

**GAO**

**Report to the Honorable  
John W. Warner, U.S. Senate**

June 1993

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# **HOMOSEXUALS IN THE MILITARY**

## **Policies and Practices of Foreign Countries**



**National Security and  
International Affairs Division**

B-253590

June 25, 1993

The Honorable John W. Warner  
United States Senate

Dear Senator Warner:

In response to your request, we performed a review of the policies concerning homosexuals in the militaries of 25 foreign countries, and a more in-depth review of both the policies and practices in four of these countries. The four countries—Canada, Germany, Israel, and Sweden—allow homosexuals to serve in the military. For these four countries, we gathered detailed information on their military policies, including the evolution of these policies; compared the military policies to civilian laws; determined whether the practices of the armed services are consistent with their policies; and discussed the experiences each country has had concerning homosexuals in the military.

The Canadian, German, Israeli, and Swedish military policies and practices regarding homosexuals developed as the result of circumstances unique to each country. Factors such as the rights of homosexuals, societal attitudes towards homosexuals, and the military's role in society appear to have had an impact on each nation's experiences. Various officials we interviewed said that their country's experiences cannot necessarily be reproduced by another country; however, insights can be gained from their experiences.

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**Scope and  
Methodology**

To obtain information on a broad range of foreign countries' laws, policies, and regulations governing the military service of homosexuals, we initially selected a sample of 29 countries which had active duty force levels over 50,000 in 1991. Four of the 29 countries did not wish to be included in this review or considered the issue too sensitive to address. For the remaining 25 countries, we obtained an official position on their laws, policies, and regulations concerning homosexuals in the armed services either through the U.S. embassies and foreign government officials in the respective countries or from the countries' embassies in Washington, D.C. We also held discussions with some of the countries' embassy officials to clarify their laws, policies, and regulations.

For our detailed review, we selected Canada, Germany, Israel, and Sweden because these countries allowed homosexuals to serve in the military and met certain criteria regarding their cultural heritage, the size of their

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armed forces, and their recent combat or deployment experience. In addition, we attempted to include countries which represented a range of attitudes concerning homosexuality.

Our work in the four countries included discussions with mid-and senior-level military and government officials, former active duty military personnel, members of the reserve forces, representatives of veterans and homosexual advocacy groups, and academic experts. These groups provided a broad range of views concerning the treatment of homosexuals in the military. We also intended to talk to active duty officers and enlisted personnel at military headquarters and field units. However, of the four countries, only Sweden permitted us to interview active duty unit personnel. Nevertheless, our discussions with numerous other knowledgeable civilians and military personnel, representing a wide spectrum of opinions, gave us no indication that unit personnel would have provided a different perspective.

Appendix I discusses our scope and methodology in more detail. Appendix II describes the military policies concerning homosexuals for 21 of the 25 countries in our sample, including related information on the practices of some of the countries. Appendixes III through VI discuss the results of our in-depth review for the remaining four countries—Canada, Germany, Israel, and Sweden.

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## Background

Congress is currently debating the President's proposal to lift the ban on homosexuals in the U.S. armed forces. As part of this debate, Congress has expressed an interest in foreign countries' military policies and experiences concerning homosexuals.

The 25 countries included in our review represent a wide range of cultures, religions, forms of government, and geographic locations. The four countries selected for our more detailed review—Canada, Germany, Israel, and Sweden—generally reflect Western cultural values yet still provide a range of ethnic diversity. Germany and Sweden have ethnically homogeneous populations. Israel's population is diverse, with immigrants from all over the world. The largest ethnic groups in Canada are people with British or French backgrounds, or some combination of the two. However, almost one-third of the population has other ethnic backgrounds.

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Each of the four countries reviewed in detail has active armed forces that exceed 50,000 military personnel and has been involved recently in regional conflicts, United Nations peacekeeping missions, or both. Of the countries selected, only Canada has an all-volunteer military force. Germany's military consists of 57 percent volunteer forces, and the remaining 43 percent are conscripted.<sup>1</sup> Israel's and Sweden's forces primarily consist of conscripted military personnel, although they do maintain a small volunteer corps. All four countries allow women to serve in some capacity. Canada is the least restrictive in this regard, allowing women to serve in combat and noncombat roles; Germany is the most restrictive, allowing women to serve in only the medical and music corps.

Policies permitting homosexuals to serve in the military in these countries have been in place for a period of time ranging from 8 months in Canada to 45 years in Israel.

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## Results in Brief

While many countries have no specific law or military regulation on homosexuals serving in the military, of the 25 countries in our sample, 11 have policies that do not permit homosexuals to serve in the military, and 11 have policies that do. Three of the countries do not have any laws, regulations, or policies that address this issue and did not provide information regarding homosexuals serving in the military. Other variables may affect the service of homosexuals in the military. For example, most countries set standards of conduct applicable to all military personnel. Also, some countries place restrictions on known homosexuals who serve.

Of the four countries we reviewed in more detail, Canada, Israel, and Sweden have policies of not discriminating against homosexuals in the military. Germany imposes restrictions on homosexual volunteers. In all four countries, military policies concerning homosexuals developed over time, reflecting changes in civilian law and societal attitudes toward homosexuals. Most military officials and advocacy group representatives said that the countries' practices toward homosexuals in the armed services were consistent with military policies.

Military officials in all four countries said that the presence of homosexuals in the military is not an issue and has not created problems in the functioning of military units. A key factor, they said, was that homosexuals are reluctant to openly admit their sexual orientation for a variety of reasons. For example, (1) sexuality is considered to be a private

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<sup>1</sup>Conscription is the requirement for a person to enroll for compulsory service in the armed forces.

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matter, (2) homosexuals fear discrimination or negative reactions from their peers or superiors if they reveal their sexual orientation, and (3) homosexuals do not see any advantage to openly identifying their homosexuality. Military officials from Canada, Israel, and Sweden said that, on the basis of their experience, the inclusion of homosexuals in the military is not a problem and has not adversely affected unit readiness, effectiveness, cohesion, or morale. In Germany, military officials told us that problems associated with homosexual military personnel are dealt with on a case-by-case basis and their service is restricted if necessary.

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## **Policies Concerning the Military Service of Homosexuals in 25 Foreign Countries**

Table 1 shows which countries do not permit homosexuals to serve and which do permit homosexuals to serve. The table also provides information on whether the country's military force consists of all volunteers, mostly conscripts, or some other combination of volunteers and conscripts. Volunteer forces generally are the source of career military personnel.

Table 1: Policies Concerning Military Service of Homosexuals in Foreign Countries

Country	Size of active force	Primary source of personnel	Policy allows homosexuals to serve <sup>a</sup>	Applicable laws, regulations, policies, and/or restrictions
Australia	68,000	All-volunteer	Yes	Military policy changed in Nov. 1992.
Belgium	85,000	Both <sup>b</sup>	Yes	No specific law/military reg.
Brazil	297,000	Both	No	No specific law/military reg.
Canada	78,000	All-volunteer	Yes	Prohibition lifted in October 1992.
Chile	92,000	Both	No	Civilian law applies.
Colombia	134,000	Both	No	Military code applies.
France	453,000	Both	Yes	No specific law/military reg.
Germany	476,000	Conscript Volunteer	Yes No	Civilian laws changed in 1969.
Greece	159,000	Conscript	No	Military reg. applies.
Hungary	87,000	Both	No	No specific law/military reg. Restrictions apply to volunteers.
Israel	141,000	Conscript	Yes	Military regulation on restrictions revoked in May 1993.
Italy	361,000	Conscript	No	Codified into law in 1985.
Japan	246,000	All-volunteer	<sup>c</sup>	No specific law/military reg.
Peru	105,000	Conscript	No	No specific law/military reg. on acceptance. Military code applies regarding discharge.
Poland	305,000	Conscript	<sup>d</sup>	No specific law/military reg.
Portugal	62,000	Both	Yes	Military laws modified in 1989.
Republic of Korea	600,000	Conscript	Yes	Military law applies.
Romania	201,000	Conscript	No	Civilian law applies.
South Africa	72,000	Both	<sup>d</sup>	No specific law/military reg.
Spain	257,000	Both	Yes	Civilian laws revised in 1985.
Sweden	53,000	Conscript	Yes	Civilian law/military policy.
The Netherlands	92,000	Both	Yes	No specific law/military reg. Military policy revised in 1974.
Turkey	579,000	Conscript	No	Military law applies.
United Kingdom	300,000	All-volunteer	No	Military law applies.
Venezuela	75,000	Both	No	Military law applies.

Note: Appendix II provides additional information concerning these military policies.

<sup>a</sup>When no specific law or regulation applies, the countries' officials informed us of the policy.

<sup>b</sup>The Belgium military is currently transitioning to an all-volunteer force

<sup>c</sup>Japanese officials Indicated the issue is handled on a case-by-case basis

<sup>d</sup>Officials did not provide detailed information to enable us to make this determination.

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## Military Policies Closely Reflect Civilian Laws in the Four Selected Countries

Military policies regarding homosexuals in Canada, Israel, and Sweden closely reflect civilian laws. In these three countries, military policies are consistent with civilian laws and regulations for homosexuals. In Germany, both civilian laws and military policies do not specifically address homosexuality. However, the court system has allowed the military to place restrictions on homosexuals.

Canada's constitution and laws have been interpreted by the courts to prohibit discrimination based on sexual orientation. On the basis of a court case which applied this interpretation to the military, the Canadian Forces recently revoked its policy prohibiting homosexuals from serving. Civilian anti-discrimination laws now apply to the military.

Israel's 1992 labor law prohibits discrimination against homosexuals in the workplace. Until May 1993, an Israeli military policy restricted known homosexuals from certain assignments in the military. Israel rescinded this policy and now places no restrictions on the recruitment, assignment, or promotion of homosexual soldiers and civilians due to their sexual inclination.

A 1987 Swedish law prohibits discrimination based on sexual orientation and makes it illegal for individuals to make derogatory comments about a person's homosexuality. The country's military policy concerning homosexuals parallels civilian law and prohibits discrimination against homosexuals.

The German constitution provides for basic civil rights and equality of all people, but German law does not specifically address sexual orientation. German military policy states that military personnel may be discharged for "suitability" reasons. Although the policy does not refer specifically to homosexuals, the military has interpreted the policy as applying to them. German courts have upheld this interpretation. As a result, the policy essentially gives the military flexibility in dealing with homosexuals by allowing the military to discipline or discharge a homosexual service member based on the individual's behavior, time in service, and status (conscript or volunteer).

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## Military Policies Concerning Homosexuals Have Evolved

In all four countries, military policies concerning homosexuals have developed over time. These policy changes were usually preceded by changes in civilian laws, reflecting the attitudes of the society at large. As society showed increased acceptance of homosexuals, the military tended to follow.

