

D R A F T

November 1991

Mr. John H. Reimer, M.P.
Room 552
Confederation Building
House of Commons
Ottawa, Canada
K1A 0A6

Dear Mr. Reimer:

In response to your letter of 7 November 1991, I believe the most direct way to address your concerns over whether sexual orientation is protected under section 15 of the Canadian Charter of Rights and Freedoms is to quote from Toward Equality, the Government response to the Report of the Parliamentary Committee on Equality Rights. That report stated at page 13:

The Government believes that one's sexual orientation is irrelevant to whether one can perform a job or use a service or facility. The Department of Justice is of the view that the courts will find that sexual orientation is encompassed by the guarantees in section 15 of the Charter. The Government will take whatever measures are necessary to ensure that sexual orientation is a prohibited ground of discrimination in relation to all areas of federal jurisdiction.

As a result of your letter, I confirmed with the Department of Justice that none of the matters you raised change the opinion of the Minister of Justice. The decision to recommend a change in the Canadian Forces policy towards homosexuality is therefore not only in conformity with the opinion expressed by the Minister of Justice, but also complies with the policy of the Government since 1986.

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I can assure you that all aspects of the effect that a change in the policy might have on the operational effectiveness of the Canadian Forces have been considered. In addition, the legal issues have been analyzed in depth both by counsel from the Department of Justice and legal officers for the Canadian Forces. The welfare of Canadian Forces members has been, and will continue to be, a primary concern of mine. However, I am convinced that the change in policy would be in the best interests of the Canadian Forces and its members when all relevant factors have been taken into account.

I thank you for your interest and concern in this area.

Sincerely,

A.J.G.D. de Chastelain
General