



## BRIEFING PAPER

Number 7750, 31 October 2016

# 'Stolen Valour': An international comparison

By Nigel Walker

**Contents:**

1. UK
2. EU countries
3. Other countries



# Contents

<b>Summary</b>	<b>3</b>
<b>Background</b>	<b>5</b>
<b>1. UK</b>	<b>6</b>
1.1 Recent activity	7
1.2 Awards for Valour (Protection) Bill	8
<b>2. EU countries</b>	<b>9</b>
2.1 Austria	10
2.2 Belgium	11
2.3 Croatia	11
2.4 Czech Republic	11
2.5 Denmark	12
2.6 Estonia	13
2.7 Finland	14
2.8 France	15
2.9 Germany	15
2.10 Greece	16
2.11 Hungary	16
2.12 Ireland	17
2.13 Latvia	18
2.14 Lithuania	19
2.15 Luxembourg	20
2.16 The Netherlands	20
2.17 Poland	21
2.18 Portugal	22
2.19 Romania	23
2.20 Slovakia	23
2.21 Slovenia	24
2.22 Sweden	24
<b>3. Other countries</b>	<b>26</b>
3.1 Australia	26
3.2 Canada	28
3.3 New Zealand	29
3.4 Russia	30
3.5 USA	31

## Summary

This briefing paper outlines the legislation in force in a number of countries, detailing the laws regarding unlawful wearing of medals and uniforms, as well as the penalty for committing such offences in each country.

Most EU countries are included here, as well as a number of other nations such as the United States.

In the UK, it is no longer an offence for individuals to wear medals or decorations that they were not awarded. It is, though, an offence to wear a military medal without permission.

The table below provides a summary of whether it is an offence to fraudulently wear a military medal or uniform in select EU and other countries.

<b>Summary</b>		
<b>Country</b>	<b>Offence</b>	<b>Maximum penalty (fine / imprisonment)</b>
Australia	Fraudulently wearing a medal	AUD\$5,400 / 6 months
	Defacing/destroying a service decoration	AUD\$10,800 / 1 year
	Falsely representing as returned service personnel	AUD\$5,400 / 6 months
Austria	Fraudulently wearing a medal	€220
	Wearing military uniform without permission	€700
Belgium	Fraudulently wearing a medal or uniform	€1000
Canada	Unlawful use of military uniforms or medals	CAD\$2,000 fine / 6 months
Croatia	Fraudulently wearing a medal or uniform	Unknown
Czech Republic	Wearing medals or decorations not awarded	CZK3,000
	Wearing a military uniform without permission	CZK3,000
Denmark	Unlawful use of military badge or uniform	Unknown fine
	Exercising a public power without being entitled to	Unknown fine / 2 years
	Pretending to be vested with a public power	6 months
Estonia	Various offences regarding improper use of medals	300 fine units or €2,000
	Unlawful use of uniform or identification of an official	300 fine units or €3,200
Finland	Wearing a military medal not awarded	Not an offence
	Wearing a military uniform without permission	Unknown
France	Wearing a medal or decoration without the right	€15,000 / 1 year
	Wearing a military uniform without permission	€7,500 / 6 months

4 'Stolen Valour': An international comparison

<b>Country</b>	<b>Offence</b>	<b>Maximum penalty (fine / imprisonment)</b>
Germany	Illegitimately wearing medals or decorations	Unknown fine
	Wearing a uniform without permission	Unknown fine / 1 year
Greece	Civilians fraudulently wearing a military uniform or medal	Unknown fine / 6 months
	Military personnel wearing uniform or medal not entitled	1 year
Hungary	Wearing medals or decorations without authorisation	HUF300,000 / 60 days
	Wearing military uniform without permission	Unknown
Ireland	Unauthorised use of medals and decorations	IR£20 / 3 months
	Unlawful wearing of a military uniform	IR£20 / 3 months
Latvia	Wearing a military medal or decoration not awarded	Not an offence
	Wearing military uniform without permission	Unknown
Lithuania	Wearing a military medal or decoration not awarded	Not an offence
	Wearing military uniform without permission	€44
Luxembourg	Unauthorised wearing of uniform or medal	€10,000
Netherlands	Wearing insignia or decoration without permission	Unknown fine / 12 days
	Wearing a uniform without permission	Not an offence
New Zealand	Offences in respect of military decorations	NZD\$500
Poland	Unauthorised wearing of uniform or medal	€235
Portugal	Wearing medals or honours not entitled	Unknown
	Illegitimately using a uniform	6 months
	Illegitimately using a uniform (someone in public authority)	1 year
Romania	Unlawfully wearing uniform in fraudulently exercising state authority	5 years
Russia	Illegally wearing state awards (orders, medals etc.)	A warning or fine unknown
	Wearing military uniforms with no right to do so	A warning or fine unknown
Slovakia	Wearing military medals or decorations not awarded	Not an offence
	Wearing a uniform without permission	Not an offence
Slovenia	Illegitimately wearing a medal or decoration	SIT200,000
Sweden	Falsely wearing a uniform or medal to suggest military service	Unknown fine / 6 months
	Penalty if the above caused considerable harm to the public	2 years
USA	Purchasing, selling or trading service medals or badges	Fine unknown / 6 months
	Fraudulent claims to hold military decorations or medals	Unknown fine / 1 year
	Offences involving Congressional Medal of Honor	Unknown fine / 1 year
	Offenses involving certain other medals	Unknown fine / 1 year

## Background

'Stolen Valour' is the term commonly applied to the phenomenon of individuals wearing military medals or decorations that they have not been awarded, with the intent to deceive. Such individuals usually display their medals on military uniform that they have no right to wear and are often referred to as 'military imposters'.

Examples of military imposters are often reported in the press, especially following commemorative occasions such as Remembrance Day, when there are large gatherings of service personnel in uniform displaying their medals.

There are suggestions that the phenomenon of military imposters is becoming more common, with the growth of the internet providing an avenue for increased exposure of such individuals.

## 1. UK

In the UK it is no longer an offence for an individual to wear medals or decorations that they were never awarded. This change in the law was a result of the enactment of the *Armed Forces Act 2006*, which repealed the *Army Act 1955* and the *Air Force Act 1955* in which the offence was originally specified.

The [\*Army Act 1955\*](#)<sup>1</sup> had stipulated:

**197. Unauthorised use of and dealing in decorations etc.**

- (1) Any person who, in the United Kingdom or in any colony,—
- (a) without authority uses or wears any military decoration, or any badge, wound stripe or emblem supplied or authorised by the [Defence Council]<sup>2</sup>, or
  - (b) uses or wears any decoration, badge, wound stripe, or emblem so nearly resembling any military decoration, or any such badge, stripe or emblem as aforesaid, as to be calculated to deceive, or
  - (c) falsely represents himself to be a person who is or has been entitled to use or wear any such decoration, badge, stripe or emblem as is mentioned in paragraph (a) of this subsection,

shall be guilty of an offence against this section:

Provided that nothing in this subsection shall prohibit the use or wearing of ordinary regimental badges or of brooches or ornaments representing them.

(2) Any person who purchases or takes in pawn any naval, military or air-force decoration awarded to any member of Her Majesty's military forces, or solicits or procures any person to sell or pledge any such decoration, or acts for any person in the sale or pledging thereof, shall be guilty of an offence against this section unless he proves that at the time of the alleged offence the person to whom the decoration was awarded was dead or had ceased to be a member of those forces.

(3) Any person guilty of an offence against this section shall be liable on summary conviction to a fine not exceeding [level 3 on the standard scale] or to imprisonment for a term not exceeding three months or to both such a fine and such imprisonment.

