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December 16, 2019

VIA EMAIL: [Chrystia.Freeland@parl.gc.ca](mailto:Chrystia.Freeland@parl.gc.ca)

**The Honourable Chrystia Freeland**  
**Deputy Prime Minister**  
**Minister of Intergovernmental Affairs**  
House of Commons  
Ottawa, Ontario  
K1A 0A6

To The Honourable Chrystia Freeland:

**Re: Ministerial Mandate Letter**

Egale Canada would like to extend our sincere congratulations on your appointment as Deputy Prime Minister and Minister of Intergovernmental Affairs. We believe that this position has tremendous potential to positively impact the LGBTQI2S community in Canada and around the world.

Egale Canada is the only national LGBTQI2S organization in Canada. We work to improve the lives of LGBTQI2S persons and to enhance the global response to LGBTQI2S issues by informing public policy, inspiring cultural change, and promoting human rights and inclusion through research, education, and community engagement.

We understand that you have personally advocated on behalf of sexual and gender minorities in Canada and around the world. As the former Minister of Foreign Affairs, you made it clear that the Government of Canada will advocate on behalf of the international LGBTQI2S community<sup>1</sup>:

Human rights have no borders. Canada believes human rights are universal and indivisible, and these include the human rights of LGBTQ2 people.

We deplore acts of violence and discrimination, in all regions of the world, committed against individuals because of their sexual orientation or gender identity.

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<sup>1</sup> See Graeme Reid, "Canada Sets International Example in LGBT Rights", *Human Rights Watch*, 05 September 2017, online: HRW <<https://www.hrw.org/news/2017/09/05/canada-sets-international-example-lgbt-rights>>.



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As a strong, vocal and forceful advocate for equal human rights for all, the Government of Canada is committed to combatting discrimination, violence, and unjust laws targeting the LGBTQ2 community around the world.<sup>2</sup>

We want to thank you for supporting our community and for advocating on behalf of the human dignity and equality of LGBTQI2S persons.

We are encouraged by this Government's commitment to work with the LGBTQI2S community. As I am sure you are aware, in November 2017, the Prime Minister formally apologized for nearly four decades of "systemic oppression, criminalization, and violence"<sup>3</sup> against the LGBTQI2S community in Canada. During this apology, we were relieved to hear that the Prime Minister understands that "there is still much work to do"<sup>4</sup> to eradicate LGBTQI2S discrimination in Canada.

We applaud the Prime Minister's decision to disclose *mandate letters* to the public. We agree that by doing so, this Government has taken steps to ensure "the most open and accessible government possible."<sup>5</sup> We have read your *mandate letter* and are encouraged by the following priorities that have been identified by the Prime Minister:

- i. As Deputy Prime Minister, work very closely with me in both setting and fulfilling the Government's agenda. In that function, you will work across Cabinet with all Ministers and be supported by the Privy Council Office.
- ii. Lead our Government's work in maintaining open and collaborative relationships with every province and territory, with the goal of working together to serve and improve the lives of all Canadians.<sup>6</sup>

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<sup>2</sup> Global Affairs Canada, "Canada calls persecution of LGBTQ2 people in Chechnya reprehensible", Government of Canada, 15 April 2017, online: Government of Canada <[https://www.canada.ca/en/global-affairs/news/2017/04/canada\\_calls\\_persecutionoflgbtq2peopleinchechnyareprehensible.html](https://www.canada.ca/en/global-affairs/news/2017/04/canada_calls_persecutionoflgbtq2peopleinchechnyareprehensible.html)>.

<sup>3</sup> Prime Minister Justin Trudeau, "Remarks by Prime Minister Trudeau to apologize to LGBTQ2 Canadians", 28 November 2017, online: Government of Canada <<https://pm.gc.ca/en/news/speeches/2017/11/28/remarks-prime-minister-justin-trudeau-apologize-lgbtq2-canadians>>.

