
THE CRIMINALIZATION OF 2SLGBTQIA+ CANADIANS

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INTRODUCTION

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INTRODUCTION

AMANDA CASH

The criminalization of 2SLGBTQIA+ (Two-Spirit, Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual, and other diverse identities) Canadians has long been a stain on our nation's history. Despite significant progress in recent years, including legal recognition of same-sex marriage, protection against discrimination, and the criminalization of conversion therapy, many challenges persist. There are profound psychological and sociological repercussions inherent in criminalizing an entire identity.

Historical Context

The history of criminalization of 2SLGBTQIA+ Canadians is rooted in discriminatory laws that perpetuated stigma and oppression. Until 1969, homosexual acts were illegal, leading to widespread discrimination, harassment, and even imprisonment of individuals based on their sexual orientation or gender identity.

In the past, sodomy laws criminalized consensual same-sex sexual activity, perpetuating social stigma and targeting 2SLGBTQIA+ individuals. Although these laws have been repealed, their historical impact is still felt today. Discrimination against 2SLGBTQIA+ individuals, particularly in housing, employment, and public services, perpetuates a cycle of marginalization. While explicit discrimination is increasingly illegal, systemic biases persist, leading to unequal treatment and limited opportunities. Up until recently, the continued practice of conversion therapy was a severe form of criminalization, as it attempts to change or suppress an individual's sexual orientation or gender identity.



This harmful practice has detrimental effects on mental health, self-esteem, and overall well-being. 2SLGBTQIA+ individuals are disproportionately represented in the criminal justice system, often due to various factors such as homelessness, discrimination, and targeted policing. This overrepresentation reflects systemic biases and the criminalization of marginalized communities.

Pervasive Overincarceration

The criminalization of 2SLGBTQIA+ Canadians has profound consequences on their lives, well-being, and social integration. This history of criminalization fosters a cyclical pattern of overrepresentation, resource deficiency, and marginalization.

The overincarceration of 2SLGBTQIA+ individuals is a concerning issue that warrants greater attention and analysis. Despite progress in achieving legal recognition and societal acceptance, the 2SLGBTQIA+ community continues to face disproportionate rates of incarceration. By examining systemic issues, societal biases, and legal challenges, we can begin to understand the complex interplay that perpetuates this concerning disparity.

Key Factors

1) Criminalization of Identity

The criminalization of one's very identity, no doubt, exacerbates the issue of overincarceration. Historically, laws criminalizing same-sex relationships, cross-dressing, or engaging in consensual adult behavior have targeted 2SLGBTQIA+ individuals. These outdated laws, although gradually being repealed, have left a lasting impact on the criminalization of 2SLGBTQIA+ people and contribute to their overrepresentation within the criminal justice system.

Gay nightclubs and bathhouses across Canada have widely been subjected to raids by the Royal Canadian Mounted Police, who used indecency laws to apprehend and press charges against 2SLGBTQIA+ patrons, staff, and entertainers. In Toronto, as recent as 1981, 286 men were prosecuted for their presence at a bawdy house under these antiquated regulations. Though these laws have since been struck down, the epigenetic relationship between the 2SLGBTQIA+ community and the carceral system has prevailed.

2) Youth Homelessness and Juvenile Justice

2SLGBTQIA+ youth are particularly vulnerable to homelessness due to family rejection, resulting in an increased likelihood of involvement with the juvenile justice system. Homeless 2SLGBTQIA+ youth often resort to survival strategies that may involve criminalized activities such as petty theft or drug-related offenses. Consequently, they become entangled within the criminal justice system at a young age, leading to a higher chance of future incarceration.

3) Lack of Safe Spaces and Support

The absence of safe spaces and supportive environments for 2SLGBTQIA+ individuals can encourage involvement in risky behavior, thereby increasing the likelihood of arrest and incarceration. Limited access to affirming healthcare, mental health services, and support networks may leave 2SLGBTQIA+ individuals more susceptible to substance abuse, mental health challenges, and engagement illicit activities.

4) Discrimination and Stigmatization

2SLGBTQIA+ individuals face pervasive discrimination and stigmatization within society, which often results in higher rates of poverty, homelessness, and mental health issues. These marginalized conditions increase the likelihood of engaging in survival crimes such as sex work, drug offenses, and theft, as a means of coping or meeting basic needs. The criminalization of these activities further contributes to the overrepresentation of 2SLGBTQIA+ folks in the criminal justice system.



5) Bias in Law Enforcement

Prejudice and bias among law enforcement officials can lead to differential treatment of 2SLGBTQIA+ individuals. Profiling, harassment, and unfair targeting are prevalent issues that increase likelihood of overreaction, arrest and subsequent incarceration. Instances of police misconduct against 2SLGBTQIA+ individuals also contribute to a climate of fear and distrust, making it harder for these communities to seek assistance or report crimes.

6) Bias in Sentencing and Prosecution

Research indicates that bias exists within the criminal justice system regarding sentencing and prosecution decisions. 2SLGBTQIA+ individuals often face harsher penalties compared to their heterosexual counterparts for similar offenses, contributing to their overrepresentation in prisons. Implicit biases and stereotypes about 2SLGBTQIA+ people, such as the perception of them as threats to societal norms, can influence these decisions and perpetuate the disparity.

7) Safety Concerns and Harassment in Prisons

Once incarcerated, 2SLGBTQIA+ individuals are at a heightened risk of experiencing violence, abuse, and harassment within correctional facilities. Lack of appropriate policies, inadequate staff training, and the absence of specialized units to address the unique needs of LGBT individuals contribute to an environment of increased vulnerability. Consequently, this can perpetuate cycles of trauma, recidivism, and extended periods of incarceration.



Call for Equality and Justice:

The issue of overincarceration of 2SLGBTQIA+ Canadians can be addressed by implementing targeted measures that focus on prevention, diversion, and alternative sentencing. Proactive efforts must be made to address the root causes that contribute to overrepresentation, such as systemic discrimination, stigma, and lack of support networks.

This includes promoting inclusivity and providing culturally sensitive and affirming services within the justice system. Secondly, diversion programs tailored specifically for 2SLGBTQIA+ individuals can be established to redirect them away from the traditional justice process and towards community-based interventions that address underlying issues, such as mental health support, substance abuse treatment, and housing stability.

Alternative sentencing options, such as restorative justice approaches, can be explored to promote healing, rehabilitation, and community reintegration, rather than relying solely on punitive measures. Overall, a targeted approach that recognizes the unique challenges faced by 2SLGBTQIA+ individuals and provides appropriate support can help mitigate the overincarceration rates within this community.

DEFINITIONS

2SLGBTQIA+: umbrella term referring to the gender and sexual minority community

Two spirited: A non-binary umbrella term for a variety of gender identities in different indigenous cultures and traditions. The objective of this term is to revive ancestral identities and roles that were forcibly suppressed or eradicated during the process of colonization.

Lesbian: A woman or trans-feminine person who is attracted to other women and trans- feminine people

Gay: The attraction to someone of the same gender.

Bisexual: The attraction to two or more genders.

Trans: An adjective meaning that someone's gender does not match the biological sex they were assigned at birth.

Queer: An umbrella term for a variety of different 2SLGBTQIA+ identities. This concept creates room for the manifestation of diverse identities beyond strict classifications linked to biological sex, gender, or attraction.

Intersex: A sex designation and umbrella term for a number of conditions that cause reproductive or sexual anatomy that does not fit into the binary of male and female.

Agender/Asexual: An identity meaning without sex/gender or neutrality around sex/gender.

+: the recognition of other identities that are not included in the abbreviation, or are included through umbrella terms

Pansexual: The attraction to people, regardless of their gender

Non-binary: a gender identity that may include elements of male, female, androgynous, fluid, multiple and even no gender.

Gender fluid: a person whose gender may vary over time, and may include male, female and non-binary gender identities.

Cisgender: a person whose gender identity aligns with their assigned sex at birth.

Intersectionality: a concept introduced by scholar Kimberlé Crenshaw, acknowledging that individuals exist within multiple and overlapping identity categories.

Cisnormativity and Heteronormativity: A societal/cultural bias which discounts gender diversity and presumes gender and sexuality to align with perceived gender norms, assuming all people are cisgender or heterosexual.

Homophobia and Transphobia: the apprehension or aversion towards homosexuality, or any transgression of gender norms, frequently demonstrated through name-calling, intimidation, marginalization, bias, unfair treatment, or acts of aggression

Biphobia: the apprehension or aversion towards anyone who is or is perceived to be bisexual or who experiences attraction to multiple sexes and/or genders. Discrimination, erasure, and prejudice, and stereotyping against bisexuals are serious problems in straight and 2SLGBTQIA+ communities alike.

Marginalization: the social, economic, and political process through which individuals or groups are pushed to the edges or margins of society. Marginalization is a persistent and institutionalized process characterized by systemic discrimination, which gives rise to a group of disadvantaged minorities over an extended period.

Serophobia: fear or aversion towards people living with HIV. This manifestation of prejudice presents itself through acts of exclusion and discrimination, whether implicit or explicit.



17th Century to Present Day

HISTORY

Understanding Where We're Coming From



20th C and Earlier: The Foundations of Systemic Discrimination

“The notion that such gender and sexual non-conforming behaviour was sinful, criminal or symptomatic of disease was entirely unknown among Aboriginal Peoples prior to Contact”.

