

May 2023



Final Report

Independent Review into the service and experience
of LGBT veterans who served prior to 2000

MAY 2023

Cover artwork by David Tovey.

David Tovey served in the British Army between 1991 to 1997 and left the military due to the fear of his sexuality being discovered. Now, David is an internationally award-winning artist, educator and activist who works to raise awareness about the social issues he tackles. This includes speaking regularly at housing and homelessness events, and teaching art to people experiencing homelessness at 'Path With Art' in Seattle. David is also the founder of the UK's first One Festival of Homeless Arts and Co-Director of the charity 'Arts & Homelessness International'.

Final Report

Independent Review by Lord Etherton into
the service and experience of LGBT veterans
who served in HM Armed Forces between
1967 and 2000



Clickety-clack

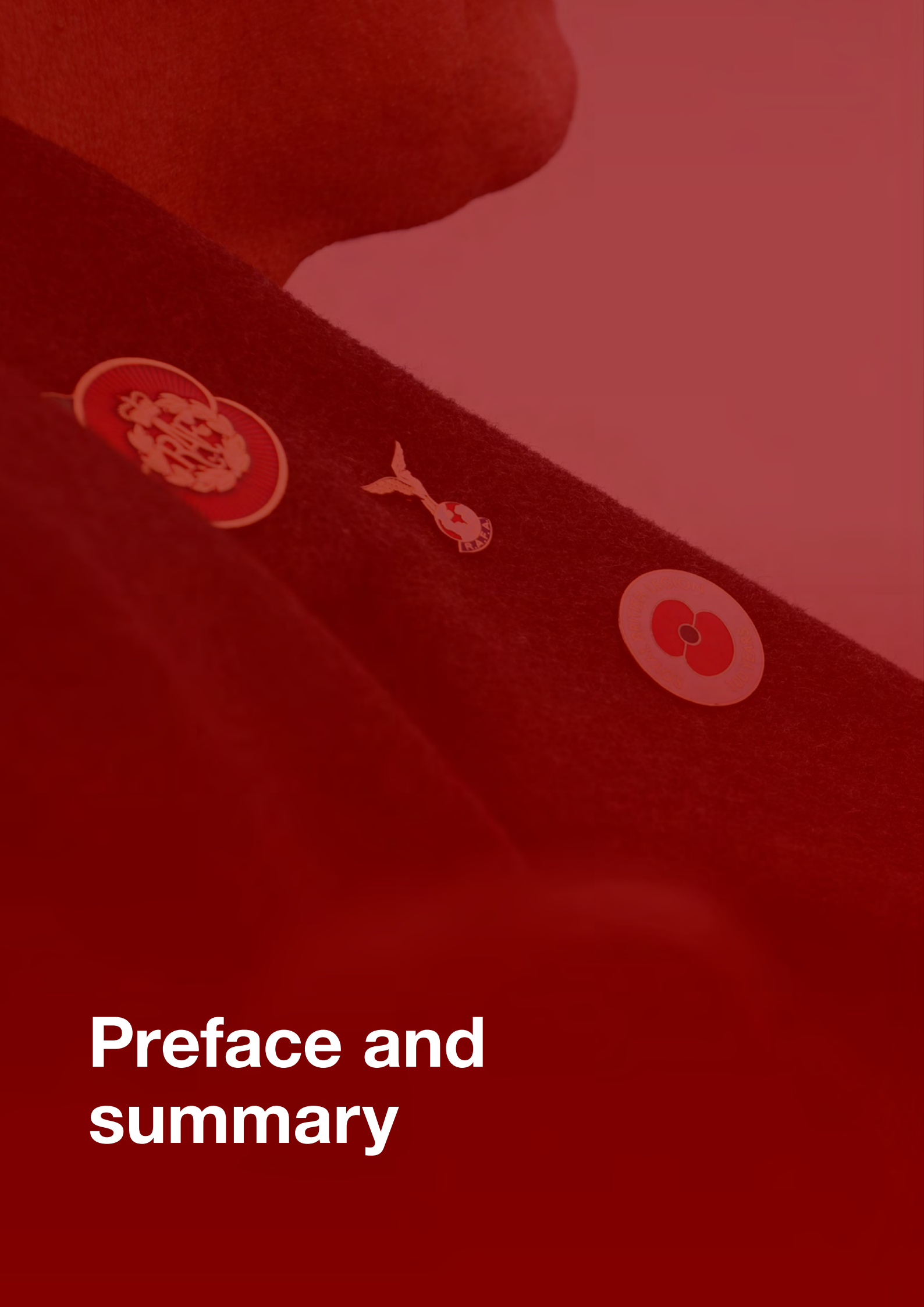
By Glen Coleman,
(LGBT veteran who
spent 20 days in the cells
before being dismissed
pursuant to the Ban)

“I can’t see the point of having a window you can’t see out of. But whoever put that one there knew exactly what they were doing. It was at least ten feet off the ground, and even if it wasn’t that high, I still wouldn’t be able to see out of it, because it was made up of sixteen bulbous opaque panes, each about six inches square. It let light in ok, and I suppose it let light out, but both only added to the torture of being locked in an empty grey box, eight feet wide, by twelve feet long and about the same height. Added to that, the electric light, controlled by an unused switch outside the double locked solid steel door, was on twenty-four hours a day. At least the natural light coming through the window was governed by Mother Nature.

Besides light, my only other company during the twenty-four hours a day, every day, I was there, was the train going from Devon to Cornwall passing over ‘shaky bridge’. It let me know, with a clickety-clack, as it went over points, whether it was a four-carriage local or thirteen-carriage ‘inter-city’. There was also a silent ‘jailer’ who unlocked and opened the door then put meals and a cup of ‘standard NATO’ tea on the floor, three times a day. He also took me for a shit, shower, and shave at 8am every morning. A different, but still silent, jailer accompanied me to ablute and collect my bedding at 8pm every night, which I had to return to the cage it was kept in twelve hours later. In between those times there was just me, my thoughts, a raised concrete plinth, with a one-inch wooden top, which acted as a bed, the clickety-clack of the train, the light, always the light, and that damned window, occupying the strip cell.

As though he was there with me, Jeff Tweedy wrote ‘if I stay in bed all day, I can’t escape my domain.’ Even though there’s over thirty years between me being there, and him singing that, it’s clear he knows exactly how I felt. All I could do, each, and every day, was think, sleep, do press ups, squat trusts, and any other exercise I could think of, plus stare at the walls, cry, because even trained killers cry, and hear the clickety-clack of the train.”

*“...the light,
always the light,
and that damned
window, occupying
the strip cell.”*



Preface and summary

This Report is about the existence, enforcement and consequences of an official policy current in HM Armed Forces between 1967 and 2000 which is a stain on the illustrious history of the UK's armed forces. The policy was that no person subject to service law who was gay, lesbian, transgender or transitioning due to gender dysphoria, or who was perceived to be such, even if they were not in fact, could be or remain a member of the armed forces. It made no difference that such military personnel had never engaged in same sex sexual relations or that they were not aware of being gay, lesbian or suffering from gender dysphoria when they joined the armed forces, sometimes when only 15 years of age.

Some of those who offended against the policy of the Ban were either dismissed following a court-martial or administratively discharged. There were others who could not take the strain and stress of continually hiding their sexuality, and so resigned or did not extend their contract. The policy was not enforced uniformly across the armed forces but, where it was enforced, it was usually enforced in a rigorous and often brutal way with long term damaging consequences, many of which have blighted the lives of affected personnel to this day.

At the heart of the Review which has led to this Report are the statements of those who were victims of this overt homophobic policy. Some victims have died a natural death since the Ban was removed. Others have taken their own lives. Many of those still living have attempted to die by suicide or have thought about doing so.

Those statements give shocking evidence of a culture of homophobia, and of bullying, blackmail and sexual assaults, abusive investigations into sexual orientation and sexual preference, disgraceful medical examinations, including conversion therapy, peremptory discharges, and appalling consequences in terms of mental health and wellbeing, homelessness, employment, personal relationships and financial hardship.

The survivors have waited for at least 23 years for acknowledgment of what they have suffered, and for justice and restitution. Their testimonies are very moving. In many cases, completion of their statements in response to the Review's Call for Evidence has involved great emotional pain and courage in recalling and recording details of events which occurred decades ago but whose consequences are still acutely felt. Most have a strong feeling of bitterness at what took place. The Report contains quotations from those statements illustrating how the Ban operated in practice and its effect on the lives of those who suffered from it.

The Report considers the factual and legal background to the Ban and its eventual abandonment in January 2000 after the European Court of Human Rights gave judgment in favour of four service personnel who were investigated and then discharged because of their homosexual orientation. The court held that the investigations and discharges in pursuance of Ministry of Defence (MoD) policy were in breach of Article 8 of the European Convention on Human Rights (right to respect for private and family life) as the UK had failed to establish that they were justified.

The Report makes recommendations as to what might be done now by the government to acknowledge that the policy was wrong and unjust and in many cases has had life-long adverse consequences for those affected, and also to demonstrate that the service of veterans who suffered under the Ban is appreciated just as much as that of any other veterans who have served the interests of the nation. It considers how veterans affected by the Ban can now be better supported by health and welfare organisations such as the NHS and veterans' charities.

The Report is a unique record of what, to the modern eye, is an incomprehensible policy of homophobic bigotry in our armed forces. Promotion and enforcement of the policy by the MoD and by many in the senior ranks of the armed forces set the ethos for other serving personnel in all ranks. The armed forces today are a very different environment in terms of greater diversity and inclusion. My hope is that, if the government accepts all of my recommendations, which are briefly summarised in Annex 11, a line may finally be drawn under this unjust aspect of the history of the UK's armed forces that persisted prior to 2000 but whose damaging consequences are still experienced by many LGBT veterans today.¹

Terence Etherton

The Rt. Hon Lord Etherton Kt, KC, PC

May 2023

¹ In several places in the Report I use the terms 'homosexual' and 'homosexuality'. They are not expressions which are usually appropriate or used in everyday speech today but, where I have used them, I have done so because that is the language of the Sexual Offences Act 1967 and was current at the time of the Ban. I have also used, except in a few places, the acronym LGBT rather than, for example, LGBTQIA+ because LGBT is the acronym used in my Terms of Reference.

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Acknowledgements

There are many people and organisations who have assisted me in the conduct of the Review.

I wish to pay tribute to and acknowledge at the outset all of those who responded to the Call for Evidence. Their testimony has been critical both to understanding how the Ban on homosexuals in the military was enforced in practice and in deciding what recommendations I should make. In many cases this was the first time that they have had the opportunity to tell their story of the way they were affected by the Ban, a painful and emotional exercise.

There are many others, individuals and organisations, whose advice and assistance have been particularly important, and for whose time and contribution I am extremely grateful. They are identified in Annex 1.

I am also extremely grateful to my board of advisers. They were (in alphabetical order):

- The Rt. Hon Dame Anne Rafferty DBE, PC
- Sir David Foskett Kt.
- General Sir James Everard KCB, CBE
- Lt Col (Ret'd) Liz Brown
- Dr Michael Brady
- Lt Col (Rt'd) Nicky Murdoch
- Professor Neil Greenberg

Short biographies of them are contained in Annex 2. Their role as my advisers does not mean that they bear any responsibility for the contents of this Report. That responsibility is mine alone.

Finally, but by no means least, I wish to extend my great thanks to all the members of the Civil Service secretariat supporting me and the Review. They were led by Rachel Seddon, a senior civil servant, and included:

- Lawrence Bird
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- Amy Jones
- Daniel Leslie
- Joanne Wakenshaw
- Charles Clement (subsequently left the team)
- Sarah Venkatesh
- Victoria Ulett-Jones
- Joshua Rampton
- Sarah Benariba



The Review

Broad outline of the period covered by the Review

This independent Review covers the period from 1967 when, subject to limited exceptions, the Sexual Offences Act decriminalised in England and Wales same sex sexual acts in private between consenting adults (at that time 21 years of age or older) except for those subject to service law until January 2000 when the Ban on homosexuals in HM Armed Forces was discontinued.

Between 1967 and 1994 a person who engaged in same sex sexual activity committed a service discipline offence. In addition, between 1967 and January 2000 there was a blanket Ban on the presence of gay men and lesbians in the armed forces, whether or not they had ever actually engaged in a same sex sexual act.

The government accepts that this historic policy was wrong.

Office for Veterans' Affairs

The Office for Veterans' Affairs (OVA) was created in 2019 to lead the cross-government delivery of the **Strategy for our Veterans**, to develop future versions of that strategy, and to provide leadership, advocacy and improved co-ordination of veterans' issues across government.² The OVA is part of the Cabinet Office.

The broad objective of the OVA is to achieve the government's vision to make the UK the best country in the world in which to be a veteran. There are over two million veterans in the UK and approximately 15,000 people leaving the armed forces every year. The government's declared intention is to ensure that every veteran has the opportunity to move successfully into civilian life and to be able to access the help they need to do so. The OVA is responsible for the Veterans' Strategy Action Plan.

2 www.gov.uk/government/publications/strategy-for-our-veterans

Veterans' Strategy Action Plan: LGBT Review

In January 2022 the government published its Veterans' Strategy Action Plan 2022 to 2024.³ It contains over 60 specific pledges and steps to be undertaken between 2022 and 2024. The overall goal is stated to be to "make the UK the best place in the world to be a veteran by 2028".

The Action Plan included the following (page 29):

"As part of the government's year of domestic action on LGBT issues, we will commission an independent review into the impact that the pre-2000 Ban on Homosexuality in the armed forces has had on LGBT veterans today. The review will seek to better understand the experience of LGBT veterans who served in the armed forces between 1967 and 2000. It will provide evidence to inform how the government can fulfil its commitment in the Strategy for our Veterans, and pursue our ambition of every veteran's service and experience being valued and recognised."

This commitment was repeated as follows in the Action Plan:

"Conduct...research to better understand historic hurt and the experience of underrepresented groups within the whole veterans' community. The first stage of this work will be to commission an independent review into the historic treatment of LGBT veterans (pre-2000)."

The Strategy Action Plan, including the Review, was announced in the House of Commons on 19 January 2022 by the Rt Hon Stephen Barclay, Minister for the Cabinet Office and Chancellor of the Duchy of Lancaster, and the Defence Secretary as part of the Veterans' Strategy Action. Mr Barclay said as follows:

"The Government have today published the Veterans' Strategy Action Plan 2022-2024, setting out how we will continue to empower, support and champion our veteran community. Just as the armed forces have stood by our country in its times of need, the nation will continue to fulfil its duty by supporting our veterans in their civilian lives.

The plan will deliver for veterans across three key areas. We will better understand our veteran community, making sure we have the information we need to inform policy and service design.

³ www.gov.uk/government/publications/veterans-strategy-action-plan-2022-to-2024

We will transform services and support for veterans, building on progress already made to ensure we are meeting veterans’ needs. We will celebrate our veterans and their contribution to society so that all veterans feel their service is valued by the nation.

The action plan contains over 60 commitments, which together will provide a step change in provision. For most service leavers, the successful transition into employment is the foundation of positive life outcomes. We will be doing more to champion the unique skill set of veterans to employers through a bespoke campaign and a new private sector employers’ advisory group. We will continue to support veterans to gain quality employment, with the rollout of the Great Place to Work for Veterans scheme, which guarantees interviews for veterans in the Civil Service.

...

We will also invest in making better use of data than ever before, as well as digital programmes, including a £44 million digital transformation package. Compensation and pension services will be radically improved, with a new digital portal that will enable veterans to apply and track progress online. This will help the 1.2 million pensions members and 30,000 annual compensation claimants to access services more quickly and easily.

We want to ensure all veterans feel their service is valued. Regrettably, some people have historically been excluded from serving their country. The government are determined to take bold steps to begin looking at how we can redress these past wrongs, and we will commission an independent review into the impact that the pre-2000 Ban on homosexuality in the armed forces has had on LGBT veterans today.

A further £18 million will be invested in health and wellbeing support for veterans. To bring improvements to mental health services, NHS England will bring the three services offered under Op Courage into one long-term integrated service, making access easier for veterans and their families. The Veterans Trauma Network will be further developed to create an integrated plan to support the physical health of veterans. ‘Veteran Aware’ accreditation will continue to be rolled out across England – meaning more NHS trusts and GP practices than ever before will become veteran-friendly accredited.

The Office for Veterans' Affairs will work across government and beyond to make sure the action plan commitments are monitored and delivered. In 2024, the government will develop a veterans' strategy refresh, setting out how far we have come and what remains to be done to deliver on our policy ambition by 2028 to make the UK the best place in the world to be a veteran."⁴

On 13 June 2022, Leo Docherty MP, Minister for Defence People and Veterans, said in the House of Commons in answer to questions by James Gray MP about the historic Ban and its impact on LGBT veterans:

"We acknowledge wholeheartedly the fact that historically some service personnel were thrown out of the service purely because of their sexuality, which was deeply unjust. For that reason, we have commissioned an independent review. That will assess some of the figures involved, which is indeed a grey area, and we look forward to announcing that in due course.

...

I am pleased to say that the scope of the review will be very broad and that the government will listen with compassion and sincerity to the recommendations of the independent reviewer. We hope that will provide a path towards delivering justice."

My appointment and Terms of Reference

I was appointed in May 2022 jointly by the Chancellor of the Duchy of Lancaster and the Secretary of State for Defence to conduct the independent Review.

My appointment was announced on 22 June 2022.

Broadly speaking, my Terms of Reference for the Review and accompanying documents required me to consider the experiences of LGBT veterans and their families in the context of the pre-2000 Ban, including:

4 <https://hansard.parliament.uk/Commons/2022-01-19/debates/22011934000007/VeteransStrategyActionPlan2022-2024?highlight=will%20invest%20making%20better%20data%20than%20ever%20before#contribution-F329BD0D-EE43-45FE-97AC-25E7CC610C96>

1. the nature of dismissal and other departures from the armed forces;
2. the impact their past experience in the Armed Forces had on their subsequent lives;
3. the impact of the Ban on others in the Armed Forces community who may have been affected, such as those who were incorrectly perceived to be homosexual

I will also make evidence-based recommendations as to how the government can meet its commitment in the Veterans' Strategy, to ensure the service and experience of every veteran is understood and valued, in relation to the LGBT veterans' community. The Terms of Reference required that any recommendation I make should be proportionate, with consideration given to implementation.

The Terms of Reference (without the accompanying documents, namely Terms of Appointment and a Management Agreement) are set out in Annex 3.

The Devolved Administrations

My Terms of Reference do not mention the Devolved Administrations of Scotland, Northern Ireland and Wales. As the Ban on LGBT military personnel applied across the UK it was always inevitable that certain of my recommendations would equally have a UK wide application.

The two areas where devolution requires separate consideration in respect of each of the Devolved Administrations are health and welfare provision for veterans and housing, as those are devolved matters. With the agreement and instruction of the Devolved Administrations I have considered them in the context of those Administrations, although in less detail than for England.

Annex 4 sets out the Review's engagement with the Devolved Administrations.

Call for Evidence⁵

A Call for Evidence was launched on 15 July 2022 and ended on 1 December 2022.

There were 1,128 responses to the Call for Evidence. Many were substantial. I have read each one of them in full.

48% of the LGBT veterans who responded stated that they had been dismissed or discharged due to the Ban on homosexuals in the armed forces.

41% of that group identified as male, and 59% identified as female, 2% of them identified as transgender.

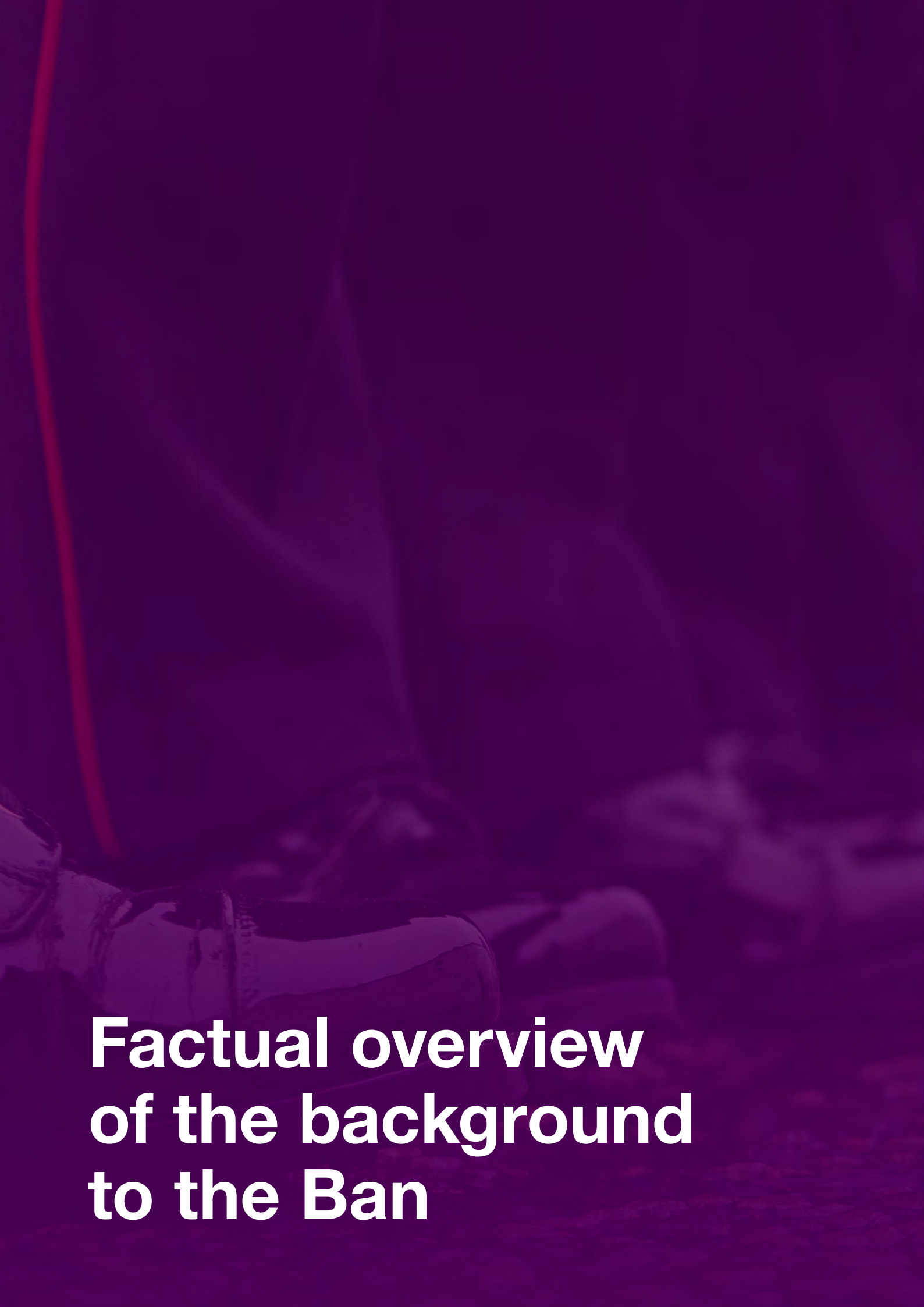
44% of the LGBT veterans who responded to the Call for Evidence indicated that they were forced or compelled to leave the services through unofficial methods or actions or due to general hostility towards LGBT personnel. Of that group, 35% identified as male, 60% identified as female and a further 5% identified as transgender male or female.

The ratio of female to male service personnel who identify as homosexual or were perceived to be such and have responded to the Call for Evidence is notably high at 61:39.

Leaving aside those who preferred not to state their age, some 25% of those who responded to the Call for Evidence and were dismissed or discharged or otherwise felt compelled to leave the services because of the Ban were over 65 years of age.

Of those LGBT veterans who addressed the issue of geographical location, 79% lived in England, 8% lived in Scotland, 1% lived in Northern Ireland, 6% lived in Wales and 6% in other unspecified locations or outside the UK.

⁵ In this section references to LGBT veterans include personnel who were perceived to be LGBT even though they were not in fact.



Factual overview of the background to the Ban

Limits of data

The MoD has not kept a central archive of statistical data on the number of courts-martial for same sex sexual acts and there is no comprehensive record of those who were administratively discharged for being gay or lesbian. Any attempt to calculate the number of those who were administratively discharged is further complicated by the usual practice of not giving as the reason for discharge that the person was homosexual but rather using such expressions as 'Services no longer required' and others mentioned below.

In some cases, but not the majority, the administrative discharge was said to be for medical reasons. In 1973 the American Psychiatric Association concluded that there was no scientific evidence that homosexuality was a mental disorder and removed it from its diagnostic glossary of mental disorders. The International Classification of Diseases of the World Health Organisation followed suit only in 1992 but by then there was a general social acceptance of homosexuality in England and Wales following the decriminalisation of same sex sexual acts between consenting civilian adult males by the 1967 Act. In the updated Armed Forces' Policy and Guidelines on Homosexuality, distributed to the respective service directorates of personnel in December 1994, it was stated that "Homosexuality is not a medical matter". In one case, documented in a reply to the Call for Evidence, the person being investigated was told that homosexuality was a mental illness and was not accepted in the RAF, even though the investigation and discharge took place in 1990. The ground of discharge in that case, however, was stated to be 'Services no longer required'. The evidence is that in a few cases medical grounds were relied on for dismissal or discharge in the particular case of military personnel experiencing gender dysphoria.⁶

It is convenient to note at this point that no distinction was made between transgender and gay or lesbian personnel. The view adopted in the enforcement of the Ban was that, if a person was or declared themselves to be transgender or was experiencing gender dysphoria, they were either a gay man or a lesbian. For this reason, although the Ban was concerned with homosexuality and therefore with sexual orientation, it also encompassed gender identity.

A legacy of the designation of homosexuality as a mental illness may possibly be found in discharges which were expressed to be because the person was 'temperamentally unsuitable' or 'unable to meet service obligations through circumstances beyond [his/her] control'.

6 In 2019 the WHO declassified being transgender as a 'mental and behavioural disorder' in the International Classification of Diseases (ICD-11).

By contrast, highlighting the absence of any consistency, some dismissals were stated to be on the ground of ‘unsuitability due to causes within the [persons’] control’.

There are varying estimates of those dismissed or discharged across all services. Statistics of courts-martial and discharges for homosexual activity were provided for the 1990-1991 Select Committee on the Armed Forces Bill. It found that in the previous four years, 22 servicemen had been dismissed from the Army, nine from the Navy and eight from the Royal Air Force on conviction of homosexual activity. An additional 296 people, over half of them female, were discharged by administrative action, although no formal disciplinary charge was made against them of homosexual activity. This equates to an average of approximately 84 per year, and a total of approximately 2,800 over the period 1967 to 2000.

The report of the 1996 Select Committee on the Armed Forces Act noted that, since its last report, a total of 30 officers and 331 persons of other rank had been discharged or dismissed on grounds of homosexuality. That equates to an average of approximately 72 a year, and a total of approximately 2,400 over the period 1967 to 2000.

Destruction of records

In 2010 instructions were given for the destruction of Service Police investigation records relating to homosexual service personnel or those perceived to be such.

Research by the Army Historical Branch appears to show the following reasons for that destruction.

The Conservative-Liberal Democrat coalition’s ‘Programme for Government’ of May 2010 stated that the coalition would change the law so that historical convictions for consensual gay sex with over-16s would be treated as spent and not show up on criminal records checks. This policy objective was eventually put into effect in the Protection of Freedoms Act 2012.

Shortly after the policy was published in 2010 there was a direction to wipe conviction records from the Police National Computer. A document headed ‘Police PNC Policy & Prioritisation Group’ dated 21 July 2010 stated that ACPO, the Home Office and the Ministry of Justice “have concluded that records held on the PNC relating to decriminalised offences under s12 and 13 of the Sexual

Offences Act 1956, must be removed. These sections relate to buggery and gross indecency ... ACPO have made Chief Officers aware of the records that their Force owns on the PNC”.

Within the armed forces most investigation records relating to homosexual service personnel or those perceived to be such were then destroyed. The order to destroy them was made by the Defence Police Chiefs’ Forum. A marker page was put into the individual’s service record when the investigation record was removed. On the marker page there was a heading ‘Removal of Historical Homosexual Enquiries’. This was followed by the statement that:

“This investigation has been removed as directed by the Defence Police Chiefs’ Forum, all historical enquiries of homosexuality within HM Forces are to be deleted completely from the system – this includes all REDCAP and RAMS records.”

It appears that the investigation records relating to administrative discharges for homosexuality were also destroyed even though an administrative discharge did not constitute a criminal conviction. Again, the marker page was then inserted where the investigation record was removed.

I have been informed that the rest of the veteran’s service record remains intact.

The only exception to the destruction of investigation records relating to homosexuality appears to have been some 120 Royal Navy files. This appears to have been the result of an oversight rather than based on a particular policy.

Wartime and immediate post war years

Although male same sex sexual activity was a criminal offence under civilian law prior to 1967 and under military disciplinary law prior to 1994, there are many contemporaneous and subsequent accounts of homosexual acts and orientation, in the case of both male and female service personnel, being overlooked during periods of armed conflict.

There is evidence, for example, that this was true both in the Second World War (WWII) and the First Gulf War.

In WWII conscription inevitably resulted in a significant number of LGBT military personnel in all three services. Many served with distinction. Raleigh Trevelyan, for example, who was gay, wrote and

published 'The Fortress', a wartime diary of his experiences as a frontline infantry officer at the Anzio Beachhead in 1944.⁷ His account reveals a successful and integrated infantry officer.

One person who provided evidence to the Review wrote about a talk show, on which he was on a panel, when a member of the audience, who was a Major at the Normandy landings, spoke of his admiration for one of his men who put on lipstick as the landing craft neared the beaches because he "wanted to look pretty as he killed the Germans." He was, the Major stated, "one of the bravest men I have ever met." The person who recounted that story also said that when he was with Rank Outsiders he heard many similar stories of tolerance during WWII at sea and on land.

Evidence was given to the Review by a person who was serving in Naval HQ at the time of the First Gulf War. He mentioned that a 'blind eye' approach was adopted and administrative discharges of homosexuals were halted, but that once hostilities ended investigations and discharges were expedited.

The Review was told that, in the immediate post war years after 1945, even within the services, this 'leave alone' attitude persisted, although overt display of homosexual 'mannerisms' were less tolerated and homosexual acts in ships or units were punished.

The Cold War and the Cambridge Five

Anti-homosexual attitudes in the military hardened during the early 1950s. There is some debate about the reason for that change.

There are some who attribute it to a heightened sense of moral propriety.

In 1952, for example, the tabloid Sunday Pictorial published a series of articles about 'Evil Men' which the paper claimed "broke the silence over the unnatural sex vice which is getting a dangerous grip on this country". Douglas Wharf, the author, asserted that the numbers and percentage of known homosexuals in Britain had grown steeply since the war, and said that "few of them look obviously effeminate, and

⁷ Raleigh Trevelyan, *The Fortress: Diary of Anzio and After*, 1956 (Collins).

they can be found not only amongst dress designers and the theatre, but also among generals, admirals, fighter pilots, engine drivers, and boxers. Whatever next?"

The arrest of Sir John Gielgud on 21 October 1953 at a public lavatory in Chelsea, and his subsequent conviction for persistently importuning other males in a public convenience, received widespread coverage in national newspapers, and provoked a moral backlash against homosexuality.

The trial, conviction and imprisonment of Lord Montagu, Michael Pitt-Rivers and Peter Wildeblood in 1954 for gay sex may be seen as part of that moral backlash.

Fears about a perceived prevalence of homosexuality became entwined with fears about espionage at the beginning of the Cold War, following discovery of the espionage activity of Guy Burgess and Donald Maclean. Both of them were homosexuals (Maclean may have been bisexual) who spied for the USSR from the 1930s. They defected to the USSR in 1951. They were two of 'The Cambridge Five', which included Harold "Kim" Philby, Anthony Blunt and John Cairncross. The very grave harm to UK security and to the UK's allies, especially the USA, as a result of the defection of Burgess and Maclean, with the resulting loss of international trust and the growing threat from the Soviet Union, resulted in a significant enhancement in both vetting and surveillance of all potential threats within military and government service. A system of positive vetting was introduced.

One of the findings of a security conference in 1956 was that: "There is a duty on departments to inform themselves of serious failings, such as drunkenness, addiction to drugs, homosexuality, or any loose living that can seriously affect a man's reliability".

As Mark Duncan said in a talk he gave at the National Archives on 25 April 2019, so it was that homosexuality came to be explicitly considered a defect of character with regard to the vetting of civil servants, and this policy was incorporated into personnel security procedure.

Revelations in the 1960s about the espionage activities of the other members of the Cambridge Five (Philby, Blunt and Cairncross) and also about the blackmailing of John Vassall, a gay civil servant who spied for the Soviet Union, reinforced perceptions about the need for the Ban, even though both Philby and Cairncross were heterosexual. Vassall was arrested in 1961 and his trial took place the following year. There was the atmosphere of a gay witch hunt. For example, an article in the Sunday Pictorial on 28 October 1962 said that: "A secret list prepared by detectives names homosexuals who hold

top government posts. This list will be considered by the Prime Minister's Committee of Inquiry [chaired by Lord Radcliffe] set up to probe the John Vassall spy case". An article in *The News of the World* on the same day, said: "Frankest details of the private lives of all government workers, men and women who handle secrets, are to be probed in a sweeping new security drive ordered by the cabinet". Following the Vassall case, the positive vetting system was tightened and extended to many posts in the home and diplomatic services of the foreign office.

By the 1990s

It has been suggested to the Review that, after the Sexual Offences Act 1967, which gave effect to the 1957 Wolfenden Report, with the retention of homosexual sex acts as military disciplinary offences, there was actually an intensification of enforcement of the Ban, as a kind of perverse justification for the military exception.

Long before the 1990s, however, there had been a shift away from the earlier view that homosexuals as a social group within society had a 'predisposition to disloyalty' – the legacy of Burgess, Maclean, Blunt and Vassall. That sweeping view was contradicted, not only by the fact that two of the Cambridge Five were heterosexual, but more particularly by the number of discreet gay men who served the country with distinction in the intelligence services, the higher levels of the Civil Service and the armed forces.

The fear was then said to be the risk of blackmail. As was subsequently observed, however, by the Divisional Court in the **Lustig-Prean, Beckett, Smith and Grady** cases (see Annex 5), it was the MoD's own policy of banning homosexuals which placed individuals at risk of blackmail, as the policy forced personnel into hiding their sexuality and so created that vulnerability. The MoD responded to the reaction of the Divisional Court by dropping the argument based on risk of blackmail. It was not raised by the MoD in the Court of Appeal or before the European Court of Human Rights.

The only justification left to the MoD was to say that the policy for the continuation of the Ban was the "maintenance of operational effectiveness and efficiency". That justification was briefly summarised as follows in the *Armed Forces' Policy and Guidelines on Homosexuality* distributed to the respective service directorates of personnel in December 1994:

“Homosexuality, whether male or female, is considered incompatible with service in the armed forces. This is not only because of the close physical conditions in which personnel often have to live and work, but also because homosexual behaviour can cause offence, polarise relationships, induce ill-discipline and, as a consequence, damage morale and unit effectiveness.”

That assertion of the threat of homosexuality to operational effectiveness and efficiency, reduced to its core, was based upon the notion that, because heterosexual military personnel did not wish to serve with known or suspected homosexuals, it would undermine the efficient and effective operation of the armed forces to require them to do so. The argument, and the evidence on which it was based, were most fully advanced in the report of the Homosexuality Policy Assessment Team (HPAT), which was established by the MoD in order to undertake an internal assessment of the armed forces’ policy on homosexuality. The report was published in February 1996 and ran to 242 pages, together with voluminous annexes. It was intended to form the basis of the MoD’s evidence to the Select Committee on the Armed Forces Bill in 1996. It was also deployed as the principal evidence of the MoD in the cases of **Lustig-Prean, Beckett, Smith and Grady** before the European Court of Human Rights (see Annex 5). At the very beginning of the HPAT it was stated that the Ban was not a moral or religious condemnation of homosexuality but was justified as a practical military judgement of the implications of homosexuality for service life. As the European Court of Human rights observed, the starting point of the assessment in the HPAT was an assumption that homosexual men and women were in themselves no less physically capable, brave, dependable and skilled than heterosexuals.

The argument of the MoD and the cogency of the evidence in support of it were demolished in a devastating forensic critique by the European Court of Human Rights. The court observed that the independence of the assessment contained in HPAT’s report was open to question given that it was completed by MoD civil servants and service personnel and given that a paper circulated by the MoD in August 1995 had stated that the evidence was to be gathered in order to support the existing policy on homosexuality and that addressees were invited to provide such additional evidence. The court also observed that only a very small proportion of the armed forces personnel participated in the assessment, and many of the methods of assessment (including the consultation with policy makers in the MoD, one-to-one interviews and focus group discussions) were not anonymous. The court also noted that many of the questions in the attitude survey suggested answers in support of the policy. Critically, the court found that the perceived problems which were identified in the HPAT report as a threat to the fighting power and

operational effectiveness of the armed forces were founded solely upon the negative attitudes of heterosexual personnel towards those of homosexual orientation. It said that those attitudes ranged from stereotypical expressions of hostility to those of homosexual orientation, to vague expressions of unease about the presence of homosexual colleagues. Further, the court noted the lack of any concrete evidence to substantiate the alleged damage to morale and fighting power which any change in the policy would entail.

It is to be noted that, in a written answer by the Prime Minister John Major on 23 July 1991 on the implications of homosexuality for security vetting, he abolished the policy barring homosexuals from certain non-military posts, including the diplomatic service and the security services. He said:

“In the light of changing social attitudes towards homosexuality in this country and abroad, and the correspondingly greater willingness on the part of homosexuals to be open about their sexuality, their life style and relationships, the government have reviewed this policy [homosexuality being a bar to recruitment to certain areas of employment including the diplomatic service] and concluded that in future there should be no posts involving access to highly qualified information for which homosexuality represents an automatic bar to security clearance, except in the special case of the armed forces where homosexual acts remain offences under the Service Disciplinary Acts”.

So it was that, even after the Sexual Offences Act 1967 had decriminalised homosexual sexual acts between consenting civilian adults in private and even after the lifting of the Ban on homosexuals in the Civil Service, including the FCO and the security services by Prime Minister John Major in 1991, right up until the abolition of the Ban in January 2000, there was pursued what can only be described as an obsessive and indeed abusive policy of witch hunting of gay male and lesbian military service personnel or those perceived to be such.

The extent to which, and the rigour with which, the Ban was enforced across the services was not consistent. It very much depended on the Commanding Officer. No doubt, in the case of many Commanding Officers, the Ban was simply a rule to be followed in a fighting force which depended for its effectiveness on obeying orders. There was also the concern of all those whose responsibility was to enforce the Ban that, if they failed to do so, their own sexual orientation might be called into question, with all the devastating consequences that would follow. In this way the Ban was a self-fulfilling policy objective.

None of that detracts from the overall conclusion that, after the Sexual Offences Act 1967, the continuation of the Ban in the armed forces was the product of a deeply ingrained homophobic policy sanctioned and enforced by the MoD and the most senior ranks within the services.

There was no factual justification for the Ban, and it was out of line with the changed attitude of society generally towards LGBT people, and with the acceptance of gay men and lesbians in the military in other countries, such as the USA ('don't ask, don't tell' policy), Canada, Australia, New Zealand, Ireland, Israel, Germany, France, Norway, Sweden, Austria and the Netherlands.

This overt ingrained institutional homophobia was reflected in a caricature view of gay men. For example, Defence Council Instruction IC 2/76 (DCI) issued in 1976 remained extant until 1995. It gave instructions to Commanding Officers and their Duty Officers who were in command when the Commanding Officer was asleep or absent on the actions to be taken in the event of a homosexual incident or suspicion that someone might be homosexual. This included powers of search and detailed instructions of 'tell tale' signs of homosexuality such as the presence of hand cream, female clothing or make up, effeminate behaviours or language. Powers of arrest and detention for investigation were given along with instructions for the preservation of evidence such as might be expected in a case of an alleged serious sexual offence. The DCI gave detailed instructions to medical officers about strip searches to be undertaken with the individual standing on paper in order to preserve evidence, checking for use of makeup, feminine underwear and traits and included the right to conduct a forced internal examination for evidence of sexually transmitted infections and also of sexual activity. That included a test for a 'domed anus' whereby insertion of fingers which appeared to be accepted easily were considered as evidence of passive homosexuality.

The institutionalised homophobia of the policy of the MoD and the senior ranks of the armed forces in effect gave a free hand to obsessive and usually abusive, brutal and bullying investigations by the Special Investigation Branch (SIB) for each of the three services throughout the period covered by this Review.⁸

It is convenient to mention at this point that a contrary view about SIB investigations was expressed to me by a long serving former member of the SIB, who became a senior officer in the Royal Military Police and who responded to the Review's Call for Evidence. He emphasised that it was the Chain of Command that tasked the SIB to investigate

8 The Royal Navy Police, the Royal Military Police and the Royal Air Force Police.

allegations of homosexuality. He said that the SIB were trained to be professional and forensically thorough in any investigation, but natural justice and fairness was instilled as the foundation of their conduct. He said that the totality of the evidence was reported, in the case of the Army, to the Army Chain of Command who took all the relevant decisions and always with the benefit of legal advice. While I accept unreservedly the good faith in which that evidence was given and that there may have been investigations which were conducted appropriately and with respect, both the successful (**Lustig-Prean, Beckett, Smith and Grady**) cases brought before the European Court of Human Rights and the hundreds of testimonies received by the Review tell a very different story of brutal, abusive and highly intrusive investigations carried out by the SIB.

Where one person had been identified as a potential ‘suspect’ it was frequently the case, especially with women, that raids would be made on their service accommodation with all those present being subjected to a search. In common with all searches of LGBT personnel the key focus of the search was photographs, personal letters and diaries in addition to any other physical evidence which might show participation in homosexual activity.

Evidence was given to the Review of the covert surveillance of gay pubs and other venues in order to identify any service personnel. This took the form of both checking CCTV and the presence of SIB members in civilian clothes.

Details of number plates of cars identified as registered to military personnel and which were parked at places where gay men were to be found were passed by civilian police to the SIB.

The SIB conducted extensive surveillance operations against military personnel who were suspected of being homosexual. The Review was told of one operation which involved several teams of undercover military police conducting 12 weeks of surveillance of three fighter pilots who shared a house together off-base. Ultimately, each of them was discharged, not because of any service offences having been committed and without any disciplinary charges having been made, but merely on the ground that they were homosexuals.

Although many of the youngest recruits, who were teenagers (some as young as 15), were not conscious of their sexuality on joining the armed forces, there was no one with whom they could have a supportive and safe discussion about their growing awareness of their sexual identity as gay, lesbian or bisexual or coming to terms with an emerging sense of gender dysphoria. Any such discussion carried the overwhelming risk of disclosure to those in command. Replies to the Call for Evidence give examples of young personnel who talked in confidence to a military friend or to a military padre,

who promptly reported the conversations to the Commanding Officer. There is nothing to suggest any revelation of sexual activity; they were simply young people who were seeking help in relation to the confusion experienced by many youngsters as they become aware of their sexuality and gender identity.

In one case where a confidential conversation was reported by a padre to Command, the serviceman seeking advice was a virgin who wanted to discuss the conflict between his evangelical Christian faith and his growing awareness of his sexuality.

The Review has been told that betrayal by the chaplaincy and also medical officers was a common cause of investigation and discharge and that it has had ongoing adverse physical, spiritual and mental implications for those who can no longer trust either doctors or priests.

Above all, it was the need of LGBT service personnel continually to suppress or hide their sexuality, with the constant fear of disclosure to the SIB or Command, and the usually abusive, bullying, intimidating and emotionally manipulative way in which individual investigations and interviews were conducted, as well as the peremptory nature of the subsequent discharge (not infrequently leaving those dismissed or discharged destitute), that are so shocking and which have caused enduring harm and damage to so many LGBT service personnel. This is addressed in detail in the analysis of the examination of the responses to the Call for Evidence.



The Legal context for the Ban

Subject to limited exceptions, section 1 of the Sexual Offences 1967 decriminalised in England and Wales same sex sexual acts in private between consenting adults (at that time, those of 21 years of age or older).

Section 1(5) of the 1967 Act provided that nothing in section 1 was to prevent an act from being an offence (other than a civil offence) under any provision of the Army Act 1955, the Air Force Act 1955 or the Naval Discipline Act 1957.

At the time of the 1967 Act, the position regarding same sex sexual acts in the armed forces was as follows.

Prior to the 1967 Act same sex sexual acts which were civil offences could be tried as such offences in courts-martial if one or more of those involved in the acts was subject to service law. Following the 1967 Act same sex sexual acts that ceased to be civil offences could no longer be tried in courts-martial under service law provisions relating to civil offences.

Same sex sexual acts could constitute the service discipline offence of 'disgraceful conduct' or, to give it its full statutory description 'disgraceful conduct of a cruel, indecent or unnatural kind' under section 66 of the Army Act 1955 and section 66 of the Air Forces Act 1955. Those offences applied to anyone subject to service law. The corresponding offence in the Naval Discipline Act 1957 section 37 was 'disgraceful conduct of an indecent kind'. This was amended by the Armed Forces Act 1971 section 31 to correspond with the wording in the Army Act and the Air Forces Act.

In addition, there was the less common offence of officers behaving in a scandalous manner under section 64 of the Army Act 1955, with corresponding offences in section 64 of the Air Force Act 1955 and section 36 of the Naval Discipline Act 1957; and the further offence of acting to the prejudice of good order and military discipline in section 69 of the Army Act 1955, with corresponding offences in section 69 of the Air Force Act 1955 and section 39 of the Naval Discipline Act 1957.

Those were the principal service offences saved by section 1(5) of the Sexual Offences Act 1967.

The service offence of disgraceful conduct was used to regulate consensual same-sex relationships of members of the armed forces even when they were off-base, that is to say, outside of the service environment, and even if the relationship was with a civilian partner.

In 1991 the select committee examining the Armed Forces Bill recommended that homosexual activity of a kind that was legal in civilian law should not constitute an offence under service laws.

That recommendation was accepted by the government and given effect in the Criminal Justice and Public Order Act 1994 (the Act which also reduced the age of consent from 21 to 18). This was achieved by the provision in section 146(1) repealing section 1(5) of the 1967 Act. There were similar provisions in the 1994 Act regarding Scotland and Northern Ireland. In view of the recommendation of the select committee and the subsequent repeal of section 1(5) of the 1967 Act, there were no courts-martial convictions, but only administrative discharges, from 1992.

