

Moving together towards social equality

QUÉBEC POLICY

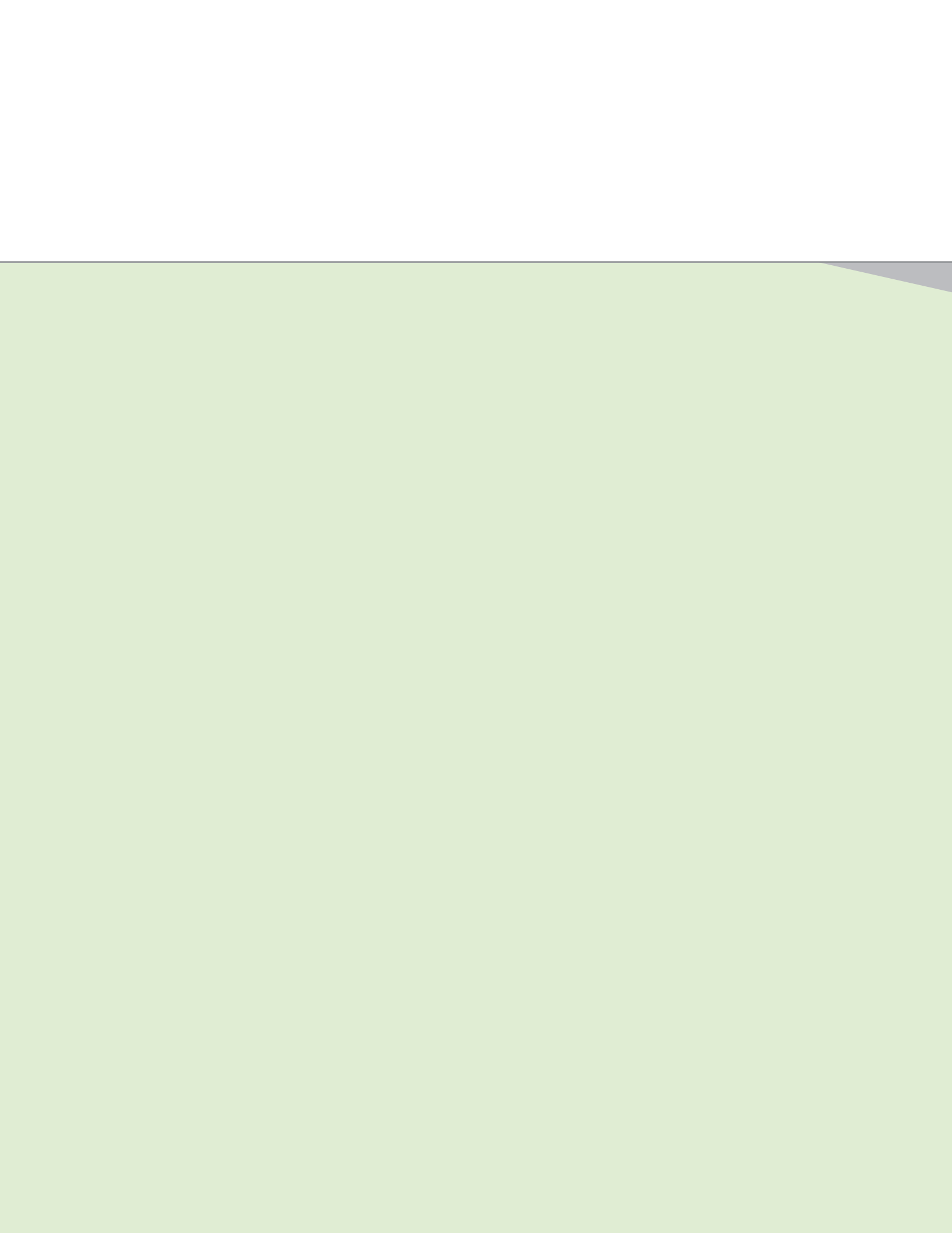
against
homophobia

December 2009

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Message from the Premier

Québec, today, represents a truly egalitarian society, thanks to our strong belief in justice and the importance we place on the principle of equality, the basic foundation for democracy in all its forms. Acting on these values, Québec has been a pioneer in the fight against discrimination based on sexual orientation, and in 1977 became the first jurisdiction in North America to prohibit this form of injustice. Just over thirty years later, we can proudly state that we have achieved full legal equality for the sexual minorities, whether lesbian, gay, bisexual, transsexual or transgender.

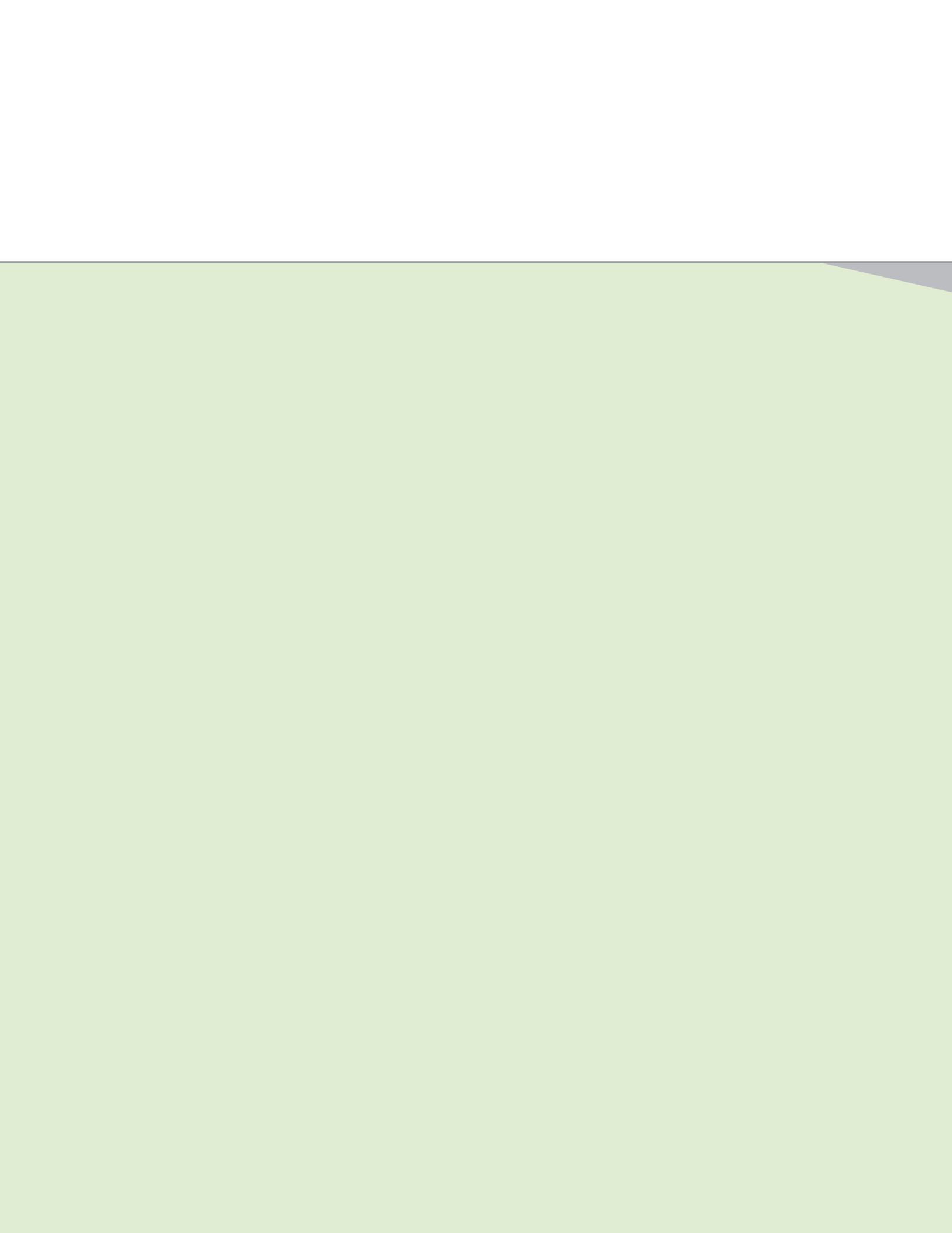
However, sexual diversity is still widely misunderstood. Cultures and mindsets remain marked by homophobic prejudice and sentiment. In families, schools and workplaces, it is not unusual for individuals to face rejection, bullying, and even violent behaviour triggered by homophobia. This, in turn, forces them to keep their sexual orientation a secret in order to avoid social disapproval.

