

# APPENDIX A: DEFINITIONS

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**Additional Grounds:** The basis or foundation; reasons sufficient in law to justify relief. Grounds are more than simply reasons for wanting a court to order relief. They are the reasons specified by the law that will serve as a basis for demanding relief.<sup>1</sup>

**Arbitrary:** based on individual discretion, rather than a set of standards or rules.<sup>2</sup>

**Arrest:** the restraining of a person whether or not by physical force by someone acting under authority (as a police officer) in connection with a crime.<sup>3</sup>

**BC Human Rights Code:** A law in B.C. with the purposes to: foster a society in B.C. where there are no barriers to full and free participation in the economic, social, political and cultural life of B.C.; Promote a climate of understanding and mutual respect where all are equal in dignity and share equal rights; prevent discrimination; identify and eliminate common patterns of inequality associated with discrimination; provide a means of correction and reform for those persons who are discriminated against contrary to the Code.<sup>4</sup>

**Buggery:** another word for sodomy, which is anal sex with a member of the same or opposite sex.<sup>5</sup>

**Bylaw:** is a law that is set by local government.<sup>6</sup>

**Canadian Charter of Rights and Freedoms (the Charter):** is part of Canada's constitution. It protects every Canadian's right to be treated equally under the law. The Charter guarantees broad equality rights and fundamental freedoms. It only applies to governments and does not apply to individuals, businesses, or other private organizations.<sup>7</sup>

**Cisgender:** Refers to a person whose gender identity corresponds to the sex they were assigned at birth (sometimes referred to as "cis").

**College of Physicians and Surgeons of British Columbia:** The regulatory body of all physicians in British Columbia.<sup>8</sup>

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<sup>1</sup> <https://legal-dictionary.thefreedictionary.com/Grounds>

<sup>2</sup> Merriam-Webster.

<sup>3</sup> Merriam-Webster.

<sup>4</sup> Human Rights Code, RSBC 1996, c 210, s 3.

<sup>5</sup> Merriam-Webster.

<sup>6</sup> Merriam-Webster.

<sup>7</sup> Canadian Human Rights Commission, <https://www.chrc-ccdp.gc.ca/eng/content/human-rights-in-canada>

<sup>8</sup> <https://www.cpsbc.ca/about-us>

**Consent**: to give assent or approval.<sup>9</sup>

**Conviction**: the process of finding a person guilty of a crime.<sup>10</sup>

**Correctional Services Canada (CSC)**: the organization that is responsible for managing prisons and other correctional institutions in Canada as well as supervising individuals who have conditionally been released.<sup>11</sup>

**Criminal Code**: legislation that outlines most criminal offences in Canada.

**Deadname**: the name a transgender person was given at birth and no longer uses upon transitioning.<sup>12</sup>

**Detained**: some form of physical or psychological restraint by the state and a suspension of the individual's liberty interest by a significant physical or psychological restraint.<sup>13</sup>

**Discrimination**: Treating someone differently on the basis of a prohibited ground of discrimination in a way that causes them disadvantage. The prohibited grounds are: race, colour, ancestry, place of origin, religion, marital status, family status, physical disability, mental disability, sex, sexual orientation, gender identity or expression, age, political belief, lawful source of income, or criminal conviction.<sup>14</sup>

**Expungement**: An order under the *Expungement of Historically Unjust Convictions Act*, relating to various previously existing offences that dealt with consensual same-sex sexual activity. A person who receives an expungement order in relation to an offence covered by that statute "is deemed never to have been convicted of that offence."<sup>15</sup>

**Family Law Act**: An act which explains concepts such as the resolution of family law disputes, parentage, care of and time with children, property division, pension division, child and spousal support, children's property, protection from family violence, and court processes.<sup>16</sup>

**Federal Prison: Prison** "Prison" includes a penitentiary, common jail, public or reformatory prison, lock-up, guard-room or other place in which persons who are charged with or convicted of offences are usually kept in custody.<sup>17</sup>

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<sup>9</sup> Merriam-Webster, <https://www.merriam-webster.com/dictionary/consent>

<sup>10</sup> Merriam-Webster.

