



2SLGBTQI Discrimination in Canada: Striving for Best Practices in Apologies and Reparations

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Acknowledgements

This report was authored by:

This paper was written by Egale Canada in partnership with Douglas Elliott of Cambridge LLP and the LGBT Purge Fund. The views contained herein are solely those of the authors.

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The purpose of this paper is to contribute to the International Dialogue organized by ARC International, Delhi, December 2019. The title of this year's conference is Rising through the Challenge: documenting and analysing best practices for advancing human rights related to sexual orientation, gender identity and expression and sex characteristics (SOGIESC) using the tools of international law, domestic litigation, and apology/reparation.

Introduction

1. The purpose of this paper is to contribute to the *International Dialogue* organized by ARC International, Delhi, December 2019. The title of this year's conference is *Rising through the Challenge: documenting and analysing best practices for advancing human rights related to sexual orientation, gender identity and expression and sex characteristics (SOGIESC) using the tools of international law, domestic litigation, and apology/reparation.*
2. This paper will discuss Canada's tragic history of state-sanctioned homophobia, bi-phobia, and transphobia, with a focus on that history in the Canadian Armed Forces ("CAF"), the Royal Canadian Mounted Police ("RCMP") and the federal public service ("FPS") (hereinafter referred to as "the public service"), and the strategies used to obtain redress for those persons who were harmed by these policies.
3. From the 1950s to the 1990s, the Government of Canada was responsible for the purge of lesbian, gay, bisexual and transgender persons from the public service ("LGBT Purge"). The purpose of the LGBT Purge was to remove LGBT persons from the public service because they were perceived to be criminals¹, unreliable and a threat to national security.²

¹ In common with other former British colonies, in what is now Canada the concept of same sex acts as sinful and criminal was imposed by the British on an indigenous culture that had previously been accepting of diverse sexuality, gender identity and gender expression. An important Wolfenden type of exception for two consenting adults was passed by Canada's Parliament in 1969. After the equality guarantee in the new *Canadian Charter of Rights and Freedoms* came into effect in 1985, several provincial Courts of Appeal struck down the criminal ban on "buggery" as unconstitutional: see e.g. *R. v. Roy* (1998), 161 D.L.R. (4th) 148 (Que. C.A.) However, the provision – section 159 of the Canadian Criminal Code - was not officially repealed until earlier this year, i.e. 2019.

² See Privy Council Office, *Memorandum for Deputy Ministers and Heads of Agency: Revised Cabinet Directive on Security – Cabinet Directive No. 35 Security in the Public Service of Canada*, Government of Canada, 27 December 1963, online: LGBT Purge Fund <<http://lgbtpurge.com/wp-content/uploads/2018/02/CD-35-English.pdf>>. The more comprehensive and inclusive acronym denoting Two Spirit, Lesbian, Gay, Bisexual, Trans, Queer and Intersex is used in the title of this paper as it is used in *Egale* generally. However, a convention has been used by the litigants and the LGBT Purge Fund in the



4. At the time, the Government of Canada believed that LGBT persons were susceptible to blackmail by foreign entities due to their sexual orientation, gender identity and/or expression. In order to avoid potential blackmail, senior officials in the highest levels of government implemented policies and procedures to identify LGBT persons for the purposes of removing them from the public service. These policies violated the dignity, privacy, and human rights of Canadian citizens, and resulted in long-term physical and mental health consequences for those persons involved.

5. Through the hard work of a national, bilingual team of legal experts, and advocacy from academics and civil society organizations, the surviving members of the LGBT purge were able to hold the Government of Canada accountable for nearly four decades of systemic discrimination. On November 28, 2017, the Government of Canada formally apologized³ to the Two Spirit, lesbian, gay, bisexual, trans, queer and intersex (“2SLGBTQI”)⁴ community, including an apology for the LGBT Purge, and implemented a series of initiatives and measures to ensure that such discrimination never happens

context of the LGBT Purge to use the shorter less inclusive acronym. Both acronyms are anachronistic as contemporaneous sources referred to “deviates” and “homosexuals.”

³ The function of an apology has been discussed in the context of international law: “[A] government may decide to apologize to the government or people of another state because it genuinely believes that it is the right thing to do [emphasis added]. That is, a government or particular official, reflecting the view of many or most of the state’s citizens, may: (1) truly believe that its acts or omissions, accomplished through its agents, have been wrongful and caused harm to another state or its citizens; (2) be genuinely sorry for and regret that conduct; and (3) wish to show empathy for, make amends to, be forgiven by, and restore good relations with the other state and its people.” See Richard Bilder, “The Role of Apology in International Law and Diplomacy”, *University of Wisconsin Law School*, 46:3 04 August 2010 433 at 464.

⁴ The acronym “2SLGBTQI” is used here to reference all people with diverse gender identities and experiences of attraction (sexual orientation), including those who identify as lesbian, gay, bisexual, trans, Two Spirit, intersex, queer or questioning. Two Spirit is an English umbrella term to reflect the many words used in different Indigenous languages describing the fluid and diverse nature of gender and attraction and its interconnectedness to community and spirituality. The term seeks to restore traditional identities and roles forcefully suppressed or stamped out through the process of European Colonization. Some Indigenous people identify as Two Spirit rather than or in addition to identifying as LGBTQI.

again in Canada. That same day, a settlement in principle valued at up to CDN \$145 million was announced of a class action that had been launched by survivors of the LGBT Purge.

I. Describe the best practice.

6. In our experience, the combination of **domestic civil litigation and advocacy from credible civil society organizations** provided the optimum means to obtain redress for the victims of the LGBT Purge in Canada. In keeping with a pattern that has been established since the advent of the Charter's equality guarantee in 1985⁵, civil litigation forced the Government of Canada to engage with the victims of the LGBT Purge, and advocacy by civil society organizations provided the education needed to equip the Government of Canada with the knowledge needed to draft an *authentic, genuine, and effective*⁶ apology to the 2SLGBTQI community.



II. What was or is the political and/or organizational context when the best practice began? In other words, why did it happen or what caused it to be developed?

7. Two civil society organizations delivered written reports in June 2016, to demand the Government of Canada apologize and make redress for, inter alia, the LGBT Purge. In October of 2016, a class action was launched on behalf of persons harmed by the LGBT Purge.

We Demand an Apology Network and Egale Canada

⁵ To cite but one example of this pattern of successful litigation resulting in legislative reform, the successful litigation that resulted in the Supreme Court of Canada's ruling in *M. v. H.* prompted the Canadian Government to enact comprehensive relationship recognition legislation, the *Modernization of Benefits and Obligations Act*.

