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December 16, 2019

VIA EMAIL: Steven.Guilbeault@parl.gc.ca

The Honourable Steven Guilbeault

Minister of Canadian Heritage
House of Commons
Ottawa, Ontario
K1A 0A6

To The Honourable Steven Guilbeault:

Re: Ministerial Mandate Letter

Egale Canada would like to extend our sincere congratulations on your appointment as Minister of Canadian Heritage. We believe this Ministry has tremendous potential to ensure that sport and recreation is inclusive and safe for LGBTQI2S persons in Canada.

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 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"¹ 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"² 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."³ We have read your *mandate letter* and are encouraged by the following priorities that have been identified by the Prime Minister:

¹ 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>>.

² *Ibid.*

³ 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>>.



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- i. Create greater links between our elite athletes and young Canadians to promote health and achievement among youth.
- ii. Continue to work with partners, including provinces and territories, to foster an environment that is safe, welcoming and inclusive in the sport and cultural industries.
- iii. Foster a national culture of safe sport, including physical safety, sporting environments free of harassment, promoting diversity and inclusion in sport and research into injury prevention.
- iv. Develop additional programming to increase Canadians' participation in sport, with a particular focus on Indigenous Peoples. This should increase awareness of the physical and mental health benefits of participation in sport.

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*.

For example, it has come to our attention that the World Health Organization has released on new study on adolescent physical activity. The study, funded by the WHO, looks at the prevalence of insufficient physical activity among boys and girls over a fifteen-year period. According to this study: "...more than 80% of school-going adolescents globally did not meet current recommendations of at least one hour of physical activity per day – including 85% of girls and 78% of boys."⁴

The authors note that the countries that have shown the greatest decrease in levels of insufficient physical activity are, broadly speaking, high-income countries that prioritize access to organized sports for adolescents. For example, in the United States, "...better physical education in schools, the pervasive media coverage of sports, and a strong presence of sports clubs providing many opportunities to play in structured organised sport"⁵ are factors that have contributed toward a decrease in the levels of insufficient physical activity among boys.

The causal nexus between access to organized sport and meeting the recommended hours of physical activity in a day is deeply concerning for Egale Canada, because it is

⁴ WHO Newsroom, *New WHO-led study says majority of adolescents worldwide are not sufficiently physically active, putting their current and future health at risk*, World Health Organization, 22 November 2019, online: WHO <<https://www.who.int/news-room/detail/22-11-2019-new-who-led-study-says-majority-of-adolescents-worldwide-are-not-sufficiently-physically-active-putting-their-current-and-future-health-at-risk>>.

⁵ Regina Guthold, Gretchen A Stevens, et al, "Global trends in insufficient physical activity among adolescents: a pooled analysis of 298 population-based surveys with 1·6 million participants", *Lancet Child Adolesc Health* 2019, 21 November 2019, online: The Lancet <[https://www.thelancet.com/journals/lanchi/article/PIIS2352-4642\(19\)30323-2/fulltext](https://www.thelancet.com/journals/lanchi/article/PIIS2352-4642(19)30323-2/fulltext)>.



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well documented that adolescent team sports are hostile to sexual minority youth. For example, in a 2014 study on *physical activity disparities in heterosexual and sexual minority youth*, Calzo and Roberts explained:

Given prior research indicating that adolescent team sports contexts may be hostile to sexual minority youth, **it is not surprising that sexual minority youth in the current study were 46%-72% less likely to participate in team sports** each week than heterosexual youth [emphasis added].

[...]

Athletic self-esteem played a substantial role in explaining sexual orientation MVPA [moderate to vigorous physical activity] differences. Sexual minorities of both genders reported less positive views on their own athletic ability than heterosexuals. We found that **athletic self-esteem accounted for up to 74% of female sexual orientation MVPA differences** and **nearly 100% of male sexual orientation MVPA differences** [emphasis added].⁶

In order to address insufficient levels of physical activity among adolescents, the WHO has recommended that domestic actors invest in policies and programs that prioritize “more sports, active play and recreation opportunities”.⁷ Egale Canada is concerned that these recommendations are insufficient if they do not address a fundamental problem for our community, namely, that team and organized sport continue to be a hostile and discriminatory space for LGBTQI2S persons.

