptance by the general population of Nova Scotians.

There remains much confusion. One MLA, for example, while surely meaning well, spoke in the legislature during Second Reading about a well known drag performer, evidently confusing drag performers with those who are transgender. This is very dangerous, because it lends credence to a widespread misconception that gender expression for trans people is a masquerade and performance. It is not, it is authentic expression of self. Drag is masquerade and performance for entertainment purposes. To confuse the two reveals much ignorance and misunderstanding, but also opens trans people to further and continued misunderstanding and mischaracterization. Please realize that our narrative – the story of our lives – belongs to us. A cisgender person, however well-meaning, does not speak for the transgender experience.

This example illustrates why, in my view, action needs to extend beyond the passage of Bill 140. Hopefully, the Minister Responsible for the Nova Scotia Human Rights Commission will recognize both the need and the opportunity to engage the Commission in a public education campaign to educate Nova Scotians about gender and its many identities and forms of expression.

Legislation alone does not create a society which celebrates its diversity. Attitudinal change and a commitment by ordinary citizens to questioning and updating their own views is the key element in creating a society that is open to those who differ, who may originate in other cultures, and who may come to this province to contribute but who face many barriers to their full participation.

At root, all human rights legislation reflects the goals of the UN Charter on Human Rights, which established three principles underpinning the rights of all people: equality, full participation in society, and self-determination.



Bill 140 sets the stage for those conditions to come about in Nova Scotia but it does not create them or ensure them. Individual Nova Scotians embracing the spirit and the letter of the legislation will create a climate that respects and celebrates diversity. It is a challenge to well as a standard for the people of our province. It mandates equality, but cannot guarantee full participation until Nova Scotians are educated about trans people. It cannot fulfill the goal of self-determination until we trans Nova Scotians are allowed to speak and be heard for ourselves about our experiences and in particular, about the many forms of discrimination, violence, hatred, ridicule and other citizenship-denying actions we face daily. That is why a concerted education effort led by the Human Rights Commission is a necessary adjunct to this legislative initiative. As the example of the MLA's well-intentioned comments illustrates, unless the Commission contracts trans Nova Scotians to develop with them such a public education campaign, it will be cisgender people speaking for transgender people, a condition that would by definition thwart the objective of self determination, and surely lead to further barriers to our full participation, self determination and equality in Nova Scotian society and that society's understanding of us.

Thank you for the opportunity to comment on Bill 140. Thank you to the Government of Nova Scotia for introducing this important legislation, and to the Opposition parties for supporting it.

Respectfully,

Laura M. Shepherd  
RR#1, Pleasantville, NS B0R 1G0  
Laura.Shepherd59@gmail.com