⁶ It has been argued that an *authentic, genuine and effective* apology would contain the following elements: "(1) admitting one's fault of blameworthiness and accepting responsibility for a specific injury to another or others, without excuse of justification; (2) expressing sincere remorse and regret from the injurious action or inaction and the other's injury; and (3) offering appropriate reparation and promising that the wrong done will not recur in the future." See note 3 at 438.



8. The We Demand an Apology Network (“the Network”) and Egale Canada were instrumental in providing the context needed to educate the Government of Canada on the issue of historic 2SLGBTQI discrimination in Canada. They also educated the Canadian public at large.

9. The Network was established in 2015 to lobby the Government of Canada to issue a formal apology to the victims of the LGBT purge. The Network is comprised of academics, advocates, and purge survivors, who:

[...] demand that the Canadian government apologise to all who were directly affected by these national security purge campaigns and indicate that the Canadian state will not allow anything like this to happen again. This is an important step in opening the door for recognition and support for the hundreds, and perhaps thousands of people, whose lives and careers were harmed by these government policies.⁷



A formal report prepared by the Network was submitted to the Government of Canada for consideration on June 08, 2016.⁸ This report, and the advocacy undertaken by the Network was crucial in ensuring the Government of Canada⁹ understood the impact of the LGBT Purge on the members of the 2SLGBTQI community in Canada.

10. Egale Canada is the national human rights organization that advocates on behalf of the 2SLGBTQI community in Canada and around the world. Established in 1986, Egale has been a leading voice on 2SLGBTQI equality and inclusivity issues in Canada. It has

⁷ We Demand An Apology Network, *Introduction*, We Demand an Apology Network P-SEC Research Group (Psycho-Social Ethnography of the Commonplace), online: We Demand an Apology Network <<https://p-sec.org/we-demand-an-apology/>>. Individual survivors of the LGBT Purge had been seeking redress for decades. Professor Gary Kinsman of the Network had publicly called for an apology as early as 1998.

⁸ See We Demand An Apology, “The We Demand an Apology Network submission on the urgent need for an official state apology and redress for those affected by the anti-gay/anti-lesbian purges in the public service and the military”, We Demand an Apology Network, 08 June 2016, online: <<http://lgbtpurge.com/wp-content/uploads/2017/03/We-Demand-An-Apology-Network.pdf>>.

⁹ It is noteworthy that Rt. Hon. Justin Trudeau had become Prime Minister the previous year. In stark contrast with his predecessor in office, Rt. Hon. Stephen Harper, Mr. Trudeau is widely known to be supportive of the struggle for 2SLGBTQI equality. He is the first Canadian Prime Minister to march in a Pride Parade, for example.



an illustrious series of Court victories to its credit, using the Charter to advance equality.

The purpose of Egale Canada is:

[...] to improve the lives of LGBTQI2S people in Canada and to enhance the global response to LGBTQI2S issues. Egale will achieve this by informing public policy, inspiring culture change, and promoting human rights and inclusion through research, education and community engagement.¹⁰

A formal report, *The Just Society Report*¹¹, was developed by Egale Canada and submitted to the Government of Canada for consideration on June 13, 2016.

11. The *Just Society Report* made the following recommendations to the Government of Canada regarding how to engage with the apology process:

- i. accept the findings of the report in principle;
- ii. prepare an open-textured and inclusive apology for Canada's history of oppression;
- iii. enter into a year-long mediated negotiation with LGBTQI2S community representatives;
- iv. negotiate the mandate for a mediator and identify the immediate action items that must be considered;
- v. deliver a report from the mediator within 12-months.¹²


12. Egale Canada recommended that the Honourable Frank Iacobucci¹³ facilitate the requested mediation. Egale proposed that the following items be discussed in the mediation process:

¹⁰ Egale Canada, *Our Vision*, Egale Canada, online: Egale Canada <<https://egale.ca/our-vision/>>.

¹¹ See Egale Canada, "The Just Society Report", Egale Canada, June 2016, online: Egale Canada <<http://egale.ca/just-society-report-executive-summary/>>. Douglas Elliott was the Chair of the Just Society Committee, and later was lead counsel in the LGBT Purge class action.

¹² *Ibid.*

¹³ Mr. Iacobucci is a former Justice of the Supreme Court of Canada who co-wrote reasons for that Court in such important Charter rulings as *Vriend v Alberta*.

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- i. an apology for Canada's history of LGBTQI2S persecution;
 - ii. reform of prosecutorial practices;
 - iii. expungement of unjust convictions;
 - iv. compensation for unjust government action;
 - v. recognizing and memorializing LGBTQI2S injustice.

13. Taken together, the Network and Egale Canada, put enormous pressure on the Government of Canada to apologize to the 2SLGBTQI community for historic mistreatment. The hard work of these organizations was directly referenced by Mr. Trudeau in his apology, which is described in further detail below.

Civil Litigation

14. The mobilization of the Network and Egale Canada coincided with the development of a national, bilingual team of legal experts to act on behalf of persons harmed by the LGBT Purge.¹⁴ Three class action lawsuits launched in 2016 were subsumed in a unified class action filed in the Federal Court of Canada on March 15, 2017. The persons harmed by the LGBT Purge were represented by three representative plaintiffs: Todd Ross¹⁵ (CAF), Martine Roy¹⁶ (CAF), and Alida Satalic (CAF). The statement of claim alleged that the Government of Canada had breached its contractual and extra-contractual obligations, its duty of care, and its fiduciary duty to the Plaintiffs.¹⁷

¹⁴ LGBT Purge Fund, *Legal Team – We're Here to Help*, LGBT Purge Class Action, online: LGBT Purge Class Action, online: LGBT Purge Fund <<http://lgbtpurge.com/your-legal-team/>>.

¹⁵ Mr. Ross spoke movingly of his LGBT Purge experience at the press conference convened by Egale on June 13, 2016, during the launch of the *Just Society Report*.

¹⁶ Ms. Roy attended the June 13, 2016 Egale press conference on behalf of the Network and met Mr. Ross and Mr. Elliott for the first time that day. She also agreed to join the Just Society Committee that very day. Today she is the President of the LGBT Purge Fund.

¹⁷ *Todd Edward Ross, Martine Roy and Alida Satalic and Her Majesty the Queen*, 15 March 2017, Montreal T-370-17 (Statement of Claim), online: LGBT Purge Fund <<http://lgbtpurge.com/wp-content/uploads/2017/03/LGBT-Purge-FC-statement-of-claim-issued-17-03-15.pdf>>.

