



Pride and Protest: A Celebration or Fight for Rights?

Justin Khan (he/him) -
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2022

Land Acknowledgement

Before I begin my presentation today, I would like to acknowledge that I am joining our call from the unceded traditional territories of the x^wməθk^wəyəm (Musqueam), Sk̓wx̓wú7mesh (Squamish), and səlilwətał (Tsleil-Waututh) Nations. With this acknowledgement, I thank the original keepers of these lands and the Indigenous peoples who live on and care for them today.

Justin Khan (he/him)

Justin Khan (he/him) is a community-focused lawyer and organizer, as well as an inclusion, diversity and equity professional. He is currently the Canada Manager of Inclusion, Diversity and Equity at Dentons Canada. He is responsible for managing the Firm's Canadian inclusion, diversity and equity portfolios across each of the country's six offices and collaborates closely with the global diversity team to advance ID&E across each of the Firm's 200+ locations.

Prior to joining Dentons, Justin was the Director of Public Interest and Legal Initiatives at The 519, Canada's largest 2SLGBTQ+ community centre. He successfully launched The 519 Legal Clinic, one of the country's first community legal clinics for queer, trans and non-binary individuals, as well as several innovative legal and anti-violence programs. He was also responsible for overseeing the organization's education and training and communications departments, and led The 519's advocacy work. Justin also previously worked at the University of Toronto's Faculty of Law, where he managed the Law in Action Within Schools program, a youth justice education program that works directly with inner-city and marginalized youth who face barriers to accessing post-secondary education.

He is currently on the Board of Directors at the Canadian Centre for Gender and Sexual Diversity and the Vancouver Pride Society, and is on the National Council for the Canadian Civil Liberties Association.



Today's Conversation

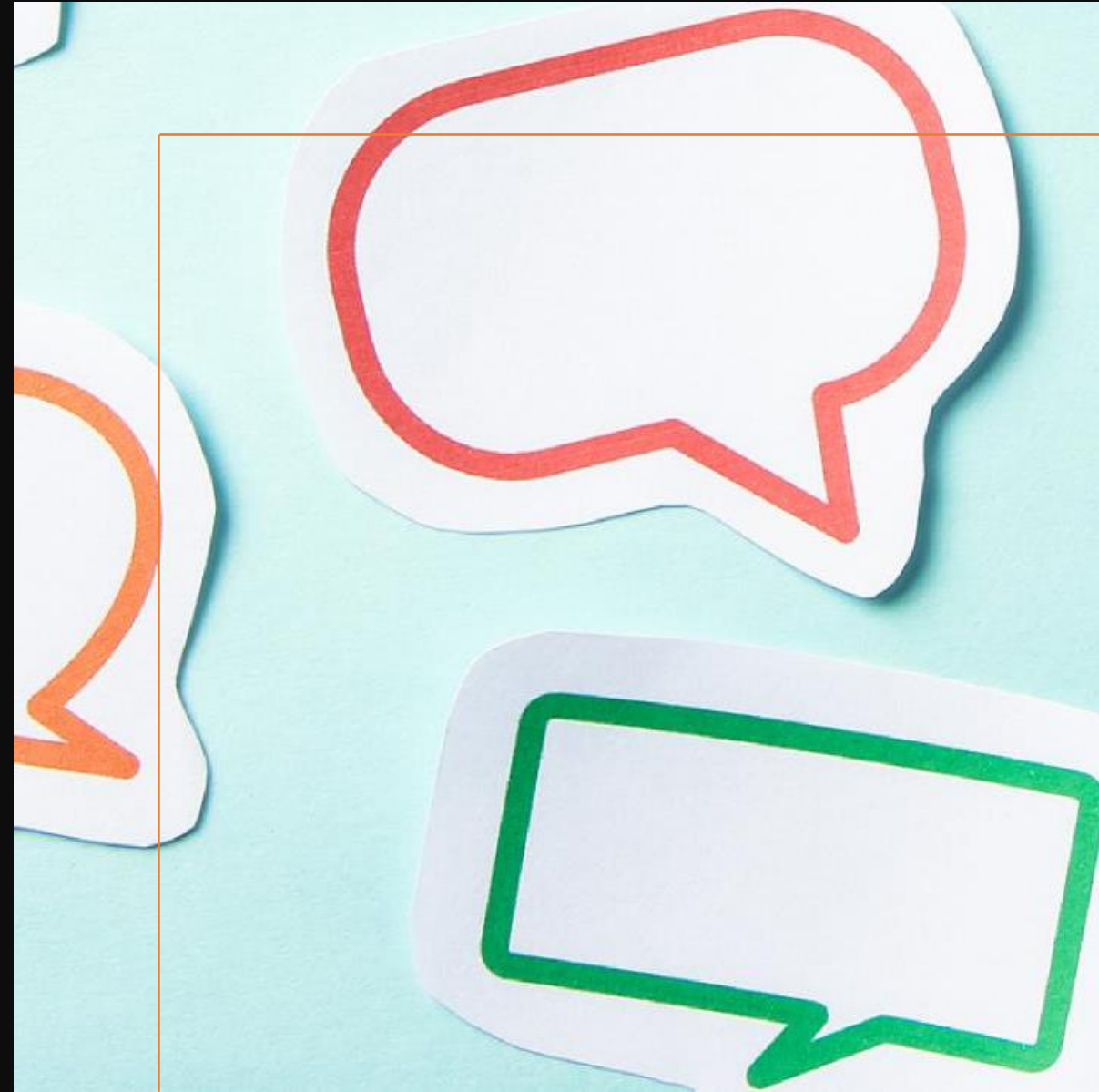
We will discuss...

