

# LGBT MILITARY PERSONNEL

A STRATEGIC VISION FOR INCLUSION





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## LGBT MILITARY PERSONNEL

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**Authors** Joshua Polchar, Tim Sweijjs, Philipp Marten, Jan Galdiga

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*The Hague* Centre for Strategic Studies

Lange Voorhout 16  
2514 EE The Hague  
The Netherlands

info@hcss.nl  
HCSS.NL

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*'As individuals we can accomplish only so much. We're limited in our abilities. Our heads contain only so many neurons and axons. Collectively, we face no such constraint. We possess incredible capacity to think differently. These differences can provide the seeds of innovation, progress, and understanding.'*

Scott E. Page, Leonid Hurwicz Collegiate Professor of Complex Systems, Political Science, and Economics, University of Michigan.

# EXECUTIVE SUMMARY



# EXECUTIVE SUMMARY

Every day, every armed force in every country is served by people of diverse sexual orientations and gender identities, including lesbian, gay, bisexual, and transgender (LGBT) personnel. For the first time, a considerable number of armed forces have policies which explicitly permit LGBT individuals to serve. Yet many other countries have policies in place to exclude LGBT individuals.

For many, LGBT participation in armed forces is a matter of justice, equality, and human rights. It is argued that if people are willing to serve their country, then they deserve to be recognized for who they are. But the position of LGBT people in armed forces is increasingly recognized as more than just a human rights issue. Military planners acknowledge that diversity is critically important for defense organizations to survive and thrive in the twenty-first century security environment. The recruitment and retention of skilled personnel based on talent rather than ethnicity, gender, sexual orientation, or gender identity is a crucial consideration for defense organizations. Morale is higher when people feel recognized and respected at work. Cohesion is improved when colleagues can communicate openly. Trust is enhanced when there is no suspicion that colleagues have something to hide. Military leaders throughout the developed world are now engaging in discussions about how not only to cope with increasing diversity within the military, but how to turn it into an opportunity.

Not all armed forces view the recognition of diverse sexual orientations and gender identities as a human rights concern or as a strategic opportunity. Questions are raised about whether LGBT people are suited for the armed forces and what impact their presence can have on morale, cohesion, and discipline. And in many societies around the world LGBT people are persecuted.

Yet there are also many armed forces and international organizations that value equality and individual rights, and that view dealing with diversity as a strategic

opportunity. For those armed forces and international organizations, it is important to do the following:

- Assess the suitability of LGBT individuals to serve in the military, and weigh the evidence on the potential effects of LGBT participation.
- Benchmark policies and practices on LGBT participation using objective and transparent metrics.
- Take note of policies in place within countries and learn about best practices for LGBT participation.
- Identify options for international organizations to develop specific approaches to LGBT participation in multinational contexts.
- Develop a framework for future policies that will benefit both the welfare of LGBT personnel and the functioning of armed forces.

## SYNERGY OR TRADEOFF?

There has been fierce debate as to whether open participation of LGBT personnel benefits or undermines the performance of armed forces.

Yet there is no scientific evidence to suggest that LGBT individuals are not fit for military service nor that they are less capable of providing the required skills and attributes. A policy of LGBT exclusion could mean that armed forces recruit and retain less-qualified personnel.

Environments which are inclusive of people of all sexual orientations and gender identities have been linked to better mental health, improved well-being, and increased productivity among LGBT individuals. In turn, morale, cohesion, and recruitment and retention are all best served if LGBT participation is managed rather than ignored.

## POLICIES AND PRACTICES OF PARTICIPATION

Purposive management is required to gain maximum benefit in terms of both military effectiveness and welfare for service members. Many countries and international organizations also regard improving the lot of LGBT personnel as morally desirable. A guiding principle of inclusion offers the best chances of maximizing the benefits of LGBT participation.

Militaries around the world take various approaches to LGBT participation. This report identifies five guiding principles on LGBT participation based on research on diversity and inclusion; human sexuality and gender; LGBT theory; and military governance.

These guiding principles are:

- Inclusion: the military aims to maximize the benefits and minimize the risks associated with diversity among personnel. Inclusion means valuing and integrating each individual's differences into the way an organization functions and makes decisions.
- Admission: LGBT individuals are de jure allowed to serve, but their differences are not necessarily acknowledged, valued, or integrated into the way the organization functions.
- Tolerance: LGBT individuals are not formally acknowledged, or may be required to conceal their identity. There may be laws against sexual activity between members of the same sex.
- Exclusion: LGBT individuals are barred from serving.
- Persecution: LGBT individuals are actively victimized. Policies aim to prevent them from developing a positive identity, or even expressly stigmatize them.

Based on the principle of inclusion, the following policies and practices ('best practices') can be identified within national armed forces and international organizations:

- Leadership, training, and code of conduct: requiring respectful conduct among all service members.
- Support networks and mentors: supporting designated organizations which promote inclusion and help LGBT people to feel valued, to meet their needs, and fulfil their potential.
- Antidiscrimination: prohibiting unequal treatment on grounds of sexual orientation and gender identity in recruitment, promotion, and discharge.
- Recognition of relationships: affording LGBT people in same-sex relationships the opportunity to have their relationships officially recognized.
- Recognition of gender: placing minimal or no restrictions on individuals' ability to change their gender, thus granting them self-determination in the recognition of their gender identity.
- Foreign deployment and international cooperation: protecting personnel who risk facing persecution or prosecution while serving abroad by formulating policies that reconcile effective operations with the specific challenges LGBT personnel face in these circumstances.

## LGBT MILITARY INDEX

Policymakers and other stakeholders interested in promoting greater inclusion of LGBT personnel within armed forces can draw on the findings of the LGBT Military

Index. The Index ranks over 100 countries in an instant, transparent, systematic, and comparable overview of policies and best practices; then subtotals the scores under the five policy principles of inclusion, admission, tolerance, exclusion, and persecution; and combines the five subtotals using percentage scores.

The top 10 countries in the Index stand out for their multiple concerted efforts to improve LGBT inclusion. These countries offer learning opportunities for others to follow. The middle of the Index highlights cases where the military leads by example in society, and cases where opportunities exist for the military to catch up with societies which are already accepting of LGBT people. Countries near the bottom of the Index clearly do not aspire to engage in greater inclusion for their LGBT military personnel – a fact which reflects the societies those militaries represent. But they do engage in military cooperation with countries where it is common for LGBT people to serve openly. The dire situation faced by LGBT people in the Middle East and Africa raises questions hitherto unasked about what support, briefings, and protections should be offered to personnel whose sexual orientation or gender identity could make them vulnerable to persecution.

## STRATEGIES FOR INCLUSION

In order to fill the gaps left by current policies, and to ensure the continued development of inclusion, armed forces require a strategy to systematically create, implement, and review inclusionary policies and practices. At present, no armed force or international organization committed to inclusion has published a strategic vision for the inclusion of LGBT military personnel. Their policies and practices so far were not systematically developed or tested for effectiveness. The LGBT Military Index shows that countries operate policies and practices of inclusion to varying extents, and usually inconsistently.

This report identifies three points where armed forces can target their efforts to advance inclusion:

- **Mainstreaming:** develop new policies of inclusion and make existing policies more inclusive.
- **Managing:** make inclusion an increasingly concerted effort and introduce accountability for its successful implementation.
- **Measuring:** track and evaluate progress.

*Mainstreaming* is at the heart of a strategy targeting greater inclusion. Mainstreaming means that organizations view policies addressing the challenges faced by LGBT

personnel not as optional or accessory (for example by placing them under the remit of personnel welfare departments) but instead as integral parts of the functioning and decision-making of the organization. Mainstreaming is already established for gender in organizations such as NATO as a means for dealing with diversity. Actions to consider include:

- Inclusion Impact Assessments: adopt a procedure which requires policies and decisions to be evaluated in terms of the potential impact on different groups, including personnel of different genders, religions, sexual orientations, and gender identities.
- Situational Risk Assessments: systematically assess the risks that service members may face relating to their sexual orientation or gender identity.
- Status of Forces Agreements: consider how SOFAs impact on people of different gender identities and sexual orientations. For example, whether same-sex and mixed-sex relationships are recognized, and whether immunities from prosecution are sought.

*Managing* inclusion ensures that negative consequences of diversity are mitigated and that the principle of inclusion is implemented in practice.

- Put it within the duties of management to affirm support for an inclusive and supportive environment for service members of all sexual orientations and gender identities.
- Provide LGBT networks and support groups with financial and other resources.
- Ensure that antidiscrimination measures explicitly prohibit discrimination based on sexual orientations and gender identities, and that they apply to all aspects of military service including recruitment, promotion, and discharge.
- Set up 'policy banks' for the exchange of experiences implementing inclusive strategies.

International organizations coordinating cooperation efforts may:

- Enforce their own policies of inclusion which take precedence over national policies.
- Coordinate or guide varying national policies.
- Devolve matters of inclusion entirely to national militaries.

Each of the above policies will offer advantages but also limitations in terms of the level of inclusion that can be achieved, and in terms of the competencies of the international organization.

*Measuring* is necessary to evaluate progress, identify best practices, ensure accountability, and make improvements where necessary. This report cautions against the practice of head counting of LGBT individuals. The mere presence of LGBT personnel does not imply that inclusion is being effectively implemented. Instead, surveys on perceptions of how the principle of inclusion is being followed can offer a certain degree of insight. General evaluations of personnel performance may also be useful. Analyzing correlations between changes in inclusion policy and changes in performance may give insight into which policies are most worthwhile. Evaluations of managers could also include the extent to which they implement inclusionary policies, and their performance in creating an environment in which all personnel feel valued.

## CONCLUSIONS AND RECOMMENDATIONS

Armed forces are changing. As diversity becomes increasingly the norm, and as more and more militaries recognize their LGBT service members, diversity is increasingly viewed as a strategic asset to be managed in order to deliver maximum benefits for the military. Effective management is important for maximizing the synergy between LGBT participation and military functioning. Effective management of LGBT participation means valuing and integrating their differences into the functioning of the organization. Countries vary widely in the ways they approach LGBT participation. Yet, in all militaries, LGBT personnel face challenges not faced by their peers.

Policies and practices of inclusion that benefit militaries and those who serve can be identified through the principle of inclusion. They can be strategically created and implemented through mainstreaming, managing, and measuring. Mainstreaming means assessing the impact of policy decisions on all those who could be affected by them; doing so for LGBT personnel implies systematic consideration of inclusion. By implementing inclusion with the help of managers, accountability is increased. Measuring progress allows for a cost-benefit assessment of policies and practices of inclusion, and gives the opportunity to make improvements where necessary.



# INTRODUCTION

Every day, every armed force in every country is served by people of diverse sexual orientations and gender identities, including lesbian, gay, bisexual, and transgender (LGBT) personnel. For the first time, a considerable number of armed forces have policies which explicitly permit LGBT individuals to serve. The first of these militaries was the Netherlands, in 1974. The US policy which banned from service anyone whose homosexuality or bisexuality was made known – referred to as ‘Don’t Ask, Don’t Tell’ (DADT) – was repealed in 2011. Yet many other countries have policies in place to exclude LGBT individuals.

In recent times, debates have emerged around whether and how armed forces should allow, acknowledge, and include LGBT people. These debates largely take place in societies that attach great importance to human rights. Societal attitudes towards LGBT people are changing rapidly, especially in liberal democracies. Today, pride events regularly attract millions of participants, including military personnel, who advocate greater acceptance of homosexuality, bisexuality and being transgender. Recognition and acceptance of the differences of LGBT people is increasingly seen as a moral obligation by advocates of equality, civil rights, and human rights. With respect to the armed forces, it is argued that if people are willing to serve their country, then they deserve to be recognized for who they are. Many leading figures in politics and the military publicly declare support for LGBT service members.<sup>1</sup>

The position of LGBT people in armed forces is increasingly recognized as more than just a human rights issue. Military planners acknowledge that diversity is critically important for defense organizations to survive and thrive in the twenty-first century security environment. Austerity-driven budget cuts, technological sophistication, international military cooperation, and a decline of conflict between states have led to smaller, more diverse, and more professionalized armed forces. The recruitment and retention of skilled personnel based on talent rather than on ethnicity, gender, sexual



orientation, or gender identity is a crucial consideration for defense organizations. Morale is higher when people feel recognized and respected at work. Cohesion is improved when colleagues can communicate openly. Trust is enhanced when there is no suspicion that colleagues have something to hide. Diversity is a salient issue throughout all echelons: at headquarters as well as in the field; in national as well as in international settings. Military leaders throughout the developed world are now engaging in discussions about how not only to cope with increasing diversity within the military, but how to turn it into an opportunity.

Partly as a result of this, LGBT people have seen growing recognition and acceptance of their differences in many armed forces. But these changes in armed forces and LGBT acceptance are far from universal, and far from complete.

Not all armed forces view the recognition of diverse sexual orientations and gender identities as a human rights concern or as a strategic opportunity. Questions are raised about whether LGBT people are suited for the armed forces and what impact their presence can have on morale, cohesion, and discipline. And in many societies around the world LGBT people are persecuted. Armed forces interact with the values of the societies they serve.