An inclusive society such as ours must take the necessary steps to combat homophobic attitudes and behaviour patterns, and move towards full acceptance of sexual diversity. By introducing this *Québec policy against homophobia*, the government hopes to trigger a firm commitment, by institutions and the general population, to fight all forms of homophobia. The policy sets out the government's goal of removing all the obstacles to full recognition of the social equality of the sexual minorities, at all levels of society. The message is clear: our society has everything to gain from accepting sexual diversity and fighting intolerance.

The combat against homophobia offers a major challenge, since it primarily involves combating prejudice and changing mindsets. However, I firmly believe that our combined efforts will lead to the achievement of the objectives contained in the policy, and I invite all institutions and all citizens in Québec to make a resolute commitment to participate in the fight against homophobia for the greater benefit of society as a whole.



Jean Charest



Message

from the minister of Justice

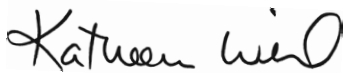
And minister responsible for the fight against homophobia

Over the last thirty years, Québec has introduced a range of legislative measures leading to recognition for the legal equality of the sexual minorities. Despite this fact, full social acceptance for sexual diversity has yet to be achieved. Homophobia remains present in our institutions and within the general population. Prejudice persists and supports homophobic attitudes and behaviour patterns that continue to have a negative impact. It is our duty to take action together to end these infringements of the victims' rights and dignity.

As the minister responsible for the fight against homophobia, I am proud to present the *Québec policy against homophobia*. It relies on the participation of all institutions, and all Quebecers, to create a society free of prejudice with regard to sexual diversity. This is a key issue, since it involves the right of all individuals to achieve their potential and participate fully in all aspects of life in society, whatever their sexual orientation or identity.

I believe that each of our actions to fight homophobia, whether in terms of large-scale measures or simple day-to-day actions, will help Québec move towards a society that is enriched by diversity, benefiting both today's citizens and the generations of the future.

I invite you all to join in the fight against homophobia to create a fairer society, more accepting of sexual diversity.



Kathleen Weil

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This document has been produced by the Ministère de la Justice with assistance from the government departments involved in the fight against homophobia.

The *Québec policy against homophobia* is also available on the Justice website at: www.justice.gouv.qc.ca.

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Introduction

Since the inclusion of sexual orientation, in 1997, as one of the grounds on which discrimination is prohibited under *Québec's Charter of human rights and freedoms*,¹ the fight against discrimination on the basis of sexual orientation has led to the recognition of legal equality for the sexual minorities. In 2002, Québec created a new form of conjugal relationship—the civil union—and then in 2005, Canada adopted legislation allowing same-sex marriages, two changes that consecrated the legal equality of same-sex and opposite-sex couples.

However, despite these legal advances, sexual minority members have yet to attain social equality. A bias against homosexuality and transsexuality is, all too often, embedded in social attitudes. For example, many gay and lesbian people are still mocked, taunted, harassed and even subjected to physical violence because of their sexual orientation, at school and in sports facilities.

HOMOPHOBIA—the rejection of and discrimination against gays, lesbians, bisexuals, transsexuals, and transgenders—forces thousands of people to hide their sexual orientation to avoid disapproval. This makes them invisible as the members of a sexual minority, preventing their full participation in the social, political and economic life of Québec society. In addition, homophobia is a leading cause of psychological distress for the people targeted; homophobic attitudes and behaviour may even lead, in some cases, to suicide.

People who begin the process of affirming their sexual orientation rarely encounter either total acceptance or total rejection by their family and friends. Instead, the members of their immediate circle, and especially their parents, experience a period of distress, expressed through a range of emotions, including sadness, denial, guilt, shame and anger. In some cases, they may become abusive and even commit acts of physical or mental violence.

Homophobic behaviour is not only directed at sexual minority members. It can also target heterosexual people who do not conform to traditional male or female stereotypes. Other victims include the close relatives of people targeted by homophobia.

1. R.S.Q., chapter C-12.

Progress has been made in the fight against homophobic attitudes and behaviour, in particular thanks to public health interventions to prevent the transmission of HIV/AIDS and other sexually transmitted diseases, particularly in the Montréal and Québec City areas. However, the few Québec-wide measures to combat homophobia that have been implemented have been either short-term or of limited scope.

To be fully effective, the legal equality of sexual minorities must be supported by social equality. The Québec government intends, by adopting this policy against homophobia, to play a leading role in achieving this objective. The policy implements the first recommendation made in the report by the Commission des droits de la personne et des droits de la jeunesse, *De l'égalité juridique à l'égalité sociale—Vers une stratégie nationale de lutte contre l'homophobie*,² which states that a Québec-wide policy to combat homophobia should be adopted and implemented.

This policy sets out guidelines and strategic choices based on the consensus positions defined during the work of the Commission. A government action plan, including rigorous monitoring and assessment mechanisms, will ensure the implementation of the policy and the achievement of its objectives. The action plan must, whenever possible, take into account the specific realities and needs of the different sexual minorities: gays, lesbians, bisexuals, transsexuals and transgenders.

