

QUESTION PERIOD - ADVICE FOR MINISTERS

SEXUAL ORIENTATION - CF INTERIM POLICY

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ISSUE: What is the existing policy of the Canadian Forces with regard to homosexuals and has a new policy been announced?

Did the Minister of National Defence recently present the new CF policy on homosexuality to the Progressive Conservative Caucus?

Can the Minister explain to this House why the American media apparently possess portions of the CF's new policy before it has even become public in Canada?

POSSIBLE RESPONSE:

Has a new CF policy on homosexuality been announced, and what is the existing CF policy?:

- * An internal review of the Canadian Forces' existing policy on Sexual Orientation has been completed by the Chief of Defence Staff in close cooperation with the Department of Justice.
- * Recommendations were made to the Minister of National Defence and these are under consideration by the Government.
- * Until a decision is announced, the current Interim Policy remains in effect.
- * However, as the Honourable Member knows, when appearing before the Standing Committee on National Defence and Veteran's Affairs on October 8th, the Minister of National Defence indicated that pending the Government's announcement of its decision, contracts of affected individuals would be renewed.

Did the Minister present the new CF homosexuality policy to the PC Caucus?:

- * The Honourable Member knows that I will not comment on what may or may not have been discussed in Caucus.

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US media possession of new CF policy:

- * Some members of the media have in their possession internal draft working documents on proposed changes to the Canadian Forces Policy on Sexual Orientation.
- * No official announcement has been made concerning any changes to the Canadian Forces Sexual Orientation Policy.

RATIONALISATION:

- Canadian Forces Policy concerning sexual orientation is a recurring issue. 9 Oct 91 media reports speculated that a new policy announcement is imminent.

BACKGROUND:

- The present CF policy is contained in CFAO 19-20, in existence since 1976.
- Application of this CFAO was modified in 1987, by Ministerial direction, in that members are no longer released on the basis of propensity alone; confirmed homosexual acts are necessary before release proceedings are initiated; and members are no longer required to report other members suspected of homosexual activity.
- A new CFAO 19-36 "Inappropriate Sexual Behaviour" was drafted to replace CFAO 19-20; it has had extensive review within DND, Justice and the PCO, but has not been approved for promulgation.
- In the interim, pending completion of the policy review, identified practising homosexuals are being released only if they do not object to compulsory release from the CF under item 5(d) of QR&O article 15.01 (stipulating that the notation "Honourably Released" appears on the record of service).
- If a member objects to compulsory release, the member is retained subject to a number of career restrictions:
 - a. no promotion or career courses;
 - b. no re-engagement or extensions of service;
 - c. no advancement in qualification levels;
 - d. restrictive posting opportunities;
 - e. no transfer to or from the Reserve; and
 - f. not eligible for Class B or C service.
- During an appearance before the Standing Committee on National Defence and Veteran's Affairs on October 8th, the Minister of National Defence indicated that pending the Government's announcement of its decision, contracts of affected individuals would be renewed.
- Currently, five lawsuits which challenge the constitutional validity of the CF interim policy are before the Federal Court. The case of former Lieutenant Douglas has been set down for trial in March 1992 and will likely be the first case to be heard. Trial dates for the other four cases have not been set.

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- A survey of attitudes that CF members have toward homosexuality has been undertaken and has contributed to the policy review. Details concerning the survey are protected by solicitor/client privilege.
- The results of the policy review are expected to be announced shortly.
- On 9/10 October media outlets in Ottawa provided DGPA with documents relating to the announcement on changes to the CF Policy on Sexual Orientation. The Ottawa outlets claimed that the information was obtained from media sources at the Pentagon; facsimile transmission records support their claim.
- The documents include a draft press release, backgrounder, communications approach and a covering memo from DPAO concerning the Canadian Forces Policy on Sexual Orientation.

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