Prior to colonization, the country we now know as Canada, was known to the First Nations as “Turtle Island”. The notion of gender or sexual non-conforming behaviour was celebrated in First Nations cultures; integral to many communities’ spiritual belief systems. First Nations languages encompassed a wealth of more than 168 descriptors and understandings for gender identity and gender expression prior to colonization (Egale, 15).

Numerous First Nations communities practiced customs to determine if a specific teenager possessed two spirits. Those identified as Two-Spirited would be nurtured and raised in a distinct way, potentially involving the adoption of clothing associated with the opposite gender from their assigned birth identity. Intimate relationships and marriage between same sex couples were commonly accepted.

Beyond being merely tolerated, two spirited individuals were spiritually revered in many cultures, “considered to be blessed with special powers including healing” (Egale, 15).

Only after the introduction of state sanctioned religion and the European notions of homophobia, biphobia, and transphobia through colonization did these attitudes arrive on our land. The dismantling of intricate and plentiful Aboriginal societies, values, and structures by European colonizers has now appropriately been recognized as a “cultural genocide”: “The notion that such gender and sexual non-conforming behaviour was sinful, criminal or symptomatic of disease was entirely unknown among Aboriginal Peoples prior to Contact” (Egale, 15).

English colonizers imported English Criminal law, including British Buggery laws, Sodomy laws, and Roman Catholic criminalization of gender non-conformity broadly. Biblical texts were relied on to support state characterization of sexual or gender minorities as sinners, and therefore criminals.

The year 528 AD is said to be when Emperor Justinian first issued an edict banning sodomy throughout the Holy Roman Empire. Centuries later, when King Henry V nationalized the church of England, the enactment of the Buggery Act of 1553 coincided with a campaign of monastic expropriation, supposedly to wrestle influence away from the Church and consolidate monarchical power.

In medieval England, the concept of sexual orientation was unknown. Homosexual acts were viewed as a vice, a negative habit that deviated from the norm of heterosexual individuals lacking self-control, like drunkenness or smoking.

Further, it was believed to be a contagious vice, to which the uneducated and the young especially susceptible. Jews and “Saracens” (Muslims) were said to be particularly inclined towards this vice as well, intertwining conceptions of racism and religious discrimination with homophobia.

When Europeans first made contact with the First Nations on Turtle Island, communities embracing their two spirited population fit neatly into their conceptual paradigm of Indigenous people as “savages”, living in “uncivilized and sinful conditions” (Egale, 17).

Early accounts of contact exemplify the importation of intersectional xenophobia in this new colonial context:

"Berdash...is a curious compound of a man and a woman..." (Alexander Henry)

"Kaúxuma Núpika...became a prophetess, declared her sex changed, that she was now a Man, dressed and armed herself as such, and also took a young woman to Wife...when with the Chinooks, as a prophetess, she predicted diseases to them" (David Thompson)

"...much addicted to an abominable crime, the crime of sodomy" (Charles Mackenzie)

By the second half of the 19th Century, descriptions of Two Spirit people began to fade. This was a deliberate erasure. As George Catlin was quoted to say, "the Two Spirit tradition must 'be extinguished before it can be more fully recorded'" (Egale 17).

Throughout the century, especially after the 1876 *Indian Act*, a significant body of law was introduced to control and suppress Indigenous populations. The Act imposed patriarchy on matriarchal and gender diverse societies, and stripped Indigenous women and children of their rights. The state, further, sanctioned Christian missionary efforts to eradicate gender non-conformity and promote discriminatory values.

"*The Indian Act* and residential schools, created and sustained by the Federal Government provided institutional mechanisms for continuing the project of cultural genocide that included efforts to eradicate the Two Spirit Tradition" (Egale, 19).

Evolving Terminology: Same Effect

The development of English law underwent a transformative process in response to the industrial revolution, which brought about class conflicts and shifting notions of sexual morality. Within this context, the landmark British case of *Rex v Wiseman* played a crucial role in refining the parameters for establishing the offense of sodomy.

Specifically, it clarified that the charge would be limited to acts involving anal penetration and ejaculation. Meeting both of these criteria, as prescribed by the newly established standard, necessitated self-incrimination, a circumstance that naturally deterred individuals from voluntarily coming forward.

To address the challenges arising from the evidentiary requirements for sodomy convictions subsequent to the *Rex v Wiseman* ruling, Member of Parliament Henry Labouchere introduced an amendment to Section 11 of Britain's criminal law in 1885. The objective of this amendment was to expand the discretionary powers available to law enforcement agencies, thereby increasing the likelihood of securing convictions. Consequently, the term "act of gross indecency" was deliberately left ambiguous from its inception.

Gay Life in Early Canada

Early on, 2SLGBTQIA+ criminalization was deeply interrelated with racial and socio-economic subordination.

In the year 1777, a man of African descent named Prince faced a conviction for the offense of sodomy, resulting in a sentence of 39 lashes. Meanwhile, his co-accused, a white soldier, was acquitted and found innocent of the charges (Egale, 22).

In 1838, Upper Canada found itself entangled in one of its earliest scandals related to same-sex relationships.



An infamous incident revolved around George Herchmer Markland, who faced scrutiny after it came to light that he frequently brought young men to his home under suspicious circumstances. This led to a thorough investigation, ultimately compelling Markland to step down from his position as Inspector-General at Upper Canada College in Toronto (Egale, 22).

In 1842, two soldiers named Sam Moore and Patrick Kelly, holding high ranks, were found guilty of engaging in sodomy and were initially handed the death penalty, though later their sentences were commuted to life imprisonment (Egale, 22).

Enforcement of state sanctioned sexual morality varied across the nation in severity. In smaller communities social pressure and exclusion kept supposed "sexual deviants" in line. In bush camps in the West, on the other hand, same sex intercourse was "socially tolerated and accepted fact of life" (Egale, 22).

The Social Purity Movement

The Social Purity Movement was a social reform movement that emerged in Canada, as well as in other Western countries, during the late 19th and early 20th centuries.

It aimed to promote and enforce sexual morality, primarily by targeting activities such as prostitution, venereal diseases, and homosexuality - all of which was perceived as immoral behavior. The movement was influenced by the broader Victorian-era values and moral standards prevalent at the time, which emphasized sexual restraint, purity, and the preservation of traditional family structures.

This movement took a strong stance against homosexuality during its peak in the late 19th and early 20th centuries, promoting a narrow and conservative understanding of sexuality. Homosexuality was widely stigmatized and criminalized. The Social Purity Movement in Canada was driven by moral and religious beliefs, and sought to eradicate what it perceived as deviant sexual behavior.

It advocated for stricter laws, social control, and moral education to combat what was seen as a threat to public morality and the traditional family structure.

The movement's efforts to enforce sexual purity extended to various aspects of society, including literature, arts, and public spaces. Publications containing content related to homosexuality were often censored or banned. In addition, gay men and women faced significant social ostracism, discrimination, and legal repercussions.

Homosexuality was largely pathologized and seen as a moral failing rather than a natural variation of human sexuality. The medical and scientific knowledge regarding sexual orientation was limited, and the prevailing societal attitudes were based on ignorance, prejudice, and religious beliefs.

"...these offences against morality have crept into the common law from earlier ecclesiastical law, and they were rather sins than crimes" (Egale, 22).

The Criminal Code, 1892

In 1892, Canada's Criminal Code officially consolidated the criminalization of all homosexual acts between men. It is worth noting, that at the time the Criminal Code excluded any mention of female sexual morality: "At the time, women were not perceived as sexual beings" (Egale, 24). Thus, the state saw no need to exert control over women in the same way as men. Only in the mid 20th century did the code neutralize that gendered application of gross indecency provisions.

Public spaces were the "principal theatre of oppression" as urbanization ensued at the turn of the century (Egale, 24). There were 313 reported cases of sexual offences between men in Ontario between 1880, and 1930. Enforcing gross indecency laws were a highly invasive practices, often procuring or provoking the crime to yield arrests (Egale, 24).

WWII

"Under the category of 'psychopathic personality', the military discharged hundreds of young soldiers simply for being attracted to the same sex" (Egale, 24).

Homosexual men were one of the minority groups being persecuted by Nazi Germany under paragraph 175. The "Pink Triangle" was a symbol used by the Nazis during World War II to identify and persecute homosexual men. It was a variant of the inverted red triangle that was used to identify political prisoners in concentration camps. Under the Nazi regime, homosexuality was considered a criminal offense, and an estimated 5,000 to 15,000 homosexual men were sent to concentration camps. They were subject to harsh conditions, forced labor, and medical experiments, and many did not survive. The men who were forced to wear the pink triangle faced discrimination and brutality from both the Nazi guards and other prisoners.

Sadly, the Allies had their own anti-sodomy and gross indecency laws back home. Following the Allies victory over Germany, they determined that it had been an error to liberate the homosexuals, as they too view this group to be criminals.

Unintentionally, however, the war brought together men from all walks of life to fight together. In some atmospheres of greater tolerance, such as Amsterdam, soldiers were able to discover their identity and explore gay life away from home.

Post War Progress and Setbacks

In the late 40s and 50s politicians pushed for clarification and consolidation in the Criminal Code.

One area of focus amongst these revisions pertained to the vagueness of buggery and gross indecency laws. In 1953 the Code specified that buggery applied only to acts between humans, expanded the definition of gross indecencies to apply to all genders (not only males), and reduced the sentence for gross indecency to 14 years imprisonment.

