

ADDITIONAL CONSIDERATIONS

4. The Canadian Charter of Rights and Freedoms - The Canadian Charter of Rights and Freedoms and The Canadian Human Rights Act do not specifically proscribe sexual orientation as a prohibited ground of discrimination. Even if it did prohibit discrimination 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 Canadian Forces bona fide occupational requirements which can be demonstrably justified in a free and democratic society.

5. Allied Armed Forces Positions on Homosexuals

- a. United Kingdom - The Army Act, the Naval Discipline Act and the Air Force Act all 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 fashion in their armed forces. While they no longer hold to a policy of total non-tolerance, 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.