

**Stonewall**

# ABOUT THIS RESOURCE

**This resource is produced by Stonewall, a UK-based charity that stands for the freedom, equity and potential of all lesbian, gay, bi, trans, queer, questioning and ace (LGBTQ+) people.**

At Stonewall, we imagine a world where LGBTQ+ people everywhere can live our lives to the full.

Founded in London in 1989, we now work in each nation of the UK and have established partnerships across the globe. Over the last three decades, we have created transformative change in the lives of LGBTQ+ people in the UK, helping win equal rights around marriage, having children and inclusive education.

Our campaigns drive positive change for our communities, and our sustained change and empowerment programmes ensure that LGBTQ+ people can thrive throughout our lives. We make sure that the world hears and learns from our communities, and our work is grounded in evidence and expertise.

To find out more about our work, visit us at [www.stonewall.org.uk](http://www.stonewall.org.uk)

**Registered Charity No 1101255 (England and Wales) and SC039681 (Scotland)**

Stonewall is proud to provide information, support and guidance on LGBTQ+ inclusion; working towards a world where we're all free to be. This does not constitute legal advice, and is not intended to be a substitute for legal counsel on any subject matter.

# UNITED KINGDOM



Population: 64 million people



Stonewall Diversity Champions: Over 750

## THE LEGAL LANDSCAPE

### FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

#### ENGLAND, WALES, SCOTLAND AND NORTHERN IRELAND:

The **rights to freedom of expression, assembly and association** are protected by Articles 10 and 11 of Schedule 1 of the Human Rights Act 1998.

There are **no LGBT-specific restrictions or additions** to these rights.

### FAMILY AND SAME-SEX RELATIONSHIPS

#### ENGLAND, WALES, SCOTLAND AND NORTHERN IRELAND:

**Sexual acts** between people of the same sex are **legal**.

#### ENGLAND, WALES, SCOTLAND AND NORTHERN IRELAND:

There is an **equal age of consent** of 16 years for sexual acts regardless of gender under Section 1 of the Sexual Offences (Amendment) Act and Section 16 of the Sexual Offences (Northern Ireland) Order 2008.

#### ENGLAND, WALES AND SCOTLAND: Same-sex

**marriage is legal** under Section 1 of the Marriage (Same Sex Couples) Act 2013 and Chapter 1 of the Marriage and Civil Partnership (Scotland) Act 2014.

#### NORTHERN IRELAND: Same-sex marriage is not legal

and same-sex marriages conducted outside Northern Ireland are recognised only as civil partnerships under Part 4 of the Civil Partnership Act 2004.

#### ENGLAND, WALES, SCOTLAND AND NORTHERN IRELAND:

**Same-sex couples can enter into civil partnerships** under the Civil Partnership Act 2004.

#### ENGLAND, WALES AND SCOTLAND: Same-sex couples

have the **right to adopt** jointly and through second parent adoption under the Adoption and Children Act 2002 and the Adoption and Children (Scotland) Act 2007.

**NORTHERN IRELAND:** The Court of Appeal ruled that same-sex parents **have equal rights to apply to adopt** children (Re Judicial Review (2013)).

#### ENGLAND, WALES, SCOTLAND AND NORTHERN IRELAND:

**Same-sex parents can both be listed as parents on a birth certificate**, but there are **different procedures** depending on the gender and marital status of the same-sex couple, under the Human Fertilisation and Embryology Act 2008 (sections 42, 44 and 54 in particular).

### EQUALITY AND EMPLOYMENT

#### ENGLAND, WALES, SCOTLAND AND NORTHERN IRELAND:

The right to **enjoy human rights without discrimination** on 'any ground' is guaranteed by Article 14 of Schedule 1 of the Human Rights Act 1998. Courts have ruled that 'any ground' **includes gender identity and sexual orientation**.

**ENGLAND, WALES AND SCOTLAND:** Employment discrimination and several other forms of **discrimination based on sexual orientation and gender reassignment** are **prohibited** under Section 39 of the Equality Act 2010.

