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BACKgrounder

The Fight for Gay Rights CANADA TIMELINE

Owen Wood, CBC News Online

Jan. 2001

Last updated: February 14, 2003



Gay rights in Canada have come a long way considering people went to jail for being a homosexual just over 30 years ago. Now same-sex couples are fighting for the right to be legally married – and all the benefits and responsibilities that opposite-sex couples have.

Here's a timeline of major events in Canadian history. For a timeline of key world events click [here](#).

1965

Everett Klippert acknowledges to police that he is gay, has had sex with men over a 24-year period, and is unlikely to change. In 1967, Klippert is sent to prison indefinitely as a "dangerous sex offender," a sentence which was backed up by the Supreme Court of Canada that same year.

1967 December 22

Justice Minister Pierre Trudeau proposes amendments to the Criminal Code which, among other things, would relax the laws against homosexuality. Discussing the amendments Trudeau says,



Pierre Trudeau

"It's certainly the most extensive revision of the Criminal Code since the 1950s and, in terms of the subject matter it deals with, I feel that it has knocked down a lot of totems and over-ridden a lot of taboos and I feel that in that sense it is new. 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."

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Laurent about
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VIEWPOINT

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the final say or
marriage?

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1969

Trudeau's amendments pass into the Criminal Code, decriminalizing homosexuality in Canada.

court rulling to
sex marriages
across Canada

Letters on the i
marriages

July 20, 1971

Everett Klippert is released.

On Being Cath
problem is that
has misinterpre
theology."

1977 December 16

Quebec includes sexual orientation in its Human Rights Code, making it the first province in Canada to pass a gay civil rights law. The law makes it illegal to discriminate against gays in housing, public accommodation and employment. By 2001, all provinces and territories take this step except Alberta, Prince Edward Island, and the Northwest Territories.

Column on spo
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Judy Rebick col
defining marria

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May 11, 2002:
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Nov. 5, 2001: l
rights goes to c

June 10, 2001:
couples press f

June 3, 2001: l
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Jan. 15, 2001:
register homos
marriages

Jan. 12, 2000:
underway for g

Jan. 11, 2000:
marriage world

Dec. 11, 2000:
plans wedding
couple

Dec. 10, 2000:

1978 January 5

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."

1978

Canada gets a new Immigration Act. Under the act, homosexuals are removed from the list of inadmissible classes.

1979

The Canadian Human Rights Commission recommends in its Annual Report that "sexual orientation" be added to the Canadian Human Rights Act.

1980 May 2

Bill C-242, an act to prohibit discrimination on grounds of sexual orientation, gets its first reading in the House of Commons by MP Pat Carney. The bill, which would have inserted "sexual orientation" into the Canadian Human Rights Act, doesn't pass.

MP Svend Robinson introduces similar bills in 1983, 1985

1986, 1989, and 1991. In 1991, Robinson tries to get the definition of "spouse" in the Income Tax Act and Canada Pension Plan Act to include "or of the same sex." In 1992 he tries to get the "opposite sex" definition of "spouse" removed from Bill C-55 which would add the definition to survivor benefits provisions of federal pension legislation. All the proposed bills are defeated.

1981 February 5

More than 300 men are arrested following police raids at four gay bath houses in Toronto, the largest mass arrest since the War Measures Act was invoked during the October Crisis. The next night, about 3,000 people march in downtown Toronto to protest the arrests. This is considered to be Canada's 'Stonewall.' (See world timeline for the 1969 "Stonewall Riots" in the U.S.)

1985 October

The Parliamentary Committee on Equality Rights releases a report titled "Equality for All." The committee writes that it is shocked by the high level of discriminatory treatment of homosexuals in Canada. The report discusses the harassment, violence, physical abuse, psychological oppression and hate propaganda that homosexuals live with. 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."

1988



Svend Robinson

Svend Robinson, of the New Democratic Party, goes public about being gay, becoming the first Member of Parliament to do so. Robinson was first elected to the House of Commons in 1979. In 2000, the B.C. riding of Burnaby-Douglas (though its borders have changed) elected Robinson for the eighth time.

