



# **2STNBGN Perspectives on Access to Justice:**

The zine



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# Acknowledgements

This work was conducted by participants and research team members living across the stolen Indigenous lands colonially known as Canada. We recognize Indigenous nations as the rightful stewards of these lands and waters and commit ourselves to combatting the many forms settler colonialism takes in our work. The steps done to put this into practice in this research project included but were not limited to: implementing aspects of the First Nations Principles of Ownership Control Access and Possession (OCAP), providing Indigenous participants funding to access spiritual and cultural supports such as tobacco or other medicines, consulting with Indigenous community leaders, and creating data sharing agreements with Indigenous organizations.

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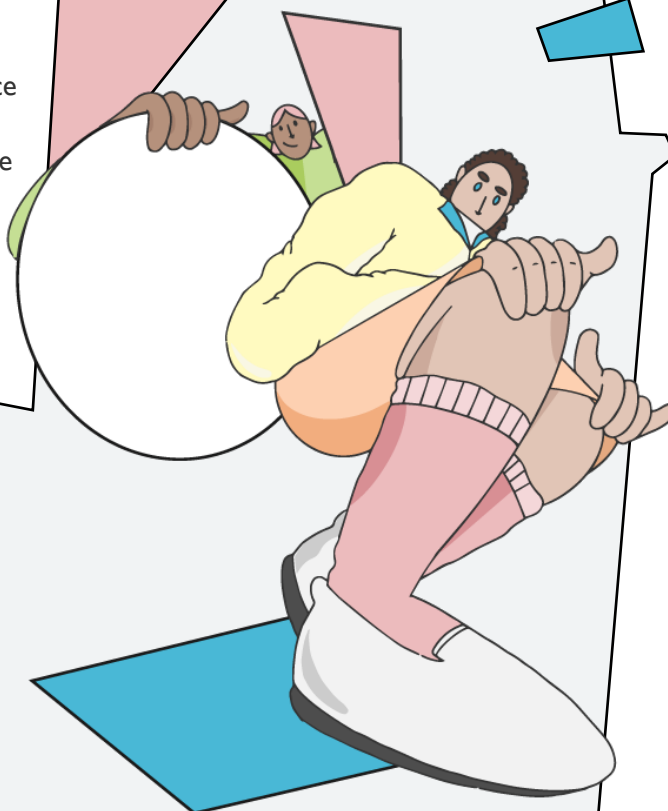
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We were also guided by Micha Davies-Cole, Pree Rehal, Keegan Prempeh, Tele Kapkirwok, Cheyenne Mihko Kihêw, and Zayden Potter.



Much of this work was also created through engagement and partnerships with community consults and community-based organizations providing vital on the ground programming and supports for Two Spirit, trans, non-binary and gender nonconforming (2STNBGN) people across Canada. We would like to acknowledge our community partners on this project:

- Black Queer Youth Collective  
<https://www.blackqueeryouthcollective.org/>
- Edmonton 2 Spirit Society - <https://e2s.ca/>
- Elevate Equity - <https://www.elevateequity.ca/>
- Rainbow Refugee - <https://www.rainbowrefugee.com/>
- Social Innovation Lab on Gender and Sexuality -  
<https://law.usask.ca/socialinnovationlab/>

## Introduction

We have seen many positive changes to the law in Canada in the decade or so to better address the needs of Two Spirit, trans, non-binary, and gender non-conforming (2STNBGN) people – such as the inclusion of gender identity and/or expression in human rights legislation and the ability to change one's name and gender marker on government documents without needing to have gender affirming surgery. We've also seen an increase in far-right extremism across Canada, the United States, and the United Kingdom, leading to a notable increase in anti-trans hate. Our own experiences and the findings of research studies show that 2STNBGN people still experience a lot of violence and injustice. It is important to understand the needs of 2STNBGN communities across Canada in order to better promote 2STNBGN liberation and justice and aid in the fight against anti-trans hate.

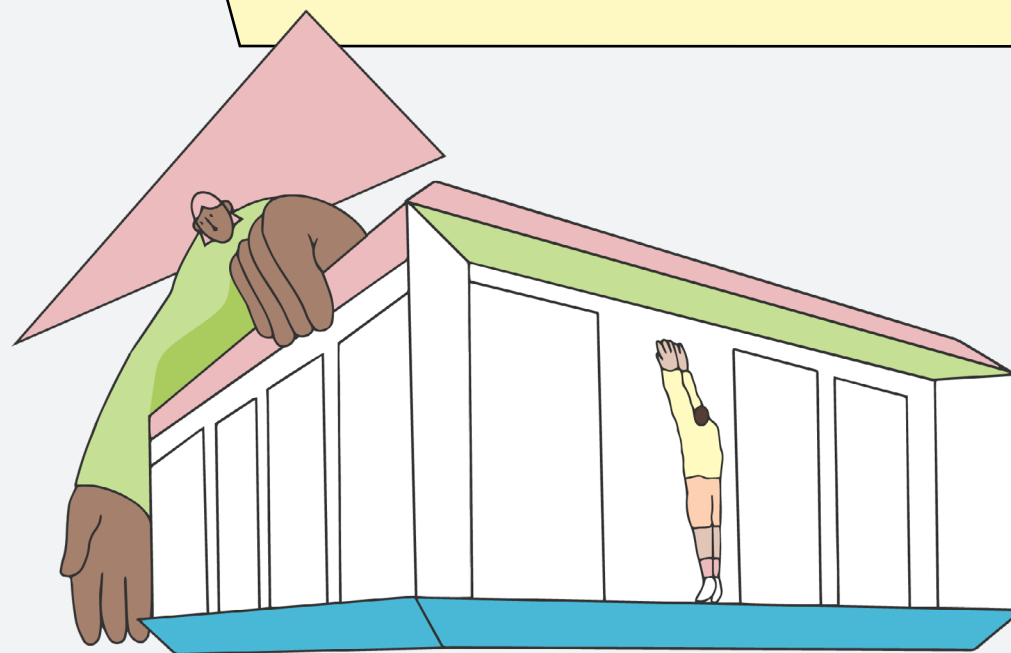
Most importantly, this work would not have been possible without the 2STNBGN participants who trusted us with their experiences and stories. Thank you.

Finally, JusticeTrans would like to acknowledge the support of **Women and Gender Equality Canada**, whose generous funding has made this project possible. We would also like to acknowledge the support we have received through **Carleton University**, individual donations from JusticeTrans board members, as well as in-kind support from the University of Saskatchewan's Social Innovation Lab on Gender and Sexuality.



Women and Gender  
Equality Canada

Femmes et Égalité  
des genres Canada



Over the past year, JusticeTrans – a trans-for-trans, national non-profit – conducted research into the access to justice and legal needs of 2STNBGN people across the settler-colonial state of Canada. While there have been large-scale studies done on 2STNBGN people's legal needs in the USA and in Ontario, a national-scale project on the subject in Canada was missing.

During this project, JusticeTrans looked to answer four questions:

- 1 What barriers (systemic or otherwise) prevent 2STNBGN people in Canada from accessing justice and what do 2STNBGN people need to address those barriers?
- 2 What are the most common legal issues experienced by 2STNBGN people?
- 3 In what ways do 2STNBGN people currently access justice when encountering legal issues?
- 4 What barriers prevent 2STNBGN people's access to justice?
- 5 How might these barriers to accessing justice be remedied, and new pathways created, to advance justice?
- 6 How are access to and visions of justice shaped by intersecting structural oppressions?

Content Warning for: transphobia and transmisogyny, physical violence, domestic abuse, sexual assault, fatphobia, ableism, slurs, experiences of housing instability, unsafe living situations, police violence, racism, medical mistreatment, suicide, and gender-based violence.

## What did we do?

Our research builds on the 2020 Trans PULSE Canada report, the TRANSforming Justice report, and The Report of the U.S. Transgender Survey. The 2STNBGN Perspectives on Access to Justice project was designed and carried out in collaboration with other 2STNBGN researchers, activists, and community leaders. Through collaboration, we aimed to create a safe and supportive space for our 2STNBGN participants to speak openly and honestly about their experiences with the legal system.

Our research also involved a focus on five priority groups: Black people, Indigenous people, racialized people, migrants and refugees, and youth. These priority groups were created because these groups experience specific legal issues and have specific access to justice needs. This is not an exhaustive list of people within the 2STNBGN who have specific access to justice needs and follow up research could also focus on the needs of sex workers, HIV positive people, and other groups. Focusing on these intersectional experiences better informs analysis and calls to action.

