

Private Members' Business

I repeat that someone cannot be a spouse unless he or she is married. The only way to recognize same sex spouses is to recognize the legality of the marriage of same sex spouses. Why should we not do that?

The Supreme Court has spoken and four of the judges, including the chief justice, had a few interesting comments to make. I wish to quote directly from the decision. I am talking about marriage. That is what we are talking about in this motion.

The decision states: "Suffice it to say that marriage has from time immemorial been firmly grounded in our legal tradition, one that is itself a reflection of longstanding philosophical and religious traditions. But its ultimate *raison d'être* transcends all of these and is firmly anchored in the biological and social realities that heterosexual couples have the unique ability to procreate, that most children are the product of these relationships and that they are generally cared for and nurtured by those who live in that relationship. In this sense", say these justices of the Supreme Court, "marriage is by nature heterosexual".

The decision goes on: "It would be possible to legally define marriage to include homosexual couples", which is what this motion wants. Yes, it would be possible but this would not change the biological and social realities that underlie the traditional marriage. We can call a homosexual union what we want but it is not a marriage. That is what this particular motion wants.

The court then went on to consider that it is perfectly legitimate in Canadian society for Canadian society to promote the traditional heterosexual biological family. There is nothing wrong in doing that and it is not discrimination according to the justices.

Why not? I quote again from the judgment: "The singling out of legally married and common law couples as the recipients of benefits necessarily excludes all sorts of other couples living together, such as brothers and sisters or other relatives regardless of sex and others who are not related, whatever reasons these other couples may have for doing so and whatever their sexual orientation". Of course it excludes them if we are promoting the traditional family.

The court goes on to say: "Homosexual couples, it is true, differ from other excluded couples in that their relationship includes a sexual aspect, but this sexual aspect has nothing to do with the social objectives for which Parliament affords a measure of support to married couples and those who live in a common law relationship. In a word, the distinction made by Parliament is grounded in a social relationship, a social unit that is fundamental to society and that is the heterosexual biological traditional family".

• (1825)

The court states homosexual couples are not therefore discriminated against, that is to say when society provides benefits

to the heterosexual couples. They are simply included with other types of couples such as brothers and sisters, boyfriend and girlfriend, two sisters living together who are also excluded. The court specifically said, at least four of the judges, that there was no discrimination.

My constituents have spoken clearly no matter how one pretends to hide what this motion means; it means House of Commons, declare homosexual unions, marriages under the laws of Canada.

My constituents have said no. I say no.

[*Translation*]

Mr. André Caron (Jonquière, BQ): Mr. Speaker, I am pleased to participate in the debate on the motion tabled by the hon. member for Hochelaga—Maisonneuve, asking the government to take the measures necessary for the legal recognition of same sex spouses.

I listened carefully to the comments of many members who oppose the motion. I think we have to put things in their proper context. The fact is that there are same sex couples engaged in a relation which is in every way similar to that of heterosexual couples.

That is the reality. And it is a reality which we must respect, primarily because these are human beings engaged in an emotional relationship. These people also happen to be citizens who have a right to enjoy the same benefits as any other Canadian, and that includes the provisions of the Charter of Rights and Freedoms, which I will discuss later on.

It is essential to keep the notion of respect in mind, otherwise we quickly fall into stereotyping, an attitude which, for centuries, has had the effect of marginalizing and stigmatizing same sex couples. The time has come to put an end to that in Canada.

In our country, same sex relations were decriminalized in 1968. Consequently, the issue that we are discussing today does not fall under the Criminal Code. It is absolutely unfair, demagogic and unacceptable to assimilate the lives of people engaged in same sex relationships to those of people engaged in sexual deviations prohibited in the Criminal Code.

In 1968, under Prime Minister Trudeau and justice minister Turner, homosexual relations stopped being considered a crime in Canada. We are talking about relations which are accepted in our society, which are not criminal in any way, and which are experienced by Canadian citizens.

These Canadians are also entitled to the benefits of the 1982 Canadian Charter of Rights and Freedom. As you know, the charter prohibits discrimination, specifically discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability. I think that sexual orientation falls into the same category as the grounds listed in section 15 of the charter.