<sup>11</sup> Correctional Services Canada, <https://www.csc-scc.gc.ca/index-en.shtml>

<sup>12</sup> Merriam-Webster.

<sup>13</sup> <https://www.justice.gc.ca/eng/csj-sjc/rfc-dlc/ccrf-ccd/check/art9.html>

<sup>14</sup> <https://bchrc.net/legal-information/do-i-have-a-complaint/>

<sup>15</sup> <https://irwinlaw.com/cold/expungement-order/>

<sup>16</sup> [https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/11025\\_00](https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/11025_00)

<sup>17</sup> R. v. Ivan (2000), 233 W.A.C. 141, 142 B.C.A.C. 141, 2000 BCCA 452, [2000] B.C.J. No. 1808, 148 C.C.C. (3d) 295, 2000 CarswellBC 1797 (B.C. C.A.) at para. 8 Hollinrake J.A.

**Gender:** The social construction of concepts such as masculinity and femininity in a specific culture in time. One may identify as being a man, woman, or another gender. It involves gender assignment (the gender designation of someone at birth), gender roles (the expectations imposed on someone based on their gender), gender attribution (how others perceive someone's gender), and gender identity (how someone defines their own gender). Gender exists on a spectrum and is fundamentally different from the sex one is assigned at birth.<sup>18</sup>

**Gender Expression:** A person's gender expression refers to the characteristics in one's personality, appearance, mannerisms and behaviour that express their gender identity. Gender expression can vary from social norms of feminine, masculine, or androgynous. Gender expression is independent from gender identity, for example a woman can express their gender in a masculine way yet still have a gender identity as female.<sup>19</sup>

**Gender Identity:** A person's internal perception of themselves as being male, female, neither ("agender"), a combination of genders, and/or non-binary.<sup>20</sup>

**Gender-Inclusive Pronouns:** The inclusive pronouns they/them can be used instead of the gender binary pronouns (she/her, he/him) in order to avoid making assumptions about an individual's gender or sexuality. For example, "I have not met the new nurse. Have they started work? Would it be okay to contact them?" Note, some people use they/them as their own pronouns, finding that they/them more accurately reflects who they are, than binary pronouns do (she/her, he/him).<sup>21</sup>

**Gross Indecency:** ... the meaning of "an act of gross indecency" [in s. 157 of the Criminal Code, R.S.C. 1970, c. C-34] has been elaborated by Brooke J.A. for this court in R. v. Quesnel (1979), 51 C.C.C. (2d) 270 at 280, as follows: ... although the Code does not define the offence of gross indecency it may be defined as a marked departure from decent conduct expected of the average Canadian in the circumstances that existed. What is needed is a fair objective standard in relation to which the conduct can be tested.<sup>22</sup>

**Harassment:** Includes threatening or harassing. Another word used for this type of crime is stalking. Criminal harassment is when someone makes you fear for your or a family member's safety by: Repeatedly following you or someone you know, repeatedly communicating with you or someone you know, continuously waiting for you

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<sup>18</sup> [https://qmunity.ca/wp-content/uploads/2019/06/Queer-Glossary\\_2019\\_02.pdf](https://qmunity.ca/wp-content/uploads/2019/06/Queer-Glossary_2019_02.pdf)

<sup>19</sup> [https://www.cbabc.org/CBAMediaLibrary/cba\\_bc/pdf/Resources/Gender\\_Inclusive\\_Pronouns\\_FAQ.pdf](https://www.cbabc.org/CBAMediaLibrary/cba_bc/pdf/Resources/Gender_Inclusive_Pronouns_FAQ.pdf)

<sup>20</sup> [https://www.cbabc.org/CBAMediaLibrary/cba\\_bc/pdf/Resources/Gender\\_Inclusive\\_Pronouns\\_FAQ.pdf](https://www.cbabc.org/CBAMediaLibrary/cba_bc/pdf/Resources/Gender_Inclusive_Pronouns_FAQ.pdf)