Canada has modified its military policy over the past 7 years to remove all restrictions on homosexuals. In 1986, the Canadian Forces began to reevaluate its policy of excluding homosexuals from the military. The review was prompted by the adoption of the equal rights provision of the country's new constitution. During this review, the military instituted an interim policy in 1988 that allowed homosexuals to serve, but with restrictions. In 1992, a court ruled that the military's policy concerning homosexuals was unconstitutional, and the military revoked its policy and removed all restrictions on homosexuals.

Germany's military policy has been modified over the past 24 years, although it does not grant homosexuals total equal rights. The German armed forces began permitting homosexuals to serve in 1969, when the penal code was revised to decriminalize homosexual acts<sup>2</sup> for males ages 21 and over. In 1987, Germany's Federal Administrative Court ruled that homosexual orientation alone was not sufficient grounds for revoking security clearances, and the military has since changed its policy accordingly. In 1990, this same German court found that the German military is justified in not allowing homosexuals to serve in leadership or educational positions.

Israel has no constitution or bill of rights; however, a number of basic laws, together, serve that purpose. The Israeli military has allowed homosexuals to serve since the country was founded in 1948. Under a 1983 military regulation, however, homosexuals were prohibited from serving in intelligence positions requiring top security clearances. The regulation also required identified homosexuals to undergo a psychological examination to determine their ability to serve. However, we were told that in practice these policies were never formally implemented. Recently, Israeli society has become more accepting of homosexuality and has increasingly recognized homosexual rights. Homosexual acts were decriminalized in 1988, and discrimination against homosexuals in the workplace was outlawed in 1992. In May 1993, the military adopted a policy that no restrictions will be placed on the

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<sup>2</sup>Homosexual acts are defined differently depending on the country, but generally refer to sexual acts between same gender partners.

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recruitment, assignment, or promotion of homosexuals due to their sexual inclination.

Sweden modified its military policies over a period of 11 years before arriving at the current policy of not discriminating against homosexuals. The military had automatically exempted homosexuals from military service until 1976. In 1979, when the National Board of Health and Welfare removed homosexuality from its Classification of Illnesses Handbook, the military stopped considering homosexuality as an illness. The military, however, continued to annotate the file records of homosexual individuals. This practice was halted in 1984 when a Parliamentary commission concluded that homosexuality must not disqualify an individual from serving in the armed forces. In 1987, Sweden passed its law prohibiting discrimination against homosexuals. The law also applies to the armed forces.

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## **No Apparent Inconsistency Between Military Policies and Actual Practices Toward Homosexuals**

Discussions with numerous government officials, private groups, and individuals indicated that military practices in Canada, Germany, Israel, and Sweden were consistent with military policies concerning homosexuals. In Canada and Sweden, military officials and others said the armed forces comply with their policies. Homosexual rights groups in Canada were satisfied with the military's policies and practices. While one homosexual rights group in Sweden believed that despite the military's anti-discrimination policy, homosexual officers may be denied career opportunities, the group could provide no supporting evidence. The other major Swedish homosexual rights group we interviewed did not believe homosexuals were discriminated against in the military.

German military officials said they deal with homosexuals on a case-by-case basis, in accordance with the flexibility provided under their policies. How each case is handled, they said, hinges on such factors as whether the individual is a conscript or volunteer, the individual's rank and time in service, and whether the individual exhibits homosexual orientation or engages in homosexual behavior. Depending on the circumstances, a homosexual soldier may not be punished at all, may be restricted from certain assignments, or may be disciplined in some other way. In practice, according to German military officials,

- homosexuals may serve as conscripts in the military if medical personnel determine during the induction screening that the individual's sexual

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orientation does not prevent them from functioning effectively in a military environment;

- volunteers (officers and noncommissioned officers) who declare their homosexuality during induction are not accepted, and those already in military service may be removed from assignments involving leadership, training, and educational tasks; and
- individuals who engage in homosexual activity while on duty may be subjected to a range of disciplinary actions to include discharge.

While German military officials acknowledge that some of their policies and practices constitute discrimination, they believe this is justified in order to maintain good order and discipline in the armed forces.

According to military officials, Israel's practices toward homosexuals were less restrictive than its policies at the time of our review (before the current policy was instituted on May 18, 1993). For instance, according to military officials and others (including reserve officers), the 1983 regulation prohibiting the assignment of homosexuals to intelligence positions requiring security clearances was never formally implemented. According to officials, homosexuals were found to be capable of doing their jobs without problems, and therefore it did not make sense to enforce this regulation. With the recent revision of this policy, practices and policies are more consistent.

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## Few Homosexual Military Personnel Openly Identify Their Sexual Orientation

According to defense officials, military personnel, and representatives of homosexual advocacy groups, there are some openly homosexual military personnel in the armed forces of the four countries; however, homosexuals tend not to openly admit their sexual orientation. Military officials and others we talked to in all four countries said a central reason is that these countries consider a person's sexuality a private matter. Other reasons varied from country to country and included: (1) homosexuals fear discrimination or negative reactions from their peers or superiors if they reveal their sexual orientation; (2) younger soldiers who feel they may be homosexual may still be struggling with their sexual orientation; (3) homosexuals do not see any advantage to openly identifying their homosexuality; and (4) many service members serve in close proximity to their homes and can maintain their private lives.

Even though most homosexuals in the military do not openly identify their sexual orientation, some defense officials and others we interviewed said once a homosexual member of the armed forces has established a

professional reputation and gained the respect of coworkers, the person may feel more comfortable in revealing his or her sexual orientation to them. In Israel, for example, we talked to a number of reserve military personnel who said that on active duty they served openly as homosexuals, still received promotions, and were not restricted in their assignments.

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## **Foreign Militaries Report No Adverse Effect Because Presence of Homosexuals Is Not an Issue**

Military officials in Canada, Germany, Israel, and Sweden said that the presence of homosexuals has not created problems in the military because homosexuality is not an issue in the military or in society at large. We were told that a key reason the presence of homosexuals is not an issue in these countries' militaries is that few homosexual military personnel openly identify their sexual orientation, as discussed earlier. For example, a 1984 report on homosexuality by Sweden's Parliament stated that "the silence surrounding homosexuals and homosexuality is virtually total." Swedish military personnel at all levels agreed that this silence is pervasive in the military.

Military officials from each country said that, on the basis of their experience, the inclusion of homosexuals in their militaries has not adversely affected unit readiness, effectiveness, cohesion, or morale. For example, Israeli officials said that homosexuals have performed as well as heterosexuals and have served successfully in all branches of the military since 1948. In Canada, where problems in these areas were predicted, military officials said none had materialized since the revocation of the policy banning homosexuals. They attributed the lack of problems to the military leadership's support of the new policy and the military's ability to keep a low profile on the issue. German military officials said that their policies prevent problems because they allow for flexibility in dealing with homosexual individuals, and their service is restricted if necessary.

We are sending copies of this report to the Chairmen of the Senate and House Committees on Armed Services, to the Secretary of Defense, and to the Secretary of State. We will also make copies available to others on request.

This report was prepared under the direction of Mark E. Gebicke, Director, Military Operations and Capabilities Issues, who may be reached on (202) 512-5140 if you or your staff have any questions. Other major contributors to this report are listed in appendix VII.

Sincerely yours,

A handwritten signature in black ink that reads "Frank C. Conahan". The signature is written in a cursive style with a large initial "F".

Frank C. Conahan  
Assistant Comptroller General

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**Abbreviations**

DND	<b>Department of National Defence</b>
HIV	<b>human immunodeficiency virus</b>
IDF	<b>Israeli Defense Force</b>

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# Objectives, Scope, and Methodology

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At the request of Senator John W. Warner, we performed a review of the policies concerning homosexuals in the militaries of 25 foreign countries, and a more in-depth review of the policies and practices in four of these countries to obtain a perspective of their experiences.

To obtain information on a broad range of foreign countries' laws, policies, and regulations governing the military service of homosexuals, we initially selected a sample of 29 countries which had active duty force levels over 50,000 in 1991. Four of the 29 countries did not wish to be included in this review or considered the issue too sensitive to address. For the remaining 25 countries, we obtained official information on their laws, policies, and regulations concerning homosexuals in the armed forces either through the U.S. embassies in the countries or from the countries' embassies in Washington, D.C. We also held discussions with some of the countries' embassy officials to clarify their laws, policies, and regulations.

In selecting the countries for a more detailed review of policies and practices, we attempted to capture a range of attitudes toward homosexuality. Other criteria we used included: (1) predominance of Western cultural values; (2) military forces exceeding 50,000; and (3) recent military combat and/or deployment experience (for example, participation in the Persian Gulf War, regional conflicts, or United Nations peacekeeping missions). On the basis of these criteria, we selected Canada, Germany, Israel, Sweden, and France. During the initial phases of our review, French government officials informed us that they did not wish to provide us information on this topic. As a result, we excluded France from the in-depth phase of this review.

We gathered detailed information on the military policies of Canada, Germany, Israel, and Sweden, including the evolution of these policies; compared the military policies to civilian laws; and determined whether the practices of the armed services are consistent with their policies. However, we did not attempt to describe the circumstances surrounding the development of these laws and policies. In addition, we discussed the experiences each country has had concerning homosexuals in the military with military personnel, veterans and homosexual advocacy group representatives, academics, and U.S. embassy personnel.

Canada, Germany, and Israel did not permit us to interview active duty unit personnel. They provided the following reasons:

- Canadian officials cited the recent change in policy and their intent to keep a low profile on the issue. They believed that the military leadership would have more flexibility in implementing this policy if the issue remained low-key.
- Germany's chief of protocol said that "an official visit to units would serve no purpose."
- Israeli officials said our presence could be a disruption and preferred to maintain a low profile on this issue. Israeli officials felt that homosexuals were not an issue in the military and wanted it to remain that way.

To obtain a list of credible government and military officials, homosexual and veterans advocacy groups, and academic sources to interview in each foreign country, we contacted

- the countries' Auditors General;
- U.S. government agencies, professional societies, and individual experts in a variety of fields, including the Congressional Research Service; the Army Research Institute; Walter Reed Army Hospital; the American Psychiatric Association; the American Sociological Society; the American Psychological Association; the American Ethnological Association; the American Anthropological Association; Lawrence Korb, a military analyst at the Brookings Institute; Charles Moskos, a military sociologist at Northwestern University; and Lieutenant General (Ret.) Bernard Trainor, Director of the National Security Program at Harvard University;
- public opinion polling experts, including World Association for Public Opinion Research, the Gallup Organization, and Roper Institute;
- U.S. veterans associations, including the American Legion, Veterans of Foreign Wars, Association of the United States Army, Noncommissioned Officers Association, Retired Officers Association, the Military Coalition, and the Air Force Association; and
- U.S. homosexual advocacy groups, including the Human Rights Campaign Fund, Campaign for Military Service, Military Freedom Initiative, International Gay and Lesbian Human Rights Commission, International Lesbian and Gay Association, National Gay and Lesbian Task Force, the Gay and Lesbian Foreign Service Association, and Federal Gay, Lesbian, and Bisexual Employees.

