



DANISH INSTITUTE FOR  
HUMAN RIGHTS

**COWI**

# The social situation concerning homophobia and discrimination on grounds of sexual orientation in the United Kingdom

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## A. A Summary of the Overall Situation of LGBT Persons

- [1]. Legal rights for LGBT persons have progressed significantly in the UK in the last 20 years. The 2005 Civil Partnership Act and the 2007 introduction of legislation to outlaw sexual orientation discrimination in the Provision of Goods, Facilities and Services, extending protection beyond the scope of the Directive, are indicative of this progress. A survey published in 2007 showed that the majority of Britons feel comfortable with LGB persons. Three out of four people, for example, said they would be comfortable if their children had a gay teacher.
- [2]. The United Kingdom (UK) has implemented Directive 2000/78 with certain exceptions, in compliance with its provisions. The Equality and Human Rights Commission (EHRC) opened in October 2007 and deals with complaints on grounds of sexual orientation as well as various other grounds.
- [3]. Surveys show that homophobic bullying is prevalent in schools and LGB persons are still reluctant to come out at work. Surveys show that LGB persons who are open about their sexuality at work experience discrimination. Furthermore, multiple discrimination is experienced by LGBT women with ethnic minority backgrounds. There are examples of conflicting interests between the equality agenda of the religious and LGB communities.

## B. The Collection of Data

- [4]. The material for this report has been collected by the use of four different sources:
  - A legal country report, written by University of Nottingham Human Rights Law Centre co-director David Harris, Therese Murphy, Jeffrey Kenner and Toni Johnson.<sup>1</sup>
  - A sociological country report reviewing available data on the situation concerning homophobia and discrimination on grounds of sexual orientation in the UK written by social researcher Dr. Surya Monro.<sup>2</sup>

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<sup>1</sup> D. Harris, T. Murphy, J. Kenner and T. Johnson (2008) *Legal Study on Homophobia and Discrimination on Grounds of Sexual Orientation in the United Kingdom*. FRALEX.

<sup>2</sup> S. Monro (2008) *The Situation concerning homophobia and discrimination on grounds of sexual orientation in England and Wales*. Sociological Country Report.

- Data collected through interviews held in the UK with representatives from the LGBT NGO Stonewall, the Equality and Human Rights Commission, the Ministry of Justice, HM Prison Service, Department for Business, Enterprise & Regulatory Reform, the Home Office, the Government Equalities Office and the Department of Health.
- Data collected through an online questionnaire sent to the stakeholders mentioned above.

## C. Key Findings

### C.1. Attitudes Toward LGBT persons

- [5]. Surveys examining acceptance and attitudes toward homosexuality have been carried out on a European level in 2008 and 2006.
- [6]. The 2008 *Eurobarometer* asked, 'How would you personally feel about having a homosexual (gay man or lesbian woman) as a neighbour?' (1 meaning 'very uncomfortable' and 10 meaning 'very comfortable'). The UK average was 8.7, compared with the EU average of 7.9 (Sweden was highest with 9.5 and Romania the lowest with 4.8).<sup>3</sup>
- [7]. In the 2006 *Eurobarometer*, attitudes toward same-sex marriage were examined in every Member State. Forty-two per cent of EU citizens agreed that such marriages should be allowed throughout Europe; the figure was 46 per cent in the UK (Netherlands scored the highest with 82 per cent and Romania the lowest with 11 per cent). With regard to adoption, the level of acceptance decreases in the EU and in the UK. Thirty-one per cent of Europeans felt that homosexual couples should be allowed to adopt children throughout Europe; the figure was 33 per cent in the UK (Netherlands scored highest with 69 per cent and Poland and Malta the lowest with 7 per cent).<sup>4</sup>
- [8]. A 2006 survey of more than 2000 adults showed that a majority of Britons were comfortable with gay persons. Three out of four people, for example, said they would be comfortable if their children had a gay teacher.<sup>5</sup>
- [9]. The same survey also indicated public recognition of homophobia and support for measures to reduce it. More than half of the respondents

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<sup>3</sup> European Commission (2008) *Special Eurobarometer 296. Discrimination in the European Union: Perceptions, Experiences and Attitudes*, chapter 9.

