



Event	<b>World Pride Human Rights Conference</b>
Location	<b>University College Room 140</b>
Date / Time	<b>Thursday, June 26, 2014 1:30 – 3:00 pm Arrive: 1:15</b>
Contact	<b>[REDACTED] [REDACTED]</b>
Speech length/type	<b>Panel – 10 minutes opening remarks followed by Q&amp;A's from audience</b>
Topic	<b>Law State and Politics – 35 Years of Advancing LGBTQ Rights</b>
Event format	<b>Seated panel, podium for opening remarks</b>
Audience	<b>150 to panel discussion (conference 450, from 50 countries)</b>

Other panelists:

**Arber Kodra (Albania)** – Making the Case for Equality: Legal Responses to Discriminatory Practices

**James Anderson (Canada)** – The Sexual Orientation and Gender Identity Human Rights Index

**Michael Pelz (Canada)** – The EU, LGBT Rights, and Constructions of National Identity

**Diego Sempol (Uruguay)** – The Politicization of Sexuality: LGBTTBQI Movement and State Regulations 1908-2013

**\*\*Registration at main entrance of building – venue has volunteers walking around the building – you can ask any of these people where to go.**

Hello.

- Happy World Pride – and happy World Pride Human Rights Conference.
- It's an honour to be the first North American city to host World Pride.
- Thank you to the organizers for including me and The Commission in this important conference.
- It's a privilege to be on a panel with all of you...
- to share our experiences here in Ontario and Canada...
- And to learn from you; who've come from around the world.

**My experience in human rights is rooted in community activism.**

- As a new lawyer, I got involved in LGBT rights after brutal bathhouse raids happened here in Toronto in the early 1980's...
- I was outraged that this could happen in "my country."
- My work as a lawyer was framed by a social justice perspective...
- Something that also informed much of my work as a municipal politician...
- and my current role at the Commission.

**In my time at the OHRC I've come to realize how new human rights really are.**

- Although the International Declaration of Human Rights was drafted in 1948, it wasn't until the early 60's that Canada's first human rights commission and human rights Code were established here in Ontario.

**The Ontario Human Rights Code was passed to fight the overt discrimination that was happening at the time.**

- It came about because of discrimination here in Canada.
- Signs up in shop windows refusing service to Blacks, Asians and Jews.
- Separate seating areas in movie cinemas and other public places
- We had land laws that made it difficult for Jewish, Aboriginal and other "objection people" to own land...
- (that's what the law actually said, "objectionable people")
- Just as there was unrest in the U.S., we had our own here...
- People experiencing discrimination had had enough...
- They organized and they fought for protections under the law.
- When the Commission finally did come together, it was one of the first worldwide.

## **The OHRC has a broad mandate, as laid out in the UN's Paris Principles (adopted by UN General Assembly in 1993)...**

- We are an independent, arm's length agency of the provincial government, with a legislated mandate to report to the legislature on the state of human rights in Ontario...
- And to work towards creating a culture of human rights.
- We monitor and inquire into matters relating to human rights, conduct research and consultation, examine legislation, advise governments, publicize our findings, work with other organizations responsible for human rights, and educate the public.
- We initiate or intervene in cases before tribunals and the courts, up to and including the Supreme Court of Canada.
- No other institution founded in law has the broad mandate we do.
- The Code is quasi-constitutional – with human rights law taking precedence over all other laws...
- Over the years, the mandate of the OHRC has changed to respond to changing needs...
- We no longer process or hear individual complaints...
- Ontario has a separate human rights Tribunal and legal support centre that provides free human rights legal advice.

- In many ways this shift has allowed us to speak more freely about human rights issues, focus our efforts on preventing discrimination at all levels, and to focus on systemic issues.
- We also get involved in communities when tension and conflict flares up.

**As I said before, human rights protections in Ontario and Canada came about because people who experienced discrimination, their friends and allies, fought for change.**

- The first protections were around race and religion.
- Over the years other groups have organized and pushed for change.
- The Code now protects people under 17 Code grounds...
- There are protections for families, women, people with disabilities (including mental health and addictions)...
- In 1986, sexual orientation was added to the Code, and...
- in 2012 gender identity and expression were added.

**But let me go back to the addition of sexual orientation in 1986...**

- The OHRC's work on LGBTQ rights really began with its public consultation and ground-breaking report *Life Together*, which was released nearly 40 years ago, in 1977.

