

January 29, 2021

Québec Court Ruling Advances Trans and Non-Binary Rights

In a major victory for human rights, the Superior Court of Québec has issued its long-awaited decision in a lawsuit brought by the Centre for Gender Advocacy, two trans individuals and their spouses, alleging discrimination against trans, non-binary and intersex people and their families. Davies represented Egale Canada, one of three interveners supporting the plaintiffs, on a pro bono basis.

In *Centre for Gender Advocacy v Québec*, the plaintiffs had sought to overturn certain provisions of the *Civil Code of Québec*, arguing that they violated rights guaranteed by the *Canadian Charter of Rights and Freedoms* and Québec's *Charter of Human Rights and Freedoms*. The laws that were challenged related to the registration of births and deaths, changes of name and sex designation, and the issuance of birth and death certificates.

In the [decision](#) released on January 28, 2021, the Court largely accepted the submissions of the plaintiffs, declaring six provisions unconstitutional. Among its key findings, the Court ruled that non-Canadian citizens living in Québec have the right to change their names and sex designations; non-binary people have the right to change their designations to something other than “male” or “female”; trans parents have the right to change their designations on their children’s birth certificates and to be recognized as “parent” and not just “mother” or “father”; and young people have the right to apply to change their designations without an attestation from a health professional.

The Centre for Gender Advocacy is an independent, student-funded, Concordia University organization, mandated to promote gender equality and empowerment particularly as it relates to marginalized communities. The press release on the decision can be read on the Centre’s website.

Egale is Canada’s leading organization for LGBTQI2S people and issues. As an intervener, it provided submissions to the Court on analogous regimes in other provinces and foreign countries that have turned their attention to the existence and rights of trans, non-binary and intersex people.