



THE CANADIAN CENTRE FOR  
**GENDER+SEXUAL  
DIVERSITY**



LE CENTRE CANADIEN DE LA  
**DIVERSITÉ DES GENRES  
+ DE LA SEXUALITÉ**

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**La journée rose** (13 avril, 2016) | **The Day of Pink** (April 13, 2016)  
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## **Draft Addressing the history of discrimination by the Government of Canada against LGBTQ2S+ persons**

### **The Centre for Gender & Sexual Diversity**

The Canadian Centre for Gender and Sexual Diversity (CCGSD) intersectionally promotes diversity in gender identity, gender expression, and romantic and/or sexual orientation in all of its forms on a national level through services in the areas of education, health, and advocacy. Our resources and programming can be used to uplift gender and sexual minorities, as well as give the appropriate tools to wider populations in building allyship.

As a leader in anti-discrimination work, the CCGSD runs programming all over Canada and the United States. With the help of our hundreds of volunteers, we are able to reach over 250,000 people annually. We are also a proud leader in the International Day of Pink (DayOfPink.org), which encourages millions of people in wearing pink and to run programs that stand up to bullying. We encourage you to find out more about CCGSD & the International Day of Pink, and get involved in helping your community become a safer and more diverse environment.

The Centre for Gender & Sexual Diversity has been a long time advocate of a formal apology from the Government of Canada addressing the discrimination against LGBTQ2S+ persons. Since speaking at a parliamentary committee on marriage in 2005, the CCGSD has consistently lobbied Prime Ministers, Ministers of Heritage and Ministers of Justice. We also took direct action through our Pride Parliament Policy and Legislation Panel (Oct 2016) and the release of our PINK Agenda (June 2017).

### **Document Notes**

We would like to begin by acknowledging that this document is being presented on unceded Algonquin territory to Member of Parliament for Edmonton-Centre (Randy Boissonnault) in his capacity as Special Advisor to the Prime Minister on LGBTQ2S+ Issues, and the Advisory Council tasked with consulting for the federal government's apology for the discrimination faced by LGBTQ2S+ individuals, their families, and communities in Canada.

Due to the short timeline of submissions, the Centre for Gender & Sexual Diversity acknowledges that this document is incomplete. As such, we invite individuals, organizations, and groups to add to this document by completing the CCGSD's Apology



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Consultation survey ([ccgsd-ccdgs.org/apology](http://ccgsd-ccdgs.org/apology)). The document is open to the public until November 16, 2017 at 5pm and will then be submitted to the federal government on Nov 17, 2017. The document has been designed to make it easy for all persons to engage in this process and ensure that their voices are heard.

This document has been organized into 3 sections:

1. What we feel is required for a successful apology;
2. Responses to the first two the questions shared by the LGBTQ2 Secretariat;
3. And responses to the last two questions shared by the LGBTQ2 Secretariat.

It also draws heavily on the CCGSD's Pink Agenda that was published in June 2017 and outlines the CCGSD's position on many critical issues ([ccgsd-ccdgs.org/agenda/](http://ccgsd-ccdgs.org/agenda/)).

We would like to also draw attention to the following documents:

- **The We Demand an Apology Network's:** *Points needed in an official, public, state apology; and the June 2016 submission to the government*
- **Egale Canada Human Rights Trust's:** *The Just Society Report*

These documents paint a clear picture of what is needed in the apology, and we stand in solidarity with both documents. Please read these documents at: [ccgsd-ccdgs.org/apology](http://ccgsd-ccdgs.org/apology).

Lastly, we would like to acknowledge the legacy of advocacy work that has led us to this point. Many activists and persons have worked tirelessly for a government apology to LGBTQ2S+ persons, and we honour their history. We would like to give a special thank you to our team (especially those who shared personal experiences) and to those who created this document.