Yet there are also many armed forces and international organizations that value equality and individual rights, and that view dealing with diversity as a strategic opportunity. But such views may not be fully reflected in the removal of challenges faced by LGBT personnel. For the armed forces in those countries and organizations, it is important to understand what armed forces can do to make the most of diverse sexual orientations and gender identities within their ranks; to take note of the advances that have been made so far; to identify promising policies and practices; to compare the relative progress of countries and international organizations; to review the challenges that remain; and to formulate strategies to guide the future of LGBT participation in armed forces.

## OBJECTIVES

The objectives of this report are as follows:

- Assess the suitability of LGBT individuals to serve in the military, and weigh the evidence on the potential effects of LGBT participation on armed forces.
- Analyze policies in place within countries and identify best practices for LGBT participation.

- Analyze options for international organizations to develop specific approaches to LGBT participation in multinational contexts.
- Benchmark the status of LGBT participation in countries around the world with an objective and transparent ranking based on policies and practices.
- Present a framework for the creation of future policies that will benefit both the welfare of LGBT personnel and the functioning of armed forces.

In chapter 1 we analyze the relationship between LGBT participation and military performance to determine whether the two result in synergy or a trade-off. In chapter 2 we introduce a principle of 'inclusion' as a standard by which to judge the policies currently in place in countries and international organizations. We use inclusion to identify some promising policies and practices ('best practices') for countries and international organizations, and to analyze the implementation of these. In chapter 3 we present the LGBT Military Index, a comprehensive ranking of 103 countries based on 19 policies and practices related to LGBT military participation. Finally in chapter 4 we formulate strategies for the systematic creation and implementation of policies and practices based on inclusion.

## READING GUIDANCE

Each section of this report begins with a brief outline of the analysis ahead. Each of the four chapters concludes with a summary of the main findings. Readers can make use of these summaries as an accessible overview of the report's most important elements.

Human gender and sexuality are a complex interplay of biological, neurological, psychological, cultural, moral, and social factors. This report draws on a range of disciplines in order to offer the greatest level of insight possible. As a result, certain terms may be unfamiliar, or used in ways unfamiliar for some readers. Please refer to the glossary for brief explanations.



# 1 SYNERGY OR TRADE-OFF?

*Does allowing LGBT individuals to serve entail advantages or disadvantages for the military? A number of positive and negative consequences have been posited. Many scholars and practitioners have sought to establish whether or not such claims stand up to scrutiny. Research and experience suggest that LGBT participation can have several advantages and minimal disadvantages for armed forces, provided it is managed well.*

Policies allowing and acknowledging LGBT service are claimed to have a number of implications. These claims relate to the suitability of LGBT people to serve in a military environment, the effects of their presence on the effectiveness of armed forces, and the interaction between military and societal values. For each claim, we will present the reasoning put forward, and then use academic research and practical experience to assess the validity of the claim. We conclude with a synthesis of the findings.

## **1.1 SUITABILITY OF LGBT PEOPLE TO SERVE**

*Are LGBT people suited to service in armed forces? Three main issues of concern arise: the capabilities of LGBT personnel, their mental health, and the relative prevalence of HIV infection among men who have sex with men (MSM). Evidence shows that none of these concerns justify the exclusion of LGBT individuals from the military. Furthermore, with good management, militaries which welcome LGBT individuals may benefit from hiring better-qualified personnel and improved performance among existing service members.*

### **Qualifications**

It has been posited that sexual orientation and gender identity, whether or not they are acknowledged, affect how qualified an individual is to serve. Military environments have been associated with dominance, aggression, physical strength, and risking one's life. These characteristics have been viewed as predominantly masculine

attributes. If they are required of all service members, and if only heterosexual males possess them, then LGBT individuals are not qualified to serve.

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*Militaries value the quality of leaders, the quality of equipment, and the quality of training as more critical to a person's performance than their sexual orientation.*

No scientific evidence has been produced to suggest that homosexual, bisexual, and transgender individuals are necessarily less capable of providing the skills and attributes that militaries require.<sup>2</sup> Many countries actively reach out to LGBT communities as part of their recruitment strategy because they believe that LGBT individuals may have skills required by the military.<sup>3</sup>

The skills and characteristics demanded by armed forces are wide and diverse. It is crucial to get the right person for the right job. A survey among Iraq and Afghanistan war veterans revealed that militaries in fact value other factors such as the quality of leaders, the quality of equipment, and the quality of training as more critical to a person's performance than their sexual orientation.<sup>4</sup> Language specialists, pilots, medical professionals, or weapons experts might also be LGBT.<sup>5</sup> If the best-qualified person for a position is LGBT, then a policy of exclusion would deprive the military of that person's qualities. The armed forces might then recruit and retain less-qualified personnel.

## Mental Health

Many countries and armed forces have in the past pathologized homosexuality, bisexuality, and transgender status. This view on homosexuality was supported by the American Psychological Association until 1975, by the World Health Organization until 1990, and by the Chinese government until 2001. Today, some states consider people

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*There is no scientific reason to believe that LGBT people possess a pathological mental disorder that makes them unfit to serve in armed forces.*

who are homosexual, bisexual, or transgender to be mentally ill and therefore unfit for service. Gulf states plan clinical screenings to 'detect' homosexuals.<sup>6</sup> Turkey excludes from the armed forces those proven to have engaged in homosexual behavior; mental illness is cited as the reason.<sup>7</sup> And the US Department of Defense considers 'transsexualism' a 'psychosexual disorder'.<sup>8</sup>

These perspectives contradict widely held views among reputable scientific literature. The World Health Organization now specifically states that variances in sexual orientation and gender identities are not in themselves pathological mental health disorders.<sup>9</sup> The American Psychological Association considers heterosexuality,

homosexuality, and bisexuality to be examples of normal variations in human sexuality.<sup>10</sup> Similarly, the basic fact of being transgender does not imply a pathological condition.<sup>11</sup> There is therefore no scientific reason to assume that LGBT people have a disorder that makes them unfit to serve in armed forces.

## GENDER DYSPHORIA

Reputable medical organizations do not consider transgender people to inherently possess a pathological mental disorder. For example, the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition – used worldwide to classify mental health disorders – explicitly states that 'gender nonconformity is not in itself a mental disorder'.<sup>12</sup>

Transgender people experience an enduring and profound conviction that their sex assigned at birth does not match their self-identified gender. This experience is known as gender dysphoria. While gender dysphoria can cause substantial distress and impair a person's functioning in social and work settings, these are secondary effects which can be alleviated through transitioning (see glossary).

Nevertheless, due to factors other than sexual orientation and gender identity, LGBT people may be more likely than people who are not LGBT to suffer from problems such as depression, anxiety, and suicidal thoughts.<sup>13</sup> However the impact of this on armed forces is likely to be negligible. A 2010 study combined statistical data on mental disorders among lesbian, gay, and bisexual (LGB) individuals with data on the prevalence of homosexuality and bisexuality in the US armed forces. It found that permitting LGB individuals to serve might be associated with an increased prevalence of mental disorders in the military, however the number of individuals who are both LGB and affected by mental health problems is very small and would 'be unlikely to have a major effect on readiness'.<sup>14</sup>

Increased prevalence of mental disorders among LGBT individuals has generally been found to result from factors present in the environment in which LGBT people find themselves. It follows that altering the environment could reduce the prevalence of mental disorders among LGBT individuals. Although most studies do not relate specifically to the military, their findings are consistent across a range of settings, which suggests reasonable grounds to generalize.

Discrimination and prejudice against LGBT individuals is considered to be a cause of stress which contributes to anxiety and depression.<sup>15</sup> In some armed forces, individuals may choose to lie about their sexual orientation or gender identity, either due to a policy requirement akin to DADT, or due to a sense of stigma.<sup>16</sup> Numerous studies suggest that profound negative psychological consequences can stem from hiding something which is stigmatized.<sup>17</sup>

*Discrimination and prejudice against LGBT individuals is considered to be a cause of stress which contributes to anxiety and depression.<sup>15</sup>*

Environments which are inclusive of people of all sexual orientations and gender identities have been linked to better mental health, improved well-being, and increased productivity among LGBT individuals. For example, the possibility to come out at work; the perception that one's workplace is inclusive of LGBT people; and legal recognition of LGBT identities (for example through same-sex marriage) have all been associated with higher self-esteem, increased job satisfaction, better interpersonal relationships, lower anxiety, and reduced psychological distress.<sup>18</sup>

## HIV Infection

HIV is a virus which attacks the immune system. Once infected, an individual will remain infected for life,<sup>19</sup> and will usually require a combination of medications to prevent HIV from causing AIDS, a life-threatening condition where the body is unable to defend itself against common infections. In most parts of the world, men who have sex with men (MSM) are disproportionately likely to be infected with HIV.<sup>20</sup> The same is not true for women who have sex with women.

Armed forces are concerned about the health complications of HIV, the risk of HIV transmission among personnel, and the practical needs of the intensive drug regimen. It is possible that armed forces present an environment where exposures to infected bodily fluids (the cause of HIV transmission) are more likely, for example through open wounds sustained in combat. These risks may limit the roles in which a person living with HIV can serve, or undermine their ability to serve at all. Many countries prohibit MSM from donating blood, reasoning that this policy reduces the likelihood of contaminated blood entering the blood supply. For these reasons, some might argue that MSM should be banned from service.

However it is possible for armed forces to formulate rational and effective policies on HIV without taking into account the sexual orientation or gender identities of personnel. Sexual behavior may be relevant in assessing the risk of infection in men,

however alternative policies such as advice on prevention, universal testing, screening of donated blood, and drug treatment are much more effective – so much so that sexual orientation and gender identities need not be taken into account.

## 1.2 EFFECTS ON MILITARY EFFECTIVENESS

*A number of studies have investigated the effects of acknowledging LGBT service on military effectiveness – the ability of the armed forces to achieve their objectives. Effectiveness is said to rely upon a number of factors. These include morale, cohesion, recruitment and retention, discipline, and the integrity of personnel. Evidence shows that acknowledging LGBT service has no necessary negative effects on any of these components. Furthermore, armed forces which take a positive approach to LGBT participation and which practice effective management may benefit from a more focused, trusting, professional, and respectful workforce.*

### Morale

Morale is ‘the enthusiasm and persistence with which a member of a group engages in the prescribed activities of the group’.<sup>21</sup> Some have suggested that heterosexual service members could feel disconcerted by the presence of lesbian, gay, bisexual and transgender personnel, with the consequence that their performance is undermined.<sup>22</sup>

Expert interviews with high-ranking military personnel from various studies researching the impact on morale in the Israeli, British, or US armed forces contradict this concern.<sup>23</sup> Repealing an exclusionary policy had no effect on high-performing personnel in Canada.<sup>24</sup> Several reasons may explain why morale would not be affected.

First, the known presence of colleagues with different sexual orientations or gender identities has no inevitable effect on a service member’s work ethic. Service members’ morale may be determined by the support they receive, the quality of leadership, the belief that they are making an important contribution, and an affinity with the organization’s goals.<sup>25</sup> All of these factors are considered more important than the sexual orientation or gender identity of one’s colleagues.

Second, recent changing attitudes toward LGBT people suggest that it is becoming rarer for people to feel disconcerted by the presence of acknowledged LGBT colleagues.<sup>26</sup> A wealth of anecdotal evidence additionally suggests that heterosexual personnel serving alongside LGBT people frequently develop increasingly positive attitudes toward their colleagues over time.<sup>27</sup>



Third, even if some service members feel uncomfortable serving with known LGBT individuals, such attitudes have been found unlikely to manifest themselves in performance decreases.<sup>28</sup> Requiring service members to perform at their best alongside other personnel of all different backgrounds is commonplace in armed forces, particularly in the context of international cooperation.<sup>29</sup>

In contrast, coming out can benefit the morale of many individuals, including those who are not LGBT. The individual may experience better mental health, feel less vulnerable to blackmail, and feel better at ease when they do not hide part of their identity.<sup>30</sup> There is also evidence to suggest that attempting to downplay or hide one's identity or affiliation (known as 'covering'<sup>31</sup>) can be a costly distraction, and can undermine collegial relations when reticence and secrecy create suspicion or distrust. For a military unit, coming out puts an end to intrigue and speculation about sexual orientation and 'allows [personnel] to focus on their jobs'.<sup>32</sup>

*A lot of gay and lesbian soldiers who were in the army before the ban was lifted reported that a percentage of their efforts was spent looking over their shoulder and ensuring they weren't going to be caught. That percentage of time can now be devoted to work and their home life, so actually they are more effective than they were before. – Colonel Mark Abraham, British Army*

Research suggests that LGBT people are selective about their decision to come out and whom to.<sup>33</sup> If armed forces want to benefit from the increased morale and minimize the negative effects associated with LGBT personnel, they may consider the factors which increase the likelihood of LGBT people to come out. These factors include the perception of a supportive environment and the belief that one's colleagues will behave in a respectful manner.