<sup>4</sup> Eurobarometer 66 (2006), available at: [http://ec.europa.eu/public\\_opinion/archives/eb/eb66/eb66\\_en.pdf](http://ec.europa.eu/public_opinion/archives/eb/eb66/eb66_en.pdf), pp. 43-46.

<sup>5</sup> K. Cowan. (2007) *British attitudes to lesbian and gay people*. [www.stonewall.org.uk](http://www.stonewall.org.uk)

thought that lesbian and gay persons experience prejudice in Britain and 73 per cent thought that anti-gay prejudice should be combated. More than four out of five people, including 'people of faith', are in favour of gay persons being protected from discrimination in areas including healthcare and social services.<sup>6</sup>

## C.2. Criminal Law - Hate Crime

- [10]. In the period 2003-2005, England, Wales and Northern Ireland extended hate crime statutory aggravations to include sexual orientation.<sup>7</sup> With regard to hate speech, the UK Parliament is currently debating an amendment to the law which would extend existing offences of inciting hatred against persons on religious grounds to cover hatred on the grounds of sexual orientation.<sup>8</sup>
- [11]. A study carried out on the prevalence of hate crime included 2,600 LGB persons and found that two-thirds of the sample had experienced at least one homophobic incident. The most common homophobic incidents were threats and intimidation, verbal abuse and physical assault. Only 18 per cent of the sample had reported the homophobic incident to the police.<sup>9</sup>
- [12]. As Section 146 of the Criminal Justice Act 2003 came into effect in April 2005, most police forces in the country are now recording hate crimes. Courts are empowered to impose tougher sentences for offences motivated or aggravated by the victim's sexual orientation in England and Wales.<sup>10</sup>

## C.3. Freedom of Assembly

- [13]. There is no particular problem with freedom of assembly in the UK. The first Pride march took place in 1972 in London and there have been numerous marches and public LGB events in cities across England.

## C.4. Family and Other Social Issues

- [14]. The law on civil partnership was introduced in 2004 and came into effect in December 2005, and granted same sex couples a number of rights such as joint treatment for income-related benefits, joint state

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<sup>6</sup> S. Monro (2008) *The Situation concerning homophobia and discrimination on grounds of sexual orientation in England and Wales*. Sociological Country Report.

<sup>7</sup> D. Harris, T. Murphy, J. Kenner and T. Johnson (2008) *Legal Study on Homophobia and Discrimination on Grounds of Sexual Orientation in the United Kingdom*. FRALEX

<sup>8</sup> D. Harris, T. Murphy, J. Kenner and T. Johnson (2008) *Legal Study on Homophobia and Discrimination on Grounds of Sexual Orientation in the United Kingdom*. FRALEX

<sup>9</sup> National Advisory Group (1999) *Breaking the Chain of Hate*. A National Survey Examining Levels of Homophobic Crime and Community Confidence toward the Police Service'

<sup>10</sup> S. Monro (2008) *The Situation concerning homophobia and discrimination on grounds of sexual orientation in England and Wales*. Sociological Country Report.

pension benefits, next of kin rights and the ability to gain parental responsibility for children.<sup>11</sup>

- [15]. With regard to same-sex parenthood, same sex-partners must currently apply to adopt any child born in a relationship in order to become a parent. At the time of writing, a bill is being debated in Parliament that includes provisions to legally recognize same-sex couples as parents of children conceived during a relationship.<sup>12</sup>
- [16]. Despite increased governmental attention toward LGB parenting rights, according to Stonewall there is only limited acknowledgement that same-sex couples are capable of constituting a family and that LGBT parents are raising children across the UK. It is assumed that gay parents have a negative impact on the upbringing of children and do not constitute a 'real' family. Stonewall also notes that the level of acceptance of LGBT persons drops significantly when discussing LGBT family rights such as having children. A widespread notion is that of 'gay is fine – but gay with children is another matter'.<sup>13</sup>