After we obtained a list of contacts for each country, we supplied the list to the respective U.S. embassy to verify the contacts' credibility within the country.

Specifically, we interviewed the following sources in each country:

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## Canada

In Canada, we interviewed officials from the U.S. embassy; the Department of National Defence's Personnel Policy Division; the Department of Justice's Human Rights Law Section; Canadian Human Rights Commission; the only open homosexual member of Parliament; a member of Parliament who belongs to the Progressive Conservative Party and is opposed to the new policy; the Canadian Auditor General; Statistics Canada, which tabulates government data; the Conference of Defence Associations, a veterans umbrella group, consisting of 22 organizations; Pink Triangle Services, a local homosexual advocacy group; and Equality for Gays and Lesbians Everywhere, the only national homosexual advocacy group. We also interviewed a cultural anthropologist from Criterion Research Corporation; Michelle Douglas, a former military officer whose court case forced the military to change its policy; a political scientist from the University of Toronto who specializes in homosexual rights; a political scientist from the University of Toronto who specializes in polling data; a representative from Gallup Canada, Inc.; and a military sociologist under contract to the U.S. Army Research Institute to analyze the impact of Canada's new policy on homosexuals.

In Washington, D.C., we interviewed the former Canadian Chief of the Defence Staff, the key military official responsible for implementing the court's decision to allow homosexuals to serve in the military.

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## Germany

In Germany, we interviewed representatives from the U.S. embassy; the Ministry of Defense's personnel, health, and legal divisions; the Department of the Navy; the Bundestag (the German Parliament); the Ministry of Justice; the Deutscher Bundeswehr Verband e.V., an association representing the views of active duty and retired members of the armed forces; the Catholic and Protestant churches; and the Schwulenverband in Deutschland and the Bundesverband Homosexualität, two homosexual advocacy groups in Germany. We also interviewed a professor conducting research for the U.S. Army Research Institute on Germany's military policy regarding homosexuals and a University of Frankfurt sexologist who is an expert on German sexuality and sociological trends.

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## Israel

In Israel, we interviewed officials from the U.S. embassy and the Israeli Defense Forces, including the Chief of Security, who was responsible for drafting the military's new regulation on homosexuals, and the head of the Mental Health Department; a member of the Israeli Knesset (equivalent to

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the U.S. Congress) who has held public hearings on homosexuality in Israel; officials from the Society for the Protection of Personal Rights, the leading homosexual rights group in Israel; an attorney of the Association for Civil Rights in Israel, the country's primary civil rights group; the Director of the Israeli Institute for Military Studies, who was a former Chief Psychologist of the Israeli Defense Forces and is a specialist on cohesion and battlefield stress; the President of the Israel Psychological Association, the only body of professional psychologists in Israel; a pollster frequently used by the U.S. embassy; and a sociologist at the Jerusalem-based Israel Institute of Applied Social Research. Several Israelis we spoke with were either retired military officers or still in the reserves. In addition, we confidentially interviewed 11 homosexual and heterosexual reserve corps and retired Israeli Defense Forces military personnel to obtain first-hand information on their experience.

We attempted to identify organizations that oppose homosexuals in the Israeli military, but were told by several sources, including U.S. embassy officials, that there were none.

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## Sweden

In Sweden, we interviewed officials from the U.S. embassy and the Swedish Defense Personnel Division of the Joint Defense Staff and the National Services Administration Enrollment Office and Medical Board; senior military officers, 15 active duty unit-level officers and 27 conscripts at Air Force, Army, and Navy facilities; a member of Parliament from the Liberal Party who chairs the Parliamentary Commission on Registered Partnerships and is the former Director of the National Board of Health and Welfare; a member of Parliament from the Moderate Party who is the Vice-Chair of the Human Resource Council of the Swedish Defense; a member of Parliament from the Christian Democrat Party who opposes passage of legislation permitting registered partnerships; and an official from the Office of the Ombudsman Against Ethnic Discrimination. We also interviewed the President and other representatives of the Swedish Federation for Gay and Lesbian Rights, the most prominent advocacy group for gays, lesbians, and bisexuals; the President of Gay Moderaterna, an independent gay conservative organization that works both domestically and internationally to achieve equal rights for homosexuals; a social researcher with the Institute for Social Policy and the Department of Social Work of the University of Gothenburg; the Director of the Swedish Institute for Sexual Research; the Chairman and the Project Officer of the Central Council of Conscripts, whose members are elected by their peers to represent the conscripts before the Swedish Defense

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Force; and the President of Noah's Ark-Red Cross Foundation, founded to work with the prevention of HIV disease and to support those who are HIV-infected.

Officials from the homosexual advocacy groups and the U.S. embassy were unable to identify any organizations that were opposed to the admission of homosexuals into the military. In addition, the homosexual advocacy groups were unable to locate retired or active duty homosexual military personnel who were willing to meet with us.

We conducted our review from March to May 1993 in accordance with generally accepted government auditing standards. We discussed the results of our review with U.S. officials at the Departments of State and Defense.

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# Foreign Countries' Policies on Homosexuals in the Military

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## Australia

Although the Australian Defence Force did not have an official ban on admittance of homosexuals into the military (upon entry, recruits were not questioned about their sexual orientation), a 1986 military policy provided guidance to commanding officers in handling cases where a member of the armed forces was identified as homosexual. Under this policy, when a soldier declared his or her homosexuality or was found to be homosexual, the soldier was discreetly asked to resign and usually complied. Otherwise, the service would initiate actions to terminate the individual's military career.

In November 1992, the Australian government ended this policy of prohibiting homosexuals from serving in the military. The new military policy on unacceptable sexual behavior applies to all service members regardless of sexual orientation. The policy states that the passage of human rights legislation, in particular the Sex Discrimination Act and the Human Rights and Equal Opportunity Commission Act, necessitated the development of a policy on unacceptable sexual behavior.

An embassy official told us that Australia does not have laws prohibiting sodomy that would have conflicted with implementing the new policy. Implementation of the new policy is the responsibility of individual commanders. We were told that command briefings were held throughout the chain of command to implement the new policy. Implementation is monitored routinely through the chain of command.

An Australian official stated that although it is too early to assess the results of the revised policy, no reported changes have occurred in the number of persons declaring his or her sexual preference or the number of recruits being inducted. Effects on unit cohesiveness have not yet been fully determined. However, early indications are that the new policy has had little or no adverse impact.

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## Belgium

Belgium has no laws or regulations regarding the service of homosexuals into the military. Embassy officials stated that in practice homosexuality does not constitute grounds for exclusion or dismissal from the Belgian armed forces unless there is evidence of a psychopathic disorder such as sexual perversion. During recruitment, the military does not ask an individual's sexual orientation. If homosexuality is discovered after enlistment, however, commanders may restrict the individual's duty assignments. For instance, limitations may be placed on the person's access to classified information, or the person may be excluded from

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certain tasks or units. In addition, we were told improper sexual conduct among members of the armed forces is not tolerated.

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## Brazil

Although Brazilian law does not contain any specific reference to homosexuality, Brazilian embassy officials informed us that homosexuals who exhibit behavior which degrades the appropriate military decorum and military honor are barred from military service. Moreover, the Statute of the Military governs a pattern of behavior to be adhered to by all personnel while they are on and off duty. An individual found guilty of engaging in libidinous acts, including homosexual acts, while on duty or on base is considered to be in violation of the penal code and subject to punishment, including possible discharge.

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## Canada

Detailed information on Canadian policies and practices regarding homosexuals serving in the military is presented in appendix III.

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## Chile

The Chilean constitution does not specifically refer to sexual conduct or activities contrary to moral principles. However, article 365 of the civilian penal code declares sodomy a crime against family order and public morality punishable by imprisonment. Because sodomy is a crime under the civilian penal code, neither the code of military justice nor the internal regulations of the various armed services deal with this subject. Nonetheless, there exists a long-standing military policy that persons found to have "some kind of abnormal conduct or deviance, such as homosexuality, alcoholism, drug addiction..." are rejected for military service.

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## Colombia

Known homosexuals are excluded from serving in the Colombian military. Article 184 of Colombia's Code of Disciplinary Action for the Military Forces describes offenses against military honor, which is understood to be a combination of moral and professional qualities. Among the offenses identified in the disciplinary code is "to associate oneself with or maintain obvious relations with persons that have a previous criminal record or are considered criminals of whatever category or are antisocial like drug addicts, homosexuals, prostitutes, or pimps." Engaging in homosexual acts is considered to be an offense against military honor.

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## France

The French government informed us that there are no specific laws, regulations, or written policies which deal specifically with homosexuals serving in the French military. Officials did not provide additional information on homosexuals serving in their military. However, in 1992, we reported that although homosexuals serve in the French armed forces, certain restrictions may apply to an individual's duty assignments.<sup>1</sup>

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## Germany

Detailed information on German policies and practices regarding homosexuals serving in the military is presented in appendix IV.

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## Greece

According to military regulation, known homosexuals are barred from serving in the Greek armed forces. Upon initial screening, potential recruits are asked a series of questions to determine their suitability for service in the military. If an individual is found to have "psychosexual disorders," the term used for homosexuality, the recruit is considered unfit for service. After 2 years, the individual must return to the induction center for another evaluation. At that time, following a final screening, if an individual is still considered to be homosexual, the individual's military obligation is complete. Military personnel, including both officers and enlisted personnel, found to be engaging in homosexual acts while on active duty are discharged from the service on grounds of a "psychological disorder."

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## Hungary

Although Hungary has no specific laws on the acceptance of homosexuals into the armed forces, the Hungarian Ministry of Defense provided information that stated military personnel discovered to be homosexual may be discharged from the Hungarian Defense Forces. A conscript who claims to be a homosexual during the induction screening process is referred for a psychiatric evaluation. If the medical personnel declare an individual to be homosexual, that person is not considered qualified and receives an exemption.

If conscripts, who serve only 1 year, do not acknowledge their homosexuality during the induction screening process but are later discovered to be a homosexual, no effort is made to remove them from the military unless some other law is violated. In contrast, officers who are discovered to be homosexual are subject to dismissal. At least one officer was dismissed under this policy.

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<sup>1</sup>Defense Force Management DOD's Policy on Homosexuality (GAO/NSIAD-92-98, June 12, 1992).

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## Israel

Detailed information on Israeli policies and practices regarding homosexuals serving in the military is presented in appendix V.

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## Italy

Current law prohibits homosexuals from serving in the Italian armed services. Individuals who declare their homosexuality during the draft enrollment process, or whose pre-induction psychological interview indicates homosexuality, whether acknowledged by the conscript or not, are barred from entering military service. If a soldier's homosexuality is discovered after enrollment, the soldier is administratively declared unfit for service and discharged.