## Cohesion

Cohesion refers to 'an attribute which enables individuals to form a group, prevents people from leaving the group, and motivates a group to actively cooperate'.<sup>34</sup> In contrast to morale, which is an individual attribute, cohesion is a collective dynamic. Cohesion is considered to be one of the most important characteristics of armed forces.<sup>35</sup> Important aspects of cohesion include confidence and trust among colleagues, effective communication, and commitment to the group's effective functioning.<sup>36</sup>

Studies have examined whether the presence of known LGBT personnel may affect unit cohesion. Some have claimed that the differences of LGBT people may undermine trust among colleagues,<sup>37</sup> and that 'sexual attraction among members of the same sex – living, exercising, fighting and training alongside one another in the closest of quarters' could damage professional relationships.<sup>38</sup>

Evidence shows that unit cohesion is unaffected by the known presence of LGB service members. In a study of the Israeli armed forces, the knowledge of gay peers was not found to lead to a decrease in cohesion.<sup>39</sup> Another study used multiple methods to find evidence of a negative impact on cohesion resulting from the repeal of DADT.<sup>40</sup> No such evidence was found. And research on multinational units found that the presence of gay service members did not undermine cohesion.<sup>41</sup> The lack of evidence to suggest a link between LGB service and unit cohesion can be explained through a better understanding of cohesion, why it is important to armed forces, and how it can be ensured.

There is a difference to be made between social cohesion and task cohesion.<sup>42</sup> Social cohesion refers to interpersonal and emotional bonds between friends within a group. Task cohesion is present in a group that is motivated and committed to achieve a commonly defined goal through coordinated group efforts. This distinction is particularly important in the context of armed forces, where people come together in order to fulfill specific functions and tasks, even though they might not view one another as friends.

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*Studies overwhelmingly conclude that task cohesion is more relevant and important to military performance than social cohesion. Task cohesion is entirely compatible with acknowledging LGBT participation in armed forces.*

Studies overwhelmingly conclude that task cohesion is more relevant and important to military performance than social cohesion.<sup>43</sup> A number of things support this conclusion: first and foremost, in most contexts, the military is a workplace and not a social setting.<sup>44</sup> Second, confidence and trust between team members based on emotional ties is difficult to guarantee and can take a long time to form. Confidence and trust based on individuals' capabilities and professionalism is much easier to ensure.<sup>45</sup> Third, task cohesion appears to benefit social cohesion more than vice versa: the success of a team in achieving its objectives has been found to lead to closer social bonds between team members.<sup>46</sup> Fourth, in some cases excessive social cohesion has even been found to undermine military performance, by promoting fraternization, groupthink, and mutinies.<sup>47</sup>

Task cohesion is entirely compatible with acknowledging LGBT participation in armed forces – much more so than social cohesion. In a professionalized military context, service members’ confidence in each other is crucially determined by good leadership and a commitment to maintaining a professional attitude; friendship is not such a decisive factor.<sup>48</sup> Homogeneity of social backgrounds and characteristics such as LGBT thus become less salient. This is particularly evident in multinational units, where homogeneity is never the norm. Therefore it is not of concern if differing sexual orientations and gender identities among service members prevent social bonds forming, because task cohesion can still be ensured.<sup>49</sup>

Creating and maintaining cohesion for militaries is a matter of professionalism and focus on the task at hand; not of social or emotional bonds within units. The presence of acknowledged LGBT individuals has no necessary effect on this form of cohesion. Far more important are capable, professional, and effective teams. Management can play a role in meeting these requirements. For example, an effective recruitment and training policy can ensure that team members are skilled and competent, and hence earn one another’s confidence whatever their sexual orientation or gender identity. A code of conduct stressing respectful behavior can ensure professionalism. And interpersonal conflicts can be dealt with by commanders at the unit level in order to maintain discipline and task focus.<sup>50</sup>

Attraction among colleagues at the workplace can always occur, both in mixed-sex and same-sex settings. Strict implementation of a code of conduct that regulates or prohibits fraternization and sexual relations in general can help to maintain professional relationships. For example, the British Army defines ‘unwelcome sexual attention’ as ‘social misbehavior’, whatever the gender or sexual orientation of those involved.<sup>51</sup> Studies have shown that LGBT service members are just as likely as anyone else to respect the conduct that is expected of them.<sup>52</sup> Anecdotal evidence suggests that LGBT service members may even wish to exceed the exemplary conduct expected of them in order to dispel concerns their heterosexual colleagues may have:

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*Strict implementation of a code of conduct that regulates or prohibits fraternization and sexual relations in general can help to overcome friction and tension in the armed forces*

*I hear straight guys saying they'd feel uncomfortable showering with a gay guy. But when they think of it from my perspective, they understand that we all have an interest in behaving respectfully. – Bradley Harris, Master at Arms, New Zealand Navy*

## Recruitment and Retention

Countries that do not use conscription rely on effective recruitment and retention policies in order to enlist and re-enlist service personnel in their armed forces. Concerns have been voiced that the participation of known LGBT service members could have an adverse effect.<sup>53</sup> It has been suggested that the possibility of serving alongside LGBT colleagues may deter individuals considering whether to enlist or re-enlist.

In militaries that have repealed exclusionary policies, evidence suggests that the likelihood of a significant change in recruitment and retention numbers is low. Even though surveys conducted prior to repeal predicted difficulties, none of the armed forces of Australia, Canada, Israel, or the United Kingdom actually experienced a shortage of suitable candidates.<sup>54</sup> The same result was observed in a study on the United States one year after the repeal of DADT: recruitment and retention were unaffected.<sup>55</sup>

Research shows that external factors such as the overall economic situation of a country, its youth unemployment rate, and financial incentives such as pay, allowances, financial security, and retirement benefits all play a more vital role in individuals' decision-making process on enlistment and re-enlistment.<sup>56</sup>

In contrast to claims about the cost of LGBT participation, exclusion has proven costly in terms of recruitment and retention of LGBT personnel themselves. It has been estimated that the US armed forces lost between \$290 million and \$500 million implementing the DADT policy between 1993 and 2010.<sup>57</sup> Senior officers had to spend time and resources investigating allegations of homosexuality; and personnel that had received costly training, equipment, and transportation were discharged because their sexual orientation became known. Evidence moreover indicates that LGBT personnel

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*Exclusion has proven costly for armed forces in terms of investigations, administration, wasted training, and the recruitment of replacements.*

leave organizations that pursue an exclusionary policy and prefer organizations that have an inclusive approach.<sup>58</sup> Since the replacement of personnel is expensive, the armed forces may benefit from an environment which favors the retention of LGBT personnel.

Effective management can support a policy of welcoming LGBT participation, while maintaining effective recruitment and retention. Research shows that a smooth transition can be ensured by emphasizing the continuity in the policy framework.<sup>59</sup>

## Discipline

Concern has been voiced that discipline could be undermined if LGBT personnel were exposed to harassment, violence, assault, and discrimination within the military.<sup>60</sup> Harassment, violence and homophobic behavior among cadets have been observed in armed forces that have a recruitment policy acknowledging LGBT participation.<sup>61</sup>

Evidence shows that harassment is neither universal nor inevitable. It is also not an issue unique to LGBT personnel. According to an analysis of 905 assault cases between November 1992 and August 1995, no homophobic hate crimes took place in the first years after the ban on LGBT service was lifted within the Canadian armed forces.<sup>62</sup> The British armed forces reported a similar experience in 2007: fears that lifting the ban on LGBT participation in 2000 would result in harassment and bullying have not been substantiated.<sup>63</sup>

Harassment related to LGBT service members can be effectively addressed to the benefit of armed forces without the need to exclude LGBT personnel. A strict universal code of conduct can be enforced, which requires respectful behavior among all service members and enforces a zero-tolerance policy towards any kind of discrimination.<sup>64</sup> A decline in negative attitudes toward LGBT people may also result in a decline in negative behavior based on sexual orientation or gender identity.

Militaries benefit from enforcing a 'requirement that all members of the military services conduct themselves in ways that enhance good order and discipline. Such conduct includes showing respect and tolerance for others'.<sup>65</sup> All service members, including LGBT ones, can benefit from such a requirement too. Strict policies are furthermore particularly beneficial for multinational cooperation, where soldiers need to be able to work with colleagues of different social and cultural backgrounds. Evidence from the Australian military suggests that coherent management procedures have had a favorable impact on the working atmosphere in their ranks.<sup>66</sup>

Furthermore, an environment which accepts LGBT participation increases the likelihood of successfully addressing harassment, as LGBT service members can report harassment without fear of experiencing further negative reactions to their sexual orientation or gender identity.

## Integrity

The susceptibility of employees to blackmail is a serious problem for employers such as armed forces that deal with sensitive security issues. Service members are at risk

of blackmail if they hold secrets that can be exploited to extort classified information or to coerce them to otherwise break military rules. LGBT service members will keep their sexual orientation secret if they fear negative consequences associated with coming out.<sup>67</sup>

Secrets about sexual orientation and gender identity have enabled blackmail to take place in armed forces. For example, Sergeant Tracey L. Cooper-Harris, a lesbian, described in an open letter how she was blackmailed to perform sexual favors for male colleagues in face of threats that the secret of her sexual orientation would be revealed.<sup>68</sup> In 1985, seven British service men were charged and tried for revealing classified information to Soviet agents, after reportedly being blackmailed for attending homosexual parties.<sup>69</sup> Eventually all defendants were acquitted due to the coercive means used in order to extract the information.

If the armed forces work to ensure an environment in which LGBT service members *do not face negative consequences for revealing their sexual orientation or gender identity, then the risk of blackmail is diminished. Today, some armed forces caution against serving in the closet because of the vulnerabilities it introduces.*

*Some armed forces caution against serving in the closet due to the risk of blackmail.*

In 2010, a study recommended the repeal of DADT on grounds that it required LGB service members to keep a secret that made them vulnerable to blackmail.<sup>70</sup> Similarly the Australian Air Force gives the following guidance:

*The security clearance process is designed to ensure members do not hold any 'secrets' that may compromise the member or be used in blackmail/coercion situations. For this reason, a reluctance to come out, or being dishonest during security interview may have implications on your ability to obtain some high-level security clearances.<sup>71</sup>*

Operating a policy which allows service members to come out, and which works to reduce the negative consequences associated with coming out, therefore not only benefits LGBT service members, but also benefits armed forces by reducing the vulnerability of personnel to blackmail.

### 1.3 REFLECTING VALUES

*Recognizing and respecting the differences of LGBT people is increasingly viewed as an expression of a commitment to equality and human rights. In countries where this view is supported, the armed forces may have an important role to play in reflecting this perspective.*

#### Equality and Human Rights

The Universal Declaration of Human Rights guarantees all human beings the same rights and liberties. One interpretation of this is that serving in the armed forces is a right to which LGBT individuals are equally entitled.<sup>72</sup> It has also been argued that exclusion based upon sexual orientation and gender identity could be challenged on the grounds of anti-discrimination legislation.<sup>73</sup> The United Nations (UN), the European Union (EU), the Organization for Security and Co-operation in Europe (OSCE), and many national governments, including the Netherlands, the United Kingdom, and the United States, have all drawn attention to the value they place on improving the lot of LGBT citizens as part of an equality and human rights agenda.<sup>74</sup>

#### The Role of the Military

In many countries, the military prides itself on exemplifying the values that the rest of society aspires to. These values include loyalty, cooperation, legal and moral integrity, and respect for everyone regardless of their background.<sup>75</sup>

In societies which value the acceptance of difference, equality of opportunity, recognition of human rights, and the ability of all individuals to fulfil their potential, the military can demonstrate its commitment to these values by allowing LGBT personnel to participate, and by removing any challenges faced by LGBT personnel which are not faced by others.

#### **SUMMARY: SYNERGY OR TRADEOFF?**

The suitability of someone to serve in the armed forces cannot be ruled out simply because they are LGBT. Extensive experience shows that LGBT people contribute their talents to armed forces in many different ways. Claims that being LGBT is a pathological disorder lack scientific validity. Mental and physical health issues relating to LGBT service members (such as HIV) can be adequately dealt with by ensuring a respectful, supportive environment for all personnel, and through universal healthcare procedures.

Welcoming LGBT participation in armed forces can have a neutral effect, or be beneficial to armed forces, especially with effective management. Morale and cohesion do not appear to have suffered in any of the armed forces which have opened up to LGBT participation. Ensuring a strict code of conduct and encouraging a professional working atmosphere are beneficial to all service members, and allay concerns about risks to morale, cohesion, and discipline. Recruitment and retention rates have been unaffected following policy changes allowing LGBT personnel to serve. Indeed, recruiting a diverse range of capable service members may benefit from measures to create an inclusive environment where LGBT individuals face no undue challenges that others would not face. When LGBT people feel accepted, they are more likely to come out. Coming out can have positive consequences for LGBT people's mental health, performance, and morale. These benefits can extend to the armed forces by creating more honest professional relationships, and by reducing the vulnerability of LGBT personnel to blackmail.



