



transrightsbcc.ca

HARASSMENT AND VIOLENCE

Trans people in British Columbia have:

The right to live free from **harassment**. This means people cannot cause a general disturbance by yelling or swearing at us while we are out in public. People cannot threaten us with death or bodily harm. People cannot touch us to try to confirm our sex or gender. People cannot follow us, spy on us, or harass us by phone or email to the point where it is reasonable to fear for our personal safety or the safety of someone we love.

The right to live free from **violence**. This means people cannot beat us up or cause us any kind of physical harm.

Specifically, the right to live free from **sexual assault**. People cannot kiss us, have oral, anal, or vaginal sex with us, or touch us in a sexual way without our consent. This includes times when we cannot give our consent, for example due to drug or alcohol use. It does not matter if the person is our romantic partner or spouse.

The right to live free from **intimate partner abuse**.

Activist Spotlight

Trans women involved in street level sex work face high rates of violence and harassment. At a time when few agencies were willing to serve trans women, Sandra Laframboise (featured above) was instrumental in creating *The High Risk Project*. This program provided safe space and wellness services to HIV+ trans women involved in street level sex work in Vancouver's Downtown Eastside. Visit our website to find out more about Sandra's many contributions to trans and Two-Spirit communities.

Good to Know: *There is no such thing as a 'trans panic' defense which would justify the use of force against us because someone is uncomfortable speaking to or being approached by a trans person. This includes if a person discovers during a sexual encounter that our genitals are not what they expected to find.*

How can you stand up for your rights if someone physically assaults you?

Reasons to sue include mental injury, physical injury, or lost wages because you have to take time off work.

1. Try to **remove yourself** from the situation or **talk the person down**.
2. **If necessary, defend yourself.** The Criminal Code allows you to use force to protect yourself or another person from physical assault so long as you act reasonably. To learn about how 'reasonable force' is determined, please see the *Harassment & Violence* section of www.transrightsbc.ca. If you are being assaulted by a police officer, it may be better to strategically submit in order to save your life.
3. You can **report the crime to the police**. See the *Take Action* section of our website. If there is evidence that the assault was motivated by bias, prejudice, or hate against trans people, the judge must take that into account in sentencing the criminal and this should lead to a harsher sentence.
4. You can get a **peace bond**. A peace bond is a set of conditions from a judge that one person must follow, for the protection of another person. Most often, they require one person to have limited or no contact with the person being protected. It is illegal for someone not to follow the orders of a peace bond. You apply for a peace bond by calling the police. You do not need a lawyer, but it is recommended.
5. You can **sue in civil court** alone or with the help of a lawyer. Examples of reasons to sue include mental injury, physical injury, or lost wages because you have to take time off work. If you win, your attacker will have to pay you compensation.
6. If you experienced violence or harassment from someone like a doctor, lawyer, or other professional, you may be able to **report them to their professional licensing body** to prevent them from mistreating trans people in the future.
7. If you were harassed or assaulted because you are trans at work, where you are renting, or while you are obtaining a public service (for example, in a restaurant) you can **file a human rights complaint**. The employer/landlord/owner is legally responsible for the actions of their employees/other tenants/ service providers, even if they had nothing to do with the assault itself. Whenever you file a human rights complaint, you have to be able to prove that the treatment was because you are trans.

Reporting a Crime

Trans people often report that their concerns are not investigated properly or that they are not treated respectfully by police. This is especially true if the trans person is also Aboriginal, a person of colour, or a sex worker. Being involved in the criminal justice process can be long and emotionally difficult. These factors can make it difficult to report a crime.

At the same time, reporting a crime has benefits. You can get protection from further harassment or violence from your attacker. Also, your attacker may be less likely to victimize other people if their actions have consequences.

You may wish to discuss your concerns and options with a victim service worker at **VictimLinkBC**.

If you decide to report a crime:

- 1. Call the police or go to the police station in person.** Call 911 from most areas in BC if you are in immediate danger. Otherwise, you can find the phone number of your community police station in the phonebook or online. You can also have someone you trust call the police on your behalf.
- 2. Keep detailed records about what happened to you.** Write down the time, date, location, who was there, and all of the specific details you can remember about what happened. Not only do these details help the police investigate and increase the likelihood that your attacker will be found and convicted, they also increase the likelihood that your complaint will be taken seriously.
- 3. Keep notes about the case number and the name of the officer you spoke with.** If you have any questions or concerns, it will be easiest to talk to the same officer. Also, if you need to file a complaint about the officer, you will know their name.
- 4. If the police do not treat you respectfully or do not take your complaint seriously, file a police complaint.** For help filing a complaint against the police, call the BC Civil Liberties Association at 1-866-731-7507.

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Immediate Support

- **VictimLink BC** has a phone line staffed by victim services workers who can refer you to the appropriate resources and let you know if there are any benefits available to you under the Crime Victim Assistance Program. Call 1-800-563-0808.
- **The Ending Violence Association of BC** has a listing of anti-violence services at endingviolence.org.

For information on organizations and resources that can help you stand up for your rights, please visit transrightsbc.ca

The Catherine White Holman Wellness Centre and the VCH Transgender Health Information Program produced this document as general legal information. It was reviewed by The Law Office of Barbara Findlay, QC and is current as of July 2015. It is not legal advice, as each situation is unique.