Section 197 was repealed in 2009 following the commencement of the relevant parts of the *Armed Forces Act 2006*, which repealed the remaining parts of the *Army* and *Air Force Acts* that were still in force.

Since then, there has been no specific offence regarding falsely wearing military medals and decorations.

---

<sup>1</sup> Section 197 of the *Air Force Act* contains near-identical wording, but with terms specific to air force decorations.

<sup>2</sup> The words 'Defence Council' replaced 'Army Council' when the latter was abolished following the formation of the modern Ministry of Defence in 1964. Similarly, the 'Air Council' was replaced in the *Air Force Act*.

That said, while not an offence, wearing medals not awarded to an individual is discouraged, though some people wear the medals of their deceased relatives.

The Royal British Legion has the following advice:

**Can I wear medals belonging to members of my family?**

The official position regarding wearing medals other than your own is that they should not be worn. However, it was generally accepted from soon after the Great War that widows of the fallen wore their late husband's medals on the right breast on suitable occasions.

More recently it seems to have become the custom for any family member to wear medals of deceased relations in this way, sometimes trying to give a complete family military history by wearing several groups. Although understandable it is officially incorrect, and when several groups are worn it does little for the dignity of the original owners.

Regarding uniforms, it is an offence for a person not serving in Her Majesty's armed forces to wear the uniform of one of those forces without permission. The [Uniforms Act 1894](#) also prevents the wearing of any dress having the appearance – or bearing any regimental or distinctive marks – of any such uniform. This does not, however, prevent individuals wearing a uniform for the purposes of a stage play or similar performance.

## 1.1 Recent activity

In late 2015, an e-petition was created to '[Make it illegal to impersonate soldiers/veterans – referred to as stolen valour](#)'. It explained:

It is getting common these days for civilians and other people to impersonate soldiers and marines and/or wear medals and awards they are not entitled to wear.

This causes great distress to many veterans and families.

The Stolen Valor Act 2005<sup>3</sup> has to a great degree mitigated this in the USA.

The e-petition attracted 11,633 and was closed on 3 May 2016, following this response from the Ministry of Defence:

The Government does not believe that the UK requires an equivalent of the USA's Stolen Valor Act.

The Stolen Valor Act 2013 makes it a federal crime to fraudulently claim to be a recipient of certain military decorations or medals in order to obtain money, property, or other tangible benefit.

Under UK law the making, or attempting to make a financial gain by fraudulently wearing uniforms or medals, or by pretending to be or have been in the Armed Forces is already a criminal offence of fraud under the Fraud Act 2006, as is the pretence of being awarded an official medal. The offence carries a maximum penalty of 10 years' imprisonment. It is also an offence under that Act (carrying up to five years' imprisonment) for a person to possess

---

<sup>3</sup> Following a Supreme Court ruling, the *Stolen Valor Act 2005* was struck down in 2012; a revised version, the *Stolen Valor Act 2013*, was enacted the following year. See the USA section below for more detail.

or have under his control any article for use in the course of, or in connection with any fraud.

It is also an offence against The Uniforms Act 1894 for any person not serving in the Armed Forces to wear the uniform of any of the Armed Forces under such circumstances as to be likely to bring contempt upon that uniform.

However, it is not automatically against civil law to wear a veterans badge or decorations or medals which have not been earned and there are no plans to make it an offence. There are many instances where relatives openly wear the medals earned by deceased relatives as a mark of respect, albeit on the right breast and we would not wish to discourage this practice.

## 1.2 Awards for Valour (Protection) Bill

The *Awards for Valour (Protection) Bill*<sup>4</sup> had its First Reading on 29 June 2016, with the Second Reading scheduled for Friday 25 November 2016.

The summary for the Bill reads:

A Bill to prohibit the wearing or public display, by a person not entitled to do so, of medals or insignia awarded for valour, with the intent to deceive.

Following the presentation of the Bill, Gareth Johnson MP, its sponsor, wrote a news item<sup>5</sup> on his website to explain:

"This bill prevents people from wearing medals that they have not legitimately received. It is wrong that Walter Mitty-style characters can undermine awards that genuine war heroes have courageously won.

It's wrong that people can get away with this – it's effectively 'stolen valour'.

Across Kent there have been a number of incidents where people have pretended they have been awarded medals when they have not. Amazingly, at the moment, there is no law that prevents people from doing this. This bill aims to change that.

This bill will only affect people who are intending to deceive and therefore it will not affect those who wear medals as a mark of respect. For example, it will not affect a war widow who wears her late husband's medals out of respect, it will also not affect re-enactments or people who wear them whilst acting.

It angers me that a few people have pretended they had won medals for courage when that has not been the case. This bill aims to stop that and anyone doing this will face arrest and imprisonment."

---

<sup>4</sup> This Bill is a Private Members' Bill and these are often not printed until close to the Second Reading debate. When ready, the text will be available on the [Awards for Valour \(Protection\) Bill](#) page. This page also provides information on the Bill's progress and relevant Hansard links.

<sup>5</sup> ['MP Gareth Johnson presents Private Members' Bill to Parliament aimed at combating "stolen valour"'](#), Website of Gareth Johnson MP [accessed 28 October 2016]



## 2. EU countries

### Summary

In almost every EU country, it is an offence to wear military medals not awarded to an individual, or to wear a military uniform without permission.

The details for most EU countries are below.

Country	Offence	Maximum penalty (fine / imprisonment)
Austria	Fraudulently wearing a medal	€220
	Wearing military uniform without permission	€700
Belgium	Fraudulently wearing a medal or uniform	€1000
Croatia	Fraudulently wearing a medal or uniform	Unknown
Czech Republic	Wearing medals or decorations not awarded	CZK3,000
	Wearing a military uniform without permission	CZK3,000
Denmark	Unlawful use of military badge or uniform	Unknown fine
	Exercising a public power without being entitled to	Unknown fine / 2 years
	Pretending to be vested with a public power	6 months
Estonia	Various offences regarding improper use of medals	300 fine units or €2,000
	Unlawful use of uniform or identification of an official	300 fine units or €3,200
Finland	Wearing a military medal not awarded	Not an offence
	Wearing a military uniform without permission	Unknown
France	Wearing a medal or decoration without the right	€15,000 / 1 year
	Wearing a military uniform without permission	€7,500 / 6 months
Germany	Illegitimately wearing medals or decorations	Unknown fine
	Wearing a uniform without permission	Unknown fine / 1 year
Greece	Civilians fraudulently wearing a military uniform or medal	Unknown fine / 6 months
	Military personnel wearing uniform or medal not entitled	1 year
Hungary	Wearing medals or decorations without authorisation	HUF300,000 / 60 days
	Wearing military uniform without permission	Unknown
Ireland	Unauthorised use of medals and decorations	IR£20 / 3 months
	Unlawful wearing of a military uniform	IR£20 / 3 months
Latvia	Wearing a military medal or decoration not awarded	Not an offence
	Wearing military uniform without permission	Unknown
Lithuania	Wearing a military medal or decoration not awarded	Not an offence
	Wearing military uniform without permission	€44

Country	Offence	Maximum penalty (fine / imprisonment)
Luxembourg	Unauthorised wearing of uniform or medal	€10,000
Netherlands	Wearing insignia or decoration without permission	Unknown fine / 12 days
	Wearing a uniform without permission	Not an offence
Poland	Unauthorised wearing of uniform or medal	€235
Portugal	Wearing medals or honours not entitled	Unknown
	Illegitimately using a uniform	6 months
	Illegitimately using a uniform (someone in public authority)	1 year
Romania	Unlawfully wearing uniform in fraudulently exercising state authority	5 years
Slovakia	Wearing military medals or decorations not awarded	Not an offence
	Wearing a uniform without permission	Not an offence
Slovenia	Illegitimately wearing a medal or decoration	SIT200,000
Sweden	Falsely wearing a uniform or medal to suggest military service	Unknown fine / 6 months
	Penalty if the above caused considerable harm to the public	2 years

## 2.1 Austria

In Austria, the *Act on the Award of Military Decorations 2002* (in German: *Militärauszeichnungsgesetz*) governs the terms and conditions of the awarding of military decorations.

