

TIMELINE ON CANADA'S QUEER RIGHTS

Information taken from Religious Tolerance Org:Ontario's Religious Consultants
<http://www.religioustolerance.org> and From CBC On-line www.cbc.ca

Important milestones in lesbian/gay/bisexual rights in Canada:

1965: Everett Klippert was arrested. He acknowledged to the police that he has been gay for 24 years and is unlikely to change. Two years later, he was sentenced to an indefinitely long term in prison as a "*dangerous sex offender*."

1967: Reviewing Klippert's case, the *Supreme Court of Canada* upheld a lower court ruling that mandated life imprisonment as the maximum penalty for homosexual behavior.

1967: Within a few weeks of the Court's decision, Attorney General Pierre Trudeau introduced bill C-150 to Parliament to liberalize the *Canadian Criminal Code*. One aim of the amendments was to decriminalize homosexual behavior between adults. He commented:

"It's bringing the laws of the land up to contemporary society I think. Take this thing on homosexuality. I think the view we take here is that there's no place for the state in the bedrooms of the nation. I think that what's done in private between adults doesn't concern the Criminal Code. When it becomes public this is a different matter, or when it relates to minors this is a different matter."

The "*bedrooms of the nation*" expression was actually borrowed from an editorial in the *Globe and Mail* newspaper by Martin O'Malley, dated 1967-DEC-12.

1968: Trudeau's amendments to the Criminal Code become law.

1969-MAY-14: C-150 permitting any consensual sexual activity by a maximum of two adults was decriminalized was signed into law.

1971: Everett Klippert was released from prison.

1977: Quebec became the first province in Canada to include sexual orientation in its Human Rights Act. Discrimination against heterosexuals, homosexuals and bisexuals was prohibited.

1978: The *Canadian Immigration Act* was altered so that it no longer prohibited homosexuals from immigrating into the country.

1978-JAN - The Pink Triangle Press (now publisher of Xtra magazine) is charged with "possession of obscene material for the purpose of distribution" and "the use of mails for the purpose of transmitting anything that is obscene, indecent or scurrilous" for publishing an article titled "Men Loving Boys Loving Men" in the Dec. 1977/Jan. 1978 issue of *The Body Politic*.

After almost six years in the courts, including two trials, the case is finally resolved when on Oct. 15, 1983 the deadline passes for the Crown to appeal the second court acquittal. (In the first trial, The Pink Triangle Press had also won an acquittal but upon appeal the Crown won a retrial.) The case results in an important precedent. On June 15, 1982, Judge Thomas

Mercer, the judge for the second trial, rules that the article "does, in fact, advocate pedophilia," but says, "It is perfectly legal to advocate what in itself would be unacceptable to most Canadians."

1979: The *Canadian Human Rights Commission* recommended that "*sexual orientation*" be added to the *Canadian Human Rights Act*.

1980: Pat Carney introduces a bill to Parliament to prohibit discrimination against homosexuals, bisexuals and homosexuals by adding "*sexual orientation*" to the *Canadian Human Rights Act*. It failed to pass. Svend Robinson introduced similar bills in 1983, 1985, 1986, 1989, and 1991. None succeeded.

1981: *Toronto City Council* called on the Ontario government to amend the *Ontario Human*

1981-FEB-6: Canada's "Stonewall:" About 3,000 people in Toronto marched to protest the arrest of more than 300 men at four gay bath houses on the previous night. *Rights Code* to include sexual orientation as a prohibited ground of discrimination.

1982: The *Canadian Charter of Rights and Freedoms*, Canada's constitution, was approved. It defined many protected classes based on race, sex, religion, etc. However, sexual orientation was not initially included.

1985-OCT The Parliamentary Committee on Equality Rights releases a report titled "Equality for All." The committee writes about by the high level of discriminatory treatment of homosexuals in Canada and the Committee recommends that the *Canadian Human Rights Act* be changed to make it illegal to discriminate based on sexual orientation.

In March 1986, the government responds to the report in a paper titled "Toward Equality" in which it writes "the government will take whatever measures are necessary to ensure that sexual orientation is a prohibited ground of discrimination in relation to all areas of federal jurisdiction."

1986: The *Ontario Human Rights Code* was amended to include sexual orientation as a protected class. Ontario is the most populous province in Canada. It was the second province to do so.

1987: Manitoba became the third province to add sexual orientation to its human rights code.

1988: Svend Robinson became the first Member of Parliament to reveal that he is gay. In 2000, the B.C. riding of Burnaby-Douglas (though its borders have changed) elected Robinson for the eighth time.

1989: The *Canadian Human Rights Commission* ruled that same-sex couples, and their children should be considered a family.