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## Japan

No written regulations or policies exist regarding service of homosexuals in the Japanese Defense Force. However, Japanese embassy officials said the lack of any written regulations or policies does not necessarily constitute acceptance of homosexuality in the military. On the contrary, within the overall Japanese society, homosexuality is a subject which is not openly discussed. Known homosexuals might not be selected to enter the military, according to Japanese government officials, and persons found engaging in homosexual activities while in the military could be reassigned.

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## Peru

Although Peru's military code does not specifically prohibit homosexuals from joining the armed services, military recruiters routinely reject those they suspect of being homosexual. In addition, under article 269 of the Military Code of Justice, officers found to have committed homosexual acts are to be discharged, while enlisted personnel are subject to discharge and a prison term. If the officer's offense includes violence, threats, or abuse of authority, or involves any other type of coercion, then the officer is also subject to a prison term.

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## Poland

Poland does not have any special laws, regulations, or policies regarding homosexuals in the armed services.

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## Portugal

Following the revision of military service laws in 1989, there no longer exists any regulation that prohibits homosexuals from serving in the Portuguese armed services. As a result, homosexuals are theoretically permitted to serve without any career restrictions or discrimination.

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However, homosexuals who show signs of mental illness during the induction screening process may be excluded, according to Portuguese military officials.

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## Republic of Korea

Although Korea does not have specific laws on homosexuality, there are military and civilian laws governing sodomy and other sexual activities. Article 92 of the Korean Military Criminal Law prohibits certain sexual activity between soldiers, regardless of consent and regardless of whether the sexual activity is between two men, two women, or a man and a woman. If found in violation, persons are expelled from military service and are subject to a prison term. In contrast, civilian laws (articles 298, 299, and 245) which govern indecent sexual acts by force, sexual exploitation, and sexual acts in public apply only if no consensual agreement exists between the two people involved.

Recruits are not asked about their sexual orientation upon entry into service. An embassy official said it is a constitutional obligation for all healthy, able-bodied men to serve their country for a period of 2-1/2 years. Conscripts who declare their homosexuality are still required to serve. However, a commanding officer who knows of a conscript's sexual orientation may limit the soldier's duty assignments.

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## Romania

Under Romania's civil penal code, the practice of homosexuality is illegal. Homosexual acts in the military are punishable with a 1-to 5-year prison term. Further, if a member of the armed services declares that he is a practicing homosexual or is accused of engaging in homosexual acts, a trial is held to determine whether the civilian penal code had been violated. U.S. Department of State officials stated that because of the legal hurdles and complications, homosexuality is considered a non-issue in Romania's military.

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## South Africa

According to the South African Defence Force, there are no written laws, regulations, or policies regarding the service of homosexuals in the military.

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## Spain

Prior to the 1985 revision of civilian law to decriminalize homosexual activities, persons who committed improper sexual behavior would have been subject to a maximum penalty of a 6-year prison term. The Spanish

government no longer considers being homosexual a crime, but certain sexual behaviors are still subject to prosecution, according to current civilian laws. Sexual behavior which is subject to prosecution includes indecent exposure, engaging in sexual activities with minors or with mentally incapacitated persons, or any type of non-consensual sexual activities. Civilian laws apply to the behavior of both homosexuals and heterosexuals.

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## Sweden

Detailed information on Swedish policies and practices regarding homosexuals serving in the military is presented in appendix VI.

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## The Netherlands

Article 1 of the Constitution of the Netherlands prohibits discrimination on the basis of religion, convictions about life, political affiliation, race, sex, or on any other grounds. According to embassy officials, this includes sexual orientation. Other Dutch legislation elaborates on this principle. As a result, government policy, including military policy, explicitly prohibits unequal treatment based on the knowledge of an individual's sexual orientation. Individuals are to be judged on the basis of performance and conduct. Only when improper sexual behavior, heterosexual or homosexual, interferes with the proper performance of duties and discipline is action to be taken on the basis of Dutch military criminal and disciplinary law.

Upon entering military service, an individual is not asked questions relating to sexual orientation. If the individual discloses a homosexual orientation, this information is not recorded in the individual's files. Dutch officials told us that they do not consider it relevant to a soldier's ability to carry out his or her duties. For this reason, the number of homosexuals in the Dutch armed forces is not recorded. However, a September 1992 study by the Netherlands Institute for Social and Sexological Research showed that 0.9 percent of male military personnel and 3.5 percent of female military personnel regard themselves as homosexual.

A goal of the Dutch Ministry of Defence's policy is to actively create such conditions within the armed forces that every employee is able to function optimally. With regard to homosexuals, this involves enhancing their acceptance and integration in the armed forces. In 1991, the Ministry of Defence (1) initiated a policy that made awareness of homosexuality a subject of initial training and education programs for new recruits, (2) expanded the expertise of social workers in dealing with

homosexuality-related problems, and (3) expanded general information programs within the armed forces on the subject of the nondiscrimination policy of the Ministry of Defence. Furthermore, the Advisory and Coordination Committee on Homosexuals in the Armed Forces advises the Minister of Defence on subjects pertaining to homosexuality. Participating on this committee are representatives of the armed forces and the Directorate-General of Personnel.

Despite these efforts, the Ministry of Defence acknowledges that the goal of full integration has not been reached. While explicit discrimination has become rare, heterosexuals still tend to keep homosexual colleagues at a distance, thereby excluding them from the atmosphere of comradeship that is of importance for cohesion within military units. Homosexuals continue to keep their sexual orientation private to avoid adverse reactions from colleagues.

Dutch military officials have emphasized that acceptance of homosexuals within the military, while not complete, has reached a point that their presence rarely becomes an issue. Naval commanders have noted that homosexuals and heterosexuals on board ship are subject to the same standard of conduct, namely, that sexual contact of any kind is not permitted. Where this standard is not upheld, disciplinary action, usually a transfer of one or both individuals, is taken.

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## Turkey

The Turkish armed forces prohibits known homosexuals from serving. Homosexuality is regarded as immoral behavior, and military personnel discovered to be homosexuals are discharged from duty on charges of indecency, according to an article of the military penal code. The individual does not face further prosecution once this has occurred.

Traditional moral values governing Turkish social life do not tolerate homosexuality. The armed services view homosexuality as indecent behavior that degrades the honor, dignity, and credibility of the military.

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## United Kingdom

Under section 1 of the Sexual Offenses Act of 1967, an act of buggery or gross indecency between two, but no more, consenting males over age 21 in private ceased to be a criminal offense in the civil sector. However, such an act remains an offense under the service discipline acts—the Naval Discipline Act 1957, the Army Act 1955, and the Air Force Act 1955. Homosexuals committing such offenses are therefore excluded from

service in the United Kingdom's armed forces. (Lesbians are similarly excluded, although lesbianism is not, and never has been, a criminal offense in the United Kingdom.)

The service discipline acts are reviewed every 5 years. During the last review in 1991, the House of Commons Select Committee on the Armed Forces Bill recommended, and the Ministry of Defence accepted, that homosexual acts which are legal in civilian law should not constitute an offense under military law. Therefore, a member of the armed forces found to engage in a legal homosexual act will not be prosecuted under military law, but will be administratively discharged. However, a service member could still be prosecuted under military law if it is found that the act disgraced or discredited military decorum.

Upon entry into the British armed forces, the individual is provided a pamphlet entitled "The Armed Forces, Your Rights and Responsibilities." The pamphlet clearly states that homosexuality and homosexual behavior are not compatible with service life. Further, it states that if a person engages in homosexual acts, he or she may not be prosecuted under service law, depending upon the circumstances, but the person will be dismissed.

From approximately 1986 to 1991, 9 servicemen were dismissed from the Navy, 22 from the Army, and 8 from the Royal Air Force following conviction for an offense involving homosexual activity. Another 296 servicemen were discharged as a result of administrative action—no formal disciplinary charges were brought against them.

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## Venezuela

Regarding service of homosexuals in the military, Venezuelan officials responded, "The Military Legislation of the Venezuelan Armed Forces is clear and it does not admit homosexuals in the military."

# Canada

Canada has only recently revoked its policy prohibiting homosexuals from serving in the military. While it is too early to predict the long-term consequences of lifting the ban, the military did not experience any problems in the first 6 months since the new policy took effect in October 1992, according to Canadian officials and others we interviewed. Department of National Defence (DND) officials believe the Canadian Forces has made a smooth transition in implementing the new policy because of the military leadership's active support and enforcement of the policy and because of steps taken to keep it a low-profile issue. In addition, the Canadian people had already acknowledged the rights of homosexuals in civilian law and perceived the change as bringing military policy in line with civilian laws. Figure III.1 summarizes the development of civilian and military policies concerning homosexuals.

**Figure III.1: Development of Civilian and Military Policies in Canada**

Sodomy decriminalized	Canadian Human Rights Act passed protecting individual rights	Charter of Rights and Freedoms adopted		Courts determined that sexual orientation is covered by Charter of Rights and Freedoms		
1969	1977	1982	1985	1990	1992	1993
	Sexual orientation added to Quebec's Charter of Human Rights		Section 15 of the Charter of Rights and Freedoms enacted guaranteeing equality rights		Court determined that sexual orientation is covered by Canadian Human Rights Act	

Development of Military Policies:

		DND began review of military policy excluding homosexuals		Court ruled that policy excluding homosexuals is contrary to Charter of Rights and Freedoms	
1969		1986	1988	1992	1993
		Requirement to report suspected homosexuals to superiors discontinued	DND created interim policy	DND implemented new policy allowing homosexuals to serve in military	

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## Background

According to the 1991 census, Canada has a population of approximately 27 million. The largest ethnic groups are people with British or French backgrounds, or some combination of the two. However, almost one-third of the population has other ethnic backgrounds. The majority of Canadians are either Roman Catholic or Protestant. While most Canadians report a religious affiliation, a much smaller proportion regularly attends church.

The Canadian Forces, an all-volunteer military force, consists of approximately 77,800 active forces and 33,700 reserves. Men constitute 86 percent of the force and women 14 percent. Women are permitted to serve in combat and noncombat positions. Military personnel can be assigned to one of the many military bases throughout the country and therefore do not necessarily serve close to their homes.

According to a Department of National Defence document, Canadian Forces are committed to 16 peacekeeping operations and 4 related operations. These operations involve the deployment of Canadian Forces personnel to a wide variety of countries, such as Cambodia, Cyprus, El Salvador, India, Jordan, Korea, Lebanon, Somali, and the former Yugoslavia.