Our data collection included an online survey and a series of focus groups and interviews. The survey collected demographic information and information about the legal issues participants had experienced. **703 people filled out the survey completely.** The follow-up interviews and focus groups explored how participants navigated legal issues and what a more just legal system and world could look like. **We spoke with 61 people in the interviews and focus groups.**



# Common Legal Issues

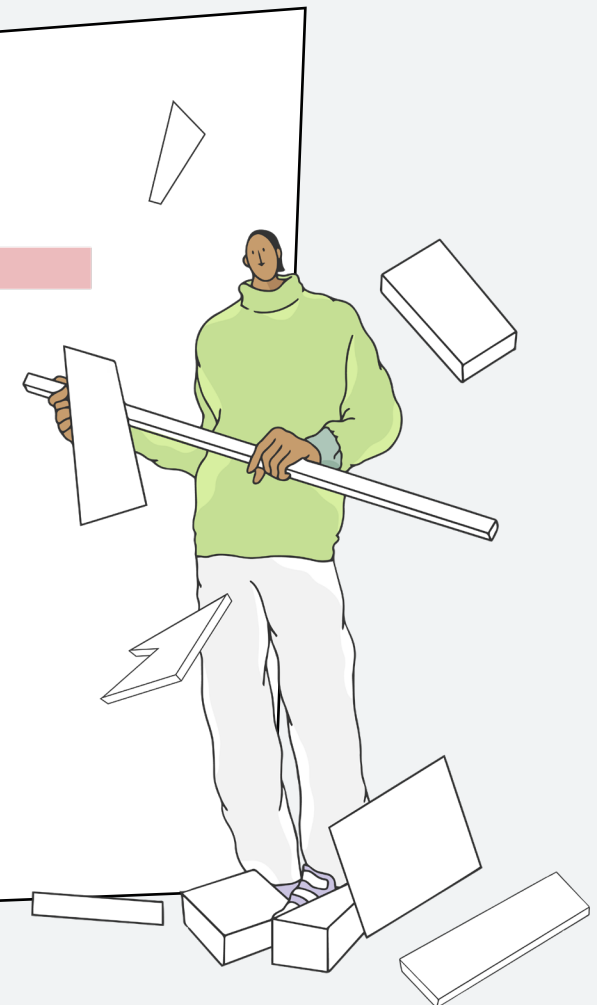
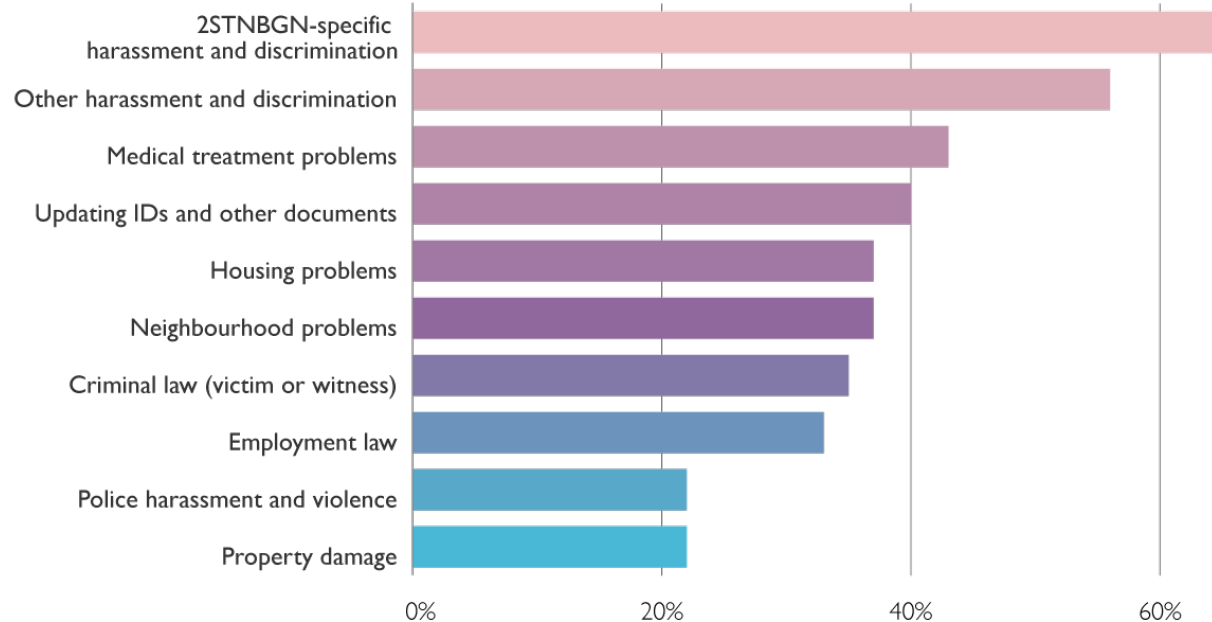
Our survey defined legal issues as any issue that has brought or ever could bring someone into contact with the legal system, including lawyers, police, courts, tribunals, child protective services, government programs and so on. We used this broad definition to get a sense of all the legal issues that 2STNBGN people are facing, and not simply those they believed actionable in courts or tribunals. There was also no timeframe for the survey questions so participants could talk about legal issues they had experienced at any point in time.

93% of participants had experienced at least one legal issue. 54% of respondents had experienced 5 or more of the 24 different legal issues asked about in the survey, and 4% had experienced 15 or more legal issues.

These numbers vary across priority groups, provinces and territories, and across legal issues. Police violence and harassment was one legal issue experienced unevenly across priority groups. For example, 46% of sex workers experienced police harassment and violence versus 16% of non-sex workers. Participants who identified as solely Indigenous experienced increased rates as well, with 35% experiencing police harassment and violence versus 22% of non-Indigenous participants.

## Top 10 Legal Issues

By percentage of survey respondents



# Discrimination and Harassment

Three-quarters (73%) of survey respondents had experienced 2STNBGN-specific harassment and discrimination. Over half (56%) reported experiencing harassment and discrimination on other bases of identity, including race, immigration status, disability, and type of employment (e.g., sex work). It was common for participants (50%) to report both 2STNBGN-specific discrimination and harassment, and other forms of discrimination.

## 2STNBGN discrimination and harassment

2STNBGN-specific discrimination refers to discrimination because of one's actual or perceived gender identity or gender expression. This includes misgendering, slurs and other verbal abuse in person and online, an inability to access binary facilities like washrooms, unwanted touching and sexual comments, and experiences of physical and sexual violence.

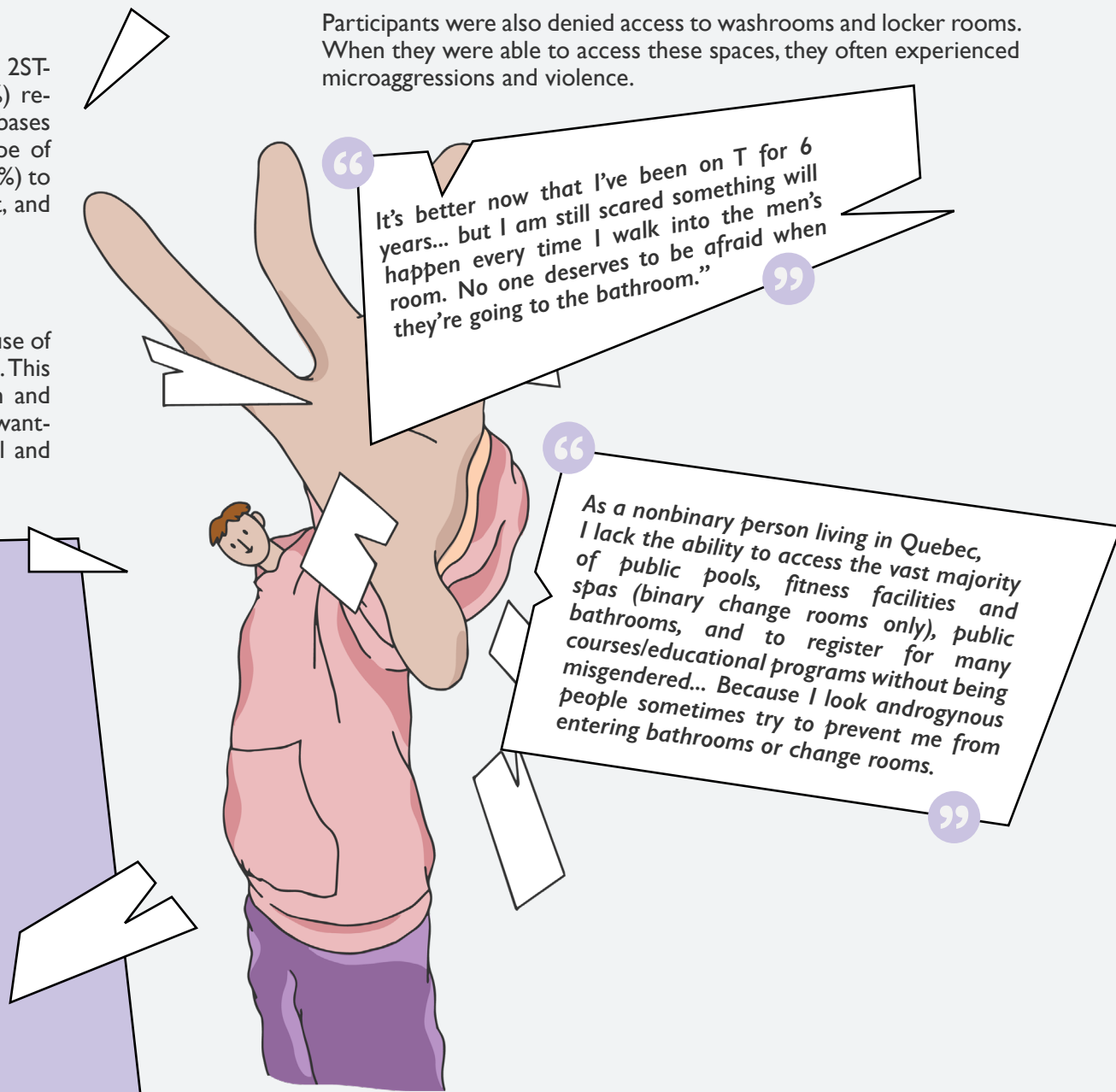
Participants were denied jobs, housing, competent healthcare, and access to safe communities due to their gender identity and/or gender expression. This resulted in housing insecurity, poverty, and health issues, including mental health issues.