- Fundamental Freedoms within the Canadian Charter of Rights and Freedoms;
- Advocacy issues currently facing 2SLGBTQ+ communities in Canada;
- The ways in which organizations and advocates are addressing heightened levels of homophobia, biphobia and transphobia, interpersonal and structural racism, intimate partner violence, and other forms of violence facing our communities as a result of COVID-19;
- Recent court cases involving 2SLGBTQ+ matters and,
- The ways in which so much work has yet to be done.

Fundamental Freedoms

Free Speech:

- The right to express yourself and form your own opinions – it is an essential feature of a democracy.
- Freedom of expression is a core part of the right to dissent and a basic feature of personal development. It is only through exposure to different ideas and opinions that each person can make their own informed choices about their core beliefs.
- In Canada, section 2(b) of the Charter of Rights and Freedoms protects “freedom of thought, belief and opinion and expression, including freedom of the press and other media of communication”.



Fundamental Freedoms

Religion:

- Freedom of religion in Canada is a constitutionally protected right, allowing believers the freedom to assemble and worship without limitation of interference. This is found under section 2(a) of the Charter.
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A globe showing the Atlantic Ocean and parts of North and South America. Four orange paper figures are standing on the globe, holding hands in a line. The figures are simple, stylized human shapes. The globe is tilted, and the ocean is a light blue color. The landmasses are in shades of brown and orange.

Fundamental Freedoms

Equality:

- The Charter guarantees equality rights. Every individual is equal before and under the law and has the right to equal protection and benefit of the law without discrimination based on race, nationality, or ethnic origin, colour, religion, sex, age, or mental or physical disability. This is found under section 15 of the Charter.



Fundamental Freedoms

Right to Protest:

- The right to protest, s. 2(c), brings together several basic civil liberties including freedom of expression, freedom of association, and freedom of peaceful assembly.
- Each of these rights is protected by the Charter, and each is a part of the right we all have to dissent. A democratic society welcomes debate and disagreement on the key issues of the day, and protest is a large part of this process.
- Protests can be messy and disruptive, but they are also crucial to our wellbeing as a society. We only have the right to vote every few years, but protests provide opportunities to express our views and grievances at any time.



Defining Direct Action and Civil Disobedience

- The term '**direct action**' is very broad. It refers to the use of demonstrations, strikes, boycotts, and other public protests. Direct action may be legal or illegal; it may be violent or non-violent. It may try to achieve its aims by raising public awareness of an issue or simply by intimidation.
- *"I shall begin by defining **civil disobedience** as a public non-violent, conscientious yet political act contrary to law usually done with the aim of bringing about change in the law, policies of the government, or response to unpopular views. By acting in this way one address the sense of justice of the majority of the community."* (John Rawls, A Theory of Justice, p. 363)

Defining Direct Action and Civil Disobedience (cont.)

- Contrary to the law, civil disobedience always involves doing something illegal. However, in most democratic countries, civil disobedience is not itself a crime. If arrested and prosecuted, protesters instead are charged with breaking whatever law was broken by the act of civil disobedience e.g., trespassing.
- Civil Disobedience: "Breaking an unjust law in order to highlight its injustice. For example, Rosa Parks organized resistance when told to move to the back of the bus during the nascent stages of the Civil Rights Movement." (1999, LhadonTethong, Free Tibet! Action Camp, Bloomington Indiana.)





Examples of
2SLGBTQ+
advocacy on
human rights
issues

Arrival of Chick-fil-A in Canada

- In September 2019 2SLGBTQ+ advocates and organizations came together to protest the opening of Toronto's first Chick-fil-A. The 519's campaign #CluckOff Chick-fil-A was widely covered by media outlets, including in the USA, and gained significant traction on social media.





Toronto Public Library

- When the Toronto Public Library (TPL) made the decision to give space to transphobic discourse, trans activists and community-led initiatives came together to resist, respond and raise awareness.
- Following the protest, The 519 hosted TRANScend/TRANSform – a community teach-in with trans advocates and allies.