Section 146(4) of the 1994 Act also provided, however, that nothing in the section should prevent a homosexual act (with or without other acts or circumstances) from constituting a ground for discharging military personnel. This saving provision made clear that, although same sex sexual acts lawful in civilian life would no longer be an offence under the service discipline Acts, such conduct could be grounds for administrative discharge.

In addition, mere gay, lesbian or bisexual orientation, that is to say whether or not the individual had committed a same sex act or indeed had ever done so, could also result in administrative discharge.

Administrative discharge on such grounds was entirely separate from the armed forces criminal justice system. It was authorised by the Queen's (now King's) Regulations, which were made under the Royal Prerogative.



Rank Outsiders

This was a mutual support group of and for those who had been dismissed from the armed forces on the grounds of homosexual acts or orientation. It was formed in 1991 on the initiative of former Lieutenant Elaine Chambers of Queen Alexandra Royal Nursing Corps and former Warrant Officer Robert Ely of the Parachute Regiment. It was founded following a television programme 'Falling Out' presented on BBC 1 on 30 June 1991, in which both Elaine Chambers and Robert Ely featured heavily. The programme drew a response from many with similar experiences. Elaine Chambers and Robert Ely were in due course succeeded as chair by former Lieutenant Commander Patrick Lyster-Todd.

Between Autumn 1991 and the Summer of 1994, activities were restricted to providing advice and support for those involved in 'live' case and providing companionship in a social space for those who had left the armed forces some time earlier. A helpline was installed in Stonewall's offices, which functioned for one or two evenings each week, when members of the armed forces facing investigation or arrest could call for help and advice.

By 1994 there were those within Rank Outsiders, especially Edmund Hall, a former Sub Lieutenant in the Royal Navy who had been discharged for being gay, who wanted to make the lifting of the Ban a major part of the group's aims. That proposal was voted down. Rank Outsiders agreed, however, to support Ed Hall in forming a new body, the Legal Challenge Group, as a separate and unrelated political group.

In addition, in the Spring of 1995 Duncan Lustig-Prean, who had been a Lieutenant Commander in the Royal Navy, was appointed to a new post of Campaigns and Political Director. In that capacity, and as vice-chair of Rank Outsiders, he commenced actively campaigning with Ed Hall in the media, Parliament and the MoD. The campaign raised the profile of Rank Outsiders further, and at one point the group had a caseload of 120-150 people. Some of those were historic cases of personnel who had already been discharged but 40% were active cases. The number of active cases increased as the legal cases proceeded.

Following the lifting of the Ban in January 2000, the name of the organisation was changed to the Armed Forces Lesbian and Gay Association. It subsequently effectively disbanded.



The Armed Forces Legal Action Group

This group was founded by Ed Hall in 1993 to end the Ban on gays and lesbians serving in the military. The first meeting was in 1994. Stonewall lent support in allowing their offices to be used for the initial meetings.

By the end of 1994 Ed Hall had finished writing a book on the Ban 'We Can't Even March Straight' (subsequently published in May 1995) and by then he had been in contact with a large number of people who had been affected by the Ban. The objective was then to look for the best cases to bring before the courts. Bindmans solicitors were willing to give support and Stonewall and Liberty agreed to provide funding for judicial review of the four lead cases that were eventually selected. There was an initial list of about 60 further cases which were ready for court proceedings with arrangements in place for pro bono or no win no fee legal representation.

It should also be mentioned that a number of cases were lodged with the Employment Tribunal. By 1999 over 100 had been lodged. The lead tribunal case was brought by ex-Royal Navy rating Perkins. For reasons which it is not necessary to mention here, the Perkins case was finally lost in 1998. The Treasury Solicitors' Department then wrote to all the applicants or their solicitors inviting them to withdraw their claims. Where applicants had represented themselves, they appear to have acceded to this request and their claim was concluded. It would seem that they never sought compensation subsequently. They thereby missed out on compensation to which they might well have been entitled pursuant to the success of the cases before the European Court of Human Rights, to which I now turn.

Among the arguments in favour of this atrocious law was that it was proposed by Ashley, who said that if the bill did not pass the king would be obliged to sign it. Buckingham and the opposition laugh at his device. Buckingham said the opponent of the bill must have "an Irish estate or an Irish understanding," which nearly cost him a duel with Osborn, and much more. The duke of Ormonde, who was treated such a man as Ormonde is characteristic of the most slavish reigns in our history. Dead men, bitter, and those who were also excluded, yet pass brought a certain prosperity. The woolen manufactures grew and flourished, and Massacre is probably warranted in saying that under Charles II. Ireland was a pleasant place of residence than it has been before or since. But it was pleasant only for those who could not care for state religion. Catholicism was tolerated, or rather suffered, in the reign of Charles II. subject to frequent humiliations. Cromwell became person, and the reign of James II. Cromwell's head was severed from his neck. Cromwell's execution which supported the protest of Scotland. Deprived of the means of teaching, the Irish students and other societies were suppressed. To use their own language, they saw the daughters of Moth that they were left. Women are more religious than men, travelling missionaries were making their enclosed cloaks; and Catholicism held its own. The Quakers became numerous during this reign. Their powerful industry was most useful. The founder Thomas Blinckson, a Quaker who had borne arms for the Parliament, and in Antwerp in 1655.

The duke of Ormonde was best lieutenant of the duke of Charles II. At seventy-five his head was cut off by Cromwell, and James saw that he was to die. Cromwell said, "See, gentlemen," said the old chief, "I am old and my military dinner party." "they say at least I am old and dating." "But my head is steady, not that my head is falling." "To the King's health." Calculating on his fall, Cromwell appointed his brother-in-law, Lord Charles, to succeed Ormonde. Cromwell's wife was made an earl, but gave an excuse for declining to accept the title. The Tories at once escaped from their hiding places, and Charles II. found Ireland in a better state than it was now the time of the Protestants. It was now the time of the Protestants to feel what Cromwell had done. Richard Talbot, one of the few survivors of the battle of the Boyne, was the last of the Protestants.

Fate whispers to the warrior,

You can not withstand the storm.

The warrior whispers back,

From the storm.

Court proceedings of Duncan Lustig-Prean, John Beckett, Jeanette Smith and Graeme Grady and the end of the Ban

The following is a brief description of the court proceedings which led to the withdrawal of the Ban in January 2000. Fuller details are set out in Annex 5.

Duncan Lustig-Prean, John Beckett, Jeanette Smith and Graham Grady served in the armed forces and had exemplary military records. They were each discharged pursuant to the Ban on various dates between 1993 and 1995 because of their sexual orientation.

Each of them applied to the High Court of England and Wales to quash the discharge as unlawful. Their applications were dismissed by the High Court in 1995 and their appeals were dismissed by the Court of Appeal. The Judicial Committee of the House of Lords refused permission to appeal to the House of Lords.

Following the decision of the UK Divisional Court, the HPAT was established by the MoD in order to undertake an internal assessment of the armed forces' policy on homosexuality.

The applicants then applied in 1996 to the European Court of Human Rights in Strasbourg. They applied on several grounds of alleged breaches of the European Convention on Human Rights (ECHR) but, for present purposes, their most important submission was that the investigations into their homosexuality and their administrative discharge on the sole ground that they were homosexuals constituted a violation of their right to respect for their private life under Article 8 of the ECHR. Having analysed in detail the facts (including shocking descriptions of the SIB investigations), the HPAT report (which was summarily dismissed as providing a justification) and the relevant law (as to all of which, see Annex 5), the European Court of Human Rights published its judgments in favour of the applicants in September 1999.

On 12 January 2000 the Secretary of State for Defence announced the end of the Ban.

The European Court of Human Rights published further judgments in July 2000 awarding financial 'just satisfaction' to each of the applicants. The details of such just satisfaction (to be found in Annex 5) are important for this Review as a precedent for my recommendations as to arrangements for financial payments to those who were dismissed or discharged due to the Ban.

A group of people in military uniforms, seen from behind, with a red overlay. The image is a close-up shot of several individuals in military attire, including berets and camouflage uniforms, viewed from the back. The entire image is overlaid with a semi-transparent red color. The text 'Other Court Proceedings' is positioned in the lower-left quadrant of the image.

Other Court Proceedings

In addition to the **Lustig-Prean, Beckett, Smith and Grady** cases that were decided by the European Court of Human Rights, more than 100 other proceedings challenging the Ban and the way it was applied were instituted on the ground of breach of human rights in the late 1990s. Several dozen were, for example, handled by the Birmingham law firm, Tyndallwoods. Other firms of solicitors also acted on behalf of LGBT veterans. Following the success of the **Lustig-Prean, Beckett, Smith and Grady** cases, the Treasury Solicitor set about reaching settlement of those other outstanding cases. There was no compensation scheme set up by the government applying the principles applied by the European Court of Human Rights. There were merely negotiations to compromise each case that had previously been commenced. Potential new claimants were sometimes told that it was too late to start proceedings and in other cases they were told simply that they were not entitled to compensation. The replies to the Call for Evidence show that most LGBT veterans who served under the Ban were unaware of the European Court of Human Rights cases or of any right they had ever had or might still have to claim compensation.

The image features two hikers in silhouette, walking away from the viewer towards a bright sunset. They are equipped with large backpacks and trekking poles. The background consists of a hazy, mountainous landscape under a sky with soft, glowing clouds. The overall color palette is dominated by warm, golden-yellow and orange tones from the sun, contrasting with the dark silhouettes of the hikers and the landscape.

Fighting With Pride

Fighting With Pride (FWP) is the UK's only LGBT+ military charity.

In 2017 and 2018 Craig Jones, who had served as a Lieutenant Commander in the Royal Navy under the Ban and had made public that he was gay when the Ban was lifted, gathered together a group of LGBT former veterans who had served under the Ban with a view to the publication of their stories and his. The result was that in 2019 a book, edited by Jones, containing ten accounts by Jones and other former LGBT service personnel, with a foreword by Admiral Lord West GCB DSC PC, was published under the title 'Fighting with Pride – LGBTQ In the Armed Forces'.

Three contributors to the book – Jones, Caroline Paige (formerly a Flight Lieutenant and the first openly serving transgender officer in the British Armed Forces) and Patrick Lyster-Todd (formerly a Lieutenant Commander in the Royal Navy) – conceived the idea of forming a charity to support and achieve justice for LGBT veterans who had served under the Ban.

In October 2019 FWP was registered as a Charitable Incorporated Organisation. Its principal objects include the relief of need, hardship or distress among lesbian, gay, bisexual and transgender former members of the armed forces. In less formal legal language, as explained by Jones and Paige, who are now respectively FWP's executive chair and joint chief executives, FWP was conceived as an organisation to promote restorative justice for LGBT veterans, celebrating Rank Outsiders, the Armed Forces Legal Challenge Group and the many individual veterans affected by the Ban.

The 'founding partners' included NHS England, the Royal British Legion (RBL), the Soldiers, Sailors, Airmen and Families Association (SSAFA) and Stonewall. SSAFA's chief executive, Lieutenant General Sir Andrew Gregory KBE CB DL, became FWP's founding patron.

In December 2019 Jones met the then veterans' Minister, Johnny Mercer MP, to argue the case for restorative justice for LGBT veterans.

By the spring of 2021 FWP was attracting funding for its programmes, including confidence building for LGBT veterans; building support for LGBT veterans in organisations that provide services for veterans; and policy development to benefit LGBT veterans.

In November 2021 FWP secured for the first time participation for LGBT veterans to march in the National Service of Remembrance in London as an LGBT contingent.

Funding by the Armed Forces Covenant Fund Trust enabled FWP to employ seven Veterans' Community Workers across the UK.

In 2022 FWP developed, in consultation with Stonewall and NHS England, and promoted its 'Pride in Veterans Standard'. This aims to enable the promotion of a warm welcome for LGBT veterans in health and wellbeing organisations.

FWP has attracted the support of a great many LGBT veterans who served under, and suffered from, the Ban and who have no trust in other veterans' organisations. FWP has encouraged severely disaffected and damaged LGBT veterans to respond to the Review's Call for Evidence, often telling their stories for the first time, many suffering distress in recalling past events.

The image features a dark blue background with silhouettes of military figures. On the left, a band leader in profile is shown playing a trumpet. In the center, a large, ornate military hat with two tassels is suspended. On the right, a sailor in a peaked cap is seen from the side, pulling on a rope. A flag is partially visible on the far right. The overall mood is solemn and formal.

The Military Covenant and the Armed Forces Covenant

The Armed Forces Covenant is a long-standing initiative, which is an important contrast to the reality of the treatment of LGBT veterans under the Ban. It is also a relevant backdrop to my recommendations on restitution. It began in its current form in an MoD 2011 policy document – ‘The Armed Forces Covenant: Today And Tomorrow’. It was described in that document as “...an enduring covenant between the people of the United Kingdom as well as Her Majesty’s Government with all those who serve or have served in the armed forces of the Crown and their families.” It is a statement of the moral obligation which exists between the nation, the government and the armed forces.

The moral or ethical support owed by the nation and the government to military and former military personnel and their families had previously been described as “The Military Covenant”. That expression entered into public and political discourse in a booklet published by the MoD in 2000 with the title ‘Soldiering – The Military Covenant, UK’.

Even before then there was an unwritten code which implied that in return for the sacrifices service personnel make, the nation has an obligation to recognise their contribution and has a long-term duty of care toward service personnel and their families.

The 2011 policy document said that the first duty of government is the defence of the realm and that the armed forces fulfil that responsibility on behalf of the government, sacrificing some civilian freedoms, facing danger and sometimes suffering serious injury or death as a result of their duty. It acknowledged that families also play a vital role in supporting the operational effectiveness of the armed forces. The policy document said that, in return, the whole nation has a moral obligation to the members of the Naval Service, the Army and the Royal Air Force, together with their families, and that they deserve our respect and support, and fair treatment.

In the Foreword to the 2011 policy document, the Secretary of State for Defence, the Rt. Hon Liam Fox MP, said that the Armed Forces Covenant is the expression of the moral obligation the government and the nation owe to those who serve or have served in the armed forces and to their families. He said that the men and women of our armed forces deserve not only our respect and gratitude but also our constant attention to how they are treated and the impact that service life has on them and on their families.

The policy is given tangible legal effect by the provisions of the Armed Forces Act 2006 (as amended in 2011), which requires the Secretary of State for Defence to publish an annual report to Parliament at

the end of each calendar year setting out progress that has been made in delivering the covenant that year, particularly in relation to accommodation, healthcare (including mental health) and education.

The 2011 policy document acknowledged that some veterans will require continued financial support from government in addition to any armed forces pension entitlement they may have. It said that the government is committed to making accessing this support as straightforward as possible.

The policy document states that the government, working with the chain of command, has a particular responsibility of care towards members of the armed forces, including a responsibility to maintain an organisation that treats every individual fairly, with dignity and respect, and an environment which is free from bullying, harassment and discrimination.

The policy further states that support should be available for all service personnel in order to assist their transition from service to civilian life; and such provision should include training, education, appropriate healthcare referral and job-finding preparation and assistance. It should also include information, advice and guidance on such matters as housing and financial management, and the availability of support from government and the voluntary and community sector.

It says that Armed Forces Day is an annual opportunity for the nation to show their support for the men and women who make up the armed forces from currently serving troops to service families and from veterans to cadets.

The Armed Forces Veterans' Lapel Badge was launched in May 2004 to raise the profile of veterans by assisting the public to recognise them. All veterans are eligible to apply.

The Armed Forces Act 2021 further enshrined the Armed Forces Covenant into law. It introduced a new requirement for some public bodies, including the NHS and local authorities, to pay due regard to the principles of the covenant when carrying out specific public functions in the areas of housing, healthcare and education.



The Veterans' stories: Replies to the Call for Evidence and other sources of evidence

Introduction

My Terms of Reference state that: “The Review will provide those impacted with the opportunity to be heard and to enable the government to better recognise the impact of the historic policies as well as acknowledge the lived experience of service for those veterans, to better understand their support needs today.”

In order to obtain a full and rounded view of the impact of the Ban on homosexuals in the armed forces between 1967 and 2000, the Review’s Call for Evidence was not directed solely at LGBT military personnel who served during the relevant period and suffered from the Ban. It also requested evidence from non-LGBT personnel who served at the time and who witnessed the implementation of the Ban, as well as families, friends or representatives of LGBT personnel who served between 1967 and 2000, academics who work in this area, and organisations and other third parties (such as charitable organisations) who are able to give relevant evidence.

In the event, the 1,128 responses received in response to the Call for Evidence included:

1. 301 from veterans who were dismissed or discharged because of LGBT same sex sexual acts or homosexual orientation, whether pursuant to a court-martial or by way of administrative discharge under the Queen’s Regulations
2. 297 from those veterans who felt compelled to purchase their release from their service contracts or otherwise resigned or did not extend their contracts because of the Ban
3. 416 from those who were not LGBT but witnessed the implementation of the Ban

Only 38 responses were received from family members and friends. There were also very few academics or third-party organisations that responded specifically to the Call for Evidence but I, and members of the team supporting me, met a large number of representatives of such organisations and others playing a significant role in veterans’ affairs. They are identified in Annex 6.

Among the third category are a number of respondents who are unsympathetic to those who suffered under the Ban. Some of them are blatantly homophobic. They include those who think that the Ban was both necessary and good (and indeed a few who said that the Ban should be brought back and one who appears to equate homosexuality with paedophilia). There were also a significant number of statements from members of the SIB who carried out investigations to enforce the Ban. The gist of some of the SIB personnel’s evidence

was that they carried out their duties correctly and in accordance with approved procedures and they have been wrongly maligned as having conducted investigations that were abusive. There are other non-LGBT veterans who consider that the rules were clear and, since they existed, they had to be observed, and that those who were LGBT should never have signed up for military service. All those views can be seen, in the light of the evidence as a whole, to be misguided, whether because they are based upon incomplete knowledge of the facts or the law or because they display a total lack of empathy with those veterans who have suffered hugely from a policy which the European Court of Human Rights found to be in breach of the ECHR, and which the government has accepted was wrong and deeply unjust.

The responses to the Call for Evidence form a unique body of evidence describing a shameful policy and its devastating impact on those who had signed up to serve in the armed forces for the good of the nation, and to lay down their lives if need be. In many cases, this is the first time that they have recorded their stories. Many found it a painful and traumatic experience to relive their experience of what led to their leaving military service and the consequences. Very few of the stories have been seen before. They lie at the heart of this Review and its recommendations.

Summaries of the veterans' evidence will be placed on the legacy website.

As there is nothing more powerful and significant than the words of the LGBT veterans themselves, I have quoted in this section of the Report extracts from their evidence under headings. The quotations represent a very small proportion of the total testimony received but they disclose the major themes which colour this Review and justify the recommendations I make.

In broad terms, the responses to the Call for Evidence paint a vivid picture of overt homophobia at all levels of the armed forces during the period 1967 to 2000 and of the bullying that inevitably reflected it. There are numerous factual accounts of the way that the Ban enabled male and sometimes female personnel, whether or not officers, to commit sexual assaults and harassment (whether against LGBT personnel or in some cases by LGBT personnel against heterosexuals) and escape disclosure by threatening to report the victim as a homosexual with the consequence of investigation, dismissal or discharge. In other words, the Ban itself was used as a means of blackmail against victims of predatory sexual conduct, especially those who were LGBT and so most susceptible to that blackmail.

I have included a large number of quotations concerning abusive investigations by the SIB. This is because they show that, in respect of those who responded to the Call for Evidence, investigations followed a common pattern, and were similar to those in each of the **Lustig-Prean, Beckett, Smith and Grady** cases which the European Court of Justice found to be overly intrusive and inappropriate and in breach of Article 8 of the ECHR. It was the brutal and abusive nature of investigations, combined with the subsequent peremptory discharge, with no support for the transition to civilian life and no health or welfare support, and no ready money and no provision of housing that caused enduring mental ill health in the overwhelming majority of the affected veterans.

In view of the evidence, I have received from former SIB personnel, I want to emphasise that searching for and investigating those suspected of being homosexuals was only one of their many duties. It is the only one on which I have seen evidence. I have no reason to suppose that, in relation to their other duties, they generally acted in an inappropriate way. It must also be acknowledged that, in respect of the investigation of personnel suspected of being LGBT, they were carrying out a duty imposed on them by, and with the approval of, those in command. They operated, however, in a military setting in which extreme and overt homophobia was the norm at all levels. Apart from a few isolated cases, there is no evidence that those in the senior ranks of the military ever sought to mitigate or reign in the SIB's investigatory methods. Indeed, the persistence with which the MoD resisted the **Lustig-Prean, Beckett, Smith and Grady** cases both before the courts in this country and before the European Court of Human Rights, and relied upon evidence which was no more than the worst kind of instinctive bigotry, suggest that the chain of command may well have seen nothing wrong with the SIB's methods. The MoD and the chain of command have to bear the responsibility for the toxic atmosphere of homophobia which resulted in SIB investigators acting in a way that was in breach of the ECHR and was indeed brutal and inappropriate but which former SIB personnel consider to have been merely the execution of their duties with appropriate rigour.

In terms of abusive conduct towards service personnel who were or were perceived to be homosexual, particular note must be taken of the references in the responses to the Call for Evidence to medical internal body examinations of both men (anal probe) and (more rarely) women (vaginal examination) and other degrading tests as part of the investigations. In the case of men, this was purportedly to see whether there had been same sex sexual activity and, in the case of women, it was to see whether there was evidence of sexually transmitted infection. There was also a frequent requirement to see a psychiatrist. Veterans' testimonies confirm that conversion therapy was routinely either carried out or proposed as a 'cure' for

homosexuality. Such therapy comprised both electro-convulsive treatment and drug use. In many cases there was a suggestion that, if personnel consented to conversion therapy, they might be permitted to remain in military service. These abhorrent medical practices unsurprisingly left personnel severely traumatised.

For many LGBT military personnel who were discharged or dismissed, the long-held dream of serving in the military was abruptly shattered and highly successful careers in the armed forces were brutally curtailed in a most humiliating way. Bizarre as it may seem, this extended to those who were perceived to be gay but were not in fact. That group was not caught up in the Ban merely as a matter of mischaracterisation as LGBT. It was pursuant to policy. In 1993 the Army stated in an internal policy document – ‘The Discipline and Standards Paper’ – that “Anyone who admits to, **or displays the orientation of**, or indulges in homosexuality will be required to resign or be discharged...” [emphasis added]

Further, neither the SIB nor the chain of command appear to have understood what motivated those who wished to transition or were transitioning due to gender dysphoria. The assumption was simply that they were gay or lesbian. This meant that for transgender or transitioning service personnel dismissal or discharge caused an added element of distress when they were at a very vulnerable stage in their lives.

The humiliation was compounded when medals were required to be handed over, a commission had to be surrendered or there was a demotion in the rank of those who were not officers. Often, particularly where the veteran came from a military family, and was not ‘out’ to his or her family, the dismissal or discharge caused a rupture in family relations, which endured for a considerable time and sometimes was never healed.

LGBT veterans who were dismissed or discharged because of the Ban talk of an enduring feeling of shame and low self-esteem. Some ended their life through suicide. Many of them attempted to do so or had suicidal thoughts.

Some of the veterans found themselves homeless and for a period lived on the streets. In many cases, either the fact that the veterans had been dismissed or discharged or the mental ill health from the trauma they had suffered caused difficulties in obtaining and then successfully continuing in, or obtaining promotion in, employment. For that reason, many of the veterans have had continuing financial difficulties. It appears from responses to the Call for Evidence that this has been compounded by uncertainty as to pension rights.

Some of the veterans state that they have never received any services pension following dismissal or discharge, even where they served for several years.

Many have had difficulty in forming long term relations or in being open about being LGBT.

Many entered into a spiral of long-term depression, drug and alcohol abuse and compulsive gambling. Some have been diagnosed recently as having or having had PTSD.

There is, among this group of veterans, an enduring strong feeling of anger and bitterness at the way they were treated. Many of them had served in the armed forces for years with distinction, over 23 years of exemplary service in one case. At the other extreme, a significant number of them were no more than adolescents when they joined the military, some as young as 15. Frequently, they were unaware of their sexual orientation in their teenage years and did not consider themselves to be LGBT. As they became increasingly aware that they were or might be homosexual, there was no one in whom they could confide and seek advice, as both military padres and medics were under an obligation to report any evidence of homosexuality to command.

A related issue, which was a consequence of the homophobia that underlay the Ban, was that information was not given to military personnel about HIV/AIDS which was a medical health crisis in the 1980s and 1990s. Indeed, for a significant period it was a death sentence. There were, therefore, LGBT personnel who both during service and afterwards were unaware of the risks of contracting HIV/AIDS and how those risks might be reduced. Unsurprisingly, a number of those who responded to the Call for Evidence, especially gay veterans or, where they have died, members of their family have reported the contracting of HIV/AIDS.

Nor was it only those who were dismissed or discharged who were badly affected by the Ban. Many of those who replied to the Call for Evidence and are LGBT resigned or did not renew their contract because they could not continue to take the stress and strain of hiding their true self and pretended to be heterosexual, with the constant danger of being discovered to be LGBT and then facing inevitable dismissal or discharge. There is evidence that, if they were suspected of being LGBT, they were denied promotion or promotion was delayed, even if there was insufficient evidence to support dismissal or discharge. A significant number of this group of LGBT veterans have subsequently suffered enduring poor mental health and relationship difficulties. The same applies, albeit to a lesser degree, even to those LGBT veterans who successfully hid their sexuality and

continued to serve until after the Ban was dropped in January 2000. Many of them, while serving, continued to hide their sexuality long after the Ban was removed.

A large proportion of those who were dismissed or discharged because of the Ban or resigned or did not renew their contracts because of the stress caused by the Ban have had no contact with veterans' organisation. Some of those who were investigated and dismissed or discharged have never considered themselves veterans in view of the way they were treated. Others have encountered homophobia when they have sought to engage with veterans' organisation. Others do not wish to risk encountering such homophobia or (especially in the case of lesbian veterans) do not wish to associate with male veterans in view of abuse they suffered from male military personnel when they were serving in the armed forces.

I set out below quotations to support these major themes. Inevitably, some quotes cover more than one topic. Unless otherwise apparent or stated, they are quotations from the statements of LGBT veterans who served under and suffered from the Ban between 1967 to 2000. Save in a handful of cases where I have made changes to the grammar in order to make the language and meaning clearer, and save where I have anonymised names and places, I have reproduced the exact wording and syntax used by the veterans themselves.



Homophobia

“The services is the most homophobic environment I’ve ever encountered. I served in the Royal Navy on several ships and shore establishments. The hatred for homosexuality was institutionalised. I joined at 17 and a half not fully aware of my own sexuality but you quickly learn to conceal it as bullying and harassment or worse physical abuse especially for any male members was almost normalised and encouraged from senior officers.”

“From Day One I was made to feel even more ashamed of who I was and am than I did before I joined the services. I joined BRNC Dartmouth in 19[...] and the training staff made continual reference to gay people in highly derogatory terms. I was singled out on parade and told I saluted like a homosexual. And was then asked if I was a homosexual by a Warrant Officer in front of about 200 other cadets who fell about laughing. This experience was deeply traumatic for me. The language that was in use was designed to paint gay people as sub-human individuals who were worthy only of ridicule and contempt. Terms regularly used in training: – Poof – Nancy – Shit stabber – Brown Hatter – a particular favourite of the RN – Shirt Lifter During this time, the tide was very clearly turning, yet despite that the senior leadership of the RN continued to publically argue that allowing gay people to officially serve in the Forces was detrimental to the operational effectiveness of the Navy: painting us as predatory and prejudicial to good order. The clear implication to me was that I was considered a security risk, a poor leader, a sexual predator and probable paedophile. These views were expressed by just about everyone that I came into contact with from Ratings to Senior Officers. When the Ban was lifted, this did not change. I progressed through training and went to sea as an Officer. During my time in my first ship, the Ban on gay people in the services was lifted. The Captain of my ship ... made a pipe to the entire Ship’s Company explaining the nature of the signal he had received which detailed the lifting of the Ban. He went on to say that he completely disagreed with it and that it was a mistake and that “these people” were not fit to serve in the Royal Navy – the gist of the PA was very much “backs to the wall boys”. It was horrifying. This announcement very much shaped my approach to the remainder of my service. I was extremely cautious about talking to anyone about my sexuality for fear of recriminations or violence. It was only in approximately 2004 that I felt able to be open with anyone about who I was or the fact that I had a partner of some years.

“[As a 15 year old recruit] There was quite a bit of classroom work to start with, which I wasn’t over lee fond of, but I was aware it was a necessary part of the training. I didn’t quite understand all the slang, but we were given little booklets to help us remember. I look back now and wonder why as part of the slang in the booklet, homosexuals were given their own title of a brownhatter, and looking back you can see how homophobia was “normal” part of military life, especially if it was printed in the training literature you were issued with!”

“The week I joined the Army in 1981, 5 women were dismissed for being lesbian. I think about those wasted careers. Homophobic language, jokes and conversations were commonplace for much of my 27 years service. There was an attitude that although being homosexual might be acceptable outside the Armed Forces, it would never be acceptable in the forces. I knew of women who had been physically harmed for being lesbian. I served at the same station as [...], the Army’s first openly trans person and witnessed how isolating the behaviours of other were for her. Even after the Ban was lifted, gay and lesbian friends of mine did not feel comfortable being openly gay in the Army. Some felt that their careers would be limited if people knew.”

“I had been set up to fail on a military exercise by a RMP Corporal...who admitted he was told he’d get a good confidential if he “stuffed me up” because the Platoon Commander had told him to “make it hard on me as he didn’t need my sort in the Platoon”. It was this Corporal that forced the porn footage in my face several months later.”

“Military police would often wait outside known gay venues and follow those who looked like sailors back to the dockyard. Raids would often follow the next day. Even joking around in the mess and calling someone a poof would result in an investigation by military police involving locker searches.”

“Whilst serving i soon found out that the Army actively promoted the thought that homosexuality was wrong, it was deviant, criminal and unnatural behaviour and if you suspected anyone of this behaviour you should report them. If you associated with anyone who was thought to be or had been investigated for homosexual/deviant behaviour they were not the type of person you should be seen to or want to associate with or questions would also be asked about you.”

“I enlisted in the RN when I was 15yrs old. I was struggling with major identity issues by the time I’d reached aged 17yrs.

I couldn’t make any sense of it. I was transgender but unable to comprehend it. I experienced ongoing homophobia despite me not being gay. I descended gradually into severe depression, going AWOL on several occasions and ultimately to attempted suicide. It was homosexual gaslighting that led me to declare to naval psychiatrists that I was confused about my sexuality. I ended up being dismissed from the service due to an ‘irremediable degree of temperamental unsuitability’.”

[Non-LGBT veteran who served between 1967-2000]

“[The Ban was Bloody stupid. It was enforced by a generation of

out of touch senior officers who had no understanding of the society they lived in or that the Army was representing. The 1996 review into the homosexuality Ban was a joke. The team’s assessment is that any relaxation of the existing policy is likely to have a detrimental effect on operational effectiveness was flawed. If you tell a population that something is wrong and bad then do not be surprised when they come back with the answer you want. The immortal line for me was: I would rather slit trench with a bent soldier that can shoot straight then a straight soldier who shoots bent.’ That summed it up in my mind. The Chiefs of Defence Staff at the time were simply out of touch and frankly out of their depth. It was not just the policy on homosexuality that they were plain wrong on. Discharging female soldiers because they were pregnant; the racial intolerance on non-white soldiers; the treatment of female officers and soldiers as second class citizens – which continues today – it was and remains totally wrong. ... The Ban on homosexuality only came to an end because Tony Blair when he became PM in 1997 demanded the Service Chiefs to change the policy. The Service Chiefs had no intention of changing the policy themselves, indeed they held up every card possible to get PM Blair to change his mind, but Tony Blair was rightly determined to remove an injustice. The Service Chiefs then asked for 3 years in which to change the culture of the Services, the Ban finally being lifted in 2000. The lifting of the Ban and the fact there was no degradation of operational effect proves that the Ban was only being perpetuated by the Service Chiefs as homosexuality offended their Victorian values. It also proved how you can influence the culture of an organization; in 1996 the culture was anti-homosexuality in the forces yet by 2000 that had change to acceptance. It is called leadership. Positive and progressive leadership is what the Army of the 1990s lacked.”

“We were as gay women illegally institutionally unfavourably treated (in an environment where I couldn’t be myself, I literally do not know who I am even now this has affected me so deeply) experiencing the hypocrisy of the predominantly (but not totally exclusively) male heterosexuals having affairs, assaulting female personnel and some knowingly assaulting gay women. That in itself as a gay woman to have to almost literally fight those men to stop them assaulting and harassing you (particularly when they suspected you were gay) was an added toxicity/threat which was intolerable and very damaging mentally and situationally. I don’t find men sexually attractive so being subjected to assault, sexual harassment and intrusion on my mental and physical self and the threat of it as a women (whether a gay or heterosexual women) to that behaviour was almost impossible to manage mentally such was the threat and abuse of power within the toxic institutional situation. And there was no one to tell, who could you go to? So you keep it in. You don’t speak, you have no support, you are lonely, alone, vulnerable, frightened. The rules didn’t protect you, in fact they harm you the rules were an oxymoron a toxic double, treble standard for predominantly male heterosexuals and those heterosexual women who colluded wittingly and unwittingly no excuses for any of them. ... Well I was constructed to leave over several years the evidence of homophobia and bullying it is there in my reports, in my medical documents (both direct and indirect) including at least one Admiral. Brave aren’t they, a total failure of leadership, team, welfare and moral integrity extraordinary bullying of the worst kind, cowards. Humanity had left the Quarter deck. They are Sir’s, Lords, TV commentators and in their special privileged places and clubs. They virtue signal now and tow the line but we who experienced them know and we are in the dark. You should bear in mind there are very senior officers who will now support us who were the very culture we endured. I feel very angry about that. ... The Wardroom was a very homophobic sexist and misogynist environment it was meant to be home too. Having to listen daily for years from age 18 the vile, hateful, ignorant filthy words about gays dykes, lez, lezza, splits, rug munchers, shirt lifters, poofs, queers, homo’s, poo stabbers, a friend of Dorothy is a psychological war of attrition on your very being your soul your self. That your self was institutionally revolting, disgusting and a threat to good order and discipline is unbearable how can you like yourself after 15 years of that. If you haven’t served through the Ban you have no idea of the fear and threat it presented, the SIB were like SS Nazis to me. Being a Wren on duty at the Provost HQ and listening to a LReg breaching the confidentiality of an SIB investigation into a Wren I knew, talking

about one having male clothes in her wardrobe which I knew wasn't true. And challenging him about his unprofessionalism, breach of confidentiality and lack of being a role model the Reggies were meant to be and me getting hell for it. I remember on my Divisional Officers Course at ... one of the Instructors talking about hunting gays and what to look for. He said some wear black onyx pinky rings and walked up to me and said oh you haven't got one ... I hated him the humiliation his abuse of power, the threat."

"Joining at the age of 16.5 in 1971, I had no real idea about my sexuality. However, although I knew about the Ban on homosexuals serving in the armed forces, I assumed that I wasn't gay and that my lack of a girlfriend was due to the fact that I went to an all-boys Grammar School. I joined the Royal Navy as an Artificer Apprentice and therefore had 3.25 years shore training. While in the first year of Basic Training at HMS [...] and then for the remainder of the training at HMS [...], we periodically had lectures about the Ban on homosexuals. These all went along the similar lines that homosexuals were 'deviants'; they were 'bad for morale'; would 'cause disruption within the service, particularly on board ship'; would 'recruit others to their way of thinking', were 'not to be trusted' and were also 'easily blackmailed by the USSR' because of their preference for men. The language used, however, by the officers who gave these lectures, was not as restrained as my paraphrased comments above... what I regret most is the fact that the Armed Forces' rules at the time made it illegal for myself, and many people like me, to be the person who I and they were meant to be, simply because we wanted to continue a long tradition of volunteering to serve our country. The bigotry of the High Command, Officers who literally couldn't see beyond their closed institutional thinking, forced me and every other service man or woman who identified as Lesbian, Gay or Bi-sexual, into a binary choice: be someone else, or serve your country. I have always hated that choice, hated the narrow-minded bigots who condoned it and hated the totally blind, institutional and rabid homophobia that they perpetrated and which existed until 22 years ago, long after it should have been thrown in the dustbin of history."

"Despite the Ban being lifted I feel one reason I got out of the Army was the continued homophobia and bigotry I heard, which made me not feel part of the team."



Bullying/blackmail/ sexual assaults

“I was detached to another station pending investigation where I was harassed by airmen.”

“Likeminded women with strong personalities, like myself, were able to survive these years but unfortunately some women could not survive the constant threats from their male colleagues, particularly at the higher level where if a senior male wanted to sleep with you and you refused, you were immediately classed as “queer” or “frigid”. There always existed an undercurrent of ‘blackmail’... ‘If you do this we won’t bubble you.’”

“On HMS Norfolk, there was a Defence Council Instruction (DCI) kept in the sickbay safe called ‘Unnatural Offences’.

It documented what should be done if anyone was found as being homosexual. I read it secretly late one night. The language in the document was hateful in the extreme sense of the word and could easily have been written in 1930s Germany with reference to Jewish people. This is no exaggeration. In this DCI, gay people were referred to as ‘deviants’ and their behaviour as ‘disgusting’. It set out the procedures for the intrusive forensic medical exam that was to take place if two men had been found to be having sex. Additionally, the language in the DCI gave little doubt that gay people were to be regarded, by their own government, as disgusting deviants. These facts had a great impact upon me, leading me to think that I was both a deviant and disgusting – not for what I had done but because of who I was in terms of my sexuality, an intrinsic unalterable part of myself that could not be changed through ‘choice’. On all the available evidence, (including the language used in the DCI and other documents), if the RN, an organisation that was my life, viewed me as a disgusting deviant, then perhaps I really was. After all, this policy had all the weight of a democratically elected government behind it, so who was I to argue. Eventually, this became engrained in my psyche and has not left me all these years later. Even now, I do not think much of myself.”

“I was discharged from the Army after 18 months for being gay. I had to see various psychologists/psychiatrists who stated it was deep rooted and I was subsequently discharged. Services no longer required even though my Military conduct was exemplary. It destroyed my future. As I joined as a junior entrant I was bullied and ostracised because of my perceived sexuality.”

“The services is the most homophobic environment I’ve ever encountered. I served in the Royal Navy on several ships and shore establishments. The hatred for homosexuality was institutionalised. I joined at 17 and a half not fully aware of my own sexuality but you quickly learn to conceal it or face bullying and harassment or worse physical abuse especially for any male members which was almost normalised and encouraged from senior officers. In my own personal experience it gravely affected my mental health and I began self medicating with alcohol another culture which was also very much encouraged. I met someone from home and was living a double life knowing that if discovered I would lose my career and livelihood. Living under that pressure took its toll on me and I felt suicidal. The fear of being discovered caused debilitating anxiety. I had a PV security classification which I had received previously to any same sex relationship. This weighed heavily on my sense of duty and I eventually disclosed to family services that I was gay! I endured a disciplinary and received administrative discharge. Career over left destitute with no money and a severe alcohol dependency I was left a nervous wreck. All I ever wanted to do from an early age was join the Royal Navy and serve I joined in 1991 at the start of the gulf. Was discharged in 1997 I was the poster girl for the new uniform when the women started wearing the mens uniform for first time I had my picture taken and featured in the daily mail. I’m glad the law changed but it was too late for me although I was disappointed they never asked us if we wanted our jobs back!”

“I was bullied because I did not have a boyfriend and kept my private life to myself”.

“Bullied, suffered prolonged periods of bullying by fellow mess mates and ship mates. The bullying behaviour was carried out in the presence of officers and senior rates and no one intervened or stepped in to correct the behaviour or to check that I was OK. Considering my age 17-19 I was still young and vulnerable. There were times the bullying was so severe I feared I would be attacked at night while I slept so I would have a knife under my pillow for protection. This behaviour was considered “Banter” but was far from it. The insults I received and the constant name calling and inappropriate comments were relentless. When I left the ship for a shore based job things got easier as I resided ashore at my then girl friends (a relationship I pursued to cover my true sexuality).”

“Physical violence every night in barracks, reported to guardroom on several occasions, nothing done to stop the physical or verbal abuse. Eventually several NCO’s joined in the physical violence and verbal abuse got worse. NCO’s eventually got their way and I was back squadded. The violence got more intensive and verbal abuse, I was told that if I did not DOR, the beatings would get worse or I would get seriously hurt to prevent me from finally making it to pass out parade. One NCO was discharged because of a sexual assault against myself, but no further action taken against those who repeatedly used physical violence and verbal abuse. Eventually I could not endure anymore of the abuse and requested DOR.”

“Throughout my service I was forced to hide my sexuality and in the run up to my dismissal was treated with outright hostility by my colleagues.”

“More pressure was being applied when I was approached for sexual favours at my second unit to the extent that I feared I would be discovered and would end up in Military prison and dishonourably discharged so I bought myself out.”

“Whilst I was not dismissed as a result of my sexuality I did leave the RN as a result of bullying linked to my presumed preferences/sexuality. The bullying and fear of losing my career became unbearable and regrettably ended my time in service. The bullying was at times physical and psychological. Reflecting back it was abhorrent yet condoned by those who knew and turned a blind eye.”

“Bullied by my peers to undertake extra duties or they would put in a list of names.”

Hounded by factions of my various units to see if I was gay or in a relationship. Interrogated, watched and out under pressure to confess. Isolated by certain members of the unit who did not like gay people. Called names and had to put up with it.”

“I was called to the regulating office in Singapore Dockyard 1969 and accused by a leading regulator of being queer with another member of the ships company of HMS P[...]. Everything I was accused of was hearsay he did not provide any proof of any kind he was aggressive dominating and utterly repugnant stating he did not like queers and that on return to the UK I would be thrown out of the RN after 11 years, I was not to talk to any ships officers or even the Captain about what had just taken place and that I would be closely watched. on return to the UK in 1971 I was discharged from the RN.”

“My first draft on HMS [...], the yeoman thought I was gay so wouldn't let me have a bunk as we had civilian on board testing a towed array, I was told there was not enough room. I was made to sleep on the floor in a machinery room which had inspections every hour so I was sleep deprived. The first officer continuously made snide comment about me not being man enough and a bit camp. I was publicly humiliated over the tannoy system by the first officer so that he could get a laugh out of the rest of the crew. Calling me camp as a form of insult.”

“Constantly Hounded by the SIB. False accusations made up by the SIB against me. Covert operations by the SIB which were intrusive. Reading my mail and checking my bedding for “stains”! Made a trumped up charge leading to a court martial against me. I was acquitted of the charge but found guilty of conduct prejudicial to good order, and dismissed. This is a catch 22 situation (if they can't get u on the first charge, they will on the 2nd). SIB would do covert operations in bars, follow me and make note of who I met. On one occasion, after returning from a 2.5 year draft with SNFL (never came back to the UK in this period) the day I got back to Portsmouth, the SIB dragged me in stating they'd seen me in a gay bar a month previously!”

“I was treated as an outcast. This was influenced by senior ranks and officers. People were told not to associate with me. I could not go in the mess or naffi bar. Even the SMO treated me as an alien. I was made to have an HIV test (negative) and the SMO wore triple gloves and refused to talk to me. This went on for more than a year.”

“I was only outed because I refused to give into blackmail. P&SS investigated for over a year and did nothing. In the intervening period, I was regularly put on armed guard alone and advised that I could shoot myself to make things easier. But I was discharged anyway. Only 3 people treated me as a human. My former squadron commander, the station commander, and a wing commander in P1. (HQSTC). I was made to feel an inconvenience by P&SS. It was an RAFP who tried blackmailing me. He demanded that I have sex with him, to which I refused. He said he would tell P&SS that I was selling secrets if I did not have sex with him. Knowing that that there was no evidence of this, I still refused to have sex with him so he reported it to his superiors.”

“General bullying and harassment, including physical intimidation and violence, and knowing that such violence would meet with approval if ever reported. Blackmail, from both military colleagues and from civilians. Self-regulating behaviour : trying to conform, participating in “heterosexual activities” to not be “given away” Going to extremes to cover up any homosexual activity to avoid detection. ... Living in a perpetual guarded and nervous state purely for existing with a non-approved sexual orientation.”

“Whilst serving as a Corporal with SIB/RMP in Londonderry between 1982-84, I assisted in an investigation into a young male soldier who had been badly sexually assaulted by two other serving male soldiers, where he was physically forced to perform oral sex on both of them in a toilet cubicle in the barrack block. On arrival at the barracks accompanied by a more experienced SIB Sgt, the complainant was actually in a cell in the guardroom. The Guardroom Sgt greeted us with ‘get that thing out of my sight’ pointing towards the young soldier who had been assaulted. Whilst he was being asked to describe his traumatic experience he informed us that he was homosexual, but that it in no way contributed towards his assault. The way this young man was treated by his unit was absolutely disgraceful and I felt deeply concerned that I was even involved in investigating it. To this day, I have no idea what the final outcome was but I felt you should know.”

[From a non-LGBT member of the Armed Forces]

“[The Ban was] Totally inappropriate and it was enforced by many people who had axes to grind against the gay community. All it did was allow people who hated homosexuality to do so openly, without fear of reprimand, whilst military law enforced that hatred.”

“I think all females whether lesbian or straight were treated with contempt by senior ranks and by the mod. I myself was sexually assaulted by 2 senior male ranks. I complained and was put into the psychiatric wing of Woolwich military hospital then unceremoniously kicked out the wrac. At a tribunal I attended the MOD lies about my service. They claimed I was illiterate and below average IQ. I’m now suffering from ptsd because of the treatment I received.”

“When I served on the Falklands my RSM Called me to his office and locked the door, he tried to sexual assault me and I managed to push him off. He said if I told anyone he would have me kicked out of the Army because he knew I was gay. I was also threatened by a CSM ... who said he knew I was a dyke and would make sure I would get a crap posting and do what he could to get me discharged.”