Meanwhile, public attitudes were shifting as major cities found community in bars, bath houses, hotels, and parks. Gay visibility increased, though as did policing and arrests. Police raids, florid accusations, and public shaming continued into the 1960s and beyond. Surveillance leached into the workplace as well as mechanisms aimed at detecting homosexuality came into existence. The RCMP was infamous for its use of "fruit machine". The fruit machine was essentially a pseudoscientific device that attempted to measure physiological responses, such as pupil dilation and perspiration, while individuals were shown explicit sexual images.

The flawed theory behind the fruit machine was that homosexuality could be detected through physiological indicators. This project caused significant harm, resulting in the wrongful dismissal, persecution, and discrimination of many individuals based on their perceived sexual orientation.

Evolving Understandings

In the late 1940s and 50s, cutting edge psychological research and mainstream medicine began shifting perceptions of human sexuality.

Alfred Kinsey, an American biologist and researcher, conducted groundbreaking studies during this period. Kinsey's work, particularly the publication of his books "Sexual Behavior in the Human Male" (1948) and "Sexual Behavior in the Human Female" (1953), had a significant impact on public understanding and perception of sexual diversity.



From Left to Right: A photo from the first gay protest in Canada, held Aug 28, 1971 (CLGA.ca.), Herb Spiers at the office of the Body Politic (Jearld Moldenhauer), The Body Politic (Issue 1, November–December 1971, Toronto)

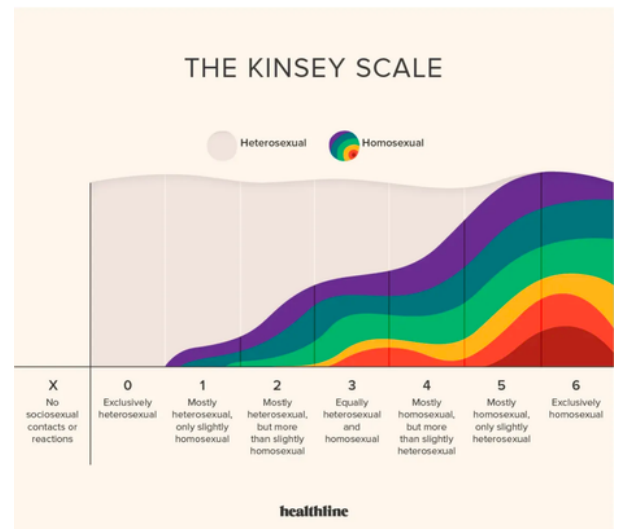
Kinsey's studies challenged the prevailing notion at the time that homosexuality was a rare and abnormal phenomenon. His research indicated that a significant portion of the population had experienced same-sex attractions or engaged in same-sex sexual behavior at some point in their lives. Kinsey introduced the Kinsey Scale, commonly known as the Heterosexual-Homosexual Rating Scale, to conceptualize sexual orientation on a continuum rather than as a strict binary categorization. The scale ranged from 0 (exclusively heterosexual) to 6 (exclusively homosexual), with varying degrees of bisexuality falling in between.

"By framing homosexuality as a continuum of natural attraction and conduct, Kinsey revolutionized a population that once believed homosexuality was simply a matter of moral choice"(Egale, 29).

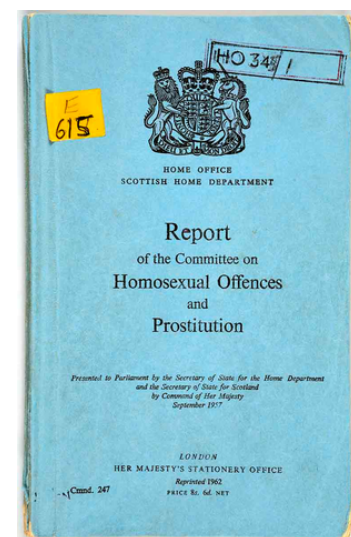
The Wolfenden Report, published in 1957, was a significant landmark in the history of LGBTQ+ rights in the United Kingdom. The report was the result of a government-appointed committee, chaired by Sir John Wolfenden, tasked with examining the laws and regulations related to homosexuality and prostitution. The committee was formed in response to societal debates and changing attitudes towards homosexuality.

The key recommendation of the Wolfenden Report was that homosexual acts between consenting adults in private should no longer be considered criminal offenses. The report argued that the law should not intervene in matters of private, adult sexual conduct, unless there was evidence of force, coercion, or public nuisance. It advocated for the decriminalization of homosexuality and a shift towards a more tolerant and understanding approach.

Though the Report did not immediately lead to the decriminalization of homosexuality in the UK, it marked an important turning point in the recognition of the rights and dignity of LGBTQ+ individuals, paying the way for further advancements in LGBTQ+ rights in the UK and beyond.



Design by Ruth Basagoitia, Healthline



The Report of the Departmental Committee on Homosexual Offences and Prostitution (better known as the Wolfenden report), originally published in Britain on 4 September 1957 (catalogue reference: HO 345/1)



Newspaper clipping showing Peter Wildeblood, Michael Pitt-Rivers and Lord Montagu from the Daily Sketch, 16 March 1954 (catalogue reference: MEPO 2/9628)

The Story of Everett Klippert

The man behind Bill C-150

Everett Klippert (September 6, 1926 – August 7, 1996) holds a significant place in 2SLGBTQIA+ history as the last Canadian to be apprehended, charged, prosecuted, convicted, and incarcerated, simply for being gay.

Klippert, originally hailing from Kindersley, Saskatchewan, spent his formative years in Calgary, Alberta. In 1960, he faced conviction on eighteen counts of gross indecency, resulting in a four-year prison sentence. Following his release, he relocated to the Northwest Territories and found employment as a mechanic in Pine Point.

On the morning of August 16, 1965, Klippert was detained for questioning by the RCMP regarding a suspicious fire in Pine Point. It was quickly determined that he had nothing to do with the fire, but Klippert was kept in custody for the following six years for admitting that he was gay.

Klippert was sentenced to an indefinite prison term under the dangerous offender legislation, sparking outrage and debate both within Canada and internationally. Klippert's case brought the discriminatory treatment faced by individuals engaging in same-sex relationships to the forefront of public consciousness.

Klippert's seminal legal battle began in 1967 when his case reached the Supreme Court of Canada. The central issue in the case revolved around the interpretation of Section 149 of the Criminal Code, which criminalized consensual same-sex relationships. The Supreme Court upheld Klippert's conviction, stating that his dangerous offender designation was appropriate due to his alleged "incurable homosexuality." This ruling effectively sanctioned the indefinite imprisonment of individuals based on their sexual orientation.

The Supreme Court's decision in Klippert's case ignited a wave of public outrage and sparked significant activism in support of 2SLGBTQIA+ rights. Various civil rights organizations, including the Committee for Homosexual Equality, rallied behind Klippert and used his case as a catalyst for mobilizing public support and challenging the discriminatory laws in Canada.

Klippert's case served as a critical turning point in the fight for 2SLGBTQIA+ rights in Canada. The public outcry and activism that followed his grossly unjust conviction prompted the government to re-evaluate its stance on homosexuality. In 1969, Prime Minister Pierre Trudeau introduced Bill C-150, which partially decriminalized consensual homosexual acts between adults. The bill received royal assent the following year, effectively repealing the discriminatory provisions of Section 149.

Klippert remained incarcerated until his eventual release on July 21, 1971. He continued to live for 25 more years before succumbing to kidney disease in 1996.

In 2016, the government under Prime Minister Justin Trudeau expressed its intention to propose an official posthumous pardon for Klippert's conviction. Subsequently, on November 18, 2020, the Parole Board of Canada issued an expungement order.

In 2018, Klippert's life became the focal point of the theatrical production titled "Legislating Love: The Everett Klippert Story," authored by Calgary playwright Natalie Meisner.

Everett Klippert's legacy marks a significant milestone in the struggle for LGBTQ+ rights in Canada. The legal battle surrounding his case highlighted the need for legislative reform and catalyzed public opinion on the issue. Klippert's ordeal and subsequent activism paved the way for further legal advancements, including the inclusion of sexual orientation in the Canadian Human Rights Act in 1996 and the legalization of same-sex marriage in 2005.

