

# Human Rights Steps Backward

In 1986, the Progressive Conservative federal government promised that it would "take whatever measures that are necessary to ensure that sexual orientation is a prohibited ground of discrimination," in the Canadian Human Rights Act. In 1992, then Justice Minister Kim Campbell, announced that she was responsible for a bill that would add sexual orientation to the Act, but marital status would refer to heterosexual couples only. The minister giveth and the minster taketh away.

It is important that the Canadian Human Rights Act protect gays, lesbians, and bisexuals because it applies to all areas within federal jurisdiction. The Charter applies to government activities, and provincial human rights acts apply to areas within provincial jurisdiction. At present, the Charter is usually considered to include sexual orientation as an analogous ground, a point conceded in the Veysey case by the Attorney General of Canada. Some provinces include sexual orientation: Nova Scotia, New Brunswick, Quebec, Ontario, Manitoba, B.C., and the Yukon. The Canadian Human Rights Act, because of a decision by the Ontario Court of Appeal (Hair and Birch) is read as though it includes sexual orientation, but this is binding only in Ontario. This patchwork of protection means, for example, that if I work for a chartered bank (under federal jurisdiction) in Nova Scotia and I'm fired for homosexuality, I have no recourse. But if I work for a company that is not federally incorporated, I have recourse through the Nova Scotia Human Rights Act. My

partner, who lives in Alberta, has no recourse if she is evicted for being a lesbian. I am protected through the Nova Scotia Human Rights Act.

So, if the amending bill is passed, it will make standards more uniform. It still does nothing for Albertans in areas of provincial jurisdiction. Ironically, one of the provinces where one is most likely to be a victim is least likely to make the change without being forced to by the courts.

The regressive step of excluding same sex couples from the definition of marital status also has implications. There is a possibility of protection on the grounds of family status, but after Parliament has declared us not married, it is unlikely that the courts will call us a family.

So why do I want the possibility of marriage? Bourgeois affectation? Well, maybe I did spend too long reading 'till-death-do-us-part novels in my youth. But there are reasons. Income tax benefits, if one partner is dependent on the other, are not available to us currently. And, should one partner be a homemaker, she is not protected in the event of a breakup. The Anderson vs Luoma case in the B.C. Court of Appeal finally gave one partner a share of the family assets after a ten year relationship on the basis of unjust enrichment, a concept in contract law, an intellectual stretch, to say the least. Canada Pension Plan has a spousal support pension for heterosexual couples only. Jim Edgan and Jack Nesbit, two gay men who have been together for 45 years recently lost their case in the Federal Court of Appeal, challenging this policy. Mr. Edgan has contributed to CPP at the same rate as a heterosexual man, so, in effect, the Government is forcing him to subsidize heterosexual couples. Justice Martin of the Federal Court of Appeal said that a brother and sister living together, an elderly parent and grown child living together, two friends living together, and a same sex couple are all examples of non-spousal couples. With all due respect Your Lordship, one of these things is not like the others. And, the Justice said that Parliament did not intend to include same sex couples. But intentional discrimination is no less discriminatory.

Other benefit plans also discriminate. Last year, my partner and I paid 65% more than a heterosexual couple in medical and dental benefits through work. More subsidies.

Immigration law is also discriminatory. Priority sponsorship (meaning sometime within the next century) is only available to married couples or couples who intend to marry. And marriage is defined as ... you get the point. And, if your partner is from a country that persecutes homosexuals, you're out of luck, because persecution on the basis of sexual orientation is not a ground for refugee status. Or, if you're a lesbian or bisexual woman and your partner is from a country that persecutes women, you're also out of luck.

There have been successes on these grounds; Jorge Luaudi from Argentina was granted refugee status, recently; Nada, a woman claiming gender persecution, was granted refugee status. And, Bridget Coll, whose partner, Christine Morrissey, had applied to sponsor her, was granted permission to stay in Canada. None of these cases resulted in a change in Immigration policy; these people were allowed in on an individual basis without Canada Immigration recognizing the validity of their claims. A cynical view would be that these people knew how to use the media, and were allowed in by Immigration to avoid the appearance of injustice.

Immigration policy and Canada Pension Plan challenges would involve the Charter, but the proposed definition in the Canadian Human Rights Act could be persuasive to a court interpreting the Charter, and neither marital status nor family status is an enumerated ground for Charter protection. So it is one step forward and two steps back.