15. The Government of Canada settled with the Plaintiffs out of court. An Agreement-in-Principle was reached on November 24, 2017, a Final Settlement Agreement was signed on March 28, 2018 and received approval from the Federal Court on June 18, 2018. The terms of the Final Settlement Agreement were to:

- i. provide recognition of the harm suffered by, and a meaningful personal apology to, Class Members who faced threat of sanction or were more directly affected by the Defendant's policies while serving in the CAF, RCMP or while employed in the FPS;
- ii. provide compensation to those who suffered direct negative effects of the application of the officially sanctioned policies; and to
- iii. provide funding for individual and collective Reconciliation and Memorialization Measures that will record and memorialize these historic events in order to educate and prevent future discrimination, which it is hoped will lead to reconciliation with the LGBTQ2 community.¹⁸

16. The class action settlement – “the largest such settlement for redress of historical harms to the lesbian, gay, bisexual, transgender community in the world”¹⁹ – represented a momentous occasion toward 2SLGBTQI reconciliation in Canada.

III. Outline how this idea or practice developed or emerged.

17. The decision to combine civil litigation with advocacy from the Network and Egale Canada, was inspired by a belief that – (a) substantial financial compensation would not

¹⁸ *Todd Edward Ross, Martine Roy and Alida Satalic and Her Majesty the Queen*, 28 March 2018, Montreal T-370-17 (Final Settlement Agreement), online: LGBT Purge Fund <<http://lgbtpurge.com/wp-content/uploads/2018/04/Final-Settlement-Agreement.pdf>>.

¹⁹ Gail Cohen, “An extraordinary class action”, *Canadian Lawyer*, 01 October 2018, online: Canadian Lawyer <<https://www.canadianlawyermag.com/practice-areas/litigation/an-extraordinary-class-action/275492>>.

be forthcoming promptly in the absence of litigation, and (b) Canada had to be educated on the issue of historic state-sanctioned homophobia, bi-phobia and transphobia in the public service, in order to develop an *authentic, genuine, and effective* apology.

IV. Why do you view this as a success or why do you prefer it as a way to do your work?

18. On November 28, 2017, in the Canadian House of Commons Prime Minister Trudeau, formally apologized to the 2SLGBTQI community, including an express apology for the LGBT Purge. Mr. Trudeau described this period as Canada's "collective shame"²⁰ and took responsibility for the "systemic oppression"²¹ of LGBT persons in the public service. In our view, the settlement agreement and the issuance of a formal apology was successful because these acts demonstrated a genuine commitment toward reconciliation with the 2SLGBTQI community in Canada.

19. Mr. Trudeau's apology contained the following admissions:

Over our history, laws and policies enacted by the government led to the legitimization of much more than inequality – they legitimized hatred and violence, and brought shame to those targeted.

[...]

While we may view modern Canada as a forward-thinking, progressive nation, we can't forget our past: The state orchestrated a culture of stigma and fear around LGBTQ2 communities. And in doing so, destroyed people's lives.

[...]

Those who admitted they were gay were fired, discharged, or intimidated into resignation. They lost dignity, lost careers, and had their dreams – and indeed, their lives – shattered.

[...]

Canada's history is far from perfect. But we believe in acknowledging and righting past wrongs so that we can learn from them.

[...]

²⁰ Prime Minister Justin Trudeau, *Remarks by Prime Minister Trudeau to apologize to LGBTQ2 Canadians*, Office of the Prime Minister, 28 November 2017, online: Office of the Prime Minister <<https://pm.gc.ca/en/news/speeches/2017/11/28/remarks-prime-minister-justin-trudeau-apologize-lgbtq2-canadians>>.

²¹ *Ibid.*

And Canada will stand tall on the international stage as we proudly advocate for equal rights for LGBTQ2 communities around the world.²²

20. And, although Mr. Trudeau acknowledged that progress has been made, he recognized that there remains much work to be done to safeguard the human rights of 2SLGBTQI persons in Canada. Mr. Trudeau explained:

There are still real struggles facing these communities, including for those who are intersex, queer people of colour, and others who suffer from intersectional discrimination. Transgender Canadians are subjected to discrimination, violence, and aggression at alarming rates. In fact, trans people didn't even have explicit protection under federal human rights legislation until this year. Mental health issues and suicides are higher among LGBTQ2 youth as a result of discrimination and harassment, and the homelessness rates among these young people is staggering. And there is still work to do on blood and organ donation, and the over criminalization of HIV non-disclosure. The Government needs to continue working with our partners to improve policies and programs.²³

21. Through this formal apology, the Government of Canada accepted responsibility for a long history of discrimination, and in particular, nearly four decades of cruel, widespread and targeted discrimination against sexually diverse peoples in the public service. The Government of Canada identified the areas of concern that required immediate attention, and pledged to work toward enhancing the rights and protections of 2SLGBTQI persons in the future.



22. It is our submission that this apology was an example of a *genuine, authentic, and effective*²⁴ apology because it contained an admission of guilt, expressed sincere remorse, was accompanied by appropriate reparations in the form of a legal settlement, legislative reform²⁵ and by initiatives to enhance education and prevent future

²² *Ibid.*

²³ *Ibid.*

²⁴ *Supra* note 6.

²⁵ Although the Government of Canada has not yet addressed all of the statutory concerns identified in the *Just Society Report*, it did take important steps that included expungement of criminal convictions and repeal of offensive unconstitutional provisions such as section 159 of the Canadian Criminal Code.



discrimination. It was also delivered by the Prime Minister²⁶ in Canada's House of Commons, in the presence of affected members of the 2SLGBTQI community seated in the galleries.²⁷

23. Further, it is our understanding that the agreement reached in Canada is the most comprehensive and financially significant settlement agreement to redress historic 2SLGBTQI injustice in the world. The specific terms of the settlement agreement provide:

- i. A total financial settlement valued at up to \$145 million;
- ii. A fund for individual compensation valued at up to \$110 million²⁸;
- iii. Individual compensation will range from a minimum of \$5,000 up to a maximum of \$150,000, based on harm suffered;
- iv. A fund for Reconciliation and Memorialization measures of at least \$15 million, now managed by the LGBT Purge Fund and under the control of survivors of the LGBT Purge;
- v. The Reconciliation and Memorialization measures will include a national monument in Ottawa, and a museum exhibit (including a travelling component) with class members' stories to be created by the Canadian Museum of Human Rights;
- vi. A Canada Pride Citation²⁹ will be made available to all class members;

²⁶ It is noteworthy that the leader of all political parties spoke in support of the apology. Such unanimity is rare in Canada.