Section 15 details the sanctions with respect to wearing military decorations that have not been awarded properly; in addition, it provides sanctions for desecrating or degrading them. Such actions are punishable as an administrative transgression, with a fine of up to €220. This does not apply to wearing a uniform for the purpose of a stage play, feature film or similar activity.

Regarding uniforms, it is an administrative offence to wear a uniform of the Austrian Armed Forces without obtaining prior permission.

The provisions of the *Defence Act 2001* (in German: *Wehrgesetz*) forms the legal basis and framework of the Austrian defence concept and the organisation of the Austrian Armed Forces. It details the obligations of conscripts and soldiers, providing exact regulations as to who is legally entitled to wear uniform, military rank, insignia and medals.

The relevant paragraphs in this respect are Sections 6, 32, 35, 36, 43 and 53 of the *Defence Act 2001*. Section 53 stipulates that wearing a uniform without the proper permission constitutes an administrative transgression of Section 35 of the Act and can be sanctioned with a fine of up to €700. As with medals and decorations, this does not apply to wearing military uniform for the purpose of a stage play, feature film or similar activity.

## 2.2 Belgium

According to Belgian law, it is an offence to impersonate a member of the armed forces by wearing a uniform without permission, or for an individual to wear military medals or decorations that they have not been awarded.

Articles 227bis, Sections 1, 228 and 229 of the Belgian Criminal Law Code apply:

### **Art. 227bis, Section 1**

Whoever publicly claims without the right the title or grade belonging to persons participating in the exercise of a public power or carrying out a civil or military public duty will be punished with a fine of €200 to €1,000.

### **Article 228**

Anyone who has worn a uniform or outfit or decoration or ribbon or other insignia of an order which does not correspond to him or her will be punished with a fine of €200 to €1,000.

### **Article 229**

Any Belgian who has publicly worn a decoration, ribbon or other insignia of a foreign order without having obtained the authorisation of the King, will be punished with a fine of €50 to €500.

## 2.3 Croatia

Individuals are not entitled to wear military medals they have not been awarded. However, Article 10 of the Croatian *Regulations on Medals and Decorations* ("Official Gazette" no. 106/09) stipulates that members of the family of a deceased, posthumously-awarded or missing person can have a decoration in a special place in their home, as a mark of remembrance to the awarded person on commemorative occasions.

It is an offence for an individual in to wear a military uniform without permission. The *Act on Service in the Armed Forces of the Republic of Croatia* ("Official Gazette" no. 73/13, 75/15 and 50/16) Article 213 paragraph 6 states that an individual unauthorised to wear the military uniform – or parts of a uniform with decorations – of a member of the Croatian Armed Forces shall be charged with the offence of illegal wearing of military uniforms.

## 2.4 Czech Republic

It is an offence to wear military medals or decorations that have not been awarded to an individual, or to wear a uniform of the armed forces without permission. Generally, this is governed by *Act No 200/1990 Coll. on Offences*, as amended<sup>6</sup>.

Section 42 stipulates that any individual who wears medals, decorations or other similar awards that have not been awarded to them is

---

<sup>6</sup> The text of [Act No 200/1990 Coll. on Offences](#), as amended, is available only in Czech.

committing an offence. It is also an offence to appropriate an honorary title that has not been given. The penalty for these offences is a fine of up to CZK3,000.

According to Section 21(i), a person wearing a service uniform of the armed forces without permission is committing an offence. Only armed forces personnel are entitled to wear service uniforms. Breaching this may result in a fine of up to CZK3,000 being imposed.

## 2.5 Denmark

It is illegal for the unauthorised wearing of military medals or uniform.

The Danish Criminal Code provides the following:

### **Article 132**

1. Any person who, intentionally or through negligence, unlawfully uses:
  - 1) any badge or uniform that is restricted to a Danish or foreign public authority or to military personnel; or
  - 2) any badge or designation that is restricted to persons, institutions and material designed to give assistance to wounded or sick persons in case of war; or
  - 3) any badge or name of international organisations;shall be liable to a fine
2. The provisions | Subsection (1) above shall similarly apply with respect to imitations of the badges, uniforms and designations referred to.

There are additional rules regarding falsely claiming to be vested with a public power or exercising such power without entitlement. This could be applied if an individual wearing a uniform carried out undertakings in public without the authority to do so.

The relevant articles of the Danish Criminal Code are:

### **Article 130**

Any person who exercises a public power without being entitled to do so shall be liable to fine or to imprisonment for any term not exceeding two years.

### **Article 131**

1. Any person who, publicly or for an unlawful purpose, pretends to be vested with a public power or public authorisation to carry on an undertaking or who, without public authorisation, carries on an undertaking for which such authorisation is required or continues to carry on an undertaking despite having been deprived of the authorisation to do so shall be liable to fine or to imprisonment for any term not exceeding six months.
2. Any person who assists another person in carrying on an undertaking after the person has been deprived of the right to do this shall be liable to a fine or, in particularly aggravating circumstances, to imprisonment for any term not exceeding four months.

## 2.6 Estonia

It is an offence in Estonia for a person to wear medals they have not been awarded.

The [Decorations Act](#) establishes the national awards to be bestowed by the President of the Republic, provides their classes and descriptions, the procedure for bestowal, wearing, withdrawal and return of decorations, the procedure for registration of orders of honour and orders of merit, and liability for violations of this Act.

Chapter 6 of the Act has the relevant sections on liability:

### **Section 67. Illegal handling of national decorations**

[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

1. The purchase, sale, exchange or other transfer for a charge of a national decoration, as well as the wearing of the decoration by a person who is not entitled to do so, – is punishable by a fine of up to 300 fine units.  
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]
2. The same act, when committed by a legal person, is punishable by a fine of up to 2000 euros.  
[RT I 2010, 22, 108 - entry into force 01.01.2011]

### **Section 68. Non-respect of national decorations**

1. Demolishing, defiling, defaming or otherwise using a state decoration in an undignified manner is punishable by a fine of up to 300 fine units.
2. The same act, when committed by a legal person, is punishable by a fine of up to 2,000 euros.  
[RT I 2010, 22, 108 - entry into force 01.01.2011]

### **Section 69. Acts concerning objects whose similarity to national decorations is such as to render them likely to be confused with those decorations**

1. The making, wearing or other use of an object whose similarity to a national decoration is such as to render it likely to be confused with that decoration is punishable by a fine of up to 300 fine units.
2. The same act, when committed by a legal person, is punishable by a fine of up to 2,000 euros.  
[RT I 2010, 22, 108 - entry into force 01.01.2011]

### **Section 70. Procedure**

Extrajudicial proceedings in matters of the misdemeanours defined in this Chapter are conducted by the Police and Border Guard Board.

[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

There is no specific law on civilians wearing a uniform of the armed forces without permission. So, essentially, this would not be a criminal offence or misdemeanour.

Many public authorities in Estonia wear official uniforms and this is regulated by law for the intention of identification, distinction and display.

The use of an official uniform or identification certificate is to give the impression that the person is entitled to use it and possesses the competence of the office to which it refers.