This policy constitutes one of the key elements in a broader strategy leading to the full and complete recognition of the sexual minorities, institutional and community support for the sexual minorities, and improved knowledge about sexual diversity. It is one of a range of policies and strategies designed to achieve similar objectives in terms of the equality of other groups in the population such as women, young people, the disabled and people living in poverty, and their full participation in society.

In addition, the policy highlights the different realities and needs of the women and men who make up the sexual minorities.

2. Commission des droits de la personne et des droits de la jeunesse, *De l'égalité juridique à l'égalité sociale—Vers une stratégie nationale de lutte contre l'homophobie*, rapport de consultation du Groupe de travail mixte contre l'homophobie, published in French only in March 2007. In May 2009 the Commission released a follow-up report on the recommendations made in the taskforce's report, *Bilan sur le suivi des recommandations du rapport de consultation du Groupe de travail mixte contre l'homophobie*. This document points out that, despite the efforts made, a policy to fight homophobia is still essential if social equality for the sexual minorities is to be achieved.

Background for the policy

CHANGES IN THE RIGHTS OF SEXUAL MINORITIES

Since the decriminalization of sexual relations between two people of the same sex in Canada in 1969, the rights of sexual minorities have made considerable progress in our society. Several key dates mark this progression.

- In 1977, Québec became the first jurisdiction in North America to prohibit discrimination based on sexual orientation, by listing sexual orientation in the *Charter of human rights and freedoms*.
- Applying the *Charter*, the Superior Court recognized, in 1980, that a school board could not refuse to rent a room to an organization promoting the rights of homosexuals.³
- In 1996, section 137 of the *Charter* was repealed. It previously allowed sexual orientation to be used to make distinctions between individuals for the purposes of various insurance and benefit plans.
- In 1998, the Human Rights Tribunal decided that the prohibition in the *Charter* on using “sex” as a ground for discrimination included transsexuality, and the status of a person in transition.⁴
- Another major step forward occurred in Québec in 1999 when the *Act to amend various legislative provisions concerning de facto spouses*⁵ was passed, giving same-sex spouses the same rights and privileges as opposite-sex spouses. Québec became the first jurisdiction in Canada, and the second in North America, after Hawaii, to enact legislation in this field.

3. *Association A.D.G.Q. c. Commission des écoles catholiques de Montréal*, [1980] C.S. 93.

4. *Commission des droits de la personne et des droits de la jeunesse c. Maison des jeunes*, (1998) R.J.Q. 2549.

5. S.Q. 1999, chapter 14.

- In 2002, the *Act instituting civil unions and establishing new rules of filiation*⁶ came into force, creating a new form of conjugal union, the “civil union”, and authorizing the names of two mothers or two fathers to be entered on a child’s birth certificate.
- In 2005, the Canadian parliament passed the *Civil Marriage Act*,⁷ to extend legal capacity to marry for civil purposes to same-sex couples.

HOMOPHOBIA

Despite this recognition of their rights, prejudice against the sexual minorities persists and continues to be manifested through homophobic attitudes and behaviour, in institutional processes, and among the general public.

Definitions

For the purposes of this policy, “heterosexism”, “homophobia” and “sexual minority” mean:

- **Heterosexism:** Affirmation of heterosexuality as a social norm or the highest form of sexual orientation; social practice that conceals the diversity of sexual orientations and identities in everyday representations, social relations and social institutions, in particular by taking for granted that all people are heterosexual.
- **Homophobia:** All negative attitudes leading to the rejection of and direct or indirect discrimination against gays, lesbians, bisexuals, transsexuals and transgenders, or against persons whose appearance or behaviour does not conform to masculine or feminine stereotypes.
- **Sexual minorities:** inclusive terms for lesbians, gays, bisexuals, transsexuals and transgenders.

The definitions are taken from the report *De l’égalité juridique à l’égalité sociale* by the Commission des droits de la personne et des droits de la jeunesse.

CURRENT SITUATION

The extent of homophobia in Québec is difficult to determine. However, as revealed by the work of the Commission des droits de la personne et des

6. S.Q. 2002, chapter 6.

7. S.C. 2005, chapter 33.

droits de la jeunesse, the problem exists in Québec society, despite the laws and policies that create equality between individuals. The current state of knowledge is based largely on fundamental, behavioural and empirical research and studies in various fields—labour, education, etc.—or on precise topics, such as the prevention of HIV/AIDS and other sexually-transmitted and blood-borne infections, social intervention work, etc.

In addition, various surveys on homophobia have been carried out in recent years and provide an overview of the general situation.

An opinion survey carried out for the organization Gai Écoute in 2003⁸ shows that almost one third of Quebecers have witnessed homophobic attitudes or behaviour directly. Most of the respondents considered that homophobia was most likely to occur in schools and the workplace. Another survey conducted in 2004⁹ for the same organization shows that a majority of Quebecers (71%) considers that homophobic behaviour is as serious as xenophobic or racist behaviour. Just under 50% of the people surveyed considered that behaviour of this type should be punished.

Another survey carried out by Statistics Canada in 2004¹⁰ found that homosexuals were more likely to be victims of violent crime than heterosexuals, and that bisexuals were four times more likely than heterosexuals to experience violent crime. The survey concluded that the simple fact of being gay, lesbian or bisexual caused a significant increase in the risk of violent crime.

A study presented in 2002¹¹ shows that homosexuals and bisexuals, as a group, were more likely to have physical or mental health problems than heterosexuals, not because of their sexual orientation but as a result of homophobia. In addition, the study showed that homosexuals and bisexuals had lifestyle habits that carried more risk for their health, had less social support, and were in less good physical and mental health than heterosexuals.

8. Léger Marketing, *L'homophobie au Québec: mythe ou réalité?* Étude omnibus, April 2003, file 12717-004.

9. Léger Marketing, *Perception et opinion des Québécois à l'égard des personnes homosexuelles*, Étude omnibus, May 2004, file 12717-006.

10. Diane L. Beauchamp, *Sexual Orientation and Victimization*, Canadian Centre for Justice Statistics Profile Series No. 016 (85F0033M), Ottawa, 2008.

11. Danielle Julien, Élise Chartrand and Jean Bégin, *Les personnes homosexuelles, bisexuelles et hétérosexuelles au Québec: une analyse comparative selon les données de l'Enquête sociale et de santé 1998*, Rapport final présenté au Bureau de la recherche du ministère de la Santé et des Services sociaux, July 2002.