# 2 POLICIES AND PRACTICES ON PARTICIPATION

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## 2 POLICIES AND PRACTICES ON PARTICIPATION

*Sound management is required to gain maximum benefit in terms of both military effectiveness and welfare for service members. Many countries and international organizations also regard improving the lot of LGBT personnel as morally desirable. A guiding principle of inclusion offers the best chances of maximizing the benefits of LGBT participation. Based on the principle of inclusion, a number of policies and practices ('best practices') can be identified for countries and international organizations.*

### **2.1 WHY CREATE POLICIES ON LGBT PARTICIPATION?**

The participation of personnel with different sexual orientations and gender identities is a form of diversity. Diversity is virtually inescapable in most modern armed forces. Migration has led to greater ethnic and cultural diversity; men and women are permitted to serve in varying roles; and LGBT people serve in every armed force in the world, though many are not out.

Diversity means differences in the ways in which individual service members think, respond to situations, meet their needs, do their duties, and fulfil their potential.<sup>76</sup> Some of those differences may be valued and integrated into the way in which the military operates.

Valuing and integrating people's differences may directly benefit the armed forces, for example by making use of language skills or cultural knowledge; it has also been demonstrated to enhance innovation and problem solving.<sup>77</sup> It may benefit the individual, for example by offering religious individuals opportunities to worship, or by offering reassurance that a spouse will be supported in the event of the death of a service member. It may benefit both the military and individual, for example by promoting an environment in which service members feel valued, with the consequence that they enjoy better mental health. Chapter 1 showed that policies

which recognize the differences of LGBT personnel are likely to benefit both the individual and the military as a whole.

Valuing and integrating people’s differences may also be desirable from a moral perspective. Many countries and international organizations value the acceptance of difference, equality of opportunity, recognition of human rights, and the ability of all individuals to fulfil their potential. For those countries and organizations it is fitting to match words with actions by permitting LGBT participation in armed forces, and removing any undue challenges that LGBT personnel face.

## 2.2 ANALYZING POLICIES AND PRACTICES: DIFFERENCES AND CHALLENGES

Militaries can take a number of different approaches to LGBT participation. Five policy principles can be identified based on research in human sexuality and gender, LGBT literature and theory, military governance, and diversity and inclusion. The principles are defined by the way the differences and challenges of LGBT personnel are either addressed or disregarded.

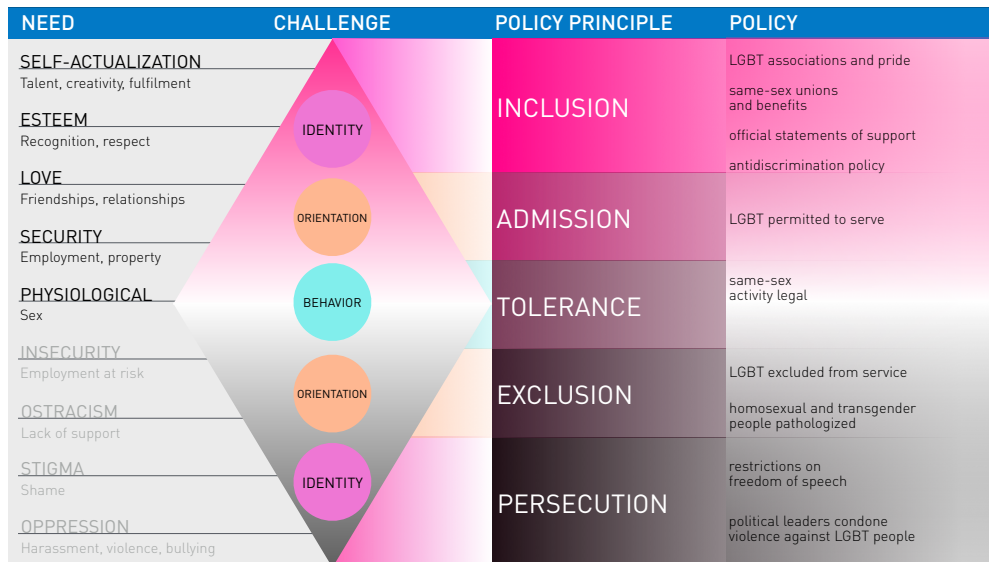


FIGURE 1 ANALYTICAL FRAMEWORK FOR POLICIES ON LGBT MILITARY PARTICIPATION

Analyzing these approaches begins with an understanding of the differences of LGBT service members. These differences may mean that LGBT personnel face challenges which are not faced by others. LGBT personnel meet their needs in different ways to

personnel who are not LGBT. Some examples are present in Maslow's hierarchy of needs. For an LGBT person, sexual activity and relationships may involve someone of the same sex. Security of income is a need for everyone, but being LGBT may put an individual at risk of dismissal. Recognition and respect may include being able to talk about relationships in the same way that heterosexual colleagues do.

These needs relate to three main aspects of being LGBT. Under each of these aspects, LGBT personnel face challenges not faced by personnel who are not LGBT. The distinction between these three aspects is supported by a wealth of LGBT theory,<sup>78</sup> and substantiated by numerous studies on variances in human sexuality. The most famous of these are the seminal publications of Kinsey et al. on sexual behavior among humans.<sup>79</sup> The three aspects are:

- Behavior: the sexual activities that a person engages in. LGBT people's private, consensual sexual activities may be criminalized by the military, while other people's activities are not.
- Orientation and gender identity: orientation refers to each person's profound, innate attraction towards people of one or more sexes or genders; gender identity refers to a person's strongly felt perception of themselves as male, female, or some other gender. Some armed forces such as Turkey explicitly bar homosexual people from serving, while the US armed forces exclude transgender people.
- Identity and expression: a person's individual and social experience of their gender and sexual orientation. LGBT people may experience stigma which results in them being ostracized, and which puts them under pressure not to come out. LGBT people may not feel valued or supported to the same extent as heterosexual colleagues. People in same-sex relationships may not receive recognition and support on a basis equal to that received by people in mixed-sex relationships. LGBT people may not be permitted to engage in activities that promote understanding of their differences, such as pride events (for example in Russia, where such events are routinely banned).

The following five guiding principles follow from the challenges identified above. Each guiding principle gives rise to a number of policies, examples of which are provided below.

### Inclusion as Guiding Principle

Inclusion is the guiding principle of institutions that aim to maximize the benefits and minimize the risks associated with diversity among personnel. Inclusion means

‘valuing and integrating each individual’s differences into the way an organization functions and makes decisions’.<sup>80</sup> Inclusion means all service members enjoy an equally supportive environment. It requires removing undue challenges that personnel face when those differences are unrelated to performance.

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*Inclusion means valuing and integrating each individual’s differences into the way an organization functions and makes decisions.*

Through inclusion, challenges relating to LGBT identity, orientation, and behavior are systematically addressed, de jure and de facto. An example of this is official statements recognizing and respecting LGBT service members. Inclusion is a purposive and managed principle.

Concrete policies of inclusion are examined in sections 2.3 and 2.4.

### Admission as Guiding Principle

Under admission, LGBT individuals are de jure allowed to serve, but their differences are not necessarily acknowledged, valued, or integrated into the way the organization functions. Admission is the principle recommended in the 1993 RAND study on sexual orientation and military personnel policy. It is also reflected in militaries with a ‘don’t fear it, don’t flaunt it’ approach to LGBT participation.<sup>81</sup>

To illustrate the shortcomings of mere admission for LGBT personnel, it is important to note that all armed forces value and integrate the differences of heterosexual service members.

*[The admission approach] fails to consider that the military is a heteronormative space that routinely accommodates and promotes [...] heterosexual identity [...]. In such an environment, LGB personnel may find it difficult to have their individuality and achievements recognized or to prove that they are the ‘best people for the job’.*<sup>82</sup>

Some de facto identity-related challenges therefore exist. For example, same-sex couples may not be recognized in the same ways as mixed-sex couples, leading to increased anxiety among LGBT personnel about the protection of their partners, anxiety which can have a negative impact on performance. Admission is a principle which accepts diversity, but which does not necessarily manage it in order to maximize its benefits for individuals or armed forces.

### Tolerance as Guiding Principle

Tolerance means that LGBT individuals are not formally acknowledged, or may be required to conceal their status (DADT). There may be laws against sexual activity between members of the same sex. Tolerance is a principle which restricts the identity of LGBT individuals, and which may or may not also restrict their behavior.

### Exclusion as Guiding Principle

Exclusion is usually a de jure principle and can take different forms, for example:

- Through explicit legislation or rulings in which LGBT people are not permitted to serve purely because of their sexual orientation or gender identity. This form has become less common since such bans were repealed in countries such as Canada (in 1992), Israel (in 1993), and the United Kingdom (in 2000).
- By pathologizing LGBT people. This form of exclusion exists in Turkey, and has been provided for in South Korean legislation, though it is currently under judicial consideration.
- By denying the right of citizens to be LGBT. This form is a de facto exclusion of LGBT service members, and exists in countries where LGBT citizens are not recognized as such.

### Persecution as Guiding Principle

Persecution entails the active victimization of LGBT individuals. Policies aim to prevent them from developing a positive identity, or even expressly stigmatize them. Like inclusion, persecution is based on identity, and usually applies both de jure and de facto.

## 2.3 POLICIES AND PRACTICES FOR INCLUSION: NATIONAL MILITARIES

On the basis of the principles outlined in section 2.2, a number of inclusionary military policies and practices (commonly referred to as best practices) can be identified. Policies of inclusion take account of differences in identity and expression; sexual orientation and gender identity; and behavior of personnel, and incorporate them into the way the military functions. More research is needed to assess the effectiveness of these, and this list is not exhaustive. It provides an overview of policies of inclusion proposed and in effect in armed forces around the world. Chapter 4 introduces inclusionary strategies for future consideration.

### Leadership, Training, Code of Conduct

Policies aimed at enforcing respectful conduct among all service members can benefit LGBT personnel by addressing the challenge of harassment if it exists. Top-down

initiatives are particularly relevant to armed forces because respect for hierarchy is strongly institutionalized. Leadership and training can emphasize respectful conduct, friendly attitudes, or a combination of the two. Research and experience suggest that a focus on conduct is optimal for achieving organizational objectives.

Regarding conduct, requiring that all service members treat one another with respect is standard in the codes of conduct of many armed forces. Respectful conduct benefits LGBT individuals, and promotes task cohesion through trust among peers based on shared commitment to the rules.<sup>83</sup> Leaders have a role to play in investigating and disciplining those who break the rules. Training can be utilized to make everyone aware of what is expected of them.

Regarding attitudes, it is first worth noting the rapid and convincing change in public and military attitudes toward LGBT personnel which has taken place in recent years in many parts of the world.<sup>84</sup> Despite this, it is impossible to police prejudices which personnel do not express. Research and experience suggest that sensitivity training aimed at promoting positive attitudes towards LGBT colleagues may not have the desired consequences, and may be resented if LGBT people are perceived as a 'protected group' afforded special treatment.<sup>85</sup> Nevertheless, leaders can set an example by demonstrating their support for inclusion. Such political claims have taken many forms in many countries. Examples include the following: a pamphlet on homosexuality in defense published by the Dutch Ministry of Defense;<sup>86</sup> statements by senior officials in the UK armed forces supporting LGBT inclusion;<sup>87</sup> and a video shared online by the New Zealand Defence Force featuring LGBT service members talking about their experiences.<sup>88</sup>

### Support Networks and Mentors

A small number of armed forces have designated organizations that aim to promote inclusion and to help LGBT people to feel valued, to meet their needs and fulfil their potential. Some, though not all of these organizations are funded by their respective governments. Organizations currently known of are the Australian *DEFGLIS*, the German *Arbeitskreis Homosexueller Angehöriger der Bundeswehr*, the Dutch *Stichting Homosexualiteit en Krijgsmacht*, the New Zealand *OverWatch*, the Swedish *Homo-, bisexuella och transpersoner i Försvarsmakten*, the Swiss *Queer Officers*, the British *Proud2Serve*, and the US *OutServe-SLDN* and *SPART\*A*. Efforts are underway to found a Belgian *Defense Rainbow Community*.

## Antidiscrimination

Policies prohibiting unequal treatment on grounds of sexual orientation in recruitment, promotion, or discharge are in effect in several countries' armed forces, for example in Belgium, South Africa, and Uruguay. Many other countries also specify gender identity in such policies, for example Australia, New Zealand, and the United Kingdom.

## Recognition of Relationships

LGBT people in same-sex relationships may have the opportunity to have their relationships officially recognized. In an increasing number of countries, including the Netherlands (since 2001), South Africa (since 2005), Argentina (since 2010), the United Kingdom (since 2014), and several US States, marriages may be contracted between couples of different or the same sex. In several other countries, registered partnerships similar to marriage may also be available to same-sex couples.

Same-sex marriages value the relationships of the LGBT people concerned by giving them recognition and respect. The ability to register a marriage or similar partnership may also afford a couple certain military benefits such as health insurance and survivor allowances.

## Recognition of Gender

Transgender individuals may wish to have their identified gender officially recognized by public authorities, including the armed forces. For example, a transgender woman who was assigned male at birth may wish to change her identity documents to reflect her identity as female. This official recognition of gender is available in a number of countries, for example Australia, Iran, and Thailand.

