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Nielsen defends military policy on women, gays

By Peter Calamai
Southam News

It was merely a high-backed, cushioned chair facing a row of hostile MPs. Until Defence Minister Erik Nielsen sat down.

Suddenly, Nielsen was piloting that chair with the swoops and sharp turns of the Spitfires he flew in the Second World War.

For two hours Wednesday night, the MPs of the Commons committee on equality rights fired barages and bursts at Nielsen about discrimination against women, the disabled and homosexuals in the Canadian armed forces.

They never even scratched, the point.

At the end of the encounter, Nielsen hadn't wavered from the military's hard line of no homosexuals, no women in combat and no real disabilities, despite a blistering attack on this position by the Canadian Human Rights Commission in a report released Wednesday to the committee.

The commission's report said Parliament should stop stalling and clean up the worst of its own discriminatory laws and practices immediately.

The commission notes two dozen blatantly discriminatory laws repeatedly drawn to the government's attention, with reports dating back to 1979. It says some discriminatory legislation should be revoked retroactively to April 17 this year, when the equality rights provision of the charter went into effect.

Particularly savaged by the commission are the armed forces for discriminating against women, homosexuals, people with minor disabilities and unmarried couples who live together.

Military insistence that all recruits must be capable of combat has been used as an excuse to refuse to enlist people with overbites and kick out someone with acne, the commission reports. It urges the Canadian Forces to change the blanket demand for combat readiness.

"The attitude you're showing is very mean-spirited," Liberal Bob Kaplan told Nielsen Wednesday night. "We have a minister, saying, 'Of course we'll obey the law — if we can't find some way out by studying it to death, if we lose in court and on appeal, if we can't twist the arm of the committee — then, of course we'll obey the law.'"

The law used as ammunition was the new equality section in the Charter of Rights, guaranteeing equal treatment and equal benefit of the law to every Canadian and specifically outlawing discrimination based on race, national origin, color, religion, sex, age or disability — mental or physical.

The Commons committee is charged with identifying the laws which may run afoul of these equality rights.

But said Nielsen: "You can't legislate social change."

The defence minister said women should be judged as individuals but contended that society wasn't ready to see them in combat roles. Later, he said there was no contradiction in these two positions.

Homosexuals must be barred from the military because they pose a threat to national security. The 61-year-old veteran and father of three cited Cold War defector Kim Philby and a recent

spy scandal in a British listening post in Cyprus to buttress his claim.

"We all make our choices in this regard," Nielsen told NDPer Svend Robinson. "You've made your choice and I make mine."

Even though the Conservative Party supported the Charter of Rights in Parliament, the defence minister seemed to suggest the government might opt the armed forces out of the equality rights section if the courts ordered women to be given a full combat role.

The defence minister also said the so-called "escape clause" of the Charter of Rights, a section permitting infringement of rights by laws "demonstrably justified," might be invoked by the government if the committee recommended against the continuing forces ban on homosexuals.

B.C. Tory Mary Collins asked Nielsen to specify why women weren't wanted in combat roles — physical capabilities, unreliable as buddies or sexual distraction.

Like a burst of bullets came the reply, a list of NATO and Warsaw Pact nations demonstrating, said Nielsen, that Canada wasn't out of step. But later the minister couldn't say if any of those countries also had a constitutionally entrenched equality guarantee.

The Human Rights Commission report also suggested the government:

- end mandatory retirement at age 65 and let people do jobs as long as they are capable;
- prohibit discrimination on the grounds of sexual orientation;
- permit part-time workers, overwhelmingly women, to contribute to pension and insurance schemes.

Such provisions against part-time workers amount to "systemic" or invisible discrimination against women, says the commission.