



Committee: Human Rights

Issue: The Question of LGBTQ+ participation in military activities

Student officer: Annina Strub

Position: Deputy Chair

School: Haileybury Imperial Service College

Introduction:

Historically military has been exclusively open to men with a few exceptions. Records suggest that few military groups that allowed the participation for women were often a safe space for lesbian and bisexual women. Other, there are not many historical records regarding LGBTQ+ people in the military especially regarding the trans community.

In more modern times laws in many countries criminalizing the LGBTQ+ community or labeling it as a mental disorder excluded most openly homosexual or trans people from participating in military activity. Additionally, many countries do not have laws specifically regarding LGBTQ+ people in the military, deny their existence or criminalize them, excluding them from society.

The first country to ban discrimination against homosexuals in the military were the Netherlands in 1974. Several countries followed with laws against discrimination of homosexuals in the late 1990ies and early 2000s, still, however, many less countries have ant discriminatory laws and policies in place regarding LGBTQ+ people. Currently there are about 56 countries that do not outlaw the participation of openly homosexual people in the military, in many of of those laws and policies transgender people are not mentioned.

Only about 20 countries currently explicitly allow the participation of transgender people in military, several with conditions that must be met such as a 'full transition'. Commonly used arguments to outlaw the participation of transgender people it the concern of medical issues induced through hormonal, surgical and other treatment in the process of a transition. Other countries do not recognize transitions at all and require or prohibit military service based on the assigned sex, disregarding the gender of an individual.

Definitions of key terms:

LGBTQ+ – an acronym standing for Lesbian, Gay, Bisexual, Trans and Queer people.

Military activity – defined as the activity a nation or state requires for its defense and security as well as military offensives and interventions beyond borders.

(Biological) sex – biological traits that determine an individual’s reproductive functions that are divided into male, female or intersex.

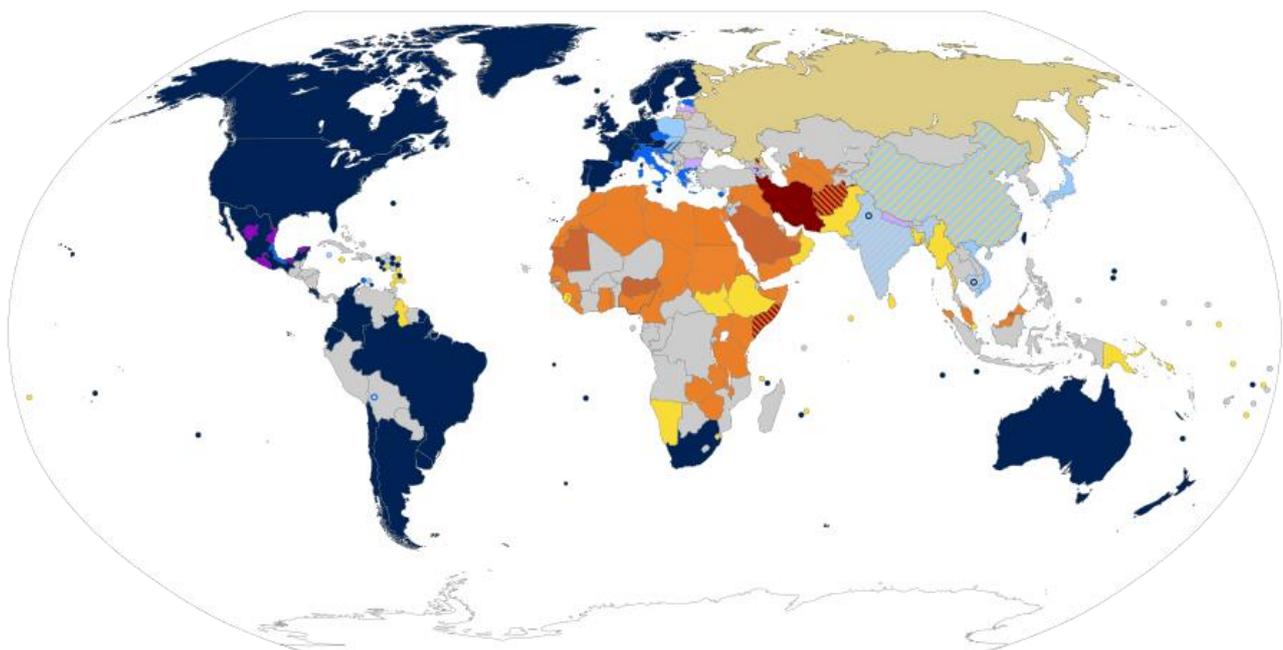
Intersex – This word refers to people that do not exclusively fit in either male or female based on their biological sex-characteristics.