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## Canadian Law Prohibits Discrimination on the Basis of Sexual Orientation

Canadians believe that equality is one of their basic values, and this belief is reflected in their constitution and legislation. Canada's laws provide protection of equality rights and prohibit discrimination on the basis of sexual orientation. Homosexual rights have developed over time, marked by the following key events:

- In August 1969, the Canadian government revised the criminal code to decriminalize sodomy.
- In August 1977, Parliament passed the Canadian Human Rights Act, which states that "race, national or ethnic origin, colour, religion, age, sex, marital status, family status, disability and conviction for which a pardon has been granted are prohibited grounds of discrimination." The act does not specifically address sexual orientation.
- In December 1977, Quebec's provincial legislature added sexual orientation to its list of illegal grounds for discrimination in its Charter of Human Rights. Quebec thus became the first Canadian jurisdiction—federal, provincial, or municipal—to explicitly prohibit discrimination based on sexual orientation.

- In April 1982, Canada adopted the Charter of Rights and Freedoms as part of the country's constitution. Section 15, the equality rights provision of the Charter, went into effect in 1985.<sup>1</sup> The provision states: "Every individual is equal before and under the law and has the right to the equal protection and 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." Like the Canadian Human Rights Act, section 15 does not specifically address sexual orientation.
- In February 1989, the Supreme Court of Canada ruled that section 15 was to be interpreted broadly, and that analogous grounds or other characteristics that form the basis for discriminating against a group or individual will be entitled to protection under the provision. In the few cases that have dealt with the issue, most courts have ruled that sexual orientation is an illegal basis for discrimination.
- In May 1990, the Federal Court of Appeal acknowledged in a court case that "it is the position of the Attorney General of Canada that sexual orientation is a ground covered by section 15 of the Charter [of Rights and Freedoms]."
- In August 1992, the Court of Appeal for Ontario determined that the Canadian Human Rights Act should be interpreted to include sexual orientation as an illegal basis of discrimination. As of May 1993, the Department of Justice was sponsoring a bill that would amend the act to include sexual orientation as an illegal basis of discrimination.

Although sexual orientation is an illegal basis for discrimination, Canada does not officially recognize homosexual marriages and adoptions, and does not recognize partner benefits for homosexual couples. However, as a result of the Ontario Court of Appeal decision, Department of Justice officials said that new court cases have been brought forward which challenge the government's stance on partner benefits.

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## Homosexuals Recently Allowed to Serve in the Military

Until recently the Canadian Forces prohibited homosexuals from serving in the military. Its former policy stated: "Service policy does not allow homosexual members or members with a sexual abnormality to be retained in the Canadian Forces." The policy also required military personnel to report to their superiors other soldiers whom they suspected or discovered were homosexual. DND began to reevaluate its policy in 1986, and the policy was amended in 1988. In 1992, the Federal Court of Canada

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<sup>1</sup>Parliament authorized the 3-year delay to allow governments time to bring their laws in line with the Charter.

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declared that the Canadian Forces' policies restricting the service of homosexuals were contrary to the Charter of Rights and Freedoms. As a result, the Canadian Forces revoked its policies and removed all restrictions on homosexuals. Civilian anti-discrimination laws now apply to the military. DND officials said they are also revising related policies, including those concerning inappropriate sexual conduct, personal relationships, and harassment. According to these officials, the standards of conduct for homosexual members will be identical to those for heterosexual members.

According to DND officials, the Canadian Forces does not recognize homosexual marriages or extend partner benefits to homosexual couples. DND officials plan to make no changes to this policy until the civilian government resolves these issues.

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## Series of Events Led to the Lifting of the Ban on Homosexuals

Soon after section 15 of the Charter of Rights and Freedoms went into effect, a DND official said that a number of service members filed discrimination lawsuits against the Canadian Forces. In 1986, DND began to reexamine its exclusionary policy on homosexuals, initiating a series of steps that led to the revocation of the policy.

In February 1986, the Canadian Forces removed the requirement that military personnel report a suspected or known homosexual member of the Canadian Forces to their commanding officer. In January 1988, as DND continued to review its ban on homosexuals, it created an interim policy. The interim policy stated that

administrative action might be taken to release a member of the Canadian Forces who acknowledges that he or she is a homosexual and the member concerned does not object to being released. If the member did not agree to be released he or she would be retained with career restrictions which...would have meant [he or] she was ineligible for promotion, for conversion of [his or] her existing terms of service, for posting outside the geographic area, for transfer to the reserve force or for any further qualification courses or training except that required to carry out restricted employment.

In their policy review, DND officials confronted a number of concerns that had been raised about homosexuals serving in the military. These concerns fell into the following areas: security, health, unit cohesion and morale, privacy, recruitment, and discipline. The officials said that they were unable to justify continuing the ban on the basis of any of these concerns. For example:

- Concerns had been raised that homosexuals presented a security risk because they could be blackmailed on the basis of their sexual orientation. DND determined that homosexuals are not considered to be a greater security risk than heterosexuals. A DND official said that security classifications are now made on a case-by-case basis and that no assumptions are made about an individual's security risk based on sexual orientation,
- Another argument for the ban was that the presence of homosexuals would disrupt unit cohesion and morale. DND officials said that they could not find compelling statistical evidence or research data to support this view, which they felt was needed because the courts do not defer to military expertise or opinion.

On the basis of the policy review, the military's senior leadership concluded that the policy excluding homosexuals should change. In 1991, DND attempted to administratively revoke the policy, but a group from the Progressive Conservative Party of Parliament blocked the proposal.

On October 27, 1992, a Canadian court ruled in favor of a former military officer, a homosexual, who had claimed in a lawsuit that the Canadian Forces discriminated in discharging her on the basis of her sexual orientation. The court stated that the "[Canadian Forces'] policy and any interim policies that have evolved regarding service of homosexuals in the Canadian Armed Forces are contrary to the Charter [of Rights and Freedoms]." That same day, the Canadian Forces' Chief of the Defence Staff issued a statement supporting the court's decision.

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## Officials Said Practices Comply With New Policy

In accordance with the new policy, the Canadian Forces does not take any action when a soldier declares his or her sexual orientation, DND officials said. They also said no restrictions, such as limitations in assignments and promotion opportunities, are placed on the individual.

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## No Near-Term Problems Reported

We discussed the new policy with the only open homosexual member of Parliament; a member of the Progressive Conservative Party who disagrees with the new policy; two homosexual advocacy groups, one of which is the only national organization for homosexuals; a veteran's umbrella group consisting of 22 individual veterans organizations; the Canadian Human Rights Commission; the Department of Justice; as well as DND. All but the Progressive Conservative Party member favor the new policy, and all said they had received no reports of problems associated with it. Mass resignations, lower recruitment, morale and cohesiveness

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problems, gay bashing incidents, and more open displays of homosexual behavior—the major problems that had been predicted—have not materialized, DND officials said. In addition, DND and the Canadian Human Rights Commission stated that no active duty members have brought the Canadian Forces to court for discrimination based on sexual orientation since the policy changed.

DND officials told us that they considered implementing the new policy in three phases. First, DND is obtaining compliance with the new policy, and second, DND is promoting acceptance of the policy. DND has not yet attempted the third phase, which is to change the attitudes of military personnel toward homosexuals. Homosexual advocacy groups stated that training was needed to change attitudes.

DND officials and representatives of homosexual advocacy groups said the greatest advantage to the new policy is that homosexuals no longer have to fear being discovered and forced out of the military. They also believe, however, that many homosexuals will not openly express their sexual orientation because they will see no advantage gained in doing so. A representative of a homosexual advocacy group said that because the military is a conservative organization, it attracts conservative homosexuals who would be less likely to be open about their sexual orientation. DND officials said that the new policy has not caused homosexual military personnel to “come out of the closet” in mass numbers.

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## Significant Factors in the Canadian Experience

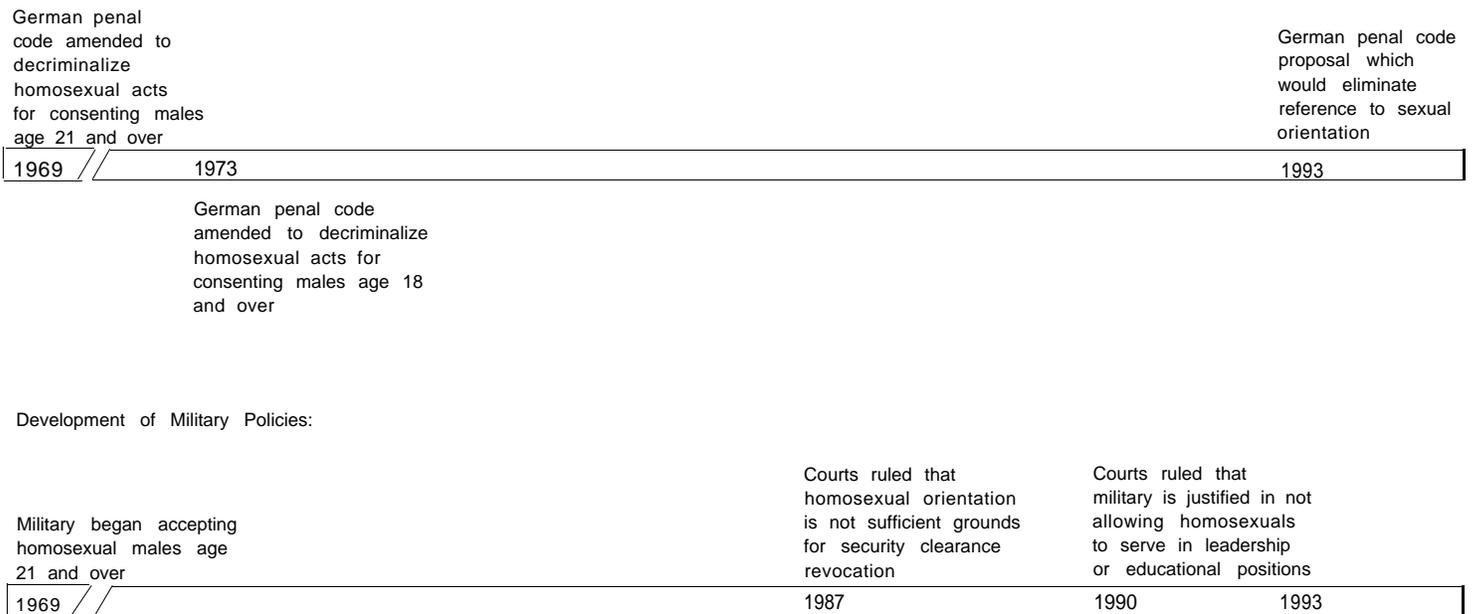
DND officials said the military leadership’s public support for the new policy and its unified front were significant factors in making a smooth transition to the new policy. DND also has been able to keep a low profile on the issue. The press corps, for example, has been required to submit all questions relating to the policy to DND’S public affairs office.

The cultural and legal aspects of the issue also played a pivotal role in Canada. Canadians’ believe that equality is one of their basic values, and it is reflected in their laws. Legislation and court rulings concerning discrimination on the basis of sexual orientation provided a legal impetus for lifting the ban.

