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Our memorandum ADA0069 of March 7

Assignment Of Homosexual Employees

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Attached, for your information and for the information of the assignment officers in your Division, is a revised version of the table which accompanied our memorandum under reference and which outlined the legality of homosexuality in those countries in which Canada has missions. The table is intended to provide assignment officers with basic information to use in counselling homosexual employees about those countries in which assignments might be possible. It is based on information obtained from SPARTACUS '90/91: GUIDE FOR GAY MEN: 19TH EDITION and from our missions abroad. A copy of the GUIDE has been acquired by the Employee Assistance Program (ABDA); assignment officers who wish to borrow it to review the detailed entries for specific countries should contact Laurier Beaudoin at 992-1641. The information from missions abroad is being retained on file in ADA; assignment officers wishing to review the information from a specific mission should contact Lindsay Hiseler at 996-8154.

2. The following information should be borne in mind when reviewing the attached table:

(a) Homosexuality is legally recognized and homosexuals legally protected in very few countries. In most countries where homosexuality is listed as being legal it is legal only in the sense that there are no laws specifically against it. There is a wide variation in the specific provisions of the laws of even those countries with similar approaches to homosexuality. In general the laws on homosexuality are the same for both men and women; exceptions appear to be in the direction of greater tolerance for female homosexuality. The above comments apply to homosexual acts between consenting adults only; virtually all countries have strict laws against sexual acts with minors (the age of majority for sexual acts varies considerably from country to country) and against rape. Finally, it must be emphasized that legality does not necessarily mean public acceptance.

(b) The extent to which laws on public decency and the like are used against homosexuals varies from country to country. Members of the diplomatic community are unlikely to run afoul of such laws if they restrict their homosexual activities to the diplomatic community.

(c) The extent to which homosexuality would negatively impact on the operational effectiveness or personal life of an employee again varies from country to country. It appears to depend, to a large extent, on the conduct of the employee. In most countries where homosexuality is legal and in many where it is illegal a discreet homosexual relationship within the diplomatic community seems unlikely to cause serious problems. On the other hand, a high profile relationship or a relationship with a local citizen could lead to difficulties.

(d) The comments in (c) above apply to employees who are accompanied on posting by homosexual partners. The more senior the employee (and hence the higher the visibility) and the more openly homosexual the relationship the more likely problems will be faced. Again, discretion is the watchword although admittedly a subjective one. In some countries, for example, the mere fact of cohabitation with another adult of the same sex might be considered indiscreet. Few countries will grant diplomatic privileges and immunities to homosexual partners although a number will facilitate the entry into and residence in the country of such partners on extended visitor visas or the like.

3. The information contained above and in the attached table is meant to provide both assignment officers and homosexual employees with a basic framework in which to commence discussions regarding possible assignments abroad. A final decision on the acceptability of a particular assignment at a particular mission should be arrived at, as in the case of the assignment of all other employees, as a result of these discussions and of consultations with the mission concerned and other affected parties. Before a homosexual employee is refused, for reasons of his/her homosexuality, an assignment which he/she has specifically requested, the responsible assignment officer should ensure that the "test" circulated under cover of Circular Document Admin. No. 24/91 (ADA) of August 15, 1991, copy attached, has been completed and supports such a refusal.

Konrad Sigurdson
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Planning Division