

Political foot-dragging keeps queers down

BY CHRISTOPHER LEFLER

VICTORIA (CUP) — While homosexuality is now legal in Canada, political ill-will has slowed the entrenchment of anti-discriminatory law, leaving job security and spousal benefits questionable in the federally-regulated private sector.

In 1969, then-Justice Minister Pierre Trudeau began the molasses-like process by introducing a bill to decriminalize homosexuality in the House of Commons.

The legislation was not passed until he became prime minister, when it was reintroduced by then-Justice Minister John Turner.

In 1977-78 Quebec protected sexual orientation in its provincial human rights code, the first legislative body to do so.

The Trudeau government, probably feeling it politically inviable, did not introduce similar protection into the new Canadian Human Rights Act, assuming discrimination prohibited on the basis of sex would be interpreted to include sexual orientation. This has not been the case.

The Canadian Charter of Rights and Freedoms, which accompanies the repatriated Canadian constitution of 1982, was also drawn up without such protection.

A motion heard by a parliamentary committee to include sexual orientation in section 15 of the Charter was defeated by a vote of 15 to two. Its sole supporters were New Democratic Party MPs Lorne Nystrom and Svend Robinson.

Amongst the dissenters was Jean Chretien, then Minister of Justice, who said the Charter would be interpreted to protect sexual orientation. This has in fact happened, with the Federal Court of Canada consistently ruling that the grounds enumerated in Section 15 are not limited.

Section 15(1) of the Charter says "every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability."

As well, subsequent federal governments have stated in certain cases the Charter includes sexual orientation in its meaning. But because it is not explicitly mentioned, people are forced to resort to the courts — not an inexpensive hobby — to seek redress, rather than simply filing a complaint or pointing to the Charter.

On Oct. 25, 1985, an all-party committee examining the impact of the Charter on federal legislation recommended that the Canadian Human Rights act be amended to include sexual orientation as a prohibited ground of discrimination.

The following spring, then-Minister of Justice John Crosby said the government would take "whatever measures are necessary to prohibit discrimination on the basis of sexual orientation in relation to all areas of federal jurisdiction."

Almost six years later, neither the Human Rights Act or the Charter have been amended. Last October, an announcement by the Defence Department that it would no longer prevent lesbians and gay men from serving in the armed forces was cancelled after the proposal caused some Progressive Conservative backbenchers to have fits.

The Charter covers all areas of federal jurisdiction, such as the armed forces and immigration, while the Act covers only the federally-regulated private sector, including banks and transportation companies.

While cases of discrimination under defense and immigration policies been resolved favourably in the federal courts, cases that might have been brought to court through the Canadian Human Rights Commission have been blocked by the absence of sexual orientation from its anti-discrimination mandate.

Last year, Ottawa gay rights activist Graham Haig challenged the Human Rights Act under Section 15 of the Charter. In September, an Ontario judge decided in favour of Haig, ruling the Act unconstitutional. The federal government was given six months to appeal, which it did, after a decision by Justice Minister Kim Campbell. The case was heard Jan. 29 by the Ontario Court of Appeal, which has reserved judgement.

If the appeal fails, the Mulroney government will be required to amend the act or strike it down, as was the case with the country's abortion law.

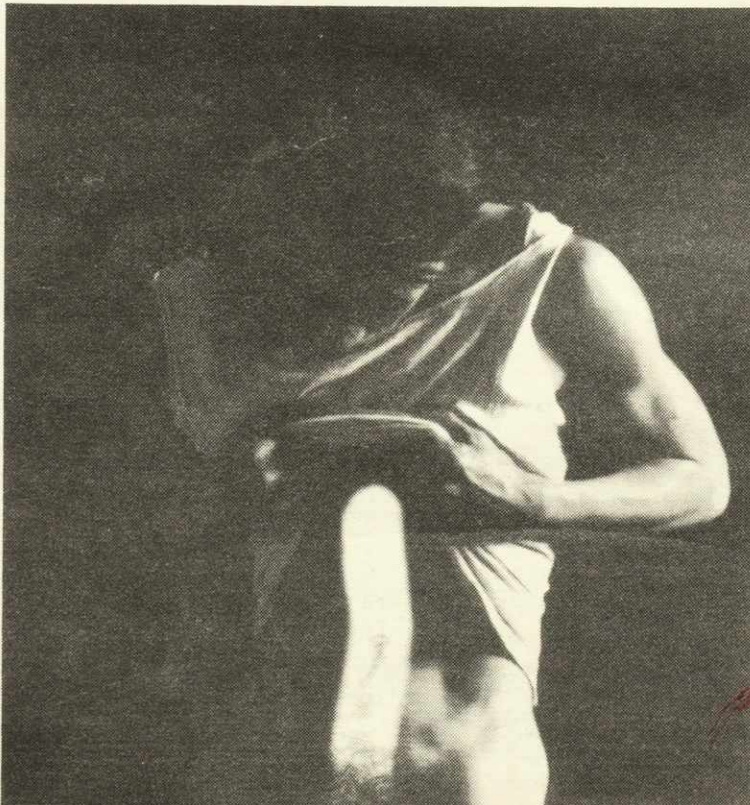
In the interim, the commission would likely be ordered to include discrimination based on sexual orientation in its mandate. It would be the first time all areas of federal jurisdiction provided this type of protection for lesbians, gays, and bisexuals.

Provincial governments would not be required to align their legislation with such a ruling.