# Germany

Germany’s policy has permitted homosexuals to serve in the military as conscripts since 1969; however, homosexual volunteers are subject to restrictions during their military careers. While these policies are opposed by homosexual rights groups as discriminatory, they have been upheld by German courts. Military officials acknowledged that homosexual soldiers are discriminated against, but said the policies are effective because they allow for flexibility and deal with homosexual individuals on a case-by-case basis. The officials also said there have been few problems involving homosexual soldiers and characterized the issue of homosexuals in the military as a “non-issue.” Figure IV.1 summarizes the development of civilian and military policies concerning homosexuals.

**Figure IV.1: Development of Civilian and Military Policies in Germany**



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## Background

Germany has a population of approximately 80 million, with ethnic Germans constituting 93 percent. Most Germans are either Catholic or Protestant, and the Churches play an important role in German society.

The German armed forces have about 476,300 service members on active duty and 1 million in the reserves. Women are allowed to serve only in the medical and music corps. Fifty-seven percent of the forces are volunteer, and the remaining 43 percent are conscripts. Conscripts are called up at age 19 and are required to serve 12 months. An individual's military service obligation may be deferred for educational reasons. In addition, conscientious objectors may fulfill their obligation in alternative civilian service. Military officials said they try to accommodate conscripts by housing them in areas close to their homes.

The German military is a home-based defense force with no recent combat experience. Military deployment overseas is limited because operations outside of North Atlantic Treaty Organization countries are restricted by the constitution; however, certain noncombat activities are allowed. As of March 1993, Germany has supported five noncombat missions outside Germany, including a recent peacekeeping mission to Bosnia.

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## Civilian Law Provides No Specific Rights or Protection to Homosexuals

The German constitution provides for basic civil rights and equality of all people, and Germany has relaxed its restrictions on homosexuals over the last 24 years. However, homosexuals have no expressed rights or protection under German law. In 1969, the civilian penal code was amended to no longer consider homosexual relations among males over age 20 as criminal behavior. In 1973, the law was modified to reduce the age of consent to 18. The law is expected to be changed in 1993 to eliminate specific references to homosexuality.

The changes in the penal code appear to reflect a slow change in German attitudes toward homosexuals. Studies have shown that Germans have become gradually more accepting of homosexuality, although a portion of the population still does not accept homosexuals. Older and more religious Germans living in rural areas tend to be less tolerant of homosexuals than younger, less religious Germans living in urban areas, according to these studies.

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## Military Policies Toward Homosexuals Are Restrictive

Germany began to permit homosexuals to serve in the military after homosexual behavior was decriminalized in 1969. Military policy, however, makes a distinction between service as a volunteer and service as a conscript. If a volunteer is discovered to be homosexual during the induction process, he will not be inducted into the military. Military officials said homosexuals are not accepted as volunteers because it is assumed volunteers will eventually rise to leadership positions. According to these officials, homosexuals in leadership positions would undermine military order and discipline.

Similarly, if volunteers are identified as homosexual during their military service, they are usually removed from assignments involving leadership, training, and educational tasks, according to military officials. If a volunteer has served for only a short period of time (within the first 4 years of service), he may be discharged from service. Additional disciplinary actions may include demotion, ban from promotions, and a reduction in salary. These measures are taken, an official said, to prevent negative acts against the homosexual soldier, such as rejection, provocation, or ridicule, and to prevent breakdowns in discipline.

Homosexuals may serve as conscripts as long as their sexual orientation does not prevent them from living and working in the military environment. During the medical induction examination, examining physicians do not routinely ask conscripts about their sexual orientation, but they may do so if they suspect the conscript is homosexual on the basis of his dress, mannerisms, or statements he makes about his social and sexual activity. Once a conscript is identified as homosexual, he may be required to undergo a separate psychological evaluation. The physicians make this decision on a case-by-case basis, and the decision usually turns on the frequency of homosexual conduct.

If the psychological evaluation indicates that the homosexual would have problems integrating himself into a military environment, the individual will be released from his military obligation. The results of the exam and the reasons for dismissal are kept confidential.

German military policies tend to treat homosexual behavior more harshly than homosexual orientation. Under the military code of conduct, soldiers may be discharged for engaging in homosexual activity, such as acts conducted while on duty and acts involving superiors and their

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subordinates.<sup>1</sup> The code of conduct states that a discharge for such acts is justified when they indicate the individual lacks suitability for service in the military or his presence would imperil military order or harm the reputation of the armed services.

A senior military official said that until 1987, the armed forces had a policy of withdrawing security clearances from individuals found to have a homosexual orientation because these individuals were believed to be vulnerable to compromise by foreign intelligence agents. However, Germany's Federal Administrative Court ruled in 1987 that a homosexual orientation alone was not a sufficient reason to remove an individual's security clearance. The armed forces changed its policy to reflect this decision. In November 1990, the Federal Administrative Court found that the German military is justified in not allowing homosexuals to serve in leadership or educational positions.

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## Officials Said Practices Are Flexible

Military officials said their practices concerning homosexuals generally are consistent with existing policies and that actions taken against homosexual soldiers vary depending on the individual involved and the circumstances surrounding each case. Military officials also said that disciplinary actions are also influenced by the rank of the soldier and his time in service. Since German military policies allow flexibility with regard to homosexuals, their cases tend to be dealt with on a case-by-case basis, according to officials.

German homosexual advocacy groups believe the military's policies and practices are discriminatory because they sanction disciplinary actions against a homosexual soldier regardless of the soldier's qualifications or skills. As a result of these policies, homosexual rights advocates state that the percentage of homosexuals in the military is lower than that in the general population. The military does not maintain its own statistics. In addition, these homosexual rights advocates said that professional soldiers are reluctant to acknowledge their homosexuality because doing so would effectively end their career.

Germany's Federal Administrative Court has upheld the military's policies regarding homosexuals. Nevertheless, if the current policy is not changed by the military or the German parliament in 1993, homosexual advocacy groups plan to present their case before the German Supreme Court.

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<sup>1</sup>Heterosexual military personnel engaging in sexual acts while on duty will be subject to disciplinary proceedings.

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## Officials Reported Few Problems Involving Homosexuals

Military officials, characterizing the issue of homosexuals in the armed forces as a “non-issue,” said there have been few incidents involving homosexuals. Official documents indicate that 63 disciplinary court proceedings charging soldiers with homosexual behavior were convened between 1981 and 1992.

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## Significant Factors in the German Experience

German military officials acknowledge that homosexual soldiers are discriminated against, but believe that their policies and practices toward homosexuals have been effective for several reasons.

First, the policies allow for flexibility, and incidents involving homosexuals are dealt with on a case-by-case basis. A variety of disciplinary actions may be taken, ranging from no response to immediate removal from service.

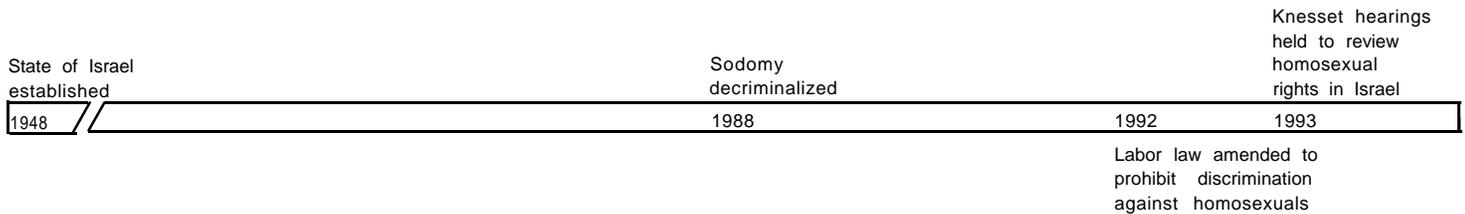
Second, the German military focuses on behavior, not orientation. Individuals who are disruptive are separated from the military.

Finally, the regulations controlling the conduct of German soldiers are strict and clear.

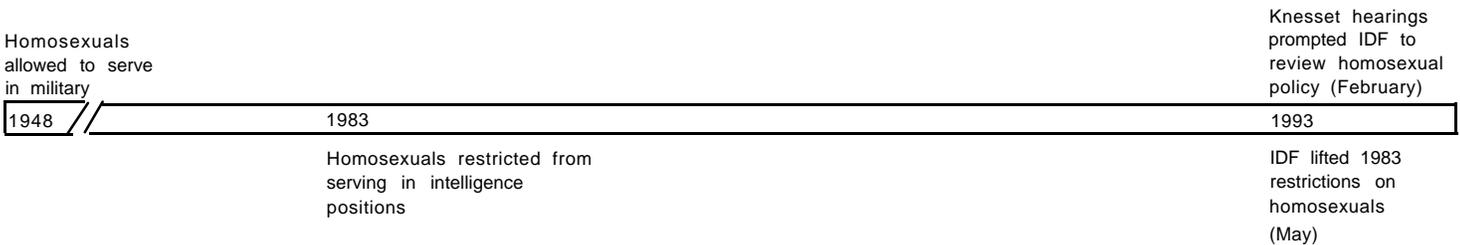
# Israel

Homosexuals have been permitted to serve in the Israeli Defense Forces since the state was founded in 1948. There are no restrictions or limitations concerning the promotion potential of homosexuals, and no special effort is made to identify homosexuals while in the service. Government officials and others we interviewed said homosexuals have served without problems, and their presence has never been an issue. Generally, homosexual soldiers tend to keep their sexual orientation to themselves until they are well established in their units. Figure V.1 summarizes the development of civilian and military policies concerning homosexuals.

**Figure V.1: Development of Civilian and Military Policies in Israel**



**Development of Military Policies:**



## Background

Israel has a population of approximately 5.2 million.<sup>1</sup> Although 82 percent are Jewish, the society is diverse, with immigrants coming from all over the world. Israelis vary widely in their cultural, economic, and educational

<sup>1</sup>This figure includes Jews living in the occupied territories of the West Bank, East Jerusalem, the Gaza Strip, and the Golan Heights. The estimated 2.1 million Arabs and other ethnic groups living in these areas are not included in this figure because they are not considered Israeli citizens.

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backgrounds, as well as their views toward religion and sexuality, but most remain bonded by their mutual religion (Judaism), their pride in the state, and the perception that the state provides the only means of ensuring their safety.

The Israeli Defense Forces has an estimated 141,000 people on active duty and 504,000 in the reserves. Service is based on universal conscription of men and women, who become eligible for service at age 18. Arabs and Bedouins are not required to serve but may volunteer. Also exempted from mandatory service are married and pregnant women and people with severe physical or psychological handicaps. Ultra-Orthodox Jews generally do not serve. Males are required to serve on active duty for 3 years, with reserve obligations of 30 to 60 days a year until they reach their mid-50s. Women must serve on active duty for 2 years, with reserve obligations until age 24. Generally, Israeli soldiers spend a minimal amount of time away from their homes.