Military policies which place minimal or no restrictions on individuals' ability to change their gender are inclusive because they grant the individual self-determination in the recognition of their gender identity. This removes a challenge faced by transgender personnel which is not faced by cisgender personnel.

Policies often impose conditions on an individual's right to have their gender recognized. These conditions may include:

- Medical interventions such as hormone therapy or surgery. For example, Belgium's law on 'transsexuality' requires surgical 'adaptation' of the individual's body to make it conform with conventional ideas of what a male or female human body looks like.<sup>89</sup> Belgian law also requires the individual to be sterilized.



Not all transgender people wishing to change their official gender are willing or able to undergo such surgery.

- ‘Experience’ periods during which the individual must live as their identified gender without legal recognition. For example, the United Kingdom’s Gender Recognition Act requires individuals to live as their identified gender for two years prior to recognition.<sup>90</sup> This can present problems, for example in international travel, when the individual’s appearance is unlikely to conform with the unchanged gender on their passport.
- Expert approval. A doctor, judge, gender panel, or similar expert must confirm the individual’s entitlement to a legal change of gender. This is a requirement in the Netherlands, for example.
- Binary gender. Most countries recognize only two genders: male and female. Some individuals consider themselves both, neither, or a combination (see *genderqueer* in glossary).

Argentina’s gender identity law is currently considered the most inclusive in the world, as it allows individuals to change their official gender without the approval of a judge or doctor, and without surgery.<sup>91</sup>

Armed forces may have particular policies relating to transgender inclusion. For example in the United Kingdom transgender individuals should have finished transitioning before they are allowed to serve. In contrast, other armed forces may offer assistance in transitioning – for example, the Australian Air Force has published guidance on how to improve the inclusion of transgender personnel who are transitioning while serving.<sup>92</sup>

## **2.4 POLICIES AND PRACTICES FOR INCLUSION: INTERNATIONAL AND MULTINATIONAL**

Cooperation among armed forces and service in international contexts are increasingly common in today’s globalizing world. This means that challenges relating to LGBT inclusion in these contexts warrant increased attention. Specific challenges and policy considerations arise relating to LGBT service in two international settings: the first is cooperation between armed forces, for example under an international organization such as NATO; the second is when armed forces serve abroad, for example during an operation. These two settings often overlap, for example when troops are stationed overseas in a country they are to cooperate with. Within each of these settings, a number of challenges arise, for example relating to varying approaches to LGBT inclusion taken by different organizations and jurisdictions.

Inclusion is an important consideration for international organizations for the same reasons that it is important for national militaries. LGBT participation can have minimal negative effects and numerous positive ones if well managed (see chapter 1). And the values promoted by international organizations, particularly in statements made by the European Commission<sup>93</sup> and the United Nations High Commissioner for Human Rights<sup>94</sup> in support of LGBT inclusion draw attention to analysis of how inclusive their own policies are.

Examples of inclusionary policies (or the lack thereof) are provided in this section with reference to a number of major international organizations. These were chosen because they implement such policies, because of statements favoring LGBT inclusion, or because of a high proportion of member states which explicitly allow LGBT participation in their armed forces.

### Leadership, Training, and Conduct

International organizations are often a 'banner' under which national armed forces cooperate. In many cases they do not have competency to impose requirements on the respectful behavior of personnel. What is possible is for international organizations to reflect the value they place on human rights and equality in missions they oversee, by declaring support for the inclusion of LGBT personnel.

Codes of conduct within international organizations usually lack specific references to LGBT service members, and lack concrete sanctions for those who undermine a respectful environment. And leadership rarely if ever uses its position to affirm support for the inclusion of LGBT personnel.

NATO asks its personnel to treat each other with respect and perform their duties in compliance with NATO's core values of integrity, impartiality, loyalty, accountability and professionalism.<sup>95</sup> NATO personnel must respect the privacy and diversity of their fellow colleagues and refrain from discrimination and harassment on the grounds of sex, race or ethnic origin, religion or belief, disability, age, or sexual orientation.<sup>96</sup> Beyond this broad code of conduct, no specific training initiatives are in place which go beyond existing national policies and practices. NATO leadership's diversity and inclusion strategy focuses on age, nationality, and gender. Sexual orientation and gender identity are not given special attention as part of this strategy.

Similarly, the EU advocates a zero-tolerance policy on discrimination in its Common Security and Defense Policy missions: 'All personnel must be treated with dignity and

respect, regardless of sex, (...) sexual orientation, (...) or political views. The moral concepts of colleagues will differ, especially in terms of religion and family. 'Condescending and discriminating remarks or gestures are not to be tolerated.' The EU makes it explicit that these standards of behavior are only complementary to obligations under international law and the law of the individual Member State.<sup>97</sup>

The OSCE also advocates equality and respect 'regardless of gender, (...) sexual orientation, marital status or other aspects of personal status'.<sup>98</sup> In addition to these statements, the OSCE has published an official document which associates LGBT inclusion with human rights, and which supports creating a military environment which is respectful of the differences of LGBT personnel.

The UN has no code of conduct for armed forces which specifically addresses respectful behavior toward LGBT personnel. For example no reference to either sexual orientation or gender identity is made in the official peacekeeping handbook.<sup>99</sup> Discrimination and harassment are prohibited at a general level by the UN.<sup>100</sup>

### Support Networks and Mentors

Networks existing on the national level can also exist within international organizations to promote inclusion of LGBT personnel within cooperative missions. At present, no officially recognized groups exist within international organizations for this purpose. Within NATO, working groups exist to promote inclusion of women. Service members are free to form LGBT support networks, and there is evidence of attempts to do so, but NATO provides no official recognition. The UN has a group for all its LGBT staff known as *UN Globe*, however this organization does not have a specific military focus.<sup>101</sup> The same applies to the EU group *Égalité*.

### Including and Protecting Personnel Abroad

National laws and societal attitudes abroad have consequences for personnel serving there. Particular challenges facing LGBT personnel serving abroad include differences in policy, and concerns about their security. Differences in policy may result in a reduced level of inclusion when LGBT individuals serve abroad – see section 3.3. For example, Japan does not recognize same-sex marriages, so American LGBT personnel deployed there face challenges not faced by mixed-sex married couples, such as visa eligibility.<sup>102</sup> In more extreme cases, differences in policy may mean that LGBT personnel are pathologized, or criminalized when serving abroad under certain jurisdictions. This could happen if a service member engaged in same-sex relations in

a country where such activity is illegal. Concerns about the security of LGBT personnel arise in countries where their identity might make them vulnerable and perhaps liable to persecution.

Inclusion means that armed forces or international organizations will take individuals' differences into account and thus meet the above challenges with one of the following responses:

- Briefing, training, supporting, and assisting LGBT personnel on the specific challenges they may face while serving abroad. This response allows for minimal disruption to the military's activities, but does not remove the actual challenges that LGBT service members face.
- Refraining from deploying LGBT personnel in situations where they may face substantial challenges that constitute an undue risk to the service member's security. This approach avoids the risk of an LGBT service member facing undue challenges, but may limit their career opportunities or create the impression of undue preferential treatment.
- Negotiating a status of forces agreement (SOFA) to get the assurance that the service member's home country retains jurisdiction, or that certain challenges will be avoided or removed for LGBT personnel. For example, they will not be prosecuted for private, consensual relations between adults; or their same-sex spouses will be recognized. Such agreements remove the challenges LGBT personnel face and minimize disruption of military activity, but may require additional diplomatic efforts.

When countries or international organizations do not consider these options, national or international policies of inclusion may be negated during service abroad, and LGBT people may face challenges or dangers not faced by their colleagues.

There is some anecdotal evidence that certain armed forces do consider the above three options. One example is a Dutch lesbian service member who was able to avoid serving in a country known to persecute LGBT people. However most armed forces and international organizations show no evidence that the above three options are routinely considered. Generally the SOFAs of both the EU and NATO<sup>103</sup> stress the responsibility of the sending state and grant it primary jurisdiction. Nevertheless, both organizations also stress the duty of military and civilian staff to respect the law of the host state.

## **SUMMARY: APPROACHES TO PARTICIPATION**

LGBT people in armed forces face challenges not faced by their colleagues. A number of different approaches to LGBT participation are possible: inclusion, admission, tolerance, exclusion, and persecution. An approach of 'inclusion' means valuing and integrating the differences of LGBT personnel and systematically identifying and removing the challenges they face.

This chapter identified a number of promising policies and practices (sometimes called 'best practices') which reflect the principle of inclusion. In national armed forces, leadership, training, codes of conduct, support networks and mentors, antidiscrimination measures, recognition of relationships, and recognition of gender identity are all relevant to inclusion. In international settings, leadership, codes of conduct, and support networks also have a role to play. Special consideration of the challenges LGBT personnel face when serving abroad is also part of an inclusionary approach.



## 3 LGBT MILITARY INDEX

*HCSS has analyzed 19 LGBT military participation policies related to the five guiding principles presented in chapter 2 and scored them for over 100 countries. The results show relatively high levels of inclusion among countries in Europe, the Americas, and Oceania. A number of countries in the Middle East and Africa show the greatest tendency toward exclusion and even persecution of LGBT individuals. Three important findings of the Index for policymakers arise. First is the identification of countries undertaking multiple, concerted efforts to improve LGBT military inclusion – these countries have the opportunity to share experiences and best practices. Second is the important relationship between the military and wider society – the military may have an opportunity to set the pace for LGBT inclusion, or to catch up with existing societal acceptance of LGBT people. Third is the vast difference between countries at the top and bottom of the list, and the potential challenges arising for LGBT personnel during cooperation and service abroad.*

The LGBT Military Index maps the situation of LGBT participation in the armed forces on a global scale. Every country in the world implements a different combination of policies based on inclusion, admission, tolerance, exclusion, and persecution. Based on these combinations, every armed force can be estimated and ranked to compare countries. The LGBT Military Index ranks militaries, with the most inclusive scoring highest. The color scale indicates how countries scored: the brighter the pink on our map, the higher the country scores in our Index and the more inclusive its military is. Likewise, the lower a country scores in our Index, the darker is its color.

## INDEX METHODOLOGY

We selected 103 countries based on geographical spread, military power, levels of socioeconomic development, regime type, and data availability. We began with the guiding principles Inclusion, Admission, Tolerance, Exclusion, and Persecution. Under each of these five principles, we identified a number of indicators, 19 of them in total. We then scored the countries based on those policies and practices, and added the scores within each of the categories to produce five scores per country. We then used percentage scores to compare all 103 countries on each of the five categories. Finally, we took a simple average of the five percentage scores for each country to produce a final score which could be ranked.

A more detailed explanation is provided in the Index Methodology on page 89. Please visit [lgbtmilitaryindex.com](http://lgbtmilitaryindex.com) to access the complete LGBT Military Index.

All of the indicators reflect the situation of LGBT people in the military, though in some cases civilian policies were used as a proxy when no military ones were available. For example, most militaries have no specific policy on the recognition of same-sex couples, and simply follow the state's policy.

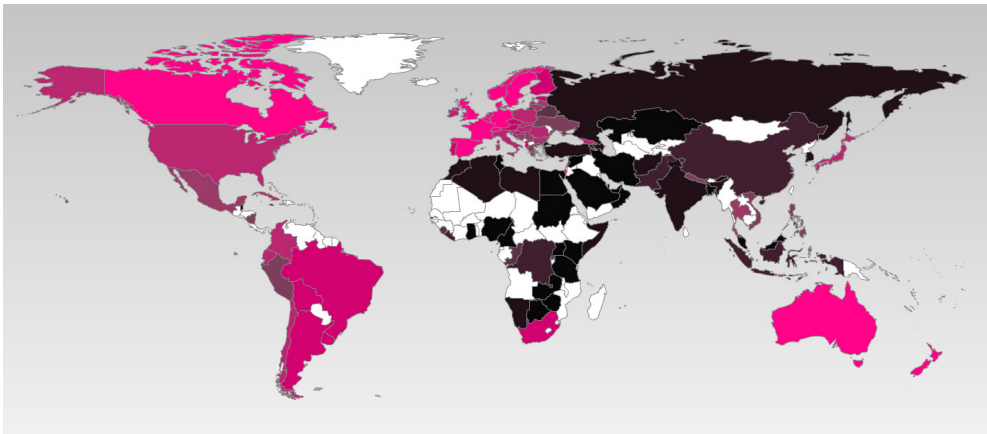


FIGURE 2 LGBT MILITARY INDEX WORLD MAP



Most countries in the Index closely fit one of the five identified guiding principles.