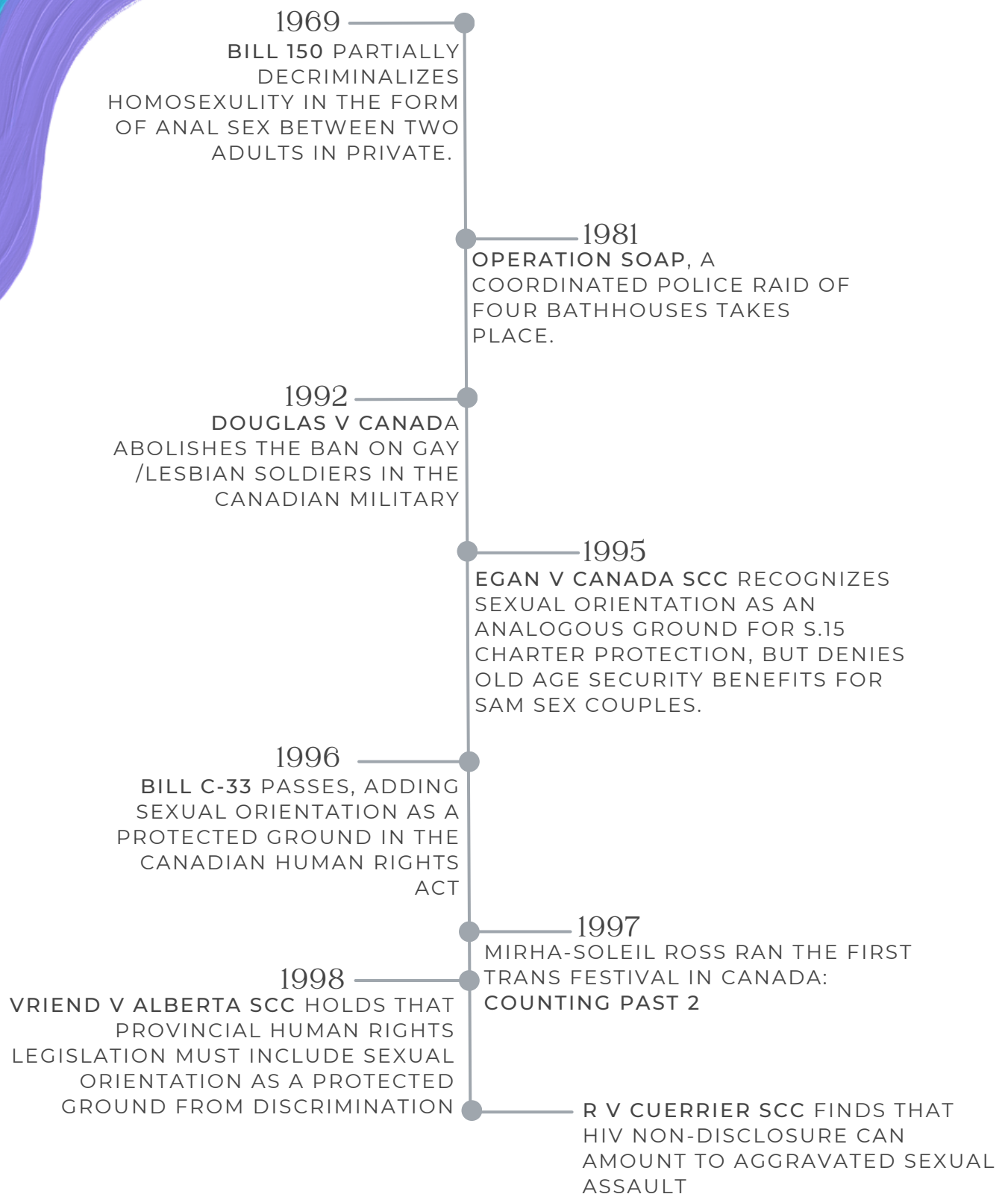
Everett Klippert's case exemplifies the pivotal role of legal activism in effecting societal change. His perseverance and the subsequent public outcry played a crucial part in dismantling discriminatory legislation and fostering greater acceptance of LGBTQ+ individuals in Canada. Klippert's legacy continues to inspire ongoing efforts towards equality and social justice for the LGBTQ+ community.

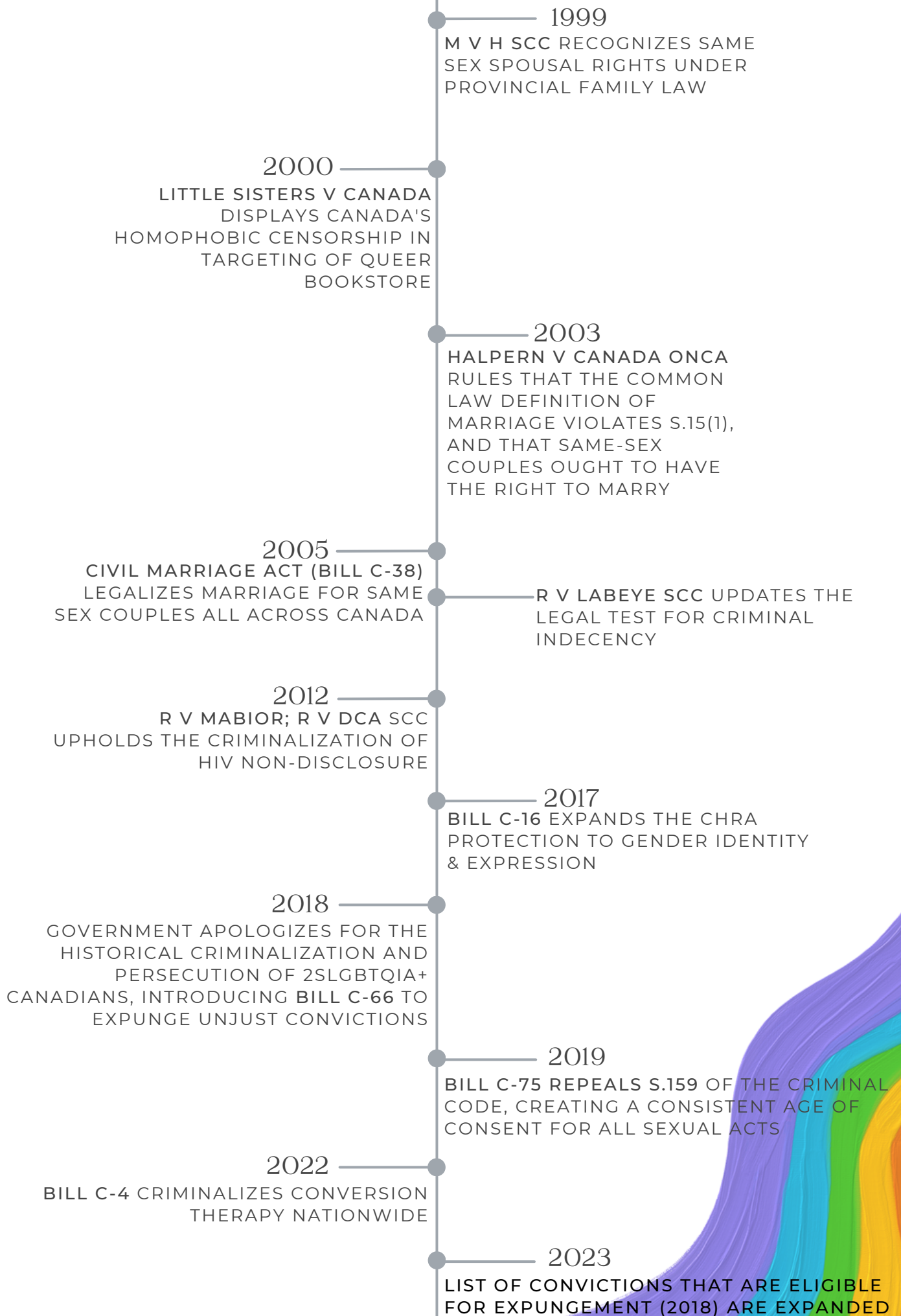




RECENT HISTORICAL TIMELINE

HOW CANADIAN LAW HAS EVOLVED IN ADDRESSING THE
CRIMINALIZATION OF 2SLGBTQIA+ CANADIANS (1969-PRESENT)





2018-Present

CURRENT STATUS

Understanding Where We Are



CANADIAN STATISTICS

2018–Present

Population

In Statistics Canada's most recent survey (2018), Canada's 2SLGBTQIA+ population included around one million Canadians, making up approximately 4% of the population aged 15 and above residing in the country. Individuals between the ages of 15 and 24 constituted slightly less than one-third (30%) of the LGBTQ2+ community, whereas only 7% of LGBTQ2+ Canadians were 65 years or older.

In 2021, Canada was the first country to provide national census data on transgender and non-binary people. Of the nearly 30.5 million people surveyed, 100,815 were transgender (59,460) or non-binary (41,355), accounting for 0.33% of the population. In other words, approximately 1 in every 300 Canadians identify as gender diverse.

The prevalence of transgender and non-binary individuals differed significantly across generations. Generation Z (born between 1997 and 2006) and millennials (born between 1981 and 1996) had proportions three to seven times higher (0.79% and 0.51%, respectively) compared to Generation X (born between 1966 and 1980, 0.19%), baby boomers (born between 1946 and 1965, 0.15%), and the Interwar and Greatest Generations (born in 1945 or earlier, 0.12%). This data suggests a shift in societal acceptance and understanding of gender and sexual diversity over time.

Table 1

Age groups, by LGBTQ2+ and non-LGBTQ2+ populations, Canada, 2018

Age groups	LGBTQ2+	Non-LGBTQ2+
	percent	
15 to 24	29.7	14.0
25 to 34	28.7	16.5
35 to 44	15.0	16.1
45 to 54	10.1	16.1
55 to 64	9.2	16.8
65+	7.3	20.6

Source: Statistics Canada, Survey of Safety in Public and Private Spaces, 2018.

As recognition of transgender, non-binary, and 2SLGBTQIA+ Canadians has increased both socially and legally, it is possible that younger generations feel comparatively more comfortable disclosing their gender identity publicly.

Discrimination & Violence

In 2019, police reported 263 hate crimes targeting sexual orientation, marking a 41% increase from a year earlier and the highest number of hate crimes targeting sexual orientation since 2009.

Police reports are useful indicators, but it is imperative to note that the available statistics likely downplay the prevalence of such incidents considering historical or personal negative experiences with the police, experiences of stigmatization, and criminalization of identity (Nadal and Davidoff 2015).

