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Gay and Lesbian Legal Issues and HIV/AIDS

A History of Discrimination

This info sheet provides a brief overview of the history of discrimination against gay men and lesbians and the impact of the advent of the HIV/AIDS epidemic.

This is one of a series of nine info sheets on
Gay and Lesbian Legal Issues and HIV/AIDS.

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The Links Between HIV/AIDS and Homophobia (Info Sheet 2)
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Patterns of Discrimination and Persecution

Gay men and lesbians in Canada have suffered persistent patterns of discrimination and persecution. They have:

- been treated as mentally ill and subjected to conversion therapies, including electroshock treatment;
- been targeted by discriminatory laws;
- been excluded from certain aspects of public life;
- not been permitted (until recently) to participate openly in the Armed Forces;
- faced discrimination in the private sector, in areas such as employment and housing; and
- been the victims of hate-motivated crimes, anti-gay and anti-lesbian violence, and verbal harassment.

In addition:

- gay men and lesbians have been subject to many damaging stereotypes – gay men have often been characterized as sexual predators and child molesters, while lesbians have been rendered invisible, dismissed as asexual, and depicted as unfit parents;
- same-sex relationships have been devalued and treated as unworthy of recognition and respect;
- gay and lesbian history has been ignored; and
- school systems have failed to provide positive education about gay and lesbian sexuality.

The experience of homophobia and heterosexism is inextricably a part of being gay, lesbian or bisexual in [Canada]. To be gay, lesbian or bisexual is to be discriminated against, both by other individuals and by institutions. To be gay or lesbian is to be defined as “other,” “sick,” “deviant,” “abnormal,” “criminal.”

— Canadian AIDS Society, 1991

Concealed Identities

Many gay men and lesbians have been forced to conceal their sexual identities because they have had to fear discrimination, harassment, and violence if they come out. This enforced invisibility of gay and lesbian sexualities and relationships has fueled the misconception that heterosexuality is natural and normal whereas lesbianism and male homosexuality are deviant. This in turn has contributed to the oppression of gay men and lesbians – not only because it has fueled social prejudice against them, but also because many of them, particularly youth, have internalized the message that they are not normal. As a result, many have suffered insecurity, anxiety, and shame, and have lacked the role models needed to develop fulfilling relationships.

The Advent of AIDS

In recent years, no disease has created so much anguish and fascination as AIDS, mixing together as it does age-old fears and taboos about epidemics, homosexuality and death.

— Pollak, 1988

When the HIV/AIDS epidemic began in the early 1980s, governments and policymakers were not able to overcome this history of discrimination and to deal with the gay and lesbian communities in an accepting and responsible manner.

The impact of the epidemic on the gay community has been devastating. As of 31 December 1997, between 72 and 76 percent of the cumulative cases of AIDS in Canada were attributed to men who have sex with men. It has been estimated that between 10 and 20 percent of men in Canada who have sex with men are living with HIV.

Persons with HIV/AIDS face double jeopardy: they face death, and while they are fighting for their lives, they often face discrimination.

— Cohen & Wiseberg, 1990

Since the beginning of the HIV/AIDS epidemic, there has been a second epidemic – one of stigma and discrimination directed at those with HIV/AIDS and at those associated in the public mind with HIV/AIDS, including gay men. Stigma and discrimination on the basis of HIV/AIDS have reinforced discrimination on the basis of sexual orientation.

The information in this series of info sheets is taken from *Gay and Lesbian Legal Issues and HIV/AIDS: Final Report*, prepared by John Fisher, Ralf Jürgens, Anne Vassal and Robert Hughes for the Canadian HIV/AIDS Legal Network and the Canadian AIDS Society. Copies of the report and info sheets are available on the Network website at www.aidslaw.ca or through the Canadian HIV/AIDS Clearinghouse (tel: 613 725-3434, email: aids/sida@cpha.ca). Reproduction of this info sheet is encouraged. However, copies may not be sold, and the Canadian HIV/AIDS Legal Network must be cited as the source of this information. For further information, contact the Network (tel: 514 397-6828; fax: 514 397-8570; email: info@aidslaw.ca). **Ce feuillet d'information est également disponible en français.**

Funded by the HIV/AIDS Programs, Policy and Coordination Division, Health Canada, under the Canadian Strategy on HIV/AIDS. The views expressed are those of the authors and do not necessarily reflect the official views of Health Canada.