- Inclusion: the top 10 show multiple active, concerted efforts to improve LGBT inclusion in the armed forces. All score identically on admission, tolerance, exclusion, and persecution, which shows that inclusionary policies are decisive in their placing in the Index.
- Admission: the countries below 10th place have varying admission scores. Some, such as Switzerland and the Czech Republic, have confirmed policies which admit LGBT people. However many in the same group have not confirmed whether or not all LGBT people are permitted to serve.
- Tolerance: countries around the middle of the Index, those between 30th and 50th place, generally do not have concrete policies allowing or prohibiting LGBT participation. In some cases their policies are ambiguous or unpublished. In those cases, broader societal laws give an indication of the situation LGBT military personnel, for example whether same-sex relationships are legal.
- Exclusion: countries below 50th place generally have exclusionary policies in place, such as in Turkey and Belarus.
- Persecution: the majority of countries below 80th place show signs of LGBT persecution, for example in Nigeria, where legislation to criminalize LGBT identities is increasingly favored.

### **3.1 INCLUSION COUNTRIES: SHARING BEST PRACTICES**

Countries at the top of the Index highlight opportunities for militaries interested in inclusion to share experiences and best practices. Scoring highest for inclusion are New Zealand, the United Kingdom, the Netherlands, Sweden, and Australia. These countries implement almost all the policies and practices of inclusion outlined in chapter 2. For example, the Netherlands' LGBT military support organization was the world's first. Eight of the top ten countries recognize same-sex marriages, the exceptions being Australia and Germany; Israel only recognizes same-sex marriages solemnized abroad. Transgender personnel face differing challenges even in the most inclusive of countries – for example in Belgium a person must undergo surgery resulting in sterilization in order for the military to recognize their identified gender.

LGBT inclusion also correlates with human development and democracy indicators. For policymakers and advocates of LGBT military inclusion, this suggests that LGBT inclusion generally happens as part of a wider shift towards emphasis on individual wellbeing and freedom. Our LGBT Military Index shows a strong correlation of 0.69 with the Human Development Index, and 0.71 with the Economist's Democracy Index. Outliers include South Korea, China, the United States, and Japan: these

LGBT MILITARY INDEX		20 South Africa	43 Latvia	68 Armenia	90 Tunisia
		23 Brazil	46 Lithuania	69 Libya	92 Malaysia
1	New Zealand	24 Bolivia	47 Mexico	70 Afghanistan	93 Oman
2	Netherlands	25 Estonia	48 Thailand	70 India	94 Cameroon
2	United Kingdom	26 Albania	49 Serbia	70 Qatar	94 Kenya
4	Sweden	27 Ireland	50 Philippines	73 South Korea	96 Botswana
5	Australia	28 Hungary	51 Peru	73 Russia	97 Uganda
6	Canada	29 Cuba	52 Ukraine	75 Namibia	98 Saudi Arabia
7	Denmark	29 Japan	53 Vietnam	76 Algeria	99 Ghana
8	Belgium	31 Ecuador	54 Cyprus	77 Azerbaijan	100 Zimbabwe
9	Israel	32 Slovenia	55 Greece	77 Turkey	101 Syria
10	France	33 Colombia	56 Nicaragua	79 Somalia	102 Iran
10	Spain	34 Luxembourg	57 Nepal	80 Morocco	103 Nigeria
12	Germany	35 Georgia	58 Rwanda	81 Jamaica	
13	Norway	35 Slovakia	59 Republic of Congo	82 Egypt	
14	Switzerland	37 Chile	60 Belarus	83 Tanzania	
15	Croatia	38 Malta	60 Sierra Leone	83 United Arab Emirates	
15	Uruguay	38 Romania	62 China	83 Zambia	
17	Argentina	40 United States	62 Pakistan	86 Bangladesh	
17	Austria	41 Italy	64 DR Congo	87 Belize	
17	Finland	41 Poland	65 Lebanon	87 Gambia	
20	Czech Republic	43 Bosnia and Herzegovina	66 Liberia	87 Sudan	
20	Portugal	43 Bulgaria	67 Indonesia	90 Kazakhstan	

FIGURE 3 LGBT MILITARY INDEX RANKING

countries score higher for Human Development or Democracy than they do for LGBT inclusion in the military. As a result these countries may be ready to join a dialogue on policy and practice associated with greater LGBT inclusion.

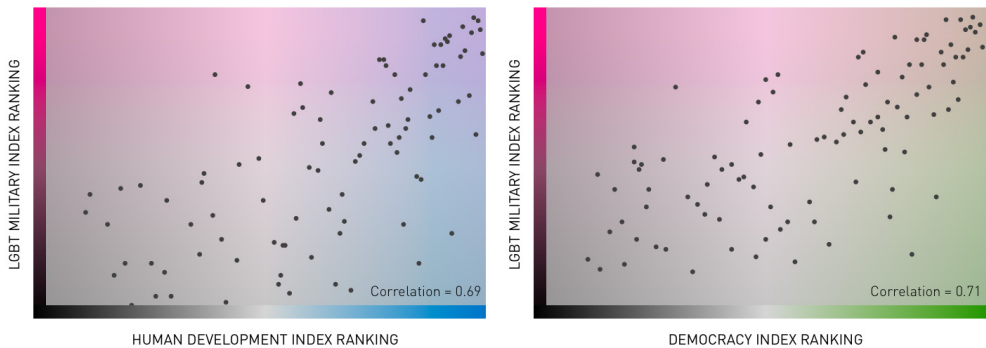


FIGURE 4 COUNTRY RANKINGS ON LGBT MILITARY INDEX, HUMAN DEVELOPMENT, AND DEMOCRACY

### 3.2 ADMISSION AND TOLERANCE COUNTRIES: OPPORTUNITIES FOR GREATER INCLUSION

Countries outside the top 10 but inside the top 30 are mixed pictures, and offer opportunities for armed forces to lead society in LGBT inclusion, or for armed forces to catch up with societies which are already relatively accepting of LGBT people. Many of these states have shown movement towards greater societal acceptance and military inclusion in recent years. Examples include Argentina, Brazil, Croatia, Israel, South Africa, Switzerland, and the United States.

Almost all of these countries have legalized recognition of same-sex unions in some form in the past two decades, generally with consequent military benefits for same-sex couples. These countries mostly do not have support networks for LGBT service members, although Switzerland and the United States do. Official statements of support for LGBT service are rare in these countries. Transgender people are usually able to change their gender in these countries (especially in Argentina, where the administrative procedure is relatively straightforward), though it is not always clear what conditions must be met.

## Military Inclusion Matches Societal Acceptance

In most cases, wider societal acceptance and military policy are closely matched. The top 20 places in the Index are dominated by Europe and the Americas (with the exceptions of New Zealand, Australia, and Israel). Apart from South Africa, no Asian or African countries feature among the top 20. In contrast, the countries most prone to persecution of LGBT individuals are generally in Africa and the Middle East. While European and American cultures are increasingly inclusive of varying sexual orientations and gender identities, some cultures in Africa, Asia, and the Middle East abhor relationships which differ from heterosexual monogamy.

Further evidence of the link between societal attitudes and military policy is in the relationship between public opinion polling on homosexuality and countries' scores on the LGBT Military Index. The World Values Survey asks the general public in several countries the extent to which they consider homosexuality justifiable.<sup>104</sup> For the 35 countries for which data are available, we compared the average score in the opinion poll with the ranking in the LGBT Military Index. The high correlation of 0.72 means that in most cases, the more accepting the population of a country is of homosexuality, the higher that country scores on the Index.

## Military Inclusion Leads Societal Acceptance

Some armed forces score high on the LGBT Military Index despite evidence of negative civilian attitudes toward LGBT people. In these countries, the armed forces could have the opportunity to set the pace for greater LGBT inclusion in society.

Croatia exemplifies countries which have started to move from admission to inclusion, but remain somewhere in between the two: Croatia's armed forces allow LGBT individuals to serve *de jure*, and the government affords certain benefits to cohabiting same-sex couples, but a referendum in 2013 explicitly prohibited same-sex marriage in Croatia, suggesting *de facto* resistance to further inclusion.

A similar situation applies in Israel, which ranks 9<sup>th</sup> in the LGBT Military Index, but where only 40% of the population believes that society should accept homosexuality.<sup>105</sup> South Africa shows one of the largest gaps between *de jure* inclusion and *de facto* challenges for LGBT personnel: 20<sup>th</sup> place for LGBT military inclusion, yet a score of just 3 out of 10 for the public's view on the justifiability of homosexuality.

Serbia exhibits a range of guiding principles. For example, pride events in Belgrade have been repeatedly banned by public authorities, yet antidiscrimination laws are in

place which cover sexual orientation and gender identity.<sup>106</sup> Serbia is also a favored destination for transgender individuals who wish to have gender reassignment surgery. Serbs are eligible to have such surgery subsidized under government health insurance.<sup>107</sup>

The Caucasus countries Armenia, Georgia, and Azerbaijan are also ambiguous. Azerbaijan appears to explicitly ban LGBT personnel, and evidence suggests that homosexuality is pathologized in the Armenian armed forces, with reported cases of gay soldiers hospitalized with ‘homosexuality disease’.<sup>108</sup> In contrast, the de jure situation in Georgia features markers of inclusion, as homophobia is considered an aggravating circumstance for hate crime, and discrimination is prohibited on grounds of sexual orientation and gender identity. LGBT people are permitted to serve in Georgia’s armed forces.<sup>109</sup> De facto, Georgia shows a more mixed picture: on the one hand, former Prime Minister Bizina Ivanishvili publicly declared his support for LGBT equality while in office; on the other hand, certain sections of the public stage large, violent counterdemonstrations to pride events.<sup>110</sup>

### Military Inclusion Trails Societal Acceptance

Some societies have increasingly accepting attitudes toward LGBT people, but score relatively low on the LGBT Military Index. In these countries, the armed forces have an opportunity to reflect public opinion by adopting more policies and practices of inclusion.<sup>111</sup>

Brazil, along with several other Latin American countries, has made rapid moves towards LGBT inclusion in recent years. Same-sex marriage was fully legalized in 2013, offering same-sex couples identical rights to mixed-sex couples. The São Paulo pride event is considered the largest of its kind in the world.<sup>112</sup> Yet despite these moves toward societal inclusion, some indications of military exclusion are present, for example the case of a gay soldier who was imprisoned in 2008 after publicly coming out.<sup>113</sup> Tolerance is also not unambiguous, as article 235 of the Brazilian military penal code criminalizes the practice of ‘libidinous acts, homosexual or otherwise’, with the implication that conventional heterosexual activity does not constitute such an act.<sup>114</sup>

In the United States a number of restrictions on tolerance and admission are still in place, for example, a military law against ‘sodomy’ remains officially in effect, though it does not specifically mention LGB personnel and is practically ‘unenforceable’.<sup>116</sup> More concretely, transgender individuals are pathologized and actively barred from

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*Armed forces which do not reflect popular support for LGBT participation may risk harming their own legitimacy.*<sup>115</sup>

service.<sup>117</sup> In an analysis of the US DADT policy, Belkin argues that DADT undermined the reputation of the US armed forces, partly because popular opinion largely supported LGBT participation without the requirements of DADT.<sup>118</sup> A similar projection had been made by Herek as early as 1993.<sup>119</sup>

### **3.3 EXCLUSION AND PERSECUTION COUNTRIES: INTERNATIONAL COOPERATION AND SERVICE**

Countries diverge widely in their approaches to LGBT participation. Differences in policy can have consequences for LGBT personnel when militaries cooperate or serve abroad. Challenges may result where policies of one country undermine the inclusion of LGBT personnel from another, or where LGBT service members face dangers serving abroad. Possible responses to these challenges are presented in chapter 4.

In the countries at the bottom of the Index, LGBT people may face substantial challenges not faced by others. These challenges may be so pervasive that the military merely reflects a much wider atmosphere of homophobia and transphobia. Almost all of the countries in the bottom 20 have laws criminalizing sexual activity between consenting adults of the same sex. India has also notably reinstated such a policy. Some countries sentence to death those who engage in same-sex relations.

Countries in the bottom 10 often have public officials who make political claims favoring violence against LGBT individuals. The lowest scores, indicating persecution of LGBT people, were found in Ghana, Zimbabwe, Syria, Iran, and Nigeria. Many of these countries have further laws which attempt to eliminate LGBT identities, for example in Nigeria where it is illegal to come out in public. For LGBT service members serving in or alongside these countries, there may be legal and personal dangers not faced by other personnel.

### **SUMMARY: LGBT MILITARY INDEX**

The LGBT Military Index demonstrates that countries vary widely in their approaches to LGBT participation. Around 30 countries show signs of acknowledged LGBT admission in their armed forces, though fewer show signs of active engagement with the principle of inclusion. Those that are taking active steps to improve inclusion serve as an example of experience and best practice for others interested in LGBT inclusion. These countries are mostly developed, democratic, and located in Europe, the Americas, and Oceania.

The close relationship between public acceptance of LGBT people and military inclusion shows the importance of wider societal attitudes, but in cases where military inclusion outpaces public acceptance, the armed forces may be able to lead by example. In contrast, cases where public opinion favors greater inclusion than the military may result in pressure for military reform.

Many countries actively exclude or persecute LGBT people. Wide divergences in policy across countries suggest that policymakers ought to consider the impact on the inclusion of their own LGBT personnel when cooperating with countries that take very different approaches to LGBT people.