Participants were also denied access to washrooms and locker rooms. When they were able to access these spaces, they often experienced microaggressions and violence.

**I've been physically assaulted while walking down the street. Someone picked me up and slammed me against a stone wall because I'm trans. I've had guys in a van repeatedly target me try to run me over and yell hate at me because I'm trans, calling me a whore slut because I'm trans. I've had a knife pulled on me on a public transit bus because I'm trans. I've had an optical store physically throw me out of store because I'm trans.**

**"It's better now that I've been on T for 6 years... but I am still scared something will happen every time I walk into the men's room. No one deserves to be afraid when they're going to the bathroom."**

**"As a nonbinary person living in Quebec, I lack the ability to access the vast majority of public pools, fitness facilities and spas (binary change rooms only), public bathrooms, and to register for many courses/educational programs without being misgendered... Because I look androgynous people sometimes try to prevent me from entering bathrooms or change rooms."**





## Intersectional discrimination

In addition to 2STNBGN discrimination, many participants experienced other forms of discrimination, including homophobia, ableism, classism, racism, and xenophobia.

“

*As a person of colour who is perceived as a woman, doctors visits are a nightmare because they simply don't believe my experiences of neurodivergency and disability.*

”

Disabled participants experienced higher rates of discrimination and violence, particularly for disabled Black, Indigenous, and otherwise racialized participants.

“

*Have been given terrible treatment by many institutions because of my disabilities, if I tell them I'm Indigenous.*

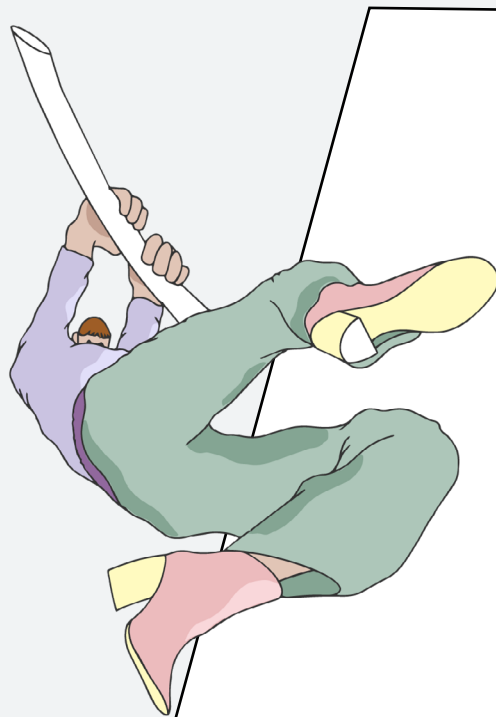
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In many cases, 2STNBGN discrimination was inseparable from other forms of discrimination. One participant revealed how racism and xenophobia shaped and intersected with their experiences of transphobia.

“

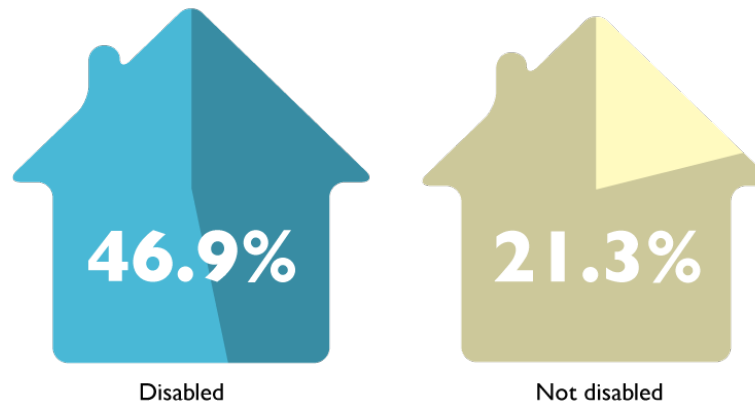
*Getting told to go back to my country slowly became part of other arguments like when I'd tell people off for asking if I have a penis or asking if I was a girl.*

”



## Disability & Housing Insecurity

By percentage of respondents who identified as housing insecure



## Violence

Many participants faced violence, including blackmail, stalking, kidnapping, robbery, gun violence, physical and sexual assault, and hate crimes, among others. In many cases, this resulted in trauma which jeopardized their emotional, physical, and sexual health, interfered with their ability to maintain safe and stable employment, and negatively impacted their living situations.



“

*My mental health issues are largely caused by trauma which was the result of bullying due to my neurodivergence, queerness, and disabilities.*

”

“

*All the violence and assaults aggravated my mental and physical health, which is why I had to stop work and go on long-term disability. The continuation of transphobia just feeds my PTSD and depression.*

”

Another common experience was gender-based violence, including transphobic violence in public places and violence from family members after ‘coming out’ as 2STNBGN.

“

*[I]t’s not safe for us to be out in public. My partner is a genderqueer person who floats in presentation, and when they’ve gone out in more femme presenting clothes, they’ve been verbally abused and experienced violence.*

”

“

*I came out in 2017 to my parents as a trans man. And I knew they were going to react poorly, so I came out over the phone. And I was living in a different province at the time, and they didn’t know where my house was. Um, they ended up using like, find my phone or whatever to figure out where I lived, breaking into my place, and physically assaulting me.*

”



# Issues with Medical Treatment

43% of survey respondents indicated having had problems with medical treatment in the past. The most common issue faced was the lack of competent 2STNBGN healthcare.

“

*It is very hard to find a doctor who understands trans issues/testosterone and can prescribe.*

”

“

*[I] went into the hospital for dysphoria-induced suicidal ideation and had to explain to the intake nurse what the condition was, what being transgender was, up to and including having to spell out the word dysphoria.*

”

Many participants spoke about seeking medical care for health issues unrelated to being trans and being denied care due to being trans, being told to stop transitioning before medical treatment can begin, or being asked questions about their transition unrelated to their medical issues.