Gender – refers to social construct that connects characteristics to women, men and other. These include behavior, norms, and gender identity. They are often linked with the sex of a person but not exclusively. These characteristics and traits can differ over time and in different cultures.

Background information:

To understand the responses and policies of countries to LGBT people serving in the military, the laws regarding expression to be part of the LGBTQ community and any action related to it of an individual country must be understood. The map below summarizes the approach of a country as of the year 2021.

Worldwide laws regarding same-sex intercourse, unions and expression:

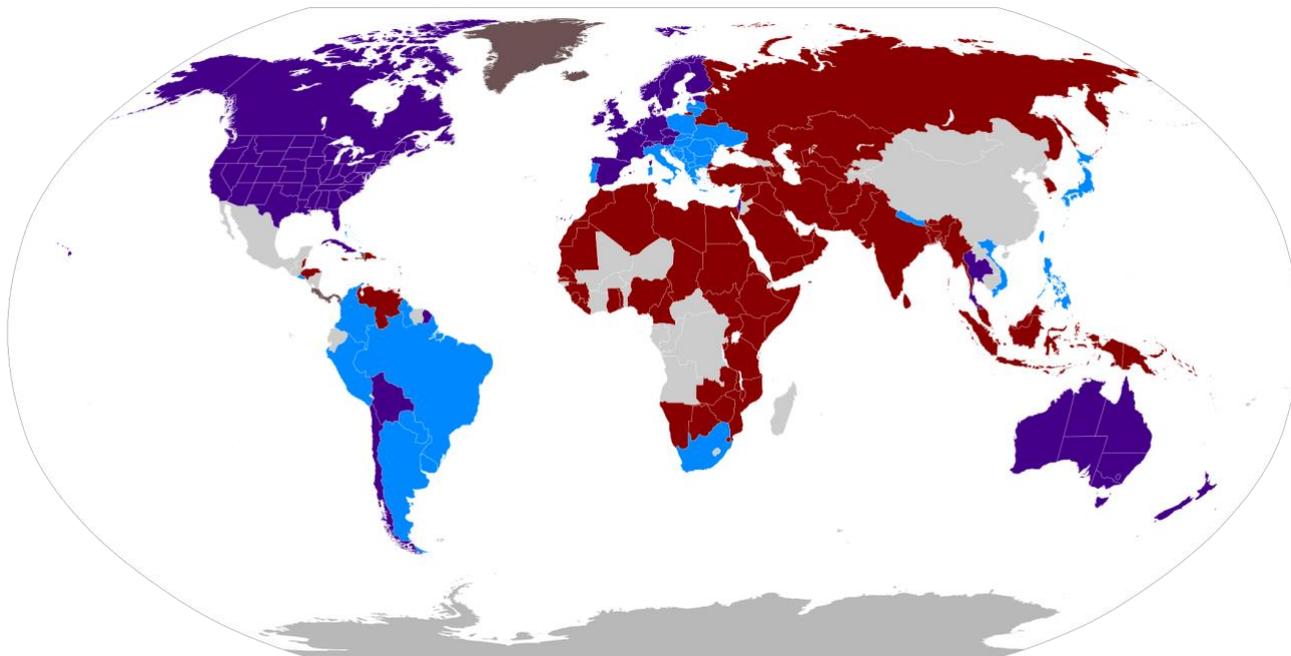


Same-sex intercourse illegal. Penalties:
Death
Prison; death not enforced
Death under militias
Prison, w/ arrests or detention
Prison, not enforced

Same-sex intercourse legal. Recognition of unions:
Marriage
Extraterritorial marriage
Civil unions
Limited domestic
Limited foreign
Optional certification
None
Restrictions of expression

Military service by gender, sexual orientation, and gender identity:¹

The map below roughly indicates the policies of different Nations regarding the openly LGBT people in military service. However, many of them are very ambiguous and changing on a case-by-case basis.