## C.5. The Labour Market

- [17]. The United Kingdom (UK) has implemented Directive 2000/78 in the specific context of sexual orientation discrimination with certain exceptions, in compliance with its provisions. The regulations applying to Great Britain and Northern Ireland outline in detail the personal and material scope of the law, the concepts of discrimination and harassment and exceptions to the principle of non-discrimination, as permitted by the Directive.<sup>14</sup>
- [18]. Moreover, in 2006 and 2007, additional legislation was introduced extending protection beyond the scope of the Directive by prohibiting sexual orientation discrimination in goods, facilities and services.<sup>15</sup>
- [19]. Despite the implementation and protection of the law against labour market discrimination, LGBT persons still experience discrimination. Several qualitative research studies, which have been reviewed by Colgan et al (undated),<sup>16</sup> were carried out in 2000, 2002 and 2003:<sup>17</sup>

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<sup>11</sup> [http://www.stonewall.org.uk/information\\_bank/partnership/civil\\_partnership\\_act/default.asp](http://www.stonewall.org.uk/information_bank/partnership/civil_partnership_act/default.asp)

<sup>12</sup> S. Monro (2008) *The Situation concerning homophobia and discrimination on grounds of sexual orientation in England and Wales*. Sociological Country Report.

<sup>13</sup> Field trip meeting with Stonewall (UK, 31 March 2008).

<sup>14</sup> D. Harris, T. Murphy, J. Kenner and T. Johnson (2008) *Legal Study on Homophobia and Discrimination on Grounds of Sexual Orientation in the United Kingdom*. FRALEX

<sup>15</sup> D. Harris, T. Murphy, J. Kenner and T. Johnson (2008) *Legal Study on Homophobia and Discrimination on Grounds of Sexual Orientation in the United Kingdom*. FRALEX

<sup>16</sup> Colgan, F., Creegan, C., McKerney, A. and Wright, T. (undated) *Lesbian, Gay and Bisexual Workers: equality, Diversity and Inclusion in the Workplace: A Qualitative Research Study*. COERC/London Metropolitan University.

<sup>17</sup> S. Monro (2008) *The Situation concerning homophobia and discrimination on grounds of sexual orientation in England and Wales*. Sociological Country Report.

- The TUC<sup>18</sup> survey (2000) *Straight Up! Why the Law Should Protect Lesbian and Gay Workers*, found that 44 per cent of LGBT persons surveyed had suffered discriminatory treatment at work
- The ID Research survey (2002) identified the workplace as the most common site of discrimination against LGB persons and found that 28 per cent of respondents reported discrimination on grounds of sexuality.
- A UNISON<sup>19</sup> survey (2003) of its members reported that more than 52 per cent said they had been discriminated against because of their sexual orientation (*Unpublished Survey of UNISON LGBT Members*)

[20]. The respondents of the surveys above described their experiences of homophobia and discrimination at the workplace, ranging from discomfort or embarrassment by managers or colleagues to social exclusion, homophobic comments or insults. The most grave work experiences were bullying and physical intimidation.<sup>20</sup>

[21]. LGB respondents with ethnic minority backgrounds reported the difficulty of managing multiple identities and stressed the importance of challenging racism and homophobia in the LGB and BME (Black Minority Ethnic) communities. One way of dealing with multiple discrimination was ‘not to come out at work’.<sup>21</sup> Disabled LGB respondents reported experiences of isolation and exclusion from both LGB and disabled communities and of having to make decisions about whether to come out about both sexuality and disability. Some disabled persons, as with BME respondents, found it easier to not reveal their sexual orientation at work due to negativity from colleagues.<sup>22</sup>

## C.6. Education

[22]. The conditions for and experiences of LGBT persons in education were examined in 2006 in a survey of 1,100 young persons. Hunt and Jensen found that almost 65 per cent of young LGB persons had

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<sup>18</sup> TUC is a trade union.

<sup>19</sup> UNISON is a trade union.

<sup>20</sup> S. Monro (2008) *The Situation concerning homophobia and discrimination on grounds of sexual orientation in England and Wales*. Sociological Country Report.

<sup>21</sup> S. Monro (2008) *The Situation concerning homophobia and discrimination on grounds of sexual orientation in England and Wales*. Sociological Country Report.