“

*I was directly told being transgender does not exist by a doctor and refused healthcare.*

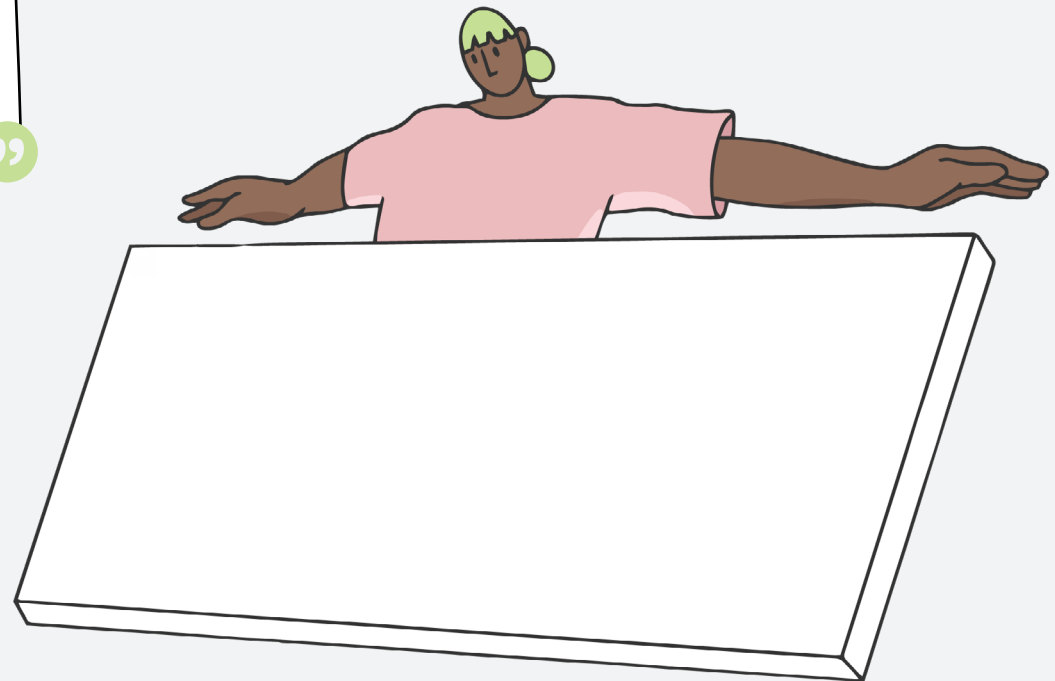
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“

*I went into hospital with an arm injury and the first thing the doctor suggested was to stop taking HRT before giving an examination.*

”

Transphobia from medical staff was extremely common, particularly in a psychiatric care setting.



“

A psychiatrist... repeatedly referred to me as a man, called me my deadname after being corrected and said that I was just a man who liked wearing girls' clothes and clearly knew [nothing] about anything queer. This put barriers in front of me getting the medication I desperately needed.

”

Lack of trans-competent medical care also meant that for many participants it was difficult to access trans-specific healthcare, like hormone replacement therapy (HRT) and gender-affirming surgeries, due to prescription refusal, requirements to be diagnosed with gender dysphoria, wait times, or treatments not being covered by provincial healthcare.

“

It took me 4 months to get a doctor to begin prescribing me HRT and even then, it was an insufficient amount...It was 6 months and a psych evaluation later I spoke to an endocrinologist that helped me.

”

Many participants experienced fatphobia, ableism, and racism in the healthcare system. Some Indigenous and Black participants reported that they were refused treatment due to their identity.

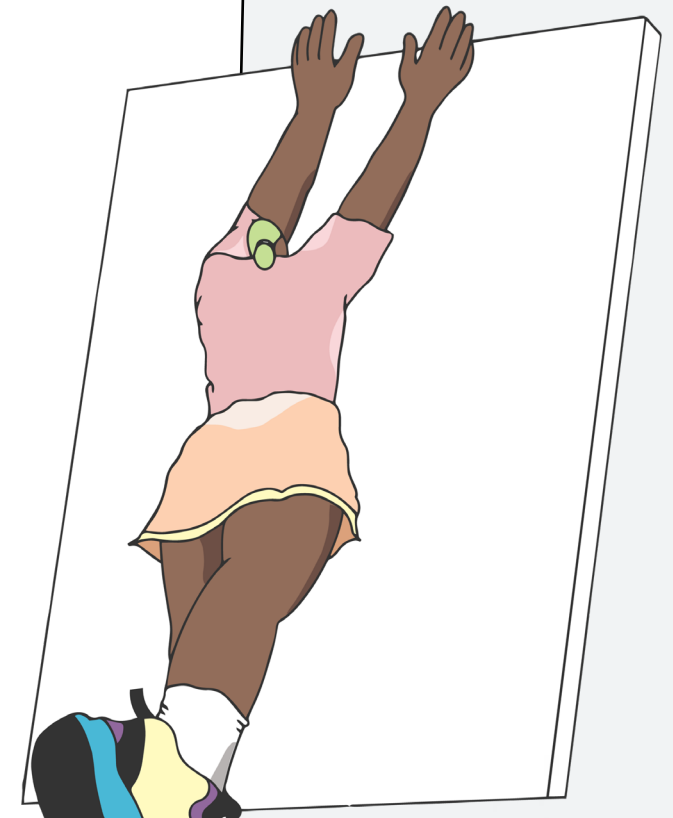
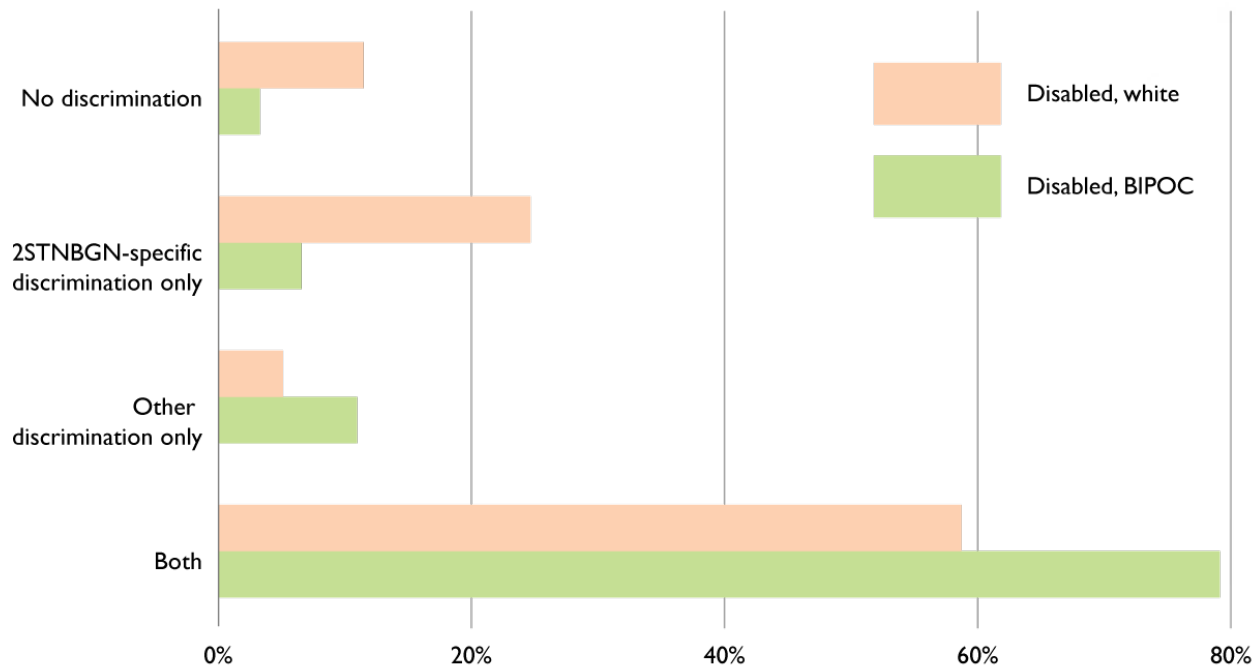
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I have been denied medical treatment and pain meds because of my Indigenous heritage- I have CRPS/RSD Type 2 and was denied pain killers for an operation claiming I'm more likely to develop a drug addiction.

”

## Discrimination, Disability, and Race

By percentage of survey respondents who identified as disabled



# Issues with IDs

40% of participants had trouble updating ID documents with their correct name and gender identity. Participants described the process of changing IDs as needlessly difficult, frustrating, expensive, and time-consuming. Common barriers to updating IDs included high costs, unclear processes, government incompetence, and systemic transphobia embedded in the process.

“

*Has been cumbersome, slow, costly, confusing, the agencies involved have made mistakes, but I am slowly getting it done. 6 months in, I have corrected my name and gender on approximately half of my ID, financial, and legal documents.*

”

“

*I was turned away at the Service Ontario location twice when trying to change the gender marker on my health card from F to M because their policy “had recently changed” and they couldn’t tell me what “proof” was necessary to make the change.*

”

A major barrier was the common requirement across various provinces for applicants to provide a physician’s letter in order to change their IDs.

*“I am going through this now it’s frustrating to have to process name and gender marker as separate and having to have a [doctor’s] letter to do gender marker especially as a NB / gender fluid person. The form seems like an outdated piece of gatekeeping.”*

Some of these barriers, along with fear of further discrimination, caused participants to avoid the process altogether.

“

*I am actively avoiding dealing with the bureaucracies (sic) of getting my name and gender marker legally changed on all documents because I know that not only is it an expensive process, but it is also riddled with opportunities for discrimination and conversations that will be painful at worst and less than helpful at best.*

”

Some participants indicated that they have changed or would like to change their gender marker to “X.” However, this is not possible in all provinces and territories and is also not an option on immigration documents, such as work permits.