<sup>4</sup> *Ibid.*

<sup>5</sup> Prime Minister Justin Trudeau, "Prime Minister releases new ministerial mandate letters", 28 August 2018, online: Government of Canada <<https://pm.gc.ca/en/news/news-releases/2018/08/28/prime-minister-releases-new-ministerial-mandate-letters>>.

<sup>6</sup> Prime Minister Justin Trudeau, "Deputy Prime Minister and Minister of Intergovernmental Affairs Mandate Letter", 13 December 2019, online: Government of Canada <<https://pm.gc.ca/en/mandate-letters/deputy-prime-minister-and-minister-intergovernmental-affairs-mandate-letter>>.



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We believe that human rights protection requires constant and diligent supervision, and we feel responsible to ensure that the Government of Canada does not waver from the commitments made in November 2017, nor those stated in your *mandate letter*.

As Deputy Prime Minister and Minister of Intergovernmental Affairs you will be working closely with the provinces and territories to “improve the lives of Canadians”<sup>7</sup>. We implore of you to take this opportunity to work with the provinces and territories to ban the practice of conversion therapy – a practice that the current Minister of Justice and Attorney General of Canada has personally described as a “cruel exercise that can lead to life-long trauma”.<sup>8</sup> We share your personal belief that “human rights have no borders,”<sup>9</sup> and stress that the dynamics of Canadian federalism must not be a barrier to human rights protection for LGBTQI2S persons.

Further, we must take this opportunity to bring to your attention the discriminatory treatment of intersex persons in Canada. Everyone in Canada has a right to bodily integrity, human dignity and equality before the law. We implore of you to work with the Prime Minister and the Minister of Justice and Attorney General of Canada to repeal section 268(3)(a) of the *Criminal Code*, which states:

surgical procedure[s]...performed, by a person duly qualified by provincial law to practice medicine, for the benefit of the physical health of the person or for the purpose of that person having normal reproductive functions or normal sexual appearance or function [emphasis added] ...<sup>10</sup>

The effect of the above provision is to allow medical practitioners to undertake nonconsensual, cosmetic surgeries on intersex infants and children for the purpose of preserving a “normal sexual appearance” based on cis-normative assumptions about medically “normal” bodies. These are unnecessary medical procedures that have long-term physical and mental health consequences for children, and are not in the best interests of the child.

As an advocate for LGBTQI2S persons in the past, we trust that you will continue to keep our community in mind while you engage with the priorities under your portfolio as Deputy Prime Minister and Minister of Intergovernmental Affairs.

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<sup>7</sup> *Ibid.*

<sup>8</sup> *Letter to The Honourable Doug Schweitzer, M.L.A., Minister of Justice and Solicitor General, Government of Alberta*, from The Honourable David Lametti, The Honourable Ginette Petitpas Taylor and Randy Boissonnault, 21 June 2019 online: SCRIBD <<https://www.scribd.com/document/416329772/Letter-to-Alberta-Justice-Minister-Doug-Schweitzer>>..

<sup>9</sup> *Supra*, “Canada calls persecution of LGBTQ2 people in Chechnya reprehensible”, note 2.

<sup>10</sup> *Criminal Code*, RSC 1985, c C-46, s 268(3)(a).



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Egale Canada has developed an expertise on LGBTQI2S human rights issues. Since our inception in 1986, we have intervened in 13 applications before the Supreme Court of Canada and more than 25 equality-seeking legal proceedings in lower courts.

We believe strongly in equality and inclusivity for all Canadians, and would kindly request to be consulted on the LGBTQI2S issues that fall within your mandate as Deputy Prime Minister and Minister of Intergovernmental Affairs. **Please take this letter as a formal request for a meeting with you, and members of your Ministry, to discuss Egale Canada's National Action Plan for a more LGBTQI2S inclusive Canada.**

We hope to work closely with you, and your Ministry, on the issues that matter deeply to us all.

Yours very truly,

A handwritten signature in black ink that reads 'H. Kennedy'.

Helen Kennedy  
Executive Director  
Egale Canada