“I was a victim of sexual misconduct when I was a SSgt by the RSM after a Regimental Dinner Night – he came into my room, in his boxers and attempted to get into my bed (he had had too much to drink) – I managed to knee him in the crotch and he stopped. He then told me if I reported the incident, he would report me for being gay. I spoke to a female WO at the unit who approached him – she was told he would report her also if she took it further and as she was 18 months of full career, she, understandably, informed me the matter was to go no further. Whilst this was the most serious incident it was not uncommon to be subjected to inappropriate behaviour which when you complained the threat of being reported and discharged was also there. – it almost gave men a ‘gold card’ to behave appallingly. This happened a lot to very many servicewomen. You certainly could not report such incidents to the RMP who would be more interested in removing you from Service than investigating any such incident. I know of an occasion when I was a Cpl that this actually happened. A LCpl reported an incident where she has been subjected to physical sexual harassment to the RMP. She was interviewed in her room. The female RMP Cpl noticed numerous photographs of her and one another female and put two & two together. The actual incident went no further as it was her word against the male LCpls however, she was accused of being gay, subjected to a very long RMP interview, over 10 hours, at the end of which she signed a statement that she was gay and was discharged within a week.”

[From a non-LGBT member of the Armed Forces]

“Allegedly Gay people were hounded, persecuted, bullied, tormented, chased, interrogated by the Regies, humiliated and their lives were made a miserable by this unfounded persecution.”

“I was victimised daily. It was horrendous but I could do nothing to report it because I was threatened with being reported myself for being gay.”

“I was like a rabbit in the headlights, scared, not knowing what to do or if I was safe as a chef in my unit was caught and they tied his arms and legs together and pushed him down the stairs he broke his knee, everybody knew it happened and no one was charged, I spent the first night after I was outed sleeping in the cells but with the key in my pocket, my RSM did it to keep me safe as he couldn't even trust the guard commander not to let people give me a kicking, so the RSM gave me the cell key then met me next morning took me out of camp for breakfast as I couldn't eat in the cookhouse or get abuse ...”

“The investigation itself, and the aftermath, had an enormous effect on my mental health. For example, following release from detention I felt that my life was no longer worth living as I had been told to expect that my military career was over. Having joined the services 9 years prior, at 16 years old, this was an extremely stressful and life changing prospect to consider. Although I continued to serve for a further 3 years, I encountered hostility and verbal bullying on an almost daily basis from colleagues who had obviously made their own minds up regarding the reason for my investigation. I regularly ended up working alone and feeling isolated as there was an obvious stigma in such a macho environment that made it uncomfortable for colleagues to work with a perceived homosexual. Throughout my Air Force career I gained exemplary marks on my annual assessments and was in-turn offered further training, promotion and an extension of service. Having strived through-out my career to achieve this I unfortunately felt that I could no longer accept the offer and my only option was to leave the service on completion of my existing engagement. Had the investigation not taken place, or the Ban not existed, I would have immediately accepted the offer and continued my career to the maximum length of service available. This further training and promotion would have made a substantial increase to my salary and future prospects as a civilian technician after service life... It was with a very heavy heart that I decided to leave the service as I felt it was no- longer a place for me. My mental health was suffering and I was routinely unhappy in the workplace.”

“I was generally made to feel like a total piece of garbage during my time in the RN. Not only was there overwhelming negativity regarding gay people throughout my entire career, but I felt I had to lie continually about who I am. This is exhausting and had a significant impact on my mental health.”

“I was a Cpl and just started a new job my Boss said if I did not sleep with him he would report me for being gay. He got me in his office and threw the book at me saying he would get me kicked out for being homosexual. I told him he had to prove it. I was scared and tried not to be around him. Another time I was a Sgt and one off the WO2 in another Sqn as for a 3 some with him and his wife. He kept saying this everytime ...”

“I witnessed a trans gender man who held the position of CSM trying to transition and receiving a huge amount of ridicule.”

“Whilst serving overseas on detachment I was plied with drink (willingly) then drugged (unknowingly) and violently raped by two men. The stigma of homosexuality (and the drug element) prevented me from reporting this crime to the military authorities and indeed for over thirty years. I was more concerned with retaining my career and position than I was my mental and physical well-being. My wife was supportive and got me through the early stages, years later I had a nervous breakdown and had counselling during which I was able to come to terms with the whole thing. It was still more than another decade after this that I felt comfortable talking to the police and making a formal statement, too late for the perpetrators to be brought to justice. Just the same as female rape victims are unable to trust that they will be believed. I’m able to talk quite openly about this with those I trust and feel it’s important that men are able to speak out if this happens to them, the system is still a long way from supporting male rape victims I feel. “

“I worked as a P & A clerk in the main office. You had to do 1 all nighter in the emergency office to collect any classified faxes from another R.A.F. base. A corporal I worked with “groomed” me by staying with me when I did nights, by asking what I liked sexually and giving me naked picture playing cards of guys. He told me to suck his cock and that we would have to keep it a secret. He also told me that no one would believe me anyway as he was married with children and my immediate boss. He actually raped me one evening by penetrating me against my will and I tried thereafter to keep out of his way.”

“Being found out carried a number of risks from you comrades. The Ban ensured that any form of assault on the queer would not be reported. Thus it led to an environment where queer bashing was sanctioned by the Ban. Sexual assault and rape also as who would report it knowing that they would be asked awkward question that could lead to an SNLR discharge. How many of these crimes went unreported? I knew of one but I am sure there were more.”

“My best friend was raped. I went after the soldier who did it one night. I was arrested. I told them about what the rapist did to my friend. They took me and my friend to the guardroom, we were both questioned separately. In the end we were told to shut up otherwise if we took it to court, it would be us on trial for being lesbians. We were not together as a couple, we were friends. But one of the RMP’s guessed we were gay and used it against us. The rapist was freed. We were let out after hours of questioning to the caution of losing our careers if the story got out. I asked my friend if she wanted to pursue it further and she said no. She said to be found out as gay would devastate her family.”

“I went before a CO’s hearing rather than electing court martial. I was sentenced and was take to the detention facility at RAF Insworth. While there I was abused, made to sleep on the floor, NCO’s held my head in the toilet and flushed it. I was forced to clean the toilet with a toothbrush and then clean my teeth as the stood over me saying “You like eating shiit so you are used to it” I was a deeply traumatised and broken individual at the end of it.”

“i can only give brief basic outline because i still struggle... It all started for me as soon as i arrived at my trade training unit after basic training...basically all female soldiers where verbally abused and called names like “Dyke” Lezza ect if any girls turned down any male attention.(not many female soldiers as a lot of trades had only recently opened up to females) within a couple months of being at 8 Sigs, Catterick i was raped... because i wouldnt “go out” with him. this resulted in a pregnancy... I had a nightmare with becoming a single parent whilst being a serving soldier, I wasnt even offered accomodation for myself and my child. but thats digressing... I was investigated by the SIB on a couple of occasions which was horrendous experience... I was verbally abused, made to feel like nothing , wasnt allowed to speak, had a penis slapped accross my face, double timed and beasted and humiliated in front of my regiment to the guard room and imprisoned until they decided if i was gay or not.”

“I was a inexperienced 20 year old in a foreign country. It is 1972. I was aggressively interviewed by the SIB. Charged. The nature of my offence was made known to some of my colleagues, one evening before Christmas I was the subject of a severe Gay Bashing by multiple soldiers within the barracks, my eye was kicked out of the socket, both jaws were broken, all except 5 of my teeth were fractured, 3 ribs broken, 2 fractured. I was sent home to my parents for Christmas, my Christmas dinner had to be liquidised!”



Only became aware of being LGBT after joining

“I did not know that I was gay when I joined up at 17. From that point, the Royal Navy developed as my life and I could not bear to lose it in this way, by dismissal”.

“As I had no idea that I was homosexual at that time and had just commenced my pupil nurse training I was terrified at the very real threat of being sent to Colchester military correctional facility.”

“I turned to alcohol and drank heavily for many years. I battled with PTSD and have also been on anti depressants for many years. I’ve had extremely low periods of darkness accused of being homosexual, of other servicemen who might be homosexual. I was absolutely terrified as I was still a virgin but I also had no idea about what a homosexual was. I did know from other colleagues that if found guilty of being homosexual it was most likely that a custodial sentence at a military correctional facility would occur. This was the reason I planned suicide.”

“I did not know I was gay when I joined up, or indeed, at that point [of investigation by the SIB].”

“I joined the Women’s Royal Air Force (WRAF) at the age of 17 yrs in 1980. At the time of joining up, I was not aware of my sexual identity later to be described as gay.”

“I joined the RN in 1978, not fully out to myself and I did not really self-identify as gay until around 1988. I did not join knowing that I was gay and was unaware of the Ban on LGBT+ service.”

“I had served in cadets from 13 and was life long ambition to serve. On realising my sexuality after 5 years of exemplary service I had to make a decision and lost my career.”

“When I joined the Navy at 17 I had no idea that I was Gay.”

“It’s important to point out that as an eighteen year old joining up I wasn’t sure of my sexuality. Many aren’t solidified in their identities until they’ve been out on their own for a while and had freedom to explore who they are, and I left home two weeks after my eighteenth birthday to join the British Army. In reality what I was struggling with was being transgender, and feeling like there was something wrong with me due to that.”

“I did not know I was gay when I joined up, I was a teenager. I came out in my first year of service. I was isolated because I could not talk to anyone, not the chaplain, not colleagues, nobody, because of the Ban on homosexuality. I struggled and was isolated.”

“When I joined the RAF in 1976 I did not identify as Lesbian, although I had had lesbian feelings all my life. I engaged in heterosexual relationships and was married to a man also serving in the RAF in 1979 ...”

“I didn’t realise I was gay when I joined the Army in my early 20s.”

“I was not ‘out’ at all while I was serving, neither to myself nor to anyone else. I discovered my underlying sexuality about fifteen years later. I put my delayed self-awareness down to ingrained homophobia in myself caused by family, school and societal influences. These include my experiences in the Royal Navy.”

“I joined the R.A.F. in September 1977 at the age of 16. I had an inkling I was different but didn’t know what Gay really was. I was interviewed in Nottingham Recruitment centre in the Victoria Centre. They did ask if I was a practicing homosexual but as I was a virgin and very unworldly, I answered truthfully “no”.”

“I was 16 when I signed up and didn’t know what homosexuality was. I’d never met anyone or knew anyone who was homosexual.”



Absence of pastoral care

“Finding out that two forms of advice/ pastoral care were unavailable as Padres had been instructed to break the seal of confession if anyone admitted they were gay, same goes for seeking medical /clinical advice, that anything “medical-in-confidence” no longer applied if reporting homosexuality. An absolute absence of appropriate advice / education about HIV & AIDS with regard to sexual orientation, with no channels by which to seek information. In fact, no real access to any sexual health services. No real access to mental health support.”

“I joined the Royal Navy at the age of 16...At the age of 19 whilst on leave I had a sexual experience with another man. on my return to ship I felt it necessary to reveal this encounter to my divisional officer because as a candidate for officer I did not want to let myself be exposed to any blackmail. The following morning I was dragged from my bed by the s.i.b (Royal Navy Police) and humiliated by being marched off of the ship in front of the entire ships company to be taken to R.N.P.H.Q Plymouth, where I was held without legal representation or council for months. I was subjected to interrogation of the most degrading and humiliating psychological and physical kind, along with internal and external examination. I was made to do degrading menial tasks such as scrubbing carpets, painting police hq as well as being bullied and treated as a slave by military police. Finally, traumatized I was dragged in front of a court marshal where I was made to feel like a dirty, perverted, deviant sex offender and instantly sacked on the grounds of homosexuality from the Royal Navy, I was told it would be stupid to appeal as my age (19) would mean civilian prison for homosexual acts under the age of 21. Due to this happening to me it led to my parents disowning me along with the rest of my family. It has affected the way I see my own self leading me to life long self destructive behaviour, alcoholism and depression, which now affects my mental and physical health. ... I had what I thought would be a confidential conversation with my divisional officer confessing a sexual experience I had had whilst on leave.”

“At no stage [during the investigation] did the Royal Navy offer me any welfare or support, or direct me in the direction of somebody who could.”

“I admitted my homosexuality to the Chief Medical Officer in what I thought would be in confidence.”

“I confided in a navy Chaplain about my sexuality. The Chaplain encouraged me to disclose my sexuality to my Divisional Officer. This triggered an SIB investigation resulting in my discharge”.

“I was an RAF chaplain from 1977 until 1993. ... I found the attitude of the RAF both shocking and counter-productive. What shocked me most is that when I joined as a chaplain, I went to the RAF Chaplains School at Amport House for an induction week. During this period I was told by the Principal that ‘the normal provisions of the Seal of the Confessional apply, except where any serviceman/woman confessed to any LGBT thought or behaviour when they were to be reported to RAF P&SS. ... I thought it was based on the false premise of a ‘security risk’ – I think it was really maintained to protect the reputation of senior officers who were to scared to be known as LGBT. I found it scandalous and unjust, creating an atmosphere of fear and suspicion.”

“The Principal Medical Officer at HMS T[...] broke medical confidentiality and reported me to the chain of command after admitting I was probably gay (my assumed cause of the depression for which he was treating me).”

“I was sexually abused by my immediate Commanding Officer when I was a serving JNCO on [...] Squadron, based at RAF M[...]. When I reported the abuse to RAF M's CofE Padre, he violated my priest-penitent privilege, given in confidence which meant I was ordered to OC Police Flight the following day to give testimony. While I was busy though, the RAF Police broke into my house looking for gay paraphernalia, I guess they thought they could use against me. So, I was sent on two weeks compassionate leave, during which time I was constructively discharged and I wouldn't find out for over three decades that the RAF Police had lied more times to keep me in the dark about there being two bogus or faux investigations. This has ruined my life and I have suffered with CPTSD and suffer moral injury as a direct result.”

[From a non-LGBT Service person who served between 1967-2000] “A young male soldier sought advice from his Officer Commanding (OC) because he was having ‘gay thoughts’ and was not sure how he should react to them. The soldier had not had any same sex relationships to this point and was not actively planning to do so. The OC informed the chain of command. The soldier was ordered to see the Unit Medical Officer and was subsequently discharged from the Army having been assessed as temperamentally unsuitable and therefore ‘Services no longer required’.”



Those perceived to be gay

“I was subject to an SIB investigation on the basis of an anonymous phone call to PMC I[...] At the time I was a Chief Technician in the RAF working at BAE Systems... as part of a multinational Air Force team. I was taken from W[...] (in front of all my colleagues) to F[...] Barracks in P[...] for a formal interview under caution. After that I was taken back to my married quarter and the 2 SIB operatives searched the quarter. The search turned out to be illegal and I was eventually awarded £4,000. No apology was ever received. ... I was threatened with losing my rank and pension on the basis of an anonymous phone call and ended up leaving the RAF earlier than I had planned to, at my own choice I hasten to add. ... I was not (and am not) LGBT but I was accused of being LGBT and it ruined the rest of my RAF career.”

“I was dismissed from the Royal Navy in February 1982. I was not then and not now a homosexual – A colleague who served on a previous ship I was on was caught performing a homosexual act and a wide investigation began. Because I was a colleague and shared a hotel room when on leave whilst serving abroad I was investigated. It was alleged that whilst under the influence of alcohol, I performed some sort of act, this was seen as conduct unbecoming a naval rating.”

“Due to someone in my friend circle was convicted of being gay and dismissed the service, I was questioned under caution and given the option of accepting a formal caution and receiving the standard 6 months Ban from promotion, or a court martial and dismissal. ... There was no evidence against me but I was told basically that this would make no difference and they would make sure that there would be enough evidence to convict me.”

“This is my story of my very proud entry into the Royal Marines, and an incident that would ultimately destroy my world, and scar me for the rest of my life. To set the scene I am a 61 year old heterosexual man, happily married with 2 children. This year is the first time in over 45 years, that I have shared my experience of what happened to me when I joined the Royal Marines in 1977, as a 16 year old recruit. Ever since I was a young boy, I always wanted to become a Royal Marine Commando, and wear the most coveted

Green Beret, regularly reading the Commando Magazines, and about the exploits of the Cockleshell Heroes. ... When I hit the ripe old age of 15, in 1977, I could finally apply to join the Royal Marines, and did so, sitting my entrance exam and interview in W[...], and having my medical in L[...], and all was good, so had my start date for L[...] later that year. The recruits in my room seemed ok, a young guy from N[...] in the bed opposite, and another recruit from N[...] in the other corner. ... As young 16 year old recruits, all pumped up with adrenaline, surrounded by your mates, and having access to lots of cheap booze, meant that before long my night had become a complete blur, and then a total blank. The next thing I remember was being shouted at and woken up by some of the regular Marines, and the young recruit from the bed opposite was in the same bed as me, and I had no idea why or how, as he was not there on my request or invitation. He had either come back to the room drunk himself and got in to the wrong bed, or someone was having a laugh and thought it funny to steer him to where I was comatose after my drunken night out. We were immediately hauled off to a medical room under guard, where the doctors were called, and arrived soon after, whereupon I was forced to endure an internal examination, without consent, where nothing untoward was discovered. Following which, I was taken away, still in a state of shock, half dazed, and probably under the influence, and locked up in a cell for the rest of the night, not really understanding what was going on. ... In current times, I could possibly be classed as a victim, as an individual had entered my bed, without permission, whilst I was unconscious. Ever since that day I have had difficulty sleeping, and indeed suffer with a medical condition called sleep apnea. The following day I had a meeting with the commanding officer who told me I was going to be discharged, and a letter was to be sent to my parents about what had happened. How did that make me feel, I felt such shame, as well as anger as I hadn't done anything wrong. How would my parents feel, my dad, who was a serving policeman, an ex soldier, and in them days someone who was the old fashioned "mans man", namely a drinker, smoker, fighter and flirt! My mother was a very quiet Chapel goer ... How could I explain to them what had happened, and what would they think? The CO actually went on to say that he didn't think anything had happened, but couldn't guarantee my safety from others. ... I don't actually recall if he told me the specific reason for dismissal, but I can only presume it was in relation to the Ban, as I do recall having to explain my actions, but all I could say was that I do not remember how this other recruit ended up where he did, and I reiterated that I was not a gay man, but a heterosexual male, who had several girlfriends prior to joining the Royal Marines. To be honest at that time I wasn't aware of the Ban, or indeed knew much about homosexuals as I don't think I had met any in my lifetime? ... I was then discharged to come home, the day before Xmas eve 1977, and had to catch the same train as everyone

else heading home on their Xmas leave, still in a state of disbelief and shock, and thinking what was I going to say to my mum and dad? I was still only 16, not 6 months out of school. I was also in a state of despair, and must admit I considered not going home at all, but getting off at a stop along the way and ending my life, so deep was the hurt. But I was also not a coward, and argued with myself that suicide would have been the easy way out, so went home to a heroes welcome, and then had to tell my mum and dad what had happened, and thankfully they believed and supported me. ... I am now in my 60's and in all the years of my life, there has never been one single day go by where I haven't relived those final moments in the Marines. My experiences drove me down many deep and dark places and paths... On many occasions I contemplated suicide, and was very close a number of times with friends being close to talk me round. ... Over the years I have become more and more aware of the struggles people from the gay community have been facing, because I, as a heterosexual male, have faced those same discriminations too, all those years ago as a young 16 year old naïve recruit in 1977."

"I was asked about my sexuality, there was little understanding or seemed to be about the difference between Gay and Trans. There was a presumption that if you were Trans they you had to be Gay."

"In the course of conversation with my psychologist at the Joint Services Psychiatric Centre in RAF W[...] it became clear I had gender dysphoria. My gender dysphoria was the real reason I was discharged ... I was simply told I would be medically discharged as suffering from a non-specific, permanent, untreatable depressive related condition."

"Sometime in June 1989 I was told to go to C[...] Military Hospital for an interview with an army psychiatrist. I attended the interview I didn't know what to expect. The psychiatrist was a captain I cannot remember his name. He asked me questions about growing up I told him much what I had told the the SIB in the initial interviews. I don't think the interview lasted longer than a hour. At the end of the interview the psychiatrist told me that he didn't think I could possibly be transsexual as I didn't fit the profile I wasn't effeminate in manner nor did a I look at all feminine. I was probably just a gay male in denial or I was just trying to get out of the army early (this bit never made sense to me as I had already given my 12 month notice in March 1989). This was horrendous. No I admit I wasn't effeminate, hell I had spend the best part of 25 years trying to suppress anything that would even suggest I was. Of course I didn't look feminine, I had a standard military hair cut and was in a male uniform. I was a short stocky Scots person still with a heavy accent, not some willowy showgirl. For me, his words did not bode well for the future, for I knew

I would have to deal with other psychiatrists, and would they take the same view as this psychiatrist that I was just a gay bloke in denial. I felt incredibly angry that I wasn't believed and it also worried me greatly that I wouldn't be believed and not get the help I would be seeking. In 1990 I was diagnosed as having Gender Dysphoria at the GIC Charing Cross Hospital. I transitioned in 1992 and had gender affirmation surgery in 1997. I finally applied and received for my Gender Recognition Certificate this year. I still feel great resentment and anger towards the army psychiatrist that he did not either refer me to someone who was more knowledgeable about transsexuality and gender dysphoria or correctly diagnose me. Perhaps if he had done this I would not have been administratively discharged but medically discharged."

"I knew who I was, i.e., transgender, and how I would prefer to live and show up in this world. But at the same time, I knew very well what the RAF, the Government, and military services in general thought of what they regarded as, and labelled, homosexuals, and how I would be treated by them if anything about who I really was showed up in the minutest way. I also knew that while I am not gay, this is the assumption and label they would give me, and with that label would come many consequences that would hurt and harm me in so many ways, i.e., mental health (misrepresented), physical health (attacks on my person), my career and future employment, the why where you dismissed from the RAF questions. In addition, if my transgender side show up in any way in the 70s I could easily have been Sectioned under the Mental Health Act, this sadly was the MOD's and medical worlds approach to people of difference like me in those days."

"I was branded as gay but I wasn't and it ended in a fight with another soldier. The military police came and arrested me no idea what for the 2 days I spent in jail... then taken to the camp commander who told me that we don't have gay men in the army... I wasn't able to express my story and was told I was to be discharged that day... this shattered my dream to be a British Soldier which I dreamt since I was 12"

"I served in the Royal Navy from 1970 to 1994. In 1974, or thereabouts, I was serving in HMS M[...], teaching morse code to radio operators (submarines). One weekday, during a lunch break, I was in my single cabin when, with no warning, my cabin door swung open & a Master at Arms & 2 regulators, plus a further 2, walked in. With no explanation, I was informed that I was under arrest & effectively frogmarched to a waiting military police vehicle. Driven to HMS V[...] the then RN barracks in P[...], I was placed in a cell & kept incommunicado for over 24 hours. Despite constantly asking why I was there, no one would tell me anything. The full details of what

happened next are bleary, due to the passage of time, but I know 2 Serious Investigation Bureau people arrived at some point from Plymouth. Over the next 24 hour period I was interviewed by these 2 men, who adopted the good cop/bad cop stance with me. At no point did they explain why they were interviewing me, other than accusing me of being involved in a homosexual liaison with another rating while staying at [...] in P[...], over a weekend, prior to attending a leadership course in HMS R[...] some months earlier. After some 24 hours of erratic interviewing, I was driven back to HMS M[...] at around 0200. The SIB men simply told me that if any evidence they obtained proved my guilt, I would probably be dismissed from the RN within 24 hours. I never heard from them again. The following day, I saw my divisional officer & explained the fear I had experienced & asked for it to be investigated. He told me to return to my duties & simply forget about it. I am heterosexual & was never involved in a sexual liaison with another man during my service, nor the one I was then accused of. I never received any explanation as to why this happened; no apology; nothing. It hung over me for years during my service, causing me to feel everyone was talking about it behind my back & I regularly suffered nightmares as a consequence, as I lived in fear of dismissal from the RN, for something I had no part in. To this day, I have no idea from where the accusation came.”

“[I experienced] Name calling, physical assault, harassment, fear of loss of job and blackmail. All theses were what I was subjected to because people suspected I was gay... I wasn't I am transgender. But that was seen as worse.”

“I joined the Household Cavalry on 13th December 1971 at the age of fifteen. I got married in 1975, and was subsequently allocated married quarters ... At some point between October 1975 and the end of 1975 I was interviewed by two members of the [...] Royal Military Police. I was asked whether I used a particular public house. I said that I did, as it was the nearest to the barracks... and many of my comrades from the Household Cavalry also drank there. I was also asked about various civilians that drank there of whom I knew very little. I was not told the reason for the interview, or what use would be made of my responses. ... I heard no more about whatever the matter was which had led to this interview until the 27th January 1976. On that afternoon I and seventeen of my comrades were assembled on the parade ground... and each of us was marched in turn into the Commanding Officer. I, and as I later learned each of the other seventeen, was informed that I was discharged from the Army with immediate effect. No reason for this was given. No mention was made of any right to appeal or that I might use the official redress of Grievance procedure in accordance with the then Queen's Regulations... I was... given discharge papers including a certificate which I was required to sign, it is also signed by my

commanding officer, and in the section headed "Testimonial" states "he has found it difficult to adapt to military life. Although he has no doubt got ability, I believe that he is better suited to being a civilian" ...I was discharged for no good reason. I was not involved at all in the alleged vice ring, or the publication of photographs in *Him* magazine. I am and have always been heterosexual (and was already married to my present wife, by the time of discharge)... If, as it appears to be the case from the terms of the 1976 Parliamentary statement, the RMP report in some way implicated me in impropriety, I was never told so and never given an opportunity to refute such an allegation. This is fundamentally unfair."

"Dismissed by The RAF on the grounds of being a homosexual, which I most certainly was not, nor am I..."

I was dismissed from the Royal Air Force in February 1982, it was the most traumatic experience of my life. I was the victim of a nasty sexual assault on me, by my Boss, when I was only sixteen years old. I told no-one about this, eleven years later in 1981, I was stationed in Cyprus. I was ordered by The RAF Police on the Base, to attend and make a witness statement about the individual who assaulted me. I was told by the Police, that I had nothing to worry about, because the offence took place over ten years ago, and was therefore 'timed-out.' You should know, that no Offences are "Timed-Out" in the RAF, this was a simple ploy by the Police to make me to talk. To this day, I bitterly regret breaking down under their questioning, with their repetitive lies, of having nothing to worry about. They reassured me countless times, that this witness statement was about another man and not me. Because of this statement I was dismissed, along with ten other young airmen, who this man also sexually assaulted, over a period spanning at least twelve years, possibly even longer."



Denial of promotion, promotion held back

[Non-LGBT veteran]: “Two soldiers within my regiment were fairly obviously gay although not in a relationship with each other. I was openly told in the officers mess to “keep an eye” on them for any overt behaviour that could be used to discipline or discharge them. I also witnessed a promotion board meeting at our squadron office where one of the soldiers was put forward for promotion to L/Cpl (for which he was very suitably qualified) and it was decided that he should not be promoted due to the suspicions about his sexuality.”

“When serving in the MOD I was unable to declare my sexuality. My partner at the time (now my wife) was diagnosed with aggressive cancer. I was unable to speak to anyone about it at a very stressful time for fear of recriminations. My boss at the time was particularly vindictive and probably knew about my sexuality. He deliberately blocked my selection for a post graduate master degree already approved. He also gave me a very poor reading on my CR which affected my promotion opportunities.”

“Promotion was affected as I was under suspicion.”

“I was looking at gaining a commission to go to Dartmouth, I had the right education, I even attended extra courses to help me obtain my career goal of being an officer, but somehow I knew and on occasion it was made clear that I would never be given the chance to gain entry to Dartmouth. I spent an extra 2 years at college prior to joining up just to make sure I could achieve my dream, but I know that I was held back on purpose due to “not being normal” as it was put to me.”

“I also feel that my promotion was delayed due to a witch hunt that lasted until I left the service. I could go into greater detail, but I find this still very distressing even after 22 years”

[Non-LGBT veteran]: “I saw evidence of discrimination in promotion boards (at unit level) where LGBT servicepeople had their perceived sexuality questioned and used as a justification for promotion or otherwise. Being perceived as gay would universally have a negative impact on promotion prospects”

“I was never given promotion as I signed an agreement that I had homosexual tendencies but did not practise them, even though I got a mark that I should be promoted every year of my service. I got out after 7 years as would never be promoted while the Major ... said he would never bring my record out of the draw.”

[Non-LGBT veteran] “I also witnessed a promotion board meeting at our squadron office where one of the soldiers was put forward for promotion to L/Cpl (for which he was very suitably qualified) and it was decided that he should not be promoted due to the suspicions about his sexuality.”

“I believe any progress in my Army career was delayed by my being investigated, and I was subsequently overlooked for promotion because of this.”



Abusive investigation and discharge

Whether or not it would be accurate to state that the pursuit of LGBT military personnel between 1967 and 2000 was “a witch hunt” it is clear from the Replies to the Call for Evidence that the SIB were not merely passive recipients of evidence from other Service personnel but took steps, some of questionable propriety, to gather evidence outside the military setting. There are many statements in the Replies to the Call for Evidence about the parents of service personnel being approached by the SIB in their homes and questioned about their child’s sexuality and searching their child’s room and belongings without any prior permission or knowledge of the Service person. Where, as was true in many cases, the Service person was not “out” to their parents, this often resulted in family breakdown. The following quotations are also relevant in this context.

“They said they had followed me to London and had photos of me frequenting Gay establishments.”

“My partner and I (both RAF officers) had been tailed by provost & security services for some time. He and I visited a bar in Manchester a few weeks before the investigation became apparent and we were there with another friend who was also a serviceman and he noticed 2 men who kept looking over at us. He recognised one as being part of P&SS. Another time we came home to the railway station we had renovated to find a white car sitting at the bottom of the drive with 3 men in who were taking photographs of the house. We also now know that P&SS based themselves in one of the cottages close to the house which was owned by a serving airman. I also know I was tailed when I drove into Aberdeen and back for counselling.”

“I was followed by the SIB a branch of the Naval police on several occasions to see where I was going and what venues I was going to in Portsmouth & Weymouth. I had my personal belongings searched to look for any offending items such as photographs names and addresses of people who were also serving. I was questioned regularly about other people being investigated to see if I knew them. I was sent to the Captains table for dismissal even though the Naval Police had no evidence of me doing anything wrong. I asked for a move to another base as word had got round

the establishment the I was being investigated and I genuinely felt for my safety this was denied and my dismissal was also denied. The pressure on me by the Naval Police continued and I continued to be followed and questioned by them until I could not cope with it anymore. I was by this time drinking very heavily and due to this I admitted to being gay just to get out as the attitudes of other personal and officers was unbearable. ... There was no proof of any offences being committed and I was forced out by bullying and being followed wherever I went until I couldn't cope with it anymore. ... The accusation came anonymously no actual charges were made as there was never any proof of wrong doing I was harassed out."

"My first posting, following training, was to C[...]. This was my home town so I had numerous friends in the area who I saw in my time off. One evening in the autumn of 1995 I went out with some of my civilian friends to a local gay pub just outside C[...]. I was off duty and not in uniform. The military police appeared at the venue and I felt scared because it seemed they were looking for gay soldiers. I left with my friends."

"My private phone conversations were, on numerous occasions, listened to by a Sergeant whilst I was training for my Sergeants exam... She reported 'her findings' back to my OC. Prior to this I was followed by SIB officers whilst off duty. I only became aware of this after I was questioned by SIB. I regard this an invasion of my privacy and tantamount to harassment."

Before the European Court of Human Rights, Beckett said that the conduct of the service police in carrying out the investigation of him was homophobic, grossly unprofessional, oppressive and voyeuristic. He noted that the government accepted during the oral hearing before the court that certain questions put to him could not be defended. He further referred to the fact that he was sent to the Surgeon Commander Psychiatrist where aversion treatment and electric shocks were mentioned. Beckett said that the treatment of his sexual orientation as a form of mental illness was deeply distressing for him.

Grady described himself before the European Court of Human rights as a resilient person but said that, nevertheless, he found the investigation process humiliating and degrading, the questions put to him intrusive and insulting and his consequent discharge from the armed forces, on the sole ground of his sexual orientation, inherently degrading, injurious to his feelings and extremely painful.

Duncan Lustig-Prean, who was another of the successful applicants to the European Court of Human Rights gave the following evidence to the Review:

“Much of the questioning is inappropriate where there is no suspicion of an offence. Yet the imbalance of rank and gender was so intimidating most answered. Even in my case I was asked about my HIV status and answered the question. For others, as you will see from **Grady, Beckett and Smith**, the questioning could be utterly intrusive and unwarranted. Some examples from numerous police reports I have read and conversations with Rank Outsiders’ clients follow:

Are you active or passive?

What does sperm taste like?

What does it feel like to have anal intercourse?

Have you had sex with your brother?

To Jeanette Smith: How many fingers do you use to masturbate your partner?

To Robert Ely: Do you have sex with your dog?

These are typical of a barrage of highly personal and intimate questions asked of individuals which had a harrowing impact and were detrimental to mental health. People reported feeling dirty after interview. Indeed, the young suicidal man I mentioned was particularly traumatised by the intimate sexual questions.”

The 120 Royal Navy Files mentioned earlier on page 25, which contain transcripts of the interviews conducted as part of the investigation process, also show the intrusive, personal and inappropriate questions that were asked.

The following are a random sample of further statements by those who replied to the Call for Evidence.

“This was a very intrusive interview. I was alone with no representation; I was under caution. The interview was conducted by a male and female officer, some details I cannot remember but I do remember being asked if I ‘believed in mutual masturbation?’ As one of the questions”

“I was investigated/hounded by the Royal Military Police Special investigation branch for no reason and having committed no offence on three occasions. Seized property was never returned and I never received any recognition of findings ... On the first occasion in 1981 I was ordered to report to the S.I.B at RMP station in A[...] where I was interviewed for approximately 6 hours with no toilet or refreshment break nor did I have any representative with me. I was informed that I wasn't under arrest but that as I was on a list of people who might be homosexual I had to be interviewed. As I had no idea that I was homosexual at that time and had just commenced my pupil nurse training I was terrified at the very real threat of being sent to Colchester military correctional facility. I recall returning to work and being unable to concentrate on my patients needs as I was so worried. I decided to commit suicide, wrote a letter to my parents informing them of this decision and obtained sufficient medication to do this. Fortunately as I was preparing to take an overdose a colleague who shared my barrack room noticed what I was doing and managed to talk me out of it. He also got a senior warrant officer from casualty to talk with me and help. Had it not been for these two people I would have gone through with it. My parents received the letter and drove to C[...] Military Hospital A[...] where I was working and my mother demanded an appointment with the C.O. She hasn't ever told me what was discussed but I was seen by a consultant psychiatrist who asked me “ well are you or aren't you”, I answered no as I wasn't at that time and the whole situation seemed to evaporate. Nothing more was said. No charges were made. Roughly 16 months later I was stationed in M[...], Germany completing my nurse training. There had recently been an SIB “witch hunt” on site and a number of people had been arrested and charged with being homosexual. ... Shortly after I arrived I was told that the SIB wanted to interview me again. I waited but nothing happened. The fear was extremely hard to cope with. My posting after qualifying as a nurse was to RAF W[...]. Shortly after my arrival the SIB again visited the base and I was ordered to unlock my room and lockers. The SIB seized a number of personal items and interviewed me again with no representation or comfort breaks. No charges were brought but to this day none of my personal belongings has ever been returned. When I asked about the belongings I was told they were “evidence “ Evidence of what I was never told. Upon leaving the army I was told that the belongings would have been destroyed after a period of time. On my last posting to M[...] Park Hospital B[...] I had only been in post for a few weeks when I was requested, not ordered, to speak with the Admin Officer. At the meeting he took a very large A4 lever arch from his desk drawer, asked the RSM to leave the room, gave me permission to sit and asked me openly if I was homosexual. I said no despite this being a lie. I was still terrified I would be sent to a military correctional facility as punishment.”

“As a direct result of the treatment by the SIB and the Ban I have extremely clear, vivid flashbacks.”

“I was subjected to an intrusive, insensitive and humiliating investigation which ultimately led to my being dismissed from the WRAF. ... I was removed from my place of work, had my room ransacked during a search to uncover evidence against me and subjected to a series of hostile interviews during which I was asked and expected to answer questions of a sexual nature and about my own sexual activity. The SIB officers who interviewed me obviously wanted lurid details and treated me as if I was a pervert ... The investigation was humiliation upon humiliation. It was insensitive, unpleasant and intrusive. I even had all of my private correspondence with a pen pal, my parents and grandparents confiscated. The SIB even, during a search of my personal effects, opened a box of tampons, stripped them of their wrappers and inspected every one. I have never been as horrified and humiliated since in my whole life. ... It destroyed me.”

I waited months to know what was happening, my shipmates were all wondering why a perfectly healthy person who had been a radio operator, was suddenly having to change and wash sheets and bedding. I could not talk to them or tell them. I was in utter fear as to what I would do and where I would go. I was given a rail warrant and my kit bag and able to take a few of my cap tallies and badges. I could not say goodbye to anyone or tell anyone. I had a 6 hour journey home with no money or food. I cried all the way home. Little did I know that that would be the start of 30 years of hardship and suffering, where I would lose my home, friends, parent and sibling, human dignity, self-expression, where I would forever have internalised shame, be bounced from city to city as I could not hold down a job.”

“I spoke to my Commanding Officer and told him of my sexuality. He was understanding but of course informed me I would have to leave the RAF. What transpired though was not so straightforward. I was sent to speak to a psychologist at a RAF hospital and during this visit the appointment was interrupted, and I was informed I would have to return to the RAF station and go to the military police office where someone was waiting to speak to me. ... I left the RAF station and moved in with a member of my family to await the next steps to bring about my discharge. ... Some few weeks after, I received a message to report to the RAF Police unit to be interviewed. This was the start of a terrible period; the interview was aggressive, without any respect to my rank and insulting to my then wife. It appears that the RAF Police determined that since I had signed the Official Secrets Act ... I must have been under pressure from an external agency leading to make my sexuality public.

They could not accept that my reason for declaring my sexuality was personal and pressured me to divulge the identity of the civilian I had developed a relationship with. I declined to make a statement and left to return home; soon after the civilian I had developed a relationship with was approached ... by a police officer and a member of the RAF police who subjected him to an unpleasant 'integration'. Needless to say, the relationship was terminated. Some weeks later I was asked to report to my [previous] RAF station where I was informed that the RAF police had recommended I be prosecuted and the statement they produced was not just inaccurate but contained lies. The 'Prosecuting Authority' at the time was scathing in their response to the statement and made it clear that there was no offence committed and that I should be discharged and that the discharge was an honourable one. In summary the experience as a gay man in the RAF at that time was not just unpleasant and full of pressure the service, including the RAF police, was hell bent on prosecuting members of the LGBT community."

"I served in the WRAC from 1974 to 1984. Although no direct evidence of being gay I was hounded relentlessly through horrible interrogation methods, during the investigation I was posted to a different unit even though I questioned this action only... to be then brought in front of the male CO to be made to feel as though I was less than human and my presence was offensive to him and to pack up and leave. ... I was a mental and emotional mess once I got back to my unit after a few more months a decision was made and I was kicked out after 10 years service. ... After working a nightshift I was woken up during the day to wait in a sitting room no reason given. Investigation personnel eventually turned up took me back to my room and literally ripped through all my belongings taking anything they felt they could use no explanation of what was going on. Eventually I was interrogated by 2 SIB personnel at a time using skills to confuse, undermine and generally treat me as less than human no rights explained and the use of deprivation of food and sleep to get the answers they wanted."

“I was escorted for interview by the SIB and was interviewed for 8 hours continuously and I was not allowed to access the toilet during that time. I was told to “p*” myself as there was no way I would get to access a toilet until I admitted to being gay. They escorted me back to my room where they broke open my wardrobe and took from me letters from friends and family and all of my photographs that were never returned. I did admit to being lesbian as my treatment was getting worse being refused water. I have never received my property back and they took everything. ... When I admitted that I was gay I was then allowed to use the toilet and given a drink, but I had an escort to the toilet and had to have the door open at all times so she could see me. I was quite scared at times due to their treatment of me and that was why I admitted to being gay.”**

“I was a personnel officer in the RAF between 1975 and 1991. Females who were suspected of being lesbians (having “unnatural relationships”) were reported “in confidence” to Command HQ and a team from the Special Investigation Branch of the RAF Police arrived unannounced on the station to investigate. ... The airwomen concerned were interviewed without warning and with no representation present. Their rooms or bed spaces in the barrack blocks were searched publicly and ruthlessly and their private correspondence read with or without their permission. The Police were offensive, aggressive, prurient and unpleasant. They assumed guilt, and attempted to prove it, whether or not the evidence supported that. If the airwomen were deemed to be guilty, they were administratively discharged from the RAF under the heading of “services no longer required”. Civilian employers were well aware that this heading was code for a misdemeanour which could not be formally prosecuted. If the Police could NOT prove that the airwomen were having “unnatural relationships”, the airwomen were nevertheless frequently posted a long way away, and placed on a “watch list”, the details of which were passed on to their new station commander. Their future prospects were ruined. When the airwomen were discharged, they lost not only their jobs, but their pensions and gratuities, with no appeal permitted.

It was a disgrace. I spoke out against it throughout my service, incidentally putting myself at risk. It was a gross abuse of the legal process. What restitution will you make to these women? ...It was not so much the Ban, as the way it was implemented towards women. Disgraceful.”

“Another prominent time of being treated unfavourably and which still angers me today, was in the early 90’s. I was a WRAC Corporal at [...] and I had just woken up, it was about 7.15am and there was a knock on my door. I opened the door to find 2 female SIB senior ranks stood at my door. They informed me that they were investigating me for being a lesbian. They arrested me and proceeded to come into my bunk. They both put on gloves and started going through all my things. I said to one of the Sgts that I needed to go to the toilet. She then proceeded to follow me to the toilet. Once there I went to shut the toilet door so that I could do my business but she pushed the door open, I asked why I couldn’t had some privacy and she informed me that she had to watch me because I may have some lesbian stuff (!!!!) secreted inside myself. You cannot begin to imagine the humiliation and degradation I felt having to pee in front of her whilst she stood there looking at my private parts. I still today cannot talk about that experience without getting extremely angry and worked up, in fact my friends have said I may have some sort of PTSD from the whole disgusting experience. On returning to my room, by this time all the girls in my block were up and curious as to what was going on in my bunk, I had to get dressed in front of the 2 Sgts, another humiliating and degrading experience and I was then taken to the SIB offices in the RMP station in R[...]. I spent 8 hours there where I was interrogated and everything that I said they tried to twist into something that they could use against me. Eventually I was released about 4pm that afternoon...”

“On attending work, after the weekend in Devizes, on that Monday morning, I was met by RAF Police officers, arrested, and taken to the RAF Police Offices & placed in a cell. Throughout the day I was questioned by two special investigation officers (SIB) over the weekend events on what we got up to. The tactics of the SIB officers was one nice guy, one nasty guy, not a pleasant time, as an idea of the interview tactics I was pushed up against the wall by the nasty officer, hand around my neck, face right up against mine, shouting at me. Another was when he threw the table across the room when I wasn’t following his requests. My reason for writing, apart from getting some sort of settlement to my turmoil, is to bring to light that my case was just a group of friends enjoying each other’s company, not doing anything wrong, and to correct the RAF Police & SIB investigating officers’ treatment of detainees under their care, that should have been treated with respect. Instead, for the last 30 years, it’s played on my mind. ... I felt suicidal in a cell, Bullied. Threatened. And alone”

“I was pulled out of work and taken to my room for it to be searched. Humiliating is an understatement. I was then taken for questioning which lasted in excess of 12 hours on the first occasion (first of many interviews). During this long interview I was escorted everywhere when using the toilets and going for food. This was particularly embarrassing when eating as I was in front of everyone. They continued to ask the same questions over and over again, mainly asking for names of gay soldiers. Even after I admitted I was gay, they continued with this type of questioning. I was given a couple of days to pack and clear from my unit during which time I was continually called back for questioning. This resulted in me having to come out to my mother as I needed somewhere to live. When I left NI for my Mother’s. I was actually escorted onto the ferry to ensure I left. ...[The investigation was] Humiliating. They questioned me for over 12 hours in the first interview. They spoke to me like I was dirt and disgusting. Having since been a police officer I now realise how wrong their tactics were. No break apart from toilet breaks and a quick visit for food, both of which was always with an MP. They continually asked the same questions over and over again even though I had answered them. They seemed more concerned with obtaining names of other gay soldiers. I was recalled for interview several times for 2 days (I think it was this length of time). They chucked me out of NI very quickly and I had a day to pack and clear from the many units. During which I was called back to speak to SIB and my CO. Very distressing time I recall.”

“3 weeks of interviews, psychiatrist, psychological warfare. I was so ashamed and traumatized by the questions, being called a dirty whore constantly, one of the interviews was done by 2 senior ranks (male and female) he actually told me I needed to be broken by a good man. They actually had no evidence except for being named by an untrustworthy colleague, who I might add went and got her 3rd abortion during this period.”

“I was transferred to the medical centre where I underwent bizarre examination and interviews including being given a magazine of naked men and my opinion sought. I felt degraded and worthless and would scrub myself in the bath to make myself feel clean. I was denied clean clothing (a dear friend smuggled in underwear for me through the bathroom window). I was later transferred to another camp (I cannot recall the name) and the interrogations which were emotionally brutal continued – they literally did the good cop bad cop and the questions were very personal and I was even accused of taking drugs. I was just 19 years of age.

My world had been turned upside down, I was struggling with my sexuality – when I joined up I had only ever had heterosexual relationships and continued to date men whilst in the RAF initially. ... I was shocked as up until then I hadn't really considered myself to be gay or appreciated the affect this would have on my military career. I was confused, frightened, tearful and at times hysterical. ... The worst experience of my life and I have suffered many traumas in my life."

"I was arrested in the meeting, and then questioned for more than a day. Two SIB police officers questioned me in immense detail about what had happened, and were mostly interested in my sex life. They asked many questions about the precise details of the sex that I had had, with graphic and detailed answers required about penises, rectums, fingers, STDs, people I knew or thought to be gay."

"[The investigation] was intrusive, they asked a lot of very personal questions like " did you perform cunnilingus?"
"did you have an orgasm?" Questions that when I look back on now, were very perverse and I often wonder why they needed to know these things? I wouldn't answer their questions and that seemed to frustrate them. The female SIB was definitely a lesbian in my opinion. She was hiding in plain sight in her role, and that made it doubly cruel that she could sit there and put me through it just to protect herself."

