

Questions anticipated from the media:

Q1. How long a time can lapse before an incident is no longer considered to be an issue?

A1. The assumption is made that this question relates to the length of time which must elapse before an incident of a homosexual nature will no longer be considered a bar to enrolment or grounds for release. In that context, no specific answer can be given, since each case will be considered individually on the basis of its own particular circumstances, and other factors will be taken into consideration in arriving at a decision. However, it can be said that the longer ago that an incident occurred, the more likely it is that it will be viewed as a single aberration which will not render the person ineligible to serve in the Canadian Forces.

Q2. Why has it taken so long to reaffirm what has been your longstanding policy? What has changed?

A2. The revised Canadian Forces Administrative Order on this subject differs from its predecessor in three main respects:

- a. the requirement to report homosexual activity on the part of other Service personnel has been removed;
- b. homosexual acts, as distinct from propensity, are now the basis for the policy reflected in the Order; and
- c. the Order contains a number of safeguards and special provisions favourable to the member, which were not contained in the previous Order.

The length of time required to publish the new Order was made necessary by the requirement:

- a. to have an Order which, in addition to reflecting Canadian Forces policy in this area, would give full recognition to the principles of equity and fairness, and the right to privacy of those involved; and

- b. to obtain Government consensus in this important area of policy, including that of the Department of Justice.

Q3. ○What do you mean by operational effectiveness?

A3. Operational effectiveness is the ability of the Canadian Forces to carry out its primary role, i.e., the defence of Canada against aggression. One of the most significant factors in achieving operational effectiveness is a high standard of morale on the part of members of the Canadian Forces. Since the presence of active homosexuals is recognized as having an adverse effect on morale, they become ineligible for service in the Canadian Forces.

Q4. What will you now do with the known homosexuals in the CF who have had their release suspended pending the policy review?

A4. Persons whose cases have been investigated and whose releases have been approved, but not implemented pending Government reaffirmation of existing policy, will be honourably released in accordance with normal procedures

as being not advantageously employable in the Canadian Forces.

Q5. What was involved in reviewing your policy?

A5. Senior officers of the Department conducted a full and comprehensive review of all aspects of the matter, including the policies currently in effect in the armed forces of other western nations. Based on this review, the revised Canadian Forces Administrative Order was drafted, and Government concurrence obtained for its approval and issue by the Chief of the Defence Staff as authorized by the National Defence Act.

Q6. How high in government was the review conducted? Who made the final approval?

A6. The final review of this matter was conducted at Ministerial level in government. As indicated in the answer to the previous question, having received Government concurrence, the Chief of the Defence Staff gave final approval to the revised Canadian Forces Administrative Order in accordance with his authority under the National Defence Act.

- Q7. Doesn't this contradict the existing policy stated in Toward Equality that discrimination on the basis of sexual orientation should not occur?
- A7. Because of the unique role and conditions of service of members of the Canadian Forces, which have no parallel in other departments or agencies of the government or other organizations such as civil police forces, the Government takes the view that the policy of exclusion from military service of active homosexuals is mandatory in the public interest, and therefore does not constitute any form of discrimination, or, if it does, it is justifiable under the Charter of Rights and Freedoms. Undoubtedly, this policy will be tested in the Courts; as indicated by the former Minister of National Defence in his statement before the Standing Committee on Human Rights in February 1987, because of its importance to the security of Canada, the Government considers it is entirely appropriate that the policy be subject to a searching and impartial review in the courts under the Constitution of Canada.

- Q8. What if a known active homosexual promises to abstain from such activity when the posting includes shared living quarters?
- A8. Such an undertaking could not be accepted, since the individual might find it impossible to honour his or her commitment, and, in any event, it would be impossible to monitor. Also, the adverse effect on morale of the presence of a known, active homosexual in shared living accommodation would be little, if any, diminished by the knowledge that the person had made a "non-active" commitment.
- Q9. Why doesn't the CFAO specify that "inappropriate sexual conduct" is prohibited between members of the CF, but not prohibited with sexual partners outside of the CF?
- A9. The adverse effect on cohesiveness, operational effectiveness, and morale results from the presence of active homosexuals in the Canadian Forces, regardless of whether they associate with other members or civilians or both. Therefore, the exclusion from service cannot be applied only in respect of those who fall in the first category.