### **What we feel is required for a successful apology:**

**We believe that process to drafting the apology should be open and transparent.**

**This means that:**

- A step-by-step process drafting the apology should be made available online to the public.
- An official invitation sent to groups affected by the apology to consult on and provide feedback for the drafting of the apology. The consultation and feedback mechanism should be available on a Government of Canada website, with appropriate advertising of this resource in LGBTQ2S+ media and organizations. An accessible option for those who do not have access to the Internet should also be available.
- The Government of Canada shares the full list of stakeholders that have been consulted, both internal to government, and external (with exceptions of those who need to remain confidential). Note: We seek this information so that it can be ensured that ALL individual and group stakeholders have been consulted, and that none have been excluded.
- The Government of Canada release any and all documentation about the purge campaign and other endeavors that targeted, marginalized and violated the rights



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of LGBTQ2S people (colonization, bathhouse raids, the fruit machine, anti-HIV persons campaigns...). Such a release should include any collaboration with provincial governments, territorial governments, municipal governments, Indigenous governments, unions, and religious groups.

- The Government of Canada demonstrates how they are working across Turtle Island (in a non-partisan manner) to engage all political parties in contributing to the apology. We strongly recommend that the process and the draft of the apology be discussed at the Standing Committee on Justice & Human Rights.
- The Government of Canada share a draft of the apology with all those consulted to ensure they feel reflected in the apology, and hear feedback before releasing it publicly to ensure it is the best it can be.
- That the Government of Canada inform Canadians, First Nations, Métis and Inuit of the date and location the apology will be delivered 3 weeks in advance to allow those wishing to attend the time they need to make any necessary arrangements (travel, time off work, manage family, health or any other commitments, requirements or obligations). We ask that a fund be created to subsidize lower & limited income persons to travel and that access to such fund be determined on case by case basis, rather than an income-based cut-off (i.e., if a single parent of three children earns \$60 000/year, they may still qualify for funding to attend from Vancouver, with their children). We also ask that the apology be broadcast online and filmed for later viewing.

**Question 1: From your perspective, why should the Government of Canada apologize to LGBTQ2S people? And Question 2: Are there specific examples of wrongs that you feel should be addressed?**

**We believe that the Government of Canada should apologize to LGBTQ2S people for the following reasons:**

- The colonization and introduction of heterosexism, cissexism, and transmisogyny to Turtle Island (North America). This includes the impacts of what is known as “first contacts”, the exploitation of Indigenous peoples, the genocide of Indigenous persons, the cultural genocide of Indigenous persons, the forced displacement of Indigenous persons, the impacts of Residential School Systems, the impacts of the 60s Scoop, the impacts on Métis persons, the impacts on Inuit persons, and the ongoing binary and hetero-centric approach to working with Indigenous persons.
- The colonization and introduction of heterosexism, cissexism, and transmisogyny into other Commonwealth countries. This has resulted in the criminalization, oppression, violence and murder of many LGBTQ2S+ persons. Canada must accept responsibility for the role it has played in these atrocities and commit to supporting positive change internationally.
- The persecution and active efforts to criminalize Canadians for private and public sexual offences. The role of the Canadian government through its federal agencies (RCMP, military, and others), as well as its role in supporting (formally and informally) provincial, and municipal governments
- The persecution and active efforts to criminalize Canadians for private and public sexual offences in Indigenous communities. And specifically the federal government’s role in creating the band council governance system to replace



traditional and cultural indigenous governance systems and putting in place persons who have had a serious, detrimental effect on LGBTQ2S persons, two-spirit persons in particular.