"...I was then interviewed by the S.I.B for about 4 hours. They repeatedly asked me if I was a homosexual, queer, bender etc.
I was also asked if I wore makeup, women's clothes, what pubs and clubs I went to and did I know anyone else in the armed forces that was homosexual. After the interviewing I was taken to a cell in the guard room overnight. At 06:30 the next morning I was picked up by 2 S.I.B officers and driven to my home in London where they search for pornography apparently. Finding nothing I was then driven back to N[...] and told to pack my belongings because I had to be 'got rid of'. I was driven to RAF S[...] and put to work in the airmens mess washing the pots. I was told to say nothing and that I would most likely be discharged. I can't remember how long after that but about 3 weeks later I was quickly and quietly discharged. My papers said Discharged with Disgrace. ... I was treated like a dirty person. The questions were repeated over and over about my sexuality and what I did in bed. They also wanted names of other people I might know and what places I went to. One S.I.B office told me that he actually went to local gay bars to look for military personnel."

“I was interrogated for hours on end, I was asked to describe how I have sex, whether I use sex toys, whether I fancy my Mum and colleagues, how many fingers I would put inside a woman. I was dragged out of bed in the middle of the night and had an Alsation dog put on me. I was marched down my block in front of others, like a criminal. I had my personal belongings searched, inside my duvet, behind my posters. I was asked why I had a tattoo and a deck of tarot cards, and accused of being a witch. I was asked why I had incense sticks and whether I knew it was to disguise drugs, which I didn't. I was spat at, had board rubbers thrown at me during interrogation, and was not given any legal options or support... I was marched down my corridor to another part of the base, passing colleagues on the way. I was forced to name every contact in my address book and say if they were gay or not. I was sat in a plain room as they played good cop bad cop, no posters on the wall and underground. I had my chair pulled out from behind me, screamed at from behind, board rubbers thrown at me. I was given no food, just water. I was asked if I use sex toys, how many fingers I would put inside a woman, whether I fancied my Mum or colleagues, whether I looked at women in the showers. This went on for 18 hours. I was asked why I had been seen in the car of 2 other women who were gay, and if I knew they were gay.”

“The RMP Special Investigation Branch came to my accommodation block which was also my home. There were one male and one female officer both in plain clothes, they identified themselves as being RMP Special Investigation Branch (SIB). They shouted at me in the corridor of the accommodation block, humiliating me in front of my peers and superiors. My room (my home) was searched and completely trashed. My personal belongings were treated with a complete lack of respect. I was handcuffed and dragged through my accommodation block in front of my friends, peers and superiors and then through the main camp thoroughfare to the admin block. I was detained against my will, cautioned, accused of being a sexual deviant and interviewed under caution for hours without a break, without any refreshments or consideration for my welfare, without anyone present to represent me and my interests and to ensure I was treated properly. I was continually asked if I was a sexual deviant, did I practice mutual masturbation with my partner, with the people in pictures they had removed from my home (which were family members and friends), with the people I lived with and the people I worked with. I was asked to name other sexual deviants and make it easier on myself.”

“[The investigation] was harrowing and degrading. I was continually asked why I was in possession of certain items suggesting I was gay. They wanted to know how many sexual partners I had. Who did what to who even asking who ejaculated first. This went on for hours without let up.”

“My bunk was virtually ransacked by SIB looking for what was called any incriminating evidence of Lesbian involvement. It transpired that they were looking for a vibrator (I didn't even know what one was) which I supposedly kept in my Army handbag. They never did locate one. They did however remove a US deodorant spray can from my wash bag and informed me it would be forensically tested. They had found white soap on the rounded blue lid!!!!!!! They also took an unopened, unsent greetings card which had a picture of a daffodil and the words “ Good Morning, Have a doffodilly day” They said that this card referred to my vibrator!! I was arrested, imprisoned and interrogated regularly, at the Aldershot Military Police Station, day or night. I now think that sleep deprivation was a tactic. The cell door often slammed and locked, where I was left alone to think about confessing!!!! After each long, interrogation I was returned to the WRAC Centre in the usual black Mini, always living on my nerves, waiting for said black Mini to return to the Centre and take me back to Aldershot for more interrogation. They would continually ask me for names of others, who I was seeing and which finger or fingers I used?? I was marched between two RMP to meals, without my cap, and escorted to the toilet. ... Accused of using a vibrator on my recruits during Naafi breaks, and of owning/renting a flat in B[...], where I sexually abused them at weekends. .Eventually I couldn't stand the line of questioning any longer, and without a shred of support from my so called supporting WRAC Officer, who said, quote: “For God Cpl [...], hurry up and hand yourself in, so we can all get on with our day!!!!” I then decided to confess to being a Lesbian. There was jubilation in the cell with what we now call High 5s. ... After many weeks I was eventually marched in front of The WRAC Centre Commandant, for what I felt would be my discharge from something I loved. The Colonel said, quote: “Do you realise how FILTHY you are Cpl [...].?” I remember agreeing with her. Yet another quote which has since rang in my ears.”

“I was called into the regulators office and two people were there, they introduced themselves as Naval Criminal Investigators and they arrested me on ‘Suspicion of having unnatural behaviour’. I was questioned without legal representation and then taken to my room where a search of it was conducted. Later that day I was placed into custody of a Leading Wren, and I was to be chaperoned everywhere I went and I mean everywhere! I came on my period, and I asked to go to the shower and toilet and was refused a shower but permitted to use the toilet. One of the most degrading things I have ever experienced was using female hygiene products in front of another person. Bearing in mind the bathroom was on the fourth floor and had no windows – where was I going to go? And I can assure you the string is not long enough to hang yourself with! I even had to sleep on the floor in the room of one of the Leading Wrens because she did not want to sleep in my rooms.”

“I was just told that I was being dishonourably discharged and to come back to my old unit and do a formal discharge, it was all done in one day (including facing the abuse and cat calls of walking past my unit members with no one stopping it).”

“I was informed homosexuality was a mental illness, and it was not accepted in the RAF. I was discharged under Services No Longer Required.”

“Then the questions of what kind of Sex do you have with other men. This felt totally degrading having to explain homosexual sex to the two SIB officers. This questioning continued for two/three days, over and over having to explain again and again homosexual sex, who I knew and they wanted detailed descriptions of sex acts. Finally after locker searches the medical examination explained earlier). That was the last day that I was seen by the two SIB Officers.”

“The resulting questions from the SIB were completely intrusive, insulting and downright rude and prejudiced in their wording. They wanted to know every detail – hands/fingers/mouths etc. in sexual activity; who did what to whom and so on. I was mortified and also very angry that they could do this to me. I was a successful soldier, ambitious, able and already a Sergeant at 22 years of age. None of that seemed to matter – suddenly the ‘lesbian’ took priority and nothing else mattered.”

“As I did not want to hurt my recently widowed mother and the rest of my family or be court marshalled, I confessed to one incident. However, he also persuaded me to confess and give false answers, assuring me that if “I admitted” to being homosexual he would ensure a quiet administrative discharge with no publicity or fuss and I would never hear from him again or be involved with any further part of the investigation. However, he required me to admit to more than had actually taken place, to make his case more secure. He also rewrote my answers and falsifying the timing of my statement... Later after I was moved from [...] to RAF [...] I made an official complaint against this Sergeant (name known) and asked for an interview with the Air Officer Commanding [...] Group to air my grievances. The complaint was upheld that my “interview” and subsequent confession was made under duress and for this reason the decision for an admin discharge from the Royal Air Force under QR 607(22)(b); services no longer required, because of homosexual activities, was withdrawn. I later discovered that the P&SS Sergeant who interviewed me was court marshalled in regard to my and other complaints.”

“I joined the RAF aged 19 and went for my training to S[...] camp. After my first week I was called into the office of a senior officer. He told me that he had had a report that I may be a homosexual and wanted to know the truth. He shouted and swore at me and said I would be prosecuted if I lied. Eventually I broke down. I did not know I was gay but knew I was different so I told him I might be. He asked me intimate questions which I could not answer as I was a total virgin and terrified of what would happen to me. Then he said if I left he would discharge me with no payment owed by me so I said yea. When I left there was a line of guys who had signed up like me spitting on me and shouting names etc. I was not out at home and was absolutely terrified my parents would find out I was gay. I had not even admitted it to myself. I never talk about this but it scarred me deeply ... As I said I was called into an office and threatened with court martial if I did not go. I was given (I think) an honourable discharge on the condition I left immediately If not I was told I would be in prison. I was a young man and was terrified. I contemplated suicide when I got home as I felt I had no worth”

“The SIB were totally against perceived gay or bisexual individuals in the Armed Forces, the manner in which they questioned us was totally out of order, it was insensitive, intrusive, shameful, directive and unfair to say the least – I have completed a statement already for FWP and I feel that is a better way of collecting personal data regarding my treatment however, I need to say that at that time I was so young at just 20 years old and did not know what my sexuality was at the time, I was still at the exploring stage albeit not a virgin and was still seeing girls.”

“The whole battilion was told and I was made to feel as low as a snakes belly. My commanding officer told everyone I was filth.”

“I understand all the interrogation notes have been destroyed. Therefore it’s just my words as to how I was treated. To do this to a 19 yr old is barbaric and I am glad that it is unlikely to happen today.”

“One thing that has really surprised me is that the passage of time never entirely softens the sense of unfairness. It honestly doesn’t matter however I try to rationalise or analyse my thoughts and emotions around this hateful Ban, the intensity of unexpected feelings still has the power to shock me on a profound level. I wrote a memoir about my life growing up gay but primarily about the experience at the hands of the MOD via the SIB. It was partly in response to the multitude of times over the years that people, incredulous to hear that there had even been a Ban, would ask me how I’d been caught. I wanted to ‘cleanse’ the experience out of my psyche, to experience a kind of cathartic release from its shackles. Having written it then found a publisher I was thrilled when my dream of becoming a published author was finally released, on World Book day, 7th March 2019. At last, I would be free! Alas. No – I have been invited to a number of talks and events over the years ... the powerful emotions just ambush me sometimes, leaving me with a shaky voice and tears in my eyes. The very real and exhausting difficult emotions of frustration, indignance, loss and sorrow can overwhelm me with an intensity that never ceases to surprise and astound me.”

“I was questioned at length about my sexuality, asked to describe who was top or bottom, did I ejaculate did they ejaculate, really deep personal intrusive questions. I was made to describe in detail how many times it happened being asked the same questions over and over again.”

“The information gathering included questions about whether we had committed several sexual acts on each other including oral, & anal sex, masturbation, did we kiss, or touch each other in a sexual way, sexual positions, rooms involved, who did what, with who and when? Most importantly “did we enjoy it, did we have erect penis’s, did we ejaculate, where did this happen?”

“My room was ransacked, and everything taken away. I was marched down to the SIB investigation room and made to feel a criminal and ‘dirty’. I had a light shone in my face I was shouted out and grabbed by the arm and told that I was to confess. I was assaulted and felt fearful for my life. I was told that I was “a gay” and that it was unnatural and that I had been found out and I was no better than “shit on my shoe”. I was interrogated, not interviewed. I was made to feel that there was no way out and that I had to confess. They started shouting at me saying all I needed was “a bit of cock” to sort myself out and that I was unnatural. Then I was asked what sexual acts I performed on another woman. They kept referring to my letters which didn’t have anything in them but said they had evidence to say they were from another woman and that she had said she was gay and had said that I was gay.”

“I was investigated twice by the SIB in my service. At the age of 18, I was taken from my work place and left in a locked room for hours without water or being allowed to go to the toilet. I was then subjected to the most horrific, vulgar and obscene interview I could ever describe. I am now a retired police officer having spent 26 years as a Detective Sergeant, the interview technique, explicit sexual language used and direct insults towards me were oppressive, aggressive and I strongly believed the male interviewers were gaining sexual gratification themselves during this time. Secondly, when I was 20, again I was overtly taken from my workplace and detained in a locked room whilst my room was completely ransacked. I was desperate for the toilet and several hours later I was escorted to the toilet and made to urinate on the toilet with the door open in front of one of the interviewing officers. My personal belongings and precious letters from family and friends were ripped up and every single piece of clothing I had was thrown into the floor with my mattress left on top of it. My diary was looked through and they made telephone calls to some numbers listed in my diary, these were numbers of landlines of family members of mine and my friends. They randomly rang people and asked if they knew me and that I was gay and probably trying to persuade their family members to be gay also. Again, a horrific experience during a very lengthy interview during which I was told over a hundred times... ‘you’re a fucking dyke... admit it and you can fuck off from our Army’. This was in addition to similar sexual insults which were explicit in their nature and completely oppressive. The male interview shouted in my face several times, inches away from me and I genuinely believed several times during the interview that he was going to assault me. I must have repeated myself over a hundred times I’m not gay I’m not gay... I was terrified throughout these experiences. This is a snapshot of the detail of my experiences but gives an indication of the abuse suffered on both occasions.”

“What happened next was the most horrendous and awful experience no one should ever have had to endure. I was led to an interrogation room, this, unknown to me, was to be my home for the next 4 days. I was denied food, I was denied sleep and only given small amounts of water. I was immediately searched, asked to strip and searched internally. They said that this was procedure. As a young 21-year-old, terrified, what do you think was going through my mind? I was asked to list every person in any of the services I had some sort of relationship with, this I refused. On refusing, I was assaulted and again instructed to strip, the medical gloves went on and I was again subject to what I can only say was ‘RAPE’, while I was again internally searched. After about 12 hours I was taken, handcuffed, to my billet and the SIB (Special Investigation Branch) then searched all my belongings and personal letters, my mattress was slit open and I was told this was because they were looking for drugs. My mail was taken away and read...they said, I was most likely being blackmailed and as such, they needed to make sure Defence secrets were not being passed on ... Hello I am a chef, no access to data, aircraft, secrets etc. After this humiliation in front of many camp personnel as I was paraded to my billet, not driven, in handcuffs, and for all to see, I was then taken back to the interrogation room. I was thinking that this was the end, and that would most likely be the end of my career, how wrong I was.

It was change of shift, and the process started all over again, searched, told to strip, medical gloves on, internal searches again. At this point, I was now convinced this was happening for their... pure sadistic satisfaction, yet I had no recall to complain to any officers in charge as the SIB were a law unto themselves. With the change of shift the process started all over again, they wanted names, none were given, and I was slapped for not helping them. ... Throughout the interrogation I was handcuffed and treated like a terrorist, how was this allowed to happen in Her Majesty’s Royal Air Force. I was a Chef, no access to any classified material unless they wanted the recipes for a lasagne, all this humiliation went on for 4 days, and to their sadistic satisfaction, it wasn’t until the 4th day we had a new female doctor arrive in camp [who] intervened and stopped the interrogation. I was immediately sent home on sick leave to await my discharge. I had been spat at, hit, examined by individuals that were plain animals, and all because I had admitted I was Gay.”

[From a brother] “My Brother was dishonourably discharged from the RAF in 1987 aged 22 for being a gay man. He was reported after being seen with another serviceman in a compromising position which was not even full sexual intercourse. He was taken by the military police and interrogated for days. I have the complete transcript from this interrogation and it was disgusting, blatant shaming and harassing. My Brother admitted what he had done and told them personal insights into his state of mind and the confusion he had felt about his sexuality in previous years. This sexual act with another man was in fact his first. Ultimately my Brother was taken to a military prison miles away from his base and everyone he knew, he was put on Valium and was on suicide watch. After his discharge his life and relationships with family broke down, he was so ashamed. As a family we accepted who he was wholeheartedly but he obviously could not accept himself, eventually taking himself away from everyone and moving homes without allowing anyone to know where he was living. 10 years ago I received a call from the police to inform me that he had been found dead in his home, he had slashed his own wrists. We found out that he had actually had a relationship with another man for 25 plus years but after finding and talking to his work colleagues they knew his partner as his brother. He was clearly still so affected by the trauma of his treatment by the RAF that he had hid his sexuality all his adult life. He was well loved by his friends and colleagues but still could not bring himself to be honest. What a life that must have been for him and those around him. We found out that he had an issue with alcohol and he had attempted suicide previously when he found out that our Dad had died. Andrew was a tortured soul who never recovered from his treatment in the RAF. ... Reading the transcripts and his subsequent discharge papers after his death made me feel physically sick. This was a young man who, all his life, wanted to join up to serve his country, left with nothing. Having to face a future which held nothing but shame, guilt and torture that his life's dream was over. It would have been his birthday tomorrow, November 30th, he would have been 59 years old. It should have been a day for celebration, instead there is only sadness for the brother I lost to suicide. It has been confirmed by his ex partner that the RAF are responsible for everything that went wrong in his life. He still craved the military life, regularly attending Aircraft exhibitions etc where he referred to the planes he had worked on as his boys.”

“I was then informed that regardless of whether or not I admitted [to being gay], a court martial was being convened and that I would have to be held in the guardroom until the trial could take place. I was held there for more than three weeks most of which was in isolation from my friends and colleagues.”

“ **Medical intervention as part of the investigations and discharge procedures**

“Leaving the armed forces I was sent for a medical examination where I was subjected to an anal examination for no other reason than to ascertain if I had been having anal sex.”

“I was discharged at “court martial” after it was found that I was gay but I never went before a court martial. I was just dishonourably discharged, on my last day of service I was walked through came past my unit with guys jeering and shouting abuse, then I was sent for my discharge medical and they wanted me to bend over to see if I had been engaging in anal sex... On my discharge medical they tried to get me to “squat and bend over” I refused and pointed out “you have already court-martialled me, you can’t do anything more to me so if you try and force me I will press charges” the medic said he was following orders and left the room, he came back in and said “you’re done with leave, go back to RHQ” I was a clerk so I understood that the army had no legal right to inspect me in that way and also realised they wouldn’t want the shit if I went to the press.”

“All I ever wanted was to join the army, I worked hard at school and achieved my goal. I was 17 when I joined with no sexual experience. I was “outed” at age 19 by a friend. I was sent to ... military hospital to see a psychiatrist, who told me I was dirty, he told me I was repressing childhood abuse and that was why I didn’t like men, he also asked me if I ate Bananas as they are a phallic symbol. Surprisingly 34 years later I still recall every torment.”

“I was unwillingly internally (anus, penis, mouth) inspected under orders, as well as externally and blood tested for HIV.”

“Once I had opened up to the chaplain relevant to my sexuality I was then taken to a doctor in the ... Hospital in W[...] where I had several appointments in which had to get naked and sit on what I can only describe as a dentist type chair and he would show me pictures of naked men/women and the measure my penis to see if any reaction.”

“I was medically evacuated, with an escort on a flight to a psychiatric ward at [...] Hospital, RAF W[...] where I stayed on and off for six months, where they continued to administer the drug Anafranil (Clomipramine) which made me like a zombie. It also made me feel suicidal. They wanted to give me electric shock treatment, which I managed to refuse. ... I was made to take IQ tests, which showed an IQ of 154, and sexual orientation tests devised by a man called Hans Eysenck ... who also theorised a correlation between IQ and race... I still have nightmares even now, about 45 years on, about RAF W[...] psychiatric hospital, and the fact that I could have been subjected to electric shock treatment. It is a horrendous recurring dream. I also believe that I am still suffering side effects from the drugs I was put on. ... I was discharged from the RAF “due to circumstances beyond his control.”

“When I was investigated by the SIB prior to being court-martialled, I was escorted to the unit medical centre and forced to undergo a physical medical examination by the unit doctor. While this happened a member of the SIB remained in the examination room and watched. The doctor, who in fairness was clearly uncomfortable doing this, instructed me to take my trousers and pants off, to lie down on the examination table and to lie on my side, to bend my legs up to my chest. He then wearing surgical gloves, inserted his finger in to my rectum and proceeded to prod and investigate me. Following the examination, I was told to get dressed again. I remember feeling dirty, not able to make eye contact, scared out of my wits. The doctor then announced he felt there was evidence of bruising and penetration around and in my anus. Indicating in his opinion that I had recently taken part in some form of penetrative sex. I do remember at the time thinking that was strange, because I knew I hadn't. Not for months in fact. I guess he did what he felt he had to do.”

“As a serving member of the Royal Army Medical Corps (RAMC) and trained Army Medic and Nurse I was aware of the Army’s attitude to homosexuality and it’s status as both a crime under military law and an illness as listed by the United Nations. I was also aware of various ‘medical’ interventions, including Electro Convulsive Therapy (ECT) and hormone treatment with Diethylstilbestrol (DES), a procedure commonly referred to as chemical castration, which had been used in attempts to ‘cure’ homosexuals. I myself had been present, as a Student Nurse, during some ECT sessions while working at the joint services psychiatric hospital in N[...].”

“I was sent to RAF W[...] to see a psychiatrist and was offered aversion therapy which I declined as I did not want to be asexual.”

“Once the decision to discharge me had been made I was sent to the medical centre for an examination as I was told I would have to be discharged in the same condition as when I enlisted. This included, for some reason, an internal examination. At that same time it was put to me that I might wish to be the subject of electro convulsive therapy (ECT) to be cured. This would not alter the fact I would still be dismissed. I was absolutely terrified and confused. My entire world had just crumbled.”

“I was seen by the medical officer and was asked if I was ever penetrated and I was advised to have ECT to cure my condition – I refused and was made to sign a disclaimer to that effect.”

“I was sent to a psychiatrist in Aldershot. I was questioned over and over about my sexuality. I admitted I was gay. But the way he talked to me was disgusting. He asked very intimate questions about my sex life and asked lewd disgusting questions. He said I’d bring shame on my family after discharge. He said I’d never work in civvy street. He told me I’d be kicked out on dishonourable discharge. I was made to take all my clothes and lay on a couch. A nurse was present. He looked my body over from my toes to my head. I never knew why he examined me in that manner. It was degrading.”

“I was given a medical examination, without the presence of another female, where the male MO inserted his fingers into my vagina. I asked him why and he said it was to see if I had any infection. I was traumatised at the time and I should have reported this SEXUAL ASSAULT and to this day, I have no idea why I didn’t.”

“I was taken to medical examination room. An evidence kit was opened which contained a large, folded piece of paper and evidence bags, The paper was opened, and I was ordered to stand on it and strip naked. Body samples were taken, and my clothing was bagged. I was told to lie on the bed with my legs up to my chest. The doctor then carried out an anal inspection”.

“I was swiftly taken from there to the Psychiatric unit at RAF W[...]. I was...repeatedly asked by the Psychiatrist if I was Gay, and always denied it. At one point, I was placed on a commode and the medical team purchased Four cans of lager from the NAAFI. They then hooked me up to electrodes on my head and whilst drinking these Four cans of lager they read my brain via the machine I was hooked up to. The outcome was explained to me that I had a shadow on my brain which must be the reason for my sexuality.”

“I was sent to see a psychiatrist at a hospital where they put these electrodes in my head and showed me pictures of men and gave me nice feelings and they then showed me pictures of women and gave me electric shocks I had some type of bruising /burn marks where they put the electrodes my memory of it all is very vague all I knew at the time was I was very frightened and willing to do anything that they asked me to do so I wouldn't be discharged that is when my mental health started as I was very confused about who I was and why they were doing this to me it wasn't till years later until I joined our Association that I started to understand that what they did to me at the time was wrong.”

“I was relieved that I wasn't subjected to Electric Shock Treatment so I was thankful I was discharged The sight of the condition of those given this treatment on their return to the ward was appalling. Those who were to be subjected to further treatments were terrified of having it again and I think I would have done anything to avoid that. I was certain in the knowledge that if I had answered any of the 'Are you a homosexual' or 'Do you like being close to your mate' the wrong way I would have been forced to have the Electric Shock Treatment. Luckily, I think I was intelligent enough to see those lines of questioning coming and be able to avoid the 'wrong' answers.”

“I joined the Army in 1984 as a doctor. I was sent to Northern Ireland just a few months after I was commissioned (but before I did my training at [...]). As part of my duties I acted as a Police Surgeon for the Royal Military Police. One evening I was called back to my medical centre by the RMP. They had a young male soldier (a chef) who needed to be examined for a “gay test”. I was not familiar with this and had not had any training. I interviewed the soldier and examined him. I decided he was gay. ... I felt uncomfortable and out of my depth to perform a duty I had no training in an area that I thought was unfair.”

“I was a Civilian Medical Practitioner (CMP), a MOD civilian GP working at various military bases, mainly RAF from 1993 up to 2004. In 2004 I joined the Army and am currently still serving. In the middle of the 1990s I had a number of consultations with young male serving personnel who were brought down by their chain of command for the ‘cure’ . I remember distinctly two cases that I managed at that time where a JNCO was brought down by their sergeant (who I think sat outside) and the patient explained that they had declared that they were gay and that the procedure at the time was to book an appointment with a medical officer for further evaluation and onward referral for medical treatment for the ‘condition’. I must say I was rather aghast. ... I still remember that consultation to this day (!) as I had previously worked on the HIV unit at the Royal Free in London and was at medical school through the 1980s in London so was very connected with the Gay and HIV context of the day. I just said to the patient that there is no such treatment and that there the medical centre doesn’t have anything to do with this issue , or something similar and I think sent him on his way. I guess everyone knew it was a charade but one that still had to go through with. I didn’t hear what happened to those guys who consulted me at that time. I type this from my consulting room in an RAF medical centre today and still feel the adrenaline of the story from nearly 30 years ago! Such injustice! But at least it has changed so much.”

“ Medals and conduct badges taken/ not awarded, demotion in rank

“I have a criminal record purely because of this Ban, my GSM and UN medals were taken away, I was told that my pension rights were also removed.”

“Lance Corporal demoted to Private in dismissal.”

“[My medals] were not removed but were never awarded – UN Bosnia Medal.”

“I lost my job of 18 years. I’d served in the Falklands, 6 terms in Northern Ireland, and the Middle East twice. I had my rank reduced from LRO(G) to RO1. Had my long service and good conduct medal taken off me unceremoniously and had my pension reduced. I was also only able to claim it when I was 65 whereas had this not happened to me I could have got my full pension as soon as I’d left the service. ... [I had my] long service and good conduct and 3 epilettes [removed].”

“At the time I was attending a Petty Officer qualifying course. As well as dismissal, I was demoted and lost a Good Conduct Badge.”

“I got disgraced, dismissed, my Long Service and Good Conduct Medal removed and 3 months in the Army detention centre at Colchester. I lost my pension till I was 60, and then at a reduced rate at that, and every report, form or anything to help me with a record of my service was annotated somehow showing my dismissal from the Navy.”

“I did not receive medals for the gulf war though the 2 other personnel that I travelled back to uk with to man commcens with did.”

“I was dismissed from being a serving Royal Air Force Policeman within hours of informing my Commanding Officer that I was gay, after serving 6 years, ‘Services no longer required’. I was told to take my shoulder ranks off and take the cap out of my white cap, and marched around the base without rank and with my white cap under my arm.”

“I was stripped of my L/Cpl stripe straight away.”

“My GSM and UN medals were taken away”.

“ Voluntary termination of service due to the strain on service Personnel having to hide their sexuality

“He [the Admin Officer] then said “if” I was “ perhaps” bisexual then he could offer me an easy exit from the army without questions being asked and no worry about being sent to prison. By this time and only 3 years and 4 months into my 6 years term of service I had lived a life so terrified of being discovered that I took his kind offer and left the army.”

“I was never able to be myself. I could never ‘come out’ and had to pretend to be someone that I wasn’t, which was hard work and did affect the rest of my life, for a while anyway. This was exceptionally difficult when my career required me to be away from home and on duty most of the time. In the end, I realised that I could not carry on like this anymore and therefore left a career which I loved. I always wanted to join the Armed Forces and having to hide my sexually and not be myself definitely made me end my career early.”

“I resigned my SSC after 8 years service. I very much would have liked to convert to a Regular Commission but felt that I would permanently be looking over my shoulder for the next investigation. It was easy for others to cast aspersions on rivals by simply insinuating they might be gay. I couldn’t see a way to serve in this environment for another 20 or so years much though I would have loved to.”

“The only reason I took redundancy in 1994 was because of my sexuality. If being gay in the service wasn’t an issue I would have been a career soldier and stayed in but the fear of being ‘found out’ was too much so I left the service and career I loved.”

“Effectively the bullying, fear and impact it was having on me led to my resignation as my continued service was untenable and I was unable to follow my career as intended. It has left me with a high degree of impact on my personal confidence and whilst my current career has been successful it has not been easy setting this aside. When I reflect on some of the physical aspects of bullying at time this amounted to sexual assault and physical assault.”

“I was questioned about my sexuality at the recruiting office in very derogatory terms and that led to a complete fear of being caught and punished because of my sexuality. I never intended to come out as gay and led what was perceived to be a heterosexual life. I married a woman (I'm male) and never ever intended to follow my own instincts or do anything about being my true self, the fear was too great. In the end this became too much and after an incredibly successful but short career, I applied for redundancy and left the armed forces.”

“I didn't realise that I was gay until after I had entered service (commissioned). When I reached 36 years I declined what was then a hard to come by further engagement to 55 yrs and likely promotion because I could not risk being discovered and losing my pension. ... My experience as a gay man was that my close Service friends that were aware weren't the slightest bit bothered. For others I had to constantly lie about myself, where I'd been, who with and I hated myself for it. The constant fear of losing my job overnight also made me determine to leave the Service. Guys that I considered to be my peers reached the rank of gp capt with pensions to match. I'm not jealous. I would really have liked to sign on to age 55 for a full service career.”

“It was a constant source of stress having to hide my sexuality and knowing that the slightest mistake could lead the most unpleasant outcomes. It meant that I became used to hiding feelings and emotions. It meant that I became used to lying in vetting interviews and with colleagues, superiors and subordinates. It meant that I had to damage others in order to enhance the image that I was straight – for example by leading girls on to think I was interested in them so I would have companions for social events and then dumping them when the relationship became inconveniently close. It meant that I was generally quite unsociable so that I could avoid such events. Overall it was extremely damaging for my self esteem and I left in 1980 after 13 years service because I could not see how I could possibly pursue the successful career that my superiors seemed to think I was cut out whilst being under and increasing microscope of scrutiny as I became more senior. Above all I was deeply unhappy in the career that I loved and had been determined to pursue from the age of 14.”

“Had to keep hidden for the four years and 5 months I served in the Royal Navy. This caused me great stress and, despite being good at my job and loving the family feel and teamwork I felt obligated to get out before being found out. The pressure on my mental health was immense.”

“I served as a Major in the Royal Engineers. I resigned by regular commission at 31 years old. Despite the fact that the majority of soldiers in the regiment were aware I was gay – the most adverse reaction came from other officers. Their view seemed to be that I had betrayed the officer corps. I was referred to, quite publicly, using various euphemisms. An ‘inveterate gossip’ being the most polite term. And that was from the CO. A pervert, trying to secure the lower ranks, being another and that was from a Captain. I was told that I would not be promoted further unless I married. On another occasion the Regimental 2IC said to a collection of wives that Major [...] will do that – we all know he’s no threat. I loved the Army and feel I was forced out, despite having performed to a far higher level than many other officers. It was clear that I was subject to a whispering campaign designed to undermine me in front of the soldiers. They were approached and asked if I had ever attempted to seduce them. They asked in the negative, because I never did.”

“– although I chose to leave on my own terms the underlying reason was the hostile environment to LGBT personnel, the constant stress, personal unhappiness and low self esteem.”

“I submitted my early termination notice because of the horrendous treatment I received by the military police, regulating staff and SIB investigations over the years in the Royal Navy. I then applied by request to withdraw it, I was informed in no uncertain terms that I would not be able to withdraw my notice as I was gay (although they never had evidence).”

“My entire time in the military was one of wondering who I really was and coming to the conclusion that I was suffering from gender dysphoria. There was no support back then, just the threat of what would happen if I did actually tell anybody what I was going through. It was hard, it was humiliating and it ultimately made me cut my career short.”



Shame and loss of self esteem

“[The effect of the Ban was that] I was afraid to have female friends, afraid to get too close to anyone, afraid that I would be disgraced. I felt extreme shame, embarrassed, hurt and annoyed the way I was treated during questioning, You live in constant fear and feel you are being watched all the time. ... I was devastated, I thought I would never be employed again, how am I going to show my discharge papers to potential employers. I had to stay with friends when I left. I couldn't tell my parents what had happened, in fact I never did tell any of my family, I felt so ashamed, embarrassed, I had let people down. It is only recently that I have been able to tell certain people why I left the Service. I had no money, I had to wait to go on benefits. I became depressed.”

“Even after coming out, years of negative conditioning and self hatred continue to impact me.”

“They just kicked me out. Gave me a train ticket to my home. I was left feeling “Null” as though I was in a very dark place. All my friends were in the navy and I thought I'd lost them all. What little savings I had soon dissipated and I went over 10 thousand pounds in debt. It took me 15 years before I got my esteem back.”

“I lost everything including my self worth esteem and dignity.”

“To this day and in subsequent careers I have always had issues of self esteem which have been hard wired into me by my Army service.”

“It has affected me for the rest of my life. I had intended on making a full career in the RMP. I have always felt ashamed of who I was (bi-sexual), have never been able to hold down a job for long and abused alcohol for many years. My mental health has been bad to the point of attempted suicide a number of times. My marriage broke down and relationships ever since have never been happy. I’ve always felt guilty that I had failed in the one thing that I felt I could excel at and this feeling always made me back away from anything I found I was good at add I expected to fail at that too.”

“I lost an amazing career. I had years of shame to deal with. It’s difficult being gay as it is let alone have this happen to me during my 20’s. The trauma of my room been raided by the police never leaves me. My self-confidence has never really recovered ... Acute shock leading to long-term PTSD and shame spiralling which is still being treated through therapy today.“

“Huge shame. Couldn’t tell anyone, felt isolated. Felt abandoned by RAF, I was 22 yrs old, had been in service since aged 17. Had very little money, no where to live no job. The RAF demonstrated no concern for my welfare.”

“I was going through the process of being EPV (vetted more). The person that was conducting this explained to me that the SIB had nothing and not to worry. The next I knew I was up in front of my captain to be discharged. No hearing, no evidence, just “discharge shore”. My world fell apart. This has had a profound impact on my life. I was bitter. My confidence was shattered. I still to this day have flash backs. These few lines do not do justice to what I went through. ... my confidence was shattered. I was ashamed of who I was. I had anger issues “why me?”. I just wanted my job back. To this day I still want to cry at the way the SIB and establishment made me feel.”

“My close family and my employers do not know to this day why I left the RAF. I have never been able to find the courage to tell them. Since 1972 I have suffered from lack of self esteem and lack of confidence. I continue to this day to cover up my personal situation, keeping myself very much to myself just in case I am ever found out.”

“I have still to this day, not regained any self-confidence. I found the only way for me was to be in an unhealthy lifestyle which has left me with Heart disease (coronary arteries) and Lung disease (Pulmonary Fibrosis). I have been unable to form any relationships and have been left financially worse off. I still have constant flash backs to the day I was arrested for just being me. This constantly makes me feel that being me is not worth being.”

“I was diagnosed as intersex after an emergency operation to parts that had lain undiagnosed until that point. Upon diagnosis, I was offered the opportunity to either discretely part company or face a formal inquiry. I naturally chose the former. I’ve had to live with the shame of leaving military service ever since. I was proud to have served and would have continued if the chance was there. The event has caused personal issues and a sense of shame ever since.”

“I have never told my family or most of my friends. Not even my partner of 32 years. I feel too ashamed. They just know I served in the WRAC”

“I was left homeless & jobless I couldn’t have a relationship I hid my sexuality for the next 27 years because I was made to feel ashamed by the way I was treated. I couldn’t be myself for the fear that the army had installed in us for being gay it ruined my life. I lost everything not only my job, money and home I lost my self esteem and confidence I still can’t be myself for fear of being me.”

“ Effect on ability to form long term relationships

“Once I was kicked out I went off the rails and had a period of destructive behaviour I drank excessively and was sexually promiscuous with men not caring how I was treated at a time when HIV was at its height it took several years to move away from that behaviour and then withdrew into myself. It took 20 years to enter a meaningful relationship my partner has since passed away. I still get flash backs to the way I was treated.”

“I am a serving Army officer and served under the Ban for the first ten years of my career. I am proud of my service and I have always enjoyed being in the Army; that is why I have remained for so long. I have never experienced any discrimination directed specifically at me. However, homophobia, racism and sexism were endemic in the Army throughout in the 1990s. Attitudes only began to change, very slowly at first after 2000. I am pleased to say that the Army is genuinely a much better organisation in that respect today. Serving under the Ban has affected me in, I suspect, some profound ways. I have been open and ‘out to all’ since 2010, but I can not say that I am entirely comfortable with my own sexuality; serving under the Ban has certainly contributed to that. For ten years under the Ban, I was living a lie with respect to my personal life. Subsequently, it was difficult to come out to people I’d known and worked with for a long time and admit I’d been lying, though I have to say I never experienced a negative reaction to this. I am quite clear that serving under the Ban has negatively affected my approach and ability to form emotional relationships. I regard the time I spent serving under the Ban as ‘lost years and lost opportunities’ in terms of my personal life and I really resent that. I have on occasion heard senior officers suggest that “things weren’t that bad” under the Ban and that blind eyes were often turned. That was not my experience and I resent the suggestion.”

“I have been unable to form any type of relationship with anyone. I have problems trusting anyone I meet and this often leaves me with problems in the work environment. I feel unable to be open and honest as to how I feel as I feel trapped in the 90’s.”

“Lifelong trauma of the way treated. Also not treated equally as a female. Told I had to work twice as hard as Male colleagues because I was female. Attempted process to become an Officer but rejected due to having short hair and northern accent. The sexual pressures and humiliation have caused unnecessary trauma over many years and affected ongoing relationships throughout my life.”



Effect on mental health

Jeanette Smith said in her successful proceedings before the European Court of Human Rights that both the investigation of her sexual orientation and her subsequent discharge from the armed forces on the sole ground of her homosexuality were profoundly degrading and humiliating events. She said that these had a significant continuing and negative impact on her mental health.

The following are quotations from evidence given to the Review.

“When a person suffered the ignominies of ill treatment or felt it necessary, or was forced, to leave as a result of their being LGBTQ+ there are almost permanent mental scars; feelings of abandonment/being cast out from an organisation to which each person has quite literally pledged their life; anger at the treatment they received when their primary focus was to give themselves in the service of their country; unjustified feelings of guilt and a lack of worth; suicidal ideation. PTSD cases can arise from institutional violence and harassment, and in some cases have no doubt resulted in potentially unreported deaths by suicide. Delay and latency in the emergence of PTSD symptoms means that those affected by the Ban prior to 2000 could still experience resultant PTSD in later life post-2000. There are a high proportion of rough sleepers, with services backgrounds, often associated with mental health issues.”

“After being discharged [I] found it very difficult to tell family or friends. Got involved in petty criminal offences also would go off on my own for long periods without any contact with family. from 1976 to 1982 contemplated suicide most days, I was in a very dark place, with nowhere to find help. ... I joined because many members of my family on both sides have served in the Armed Forces since 1700s”

“I was made homeless, forced to come out to my parents who had no money or accommodation for me, I was breaking down in the job centre, I have never financially, emotionally or mentally, recovered. I have spent decades feeling ashamed to go into a gay bar, being devastated watching LGBT+ service men and women at Pride events, I have been isolated, not been able to hold down jobs, I jump when someone comes behind me in the office, I have night terrors, and I break down when I see remembrance parades. I was robbed of my life... I feel no patriotism whatsoever and I feel my life ended aged 21.”

“I experienced decades of undiagnosed depression, now clinically recognised and diagnosed, as PTSD. I could not settle into the workplace, and still can't, I had learned at a young age not to be myself and to hide, I hide from social events. I did not go to a community like I had in the Navy. ... I have daily bouts of depression whereby every moment of unhappiness at work makes me wonder if I will ever be happy at work again. I am severely in debt as I study and try to fathom out what to do next, 30 years have gone in the bat of an eye I feel a sense of shame when I walk into a gay bar, which I couldn't even do for 20 years after dismissal. I did not feel worthy.”

“I had Mental health issues, and the dissonance created by the conflict between the armed forces and my sexuality causes and caused anxiety, stress and depression. I had self-destructive behaviours. I was often left with intense feelings of failure and shame, which had an effect on my job in the RAF. When I was forced to leave the armed forces, I experienced trauma and grief. Trauma during the investigation and grief after leaving. “

“My self-confidence was completely shattered. Having been falsely accused of indecent assault caused me to be terrified that I might be perceived as predatory. I have had many different mental health treatments over the years, mainly by way of a variety of types of counselling, antidepressants, self-help manuals and paid courses etc.”

“The sense of needing to hide who you are never quite leaves you, even though I know that the Armed Forces community is now far more accepting and diverse. I remain proud of my service in the Army, but I do know that this period of seeking out women who were gay was shameful and caused serious damage to those women. As I said previously, I believe my rank protected me so what was happening to those women in the Army who were not in my position. The last 10 years in the charitable sector has brought me into contact with 100s of female veterans who were dismissed due to their sexuality. Their stories are shocking and many bear the mental and physical scars of what happened to them. For female veterans,

the only evidence will be their Voices telling of their experiences, as the paper trail will only be marked by the term Service No Longer Required. We do not know how many female veterans are out there who went through this dreadful experience, but we do know that the mental and emotional damage they carried into their civilian lives was marked and long term. Some will never fully recover; others have made the lives that they could given the hurt and shame they felt and still feel.”

“Since being kicked out of the Army. I have suffered with depression and anxiety. My dismissal put a huge strain on my family. I did for a very long time think that I was a failure and that I let everyone down. Copious amounts of alcohol just to try to forget the experience. Nothing takes away the humiliation and the wrong that has been done to me. I could never hold down a job for any length of time as I couldn’t settle. I have always hid my sexuality from work colleagues in case I had to go through that horrendous treatment again.”

“Not only had I lost my career, I was so proud to be in the Navy. It was all I wanted to do and when I passed basic training it was my proudest moment. My family were so proud too. Being made to tell my family (persuaded by the Dr’s) killed them. I could see the disgust in their eyes, although they were initially supportive they didn’t want to know and eventually I was asked to leave home being told I was an embarrassment to the family and no good to anyone. I’d lost everything, my forces family, my friends who we were supposed to trust with our lives, I wasn’t allowed to speak to them. My own family. I had a nervous breakdown and believed it was better if I was dead. I wasn’t able to work and unemployed for quite some time. I wasn’t worth anything. At that time Non-Binary/Trans was not really known about. You were either gay or straight. The medical profession were awful, saying they could cure me, I wasn’t trying, it was my fault, I was being lazy. In the end I gave up. I must have been a failure as everyone was telling me that. I was close to suicide several times. I gave up on the medical profession as they just wanted to cure me and to be honest were weirder than I was. I wanted to be cured though but I couldn’t change who I was. Luckily I had some support from someone in the family and I was able to start to build a new life. This has impacted me my whole life. ... I lost everything and the worst bit was I was blamed for everything and I was the one who asked for help.”

“I suffered from low esteem, anxiety, depression. I had difficulty finding a normal job afterwards and could only get agency work (due to being what is in effect a “dishonourable discharge”), ironically back at HMS R[...] in the Commodore Registry. Being agency staff only meant that I had no opportunity to obtain a mortgage or any other form of lending at that time. ...There was a stigma surrounding being “discharged” from the navy and when your life is in a naval port city where everyone knows everyone, it became very difficult to live a normal life.”

“My health went down hill rapidly. I suffered from what is now classed as PTSD.”

“I was very depressed on leaving the job I loved, I would have served my 22 years without a doubt. My mental health suffered and I was prescribed anti depressants, I thought about suicide often. I lied to my parents and told them I was still serving a year after I was discharged. I did manage to get a job quite quickly as financially I couldn't afford not to work. My friends let me stay with them until I could afford to rent my own place.”

“I was traumatized by everything that had happened so fast, I could not eat or sleep and eventually was diagnosed with anorexia , I had a lot of trauma counselling. I did not see my family for 3 years I was so ashamed of myself and the shame I had brought on my family. I did not form a relationship until I was 23 and went on to spend 15 years with her, during which I periodically went into counselling. Financially I was broken , without the benefit agency and the hostel I would have been on the streets”

“This did affect my mental health and at one time did consider taking my life. My Mum and Dad were devastated but stuck by me. I was in a relationship with a female at the time of dismissal however that finished a few months after my dismissal”

“I am still affected by the way I was treated during interrogations. I was made to feel dirty and degenerate and after I left, I felt a total failure and have always suffered from feelings of rejection and not being good enough as a result of this experience.”

“The Ban from the Royal Navy due to my homosexuality has affected me physically, psychological and monetary. I have been left traumatized and abandoned. I am an alcoholic, I have depression and anxiety. My family ignored me for 30 years and I have life limiting illness due to my destructive behaviour caused by the Ban. ... My entire life as I had envisioned it was going to be was destroyed. I was shunned by family and friends. I became an alcoholic to numb my emotions, I became deeply depressed and traumatized . I couldn't hold down a steady job as the fear of my homosexuality being discovered was overwhelming, I isolated myself due to the shame of being branded as sexual deviant by the Royal Navy. All of this has in turn affected my physical health and I now have numerous alcoholic related issues.”

“The whole process has left me traumatised and suffering from PTSD.I have been left with suicidal thoughts, and have not been employable, and therefore have had to work for myself having had in excess of forty different jobs. The whole experience has left me paranoid, and I still have nightmares about the time leading up to my discharge. I have lost two houses I have owned as a result of my instability, and am currently renting... It left me feeling suicidal, to the extent that I moved to Bristol to be nearer the suspension bridge in case I decided to kill myself. There was some comfort in knowing that I could make it happen quickly if I chose to do so. I have gone from being an incredibly happy go lucky type of guy before being thrown out the RAF to suffering from anxiety, panic attacks and paranoia”

“I was bullied into handing myself in. I was interrogated by the SIB. I was threatened by others and told that I had better not drop any other serving personal in it and ‘out them’, or else I would be beaten up severely. I had to get out, go home and abandon a promising career. ... I battled with PTSD and have also been on anti-depressants for many years. They did let me go but told me I'd never get another job because of my red book stating services no longer required. ... I turned at alcohol and drank heavily for many years because of the trauma of the experience. I've had extremely low periods of darkness.”

“I was in treatment for 3 years after I left the Army, with metal health issues. I have been left with life long self esteem issues and the impression of feeling without value. I have struggled to maintain any sort of meaningful relationship.”

“My treatment in the Army has left me with what can only be described as PTSD.”

“In May this year it was 47 years since I was discharged from the Army. I can honestly and truly tell you it still impacts me today. Psychologically it has affected my mental health throughout my life.”