## 4 STRATEGIES FOR INCLUSION

*In this final chapter we review the knowledge gathered, and the experience gained. We use this as a basis for future considerations for policymakers committed to LGBT inclusion. The key themes are:*

- *Mainstreaming: develop new policies of inclusion and make existing policies more inclusive.*
- *Managing: make inclusion an increasingly concerted effort and introduce accountability for its successful implementation.*
- *Measuring: track and evaluate progress.*

No armed force or international organization committed to inclusion has published a strategic vision for the inclusion of LGBT military personnel. The policies and practices presented in chapter 2 were not systematically developed or tested for effectiveness. The LGBT Military Index shows that countries operate policies and practices of inclusion to varying extents. Policies and practices have been adopted in a piecemeal fashion as a secondary result of other changes in armed forces and societal attitudes, with the result that inclusion is often inconsistent.

In order to fill the gaps left by current policies, and to ensure the continued development of inclusion, we present a strategy to systematically create, implement, and review inclusionary policies and practices. The strategy presented is based on considerations of governance structures in armed forces and international organizations; analogous experiences in inclusion based on other characteristics such as gender; studies on managing diversity within the military such as the RAND publication *Planning for Diversity*; and discussions with experts in the field of inclusion for LGBT people and for armed forces.

This strategy identifies three points in the governance of armed forces where inclusion can be integrated. The first is *mainstreaming*, where policies are implemented in a

way which values and integrates the differences of LGBT personnel. The second is in *managing* to create the impetus and accountability for policies to be put in place. The third is *measuring* to reflect on the effectiveness of the policies and practices used.

#### 4.1 MAINSTREAMING

‘Mainstreaming’ is a key strategy of organizations aiming for greater inclusion. The term originally referred to ‘the process of assessing the implications for women and men of any planned action, including legislation, policies or programs, in all areas and at all levels’.<sup>120</sup> The reference to ‘women and men’ can be extended to people of all ethnicities, gender identities, and sexual orientations.

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*Mainstreaming means that policies which address the challenges faced by LGBT personnel are not seen as optional or accessory (for example by placing them under the remit of personnel welfare departments), but instead as integral parts of the functioning and decision-making of the organization.*

Building on the definition of inclusion presented in chapter 2, mainstreaming means that policies which address the challenges faced by LGBT personnel are not seen as optional or accessory (for example by placing them under the remit of personnel welfare departments), but instead as integral parts of the functioning and decision-making of the organization. Mainstreaming is already established for gender in organizations such as NATO as a means for dealing with inescapable diversity. Effective inclusion of LGBT personnel means extending mainstreaming to them too. Actions to consider include:

- Inclusion Impact Assessments: armed forces and international organizations may consider adopting a procedure which requires policies and decisions to be evaluated in terms of the potential impact on different groups, including personnel of different genders, religions, sexual orientations, and gender identities. Such a procedure might be referred to as an ‘inclusion impact assessment’. Inclusion impact assessments have been used in several British government departments, including the National Health Service.<sup>121</sup>
- Situational Risk Assessments: following from the concern raised in section 2.4 about the security of LGBT personnel serving abroad, armed forces and international organizations may consider systematically assessing the risks that service members may face relating to their sexual orientation or gender identity. Such an assessment can be used to determine a course of action which balances the requirements of an operation with the personal security of service members.
- Status of Forces Agreements: armed forces and international organizations may consider how the SOFAs they negotiate impact on people of different gender

identities and sexual orientations, for example, whether same-sex and mixed-sex relationships are recognized, and whether immunities from prosecution are sought. If LGBT personnel serving abroad face undue challenges, armed forces and international organizations may consider how to offset those challenges.

## 4.2 MANAGING

Chapter 1 concluded that LGBT service and diversity in general within armed forces can have minimal negative consequences, and numerous positive ones if well managed. To ensure that negative consequences of diversity are mitigated and that the principle of inclusion is implemented, armed forces and international organizations may consider:

- Putting it within the duties of management to affirm support for an inclusive and supportive environment for service members of all sexual orientations and gender identities.
- Providing LGBT networks and support groups with financial and other resources.
- Ensuring that antidiscrimination measures explicitly prohibit discrimination based on sexual orientations and gender identities, and that such measures apply to all aspects of military service including recruitment, promotion, and discharge.
- Setting up 'policy banks' for organizations to exchange experiences and best practices for implementing inclusive strategies.

Certain practices of inclusion are within the competency of international organizations such as the UN, NATO, the EU, and the OSCE to manage. A number of these practices were highlighted in sections 2.3 and 2.4. In cases where national policies take precedence, an international organization may do one of the following:

- Enforce its own policies of inclusion which take precedence over national policies. For example the OSCE has published statements favoring inclusion of LGBT personnel in its Handbook on Human Rights and Armed Forces.<sup>122</sup> International law may be able to require states to ban discrimination on grounds of sexual orientation in recruitment for armed forces: this is what happened in the United Kingdom in 2000, after a ruling of the European Court of Human Rights.<sup>123</sup> It is unclear whether this ruling sets a precedent for other signatories to the European Convention on Human Rights.<sup>124</sup>
- Coordinate or guide varying national policies. For example NATO's code of conduct implicitly forbids disrespectful behavior towards LGBT personnel, but NATO does not have the competency to require that such behavior be addressed by management: 'applicable national military regulations remain the policy by which military member conduct will be managed by their national military authorities'.<sup>125</sup> NATO thus indicates its approval of certain policies of inclusion.

- Devolve matters of inclusion entirely to national militaries. This is generally the default option, and can mean that contradictory or exclusionary practices are followed. For example, a Dutch service member within NATO may feel free to establish a support network for LGBT personnel, however a Turkish colleague would face discharge for joining if doing so indicated that the Turkish individual was LGBT.

### 4.3 MEASURING

Measuring is necessary to evaluate progress, identify best practices, ensure accountability, and make improvements where necessary. Measurements ought to reflect the vision aimed for in strategy.<sup>126</sup> Hence, if the strategy is based on the principle of inclusion, then inclusion should be what is measured. Thus, metrics should address the question ‘to what extent are the differences of individual service members valued and integrated into the way the organization functions and makes decisions?’. The following considerations are adapted from more general literature on diversity management.<sup>127</sup>

Head counting to measure the representation of LGBT people within armed forces is controversial.<sup>128</sup> This report cautions against the practice. The mere presence of LGBT personnel does not imply that inclusion is being effectively implemented. In the US armed forces, lesbians are thought to be disproportionately well represented relative to the general population, whereas for gay men the situation is the reverse.<sup>129</sup> This is difficult to explain in terms of inclusion alone because of the multiple other factors which could influence representation, such as the economic position of LGBT people, family status, and LGBT people’s willingness to reveal their identity, orientation, or behavior. Furthermore, LGBT people can be defined in terms of self-identification,

*Head counting to measure the representation of LGBT people within armed forces is controversial.*

orientation (‘status’), or actual behavior (see section 2.1). Each definition yields very different representation figures and deals with different aspects of inclusion, which makes for a confusing picture and may also be influenced by a number of factors other than inclusion.<sup>130</sup>

Surveys which ask personnel to reflect on how the principle of inclusion is being implemented can offer a certain degree of insight.<sup>131</sup> Examples of things to ask might include the changes that service members perceive before and after new policies are introduced, and how policies have affected them in terms of their differences being valued and integrated into the functioning of the organization. Advantages of such surveys include the insight gained into the different challenges faced by different

service members. Disadvantages include those generally associated with surveys, such as interviewer bias and problems with interpretation of questions.

General evaluations of personnel performance may also be useful. Chapters 1 and 2 demonstrated that effective management of participation and adequate policies of inclusion can be expected to improve both the welfare of LGBT personnel and the performance of service members and units. Analyzing correlations between changes in inclusion policy and changes in performance may give insight into which policies are most worthwhile. This method may have the advantage of coinciding with existing policy-evaluation mechanisms within armed forces. The main disadvantages may be lack of precision in being able to establish the actual causes of changes in performance; and problems with the validity of performance measurements themselves.

Evaluations of managers might include an aspect which assesses their implementation of inclusion policies, and their performance in creating an environment in which all personnel feel valued.<sup>132</sup> Such an approach has the advantage of reflecting the importance of leadership identified in section 2.3; however resources would have to be invested to ensure that the procedures produced an accurate picture of the managers' true performance.

### **SUMMARY: MAINSTREAMING, MANAGING, MEASURING**

The strategies of mainstreaming, managing, and measuring build on the best practices identified in chapter 2 to provide a means of systematically planning, implementing, and improving inclusion.

Mainstreaming turns the principle of inclusion into standard practice by systematically evaluating the impact of policies and decisions on LGBT personnel. Managing turns inclusion from a secondary effect of other trends in the military and society into an active strategy for armed forces to pursue with purpose and accountability. Effective management requires monitoring and measuring. Measuring progress on inclusion is an emerging field of study; the identified policies are some reflections on insights to date. Perception surveys, general staff and effectiveness indicators, and reviews of management could all be valuable indicators of effective inclusion; head counts are not recommended.



# CONCLUSIONS

Armed forces are changing. As diversity becomes increasingly the norm, and as more and more militaries recognize their LGBT service members, diversity is increasingly viewed as a strategic asset to be managed in order to deliver maximum benefits for the military. Meanwhile, the recognition of LGBT people in society has changed considerably in many parts of the world. From a human rights and equality perspective, many now see a moral duty to remove the challenges faced by LGBT people.

LGBT inclusion in the military has increased rapidly, with many countries lifting bans on LGBT service in recent decades. These changes have raised questions on the suitability of LGBT people to serve and the effects of their service on armed forces. For those who approach LGBT inclusion not only as a matter of human rights but also as one of military effectiveness, it is important to understand how countries and international organizations deal with LGBT participation in different ways, and what strategies they can develop for making the most of this form of diversity.

## MAXIMIZING THE SYNERGY

Effective management is important for maximizing the synergy between LGBT participation and military functioning. Some have claimed that policies permitting LGBT participation in armed forces would come at the cost of a well-functioning military, for example in terms of recruitment, cohesion, or morale. Numerous studies and the experiences reported by several armed forces have been unable to support such claims. Instead, a number of beneficial consequences can be associated with policies which allow LGBT personnel to serve. For example, in an environment where LGBT people feel their differences are valued, they perform better and the military benefits from their better performance.

## BEST PRACTICES OF INCLUSION

LGBT personnel face challenges not faced by their colleagues. Effective management

of LGBT participation means valuing and integrating their differences into the functioning of the organization. We refer to this approach as inclusion. Other approaches to LGBT participation are admission, tolerance, exclusion, and persecution.

Promising policies and practices ('best practices') associated with inclusion identified in this report include leadership, training, codes of conduct, support networks and mentors, antidiscrimination measures, recognition of relationships, and recognition of gender identities. International service and cooperation are increasingly salient in the work of armed forces. Inclusion of LGBT in these contexts can include the role of leadership, codes of conduct, and support networks. LGBT personnel may face particular challenges while serving abroad; some evidence exists that armed forces consider this, but doing so is by no means routine procedure for any country or international organization.

## LGBT MILITARY INDEX

The HCSS LGBT Military Index scores countries on their level of inclusion of service members and ranks them to show that substantial differences exist. The most inclusive armed forces are overwhelmingly in developed, democratic countries, usually in Europe, the Americas, and Oceania. The wide divergences in policy underline the importance of considering the international aspect of LGBT inclusion. Similarities and differences between LGBT military inclusion and public attitudes on homosexuality reveal countries where the military has an opportunity to set the pace for increasing inclusion, as well as other countries where the military is playing catch-up with attitudes that favor greater inclusion than currently exists.

## RECOMMENDATIONS

Policies and practices of inclusion that benefit militaries and those who serve can be identified through the lens of inclusion. They can be strategically created and implemented through mainstreaming, managing, and measuring. Mainstreaming means assessing the impact of policy decisions on all those who could be affected by them; doing so for LGBT personnel implies systematic consideration of inclusion. By implementing inclusion with the help of managers, accountability is increased. Measuring progress allows for a cost-benefit assessment of policies and practices of inclusion, and gives the opportunity to make improvements where necessary.





# GLOSSARY

**asexual:** *see* [orientation](#)

**behavior:** in this report behavior refers to the sexual activities that a person engages in. A person's choice of other people to engage in sexual activity with may or may not correspond with their [sexual orientation](#) or [identity](#). For example, someone who is [homosexual](#) might engage in sexual activity with someone of a different [sex](#) or [gender](#) due to societal pressure.

*see also* [MSM](#), [WSW](#)

**binary (gender):** the view that sex and/or [gender](#) are clearly divided into two mutually exclusive categories: male and female. [Intersex](#) and [genderqueer](#) people are unaccounted for in the binary view of gender.

**bisexual:** *see* [orientation](#)

**cisgender:** people whose [sex](#) assigned at birth and [gender identity](#) match. The overwhelming majority of people are cisgender. Cisgender individuals are not [transgender](#), and therefore do not experience [gender dysphoria](#) or seek to [transition](#).

**claim:** a political claim is the purposive and public articulation of political demands, calls to action, proposals, criticisms, or physical attacks.

