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**MINISTRY OF DEFENCE**  
**Level 6 Zone D**  
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**SW1A 2HB**

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Your reference:

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Our reference: 05-07-2010-100037-002

Date: 30 July 2010

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Dear XXXXXXXX,

Thank you for your email dated 3 July 2010 which has been considered to be a request for information in accordance with the Freedom of Information Act 2000. Your request has been passed to my department and I have been asked to respond. You asked the following questions:

**"Please confirm if it was in fact The European Court of Human Rights which instructed the government of the day under the Premiership of The Rt Hon Tony Blair, to allow gay men and women to serve openly in the military?"**

On 27 September 1999 the European Court of Human Rights (ECHR) delivered a judgement on a case brought by four ex-Service personnel of the United Kingdom's Armed Forces who had been discharged on the grounds of their homosexuality. The ECHR ruled against the MOD on the grounds that the Department's policy of homosexuality not being compatible with Service life was no longer sustainable. The Court held that there had been interferences with the right to respect for private life, under Article 8 of the Convention, in all four of the Service cases and that in two of the cases, Article 13 (effective domestic remedy) had been breached.

The then Secretary of State for Defence issued a statement on 27 September 1999 announcing that the UK Government accepted the ECHR ruling and would be studying carefully the implications of the decision. It was also announced that those cases already in the system (that is, personnel in the process of being discharged on the ground of homosexuality) would be put on hold from that date.

On 30 September 1999 the Chief of the Defence Staff commissioned an urgent review of the policy on homosexuality in the Armed Forces. A Departmental Steering Group convened on 1 October 1999 to begin reviewing the policy.

In January 2000 the then Secretary of State for Defence announced that the ban on homosexual people serving in the Armed Forces had been lifted. The change in policy included the introduction of the Armed Forces' Code of Social Conduct, which set out revised guidelines on personal relationships involving all Service personnel and making it clear that sexual orientation is a private-life matter.

**"Also can you confirm that the British Government of the day had sent legal representation to the European Court of Human Rights in order to keep the ban in place?"**

The British Government's representatives submitted observations to the European Convention on Human Rights, at the time of the case of Lustig-Prean and Beckett versus The United Kingdom, which you appear to be referring to. The exact details are available online and I have provided a link for you below.

<http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=696284&portal=hbk&source=externalbydocnumber&table=F69A27FD8FB86142BF01C1166DEA398649>

**"Finally do you have statistics showing the number of openly gay men/women we currently have serving in the Armed Forces?"**

The Ministry of Defence does not monitor the sexual orientation of Service personnel. Monitoring could only be carried out on a voluntary basis so the accuracy of the results could not be guaranteed. Moreover, many personnel might question why such information was being sought. For policy-making purposes we assume that the proportion of gay and lesbian personnel serving in the Armed Forces is broadly similar to that which UK Government actuaries assume for UK society as whole (i.e. 6%).

Your attention is also drawn to the accompanying statements.

Yours sincerely,

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If you are not satisfied with this response or you wish to complain about any aspect of the handling of your request, then you should contact me in the first instance. If informal resolution is not possible and you are still dissatisfied then you may apply for an independent internal review by contacting the Head of Corporate Information, 6th Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail [CIO-FOI-IR@mod.uk](mailto:CIO-FOI-IR@mod.uk)). Please note that any request for an internal review must be made within 40 working days of the date on which the attempt to reach informal resolution has come to an end.

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