

Mar 85

CANADIAN FORCES POLICY

ON

SEXUAL ORIENTATION (HOMOSEXUALITY)

REGULATIONS AND ORDERS

1. Canadian Forces Administrative Order 19-20 (Homosexuality - Sexual Abnormality Investigation, Medical Examination and Disposal).

POLICY

2. The Canadian Forces does not enrol or retain known homosexuals.

POLICY AMPLIFICATION

3. The Canadian Forces enrol, and retain, only such persons as are capable of performing all military tasks that may be assigned to them and whose life-styles are compatible with a military environment. It is the considered view of the Canadian Forces that homosexuals unacceptably detract from the operational effectiveness of the force. Accordingly, Canadian Forces policy is that homosexuals are not knowingly enrolled or retained. A member who is to be released from the Canadian Forces in accordance with this policy is normally honourably released under Item 5(d) of the Table to Article 15.01 of the Queen's Regulations and Orders for the Canadian Forces; that is, "Not Advantageously Employable."

RATIONALE

4. The Canadian Forces maintains the cited policy for the operational reasons outlined in the following paragraphs.

5. Discipline. A military force requires a hierarchical rank structure with strict obedience to commands. Members who are given authority must be able to earn respect from those they lead. To do so, leaders must be seen to use their authority only for proper and lawful purposes, and with fairness and impartiality. The development of a homosexual relationship between a superior and a subordinate would be detrimental to the image of the leader, and would

.../2

000472

- 2 -

invite the perception of preferential treatment, either real or imagined. If authority were used to solicit or coerce a subordinate into such a relationship, the effectiveness of the chain of command would be critically eroded. Moreover, discipline has been affected by open altercations amongst homosexuals. In some cases, discipline has been seriously breached by peers physically assaulting discovered homosexuals. Thus there is potential impairment of an effective military chain of command from the presence of homosexuals, whose lack of acceptance by peers has led to break-downs of discipline in the past.

6. Cohesion and Morale. The effectiveness of a military unit is very much dependent upon a sense of mutual trust and teamwork. Experience has shown that discovered homosexuals have often been shunned and treated as outcasts, to the detriment of unit cohesiveness. The presence of homosexuals also has been seen by other members to be inimical to the image of a military unit, and their continued presence would diminish the pride and esprit de corps of the remainder.

7. Living Conditions. Members of the forces frequently are subjected to living conditions which are different from those normally found in other professions. Isolated posts, barracks life, mess decks in ships, and field operations place people in constant close contact, with little or no privacy. Married quarters areas similarly place families in close communal conditions. For these reasons, it is extremely difficult for members to lead a social life which is private from their work associates; indeed, much of the social life is centered around other members of the unit. The constant close contact may encourage homosexual advances. Conversely, these conditions raise the sensitivity and intolerance of other members to the presence of homosexuals, whose discovery is made more likely by the lack of privacy.

8. Because members of the forces often have little or no choice as to their living environment, their work associates, or their neighbours, the Canadian Forces has an obligation to provide a milieu which is not offensive to them. Thus, what may be accepted elsewhere because of the recourse to privacy, and the greater freedom of choice of living, working, and social conditions, cannot be permitted in the Canadian Forces.

.../3

000473

- 3 -

9. Legality. Homosexual activity is illegal in some foreign countries where members of the Canadian Forces are required to serve. Homosexual acts may also be illegal in Canada if persons under the age of 21 are involved, with or without their consent, or when committed in public places. Thus the mobility of homosexual members would be limited, and the youth of many service members, communal life, and lack of privacy would cause a high risk of illegal acts which would be detrimental to the discipline and effectiveness of the Canadian Forces.

10. Security. It is known that homosexuals are a specific target for subversion by foreign intelligence agencies. There are indications that the social stigma and trauma of public exposure still represent an increased risk for successful blackmail. Even admitted homosexuals may indirectly be at greater risk if they become involved with a partner whose sexual preference is not public knowledge. Therefore, the security level at which homosexuals may operate may be limited, thereby reducing the flexibility of the forces.

11. Public Image. Because the Canadian Forces is a voluntary force, a primary concern is the ability to recruit and retain adequate numbers of new members to maintain the authorized strength. The ability to do so is very much dependant upon the perception of the forces held by potential recruits, their parents, and their peers. It is considered doubtful that the public would consider as a suitable environment for friends, sons, or daughters, a force which approved homosexuals, particularly in positions of authority, given the requirement for obedience and the close living environment.

#### ADDITIONAL CONSIDERATIONS

12. The Canadian Charter of Rights and Freedoms. The Canadian Charter of Rights and Freedoms and The Canadian Human Rights Act do not specify sexual orientation as a prohibited ground of discrimination. Even if discrimination were prohibited on the ground of sexual orientation, it is the Canadian Forces view that such a prohibition would not apply to the Canadian Forces, in light of the special requirements which are essential to the effective operational capability of the forces.

13. Allied Armed Forces Positions on Homosexuals

- a. United Kingdom: The Army Act, the Naval Discipline Act and the Air Force Act all

.../4

000474

- 4 -

proscribe homosexual conduct on the part of servicemen and servicewomen and render such conduct offences under the respective Acts. Homosexuals are not recruited, and if it is determined that a member is a homosexual, that member is released.

- b. United States: The United States Army, the United States Air Force, the United States Navy and the United States Marines all share a common policy of discharging known homosexual service members and preventing entry of homosexuals into their respective Services.
- c. Federal Republic of Germany: German authorities consider that it is impossible for homosexuals to function in an unrestricted manner in their armed forces. While they no longer hold to a policy of total non-toleration, as that policy was found to be incompatible with recruitment by conscription, homosexuals are not permitted to hold positions of command or control.
- d. The arguments used in support of the United Kingdom, United States, and the German position are, in the main, the same as those advanced in support of Canadian Forces policy.

000475

AGC-1676\_0004