

We recognize that many people react to questions involving homosexuality on a visceral level, reflecting longstanding attitudes and values in our society and, indeed, in our laws. We acknowledge this to be a controversial area. We are dealing here, however, with a question of public policy that must be reasoned through and not immediately accepted or rejected on the basis of one's personal response to the situation. Our report reflects what we have been told about present-day Canada. It also reflects the fact that section 15 exists because minorities within our society need a measure of legal protection to put them on an equal footing with others. That the state affords legal protection does not mean endorsement of a particular religion, political belief or personality trait; it means simply that in a free and democratic society, discrimination under our laws on the basis of those differences will not be tolerated.

We have paid particular attention to sexual orientation as a ground of discrimination against which protection might be offered because the subject matter of Bill C-225, sponsored by Svend Robinson, MP (New Democrat), was referred to us for study and consideration. The Bill, which received first reading on March 4, 1985, would amend the *Canadian Human Rights Act* to add sexual orientation as a prohibited ground of discrimination and to treat it on the same basis as any other ground of discrimination for the purposes of the Act.

This is not the first initiative of its kind. When Parliament was considering the *Canadian Human Rights Act* in 1977, an unsuccessful attempt was made to add sexual orientation as a proscribed ground of discrimination. Two private member's bills, Bill C-242 in 1980-81, sponsored by Pat Carney, MP (Progressive Conservative), and Bill C-676 in 1983, sponsored by Svend Robinson, MP, dealing with the same matter as the current Bill C-225, were talked out at the second reading stage.

Other parliamentary committees, such as the 1976 Special Joint Committee on Immigration Policy and the 1980-81 Special Joint Committee on the Constitution, have considered some aspects of the matter, but none heard as many expressions of opinion as we did in the course of our proceedings. Many submissions were directed exclusively to the subject, and many major national and regional groups and coalitions covered it in their submissions as well. We were shocked by a number of the experiences of unfair treatment related to us by homosexuals in different parts of the country. We heard about the harassment of and violence committed against homosexuals. We were told in graphic detail about physical abuse and psychological oppression suffered by homosexuals. In several cities, private social clubs serving a homosexual clientele were damaged and the members harassed. Hate propaganda directed at homosexuals has been found in some parts of Canada. We were told of the severe employment and housing problems suffered by homosexuals. Indeed, several witnesses appearing before us expressed some fear that their appearance before the Committee would jeopardize their jobs. At the same time, it was evident that there is resistance in some quarters to giving homosexuals the same rights as other minorities that traditionally have been protected. This resistance was sometimes explained in moral or religious terms.

Two Views

Opinions about including sexual orientation as a prohibited ground of discrimination tend to divide into two diametrically opposed camps. Those who favour treating sexual orientation as a prohibited ground of discrimination argue that sexual orientation is a personal matter and that, so long as it does not result in harm to others, it should not affect one's access to facilities, services, accommodation or employment.