

PINK BLOOD:
Homophobic Violence in Canada

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www.pinkblood.ca

LGBT Rights in Canada

- 1977, Quebec becomes first jurisdiction in the world to prohibit discrimination based on “sexual orientation.” By 2009, all provinces and territories include this provision in human rights legislation. The Northwest Territories’ definition also includes “gender identity.”
- In 1992, Canada lifts the ban on homosexuals in the military, allowing them to serve openly and live on-base with partners.
- In 1994, the Supreme Court of Canada rules that gays and lesbians could apply for refugee status based on their sexual orientation.

Supreme Court of Canada

- *1995 R. v. Egan* decision: the Supreme Court rules that discrimination on the basis of sexual orientation should be recognized in the *Canadian Charter of Rights and Freedoms*.
- As a result, in 1996 sexual orientation is added to the Canadian Human Rights Act that applies to federally-regulated activities throughout Canada.
- This has a broad impact on several other laws, prohibiting discrimination by various levels of government, employers, landlords, and service providers.

Same-sex spousal benefits

- In 1995, Ontario rules that gay and lesbian couples can adopt children. Currently, nearly all provinces allow gay and lesbian couples, as well as single gays and lesbians, to adopt children.
- In 1999, the Supreme Court of Canada rules that gay and lesbian couples should have the same rights as heterosexual common-law couples.
- The federal government amends 68 federal statutes, including pension benefits, bankruptcy protection, income taxes, old age security, and immigration, among others, to grant equal rights to homosexual common-law couples.

Same-sex marriage

- In 2003, the Ontario Court of Appeal upholds the decision of a lower court to allow same-sex marriage.
- This leads to litigation in several provinces and a decision from the Supreme Court of Canada in 2004 directing the federal government to amend the marriage laws.
- On July 20, 2005, Canada becomes the fourth country to officially sanction gay marriage nationwide, behind Belgium, the Netherlands, and Spain.

David Rayside

- *Queer Inclusions, Continental Divisions: Public Recognition of Sexual Diversity in Canada and the United States*
- “With regard to debates over family and children, there is a growing divergence in law, public policy, and institutional practice between the two countries...” (p.4)
- Conservatism in “Canadian political culture... is less permeated by religious faith and social anxiety and seems to be creating more room for diversity in sexuality as well as in other areas.” (p. 5-6)

Miriam Smith

- *Political Institutions and Lesbian and Gay Rights in the United States and Canada*
- She argues that the beliefs of people in the US and Canada are similar, but the structures of their political institutions are not.
- In the US, anti-gay opponents can mobilize through ballot initiatives, while in Canada, this is almost unheard of.
- In the US, much criminal law and marriage law falls under state jurisdiction, whereas in Canada, these matters mainly fall under federal jurisdiction.

Homophobic violence in Canada

- *Pink Blood* published in English in 2005 (University of Toronto Press) and translated into French in 2007 (Editions Triptyque)
- First book to analyze the phenomenon across Canada
- References to 120 homicides and 350 acts of homophobic violence that occurred across Canada between 1990 and 2004

Dedication and Necrology

Who	How	Where	When
Grayce Baxter	Strangled and dismembered	Toronto	1992
Marc Bellerive	Stabbed 40 times and throat slashed	Montreal	1991
Henry Drosdevech	Stabbed 68 times and castrated	Vancouver	1993
Yves Lalonde	Bludgeoned with branches and a baseball bat	Montreal	1992

Methodological difficulties

- Invisibility: *Tearoom Trade* by Laud Humphreys
- Chronic under-reporting/police stats
- Problematic interactions between perpetrators and victims: St. John's
- Differing definitions: What constitutes a hate crime? Toronto prostitute murders

Statistics: Toronto

	LGBT Community	Toronto Police Service
1997	95	16
1998	98	31
1999	116	44
2000	64	18
2001	59	24
2002	65	11

Homophobic violence by gender

Victims	No. of cases	%	No. of victims	%
Male	300	89.5	379	88.9
Female	26	7.8	36	8.4
Trans-sexuals	9	2.7	9	2.7
Total	335	100	424	100

Homicide by gender

Victims	No. of cases	%	No. of victims	%
Male	92	92	98	91.6
Female	3	3	3	2.8
Trans-sexuals	5	5	5	5.6
Total	100	100	107	100

Homicide Settings

	# of cases	%
Inside or in front of a gay space	8	8.3
In or near a park or cruising area	11	11.5
Victim's residence	62	64.6
Suspect's residence	7	7.3
Other locations	8	8.3
Total	96	100

Theories of homophobic violence

1. The closeted gay-basher
2. Irrationality and ignorance: “Redneck”
3. Political backlash
4. The revenge of the sexual abuse victim
5. The “macho lesbian-basher”

Four levels of homophobic violence

1. Physical: The actual physical violence inflicted on the victim
2. Psychological: The effect of verbal abuse
3. Systemic: The violence inflicted by the criminal justice system
4. Symbolic: The effect of these acts of violence on the whole community, especially when they appear to go unpunished

Vulnerable victim groups

- Youth
- Prisoners
- Transgendered
- Sex workers
- Refugees

Extreme violence

- Halifax: victim stabbed 40 times over a one-hour period with three knives and a pair of scissors
- Vancouver: victim stabbed 146 times with a kitchen knife
- Montreal: park jogger had his skull fractured with branches and a baseball bat by a group of skinheads

Weapons

Tree branch	Broken beer bottle	Rubber bullets	High-powered rifle
Stones	Skateboard	Baseball bat	Exacto knife
Pepper spray	Stun gun	Steel pipe	Metal post

Secondary victimization

- Victims re-live their trauma over and over
- Lengthy procedural delays
- LGBT victims are portrayed as promiscuous and predatory
- Prosecutors disregard the victim's intuitive belief that the attack was hate-motivated
- Lengthy trials end in plea-bargains – no consultation with victim and no jail time

Hate crime legislation

- Little discussion by academics or activists about the effectiveness of hate crime legislation
- In the US, many statutes for hate-motivated violence spell out harsher penalties
- In Canada, no specific statutes, just “enhanced sentencing provisions”

Policing issues

- Targeting of LGBT community
 - Violence
 - Sex raids: toilets, bars, parks, cruising areas
- Ineffective hate crime investigations
- Ineffective record-keeping

Community Approaches

- Toronto: “The social work approach”
- Montreal: “The adversarial approach”
- Vancouver: “The oscillating approach”
- Ottawa: “The police cooperation approach”
- Calgary: “The medium-sized city”

Policy solutions

- Law reform
- Gun control
- Youth education
- Prison and parole issues
- Refugee issues
- Law reform
- Policing issues
- Research centre