<sup>22</sup> S. Monro (2008) *The Situation concerning homophobia and discrimination on grounds of sexual orientation in England and Wales*. Sociological Country Report.

experienced direct bullying in British schools, with the figure rising to 75 per cent in religious schools.<sup>23</sup>

- [23]. Ninety-eight per cent of young LGB persons hear phrases such as ‘that’s so gay’ used in a pejorative way, and 97 per cent hear insulting remarks such as ‘poof’, ‘dyke’, and ‘rug-muncher’. Forms of harassment included the following: Verbal abuse (92 per cent), physical abuse (41 per cent), cyberbullying (41 per cent), death threats (17 per cent) and sexual assault (12 per cent). There is a plethora of substantiated examples of harassment of LGB persons in schools. For example:
- [24]. *People call me ‘gay’ every day, sometimes people kick me or push me, they shut me out of games during school gym and they steal my belongings’* (James, 17, state school).<sup>24</sup>
- [25]. *Nasty notes passed in class. The other girls wouldn’t let me change for PE in the same room as them* (Kirsty, 17, single-sex independent school) (Hunt and Jensen (undated) p. 8).
- [26]. Colgan et al. report levels of homophobia and homophobic bullying in schools and the impact on LGBT pupils' self-image, confidence and studies. Furthermore, the general lack of visibility of sexual orientation issues in schools and the feeling of not being able to ‘be oneself’ was shown to have a negative impact on their studies.<sup>25</sup>
- [27]. The Hunt and Jensen study also stated that when it came to addressing homophobic bullying, schools have a long way to go. Fifty-eight per cent of respondents who experienced bullying never reported it and if they did tell a teacher, 65 per cent of the time nothing was done. There is failure to respond to homophobic language and reluctance to take a stand and explicitly state that homophobic bullying is unacceptable.
- [28]. There appears to be no data on the situation for LGBT teachers.

## C.7. Health Service

- [29]. The health experiences and needs of gay men in the UK have been extensively researched. The research has mainly been preoccupied with the sexual behaviour of gay men and the prevention, treatment,

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<sup>23</sup> Hunt, R. and Jensen, J. (2007) *The Experiences of Young Gay People in Britain’s Schools*. The School Report. Stonewall

<sup>24</sup> Hunt, R. and Jensen, J. *The Experiences of Young Gay People in Britain’s Schools*. The School Report. Stonewall

<sup>25</sup> Colgan, F., Creegan, C., McKerney, A. and Wright, T. (undated) *Lesbian, Gay and Bisexual Workers: equality, Diversity and Inclusion in the Workplace: A Qualitative Research Study*. COERC/London Metropolitan University.



and social policy implications of HIV and AIDS.<sup>26</sup> Gay men remain the group at greatest risk of being infected with HIV in the UK.

- [30]. According to Stonewall, the health needs of lesbians are one of the most neglected research areas in healthcare. There is, however, increased recognition by some researchers that lesbians do have unique healthcare concerns. Research suggests that lesbians do not respond to preventive healthcare messages and do not seek intervention or support from the health sector. Lesbians also have specific health issues relating to fertility, pregnancy, sexual health and mental health. Some are also concerned with weight issues, eating disorders, relationships, smoking, drinking and drug use.<sup>27</sup>
- [31]. Existing research by Barker et al (forthcoming) and others indicates a higher than average incidence of mental health problems among bisexuals. Such problems may be linked to prejudice against bisexuals, low levels of social support and acceptance, and ‘double discrimination’ (discrimination from both heterosexual and gay communities).<sup>28</sup>
- [32]. Stonewall reports that the experience of discrimination in other areas, such as home, school or work, means LGB persons may be reluctant to disclose their sexual orientation to their GP because they anticipate discrimination. This can increase the risk of receiving inadequate healthcare.<sup>29</sup>
- [33]. Health issues can be particularly relevant in cases of multiple discrimination, for example among Muslim LBT women in the UK.<sup>30</sup> A report produced in 2003 describes the ways in which:
- [34]. *‘Most Muslim LBT women struggle to reconcile their sexual orientation or gender identity with their cultural or religious identities. This struggle can lead to mental health problems such as depression and self harm. In addition, the consequences of coming out (or being found out) can be extremely harsh.’*<sup>31</sup>

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<sup>26</sup> S. Monro (2008) *The Situation concerning homophobia and discrimination on grounds of sexual orientation in England and Wales*. Sociological Country Report.