During the year 2018, individuals in the sexual minority community in Canada were twice as likely as heterosexual Canadians to disclose instances of inappropriate conduct in public (57% versus 22%), online (37% versus 15%), or at their workplace (44% versus 22%) within the preceding 12 months.

In the context of hate crimes, more than half (53%) of those targeting sexual orientation were classified as violent offenses. In contrast, just over one-quarter (27%) of hate crimes targeting religion and slightly more than half (52%) of hate crimes targeting race or ethnicity were categorized as violent incidents.

Excluding violence committed by an intimate partner, it is observed that six out of ten (59%) sexual minority Canadians have experienced physical or sexual assault since the age of 15. This proportion is significantly higher compared to the four out of ten (37%) heterosexual Canadians who reported similar experiences.

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<https://www150.statcan.gc.ca/n1/pub/85-002-x/2020001/article/00009-eng.htm>

Research suggests that sexual minority individuals tend to have a more negative perception of law enforcement than their heterosexual counterparts, even when controlling for confounding variables such as race and income (Owen et al. 2018).

It is also crucial to take into account the role of intersectionality in such instances (Crenshaw). Sexual minority individuals also living with a disability reported even higher instances of physical (55%) and sexual violence (46%) compared to their able-bodied counterparts (36% and 29% respectively) since the age of 15. Sexual minorities of Indigenous identity experience a higher prevalence of violent victimization yet again. 73% of Indigenous sexual minorities had been physically assaulted and 65% had been sexually assaulted since the age of 15, compared to 45% and 37% of non-Indigenous sexual minorities, respectively.

Table 2

Experiences of gender-based violence among sexual minority Canadians, by selected characteristics, Canada, 2018

Selected characteristic	Experienced unwanted behaviours in public in the past 12 months			Experienced unwanted behaviours online in the past 12 months			Physical assault since age 15			Sexual assault since age 15		
	percent	95% confidence interval		percent	95% confidence interval		percent	95% confidence interval		percent	95% confidence interval	
	1			1			1			1		
	from	to		from	to		from	to		from	to	
Gender												
Men 1	40.6	34.6	46.8	32.2	26.3	38.8	47.3	41.0	53.8	25.5	20.8	30.8
Women	68.7 2	63.5	73.5	40.5	34.8	46.4	45.3	39.5	51.2	50.4 2	44.4	56.4
Gender diverse	F	F	F	F	F	F	F	F	F	F	F	F
Age group (years)												
15 to 24 1	79.7	71.7	85.9	45.2	36.2	54.6	40.8	32.0	50.2	30.4	23.4	38.5
25 to 34	59.0 2	50.2	67.4	38.5	30.3	47.4	50.3	40.9	59.6	44.5 2	35.8	53.5
35 to 44	48.0 2	38.9	57.4	39.5	30.6	49.1	58.3 2	49.1	67.0	50.8 2	41.8	59.7
45 to 54	44.5 2	35.2	54.1	31.0	23.1	40.3	55.4 2	46.1	64.4	40.5	32.1	49.5
55 to 64	32.6 2	23.8	43.0	18.8 2	11.9	28.4	43.9	34.3	54.0	37.0	28.5	46.4
65 to 74	28.2 2	18.1	40.9	10.7 2	5.6	19.6	31.2	21.4	43.1	31.9	21.6	44.2
75 and older	F	F	F	F	F	F	F	F	F	F	F	F
Visible minority												
Yes	58.1	45.7	69.5	32.7	21.8	45.9	30.6 2	20.9	42.4	19.7 2	13.0	28.5
No 1	56.7	52.3	60.9	37.9	33.6	42.4	50.6	46.1	55.1	43.4	39.1	47.9
Disability												
Person with disability	67.3 2	61.9	72.3	45.8 2	39.6	52.2	55.0 2	48.8	60.9	46.0 2	40.1	52.0
Person without disability 1	43.9	37.9	50.0	25.3	20.4	30.9	36.4	30.6	42.7	29.2	24.2	34.9
Indigenous identity												
Indigenous person	63.2	48.3	75.9	61.8 2	46.9	74.8	72.7 2	58.4	83.5	65.2 2	50.9	77.2
Non-Indigenous person 1	56.8	52.5	61.0	35.2	30.9	39.8	45.0	40.5	49.5	37.1	33.0	41.5
F too unreliable to be published												
2 significantly different from reference category (p < 0.05)												
1 reference category												
2 Percent calculations include missing or not stated responses. For behaviours online and protective measures online, percent calculations exclude those who stated they did not use the Internet in the past 12 months.												
Note: Sexual minority refers to those who reported their sexual orientation as gay or lesbian, bisexual, or a sexual orientation not elsewhere classified. Reliable data on gender diverse victims and victims whose sexual orientation is not elsewhere classified are unavailable due to small counts. Numbers have been rounded to the nearest 1000.												
Source: Statistics Canada, Survey of Safety in Public and Private Spaces.												

Repercussions

Sexual-minority Canadians, compared to the rest of the population, were more prone to indicating their mental health as poor or fair (32% versus 11%), to report being diagnosed with a mood or anxiety disorder (41% versus 16%), and further more inclined to report having seriously contemplated suicide at some point in their lives (40% versus 15%).

Past studies have continuously identified sexual minority Canadians as having a greater vulnerability to experiencing adverse mental health effects (Poštuvan 2019) and being more prone to engaging in alcohol and drug consumption (Kann et al. 2011) compared to their heterosexual peers. Moreover, they are less inclined to seek medical assistance, potentially influenced by apprehensions about possible mistreatment (Mayer et al. 2008).

In assessing this data, it is important to account for the fact that, in general, sexual minority Canadians tend to be younger than their heterosexual counterparts. It is widely recognized that younger individuals are more prone to reporting subpar mental health and participating in excessive alcohol consumption and drug usage.

Table 3

Mental health indicators, by sexual orientation and gender, Canada, 2018

Indicator	Heterosexual 1			Gay or lesbian			Bisexual			Sexual orientation n.e.c. 1			Total sexual minority 1		
	percent	95% confidence interval		percent	95% confidence interval		percent	95% confidence interval		percent	95% confidence interval		percent	95% confidence interval	
	1			1			1			1			1		
	from	to		from	to		from	to		from	to		from	to	
Self-rated mental health															
Positive (excellent, very good, good)	88.9	88.3	89.4	80.3 2	75.5	84.4	58.9	52.4	65.2	54.6	37.4	70.9	67.8	63.6	71.7
Negative (fair, poor)	10.7	10.2	11.2	19.7 2	15.6	24.4	40.9	34.7	47.4	45.4	29.1	62.6	32.1	28.2	36.3
Ever seriously contemplated suicide	14.9	14.3	15.5	29.9 2	25.1	35.1	46.3	39.8	52.8	58.7	42.1	73.5	40.1	36.1	44.3
Diagnosed mood or anxiety disorder	16.4	15.8	17.0	29.6 2	24.7	35.0	50.8	44.4	57.2	40.9	25.8	58.0	41.1	36.9	45.3
Mood disorder	9.5	9.1	10.0	20.6 2	16.4	25.4	36.2	30.0	42.9	31.1	18.0	48.1	29.1	25.3	33.3
Anxiety disorder	12.5	12.0	13.1	23.4 2	18.8	28.8	41.6	35.5	47.9	30.4	18.5	45.8	33.1	29.2	37.2
2 significantly different from reference category (p < 0.05)															
1 reference category															
1 n.e.c.: not elsewhere classified.															
2 Sexual minority refers to those who reported their sexual orientation as gay or lesbian, bisexual, or a sexual orientation not elsewhere classified.															
1 Percent calculations include missing or not stated responses.															
Source: Statistics Canada, Survey of Safety in Public and Private Spaces.															

Works Cited:
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CANADIAN CORRECTIONAL SERVICES

"Gender Dysphoria": the distress arising from a discrepancy between an individual's gender identity and the sex assigned to them at birth

Following the implementation of Bill C-16 (An Act to amend the Canadian Human Rights Act and the Criminal Code to include "gender identity or expression" as a protected ground from discrimination), Canadian Correctional Services (CSC) was pushed to facilitate a response to issues involving inmates with special gender considerations.

CSC's updated policy with concerning the inclusion of transgender inmates is guided by the diagnosis of Gender Dysphoria, which denotes "distress that is caused by a discrepancy between a person's gender identity and that person's sex assigned at birth". In relation to institutional placement, the Gender Dysphoria policy (GL 800-5) states "Pre-operative male to female offenders with Gender Dysphoria will be held in men's institutions and pre-operative female to male offenders with Gender Dysphoria will be held in women's institutions".

In December 2017, CSC published Interim Policy Bulletin (IPB) 584 – Gender Identity or Expression including the following operational practices:

- Allowing offenders to be placed in an institution according to their gender identity, provided there are no significant health or safety concerns;
- Allowing the purchase of authorized items from CSC catalogues for either 'men' or 'women';
- Allowing offenders to choose whether strip and frisk searches and urinalysis testing are conducted by a male or a female employee; and
- Allowing offenders to determine the name and pronouns they are referred to with.