“I joined the Women’s Royal Air Force (WRAF) at the age of 17 yrs in 1980. At the time of joining up, I was not aware of my sexual identity later to be described as gay. Once I had arrived at my permanent posting I was made well aware and experienced the homophobia and negative attitudes of others if found to be or presumed as being gay e.g. homophobic jokes and Banter (supported by the Ban). Between the ages of 18 and 20 yrs I wanted to explore or even talk to someone about how I was feeling and the way I might wish to express myself in a relationship, but it was indicated to me that discussing this gay topic with a medical officer or padre would not be beneficial, as I would be put under investigation with the possibility I may be discharged. Enjoying my WRAF role and reaching senior levels in sport, I realised that if I made any attempt explore and be my true self I would be dishonourably discharged from a life and the opportunities I really wanted. Also I could not emotionally cope with the rejection of not only losing my job, but the possibility of rejection from my family as well. So I decided to act as a straight women and blend in with the rest of the WRAF, even to the point of getting married to a man. My sense of self over this time was impacted and distorted as I was always trying to please others and blend in, so not to bring attention to any possibly signs I might be gay. It was only once I had completed my service and left the WRAF (9 and half years), that I was able to explore who I truly was and find a path of self discovery. On this journey of self healing I learnt my mental well being had suffered and I had a breakdown requiring support over a long period of time.”

“Through out my civilian life I have likened it to PTSD. There were feelings of lack of self-worth, shame, my self-esteem was poor and remains a constant battle today. Poor confidence, in the early years post discharge, I was always fearful of this happening again especially in my new job. I have contemplated suicide on and off throughout the years. I was angry – this was my career and it should have been my choice to leave on my terms. Stress and anxiety have been lifelong seeking the services of counselling and medications.”

[From a veteran’s psychological therapist] “she was subjected to sustained emotional, physical and sexual abuse during her time in the Navy, between the years of (approximately) August 1981 and November 1986. She was also bullied by her colleagues in relation to her sexual orientation. As a consequence, Ms S[...] more recently has been suffering with Post Traumatic Stress Disorder, and experiences regular nightmares and flashbacks to incidents of abuse specifically relating to her time in the Navy, which she finds very distressing. She is currently attending psychological therapy with the P[...] Adult Psychological Therapies Service to help manage her symptoms.” and process the events that occurred during her time in the Navy.”

“I am a Veterans Community Worker for Fighting With Pride. I cover the London area. ... I work with Veterans who still, despite being out for 30 or so years, are not financially stable, have never been in steady work and who certainly are feeling the affects psychologically and physically of the trauma they went through totally alone. I have seen the devastating affect this has had and has seeped into the everyday life of those I support. Relationships are affected – there are huge trust issues. There’s always a threat of a knock at the door. They can’t be open and live authentically for a fear of the bullying. They can’t embrace who they are and live freely because they were once so brutally punished for it.”



Attempted suicide, suicidal thoughts

“I was in a very dark place. On top of that, the TA was everything to me. So now I had fears that I will be “shamed” and be rejected by my squadron and the guys that I would have done anything for. It would not have been honourable to commit suicide in the normal way. So would take extreme risk in the mountains. ie go away for a few days, climb some difficult mountains in the highlands, in winter, alone and not tell anyone where I was going. Break all the rules and was not that bothered if I died, in fact, secretly I was hoping this did happen.”

“My mental health has been a constant battle. I have had three attempted suicides and I suffered a period of psychological detachment requiring extensive psychiatric treatment.”

“The stress & trauma from the discharge, money worries were factors that all contributed to a suicide attempt around 2000. My therapist also believes that the discharge was the seed event which combined with a string or other losses over the years led to a period of substance abuse, which, with his help ended in 2019.”

“I have never taken any steps to end my life but I did think about it at this time.”

“Many times, I considered ending my life because even though I was not locked up, I am convinced that I would have been better off being locked up.”

“I was devastated, suicidal and a complete mess. I went back to my room and completely broke down, I felt completely alone and was told not to speak to anyone. I knew my career was over and I was completely devastated.”

“I came back to Bristol and tried to kill myself twice and was unsuccessful, the only reason I didn’t was I ran away from my old life and decided to not be gay or straight as I couldn’t be what I wanted to be and have a life. And yes I blame the way I was treated for this. I joined the army as a child and got no help or support as soon as I was found to be gay I was thrown away, I have the early years of my life wasted and nothing to show for it.”

“The whole process has left me traumatised and suffering from PTSD. I have been left with suicidal thoughts, and have not been employable, and therefore have had to work for myself having had in excess of forty different jobs. The whole experience has left me paranoid, and I still have nightmares about the time leading up to my discharge.”

“I was sacked effectively when I was outed. I ended up suicidal in an acute mental health unit without a Penny to my name, having been a Pte to Capt in 10 years.”

“In 1993 I could not take it any more, I am ashamed to say I tried to kill myself. This obviously was not successful but reinforced the rumour mill and resulted in having to sign a waiver under duress regarding absolving the RAF of any wrongdoing.”

“I was dismissed from the WRAC within a month or two of this interview and my service book record shows ‘service no longer required’ in other words kicked out. I had nowhere to go as I was not out to my parents at that time, and with no plan or money, as I had every intention of being a career soldier and serving for the full 22 years such was my love and pride of serving in the army and my career aspirations was to possibly achieve the rank of officer. instead of this I was just left to fend for myself with no support from the army. I can vividly recall that this was the lowest point in my life and I did for some time after think of ending my life such was the trauma and shame of what had happened to me.”

“Over my time in the Army I became more and more depressed and attempted suicide on multiple occasions until I was eventually discharged on ‘medical grounds’ in 1980. The MOD failed in its duty of care to me and contributed to my depression and subsequent medical discharge.”

“Shortly afterwards rumours started circulating about my sexuality, this had been leaked by a medic whom knew someone at RAF L[...] and had access to my file. This is when I attempted to commit suicide by cutting my wrists and consuming tablets (still have the scars today) and was taken to North Devon District Hospital where I had my stomach pumped and 11 stitches in my left wrist.”

“Within months of me coming out of the army I got in trouble with the law. My head was really screwed up at the time.

And I don't know how to explain how screwed up but imagine you had this all happened to you all in one day – you lost your house, you lost your job, you lost all your friends, you lost your community, you lost your social support structure around you, you lost your family all in one day. Now what would you do? Because it imploded on me and I used to drink a lot. And do drugs. And I tried ending my life 17 times. 17 times. And where was help? Because everytime I went to RBL, SSAFA, they'd turn their doors on me. It was only in 2015 they paid some rent for me.”



Effect on family relationships

“The Ban placed a huge strain on my family relationship.”

“[From a brother]: “I first learnt that my sister was gay when she picked me up at the airport as I was coming home for Christmas and she was forced to tell me because we were going back to her partner’s house, she had kept it secret from me for until this journey at the age of 25. She explained to me that she had kept it from me because it was illegal to be gay in the armed forces, I was shocked and completely baffled that in 1985 being gay was illegal. I asked if any of the family were aware of this, and of course they were not, she was only forced to tell me because of the situation where I would be staying. She mentioned that our father had at one point opened her private mail and discovered she was seeing a woman and threatened her that if it didn’t stop he would report her to the authorities. Once again I was shocked at my fathers’ reaction but he had been in the army all his life and was more loyal to the army than his children. My sister explained to me that I would have to keep this information secret and that I must not tell anyone to protect her. Thus transferring the responsibility of this secret on to my shoulders as well as having to keep the secret from my siblings. This then made it very difficult to communicate with any family members as the secret could not be let slip so made all conversation between family members constantly superficial! ... I think my sister has been damaged and hurt and so has our entire family.”

“I was forced to come out to my parents, I experienced abuse from my Dad I have been rejected by my Dad and Brother and I have no family, because of who I am.”

“I could not face telling my parents I had been kicked out and for what so lied about it for several years.”

“I have failed to get a copy of my military records, so have no idea what is held on file about all this. Psychologically I have suffered as I kept all this to myself in the initial years, the shame of telling family, especially as the military life goes back within our family for a great many years, is something I had learned to get on with.”

“I had to out myself to my family, before I had even truly come to terms with my sexuality. My mother was outwardly extremely supportive, as she hated injustice as much as I did, but she was never really comfortable with my sexuality.”

“I suffered depression, lack of confidence, a secretive nature regarding my service history. I kept it a secret from my wife for over 20 years.”

“I was not “out” so my family had no idea what was happening with me and what they thought was my forever career (I had been a sea cadet for many years, then an instructor, I waited several years extra at college before there was a recruitment opening for me and was intent on doing my full term of service, if not longer), when they found out I was no longer in the navy, it caused huge personal issues which resulted in me being estranged from my family for over a year.”

“I lost my job, my home, my friends and it took a toll on my family. I struggled to find work and believe my application to the prison service was adversely affected. I felt shame. ... My family wanted little to do with me and we were not reconciled for two years. I took menial unsatisfactory unfulfilling jobs for two years until I found nursing and a new purpose”

“I was taken to my parents house, I was stationed on the same base as my father and lived at home with them, by the military police (I asked them if I could tell my parents as I had not come out to them) When we arrived at my house it was evident that they had informed my parents. After searching my bedroom I was taken back to the guardroom. I was told by the investigator that my father did not want me back home so I would have to stay in the barracks ... My father was a Chief Technician at the time and I learnt many years later that he was told that he would not get any promotion within the RAF as he had a gay son.”

[From a child of a veteran] “[The Ban] stopped my dad getting the promotions he deserved. It was only because of being awarded the British Empire Medal for his exceptional work in Germany that he finally got promoted to Staff Sergeant. But he could never break the WO barrier. Such a shame that those who suspected him of being gay, and couldn't prove it, were the ones that stopped his promotions. Many questioned him on being a homosexual but because he was married with 2 children, this always stopped further action being taken. But he had to live a false life to do the job he loved. He would have been devastated had he been outed and dismissed from the army. He served 24 years and would have served longer if he could. It was only after he retired from the army that he

‘came out’ and could finally be himself. But the years of living a lie had consequences not only on my dad but on the whole family. The lies and unhappiness took their toll and still cause bitterness today... He was as devoted as you could get, having started his service in the Boy’s Army at 16. He considered the army his family. And because of his suspected sexual preference, he was never able to achieve or be the soldier he wanted to be...I hold his BEM medal with great pride... that someone saw him for the exemplary soldier that he was.”

“I was forced to tell my parents on the day the army dismissed me that I was gay and that I had 24hrs to vacate the barracks as I was being kicked out which came as a huge shock, my parents were separated and neither knew about me so I had to have 2 conversations which was deeply upsetting for us all and it split us up as a family, my dad told me he no longer wanted anything to do with me which broke me. I also didn’t have anywhere to go as I felt I couldn’t go home because of the impact it had on my family. I sofa surfed with friends for approx 6 months, felt really depressed, suicidal and unwanted and turned to drink and drugs. I moved around a lot in the years, couldn’t keep a job or a relationship as I felt so unsettled, even attempted suicide a few times.”

“Upon informing my family during a very distressing phone call, they disowned me, particularly my father and my sister who wouldn’t speak or have anything to do with me for over 25 years. The breakdown of my relationship with my father was particularly devastating as we had always had a very close relationship as during my childhood and early teens he would take me to all of my sporting activities and supported me with training, etc, as I competed in various local and national competitions in various sports, i.e. swimming, pentathlon and other athletic events. His last words to me were “get back to the gutters where you belong”. I saw my mother maybe once per year and spoke to her on an occasional phone calls. My sister also disowned me for over 25 years. I was left feeling that I’d let my family down, especially my dad who I looked up to. To this day I still struggle with the breakdown of my relationship with my family.”

“I had rung my mother and told I was being thrown out for being gay as having 3 brothers in the army and 2 years left to serve couldn't just declare I was packing it in. a couple of days my sister contacted me called me a pervert never to come near her children again and the whole family had disowned me mum and dad 2 sisters and 3 brothers and their children who I adored, I was devastated but said I can't change for you”

“The relentless focus on my sexuality and fear of investigation or worse had a profound impact on my mental health and my relationship with my then partner and with my family. My father disowned me as a result of the investigation – a RN Regulator contacted my parents to question them about my sexuality!”

“My relationship with my mother fell apart. I told her why I was leaving. She told me I was “Filthy & Disgusting” and became physically abusive. She was concerned about the shame I would bring on the family. I was not to tell anyone else.”

[From a brother]“This dismissal had a significant impact on his mental health. He was so embarrassed by his criminal record which left him feeling worthless and unable to confide in his family. This impact on his mental health created a distance between him and our family. When my brother became ill in the late 80s he had waited too long to let us know. He died having lost out on years of contact with the family due to his feelings of shame and depression.”

“On 4 April 1983, my wife left our home along with our two sons, in order to stay with her parents, as a result of the investigation against me and the intense scrutiny we were under as a family. She never returned and our marriage broke down.”



Homelessness, employment and financial difficulties

“I went back to London, had no idea what to do, how to work, what to tell people, or what to tell my family. I stopped working, sometimes imagining that the navy would come back and say I was welcome to come back. I ran up debts, and I lost a lot of self-respect. I couldn’t afford to stay in London, but going home to my mother was very difficult as she had no idea I was facing dismissal, or that I was gay. I spent several nights sleeping on the streets of London, including one I remember that was extremely cold in an alleyway off St Martin’s Lane where I wrapped myself in a roll of discarded office carpet. At no stage did the Royal Navy offer me any welfare or support, or direct me in the direction of somebody who could. ... I was left unsupported, borderline homeless, spent some nights on the street, and had to start again in a series of careers, until I found a chance to work and write as a researcher and freelance journalist.”

“I sofa surfed for a couple of more weeks with my money running out. I finally ended up homeless and sleeping on the streets. In November Edinburgh can be a very cold and lonely place. I tried to collect unemployment but was told that with no address I could not claim any benefits. This meant that I just continued being homeless and sleeping in shop doorways. ... I was homeless for six months and was only saved because I passed out from malnutrition and some very kind gay guys took me in. They nursed me for four days and whilst I slept and fed me and helped me to move on and get my life into some sort of order. I have suffered for over 30 years from my time in the R.A.F. My mental health has certainly suffered and it is now something that I try and not think about and keep in the back of my mind as much as possible. Nobody should have to be treated the way I was and I am just glad that the world has moved on and young recruits do not have to hide away.”

“In applying for jobs which I was qualified having been accepted for the job I was denied it because of my dismissal.”

I was made homeless [by my parents] as they couldn't afford to keep or accommodate me. I was put on the dole and sobbed in the job centre when asked why I had left. I was discriminated against by my future employers when I told them at interview why I left the Royal Navy. I experienced decades of undiagnosed depression, now clinically recognised and diagnosed, as PTSD. I could not settle into the workplace, and still can't, I had learned at a young age not to be myself and to hide, I hide from social events. I did not go to a community like I had in the Navy. I have spent 30 years being bounced from city to city, as I get a job, lose a job due to mental health and fear of being 'found out', or react to other discriminatory experiences which act as a memory trigger. I lose the job and then cannot get benefit to pay rent. I am 51 years old, I have lived in 6 cities in the last 5 years. I have no friends and despite having got into massive debt and done 2 degrees, I have not found a career I like, or want. The Royal Navy was all I ever wanted to do."

"At first when I was dismissed from the Navy I was homeless "living" in a park in Portsmouth. Then I lived in a grotty bedsit in Portsmouth for a short time and then in a cellar under a shop in the East End of London. After that it was a precarious constantly trying to find a sofa, floor, and if really lucky, a bed in someone else's flat. But I always found that the ones you got a proper bed from where always controlling and manipulative and made you scared that you would lose that bed if you did not comply with them."

"I lost potential future career progression within the only career I had ever wanted. I lost years of salary & pension growth. I had to completely retrain and start a new career path at least 10 years behind my peers as I sought to replace the career taken from me. I did not receive the usual resettlement training that would be due to a service person who left the service. I did not have access to the usual support networks that a veteran would expect to have to support their transition to the civilian world.... I had entered the RAF on a permanent commission and fully intended to see it to completion at my 38 year point and beyond if promotions qualified me to do so. To be discharged at 28 was a huge shock. I needed to find a new career and started Accountancy training gaining a CIMA qualification over the next 5 years. Obviously I was starting in this career some 10 years behind my peers and so was a junior finance assistant when someone my age who had gone directly into this career could expect to be a senior finance manager. Salary reduction was significant, dropping to around 25% of the salary I was on as a Flight Lieutenant. I was in significant debt for some time after my discharge."

“When the MOD became aware of my gender issues I was interviewed by the Regulating branch (taped) and I was made to feel like a major criminal. They sent me the psychiatric department to group therapy but was told not to talk about my gender issues. I was told that it would be kept confidential but it was mentioned within my hearing on at least a weekly basis. Then I was discharged SHORE after 4 months under a Confidential DCI that I was never allowed to view. I asked about staying in the RN and I was told no chance. Because of how I was treated it took me 5 years before I managed to get back into work.”

“My ejection from the Army made me homeless. My mother dis-owned me for ‘bringing shame on the family’ and I ended up living in a car on the streets of C[...] with an unhealthy relationship with alcohol until I got myself back together. It took years.”



**The Canadian
LGBT ‘Purge’
Class Action
Final Settlement
Agreement**

I describe at this point, as a prelude to my recommendations for restitution, recognition and just satisfaction for those who suffered from the Ban, the Canadian LGBT 'Purge' Final Settlement Agreement (FSA). This is because the FSA provides a very useful comparator and precedent in respect of remedial action.

The FSA was a court approved settlement of a class action commenced in 2017 against the Canadian Government in respect of those members of the Canadian Armed Forces (CAF), the Royal Canadian Mounted Police (RCMP) and employees of the Federal Public Service (FPS) who had been subject to anti-LGBT government policies and actions. Those actions included identifying, investigating, sanctioning, and in some cases discharging LGBT members of the CAF or the RCMP from the military or police service, or terminating the employment of LGBT employees of the FPS, on the grounds that they were unsuitable for service or employment because of their sexual orientation, gender identity or gender expression. The FSA described this as the 'LGBT Purge'.

I am very grateful to the Board of Directors of the LGBT Purge Fund for their assistance on this part of my Report.

The Canadian LGBT Class Action in effect replaced three separate class actions commenced in different Canadian courts in 2016.

The plaintiffs, who were all former members of the CAF, claimed on their own behalf and on behalf of class members who had suffered harm as a result of the officially sanctioned policies of the CAF, the RCMP and the core departments and agencies of the FPS that targeted members and employees of those organisations who identified as LGBT.

The FSA recited that its objects were:

- 1.** to provide recognition of the harm suffered by, and a meaningful personal apology to, class members who faced a threat of sanction or were more directly affected by Canada's policies while serving in the CAF, the RCMP or while employed in the FPS
- 2.** to provide compensation to those who suffered direct negative effects of the application of the officially sanctioned policies
- 3.** to provide funding for individual and collective Reconciliation and Memorialisation Measures that would record and memorialise those historic events in order to educate and prevent future discrimination

As to Reconciliation and Memorialisation measures, the FSA provided for the following:

1. the curation of a core and/or travelling museum exhibition by the Canadian Museum for Human Rights to be based, in part, on the collection of stories and oral histories of class members
2. the creation of a national monument, to be located in the National Capital Region, and accompanying interpretation package to memorialise the historical discrimination against LGBTQ Canadians, including with respect to the LGBT Purge

The FSA further provided for the possibility of a number of other projects, to be determined by a Reconciliation and Memorialisation Measures Panel, such as academic endowments, funding for local community organisations, additional archive projects – including those undertaken by the Canadian Lesbian and Gay Archives or Archives Gaies du Quebec, scholarships, fellowships or research funding, and a Telefilm documentary project.

Canada agreed to make accessible non-personal, historical policy records related to the LGBT Purge.

The FSA provided for the following non-financial individual reconciliation and recognition measures for which an individual member of the class could apply:

1. the creation of an award to be called the Canada Pride Citation
2. a personal letter of apology
3. access to individual records
4. a notation to be included in those individual records

The personal representative or heir-at-law of a deceased class member or an individual who would have been a class member but for the fact that they were not alive as of 31 October 2016 was entitled to apply for the Canada Pride Citation and/or personal apology on the deceased's behalf. A class member's or individual's spouse or the individual who, at the time of the class member's or individual's death, was cohabiting with the class member or the individual in a conjugal relationship, having so cohabited for a period of at least one year, was to be equally entitled to obtain the Canada Pride Citation and/or personal apology, on the deceased's behalf.

Awards of the Canada Pride Citation were to be made by a Certificate of Award signed by the Chief of the Defence Staff, the Commissioner of the RCMP, or the Clerk of the Privy Council as appropriate.

The Canada Pride Citation was to be composed of a certificate of award, a lapel pin, and an insignia. The certificate was to be inscribed with the recipient's full name and, if applicable, their current rank or rank held upon release and to contain the signature of the Chief of the Defence Staff, the Commissioner of the RCMP, or the Clerk of the Privy Council. There were provisions in the FSA as to the design of the insignia and when and how the insignia was to be worn, including when any orders, decorations, and medals were also being worn. There were similar provisions as to the design of the lapel pin and when and how it was to be worn. There were also provisions as to presentation ceremonies for the receipt by an applicant of the Canada Pride Citation. Images of the lapel pin and insignia are to be found in Annex 7.

Canada was to set up a process to facilitate class members' access to their own military service/personnel records and military medical files, subject to all applicable legislation.

Any living class member who was sanctioned, had resigned or was discharged, released or terminated as a result of Canadian Forces Administrative Order 19-20 or Cabinet Directive 29 or Cabinet Directive 35, was entitled have added to their personnel file or service record, where such record still existed, a notation in the form specified in the FSA.

As to financial compensation, in very broad and simplified terms, the Canadian government was to provide not less than Can \$50 million, and up to Can \$110 million, for compensation to individual eligible class members. They comprised all current or former members of the CAF, current or former members of the RCMP, and current or former employees of the FPS, who were alive as of 31 October 2016 and who faced the threat of sanction, were investigated, were sanctioned, or who were discharged or released from the CAF or RCMP or whose employment by the FPS was terminated, or who resigned from the FPS, in connection with the LGBT Purge, by reason of their sexual orientation, gender identity, or gender expression between 1 December 1955 and 20 June 1996. No compensation was payable to those who faced the threat of sanction but did not in fact experience investigation, sanction, discharge, release, termination or resignation on account of the LGBT Purge.

The amount of compensation was to be by reference to a 'compensation grid', as follows:

- 1.** 1. Investigation and/or sanction – Level 1 Can \$5,000; or
- 2.** 2. Investigation and/or sanction – Level 2 Can \$20,000
- 3.** 3. Discharge or termination Can \$50,000

Plus, if applicable, one of:

1. 4A. Exceptional harm (not including exceptional harm arising from physical and/or sexual assault) – up to Can \$50,000
2. 4B. Exceptional harm arising from physical and/or sexual assault – up to Can \$100,000

The amount of compensation payable under Level 4A or 4B was to be determined by the Assessor (in the event, a Federal Judge) to a maximum of an additional Can \$50,000 for Level 4A, or to a maximum of an additional Can \$100,000 for Level 4B. Subject to augmentation in certain circumstances, the total compensation received by a class member was not to exceed Can \$100,000 (Level 1 or 2 or 3 plus Level 4A) or Can \$150,000 (Level 1 or 2 or 3 plus Level 4B).

All class members eligible for compensation were to be paid Can \$5,000 by way of an initial payment as soon as reasonably practicable following verification that they qualified for compensation in one of Levels 1, 2, or 3.

The FSA provided for compensation to be paid to the estate of an eligible class member who died after 31 October 2016 but not to any class member who died before that date.

The FSA contained provisions addressing the situation where a class member had already received a payment of damages pursuant to a judgement or award in civil or administrative proceedings or a compromise of civil or administrative proceedings in respect of the LGBT Purge.

A close-up photograph of a hand holding a military medal and ribbon. The medal is circular and features a profile of a figure, possibly a deity or historical figure, with the word "MEDITIA" visible. The ribbon is blue and white, with the words "MEDITIA" and "MEDITIA" visible on the ribbon. The background is a solid green color.

Restitution, recognition and just satisfaction

(other than financial compensation) for all LGBT veterans who served at any time between 1967 and 2000, who were or would have been recognised as having served with good conduct had the Ban not been in force.

The following matters of restitution, recognition and just satisfaction must be achieved in the simplest possible way. I set out below an appropriate procedure for doing so. I appreciate that my Terms of Reference require me to focus on outcomes rather than implementation but this must be qualified in two respects. Firstly, the Terms of Reference do require that “consideration [be] given to implementation”. It is clear, therefore, that I am to consider implementation where appropriate. Secondly, in many cases it is not practically possible to distinguish between outcome and implementation. Where an outcome is only practically achievable by implementation in a particular way, the two cannot be divorced. By way of example, there are already in existence policies and processes in relation to the giving of the Armed Forces Veterans’ Badge, the restoration of medals and the awarding of campaign and other medals to which a dismissed or discharged veteran was entitled but never given. It is not surprising to anyone who has read the responses to the Call for Evidence in this Review that those processes and policies have been utilised by only a handful of the veterans who served under the Ban and were dismissed or discharged pursuant to its implementation. They involve too much time and complexity for the affected veterans, bearing in mind the veterans’ feelings of alienation from the armed forces and the veterans’ community, their bitterness and anger about their treatment and their hostility to the MoD. This review presents a one-off opportunity to make such restitution and restoration simpler, and that is why I describe how that might be achieved.

Apology

In 2020 Johnny Mercer MP, the then Minister for Defence People and Veterans, apologised for the Ban, saying: “It was unacceptable then and it is unacceptable now...and I wanted to personally apologise to you today for those experiences.”

There is almost universal agreement among those LGBT veterans who replied to the Call for Evidence that there should be a more formal apology for the Ban. There were differences of view about who should give the apology.

There are examples of apologies given in respect of a similar Ban.

Apologies have been given for pre-1991 treatment of LGBT people in MI5 and MI6.

The Right Honourable Justin Trudeau, Prime Minister of Canada, delivered a formal apology for LGBT Purge policies and actions to all members of the Canadian LGBT community in Parliament on 28 November 2017. The apology was reduced to writing and formed part of the Purge Final Settlement Agreement. A copy is contained in Annex 8.

Following that precedent, I **recommend** (R1) that the Prime Minister should deliver an apology in the UK Parliament on behalf of the nation to all those LGBT service personnel who served under and suffered from the Ban (whether or not they were dismissed or discharged). This is also consistent with the fact that it was the Prime Minister John Major who announced in 1991 that the policy barring homosexuals from posts in the diplomatic service and the security services was abolished. The apology delivered by the Prime Minister in the House of Commons should be repeated in the House of Lords.

I **recommend** (R2) that there should also be individual letters of apology from the head of each of the services to LGBT veterans who served under and suffered from the Ban and who apply for restitution. There is a feeling among some that the apology should include reference to the harm suffered as a result of the abhorrent medical treatment, including conversion therapy, that I have mentioned.

Restoration of status and medals and grant of medals and other entitlement

I **recommend** the following:

(R3) Commission and rank should be retrospectively restored to what it was immediately before dismissal or discharge where there was a demotion in consequence of dismissal or discharge pursuant to the Ban. This recommendation is not directed at the ability of officers of certain ranks to continue to use their rank after retirement. It is a step in the restoration of dignity and feeling of self-worth to all those, whatever their rank, who suffered demotion on dismissal or discharge. In the case of an administrative discharge, this can presumably be achieved by means of an appropriate provision in the King's Regulations. There were no court-martial convictions, but only administrative discharges from 1992. In the case of a dismissal following a conviction at a court-martial, restoration of rank and commission can be achieved once the conviction has become a disregarded conviction in accordance with Chapter 4 of Part 5 of the Protection of Freedoms Act 2012. This is because section 96(1) of the 2012 Act provides that, in the case of a person with a disregarded conviction, the person is to be treated for all purposes in law as if they had not been sentenced for the offence; and section 101 provides that 'sentence' includes any punishment. Punishment under the relevant rules and service disciplinary statutes includes a reduction in seniority and rank.

(R4) The Armed Forces Veterans' Badge should be given.

(R5) Medals that were required to be handed back on dismissal or discharge should be restored.

(R6) Campaign and other medals to which an LGBT service person was entitled but which were withheld during and following investigation and discharge should be awarded.

(R7) The wearing of uniforms (especially berets) by LGBT veterans and the use of military ranks should (where otherwise permitted to veterans) be formally reinstated. Where berets were taken away, they should be replaced.

(R8) Where officers were struck from Service Retired Lists merely for being LGBT, they should be reinstated where appropriate.

(R9) Veterans dismissed or discharged because of the Ban should be issued with a Veteran's ID card when such cards are made available to pre-2018 veterans. They should be able to claim from relevant providers all discounts and benefits to which a veteran with a good service record is entitled. They should also have all the benefits to which veterans are expressly entitled under the Armed Forces Covenant, such as appropriate education and training, to which they would have been entitled if they had not been dismissed or discharged.

Veteran's badge for those who served under the Ban

I **recommend** (R10) that there should be designed and granted as soon as possible a special veterans' badge for all those who served at the time of the Ban. As this is not a medal, there should be no difficulty in its authorisation.

Some of those who replied to the Call for Evidence have said that there should be a medal for those LGBT veterans who served under, and suffered from, the Ban. The difficulty with that suggestion is that any decision on a new medal is likely to be controversial and would certainly take a long time. It would also be likely to be divisive. As I have said earlier, many of the veterans who are the subject of this Review are elderly. One who replied to the Call for Evidence is 79 years of age. Many are not in good health. A major consideration, therefore, is that my recommendations are capable of speedy acceptance and implementation. Whereas this is achievable in the case of a special veterans' badge for veterans who served at the time of the Ban, it is not achievable in the case of a new medal.

The design of the badge is ultimately a matter for MoD. The MoD may wish to consider, however, setting up a small design group with representatives of the MoD, the OVA and any other persons the government considers appropriate, but including one or more persons representing the veterans who served under and suffered from the Ban and are the subject of this Review. Again, this is an example of a case where, in my view, outcome and implementation are difficult to separate as the desire of a veteran to wear such a badge, and pride in wearing it, are inevitably related to some extent to the involvement in its production and design of those who have a shared experience of serving under the Ban.

Procedure for making the restitution and restoration described

A number of those who gave statements to the Review considered that it is for the MoD to take the initiative in communicating with individual veterans regarding an apology and the other matters for restitution that I have mentioned. While I understand why that has been proposed, the fact is that this would present practical difficulties as the MoD's records are incomplete, and contact details are likely in many cases to be out of date or simply non-existent after so many years since many of the affected veterans ceased to be members of the armed forces. It would be simpler and quicker for those veterans who wish to receive the apology, restoration and restitution I have mentioned to apply for them. I **recommend** (R11), therefore, that, if and insofar as my recommendations are accepted by the government, any veteran seeking an individual apology or other restitution should apply to the MoD, and any such application should be made within 24 months of the government publishing its acceptance of my recommendations and communicating the method of application. I **recommend** (R12) that, in the case of a deceased veteran, application may be made by the veteran's next of kin in line with existing MoD policy.

The application process is ultimately a matter for the government to decide but, for the reasons I have already given and will be apparent to anyone who has read a substantial number of the responses to the Call for Evidence, the offer of apology, restoration and restitution will be unsuccessful and will not achieve closure unless the application is as simple and straightforward as possible and combines at one and the same time the ability to apply for all the heads of restitution, restoration and just satisfaction I have mentioned. Any process which requires multiple applications by different documents and different procedures will, in my view, simply be shunned by many veterans and be regarded as displaying a lack of genuine intent on the part of the government. Here again, outcome and implementation are inextricably linked.

For the same reasons, in the interests of both simplicity and sensitivity, the MoD should permit (if the veteran wishes) the veteran's statement in response to the Call for Evidence to be used as the evidence that any dismissal or discharge was solely due to alleged homosexual orientation or consensual same sex activity. Many of the statements have emphasised how difficult and emotionally challenging it has been to tell their story, and the Review is aware that many veterans simply

found it too traumatic to subject themselves to recalling what took place. It would be counter-productive to subject affected veterans to a requirement to provide yet again details of their dismissal, discharge and other relevant experience while serving.

In view of the way that the reasons for discharge pursuant to the Ban were described in dismissal papers (such as ‘Services no longer required’) and the destruction of the investigation records which I have described earlier, it is possible that there may be disputes of fact as to whether there were any grounds other than the Ban that were or could have been relied upon for dismissal or discharge. It should be for the MoD, whose actions caused the investigation records to be destroyed, to establish that there were. I describe later in this chapter how any disputes of fact could be determined in an objective and transparent way, and make any application for judicial review less likely.

I **recommend** (R13) that the MoD, working with appropriate partners, should develop and implement a plan of action to encourage affected veterans (or, in the case of deceased veteran, their next of kin) to apply for restoration and restitution (including individual letters of apology).

I **recommend** (R14) that restoration and restitution should be accompanied by a written reproduction of the Prime Minister’s apology in Parliament and by a letter of apology from the relevant service chief. I **recommend** (R15) that each service should arrange for one or more ceremonies for restoration and restitution to be made or acknowledged unless the veteran expresses a wish for such restoration and restitution to be conducted privately.

In the case of transgender veterans, their current names and pronouns should be used whenever a veteran’s name is used in connection with restitution.

Clarification of pension rights

I **recommend** (R16) that the MoD should use the Review and the publication of this Report as an opportunity to invite LGBT veterans who were dismissed or discharged pursuant to the Ban to seek clarification as to their entitlement to a service pension where the veteran has not received any pension but believes they were entitled to one.

Positive vetting

LGBT service personnel who served under the Ban will not have disclosed their homosexuality during security vetting. This has given rise to a concern on the part of some of them that, even though they are no longer members of the armed forces, action may be taken against them for not telling the truth. I have been informed that, in some cases, this is the reason why, even after the Ban was lifted, some personnel continued to hide their sexual orientation.

In response to raising this issue with the MoD, the following reassurance has been given in a letter to the Review team dated 29 March 2023:

“The Ministry of Defence do not intend to take any remedial action against personnel impacted by the historical policy on homosexuality in the armed forces on the basis that they did not disclose their homosexuality in their security vetting.”

Memorialisation

Memorialisation was an important part of the Canadian Purge class action FSA. A minimum of Can \$20 million was allocated for that purpose.

I **recommend** (R17) that there should be a public memorial at the National Memorial Arboretum to all LGBT people who have served and continue to serve in the military, possibly including a specific reference to those who suffered the consequences of the Ban on serving homosexuals prior to January 2000. The unveiling or dedication should be at a ceremony to which are invited, among others, all LGBT veterans who served under, and suffered from, the Ban. I **recommend** (R18) that the design of the memorial should be a work of collaboration by appropriate organisations, but certainly including one or more of those which have the support and respect of veterans who served under, and suffered from, the Ban and are the subject of this Review.

I **recommend** (R19) that the government should pay for such a memorial as the Ban, which caused such considerable suffering of affected veterans, was MoD policy.

I **recommend** (R20) that the MoD and the OVA should on their own or with others, including those organisations who have the support and respect of veterans who served under, and suffered

from, the Ban and are the subject of this Review, suggest to one or more appropriate museums, such as the Imperial War Museum and the Queer Museum, that they should have a permanent exhibition devoted to the service of LGBT personnel in the UK's armed forces, with a particular emphasis on the Ban on homosexuals and those perceived to be homosexuals.

Engagement with Military Services

The permission granted by Royal British Legion (RBL) authorising LGBT veterans who served during the Ban to participate in the annual Remembrance Day Cenotaph Parade has been very much appreciated by the affected veterans. For many, it was the first time since they were dismissed or discharged or resigned that they have truly felt like veterans who have given proud service. It is to be hoped that such permission and the right to lay a wreath will continue.

I **recommend** (R21) that effective outreach programmes and other programmes of positive action should be formulated and implemented to encourage LGBT veterans who served under, and suffered from, the Ban to attend service events, whether they be on a national scale, such as Armed Forces Day, Air Force Day and RAF anniversary and milestone events, or more localised, such as Army Regimental events, Naval ship association events, and RAF events at base stations.

I also **recommend** (R22) that effective programmes should be devised by the individual services, working with other organisations they consider appropriate to encourage contact between the veterans who served under, and suffered from, the Ban and current services' LGBT networks, such as the Royal Navy LGBT network and the Royal Navy Association, the Royal Navy Compass Network, the Association of Wrens, the RAF Galaxy Alumni Network/Portal (which enables the RAF to maintain a connection with RAF veterans), and Army Regimental Associations undertaking outreach work with veterans, including LGBT veterans.

There are about eight LGBT networks across the services, which work together, including a MoD 'head office' network. The LGBT networks are currently being carried out within the three services on a voluntary basis by serving military personnel outside their ordinary working hours. I **recommend** (R23) that the funding of service LGBT networks by the MoD should continue, with further efforts made, supported by the Central Diversity and Inclusion Team and Network

Coordinators, to encourage engagement of the LGBT networks at the strategic, operational and tactical level, and to develop mutual relationships, connect the MoD with society and break down barriers.

I **recommend** (R24) that arrangements should be made or enhanced for LGBT veterans, including those who served under, and suffered from, the Ban, to march at Pride events with other veterans and with current LGBT service personnel.

Disregards, pardons, alteration of records

There are statutory provisions governing the disregard of, and pardon for, cautions and convictions for same sex sexual acts. They are complex, not least because some of them mix together civilian and military convictions. A full legal analysis is contained in Annex 9.

For present purposes, it is sufficient to say the following.

The Protection of Freedoms Act 2012 is applicable to all convictions for buggery or gross indecency resulting from service disciplinary proceedings. Application can be made to the Home Office for the conviction to become disregarded, provided, among other things, the other person consented to the conduct and was over the age of 16 and the conduct would not constitute the offence of sexual activity in a public lavatory. Details of the disregarded conviction must be deleted from relevant official records, and the person with the disregard conviction is to be treated in law as if they had not committed the offence or been charged with, or prosecuted for, the offence or convicted or sentenced for the offence or been cautioned. A person whose conviction has become disregarded is pardoned under the provisions of the Police and Crime Act 2017. A person who died before the relevant provisions of the Police and Crime Act 2017 came into force is also pardoned, subject to the same conditions.

Similar provisions also apply to Northern Ireland and Scotland, although under Scots law a person can obtain a pardon without first obtaining a disregard.

Those statutory disregards and pardon provisions are limited to the offences of buggery, gross indecency and corresponding earlier offences; and none applies to the specific service disciplinary offences of disgraceful conduct (Army Act 1955 section 66, Air Forces Act 1955 section 66, and Naval Discipline Act 1957 section 37),

scandalous conduct of an officer (Army Act 1955 section 64, Air Force Act 1955 section 64, Naval Discipline Act 1957 section 36) or acting to the prejudice of good order and military discipline (Army Act 1955 section 69, Air Force Act 1955, Naval Discipline Act 1957 section 39).

Those limitations will be rectified by sections 194 and 195 in Part 12 of the Police, Crime, Sentencing and Courts Act 2022 which are not currently in force at the time of writing this Report. They will extend the disregard and pardon provisions to any physical or affectionate activity which is of a type characteristic of people involved in an intimate same sex personal relationship and any conduct intended to lead to a sexual activity that would not now constitute an offence. If those statutory provisions have not been brought into force by the date of publication of this Report, I **recommend** (R25) that they are brought into force as a matter of urgency.

It is important to note that there are no statutory provisions, currently existing or waiting to be brought into force, for nullifying or qualifying a past administrative discharge under the Queen's (now King's) Regulations for same sex sexual acts or gay, lesbian or bisexual orientation. The MoD considers that this can be achieved under the King's Regulations and without the need for legislation. If the MoD is correct, then I **recommend** (R26) that the relevant discharge papers be endorsed with a statement that the discharge "was pursuant to a policy subsequently held by the European Court of Human Rights to be unlawful". If it should become apparent that this can only be achieved by legislation, then the government may wish to consider the suggested wording in Annex 10, in respect of which I am especially grateful for the assistance of Professor Paul Johnson. That would enable an application to be made to endorse service records relating to such a discharge with the statement that "the discharge was pursuant to a policy subsequently held by the European Court of Human Right to be unlawful". Under that draft legislation the application can be made not only by a veteran who has been administratively discharged but also, on behalf of a deceased veteran, by a "person with a sufficient interest", as defined. The effect of such an endorsement, whether achieved under amended King's Regulations or by statute, would be to explain why an apparently dishonourable discharge (for example, 'Services no longer required') was unjust and unfair.

I **recommend** (R27) that, where a dismissal or discharge is disregarded, pardoned or qualified as unlawful, any red book or its equivalent, with corner cut, be replaced with new appropriately worded discharge papers given to the veteran.

Power to recommend a financial award

Power of the reviewer to recommend payment of a financial award to LGBT veterans who are the subject of the Review, as part of the overall arrangements to address the wrongfulness of the Ban acknowledged by the government, is not separately identified in the Terms of Reference as one of the purposes or objectives of the Review or as something on which the reviewer must comment within the scope of the Review. There can be no doubt, however, that it is something that the reviewer has power to do.

The document containing the Terms of Reference is one of a suite of three documents attached to the letter dated 20 April 2022 from Leo Docherty MP, Parliamentary Under-Secretary of State for Defence People and Veterans, inviting me to chair the Review.

Clause 4 of the Terms of Reference, under the heading ‘Objectives’, stated that the Review was to make evidence-based recommendations as to how the government can meet its commitment in the Veterans’ Strategy to ensure the service of every veteran is understood and valued, in relation to the LGBT veterans’ community; and that any recommendation should be proportionate, with consideration being given to implementation.

Clause 6 of the Terms of Reference, under the heading ‘Scope’, said that the Review should comment on the range of potential impacts that the Ban may have had on those affected, **including but not limited to** consequences for future relationships, employability or **financial position** (emphasis added).

So far as concerns any financial recommendation for the purposes of, for example, clause 4 and clause 6, clause 10 of the Terms of Reference said that it would be ‘Out of scope’ to “recommend changes to existing financial routes, or recommend new compensation schemes, **that are unconstrained or duplicative of existing processes for redress**” (emphasis added). The clear implication is that, subject to those restrictions, financial compensation falls within both the objectives of the Review and its scope. Were that not the case, the wording I have underlined for emphasis would be unnecessary.

The ability of the reviewer to make a recommendation for a financial award, including for loss of pension entitlement, was acknowledged by Baroness Goldie, Minister of State for the MoD,

on 17 October 2022 in answer to a question by Lord Lexden in the House of Lords and a supplementary question by Lord Cashman. Lord Lexden's questions was:

“To ask His Majesty’s Government what plans they have to restore the pension rights of LGBT veterans who were discharged or dismissed as a result of the pre-2000 ban on homosexuality in the armed forces.”

In answer to Lord Lexden, Baroness Goldie said:

“At the heart of the review by... Lord Etherton, is consideration of the impact of the policy observed by the armed forces between 1967 and 2000 on armed forces personnel who were dismissed on the grounds of sexuality... Lord Etherton, is ideally placed to carry out this review. We look forward to his conclusion and recommendations, which we will consider very carefully.”

In answer to Lord Cashman's supplementary question Baroness Goldie said:

“It is within the scope of the inquiry by ... Lord Etherton, to look at all the impacts on personnel who were dismissed. They may include social, family and financial impacts. That is why it is very important that we let the noble and learned Lord conduct his inquiry and then observe his recommendations.”

Recommendations for a financial award

I now turn to the issues of principle raised by consideration of a financial award for those who served under the Ban between 1967 and 2000, and who suffered as a result of it.

The first issue is whether a financial award should be made at all. Save possibly in the case where there has been a recent diagnosis of PTSD caused by the operation of the Ban, it is now too late to bring legal proceedings against the MoD. On the other hand, many veterans who have responded to the Call for Evidence say that they were unaware that a financial award was available in the past. When the lead Perkins Employment Tribunal case was finally dismissed, a number of veterans who had conducted Employment Tribunal cases without legal representation acceded to the request of the Treasury Solicitor's department to withdraw their cases and, in consequence, appear to have been under the impression that they had no claim to

compensation on any ground. It would be unreasonable to expect all the veterans who suffered from the Ban from 1967 onwards to have engaged a lawyer. The government did not, following the success of the **Lustig-Prean, Beckett, Smith and Grady** cases before the European Court of Human Rights, set up a compensation scheme, whose existence was widely publicised to relevant veterans. I consider that this failure was a breach of the ethical duties of the government of fair treatment and respect enshrined in the 2000 Military Covenant, and subsequently enshrined in the Armed Forces Covenant. For that reason, I **recommend** (R28) that an appropriate financial award should be made to affected veterans notwithstanding the expiry of litigation time limits.

I now turn to other issues relevant to a financial payment scheme, such as who should be entitled to payment and how much they should receive. A critical matter colours what follows on these topics. It has been suggested that my Terms of Reference preclude me from making detailed proposals on the terms of any financial payment scheme. That relies on the provision in my Terms of Reference, to which I have previously referred and which states that:

“Recommendations should focus on the desired outcome, leaving flexibility for the government on how to achieve that via policy or process change”.

I consider that it is debatable whether that provision is intended to apply to the operation of a scheme for financial payments, the creation of which I certainly do have authority to recommend.

At the end of the day, I do not consider it is fruitful to hold up acceptance of this Report by the MoD and the OVA by a disagreement as to whether I can make formal recommendations on the terms of the financial payment scheme I have recommended. Many of the veterans who suffered from the Ban are elderly, in poor mental and physical health, and in financial need. They have already waited for a minimum of 23 years for justice and restitution. Any further delay can only be to their detriment.

In the circumstances I have little option but to leave it to the government to decide on essential features of the scheme, such as who can apply and how much they should receive. I do, however, consider that it is within my remit to draw the attention of the government to relevant information which has been gathered in the course of conducting the Review and that the government should undoubtedly take into account when formulating the essential terms of the financial arrangements.

It is plain that those entitled to apply should include all those who were in fact dismissed or administratively discharged pursuant to the Ban for their homosexual orientation (actual or perceived) or consensual same sex activity with a person over 16 otherwise than in a public lavatory, whatever the wording on their discharge papers, unless they were not of good conduct and could have been dismissed or discharged on other grounds.

The government will have to decide in principle whether eligible claimants for a financial award should additionally include those of good conduct who felt compelled, as a result of the Ban, to resign or buy out their contract or not extend their contract. This is not a homogeneous group.