In 1986, NDP member Evelyn Gigantes, now Ontario's housing minister, introduced legislation to amend the Ontario Human Rights Code. The amendment was passed in a free vote. In September 1990, the Nova Scotia Human Rights Commission announced it would interpret the province's human rights act to prohibit discrimination on the basis of sexual orientation, after the government twice refused to reform the law.

Protection from discrimination based on sexual orientation is also in place in Yukon, Manitoba and the Northwest Territories, and the recently-elected NDP governments of Saskatchewan and British Columbia have said they are committed to amending their respective codes, perhaps as soon as spring 1992.

As I got older, the pointlessness of hiding my



sexuality became more and more apparent.

The Christian Coalition Against Mixed Fabrics

BY SISTER POLLY ESTHER

Sin! Perversion! Ungodliness! These are the words that come to mind when I see such disrespect for the laws of God as is flaunted shamelessly on the streets every day. Society is in moral decay, and it is because we tolerate people who engage in blatant disregard for God's law.

I am of course referring to the immoral transgression of the Biblical Law stated clearly and uncompromisingly in Leviticus 19:19, to wit: "Neither shall a garment mingled of different fabrics come upon thee."

No commandment could be more direct or easy to understand. Yet you see people out on the street every day shamelessly wearing flannel shirts with wool sweaters, acrylic blended with cotton and all manner of other sinful combination one could only imagine in a nightmare. Satin certainly has a stronghold on the fashion industry. And what's worse — these Godless garment

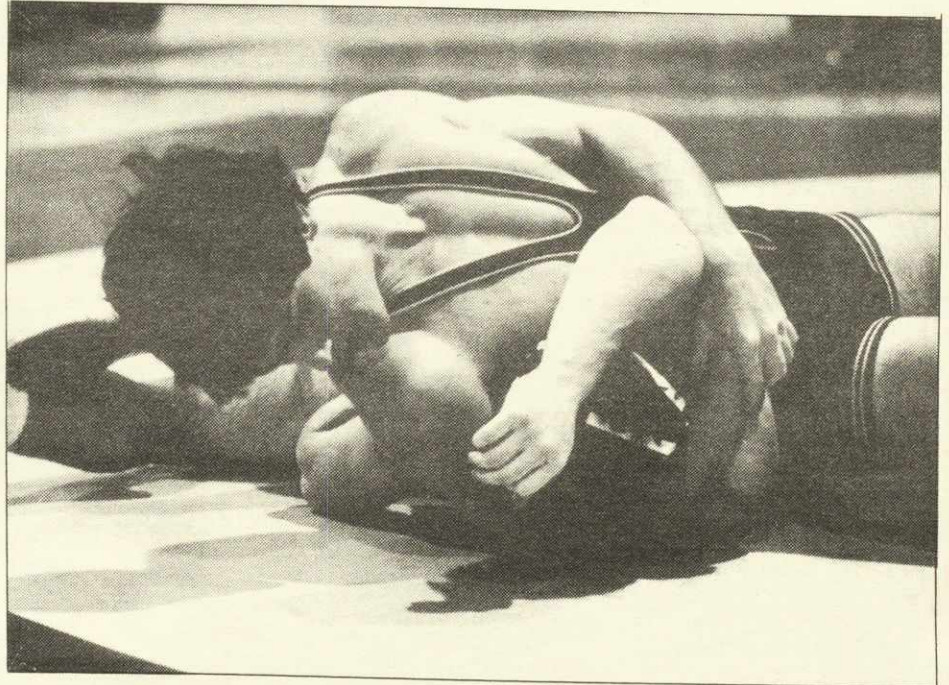
wearers flaunt their perverse mixed fabrics in front of children. (I've even heard that some of them like to

Neither shall a garment mingled of different fabrics come upon thee — Leviticus 19:19

dress children in mixed fabrics but this sin is just too perverse for further elaboration ... and of course, we know that all people who wear mixed fabrics have a secret or overt desire to dress children in the same way.)

And what of our so-called leaders? Just the other day I saw the Rev Bill Fritz on national television in a poly-cotton blend! Imagine showing so little respect for the Word of God, and during prime-time at that!

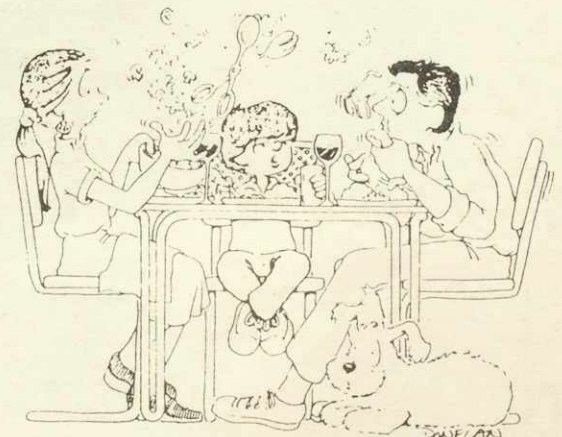
Clearly our church is in a state of moral decline, and I hope you will join me in my campaign to dress the church properly. Please support me and my Christian Coalition Against Mixed Fabrics. And remember, God is on our side! Bless you!



SPORTS NOT THE ONLY OUTLET

Although the athletes in this picture may not know it, sports is not the only fun way for two people of the same sex to bond.

Remember though: in or out of the 'plex, KEEP IT SAFE.



I hope you realize that your heterosexuality will not necessarily prejudice my eventual affectional-preference choice.

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