**NORTHERN IRELAND:** Employment **discrimination on the grounds of gender reassignment and sexual orientation** is **prohibited** under the Sex Discrimination (Gender Reassignment) Regulations 1999 and Employment Equality (Sexual Orientation) Regulations (NI) 2003.

**ENGLAND, WALES, SCOTLAND AND NORTHERN IRELAND:** **Harassment and discrimination based on sexual orientation and gender reassignment** are **prohibited in the provision of goods and services, premises, education and public functions** under several laws, including the Equality Act 2010.

**SCOTLAND:** **Hate crimes based on sexual orientation and being transgender** are **considered an aggravating circumstance** in sentencing under Section 146 of the Criminal Justice Act 2003 and Section 2 of the Offences (Scotland) Act 2009.

**NORTHERN IRELAND:** **Hate crimes based on sexual orientation** (but not gender identity) are **considered an aggravating factor** during sentencing under Article 2 of the Criminal Justice (No.2) (NI) Order 2004.

**ENGLAND AND WALES:** **Inciting hatred on the grounds of sexual orientation** is a separate **criminal offence** under Section 29B of the Public Order Act 1986 as amended in 2008.

## THE LEGAL LANDSCAPE (CONT.)

### GENDER IDENTITY

**ENGLAND, WALES, SCOTLAND AND NORTHERN IRELAND:** **Trans people** over the age of 18 **can change** their **legal gender** to female or male by applying for a gender recognition certificate under Section 1 of the Gender Recognition Act 2004.

The **certificate allows** trans people to **acquire a new birth certificate** and **full legal recognition** of their gender identity.

**There are several requirements** for a gender recognition certificate, **including a medical report** and **evidence** that the person **has lived in their 'acquired' gender** for **two years**.

**ENGLAND, WALES AND SCOTLAND:** A **civil partnership** would have to be **ended or converted into a marriage before** applying for a **gender recognition** certificate as civil partnerships are only open for same-sex couples.

**ENGLAND AND WALES:** The **married spouse** of a trans person **can veto** the full legal **gender recognition**.

**NORTHERN IRELAND:** A **marriage or a civil partnership** would have to be **ended before applying for a gender recognition** certificate as marriage is only available for different-sex couples, and civil partnerships are only available for same-sex couples.

**ENGLAND, WALES, SCOTLAND AND NORTHERN IRELAND:** Anyone, including trans people, **can freely change** their **legal name** by making a deed poll and do not need a gender recognition certificate to do so (except for changes to the birth certificate).

### IMMIGRATION

**ENGLAND, WALES, SCOTLAND AND NORTHERN IRELAND:** **Same-sex partners** of British citizens or those settled in the UK can apply for a **dependent visa** based on marriage/civil partnership or having a British or "settled" fiancé(e).

Those who can show that a return to their home country puts them at risk of serious harm because they are **LGBT can seek asylum** on these grounds.



## LEGAL TRANS EQUALITY

The above described Gender Recognition Act 2004 (GRA) is in urgent need of reform. The current process, under the GRA, means trans people have to go through a series of intrusive medical assessments and long, demeaning and bureaucratic interviews with healthcare professionals in order to 'prove' their gender identity. People who are non-binary (who don't identify as either male or female) don't have any legal recognition at all under the current law.

This legal system was recently reviewed by the Women and Equalities select committee who recommended reform. The UK Government is expected to launch a public consultation in 2018. Stonewall supports an amended GRA that requires no medical diagnosis or presentation of evidence. It is important that the updated legislation recognises non-binary identities, and that it gives all trans people the right to self-determination, through a much simpler process. Stonewall's position is set out in our plan for trans equality – 'A Vision for Change': [www.stonewall.org.uk/vision-change](http://www.stonewall.org.uk/vision-change)



## OVERSEAS TERRITORIES & COMMONWEALTH

The UK has 14 overseas territories that are under the jurisdiction and sovereignty of the UK, but do not form part of the UK. The situation for LGBT people across these territories differs but many LGBT people still suffer under the discriminatory effects of British colonial anti-sodomy laws. These laws also still influence former British colonies. A total of 36 of the Commonwealth's member states maintain laws which criminalise sexual acts between people of the same sex.