Some were investigated by the SIB and that experience played a significant part in their decision to leave the armed forces. Others, who were not investigated by the SIB, felt that they could no longer bear the homophobia and the need every day to hide their sexuality, with some resorting to having an intimate relationship with a person of the opposite sex and even marrying to bolster the image that they were heterosexual. Others left voluntarily because they were warned by command or others that, if they did not do so, they would be investigated and face dismissal or discharge. The government will have to decide whether it is practical or fair to make a distinction between those different categories of veterans in terms of which suffered the most and should be entitled to a financial award.

As is shown by the quotations from the statements of these veterans, veterans within each of those sub-categories suffered mentally and emotionally from their experience. It is also clear that they feel that their experience when serving in the armed forces and the toll it has taken on their subsequent lives give them a strong case for a financial award.

Apart from the overriding constraints of my Terms of Reference, one important reason for leaving it to the government to decide (possibly after appropriate consultation) on the eligibility of these veterans for any financial payment arrangements is that, in contrast to those who were dismissed or discharged pursuant to the Ban, there is no legal or factual precedent giving guidance on either eligibility or amount. The **Lustig-Prean**, **Beckett**, **Smith** and **Grady** cases only concerned those who were administratively discharged.

While the absence of such a precedent need not prevent a fair solution being devised, there are issues of policy and practicality in extending any financial award scheme to those veterans who felt compelled to leave because of the impact of the Ban on their lives but who were not dismissed or discharged. In principle, however, if a veteran can show that they left the armed forces earlier than they

would have done, but for the Ban, and that there is a clear connection between the existence of the Ban and subsequent mental ill health or other adverse life consequences, it would be consistent with the purpose of the Review to acknowledge those matters with a financial payment. It is important that any such arrangements do not slow down payment to those who were dismissed or discharged, including any payment on account, but I am not aware of any cogent reason why that cannot be achieved.

The government will also have to decide whether veterans who have previously been awarded compensation by any court for the Ban, and its application to them, should nevertheless be entitled to make a further financial claim now, but with a deduction of the amount previously awarded to them. The same applies to those veterans who have previously been paid compensation pursuant to an individually negotiated settlement agreement with the government. Research on behalf of the MoD indicates that such payments ranged from £8,991 to £169,748. Six of those payments were awarded in successful court cases and 87 were paid pursuant to a settlement agreement. Many of those who responded to the Call for Evidence and who previously received such compensation feel quite bitter about the manner in which they perceive the Treasury Solicitor's department wore them down, sometimes over a period of years, resulting in the payment of far less than they perceive would have been appropriate and reasonable. There can be no doubt that it would be distressing for some veterans in this group to see others receiving what might be a substantial financial award when they only received a lesser amount through the courts or a negotiated agreement with the Treasury Solicitor.

I turn to the issue of the calculation of the amounts to be paid under the arrangements for a financial payment that I am proposing. What follows is directed specifically at the category of veterans who were dismissed or discharged because of the Ban. I make no observations on the amount of any payment to those veterans who left because of the Ban but were not dismissed or discharged except to say that the same general principles or approach might be followed by way of analogy.

In the Canadian Purge FSA, the Canadian Government agreed to make available up to \$110 million for eligible members of the litigation class, and compensation was to be paid by reference to a grid.

There are a number of reasons why the Canadian compensation arrangements are not entirely appropriate in the case of the financial award scheme that I am presently recommending. Firstly, the Canadian arrangements, embodied in the Canadian Purge FSA, were negotiated with the Canadian Government in the course of, and to compromise, ongoing class litigation. Secondly, the maximum

amount made available for compensation under the Canadian Purge FSA was for a far greater class of persons than just military veterans and was calculated on the basis of guesswork as to how many might claim compensation. In the event, the Review was told that far fewer applied and far less was awarded in compensation than had been anticipated. The overwhelming majority of claimants were veterans. Thirdly, the compensation grid takes no account of lower civilian employment pay or the loss of pension rights. The replies to the Call for Evidence show that those are matters of great concern to the veterans who are the subject of this Review, many of whom are in considerable financial difficulties in large part due to the mental ill health and other adverse consequences of the way they were investigated and dismissed or discharged.

Unlike the position in Canada, the UK has the benefit of court judgments which are directly in point in relation to arrangements for financial payments for those veterans who served at the time of, and suffered from, the Ban and were discharged because of it. Those judgments are by the European Court of Human Rights in the calculation of 'just satisfaction' under Article 41 of the ECHR in the **Lustig-Prean, Beckett, Smith and Grady** cases, which I have described in greater detail in Annex 5.

There has been a suggestion that the government is not bound to make payments in line with the judgments in those cases as a precedent as the effect of Article 46(1) of the ECHR means that the orders for payment only apply to those specific cases.

That observation substantially underplays the significance of the **Lustig-Prean, Beckett, Smith and Grady** cases in two important respects.

In the first place, the unlawfulness of the Ban under the ECHR and the right to just satisfaction or compensation in respect of it were what those cases were all about. From a non-legal, but common sense, perspective those cases were addressing exactly the same issues that I am now addressing.

In the second place, when the Human Rights Act 1998 came into force on 2 October 2000 the ECHR became incorporated into UK law. Section 2(1) of the Human Rights Act requires any UK court determining a question which has arisen in connection with a convention right to take into account any judgment of the European Court of Human Rights. As a result of that statutory provision, there can be no doubt that, as from 2 October 2000, a UK court would have followed the reasoning and decisions in the **Lustig-Prean, Beckett, Smith and Grady** cases.

The approach of the court in those cases to the calculation of financial just satisfaction is, therefore, relevant and instructive when considering how much should be paid to those who were dismissed or discharged because of the Ban.

1. Under the approach of the European Court of Human Rights financial ‘just satisfaction’ fell into two parts: (a) non-pecuniary loss and damage, and (b) pecuniary loss and damage.
2. The ‘non pecuniary’ loss and damage, was for the intrusive and offensive investigation and then dismissal or discharge, with consequent psychological and emotional impact such as I have described. In respect of this element of loss and damage, the same sum was awarded by the European Court of Human Rights to each of the applicants in the **Lustig-Prean, Beckett, Smith and Grady** cases, namely £19,000. If that sum was increased by RPI over the period from the decision in those cases in 2000 it would now amount to approximately £40,000.
3. If that amount was paid to each dismissed or discharged veteran for the non-pecuniary element of any financial award, it could be said that it would give too much to some veterans and too little to others. On the other hand, it would avoid detailed and time-consuming analysis of the facts in particular cases, which is a hall mark of standard litigation processes.
4. It has been suggested that it is wholly unreasonable to apply the **Lustig-Prean** (£19,000) figure to people who did not take that legal action and the risks associated with it. That observation is not a statement of any legal principle but an expression of personal opinion. Lead cases, selected from a larger number of possible cases, are intended to provide the analysis to enable other cases to be settled by agreement or to be decided by other courts in the future. It is inconsistent with both principle and practice to discount payment in a compromise based on the outcome of lead cases just because the claimant was not in one of the lead cases or did not bring separate proceedings.
5. The government could reasonably take the view that such a uniform fixed payment (£19,000 increased by RPI) reflecting non-pecuniary loss should be paid immediately by way of an interim payment in view of the age of a significant proportion of the affected veterans, and in many cases their poor health and their precarious financial situation as well as the very long time they have waited for justice. Such an interim payment would undoubtedly be greatly welcomed by veterans, so many of whom are in very difficult financial circumstances as a result of the Ban.

6. So far as concerns pecuniary loss, the **Lustig-Prean, Beckett, Smith** and **Grady** cases show that the principal elements of the loss would be: (a) the difference between what the veteran earned as a civilian and the greater amount they would have earned if they had not been dismissed or discharged, plus (b) the loss they suffered in relation to their armed forces' pension, comparing what greater service pension they would have had if they had not been dismissed or discharged but allowing for any pension rights they acquired in civilian life.
7. As regards the veteran's prospects in service if they had not been dismissed or discharged, there are many different ways in which a financial amount might be based on such prospects. At one extreme is a calculation based on the individual facts relating to each veteran, forming an assessment of how long the veteran in question would have continued to serve if they had not been dismissed or discharged, and what they would have earned during that continued period of service, taking into account probable increases in salary, promotions and bonuses and any other payments that might reasonably have been expected. Such an exercise would be factually complex, probably contentious and take a considerable time to determine. A different approach, which would be rough justice but would be preferable as simpler and quicker to administer, would be to adopt a broad brush approach by (a) taking the veteran's salary and rank at the time of dismissal or discharge; (b) making a standard assumption on length of service that the veterans would have served if they had not been dismissed or discharged, such as that anyone who was dismissed or discharged due to the Ban within the first five years of service would have served at least five years; anyone who served more than five years would have served at least 15 years, and anyone who served more than 15 years would have served at least 22 years; and (c) increasing the salary by a standard percentage to reflect possible promotions and increases in salary over that period, to arrive at an annual increase.
8. The government would also doubtless wish to bear in mind that, as I have stated in Annex 5, in the **Lustig-Prean, Beckett, Smith** and **Grady** cases the amounts awarded by the European Court of Human Rights for pecuniary loss, some 23 years ago, were within the range of £40,000 (**Grady**) to £94,825 (**Lustig-Prean**), with **Beckett** at £55,000 and **Smith** at £59,000. An amount which falls below that range (increased in line with inflation) risks prolonging a sense of injustice rather than achieving closure as a result of this Review and the implementation of my recommendations.

My Terms of Reference require that any new compensation scheme should not be unconstrained and should not be duplicative of existing processes for redress. There are no existing processes for redress for the losses I have discussed.

In order to constrain the government's financial exposure, I would have recommended two financial ceilings for payments to veterans: firstly, an overall limit or cap in respect of a financial award to any veteran and, secondly, an overall cap in respect of the total payments to dismissed and discharged veterans. The MoD has, however, requested that I should only specify a recommended overall limit. I **recommend** (R28) that the government's overall exposure should be capped at £50 million. This is based on a necessarily rough estimate of the likely number of applicants for a financial award, the possible amounts of financial awards payable to different individuals, and a comparison with the Can \$110 million set aside under the Canadian Purge FSA to compensate a wide class, which included not only former members of the Canadian Armed Forces but also former members of the RCMP and employees of the Federal Public Service who had been subjected to the Canadian LGBT Purge.

All those matters to which I have drawn the attention of the government as to the amount of any financial payment are limited to those veterans who were dismissed or discharged. If the government decides that eligible claimants for a financial award should additionally include those of good conduct who felt compelled, as a result of the Ban, to resign or buy out their contract or not extend their contract, the government will have to consider whether and, if so, to what extent the amount of any payment should differ from that paid to those who were dismissed or discharged bearing in mind, as I have said, that the same approach or principles could apply by way of analogy.

There should be a time limit for making a claim for a financial award. I **recommend** (R29), for consistency with my proposals for non-financial restitution, 24 months from the time the government publicises the financial award arrangements. As this does not exceed two years, and as the Treasury has confirmed, this would allow payments to be made under the authority of the Supply and Appropriations Act, and so avoid the need for primary legislation to establish the financial payment scheme and any consequent delay.⁹

9 Managing Public Money published by HM Treasury in March 2022 Annex S.4 paragraph 2.4.2

It seems right, in view of the destruction of investigation records pursuant to MoD policy and the absence of any reference in discharge papers to homosexuality, that any dispute of fact should, again, be decided on the basis of a reverse burden of proof, with the government having to disprove the evidence of the veteran making a claim.

It seems inevitable, even with a reverse burden of proof, that there may be some disputes as to relevant facts or the calculation of the financial award in accordance with the principles of the scheme. In order to minimise the possibility of judicial review being sought in respect of such a dispute, and to provide transparency and objectivity, the government might wish to consider arranging for such disputes to be determined by a panel of five persons: a retired senior judge as chair, two representatives of government and two representatives of LGBT veterans. Decisions would be by majority vote. The terms of the scheme could provide that all matters referred to such a panel should be determined on the papers, without any oral hearing and without any right of appeal, but with an option for the panel, in exceptional circumstances and its complete discretion, to invite the applicant for an oral hearing if that were thought to be fair and appropriate.

Again, in view of the distress that would be caused to many veterans from having to give yet another account of their dismissal (i.e. in addition to what has been supplied to the Review team in response to the Call for Evidence), I would urge the government to look favourably on permitting them to make their claim by relying on their response to the Call for Evidence together with any supplementary evidence they wish to rely on in order to satisfy any evidential requirements specified by the government.

It is to be expected that some veterans will require assistance in making their claim. I hope that there will be veterans' charities willing to provide that assistance.



Veterans' organisations

My Terms of Reference state that “the Review should comment on:

...

2. How services for veterans today could be made more accessible and inclusive so that LGBT veterans, dismissed or otherwise required to leave Her Majesty’s Armed Forces because of their sexual orientation or otherwise adversely impacted by the historic ban feel welcome and that the services are ‘for them’.”

It is impossible to fulfil that objective without reference to veterans’ organisations as there are in the region of 2,000 of them providing health and welfare services and a range of other support services. Some are large and well established, such as RBL, Combat Stress, SSAFA, Help for Heroes, and Walking With The Wounded. Most are small. All or virtually all are charities within the remit of the Charity Commission.

Consistently with what my Terms of Reference require, a number of veterans’ organisations with which the Review has had contact assume that I will be making recommendations concerning them.

Those charitable organisations are not under the control of the government and so it would be inappropriate for me to make formal recommendations to the government as to how those charitable organisations might be made more accessible, inclusive and effective so far as concerns LGBT veterans who served under, and suffered from, the Ban.

In the remainder of this Report, therefore, where I make suggestions regarding veterans’ charities and other non-governmental organisations, they are not intended to be recommendations to government but are directed at those managing such charities and organisations.

Before turning to specific areas, such as mental health and physical welfare, where services for veterans are provided both by public organisations such as the NHS, which are subject to government control, and veterans’ charities, which are not, it is convenient to make some general observations about the veterans’ charity sector which appear from the statements sent in response to the Call for Evidence.

A number of replies to the Call for Evidence speak of a lack of welcome, and in some cases outright hostility, by veterans’ charities to LGBT veterans who served under, and suffered from, the Ban. The following are a small selection of quotes from the statements submitted to the Review. I have quoted the veterans’ own words.

“In my experience, even today, it is of relevance to note that there still remain a minority of high-ranking male officers (serving and ex-military, now in charge of charity organisations) who unfortunately still think like they did during the 60s, 70s and 80s.”

“The veterans services have not been the best. Pre-2000 I approached RBL for help and was offered nothing.”

“... because of my treatment I am reluctant to engage with associations through fear of triggers. Therefore, over time things may improve but at the moment [people] that once called names are still present in those associations and I do not wish to be around them.”

“I did try two years ago to go to a veterans’ course with a military charity, but on day one, I got homophobia which the instructors did not challenge, so I feel I cannot be part of the military.”

“I have never used any veteran services. I am pleased others feel comfortable using them, but I still feel unworthy and lacking in trust for them.”

“Once I had left the WRAF, I noticed that veteran services continued with homophobic attitudes and so did not approach them, as I didn’t feel safe. I only reached out and joined the British Legion when I heard they had created an LGBT Network in 2019.”

“I kept away from anything to do with the veterans services since being discharged. I know I am 56 but I don’t see myself as a veteran.”

“... I don’t feel I am a veteran. I have never asked for help. I don’t feel like my service was recognised.”

“I have accessed NHS services and still would not access services provided within the charitable sector, particularly those within the service sector. I am still of the belief that judgements are made and the time and effort is not taken to fully understand just what it was like to serve under the Ban. The design of services does not always consider LGBT+ and the delivery methods are aimed at the male majority. There is a tendency within the established larger charities to do things as they always have been done and the change to react to the diverse serving community is slow and often questioned. Language can often be difficult and a much deeper understanding of what LGBT+ serving personnel went through needs to be communicated. This will aid understanding of the deep feelings of betrayal and trauma.”

“As a female, lesbian veteran, I have never felt inclined to approach organisations such as the RBL, Help for Heroes etc.

Their literature presents very white, male imagery. There is usually little or no visual representation of women. It also focuses, perhaps understandably, heavily upon soldiers wounded in battle. This leads to a feeling that one’s own levels of stress or hurt are somehow much less ‘worthy’ of help or support.”

“I think I held off from seeking support again from veteran services, since my experiences in 2016-18 were marred by both

transphobia and homophobia from some staff and other services users. Also, I’ve been greatly involved in veteran social communities/fraternities, locally and nationally for several years, there’s a very strong culture of homophobia and transphobia within the veteran community. Recently I had to give my private information to staff at the RBL and I was asked inappropriate and probing questions about my gender identity. I gave feedback to their colleague rather than make a formal complaint. Why? My experience has taught me to intensely distrust any grievance or complaint procedure, not just in veteran services, but adult social care, NHS, police, any local authority service.”

“I have attempted to join various local veterans breakfast clubs, but they are still full of macho men who like to ‘have a bit of a banter’ and are still living in the dark ages. They are the same age as me but have not moved on with the times and these groups are often not regulated.”

“Bullying still goes on in veteran communities... I have experienced this and it has affected my mental health.”

“I haven’t had need to use veterans services, however, I never

felt I would be welcome to join a military reunion that took place annually in which many of my former colleagues and friends took part, from my service days in the 80s. These were the friends who had turned their backs on me when I transitioned gender in 1999. In 2018, I was contacted and invited to attend by a friend from this group. I took time to carefully consider the impact that might have, before agreeing, but went along nervously in his company. The reception in the room was split between a warm and friendly welcome and reunion of friendships, and one of a feeling of intrusion and being undesirable. Many veterans in organisations around the UK, resent the lifting of the Ban and hold the values of their day strongly. This can be seen in social media posts too, when a military organisation posts something positive for say LGBT History Month, the bigoted opinions still follow. ‘Not in my day, thankfully’, ‘It’s not the military I joined’, and a lot worse! This is a big problem for organisations who wish to

extend an inclusive welcome when other members object, and make their feelings known. LGBT+ veterans would be very unlikely to join, even though the prejudice is often down to a few bigoted individuals, and the rest of the members stay silent. This is a concern for LGBT+ veterans applying for or using support services too, including the likes of NHSE Op Courage. They don't feel they will be welcome, especially with military charities where they had previously turned LGBT+ veterans away."

"I am actually being treated less favourably in the present as I recently applied to join the Union Jack Club as a veteran with my same sex spouse – the joint membership fee was initially charged to my credit card and then reimbursed. I received no contact whatsoever from the Club – nothing to say my membership had been declined, no reason for decline, just silence. Clearly because they don't want same sex partnership memberships lowering the tone of the Club but they probably can't put that into writing by refusing membership for being in a same sex marriage. I am very disappointed to say the least."

I **suggest** (S1) that veterans' charities should take action to ensure that their trustees and staff are appropriately trained, diverse and inclusive. The impression from some of the evidence is that there is a general lack of diversity in those acting on behalf of veterans' charities. I **suggest** (S2) that they have LGBT+ inclusive policies which create a culture that welcomes, supports and promotes engagement with LGBT+ veterans, including those who served under, and suffered from, the Ban. COBSEO, the Confederation of Service Charities, has an important advisory and leadership role in this respect.

The RBL, as the UK's largest armed forces welfare charity, can also provide leadership by way of example and publicising its LGBT+ initiatives. It launched its first LGBT+ and allies' branch in 2019 and has established a buddying service consisting of weekly calls to vulnerable or lonely LGBT+ veterans. It established its first head of diversity and inclusion in 2020 and has worked with FWP to include a cohort of LGBT+ veterans in the march past the Cenotaph on Remembrance Sunday. In 2021 RBL set up an LGBT+ Staff Network in order, among other things, to progress RBL's stance on diversity and inclusion. In October 2022 RBL established an LGBT Veterans' Review Helpline to provide support to individuals over issues raised in responding to the Review.

Some Service benevolent Associations are also making significant efforts to change. One LGBT veteran praised good work by the WRAC Benevolent Association Fund. The following is a statement submitted to the Review by the Royal Air Force Benevolent Fund:

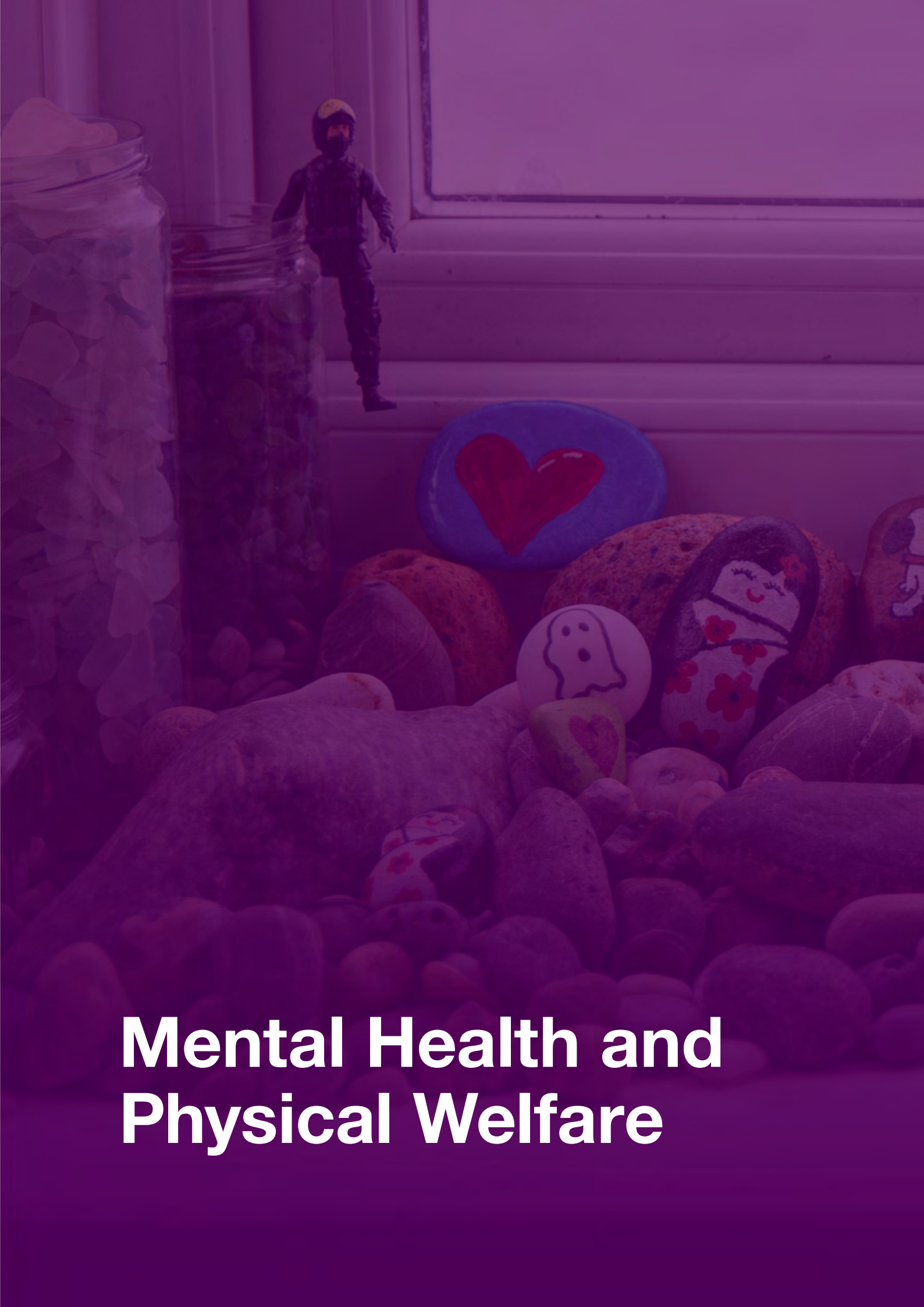
“We ... provide financial, practical and emotional support to all members of the RAF Family. The RAF Family currently is about 1.1M people in size, comprising those who are serving and their families, and all RAF veterans, their partners and widow/widowers. We also support other organisations who directly benefit the lives of the RAF Family In 2021, we helped about 44,600 and spent about £22m on our work. In our work, we are blind to an individual's sexual orientation, colour, religious beliefs or any other characteristics. If they are eligible for our support, then they are eligible. We are only concerned with their needs and how we can help them within our agreed and inclusive policies. We share the Government's view that the Ban was wrong. Our primary concern is that members of the LGBT community who served in the RAF, might conflate the then Government's view with what the RAF Benevolent Fund's stance is and that might therefore in some way be a blocker to individuals asking us for support during difficult times. This is of course incorrect, but we recognise the hurdle that the Ban could/would have put in the way to help and support. Our services are already inclusive. However, we do accept that some members of the LGBT community might be concerned about applying to us for help and support. To help in this, we are working with Fighting with Pride (FWP) and have agreed to fund 50% of a caseworker post for two years, to act as a trusted agent to our services. We continue to work with FWP and the funded caseworker to maximise the opportunities that exist. We are also awaiting details of FW's kite mark, which we would look upon positively and would hope to be able to display. I would only ask that part of any information sharing, post report announcement or subsequent campaigning, that it is emphasised that the RAF Benevolent Fund and (I am sure that I can speak for the other Services as well) their Royal Navy and Army equivalents actively welcome applications for support from all members of the veterans communities, no matter their sexual orientation. Our sole focus is supporting those who are eligible for support during tough times, and enhancing their life wherever possible within our organisation's policies.”

As the veterans' statements show, a great deal more needs to be done to publicise to those LGBT veterans who suffered from the Ban, and to convince them, that there is a real change in empathy and understanding in the Services' charitable sector. Objective endorsement in the form of accreditation and kitemarking could play an important role in that connection.

It would be valuable for consideration to be given by veterans' charities, including Service benevolent funds and associations, for effective outreach programmes, particularly directed at isolated, lonely and hard to reach LGBT veterans. This is an area in which Fighting With Pride (FWP) has played a particularly important role to date. The work of Opening Doors, the UK's largest charity providing activities, events, support and information to LGBT+ people over 50 is also relevant in this context. I **suggest** (S3) that the Armed Forces Covenant Fund Trust considers sympathetically financial support for programmes for effective outreach.

A number of LGBT veterans who replied to the Call for Evidence expressed a wish for social events, a Facebook group and a social and support network for those who served under the Ban. I **suggest** (S4) that such initiatives are taken up by the charitable sector, particularly by organisations such as FWP, if thought appropriate. I again **suggest** (S5) that the Armed Forces Covenant Fund Trust considers sympathetically financial support for these types of initiative.

Finally, I should mention that there is a feeling among some veterans who responded to the Call for Evidence that there is uncertainty as to precisely what services are available from each of the different veterans' charities, an unsurprising result of there being so many of them. The creation of an easily accessible, comprehensive database would seem to fall most naturally within the remit of COBSEO. I **suggest** (S6) that COBSEO considers whether this is something which is necessary or appropriate and what it can do to bring it about.



Mental Health and Physical Welfare

Virtually all those who were dismissed or administratively discharged for homosexual sex acts or actual or perceived homosexual orientation, and who have responded to the Call for Evidence, have demonstrated clear evidence of distress. It appears quite likely that a proportion will be suffering from a diagnosable mental health condition. The consistent statements in hundreds of the replies to the Call for Evidence demonstrate that this is the result of many factors associated with the conditions of service, the Ban and dismissal or discharge for homosexuality. They include bullying, physical harm and sexual harassment and assaults of both men and particularly women, the harrowing investigations by the SIB, the peremptory nature of discharge, the lack of any kind of support on discharge or dismissal, consequential poor employment and financial history, the collapse of aspirations for a military career which was the only career many ever wanted, and consequential outing to parents and other family members, often with devastating effects on family relationships, especially where the family had a history of military service. Sexual abuse of women and, to a lesser extent, men often followed when there were accusations of homosexuality or investigations by the SIB. Predatory sexual conduct at that time, and indeed in general, was possible because perpetrators could threaten disclosure of the victim's actual or alleged homosexuality to those in command or to the SIB, which would trigger dismissal or discharge pursuant to the Ban. In effect, the existence of the Ban was often used to blackmail victims of sexual predatory conduct into silence.

As has been pointed out, some LGBT veterans, even today, fear disclosure of their sexuality, with a continuing feeling of shame and stigma associated with admitting to being gay. In some cases, there has been a late diagnosis of PTSD. I have not explored the reasons for the delay in that diagnosis, which will probably vary from person to person, but I have been informed that quite often military personnel take up to 14 years before they seek help.

As RBL has said in its lengthy submission to the Review, there needs to be further research into the mental health profile of LGBT veterans who served under the Ban, particularly exploring the attributability of mental health conditions and trajectories to their experience in service and discharge. There needs to be better collection of data, distinguishing, where appropriate, between different sub-groups, including according to gender, age, those who have transitioned due to gender dysphoria and so forth.

What is clear, on any footing, is that many of the cohort of veterans who are the subject of this Review are likely to require mental health care that meets their specific needs. This may extend, for example,

to a female veteran's wish for a women-only service in cases where the veteran was the subject of male sexual abuse during their time in the armed forces.

Veterans can access all mainstream health services through the NHS. In addition, however, both the NHS and the private charitable sector provide physical and mental health welfare support specifically for veterans. Healthcare provision for the cohort of veterans who are the subject of this Review is a complex area. A comprehensive description of all the care services for veterans in the constituent parts of the United Kingdom and a wholesale review of such care for veterans fall outside my Terms of Reference and would require extensive time and resource. My intention is to restrict this part of the report to the principal aspects of healthcare which are relevant to, and form the background to recommendations applicable to, those LGBT veterans, or those perceived at the time to be LGBT, who served between 1967 and 2000 and suffered from the Ban.

England

The NHS

In addition to the health care obligations to veterans in the Armed Forces Covenant, the NHS Constitution commits to ensuring that those in the armed forces, reservists, veterans and their families are not disadvantaged in accessing health services.

In March 2021 NHS England published a strategy document 'Healthcare for the Armed Forces community: a forward view'.¹⁰ This document sets out nine commitments of NHS England and NHS Improvement to improve the health and wellbeing of the armed forces community, serving personnel, veterans and their families. One of the commitments (at paragraph 82) is to work with the LGBT+ armed forces community to determine the specific physical and mental healthcare needs of this community and to consider how best to deliver personalised care that supports the LGBT+ community's health needs and experiences. There is also a commitment (at paragraph 100) to understand better the health needs of female veterans, particularly those with sexual, physical and mental trauma. There is no published information on the progress in carrying out those commitments. The following description and analysis are relevant to the achievement of the commitments.

10 www.england.nhs.uk/wp-content/uploads/2021/03/Healthcare-for-the-Armed-Forces-community-forward-view-March-2021.pdf

There are a number of access routes to veterans' care services provided by the NHS. They include primary care, a hospital accident and emergency department, Op Courage and IAPT (NHS talking therapy service).

For the past eight years or so, NHS England has been working with the Royal College of General Practitioners (RCGP) on an accreditation scheme for 'veteran friendly' GP practices. As at 30 September 2022 1,578 out of 6,459 GP practices (24.4%) were accredited as veteran friendly.

A training programme, and staying up to date with the latest training, knowledge and thinking, are essential requirements for accreditation. I **recommend** (R30) that such training should be LGBT+ inclusive and include an awareness of the Ban and its impact on the mental health and other aspects of life of those who suffered under it.

GP veteran friendly practice accreditation is voluntary. Whether or not it should, at some future stage, become compulsory falls outside my Terms of Reference. It is to be noted, however, that currently less than a quarter of GP practices are accredited. The aim must be for all GP practices to be accredited and for all reasonable steps to be taken to achieve that goal. I **recommend** (R31) that NHS England, Integrated Care Boards and the RCGP should explore ways to encourage more practices to become accredited.

The NHS Confederation's 'Health and Care LGBTQ+ Framework' published in September 2022 provides health and care leaders with guidance for creating inclusive environments for LGBT+ staff and service users. It is applicable across the entire field of health providers. It is an important initiative and should be encouraged.

I **recommend** (R32) that consideration also be given to promoting the LGBT Foundation's 'Pride in Practice' LGBT scheme or something similar for primary care providers, to be run in conjunction with the RCGP's accreditation scheme. The Pride in Practice scheme and the LGBT Foundation's online training academy promote awareness of the needs of, and quality of care for, LGBT+ patients and service users. Consideration should also be given to employing FWP's 'Pride in Veterans' Standard'. I **recommend** (R33) that NHS England or Integrated Care Boards should consider whether to commission them. These are not specific endorsements by me but rather examples of the training that should be provided to all clinicians so as to enable them to be aware of the needs of members of the LGBT+ community, and specifically, for the purposes of this review, LGBT+ veterans.

The Veterans' Covenant Healthcare Alliance (VHCA) is another accreditation scheme. It is for the providers of NHS commissioned services and is available to NHS acute, ambulance, community and mental health providers in England. The aim is to improve the care that the armed forces community receives from the NHS, including meeting a set of agreed standards.

Again, I **recommend** (R34) that accreditation should include demonstration of being LGBT+ inclusive and an awareness of the Ban and its impact on the mental health and other aspects of life of those who suffered under it.

Like the veteran friendly GP practices' accreditation scheme, the VHCA 'veteran aware' NHS Trusts' accreditation scheme is voluntary. As of October 2022, 124 out of 211 Trusts (60%) were accredited as veteran aware. The target should be, and I believe is, for there to be accreditation for 100% of trusts. I **recommend** (R35) that all reasonably practicable steps must be taken to achieve that objective. I understand that it is intended that the scheme will in due course be expanded to include care homes and hospices. I **recommend** (R36) that this is encouraged.

I **recommend** (R37) that consideration be given to running the NHS Rainbow Badge scheme alongside the VHCA. The NHS Rainbow Badge scheme is commissioned by the LGBT Health Team at NHS England and supports NHS Trusts in their work to address inequalities for both LGBT+ patients and their LGBT+ workforce. The scheme could easily be adapted, in partnership with the VHCA, to include and address the specific healthcare needs of LGBT+ veterans.

The evidence provided to the review demonstrates that, in many cases, the mistreatment suffered by those who served under and suffered from the Ban and consequent poor mental health were subsequently subject to addiction problems with alcohol, drugs and gambling. I **recommend** (R38) that addiction treatment centres providing services in the community also need to be aware that, in the case of LGBT+ veterans, addiction may be a manifestation of a particular service history. That may have consequences for the most appropriate treatment.

The principal pathways in the NHS for the treatment of veterans' mental health in England are through Op Courage, the veterans' mental health and wellbeing service. This is a relatively new initiative. Op Courage is the umbrella term for the Veterans' Mental Health Transition, Intervention and Liaison Service, the Veterans' Mental Health Complex Treatment Service and the Veterans' Mental Health High Intensity Service in England. It provides a broad range of specialist mental health and wellbeing care and support for service leavers, reservists, veterans and their families. The support and

treatment Op Courage provides range from emergency care and treatment in the event of a mental health crisis to the recognition and treatment of early signs of mental health problems. Provided a veteran is resident in England and has served in the armed forces for one full day and can provide their military service number, the length of time since leaving military service is irrelevant. It is intended that NHS England will bring the three Op Courage services into one integrated service. I **recommend** (R39) that there is a greater focus on non-combat mental health issues arising from what took place during military service.

Op Courage is delivered in partnership with a range of NHS and charitable organisations. Where there is commissioning of non-NHS organisations to deliver NHS services, I **recommend** (R40) that it should be ensured that the non-NHS body has the same range and standard of training as the NHS.

The NHS employs veterans. Some will have served when the Ban was in force and may have been part of the toxic homophobia and bullying of LGBT service personnel that was then prevalent. It is important that those who care for veterans in the provision of Op Courage and other NHS services are fully aware of, and sympathetic to, the particular concerns of LGBT+ veterans and especially those who were dismissed or discharged pursuant to the Ban. Whether or not such care is provided by persons who come from the armed forces community, there should be no tolerance for homophobia or transphobia or any kind of prejudice against LGBT+ veterans. I **recommend** (R41) that regular training and assessments of those providing care in the NHS, ideally developed and funded by the NHS, should be imposed to identify, root out and educate to prevent any homophobia or transphobia or prejudice. I **recommend** (R42) that consideration be given by NHS England to commissioning an appropriate e-training module to be available, not just for Op Courage services, but for all NHS services that provide care to military veterans.

The same applies to sexual assault referral centres. These can be accessed by any member of the public but, from 2023, there will be a particular focus on LGBT+ serving personnel and veterans. This is to be welcomed.

It is not necessary, for the purposes of this Review, to comment on the NHS Veterans Trauma Network (which provides specialist care and treatment for veterans who have suffered physical service-related health problems) or Veteran UK's Integrated Personal Commissioning for Veterans Framework (for armed forces personnel who have complex and enduring physical, neurological and mental health conditions that are attributable to injury whilst in service) or the Veterans and Reserves Mental Health Programme (which is a MoD

service that can only be accessed by GP referral and provides an assessment completed by a consultant psychiatrist that is then sent to the veteran's GP and, if involved, the local mental health service, with advice on further treatment and care).

The charitable sector

There is a very considerable number of veterans' charities providing health and welfare services.

The Veterans' Gateway, which is sponsored by a group of charities led by RBL, provides veterans with help and sign-posting on a range of matters, including healthcare treatment for veterans in England and Wales. It operates by means of a website, telephone, SMS and live chat advisers.

It is appropriate to mention that the Armed Forces Covenant Fund Trust is registered with the Charity Commission and provides annually £10 million to support mutually beneficial projects and programmes being delivered across the UK in partnership with the armed forces community. Among other things, it provides non-core healthcare services for veterans.

I have already referred to the large amount of evidence by LGBT veterans to the Review showing that many do not engage with veterans' charities because of incidents of homophobia or concerns about homophobia, particularly where the organisation is run or staffed by heterosexual veterans who served during the operation of the Ban.

It is important, if the veterans who are the subject of this Review are to be embraced by the wider veterans' community and encouraged to take advantage of veterans' services, that veterans' organisations demonstrate and publicise that they have diversity and inclusion policies and welcome all LGBT+ veterans. Reassurance requires kitemarking or accreditation both as to the warm welcoming of LGBT+ veterans and as to the standard of care provided. The LGBT Foundation's 'Pride in Practice' scheme and FWP's 'Pride in Veterans Standard' are relevant in this context. Opening Doors' Pride in Care Quality Standard is also relevant for the over 50s. In addition, the NHS Confederation's 'Health and Care LGBTQ+ Framework' sets out important general principles. I **suggest** (S7) that COBSEO considers whether it has a possible role for leadership and encouragement in this area.

The Charity Commission, of course, has a regulatory function. Although it can and will intervene where necessary in a charity providing healthcare, it is primarily concerned with the propriety and legality of the way the organisation is being run.

COBSEO has a supervisory and advisory role for its members. Membership is, however, voluntary; and it only has some 300 full members. There appears to be a demand for COBSEO to take under its wing the smaller charities. This would enhance its leadership, supervisory and advisory roles in the private charitable sector. I **suggest** (S8) that COBSEO considers whether it can and should take on such a role.

Collaboration between service and non-service charities is critical, as is the need for recognition of support required by carers and partners.

Only a few of the non-NHS organisations providing welfare and support services for veterans are registered with the Care Quality Commission (CQC). It is important that those which do not fall within the remit of the CQC are objectively assessed as providing a proper standard of care.

The Royal College of Psychiatrists runs an accreditation scheme, the Quality Network for Veterans' Mental Health Services, which is a quality improvement network for veterans' mental health services in the UK. The scheme is to be welcomed. I **suggest** (S9) that it includes LGBT+ awareness. I **suggest** (S10) that ongoing sources of finance for funding membership (currently £2,700 +VAT per year), especially for small charities, be considered and explored.

Everything that I have said in relation to training, awareness and collaboration applies equally to Defence Medical Services. So far as concerns this Review, those services are relevant to a small number of LGBT service personnel who served during the time of the Ban and continue to serve after it was abandoned.

The Veterans' Welfare Service

The Veterans' Welfare Service (VWS) is part of the MoD. It is delivered by Defence Business Services. In addition to providing information and guidance in relation to such matters as the War Pension Scheme, the Armed Forces Compensation Scheme, the Armed Forces Pension Scheme and DWP Benefits entitlement, the VWS provides information, guidance and support in relation to the treatment of veterans' mental and physical ill health, veterans' employment issues, homelessness and housing problems, and debt concerns. A veteran can either be referred to the VWS by a third party or can self-refer. In relation to health, the VWS does not itself provide clinical treatment but can, for example, encourage the veteran to sign up to a provider of primary care and it can refer the veteran to Op Courage and other relevant services provided by the public and third sectors. Where appropriate, it provides one-to-one continuing oversight and support of the veteran who is undergoing treatment.

VWS is, therefore, able to provide a valuable service for veterans but it is noteworthy that it was not mentioned in the Review's previous engagement with the MoD, the NHS, veterans' charities or in the testimony of veterans submitted in response to the Call for Evidence. It appears, therefore, to have very little, if any, profile with the veterans who are the subject of the Review. I **recommend** (R43) that the MoD takes steps to publicise more widely the services VWS can provide to those who served and suffered under the Ban and to provide reassurance that, notwithstanding VWS is an MoD service, it is sensitive to the life history of this particular group of veterans and sympathetic to the adverse life consequences they have suffered as a result of the Ban.

Female veterans who served under and suffered from the Ban

I have mentioned earlier the notably high response to the Call for Evidence from female veterans who served under, and suffered from, the Ban. This reflects the fact that, as appears from their statements and from research which has been conducted by, among others, Robert Gordon University and the charity Forward Assist (see the Research section), in some respects the enduring impact of the Ban on female veterans has been particularly severe.

Both the Female Veteran Support Study currently being conducted by Robert Gordon University and the responses from female veterans to the Call for Evidence support the following conclusions.

Female veterans suffered particularly severely from sexual assault, bullying and harassment. They identify less as veterans than their male counterparts and for that reason many of them will not turn to veterans' charitable organisation for their needs. In addition, many third sector organisations and support services are non-inclusive and reflect the same behaviours and structures that disadvantaged female veterans while in the services. For that reason, also, female veterans are less likely to approach such organisations for assistance and support. There is a widely expressed demand for female only services to be provided in both the public sector and the charitable sector.

For all those reasons, the provision of special health and welfare arrangements for women veterans who suffered under the Ban might, where appropriate, be areas which the Armed Forces Covenant Fund Trust considers suitable for financial support.

I **recommend** (R44 and S11) that due note and weight are given to the severity and long-term consequences of the Ban on female veterans and to their particular difficulties in accessing support, welfare and other services, whether in the public sector or the private sector, and to the need, in particular, for female only health services.

The Devolved Administrations

I do not describe the mental health and welfare services (and subsequently housing support) available to veterans in the devolved administrations in as much detail as for England. This is because each of the devolved administrations has its own unique approach to the support for veterans. Furthermore, the situation in Northern Ireland is a product of its special social and political history and Scotland will shortly introduce a completely new framework for addressing the mental health and welfare of veterans. I hope, nevertheless, that I have provided sufficient detail for the United Kingdom as a whole to facilitate comparison and consideration of best practice.

Northern Ireland

The 2021 Northern Ireland Census found that 2.1% (31,600) of the Northern Ireland population identified as lesbian, gay, bisexual or other. In the light of estimates of the wider Northern Ireland veterans' population, this appears to show that there are approximately 1,470 to 2,100 LGBT+ veterans in Northern Ireland. As indicated earlier in this Report, however, there were very few responses to the Call for Evidence from veterans living in Northern Ireland, even after the Review team had carried out an extensive publicity campaign there. This is not entirely surprising, bearing in mind that the political and social context of Northern Ireland, including the Troubles, the Good Friday Agreement and power sharing, pose particular difficulties for the care of those LGBT veterans who are the subject of this Review. I **recommend** (NI1) that the OVA, the MoD and the Northern Ireland Office consider how engagement with LGBT veterans in Northern Ireland, in relation to health, welfare and housing and more generally might be improved.

There is no equivalent of Op Courage in Northern Ireland. No veterans' mental or physical welfare services are provided by statutory bodies, whether by regional health trusts or otherwise.

All such services are provided only by the veterans' charitable sector and, from April 2023, by the newly formed Veterans Welfare Service Northern Ireland (an agency of the MoD).

Moreover, a pervasive concern about the security risk in being identified as a veteran means that, when advice is sought from, for example, a primary care provider, it is unlikely that a patient would identify himself or herself as a veteran. The same is also true when LGBT veterans present themselves for appointment by public bodies designated under section 75 of the Northern Ireland Act 1998 to have regard to the need to promote equality of opportunity or when seeking to rely on rights conferred by the Human Rights Act 1998.

I **suggest** (NI2) that there be policies, whether initiated by public or private or service organisations, which promote greater inclusion of LGBT+ veterans, including such things as a presence at Pride events, and diversity and inclusion training for staff and volunteers of LGBT+ organisations as to the particular experiences of LGBT+ veterans, and the provision of a welcoming environment for such veterans. The funding by the Armed Forces Covenant Fund Trust of outreach by FWP in Northern Ireland and the planned launch of its Pride in Veterans Standard in the near future will be important in achieving such objectives.

The principal co-ordinating, capacity building and referral body for veterans' care is the Northern Ireland Veterans' Support Office (NIVSO). Its principal funder is the Armed Forces Covenant Fund Trust, which is also a major financial supporter of care providers in the veterans' charitable sector.

In the absence of any provision for veterans' care by regional statutory bodies, the flourishing of the veterans' charitable sector is critical. For that reason, a major concern of the sector and of the NIVSO is the ability to rely on continuity of funding by the Armed Forces Covenant Fund Trust. The funding of veterans' programmes in Northern Ireland by the Armed Forces Covenant Fund Trust is usually for periods of between one and three years. The experience of the NIVSO and of Northern Ireland veterans' charities is that those periods are often insufficient for programmes to be set up and become fully functioning. I **suggest** (NI3), therefore, that the Armed Forces Covenant Fund Trust reviews its policy for the periods it sets for funding and applications for renewal of funding by the NIVSO and the Northern Ireland veterans' charitable sector generally so that they can operate on the basis of longer periods with an assured income.

The NIVSO is facilitated by the Reserve Forces and Cadets Association in Northern Ireland (RFCA NI). There are 13 RFCAs across the UK but the RFCA NI is unique among them in its role of co-ordinating and building capacity for the delivery of welfare support

to veterans, a role which it has been obliged to adopt in the special political and historical context of Northern Ireland. Not only are there no regional statutory bodies delivering veterans' welfare services in Northern Ireland, as I have said, but furthermore local authorities in Northern Ireland have no influence over health, education or housing for veterans. Moreover, less than half of the 11 local authorities in Northern Ireland have signed the Armed Forces Covenant and one has adopted an "Anti-AFC" mandate.

