

SEXUAL ORIENTATION POLICY

1. Question: Why can the CF not tolerate practising homosexuals while the armed forces of several other nations such as Norway and the Netherlands can?

Answer: What is acceptable in one culture may not be acceptable in another. What impacts negatively on Canadian Forces operational effectiveness within the Canadian context, might have a less, or more, serious impact in another cultural context. CF policies must be developed within the context of our culture, our societal norms, and our value systems. What Norway or the Netherlands do within their military services has no bearing on what Canada does.

Some Scandinavian countries permit unions and strikes within the military. That is not acceptable in Canada. Some armed forces have a very lenient attitude towards drug usage; the CF does not. The Netherlands permits selling of "marijuana muffins" in local stores. That does not mean Canada should do the same. Iran executes people for minor offences; Canada does not.

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One may contrast Canada with other nations that have more lenient policy regarding homosexuals; but we could equally contrast our country with some that apply much harsher policies on this issue. Policies within another culture which operates with different social mores, whether more liberal or conservative, have no relevance with respect to development of CF policies, nor must Canada be accountable to them.

2. Question: Is a person who acknowledges his or her homosexuality but can demonstrate that this propensity has not manifested itself in the form of physical actions barred from enrolment in the Canadian Forces?

Answer: No.

3. Question: What is the position of a person serving in the Canadian Forces who is identified as being homosexual, through acknowledgement and/or investigation, but who can demonstrate that this propensity has not manifested itself in the form of physical actions?

Answer: Such a person will be retained in the Canadian Forces on the same basis as any other member.

4. Question: Are the actions of a practising homosexual a bar to his or her enrolment in the Canadian Forces?

Answer: If these actions constitute sexual activities in relation to other persons of the same gender, if they are known to Canadian Forces recruiting authorities at the time application for enrolment is made, and if they establish a pattern of recent, active conduct, the answer to the question is affirmative.

5. Question: Will a practising homosexual who is a member of the Canadian Forces be released?

Answer: Canadian Forces policy and Orders provide for full investigation of such matters. If upon investigation it is determined that a member of the Canadian Forces has had or is having an active homosexual relationship with another person, the member will be honourably released as being no longer advantageously employable unless the relationship was sufficiently remote in time,



experimental in nature, and/or out of character as to not constitute grounds for release.

6. Question: Given that the reason for release of a practising homosexual is the adverse effect that the retention of such a person will have on cohesiveness, morale, and operational effectiveness of the Canadian Forces, why would release action be taken if homosexual activities take place in private, between consenting adults, away from the military environment?

Answer: Members of the Canadian Forces live, work, and perform their duties in many different circumstances and environmental conditions, which are constantly changing. Policies to be effective and equitable must be applied consistently, without regard to personal circumstances. In other words, the adverse effect referred to in the question which the policy is designed to offset is real, regardless of whether it is actually now existing, or potential when the circumstances of a particular individual change.

7. Question: What are the special circumstances in the Canadian Forces that warrant this new policy as compared to

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employment without such restrictions in the Canadian Coast Guard, the RCMP and the Toronto Metropolitan Police Force?

Answer: After the basic training of members in these other forces, their conditions of employment will not require that they live or work in close proximity except for definite, relatively brief periods of time, unlike members of the Canadian Forces whose duty and living conditions may require that they be in close proximity for extended and indefinite periods of time.

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COUNTRY/FORCE	ENROL	RELEASE	OFFENCE	SPECIAL CONSIDERATIONS
Canada	No	Yes	* No	* per se unless assault etc under CCC.
United Kingdom	No	Yes	Yes	specific offence, situation was reviewed in 1986.
United States	No	Yes	* No	* per se unless criminal (or fraternization?) Recent decisions: <u>Ben-Shalem</u> , supports policy; <u>Watkins</u> , goes against U.S. Army but distinguishable on facts.
FRG	* Yes	Yes		* Enrolled to prevent avoidance of conscription; not permitted to hold positions of command and control. Released under certain circumstances.
France	Yes	No	No	Not assigned to "sensitive" positions, such as officer and recruit training centres (because it is considered that they display an attitude that is incompatible with that required in such positions).
Australia	No	Yes		Is prejudicial to effective command relationships and morale. Health risks also considered unacceptable. ADF authorities place themselves in 'loco parentis' and thereby must protect minors from aberrant behaviour.
New Zealand	No	Yes	* Yes	Was to be decriminalized civilly but the Armed Forces were to be exempted. (1987) Presence of homosexuals is considered incompatible with the Services.
Norway	Yes	No		
Netherlands	Yes	No		
Spain	Yes	* No	* Yes	Not illegal; however, homosexual activities between superiors and subordinates involving abuse of rank or position or acts committed on ships, bases, quarters or other military premises are illegal.

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