Regarding the wearing of official uniforms in general, Article 277 of the Estonian [Penal Code](#) stipulates:

**Article 277 Unlawful use of uniform or identification of official**

1. Unlawful use of the uniform or identification of an official is punishable by a fine of up to three hundred fine units or by detention.
  - 1) The same act, if committed by a legal person, is punishable by a fine of up to 3,200 euros.  
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]
2. A court may, pursuant to the provisions of Section 83 of this Code, apply confiscation of an object which was the direct object of the commission of an offence provided for in this section.

There has been discussion about civilians wearing official military uniforms when playing paintball. It is accepted such uniforms are without insignia and are 'plain' uniform (without military unit, rank, and position). Wearing plain uniform is not an offence, though it is crucial that the civilian has no intent to perform as a member of the armed forces when wearing a plain uniform.

It is worth noting that there has been no legal or court practice concerning Article 277 of the Penal Code.

## 2.7 Finland

It is not an offence for an individual to wear medals or decorations that they were not awarded.

That said, wearing medals not awarded is highly discouraged. According to the rules of the Finnish Orders, medals are personal and should not be worn by other persons. Officially, only the Cross of Mourning – awarded to the widows of the soldiers fallen in the Second World War – can be worn by others and even this is limited to the eldest daughter of the deceased widow.

The Finnish Defence Command has issued detailed orders on the use of medals and decorations with military uniforms, but this is only available in Finnish.

Regarding uniform, it is an offence for a person not serving in the Finnish armed forces to wear the uniform of one of those forces without permission.

The [Act on the Defence Forces](#) (Section 45 – Using official dress and military uniform) covers the wearing of military uniforms. The third paragraph is most relevant, as this prevents the use of military uniforms by individuals who are not entitled to wear them.

This states:

Persons other than those referred to above in subsection 1, those undergoing military service as laid down in the Conscription Act and the Act on Voluntary Military Service for Women (194/1995), or those in training for a military post must not wear a Defence Forces uniform or any clothing or accessory misleadingly similar to any part of such a uniform so as to create the impression that the wearer is a professional soldier, unless specifically authorised by the competent authority in the Defence Forces for a special reason.

This does not, however, prevent individuals obtaining permission to wear a uniform for the purposes of a stage play or similar activity.

Again, the Defence Command has issued more detailed orders on military uniforms and official dress, but these are only available in Finnish.

## 2.8 France

The unauthorised wearing of military uniform or medals is an offence under the French Penal Code.

Article 433-14 of the Penal Code specifically deals with the wearing of medals that have not been awarded to an individual.

The punishment is one year imprisonment and a fine of €15,000 for

any person who publicly and without the right wears a decoration regulated by a public authority

*(i.e. created and awarded by the French Republic or in its name.)*

The illegal wearing of military uniform or insignia is provided for – and is punishable – under Article 433-15 of the Penal Code. This states:

There is a punishment of six months' imprisonment and a fine of €7,500 for any person publicly wearing a costume or uniform, using a vehicle or making use of insignia or documents which present, with the distinctive costume, uniform, vehicle, insignia or documents reserved for civil servants belonging to the national police force or the military, a resemblance which causes misunderstanding in the mind of the public.

## 2.9 Germany

The German Criminal Code ([Strafgesetzbuch – StGB](#))<sup>7</sup> does not cover the misuse of domestic or foreign medals or decorations. Therefore, individuals who wear military medals or decorations that they have not been awarded do not commit a crime under the Criminal Code.

That said, in accordance with para. 15 of the *Law on Titles, Medals and Decorations* ([Gesetz über Titel, Orden und Ehrenzeichen – OrdenG](#))<sup>8</sup>,

---

<sup>7</sup> [Criminal Code \(Strafgesetzbuch – StGB\)](#) in the version of the notification of 13 November 1998 (Federal Law Gazette I p. 3322) which was last changed by article 8 of the law on 26 July 2016 (Federal Law Gazette I p. 1818).

<sup>8</sup> [Law on Titles, Medals and Decorations \(Gesetz über Titel, Orden und Ehrenzeichen – OrdenG\)](#) in the revised version published in the Federal Law Gazette III no. 1132-1; this version was last changed by article 10 of the law on 19 February 2006 (Federal Law Gazette I p. 334).

illegitimately wearing military medals or decorations is an administrative offence that can be fined. This is only applicable to those medals and decorations that have been either awarded by the Federal President or endowed with his permission.

In accordance with para 132a, subpara 1, no. 4 of the German Criminal Code, wearing domestic or foreign uniforms, vestments or insignia in Germany without permission is a punishable offence. The sentence is imprisonment of up to one year or a fine.

## 2.10 Greece

Publicly wearing a military or police uniform without permission constitutes an offence under Article 176 of the Greek Penal Code. The penalty is imprisonment up to six months or a fine.

The same penalty shall be imposed on an individual that carries a decoration, title, sign or any other distinctive part of the uniform that they are not entitled to.

In order to be punished the offender must wear the uniform publicly in a way that his or her appearance gives the impression that he or she actually belongs to the military or carries the title. The offender also has to be aware of the fact that they are not authorised to wear the uniform, medal or decoration.

Furthermore, military personnel that publicly wear a military uniform, badge or other distinctive part of a uniform that they not entitled to shall be punished with imprisonment up to one year (Article 68 of the Military Penal Code). This provision applies, for example, in cases where serving personnel wear the insignia of a higher rank.

## 2.11 Hungary

It is an offence to wear medals and decorations without proper authorisation. This is according to *Act II of 2012 on offences* (the "*Act on Offences*"), the procedure in relation to offences and the offence record system. Uniforms are also included in this Act.

The penalties are:

- a) Custodial arrest (1–60 days);
- b) Community service work (6–180 hours);
- c) Fine (HUF5,000–300,000).

These punishments may also be imposed concurrently, though custodial arrests may not be imposed concurrently with community service work.

Other measures are a warning and/or confiscation.

*Act CXIII of 2011 on the national defence and the Hungarian Defence Forces and specific measures may be implemented in case of special legislation* (the "*National Defence Act CXIII of 2011*"), provides the policy for the wearing of uniforms by military personnel. This prohibits wearing a uniform of the Hungarian Defence Forces – or imitations of uniforms – to persons not covered by the Act.



## 2.12 Ireland

In Ireland, under the provisions of [Section 267](#) of the *Defence Act 1954*, it is an offence if an unauthorised person uses or wears any article – including a decoration<sup>9</sup> (or imitation) – connected with service in the Defence Forces, or if a person falsely represents themselves as a person who is or has been entitled to wear such decoration.

It is also an offence for an unauthorised person to supply or offer to supply any such article to a person not authorised to use or wear it.

### **Unauthorised use, etc., of decorations, etc.**

#### **267.—**

1. If—

(a) any unauthorised person (in this subsection referred to as the offender) uses or wears any article to which this section applies or any colourable imitation thereof, or

(b) any person (in this subsection referred to as the offender) falsely represents himself to be a person who is or has been entitled to wear any article to which this section applies, or

(c) any person (in this subsection referred to as the offender), without lawful authority or excuse (the proof whereof shall lie on such person), supplies or offers to supply any article to which this section applies to a person not authorised to use or wear it,

the offender shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty pounds or, at the discretion of the court, to imprisonment for any term not exceeding three months.

2. Nothing in subsection (1) of this section shall be construed as rendering unlawful the use, wear or supply of ordinary regimental badges or any brooch or ornament representing those badges.

3. This section applies to any article, relating to or connected with service in the Defence Forces, supplied or authorised by the Minister, being—

(a) a decoration, or

(b) a medal ribbon, or

(c) a badge, or

(d) a wound or service stripe, or

(e) rank insignia, or

(f) an emblem.

---

<sup>9</sup> Under the provisions of Section (2)(1) of the *Defence Act 1954* the word “decoration” means any medal, clasp, good-conduct badge or other decoration.