<sup>27</sup> S. Monro (2008) *The Situation concerning homophobia and discrimination on grounds of sexual orientation in England and Wales*. Sociological Country Report.

<sup>28</sup> M. Barker, A., Cassidy, L. Brewer, A. Iantaffi and H. Bowes-Catton (forthcoming) *British Bisexuality: A Snapshot of Bisexual Identities in the UK*.  
Oxley, E., and Lucius, C. (2000) ‘Looking Both Ways: Bisexuality and Therapy’, pp.115-126 in: C. Neil and D. Davis (eds) *Pink Therapy 3: Issues in therapy with lesbian, gay and bisexual clients*. (pp.115-126). Buckingham: Oxford University Press.  
P. Rust (2000). The biology, psychology, sociology and sexuality of bisexuality. In P. Rust (Ed.), *Bisexuality in the United States: a social science reader*. (pp.403-470). New York: Columbia University Press

<sup>29</sup> S. Monro (2008) *The Situation concerning homophobia and discrimination on grounds of sexual orientation in England and Wales*. Sociological Country Report.

<sup>30</sup> Stonewall provide references for other health and ethnicity-related literature on [http://www.stonewall.org.uk/information\\_bank/race\\_and\\_ethnicity/2125.asp](http://www.stonewall.org.uk/information_bank/race_and_ethnicity/2125.asp)

<sup>31</sup> Safra project (2003) *Identifying the Difficulties experienced by Muslim Lesbian, Bisexual, and Transgender Women* in accessing Social and legal Services: Initial Findings. Citizenship 21, Trust for London.

## C.8. Religion

- [35]. Christian bias against same-sex identities and expression is still prevalent in England.<sup>32</sup> In February 2008 the Employment Tribunal ordered the Church of England to pay over £50,000 approximately EUR 64,000 to a young man as compensation for unlawful discrimination against him by the Bishop and Diocese of Hereford. This was the first sexual orientation discrimination case against the Church of England. The individual was refused an appointment as a youth officer within the church because he was gay.<sup>33</sup>
- [36]. The Equality Act (Sexual Orientation) Regulations 2007, as already noted, prohibits discrimination in the provision of goods and services on the grounds of sexual orientation. However, after much heated debate, the act included exceptions for organisations that objected to LGB equality on religious grounds. The exemptions apply to organisations and persons acting on behalf of organisations with any of the following purposes: Practicing, advancing or teaching the practice or principles of any religion, or to enable persons of the religion or belief to receive any benefit or engage in any activity, within the framework of the religion or belief. This exemption has mainly been used to block sexual orientation equality in faith schools and Christian adoption agencies.<sup>34</sup>
- [37]. Fundamentalist religious prejudice is a force against the attainment of an equal society in the UK, especially when it comes to LGB people in the church, adoption by same-sex couples and education regarding sexual orientation.<sup>35</sup> The issue of how to combine strategies for equality in the fields of sexual orientation and religion is an ongoing challenge for policy makers and practitioners at central government and local levels.<sup>36</sup>
- [38]. Prejudice within the Christian, Muslim and Orthodox Jewish communities contributes in a profound way to the isolation and oppression of LGBT persons within these communities, some of whom have had to leave communities of origin due to discrimination. There are now some community organisations for Muslim LGBT persons and Christian LGBT persons.<sup>37</sup>

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<sup>32</sup> S. Monro (2008) *The Situation concerning homophobia and discrimination on grounds of sexual orientation in England and Wales*. Sociological Country Report.

<sup>33</sup> <http://bindmans.com/index.php?id=386> (22.09.2008)

<sup>34</sup> Guidance on the Measures to Outlaw Discrimination on the Grounds of Sexual orientation in the Provision of Goods, Facilities and Services: Equality Act (Sexual Orientation) Regulations 2007: Communities and Local Government.

<sup>35</sup> S. Monro (2008) *The Situation concerning homophobia and discrimination on grounds of sexual orientation in England and Wales*. Sociological Country Report.

<sup>36</sup> Field trip meeting with *The Equality and Human Rights Commission* (UK, 1 April 2008) and S. Monro (2008) *The Situation concerning homophobia and discrimination on grounds of sexual orientation in England and Wales*. Sociological Country Report. .