## If You Were A Woman

I wanted to write a poem  
called If You Were A Woman  
I thought about it a lot  
before I came out  
When I was with a man  
I would think about how  
things would be  
if he were a woman

My words did not flow  
did not make sense

if You were a woman  
i'd close my eyes

i'd close my eyes  
relax  
be comfortable

if You were a woman  
i'd sleep

taking You into  
my secret world of dreams

if You were a woman  
i'd cry

without feeling ashamed  
weak  
stupid  
typical

i want You to hold me while i cry  
not laugh at me

**FUCK**, i wish You were a **WOMAN**

rita baker



Whose shaky reality: to young "het" men who yell out car windows in summertime & those who provoke them.

warm sun bare arms, legs  
slight hot breeze  
ruffling delicate hair all over  
striding toward glittering water  
hand in hand  
in love in summer.

stop - stare deep into hazel eyes  
marveling at depth  
beauty pain that connects  
experience. Brazen. exhilarate  
embracing passion realized -

in public illusory freedom disappears  
car races by windows open and  
leering faces of homophobes yell

dykes fucking dykes

cowards fucking cowards can't even  
leave the safety of your car  
to confront what you fear:

we don't need you,  
much less, want you.

we are power-full  
power to push your buttons  
shake up your REALITY.

so, in your rearview mirror  
windows open, still guffawing over  
apparent heroic machismo  
you see us, hear us scream

Yeah so  
you got a problem with that  
can't make it past monosyllables?  
that's les-bi-an to you, straight boys

and we wrap ourselves around  
each other more ferociously than before  
and feel bad for your girlfriends.

B.Bunting



Gender fuck is one aspect of Queer sexuality. It is a form of sexual expression which not only challenges heterosexism in our society but also challenges our fundamental notions of gender identity. Gender fuck can be expressed by 'cross dressing', accentuating feminine, masculine or androgynous aspects of ourselves, or playing with the various power aspects of our sexuality for our own pleasure.

I highly recommend Gender Fuck to all who want to explore different sides of their sexual/gender personality and as I said before it is a lot of fun. One word of caution though - play in a safe place, because some people find such explorations threatening to their own sense of what gender really is.

Dyke at large (with special thanks to B. Bunting)



lors) are learning how to work through a lot of our feelings. I'm not "in love" exactly, but I'm enjoying the time I spend with D. and the loving feelings we share.

I realize that a lot of this may seem new to you, although I really think you had suspicions so I hope it's not a total shock. I've just finished reading the book and I hope you enjoy it as much as I did. There are so many questions it answered for me about my own feelings, and I hope you find it helpful, too.

I don't want to make this a big deal, but I realize that it's a significant change in my life and will also have a significant effect on you. I hope we can talk during our visit over break so I can tell you more about how I'm feeling and fill in some blanks in the story.

I realize you may want to talk to someone about this—I've been struggling to think of who you may feel comfortable talking to—I know you're the best one to figure that out, but I'd say D. and J. would probably be helpful. I'm a little wary about telling anyone else in the family right now because I'm uncertain about how they'll react.

The fear I experience about telling people can be overwhelming. When analyzed, it often seems irrational, but what I've come to acknowledge is that while I may feel good about this, and while my friends have been supportive, there are people I'm scared to tell—stereotypes, prejudice, and discrimination are pretty powerful things. I guess I like facing challenges, heh!?

Well, I can't think of what else to say. I love you and I'm glad to finally feel like I can share this with you. The book raises a number of important issues that we should probably talk about, but for now I'll just say don't worry too much—I'm still me. I'm going through a lot of changes, but they feel good and I like where I'm headed.

Love & fuzzies,



## Gender Fuck

Several months ago my partner and I went to a Dalhousie women's fundraising event at the Club Flamingo. Feeling the need to 'liven things up' for ourselves we decided to 'dress for the occasion'. I donned my tuxedo and she her evening gown. She mixed a dress and makeup with Doc Martin boots, her long hair slicked back. I not only dressed in tux shirt and tails but also wore much more feminine jewelry than usually. We were excited by this play with gender/sexuality. I looked at my partner and saw her complex nature reflected in how she dressed that night. Not purely feminine nor overtly masculine, but a subtle combination of both. (My partner: "Indeed, when I looked at myself I was amazed at this vampish side of me. And when I looked at her...mmm...strong, seductive, restrained, handsome...and sexy as fuck!"). When I looked at myself I felt liberated- not restricted to the socially constructed definition of "feminist woman". With the feeling of empowerment also comes actual power and two Dykes playing with different degrees of femininity and masculinity can be intimidating.