It is also an offence for a person who is not a member of the Defence Forces to wear a Defence Forces uniform, an imitation uniform, or any distinctive part of a uniform without permission from the Minister for Defence<sup>10</sup>.

This falls under the provisions of [Section 264](#) of the *Defence Act 1954*:

**Unlawful wearing of uniform.**

**264.—**

1. If any person (not being a member of the Defence Forces) wears, without permission granted by or on behalf of the Minister, any uniform of the Defence Forces or any colourable imitation thereof, such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding ten pounds or, at the discretion of the court, to imprisonment for any term not exceeding three months.
2. Subsection (1) of this section shall not apply in respect of the wearing of any uniform of the Defence Forces or any colourable imitation thereof in the course of a stage play or other dramatic representation or performance.
3. In this section the word "uniform" includes any distinctive part of a uniform.

## 2.13 Latvia

It is not an offence in Latvia for an individual to wear military medals or decorations that they have not been awarded.

It is not typical to wear non-attached state awards in Latvia. As a result, laws do not regulate the wearing of state awards by those not awarded them.

There are, however, regulations regarding the wearing of awards of other countries. These are governed by the *State Honours Law*<sup>11</sup>.

Section 67 of the Law determines that foreign awards may be allowed to be worn in public places with the permission of the President, except awards received during State Visits and awards to soldiers of the national Armed Forces, gifted during international missions.

Wearing a military uniform without permission in Latvia is an offence. Only serving personnel and veterans are entitled to wear military uniform.

The wearing of uniform is regulated by Sections 45-47 of the [Military Service Law](#).

Section 45 includes the following provision:

2. Only a soldier (retired soldier) is entitled to wear the uniform of a soldier and the identifying insignia.

---

<sup>10</sup> This does not apply to wearing a uniform for the purposes of a stage play or other dramatic representation or performance.

<sup>11</sup> The text of the [State Honours Law](#) is available only in Latvian.

The *Military Service Law* also includes the following:

**Section 47. Right of Retired Soldiers to Wear Soldier's Uniforms**

1. An official who is entitled to retire a soldier may grant a retired soldier the right to wear a soldier's uniform for impeccable service in the following cases:
  - 1) for achievements in battle and other achievements in the performance of the tasks of service — irrespective of the length of the service;
  - 2) if a soldier has been retired due to disability (illness), which has been acquired during service while performing service duties;
  - 3) if a soldier has been retired from service because of attaining the maximum age and his or her total length of service is not less than 20 years.
2. A soldier of the Latvian Army who has been retired from service with the right to wear a soldier's uniform (also soldiers of the Latvian army who has served in the Latvian Army until 21 July 1940) have the right to purchase, at their expense, and wear the everyday soldier's uniform according to their rank and position in accordance with the procedures stipulated by the Minister for Defence.

In addition, it is an offence to illegally manufacture soldiers' uniforms.

The [\*Latvian Administrative Violations Code\*](#) provides:

**Section 175. Illegal Order for the Manufacture of a Soldier's Uniform, Identifying Marks and Insignia**

In the case of the illegal order for the manufacture of a soldier's uniform, identifying marks and insignia –

a fine shall be imposed in an amount up to €210.

In the case of the same activities, if recommitted within a year after the imposition of an administrative sanction –

a fine shall be imposed in an amount up to €350.

## 2.14 Lithuania

It is not an offence for an individual to wear military medals or decorations that they have not been awarded.

It is an offence, though, to wear a military uniform without permission. The standards of uniform are approved by the Government on the recommendation of the Minister of National Defence.

Under the *Law on the Organisation of the National Defence System and Military Service*, individuals who unlawfully wear a military uniform, separate elements of a military uniform or insignia (where they do not have the right) are held liable under the law.

The punishment for committing this offence is a fine of €28 to €44, according to Article 562 of the Code of Administrative Offences.

Respective amendments of these legal acts were adopted in 2015 with the aim of addressing the new concept of "hybrid warfare". The explanatory notes of the laws stated that administrative liability is

imposed in order to limit opportunities for illegal actions in a time of peace, by persons wearing uniforms without insignia.

## 2.15 Luxembourg

In Luxembourg, it is both an offence for an individual to wear military medals or decorations not awarded to them, and to wear military uniform without permission.

This is stipulated under Chapter VI of the Luxembourgish Penal Code – “From the usurpation of functions, title or name”.

The relevant articles state<sup>12</sup>:

**Art. 227:**

Anyone who will have interfered in public office, civil or military, shall be punished by imprisonment from one month to two years.

**Art. 228:**

Any person who publicly wore a suit, uniform, decoration, ribbon or other insignia of an order that does not belong to him, shall be punished by a fine of €500 to €10,000.

(L. November 14, 1967) shall be punished with the same penalty:

1. Any person, without the right to do so, will publicly have worn a badge created or recognized by law or regulation;
2. Any person who makes use of a word, phrase or a distinctive sign that, contrary to reality shows or makes believe that its activities or those of one or more other persons is established, sponsored or recognised in whole or in part by any domestic or foreign authority or by an organisation between states.

**Art. 229:**

The Luxembourger who publicly raised decoration, ribbon or other insignia of a foreign order, before having obtained the authorisation of the Grand Duke, will be punished with a fine of €500 to €5,000.

## 2.16 The Netherlands

The unauthorised wearing of insignia without permission is punishable under the Dutch Criminal Code (Article 435, paragraphs 1 and 2). Those caught wearing a decoration without being entitled to it have to pay a fine.

In addition, according to Article 435a:

Any person who wears or carries, in public, garments or conspicuous insignia or decorations signifying a particular political objective, will be sentenced to custody for a maximum of twelve days or a fine of the second category<sup>13</sup>.

---

<sup>12</sup> This English translation is a courtesy; only the French text is binding.

<sup>13</sup> This is an unofficial translation and only the original text – in the Dutch language – of the Criminal Code (Wetboek van Strafrecht) prevails. The official text reads: “Hij die in het openbaar kledingstukken of opzichtige onderscheidingstekens draagt of voert, welke uitdrukking zijn van een bepaald staatkundig streven, wordt gestraft met hechtenis van ten hoogste twaalf dagen of geldboete van de tweede categorie.”

The Dutch Veterans Institute also advises on the wearing of military decorations. P9 of the "[Handboek onderscheidingen](#)" ("Decorations Manual", only available in Dutch) provides for the wearing of medals and decorations.

The laws regarding military uniforms are essentially only applicable to service personnel, providing guidance on when uniform should be worn and ensuring standards of appearance.

## 2.17 Poland

Impersonating a member of the armed forces by wearing a uniform without authorisation is a minor infraction of criminal law, as is wearing military decorations without having been awarded them.

The relevant legal provision is Article 61.1 of the Code of Contraventions<sup>14</sup>. It states:

Whoever appropriates to himself/herself a position, title or degree, or uses or wears in public a decoration, badge, dress or uniform without being entitled to do so, shall be punished with a fine of up to 1,000 PLN [ca. €235] or with a reprimand.

The Minister of Defence's regulations of 29 February 2016, on the prohibition of wearing a military uniform or parts thereof<sup>15</sup>, forbids unauthorised persons from wearing a complete military uniform or its parts, even if military badges and signs are not displayed (Sections 2.1-2).

This ban does not apply to members, instructors and specialists of associations which have agreements with the relevant military entities and whose statutes provide for pro-defence activities. Moreover, it does not apply to secondary school or university students who participate in pro-defence programmes and trainings (Section 2.4).

The regulation also provides that the ban does not apply to some other circumstances, regulated by provisions based on the relevant article of the *Act of 21 November 1967 on the common duty of defence of the Republic of Poland*<sup>16</sup> (Section 2.7).