²⁷ Michelle Douglas, whose lawsuit put an end to the LGBT Purge as official policy in 1992, sat facing the Prime Minister and was seated next to his two oldest children. She received a standing ovation from the House.

²⁸ In keeping with Canadian law, no individual financial compensation is available for estates of deceased class members. This is one of the reasons for the creation of the fund described in clause ix. Surviving partners and family members are eligible for non-monetary reparations, such as the Canada Pride Citation.

²⁹ Although a citation is technically distinct from a "medal", this beautiful honour is similar to a medal. It is unique in the world in recognizing the harmful experiences endured by those affected by the LGBT Purge.

- vii. An individual letter of apology will be available to all class members³⁰;
- viii. Class members will be entitled to request a notation on their personnel record that they were not unfit for service because of their sexuality and that the purge policy was wrong;
- ix. The Federal Government will pay all fees for the plaintiffs' legal team directly in a fixed amount of \$15 million plus HST. Class members will not be required to pay any legal fees and no legal fees will be deducted from individual payments to class members;
- x. The Federal Government will pay for the costs of an independent professional administrator to administer the settlement up to a maximum amount of \$5 million.³¹

24. It is our understanding that no other country has gone as far as Canada in terms of providing compensation and developing reconciliation and memorialization efforts for the 2SLGBTQI community.³²


V. What factors, intentional or non-intentional, external or internal contributed to its success?

25. The settlement agreement and the formal apology is the result of the hard work of many people built on a foundation of decades of successful struggle to overcome many

³⁰ The Prime Minister's official apology was developed through a process that was parallel to and separate from the class action settlement. In contrast, the individual apology letter is embedded in the settlement. For former members of the CAF the letter is signed by the Chief of Defence Staff. For former members of the RCMP, it is signed by the Commissioner. For former civil servants, it is signed by the head of that public service, the Clerk of the Privy Council. The Chief of Defence Staff had previously apologized verbally at the Cartier Armouries the day of the Prime Minister's Apology.

³¹ LGBT Purge Fund, *Further Information – Summary of Settlement*, LGBT Purge Class Action, online: LGBT Purge Class Action, 28 November 2017, online: LGBT Purge Fund <<http://lgbtpurge.com/wp-content/uploads/2017/11/Summary-of-Settlement.pdf>>.

³² See Schedule B.



centuries of discrimination. The litigation team, the Network, and Egale Canada worked together to build momentum for this apology and reparations. Canada was fortunate to have a receptive Prime Minister, and he had members of the 2SLGBTQI community at his Cabinet table and among his senior advisers. But ultimately, it was the willingness of the Plaintiffs to relive this experience in public that inspired the apology and the road toward reconciliation in Canada.



26. There are also strong and responsive democratic institutions in Canada. The legal system allowed for the process to move swiftly through the courts, and civil society organizations – the Network and Egale Canada – provided an amplifying institutional voice to those persons who were personally impacted by the LGBT Purge. The success of the apology process in Canada is a reminder of the important role that democratic institutions and the rule of law play in ensuring that voices are heard and remedies are obtained.

VI. What individuals and leaders had an impact on the outcome, if at all?

27. The election of Prime Minister Trudeau in 2015 opened a window of opportunity to work with the Government of Canada to develop a formal apology and work toward reconciliation with the 2SLGBTQI community.

28. For example, on November 15, 2016, Mr. Trudeau announced that he would appoint a Special Advisor, Randy Boissonnault, to co-ordinate the government's 2SLGBTQI agenda.³³ The Prime Minister explained that the appointment of a Special

³³ Prime Minister Justin Trudeau, *Prime Minister announces Special Advisor on LGBTQ2 issues*, Office of the Prime Minister, 15 November 2016, online: Office of the Prime Minister <<https://pm.gc.ca/en/news/news-releases/2016/11/15/prime-minister-announces-special-advisor-lgbtq2-issues>>.



Advisor was partly inspired by the recommendations made in the *Just Society Report*³⁴ released by Egale Canada:

Mr. Boissonnault's principal role will be to advise the Prime Minister on the development and co-ordination of the Government of Canada's LGBTQ2 agenda. This will include working with LGBTQ2 organizations from across the country to promote equality for the LGBTQ2 community, protect the rights of its members, and address discrimination against them – both historical and current.

[...]

This kind of discrimination was documented in a report recently released by Egale Canada Human Rights Trust (Egale) on June 10, 2016, entitled "The Just Society Report". The Government of Canada welcomed this report, supports the values, principles, and objectives it espouses, and will work with Egale and other partners to take action against the discrimination the report describes [emphasis added].³⁵

29. The Government of Canada demonstrated a willingness to consult and work with the 2SLGBTQI community, and this commitment was obviously an important factor in the issuance of a formal apology to the 2SLGBTQI community in Canada.

VII. Was there some measure to evaluate the practice and what was it?

30. From a comparative perspective, it is our understanding that no other country has gone as far as Canada in terms of issuing an apology, providing compensation and developing reconciliation and memorialization initiatives to address 2SLGBTQI discrimination. Although formal apologies to the 2SLGBTQI community have been given

³⁴ *Supra* note 11.

³⁵ *Supra* note 33.

in Australia³⁶, Britain³⁷, Scotland³⁸, New Zealand³⁹, and Germany⁴⁰, it is our understanding that Canada has developed the most comprehensive and substantive remedial package for historic injustice suffered by 2SLGBTQI people in the world.⁴¹

VIII. Were there intended or unplanned outcomes, and what were they?

31. On March 22, 2017, the Federal Government formally announced a new government post – the LGBTQ2 Secretariat.⁴² This position was not requested by the Just Society Committee⁴³, but was a welcome innovation of the Federal Government. The purpose of this department is found on their website:

A key priority for the Government of Canada is to strengthen diversity and inclusion so that all Canadians can participate fully as members of Canadian society. The Government's commitment to LGBTQ2⁴⁴ Canadians is a key part of this priority. The Government is committed to promoting LGBTQ2 equality, protecting LGBTQ2 rights, and addressing discrimination against LGBTQ2 communities, both past and current. Budget 2017 set aside \$3.6 million over three years for the LGBTQ2 Secretariat within the Privy Council Office. The LGBTQ2 Secretariat activities include working with LGBTQ2 stakeholders across the country. These activities help inform the Government on issues and potential solutions that are important to LGBTQ2 Canadians.