<sup>21</sup> <http://www.phsa.ca/transcarebc/trans-basics/glossary#entryT>

<sup>22</sup> R. v. LeBeau (1988), 41 C.C.C. (3d) 163, 62 C.R. (3d) 157, [1988] O.J. No. 51, 1988 CarswellOnt 46, 25 O.A.C. 1 (Ont. C.A.) at para. 26 Brooke, Blair and Morden JJ.A.

outside your home, work or other place, engaging in threatening behaviour against you or someone in your family, etc.<sup>23</sup>

**Hate Crime:** Means and includes anyone who incites hatred, promotes, or acts against any identifiable group where such incitement is likely to lead to a breach of the peace.<sup>24</sup>

**Health Care Provider:** A regular health care provider is defined as a health professional that a person sees or talks to when they need care or advice about their health. This can include a family doctor or general practitioner, medical specialist, or nurse practitioner.<sup>25</sup>

**HRT:** Hormone therapy is the use of sex hormones to alter secondary sex characteristics. The hormone estrogen (often combined with other medications) can be used to feminize the body. The hormone testosterone can be used to masculinize the body. Either can be used in lower doses to achieve a more androgynous effect.<sup>26</sup>

**ID:** Any government document that includes your name, date of birth, photo and Signature that has been issued by a federal, provincial, territorial or state government authority, or the equivalent abroad. This includes: your Canadian passport, driver's licence (issued by a province or territory, or the equivalent), health card (issued by a province or territory, or the equivalent), Certificate of Indian Status, military ID, foreign passport, etc.<sup>27</sup>

**Indictable Offence:** The more serious category of offences, which generally have no minimum penalty but can carry sentences as severe as life imprisonment without possibility of parole for twenty-five years. Indictable offences are tried on an indictment and might have a preliminary inquiry. In most cases, an accused has an election as to mode of trial, though this is not the case for absolute jurisdiction offences or exclusive jurisdiction offences.<sup>28</sup>

**Infants Act:** Explains the legal position of children under the age of 19. Topics include duties and obligations of the public guardian and trustee of the child, medical treatment, infants' contracts, and other general areas including the refusal of consent by the public guardian, the leasing of land belonging to infants, and if a child has no guardian.<sup>29</sup>

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<sup>23</sup> <https://www2.gov.bc.ca/gov/content/justice/criminal-justice/bcs-criminal-justice-system/reporting-a-crime/what-is-a-crime/crime-examples/criminal-harassment>

<sup>24</sup> <https://laws-lois.justice.gc.ca/eng/acts/c-46/section-319.html>

<sup>25</sup> <https://www150.statcan.gc.ca/n1/pub/82-625-x/2019001/article/00001-eng.htm>

<sup>26</sup> <http://www.phsa.ca/transcarebc/hormones/hormone-therapy>

<sup>27</sup> <https://www.canada.ca/en/immigration-refugees-citizenship/services/canadian-passports/new-adult-passport/identity-documents.html#id-requirements>

<sup>28</sup> Criminal Procedure 4th edition, Steve Coughlan, <https://irwinlaw.com/cold/indictable-offence/>

<sup>29</sup> <https://www.healthlinkbc.ca/healthlinkbc-files/infants-act-mature-minor-consent-and-immunization>

**Legal Counsel:** means a member of the society, and includes a member of the governing body of the legal profession in another province or territory of Canada who is authorized to practise law in that province or territory.<sup>30</sup>

**Medical Practitioner:** a person who is skilled in the science of medicine, also known as a doctor.<sup>31</sup>

**Misgender:** When someone is addressed using the wrong gendered language. For example, saying “Mr. Jamie Williams introduced himself” when Jamie Williams is a woman and uses Ms. and she/her pronouns or is non-binary and uses Mx. and they/them pronouns. Mx. A gender-neutral or genderless title that some people use instead of Mr. or Ms. Pronounced like “mix.”<sup>32</sup>

**MSP:** The public health insurance in BC available to eligible residents, which includes Canadian citizens and permanent residents.