*“My ID also necessarily misgenders me since there is not yet a nonbinary option [in my province].”*

Being able to update one’s ID and legal documents is also a safety issue. IDs with the incorrect gender marker and name, or IDs with information that does not match, can create confusion and further increase the risk of discrimination and violence as they may ‘out’ the holder of the ID as 2STNBGN.

“

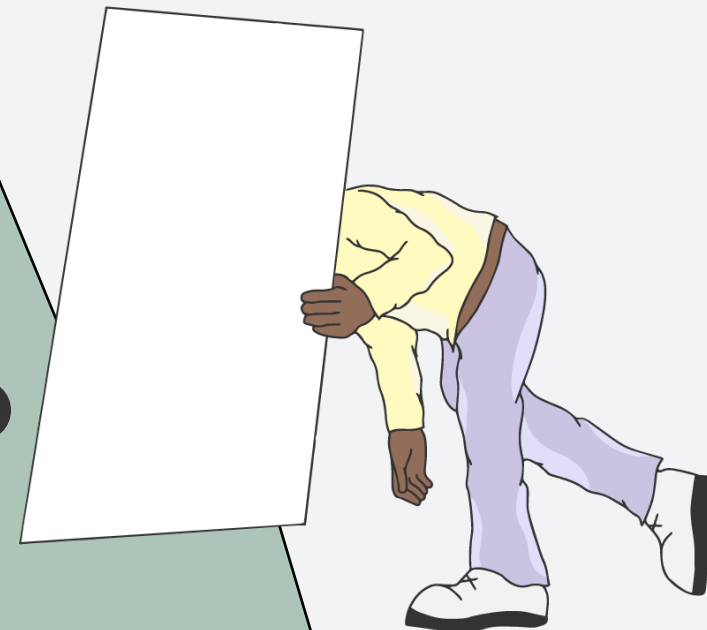
*If you present in a way that is different than your papers, it exposes you to violence and transphobia.[translated from French]*

”

“

*I’m not feminine passing at all, but my ID has my full birth name and gender and all that stuff. I’ve gone to places like the liquor store, and people have looked at my ID and asked me like, if I’ve had surgery and all kinds of stuff.*

”



# Issues with Housing

Over 37% of participants reported experiencing legal issues related to housing. On top of this, 37% of respondents indicated having been housing insecure in the past. Youth are often at high risk for housing insecurity, with 86% of youth survey respondents reporting housing insecurity at some point in their lifetime.

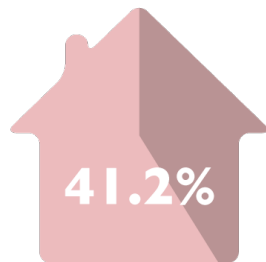
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*[I was] forced to run away from home 3 different times due to financial abuse/neglect, verbal and emotional abuse/neglect, gaslighting, transphobic abuse, sexual orientation based abuse, withholding of vital information and of adequate food, and more.*

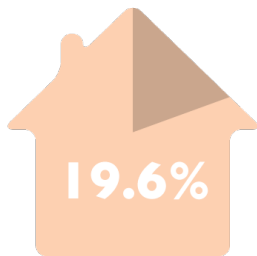
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## 2STNBGN-Specific Discrimination & Housing Insecurity

By percentage of respondents who identified as housing insecure



Has experienced discrimination



Has not experienced discrimination

Stable housing is a key factor in finding employment, accessing health care, updating legal documents, and other justice issues. Among other challenges, participants described experiencing various types of housing discrimination, including refusal to rent to 2STNBGN tenants and discriminatory treatment during the rental process.

“

*Transphobia is a main problem when you're renting a place. It's hard to find a place because I am trans and landlords don't want to [rent to me] because of their personal beliefs.*

”

*“When I'm looking for a new place to rent, and [negotiating] a tenancy agreement with a [landlord], when I meet him in person, I present myself with my name, with how I identify myself, you know... But when we were signing these tenancy agreements and contracts, I'm using another name, [my legal name]. And for them, it's like, how can I trust you, how can I trust you're going to pay me the rent because you're saying you're this person, but in reality, your papers say you have another name.”*

Experiences with negligent, hostile, and transphobic landlords were common. Participants were mostly unable to deal with these issues through traditional legal processes, leading to many being forced to cope with harassment, discrimination, and violence while attempting to hide their identity. For some participants, the rising cost of housing led them to accept poor living conditions and hostile landlords because they could not afford to move.

“

*Landlords are a scourge. I've lived in places with no hot water, mold, and that were always filthy, which we were blamed for. Repairs never being done, floors are warped. At one place, there was no fire escape, windows were teeny and the toilet stopped working and was not fixed for 9 months.*

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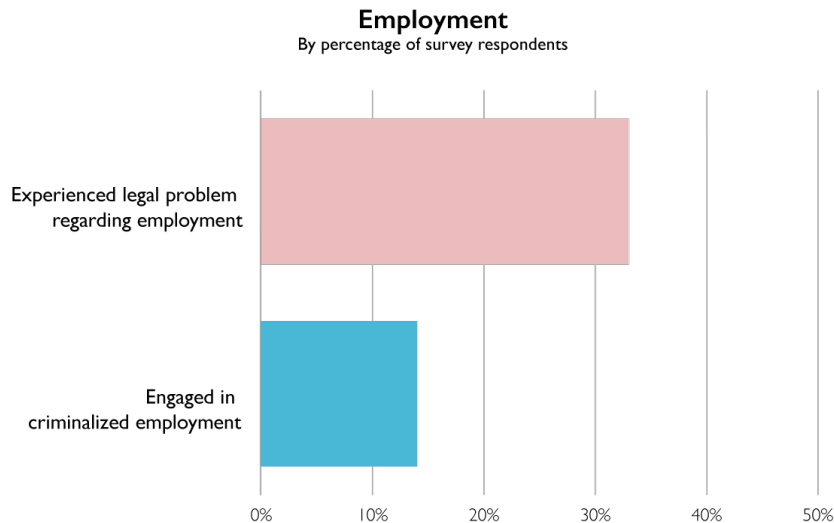
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*“The ongoing issues with my landlord deeply impacted my well being, employment and mental health. I put off changing my name and gender marker legally until after I moved away from that house, as I was very concerned about staying on his “good” side. The rent there was what I could afford at the time, so moving out didn't feel like a viable option.”*

”

# Issues with Work

From involvement in criminalized employment to workplace discrimination, employment problems were an ever-present theme in survey and interview data. 32.6% of participants indicated having experienced employment problems.



Finding work can be difficult due to discrimination and harassment during the hiring process. Mentioning preferred names, signalling that one is trans when one's voice or identification does not match expectations, or mentioning identity outright can negatively impact hiring chances.

“

*I'm applying for jobs and anytime [identification] comes up it is the worst feeling in the world to show the interviewer your ID, and then [the job] just falls through. They're like, "what the fuck is going on?" I don't know, I've been discriminated against so often just applying for jobs.*

”

In the workplace, participants reported difficulties receiving accommodation for disabilities, gender-based microaggressions and misgendering, cissexist dress codes, and lack of appropriately gendered facilities.

*“I was constantly expected to dress in ways that felt dysphoric. There were no gender neutral bathrooms, nobody was trained on anti oppression issues, etc.”*

Additionally, 2STNBGN people experienced verbal abuse, harassment, and sexual violence that often went unaddressed.

“

*A few female coworkers started making sexually objectifying comments when they found out I was trans. One lifted up my shirt and groped me when my breasts grew in. She was not fired and received no more than a slap on the wrist. I on the other hand ended up moving locations.*

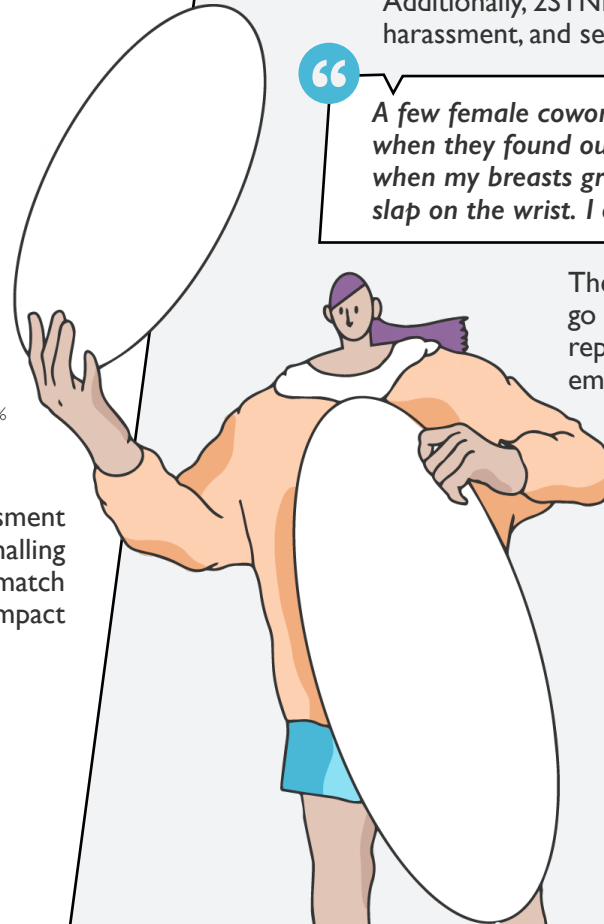
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These experiences of harassment and violence often go unreported due to the complexity and risk of reporting employment issues, leaving 2STNBGN employees feeling powerless to address injustice.