Toronto Catholic District School Board (Vice Chair's Motion)

- In November 2019, there was motion to update the TCDSB Code of Conduct to be more inclusive and protective of 2SLGBTQ+ students by adding the terms gender identity, gender expression, family status and marital status. Those changes passed by a vote tally of 8-4, but not without controversy.
- During discussion around the motion vice-chair Mike Del Grande stood up to move an amendment asking for several other terms — including bestiality, pedophilia and terms related to rape, cannibalism and vampirism — to be added to the list.

The 519 Letter to Government Officials: Save Toronto's 2sLGBTQ+ Village

- During the height of the COVID-19 pandemic, The 519 wrote to all levels of government seeking immediate action to save Toronto's 2SLGBTQ+ Village and queer/trans-run local businesses



Targeted Homophobic and Transphobic Attacks

- In the wake of COVID-19, the Canadian Civil Liberties Association and The 519 wrote to the Prime Minister, seeking solutions to the alarming increase of 2SLGBTQ+ abuse, particularly in urban communities across Canada.

DEAR PM:

**THERE IS A RISE IN TARGETED
HOMOPHOBIC AND
TRANSPHOBIC ATTACKS.**

TAKE ACTION NOW.



Toronto Police Services



- In October 2020, a Toronto 2SLGBTQ+ organization became aware of the death of a member of its community while in police custody. Although neither the TPS nor Ontario's Special Investigations Unit (SIU) released the name of the person who died or any information related to what caused their death, the organization received information that confirmed that the individual involved was a much loved 30-year-old Black trans woman.
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Canada Christian College

- In the aftermath of Trinity Western University, local organizations and advocates released statements and deputed to the Ontario legislature to raise awareness against Bill 213 and the accreditation of Canada Christian College.

Canada Christian College is run by Charles McVety, a notorious and vocal bigot who publicly perpetrates homophobia, transphobia, and Islamophobia. Accreditation of the college puts our LGBTQ2S communities at risk, and welcomes discrimination.

The 519 calls on Premier Ford and his government to **do the right thing.**

Increased COVID-19 Lockdown

April 16, 2021

Re: Ontario's extension of COVID-19 lockdown restrictions and enhanced policing

BIPOC and LGBTQ2S communities are already over-policed and disproportionately targeted by law enforcement.

If you have been charged and/or ticketed and need legal assistance, please contact:

- In April 2021, the Ontario Government made an announcement to extend the province's COVID-19 lockdown restrictions. The government also gave the police and other provincial law enforcement officers enhanced authority to stop individuals in public.

Hanlan's Point

- In June 2021, there was a vicious attack on a member of the 2SLGBTQ+ community member at Hanlan's Point on the Toronto Islands. A well-known and popular gathering place for the LGBTQ2S+ community, Hanlan's Point is also where Toronto first marked Pride 41 years ago.
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Independent Civilian Review into Missing Person Investigations - (TPS): Grieving and hoping together

“ We hope this Review will make recommendations that will lead to **real and meaningful change for all marginalized communities**, that they will be considered within broader calls for accountability and a total reimagining of policing in our city.

RE: The Independent Civilian Review into Missing Person Investigations

Application at the Ontario Superior Court of Justice re: Intersex Human Rights case (2021)

- In June 2021, Egale, a 2SLGBTQ+ advocacy organization filed an application to the Ontario Superior Court of Justice to challenge the constitutionality of exemptions in the Criminal Code that permit 'normalizing' aesthetic surgeries on intersex infants and children, prior to these individuals being old enough to themselves consent to such surgeries.
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Factum to the Ontario Superior Court on equal protections for Trans and MSM Sex Workers (2022)

- In October 2022, the Canadian Alliance for Sex Work Law Reform filed a factum in the Ontario Superior Court which highlights the discrimination against sex workers embedded in the Charter, particularly those who are trans people and MSM (men who have sex with men). Canadian human rights organizations are taking a stand alongside trans and MSM individuals as they defend their right to equal protection under the law.

Factum to the Supreme Court of Canada on Protection of Dignity and Equality Interest of Trans Individuals (2022)

- October 2022 - This case is about the proper interpretation and application of BC's *Protection of Public Participation Act (PPPA)*. The *PPPA* was enacted to stop corporations and people with power from using the legal system to silence those who speak out on public interest matters. Section 4 of the *PPPA* allows a court to dismiss an otherwise meritorious lawsuit when the public interest in protecting the targeted speech outweighs the public interest in allowing the lawsuit to continue. The Supreme Court of Canada will be asked to consider this weighing exercise in *Hansman v Neufeld*, a case that affects the dignity, security, and equality interests of a highly vulnerable group: 2SLGBTQ+ children and youth.



Allyship, and how you can get involved

Allies:

- are critical to helping and supporting 2SLGBTQ+ communities,
- act as a bridge in the conversations needed to increase awareness and acceptance on 2SLGBTQ+ issues,
- show 2SLGBTQ+ communities that they are not alone in the struggle for equality



Thank you!

Questions?

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*Many of the images in today's presentation have been sourced from The 519 and their Army of Lovers branding