- And, as the architect of these state-sponsored harms caused to LGBTQ2S persons, the Government of Canada has also contributed to the social codification of heterosexism, cissexism and transmisogyny in many public and private institutions.
- The ongoing prosecutorial use of repealed provisions and government policy to criminalize 'historic' consensual behavior. This needs to be formally apologized for and stopped.
- The federal government's role in the disappeared women with trans-spectrum lived experiences in the 80s.
- The role the federal government in the criminalization of persons living with HIV in Canada.
- The role the federal government in the criminalization of those engaged in sex work.
- The role the federal government played in the bathhouse raids in Canada. The federal government should disclose the role it played in bathhouse raids in Canada. This includes incidents Toronto raids, Truxx, pre-Olympic cleanup in Montreal, Edmonton and many others. The federal government played both an active (through the Criminal Code) and as a bystander (in allowing regional and local police forces to actively harm LGBTQ2S+ persons. The government should review the Criminal Code to ensure that it reflects equality and the human rights of LGBTQ2S people, and work to educate law enforcement and criminal justice players. There should also be a full repeal the bawdyhouse section, acts of indecency section, and any other provisions.
- The role the federal government played in the HIV Crisis, and its ongoing relationship in not having a strong LGBTQ2S+ health strategy that works to address high rates of STBIs and other public health concerns amongst LGBTQ2S+ individuals.
- The role the federal government played in the oppression and murder of LGBTQ2S+ people in the Holocaust, and other genocides. Moreover, they must acknowledge that by not providing a safe refugee, many lost their lives.
- The role the government played in the public service. This included the deliberate and sanctioned efforts to identify, persecute and terminate employment of LGBTQ2S+ individuals in the public service, including the purge campaigns.  
**Please refer to The We Demand an Apology Network's: *Points needed in an official, public.***
- The role the government played in the military. This included the discharge and efforts to not hire LGBTQ2S+ people. **The We Demand an Apology Network's: *Points needed in an official, public.***
- It should be noted that the federal government wasted funds on the Fruit Machine and other such endeavors to hurt and criminalize LGBTQ2S+ persons.
- The surveillance of LGBTQ2S+ individuals. The federal government must disclose to what extent agencies tracked (or continue to track) LGBTQ2S+ persons. This includes the tracking of persons, organizations, social activities, and activist activities. It also includes the collection by federal agencies of confidential information. The release of such information to the individuals concerned and the



subsequent destruction of those records.

- The ongoing discrimination of LGBTQ2S+ blood and organs donations from the national supply. The government must acknowledge that the exclusion of LGBTQ2S+ blood and organs donation was a decision made out of discrimination (not evidence based).
- A lack of a comprehensive LGBTQ2S+ Health Strategy. The government must acknowledge that the lack of a national LGBTQ2S+ Health Strategy has severely disenfranchised LGBTQ2S+ persons, leading to higher health risks and poorer health. This includes a lack of access for trans and non binary health care in many provinces and territories, and increased risk by not supporting harm-reduction initiatives (safer injection sites, PrEP, anti-smoking). This should also include the awareness that health care funding still funds anti-LGBTQ2S+ initiatives like conversion therapy.
- The attack on LGBTQ2S+ culture. This includes the efforts by the federal government to deny material to Little Sisters' Bookstore & Glad Day Bookshop, the attack on the Body Politic and other LGBTQ2S+ news organizations, no or limited funding to LGBTQ2S+ organization and festivals, and a lack of fostering LGBTQ2S+ groups. This effort at state censorship, and how obscenity legislation and customs provisions were used to portray LGBTQ2S+ persons as morally 'obscene' and 'indecent' has had deep cultural, social and institutional effects in creating heterosexism, cissexism and transmisogyny.
- The delay in offering the apology. The government must recognize that many organizations and individuals have requested an apology for a long time, and that the delay has extended the trauma. Moreover, many people affected have since passed on, and will never hear the apology.
- The attack on LGBTQ2S+ held us back. The attack by the state on LGBTQ2S+ persons have held us back from the true potential we could have achieved collectively. By constantly having to fight the state for basic rights and acknowledgement, funds and resources were lost that could have been used to grow and support healthy communities.
- This is an intersectional issue. The government must acknowledge that the intersection of violence toward other communities (women, people of colour, Indigenous, disAbility, and others) intersect with the LGBTQ2S+ communities that their oppression is compounded. The apology must also recognize those who have been historically left out on the basis of race, colonialism, gender, sexual orientation, HIV status, ability, age, poverty, class and other identities.
- The pain and humiliation LGBTQ2S+ people have experienced. This is fundamentally a human experience of being disrespected by the state. There must be clear acknowledgement of this emotional side.