<sup>37</sup> See for example

<https://webmail.shef.ac.uk/horde/imp/?action=compose&to=mailto:lgcm@lgcm.org.uk>

## C.9. Sports

- [39]. There is evidence of substantial homophobia within some sports in the UK, particularly football.<sup>38</sup> Nevertheless, when it comes to placing the equality and rights agenda in sports, the focus has been on race and gender, especially campaigns on tackling racism in arenas. According to Stonewall, professional LGBT sports persons are reluctant to come out.<sup>39</sup>
- [40]. There are no openly gay professional footballers in Britain, nor have there been since Justin Fashanu, who came out in 1990 and committed suicide in 1998. It is privately acknowledged within the Football Association and other organisations that have worked to eradicate homophobia that there are numerous gay footballers in England. In some cases they have been advised (and assisted) by their clubs to find girlfriends to maintain the appearance of homosexuality.<sup>40</sup>

## C.10. Media

- [41]. Homosexual persons and issues are addressed in the mainstream media, with more representation of gay men than lesbians and bisexuals. In a 2004 survey, Cowan found that 83 per cent of people believed that the media relies heavily on cliché stereotypes of homosexuals.<sup>41</sup> There is a particular tendency for gay men to be portrayed in stereotypical ways. There is a lack of serious coverage of issues of importance to LGBT persons.<sup>42</sup>

## C.11. Asylum and Subsidiary Protection

- [42]. Five key cases have been identified which highlight the position of LGBT asylum seekers in the current asylum system, drawing on key themes that have come out of this rapidly expanding area of asylum law. The main issues that have been addressed in these cases are:
- Lesbians and gay men as members of a ‘particular social group’.
  - Permissible levels of discrimination which do not constitute persecution under the *UN Convention on the Status of Refugees*.
  - Behaviour modification as a form of persecution.
  - Internal relocation in the country of origin.

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<sup>38</sup> S. Monro (2008) *The Situation concerning homophobia and discrimination on grounds of sexual orientation in England and Wales*. Sociological Country Report.

<sup>39</sup> Field trip meeting with Stonewall (UK, 31 March 2008).

<sup>40</sup> S. Monro (2008) *The Situation concerning homophobia and discrimination on grounds of sexual orientation in England and Wales*. Sociological Country Report.

<sup>41</sup> Cowan, K. (2007) British attitudes to lesbian and gay people [www.stonewall.org.uk](http://www.stonewall.org.uk)

<sup>42</sup> S. Monro (2008) *The Situation concerning homophobia and discrimination on grounds of sexual orientation in England and Wales*. Sociological Country Report.

- Access to healthcare.

[43]. There is a lack of research and data on the situation and experiences of LGBT persons seeking asylum in the UK on the ground of sexual orientation. However, some of the problems that LGBT asylum seekers face are reported by the *UK Lesbian and Gay Immigration Group* (UKLGIG).<sup>43</sup> The UKLGIG state that LGBT asylum seekers find that disclosing their sexual identity is often difficult, particularly for persons who have previously risked death for revealing their sexuality. If the person seeking asylum has not realised at first that it is possible to claim asylum on the grounds of sexual orientation, or has taken time to come out, their claim will often be refused as ‘late and opportunistic’.<sup>44</sup>

### C.12. Family Reunification

[44]. Schedule 23 of the Civil Partnership Act 2004 indicates the rights accrued by partners of UK nationals subject to immigration control. The Civil Partnership Act’s influence on the Immigration Rules has been extensive. The Asylum and Immigration (Treatment of Claimants) Act 2004 governs entry to the UK to form a civil partnership in accordance with the Immigration Rules as given statutory authority by the Immigration Act 1971 and the Asylum and Immigration Act 2004. The Immigration Rules HC 395 highlight the specific requirements of entry into the UK on the basis of family reunification dependent upon the status of the relationship. The rules pertaining to same-sex reunification can be found in Part 8 of the Immigration Rules HC 395 paragraphs 277 to 295L.<sup>45</sup>

[45]. There does not appear to be any further data on this issue.