A study in 2007¹² of 786 gay and lesbian adults found that almost 80% had witnessed homophobic behaviour in their work environment, and between 10% and 23% had been victims of homophobia. The study showed the persistence, in most workplaces, of a diffuse form of homophobia, in the form of mockery and prejudice generally presented as a joke. Gay men were more likely to be targeted by stereotypes—negative or positive—or to see their professional competency challenged because of their sexual orientation, while lesbians were more likely to be subjected to sexual harassment.

Young people are especially vulnerable to homophobic behaviour, particularly at times when they are questioning their own sexual orientation or gender identity. Their wellbeing is often compromised because of the homophobic intimidation and violence that are present in their surroundings. Although schools are often criticized in this regard, they are not the only place where young people experience a high degree of homophobic behaviour. However, schools are the place where young people spend most of their time outside the family, and also the place where the most evidence of homophobia exists. Over the long term, one out of every two gay or lesbian adults develops suicidal ideas because of homophobic violence experienced at school.¹³ In addition, the suicide rate among young gays and lesbians is higher than for other young people.¹⁴

Certain sexual minority groups experience specific problems. Despite major progress in terms of their legal rights, homo-parent families¹⁵ continue to encounter various difficulties connected with the social context. Studies show that homosexual parents and adult gays and lesbians who want to become parents can be subjected to prejudice and discrimination.¹⁶ Homosexual seniors

12. Line Chamberland, with Michaël Bernier, Christelle Lebreton, Gabrielle Richard and Julie Théroux-Séguin, *Gais et lesbiennes en milieu de travail: les faits saillants*, IREF-UQUAM, 2007.

13. Ian Rivers, "The bullying of sexual minorities at school: its nature and long-term correlates", *Educational and Child Psychology*, vol. 18 no. 1, 2001, 32.

Daniel E. Bontempo and Anthony R. D'Augelli, "Effects of at-school victimization and sexual orientation on lesbian, gay or bisexual youths' health risk behaviour", *Journal of Adolescent Health*, vol. 30, 2002, 364.

14. Michel Dorais and Simon Louis Lajeunesse, *Mort ou fif: la face cachée du suicide chez les garçons*, Montréal, VLB Éditeur, 2000, 16.

15. In Québec, 1.3% of all mothers and 0.2% of all fathers with at least one dependent child (biological or adopted) under the age of 18 are reported to be homosexual, lesbian or bisexual: Danielle Juline, Émilie Jouvin, Émilie Jodoin, Alexandre L'archevêque and Élise Chartrand, "Adjustment among mothers reporting same-gender sexual partners: A study of a representative sample of the population of Quebec province (Canada)", *Archive of Sexual Behavior*, 2008, 37, 864-876.

16. Nicole Tremblay and Danielle Julien, "Les familles homoparentales", *Psychologie Québec*, March 2004, 24-26; Jane Druckner, *Families of value; gay and lesbian parents and their children speak out*, New York, Insight Books/PlenumPress, 1998.

also encounter a specific problem created by homophobia in residential care: despite living openly as homosexuals, they are afraid that when they move into residential care they will be forced to hide their sexual orientation.¹⁷ Sexual minority members from a cultural community often face the problem of exclusion within their own community because of its culture and values.¹⁸ Sexual minority members in remote regions often do not have access to the resources intended for their use.¹⁹ In aboriginal communities, many people must leave in order to live openly as homosexuals.²⁰ These are only a few examples of the realities faced by various sexual minority groups.

JOINT TASKFORCE ON HOMOPHOBIA

In June 2004, the Minister of Relations with Citizens and Immigration set up a joint taskforce on homophobia with the mandate of examining homophobia in Québec and recommending institutional measures to deal with the problems and needs identified.²¹

On June 1, 2005, the Minister of Justice, who had become responsible for the project, asked the Commission des droits de la personne et des droits de la jeunesse, as part of the work of the joint taskforce, to

- prepare an overview of homophobia and heterosexism in Québec;
- examine existing institutional measures and public, parapublic and community actions and initiatives to adapt services to the sexual minorities;
- inventory the problems created by homophobia;
- make recommendations concerning priority actions to combat homophobia in various sectors of government activity and in society as a whole, and to support community actions to combat homophobia.

17. Commission des droits de la personne et des droits de la jeunesse, *De l'égalité juridique à l'égalité sociale—Vers une stratégie nationale de lutte contre l'homophobie*, Rapport de consultation du Groupe de travail mixte contre l'homophobie, March 2007, 45.

18. *Ibid.*, 47.

19. *Ibid.*, 42.

20. *Ibid.*, 20.

21. The group was originally made up of representatives from eight government departments, one public agency, twelve community groups representing LGBTs (lesbians, gays, bisexuals, transsexuals and transgenders) and two university researchers. They were later joined, at the invitation of the Commission des droits de la personne et des droits de la jeunesse, by representatives from one other government department, two other public agencies, three union organizations and three community groups.

In March 2007, the Commission des droits de la personne et des droits de la jeunesse released its official report, *De l'égalité juridique à l'égalité sociale—Vers une stratégie nationale de lutte contre l'homophobie*. It sets out various recommendations, including one that the Québec government adopt a province-wide policy to combat homophobia, with the following objectives:

- recognize the realities faced by sexual minority members in society and in various life situations, and promote their wellbeing;
- support sexual minority members in difficulty;
- improve knowledge about the realities faced by sexual minority members;
- support community groups involved in improving the situation of sexual minority members.

This policy is the government's response to the recommendation. It sets out guidelines and strategic choices to remedy the various problems mentioned in the Commission's report, with the overall objective of improving the situation of the sexual minorities in Québec in order to achieve social equality.

KEY PRINCIPLES

This policy is based on the following key principles:

- respect for the dignity of sexual minority members, and for their differences;
- the elimination of all discrimination against sexual minority members;
- recognition for the legitimate aspiration of sexual minority members to enjoy wellbeing;
- consideration for the specific characteristics of sexual minority members in service provision;
- the state's role as a leader in upholding rights and freedoms and keeping public order;
- the responsibility and commitment of all institutional and social players, and of the general public, to combat homophobia.