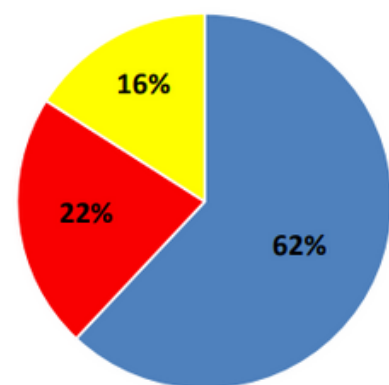
The CSC conducted a Federal study undertaken between December 27, 2017 and July 20, 2021 to ascertain a profile of gender diverse offenders nationwide. The study surveyed a total of 156 gender diverse offenders, and focused on sub-groups of offenders with sexual offending history and indigenous offenders.

Statistical Findings

Of the group surveyed, 48% were Indigenous (75% were First Nations, 24% were Métis, and 1% were Inuit), 42% were white, and 10% were from other ethnocultural groups.

Table 4

Gender identity of gender diverse offenders



■ Transwomen ■ Transmen ■ Other gender diverse offenders

Of the offenders studied, 86% had committed a violent offence (Transwomen: 88%, Transmen: 74%, Other gender diverse offenders: 96%); and 37% had a history of sexual offending (Transwomen: 49%, Transmen: 3%, Other gender diverse offenders: 32%). 74% had struggled with substance abuse.

Table 5

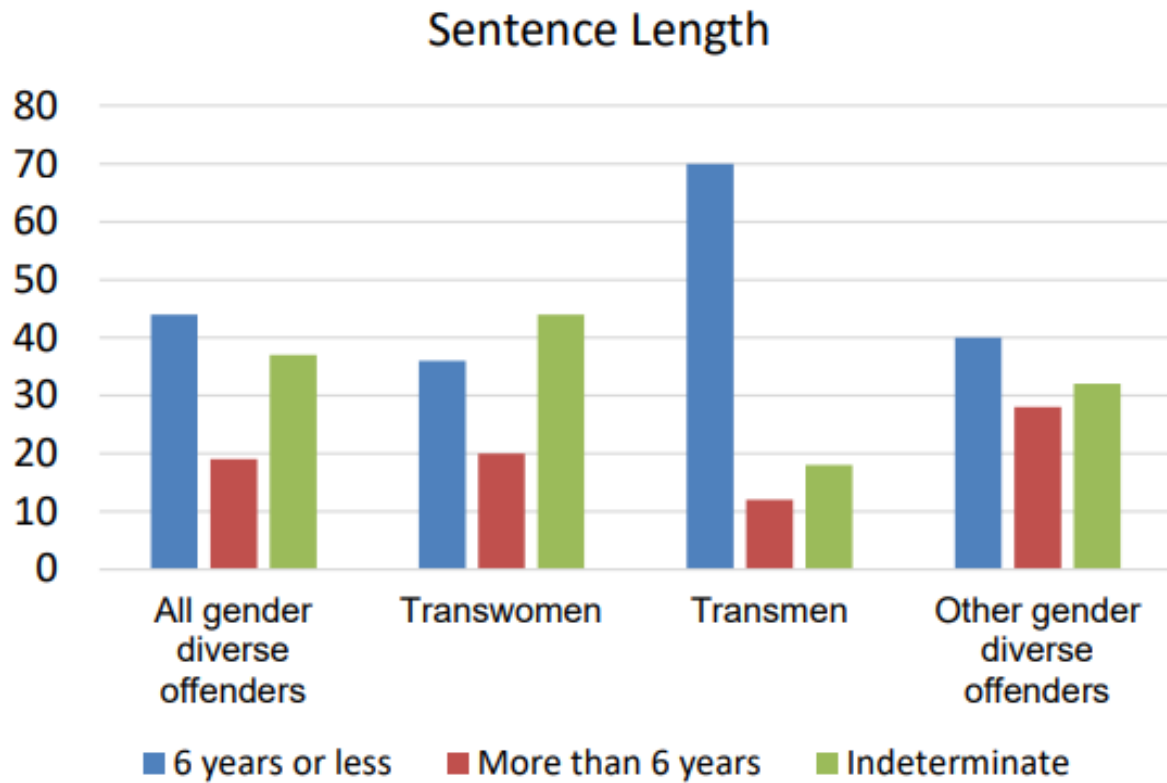


Table 6

Examination of abuse and trauma histories of gender diverse offenders

Indicator	All Gender Diverse Offenders (<i>N</i> = 99)		Gender Diverse Group					
			Trans-Women (<i>N</i> = 61)		Trans-Men (<i>N</i> = 21)		“Other” Group ^a (<i>N</i> = 17)	
	%	(<i>n</i>)	%	(<i>n</i>)	%	(<i>n</i>)	%	(<i>n</i>)
History of childhood abuse	71.7	(71)	72.1	(44)	61.9	(13)	82.4	(14)
<i>Sexual abuse</i>	60.6	(60)	59.0	(36)	52.4	(11)	76.5	(13)
<i>Emotional abuse</i>	43.4	(43)	34.4	(21)	57.1	(12)	58.8	(10)
<i>Physical abuse</i>	51.5	(51)	52.5	(32)	38.1	(8)	64.7	(11)
<i>Mental abuse</i>	34.3	(34)	27.9	(17)	42.9	(9)	47.1	(8)
Abuse during adulthood	24.2	(24)	24.6	(15)	23.8	(5)	23.5	(*)
<i>Sexual abuse</i>	9.1	(9)	11.5	(7)	4.8	(*)	5.9	(*)
<i>Emotional abuse</i>	12.1	(12)	13.1	(8)	14.3	(*)	5.9	(*)
<i>Physical abuse</i>	15.2	(15)	13.1	(8)	19.1	(*)	17.7	(*)
<i>Mental abuse</i>	6.1	(6)	8.2	(5)	4.8	(*)	0.0	(0)
History of trauma	70.7	(70)	70.5	(43)	66.7	(14)	76.5	(13)

Note. ^a The "other" group included: gender fluid, gender non-conforming/non-binary, intersex, two-spirited, or unspecified. *Cell counts with less than five were suppressed.

In general, the preferences of offenders regarding staff interactions indicate that trans-men and trans-women tend to favor interactions related to accommodations with female staff members.

Inmates with a Sex Offence History

37% of the offenders studied had a history of sexual offences. 84% of this subgroup were transwomen, 42% were Indigenous, and the average age of this population was 42 years old. Of those serving time for such offences, 42% were serving indeterminate sentences, 65% were serving their first federal sentence, and 63% were classified as medium security during the study period. This subgroup qualified as a high static risk and dynamic need group. The most common of these needs falling in personal, emotional, and marital/family domains. 68% of these individuals had institutional incidents, 86% completed a main correctional program, and 82% were released on statutory release (36% with a release suspension).

Behavioural and Security Incidents

70% of all gender diverse offenders had institutional behavioural and security incidents during their period of incarceration (63% of transwomen, 85% of transmen, and 76% of other gender diverse offenders). The average number of incidents per offender was 8. The most prevalent forms of incidents were 1) behavioural (53%), 2) assault (38%) and 3) contraband (36%).

Correctional Programming

Of all gender diverse offenders surveyed, 93% were referred to correctional programming. 83% completed a main correctional program, 58% participated in education, and 44% participated in employment.

Indigenous Gender Diverse Offenders

48% of the offenders in this study were of Indigenous identity. Of this population, 60% were transwomen, 24% were transmen, and 16% were of other gender diverse identities. 37% of this subgroup were serving indeterminate sentences, 57% were serving their first federal sentence, and 56% were classified as medium security during the study period.

...

This group was classified as high static risk and of dynamic need, mainly pertaining to personal and emotional struggles, and substance use. 74% engaged in their correctional plan. 84% completed a main correctional program, and 74% were released on statutory release (63% with a release suspension).

Post Release Outcomes

33% of the gender diverse group of inmates studied were released over the course of the survey (29% transwomen, 53% transmen, and 24% other gender diverse offenders): 73% on statutory release, 44% residency condition on release, 58% medium offender security classification at release, 48% suspension of release, and 31% return to custody.

Considerations Regarding these Findings

Psychological and Emotional Harm:

Discrimination and criminalization contribute to higher rates of mental health issues, including anxiety, depression, and suicidal ideation among 2SLGBTQIA+ individuals. The constant fear of persecution and stigma takes a toll on their overall well-being.

Social Isolation and Exclusion:

Criminalization fosters an environment of social exclusion and alienation. Many individuals are forced to hide their identities, leading to a lack of community support, isolation, and difficulties in forming meaningful relationships.

Disproportionate Violence:

Criminalization increases the vulnerability of 2SLGBTQIA+ individuals to violence, including hate crimes, harassment, and physical assaults. These acts of violence reinforce a climate of fear and perpetuate a cycle of victimization.

Limited Access to Healthcare and Support:

Criminalization impedes access to gender-affirming healthcare, mental health services, and support systems. Inadequate healthcare and support exacerbate health disparities and hinder overall well-being.