Claims can take many forms, such as press statements, interviews, speeches, legislative proposals, acts of physical violence, or choosing to share a platform with someone.

**come out:** (abbreviated from coming out of the closet) is the act of disclosing one's sexual orientation or gender identity. It is an identity-affirming act. The verb 'to out someone' is the act of disclosing someone else's sexual orientation or gender identity. An LGBT person who has come out, or whose sexual orientation or gender identity is known to some or all people is described as out to those people. An LGBT person who has not come out, or whose sexual orientation or gender identity is unknown to some or all people is described as closeted to those people.

**disclosure:** *see* come out

**DADT:** Don't Ask Don't Tell is the common name for United States law 10 U.S.C. 654, which prohibited out LGB individuals from serving in the armed forces, and which prohibited attempts within the armed forces to out closeted LGB individuals.

In this report, the initials 'DADT' and the term 'don't ask don't tell' without capital letters are used to refer to analogous policies in other countries, and to the general principle underlying 10 U.S.C. 654.

**gay:** people who are attracted to members of the same sex or gender. It is predominantly used in reference to men. Being gay is part of someone's sexual identity. It overlaps with, but is distinct from being homosexual, which is a sexual orientation.

**gender:** people's deep neurological, psychological, social, and cultural perceptions of themselves and others as categorized in ways that relate to their physical bodies, identity, appearance, mannerisms, relationships, society, sex, and sexual orientation. Gender may or may not match the biological sex that an individual was assigned to at birth.

In most cultures, gender is considered to be binary. Many dispute this view. Other people and cultures recognize additional genders, such as genderqueer, genderless, two-spirit (among Native Americans), and hijra (in South East Asian cultures).

**gender dysphoria:** the enduring and profound feeling transgender people have that their sex assigned at birth does not correspond with their gender. A transgender person may experience distress if they attempt or are forced to live as the gender which matches their sex assigned at birth.

**gender identity disorder:** see [gender dysphoria](#)

**genderqueer:** one of a number of terms used by individuals who consider that their [gender identity](#) does not correspond with their [sex](#) assigned at birth, and also does not correspond to the [genders](#) recognized in their culture, such as male and female. Genderqueer individuals may for example identify as neither masculine nor feminine, or both, or a combination.

Comparable terms used include agender, bigender, gender fluid, gender nonconforming, gender variant, and pangender.

**gender reassignment surgery:** (*GRS*; also referred to elsewhere as *sex reassignment surgery*, *gender-affirming surgery*, and *gender-confirming surgery*) is a number of possible surgical procedures in which an individual's physical attributes are altered in order to better match their identified [gender](#).

[Transgender](#) people (often though not always) undergo gender reassignment surgeries in order to help alleviate [gender dysphoria](#). Sometimes surgeries are also performed on [intersex](#) people, often in infancy, in order to assign the person a particular sex.

**hate crime:** in law, hate crime is the victimization of an individual because of an actual or perceived characteristic. This particular personal characteristic may include but is not limited to [sexual orientation](#), [gender identity](#), race, ethnicity, or religion.

Incidents may involve physical assault, verbal abuse or insults, harassment, bullying, damage of property, and offensive graffiti or letters. Laws may view hate crime as an aggravating circumstance when one of these crimes is committed.

**heterosexual:** see [orientation](#)

**homophobia:** an aversion to homosexuality and homosexual people.

**homosexual:** see [orientation](#)

**identity (gender, sexual):** each person's deeply felt internal, individual, and social experience of their [gender](#) and [sexual orientation](#). Identity is how a person is defined in terms of their sexual orientation and gender. An individual may choose to express

their identity in a number of ways, such as coming out, dress, speech, mannerisms, or cultural activities.

In the case of sexual identity, people might define themselves as gay, lesbian, straight, or some other term, or no term at all. This may or may not correspond with sexual orientation or sexual behavior. In the case of gender identity, people might define themselves as men or women or some other term, or no term at all. This may or may not correspond with their sex assigned at birth.

**intersex:** individuals whose sex at birth is intermediate, unclassified, or unclear because the individual has physical attributes of both male and female or neither. Intersex people are sometimes offensively referred to as hermaphrodites.

Intersex individuals may have similar experiences and face similar challenges to transgender individuals, for example identifying as a gender that does not necessarily conform with their physical attributes.

**lesbian:** women who are attracted to members of the same sex or gender. Being a lesbian is part of someone's sexual identity. It overlaps with, but is distinct from being homosexual, which is a sexual orientation.

**LGB:** lesbians, gay men, and bisexual people. It is used in this report as an umbrella term to refer to people whose experiences of sexuality result in challenges not faced by heterosexual people in their societies or cultures.

**LGBT:** the abbreviation LGBT refers to:

- lesbians
- gay men
- bisexual people
- transgender people

LGBT is used in this report as an umbrella term to refer to people whose experiences of sexuality and/or gender identity result in challenges not faced by heterosexual cisgender people in their societies or cultures.

These four terms alone may be arbitrarily limiting due to the specific groups referred to and the cultural specificity of their experiences. Other groups acknowledged include, but are not limited to:

- asexual people
- intersex people
- people of undefined sexual orientation or gender identity
- people whose sexual orientation and/or gender identity are fluid

**MSM:** abbreviation of ‘men who have sex with men’. The term refers purely to sexual behavior, and not to sexual orientation or identity. MSM may or may not be homosexual or bisexual, and may or may not identify as gay or bisexual.

In some contexts it is important to talk about behavior in isolation from orientation and identity. One such context is blood donation. In many societies, men who have sex with men are disproportionately likely to be infected with HIV. The term MSM therefore has particular currency and primarily medical connotations.

**orientation:** each person’s capacity for profound emotional, affectional and sexual attraction to, and intimate and sexual relations with, individuals of a different gender or the same gender or more than one gender. Sexual orientation is generally considered to be an innate and fundamental part of a person’s biology. Some people report that their sexual orientation can change naturally over time. Psychological, medical, and religious interventions aimed at altering a person’s sexual orientation lack any scientific evidence of their efficacy, and have been widely discredited by reputable studies and organizations.<sup>133</sup>

Examples of sexual orientations include heterosexual (oriented towards persons of a different gender), homosexual (oriented towards persons of the same gender), and bisexual (oriented towards both genders). Other orientations have also been identified, such as asexual (no orientation towards any other person regardless of gender).

**pathologize:** to pathologize a psychological phenomenon is to consider it an illness or affliction. For example, some medical and cultural communities pathologize homosexuality, which means that they consider it a mental disorder.

Reputable medical organizations do not consider transgender people to inherently possess a mental disorder. For example the American Psychiatric Association's DSM-5 manual explicitly states that 'gender nonconformity is not in itself a mental disorder'.<sup>134</sup>

**pride event:** an event in which people and organizations come together to publicly affirm LGBT identities. Pride events may also be used as an opportunity to demonstrate support for greater LGBT inclusion. The most common events are pride demonstrations, marches, and festivals. There are also LGBT music and film festivals, the International Day Against Homophobia, Biphobia and Transphobia (IDAHO), and the International Transgender Day of Visibility.

**sex:** a biological term which refers to the natural division of virtually all humans into male and female on the basis of reproductive function. Sex is different from gender, which is a set of neurological, psychological, social, and cultural phenomena. For clarity, it may be referred to as 'sex assigned at birth'.

Most people are assigned male or female at birth. A small number of people are intersex.

**transgender:** individuals whose gender identity does not match their sex assigned at birth. Transgender individuals experience gender dysphoria as a result of this mismatch. Transgender people may seek to transition.

**transition:** the process a transgender person may undergo to better experience their gender identity. Transitioning is a complex and often long process, and is different for each person. Transitioning may include some, all, or none of the following:

- hormone replacement therapy;
- gender reassignment surgery;
- asking friends, family, and/or colleagues to recognize one's identified gender;
- adopting mannerisms and clothing of one's identified gender;
- changing one's gender as stated on official documents.

**transphobia:** an aversion to transgender people.

**transsexual:** a term which has often been used to refer to transgender people, particularly those who make use of gender reassignment or affirming treatments, such as hormone therapy or surgery to help their body to better reflect their gender.

In recent years, the term transsexual has lost much of its currency to the term transgender. The root 'sex' carries connotations of biological and anatomical attributes. These connotations may be unhelpful to an understanding of the experiences of transgender people, because gender is primarily a social, psychological, neurological, and cultural phenomenon.

**WSW:** abbreviation of 'women who have sex with women'. The term refers purely to sexual behavior, and not to sexual orientation or identity. WSW may or may not be homosexual or bisexual, and may or may not identify as lesbian or bisexual.

Like the term MSM, WSW has a primarily medical connotation.





# INDEX METHODOLOGY

The LGBT Military Index maps the situation of LGBT participation in the armed forces on a global scale.

## SUMMARY

We used a method which scores countries based on indicative policies and practices ('indicators'), then subtotals the scores based on our conceptual framework of five guiding principles ('categories'), and combines the five subtotals using percentage score. This method allows for a transparent and replicable result, as well as a comparable and systematic assessment of the position of LGBT personnel in armed forces worldwide.

## PROCESS

We selected 103 countries based on geographical spread, military power, levels of socioeconomic development, regime type, and data availability. We began with the guiding principles Inclusion, Admission, Tolerance, Exclusion, and Persecution. Under each of these five principles, we identified a number of indicators, 19 of them in total. We then scored the countries based on those policies and practices, and added the scores within each of the categories to produce five scores per country. We then used percentage scores to compare all 103 countries on each of the five categories. Finally, we took a simple average of the five percentage scores for each country to produce a final score which could be ranked.

## CHOICE OF INDICATORS

The indicators were selected and defined based on their relevance to the guiding principles they reflect; clarity of definition in political, social, legal, or LGBT theory; and data availability.

All of the indicators reflect the situation of LGBT people in the military in some way. In some cases civilian policies also reveal important information on LGBT participation in armed forces, and were therefore incorporated into the Index. For example, most militaries have no specific policy on the recognition of same-sex couples, and simply follow the state's policy.

The category Inclusion scored countries on (1) the presence of an organization supporting LGBT personnel within the armed forces, (2) the type of recognition same-sex unions receive within the state, (3) the recognition, support, and financial benefits granted to same-sex couples, (4) antidiscrimination on grounds of sexual orientation or (5) gender identity or expression, (6) armed forces represented at pride events, (7) armed forces or someone acting on their behalf making a political claim supporting the rights of LGB or (8) transgender personnel, (9) the state recognizing a legal change of gender on official documents, and (10) crimes against an individual because of his or her actual or perceived orientation being considered an aggravating circumstance. The category Admission assessed whether (11) service is possible regardless of the sexual orientation or (12) gender identity. The category Tolerance looked into (13) the support for a Joint Statement of the UN Human Rights Council on the rights of LGBT persons, and (14) the criminalization of male or (15) female same-sex sexual activities. The principle Exclusion mirrored 11 and 12 by assessing whether service is banned based on sexual orientation or gender identity; as well as whether the armed forces consider (16) homosexuality, bisexuality or (17) transgender status to be a pathological mental disorder. Finally, the principle Persecution scored countries based on (18) restrictions on expression of sexual orientation or gender identity and (19) the presence of an incitement to hatred by a public official.

## WEIGHTING

For reasons of conceptual simplicity, each of the indicators was weighted equally within its own category. The only exception to this was under Tolerance, where the legal status of male and female homosexual acts were combined and weighted equally with support for the UNHCR declaration; this reflects the fact that our Tolerance category assesses two phenomena (legality and international support), not three.

Because each of the guiding principles is equally important in defining a country's approach to LGBT participation in armed forces, we weighted each of the five categories equally. Some categories contained more indicators than others. This indirectly gave a higher weight in the overall ranking to indicators in categories with fewer other indicators. We opted not to add, remove, or change indicators for the sake

of an even distribution of indicators across categories. This decision reflects the conceptual importance of the categories. For example, Inclusion is conceptually defined by a large number of policies, so it is fitting that it was the category with the most indicators. By contrast, just one policy or practice of persecution negates any Inclusion taking place, so the two indicators in that category weigh heavier for countries which exhibit them.

## RELIABILITY, VALIDITY, ROBUSTNESS

We produced precise definitions for every indicator and created step-by-step guides for data collection and coding, so that every finding could be scored in a consistent manner and different coders could repeat the exercise and get the same scores. An intercoder reliability test was also conducted: two researchers assessed ten randomly selected states from scratch in isolation. The result was a strong correlation of 0.87, which indicates reliable coding. Two indicators were identified as a source of ambiguity and consequently redefined.

A consultation phase was carried out, in which the researched states were contacted via their embassies in The Hague and policy experts were asked to review the individual scores. Fewer than 10 individual scores were altered as a result.

The robustness of the results was tested by using different aggregation methods. Across three different statistical methods, the ranking retained a correlation of 0.9 or greater with the final Index.



# NOTES

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*The Hague Centre for Strategic Studies*

Lange Voorhout 16  
2514 EE The Hague  
The Netherlands

info@hcss.nl  
HCSS.NL