Changes in legislation in Québec and Canada to recognize the rights of sexual minority members

- 1969** ▶ Amendments to the *Criminal Code* to decriminalize sexual relations between consenting adults of the same sex.
- 1976** ▶ Amendments to the *Immigration Act* to remove the ban on homosexual men as immigrants to Canada.
- 1977** ▶ Amendments to the *Charter of human rights and freedoms* to include sexual orientation as a prohibited ground for discrimination.
- 1995** ▶ Amendments to the *Criminal Code* to include sexual orientation as an aggravating factor in hate crimes.
- 1996** ▶ Repeal of section 137 of the *Charter of human rights and freedoms*, which allowed distinctions based on sexual orientation to be included in pension plans, retirement plans, insurance plans and other social plans.
Passage of the *Act to amend the Canadian Human Rights Act*, which includes sexual orientation as an illicit ground for discrimination.
- 1999** ▶ Passage of the *Act to amend various legislative provisions concerning de facto spouses*, which gives same-sex couples the same rights and obligations as heterosexual couples.
- 2000** ▶ Passage of the *Act to modernize the Statutes of Canada in relation to benefits and obligations*, amending various statutes to ensure the uniform application of federal laws to same-sex and unmarried opposite-sex couples.
- 2001** ▶ Recognition of same-sex spouses in the *Immigration and Refugee Protection Act*.
- 2002** ▶ Passage of the *Act instituting civil unions and establishing new rules of filiation*, amending the *Civil Code of Québec* to provide recognition for homo-parent families.
- 2004** ▶ Amendments to the *Criminal Code* provisions on hate propaganda to include protection for sexual orientation.
Passage of the *Act to amend the Civil Code as regards marriage* to allow couples in a civil union to continue their life together as a married couple.
- 2005** ▶ Passage of the *Civil Marriage Act*, a federal statute that allows same-sex couples to contract a civil marriage.

Strategic guidelines

The fight against homophobia involves some considerable challenges. Addressing the causes of homophobia and dealing with its consequences will require a new mindset. Obviously, this will take time, and will depend on the steadfast support of all public institutions as well as the sustained and coordinated work of all players in society, including ordinary citizens.

The first challenge is to “demystify” sexual identities and orientations and the realities they involve. Prejudice is the foundation for homophobic attitudes and behaviour, and because of prejudice, sexual minority members are often forced to keep their sexual identity quiet, perpetuating the lack of understanding and the rejection of difference. The **first guideline**—*Recognize the realities faced by sexual minority members*—is designed to combat prejudice by raising awareness about those realities.

In addition, harassment and discrimination against sexual minority members persists in various sectors. The rights of sexual minority members are still largely misunderstood, a situation which helps maintain the influence of homophobic or heterosexist ideas over decisions and behaviour patterns. The second challenge is to ensure full social recognition for the rights of sexual minority members, covered by the **second guideline**—*Promote respect for the rights of sexual minority members*.

In addition, sexual minority members must have access to resources and services that take their realities into account. The **third guideline**—*Promote wellbeing*—is linked to this objective, and will make it necessary to deal with the heterosexist values on which some institutional practices are founded.

To ensure that the actions taken to combat homophobia are coherent and effective, all players in society must work together in a focused and coordinated way. The **fourth guideline**—*Ensure a concerted approach*—reflects the government’s intention to take the lead in the fight against homophobia, and to rally all players in society.

Guideline 1

RECOGNIZE THE REALITIES FACED BY SEXUAL MINORITY MEMBERS

The equality of sexual minority members will only be attained when society, and all its components, become more open towards sexual diversity. Although Québec has made remarkable progress in this field over the last 30 years, a lot remains to be done. Too many sexual minority members prefer to keep their orientation a secret to avoid having to face the judgment of their family or peers, whether at school, in the workplace or in their daily lives. The realities they face remain largely misunderstood by the general public, and prejudice remains part of the mindset.

Prejudice, whether based on beliefs, education or fear of the unknown, supports homophobic attitudes and behaviour. It promotes the creation of denigrating stereotypes and leads to stigmatization and exclusion.

It is important to shed light on the realities faced by sexual minority members in order to combat prejudice and create the social conditions needed to allow them to express their orientation openly and display their differences without fear of disapproval.

The first strategic choice—*Raise awareness and educate*—is designed to focus on and demystify the realities faced by sexual minority members. It also promotes the values of openness and inclusion in connection with sexual diversity.

This is complemented by the second strategic choice—*Promote research*—which is designed to increase knowledge about sexual diversity, in order to create tools to combat homophobia more effectively.

STRATEGIC CHOICE 1

Raise awareness and educate

Some widely-held beliefs about sexual minority members are still common in Québec. For example, it is still possible to hear people say that homosexuality is an illness, morally wrong or a form of deviant behaviour, and that people choose their sexual orientation. These beliefs, often instilled in the past, tend to marginalize sexual minority groups and prevent full recognition of their social equality.

Within government institutions, in public services and among the general population, homophobic prejudice continues to have a negative impact on the quality of life of the people targeted, directly or indirectly. Prejudice can be displayed in homophobic attitudes and behaviour patterns, but also, more subtly, in heterosexist schemas and mindsets, creating a source of institutional or systemic discrimination.

To combat prejudice, awareness-raising and educational measures must be deployed in an integrated strategy to “demystify” the situation of sexual minority members for the general population and for public institutions. These awareness-raising and educational measures must reflect the diversity of sexual identities and orientations: gay, lesbian, bisexual, transsexual and transgender. They must also focus on the specific problems faced by sexual minority members: family difficulties after coming out, isolation in remote areas, homo-parent families, homosexuality among the elderly, etc.

Awareness-raising and educational activities must publicize the various forms of homophobia, including the most insidious. It is also important to target the various locations in which homophobic attitudes and behaviour patterns, as well as heterosexist stereotypes, are found—in the family or workplace, at school, in sports activities and in other places—to ensure that an appropriate message is conveyed. The measures must also aim to increase the responsibility of individual citizens, who must become active players in the fight against homophobia in their daily lives.

Special attention must be paid to young people, for many of whom sexual diversity is a major source of anxiety and discomfort. Homophobic bullying is still widespread in the places they frequent, such as schools, where the realities faced by sexual minority members are seldom discussed. Awareness-raising and educational measures must target young people and the institutions they frequent in order to increase their acceptance of sexual diversity. The general population, as well as social players, must have a better understanding of suicide among young people from sexual minorities, one of the most troubling problems connected with homophobia.

Homophobia, when it takes the form of hate propaganda or violent behaviour, has a direct and far-reaching impact on its victims. It engenders fear and psychological distress, and forces thousands of people to hide their sexual orientation. The implementation of awareness-raising and educational measures focusing on homophobia and its consequences for victims will provide a useful tool for fighting its occurrence. It is important to gain public acceptance for the idea that this kind of abuse is unacceptable in an open, egalitarian

society, and to promote a shared willingness to eliminate it at source wherever it occurs. In short, it is important to promote respect for the integrity of sexual minority members.

By making institutions and the general population more aware of and informed about the realities faced by sexual minority members, it will be possible to fight prejudice and promote access to social equality.

STRATEGIC CHOICE 2

Promote research

There is a shortage of data and statistics on the sexual minorities—even the size of each group is unknown. In addition, few studies have examined the realities they face, specifically in connection with various types of homophobia, the extent to which homophobia exists in various settings, and its consequences for individuals. The specific problems of certain groups are not well documented, including homo-parent families, homosexual seniors, sexual minority members from Aboriginal and cultural communities, etc.

