UNITED KINGDOM

ASYLUM

The Illegal Migration Act was adopted in July. Lawmakers vowed it would not be used to expel LGBTQ+ asylum seekers to their home or a third country, but civil society is concerned that it will do just that.

In September, Home Secretary Suella Braverman said asylum seekers “pretend to be gay” to receive status and that facing discrimination because of being a woman or LGBTQ+ person is no grounds to get protection. A protest was held in London and over 200 human rights groups signed a joint letter to PM Rishi Sunak, demanding that the UK government respect and protect women and LGBTQ+ people. UNHCR warned the UK should not restrict its asylum definition.

BIAS-MOTIVATED SPEECH

Anti-LGBT hate speech remained common (see here, here, and here). Following his visit to the UK, the UN Independent Expert on SOGI (IE SOGI) expressed deep concern about the growing toxic and hostile environment that LGBT and particularly trans people face in the UK, attributing much of the hate to politicians and the media. In this environment, the UK’s Equality and Human Rights Commission (EHRC) continued to fail trans people this year (see under Equality and Non-discrimination).

Politicians also continued the crackdown on trans rights (see here), including in connection with the Scottish Gender Recognition Act (see under Legal Gender Recognition, see here and here) and the definition of ‘sex’ in equality legislation. PM Rishi Shunak and others made transphobic comments at the Conservative Party conference in October. Earlier in June, a leaked video also showed him mocking trans people.

In July, Mermaids lost its appeal against the Charity Commission approving the registration of the anti-trans ‘LGB Alliance’ as a public charity.

There were several incidents of hate speech at football games (see here, here, here, here, here). From January on, the Football Association could take disciplinary action against clubs if their supporters chanted homophobic slogans. In February, the Manchester United Supporters Trust (MUST) said the team’s new leadership should respect the rights of LGBTQ+ fans.

A former Belfast councillor, Jolene Bunting, who compared a drag queen to a wolf in make-up, lost her appeal against being fined for breaking a court order barring her from harassing the performer. Seven police officers were dismissed from Humberside Police following a series of sexist, homophobic and racist WhatsApp group exchanges.

A gender-critical (anti-trans) campaigner won a £100,000 (117,000 EURO) lawsuit after she was fired for tweeting her views.

BIAS-MOTIVATED VIOLENCE

A rainbow crossing in Derry was vandalised in August, in what the mayor called an attack against the entire city.

The UK Home Office’s annual hate crime statistics highlighted that homophobic hate crimes decreased by 6% in England and Wales the past year, the first fall in numbers since 2013. Transphobic hate crimes increased by 11%, marking the highest number of anti-trans crimes (4,732) since 2012. The report attributes the rise in transphobic hate crimes in part to anti-trans media reporting and discussion about trans issues by politicians.

In October however, Galop’s 2022 Hate Crime Report highlighted that over the past year there was a 65% increase in LGBT+ victims of hate crime reaching out for support. Galop also noted that while a 11% increase sounds small, anti-trans attacks have nearly doubled since 2020/21; that victims do not have access to adequate support; and that the police are failing in holding perpetrators to account.

The new Scottish hate crime law, which covers LGBTI people as protected groups and strengthens protections was given a provisional commencement date of April 1, 2024. The Crown Office (COPFS) published its annual Hate Crime in Scotland report in June, finding that the number of homophobic hate crimes increased by 2% and transphobic crimes had decreased since last year (from 86 to 55) but still remain the second highest since 2010.

In Northern Ireland, the annual police report shared that homophobic incidents and crimes fell; transphobic incidents increased but crimes fell the past 12 months.

Several young trans people committed suicide this year (see here and here).

BODILY INTEGRITY

Despite years of civil society advocacy and government promises, the process of banning so-called ‘conversion practices’ continued to be stalled this year in most of the UK. In January and June, PM Sunak vowed that the bill would be back to parliament and cover both sexual orientation and gender identity, but with an exception for ‘consenting’ adults. The EHRC also called for a ban in October, but a group of Tory MPs...
urged Sunak to drop the ban. The topic was then missing from the newly crowned King’s speech in November. In November, a bipartisan bill on the ban made it to the House of Lords, but this is not the government’s initiative.

The process has been delayed in Scotland also. As part of the mandatory legal process, the Scottish Government will consult publicly on the details of a bill, most likely in January 2024. The process in Northern Ireland is also stalled until the Executive is restored.

DATA COLLECTION
The results of the 2021 census in England and Wales (not including Scotland and Northern Ireland) were released in January, showing that 1.5% of the population identified as lesbian, gay, or bisexual; 0.5% identified with a gender different from their sex assigned at birth; 165,000 people identified as queer, pansexual, asexual, or other.

EDUCATION
Civil society expressed grave concern about the government’s planned trans guidance for schools in England, which could forcibly out trans, non-binary and gender nonconforming students to their parents, place a blanket ban on social transitioning, and allow single-sex schools to refuse trans children (see here, here, here, and here). The government did not consult LGBT+ groups about the guidance.

Due to delays in the guidance, NHS England took it upon itself to say students should not be allowed to socially transition, i.e. change names, pronouns, or decide which bathroom to use, without parents’ knowledge and consent.

A primary school in Glasgow became the first to introduce a comprehensive education curriculum that covers LGBT issues, history and culture, based on the toolkit provided by the government. Scotland is currently consulting on new sex education guidance, which is separate from LGBT inclusive education in the broader curriculum.

The Northern Ireland Human Rights Commission found that many schools currently teach students that ‘homosexuality’ is wrong, shaming and stigmatising young people.