**Non-Binary:** An umbrella term used to describe gender identities that are not exclusively male or exclusively female. This includes those who identify as neither (“agender”) or a combination of genders. They/Them Gender-neutral pronouns that can be used in singular or plural form. In the singular, it is used when someone’s pronouns are unknown, by people whose gender identity may be transgender, non-binary or agender, or people who do not use gendered pronouns. Using they as a pronoun avoids assuming a person’s gender and misgendering. Transgender (or trans): An umbrella term used to describe people whose gender identity is different than, or doesn’t conform to, the norms prescribed for people of the sex they were assigned at birth, whether or not they have changed or plan to change their legal sex marker, and/or have gender affirming surgery or treatments.<sup>33</sup>

**OCI:** Office of the Correctional Investigator. The Office of the Correctional Investigator (OCI) is the ombudsman for federally sentenced offenders. The OCI provides independent oversight of the Correctional Service of Canada (CSC) by providing accessible, impartial and timely investigation of individual and systemic concerns. The OCI also helps CSC fulfill its mandate to support offender rehabilitation and maintain public safety by identifying issues of mutual concern in the federal correctional system.<sup>34</sup>

**Parole:** a conditional release of a prisoner serving an indeterminate or unexpired sentence.<sup>35</sup>

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<sup>30</sup> Legal Profession Act [SBC 1998] CHAPTER 9.

<sup>31</sup> <https://www.merriam-webster.com/dictionary/medical%20practitioner>

<sup>32</sup> [https://www.cbabc.org/CBAMediaLibrary/cba\\_bc/pdf/Resources/Gender\\_Inclusive\\_Pronouns\\_FAQ.pdf](https://www.cbabc.org/CBAMediaLibrary/cba_bc/pdf/Resources/Gender_Inclusive_Pronouns_FAQ.pdf)

<sup>33</sup> [https://gmunity.ca/wp-content/uploads/2019/06/Queer-Glossary\\_2019\\_02.pdf](https://gmunity.ca/wp-content/uploads/2019/06/Queer-Glossary_2019_02.pdf)

<sup>34</sup> <https://www.csc-scc.gc.ca/publications/005007-2800-en.shtml>

<sup>35</sup> <https://www.merriam-webster.com/dictionary/parole>

**Person of Authority:** a person who has authority over another person : a person who has the power to give orders or make decisions.<sup>36</sup>

The definition of “person in authority” typically refers to those formally engaged in the arrest, detention, examination or prosecution of the accused and so applies to police officers and prison officials or guards (R v Hodgson 1998 headnote)

**Physician or Doctor:** a qualified practitioner of medicine.

**Pronouns:** Commonly used pronouns in the English language include she/her, he/him, and they/them. They/them is used in the singular for both unknown and known individuals. For example, "Someone just left, but I didn't see who they were." and "Sam has just arrived, and they are ready for their appointment."<sup>37</sup>

**Provincial Prison:** *prison* includes a penitentiary, common jail, public or reformatory prison, lock-up, guard-room or other place in which persons who are charged with or convicted of offences are usually kept in custody; (*prison*).<sup>38</sup>

B.C. Corrections helps keep British Columbians safe by managing adults who are in custody or under community supervision. Community Corrections - manages probation offices across B.C. that provide programs to support offenders and supervise court ordered community supervision orders. Adult Custody - manages correctional centres, with varying levels of security and control. These centres hold offenders serving sentences of less than two years. They are also used to keep offenders while they await trial, transfer to a federal correctional centre or who are detained for immigration purposes.<sup>39</sup>

**RCMP:** Royal Canadian Mounted Police. For nearly 150 years, the Royal Canadian Mounted Police (RCMP) has been Canada's national police service.<sup>40</sup>