Research on the sexual minorities focuses mainly on gay and bisexual men with respect to HIV/AIDS. There is a lack of research on lesbians and transsexuals.

The fight against homophobia requires more in-depth knowledge of the characteristics of each sexual minority group—gays, lesbians, bisexuals, transsexuals and transgenders—and the specific problems they face in various aspects of their daily lives. In addition to promoting recognition for the realities they face, further research will help identify their needs and define priorities for measures to reduce homophobia.

A sustained program of research is therefore essential. Priority must be given to research into women from sexual minorities and transsexuals, given the lack of existing studies. An enrichment of the knowledge base, especially concerning women from sexual minorities, will lead to a better understanding of the differences between women and men and possible solutions adapted to the realities they face and their respective needs. To achieve this goal, research, studies, investigations and surveys into the sexual minorities must be gender-specific.

Systemic investigations must be one of the actions given priority. They allow an analysis of the individual and institutional practices, decisions and behaviour patterns that have a discriminatory effect on a given group. Investigations

of this kind, discrimination testing and an ongoing scan of concepts and tools relating to homophobia against women and men will improve the documentation of the current situation of sexual minority members.

To allow a more in-depth analysis of the various factors that create inequality, research must focus on “crossed” discrimination, in other words discrimination based on two or more grounds listed in the *Charter of human rights and freedoms*, such as sexual orientation and ethnic origin, or religion and sex. This will allow a more precise assessment of the situation of each sexual minority sub-category, in order to counteract homophobia more effectively.

It is also important to ensure that all the partners in the fight against homophobia have access to research findings, and that the resulting knowledge is transferred.

Guideline 2

PROMOTE RESPECT FOR THE RIGHTS OF SEXUAL MINORITY MEMBERS

Despite the progress made in terms of recognition for the rights of sexual minority members, equality has not yet been achieved in practice, and inequality and injustice remain common. This is partly due to the lack of knowledge about the rights concerned, in particular those resulting from recent legislative changes, in public institutions, among the general population, and even among the victims of homophobia.

It is therefore important for the overall strategy against homophobia to include measures to promote recognition for the rights of sexual minority members.

From this point of view, the first strategic choice—*Promote rights*—targets stronger social recognition for the rights of sexual minority members.

The second strategic choice—*Help individuals exercise their rights*—targets the creation of resources to help victims of homophobia defend their rights.

By promoting the rights of sexual minority members, legal equality can be affirmed and strengthened.

The general population and the sectors concerned must be made aware of the infringements of rights caused by homophobic attitudes and behaviour patterns. All players—whether public organizations, local and regional authorities, employers or union organizations—must be encouraged to take more responsibility and to work together to fight the injustice and inequality created by homophobia. In addition, the actions taken to promote rights must reach out to all segments of the population, in both urban centres and outlying regions.

Sexual minority members themselves are often unfamiliar with the laws that guarantee respect for their rights, including the *Charter of human rights and freedoms*, and with possible recourses and the organizations where they may file a complaint. They must also be targeted in the campaign to promote rights.

In addition to the obvious use of province-wide campaigns, rights must also be promoted through targeted actions. Training on sexual minority rights, including an examination of the various aspects of homophobia, must be organized and adapted to various client groups. Schools can play a key role in this regard.

The Commission des droits de la personne et des droits de la jeunesse informs individuals about their rights, responsibilities and recourses. It is also an important source of education about human rights, since it offers training sessions on various themes for workplaces, schools and community groups.

Better knowledge of sexual minority rights, and in particular of the recent progress made, is a necessary step in the movement toward full recognition of rights and the achievement of social equality in all spheres of activity.

In theory, the legal instruments available to the victims of homophobia should be sufficient to stop infringements of their rights, and to obtain reparation if required.

However, it can be difficult for victims to take the necessary action, since not everyone has the skills and competency needed to defend their rights. The filing of a complaint may create friction, especially in the workplace, where fear of disapproval from managers or colleagues may dissuade a person from taking action. In addition, the complaint is often the first step in a long, obstacle-ridden process with no guaranteed outcome.

As a result, the victims of homophobia often give up trying to defend their rights, and choose to suffer injustice. This abdication of rights increases tolerance for homophobic attitudes and behaviour, and may even make homophobic actions more widespread.

It is therefore necessary to encourage the victims of homophobia to exercise their rights. The mission of the Commission des droits de la personne et des droits de la jeunesse must be made better known to sexual minority members.

The duty to uphold rights does not belong to individuals alone, but also to the communities of which they are a part (schools, workplaces, sports organizations, etc.).

It is important to stress that institutions, employers, unions and other groups, whether in the public or private sector, all have a responsibility to establish or strengthen the conditions that make it easier for people to exercise their rights if they are infringed because of their sexual orientation or identity. For example, well-equipped and accessible counsellors could advise, support and refer them to appropriate resources, taking into account the realities and needs of each group—gays, lesbians, bisexuals, transsexuals and transgenders.

The exercise of the rights of sexual minority members will also be promoted by making complaint-processing procedures as impartial, effective and swift as possible in all sectors of activity.

Guideline 3

PROMOTE WELLBEING

Because of the attitudes of rejection and discrimination they encounter, sexual minority members are a vulnerable group in psychosocial and health terms. Harassment and the verbal, psychological, physical or sexual violence that is often directed at them creates a high level of stress, which in turn has a negative impact on their physical and mental development, health and wellbeing.

For example, it has been observed that homosexuals and bisexuals suffer more from psychological distress and consider themselves to be in less sound mental health than heterosexuals.²² In addition, the psychological problems created by the stresses of homophobia lead to a higher prevalence of problems with drugs and alcohol.²³

The suicide rate for young people from the sexual minorities is a particular cause for concern. Suicide is a leading cause of death in this group. It is known that the risk of suicide and attempted suicide is higher at times when young people are questioning their own sexual orientation or identity. Young people often discover their sexual orientation during adolescence, and can experience profound psychological distress because of their conflicting feelings and the pressure placed on them by the people around them.

Other social problems associated with homophobia are specific to the members of specific sexual minorities—women, seniors, Aboriginals, people from cultural communities, etc.—or the fact that they live in big cities or remote locations.

In light of these observations, measures are needed to promote the wellbeing of sexual minority members. They are entitled to flourish and achieve their full potential as citizens in an inclusive society that accepts differences.

22. Danielle Julien, Élise Chartrand and Jean Bégin, *Les personnes homosexuelles, bisexuelles et hétérosexuelles au Québec: une analyse comparative selon les données de l'enquête sociale et de santé*, Rapport final présenté au ministère de la Santé et des Services sociaux, Université du Québec à Montréal, 2002.