³⁶ Daniel Andrews, "Unimaginably wrong': Victoria's gay conviction apology speech in full", *The Guardian*, 23 May 2016, online: The Guardian: <<https://www.theguardian.com/world/2016/may/24/unimaginably-wrong-victorias-gay-conviction-apology-speech-in-full>>.

³⁷ Pippa Crerar, "Theresa May says she deeply regrets Britain's legacy of anti-gay laws", *The Guardian*, 17 April 2018, online: The Guardian <<https://www.theguardian.com/world/2018/apr/17/theresa-may-deeply-regrets-britain-legacy-anti-gay-laws-commonwealth-nations-urged-overhaul-legislation>>.

³⁸ Sonia Elks, "Scotland pardons gay men convicted under homophobic laws", *Reuters*, 14 October 2019, online: Reuters <<https://www.reuters.com/article/us-scotland-lgbt-pardons/scotland-pardons-gay-men-convicted-under-homophobic-laws-idUSKBN1WT2JV>>.

³⁹ Unknown, "Men convicted for homosexual activity receive apology from govt", *RNZ*, 06 July 2017, online: RZ <<https://www.rnz.co.nz/news/national/334586/men-convicted-for-homosexual-activity-receive-apology-from-govt>>.

⁴⁰ Sarah Hofmann, "Steinmeier asks for pardon for Germany's injustices toward homosexuals", *DW*, 03 June 2018, online: <<https://www.dw.com/en/steinmeier-asks-for-pardon-for-germanys-injustices-toward-homosexuals/a-44058320>>.

⁴¹ See Schedule B.

⁴² See Matthew Pearson, "Budget 2017: Parliament's first LGBTQ2 Secretariat announced", *Ottawa Citizen* 22 March 2017 online: Ottawa Citizen <<https://ottawacitizen.com/news/local-news/budget-2017-parliaments-first-ever-lgbtq2-secretariat-announced>>.

⁴³ The Just Society Committee was founded by Egale Canada and oversaw the development of the Just Society Report. Douglas Elliott, a co-author of this paper, chaired the Committee.

⁴⁴ The federal government uses its own preferred acronym. The 2 stands for Two Spirit People. Notable by their absence from the official acronym are intersex people, reflecting important work that still is left undone in Canada.

[...]

While the LGBTQ2 Secretariat is not a department and does not provide program funding, it helps link LGBTQ2 stakeholders with relevant federal organizations who do have funding opportunities available.⁴⁵

32. In addition, a documentary film “The Fruit Machine”⁴⁶ about the LGBT Purge was being created at the initiative of Sarah Fodey, an independent lesbian film maker. The film has been widely disseminated and has proven to be a powerful educational tool.

33. It should also be noted that the class action lawsuit was not planned *per se*, but rather developed as an alternative technique to achieve redress for members of the LGBT purge after the federal government failed to take up the Just Society Report proposal for mediation by Mr. Iacobucci.



IX. Were there challenges and if so, how were they overcome?

34. The Government of Canada rejected the proposal to mediate, in part because they did not agree on who their LGBT institutional counterparts should be. The response from the LGBT Purge survivors was to launch the class action lawsuit. Community organizations such as Egale Canada negotiated with the newly formed LGBTQ2 Secretariat on the other issues, such as the apology and expungement. This created fracturing within the 2SLGBTQI community that is always challenging but sometimes produces better results.

35. There were points of conflict between the apology process and the class action lawsuit. These points of conflict were able to be overcome because there was some

⁴⁵ Privy Council Office, *About the LGBTQ2 Secretariat*, Government of Canada, 20 November 2019, online: Government of Canada <<https://www.canada.ca/en/privy-council/campaigns/free-to-be-me/about-us/about-lgbtq2-secretariat.html>>.

⁴⁶ The film is described in the following terms: “Some softened by age and sadness, others loud and angry, the voices of the survivors of Canada’s public service homosexual purge are now united, and determined. They are torqued by decades of silence, years of being ignored. They demand justice, and they want to be heard.” See Sarah Fodey, “The Fruit Machine”, 2017, online: The Fruit Machine <<http://thefruitmachine.ca/contact/>>.



overlap of identity among the key players⁴⁷, a spirit of cooperation with the Government of Canada and a broadly shared set of objectives.

X. Were alliances or linkages forged to ensure success?

36. The Just Society Committee was able to build a strong working relationship with high level Government officials. These relationships contributed to the speedy development of a sincere apology and a comprehensive settlement agreement.

37. In addition, as discussed above, the Just Society Committee formed a strong linkage with the We Demand an Apology Network, and the two groups coordinated the delivery of their reports to the Government of Canada. Two people associated with the Network became active in the Just Society Committee⁴⁸. And the Executive Director of Egale Canada played a key role in the apology advisory council.

38. It is also important to note that the Just Society Committee was able to build bridges between Egale Canada and Québec based 2SLGBTI organizations. Ultimately, the apology process brought many hard-working, like-minded people together.

XI. Did the practice contribute to a broader movement or cross-movement goals?

39. It is too early to tell whether the approach taken in Canada will result in broader movement goals. However, the formal apology, and the substantive commitments contained therein, offers a useful precedent for other countries to assess and implement should they feel it is appropriate to do so in light of the specific challenges they face.

⁴⁷ For example. Ms. Roy was the representative plaintiff, a member of the Network and a member of the Just Society Committee. She is also a prominent Montréal based community leader, a francophone city where Egale Canada has not had much presence.

⁴⁸ Martine Roy and Bruce Walker, a retired lawyer who had largely authored the Network's report.



Canada sought to build on the experience of other countries⁴⁹, and it is our hope that the next apology will supersede the standard set by Canada in 2017.

XII. What skills, lessons, etc. were learned in the process (formal or informal, intentional or unintentional)?

40. It is our submission that the formal apology and the settlement agreement are important steps toward reconciliation in Canada. Some 2SLGBTQI Canadian academics do not believe the apology went far enough⁵⁰, and others feel that “the consultations undertaken by the government were rushed, lacked transparency and openness, and consequently undermined the ameliorative potential of the apology.”⁵¹ Further, there are those in the 2SLGBTQI community that were critical of Egale Canada’s role in the apology process:

In the specific case of Egale, it transmogrified over the past several years from a political advocacy group to a ‘human rights trust,’ whose charitable status and fee-for-service contracts with government agencies radically curtail its capacity for political intervention.

[...]