Pursuant to the Regulation of the Minister of Defence of 17 July 2003, on rules and procedures in matters concerning authorisation to wear uniforms and military badges by soldiers who are not in active service<sup>17</sup>,

---

<sup>14</sup> The text of the [Law of 20 May 1971, Code of Contraventions](#) (Ustawa z dn. 20 maja 1971 r. Kodeks wykroczeń), is available only in Polish.

<sup>15</sup> The text of the [Regulation of the Minister of National Defence of 29 February 2016](#), on the prohibition of the use of military uniform or any part thereof (Rozporządzenie Ministra Obrony Narodowej z dnia 29 lutego 2016 r. w sprawie zakazu używania munduru wojskowego lub jego części), is available only in Polish.

<sup>16</sup> The text of the [Act of 21 November 1967, Common duty to defend the Republic of Poland](#) (Ustawa z dnia 21 listopada 1967 r. o powszechnym obowiązku obrony Rzeczypospolitej Polskiej), is available only in Polish.

<sup>17</sup> The text of the [Regulation of the Minister of National Defence of 17 July 2003](#), on the detailed rules and procedures in matters concerning authorisation for soldiers on active military duty wearing uniforms, badges and military insignia (Rozporządzenie Ministra Obrony Narodowej z dnia 17 lipca 2003 r. w sprawie szczegółowych zasad i trybu postępowania w sprawach o uzyskanie zezwolenia przez żołnierzy niepełniących czynnej służby wojskowej na noszenie umundurowania oraz odznak i oznak wojskowych), is available only in Polish.

military personnel who either retire or join the reserves after their active service are also allowed to wear military uniforms and badges on suitable occasions. These include national and military holidays, or ceremonies organised by the Ministry of Defence and its entities. These provisions were established in Article 67.3a of the *Act on the common duty of defence of the Republic of Poland* (Section 1.1).

## 2.18 Portugal

Article 60 of [Law no. 5/2011, of 2 March 2011](#), *Law on the Portuguese Honorific Orders*, established the following:

1. Without prejudice to the provisions of Article 67 of this law, national citizens are prohibited from using badges of the Portuguese honorific orders that have not been awarded by the President of the Republic or those of foreign orders if their acceptance has not been authorised by the President of the Republic when legally necessary throughout national territory, at Portugal's diplomatic missions, and aboard aircraft and vessels carrying the national flag.
2. National citizens and foreigners in Portugal are also prohibited from using in public any badges of honorific orders that are not established by the Portuguese Republic and by the state and internationally recognised bodies that have the power to do so.
3. In the situations mentioned in the previous paragraphs, offenders shall be subject to criminal liability for abuse of a title, sign or uniform, as provided for in the Criminal Code.

Therefore, anyone who uses badges of the Portuguese honorific orders which do not comply with the above-mentioned requirements, shall be guilty of a crime as laid down in the Criminal Code. These legal provisions are also applicable to medals and decorations granted to members of the Armed Forces.

It is also an offence in Portugal for a non-military person to wear an armed forces uniform.

All military uniforms are covered through provisions of the Criminal Code and there are additional regulations specifically for Air Force and Army uniforms.

The first reference to the Portuguese Armed Forces can be found in Articles 273 to 276 of the [Constitution of the Portuguese Republic](#).

To enforce these provisions of the Constitution, legislation was created to regulate the use of uniforms by civilians. This included the following Articles:

Article 219 of [Ordinance no. 1054/97 of 16 October 1997](#), which approved the Regulations on Air Force Uniforms (RUFA), prohibits civilians from using military uniforms:

The use of articles of uniform and items belonging to such articles that are exclusive to the Air Force is prohibited for people who do not belong thereto.

Article 157(2) of [Ordinance no. 254/2011, of 30 June 2011](#), which approved the Regulations on Army Uniforms (RUE), establishes the following:

The use of all articles of uniform and items belonging to such articles that are exclusive to the Army is prohibited for people who do not belong thereto.

Although the Regulations of the Navy do not include this clause, this is covered by the [Criminal Code](#), which also reaffirms the provisions of the Regulations of the other branches of the Portuguese Armed Forces:

**Article 307**

1. Anyone who illegitimately, and with the aim of causing people to believe they belong to them, uses a title, sign, uniform or attire of a domestic or foreign public service position, shall be punished by a prison term of up to 6 months or a fine of up to 60 days.
2. If the title, sign, uniform or attire are the property of a person who exercises public authority, the offender shall be punished by a prison term of up to 1 year or a fine of up to 120 days.

## 2.19 Romania

According to Article 258 of the *Romanian Criminal Law*, it is an offence to impersonate a member of the armed forces by wearing a uniform without permission and it shall be punished by imprisonment or by a fine. The law also establishes the penalty for individuals who unlawfully wear uniforms or insignia of a public authority.

**ART. 258 Usurpation of official capacity**

1. The unlawful use of an official capacity which involves the exercise of state authority accompanied or followed by the commission of an act connected to that capacity, shall be punishable by no less than 6 months and no more than 3 years of imprisonment or by a fine.
2. The same penalty applies to the acts of public servants who continue to hold an office involving the exercise of state authority, after losing such right under the law.
3. If the acts set out in par. (1) or par. (2) were committed by an individual who unlawfully wears uniforms or insignia of a public authority, the penalty shall consist of no less than 1 and no more than 5 years of imprisonment.

## 2.20 Slovakia

As a rule, it is not considered an offence for civilians to wear military medals or decorations not awarded to them. The laws regarding wearing such medals are essentially applicable only to those awarded them (ie. soldiers), though *Act no. 522/2008 Coll. On decorations of the Slovak Republic*, as amended, stipulates that medals or decorations can be worn only by those awarded them.

In addition, service personnel who wish to continue to wear decorations after their military career has ended need to apply and obtain the approval of the Military Service Office.

According to Slovak legislation it is not an offence to wear a military uniform without permission. Rules regarding military uniform are stipulated only in the decree of the Slovakian Ministry of Defence, which does not legally bind any civilian.

Pursuant to Act *no. 372/1990 Coll. on administrative offences*, as amended, it is an administrative offence to wear badges indicating 'Police' or 'Police Force', or to wear Police uniform. This Act does not refer to wearing military uniforms or badges, though.

Professional soldiers on duty are obliged to be correctly dressed and with proper personal appearance, and to wear the military uniform with all its features. Retired soldiers – or those whose military service was terminated – may, under certain conditions, continue to wear the military uniform. This is preconditioned by the soldier's application and the approval of the Military Service Office (*Act no. 281/2015 Coll. on state service of professional soldiers*, as amended).

## 2.21 Slovenia

The *State Decorations of the Republic of Slovenia Act*<sup>18</sup> stipulates that medals or decorations can be worn only by those to whom they have been awarded.

Article 12 states that a medal or decoration may only be worn by the person it was awarded to, while Article 13 forbids the manufacture, trade and wearing of symbols and objects that resemble decorations or medals described in this Act.

Articles 18 and 19 outline the penalties for these offences: Article 18 a fine of SIT20,000-200,000 for the misdemeanours described in Article 14; Article 19 details a fine of a minimum SIT20,000 for an individual wearing a medal or decoration they were not personally awarded, or for dishonouring a medal or decoration.

Article 41 para 4 of the *Defence Act*<sup>19</sup> of the Republic of Slovenia forbids the use and reproduction of insignia and other symbols used by the Slovenia army. As such, it is an offence to wear an armed forces uniform only if it bears signs representing or used by the Slovenian army.

Article 106 sets the penalty for wearing or reproducing insignia or labels as a fine of SIT100,000-300,000.