Thus it was no surprise that the reaction we received was mixed. Some people came up to us and told us what a handsome couple we were. Others who would have normally spoken to us simply ignored us. Some women turned hostile stares on us. Others just stared out of curiosity. All of this from a group who supported a fundraiser for a women's centre.

Afterwards I thought some more about the reasons for the various reactions. Trust me, we were not your typical butch femme couple, in that these roles do not govern our daily interactions within our partnership. I think we went beyond all of that. We publicly played with people's notions of what is proper female behaviour and what is proper lesbian behaviour. We were fucking with the whole notion of gender and let me tell you it was not only fun, but empowering.

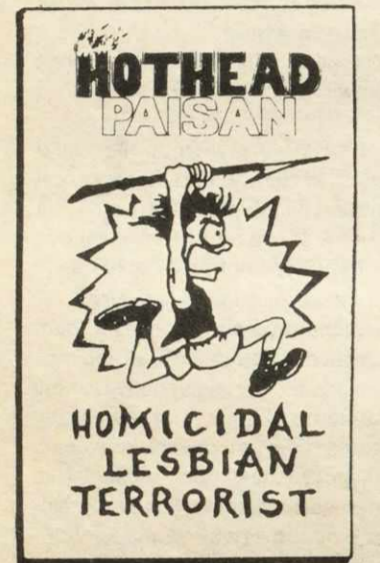
"interested" in me. At that point I felt "confused but interested" in her. I expected she'd tell me to take a hike—she'd never been involved with a woman before and I wasn't exactly sure where she stood on the sexuality continuum. To my pleasant surprise, she was confused but interested, too. And so began another stage in our relationship.

There are some practical reasons for why I wanted to tell you this now. Certainly I'm tired of telling you only part of what's going on in my life, but I also know that as graduation approaches and I make plans to come home it would be increasingly difficult not to tell you about my relationship with D. We have been dating for about 4 months and have made some tentative plans about her coming to live with me after she graduates next year.

This is really more about me than my relationship with D., though, for me as an individual it is a process of exploring my sexuality. I suppose one could debate the whys until the cows come home; personally I believe there is a "sexuality continuum" ranging from gay to straight. I believe that societal pressures ensure most people end up on the straight end, but I also believe people can move about depending on their openness and their circumstances. I am grateful to the supportive community of friends I have who have helped me realize that it doesn't matter what my sexuality is.

I am presently rejecting any labels—gay, straight, or bisexual—but I am in a lesbian relationship. I don't know what this means for the long term, but right now it makes me happy and I'm enjoying what I'm learning about myself.

Not that everything is all rosy. This has also been a difficult period of change. I have learned that it is much easier to have the reputation of a dyke than to actually confront homophobia face-to-face. So far, the people I have told have been incredibly supportive and helped affirm my present choices. My relationship with D has its ups and downs—we have a very solid friendship and (with the aid of our counsel-



The following is a modified version of a letter I sent my mother to tell her about my sexuality. It is part of my process of "coming out." The book referred to in this letter is called Different Daughters: A Book by Mothers of Lesbians, edited by Louise Rafkin. It is available at Red Herring Co-Op books.

Dear Mom,

I just had a restful weekend. I'm hoping I'll be motivated to do some work between now and the Spring break. The enclosed book may give you some indication about the purpose of this letter. Some of your questions/comments lately have prompted me to write this because I want to share some of the recent changes that have gone on in my life, and maybe answer your questions more completely.

It's hard to know where to start—but here goes. Perhaps it won't come as a surprise to you that I have been questioning my sexuality for some time. Until recently, there have been lots of questions, but few answers. Basically, I've been wondering what it would be like to be romantically involved with a woman. I don't really know where these questions have come from. Certainly getting to know lesbian women over the past number of years and having a number of unhappy experiences with men have left me wondering.

I guess I started talking with friends about my feelings some time ago. This summer—when I wasn't involved with anyone—gave me time to focus on these feelings, and also gave me some time alone to start feeling good about myself. I think it is with this new strength that I finally decided to explore this part of my sexuality—along with the fact that I got to know Dorothy and found myself interested in making our friendship more than platonic.

As you know, she and I became quite close over the summer, and during the fall I decided to ask her if she was