- It was the first major review of the *Code* since it was introduced in 1962 – and its aim was to address the changing, and urgent realities of the human rights situation in Ontario.
- The report made over 100 recommendations.
- Where sexual orientation was concerned, it talked about gay and lesbian people experiencing frequent and extensive discrimination...
- and living in constant fear.
- The report called on the government to recognize sexual orientation to the Code.
- The OHRC had been acting informally on complaints when they came up, as part of its broad mandate...
- but there was no legal authority for it to investigate or proceed with cases because sexual orientation was not yet included as a protected Code ground.

**Over the next few years tensions rose in the LGBT community...**

- bashings were a regular occurrence, we'd had the bathhouse raids (which led to the first Pride Parade here in Toronto)...
- And HIV/AIDS was spreading fear and hate.
- In the face of all of this the LGBTTT2QAI community pushed for change...

- And the OHRC kept the pressure on...
- Finally, in 1986 discrimination and harassment because of sexual orientation was added to the Code – and made illegal.

**But as so many of us know, rights in law don't necessarily mean a change in attitudes or lived realities.**

- 1995, as mayor....(hate mail, etc.)
- While the LGBT community continued their hard work, the OHRC continued to work hard to change social attitudes through policy development and our litigation function.
- In 1996, the OHRC used its policy function to address the social stigma and discrimination around HIV/AIDS.

(Policy recognized HIV/AIDS as a disability – and the intersection between HIV/AIDS and sexual orientation)

- Also in 1996, the OHRC began a review of 65 different Ontario statutes and wrote to the government about discriminatory spousal provisions regarding same-sex partners, including the Family Law Act...
- and the Ontario Human Rights Code itself.
- Later, the OHRC intervened in a precedent-setting Supreme Court of Canada case (M. v. H.) that, among other things, ordered that all

legislation in Ontario be amended to remove discriminatory spousal provisions.

- When the government of the day responded by introducing new protections for “same-sex partnerships” to the Code, the OHRC and the LGBT community continued to rally behind the idea that “equal but different” wasn’t good enough...

(They hadn’t amended the Code to permit same-sex couples to fall within the definition of “spouse.”)

- In 2000, the OHRC released a new policy relating to sexual orientation giving clear direction to employers, housing providers and other service providers on their obligations under the Code.
- In 2003, when the courts recognized same-sex marriage (Halpern), “same sex partnership” was removed from the Code.
- But as I said before – rights in law don’t necessarily equate to a change in lived realities.
- Some public officials were refusing to perform same-sex marriages.
- The OHRC wrote an open letter to Ontario’s Attorney General outlining its concerns.
- For over 10 years, the OHRC supported the addition of gender identity and gender expression as a Code ground.

- Although we had read protections because of gender identity and expression into the ground of sex or disability – we believed that explicit protections were necessary....
- Again, the OHRC, politicians, and the community pushed for change – and finally gender identity and expression were added to the Code just two years ago.
- I cannot stress enough the incredibly, tireless and courageous work the transgender people and their allies did to make this happen.
- Earlier this year, the OHRC released its first policy on gender identity and expression.
- It talks about the realities of trans people at work – and as they try to access housing and services like healthcare and education.
- What it states very clearly is that you cannot discriminate or harass people because of gender identity and expression.
- Again – we've got legal protections and we've got policies...
- now we have to work to make sure those words become lived realities and everyday experience for trans people.
- At the OHRC we're using our broad mandate – we're speaking out, doing public education, initiating inquiries and litigating...
- And pushing government institutions.

**As I said in my opening, the fight for rights is never over.**

- We must stay ever vigilant.
- Someone is always ready to take rights away...
- And changing societal realities mean that new issues keep coming up.
- Here in Ontario, there are many diverse communities living together.
- Sometimes one person's rights come into conflict with another person's rights..
- For example, where sexual orientation and religion are concerned, it comes up quite a bit...
- As with LGBT youth in Catholic schools.
- We are working hard with communities to build mutual respect and understanding...
- And we've developed a policy on balancing human rights when competing rights issues come up.
- Our vision is for an Ontario where everyone is treated with respect and dignity and able to reach their full potential
- That is also my vision for all of us, from wherever we come from...
- World Pride is an opportunity to stand together to work to make that vision a reality.

- Let's get on with it.

Thank you.