**Search Incident to Arrest:** The power of a police officer to search a person who has been arrested. The arrest must have been lawful; the search must be for some purpose related to that arrest and must be conducted reasonably. No separate reasonable grounds are necessary to conduct the search, which is justified if the arrest itself was lawful.<sup>41</sup>

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<sup>36</sup> <https://www.merriam-webster.com/dictionary/figure%20of%20authority>

<sup>37</sup> <http://www.phsa.ca/transcarebc/trans-basics/glossary#entryT>

<sup>38</sup> <https://laws-lois.justice.gc.ca/eng/acts/c-46/page-1.html#h-115011>

<sup>39</sup> <https://www2.gov.bc.ca/gov/content/justice/criminal-justice/bcs-criminal-justice-system/understanding-criminal-justice/key-parts/corrections/provincial-and-federal-corrections-agencies#:~:text=Provincial%20Corrections&text=These%20centres%20hold%20offenders%20serving,are%20detained%20for%20immigration%20purposes>

<sup>40</sup> <https://www.rcmp-grc.gc.ca/en/about-rcmp>

<sup>41</sup> Criminal Procedure 4th Edition authored by Steve Coughlan, published by Irwin Law Inc, May 11, 2020.

**Sex segregated facility:** divided in facilities or administered separately for members of different groups, such as biological sex.<sup>42</sup>

**State-actor:** a state actor is a person acting on behalf of a governmental body, such as a police officer.<sup>43</sup>

**Transgender:** Transgender, frequently abbreviated to ‘trans’ or ‘trans\*’ (the asterisk was intended to actively include non-binary and/or non-static gender identities such as genderqueer and genderfluid, but has fallen out of frequent use throughout the 2010s) is an umbrella term for a wide range of experiences and identities for people whose gender does not match with the gender they were assigned at birth. Identifying as trans is something that can only be decided by an individual for themselves and does not depend on criteria such as surgery or hormone treatment status.<sup>44</sup>

**Transition/Medical Transition:** Refers to the process during which trans people may change their gender expression and/or bodies to reflect their gender, including changes in physical appearance (hairstyle, clothing), behaviour (mannerisms, voice, gender roles), identification (name, pronoun, legal details), and/or medical interventions (hormone therapy, gender-affirming surgery).<sup>45</sup>

**Warrant:** a document issued by a legal or government official authorizing the police or some other body to make an arrest, search premises, or carry out some other action relating to the administration of justice.<sup>46</sup>

**Ze/zir:** A pronoun used instead of they/them. Ze sounds like “zee.” Zir sounds like “zere,” rhymes with “here.”<sup>47</sup>

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<sup>42</sup> <https://www.merriam-webster.com/dictionary/segregated>

<sup>43</sup> <https://www.definitions.net/definition/state+actor>

<sup>44</sup> [https://qmunity.ca/wp-content/uploads/2019/06/Queer-Glossary\\_2019\\_02.pdf](https://qmunity.ca/wp-content/uploads/2019/06/Queer-Glossary_2019_02.pdf)

<sup>45</sup> <http://www.phsa.ca/transcarebc/trans-basics/glossary#entryT>

<sup>46</sup> <https://www.google.com/search?q=warrant+definition&oq=warrant+definition&aqs=chrome..69i57j0l6j69i60.3304j1j7&sourceid=chrome&ie=UTF-8>

<sup>47</sup> [https://www.cbabc.org/CBAMediaLibrary/cba\\_bc/pdf/Resources/Gender\\_Inclusive\\_Pronouns\\_FAQ.pdf](https://www.cbabc.org/CBAMediaLibrary/cba_bc/pdf/Resources/Gender_Inclusive_Pronouns_FAQ.pdf)

