



Canadian Human Rights Commission
344 Slater Street, 8th Floor
Ottawa ON K1A 1E1

August 10, 2012

RE: Comments on Draft Submission to Canada's 2013 Universal Periodic Review (UPR)

Dear Sir or Madam;

Thank you for providing Egale with a draft of the Canadian Human Rights Commission's (CHRC) submission to UN Human Rights Council (HRC) for Canada's 2013 Universal Periodic Review (UPR). As Canada's only national lesbian, gay, bisexual and trans (LGBT) human rights organization, we appreciate being asked to comment on the draft submission.

Egale's vision is a Canada free of homophobia, biphobia, transphobia, and all other forms of discrimination so that all Canadians can achieve their full potential, unencumbered by hatred and bias. While we fully support the currently listed recommendations proposed by the Commission in this draft submission, we find it unacceptable that no mention has been made of LGBT human rights in Canada, and areas where improvements are urgently needed. Our specific comments on the current draft, noting the space restrictions mentioned in your correspondence, are listed below:

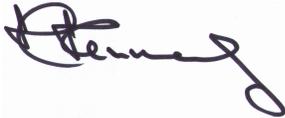
First, it is imperative that your submission to the HRC review and investigate the degree to which domestic human rights laws are compliant with the Yogyakarta Principles. The Yogyakarta Principles provide a benchmark to help ensure that all people, regardless of their sexual orientation or gender identity, benefit from the full protections they are entitled to under international law. In 2009, Canada accepted the recommendation from The Netherlands that the Yogyakarta Principles be used to guide the development of human rights laws in Canada. However, Egale notes that there has been no formal follow up on this commitment, and there are numerous areas where Canada is in breach of the Yogyakarta Principles. For example, in only three jurisdictions in Canada (Ontario, Manitoba and the Northwest Territories) are trans persons explicitly protected from discrimination on the basis of gender identity. We believe the Commission should flag the limited use of the Yogyakarta Principles within Canada, and call for greater efforts to measure the degree to which the Principles are being used as a guide to Canadian human rights legislation.

Second, Egale agrees with the Commission's recommendation that all federal departments should more actively engage with NGOs and members of the public regarding the follow-up to UPR recommendations. As Egale noted in its previous submission to the HRC in 2008, in the first review cycle the Canadian government held only limited consultations with the public and interested NGOs in the creation of the national report. To date, Egale is not aware of any consultations being planned by the State ahead of the NGO submission deadline of October 9, 2012. This must be rectified, given that the national report is unlikely to dwell on areas where Canada has fallen short of implementing the recommendations it accepted in 2009. Moreover, NGOs should be able to engage with both provincial and federal governments to learn about the contents of the national report before submitting their own, individual reports.

Lastly, Egale is very supportive of the Commission's recommendation that encourages Canada to strengthen its leadership role in the prevention of violence against Aboriginal women and girls. However, we believe referencing the increased level of violence faced by Aboriginals who identify as two-spirit or LGBT would improve this recommendation, and more fully capture the different types of violence faced in Aboriginal communities. Indeed, two-spirited and LGBT Aboriginal youth face unacceptably high levels of violence and discrimination. For example, a report produced by the National Aboriginal Health Organization (NAHO) indicated that LGBT and two-spirited Aboriginal youth are two times more likely to face assault (eg. physical assault, sexual assault, assault with a weapon) than heterosexual Aboriginal youth (Wylie, 7). We also know from research published by *Statistics Canada* from 2009 that 74% of hate crimes motivated by sexual orientation are violent, with 63% resulting in injury to the victim. Facing homophobia, transphobia and violence in their communities, LGBT and two-spirited Aboriginal youth often have no supports or safeguards. This can lead to alcoholism, drug abuse, sex work and even suicide (Wylie, 8). These are unacceptable findings and need to be mentioned in your submission to the HRC. Egale believes that drawing attention to ongoing discrimination and violence faced by two-spirited and LGBT Aboriginal youth will catalyze positive action for change.

We hope that you find our comments helpful in the drafting of your final submission. We believe that the ongoing challenges and human rights abuses faced by Canada's LGBT persons need to be covered in your submission to accurately capture the areas where Canada falls short of ensuring the human rights of all its citizens. Should you have any questions or comments regarding the contents of this letter, please do not hesitate to contact me.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Helen Kennedy', with a stylized flourish at the end.

Helen Kennedy
Executive Director
Egale Canada
Work: (416) 964-7887 ext. 21
Fax: (416) 963-5665
Cell: (416) 270-1999
hkennedy@egale.ca