The NIVSO has been appointed COBSEO's representative in Northern Ireland and reports to COBSEO every six months on tasks such as being a single point of contact for service charities and associated organisations, developing a coherent and co-ordinated approach to supporting the armed forces community, disseminating information, including updating the Northern Ireland Veterans' Handbook, developing a training programme for all stakeholders and monitoring and securing outcomes.

In view of the unique position of the NIVSO in playing a central and co-ordinating role in the delivery of veterans' welfare in Northern Ireland, it has been suggested to me, on behalf of the NIVSO, that it should have a special status as adviser to the Armed Forces Covenant Fund Trust in relation to veterans' programmes in Northern Ireland and specifically in relation to the distribution of funds to the providers of care in the Northern Ireland veterans' charitable sector. I **suggest** (NI4) that the Armed Forces Covenant Fund Trust gives this further consideration.

As elsewhere in the UK, I **suggest** (NI5) that it is necessary for care providers in Northern Ireland to have regard to the particular morbidities of the LGBT veterans who are the subject of this Review and to adapt, so far as necessary and practicable, treatment procedures to take account of their particular service and post-service histories and the impact on the veteran's mental and physical welfare.

Scotland

Historically, the provision of specific veterans' welfare services has been unevenly spread across Scotland.

A new Veterans' Mental Health and Wellbeing Service is expected to launch in 2024. This will have a single point of access, with triage to the most appropriate service being provided by a navigator. The navigator will support the veteran throughout treatment. The navigator will also have contact with other services, such as housing. Many of the navigators will be former veterans.

Bearing in mind that the LGBT veterans with which this review is concerned suffered from homophobic policies, practices and bullying, and in some cases predatory sexual conduct, from other service personnel, it is important that navigators will all have undergone diversity and inclusivity training and that service providers also have appropriate diversity, especially LGBT friendly, policies and appropriate training. I **suggest** (SC1) that consideration be given to some kind of accreditation or kitemarking to demonstrate publicly that such training has been undertaken and that appropriate inclusivity and diversity, and especially LGBT friendly, policies are in place.

Wales

As in England, veterans' healthcare is addressed by both the public and private sectors.

In the public sphere is Veterans NHS Wales. This has highly specialist veterans' clinical lead posts, and provides a specialised, priority service for those who have served in the armed forces and who are experiencing mental health difficulties related specifically to their military service. It is unclear, but seems improbable, that mental ill health caused by the Ban and its consequences falls within the remit of Veterans NHS Wales. It is also unclear whether such mental ill health would be regarded as so directly related to military service that it gives rise to an entitlement to priority treatment in the NHS.

It seems to me highly arguable that an absence of specialist care for the veterans who are the subject of this review, and who can trace the cause of their ill health to the Ban and its enforcement, would be a breach of the Armed Forces Covenant. Such specialist care may require special treatment pathways, such as an all-women's service for those women who were sexually abused while serving, with the Ban being used as a tool for blackmail, whether to enforce submission to such abuse or to prevent any complaint about it. Such specialist care might be capable of being provided by the Wales Sexual Assault Services Programme and the Traumatic Stress Wales workstream, and I **suggest** (W1) that this be considered by Welsh Government.

Each Local Health Board in Wales has a Veteran Therapist available.

Veterans' Trauma Network Wales is directed to the consequences of physical injury as a result of service.

Also, within the public health space for veterans in Wales are the Health Board Armed Forces' and Veterans' Champions who are non-executive board members and are tasked with ensuring that government policies on veterans' health are promoted and applied locally and who also advocate generally for the armed forces community in their health board area. They also help to improve links

between health and other public advocates for the armed forces community, such as local authority champions, other representative groups and the military. I **suggest** (W2) that they consider the availability and adequacy of health and other services for those LGBT veterans who served under, and suffered from, the Ban.

There are regular meetings at which the champions and others discuss issues with Welsh Government policy leads, share best practice and promote consistency in relation to the armed forces community across Wales. Following the publication of this report, I **suggest** (W3), as a subject for consideration at such a meeting, the availability and adequacy of health and other services for those LGBT veterans who served under, and suffered from, the Ban.

There are Armed Forces Liaison Officers working with local authorities who can provide appropriate sign-posting and advice at the local level.

Public Health Wales, in collaboration with the Welsh Government, has produced online guidance for general practitioners in relation to identifying veterans and their health requirements. This sits alongside the guidance for GP practices in Wales contained in the Welsh Health Circular 'Armed Forces Covenant – healthcare priority for veterans'. I **suggest** (W4) that such guidance includes reference to the particular health consequences of the Ban for those who experienced and suffered from it.

So far as concerns the private veterans' charitable sector, COBSEO also has a presence in Wales. As I have mentioned, the Veterans' Gateway provides sign-posting on healthcare treatment for veterans in Wales.

Some of the Welsh Health Boards are members of the Veterans' Covenant Healthcare Alliance, which comprises a group of NHS providers who have agreed to be exemplars of the best care for, and support to, the armed forces community, including veterans. There are, however, no accreditation or kitemark schemes in Wales for veterans' healthcare and welfare services, whether for the delivery of primary care or for NHS Trusts or charitable organisations. I **suggest** (W5) that consideration be given to adopting the types of schemes that exist in England but supplemented with an awareness of the particular mental health issues endured by those LGBT veterans who served under and suffered from the Ban. I also **suggest** (W6), as I have done for the rest of the UK, that diversity and inclusion training be run alongside veterans' healthcare accreditation and welfare schemes.



Housing

Current homelessness and housing issues were mentioned by relatively few of the LGBT veterans who are the focus of this review. I shall therefore address this topic only cursorily and briefly.

England

Homelessness legislation and the government's rough sleepers' initiative apply to veterans as to others. Further, in December 2022 the government announced Op Fortitude, an initiative to provide £8.5 million to ensure that no veteran should have to sleep rough and that homelessness of veterans will be ended by 2023.

The Armed Forces Covenant does not secure compulsory priority for veterans in the allocation of social housing.

Local authorities are required to give reasonable preference in the allocation of social housing to certain veterans with urgent housing needs. This is set out in the Housing Act 1996 as amended by regulations and outlined in statutory guidance – 'Improving Access to Social Housing for Members of the Armed Forces' – published by the Ministry of Housing, Communities and Local Government in June 2020. In addition, local authorities have a discretion to specify preferential categories of applicants for social housing. How such arrangements for priority operate in practice depends upon the particular local authority and the particular facts relating to the veteran in question.

In addition, legislation provides that certain members of the armed forces community (which includes veterans) are exempt in certain circumstances from a residency requirement for social housing.

Some local authorities have appointed armed forces community outreach workers attached to the housing team.

The RBL provides best practice guidance on supporting the Armed Forces Covenant in relation to housing in England.

COBSEO maintains a directory of housing and support services available to the veterans' community.

The Veterans' Gateway, which provides sign-posting for those seeking housing support, has up-to-date information of any vacancies in the country specifically ringfenced for veterans. Haig Housing Trust is an example of a veteran specialist housing association. It is the leading provider for ex-service personnel in the UK and owns over

1,500 properties across 50 locations. The review did not receive any statements from this or any other charity specialising in housing for veterans, other than the RBL.

There is specialist e-training for housing staff and managers on the Armed Forces Covenant website. I **suggest** (S12) that consideration is given to including in all social housing training and practice guidance reference to the particular mental health and related wellbeing problems faced by the LGBT veterans who served under and suffered from the Ban, and to consequent employment and financial difficulties. Consideration should be given as to whether the LGBT Foundation's Pride in Practice scheme and online training could be of value in this context.

Supported housing, care homes, nursing homes

Many of those who served under, and suffered from, the Ban are an ageing group. A significant proportion are over 60 and not in a good physical condition, lack financial resources and are isolated, not having formed enduring close relationships with others.

Beside the Royal Star and Garter Home for veterans and their partners living with disability and dementia, RBL has a very small number of care homes.

Care homes are likely to be shunned by LGBT veterans who served under, and suffered from, the Ban if the care homes are not LGBT friendly, with non-discriminatory policies and practices. I **suggest** (S13) that consideration is given to accreditation or kitemarking which identifies housing that is free from homophobia. Opening Doors' Pride in Care quality standard and training programme are relevant in this connection.

This is relevant to the research which the government is committed to undertake in the Veterans' Strategy Action Plan to enable the government to understand the supply of supported housing, including that which meets the needs of the veteran community, and to provide an understanding of any needs gap.

The Devolved Administrations

Northern Ireland

There is a considerable shortage of housing specifically for veterans in Northern Ireland. There is no kitemarking to identify housing where LGBT+ veterans are welcome and can live without fear of homophobia.

Both those points are of particular importance in the context of supported housing, nursing and care homes, as the veterans who served during and suffered from the Ban in the period 1967 to 2000 are increasingly likely to require such facilities now or in the near future.

The Northern Ireland Housing Executive has recently supported an LGBT+ Housing Project which aims to facilitate employment of an LGBT+ Housing Support Officer, who will be able to support vulnerable clients at risk of homelessness. This initiative does not, however, focus specifically on veterans.

Scotland

A veterans' portal on mygov.scot was launched in June 2017 (subsequently updated) to bring together a range of useful information on housing, health, jobs, education and veterans' support services. The portal includes a dedicated housing section which sets out housing options and information on how veterans can gain access to more tailored advice. This was developed in response to a key recommendation in the Veterans' Commissioner's Housing Information report.

Under the new Veterans' Mental Health and Wellbeing Service, it will be possible for the navigator to direct a veteran to an appropriate housing provider.

I have no suggestions to make in respect of veterans' housing in Scotland, where there is much more veterans' housing available than in other parts of the UK, save to repeat that the LGBT veterans who are the subject of this review will want to live in circumstances free from the very homophobia they endured while serving in the armed forces. As with healthcare, I **suggest** (SC2) that consideration be given to some kind of kitemarking or accreditation to demonstrate publicly inclusivity and freedom from hostile homophobia.

Wales

The Welsh Government's approach to housing allocations is, as in England, governed by the Housing Act 1996, including the same requirement to give reasonable preference to certain veterans with urgent housing needs. Preference for certain veterans is also described in the Welsh Code of Guidance for Local Authorities on the Allocation of Housing and Homelessness published in March 2016, but this would, on the face of it, not include veterans whose disability is one of mental health arising as a result of the Ban.

Compendious advice on housing for veterans is to be found in the Welsh Government's publication 'National Housing Pathway for Ex-Service Personnel', which was first published in 2016 and was updated in October 2019.

Veterans in Wales have the benefit of a close relationship between armed forces liaison officers and local authorities. Liaison officers can, therefore, give veterans sign-posting and assistance in relation to housing.

This is, again, an area in which kitemarking or accreditation of social housing and care homes, as being veteran and LGBTQ+ welcoming, could have a useful role. I **suggest** (W7) that consideration be given to such an initiative.



The Oath Of Allegiance

I *Margaret Patricia Kell*

swear by Almighty God
that I will be faithful and bear true allegiance
to Her Majesty Queen Elizabeth II,
Her Heirs and Successors, and that I will,
as in duty bound, honestly and faithfully defend Her Majesty,
Her Heirs and Successors, in Person, Crown and
Dignity against all enemies, and will observe and obey all orders of
Her Majesty, Her Heirs and Successors, and
of the Generals and officers set over me.
So Help me God.



**Veterans' right
to access service
records**

The Canadian Purge FSA included a specific provision to facilitate access of those affected by the LGBT Purge to their service records.

There is no need for me to make any specific recommendation regarding access to service records by those who suffered from the Ban as they are entitled to make a subject access request under the Data Protection Act 2018 to view their personal data held by the MoD or the individual services.



Research

There is a considerable amount of research currently being undertaken which is relevant to matters raised in this Review. I shall mention just a small selection.

I have already referred to the research work in the Female Veteran Support Study being undertaken at Robert Gordon University. In addition to what I have said, the following products of their research are worthy of note.

Only 13% of the estimated UK armed forces veterans are female. They are a minority group within each of the single services and sometimes have a different experience from other service personnel and veterans.

Women's level of career progression in the armed forces is overall lower than that of males. They receive less support from their peers and supervisors and experience lower levels of social cohesion. They experience a greater range of stressors such as interpersonal stressors and work-related relationship problems. Women report a more challenging transition into civilian life. Gender related issues that women experienced during deployment have a significant impact on their transition and veteran experience. Women feel less welcomed at veteran events and veteran mental health organisations. 51% of female UK armed forces veterans report some kind of sexual assault, in respect of which only a small proportion seeks help. Treatment promotes feelings of guilt, depression and anxiety. Addiction and substance abuse are less prevalent in female veterans, but those who are addicted experience more pain and psychiatric disorders. Female veterans are more likely to develop specific mental health conditions, including depression, anxiety, mood and personality disorders, and probable PTSD. The needs of female veterans in the housing area significantly differ from male veterans as they often have children living with them, with associated schooling and care issues. Female veterans are less likely to seek support as services are not tailored to female veterans' needs. Female veterans are three times more likely to be homeless than non-veterans. Female veterans are more likely to be unemployed or economically inactive. They face issues concerning more flexible employment options (which they may need because of caring responsibilities). There is a paucity of data on female specific services and female utilisation of services.

Northumbria University includes the Northern Hub for Veterans and Military Families Research established in 2014. It comprises a multi-disciplinary team of academics, peer researchers and PHD students conducting translational research in the armed forces community. Their research is both qualitative and quantitative, covering health and social care, public health, psychology, social policy, human geography and nursing. They strive to attract and facilitate collaboration across the armed forces sector. They work with

a variety of organisations across the government, local authorities, NHS and third sector. They are currently working with FWP to research the UK LGBT + veteran community. In conjunction with FWP they held a national LGBT + Veterans Research conference on 12 January 2023. The Northern Hub has carried out phase one of a study examining the personal impact of the Ban on LGBT + veterans, with a focus on social isolation and loneliness. The project has been funded by the Armed Forces Covenant Fund Trust through their Tackling Loneliness programme.

Forward Assist, which is based in North Tyneside, is a veterans' support charity which provides advice, information and guidance, coupled with 'life changing' projects and opportunities to former servicemen and women who are experiencing difficulties in adjusting to a new life as a civilian. It employs a dedicated LGBTQ+ Veteran Care Co-ordinator and Veterans Family worker.

The charity offers gender specific services. In particular, its Salute Her UK service, which began in January 2018 offers confidential 'gender specific' trauma care and support to women veterans from all three services, especially those suffering from the long-term impact of military sexual assault and military sexual trauma (defined by the charity as sexual harassment that is threatening in character or physical assault of a sexual nature that occurred while the victim was in the military, regardless of geographic location of the trauma, gender of the victim, or the relationship to the perpetrator). Salute Her published its report 'No Man's Land' in 2019. The overall aim of the study was to obtain detailed information that illustrated the lived experience of women veterans. All of the women veterans taking part in the research acknowledged the need for a gender specific service. 100 women veterans were interviewed and asked about their experiences before, during and after military service. The report contained five observations and 17 recommendations for service providers and commissioners of military service charities.

Forward Assist has undertaken a number of other research projects, including its 'Exit Wounds' report. This involved a study of 20 LGBT veterans who had experienced military sexual assault. It was published on 8 June 2022. It was a small-scale qualitative study of LGBT veterans aged between 43 and 67 years. 50% of those interviewed had served in the Army, 30% in the Royal Navy and 20% in the Royal Air Force. The average length of service across the sample was eight years. The report found that almost all interviewees were left psychologically scarred after they left the military and struggled to adjust, experienced job insecurity, had to live in areas of multiple deprivation, and had a lack of belonging and feelings of hopelessness and social disconnection. The report also referred to self-medication with drugs and alcohol, depression,

anxiety and for some, suicidal ideation. The report made a number of recommendations, including further research projects. They included commissioning research by the OVA into the plethora of fragmented services that increase the feelings of chaos, uncertainty and impersonality that can further isolate LGBTQ+ individuals and their families and the undertaking of large-scale academic research to examine further the long term impact on LGBTQ+ victims/survivors traumatised by military sexual assault and sexual trauma. The Veterans' Minister, Leo Docherty MP, in answer to a Parliamentary question from Stephanie Peacock MP, said that he acknowledged the recommendations in Forward Assist's report and had asked the OVA to consider them carefully.

The Forward Assist's report 'El Hombre Invisible' (The Invisible Man) focuses on male military sexual trauma. It describes this as a topic of enormous relevance in need of additional research. The report presented the findings of the charity's research study which involved in-person interviews between October 2020 and December 2021 with 30 military male veteran survivors, aged between 37 to 69, carried out between October 2020 and December 2021. The report concludes with 14 observations and recommendations for service providers and commissioners of military service charities.

A further report of Forward Assist and Salute Her UK – 'LGBTQ+ Veterans Consultation Report' published in 2022 – concerns the results of their consultation between January 2018 and March 2019 with 33 LGBTQ+ veterans: 30 women, two men and one transgender person.

The University of Surrey published a report in 2018 – 'No Place like Home?' – which investigated LGBTQ residents' experiences in relation to their social housing and their views about what needed to be changed. It was funded by six housing associations. Over 260 people participated through a survey, focus groups and interviews. The study made a number of recommendations and practical suggestions.

I **recommend** (R45) that, insofar as it has not already done so, the government takes note of the recommendations in all those studies and reports and decides what action to take in response to them.

In addition, I **recommend** (R46) that the following further areas of research and the way future research into the armed forces should be conducted merit consideration. The UK Armed Forces Veterans' Census 2021 in England and Wales, which is to be warmly welcomed, may provide relevant data.

Analysis could be undertaken of the responses to the Call for Evidence in order to understand what might be relevant to LGBT people who are serving in the armed forces today so that the lessons from what happened before are learned. Put in a different way, this report describes the type of abusive treatment and bigotry endured by service personnel who were or were perceived to be LGBT at the time of the Ban. The MoD and the individual services need to assess in a detailed study whether such treatment and bigotry, in all its different forms, still exists and, if so, what is to be done about that.

A good sized quantitative study of LGBT veterans could be undertaken to understand how their experiences differ from LGBT people who have never served. This would require looking at what measures and approaches major studies of LGBT people have used and using a similar approach with LGBT veterans.

It would be helpful to ensure that future studies of the armed forces include questions on sexual orientation, gender identity and trans status, alongside other demographic information so that it can be understood how LGBT+ people within the armed forces are faring compared to those who are not LGBT+ and to ensure that there are a sufficient number of LGBT+ personnel to draw conclusions.

It might be useful to assess in due course what has been the impact of this Review on LGBT veterans, and to consider, in the light of that assessment, whether lessons can be learned for future review processes.



**Following publication
of this Report**

Engagement with LGBT veterans

I **recommend** (R47/S14) that once this Report and the government's response are published, the MoD, the OVA, service associations and benevolent funds, veterans' charities and service networks, including LGBT+ networks, should use all reasonable means to encourage LGBT veterans who are the subject of this Report to make a timely claim for any benefit to which they are entitled as a result of the Review.

Such organisations should use the Report as a springboard for engagement (in whatever ways seem most appropriate) with the veterans who are the subject of the Review, reassuring them that their service is valued and that they are as much part of the veterans' community as any other veteran.

Legacy website

I **recommend** (R48) that there be established a website which hosts this Report, the government's response, all the information gathered by the Review, including statements provided in response to the Call for Evidence and any other related material.

I **recommend** (R49) that the government also considers whether LGBT veterans who served under the Ban but who, for whatever reason did not respond to the Call for Evidence, and now wish to tell their story, should be able to do so as part of a historical record of LGBT veterans' experiences.



Annex 1

Contributors to the Review

Contributors to the Review

The following gave valuable advice and assistance in meetings either in person or remotely (in alphabetical order)

- Major-General Alastair Bruce OBE, KStJ, VR, DL, Governor of Edinburgh Castle
- Anna Wight, Chief Executive of the Armed Forces Covenant Fund Trust (together with Carol Stone and Sonia Howe)
- Admiral Sir Benjamin Key KCB, CBE, ADC, First Sea Lord and Chief of Naval Staff
- Carl Austin-Behan OBE DL, LGBT adviser to the Mayor of Greater Manchester; former RAF veteran
- Lord Cashman CBE
- Dr Charles Winstanley, chair of the implantation board for the new Scottish Veterans' Mental Health and Wellbeing Service
- Christina McKelvie, Scottish Minister for Equalities and Older People
- Craig Jones MBE and Caroline Paige, both in their personal capacities and as joint Chief Executive Officers of Fighting with Pride
- Daniel Kinahan, Northern Ireland Veterans' Commissioner
- Professor Sir David Omand GCB, former director of GCHQ and Cabinet Security and Intelligence Co-ordinator
- David Richmond CBE, Independent Veterans Adviser to UK Government Ministers at the Cabinet Office
- Duncan Lustig-Prean
- Edmund Hall, founder of the Legal Challenge Group
- Lee Buss-Blair, Director of Operations for Riverside and Group Veteran's Lead
- Kalvyn Friend, affected veteran
- Simon Wallington, affected veteran
- Terry Skitmore, affected veteran
- Elaine Chambers, a founder member of Rank Outsiders
- Major General Eldon Millar, MBE, Defence Services Secretary

- Forward Assist (represented by Tony Wright, chief executive, Paula Edwards, Women’s Veterans project lead and Nicole Dodds, LGBTQ+ Veterans’ care co-ordinator)
- Sir Gary Coward, national chairman SSAFA (the Soldiers, Sailors, Airmen and Families Association)
- Baroness Goldie, Minister of State for Defence
- Hannah Blythen, Welsh Government Deputy Minister for Health and Social Partnership (portfolio holder for veterans and Armed Forces)
- Helen Helliwell, Director Armed Forces Covenant (together with Bryony Hamilton)
- Professor Sir Hew Strachan FBA, FRSE, military historian
- Major (ret’d) the Rt. Hon. James Heapey MP, Minister of State for the Armed Forces and Veterans
- Jenni Dyer, Head of Diversity and Inclusion Royal British Legion
- Kate Davies CBE, Director of Health and Justice, Armed Forces and Sexual Assault Referral Centres, NHS England.
- Kate McCullough, Assistant Head MoD Armed Forces & Veterans Services Team
- Keith Brown. Scottish Cabinet Secretary for Justice and Veterans
- Col (rtd) James Phillips, Veterans’ Commissioner for Wales
- Dame Kelly Holmes DBE, MBE, OLY, Olympian gold medallist, formerly a sergeant in the British Army and now honorary colonel of the Royal Armoured Corps Training Regiment
- Fighting with Pride
- Leo Docherty MP, Parliamentary Under-Secretary of State, formerly Minister for Veterans
- LGBT Canadian Purge Fund (represented by Michelle Douglas, R. Douglass Elliot and Todd Ross)
- LGBT Foundation
- Lord Lexden OBE
- Air Chief Marshal Sir Mike Wigston KCB, CBE, ADC, Chief of Staff, Royal Air Force
- LGBT+ Service networks (WO2 Ann Milller-McCaffery, Major Harry Walter, Sgt Kelly Flynn, WO2 Paul McQueer, Cdr Samantha Kinsley-Briggs, Lt Cdr Christopher Fenn)

- Lt Col (Ret'd) Liz Brown, head of the Northern Ireland Veterans Support Office
- Nancy Kelley, Chief Executive Stonewall
- National Memorial Arboretum (Mark Ellis, Arboretum Lead, Andy Ansell, Head of Estates)
- Lieutenant General Sir Nicholas Pope KCB, CBE, formerly Deputy Chief of the General Staff and currently chair of COBSEO (the Confederation of British Service Charities)
- Opening Doors (Jonathan Buckerfield and Professor Ben Thomas)
- General Sir Patrick Sanders KCB CBE DSO ADC, Chief of General Staff
- Professor Paul Johnson, who gave advice and assistance in connection with the legal context and history and possible future legislation
- Peter Kellam, Head of Armed Forces Branch Welsh Government
- Robert Gordon University Female Veteran Support Research Team (Prof Zoe Morrison, Dr Rita Phillips, Dr Moira Bailey)
- Royal British Legion (represented by Charles Byrne, Director General, and Jenny Dyer, head of D&I)
- Major General (Retd) S.M. Andrews CBE
- The Rt. Hon. Stuart Andrew MP, Under-Secretary of State at DCMS for Sport Tourism and Civil Society and Under-Secretary of State for Equalities
- Lieutenant Commander (ret'd) Susie Hamilton, Scottish Veterans Commissioner
- Svend Robinson former Canadian Member of Parliament, who has been commissioned by the Canadian LGBT Purge Fund to write the history of the Purge
- Admiral Sir Tony Radakin KCB ADC, Chief of Defence Staff
- Veterans Affairs Canada



Annex 2

The Advisory Board

The Advisory Board

The Rt Hon Dame Anne Rafferty DBE, PC

Dame Anne was formerly a Judge of the Court of Appeal of England and Wales. In both her practice as a barrister and subsequently as a Judge she specialised in criminal law. When in practice as barrister, she conducted a number of courts-martial and as a Judge she heard several courts-martial appeals. She was the first woman chair of the Criminal Bar Association. As a Judge she was appointed chair of the Judicial College, which oversees training for judicial office holders. She was appointed Chancellor of Sheffield University in 2014.

Sir David Foskett Kt

Sir David was formerly a Judge in the Queen's Bench Division of the High Court of England and Wales. His practice as a barrister specialised in, among other areas, professional negligence and damages claims for personal injury. He also dealt with those subjects as a High Court Judge. He is the author of the leading work on the law of compromise and a former Chair of the Civil Mediation Council. He is currently chairing the independent panel re-assessing the financial losses suffered by victims of fraud at HBOS Reading.

Lt Col (Ret'd) Liz Brown

Lt Col (Ret'd) Liz Brown served for some 20 years in Germany, Canada, Bosnia and in the UK within MoD Headquarters, retiring in 2009. She worked with the Northern Ireland Office of ABF The Soldiers' Charity for seven years, before taking up a new post in April 2018 with COBSEO/RFCA Northern Ireland as Head of the NI Veterans' Support Office (NIVSO) with the core role of developing the capacity to deliver the Armed Forces Covenant in Northern Ireland. The NIVSO works closely with the Veterans' Commissioner for Northern Ireland.

General Sir James Everard KCB CBE

General Sir James Everard retired from the Army in 2020 after 38 years. His final appointment was Deputy Supreme Allied Commander Europe NATO. He has wide operational experience and commanded the Queen's Royal Lancers, 20th Armoured Brigade, 3 (UK) Division and the UK Field Army. He also served in the MOD as Assistant Chief of the General Staff and Deputy Chief of the Defence Staff (Military Strategy and Operations).

Dr Michael Brady

Dr Michael Brady was appointed as the National Advisor for LGBT Health at NHS England in April 2019. Dr Brady works across NHS England, with the Government Equalities Office, the Department of Health and Social Care and a wide range of stakeholders, partner organisations and the LGBT community to address health inequalities for LGBT individuals and improve their experience in the NHS. Michael is also an HIV and sexual health consultant at Kings College Hospital in London and was the Medical Director of the Terrence Higgins Trust for 15 years until Autumn 2022. Prior to this, Dr Brady was a trustee of the charity for three years from 2004.

Nicky Murdoch

Nicky is the Independent Chair for the National Health Service England Public Patient Voice Group and a member of the Veteran Advisory Board at the Cabinet Office. She completed a 30 year career in the Army, having joined straight from school, and reached the rank of Lieutenant Colonel, specialising in personnel work. During her time in the Army she served in a variety of appointments in command and on the staff in roles as diverse as specialist intelligence in Northern Ireland to the Chief of Staff and at the Headquarters of the Royal Corps of Army Music.

After her own battle with breast cancer in 2007, Nicky went on secondment to a charity where she designed, developed and delivered a programme for wounded, injured and sick personnel which was the forerunner to the Defence Recovery Capability. She then joined the St John and Red Cross Defence Medical Welfare Service as CEO in 2011 to develop and expand the service.

She is a chartered manager and a chartered companion of the Chartered Management Institute and a member of the 'Our Dorset' public experience group for the Dorset Integrated Care Board.

Professor Neil Greenberg

Professor Greenberg is a clinical and academic psychiatrist based at King's College London. He is a specialist in adult, occupational and forensic psychiatry. Professor Greenberg served in HM Armed Forces for more than 23 years, leaving in 2013 as a Surgeon Captain. He was deployed as a psychiatrist and researcher in a number of hostile environments, including Afghanistan and Iraq. During his service he was part of the team to develop peer-led traumatic stress support packages, most notably trauma risk management, for which he was awarded the Gilbert Blane Medal.

He is a senior member of the military mental health research team at King's College and a principal investigator within a nationally funded Health Protection Research Unit which investigates the psychological impacts of trauma on organisations. Professor Greenberg also runs 'March on Stress' which is a psychological health consultancy and is also the immediate past chair of the Royal College of Psychiatrists' Special Interest Group in occupational psychiatry as well as currently leading on the World Psychiatric Association's Position Statement on Mental Health in the Workplace.



Annex 3

Terms of Reference for the Review

Background

Until 12 January 2000, there was a blanket Ban on the presence of homosexuals in Her Majesty's Armed Forces. Those serving who were, or were perceived to be, homosexual could face intrusive investigations and ultimately be dismissed or otherwise forced to leave Her Majesty's Armed Forces. The government accepts that this historic policy was wrong and has committed to work to understand, acknowledge and where appropriate address the impact it has had on veterans today, in particular in relation to members of the LGBT community.

Purpose

The Chancellor of the Duchy of Lancaster and the Secretary of State for Defence have jointly asked Lord Etherton to provide the government with an independent account of the service and experiences of LGBT veterans who served in Her Majesty's Armed Forces between 1967 and 2000. This review will provide those impacted with the opportunity to be heard and to enable the government to better recognise the impact of the historic policies as well as acknowledge the lived experience of service for those veterans, to better understand their support needs today.

Objectives

The review will consider the experiences of LGBT veterans and their families in the context of the pre-2000 Ban, including:

1. the nature of dismissal and other departures from the armed forces
2. the impact their past experience in the armed forces had on their subsequent lives
3. the impact of the Ban on others in the armed forces community who may have been affected, such as those who were incorrectly perceived to be homosexual

The Review will make evidence-based recommendations as to how the government can meet its commitment in the Veterans Strategy, to ensure the service and experience of every veteran is

understood and valued, in relation to the LGBT veterans community. Any recommendations should be proportionate, with consideration given to implementation.

Scope

The Review should examine and consider the experience of LGBT service personnel who served between 1967 and 2000. This specified period represents the start of decriminalisation of private homosexual acts between men aged over 21 in England and Wales through to the lifting of the Ban on homosexuality in the armed forces in January 2000.

The review should comment on:

- 1.** the range of potential impact that the Ban may have had on those affected, including but not limited to consequences for future relationships, employability or financial position
- 2.** how services for veterans today could be made more accessible and inclusive so that LGBT veterans, dismissed or otherwise required to leave Her Majesty's Armed Forces because of their sexual orientation or otherwise adversely impacted by the historic Ban feel welcome and that the services are 'for them'
- 3.** how government can ensure that veterans dismissed or otherwise required to leave Her Majesty's Armed Forces because of their perceived sexual orientation are recognised and accepted as full members of the armed forces community and that government acknowledges and appreciates their service
- 4.** any further research, or policy review the government could undertake to understand and seek to mitigate any impacts, including any financial impact

Out of scope

The Review should not examine and consider the experience of service personnel who served outside the specified period, nor should the Review examine and consider the experience of service personnel in other minority groups.

The scope of the Review will be limited to looking at service within Her Majesty's Armed Forces. It will be for the government to identify any wider lessons which may be relevant to other areas of government and the report should not comment on this area.

Recommendations should focus on the desired outcome, leaving flexibility for the government on how to achieve that via policy or process change. Recommendations should not include changes to existing financial compensation routes, or recommend new compensation schemes, that are unconstrained or duplicative of existing processes for redress.

It is not the purpose of this review to hold individuals to account or to apportion individual blame for any alleged wrongdoing. The report will not include accusations against individuals, proven or otherwise.

Governance

The Review will be conducted independently and will be led by Lord Etherton, with a small Civil Service secretariat. The Independent Reviewer has been appointed by and is accountable to the Chancellor of the Duchy of Lancaster and the Secretary of State for Defence for delivery of this review.

Outputs and timing

The Review will produce a report including any recommendations, which will be submitted to the Chancellor of the Duchy of Lancaster and The Secretary of State for Defence by 25 May 2023 and the government will publish the report and its response in due course thereafter.



Annex 4

Engagement with the Devolved Administrations

Scotland

1. Edinburgh Pride
2. Veterans' 1st Point and Fighting with Pride August Veteran Drop In
3. Veterans' Scotland Annual General Meeting hosted at the Poppy Factory (attended by all Scottish Veteran Organisations)
4. Scottish Government Veterans' Unit
5. Edinburgh COBSEO Engagement Session
6. Meet the Review Team one-to-one talks with Edinburgh LGBT Veterans
7. Lord Etherton meets Veterans' Commissioner for Scotland, Susie Hamilton
8. Unforgotten Forces Autumn 2022 Gathering
9. Lord Etherton meets Keith Brown MSP (Cabinet Secretary for Justice of Scotland) and Christina McKelvie MSP (Minister for Equalities and Older People)
10. Lord Etherton visits Edinburgh and Drop In (Veteran1st Point)

Wales

11. Cardiff Pride
12. Attendance at Armed Forces Garden Party Cardiff Castle
13. Lord Etherton meets James Phillips – Veterans' Commissioner Wales
14. Team meets with Veterans' Community Workers Cymru / Wales and FWP Training Officer Ruth Birch and Welsh veterans
15. Lord Etherton meets Welsh Veterans and representatives of Welsh veteran support services
16. Lord Etherton meets Armed Forces Liaison Officer Abigail Warburton and Head of the Armed Forces Branch for the Welsh Government Peter Kellam

Northern Ireland

17. Northern Ireland Pride Guide

18. NI World Advertisements

19. NI Veterans' Commissioner, Daniel de Burgh Kinahan

20. Lord Etherton and Review team members visit Belfast and attend a round table event at the premises of the Northern Ireland Veterans' Support Office

Attendees:

Liz Brown, head of NISVO, Fiona Sinclair, deputy head of NISVO, Louise McCreadie, care co-ordinator Walking with the Wounded, Mark Ewing, project manager Veterans' Adviceline for Statutory Professionals, Claire McCartan, senior researcher Regional Trauma Network, Andy Allen MLA MBE Founder Andy Allen Veterans Support NI, Dougie Morgan, Fighting with Pride, Dr Erik Spikol, Research Fellow STARC Research Centre, School of Psychology Queen's University, Dr Martin Robinson, Research Fellow STARC Research Centre, James Knox, Policy and Campaigns Manager Beyond the Battlefield, Chris Broddle former Army Padre, Adrienne Elson, transwoman former RN Reservist at HMS Caroline, Michael Donaldson, case manager Inspire Veterans Mental Health)

21. Newspaper advertisements: News Letter, Derry Journal, Portadown Times, Mid Ulster Mail and the Larne, Carrick and Newtownabbey Times, Ulster, Banbridge and Dromore Leader, Ballymena Times, Coleraine Times and the Londonderry Sentinel

Annex 5

Court proceedings of Duncan Lustig-Prean,
John Beckett, Jeanette Smith and Graeme Grady

The UK Court Proceedings

Duncan Lustig-Prean joined the Royal Navy in 1979 as a radio operator. By 1992 he had attained the rank of Lieutenant Commander. In June 1994 he was informed on as gay and on 16 December 1994 was discharged by the Admiralty Board with effect from 17 January 1995.

In April 1995, Lustig-Prean applied to the High Court for judicial review to quash the decision of the Admiralty Board to discharge him from the Royal Navy. He also claimed damages and a declaration that the decision was unlawful.

John Beckett joined the Royal Navy at the age of 18 in February 1989, enlisting for 22 years' service. By 1993 he was a weapons engineering mechanic. Only after enlisting did he come to realise he was gay. In 1992 he formed a stable relationship with a civilian male partner. In May 1993 he revealed his homosexuality to a Royal Navy chaplain who advised him to inform his divisional officer. He did so. On 24 June 1993 the decision was taken to discharge him. He raised a complaint about it. On 6 December 1994 his complaint was dismissed by the Admiralty Board.

In March 1995 Beckett applied for judicial review to quash the decision to discharge him from the Royal Navy and the decision of the Admiralty Board of the Defence Council to refuse his appeal. He also applied for damages and for a declaration that the policy of the Secretary of State for Defence to dismiss homosexuals from the army summarily and clause 3624(2) of the Queen's Regulations for the Royal Navy (B.R.2) 1989, providing for such discharge, were unlawful.

Jeanette Smith joined the Royal Air Force in 1989 on a nine-year engagement as an enrolled nurse. In February 1993 she began living in private rented accommodation with a civilian female partner. In June 1994 she was informed on as a lesbian and eventually discharged with effect from 25 November 1994.

In March 1995 Smith applied to the High Court for judicial review to quash the decision of the RAF to discharge her. She also applied for damages and a declaration that the policy of the Secretary of State to dismiss homosexuals from the RAF was unlawful.

Graeme Grady joined the RAF in August 1980 on a 30-year engagement as an administrative clerk. He was promoted to sergeant in 1990. He was married with two children. In May 1993 he told his wife that he was homosexual. In May 1994 he was informed on and eventually discharged with effect from 16 November 1994.

Grady applied to the High Court in March 1995 for judicial review to quash the decision of the RAF to discharge him. He also applied for damages, among other things.

Each of those applicants had an exemplary service record. It was not suggested in the court proceedings that their sexual orientation had in any way affected their ability to carry out their work or had any ill effect on discipline. It was also accepted that, but for their discharge on the sole ground of sexual orientation, they would have continued to perform their service duties entirely efficiently and with the continued support of their colleagues. All were devastated by their discharge.

The relevant Queen's Regulations allowed Smith and Grady to be discharged from the RAF for "being unable to meet service obligations through circumstances beyond his/her control" (The Queen's Regulations for the Royal Air Force A.L. 19/Aug. 1994, paragraph 607(22)(d)(i)). Paradoxically, they allowed Lustig-Prean to be discharged from the Royal Navy through "unsuitability due to causes within the officer's control".

Each of the applicants challenged the validity of discharge on the usual ground for attacking the legality of policies and decisions of public bodies, namely that the policy banning homosexuals was irrational. In addition, they argued that the policy was in breach of the European Convention for the Protection of Human Rights and Fundamental Freedoms (the ECHR).

The applications were heard by the Divisional Court of the Queen's Bench Division in June 1995.¹¹

In his judgment Lord Justice Simon Brown observed that, so far as security was concerned, it was a little difficult to see how the state could survive homosexual ambassadors and Permanent Secretaries and yet not homosexual service personnel; and that the very fact that homosexual service men's and women's jobs depended upon hiding their sexual orientation exposed them to the risk of blackmail. Lord Justice Simon Brown went on to say that the tide of history was against the MoD and that it was improbable, whatever the court might say, that the existing policy could survive for much longer.

Lord Justice Simon Brown rejected the MoD's argument that the policy was not justiciable by the courts, and, applying the usual irrationality test, he said that it was only if the MoD's purported justification for the Ban outrageously defied logic or accepted moral standards could the court properly strike it down. He concluded that the public interest advanced by the MoD for the policy of the Ban – the delivery of an operationally efficient and effective fighting force which depended on morale and unit effectiveness – could not

¹¹ [1996] QB 517.

be stigmatised as irrational even though he himself thought it was a wrong view. Further, the court could not decide whether the policy was unlawful as being in breach of Article 8 of the ECHR (the right to respect for private life) because the ECHR had not at that time been incorporated into UK law (as it would do when the Human Rights Act 1998 came into force in 2000). At that time the ECHR bound the UK, as a member of the Council of Europe, only as a treaty obligation at the international level. The Divisional Court, therefore, dismissed the applications. It urged the MoD to re-examine its policy in the light of changing attitudes and circumstances and all available evidence.

The applicants appealed to the Court of Appeal.¹² The appeals were dismissed and the Judicial Committee of the House of Lords refused permission to appeal to the House of Lords.

As mentioned, following the decision of the UK Divisional Court, a Homosexuality Policy Assessment Team (HPAT) was established by the MoD in order to undertake an internal assessment of the armed forces' policy on homosexuality. It is to be noted that in the HPAT report security issues relating to those suspected of being homosexual were found not to stand up to close examination as a ground for maintaining the Ban.

The European Court of Human Rights

The first judgments: breach of Article 8 and the end of the Ban

Following their defeat in the UK courts, the applicants applied in 1996 (via the European Commission of Human Rights) to the European Court of Human Rights in Strasbourg.¹³ Their applications were effectively consolidated into two cases: **Smith and Grady v The United Kingdom** and **Lustig-Prean and Beckett v the United Kingdom**. They applied on several grounds of alleged breaches of the ECHR but, for present purposes, their most important submission was that the investigations into their homosexuality and

12 [1996] QB 517.

13 Application nos. 33985/96, 33986/96, 31417/96, 32377/96.

their administrative discharge on the sole ground that they were homosexuals constituted a violation of their right to respect for their private life under Article 8 of the ECHR.

There was no real dispute that the implementation of the Ban against the applicants infringed their right under Article 8 to respect for their private life. The sole reason for the investigations and discharge was the applicants' sexual orientation, a most intimate aspect of an individual's private life. The administrative discharge of the applicants had a profound effect on their careers and prospects.

The critical issue was whether in all the circumstances the interference with the applicants' Article 8 rights could be justified.

The European Court of Human Rights published its judgments on that issue in both cases on 27 September 1999. It recounted in detail the precise circumstances of the investigations by the SIB, including interviews.

Until the investigations by the SIB each applicant had kept their sexual orientation private. The investigations were triggered, in Smith's case, by anonymous telephone calls to Smith and to the SIB; in Grady's case, by information supplied by the nanny of Grady's commander; in Lustig-Prean's case, by an anonymous letter to Lustig-Prean's commanding officer; and in Beckett's case, by repetition by a chaplain to Beckett's commanding officer of Beckett's disclosure of his sexual orientation in the course of a confidential pastoral conversation between the chaplain and Beckett. In the case of each applicant, other than possibly Lustig-Prean (who, following a tip-off, had already cleared his cabin of any incriminating evidence), their accommodation was searched. The court described the interviews of each applicant as being of an exceptionally intrusive character and that they included lines of questioning which were particularly offensive. For those reasons, among others, the European Court of Human Rights considered the interferences with the applicants' Article 8 rights were especially grave. In each case, the interviews took place or continued after each applicant had admitted their homosexuality.

Smith's interview included detailed questions about her lesbian orientation, her HIV status, her sexual practices and preferences, whether she was into "girlie games like hockey and netball" and whether she and her partner had a sexual relationship with their 16 years old foster daughter.

In Grady's case, the interviews (in which there were references to him as a "queen" and an "out and out bender") included questions about his private life with his wife, a colleague's husband and the nanny who worked with his commander's family, and about the break-up of his marriage, whether he had extra-marital affairs, about his and his wife's

sex life, including their having protected sex and about their financial situation. He was questioned about his first homosexual relationship, his homosexual partners (past and present), who they were, where they worked, how old they were, how he met them and the nature of his relationship with them, including the type of sex they had.

Lustig-Prean was asked, among other things, whether he had had homosexual contact with service personnel, what type of sexual relations he had with a particular person, when and where this had occurred, about his current relationship and whether his parents knew of his homosexuality. He was asked whether he was HIV positive.

Beckett was questioned about a previous relationship with a woman. He was asked the woman's name and where she was from, when he had that relationship, why it ended, whether they had a sexual relationship, whether he enjoyed their relationship and whether "she was enough for you". Details were sought as to how and what he did when he realised he was homosexual and, in this respect, he was asked what sort of feelings he had for a man, whether he had been "touched up" or "abused" as a child and whether he had bought pornographic magazines. He was then questioned about his first and current homosexual relationship which began in December 1992 and, in this regard, he was asked about his first night with his partner, who was "butch" and who was "bitch" in the relationship and what being "butch" meant in sexual terms. Detailed questions were put as to how they had sex and whether they used condoms, lubrication and other sex aids, whether they ever had sex in a public place and how they intended to develop the relationship. He was also asked about gay bars he frequented, whether he had ever joined contact magazines, whether his parents knew about his homosexuality and whether he agreed that his secret life could be used as a basis to blackmail him and render him a weak link in the service. The personal slides and postcards which had been taken from his locker were examined and the applicant was questioned in detail about their contents.

The European Court of Human Rights said that, in the circumstances, particularly serious reasons were required to justify the interference with the applicants' Article 8 rights. In order to justify the infringement, the UK had to establish that the infringement was, for the purposes of Article 8(2), "necessary in a democratic society", which it could be only if it pursued a legitimate aim in answering a pressing social need and was proportionate to the legitimate aim pursued. As stated, the UK's reliance on the HPAT report for that justification was summarily dismissed by the European Court of Human Rights. The Strasbourg Court said:

“88. Although the Court acknowledges the complexity of the study undertaken by the HPAT, it entertains certain doubts as to the value of the HPAT report for present purposes. The independence of the assessment contained in the report is open to question given that it was completed by Ministry of Defence civil servants and service personnel ... and given the approach to the policy outlined in the letter circulated by the Ministry of Defence in August 1995 to management levels in the Armed Forces ... In addition, on any reading of the report and the methods used ... only a very small proportion of the Armed Forces’ personnel participated in the assessment. Moreover, many of the methods of assessment (including the consultation with policy-makers in the Ministry of Defence, one-to-one interviews and the focus group discussions) were not anonymous. It also appears that many of the questions in the attitude survey suggested answers in support of the policy.

89. Even accepting that the views on the matter which were expressed to the HPAT may be considered representative, the Court finds that the perceived problems which were identified in the HPAT report as a threat to the fighting power and operational effectiveness of the Armed Forces were founded solely upon the negative attitudes of heterosexual personnel towards those of homosexual orientation. The Court observes, in this respect, that no moral judgment is made on homosexuality by the policy, as was confirmed in the affidavit of the Vice Chief of the Defence Staff ... It is also accepted by the Government that neither the records nor conduct of the applicants nor the physical capability, courage, dependability and skills of homosexuals in general are in any way called into question by the policy.

90. The question for the Court is whether the above-noted negative attitudes constitute sufficient justification for the interferences at issue. The Court observes from the HPAT report that these attitudes, even if sincerely felt by those who expressed them, ranged from stereotypical expressions of hostility to those of homosexual orientation, to vague expressions of unease about the presence of homosexual colleagues. To the extent that they represent a predisposed bias on the part of a heterosexual majority against a homosexual minority, these negative attitudes cannot, of themselves, be considered by the Court to amount to sufficient justification for the interferences with the applicants’ rights outlined above, any more than similar negative attitudes towards those of a different race, origin or colour.

