

Bonjour and Good afternoon, my name is Harini Sivalingam and I am the Equality Director for the Canadian Civil Liberties Association. My pronouns are she/her.

I acknowledge that we are gathered today on the traditional unceded territory of the Wolastoqey and Mi'kmaq peoples.

Last week we instructed counsel to file notice at the Court of King's Bench New Brunswick and today we have taken the additional steps of instructing counsel to file affidavits, exhibits, in court and to serve the Minister of Education and Early Childhood Development with our lawsuit.

With their changes to policy 713, the Minister has created confusion throughout the education system that is causing great harm to 2SLGBTQ+ students

Worse, the Minister of Education has kept revising and changing government rules that apply only to Trans and gender students, creating discrimination, disadvantage, and harm.

It just keeps getting worse.

The Ministers' clarifications do not address the serious concerns raised by education, medical and legal experts, including the provinces' Child and Youth Advocate as well as those directly affected by the new rules.

The changes to Policy 713 prevent Trans and gender diverse students from using names and pronouns in the classroom that align with their identity.

So, I want to be clear to all New Brunswickers that Policy 713 is an unconstitutional attack on charter rights.

We are commencing this legal action because the Minister's changes to Policy 713 erode protections for some of the most vulnerable students in the province.

The policy discriminates against Trans and gender diverse students. It treats them differently than their peers because they are Trans and gender diverse.

We know that there are serious negative health outcomes when Trans students are treated differently and not affirmed.

When they are treated the same as their peers, they have similar outcomes as their peers.

None of this prevents parents from playing an active and primary role in the lives of their children.

But respecting the role of parents does not require human rights violations or harming vulnerable kids.

People in Canada believe in the Charter, in human rights, and in equality for all people.

Canada was ahead of the curve on important civil rights issues, such as advancing the rights of same-sex marriage.

We cannot backdown now.

It is deeply shameful it has come to this.

We urged the Minister to do the right thing and reverse the harmful changes.

The Minister did not listen.

The Minister did not listen to the serious concerns about the revisions from education, medical and legal experts.

Most importantly, he did not listen to students and parents who are most directly impacted by these changes.

But we need justice today, not tomorrow.

That is why we are asking the court to stop the changes to Policy 713 through a judicial review and declare the revisions unconstitutional for breaching Charter rights.

The process leading to these changes was fundamentally flawed and unfair.

The Minister ignored experts and people impacted by his changes.

The Minister also ignored the very purpose of Policy 713, which is to provide a safe, welcoming, inclusive and affirming school environment. His changes will have the opposite effect.

The Minister was required to respect the *Education Act* and its promise of a “positive learning and work environment” for all students. He did not.

The Minister was required to respect the *Human Rights Act’s* prohibition against discrimination. He did not.

The Minister was required to make decision that respect the *Charter* rights of trans and gender diverse students. He did not.

Finally, to the students of New Brunswick, and to students across Canada, our message to is this:

We stand with you. We support you. We are here to fight these changes alongside you.

To echo the words of a 14 year old trans student who had this to say about Policy 713: “Gender is hard enough without rules and the government making things harder”.

The CCLA will continue standing up for rights and freedoms across Canada.

Like every marginalized and vulnerable group in this country to have faced prejudice and discrimination, Trans and gender diverse students have a right to equality and fundamental freedoms that should be respected.

Thank you. Merci.