“

*At a job that I previously had, I was frequently misgendered by my superiors [...] I brought it up with one of my coworkers who had been promoted to manager, who I thought that I was friends with, and she actively discouraged me from speaking to HR about it. [...] I didn't really know if there was any legal recourse or if it would be worth the trouble of essentially putting myself out in public, saying I have been mistreated as a trans person and being able to deal with everything that comes with that.*

”



## Experiences with Sex Work

19% of survey participants had engaged in sex work in their lifetime. Sex work refers to the selling of sexual services for money or goods. There are many types of sex work including online sex work, such as camming, shooting pornography, escorting, full-service sex work, as well as sexual favors for drinks, admission to clubs, and drives home. On average, these participants had a higher number of legal issues than participants who had not engaged in sex work (8.5 vs 4.8). The percentage of participants who reported 5 or more legal issues is significantly higher for participants who had engaged in sex work than for other participants (79% vs 54%).

Participants decided to do sex work for a number of reasons, sometimes using sex work as a more reliable source of primary income or to supplement income. Participants consistently described doing sex work as a way to be resourceful and take care of themselves and their families.

*Some medications aren't covered by non-insured health benefits. Same as pain management, so it was like okay, my day job doesn't pay enough, what can I do to survive? And I figured it out [through sex work].*

Some sex workers discussed experiences of discrimination and violence that put their livelihood at risk. Due to the criminalization of sex work, many of these participants were hesitant to access legal services like lawyers, paralegals, and legal clinics.

*When I was involved in sex work, I was risking both my public job in childcare, I was risking my family finding out, and I was also risking if anything happened to me during it. I got very lucky, in that I would not have been able to properly seek assistance.*

*I have engaged in sex work, and had a situation where the client did not pay me when they agreed to but I could not do anything since what I was doing was criminalized. I felt violated but was powerless.*

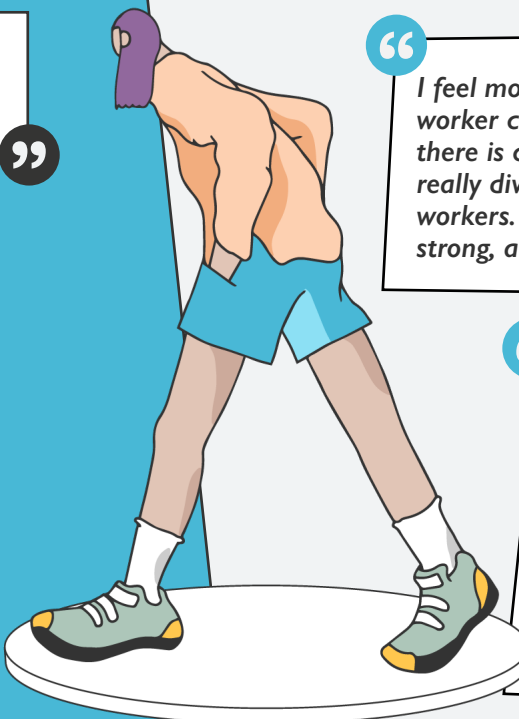
Participants often had specific and negative experiences with police ranging from inaction to sexual and physical violence, due to the criminalization of sex work.

*I have been the victim of multiple assaults, including at the hands of the police, that were never reported. I did not report because I do not trust the police.*

While sex workers described a lack of support outside the sex worker community, many found community and vital support with other sex workers and with advocacy organizations.

*I feel more comfortable, represented and supported with the sex worker community than the trans community. With sex workers, there is cisgender women, transgender women and so on, it's really diverse, but the thing is, we are there because we are sex workers. And I found wonderful people there, a lovely, charming, strong, and smart audience, it's incredible.*

*Sex work advocacy] organizations work with sex workers, supporting them, giving some legal aid or some groceries, because sometimes you have money and sometimes you have nothing and you cannot pay for food. So [the organizations] provide, they provide you with those things and they take care of you, and that's one of the things I like about the sex worker community, we take care of each other, because nobody else is taking care of us.*





# Why we don't trust the legal system

Participants consistently spoke of a distrust of the legal system and legal actors like judges, adjudicators, and police. They communicated a sense of the limitations and potential harms of seeking justice through formal legal institutions like courts, police, and tribunals. This often caused them to avoid the legal system, including police, the court system, and lawyers.

Participants felt that police failed to respond to their legal issues because of their identity as a 2STNBGN person, or because of disability, race, Indigeneity, or previous convictions. Fears of racism, transmisogyny, and transphobia made participants afraid of engaging with police.

*“After an assault, bleeding and torn up, [I was] warned that I could and would be arrested ‘for impersonating a female.’”*

*“As an Indigenous person living down in Treaty Four, but from Treaty Six, I’m no stranger to hearing about violence against women, against queer people, against Indigenous people, especially at the hands of police. The police are, and the justice system is something I try to avoid at all costs. Because I don’t trust them.”*

Participants shared that going through legal processes would force them to relive traumatic experiences in front of the court, tribunal, lawyer, and/or police officer.

*“It’s absolutely traumatizing interacting with the system. In a situation where I’m already out of control, it just ends up making me feel even more powerless and takes away even the little control I do have.”*

“

*I never reported it because I knew first thing would happen, the cops will be, “you’re trans [...] Are you a sex worker? You’re trans, were you leading him on in the restaurant? You’re a woman, were you showing a little bit leg under the table at him?”...And you know I didn’t want to face all that, and be revictimized again.*

”

For some participants, the settler-colonial, anti-Indigenous and anti-Black foundations of the Canadian legal system makes it impossible to seek legal remedies.

*“I think as long as [the Canadian justice system] is ruled by colonial culture, it’s not really ever going to do justice. Because justice for me means justice for everyone. The justice we have right now is predominantly white justice...I felt that our justice system sees anything that’s not aligned with their colonial culture as being a criminal.”*

Many struggled with legal costs and/or found that their lawyer lacked knowledge of 2STNBGN issues or were actively transphobic. While legal aid helped some, there are holes in the system that respondents noted, including income restrictions.

*“I had to pay the lawyer, because I was making too much money to get legal aid, so it was very expensive. At least 200 dollars an hour. I’m still paying for it.”*

“

*That lawyer refuses, regardless of how many times I say, “Look, this is my legal name. This is what I’m called.”... [To him] I’m she, and I’m my deadname, and, you know, that’s just the way it is.*

”

Widespread transphobia and intersecting forms of discrimination force 2STNBGN individuals into situations where they are more likely to interact with the legal system. While the legal system should offer protection, support, and justice to the marginalized, the reality is often different. 2STNBGN people are often revictimized by a legal system shaped by discriminatory attitudes, practices, and laws. Because of this, there is also a strong distrust of the legal system among 2STNBGN people.



# In Summary: 2STNBGN Access to Justice

2STNBGN people face discrimination in their day-to-day lives, which is worsen by further discrimination when trying to access the legal services that might address those instances of oppression.

*“I wish that I felt safe contacting legal services, like paralegals or pro bono lawyers. Because a lot of the time it’s like you pick up the phone and they’re like, “Oh, hello, sir.” And I’m just like, “Okay great, we’re going through this again.””*

The oppressive and discriminatory nature of the Canadian justice system impacts those with more than one marginalized identity the most, especially when attempting to access justice. Being marginalized in multiple ways not only increases a person’s vulnerability to violence but also creates additional barriers to reporting that violence.

*“[A]s an Indigenous and Two Spirit queer person—and this stems from my cousin having gone missing—another thing I live in fear of is what if that happens to me, what will the RCMP do? What will the police do? Will they also tell my parents that I must just be off with friends, partying?”*

2STNBGN people often deal with precarious housing and employment, economic disparities, higher rates of criminalization, and other structural conditions that make interacting with the legal system risky.

