



THE CANADIAN CENTRE FOR  
**GENDER+SEXUAL  
DIVERSITY**



LE CENTRE CANADIEN DE LA  
**DIVERSITÉ DES GENRES  
+ DE LA SEXUALITÉ**

C304-440 rue Albert St, Ottawa, ON K1R 5B5 (territoire Algonquin Territory)  
La journée rose (13 avril, 2016) | The Day of Pink (April 13, 2016)  
info@ccgsd-ccdgs.org/ Tel: 613-858-3427

The Honourable Jody Wilson-Raybould  
Minister of Justice and Attorney General of Canada  
284 Wellington St  
Ottawa, ON K1A 0H8  
(Algonquin Territory)

May 17, 2018

Dear Honourable Jody Wilson-Raybould,

On behalf of the Canadian Centre for Gender & Sexual Diversity (CCGSD), we would like to thank you and present some suggestions to the Bill C-75, An Act to amend the Criminal Code, the Youth Criminal Justice Act and other Acts and to make consequential amendments to other Acts.

Following the introduction of C-39, An Act to amend the Criminal Code (unconstitutional provisions) and to make consequential amendments to other Acts, the CCGSD was excited that the government was looking serious at equalizing age of consent legislation. We applaud the government on including this as is critical step forward. The CCGSD has been asking for this critical change since 2008. This is critical to the LGBTQI2+ communities as the criminalization of consensual sexual acts between Canadians should be seen as equal under the law regardless of your sexual orientation or gender identity.

**With that said, we have some serious concerns about what is missing from Bill C-75:**

**1-Bill C-75 fails to address sex work criminalization**

The criminalization of sex work has been ruled unconstitutional by the Supreme court and continues to put Canadian sex workers in danger. Local, provincial and federal police services continue to use existing legislation to harass and criminalize folks who should be allowed to do their job with the support and protection of the state.

We strongly recommend that a clear decriminalization of sex work be included in C-75.

**2-Bill C-75 fails to protect intersex children from non-consensual surgery**

In June 2017, the CCGSD came out with our Pink Agenda making it clear that we stand in solidarity with Intersex communities and their right to decide what is best for their bodies, and yet today Section 268(3) of the Criminal Code of Canada allows non-consensual surgery by medical practitioners to alter the bodies of infants and children whom they perceive to be ambiguous (i.e. intersex).

We strongly recommend that the repeal of Section 268(3) be included in C-75.

**3-Bill C-75 fails to repeal the 'bawdy house' laws or obscenity laws that disproportionately affect queer and trans people**

The 'bawdy house' laws have continue to criticized by many LGBTQI2+ organizations, including most recently the coalition of LGBTQI2+ and allied organizations during the debate on C-66, An Act to establish a procedure for expunging certain historically unjust convictions and to make related amendments to other



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Acts (<http://ccgsd-ccdgs.org/c66>). These laws continue to be used to criminalize consensual LGBTQI2+ behaviour, and need to be full repealed.

We strongly recommend that the repeal of the 'bawdy house' laws be included in C-75.

#### **4-Bill C-75 fails to properly define marginalized person**

While C-75 would require judges to consider the circumstances of an accused person from a marginalized group when deciding on bail conditions, the lack of definition of marginalized persons can be interpreted to exclude LGBTQI2+ persons.

We strongly recommend that explicit inclusion LGBTQI2+ in the definition of marginalized in C-75.

Thank you for your time,

Mr. Jeremy Dias  
(pronouns: il, lui, he, him, his)

votre directeur général | your Executive Director  
Le Centre canadien de la diversité des genres & de la sexualité |  
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