# DEFINITIONS FOR SURGICAL GENDER-AFFIRMING PROCEDURES

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## *Feminizing Procedures*

- **Breast construction:** is a gender-affirming, feminizing, upper body surgery that creates or enlarges one's breasts.<sup>48</sup>
- **Orchiectomy:** is a gender affirming lower body surgery that removes the gonads (testes) and spermatic cord. It can be done with or without scrotoectomy (removal of scrotal sac).<sup>49</sup>
- **Vaginoplasty:** is a gender-affirming, feminizing, lower body surgery that creates a vagina and vulva (including a mons, labia, clitoris and urethral opening) and removes and inverts the erectile tissue (penis), gonads (testes) and external genital (scrotal sac).<sup>50</sup>
- **Vulvoplasty:** is a gender-affirming, lower body surgery that creates the vulva (including mons, labia, clitoris, and urethral opening) and removal of penis, scrotum, and testes.<sup>51</sup>

## *Masculinizing Procedures*

- **Chest masculinization (mastectomy, also called top surgery):** is a gender-affirming, upper body surgery that removes unwanted chest (breast) tissue and sculpts the remaining tissue into a flatter shape. Chest construction is a term that refers to both chest reduction surgery (procedure to reduce the amount of chest tissue) and full bilateral mastectomy.<sup>52</sup>
- **Metoidioplasty:** is a gender-affirming lower body surgery that creates a penis by cutting ligaments around the erectile tissue (clitoris) to release it from the pubis and give the shaft more length (4 to 6 cm).<sup>53</sup>
- **Clitoral release:** is a gender-affirming, lower body surgery that creates a penis by cutting ligaments around the erectile tissue (clitoris) that has been enlarged by testosterone to release it from the pubis

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<sup>48</sup> <http://www.phsa.ca/transcarebc/surgery/gen-affirming/feminizing#:~:text=Feminizing%20surgeries%20are%20gender%2Daffirming,gender%20identity%20or%20gender%20expression>.

<sup>49</sup> <http://www.phsa.ca/transcarebc/surgery/gen-affirming/feminizing#:~:text=Feminizing%20surgeries%20are%20gender%2Daffirming,gender%20identity%20or%20gender%20expression>.

<sup>50</sup> <http://www.phsa.ca/transcarebc/surgery/gen-affirming/feminizing#:~:text=Feminizing%20surgeries%20are%20gender%2Daffirming,gender%20identity%20or%20gender%20expression>.

<sup>51</sup> <http://www.phsa.ca/transcarebc/surgery/gen-affirming/feminizing#:~:text=Feminizing%20surgeries%20are%20gender%2Daffirming,gender%20identity%20or%20gender%20expression>.

<sup>52</sup> <http://www.phsa.ca/transcarebc/surgery/gen-affirming/masculinizing>

<sup>53</sup> <http://www.phsa.ca/transcarebc/surgery/gen-affirming/masculinizing>

and give the shaft more length (4 to 6 cm). A scrotum can be created from the labia. Testicular implants can be inserted in the scrotum in a separate surgery, months later.<sup>54</sup>

- **Phalloplasty:** is a gender-affirming lower body surgery that takes place over multiples surgeries. These procedures create a penis and scrotal sac, testicular and penile implants.<sup>55</sup>
- **Hysterectomy with bilateral salpingo-oophorectomy:** are two gender-affirming lower body surgeries. Hysterectomy removes all or part of the uterus and sometimes the reproductive organs (ovaries or fallopian tubes). Oophorectomy removes one or both of the ovaries.<sup>56</sup>
- **Penile and testicular implant surgery:** The insertion of the penile implant is a surgical procedure during which the implant is inserted into the phallus that was formed during your phalloplasty. The insertion of a testicular implant or implants is a procedure that involves inserting 1 or 2 gel-filled testicular implants into the scrotum. The insertion provide the genitals with a more masculine appearance.<sup>57</sup>

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<sup>54</sup> <http://www.phsa.ca/transcarebc/surgery/gen-affirming/masculinizing>

<sup>55</sup> <http://www.phsa.ca/transcarebc/surgery/gen-affirming/masculinizing>

<sup>56</sup> <http://www.phsa.ca/transcarebc/surgery/gen-affirming/masculinizing>

<sup>57</sup> <https://www.grsmontreal.com/en/surgeries/female-to-male-ftm-ftx.html>