We were told by various sources that the military is a very important part of Israeli society. Military service is often considered to be a precondition to a successful career because military service influences the networks and associations used later in life. Since nearly everyone is required to serve in the armed forces, establishing a military record is important. People with medical or psychological problems often try to hide their problems in order to serve.

The Israeli Defense Forces have been involved in perpetual regional conflicts involving the West Bank and Gaza Strip resulting from the 1987 Palestinian uprising. According to Defense officials, Israel is in a constant state of alert due to its close proximity to Arab countries.

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## Israeli Law Is Supportive of Homosexual Rights

According to various sources, Israel in recent years has become more accepting of homosexuality, and this is reflected in recent changes in law. Israelis have traditionally held negative views toward homosexuals because Judaism condemns homosexuality. But due to Western influences, more homosexuals are revealing their sexual orientation. According to recent studies by Israeli and U.S. sociologists, Jews in Israel view homosexual rights more favorably than Americans. We were told by U.S. embassy officials that an active homosexual community now exists in Tel Aviv. Nevertheless, most homosexuals still do not reveal their sexual orientation until later in life due to fears of negative parental and societal reactions.

While Israel has no constitution or provisions similar to the U.S. Bill of Rights, the Declaration of the Establishment of the State of Israel includes language that guarantees freedom from discrimination on the basis of sex, race, or religion. Israel's laws regarding citizen rights, including homosexual rights, are still evolving and are gradually becoming more specific. In the absence of a Bill of Rights or similar legal provisions, Israel has relied on the courts to safeguard civil rights and liberties.

Israel has increasingly recognized homosexual rights. For example, Israel decriminalized sodomy in 1988. Further, in 1992, Israel amended its labor law to prohibit discrimination against homosexuals in the workplace. According to the amendment, employers cannot discriminate against employees and job seekers due to a person's "sexual inclination." The amendment covers all conditions of employment, including hiring, working conditions, promotion, training, and dismissal.

In February 1993, the Knesset's subcommittee dealing with homosexual rights hosted a conference to draw attention to homosexual equality before the law.<sup>2</sup> According to the subcommittee's chairperson, the subcommittee is working to obtain full equal rights for homosexuals, and is developing legislation to establish partnership rights for homosexual couples. Currently, homosexual marriages are not recognized, and homosexual partners do not have spousal rights.

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## Homosexuals Permitted to Serve in the Military Without Limitations

Under Israeli military policy, homosexuality is not a reason for deferment or discharge. Until recently, the military policy restricted homosexuals from serving in intelligence positions; however, this policy was not followed in practice. Currently, no special effort is made to identify homosexuals, and the military places no restrictions concerning the promotion potential of homosexuals. Further, military regulations on sexual behavior state that sexual activity is not to take place in the barracks (males and females live in the same barracks); the regulations make no distinction between heterosexuals and homosexuals. Any problems related to homosexuals are to be handled through normal channels, such as the unit psychologist.

During our in-country review, Israel officially had a military policy that placed certain limitations on the assignment of homosexuals. The regulation, established in 1983, stated that the assignments of homosexuals would be limited because their sexual orientation could

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<sup>2</sup>The Knesset is the Israeli equivalent of the U.S. Congress.

prove to be a security hazard. According to the regulation, under no circumstances shall a homosexual soldier serve in a position requiring a top secret security clearance in the intelligence community.

Military officials said that conscripts are not asked about their sexual orientation during induction. However, those who identified themselves as homosexual were required under the 1983 regulation to undergo additional psychological testing. The tests were intended to determine whether (1) the individual's inclination could prove to be a security hazard or (2) the individual had the mental fortitude and maturity to withstand the pressure of serving in the defense forces.

On May 18, 1993, Israel adopted a new military policy concerning homosexuals. This policy states that no restrictions shall be placed on the recruitment, assignment, or promotion of homosexual soldiers and civilians due to their sexual inclination. This policy was implemented after we had conducted our in-country review.

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## Practices Agree With New Policy

Even though Israel's military policy toward homosexuals is new, our review shows that its practices are more consistent with the new policy than with the 1983 regulation. According to active and reserve military officials, the 1983 regulation prohibiting the assignment of homosexuals to intelligence positions requiring top secret clearance was never formally implemented. According to these officials, homosexuals were found to be capable of doing their jobs without problems, and therefore it did not make sense to enforce this regulation. Homosexual soldiers, we were told, have served and are currently serving in intelligence positions. For example, we spoke with a number of reservists and retired military personnel who stated that while on active duty they served openly as homosexuals, still received promotions, and were not restricted in their assignments. However, a former colonel in Israeli intelligence testified at the February 1993 conference hosted by the Knesset subcommittee dealing with homosexual issues that he was summarily dismissed from his unit when his homosexual orientation became known in 1983.

According to military officials, the Knesset's conference prompted the Israeli Defense Forces to reevaluate its written policy toward homosexuals. As a result of this conference, the Israeli Defense Forces drafted and adopted its new policy.

Representatives of the leading homosexual and civil rights organizations in Israel said they are satisfied with the military's practices toward homosexuals. They told us that being homosexual has no bearing on an individual's military career and that homosexual soldiers are judged on their merits like any other soldier. Other than the case involving the former colonel stated above, neither organization was aware of any cases in which a homosexual's career had been harmed because of the individual's sexual orientation.

## Israel Has Experienced Few Problems Related to the Presence of Homosexuals in the Military

Military officials believe the Israeli Defense Forces has been very effective in including homosexuals in military service, and they knew of few problems associated with their presence. This was confirmed by representatives of Israeli homosexual and civil rights groups, openly homosexual reservists, and retired soldiers who told us they were openly homosexual during their active duty and reserve service.

Any problems concerning homosexuals that have arisen, officials said, generally involve a homosexual's inability to cope in the military environment. Some military officials believe that homosexuals tend to have more adjustment problems than heterosexuals and that this was one justification for the former policy requiring additional psychological testing of homosexuals.

However, military officials responsible for security and mental health said homosexuals adjusted to military life as well as heterosexuals. These officials noted that most heterosexual soldiers can control their sexual urges when they are living in mixed-sex quarters, and the same is true of homosexual soldiers. Security officials said homosexuals can hold security clearances without posing an unnecessary security risk.

Military officials said most conscripts do not declare their sexual orientation during mandatory service. We were told that most homosexual soldiers are not certain of their sexual orientation at the time of their conscription (usually age 18). Furthermore, those who are certain they are homosexual prefer not to reveal their sexual orientation while on active duty. According to homosexual advocacy groups, homosexual soldiers who openly declare their sexual orientation generally wait until their mid-20s or later when they are established in their units and are judged on their individual merits.

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The military has not studied how the inclusion of homosexuals in the military affects unit readiness, effectiveness, cohesion, or morale, but officials told us that, based on their experience, the inclusion of homosexuals has not had an adverse impact on these areas. They also said homosexual soldiers performed as well as heterosexuals.

The Israeli Defense Forces does not provide any educational or training courses dealing with homosexuals to unit personnel. Military officials see no need for training because there are few problems related to the presence of homosexuals.

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## Significant Factors in the Israeli Experience

Israeli officials cited several factors that may account for Israel's lack of problems in integrating homosexuals in the military.

First, the Israeli military has allowed homosexuals to serve for 45 years, ever since the country was created. Hence, most people do not have strong feelings about homosexuals' presence in the military. Moreover, homosexuals and homosexual rights in general are not issues which are at the forefront of public debate.

Second, military service is highly regarded in Israel, and deferments are not viewed favorably.

Third, homosexuals have served creditably in the defense forces and have not hurt their units' morale, cohesion, readiness, or capability, based on the experiences of military officials.

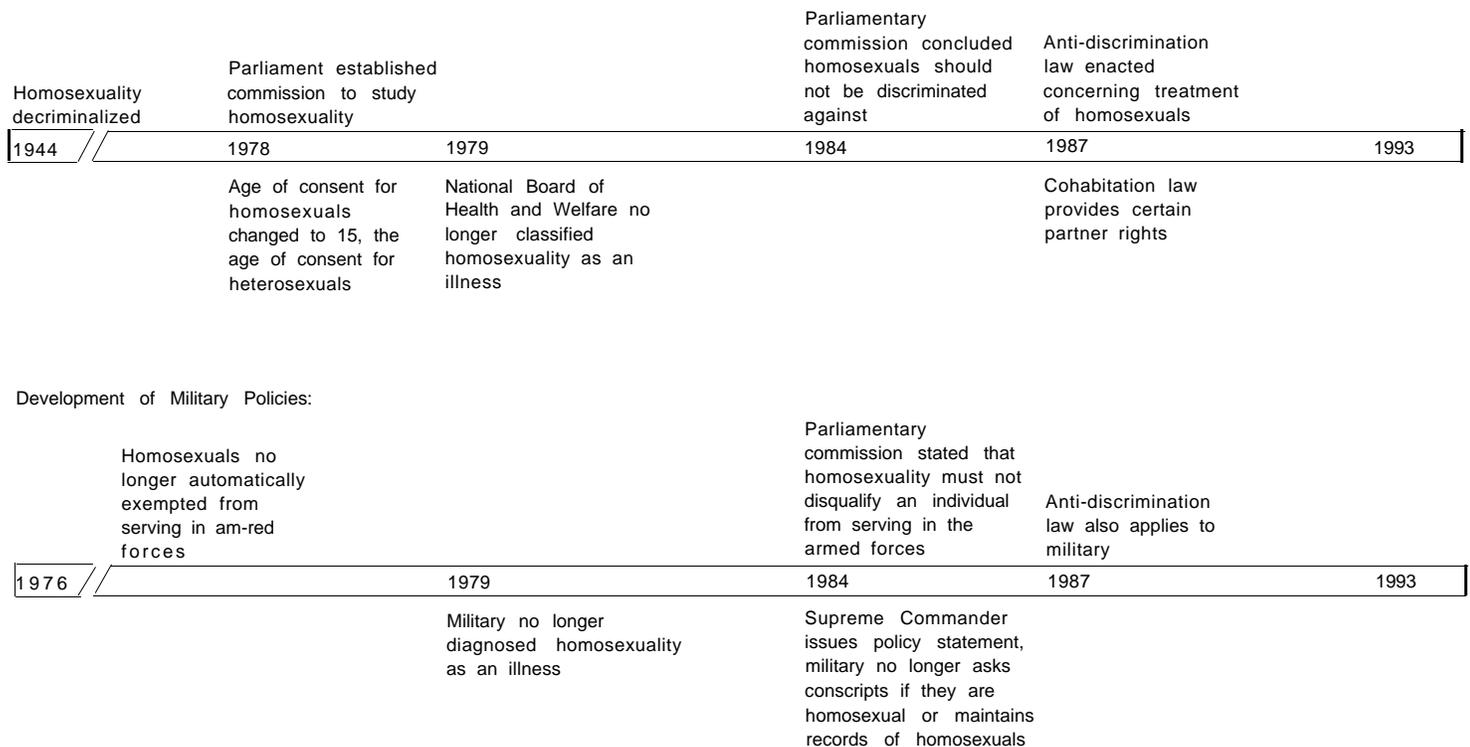
Fourth, universal conscription in Israel results in a military force that reflects the diversity of Jewish society. Military personnel accept this diversity, and homosexuals are viewed as just another subgroup.