### C.13. Transgender Issues

[46]. The *Gender Recognition Act 2004* (GRA), which came into force in April 2005 and applies throughout the UK, enables transgender individuals who satisfy certain criteria to apply to a Gender Recognition Panel for a *Gender Recognition Certificate*. From the date of the grant of a full Certificate an individual is afforded legal recognition of his or her acquired gender, and can obtain a new birth

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<sup>43</sup> <http://www.uklgig.org.uk/>

<sup>44</sup> S. Monro (2008) *The Situation concerning homophobia and discrimination on grounds of sexual orientation in England and Wales*. Sociological Country Report.

<sup>45</sup> D. Harris, T. Murphy, J. Kenner and T. Johnson (2008) *Legal Study on Homophobia and Discrimination on Grounds of Sexual Orientation in the United Kingdom*. FRALEX

certificate which does not disclose the fact that he or she changed gender.<sup>46</sup>

- [47]. In the UK, discrimination in employment or training on grounds of gender reassignment is regarded as sex discrimination. In addition, in Great Britain (England, Wales and Scotland), public authorities have a gender equality duty which places an obligation on them to promote gender equality and eliminate sex discrimination. Furthermore, there is no requirement to carry an identity card or other form of identification displaying one's name. Individuals are also free to use a name of their own choosing. No medical treatment of any kind is needed in order to change one's name or to change it on statutory documents such as a driving licence or a passport.<sup>47</sup>
- [48]. A research project commissioned by the *Equalities Review* (2007) used a mixed quantitative/qualitative approach to collecting and analysing information on transgender and transsexual persons' experiences of inequality and discrimination in the UK.<sup>48</sup> Findings from the research show that the sectors in which discrimination impacted trans persons' lives the most were employment and workplace, healthcare access and leisure and education. Forty-two per cent of persons not living permanently in their preferred gender role were prevented from doing so because they feared it might threaten their employment status. More than 10 per cent of trans persons experiences being verbally abused at work and 6 per cent were physically assaulted at work.<sup>49</sup>

#### C.14. Multiple discrimination

- [49]. Aspects of multiple discrimination have already been addressed in previous sections on health, education (youth) and religion. There is a lack of data on the experiences of LGBT ethnic minorities and LGBT elderly. It is important to note that while the majority of the LGBT population in England is white, it is also multi-ethnic and multi-cultural, and diverse in terms of class, age and ability.<sup>50</sup>
- [50]. There is a lack of recognition of disabled persons' sexuality issues, interests and needs in the UK, particularly among persons with more severe impairments. Disabled LGBT persons are likely to be

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<sup>46</sup> D. Harris, T. Murphy, J. Kenner and T. Johnson (2008) *Legal Study on Homophobia and Discrimination on Grounds of Sexual Orientation in the United Kingdom*. FRALEX.

<sup>47</sup> D. Harris, T. Murphy, J. Kenner and T. Johnson (2008) *Legal Study on Homophobia and Discrimination on Grounds of Sexual Orientation in the United Kingdom*. FRALEX.

<sup>48</sup> S. Whittle, L. Turner and M. Al-Alami. Contributors: E. Rundall and B. Thom (2007) *Engendered Penalties: Transgender and Transsexual people's Experiences of Inequality and Discrimination*. The Equalities Review. Press for Change. Manchester Metropolitan University.

<sup>49</sup> S. Whittle, L. Turner and M. Al-Alami. Contributors: E. Rundall and B. Thom (2007) *Engendered Penalties: Transgender and Transsexual people's Experiences of Inequality and Discrimination*. The Equalities Review. Press for Change. Manchester Metropolitan University.

<sup>50</sup> S. Monro (2008) *The Situation concerning homophobia and discrimination on grounds of sexual orientation in England and Wales*. Sociological Country Report.

particularly marginalised. For example, in conducting research about equalities work in local government, Monro was told by a local authority officer who worked with local disability groups that there was an absence of discussions about sexuality. However, there are academic and other publications by and about disabled persons' sexuality and that of persons with health problems.<sup>51</sup>

[51]. Possible prejudices and discrimination faced by lesbians as women seem not to be specifically addressed in research or studies.

## D. Good Practice

[52]. Good practices are described in Annex 1.

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<sup>51</sup> See for instance C Neal and D. Davies (2000) (eds) *Issues in Therapy with lesbian, gay, bisexual and transgender clients*. Pink Therapy series 3.