23. Margaret Rosario, Joyce Hunter and Marya Gwadz, "Exploration of substance use among lesbian, gay and bisexual youth: prevalence and correlates", *Journal of Adolescent Research*, vol. 12 no. 4, 1997, 454-476; Center for Substance Abuse Prevention, *Alcohol, Tobacco, and Other Drugs Resource Guide—Lesbians, Gay Men, and Bisexuals*, U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, 1994.

They should not have to fear for their safety or integrity. In addition, they can expect to be treated with dignity and to benefit from the same consideration as heterosexuals in their dealings with institutions and society in general.

As a first step, individuals whose physical or mental integrity is threatened or harmed by homophobia must have access to appropriate services. This is the objective of the first strategic choice—*Provide support for the victims of homophobia*.

The second strategic choice—*Promote the adaptation of public services*—will extend the actions implemented in recent years and support measures to adapt public services to the specific needs of the sexual minorities.

The third strategic choice—*Provide support for community action*—reflects the need to recognize the leading role played by community groups in the fight against homophobia. It will provide support for their actions and allow them to reach out to more victims of homophobia.

STRATEGIC CHOICE 1

Provide support for the victims of homophobia

Various health problems, especially in the field of mental health, affect the victims of homophobia: stress, isolation, psychological distress, suicidal thoughts, etc. In addition, there is often a negative impact on their family and friends. In extreme cases, homophobia can lead to violent behaviour or physical assaults that leave the victims with grave and incurable injuries. In schools, although girls are less often subjected to physical violence than boys, they are equally affected by the psychological consequences of homophobia, which can have a negative long-term impact on their wellbeing.²⁴

Many victims feel powerless and ignored. They do not dare to take the necessary steps to obtain assistance, or are unaware of the resources and services that can help them deal with the problems they encounter.

It is important to provide a framework for assistance that meets the victims' specific needs. Services must be accessible, diversified, ongoing and complementary. The victims must be accepted and assisted in a way that respects

24. Irène Demczuk, *Démystifier l'homosexualité, ça commence à l'école*, Montréal, GRIS – Montréal, 2003.

their differences. If necessary, they must be informed about and referred to appropriate resources, whether medical care, psychosocial assistance or support for the families of victims.

An effort must be made to publicize the support services available for the victims of homophobia and to encourage victims to use the services more. Victims living in remote regions must be a priority target, since they have less access to information, as well as communities in which sexual minority members are clearly unwilling to use the services available.

Special attention must be paid to support for young people who, in their everyday lives, feel pressure to comply with traditional male and female stereotypes and often experience a high level of psychological distress. At school and in sports organizations, young people who are rejected by their peers tend to become isolated and are unlikely to seek the help and support to which they are entitled. The risk of suicidal thoughts or suicide attempts is between six and sixteen times greater for young gays and bisexuals than for young heterosexuals.²⁵ Young lesbians are almost five times more likely to attempt suicide than heterosexual girls.²⁶

Suicide prevention initiatives must continue, and be adapted to the realities faced by each group. Resources must be available to combat the isolation of people in difficulty and encourage them to seek support and assistance. At the same time, staff working with young people must receive suitable training to help identify cases of distress caused by homophobia. Assistance for individuals and suicide prevention must be the priority objectives for the fight against homophobia.

STRATEGIC CHOICE 2

Promote the adaptation of public services

The work to adapt resources and public services to the specific realities faced by sexual minority members must continue. It is clear that, in all sectors of activity, resources and services are still marked by heterosexism.

Heterosexism is a denial of the realities faced by sexual minority members, and a tendency by staff members to assume that everyone they deal with is

25. Michel Dorais and et Simon Louis Lajeunesse, *Mort ou fif: la face cachée du suicide chez les garçons*, Montréal, VLB éditeur, 2000.

26. Glenn Bohn, "Lesbian teens more likely to attempt suicide", Vancouver Sun, May 30, 2006.

heterosexual. This prevents them from taking into account the sexual orientation of the person they are dealing with, a key element that must be considered as part of each intervention.

Since services often depend on intervention frameworks based on heterosexual models, there is a risk of institutional discrimination towards the sexual minorities. The frameworks, founded on heterosexist assumptions, are not suitable for the development of resources and services that take sexual diversity into account.

Whatever the field of intervention, ignoring the realities faced by the sexual minorities helps maintain prejudice and leads to the under-use of services. Sexual minority members frequently fear that, if they disclose their sexual orientation, they will encounter a negative reaction and compromise the quality of the services to which they are entitled. Because of this, they prefer to avoid using some public services or to keep quiet about their sexual orientation, perpetuating their social isolation.

For example, some lesbians hesitate to use social and health services. The combined effect of various obstacles reduces their trust in the health system and limits their access to adequate services.²⁷ As a result, they do not benefit from quality services for the specific health problems they encounter, such as breast cancer.

It is important to focus more on identifying and correcting the institutional standards and practices that result in a denial of differences based on sexual identity or orientation. Changes must be made to institutional cultures and intervention models to eliminate heterosexism at source and offer services more responsive to sexual diversity.

For example, in the health and social services system, despite the progress made in adapting resources and services, work must continue to ensure that the needs of the sexual minorities are met. These client groups, and in particular homosexual seniors, homo-parent families and people with HIV, AIDS or other sexually-transmitted or blood-borne infections, have distinct psycho-social and health problems.

One of the objectives is to transform institutional cultures to eradicate the heterosexist attitudes and behaviour patterns that can have a negative impact on sexual minority members who want to use public resources and services.

27. Michael Tjepkema, *Health care use among gay, lesbian and bisexual Canadians*, Health Reports vol. 19 no. 1, 2008, 56-70.

It is also important to ensure that workers in various sectors are able to provide services that meet the specific needs of sexual minority members, depending on the realities and needs of gays, lesbians, bisexuals, transsexuals and transgenders. Workers must also be made aware of the realities and trained to respond to the specific needs of the various sexual minority groups. Administrative services, social services and educational services, as well as all other public services, must be able to take these specific needs into account along with the related problems they may create.

STRATEGIC CHOICE 3

Provide support for community action

In 2001, Québec introduced the policy *Community action: a crucial contribution to the exercise of citizenship and the social development of Québec*, recognizing the need for community action, its contribution to society and the influence it has in various fields.

The contribution made by LGBT (lesbian, gay, bisexual, transsexual and transgender) community groups as a whole, and in particular those dedicated to the wellbeing and defence of the rights of sexual minority members, is important in all aspects of the fight against homophobia. The organizations have developed expertise in the individual and group problems that affect sexual minority members. They are able to respond swiftly and sympathetically to the needs of people in difficulty.

In the healthcare field, specific funding is provided by regional agencies for the prevention of sexually-transmitted and blood-borne infections, including HIV/AIDS. However, the organizations dedicated to the prevention of HIV/AIDS infection also deal with other social and health problems affecting sexual minority members.