The language [of the mandate of the LGBTQ2S Secretariat] is telling. The agenda is not being set by Egale or ‘the movement.’ It is the government’s agenda that is being advanced with Egale positioned in the role of collaborator.⁵²

⁴⁹ The apology offered by Premier Andrews in Melbourne in 2016 was especially inspiring. The Germans were very cooperative in helping us address the expungement process and compensation.

⁵⁰ See Gary Kinsman, “How Canada’s historic apology to LGBT people falls short”, *Xtra*, 01 December 2017, online: *Xtra* <<https://www.dailyxtra.com/how-canadas-historic-apology-to-lgbt-people-falls-short-81945>>.

⁵¹ See Michael David McDonald, “When the Government Apologizes: Understanding the Origins and Implications of the Apology to LGBTQ2+ Communities in Canada”, A Thesis Submitted in Partial Fulfillment of the Requirements for the Degree of Master of Arts in the Department of Political Science at the University of Victoria, 28 August 2019, online: <https://dspace.library.uvic.ca/bitstream/handle/1828/11072/McDonald_Michael_MA_2019.pdf?sequence=1&isAllowed=y>.

⁵² Steven Maynard, “To Forgive and Forget? Homonationalism, Hegemony, and History in the Gay Apology”, *C4E Journal: Perspectives on Ethics*, online: *C4E Journal* <<http://activehistory.ca/papers/to-forgive-and-forget-homonationalism-hegemony-and-history-in-the-gay-apology/>>. See also Miriam Smith, “Homophobia and Homonationalism: LGBTQ Law Reform in Canada”, *Sage Journals: Social & Legal Studies*, 10 January 2019, online: *Sage Journals* <<https://journals.sagepub.com/doi/full/10.1177/0964663918822150>>.




41. We believe it is important to be mindful and open to the criticism that has been levied against Egale Canada in the context of the apology process. However, even critics such as Professor Maynard acknowledge that there was such a broad consensus in the 2SLGBTQI community favour of the apology that some might find his criticism “churlish”⁵³. The apology process was widely viewed as successful, and it is an important if incomplete step toward reconciliation. More importantly, the apology and settlement received a very high level of support from the LGBT Purge survivors⁵⁴, which we believe is an important benchmark for measuring success.

Conclusion

42. Ultimately, the individual compensation, the expungement, and the reconciliation and memorialization initiatives developed by the Government of Canada will not restore the dignity of the thousands of 2SLGBTQI employees who were ostracized from the public service because of their sexual orientation, gender identity and/or gender expression. But by publicly admitting guilt and initiating an open and honest conversation regarding historic state-sanctioned homophobia, bi-phobia, and transphobia in the public service, the Government of Canada has opened the door toward reconciliation and positioned itself to be a leader on 2SLGBTQI issues moving forward. It is up to the Government of Canada to ensure that it takes this leadership role seriously. We will be encouraging them, but watching with a critical eye.

⁵³ *Ibid.*

⁵⁴ None of the small but vocal group of largely academic critics of the apology and settlement are known to be LGBT Purge survivors, subject to the following rare exceptions. Although a handful of survivors have stated that they have no interest in any kind of apology, a large group attended the official apology where they were offered a private reception with the Prime Minister. The response of those survivors in attendance was universally positive. All survivors had an opportunity to object to the settlement. There are over 700 who have filed claims, and only 2 objected to the terms of the settlement. This degree of consensus on any issue is rare in Canada’s diverse and fractious 2SLGBTQI community.




SCHEDULE A

REMARKS BY PRIME MINISTER JUSTIN TRUDEAU TO APOLOGIZE TO LGBTQ2 CANADIANS

Mr. Speaker –

One of the greatest choices a person can make in their life is the choice to serve their fellow citizens. Maybe it's in government, in the military, or in a police force. In whatever capacity one serves, dedicating your life to making Canada – and indeed, the world – a better place is a calling of the highest order.

Now imagine, if you will, being told that the very country you would willingly lay down your life to defend doesn't want you. Doesn't accept you. Sees you as defective. Sees you as a threat to our national security.

Not because you can't do the job, or because you lack patriotism or courage – no, because of who you are as a person, and because of who your sexual partners are.

Now imagine, Mr. Speaker, being subjected to laws, policies, and hiring practices that label you as different – as “less than”.

Imagine having to fight for the basic rights that your peers enjoy, over and over again.

And imagine being criminalized for being who you are.

This is the truth for many of the Canadians present in the Gallery today, and those listening across the country.

This is the devastating story of people who were branded criminals by the government. People who lost their livelihoods, and in some cases, their lives.

These aren't distant practices of Governments long forgotten. This happened systematically, in Canada, with a timeline more recent than any of us would like to admit.

Mr. Speaker, today we acknowledge an often-overlooked part of Canada's history. Today, we finally talk about Canada's role in the systemic oppression, criminalization, and violence against the lesbian, gay, bisexual, transgender, queer, and two-spirit communities.

And it is my hope that in talking about these injustices, vowing to never repeat them, and acting to right these wrongs, we can begin to heal.

Since arriving on these shores, settlers to this land brought with them foreign standards of right and wrong – of acceptable and unacceptable behaviour. Suitable and unsuitable partnerships.

They brought rigid gender norms – norms that manifested in homophobia and transphobia. Norms that saw the near-destruction of Indigenous LGBTQ and two-spirit identities. People who were once revered for their identities found themselves shamed for who they were. They were rejected and left vulnerable to violence.

And discrimination against LGBTQ2 communities was quickly codified in criminal offences like “buggery”, “gross indecency”, and bawdy house provisions.



Bathhouses were raided, people were entrapped by police.

Our laws bolstered and emboldened those who wanted to attack non-conforming sexual desire.

Our laws made private and consensual sex between same-sex partners a criminal offence, leading to the unjust arrest, conviction, and imprisonment of Canadians. This criminalization would have lasting impacts for things like employment, volunteering, and travel.

Those arrested and charged were purposefully and vindictively shamed. Their names appeared in newspapers in order to humiliate them, and their families.

Lives were destroyed. And tragically, lives were lost.

And this didn't end in 1969 with the partial decriminalization of homosexual sex. Up until 1988, a twenty year old gay man who had sex with another man could still be convicted of a crime.

But the imprisonment and criminalization of LGBTQ2 individuals wasn't the end of it. Other methods of oppression have been rampant through out our society for generations.

Homophobia during the time of the AIDS crisis generated hysteria and propagated fear of gay men.

Books and magazines were stopped at the border under the guise of obscenity offences and customs regulations – the content of words and images deemed unacceptable.