Finally, in peacetime, Israeli soldiers spend a minimal amount of time away from their homes and thus are not isolated from their private lives.

# Sweden

Sweden's military has experienced few problems since it began formally allowing homosexuals to serve in the military in 1976. Military officials believe they have been effective in integrating homosexuals, and military officials as well as unit-level officers and conscripted personnel agree with the current policy allowing homosexuals to serve in the military. However, most homosexuals keep their sexual orientation to themselves, and there was a perception among those we interviewed that openly homosexual members of the military might face subtle discrimination, harassment, or other negative treatment from their peers. Figure VI. 1 summarizes the development of civilian and military policies concerning homosexuals.

**Figure VI.1: Development of Civilian and Military Policies in Sweden**



## Background

Sweden has a population of about 8.6 million, with the vast majority being ethnic Swedes. Approximately 95 percent of the population belong to the Church of Sweden (Lutheran); however, only a small percentage are active in the church.

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The Swedish military forces have approximately 53,000 active duty personnel. In the event of war, Sweden can call up a total of 850,000 troops. Women may serve in the military, but only as officers. About 225 women are currently in the armed forces.

Sweden has universal conscription of men between the ages of 18 and 47. Most young men enroll for military service at age 18 or 19 and start their service within 3 years of enrollment. After completing active duty, the men periodically receive refresher training to maintain their military skills and serve in the reserves until age 47. Swedish conscripts serve only a short time—5 to 17 months—and are permitted frequent visits home.

Military officials and others said most young men consider military service an obligation and want to fulfill their military duty. However, it has become easier to obtain an exemption from military service, and there is less stigma attached to not completing military service than in previous generations. In addition, for the first time, Sweden's current defense budget is not sufficient to conscript all available young men. As a result, about 6,000 of the eligible conscripts will not be required to serve this year.

Currently, Swedish soldiers are serving with United Nations peacekeeping forces in Lebanon, Korea, Cyprus, Angola, Kuwait, Central America, Kashmir, Cambodia, Croatia, and the Middle East.

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## Swedish Law Prohibits Discrimination Against Homosexuals

Sweden has historically been a strong advocate of human rights, as demonstrated by its role as a “safe haven” for individuals denied human rights in their home countries. The basic rights and freedoms of Swedish citizens are guaranteed by the Instrument of Government, Sweden's constitution. Some rights are absolute, while others can be restricted by Parliament. Homosexuality is not a specifically protected right, but discrimination against homosexuals is prohibited by a 1987 law and is a criminal offense under the Swedish penal code. Sweden has no laws that restrict sexual behavior or prohibit sexual acts between consenting adults.

While homosexual rights are protected, the issue generally is not discussed in Swedish society because sexuality is considered a private matter. In 1984, a parliamentary commission on homosexuality found that “the silence surrounding homosexuals and homosexuality is virtually total.” On the basis of our discussions with numerous individuals, we found that this silence is still pervasive in Swedish society. The

overwhelming sentiment is that homosexuals should have equal rights, but that their sexual preferences should be kept to themselves.

Sweden began to ease restrictions on homosexuals in 1944, when it decriminalized homosexuality under the penal code, but most changes in homosexual rights have occurred within the last 15 years. In 1978, the age of consent for homosexuals was changed to 15 to coincide with the age of consent for heterosexuals. In 1979, the National Board of Health and Welfare removed homosexuality from the Classification of Illnesses Handbook.

In 1978, Parliament established a commission to study homosexuality in Swedish society. In its 1984 report, the commission concluded, "The only certain difference between homosexuals and heterosexuals is that homosexuals are emotionally attracted to persons of the same sex. In light of this background, it is obvious that homosexuals should not be discriminated against." This report, Swedish officials said, led to passage of the 1987 anti-discrimination and cohabitation laws providing rights and protection to homosexuals. The anti-discrimination law makes it a criminal offense for commercial establishments to refuse services to homosexuals or for individuals to make derogatory remarks based on a person's homosexuality. The cohabitation law provides each cohabiting individual the right to half of the jointly-owned home and household goods when cohabitation ceases.

At the time of our review in April 1993, two other issues concerning homosexuals were under review in Parliament. The first was a proposal to establish registered partnerships, which would provide homosexual couples basically the same rights as heterosexual couples, but would not include the right to adopt children. If one partner were to die, for instance, the surviving partner would be able to receive insurance, pension, and inheritance benefits. The second issue was a proposal to include homosexuals as a protected category under the Act to Counteract Ethnic Discrimination. Officials we interviewed anticipate parliamentary approval of the registered partnership legislation and inclusion of homosexuals under the act by the spring of 1994.

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## Homosexuals Permitted to Serve in the Military With No Restrictions

Under Swedish military policy, homosexuals are permitted to serve in the Swedish armed forces. The current policy, established in 1984, states that since homosexuality is increasingly accepted by society, it is not a reason, by itself, for treating an individual differently in the military.

Prior to 1976, a medical diagnosis of homosexuality during the enrollment process was supposed to result in an automatic exemption from military service. According to Swedish Defense officials, however, this exemption was not strictly imposed, as most enrollment officers treated homosexuality on a case-by-case basis. In 1976, the Manual for Medical Personnel in the Armed Forces was revised to eliminate the automatic exemption for homosexuals. And in 1979, when the National Board of Health and Welfare removed homosexuality from the Classification of Illnesses Handbook, the military no longer diagnosed homosexuality as an illness. However, the military continued to maintain records of those individuals identified as homosexuals. This practice was halted in 1984, the same year that the commission on homosexuality issued its report stating that homosexuality must not disqualify an individual from serving in the armed forces.

Also in 1984, the Supreme Commander of the Swedish Defense issued a policy statement on homosexuals in the military. This policy, which is currently in effect, states that what is essential is the individual's ability to cope with his or her sexuality. If an individual has reached the level of maturity where homosexuality is an accepted or controlled part of his or her personality, there is no basis for treating this individual differently than others in the armed forces.

Under the current policy, as part of the routine psychological interview during enrollment, conscripts are asked if they have any problems that would interfere with their ability to fulfill military service, but they are not specifically asked if they are homosexual. They have the liberty and opportunity to disclose their homosexuality but are not pressured to do so. Individuals who believe they will have problems due to their homosexuality may be excused from their military obligation. If they choose to complete their military service, no record is kept of their homosexuality. There are no additional steps or follow-up tests required if conscripts declare their homosexuality.

Sweden's 1987 anti-discrimination law, which prohibits discrimination against homosexuals, also applies to the military. No separate military policies address assignments or promotions for homosexuals.

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## Practices Appear to Be Consistent With Policy

Our discussions with military personnel indicated that military practices are consistent with the policy on homosexuals. Senior officials and unit personnel told us that the armed forces do not make an effort to identify homosexuals, do not discriminate against homosexuals in the enrollment process, and do not formally place restrictions on the assignment and promotion of homosexuals.

Representatives of two homosexual advocacy groups said they are satisfied with the current policy of accepting homosexuals into the military, but the groups had differing opinions about discrimination in the military's promotion and assignment processes. Representatives of the Swedish Federation for Gay and Lesbian Rights believe that, despite the military's policy, homosexual officers may be denied career opportunities or promotions. However, they could provide no supporting evidence. The President of the Gay Conservatives of Sweden did not believe homosexuals were discriminated against in the military.

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## Few Problems Concerning Homosexuals Have Occurred

Sweden has not studied the impact of admitting homosexuals into the armed forces, but military officials said few problems concerning homosexuals have occurred. For instance, the officials said that the inclusion of homosexuals had not adversely affected unit readiness, effectiveness, cohesion, or morale. Most of the unit personnel we interviewed agreed with the Swedish policy of admitting homosexuals, and few of these personnel knew of any problems concerning homosexuals. We frequently heard the comment that the important issue was whether the person could do the job.

Representatives of Parliament's Human Resource Council of the Swedish Defense and the Central Council of Conscripts<sup>1</sup> told us that homosexuality is not an issue in the military. The Human Resource Council makes several visits a year to various military installations to discuss personnel issues with military officials, unit-level officers, and conscripts. The Vice-Chair told us that in her 12 years on the council, homosexuality has never been raised as an issue. Likewise, the Chairman of the Central Council of Conscripts said issues related to homosexuality have never been raised to the organization.

Military personnel and others know of few open homosexuals in the military. For example, of the 42 unit personnel we interviewed, only 3

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<sup>1</sup>The Central Council of Conscripts of Sweden is a group of conscripts elected by their peers to represent their interests in dealings with the Swedish Defense Force.

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knew for sure that they had served in the military with a homosexual. Ten other unit personnel “suspected” that certain unit personnel may have been homosexual. Further, the four commanders at Air Force, Army, and Navy facilities we visited did not know of any homosexuals among the approximately 2,400 conscripts they commanded. A psychologist said that, at most, 10 conscripts a year disclose that they are homosexual during enrollment, out of approximately 12,000 conscripts that are processed through that enrollment office.<sup>2</sup>

Many military officials believe that openly homosexual individuals could experience some adverse impact on their careers. For example, the officials discussed two cases where homosexual officers had been reassigned. In one case, they said, the officer’s homosexuality was believed to present a security risk. In the other case, the officer “was exerting his homosexuality in a bad way.” Further, military officials and unit personnel said openly homosexual individuals could face harassment and other negative treatment from their peers, and possibly subtle discrimination in the assignment and promotion process. Some military personnel and others said that when individuals choose to be open about their homosexuality, they tend to reveal their sexual orientation to those in their immediate unit that they know well and trust.

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## Significant Factors in the Swedish Experience

A significant factor in Sweden’s ability to integrate homosexuals may be the private nature of sexuality in Sweden and the virtual silence surrounding homosexuality. We were told that few homosexuals in the armed forces are open about their sexual orientation, but that those who are could face harassment from peers and subtle discrimination.

Three other factors may contribute to Sweden’s success in integrating homosexuals into the military.

First, Swedish conscripts serve only a short time—5 to 17 months—and are permitted frequent visits home. Thus, they are not isolated from their private lives for long periods.

Second, Sweden’s strong commitment to human rights is reflected in civilian as well as military policies regarding homosexuals.

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<sup>2</sup>This is one of six enrollment offices in Sweden.

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Finally, many homosexual conscripts at the age of 18 or 19 may not yet be fully aware of their sexuality or homosexual tendencies and therefore tend not to make their sexual orientation publicly known.

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