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**Question 3: What actions can the Government of Canada undertake in order to promote awareness of this issues LGBTQ2S people have faced and foster understanding going forward? And Question 4: What can the Government of Canada do to demonstrate ongoing commitment to promoting equality for LGBTQ2S people?**

**We believe that a successful apology will not just be words:**

- We believe that a successful apology will shine a light on the past, and help offer a direction for moving forward. This includes anti-LGBTQ2S campaigns sanctioned by the highest levels of government.
- We believe it is critical for the government to adopt an LGBTQ2S+ lens by which decision, policy and legislation is developed and reviewed, to ensure that LGBTQ2S+ communities are supported and part of our journey moving forward. This includes the paid consultation of LGBTQ2S+ organization as legislation is developed or amended, in the creation of the federal budget, in the creation of departmental and ministerial priorities, and in the speech from the throne.
- A commitment to never allow anti-LGBTQ2S+ campaigns to continue or be developed. This should also include resources that will allow individuals and organization to bring forward concerns to be formally reviewed and revised. It also includes the immediate defunding of organizations that promote and provide conversion therapy. As well as the creation of a bill that outlaws conversion therapy as cruel and unusual. And, an immediate defunding of any organization (Canadian or International) that has anti-LGBTQ2S+ values, and-or works to hurt LGBTQ2S+ persons.
- A means by which LGBTQ2S+ history is acknowledged and celebrated. This should include greater funding to LGBTQ2S+ research, cultural activities, archives, and historical projects. It should also include a memorialization or commemoration.
- Efforts to proactively support and foster anti-heterosexism, anti-cissexism, and anti-transmisogyny training in the public service. This should also include efforts to celebrate LGBTQ2S+ cultures and communities.
- Mandatory LGBTQ2S+ court training, criminal justice service providers training, RCMP and other state agency training to understand the new relationships between LGBTQ2S persons and the state.
- A full expungement of criminal records and clearing of federal documents where LGBTQ2S+ person are inappropriately identified or criminalized for being LGBTQ2S+. Individual public apologies from prosecuting governments as well a fund set up to provide financial redress for human rights infringements.
- A change to how international funding is provided, notably not providing funding to agencies that have or act in a manner that is heterosexist, cissexist or transmisogynistic.
- Moreover, international relations should always include efforts to support regional and international LGBTQ2S+ persons (especially those who experience state sponsored oppression) by advocating internationally, enhancing funding to Canadian organization and local organizations who support LGBTQ2S+ persons, and supporting refugees who wish to seek refuge in Canada. This should include support for queer and trans people who have been refused status – the need for sanctuary cities and provinces, and resources to make it easier for all refugees and migrants to enter the country. This will require training for federal government staff



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to ensure they are able to support queer and trans refugees. International relations should also include a refusal of economic support and agreements with countries that have the death penalty for LGBTQ2S people.

- The enhancement of the LGBTQ2S+ Secretariat to include representation from all government ministries, so as to enhance their ability to work across agencies and departments.
- A full review of current legislation to ensure that LGBTQ2S+ persons are respected. Notably changes to support the newly identified needs of Intersex persons.
- A reversal of the blood and organ ban that discriminates against LGBTQ2S+ persons from donating.
- Release all state documents in a non-redacted state related to the oppression of LGBTQ2S+ persons, so that we might truly understand the role of the state in the oppression of our communities.
- An end to the criminalization of HIV and sex work.
- Also national guidelines for access to hormone therapy and assisted puberty (gender confirming) health services.
- National guidelines for the acknowledgement of more than two genders.
- Canada must start actively advocating for a UN declaration on the rights of LGBTQ2S people.
- The adopting the policies and legislations proposed in the CCGSD's Pink Agenda, and the promotion of the Pink Agenda to other agencies, and provincial, territorial, municipal and Indigenous governments.
- And finally, give LGBTQ2S+ persons (especially those personally affected) the time and space to review the apology, and a mechanism by which they can continue to identify opportunities for positive changes.