91. ...

92. The Court notes the lack of concrete evidence to substantiate the alleged damage to morale and fighting power that any change in the policy would entail. Thorpe LJ in the Court of Appeal found that there was no actual or significant evidence of such damage as a result of the presence of homosexuals in the Armed Forces... and the Court further considers that the subsequent HPAT assessment did not, whatever its value, provide evidence of such damage in the event of the policy changing. ...”¹⁴

The European Court of Human Rights concluded that convincing and weighty reasons had not been offered by the UK Government to justify the policy against homosexuals in the armed forces or, therefore, the consequent discharge of the applicants.

The court further considered that the continuation of the investigations after the applicants had admitted that they were homosexuals founded a separate breach of Article 8 as there was no justification for it.

That judgment was binding on the UK pursuant to Article 46 of ECHR (“The High Contracting Parties undertake to abide by the final judgment of the Court in any case to which they are parties”). At the time it was published, it was binding on the UK only at the international level as a member of the Council of Europe. The Human Rights Act 1998, which incorporated the ECHR into UK law, came into force on 2 October 2000. The Strasbourg judgment would then undoubtedly have been followed by UK Courts as part of domestic law.

No doubt with those matters in mind, on 12 January 2000 Geoff Hoon MP, the Secretary of State for Defence, announced the end of the Ban

The second judgments: just satisfaction

The European Court of Human Rights published on 25 July 2000 a further judgment in each case awarding the applicants ‘just satisfaction’, that is to say compensation, pursuant to Article 41 of the ECHR. The Strasbourg court divided the compensation into two parts: non-pecuniary damage and pecuniary damage.

As to non-pecuniary damage, the court highlighted the following considerations. It said that both the investigations and consequent discharges constituted ‘especially grave’ interferences with the applicants’ private lives because (1) the investigation process was of an ‘exceptionally intrusive character’, certain lines of questioning being particularly intrusive and offensive; (2) the discharge of the applicants had a profound effect on their careers and prospects; and (3) the absolute and general character of the policy was striking, leading as it did to the discharge of the applicants on the ground of an innate personal characteristic irrespective of their conduct or service records. The court also noted that in the judicial review proceedings, the High Court had described the applicants’ service records as “exemplary” and had found that they had been “devastated” by their discharge. The events were described in that context as having been “undoubtedly distressing and humiliating for each of the applicants”.

The court said that it was clear that the investigations and discharges were profoundly destabilising events in the applicants’ lives which had and continued to have a significant emotional and psychological impact on each of them.

In the circumstances, the European Court of Human Rights awarded, on what it described as “an equitable basis”, £19,000 to each applicant in compensation for non-pecuniary damage.

As to pecuniary damage, the principle applied by the European Court of Human Rights was that a violation of the ECHR imposes on the respondent state a legal obligation to make reparation for its consequences in such a way as to restore as far as possible the situation existing before the breach.

The court pointed out that, in the case of the applicants, a precise calculation of the sums necessary to make complete reparation in respect of the pecuniary losses suffered by them was prevented by the inherently uncertain character of the damage flowing from the violations. It rejected the UK Government’s contention that no award should be made in respect of future losses given the large number of imponderables involved in their assessment, but the

court accepted that it was nevertheless the case that the greater the interval since the discharge of the applicants the more uncertain the damage had become.

The court said that, accordingly, it had to decide in its discretion, having regard to what was equitable, what level of just satisfaction it was necessary to award to each applicant, in respect of both past and future pecuniary loss, bearing in mind in particular that the discharge of the applicants had a profound effect on their careers and prospects. The court said that the significant differences between service and civilian life and qualifications, together with the emotional and psychological impact of the investigations and of the consequent discharges together with (in most cases) the lack of access to the armed forces' resettlement services, made it difficult for the applicants to find civilian careers which were, and would continue to be, equivalent to their service careers.

The court also considered significant the loss to the applicants of the non-contributory service pension scheme. It said that the lump sum and service pension which the applicants would receive on retirement would be less than the amounts they would have received had they not been discharged. The court concluded that the applicants could reasonably claim some compensation for the loss associated with the termination of their participation in the non-contributory service pension scheme from the date of their discharges. It said that the amount of the loss was necessarily speculative, depending as it did on, among other things, the period during which the applicants would have remained in service and on their rank at the time of leaving service.

The court further considered that interest could be claimed from the dates on which each element of past pecuniary loss accrued.

The court said that, in such circumstances, and making its assessment on an equitable basis, it awarded compensation (inclusive of interest claimed) as follows:

- 1.** to Smith, £30,000 in respect of past loss of earnings, £15,000 for future loss of earnings and £14,000 for the loss of the benefit of the non-contributory service pension scheme, making a total award of compensation for pecuniary damage of £59,000
- 2.** to Grady, £25,000 in respect of future loss of earnings and £15,000 for the loss of the benefit of the non-contributory service pension scheme, making a total award of compensation for pecuniary damage of £40,000
- 3.** to Lustig-Prean, £38,875 in respect of past loss of earnings, £25,000 for future loss of earnings and £30,000 in respect of the loss of the benefit of the non-contributory service pension scheme, making a total award of compensation for pecuniary loss of £94,875
- 4.** to Beckett, £34,000 in respect of past loss of earnings, £7,000 for future loss of earnings and £14,000 for the loss of the benefit of the non-contributory service pension scheme, making a total award of compensation for pecuniary loss of £55,000



Annex 6

The organisations with which the Review engaged

The organisations with which the Review engaged

- Royal British Legion
- COBSEO
- SSAFA
- Armed Forces Covenant Fund Trust
- Fighting With Pride
- Forward Assist
- National Memorial Arboretum
- Robert Gordon University (Female Veteran Support Research Team)
- Northumbria University (Northern Hub for Veterans and Military Families Research) FWP/Northumbria University LGBT+ Veterans Research Conference
- Stonewall
- Opening Doors
- Scottish Government
- Implementation Board for the new Scottish Veterans' Mental Health and Wellbeing Service
- Welsh Government
- V4P Wales
- Northern Ireland Veterans Support Office (facilitating contact with Walking with the Wounded, Veterans' Adviceline for Statutory Professionals, Regional Trauma Network, Andy Allen Veterans' Support NI, STARC Research Centre, School of Psychology, Queen's University, Beyond the Battlefield, Inspire Veterans' Mental Health, The Rainbow Project)
- Canadian LGBT Purge Fund
- Veterans' Affairs Canada
- MoD Defence Business Services



Annex 7

Image of the Canadian LGBT Purge citation and presentation box with pin and bar



Canada Pride Citation and presentation box.



Annex 8

Apology of the Prime Minister of Canada

One of the greatest choices a person can make in their life is the choice to serve their fellow citizens. Maybe it's in government, in the military, or in a police force. In whatever capacity one serves, dedicating your life to making Canada – and indeed, the world – a better place is a calling of the highest order.

Now imagine, if you will, being told that the very country you would willingly lay down your life to defend doesn't want you. Doesn't accept you. Sees you as defective. Sees you as a threat to our national security.

Not because you can't do the job, or because you lack patriotism or courage – no, because of who you are as a person, and because of who your sexual partners are.

Now imagine, Mr. Speaker, being subjected to laws, policies, and hiring practices that label you as different – as “less than.”

Imagine having to fight for the basic rights that your peers enjoy, over and over again.

And imagine being criminalized for being who you are.

This is the truth for many of the Canadians present in the gallery today, and those listening across the country.

This is the devastating story of people who were branded criminals by the government. People who lost their livelihoods, and in some cases, their lives.

These aren't distant practices of governments long forgotten. This happened systematically, in Canada, with a timeline more recent than any of us would like to admit.

Mr. Speaker, today we acknowledge an often-overlooked part of Canada's history. Today, we finally talk about Canada's role in the systemic oppression, criminalization, and violence against the lesbian, gay, bisexual, transgender, queer, and two-spirit communities.

And it is my hope that in talking about these injustices, vowing to never repeat them, and acting to right these wrongs, we can begin to heal. ...

Discrimination against LGBTQ2 communities was quickly codified in criminal offences like “buggery,” “gross indecency” and bawdy house provisions.

Bathhouses were raided, people were entrapped by police.

Our laws bolstered and emboldened those who wanted to attack non-conforming sexual desire.

Our laws made private and consensual sex between same-sex partners a criminal offence, leading to the unjust arrest, conviction, and imprisonment of Canadians. This criminalization would have lasting impacts for things like employment, volunteering, and travel.

Those arrested and charged were purposefully and vindictively shamed. Their names appeared in newspapers in order to humiliate them, and their families.

Lives were destroyed. And tragically, lives were lost. ...

Over our history, laws and policies enacted by the government led to the legitimization of much more than inequality – they legitimized hatred and violence, and brought shame to those targeted.

While we may view modern Canada as a forward-thinking, progressive nation, we can't forget our past: The state orchestrated a culture of stigma and fear around LGBTQ2 communities. And in doing so, destroyed people's lives.

Mr. Speaker, a purge that lasted decades will forever remain a tragic act of discrimination suffered by Canadian citizens at the hands of their own government.

From the 1950s to the early 1990s, the government of Canada exercised its authority in a cruel and unjust manner, undertaking a campaign of oppression against members, and suspected members, of the LGBTQ2 communities.

The goal was to identify these workers throughout the public service, including the foreign service, the military, and the RCMP, and persecute them.

You see, the thinking of the day was that all non-heterosexual Canadians would automatically be at an increased risk of blackmail by our adversaries due to what was called "character weakness."

This thinking was prejudiced and flawed. And sadly, what resulted was nothing short of a witch-hunt.

The public service, the military, and the RCMP spied on their own people, inside and outside of the workplaces. Canadians were monitored for anything that could be construed as homosexual behaviour, with community groups, bars, parks, and even people's homes constantly under watch.

During this time, the federal government even dedicated funding to an absurd device known as the Fruit Machine – a failed technology that was supposed to measure homosexual attraction.

When the government felt that enough evidence had accumulated, some suspects were taken to secret locations in the dark of night to be interrogated.

They were asked invasive questions about their relationships and sexual preferences. Hooked up to polygraph machines, these law-abiding public servants had the most intimate details of their lives cut open.

Women and men were abused by their superiors, and asked demeaning, probing questions about their sex lives. Some were sexually assaulted.

Those who admitted they were gay were fired, discharged, or intimidated into resignation. They lost dignity, lost careers, and had their dreams – and indeed, their lives – shattered.

Under the harsh glare of the spotlight, people were forced to make an impossible choice between career and identity.

The very thing Canadian officials feared – blackmail of LGBTQ2 employees – was happening. But it wasn't at the hands of our adversaries; it was at the hands of our own government.

Mr. Speaker, the number one job of any government is to keep its citizens safe. And on this, we have failed LGBTQ2 people, time and time again.

It is with shame and sorrow and deep regret for the things we have done that I stand here today and say: We were wrong. We apologize. I am sorry. We are sorry.

For state-sponsored, systemic oppression and rejection, we are sorry.

For suppressing two-spirit Indigenous values and beliefs, we are sorry.

For abusing the power of the law, and making criminals of citizens, we are sorry. ...

To all the LGBTQ2 people across this country who we have harmed in countless ways, we are sorry.

To those who were left broken by a prejudiced system;

And to those who took their own lives – we failed you.

For stripping you of your dignity;

For robbing you of your potential;

For treating you like you were dangerous, indecent, and flawed;

We are sorry.

To the victims of the purge, who were surveilled,
interrogated, and abused;

Who were forced to turn on their friends and colleagues;

Who lost wages, lost health, and lost loved ones;

We betrayed you. And we are so sorry.

To those who were fired, to those who resigned, and to those who
stayed at a great personal and professional cost;

To those who wanted to serve, but never got the chance to because
of who you are – you should have been permitted to serve your
country, and you were stripped of that option.

We are sorry. We were wrong.

Indeed, all Canadians missed out on the important contributions you
could have made to our society.

You were not bad soldiers, sailors, airmen and women. You were not
predators. And you were not criminals.

You served your country with integrity, and veterans you are.

You are professionals. You are patriots. And above all, you are
innocent. And for all your suffering, you deserve justice, and you
deserve peace.

It is our collective shame that you were so mistreated. And it is
our collective shame that this apology took so long – many who
suffered are no longer alive to hear these words. And for that,
we are truly sorry.

To the loved ones of those who suffered;

To the partners, families, and friends of the people we harmed;

For upending your lives, and for causing you such irreparable pain
and grief – we are sorry.

We also thank members of the We Demand an Apology Network,
our LGBTQ2 Apology Advisory Council, and the Just Society
Committee for Egale, as well as the individuals who have long
advocated for this overdue apology.

We must remember, and we will remember. We will honour and
memorialize the legacy of those who fought before us in the face
of unbearable hatred and danger.

Mr. Speaker, it is my hope that we will look back on today as
a turning point. But there is still much work to do.

Discrimination against LGBTQ2 communities is not a moment in time, but an ongoing, centuries-old campaign.

We want to be a partner and ally to LGBTQ2 Canadians in the years going forward. There are still real struggles facing these communities, including for those who are intersex, queer people of colour, and others who suffer from intersectional discrimination.

Transgender Canadians are subjected to discrimination, violence, and aggression at alarming rates. In fact, trans people didn't even have explicit protection under federal human rights legislation until this year. ...

And, Mr. Speaker, I am proud to say that earlier today in this House we tabled the Expungement of Historically Unjust Convictions Act. This will mean that Canadians previously convicted of consensual sexual activity with same-sex partners will have their criminal records permanently destroyed.

Further, I am pleased to announce that over the course of the weekend, we reached an agreement in principle with those involved in the class action lawsuit for actions related to "the purge."

Never again will our government be the source of so much pain for members of the LGBTQ2 communities.

We promise to consult and work with individuals and communities to right these wrongs and begin to rebuild trust. We will ensure that there are systems in place so that these kinds of hateful practices are a thing of the past. Discrimination and oppression of LGBTQ2 Canadians will not be tolerated anymore. ...

Mr. Speaker, Canada's history is far from perfect.

But we believe in acknowledging and righting past wrongs so that we can learn from them.

For all our differences, for all our diversity, we can find love and support in our common humanity.

We're Canadians, and we want the very best for each other, regardless of our sexual orientation, or our gender identity and expression. We will support one another in our fight for equality.

And Canada will stand tall on the international stage as we proudly advocate for equal rights for LGBTQ2 communities around the world.

To the kids who are listening at home and who fear rejection because of their sexual orientation or their gender identity and expression;

And to those who are nervous and scared, but also excited at what their future might hold;

We are all worthy of love, and deserving of respect.

And whether you discover your truth at six or 16 or 60, who you are is valid.

To members of the LGBTQ2 communities, young and old, here in Canada and around the world:

You are loved. And we support you.

To the trailblazers who have lived and struggled, and to those who have fought so hard to get us to this place: thank you for your courage, and thank you for lending your voices. I hope you look back on all you have done with pride.

It is because of your courage that we're here today, together, and reminding ourselves that we can, and must, do better.

For the oppression of the lesbian, gay, bisexual, transgender, queer, and two-spirit communities, we apologize. On behalf of the government, Parliament, and the people of Canada: We were wrong. We are sorry. And we will never let this happen again.



Annex 9

Disregard and Pardon Legislation

The statutory provisions governing the disregard of, and pardon for, cautions and convictions for same sex sexual acts are complicated.

So far as concerns civilian offences, section 92 in Chapter 4 of Part 5 of the Protection of Freedoms Act 2012, which applies to England and Wales, provides that a person who has been convicted of, or cautioned for, the offence of buggery or gross indecency between men within the Sexual Offences Act 1956 or corresponding earlier offences may apply to the Secretary of State, in practice the Home Office, for the conviction or caution to become a disregarded conviction or disregarded caution subject to certain conditions being satisfied. For present purposes the most relevant of those conditions is that the Secretary of State must decide that the other person involved in the conduct constituting the offence consented and was aged 16 or over and such conduct would not constitute the offence of sexual activity in a public lavatory.

Under section 95 of the 2012 Act details of the disregarded conviction or caution must be deleted from relevant official records.

Section 96 of the 2012 Act provides that a person who has a disregard conviction or caution is to be treated for all purposes in law as if the person has not committed the offence or been charged with, or prosecuted for, the offence, or been convicted of the offence or sentenced for it or been cautioned for the offence.

Under section 165 of the Policing and Crime Act 2017 a person whose conviction or caution has become a disregarded conviction or caution under Chapter 4 of Part 5 of the 2012 Act is pardoned for the offence.

The broad effect of section 164 of the Police and Crime Act 2017, as amended, is to provide for a person who died before the section came into force to be pardoned for the same type of offence and subject to the same conditions as would have applied if that person had been alive and applied for the conviction or caution to be disregarded under the 2012 Act.

The 2012 Act and the 2017 Act contain similar provisions for Northern Ireland.

So far as concerns Scotland, disregards and pardons for civilian offences are governed by the Historical Sexual Offences (Pardons and Disregards) Scotland Act 2018. By contrast with the law for England and Wales and Northern Ireland, under Scots law a living person can obtain a pardon without first obtaining a disregard.

Turning to military service convictions, section 101 of the 2012 Act (interpretation) provides that a 'conviction' within Chapter 4 of Part 5 includes a finding that a person is guilty of an offence in

respect of conduct which was the subject of ‘service disciplinary proceedings’. It further provides that the expression ‘service disciplinary proceedings’ means any proceedings, whether in England and Wales or elsewhere, under (among others) the Army Act 1955, the Air Force Act 1955 or the Naval Discipline Act 1957, whether before a court-martial or before any other court or person authorised to award a punishment in respect of an offence. The universal (i.e. worldwide) jurisdiction applicable to disregards for buggery and gross indecency convictions in service disciplinary proceedings is expressly stated in section 92 of the 2012 Act as amended. Consequently, section 92 of the 2012 Act is applicable to all convictions for buggery or gross indecency resulting from service disciplinary proceedings, regardless of the jurisdiction in which the proceedings took place. This means, in effect, that, so far as concerns disregards for such convictions in service disciplinary proceedings, the disregard provisions under the law of England and Wales apply in Northern Ireland and Scotland.

The pardon provisions in the 2017 Act also apply to such convictions.

It is important to note that (1) the statutory disregards and pardons provisions above are limited to the offences of buggery, gross indecency and corresponding earlier offences; and (2) none of the provisions apply to the specific service disciplinary offences of disgraceful conduct (Army Act 1955 section 66, Air Forces Act 1955 section 66, and Naval Discipline Act 1957 section 37), scandalous conduct of an officer (Army Act 1955 section 64, Air Force Act 1955 section 64, Naval Discipline Act 1957 section 36) or acting to the prejudice of good order and military discipline (Army Act 1955 section 69, Air Force Act 1955, Naval Discipline Act 1957 section 39).

Those limitations will be rectified by sections 194 and 195 in Part 12 of the Police, Crime, Sentencing and Courts Act 2022 when they are brought into force. Those sections will amend sections 92 and 101 of the 2012 Act (disregards) and section 164 of the 2017 Act (posthumous pardons). In particular, the 2012 Act and the 2017 Act will be amended to make disregards and pardons applicable to cautions and convictions under all repealed and abolished offences involving “sexual activity between persons of the same sex”; and that will include “any physical or affectionate activity which is of a type characteristic of people involved in an intimate personal relationship” and “any conduct intended to lead to sexual activity” that would not now constitute an offence.

There are no statutory provisions, currently, for nullifying or qualifying a past administrative discharge under the Queen’s (now King’s) Regulations for same sex sexual acts or gay, lesbian or bisexual orientation.



Annex 10

Proposed statutory provisions to update service records of those administratively discharged from HM Armed Forces on grounds of sexual orientation and/or gender identity

Amendment to the Protection of Freedoms Act 2012 (to create new Part 5, Chapter 6) to enable service records of those administratively discharged from the armed forces on grounds of sexual orientation and/or gender identity to have such records updated and, as a consequence, be issued with an updated certificate of discharge.

After Chapter 5 of Part 5 of the Protection of Freedoms Act 2012 (Disregarding certain convictions for buggery etc: Northern Ireland) insert –

Chapter 6

Updating service records in respect of discharges on grounds of sexual orientation or gender identity

General

101K Power of Secretary of State to update service records

(1) A person who has been discharged from His Majesty's forces as a consequence of administrative action on the grounds of –

- (a) sexual orientation, or
- (b) gender identity,

may apply to the Secretary of State for service records to be updated.

(2) Service records will be updated if conditions A and B are met.

(3) Condition A is that the Secretary of State decides that it appears that –

- (a) the person was discharged from His Majesty's forces as a consequence of administrative action taken on the grounds mentioned in subsection (1), and
- (b) the grounds for discharge, if occurring at the time of the decision, would not be lawful grounds for discharge.

(4) Condition B is that –

- (a) the Secretary of State has given notice of the decision to the applicant under section 101M(5)(b), and
- (b) the period of 14 days beginning with the day on which the notice was given has ended.

(5) Sections 101N to 101P explain the effect of the Secretary of State deciding that service records will be updated.

101L Applications to the Secretary of State

(1) An application under section 101K must be in writing.

(2) An application must state –

(a) the name, address and date of birth of the applicant,

(b) the name and address of the applicant at the time of discharge, and, so far as known to the applicant, the applicant's service number, rank and regiment or corps, at the time the applicant was discharged, and

(c) such other information as the Secretary of State may prescribe.

(3) An application may include such representations or written evidence about the matters mentioned in condition A in section 101K as the applicant considers relevant.

(4) An application under section 101K may be made by a person with a sufficient interest in respect of a person who has died before or who dies within 24 months after this section comes into force and, in such circumstances, subsections (5)-(9) apply.

(5) An application under section 101K in respect of a person who has died must be in writing.

(6) An application must state –

(a) the name and address of the person making the application,

(b) the relationship (if any) of the person making the application to the person who has died

(c) the name and date of birth of the person who has died,

(d) so far as known, the address of the person who has died at the time of discharge,

(e) so far as known, the service number, rank and regiment or corps, of the person who has died at the time of discharge,

(f) such other information as the Secretary of State may prescribe.

(7) An application must contain a copy of a death certificate of the person who has died.

(8) An application may include such representations or written evidence about the matters mentioned in condition A in section 101K in respect of the person who has died as the person making the application considers relevant.

(9) For the purposes of this section a “person with a sufficient interest” is –

- (a) the surviving spouse or civil partner of the person who has died,
- (b) a person who was not the spouse or civil partner of the person who has died but who was living with the person who has died, at the time of that person’s death, as if they were married or civil partners,
- (c) the child or grandchild of the person who has died,
- (d) the brother, half-brother, sister, or half-sister of the person who has died, or
- (e) such other person or persons as the Secretary of State may prescribe.

101M Procedure for decisions by the Secretary of State

(1) In considering whether to make a decision of the kind mentioned in condition A in section 101K, the Secretary of State must, in particular, consider –

- (a) any representations or evidence included in the application or subsequently supplied prior to the decision, and
- (b) any available record of or referring to any investigation connected to the discharge and any proceedings relating to it.

(2) The Secretary of State may not hold an oral hearing for the purpose of deciding whether to make a decision of the kind mentioned in condition A in section 101K.

(3) The Secretary of State must only decide that condition A in section 101K is not met if there is clear and incontrovertible evidence contradicting the application.

(4) Subsection (5) applies if the Secretary of State –

- (a) decides that it appears as mentioned in condition A in section 101K, or
- (b) makes a different decision in relation to the matters mentioned in that condition.

- (5) The Secretary of State must –
- (a) record the decision in writing, and
 - (b) give notice of it to the applicant.

Effect of updating service records

101N Effect of service records being updated

- (1) The Secretary of State must by notice direct the relevant data controller to update details, contained in relevant official records, relating to a discharge.
- (2) In updating details in relevant official records the data controller must –
- (a) record the decision of the Secretary of State in respect of matters mentioned in section 101K, and
 - (b) record that “the discharge was pursuant to a policy subsequently held by the European Court of Human Rights to be unlawful”.
- (3) A notice under subsection (1) may be given at any time after condition A in section 101K is met but no update may have effect before condition B in that section is met.
- (4) Subject to that, the relevant data controller must update the details as soon as reasonably practicable.
- (5) Having done so, the relevant data controller must give notice to the person that official records have been updated.

101O Effect of updated records and other purposes

- (1) A person who has service records updated will be treated for all purposes in law as having been discharged unlawfully.
- (2) An updated service record is not a proper ground for –
- (a) dismissing or excluding a person from any office, profession, occupation or employment, or
 - (b) prejudicing the person in any way in any office, profession, occupation or employment.

101P Updated certificate of discharge

- (1) A person who has successfully applied for a service record to be updated will be issued with an updated certificate of discharge.
- (2) The updated certificate of discharge must include the statement required by section 101N(2)(b).

Appeals and other supplementary provision

101Q Appeal against refusal to update service records

- (1) The applicant may appeal to the High Court if –
 - (a) the Secretary of State makes a decision of the kind mentioned in section 101M(4)(b), and
 - (b) the High Court gives permission for an appeal against the decision.
- (2) Such an appeal must be by way of a rehearing in which the burden lies on the Secretary of State to prove that Condition A in section 101K is not met.
- (3) If the High Court decides that it appears as mentioned in condition A in section 101K, it must make an order to that effect.
- (4) Otherwise it must dismiss the appeal.
- (5) A discharge to which an order under subsection (3) relates requires service records to be updated when the period of 14 days beginning with the day on which the order was made has ended.
- (6) There is no appeal from a decision of the High Court under this section.

101R Regulations

Any regulations by the Secretary of State under this Chapter must be made by statutory instrument which is subject to annulment in pursuance of a resolution of either House of Parliament.

101S Advisers

- (1) The Secretary of State may appoint persons to advise whether, in any case referred to them by the Secretary of State, the Secretary of State should decide as mentioned in condition A in section 101K.
- (2) The Secretary of State may disclose to a person so appointed such information (including anything within section 101M(1)(a) or (b)) as the Secretary of State considers relevant to the provision of such advice.
- (3) The Secretary of State may pay expenses and allowances to a person so appointed.

101T Interpretation: Chapter 6

In this chapter:

(1) ‘administrative action’ means any action, other than service disciplinary proceedings, taken under any policy, procedure, regulation or rule in respect of a person in His Majesty’s forces, irrespective of where such action took place, whether in England or Wales or elsewhere

(2) ‘document’ includes information recorded in any form and, in relation to information recorded otherwise than in legible form, references to its provision or production include providing or producing a copy of the information in legible form

(3) ‘gender identity’ means the identity of a person who is transgender

(4) ‘His Majesty’s forces’ has the same meaning as ‘Her Majesty’s forces’ within the Armed Forces Act 2006

(5) ‘information’ includes documents

(6) ‘notice’ means notice in writing

(7) ‘official records’ means records containing information about persons discharged kept by the armed forces, any government department or other public authority in the United Kingdom for the purposes of its functions

(8) ‘prescribe’ means prescribed by regulations made by the Secretary of State

(9) ‘relevant data controller’ means, in relation to relevant official records, such person as the Secretary of State may prescribe

(10) ‘relevant official records’ means official records that the Secretary of State may prescribe,

(11) ‘service disciplinary proceedings’ has the same meaning as in section 101(1) of this Act

(12) ‘service records’ means any official records

(13) ‘sexual orientation’ means a person’s sexual orientation towards persons of the same sex and includes sexual activity within the meaning of section 92 of this Act

(14) ‘transgender’ includes a female-to-male transgender person, a male-to-female transgender person, a non-binary person, and a person who cross-dresses.



Annex 11

Brief summary of recommendations and suggestions

Restitution, recognition and just satisfaction (other than financial compensation) for all LGBT veterans who served at any time between 1967 and 2000, who were or would have been recognised as having served with good conduct had the Ban not been in force.

Number	Recommendations to government	Page
Apology		
R1	The Prime Minister should deliver an apology in the UK Parliament on behalf of the nation to all those LGBT service personnel who served under and suffered from the Ban (whether or not they were dismissed or discharged). The apology delivered in the House of Commons should be repeated in the House of Lords.	149
R2	There should also be individual letters of apology from the head of each of the services to LGBT veterans who served under and suffered from the Ban and who apply for restitution.	149
Restoration of status and medals and grant of medals and other entitlement		
R3	Commission and rank should be retrospectively restored to what it was immediately before dismissal or discharge where there was a demotion in consequence of dismissal or discharge pursuant to the Ban.	150
R4	The Armed Forces Veterans' Badge should be given.	150
R5	Medals that were required to be handed back on dismissal or discharge should be restored.	150

Number	Recommendations to government	Page
R6	Campaign and other medals to which an LGBT service person was entitled but which were withheld during and following investigation and discharge should be awarded.	150
R7	The wearing of uniforms (especially berets) by LGBT veterans and the use of military ranks should (where otherwise permitted to veterans) be formally reinstated. Where berets were taken away, they should be replaced.	150
R8	Where officers were struck from Service Retired Lists merely for being LGBT, they should be reinstated where appropriate.	150
R9	Veterans dismissed or discharged because of the Ban should be issued with a Veteran's ID card when such cards are made available to pre-2018 veterans. They should be able to claim from relevant providers all discounts and benefits to which a veteran with a good service record is entitled. They should also have all the benefits to which veterans are expressly entitled under the Armed Forces Covenant, such as appropriate education and training, to which they would have been entitled if they had not been dismissed or discharged.	151
Veteran's badge for those who suffered under the Ban		
R10	There should be designed and granted as soon as possible a special veterans' badge for all those who served at the time of the Ban.	151

Number	Recommendations to government	Page
Procedure for making the restitution and restoration described		
R11	If and insofar as my recommendations for non-financial restitution are accepted by the government, any veteran seeking an individual apology or other restitution should apply to the MoD, and any such application should be made within 24 months of the government publishing its acceptance of the recommendations and communicating the method of application.	152
R12	In the case of a deceased veteran, application should be permitted to be made by the veteran's next of kin in line with existing MoD policy.	152
R13	The MoD, working with appropriate partners, should develop and implement a plan of action to encourage affected veterans (or, in the case of deceased veteran, their next of kin) to apply for restoration and restitution (including individual letters of apology).	153
R14	Restoration and restitution should be accompanied by a written reproduction of the Prime Minister's apology in Parliament and by a letter of apology from the relevant service chief.	153
R15	Each service should arrange for one or more ceremonies for restoration and restitution to be made or acknowledged unless the veteran expresses a wish for such restoration and restitution to be conducted privately.	153

Number	Recommendations to government	Page
Clarification of Pension Rights		
R16	The MoD should use the Review and the publication of this Report as an opportunity to invite LGBT veterans who were dismissed or discharged pursuant to the Ban to seek clarification as to their entitlement to a service pension where the veteran has not received any pension but believes they were entitled to one.	153
Memorialisation		
R17	There should be a public memorial at the National Memorial Arboretum to all LGBT people who have served and continue to serve in the military, possibly including a specific reference to those who suffered the consequences of the Ban on serving homosexuals prior to January 2000. The unveiling or dedication should be at a ceremony to which are invited, among others, all LGBT veterans who served under, and suffered from, the Ban.	154
R18	The design of the memorial should be a work of collaboration by appropriate organisations, but certainly including one or more of those which have the support and respect of veterans who served under, and suffered from, the Ban and are the subject of this Review.	154
R19	The government should pay for such a memorial as the Ban, which caused the considerable suffering of affected veterans, was MoD policy.	154

Number	Recommendations to government	Page
R20	The MoD and the OVA should on their own or with others, including those organisations who have the support and respect of veterans who served under, and suffered from, the Ban and are the subject of this Review, suggest to one or more appropriate museums, such as the Imperial War Museum and the Queer Museum, that they should have a permanent exhibition devoted to the service of LGBT personnel in the UK's armed forces, with a particular emphasis on the Ban on homosexuals and those perceived to be homosexuals.	154
Engagement with Military Services		
R21	Effective outreach programmes and other programmes of positive action should be formulated and implemented to encourage LGBT veterans who served under, and suffered from, the Ban to attend service events, whether they be on a national scale, such as Armed Forces Day, Air Force Day and RAF anniversary and milestone events, or more localised, such as Army Regimental events, Naval ship association events, and RAF events at base stations.	155
R22	Effective programmes should be devised by the individual services, working with other organisations they consider appropriate, to encourage contact between the veterans who served under, and suffered from, the Ban and current services' LGBT networks.	155

Number	Recommendations to government	Page
R23	Funding of service LGBT networks by the MoD should continue, with further efforts made, supported by the Central Diversity and Inclusion Team and Network Coordinators, to encourage engagement of the LGBT networks at the strategic, operational and tactical level and to develop mutual relationships, connect the MoD with society and break down barriers.	155
R24	Arrangements should be made or enhanced for LGBT veterans, including those who served under, and suffered from, the Ban, to march at Pride events with other veterans and with current LGBT service personnel	156
Disregards, pardons and alteration of records		
R25	If they have not been brought into force by the date of publication of this Report, sections 194 and 195 in Part 12 of the Police, Crime, Sentencing and Courts Act 2022 should be brought into force as a matter of urgency.	157
R26	If the King's Regulations can be used to nullify or qualify a past administrative discharge for same sex sexual acts or gay, lesbian or bisexual orientation, the relevant discharge papers should be endorsed with a statement that the discharge "was pursuant to a policy subsequently held by the European Court of Human Rights to be unlawful"	157
R27	Where a dismissal or discharge is disregarded, pardoned or qualified as unlawful, any red book or its equivalent, with corner cut, should be replaced with new appropriately worded discharge papers given to the veteran.	157

Number	Recommendations to government	Page
Financial Award		
R28	An appropriate financial award should be made to affected veterans notwithstanding the expiry of litigation time limits. The government's overall exposure should be capped at £50 million.	160/ 166
R29	There should be a time limit for making a claim for a financial award of 24 months from the time the Government publicises the financial award arrangements	166
Mental Health and Physical Welfare		
The NHS		
R30	The training programme which is part of the NHS England/RCGP accreditation scheme for 'veteran friendly' GP practices should be LGBT+ inclusive and include an awareness of the Ban and its impact on the mental health and other aspects of life of those who suffered under it.	178
R31	NHS England, Integrated Care Boards and the RCGP should explore ways to encourage more practices to become 'veteran friendly' accredited.	178
R32	Consideration should be given to promoting the LGBT Foundation's 'Pride in Practice' LGBT scheme or FWP's 'Pride in Veterans' Standard' or something similar for primary care providers, to be run in conjunction with the RCGP's accreditation scheme.	178
R33	NHS England or Integrated Care Boards should consider whether to commission them.	178

Number	Recommendations to government	Page
R34	Accreditation to the Veterans' Covenant Healthcare Alliance (VHCA) should include demonstration of being LGBT+ inclusive and an awareness of the Ban and its impact on the mental health and other aspects of life of those who suffered under it.	179
R35	All reasonably practicable steps should be taken to achieve 100% of NHS Trusts being VHCA 'veteran aware' accredited.	179
R36	Expansion of the VHCA accreditation scheme to include care homes and hospices should be encouraged.	179
R37	Consideration should be given to running the NHS Rainbow Badge scheme alongside the VHCA.	179
R38	Addiction treatment centres providing services in the community need to be aware that, in the case of LGBT+ veterans, addiction may be a manifestation of a particular service history as that may have consequences for the most appropriate treatment.	179
R39	There should be a greater focus in Op Courage on non-combat mental health issues arising from what took place during military service.	180
R40	Where there is commissioning of non-NHS organisations to deliver NHS services for Op Courage, it should be ensured that the non-NHS body has the same range and standard of training as the NHS.	180
R41	Regular training and assessments of those providing care in the NHS, ideally developed and funded by the NHS, should be imposed to identify, root out and educate to prevent any homophobia or prejudice.	180

Number	Recommendations to government	Page
R42	Consideration should be given by NHS England to commissioning an appropriate e-training module to be available, not just for Op Courage services, but for all NHS services that provide care to military veterans.	180
R43	The MoD should take steps to publicise more widely the services VWS can provide to those who served and suffered under the Ban and to provide reassurance that, notwithstanding VWS is an MoD service, it is sensitive to the life history of this particular group of veterans and sympathetic to the adverse life consequences they have suffered as a result of the Ban.	183
Female Veterans who served under and suffered from the Ban		
R44	Due note and weight should be given to the severity and long-term consequences of the Ban on female veterans and to their particular difficulties in accessing support, welfare and other services, whether in the public sector or the private sector, and to the need, in particular, for female only health services.	184
Research		
R45	Insofar as it has not already done so, the government should take note of the recommendations in the research studies and reports of Robert Gordon University, Northumbria University, Forward Assist and the University of Surrey mentioned in the body of this report and decide what action to take in response to them.	199

Number	Recommendations to government	Page
R46	<p>In addition, the following further areas of research and the way future research into the armed forces should be conducted merit consideration. The UK Armed Forces Veterans' Census 2021 in England and Wales, which is to be warmly welcomed, may provide relevant data</p> <ol style="list-style-type: none"> <li data-bbox="619 678 1241 1283"> <p>1. Analysis could be undertaken of the responses to the Call for Evidence in order to understand what might be relevant to LGBT people who are serving in the armed forces today so that that the lessons from what happened before are learned. Put in a different way, this report describes the type of abusive treatment and bigotry endured by service personnel who were or were perceived to be LGBT at the time of the Ban. The MoD and the individual services should assess in a detailed study whether such treatment and bigotry, in all its different forms, still exist and, if so, what is to be done about that.</p> <li data-bbox="619 1317 1225 1664"> <p>2. A good sized quantitative study of LGBT veterans could be undertaken to understand how their experiences differ from LGBT people who have never served. This would require looking at what measures and approaches major studies of LGBT people have used and using a similar approach with LGBT veterans.</p> <li data-bbox="619 1697 1233 2033"> <p>3. It would be helpful to ensure that future studies of the armed forces consider whether to enquire whether a person's orientation is LGBT so that it can be understood how LGBT people within the armed forces are faring compared to those who are not LGBT and to ensure that there are a sufficient number of LGBT personnel to draw conclusions.</p> 	199

Number	Recommendations to government	Page
	<p>4. It might be useful to assess in due course what has been the impact of this review on LGBT veterans, and to consider, in the light of that assessment, whether lessons can be learned for future review processes.</p>	
Following publication of this Report		
R47	<p>Once this Report and the government's response are published, the MoD and the OVA should use all reasonable means to encourage LGBT veterans who are the subject of this Report to make a timely claim for any benefit to which they are entitled as a result of the Review.</p>	202
R48	<p>There should be established a website which hosts this Report, the government's response, information gathered by the Review, including statements provided in response to the Call for Evidence and any other related material.</p>	202
R49	<p>The government should consider whether LGBT veterans who served under the Ban but who, for whatever reason did not respond to the Call for Evidence, and now wish to tell their story, should be able to do so as part of a historical record of LGBT veterans' experiences.</p>	202
Veterans' organisations and other non-governmental organisations – Suggestions		
S1	<p>Veterans' charities should take action to ensure that their trustees and staff are appropriately trained, diverse and inclusive.</p>	172

Number	Suggestions	Page
S2	Veterans' charities should have LGBT+ inclusive policies which create a culture that welcomes, supports and promotes engagement with LGBT+ veterans, including those who served under, and suffered from, the Ban. COBSEO, the Confederation of Service Charities, has an important advisory and leadership role in this respect.	172
S3	The Armed Forces Covenant Fund Trust should consider sympathetically financial support for programmes for effective outreach.	174
S4	A number of LGBT veterans who replied to the Call for Evidence expressed a wish for social events, a Facebook group and a social and support network for those who served under the Ban. Consideration should be given to by the charitable sector to taking up such initiatives, particularly by organisations such as FWP, if thought appropriate.	174
S5	The Armed Forces Covenant Fund Trust should consider sympathetically financial support for such types of initiative.	174
S6	COBSEO should consider whether it is necessary or appropriate to create an easily accessible, comprehensive database of services provided by veterans' charities and what it can do to bring that about in order to address the feeling among some veterans who responded to the Call for Evidence that there is uncertainty as to precisely what services are available from each of the different veterans' charities.	174

Number	Suggestions	Page
S7	It is important, if the veterans who are the subject of this Review are to be embraced by the wider veterans' community and encouraged to take advantage of veterans' services, that veterans' organisations demonstrate and publicise that they have diversity and inclusion policies and welcome all LGBT+ veterans. Reassurance requires kitemarking or accreditation both as to the warm welcoming of LGBT+ veterans and as to the standard of care provided. The LGBT Foundation's 'Pride in Practice' scheme and FWP's 'Pride in Veterans Standard' are relevant in this context. Opening Doors' Pride in Care Quality Standard is also relevant for the over 50s. In addition, the NHS Confederation's 'Health and Care LGBTQ+ Framework' sets out important general principles. COBSEO should consider whether it has a possible role for leadership and encouragement in this area.	181
S8	COBSEO should consider whether it can and should take under its wing the smaller veterans' charities so that it can include them within its supervisory and advisory role.	182
S9	The Royal College of Psychiatrists' accreditation scheme, the Quality Network for Veterans' Mental Health Services, is to be welcomed. It ought to include LGBT+ awareness.	182
S10	Ongoing sources of finance for funding membership of the Royal College of Psychiatrists' Accreditation Scheme, especially for small charities, should be considered and explored.	182

Number	Suggestions	Page
S11	Due note and weight should be given to the severity and long-term consequences of the Ban on female veterans and to their particular difficulties in accessing support, welfare and other services, whether in the public sector or the private sector, and to the need, in particular, for female only health services.	184
Housing		
S12	There is specialist e-training for housing staff and managers on the Armed Forces Covenant website. Consideration should be given to including in all social housing training and practice guidance reference to the particular mental health and related wellbeing problems faced by the LGBT veterans who served under and suffered from the Ban, and to consequent employment and financial difficulties.	191
S13	In the case of supported housing, care homes and nursing homes, consideration should be given to accreditation or kitemarking which identifies housing that is free from homophobia. Opening Doors' Pride in Care quality standard and training programme are relevant in this connection.	191
Following publication of this Report		
S14	Once this Report and the government's response are published, service associations and benevolent funds, veterans' charities and service networks, including LGBT+ networks, should use all reasonable means to encourage LGBT veterans who are the subject of this Report to make a timely claim for any benefit to which they are entitled as a result of the Review.	202

Number	Suggestions	Page
The Devolved Administrations		
Northern Ireland		
NI1	The OVA, the MoD and the Northern Ireland Office should consider how engagement with LGBT veterans in Northern Ireland, in relation to health, welfare and housing and more generally might be improved.	184
NI2	There should be policies, whether initiated by public or private or Service organisations, which promote greater inclusion of LGBT+ veterans, including such things as a presence at Pride events, and diversity and inclusion training for staff and volunteers of LGBT+ organisations as to the particular experiences of LGBT+ veterans, and the provision of a welcoming environment for such veterans.	185
NI3	The Armed Forces Covenant Fund Trust should review its policy for the periods it sets for funding and applications for renewal of funding by the NIVSO and the Northern Ireland veterans' charitable sector generally so that they can operate on the basis of longer periods with an assured income.	185
NI4	The Armed Forces Covenant Fund Trust should consider whether the NIVSO should have a special status as adviser to the Armed Forces Covenant Fund Trust in relation to veterans' programmes in Northern Ireland and specifically in relation to the distribution of funds to the providers of care in the Northern Ireland veterans' charitable sector.	186

Number	Suggestions	Page
NI5	As elsewhere in the UK, it is necessary for care providers in Northern Ireland to have regard to the particular morbidities of the LGBT veterans who are the subject of this Review and to adapt, so far as necessary and practicable, treatment procedures to take account of their particular service and post-service histories and the impact on the veteran's mental and physical welfare.	186
Scotland		
SC1	Bearing in mind that the LGBT veterans with which this Review is concerned suffered from homophobic policies, practices and bullying, and in some cases predatory sexual conduct, from other service personnel, it is important that under the future new Veterans' Mental Health and Wellbeing Service Navigators will all have undergone diversity and inclusivity training and that service providers also have appropriate diversity, especially LGBT friendly, policies and appropriate training. There should be some kind of accreditation or kitemarking to demonstrate publicly that such training has been undertaken and that appropriate inclusivity and diversity, and especially LGBT friendly, policies are in place.	187
SC2	So far as concerns veterans' housing in Scotland, my only suggestion is to repeat that the LGBT veterans who are the subject of this review will want to live in circumstances free from the very homophobia they endured while serving in the armed forces. As with healthcare, I suggest that consideration be given to some kind of kitemarking or accreditation to demonstrate publicly inclusivity and freedom from hostile homophobia.	192

Number	Suggestions	Page
Wales		
W1	The Welsh Government should consider whether specialist care for veterans who are the subject of this Review, and who can trace the cause of their ill health to the Ban and its enforcement, such as an all-women's service for those women who were sexually abused while serving, might be capable of being provided by the Wales Sexual Assault Services Programme and the Traumatic Stress Wales workstream.	187
W2	The Health Board Armed Forces' and Veterans' Champions, who are non-executive board members and are tasked with ensuring that government policies on veterans' health are promoted and applied should consider the availability and adequacy of health and other services for those LGBT veterans who served under, and suffered from, the Ban.	188
W3	A subject for discussion at one of the regular meetings at which the champions and others discuss issues with Welsh Government policy leads, share best practice and promote consistency in relation to the armed forces community across Wales, could be the availability and adequacy of health and other services for those LGBT veterans who served under, and suffered from, the Ban.	188
W4	Guidance provided by Public Health Wales, in collaboration with the Welsh Government, for general practitioners in relation to identifying veterans and their health requirements and the guidance for GP practices in Wales contained in the Welsh Health Circular 'Armed Forces Covenant – healthcare priority for veterans' should include reference to the particular health consequences of the Ban for those who experienced and suffered from it.	188

Number	Suggestions	Page
W5	Consideration should be given to adopting for veterans' healthcare and welfare services, whether for the delivery of primary care or for NHS Trusts or charitable organisations the types of accreditation and kitemark schemes that exist in England, but supplemented with an awareness of the particular mental health issues endured by those LGBT veterans who served under and suffered from the Ban.	188
W6	Diversity and inclusion training should be run alongside veterans' healthcare accreditation and welfare schemes.	188
W7	Consideration should be given to kitemarking and accreditation of social housing and care homes as being veteran and LGBT+ welcoming.	193