EQUALITY AND NON-DISCRIMINATION
In April, the EHRC recommended that the Equality Act be changed to define ‘sex’ as ‘biological sex’. The position is inline with PM Sunak’s 2022 statements. The Scotland and Wales Committees of the Equality and Human Rights Commission (EHRC) firmly condemned the recommendations, saying they would have a detrimental impact on trans people. In May, over 30 LGBTQ+ organisations sent a joint letter to the Global Alliance of National Human Rights Institutions (GANHRI) about the harm that the EHRC has been causing to trans people. In 2022, GANHRI recommended that the EHRC increase efforts to protect trans people and consult with LGBTQ+ groups.

In November, another ruling in Scotland affirmed that trans women who have legally transitioned are included in the definition of ‘women’. Wales is set to update its Gender Quotas Bill with a trans-inclusive definition for women.

A leaked government guidance for the UK’s 500,000 civil servants made headlines in July because it would mandate the protection of pro-trans and anti-trans beliefs on an equal footing and ban trans people who had not changed their legal gender from using the bathroom matching their identity. Both trans and cis civil servants responded with alarm.

In Scotland, a civil servant who argued that his employer’s diversity and inclusion policies are an ideological imposition, lost his court case. The policies covered race, sexual orientation and gender identity.

The Post Office removed gendered titles from its forms this year.

The Stonewall report, Ace in the UK found that asexual people face discrimination and harassment in work and healthcare and many hide their Identity.

In November, the Scottish Government published its Non-binary Equality Action Plan, a comprehensive plan to improve the lives of non-binary people.

In February, the Welsh Government published an LGBTQ+ Action Plan, which includes banning conversion practices, investing in hate crime prevention, providing trans guidance for schools and local authorities, and supporting the family lives of LGBTQ+ people. An LGBTQ+ Action Plan tracker was published, so that anyone in Wales can monitor updates and progress against each action and activity in the Plan.

FAMILY
The Queer Parent, a book to help LGBTQ+ families was published this year, following the successful podcast Some Families.
FREEDOM FROM TORTURE, CRUEL, INHUMAN, OR DEGRADING TREATMENT

As of June, women who had been persecuted for homosexuality could also apply for the Disregards and Pardons Scheme.

The LGBT Veterans Independent Review, about the experiences of LGBTQ+ soldiers before the ban on their participation in the military was lifted in 2000, was submitted to parliament in May. Over 20,000 soldiers were fired or jailed. In July, PM Rishi Sunak issued an apology to LGBTQ+ veterans for past abuse, violence, imprisonment, bullying and harassment they endured.

FREEDOM OF EXPRESSION

A trans-themed poster was removed from the V&A children’s museum before its opening.

HEALTH

In May, NHS England announced that their plans to decentralise trans healthcare, close down and replace Tavistock with regional centres, would only materialise in 2024. Previously, the plan was to put the new system in place by spring of 2023. In the meantime, only those already in the system would receive care - no first appointments will be given out.

Following the consultation in 2022, in June the NHS England published an interim guidance on trans healthcare provision for minors. The NHS maintains its stance that minors, and only a limited number of them, should only be able to access hormone blockers if they participate in long-term research. The NHS set up a national Children and Young People’s Gender Dysphoria Research Oversight Board for this purpose.

Waiting times for a first trans healthcare appointment remained extremely long. Four trans people, including two minors, sued the NHS over this, but lost in their case in July.

In November, Scotland launched its updated Sexual Health and Blood Borne Viruses Action Plan, including new opt-out HIV testing pilots in A&Es.

INTERSECTIONALITY

A report about older LGBT+ people was published in a news outlet. A TV report on abuse of LGBT+ people in care homes was broadcast.

Ajamu’s Patron Saint of Darkrooms exhibition, celebrating black queer bodies and pleasure activism, was shown in London.

LEGAL GENDER RECOGNITION

In December 2022, the Scottish parliament adopted amendments to the Gender Recognition Act to allow recognition by self-declaration, and to reduce the minimum age from 18 to 16. The move was widely welcomed by civil society, the United Nations, and the Council of Europe. In January this year, the UK’s Prime Minister decided to use an order under Section 35 of the Scotland Act for the first time ever to block the implementation of the law. The Scottish Government has challenged the order in court, arguing it is unlawful and irrational.

PARTICIPATION IN PUBLIC, CULTURAL AND POLITICAL LIFE

Instead of a blanket ban, Swim England introduced an ‘open’ category for trans/non-binary athletes; trans people can compete in amateur and recreational races on the basis of self-ID. UK Athletics also seeks a similar ‘open’ category, which while would allow trans women to compete, would ban them from the women’s category. British Rowing did the same after a membership vote. Several others adopted similar bans this year.

TRUK United FC made headlines as the first trans-masculine football team in the world.

Mermaids’ Young People and Sport report found that over a half of trans youth felt their gender identity impacted their participation in sport; over a half were worried about exclusion; 63% said exclusion from sport had worsened their mental health.

POLICE AND LAW ENFORCEMENT

A number of police commissioners and constables apologised to the LGBTQ+ community for past homophobic persecution (see here and here).
PUBLIC OPINION
A study by the Policy Institute at King’s College London and Ipsos UK found that only 1% of the population thinks trans issues would be a deciding factor in the 2024 elections.

SEXUAL AND REPRODUCTIVE RIGHTS
Scotland is consulting on legislation for Safe Access Zones (buffer zones) around abortion providers to prevent harassment and a Bill to this effect is in its first stage at the Scottish Parliament.

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