1991

Delwin Vriend, a lab instructor at King's University College in Edmonton, Alberta, is fired from his job because he is gay. The Alberta Human Rights Commission refuses to investigate the case because the Alberta Individual Rights Protection Act does not cover discrimination based on sexual orientation.

Vriend takes the government of

sidestep ban on

Dec. 4, 2000: (perform 'legal' marriages

July 14, 2000: marriage comp

May 31, 2000: stirs same-sex

May 26, 2000: same-sex marr

April 11, 2000: passed

March 22, 2000: includes definit

March 16, 2000: marriage bill pa

Feb. 11, 2000: benefits to sam

Nov. 7, 1999: ' wants vote on

Oct. 25, 1999: change definiti

June 9, 1999: (same-sex marr

May 21, 1999: ready to make same-sex rulin

May 6, 1999: (sweeping same

April 9, 1998: / challenge Supr

March 18, 1998: marriages in Al

EXTERNAL LI

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Gay Men, Lesbi Canadian HIV// Network and C. Society

Chronology 19t Canadian Lesbi Archives

Federal Record Orientation



Delwin Vriend

Alberta to court and, in 1994, the court rules that sexual orientation must be added to the act. The government wins on appeal in 1996 and the decision is overturned. In November 1997, the case goes to the Supreme Court of Canada and on April 2, 1998 the high court

unanimously rules that the exclusion of homosexuals from Alberta's Individual Rights Protection Act is a violation of the Charter of Rights and Freedoms. The Supreme Court says that the act would be interpreted to include homosexuals even if the province doesn't change it. The Alberta government does not to use the notwithstanding clause despite pressure from conservative and religious groups.

1992 August

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 November

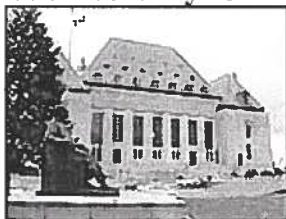
The federal court lifts the country's ban on homosexuals in the military, allowing gays and lesbians to serve in the armed forces.

1992 December 9

As promised, Justice Minister Kim Campbell introduces Bill C-108 which 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 1993 federal election.

1993 February 23



In the *Mossop* case, the Supreme Court of Canada rules that the denial of bereavement leave to a gay partner is not discrimination based on family status defined in the Canadian Human Rights Act. 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

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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 May

The Supreme Court rules on the case involving 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. The Court rules against Egan and Nesbit.



Jim Egan

However, all nine judges agree that sexual orientation is a protected ground and that protection extends to partnerships of lesbians and gay men.

1995 May

An Ontario Court judge finds that the Child and Family Services Act of Ontario infringes Section 15 of the Charter by not allowing same-sex couples to bring a joint application for adoption. He 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

The federal government passes Bill C-33 which adds "sexual orientation" to the Canadian Human Rights Act.

1999 May

The Supreme Court of Canada rules same-sex couples should have the same benefits and obligations as opposite-sex common-law couples and equal access to benefits from social programs to which they contribute. The ruling centered on the "M v. H" case which involved two Toronto women who had lived together for more than a decade. When the couple broke up in 1992, "M" sued "H" for spousal support under Ontario's Family Law Act. The problem was that the act defined "spouse" as either a married couple or "a man and woman" who are unmarried and have lived together for no less than three years. The judge rules that the definition violates the Charter of Rights and Freedoms and declares that the words "a man and woman" should be replaced with "two persons." "H" appeals the decision. The Court of Appeal upholds the decision but gives Ontario one year to amend its Family Law Act.

Although neither "M" nor "H" chooses to take the case any further, Ontario's attorney general is granted leave to appeal the decision of the Court of Appeal which brought

the case to the Supreme Court of Canada. The Supreme Court rules that the Ontario Family Law Act's definition of "spouse" as a person of the opposite sex is unconstitutional as was any provincial law that denies equal benefits to same-sex couples. Ontario is given six months to amend the act.

1999 June 8

Although many laws will have to be revised to comply with the Supreme Court's ruling in May, the federal government votes 216 to 55 in favour of preserving the definition of "marriage" as the union of a man and a woman. Justice Minister Anne McLellan says the definition of marriage is already clear in law and the federal government has "no intention of changing the definition of marriage or legislating same-sex marriage."