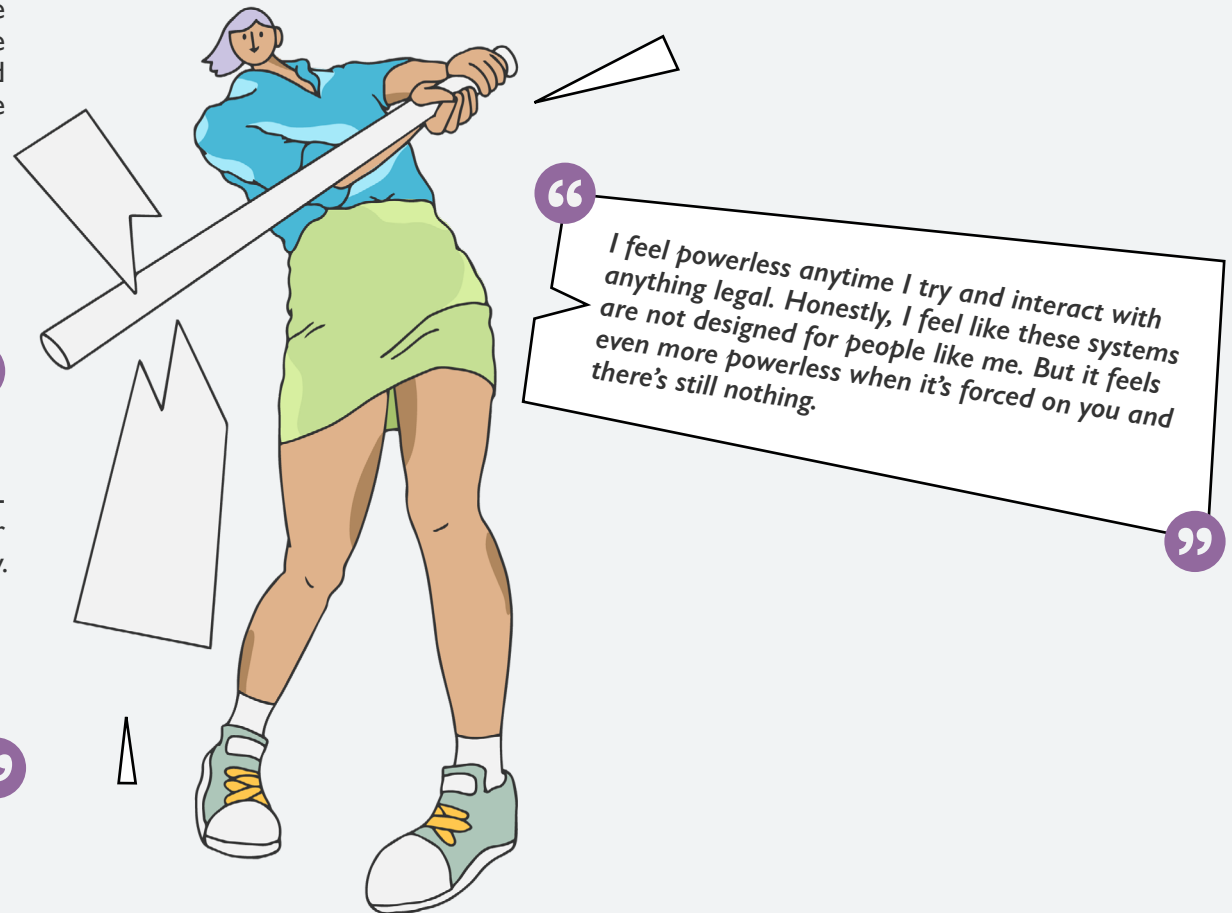
*“I have engaged in sex work and had a situation where the client did not pay me when they agreed to, but I could not do anything since what I was doing was criminalized. I felt violated but was powerless.”*

Other tangible barriers to accessing justice include financial costs, time constraints and administrative mismanagement.

*“My family doctor took too long to fill out his portion of my Ontario Disability Support Program application...The application ended up expiring and I’ll need to reapply. The application is extremely difficult to fill out without the assistance of someone else.”*

Underlying of these issues was a sense of an inability to act.

Feelings of lack of agency, powerlessness and hopelessness are natural consequences of a justice system that was built on exclusion and dehumanization.



# 2STNBGN Visions of Justice

When we invited participants to reflect on what justice means to them, most participants understood justice as ensuring the survival and well-being of all, including having access to food and clean drinking water, housing for all, the elimination of poverty, and access to health care and education, among other things. What participants shared with us aligns with three broad political movements:

## Reforming state institutions of justice

Some participants called for the reform of legal and penal institutions. Many participants argued that education and training can help fix the issues within the legal system. Others wanted laws, policies, and procedures, including anti-discrimination protections, to be better implemented. However, even those who advocated for reforms were simultaneously disillusioned with the legal system because of its inability to protect them from harm and resolve issues.

“The police could do better at respecting trans individuals and just learning. I think the easy answer would be more trainings. But you can ignore a training – you know what I mean?”

## Abolition and transformative justice

Many participants made references to a world without police and prisons. Participants rejected funneling money into policing and prisons, institutions that they saw as harmful and oppressive. Participants instead felt that strengthening communities would better prevent harm and resolve conflict.

“I believe in more community-based intervention instead of “justice” being determined based on punishment.”

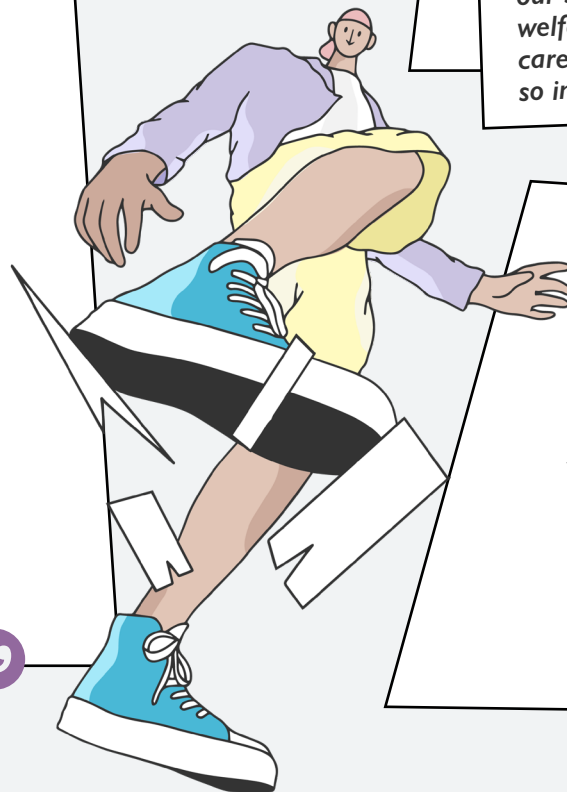
“A more just world to me looks like abolishing the police. It looks like destroying these systems. It looks like moving past and abolishing our social services system and allowing communities to take the welfare of their children and collectively heal, while also providing care for children, and keeping them in community because that is so important.”

## Decolonial justice

Indigenous voices offered a perspective on justice grounded in sovereignty and title to the land. Decolonial justice moves beyond questions of how to heal from and prevent harm, to include broader movements of justice for Indigenous nations. Indigenous participants wanted for justice to be controlled by Indigenous communities, which requires dismantling settler state control over Indigenous people and nations.

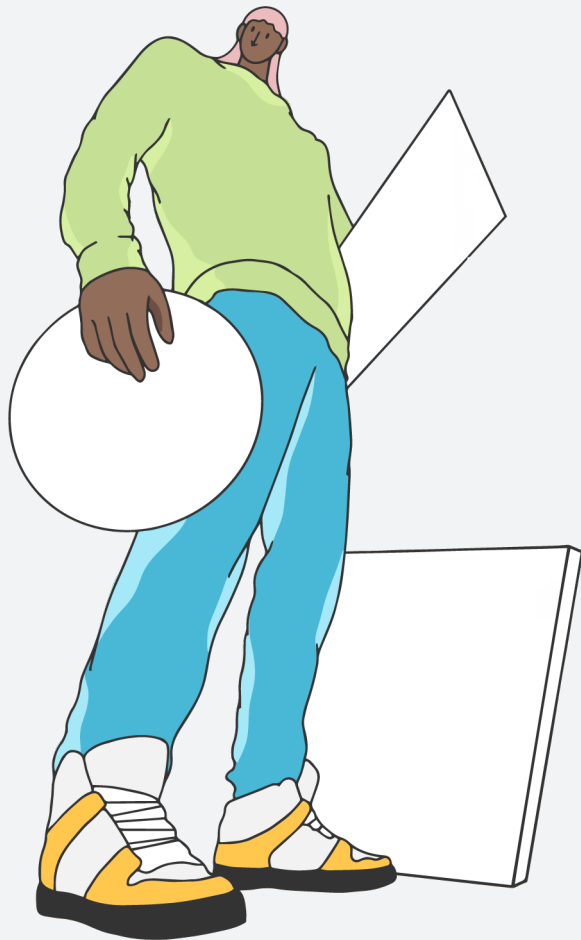
“It’s bad enough to be Indigenous and be involved with the family court process, but then to have to raise issues of gender that aren’t being properly understood or addressed. The system just can’t even handle it.”