Table 7

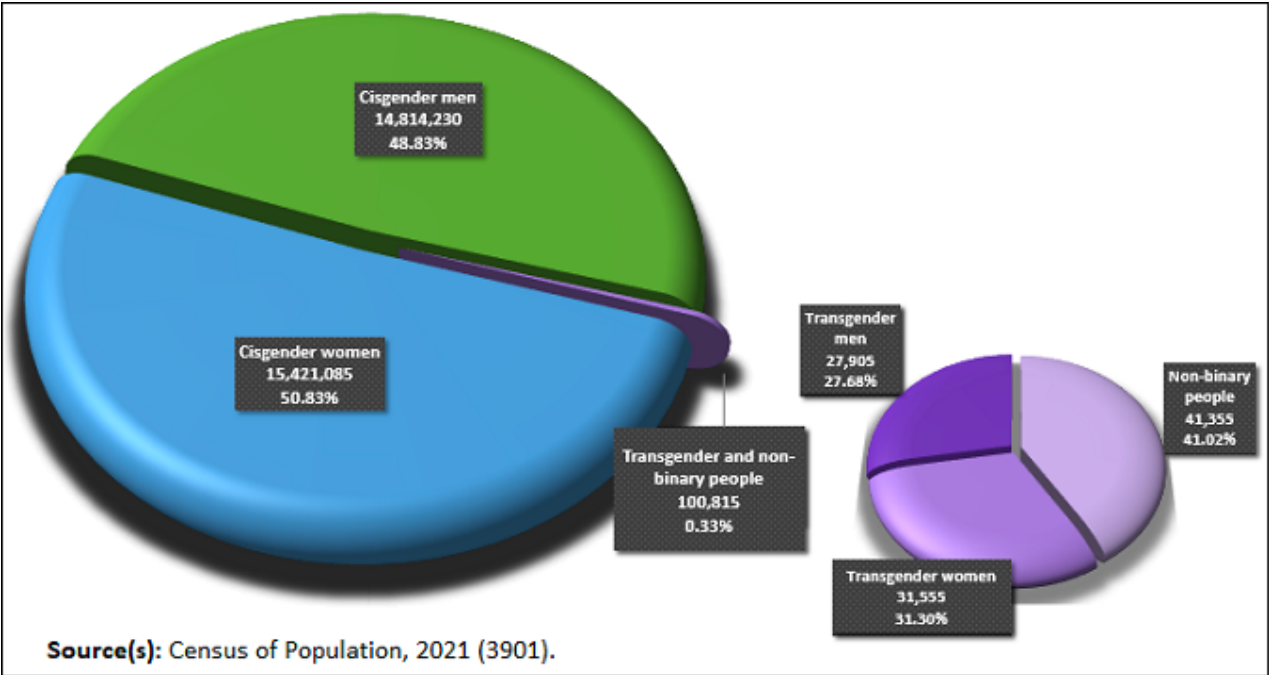
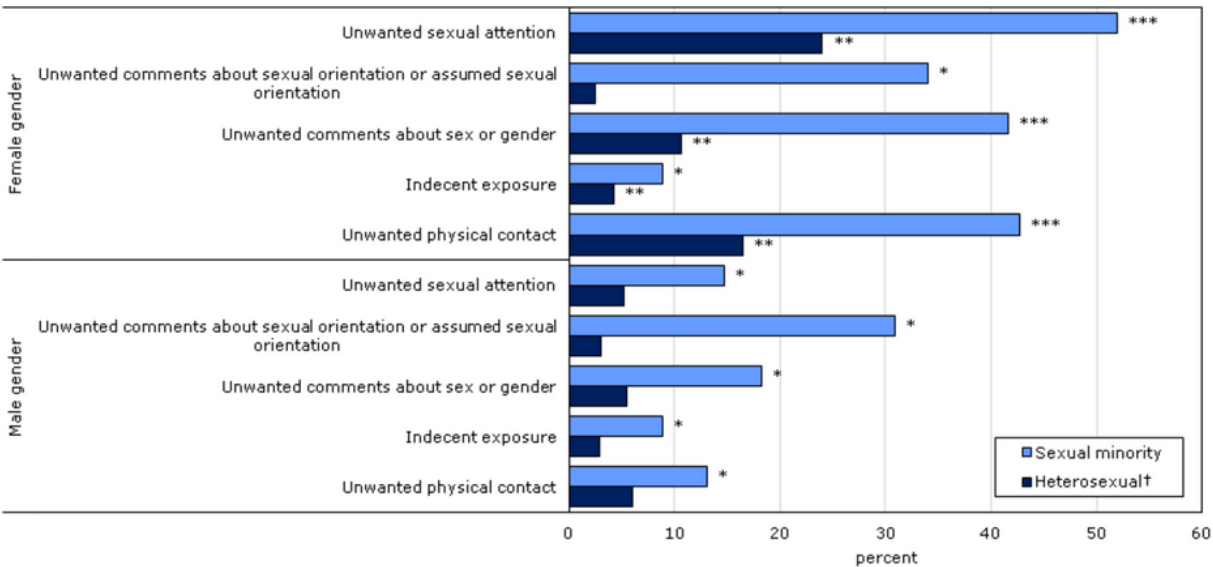


Table 8

Types of inappropriate behaviours experienced in public, by sexual orientation and gender, Canada, 2018

Gender and type of behaviour



* significantly different from reference category ($p < 0.05$)
** significantly different from estimate for male gender only ($p < 0.05$)
*** significantly different from reference category ($p < 0.05$) and estimate for male gender ($p < 0.05$)
† reference category
Note: Sexual minority includes those who reported that they were gay or lesbian, bisexual or another sexual orientation that is not heterosexual.
Source: Statistics Canada, Survey of Safety in Public and Private Spaces.

Aspirations for...

THE FUTURE

Understanding Where We're Going



Looking Ahead ...

In envisioning the future of the criminal justice system in Canada, it is essential to ensure that the rights and well-being of all individuals, including 2SLGBTQIA+ prisoners, are fully protected and respected. The future of the criminal justice system should be one that promotes equity, inclusivity, and social justice, addressing the unique challenges faced by 2SLGBTQIA+ prisoners.

First and foremost, the future criminal justice system should prioritize the safety and dignity of 2SLGBTQIA+ prisoners. It should provide comprehensive training for all staff members, including correctional officers, to foster an understanding of the specific needs and experiences of 2SLGBTQIA+ individuals. This training should encompass cultural sensitivity, awareness of intersectionality, and knowledge of the challenges faced by this community within correctional facilities.

Additionally, the future criminal justice system should ensure that the rights of 2SLGBTQIA+ prisoners are upheld and protected. This includes the right to be free from discrimination, harassment, and violence based on sexual orientation, gender identity, or expression. Policies and protocols should be implemented to prevent any form of mistreatment and to address instances of discrimination promptly and effectively.

The future criminal justice system should prioritize the provision of appropriate healthcare services for 2SLGBTQIA+ prisoners. This includes access to gender-affirming medical care, mental health support, and specialized services that cater to the unique needs of this community. It is crucial to recognize and respect the self-identified gender of transgender and non-binary individuals, ensuring that their healthcare needs are met in a compassionate and informed manner.

The future criminal justice system should actively promote rehabilitation and reintegration for 2SLGBTQIA+ prisoners. This can be achieved by providing comprehensive programs that address the specific challenges faced by this community, such as stigma, isolation, and discrimination.



Rehabilitation efforts should aim to foster resilience, personal growth, and community reconnection, with a focus on reducing recidivism and promoting successful reintegration into society.

To realize this vision, collaboration and consultations with 2SLGBTQIA+ advocacy organizations and community members are essential. Their lived experiences and expertise should be actively sought and integrated into the development and implementation of policies and practices within the criminal justice system.

The future of the criminal justice system in Canada should prioritize the safety, rights, and well-being of 2SLGBTQIA+ prisoners. By fostering inclusivity, upholding human rights, providing appropriate healthcare services, and promoting rehabilitation, we can work towards a more equitable and just system that respects the diversity of all individuals, regardless of their sexual orientation or gender identity.

Suggestions moving forward include:

- 1. Inclusive Policies and Training:** Develop and implement inclusive policies that explicitly protect the rights and dignity of 2SLGBTQIA+ prisoners. Ensure that correctional staff receive comprehensive training on LGBTQIA+ issues, including cultural competency, respectful communication, and recognizing and addressing discrimination and harassment.
- 2. Individualized Needs Assessment:** Conduct thorough and individualized needs assessments for 2SLGBTQIA+ prisoners upon intake. This assessment should consider factors such as gender identity, sexual orientation, mental health, and specific support requirements to tailor the accommodations and services provided.
- 3. Safe Housing Placement:** Establish protocols to ensure safe and respectful housing placements for 2SLGBTQIA+ prisoners. This may include creating dedicated LGBTQIA+ housing units or providing separate living arrangements to protect individuals from potential harm or discrimination.
- 4. Accessible Health Care:** Ensure that healthcare services within correctional facilities are knowledgeable and sensitive to the unique healthcare needs of 2SLGBTQIA+ individuals. Provide access to gender-affirming healthcare, including hormone therapy, mental health support, and HIV/AIDS prevention and treatment.
- 5. Supportive Programming:** Develop and offer programming specifically designed to address the needs and challenges faced by 2SLGBTQIA+ prisoners. This may include support groups, educational workshops, and counseling services that promote self-acceptance, mental well-being, and healthy relationships.
- 6. Anti-Discrimination Measures:** Implement zero-tolerance policies for discrimination, harassment, and violence based on sexual orientation, gender identity, or expression. Establish mechanisms for prisoners to report incidents confidentially and ensure that complaints are promptly and thoroughly investigated.
- 7. Collaboration with 2SLGBTQIA+ Organizations:** Foster partnerships with 2SLGBTQIA+ community organizations and advocacy groups to seek guidance, share best practices, and collaborate on initiatives to enhance support and inclusivity within correctional services.
- 8. Ongoing Review and Evaluation:** Regularly review and evaluate the effectiveness of implemented measures and policies. Seek feedback from 2SLGBTQIA+ prisoners and staff to identify areas for improvement and address emerging challenges or concerns.
- 9. Community Reintegration Support:** Develop comprehensive post-release support programs to assist 2SLGBTQIA+ individuals in successfully reintegrating into the community. This may include connecting them with 2SLGBTQIA+-friendly resources, employment assistance, and housing support.
- 10. Data Collection and Research:** Collect more data on the experiences and needs of 2SLGBTQIA+ prisoners within correctional services to inform evidence-based policy development and targeted interventions. Support research initiatives focusing on the intersectionality of identities and experiences within the prison system.