Support must also be provided for organizations that respond specifically to the needs of people facing problems connected with homophobia. Although a network of parallel services does not need to be established, work must continue to consolidate funding for the community organizations that assist this client group. In addition, equitable access to resources must be ensured to respond effectively to the specific realities and needs of gays, lesbians, bisexuals, transsexuals and transgenders.

As a continuation of the measures implemented to date, the support granted to these organizations must promote the stability and continuity of community intervention. The measures must also make community services more accessible for sexual minority members living outside the major urban centres.

The success of these initiatives to combat homophobia will depend on the implementation of measures to promote strong, stable and effective community action in all areas.

Guideline 4

ENSURE A CONCERTED APPROACH

The fight against homophobia is both an individual and a collective responsibility, requiring actions by all players in society implemented in a complementary and continuous way. It is therefore essential for all initiatives to combat homophobia to be deployed under an intervention framework that ensures harmonization and coherency.

The Québec government, as the leader in the fight against homophobia, has chosen to promote a comprehensive, integrated and intersectoral approach. It calls on all players in society to help achieve shared objectives with the objective of eradicating all forms of homophobia.

The first strategic choice—*Coordinate actions by public institutions*—reflects the government's intention to ensure synergy between the initiatives launched by government departments and other public institutions to fight homophobia.

The second strategic choice—*Ensure the support of local and regional authorities and other government partners*—targets participation by as many social players as possible in the fight against homophobia.

**STRATEGIC
CHOICE 1**

Coordinate actions by public institutions

Each government department is responsible for establishing its priorities and defining an approach that matches its mission, client base and sectors of activity. However, it is necessary to ensure that the guidelines and intervention strategies of each department in the fight against homophobia are harmonized so that, together, they form an integrated and coherent action.

Collaboration between departments is an essential condition for an effective fight against homophobia, since it allows a shared understanding of problems and the design of shared, sustainable solutions. Interventions by each department must be part of a framework that includes collaboration mechanisms to ensure the coordination and continuity of the actions taken.

In addition, the implementation of appropriate actions for an effective fight against homophobia will largely be a responsibility of public institutions and systems. All the services they provide must be consistent with the guidelines and strategies set up to combat homophobia, and reflect a spirit of inclusion and respect for the rights of sexual minority members. Fundamentally, this will require an in-depth review of institutional cultures and practices in connection with sexual diversity.

Similarly, barriers between services—especially assistance, protection and supervisory services—must be broken down and the services must be coordinated to guarantee the best possible use of resources. To achieve this, public institutions and systems must create or consolidate partnerships to assess the needs of clients from the sexual minorities and design an articulated and sustainable response to the needs identified. Joint action must be based on a pooling of expertise, while respecting the mission of each government department and agency.

**STRATEGIC
CHOICE 2**

**Ensure the support of local and regional
authorities and other government partners**

The fight against homophobia is a shared concern, and must be undertaken by all components of society. It is important to seek the support of all government partners for the values that underlie the fight to obtain their commitment to and participation in the actions taken to fight homophobia.

These partners include local and regional authorities, which must be encouraged to implement measures based on the guidelines set out in this policy and the related strategies. In collaboration with other public and private partners, the actions taken by these authorities in the fight against homophobia will make a key contribution, given that their staff members are in the best position to identify the needs specific to each locality and region. This heightened awareness of local and regional realities must be put to good use to improve the effectiveness of the actions taken.

Another goal is to obtain the commitment and participation of partners whose influence in their specific sector can help change mindsets and practices. Employers, unions and community groups can take action within their own organizations and sector of activity to promote acceptance of and respect for sexual diversity.

Individual citizens must become involved in the fight against homophobia. The general population must be encouraged to reject and denounce homophobic behaviour patterns and attitudes. The individual actions taken by citizens are an essential component in the fight against homophobia.

Implementation, monitoring and assessment

The guidelines and strategic choices set out in this policy cannot take effect without the establishment of mechanisms to ensure their implementation, monitoring and assessment under the direction of an authority with a specific purview.

The Minister of Justice is responsible for the fight against homophobia. An interdepartmental committee will be created under the Minister's authority to ensure that this policy leads to the adoption of measures to promote the achievement of the objectives defined to combat homophobia. The committee will be made up of representatives from the departments that can make a significant contribution to achieving the objectives in this policy. The remaining departments will designate a person who may be contacted by the committee if needed.

The committee will, first, ensure the implementation of the policy through a government action plan to fight homophobia, drafted by the committee to reflect the guidelines and strategic choices of the policy. The action plan will set out the undertakings made by the members of the committee with regard to the guidelines connected with the sphere of activity of their respective departments. The plan must include measures based on participation by other partners who must be involved in the process to ensure its implementation in various sectors of activity and at the local, regional and provincial level.

The committee will also monitor the application of the government action plan. As the body responsible for coordinating the actions set out in the plan, it will ensure that the strategies and measures defined for each sector of activity are updated in a coherent and consistent fashion. It will also ensure coordination with other governmental and departmental policies that may have an effect on the fight against homophobia, since related policies can have a cumulative effect. As part of its work, the committee will act as the interface between government departments and LGBT groups.

A person designated by the Minister responsible for the fight against homophobia will chair the meetings of the committee. Another person will act in support as secretary, and will also liaise with various LGBT groups for the implementation, monitoring and assessment of the policy.

The actions defined for the implementation of the policy must be restated by the committee as results-based objectives and sectoral monitoring indicators that will be used to measure progress in collaboration with various partners.

The committee will submit a progress report on the implementation of the policy to the Minister responsible for the fight against homophobia within three years of the date on which the action plan is filed with the Minister. The progress report, which will be made public, will describe the changes resulting from the actions implemented and will be used to adjust the action plan as required to promote the achievement of the policy objectives. At this time, a recommendation concerning the renewal or updating of the policy and action plan must be made.

Conclusion

Over the last thirty years, Québec society has experienced changes that have led to the recognition of the legal equality of sexual minority members. However, more work is needed if equality is to become a reality as part of an inclusive society open to sexual diversity, in which individuals will not be afraid to reveal their sexual orientation or identity.

It is therefore important to ensure that institutions and the general population feel concerned by the injustices created by homophobia and take action to fight them. Sexual minority members will gain confidence in their fellow citizens, and the conditions will be created that will allow them to take their rightful place in society.

By introducing the *Québec policy against homophobia*, the Québec government is continuing its efforts to meet the objectives outlined above, will remain a leader in the field of equality rights. The government firmly believes that society has much to gain from a more open attitude to sexual diversity and a condemnation of intolerance, making a significant contribution to its own development for the benefit of the citizens of today and the generations of the future.

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Moving together towards social equality



Moving together towards social equality