It is critical that global public policy is mindful of the fact that many LGBTQI2S adolescents are reluctant to participate in team and organized sport because of homophobia, bi-phobia, and transphobia. A study, and perhaps more importantly, the recommendations contained therein, is severely limited⁸ by the fact that it does not address the underlying discrimination that prevents LGBTQI2S youth from joining team and organized sport in the first place. To that end, we strongly urge the Government of Canada to appoint a formal

⁶ Jerel Calzo, Andrea L Roberts, et al, “Physical Activity Disparities in Heterosexual and Sexual Minority Youth Ages 12-22 Years Old: Roles of Childhood Gender Nonconformity and Athletic Self-Esteem”, *Ann Behav Med*, 47:(1), 01 February 2014, online: NCBI <<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3945417/>>.

⁷ WHO Newsroom, supra note 1.

⁸ Although the WHO-led study does recognize that *further testing with diverse populations is needed*, the study does not reference the unique needs of LGBTQI2S persons and therefore the recommendations stop short of providing a complete picture to policy makers around the world. See note 2 – “Another flaw includes the sometimes-limited validity and reliability of survey instruments. Although questionnaires used in studies that were included in our analysis were tested for validity and reliability in different settings and have been recommended by experts, further testing with diverse populations and potential adaptation of questionnaires is needed [emphasis added].”



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representative to the Advisory Council at the *Centre for Sport and Human Rights*⁹. It is critical that Canada is represented on this council, given that its mandate is “to work towards a world of sport that fully respects human rights”.¹⁰

Egale Canada has developed a **National Action Plan** for a more LGBTQI2S inclusive Canada. We urge the Department of Canadian Heritage to consider some of the recommendations contained in this plan, namely:

- **Implement** a nation-wide sport policy that strictly prohibits abuse, harassment and discrimination based on gender, gender identity and expression, and sexual orientation.
- **Mandate** all National Sport Organizations develop policies that foster inclusion and ensure opportunity and accessibility for all to participate.
 - **Include** the unique experiences of the LGBTQI2S community in the harmonized Code of Conduct. Implement definitions of terms that describe the identities and experiences of the LGBTQI2S persons. Incorporate the words gender, gender identity and expression, as prohibited grounds of discrimination.
- **Provide** a commitment to administer funding and administrative support for a *National Sports Inclusion Task Force*. This taskforce will be responsible for the subsequent issuance of an annual report card on the LGBTQI2S inclusion climate in sport in Canada.
- **Formalize** the Sport Inclusion Task Force and Equity Research Hub as an official working group of Egale Canada.
- **Support** Egale Canada in the development and delivering of training materials to create safer and more inclusive sport spaces and facilities, geared to coaches, athletes, spectators and all sport enthusiasts at any level.
- **Develop** an LGBTQI2S assessment tool that addresses harassment, abuse and discrimination to monitor, hold persons accountable and track LGBTQI2S-phobic incidents.
- **Work** with Egale Canada to appoint a member to the Centre for Sport and Human Rights advisory council, and to contribute funding to ensure the success of the Centre’s programs and mission.
- **Appoint** Egale Canada to the national Sport Canada body and the Gender Equity working group, to represent the LGBTQI2S community in order to develop, implement and monitor a LGBTQI2S equity strategy for sport and recreation in Canada.

⁹ See The Centre for Sport and Human Rights, *Overview*, Geneva, 16 December 2019, online: CSHR <<https://www.sporhumanrights.org/en/about/overview>>.

¹⁰ *Ibid.*



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Egale Canada has developed an expertise on LGBTQI2S 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 across the provinces and territories.

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 Minister of Canadian Heritage. **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 'Helen Kennedy'. The signature is fluid and cursive, with the first name 'Helen' and the last name 'Kennedy' clearly legible.

Helen Kennedy
Executive Director
Egale Canada