“If there is justice for the land, then in turn, there’s justice for those who protect the land. I think having a sense of responsibility to the land would much better inform our social realities.”



# Action Plan

Based on these findings and on the recommendations of participants, JusticeTrans has created an action plan to improve access to justice for 2STNBGN communities. The plan is meant as a starting point and will be refined in the coming years to better reflect the needs of 2STNBGN communities, through consultation with 2STNBGN communities.



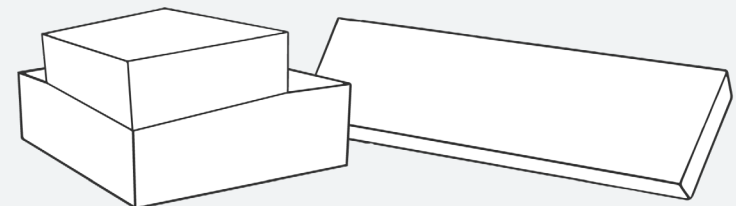
## I. Support Black and Indigenous-led calls for the abolition of police and prisons and the decolonization of the justice system.

Scholars and activists, like Mariame Kaba and Dean Spade, have argued that police and prisons enact violence against trans and gender non-conforming people, particularly against BIPOC trans and gender non-conforming people. This research has confirmed these insights.

Many participants echoed the voices of Black abolitionist thinkers, such as Angela Davis and Mariame Kaba, who recognize how reforms can increase funding to and strength of police and prisons. Also echoing Davis and Kaba, participants shared that they believe there are more transformative ways to address and repair harm than punishment. They joined abolitionist calls for the defunding and removal of police departments as a step towards the abolition of policing and prison systems.

For many Indigenous participants, accessing justice was inherently tied to dismantling systems of colonization and of the binary understandings of gender they brought with them. Thus, this action plan echoes their calls for Land Back (the return of stolen land claimed by the Canadian state to Indigenous nations), for Indigenous sovereignty and self-determination, and for a legal system based on community-specific traditions of justice that vary across Canada.

This action plan will require that legal professionals and non-profits, as well as other allied individuals and organizations, provide tangible and material support for grassroots organizations and organizing efforts focused on defunding and abolishing police and prisons, as well as for the Land Back movement.



## 2. Use reforms as a means of immediate harm reduction while working towards realizing abolitionist and decolonial future.

Participants also asked for reforms to be made to the legal system while we work towards abolitionist and decolonial futures. Certain reforms can immediately improve the lives of 2STNBGN people, so long as those reforms do not give more funding or legitimacy to oppressive systems, particularly to the criminal legal system. Some examples include:

- Decriminalizing sex work.
- The full financial coverage of all transition related healthcare.
- Removing police from mental health calls.
- Removing the financial and bureaucratic barriers to changing one's name or gender marker.
- Providing more education about gender identity and expression, particularly for people who interact with members of the public (such as bureaucrats, lawyers, physicians, nurses, etc.).
- Providing 2STNBGN-specific education and resources on legal recourses, especially regarding human rights law.
- Creating more gender neutral and 2STNBGN-specific spaces, such as shelters, bathrooms, and change rooms.

Many of these reforms would have concrete impacts, to the point of being life-saving, for 2STNBGN community members.

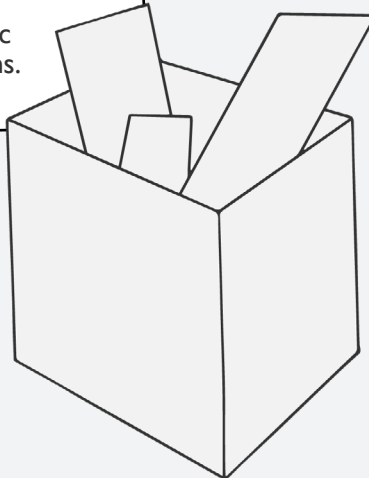
## 3. Create new social structures and systems to combat poverty and ensure everyone has access to the things they need to live a good life.

2STNBGN people often lack access to basic necessities like housing and medical care. Many of the legal issues participants experienced either resulted from or were left unresolved because of a lack of income. In response to this lack of access to basic necessities, some participants proposed a universal basic income that would allow everyone to receive the resources they need to survive. Addressing the systemic poverty 2STNBGN people face would give us greater flexibility to address issues of housing and employment and greater ability to pay for legal support.

## 4. Increase stable funding opportunities to organizations by and for 2STNBGN community members, with a focus on grassroots organizing, mutual aid programs, and organizations providing direct and accessible services.

Participants often spoke about the fact that the organizations and resources that were the most helpful to them for resolving their legal issues were not well funded enough to be stable and reliable sources of assistance. This lack of funding often meant organizations were forced to close, that programming could not meet community demand, and that many were left without the supports they needed. It is clear from the findings that community knowledge already exists about how to improve on issues of 2STNBGN justice, but that the individuals and organizations already doing this work are being underpaid, overworked, and cannot keep up with the demand for their services.

In response to these issues, this action plan calls for an increase in stable funding for the organizations across the country doing on-the-ground work for 2STNBGN communities, particularly for those that are also run by 2STNBGN people.





# Conclusions

This research project has shown which legal issues 2STNBGN people experience the most and which barriers stand in the way of us accessing justice. It has also looked at what 2STNBGN people see as justice, and condensed this into an action plan to create a more just world. More details about these findings can be found in our full-length report. More research needs to be done on this topic, specifically looking at the legal needs of 2STNBGN people who also have HIV, are migrants, have done sex work, are Indigenous or Black, or live in the North.

This project has shown that justice for 2STNBGN communities will not come about through small changes to a system that is structured to exclude us. It will require a transformation of the world we live in, so that 2STNBGN people can live full and meaningful lives. As we work towards this kind of liberation, immediate changes to existing systems can improve the day-to-day lives of 2STNBGN people, but should be mindful not to increase funding for or further legitimize violent systems like the criminal legal system. We believe that improving access to justice for 2STNBGN people, with a focus on the specific needs of the most marginalized among us, will improve access to justice for all.





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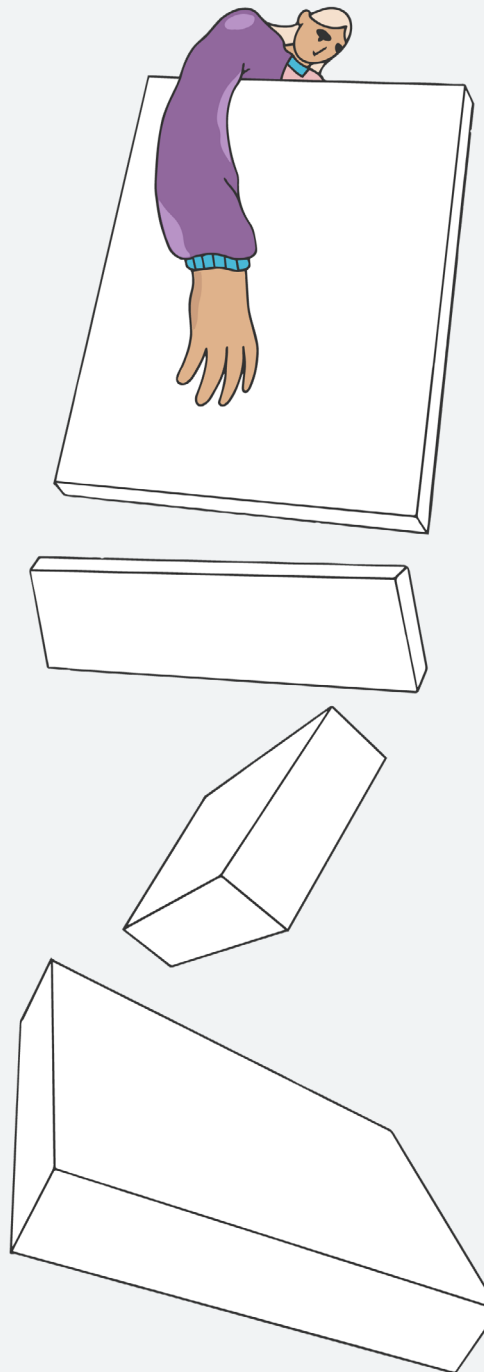
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