- All LGBT people can serve
- LGB people can serve
- Ambiguous/unknown policy
- LGBT people are banned from serving
- No military

LGBT MILITARY INDEX:²

The LGBT Military Index ranks countries based on five guiding principles Inclusion, Admission, Tolerance, Exclusion, and Persecution. The average scores are compared and used to rank 103 countries in the LGBT Military index as listed below.

1 New Zealand	10 Spain	20 Czech Republic	29 Japan
2 Netherlands	12 Germany	20 Portugal	31 Ecuador
2 United Kingdom	13 Norway	20 South Africa	32 Slovenia
4 Sweden	14 Switzerland	23 Brazil	33 Colombia
5 Australia	15 Croatia	24 Bolivia	34 Luxembourg
6 Canada	15 Uruguay	25 Estonia	35 Georgia
7 Denmark	17 Argentina	26 Albania	35 Slovakia
8 Belgium	17 Austria	27 Ireland	37 Chile
9 Israel	17 Finland	28 Hungary	38 Malta
10 France		29 Cuba	38 Romania

¹ https://en.wikipedia.org/wiki/LGBT_people_and_military_service

² Polchar, Joshua, Tim Sweijs, Philipp Marten, and Jan Galdiga. "LGBT MILITARY INDEX." *LGBT MILITARY PERSONNEL: A STRATEGIC VISION FOR INCLUSION*. Hague Centre for Strategic Studies, 2014. <http://www.jstor.org/stable/resrep12586.7>.

40 United States	56 Nicaragua	70 Qatar	87 Gambia
41 Italy	57 Nepal	73 South Korea	87 Sudan
41 Poland	58 Rwanda	73 Russia	90 Kazakhstan
43 Bosnia and Herzegovina	59 Republic of Congo	75 Namibia	90 Tunisia
43 Bulgaria	60 Belarus	76 Algeria	92 Malaysia
43 Latvia	60 Sierra Leone	77 Azerbaijan	93 Oman
46 Lithuania	62 China	77 Turkey	94 Cameroon
47 Mexico	62 Pakistan	79 Somalia	94 Kenya
48 Thailand	64 DR Congo	80 Morocco	96 Botswana
49 Serbia	65 Lebanon	81 Jamaica	97 Uganda
50 Philippines	66 Liberia	82 Egypt	98 Saudi Arabia
51 Peru	67 Indonesia	83 Tanzania	99 Ghana
52 Ukraine	68 Armenia	83 United Arab Emirates	100Zimbabwe
53 Vietnam	69 Libya	83 Zambia	101Syria
54 Cyprus	70 Afghanistan	86 Bangladesh	102Iran
55 Greece	70 India	87 Belize	103Nigeria

Only eight countries around the world including, Australia, Canada, France, Germany, Mexico, The Netherlands, Switzerland, The United Kingdom and The United States provide laws prohibiting discrimination at the workplace on bases of sexuality. About one fifth of LGBTQ+ Americans have experienced discrimination based on sexuality and gender identity in the workplace. People from the transgender community are even more affected with issues regarding binary split facilities.

Timeline of events:

Historians found many records of homosexual relationships, reaching back as far as 9'600 BCE. Findings from the Middle Assyrian Empire from around 1'075 BCE, provide the earliest records of anti-homosexual activity laws. In the time around 1'000 BCE native American tribes started having words describing people that identify with a gender other than their birth sex. This event marks the first recorded time where entire societies develop words for gender non-conforming identities. Under the reign of Augustus, the ancient roman empire introduced laws to allow same sex marriage in the year 27BCE as a fist in human history.

With the expansion of imperialist Europe, the general approach of condemning homosexual activity as well as the binary gender model based upon traditional catholic approaches, more laws and attitudes condemning the act of 'sodomy' and general homosexuality were spread around the globe.

1533

The Buggery act was the first law that was passed that illegalized homosexual relationships.

1800

The 'social purity movement' began as a means of end prostitution sexual abuse but was soon adopted by the evangelical church to advocate against homosexuality. This social purity movement played a major role in shaping sex education and the general view on sexuality in general.

1930

Lily Elbe being the first person in history to undergo gender nonconforming surgery, this event took place in Germany.

1939

Marks the first year of second world war. During the period of the first world war Gay soldiers were not allowed to fight in the war in many countries' militaries. Soldiers that were 'found out' during the war were sent back, however, they were not allowed to return to their home cities and their families. In regions occupied by Nazi Germany LGBTQ+ people were sent to jail or concentration camps where they were systematically executed.