1991: Delwin Vriend was fired by *King's University College* in Edmonton, AB, because his sexual orientation was regarded as incompatible with the religious beliefs of the *Christian Reformed Church* who owned and operated the school. He taught chemistry as a lab instructor.

1992-AUG - In *Haig and Birch v. Canada*, the Ontario Court of Appeal rules that the failure to include sexual orientation in the Canadian Human Rights Act is discriminatory. Federal Justice Minister Kim Campbell responds to the decision by announcing the government would take the necessary steps to include sexual orientation in the Canadian Human Rights Act.

1992: The military lifted its previous ban of promotions, postings and career training for homosexuals, as a result of a lawsuit initiated by Captain Joshua Birch and others.

1992: New Brunswick and British Columbia made sexual orientation a protected classification.

1992-DEC- Justice Minister Kim Campbell introduces Bill C-108 that would add "sexual orientation" to the Canadian Human Rights Act. But the act, which would also restrict the definition of "marital status" to opposite-sex couples, doesn't pass first reading. On June 3, 1993, the Senate passes Bill S-15, another attempt at adding "sexual orientation" to the Canadian Human Rights Act, but the bill doesn't make it to the House of Commons because Parliament is dissolved for the federal election.

1993: Saskatchewan made sexual orientation a protected class.

1993: The *Supreme Court of Canada* ruled that it was not discrimination to deny bereavement leave to a partner in a same-sex relationship. The case isn't a complete loss to homosexuals though. Two of the judges find the term "family status" was broad enough to include same-sex couples living together in a long-term relationship. The Supreme Court also notes that if Section 15 of the Charter of Rights and Freedoms had been argued, the ruling might have been different.

1995: The Province of Ontario extended family benefits to its gay and lesbian employees in same-sex relationships.

1995: Jim Egan and Jack Nesbit, two gay men who sued Ottawa for the right to claim a spousal pension under the Old Age Security Act goes to court. The Court rules against Egan and Nesbit. However, all nine judges agree that sexual orientation is a protected ground and that protection extends to partnerships of lesbians and gay men. The *Supreme Court of Canada* ruled in *Egan v. Canada* that the term "sexual orientation" was to be "read in" to Section 15 of the *Canadian Charter of Rights and Freedoms*.

1995: An Ontario Court judge ruled that same-sex couples must be allowed to bring joint applications for adoption. The judge rules that four lesbians have the right to adopt their

partners' children. Ontario becomes the first province to make it legal for same-sex couples to adopt. British Columbia, Alberta and Nova Scotia follow suit, also allowing adoption by same-sex couples. Other provinces are looking into the issue.

1996: Bill C-33 passed in the Federal Parliament. The term "*sexual orientation*" was added to the *Federal Human Rights Act* as a protected class.

1997: Newfoundland added sexual orientation to its human rights legislation.

1998: The Delwin Vriend case was decided by the Supreme Court of Canada. In a unanimous decision, the court orders that the *Alberta Individual Rights Protection Act* (now called the *Human Rights, Citizenship and Multiculturalism Act*) is to be interpreted as including protection of homosexuals.

1998: Prince Edward Island's human rights legislation was changed to include sexual orientation -- the last province to do so. Seven years later, they were to become the last province to allow same-sex couples to marry.

1999: The *House of Commons* overwhelmingly passed a resolution -- 216 to 55 -- to define marriage as a union of one man and one woman.

1999: In the "*M v. H*" case, the *Supreme Court of Canada* ruled that same-sex couples were to have the same rights as opposite-sex unmarried common-law couples. This includes the right to alimony. Responding to this case, the Ontario Legislature introduced Bill 5 to alter more than 50 provincial laws and outlawed discrimination in the province against same-sex couples. The Court determined that same-sex couples should be treated in the same manner as heterosexual common-law couples.

2000: The Federal government passed omnibus bill C23 which amended 68 federal statutes to extend full benefits and obligations to persons in same-sex relationships. One significant exclusion was their right to marry.

2000: The government of Alberta passed Bill 202 which states that the province will use the [notwithstanding clause](#) to refuse marriage to same-sex couples in the event a court decides in favor of it. The bill is however meaningless, because only the federal government, not the provincial and territorial governments, defines who may marry.

2000- DEC: Rev. Brent Hawkes of the Metropolitan Community Church in Toronto reads the first "banns" -- an old Christian tradition of publishing or giving public notice of people's intent to marry -- for two same-sex couples. Hawkes says that if the banns are read on three Sundays before the wedding, he can legally marry the couples. The reading of banns is meant to be an opportunity for anyone who might oppose a wedding to come forward with objections before the ceremony. No one comes forward on the first Sunday but the next week two people stand up to object, including Rev. Ken Campbell who calls the procedure "lawless and Godless." Hawkes dismisses the objections and reads the banns for the third time the following Sunday.

