

STATEMENT BY

THE HONOURABLE PERRIN BEATTY

MINISTER OF NATIONAL DEFENCE

BEFORE

THE STANDING COMMITTEE ON HUMAN RIGHTS

11 FEBRUARY 1987

PLEASE CHECK AGAINST DELIVERY

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I WILL TURN NOW TO ANOTHER MAJOR EQUALITY RIGHTS ISSUE,
SEXUAL ORIENTATION. THE PRACTICAL APPLICATION OF EQUALITY
PRINCIPLES HERE WOULD BE FAIRLY STRAIGHTFORWARD IF WE WERE
CONCERNED ONLY WITH EIGHT HOURS A DAY AT THE WORKPLACE. THAT IS
NOT THE CASE WITH ARMED FORCES. THEIR FUNCTION OFTEN REQUIRES
THEM TO WORK AND LIVE TOGETHER IN CLOSE CONFINEMENT WITH LITTLE
OR NO PRIVACY, AND WITH NO CHOICE OF WITH WHOM THEY ASSOCIATE.
THEIR PROFESSION MUST DICTATE NOT ONLY THE CONDITIONS UNDER
WHICH THEY WORK, BUT ALSO THE CONDITIONS UNDER WHICH THEY LIVE
FOR 24 HOURS A DAY FOR WEEKS OR MONTHS ON END. THIS FUNDAMENTAL
DIFFERENCE FROM OTHER ACTIVITIES OF SOCIETY BRINGS WITH IT
UNIQUE PROBLEMS, PARTICULARLY IN THE EXTREMELY STRESSFUL
CIRCUMSTANCES OF A REAL WAR.

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ONE SERIOUS DILEMMA IS THE CHRONIC PROBLEM OF PRIVACY IN MILITARY LIFE. IN KEEPING WITH THE NORMS OF OUR SOCIETY, THE CANADIAN FORCES PROVIDE FOR PRIVACY BETWEEN THE SEXES. SURELY IT WOULD BE DISCRIMINATORY IF COMPARABLE PRIVACY WERE NOT PROVIDED BETWEEN HETEROSEXUALS AND HOMOSEXUALS.

THE EXCEPTIONAL IMPACT ON PERSONAL PRIVACY RESULTS IN THE PRESENCE OF HOMOSEXUALS BEING HIGHLY DISRUPTIVE IN ARMED FORCES. WITH THE ADDED TENSIONS OF WAR, THIS DISRUPTION WOULD SERIOUSLY DETRACT FROM THE OPERATIONAL EFFECTIVENESS OF MILITARY FORCES. THESE SERIOUS CONCERNS WERE STUDIED EXHAUSTIVELY BY THE CHARTER TASK FORCE. THE TASK FORCE REPORT CLEARLY DEMONSTRATES THAT THERE ARE LEGITIMATE REASONS FOR THE CONCERNS I HAVE

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MENTIONED. IN THE FINAL ANALYSIS, THOSE WHO ARE MOST QUALIFIED TO ASSESS OPERATIONAL EFFECTIVENESS ARE OUR MILITARY LEADERS, WHO HAVE SPENT ENTIRE CAREERS BEING RESPONSIBLE FOR THE CAPABILITY OF OUR ARMED FORCES. IT IS THEIR CAREFULLY CONSIDERED CONCLUSION THAT A CHANGE IN OUR PRESENT POLICY ON SEXUAL ORIENTATION WOULD SERIOUSLY DAMAGE THE OPERATIONAL EFFECTIVENESS OF THE CANADIAN FORCES.

AS YOU KNOW, THE CANADIAN FORCES' POLICY ON SEXUAL ORIENTATION IS ALWAYS SUBJECT TO CHALLENGE UNDER THE CANADIAN CHARTER OF RIGHTS AND FREEDOMS. IT IS THE STRONG CONVICTION OF OUR MILITARY LEADERSHIP THAT THE CURRENT POLICY MUST BE MAINTAINED TO ENSURE EFFECTIVE ARMED FORCES. IT IS THE FIRM OPINION OF MY SENIOR LEGAL COUNSEL THAT OUR PRESENT POLICY THEREFORE IS SUSTAINABLE AS A REASONABLE LIMITATION AS PROVIDED FOR IN SECTION 1 OF THE CHARTER. OF COURSE, THE COURTS WILL

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ULTIMATELY DECIDE THAT QUESTION. BECAUSE OF ITS IMPORTANCE TO THE SECURITY OF CANADA, I THINK THAT IT IS ENTIRELY APPROPRIATE THAT THIS POLICY BE SUBJECT TO A SEARCHING AND IMPARTIAL REVIEW IN THE COURTS UNDER THE CONSTITUTION OF CANADA.

NEVERTHELESS, IT IS MY INTENTION TO ENSURE THAT THIS REAFFIRMED POLICY IS NO MORE RESTRICTIVE THAN IT MUST BE. THE OBLIGATION FOR MEMBERS TO REPORT SUSPECTED HOMOSEXUALITY WILL BE REMOVED. MOST IMPORTANTLY THE CONTINUING EXCLUSION OF HOMOSEXUALS WILL BE BASED ON CONDUCT OR BEHAVIOUR RATHER THAN ON ORIENTATION ALONE.

THERE ARE THREE OTHER EQUALITY ISSUES THAT I WILL TOUCH ON BRIEFLY. I THINK THE NEED FOR THE VITALITY AND STRENGTH OF YOUTH IN ARMED FORCES IS SELF-EVIDENT. THE RATIONALE FOR MAINTAINING MANDATORY RETIREMENT AGES IN THE CANADIAN FORCES HAS BEEN EXAMINED BY LEGAL EXPERTS. THEIR OPINION IS THAT THE

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