## 2.22 Sweden

According to Chapter 17, Section 15 of the Swedish Penal Code, an unauthorised person who claims to be exercising public authority shall be sentenced for "pretence of public office" and subject to a fine or imprisonment for a maximum of six months. This also applies to a person who wears without authority a uniform, symbol or other

---

<sup>18</sup> The text of the [State Decorations of the Republic of Slovenia Act](#) is only available in Slovenian.

<sup>19</sup> The text of the [Defence Act of the Republic of Slovenia](#) is only available in Slovenian.



decoration which makes him or her appear to belong to the armed services, or other branches of public service.

If the crime has caused considerable harm to the public or to any individual, or is otherwise to be regarded as gross, the offender shall be sentenced to imprisonment for a maximum of two years.

Liability requires that the wearing of the uniform, symbol or other service decoration actually makes the person appear to belong to the armed services – or some other branch of public service – and that it was his or her intention to make it appear that way.

### 3. Other countries

#### Summary

The USA, Canada, Australia, New Zealand and Russia have all passed legislation regarding unauthorised wearing of medals and/or uniforms.

In summary:

Country	Offence	Maximum penalty (fine / imprisonment)
Australia	Fraudulently wearing a medal	AUD\$5,400 / 6 months
	Defacing/destroying a service decoration	AUD\$10,800 / 1 year
	Falsely representing as returned service personnel	AUD\$5,400 / 6 months
Canada	Unlawful use of military uniforms or medals	CAD\$2,000 fine / 6 months
New Zealand	Offences in respect of military decorations	NZD\$500
Russia	Illegally wearing state awards (orders, medals etc.)	A warning or fine unknown
	Wearing military uniforms with no right to do so	A warning or fine unknown
USA	Purchasing, selling or trading service medals or badges	Fine unknown / 6 months
	Fraudulent claims to hold military decorations or medals	Unknown fine / 1 year
	Offences involving Congressional Medal of Honor	Unknown fine / 1 year
	Offenses involving certain other medals	Unknown fine / 1 year

#### 3.1 Australia

It is an offence to wear a medal that you have not been awarded, though an allowance is made for family members of a deceased recipient to wear that person's medals on commemorative occasions such as Anzac Day. When worn by others, the recommended protocol is that the medals are worn on the right side to show that the wearer is not the original recipient.

The penalty for fraudulently wearing a medal is a maximum fine of AUS\$5,400 or six months imprisonment, or both. In addition, it is an offence to deface or destroy a service decoration, the maximum penalty being a fine of AUS\$10,800 or 12 months imprisonment, or both.

The [Defence Act 1903 part VII section 80b](#) states:

##### **80B Improper use of service decorations**

1. A person commits an offence if:
  - a) the person wears a service decoration; and
  - b) the person is not the person on whom the decoration was conferred.

Penalty: 30 penalty units or imprisonment for 6 months, or both.

2. Where the person upon whom a service decoration was conferred has died, it is not an offence against subsection (1) for a member of the family of that person to wear the service decoration if the member of the family does not represent himself or herself as being the person upon whom the decoration was conferred.

Note: The defendant bears an evidential burden in relation to the matter in subsection (2). See subsection 13.3(3) of the *Criminal Code*.

3. It is not an offence against subsection (1) for a person to wear a service decoration in the course of a dramatic or other visual representation (including such a representation to be televised) or in the making of a cinematograph film.

Note: The defendant bears an evidential burden in relation to the matter in subsection (3). See subsection 13.3(3) of the *Criminal Code*.

4. A person shall not falsely represent himself or herself as being the person upon whom a service decoration has been conferred.

Penalty: 30 penalty units or imprisonment for 6 months, or both.

5. A person shall not deface or destroy, by melting or otherwise, a service decoration.

Penalty: 60 penalty units or imprisonment for 12 months, or both.

Australia's [Defence Act 1903 part VII section 80A](#) stipulates that it is an offence for a person to falsely represent himself or herself to be a returned member of the armed forces. This carries a maximum penalty of a fine of AUS\$5,400 or six months imprisonment, or both.

**80A Falsely representing to be returned soldier, sailor or airman**

1. A person commits an offence if:
  - a) the person represents himself or herself to be a returned soldier, sailor or airman; and
  - b) the representation is false.

Penalty: 30 penalty units<sup>20</sup> or imprisonment for 6 months, or both.
2. For the purposes of this section:
  - a) *returned soldier* means a person who has served abroad during any war as a member of any Military Force raised in Australia or in any other part of the British Empire, or as a member of the Military Forces of any Ally of Great Britain;
  - b) *returned sailor* means a person who has served abroad during any war as a member of any Naval Force raised in Australia or in any other part of the

---

<sup>20</sup> A 'penalty unit', as defined in section 4AA of the *Crimes Act 1914*, describes the amount payable for fines under Australian laws. Fines are calculated by multiplying the value of one penalty unit by the number of penalty units specified for the offence. Currently, one penalty unit is AUS\$180 (the next review is due in late 2018.)

British Empire, or as a member of the Naval Forces of any Ally of Great Britain; and

- c) *returned airman* means a person who has served abroad during any war as a member of any Air Force, air service or flying corps raised in Australia or in any other part of the British Empire or as a member of the air forces of any Ally of Great Britain.

## 3.2 Canada

It is a criminal offence to impersonate a member of the armed forces by wearing a uniform without permission. It is also an offence for an individual to wear military medals or decorations that they have not been awarded.

These are listed as offences in subsections (a) and (b) of Section 419 of the [Criminal Code](#), RSC 1985, c C-46.

### **Unlawful use of military uniforms or certificates**

**419** Every one who without lawful authority, the proof of which lies on him,

- a) wears a uniform of the Canadian Forces or any other naval, army or air force or a uniform that is so similar to the uniform of any of those forces that it is likely to be mistaken therefor,
- b) wears a distinctive mark relating to wounds received or service performed in war, or a military medal, ribbon, badge, chevron or any decoration or order that is awarded for war services, or any imitation thereof, or any mark or device or thing that is likely to be mistaken for any such mark, medal, ribbon, badge, chevron, decoration or order,
- c) has in his possession a certificate of discharge, certificate of release, statement of service or identity card from the Canadian Forces or any other naval, army or air force that has not been issued to and does not belong to him, or
- d) has in his possession a commission or warrant or a certificate of discharge, certificate of release, statement of service or identity card, issued to an officer or a person in or who has been in the Canadian Forces or any other naval, army or air force, that contains any alteration that is not verified by the initials of the officer who issued it, or by the initials of an officer thereto lawfully authorized,

is guilty of an offence punishable on summary conviction.”

The maximum punishment for a summary conviction offence is a fine of C\$2,000 and/or a jail term of up to 6 months.

### 3.3 New Zealand

It is an offence for an individual to wear a medal that they have not been awarded, though an allowance is made for family members of a deceased recipient to wear that person's medals on commemorative occasions such as Anzac Day. This also applies to miniature medals and medal ribbons.

In addition, no person may wear a medal or decoration awarded to them by a foreign government unless it has been approved for wear by the Sovereign.