2000-DEC-20: A long-term running battle between the *Little Sisters Book & Art Emporium* in Vancouver, BC, and *Canada Customs* came to an end when the *Supreme Court of Canada* declared the enabling law under which Customs operated to be unconstitutional. For years, Customs had confiscated erotic and informational GLBT literature at the border while allowing erotic heterosexual material to be imported into Canada.

2001-JAN-14: Two same-sex couples were married in a church service in Toronto. They could not obtain a marriage license, and so went through the ancient ritual of the reading of the bans. The Ontario government refused to register their marriages. However, two and a half years later, on 2003-JUN-10, the *Ontario Court of Appeal* retroactively recognized the marriages, thus making them the first same-sex couples in the world -- at least in recent centuries -- to be legally married.

2002: Marc Hall an Ontario student won a lawsuit against *Monsignor John Pereyema Catholic High School* in Oshawa, ON; officials acknowledge that Hall has the right to be gay, but said permitting the date would send a message that the Church supports his "homosexual lifestyle." The school had prohibited him from bringing his boyfriend to the school promo because they would not permit same sex coupling.

2002: The *Ontario Superior Court* ruled unanimously that restricting marriage to one man and one woman is unconstitutional. The court gave the Ontario and Federal governments 24 months to change their legislation to allow same-sex couples to marry. The Ontario government decided against appealing the ruling. The federal government released a public opinion poll indicating that most Canadian adults favor allowing the marriage of same-sex couples. Three days later, the federal government started the process of appealing the ruling to the *Ontario Court of Appeals*.

2002- AUG: Toronto City Council passes a resolution calling the common-law definition restricting marriage to opposite sex couples discriminatory.

2002: In November, an Ekos poll found that 45% of Canadians favored same-sex marriage.

2003-FEB: New Democrat MP Svend Robinson unveils a private member's bill that would allow same-sex marriages. The federal government has already changed several laws to give same-sex couples the same benefits and obligations as heterosexual common-law couples.

2003-JUN-10: The *Ontario Court of Appeal* unanimously ordered the Ontario government to issue marriage licenses to same-sex adult couples, and to register their marriages. Michael Stark and Michael Leshner made North American history by obtaining a marriage license and being married a few hours later.

2003-JUN-17: The Federal Government was forced to respond to the unanimous decisions of three senior provincial courts legalizing same-sex marriage. At a caucus meeting, the Liberal

party decided to not appeal the decisions of the Ontario and British Columbia appeal courts to the *Supreme Court of Canada*. Rather, Prime Minister Jean Chrétien announces the Liberal ruling party introduce legislation to Parliament which will legalize same-sex marriage across the country.

2003-JUL-08: The *British Columbia Court of Appeal* unanimously ordered the British Columbia government to immediately sell marriage licenses to same-sex adult couples, and to register their marriages.

2003-AUG-14: The *United Church of Canada* voted overwhelmingly to endorse same-sex marriage at their general council meeting in Wolfville, NS.

2003-SEP-09: A gay-positive group initiated a class-action suit against the federal government on behalf of same-sex couples who were denied *Canada Pension Plan* benefits when one partner died before 1998. The case was successfully won.

2003-SEP-16: A motion by the conservative *Alliance Party* in Parliament was defeated. It would have declared that marriage in Canada was restricted to a union of one man and one woman. It would have required Parliament to invoke the [notwithstanding clause](#) to over-ride the *Canadian Charter of Rights and Freedoms* to deprive same-sex couples of the right to marry.

2003-SEP-17: Bill C-250 was passed. It added sexual orientation to the existing list of four protected classes in Canada's hate propaganda legislation. Hate speech against persons on the basis of their sexual orientation is now a criminal offense. Exceptions are made in the law for religious hate speech.

2003-NOV: Alliance Leader Stephen Harper Thursday fires MP Larry Spencer as family issues critic after Spencer said homosexuality should be outlawed. Spencer told the *Vancouver Sun* that homosexuality is part of a "well orchestrated" conspiracy that should be outlawed, a Canadian Alliance MP says.

2003-DEC: An Ontario court rules that Ottawa has discriminated against same-sex couples by denying benefits to those whose partners died before 1998. The court rules that benefits will be retroactive to April 17, 1985, when equality rights in the Charter of Rights and Freedoms came into effect.

2004-JAN: Justice Minister Irwin Cotler announces the government has asked the Supreme Court of Canada to determine whether limiting common-law marriages to opposite-sex couples only is constitutional.

