

Problems with the New Policy

DND recognizes that its policy on homosexuals constitute an exception to the equality provisions of the Charter. However, they are of the view that this policy constitutes a "reasonable limit" under the Charter since the military have to live and work together in close confinement for certain periods of time.



Department of Justice recognizes the need for the Canadian Forces to have a policy concerning unacceptable sexual behaviour. Because this policy singles out homosexuals, they believe it would be difficult to justify it, if challenged. They do not believe the lack of privacy inherent to military life meets the criteria set by the Supreme Court for constituting a "reasonable limit" under the Charter. They are therefore of the view that there is serious risk that the policy would be in conflict with the Charter. This view was expressed by Mr. Hnatyshyn in a letter to Mr. Beatty dated June 29, 1987.

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