By implementing these steps, Canadian correctional services can take significant strides towards creating a more accommodating and inclusive environment for 2SLGBTQIA+ prisoners, promoting their safety, well-being, and successful rehabilitation.



Local

RESOURCES

Where You Can Turn To



LOCAL 2SLGBTQIA+

RESOURCES

THE YOUTH PROJECT

THE YOUTH PROJECT IS COMMITTED TO PROVIDING LEADERSHIP OPPORTUNITIES TO LESBIAN, GAY, BISEXUAL, QUEER, TRANSGENDER AND ALLY YOUTH - PROMOTING AND NURTURING AN ENVIRONMENT THAT IS APPRECIATIVE OF YOUTH FROM ALL RACES, ETHNICITIES, GENDERS, SEXUAL ORIENTATIONS, ABILITIES AND SOCIOECONOMIC BACKGROUNDS.



ELIZABETH FRY SOCIETY

ELIZABETH FRY ADDRESSES THE CRIMINALIZATION OF WOMEN AND GIRLS IN MAINLAND NOVA SCOTIA THROUGH: PROVIDING ONE-ON-ONE OUTREACH TO WOMEN AND GIRLS IN PRISON AND JAIL. PROVIDING EXTENSIVE, REHABILITATIVE PROGRAMS FOR WOMEN AND GIRLS IN PRISON AND JAIL.



EGALE CANADA

EGALE'S MISSION IS TO CREATE A WORLD, WITHOUT HOMOPHOBIA, BIPHOBIA, TRANSPHOBIA AND ALL OTHER FORMS OF OPPRESSION. WORKING TO ACHIEVE THIS GOAL THROUGH INFORMING PUBLIC POLICY, INSPIRING CULTURAL CHANGE, AND PROMOTING HUMAN RIGHTS AND INCLUSION THROUGH RESEARCH, EDUCATION, AWARENESS AND LEGAL ADVOCACY.



NOVA SCOTIA RAINBOW ACTION PROJECT

THE NOVA SCOTIA RAINBOW ACTION PROJECT (NSRAP) SEEKS EQUITY, JUSTICE, AND HUMAN RIGHTS FOR 2SLGBTQIA+ PEOPLE IN NOVA SCOTIA. NSRAP SEEKS TO CREATE CHANGE IN OUR COMMUNITIES AND OUR SOCIETY AT LARGE SO THAT ALL 2SLGBTQIA+ PEOPLE ARE INCLUDED, VALUED, AND CELEBRATED.



AVALON SEXUAL ASSAULT CENTRE

AVALON IS DEDICATED TO ERADICATING SEXUAL VIOLENCE AND PROVIDING ASSISTANCE TO THOSE IMPACTED BY IT. AVALON WORKS TO CONFRONT THE FUNDAMENTAL SOURCES OF SEXUAL VIOLENCE, WHICH ENCOMPASS SEXISM AND VARIOUS OTHER TYPES OF OPPRESSION.



DALHOUSIE LEGAL AID

THE DALHOUSIE LEGAL AID SERVICE OFFERS FREE LEGAL ASSISTANCE TO INDIVIDUALS WHO QUALIFY BASED ON THEIR INCOME. THEY CAN PROVIDE ADVICE AND REPRESENTATION FOR VARIOUS LEGAL MATTERS, INCLUDING THOSE RELATED TO THE CRIMINAL JUSTICE SYSTEM.



Dalhousie Legal Aid Service

ELIZABETH FRY SOCIETY

THE HALIFAX SEXUAL HEALTH CENTRE PROVIDES COMPREHENSIVE SEXUAL HEALTH SERVICES, INCLUDING SUPPORT AND RESOURCES FOR 2SLGBTQIA+ INDIVIDUALS. THEY MAY BE ABLE TO PROVIDE INFORMATION ON NAVIGATING THE CRIMINAL JUSTICE SYSTEM AND ACCESSING APPROPRIATE SUPPORT.



PFLAG CANADA

FOUNDED IN 1973, PFLAG IS THE FIRST AND LARGEST ORGANIZATION DEDICATED TO SUPPORTING, EDUCATING, AND ADVOCATING FOR LGBTQ+ PEOPLE AND THEIR FAMILIES.



COVERDALE JUSTICE SOCIETY

COVERDALE STRIVES TO IMPROVE ACCESS TO JUSTICE AND PROVIDE COMPREHENSIVE SUPPORTS TO WOMEN AND GENDER DIVERSE INDIVIDUALS THROUGH A TRAUMA INFORMED, GENDER RESPONSIVE AND INCLUSIVE LENS.



STEPPING STONE

STEPPING STONE IS A CHARITABLE ORGANIZATION THAT PROVIDES SERVICES AND SUPPORT TO CURRENT AND FORMER SEX WORKERS, PEOPLE AT RISK OF ENTERING THE SEX TRADE, AND PEOPLE WHO IDENTIFY AS BEING TRAFFICKED.



SOUTH HOUSE

THE SOUTH HOUSE IS A STUDENT-FUNDED, VOLUNTEER-DRIVEN RESOURCE CENTRE THAT SEEKS TO ADDRESS AND ADVOCATE FOR ANTI-OPPRESSION ISSUES WITHIN A FEMINIST FRAMEWORK. THE SOUTH HOUSE (SOHO) IS HALIFAX'S ONLY FULL TIME GENDER JUSTICE CENTRE.



SOUTH HOUSE

JOHN HOWARD SOCIETY OF NOVA SCOTIA

JOHN HOWARD HELPS CRIMINALIZED PEOPLE AND THOSE IMPACTED BY CRIME TO MOVE FORWARD, OFFERING PRACTICAL MENTAL HEALTH AND SOCIAL SUPPORT DURING AND BEYOND THE JUSTICE SYSTEM.



WELLNESS WITHIN

WELLNESS WITHIN IS A VOLUNTEER BASED, NON FOR PROFIT, FEMINIST, ANTI-RACIST, ANTI-POVERTY, PRO-LGBTQ2S+, PRO-INCLUSION ORGANIZATION. WORKING FOR REPRODUCTIVE JUSTICE, PRISON ABOLITION, AND HEALTH EQUITY. WW EMPLOYS DOULAS, NURSES, MIDWIVES, PHYSICIANS, SOCIAL WORKERS, LAWYERS, STUDENTS, POLICYMAKERS, RESEARCHERS, WRITERS, EDUCATORS, AND MENTORS WHO HAVE EXPERIENCED CRIMINALIZATION FIRSTHAND.



CANADIAN CIVIL LIBERTIES ASSOCIATION

CCLA ACTIVELY STANDS UP TO POWER BY FIGHTING AGAINST RIGHTS VIOLATIONS, ABUSE OF POLICE POWERS, INEQUALITY, AND DISCRIMINATION. WE STAND FOR FREEDOM, EQUALITY, AND A BETTER FUTURE FOR ALL PEOPLE IN CANADA.



Know Your Rights

As a gender diverse individual, you have rights protected by law, even while in prison. Understanding these rights can help you navigate the system and advocate for yourself. Here are some key points to keep in mind:

1. Right to Dignity and Respect:

- You have the right to be treated with dignity and respect, regardless of your gender identity or expression.
- Prison staff must use your preferred name and pronouns, as long as it does not compromise institutional security.

2. Right to Safety:

- You have the right to be safe from violence, harassment, and discrimination by other prisoners and prison staff.
- Report any incidents of mistreatment or abuse to the appropriate authorities, such as the prison's internal complaint mechanism or a human rights organization.

3. Right to Medical Care:

- You have the right to access medical care, including hormone therapy or gender-affirming surgeries, if deemed medically necessary.
- Inform the prison's healthcare staff about any specific medical needs related to your gender identity.

4. Right to Privacy:

- You have the right to privacy, including during searches and while using washroom facilities.
- Advocate for a policy that ensures searches are conducted by staff of your preferred gender, if possible, and request alternative search methods when necessary.

5. Right to Gender-Affirming Items:

- You have the right to access gender-affirming items, such as clothing and grooming products that align with your gender identity.
- Communicate your needs to prison staff and request access to these items. If denied, you may seek assistance from advocacy organizations or legal services.

6. Right to Express Gender Identity:

- You have the right to express your gender identity and engage in gender-affirming practices, such as using your chosen name and pronouns, within reasonable limits.
- Familiarize yourself with the prison's policies on gender expression and advocate for fair and inclusive policies if they are lacking.

7. Right to Legal Representation:

- You have the right to legal representation. If you believe your rights have been violated, seek legal advice from a lawyer who specializes in human rights or prisoner rights.
- Document any incidents, gather evidence, and keep a record of conversations or encounters that may be relevant to your case.

8. Right to Access Support:

- You have the right to access support services, such as counseling, mental health resources, or peer support groups.
- Reach out to prison staff or community organizations to inquire about available support programs.