And LGBTQ2 families have had to fight their own government for the right to benefits, and the freedom to marry, often at great personal cost.

Over our history, laws and policies enacted by the government led to the legitimization of much more than inequality – they legitimized hatred and violence, and brought shame to those targeted.


While we may view modern Canada as a forward-thinking, progressive nation, we can't forget our past: The state orchestrated a culture of stigma and fear around LGBTQ2 communities. And in doing so, destroyed people's lives.

Mr. Speaker, a Purge that lasted decades will forever remain a tragic act of discrimination suffered by Canadian citizens at the hands of their own government.

From the 1950s to the early 1990s, the Government of Canada exercised its authority in a cruel and unjust manner, undertaking a campaign of oppression against members, and suspected members, of the LGBTQ2 communities.

The goal was to identify these workers through out the public service, including the foreign service, the military, and the RCMP, and persecute them.

You see, the thinking of the day was that all non-heterosexual Canadians would automatically be at an increased risk of blackmail by our adversaries due to what was called "character weakness".



This thinking was prejudiced and flawed. And sadly, what resulted was nothing short of a witch-hunt.

The public service, the military, and the RCMP spied on their own people, inside and outside of the workplaces. Canadians were monitored for anything that could be construed as homosexual behaviour, with community groups, bars, parks, and even people's homes constantly under watch.

During this time, the federal government even dedicated funding to an absurd device known as the Fruit Machine – a failed technology that was supposed to measure homosexual attraction. This project was funded with the intention of using it against Canadians.

When the government felt that enough evidence had accumulated, some suspects were taken to secret locations in the dark of night to be interrogated.

They were asked invasive questions about their relationships and sexual preferences. Hooked up to polygraph machines, these law-abiding public servants had the most intimate details of their lives cut open.

Women and men were abused by their superiors, and asked demeaning, probing questions about their sex lives. Some were sexually assaulted.

Those who admitted they were gay were fired, discharged, or intimidated into resignation. They lost dignity, lost careers, and had their dreams – and indeed, their lives – shattered.

Many were blackmailed to report their peers, forced to turn against their friends and colleagues.

Some swore they would end their relationships if they could keep their jobs. Pushed deeper into the closet, they lost partners, friends, and dignity.

Those who did not lose their jobs were demoted, had security clearances revoked, and were passed over for promotions.

Under the harsh glare of the spotlight, people were forced to make an impossible choice between career and identity.

The very thing Canadian officials feared – blackmail of LGBTQ2 employees – was happening. But it wasn't at the hands of our adversaries; it was at the hands of our own government.



Mr. Speaker, the number one job of any government is to keep its citizens safe. And on this, we have failed LGBTQ2 people, time and time again.

It is with shame and sorrow and deep regret for the things we have done that I stand here today and say: We were wrong. We apologize. I am sorry. We are sorry.

For state-sponsored, systemic oppression and rejection, we are sorry.

For suppressing two-spirit Indigenous values and beliefs, we are sorry.

For abusing the power of the law, and making criminals of citizens, we are sorry.



For government censorship, and constant attempts to undermine your community-building;

For denying you equality, and forcing you to constantly fight for this equality, often at great cost;

For forcing you to live closeted lives, for rendering you invisible, and for making you feel ashamed –

We are deeply sorry. We were so very wrong.

To all the LGBTQ2 people across this country who we have harmed in countless ways, we are sorry.

To those who were left broken by a prejudiced system;

And to those who took their own lives – we failed you.

For stripping you of your dignity;

For robbing you of your potential;

For treating you like you were dangerous, indecent, and flawed;

We are sorry.

To the victims of The Purge, who were surveilled, interrogated, and abused;

Who were forced to turn on their friends and colleagues;

Who lost wages, lost health, and lost loved ones;

We betrayed you. And we are so sorry.

To those who were fired, to those who resigned, and to those who stayed at a great personal and professional cost;

To those who wanted to serve, but never got the chance to because of who you are – you should have been permitted to serve your country, and you were stripped of that option.

We are sorry. We were wrong.


Indeed, all Canadians missed out on the important contributions you could have made to our society.

You were not bad soldiers, sailors, airmen and women. You were not predators. And you were not criminals.

You served your country with integrity, and veterans you are.

You are professionals. You are patriots. And above all, you are innocent. And for all your suffering, you deserve justice, and you deserve peace.

It is our collective shame that you were so mistreated. And it is our collective shame that this apology took so long – many who suffered are no longer alive to hear these words. And for that, we are truly sorry.



To the loved ones of those who suffered;

To the partners, families, and friends of the people we harmed;

For upending your lives, and for causing you such irreparable pain and grief – we are sorry.

And as we apologize for our painful mistakes, we must also say thank you to those who spoke up.

To those who pushed back when it was unpopular, and even dangerous, to do so. People from across the country, from all walks of life, and of all political stripes. We stand here today in awe of your courage, and we thank you.

We also thank members of the We Demand an Apology Network, our LGBTQ2 Apology Advisory Council, the Just Society Committee for Egale, as well as the individuals who have long advocated for this overdue apology.

Through them, we've understood that we can't simply paint over this part of our history. To erase this dark chapter would be a disservice to the community, and to all Canadians.

We will work with the academic community and stakeholders to ensure that this history is known and publically accessible.

We must remember, and we will remember. We will honour and memorialize the legacy of those who fought before us in the face of unbearable hatred and danger.

Mr. Speaker, it is my hope that we will look back on today as a turning point. But there is still much work to do.

Discrimination against LGBTQ2 communities is not a moment in time, but an ongoing, centuries-old campaign.

We want to be a partner and ally to LGBTQ2 Canadians in the years going forward. There are still real struggles facing these communities, including for those who are intersex, queer people of colour, and others who suffer from intersectional discrimination.



Transgender Canadians are subjected to discrimination, violence, and aggression at alarming rates. In fact, trans people didn't even have explicit protection under federal human rights legislation until this year.

Mental health issues and suicides are higher among LGBTQ2 youth as a result of discrimination and harassment, and the homelessness rates among these young people is staggering.

And there is still work to do on blood and organ donation, and the over criminalization of HIV non-disclosure. The Government needs to continue working with our partners to improve policies and programs.

But there are important and significant changes coming – the repeal of section 159 of the Criminal Code is working its way through the House.

And, Mr. Speaker, I am proud to say that earlier today in this House we tabled the *Expungement of Historically Unjust Convictions Act*. This will mean that Canadians



previously convicted of consensual sexual activity with same-sex partners will have their criminal records permanently destroyed.