Section 4A of the [Military Decorations and Distinctive Badges Act 1918](#) applies. This states:

#### **4A Offences in respect of military decorations**

1. In this section the term military decoration means any medal, clasp, badge, ribbon, stripe, emblem, or decoration issued, supplied, or authorised, or purporting or reputed to be issued, supplied, or authorised, by a naval, military, or air force authority, whether in New Zealand or in any other Commonwealth country; but does not include an ordinary regimental badge or any brooch or ornament representing such a badge.
2. Every person commits an offence and is liable on conviction to a fine not exceeding \$500—
  - a) who represents himself, contrary to the fact, to be a person who is or has been entitled to wear or use any military decoration; or
  - b) who wears or uses any medal, clasp, badge, ribbon, stripe, emblem, or decoration that is intended or is likely, by reason of its appearance or in any other manner, to cause any person to believe, contrary to the fact, that it is a military decoration; or
  - c) who, without reasonable excuse, supplies or offers to supply—
    - (1) any military decoration; or
    - (2) any medal, clasp, badge, ribbon, stripe, emblem, or decoration that is intended or is likely, by reason of its appearance or in any other manner, to cause any person to believe, contrary to the fact, that it is a military decoration—to any person who is not authorised to wear or use that military decoration.
3. In a prosecution under this section, the burden of proving that any person is authorised to wear or use any military decoration shall be on the defendant.

Section 4A: inserted, on 1 February 1982, by [section 46\(1\)](#) of the Summary Offences Act 1981 (1981 No 113).

Section 4A(2): amended, on 1 July 2013, by [section 413](#) of the Criminal Procedure Act 2011 (2011 No 81).

The New Zealand Defence Force website has a page on [wearing medals](#). This outlines the conventions for wearing a relative's medals:

- People should only wear one set of medals and they should be:
  - 1) directly related to their family, for example, should have belonged to a brother or sister, dad or mum, grandfather or grandmother; or
  - 2) those of a relative whose medals you have inherited.

Note: It is very common for military personnel who died in the First and Second World Wars to have no children, and for their great nephews and great nieces and other family members to inherit their medals through the parents, brothers and sisters of the deceased military Service person. Family members who have inherited medals can wear these medals on Anzac and/or Remembrance days or give permission for another member of the deceased's family to wear these medals.

- In all cases these are worn on the right chest. This differentiates between former servicemen and women (who wear their own medals on the left chest) and next-of-kin or other relatives (who wear their relative's medals on the right chest).
- Only service medals and decorations mounted on a medal bar (full-size or miniature) can be worn by a relative. It is perfectly acceptable for people to wear miniature medals mounted on a medal bar as the weight is far easier to handle.
- Royal Honours insignia such as neck badges, sashes, sash badges, or breast stars cannot be worn by anyone other than the original recipient. The same rule applies to any Unit and Personal Commendations that the deceased wore on their right chest.
- The occasions on which wearing of relatives medals is permitted are confined to Anzac Day (25 April) and Remembrance Day (11 November). In addition, it may be appropriate for next-of-kin and other relatives to wear relative's medals on an occasion where either the relative's service or the unit in which they served is being commemorated.

### 3.4 Russia

It is an offence for an individual to wear medals that they have not been awarded.

Article 17.11 of the Code of Administrative Offences<sup>21</sup> of the Russian Federation (No. 195-FZ of 30 December 2001) stipulates that an individual illegally wearing state awards (orders, medals etc.) with no right to do so faces a warning or administrative fine.

In Russia it is also an offence to wear a military uniform without permission.

---

<sup>21</sup> The text of the [Code of Administrative Offences](#) is only available in Russian.

Article 39 of the *Federal Law of 28 March 1998 No. 53-FZ*<sup>22</sup>, on “Military duty and military service”, explains that the regulations for wearing military uniforms in the Armed Forces of the Russian Federation are determined by the Minister of Defence or the head of the relevant Federal Executive authority in which the above federal law provides military service.

The wearing of military uniforms by individuals who do not have the right to do so is prohibited under Article 17.12 of the Code of Administrative Offences<sup>23</sup> of the Russian Federation (No. 195-FZ of 30 December 2001).

### 3.5 USA

The *Stolen Valor Act of 2013* makes it a federal crime for a person to claim to be a recipient of any of several specified military decorations or medals, with the intent to obtain money, property or other tangible benefit.

This Act amended Chapter 18 Section 704 of the United States Code ([18 U.S.C. §704](#)) on “Military medals or decorations”. Reflecting these amendments in the 2013 Act, Section 704 now reads:

#### Section 704

- a) In General.- Whoever knowingly purchases, attempts to purchase, solicits for purchase, mails, ships, imports, exports, produces blank certificates of receipt for, manufactures, sells, attempts to sell, advertises for sale, trades, barter, or exchanges for anything of value any decoration or medal authorized by Congress for the armed forces of the United States, or any of the service medals or badges awarded to the members of such forces, or the ribbon, button, or rosette of any such badge, decoration or medal, or any colorable imitation thereof, except when authorized under regulations made pursuant to law, shall be fined under this title or imprisoned not more than six months, or both.
- b) Fraudulent Representations About Receipt of Military Decorations or Medals - Whoever, with intent to obtain money, property, or other tangible benefit, fraudulently holds oneself out to be a recipient of a decoration or medal described in subsection (c)(2) or (d) shall be fined under this title, imprisoned not more than one year, or both.
- c) Enhanced Penalty for Offenses Involving Congressional Medal of Honor.-
  - (1) In General - If a decoration or medal involved in an offense under subsection (a) is a Congressional Medal of Honor, in lieu of the punishment provided in that subsection, the offender shall be fined under this title, imprisoned not more than 1 year, or both.

---

<sup>22</sup> The text of the [Federal Law of 28 March 1998 No. 53-FZ](#), is available only in Russian.

<sup>23</sup> Op cit.

[...]

- d) Enhanced Penalty for Offenses Involving Certain Other Medals.-
- (1) In general - If a decoration or medal involved in an offense described in subsection (a) is a distinguished-service cross...a Navy cross...an Air Force cross ..., a silver star ..., a Purple Heart ..., a combat badge, or any replacement or duplicate medal for such medal as authorized by law, in lieu of the punishment provided in the applicable subsection, the offender shall be fined under this title, imprisoned not more than 1 year, or both.
  - (2) Combat badge defined. - In this subsection, the term "combat badge" means a Combat Infantryman's Badge, Combat Action Badge, Combat Medical Badge, Combat Action Ribbon, or Combat Action Medal.

The 2013 Act is a revised version of a previous one ([Stolen Valor Act of 2005<sup>24</sup>](#)) that was struck down in June 2012, when the United States Supreme Court ruled that lying about military heroics was constitutionally protected speech unless there was intent to gain some benefit or something of value by fraud. This was a result of *United States v. Alvarez*.

Soon after this Supreme Court decision, the US Department of Defense announced the creation of a new website, [valor.defense.gov](http://valor.defense.gov), to provide a public record of recipients of the most prestigious valour awards.

---

<sup>24</sup> The US Code provides details of all the amendments made in the 2013 and 2005 Acts, as well as previous legislative amendments, on the [18 U.S.C. §704](#) page.



### About the Library

The House of Commons Library research service provides MPs and their staff with the impartial briefing and evidence base they need to do their work in scrutinising Government, proposing legislation, and supporting constituents.

As well as providing MPs with a confidential service we publish open briefing papers, which are available on the Parliament website.

Every effort is made to ensure that the information contained in these publicly available research briefings is correct at the time of publication. Readers should be aware however that briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

If you have any comments on our briefings please email [papers@parliament.uk](mailto:papers@parliament.uk). Authors are available to discuss the content of this briefing only with Members and their staff.

If you have any general questions about the work of the House of Commons you can email [hcenquiries@parliament.uk](mailto:hcenquiries@parliament.uk).

### Disclaimer

This information is provided to Members of Parliament in support of their parliamentary duties. It is a general briefing only and should not be relied on as a substitute for specific advice. The House of Commons or the author(s) shall not be liable for any errors or omissions, or for any loss or damage of any kind arising from its use, and may remove, vary or amend any information at any time without prior notice.

The House of Commons accepts no responsibility for any references or links to, or the content of, information maintained by third parties. This information is provided subject to the [conditions of the Open Parliament Licence](#).