Gmail by Google

Jeremy Dias <info@ccgsd-ccdgs.org>

Correspondence from the Minister of Justice and Attorney General of Canada

Ministerial Correspondence Unit - Mailout <Ministerial.CorrespondenceUnit-Mailout@justice.gc.ca> Thu, Apr 25, 2019 at 11:20 AM
To: "info@ccgsd-ccdgs.org" <info@ccgsd-ccdgs.org>

Dear Mr. Dias:

Thank you for your correspondence, sent on behalf of the Canadian Centre for Gender and Sexual Diversity and addressed to my predecessor, concerning 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**. I regret the delay in responding.

As you may be aware, the **Protection of Communities and Exploited Persons Act** (former Bill C-36), which came into force on December 6, 2014, is directed at reducing the demand for sexual services by, among other things, criminalizing purchasing sexual services. The Government of Canada is committed to reviewing the adequacy of the Act and monitoring its impact on the ground. To this end, the Government has been engaged with a range of stakeholders—including those currently and formerly involved in the sex trade and those who represent these groups, as well as front-line service providers, academics, and law enforcement—to solicit views on the impact of the Act. This review is ongoing.

I agree that intersex persons have the right to decide what is best for their own bodies. This is a fundamental right afforded to all persons. It may be helpful for you to know that subsection 268(3) of the **Criminal Code** was never intended to authorize harmful procedures on intersex children. Rather, it was intended to clarify that female genital mutilation, a serious form of violence against women and girls, constitutes an aggravated assault. The provision's exception that allows for surgical procedures performed by qualified physicians for legitimate medical purposes was included to ensure that physicians are authorized to repair the damage caused by the mutilation itself, should the person who was subjected to female genital mutilation so choose. Relying on this provision to exempt medical practitioners from criminal liability in these circumstances is inconsistent with the provision's objective.

As you may know, on March 29, 2018, our government introduced in the House of Commons Bill C-75, which was amended by the House of Commons Standing Committee on Justice and Human Rights to include the repeal of the bawdy house provisions. Bill C-75 was passed by the House of Commons and introduced in the Senate on December 3, 2018.

Bill C-75 proposes to amend the bail provisions of the **Criminal Code** to codify a principle of restraint by directing police and judges to consider the least restrictive and appropriate means of responding to criminal charges at the bail stage, rather than automatically detaining an accused. This would apply to all accused. The Bill would require police and courts to give particular attention to the circumstances of Indigenous accused and accused from other vulnerable populations that are over-represented in the criminal justice system and that are disadvantaged in obtaining bail. Although the Bill does not propose a definition of “vulnerable population,” an assessment of whether an accused belongs to a vulnerable population would be made on a case-by-case basis by police and courts.

Please be assured that our government is committed to ensuring that our criminal justice system is just, compassionate, and fair, and that it promotes a safe, peaceful, and prosperous Canada.

Thank you again for writing.

Respectfully,

The Honourable David Lametti, P.C., Q.C., M.P.

Minister of Justice and Attorney General of Canada