Further, I am pleased to announce that over the course of the weekend, we reached an Agreement-in-Principle with those involved in the class action lawsuit for actions related to "The Purge".

Never again will our government be the source of so much pain for members of the LGBTQ2 communities.

We promise to consult and work with individuals and communities to right these wrongs and begin to rebuild trust. We will ensure that there are systems in place so that these kinds of hateful practices are a thing of the past. Discrimination and oppression of LGBTQ2 Canadians will not be tolerated anymore.

With dialogue and with understanding, we will move forward together. But we can't do it alone.

The changing of hearts and minds is a collective effort. We need to work together, across jurisdictions, with Indigenous peoples and LGBTQ2 communities, to make the crucial progress that LGBTQ2 Canadians deserve.

Mr. Speaker, Canada's history is far from perfect.

But we believe in acknowledging and righting past wrongs so that we can learn from them.

For all our differences, for all our diversity, we can find love and support in our common humanity.

We're Canadians, and we want the very best for each other, regardless of our sexual orientation, or our gender identity and expression. We will support one another in our fight for equality.

And Canada will stand tall on the international stage as we proudly advocate for equal rights for LGBTQ2 communities around the world.

To the kids who are listening at home and who fear rejection because of their sexual orientation or their gender identity and expression;

And to those who are nervous and scared, but also excited at what their future might hold;


We are all worthy of love, and deserving of respect.

And whether you discover your truth at 6 or 16 or 60, who you are is valid.

To members of the LGBTQ2 communities, young and old, here in Canada and around the world:

You are loved. And we support you.

Canada gets a little bit stronger every day that we choose to embrace, and to celebrate, who we are in all our uniqueness. We are a diverse nation, and we are enriched by the lives, experiences, and contributions of people who are gay, lesbian, bisexual, transgender, queer, and two-spirit.



To the trailblazers who have lived and struggled, and to those who have fought so hard to get us to this place: thank you for your courage, and thank you for lending your voices. I hope you look back on all you have done with pride.

It is because of your courage that we're here today, together, and reminding ourselves that we can, and must, do better.

For the oppression of the lesbian, gay, bisexual, transgender, queer, and two-spirit communities, we apologize. On behalf of the government, Parliament, and the people of Canada: We were wrong. We are sorry. And we will never let this happen again.

Thank you, Mr. Speaker.

SCHEDULE B

APOLOGY AND COMPENSATION FOR HISTORIC 2SLGBTQI MISTREATMENT

Country	Title	Location	Date	Apology	Compensation
Canada	Justin Trudeau, Prime Minister of Canada	Parliament	Nov. 28, 2017	Yes.	Yes - total financial settlement valued at up to \$145 million; - individual compensation valued at up to \$110 million; - individual compensation will range from a minimum of \$5,000 up to a maximum of \$150,000, based on harm suffered; - fund for Reconciliation and Memorialization measures of at least \$15 million. ⁵⁵
New Zealand	Amy Adams, former Justice Minister of New Zealand	Parliament	July 06, 2017	Yes.	No. ⁵⁶
Australia	Graham Ashton, Chief Commissioner of Australia's Victoria Police	Media Conference	Aug. 18, 2019	Yes.	No. ⁵⁷
Britain	Theresa May, former Prime Minister of the United Kingdom	Annual Conference of the Commonwealth	April 17, 2018	Yes.	No. ⁵⁸
	Gordon Brown, former Prime Minister	Written Statement,	Sept. 10, 2009	Yes	

⁵⁵ LGBT Purge Fund, *Further Information – Summary of Settlement*, LGBT Purge Class Action, online: LGBT Purge Class Action, 28 November 2017, online: LGBT Purge Fund <<http://lgbtpurge.com/wp-content/uploads/2017/11/Summary-of-Settlement.pdf>>.

⁵⁶ Eleanor Ainge Roy, "New Zealand gay rights activists demand compensation over convictions", *The Guardian*, 19 March 2018, online: The Guardian <<https://www.theguardian.com/world/2018/mar/19/new-zealand-gay-rights-activists-demand-compensation-over-convictions>>.

⁵⁷ Noah Riseman, "This is why Australia owes an apology to the LGBT defence force personnel", *The Guardian*, 02 October 2018 online: The Guardian <<https://www.theguardian.com/australia-news/2018/oct/02/this-is-why-australia-owes-an-apology-to-lgbt-defence-force-personnel>>.

⁵⁸ Pippa Crerar, "Theresa May says she deeply regrets Britain's legacy of anti-gay laws", *The Guardian*, 17 April 2018, online: The Guardian <<https://www.theguardian.com/world/2018/apr/17/theresa-may-deeply-regrets-britain-legacy-anti-gay-laws-commonwealth-nations-urged-overhaul-legislation>>.



		Apology to Alan Turing			No. ⁵⁹
Scotland	Nicola Sturgeon, First Minister of Scotland	Parliament	Nov. 07, 2017	Yes.	No. ⁶⁰
Germany	- Frank-Walter Steinmeier, President of Germany ⁶¹ - Heiko Maas, former Justice Minister ⁶²	- Public Ceremony - Parliament	March 08, 2018 June 23, 2017	Yes.	Yes (on June 23, 2017). - Compensation for men who were imprisoned under historical anti-gay laws. - €5,000/each for men who are still alive. - €3,000/each for men + additional €1,500/each for every year spend in prison.

⁵⁹ Caroline Davies, "PM's apology to codebreaker Alan Turing: we were inhumane", *The Guardian*, 11 September 2009, online: The Guardian <<https://www.theguardian.com/world/2009/sep/11/pm-apology-to-alan-turing>>.

⁶⁰ Sonia Elks, "Scotland pardons gay men convicted under homophobic laws", Reuters, 14 October 2019, online: Reuters <<https://www.reuters.com/article/us-scotland-lgbt-pardons/scotland-pardons-gay-men-convicted-under-homophobic-laws-idUSKBN1WT2JV>>.

⁶¹ Sarah Hofmann, "Steinmeier asks for pardon for Germany's injustices toward homosexuals", DW, 03 June 2018, online: <<https://www.dw.com/en/steinmeier-asks-for-pardon-for-germanys-injustices-toward-homosexuals/a-44058320>>.

⁶² David Shimer, "Germany Wipes Slate Clean for 50,000 Men Convicted Under Anti-Gay Law", *The New York Times*, 23 June 23 2017, online: The New York Times <<https://www.nytimes.com/2017/06/23/world/europe/germany-anti-gay-law.html>>.

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