

DRAFT REPLY

On 27 October 1992, in response to a court challenge under the *Charter of Rights and Freedoms* by a former military member, the Federal Court of Canada Trial Division ruled that the Canadian Forces policy restricting the serving of homosexuals was contrary to s.15 of the *Charter* and ordered the revocation of the policy and the removal of all restrictions on service homosexuals. Section 15 of the *Charter* (which deals with equality rights) affords a constitutional guarantee of equality "before and under the law and the right to the equal protection and equal benefit of the law without discrimination ...".

Cancellation of the policy was announced immediately following the Federal Court of Canada ruling and in a message to all formations and units in the Canadian Forces, the Chief of the Defence Staff acknowledged that the policy change had his full support. Appealing to members devotion to duty and their sense of fairness, he called on all members to accept the change which simply brought military policy into line with the *Charter*. A new regulatory policy concerning sexual misconduct, by either heterosexuals or homosexuals, was promulgated shortly thereafter. Together with the revised versions of general policy orders on personal relationships and harassment, this order was intended to provide clear policy and guidance on what constituted inappropriate sexual behaviour and conduct by military members.

000561

AGC-0736_0001