1948

The UN general assembly adopts 'The Universal Declaration of Human Rights', stating that "All human beings are born free and equal in dignity and rights."

1969

Beginning of the stonewall riots in the US lead by Marsha P. Johnson. The movement aimed to make the LGBTQ+ more visible by encouraging people to come out, marking the start for the modern pride events around the world. This event marks one of or the most important event in the fight of LGBTQ+ rights.

1980s

Year of the first official diagnosis of AIDS which in the following decades expanded to the AIDS epidemic. Because the LGBTQ+ community was hit hard the HIV and AIDS were abled as a 'gay disease' which was also reflected in sex education to this day.

1992

The WHO declassifies same-sex attraction as a mental illness.

2001

The Netherlands become the first modern nation in the world to legalize same sex marriage. In the following years many nations followed the example of the Netherlands

2011

The UN human rights council expresses grave concern at acts of violence and discrimination based on sexual orientation and gender identity.

2013

Launch of the campaign "Free & Equal – United Nations for LGBT equality". This campaign has and continues to have the aim educating and promoting inclusion, freedom and equality for the LGBTQ+ community.

Relevant UN treaties, conventions and action:

Universal declaration of human rights - 1948

The human rights declaration that was proclaimed by the UN on the 10. December 1948. Right against discrimination, including sexuality and gender identity, are entailed.

The issue of protecting LGBTQI+ people form discrimination and violence is repeatedly called to attention at the UN General Assembly, the UN Human Rights Council and the Office for the High Commissioner for Human Rights.

In 2013 the 'UN Free & Equal' campaign was launched by the Office of the United Nations High Commissioner for Human Rights. This unprecedented global UN information campaign aims to promote fair treatment and equal rights for the LGBTQI+ community around the globe. ³

Relevant UN resolutions:

Human Rights Council:

A/HRC/RES/32/2

Protection against violence and discrimination based on sexual orientation and gender identity (adopted 30 June 2016)

A/HRC/RES/17/19

Human Rights Council resolution - Human rights, sexual orientation and gender identity (adopted 17 June 2011)

A/HRC/RES/27/32

Human Rights Council resolution - Human rights, sexual orientation and gender identity (adopted 26 September 2014)

General Assembly:

A/RES/69/182

General Assembly resolution - Extrajudicial, summary or arbitrary executions

A/RES/67/168

General Assembly resolution - Extrajudicial, summary or arbitrary executions

A/RES/65/208

General Assembly resolution - Extrajudicial, summary or arbitrary executions

A/RES/63/182

General Assembly resolution - Extrajudicial, summary or arbitrary executions

A/RES/61/173

General Assembly resolution - Extrajudicial, summary or arbitrary executions

A/RES/59/197

General Assembly resolution - Extrajudicial, summary or arbitrary executions

³ <https://www.un.org/en/fight-racism/vulnerable-groups/lgbtqi-plus>
Author: Annina Strub

Bibliography

<https://www.ohchr.org/en/issues/discrimination/pages/lgbtunresolutions.aspx>

<https://www.unfe.org/wp-content/uploads/2017/05/International-Human-Rights-Law.pdf>

<https://www.un.org/en/our-work/protect-human-rights>

<https://www.un.org/en/fight-racism/vulnerable-groups/lgbtqi-plus>

https://en.wikipedia.org/wiki/LGBT_rights_by_country_or_territory

<https://www.britannica.com/topic/gay-rights-movement>

<https://www.stonewall.org.uk/node/43992>

https://en.wikipedia.org/wiki/LGBT_people_and_military_service

<https://www.un.org/en/site-search?query=A%2FRES%2F69%2F182>

Polchar, Joshua, Tim Sweijs, Philipp Marten, and Jan Galdiga. "LGBT MILITARY INDEX." *LGBT MILITARY PERSONNEL: A STRATEGIC VISION FOR INCLUSION*. Hague Centre for Strategic Studies, 2014. <http://www.jstor.org/stable/resrep12586.7>.

Gates, Gary J., and Jody L. Herman. "Transgender Military Service in the United States." The Williams Institute at UCLA School of Law, 2014. <http://www.jstor.org/stable/resrep35579>.