1999 October 25

Attorney General Jim Flaherty introduces Bill 5 in the Ontario Legislature, an act to amend certain statutes because of the Supreme Court of Canada decision in the M. v. H. case. Instead of changing Ontario's definition of spouse, which the Supreme Court essentially struck down, the government creates a new same-sex category, changing the province's Family Law Act to read "spouse or same-sex partner" wherever it had read only "spouse" before. Bill 5 also amends more than 60 other provincial laws, making the rights and responsibilities of same-sex couples mirror those of common-law couples.

2000 February 11

Prime Minister Jean Chrétien's Liberals introduce Bill C-23, the Modernization of Benefits and Obligations Act, in response to the Supreme Court's May 1999 ruling. The act would give same-sex couples who have lived together for more than a year the same benefits and obligations as common-law couples.

In March, Justice Minister Anne McLellan announces the bill will include a definition of marriage as "the lawful union of one man and one woman to the exclusion of all others."

On April 11, 2000, Parliament passes Bill C-23, with a vote of 174 to 72. The legislation gives same-sex couples the same social and tax benefits as heterosexuals in common-law relationships.

In total, the bill affects 68 federal statutes relating to a wide range of issues such as pension benefits, old age security, income tax deductions, bankruptcy protection and the Criminal Code. The definitions of "marriage" and "spouse" are left untouched but the definition of "common-law relationship" is expanded to include same-sex couples.

2000 March 16

Alberta passes Bill 202 which says that the province will use

the notwithstanding clause if a court redefines marriage to include anything other than a man and a woman.

2000 July 21

British Columbia's Attorney General Andrew Petter announces he will ask the courts for guidance on whether Canada's ban on same-sex marriages is constitutional, making his province the first to do so. Toronto was the first Canadian city to ask for clarification on the issue when it did so in May 2000.

2000 December 10

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.

Consumer Minister Bob Runciman says Ontario will not recognize same-sex marriages. He says no matter what Hawkes' church does, the federal law is clear. "It won't qualify to be registered because of the federal legislation which clearly defines marriage as a union between a man and a woman to the exclusion of all others."

The two same-sex couples are married on January 14, 2001. The following day, Runciman reiterates the government's position, saying the marriages will not be legally recognized.

2002 May 10

Ontario Superior Court Justice Robert McKinnon rules that a gay student has the right to take his boyfriend to the prom.

Earlier, the Durham Catholic District School Board said student Marc Hall couldn't bring his 21-year-old boyfriend to the dance at Monsignor John Pereyema Catholic

high school in Oshawa. 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."

Hall went to the prom.



Marc Hall

2002 July 12

For the first time a Canadian court rules in favour of recognizing same-sex marriages under the law. The Ontario Superior Court rules that prohibiting gay couples from marrying is unconstitutional and violates the Charter of Rights and Freedoms. The court gives Ontario two years to extend marriage rights to same-sex couples.

As a result of the Ontario ruling, the Alberta government passes a bill banning same-sex marriages and defines marriage as exclusively between a man and a woman. The province says it will use the notwithstanding clause to avoid recognizing same-sex marriages if Ottawa amends the Marriage Act.

Also, a ruling against gay marriages is expected to be heard in B.C. by the province's Court of Appeal in early 2003, and a judge in Montreal is to rule on a similar case.

2002 July 16

Ontario decides not to appeal the court ruling, saying only the federal government can decide who can marry.

2002 July 29

On July 29, the federal government announces it will seek leave to appeal the Ontario court ruling "to seek further clarity on these issues." Federal Justice Minister Martin Cauchon says in a news release, "At present, there is no consensus, either from the courts or among Canadians, on whether or how the laws require change."

2002 August 1

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

2002 November 10

An Ekos poll commissioned by CBC finds that 45 per cent of Canadians would vote Yes in a referendum to change the definition of marriage from a union of a man and a woman to one that could include a same-sex couple.

2003 February 13

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.

Part 2: World Timeline

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