

*Adjournment Debate*

Human Rights Act, as amended, to prohibit discrimination on the basis of sexual orientation.

The government responded to that recommendation on March 4, 1986, four years ago yesterday. What was the response? The government stated it believes that one's sexual orientation is irrelevant to whether one can perform a job or use a service or facility. The Department of Justice is of the view that the courts will find that sexual orientation is encompassed by the guarantees in Section 15 of the charter. Finally, these words: "The government will take whatever measures are necessary to ensure that sexual orientation is a prohibited ground of discrimination in relation to all areas of federal jurisdiction."

It was four years ago that that commitment was made to all Canadians, not just to lesbians, gay men and bisexuals, but to all Canadians. Four years later, we are still waiting for that promise to be kept.

The courts have indeed ruled with respect to the inclusion of sexual orientation in the Charter. Indeed, in November 1989 in the Federal Court of Canada, Trial Division, Mr. Justice Dubé ruled that Section 15 should be read as if it implicitly included sexual orientation. Judge Dubé said that sexual orientation is not a prohibited ground listed under Section 15 but "—in my view, it is an analogous ground recognized by provincial and territorial human rights acts as well as by the House of Commons parliamentary committee on equality rights."

He pointed out that a characteristic common to the enumerated grounds is that the individuals or groups involved have been victimized and stigmatized throughout history because of prejudice mostly based on fear or ignorance, as most prejudices are. Certainly, that is the case with respect to the lesbian and gay community.

There have been a number of advances in the last four years. A tribunal of the Canadian Human Rights Commission has recognized a relationship between two men for purposes of bereavement leave. As well, there are a number of challenges before the courts. Jim Egan and his partner of 42 years, Jack Nesbitt, are seeking the spousal allowance under the provisions of the Canadian pension regime. That case is going to the courts. Karen Andrews is seeking health insurance for her partner of some nine years. Derrick Dwyer and a young woman, a former officer, are challenging the policies of the Cana-

dian Armed Forces, one of the last major bastions of institutionalized homophobia in this country, the Canadian Armed Forces.

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It is ironic that I, as a gay man, could one day become the Minister of National Defence—the Prime Minister's ultimate nightmare—but I could not join the Canadian Armed Forces today. That is surely unacceptable in this country.

Last June, the Minister of Justice promised legislation to amend the Canadian Human Rights Act. We are still waiting. There is strong support for this amendment from many groups. The *ad hoc* committee on AIDS, chaired by the hon. member for Rosedale, has unanimously recommended that the prohibition of discrimination on the basis of sexual orientation must be added to the Canadian Human Rights Act to help us in our struggle against this terrible epidemic.

The Canadian Advisory Council on the Status of Women; the former Minister of Justice, the member for St. John's West, the Canadian Human Rights Commission, many churches, labour groups and others, are calling upon the government to keep its promise.

Finally, I want to call upon the new Minister of Justice, recently appointed, the member for Vancouver Centre, to move on this as a priority. She personally promised, during the election campaign, her constituents in Vancouver Centre that she would support this important amendment.

We have waited far too long for equality in this country. We have been infinitely patient and it is time, surely, that the lesbian, gay and bisexual community in this country was treated with full dignity, equality and respect. It is time, indeed it is long overdue, that this government moved on this important promise to amend the Canadian Human Rights Act.

**Mr. Rob Nicholson (Parliamentary Secretary to Minister of Justice and Attorney General of Canada):** Mr. Speaker, the Government of Canada is committed to the principles of social justice and equality. To give effect to this commitment, the government has undertaken a range of initiatives including the introduction of the Employment Equity Act. In many other areas the government has moved on a pro-active basis to address issues of equality and social justice.