2004-MAR: The Quebec Court of Appeal rules that homosexuals have the right to marry, and that the traditional definition of marriage is discriminatory and unjustified.

The ruling upholds a lower-court decision and follows similar decisions in Ontario and B.C.

2004-JUN: A lesbian couple filed the first same-sex divorce petition after their one-year-old marriage broke down.

2004-SEP: A Manitoba judge ruling in the Court of Queen's Bench declares the current definition of marriage "no longer constitutionally valid in view of the provisions of the Charter of Rights and Freedoms." Neither federal nor provincial lawyers attempted to oppose the lawsuit launched by three Manitoba couples. Officials in the province begin issuing marriage licences to same-sex couples shortly thereafter.

2004-NOV: The Ontario Court of Appeal rules that gays and lesbians in the province are entitled to survivors' benefits under the Canada Pension Plan dating back to 1985. The class-action lawsuit was filed for gays and lesbians whose partners died before Jan. 1, 1998, the cut-off date for retroactive benefits set by the government in 2000.

2004-DEC-08: The Supreme Court of Canada handed down a 19 page ruling on the Federal Government's "*Proposal for an Act respecting certain aspects of legal capacity for marriage for civil purposes.*" The court unanimously determined that the Federal Government has the sole right to determine who may marry in Canada, that the proposed federal same-sex marriage legislation was constitutional, and that churches and other religious institutions can freely discriminate against same-sex couples in marriage. Unfortunately, it refused to rule on whether the *Canadian Charter of Rights and Freedoms* requires same-sex marriage.

2004-DEC: Newfoundland and Labrador is the seventh province to legalize same-sex marriage after a Supreme Court judge approves the licences for two lesbian couples.

2005-FEB-01: Bill C-38, which would make SSM available across Canada, was introduced to the Federal Parliament.

2005-MAY-04: The *House of Commons* voted in favor of C-38 at the second reading stage -- approval in principle -- by a vote of 163 to 138.

2005-MAY: Two men, a Canadian Forces sergeant and a warrant officer, are married in the chapel at CFB Greenwood, N.S., in the military's first gay wedding.

2005-MAY-09: The governing body of the Anglican Church of Canada decided to delay its decision on SSM until 2007.

2005-JUN-27: In a late evening session, MPs vote to pass a motion limiting the debate to eight hours. This decision sets the stage for a final vote on June 28.

2005-JUN-28: The *House* passed the C-38 bill by a vote of 158 to 133. The vote came at a price for Paul Martin's minority government. Joe Comuzzi, the minister responsible for Northern Ontario, resigned from the cabinet so he could vote against the bill – an open rebuke of the government legislation.

Conservative Leader Stephen Harper says if his party forms the next government, the law will be revisited.

2005-JUN: New Brunswick's Court of Queen's Bench finds the province's current definition of civil marriage violates the rights of gay people. The ruling makes New Brunswick the eighth province where a court has opened the door to legal same-sex unions.

2005-JUL-19: The *Senate* passed the C-38 bill by a vote of 47 to 21 with three abstentions.

2005-JUL-20: Bill C-38, which theoretically made same-sex marriages available across Canada was signed into law.

2005-JUL-22: The Prince Edward Island government decided to not make marriage licenses available to its same-sex couples, in violation of federal law. Alone among the provinces and territories, they decided that they first had to pass enabling legislation.

2005-AUG-19: Dr. Chris Zarow and Constance Majeau, a same-sex couple from California, successfully petitioned the government of Prince Edward Island to allow them to marry. They received a marriage license and for the first time in history, any qualifying couple, whether same-sex or opposite-sex, could obtain a marriage license in any province or territory in Canada, and have their status registered.

Week of 2006-DEC-03: The Conservative Government announced it was planning to introduce a motion to Parliament asking whether the Members of Parliament wished to have legislation introduced to prevent same-sex couples from marrying in the future. This Conservative proposal failed. The ruling Conservatives attempt to reopen the same-sex debate is defeated in the House of Commons by a vote of 175-123. Twelve Tories — including five cabinet ministers — broke from party lines and voted against the motion, while 13 Liberals supported the motion.

2007-JUN-18: The *Anglican Church of Canada* held its 38th General Synod. the theme was: "*Draw the circle wide; draw it wider still.*" They came very close to authorizing resolution A186, which would authorize: "... the blessing of committed same-sex unions." The clergy voted in favor; the laity voted in favor; the bishops voted against by a heartbreaking 21 to 19. Since all three orders had to approve the resolution, it did not pass.

2009-SEP-19: The *Queer Hall of Fame* was opened in Vancouver BC Five persons active in GLBT rights in Canada were inducted.