This overview is for guidance purposes only and does not constitute, nor should it be interpreted as a substitute for, detailed legal advice. If you have any specific legal concerns, always consult with local legal experts.



## THE UK: A SNAPSHOT

The United Kingdom is made up of England, Wales, Scotland and Northern Ireland. LGBT communities in each part of the UK share many experiences, but also face distinct challenges. Stonewall operates in England, Wales and Scotland and works in partnership with the Rainbow Project in Northern Ireland.



### John O'Doherty, director of the Rainbow Project, on being LGBT in Northern Ireland:

"The rights of LGBT people in Northern Ireland have vastly advanced in the last 20 years. Discrimination against LGBT people is illegal, trans people can change their legal gender and same sex-couples can enter civil partnerships. However, many challenges remain. Same-sex couples cannot yet marry and the nationwide Gender Recognition Act needs reform. While acceptance of LGBT people is growing – particularly in cities – Rainbow Project research has shown that one in three LGBT people are worried about being the victim of crime. Additionally, because the focus in Northern Ireland is often on divisions in the post-conflict society, it's harder to make people focus on other issues surrounding equality. In general, LGBT people lack visibility in all aspects of life and public discourse."

### Ruth Hunt, chief executive of Stonewall, on being LGBT in Britain:

"Over the past 25 years, Britain has taken huge strides on the journey to equality for LGBT people. Changes in the law mean that more schools, employers and public services are tackling anti-LGBT discrimination and bullying. Equal marriage is now a reality for many, and Section 28 - a law making it illegal to discuss same-sex relationships in schools - has been consigned to history. But for many LGBT people, these legal changes have not translated into true equality, and for trans people in particular there is still much progress to be made before they are fully protected and equal under the law."

### Everyday life and discrimination

While acceptance of LGBT people has increased vastly in the past 25 years, a huge amount of work still remains before all LGBT people can feel safe, included and free to be themselves in Britain. Stonewall's *LGBT in Britain 2017* research showed that in England, Scotland and Wales:

- One in five LGBT people have experienced a hate crime or incident because of their sexual orientation and/or gender identity in the last 12 months
- Two in five trans people have experienced a hate crime or incident because of their gender identity in the last 12 months

### Healthcare

Health and social care services have a duty to treat people fairly and equally. However, there are too few clinics that provide specialised treatment for trans people, with very long waiting lists. Stonewall's *Unhealthy Attitudes 2014* report also highlighted some major issues resulting in the unfair treatment of both LGBT patients and staff in England, Scotland and Wales. For example, Stonewall's research showed that:

- 10 per cent of health and social care staff say they are not confident in their ability to understand and meet the specific needs of lesbian, gay or bi patients and service users
- 24 per cent of health and social care staff are not confident in their ability to respond to the specific care needs of trans patients and service users

### Workplace

Every year, Stonewall measures the performance of employers through our Workplace Equality Index and publishes a list of the Top 100 Employers. We have seen huge progress since the Index started in 2005. However, we also know that many challenges remain and that our work is not yet done. For example, in our *LGBT in Britain – Trans Report* research we found out that:

- One in eight trans employees have been physically attacked by colleagues or customers in the last year
- Half of trans and non-binary people (51 per cent and 50 per cent respectively) have hidden or disguised the fact that they are LGBT at work because they were afraid of discrimination

### Come Out for LGBT

At Stonewall we know that the fight for LGBT equality in Britain is far from over. 'Come Out for LGBT' is our new campaign. We're asking people to visibly show their support for LGBT equality and encourage others to do the same. To see how people are coming out for LGBT and to learn what you can do, visit: [www.stonewall.org.uk](http://www.stonewall.org.uk)

## LGBT INCLUSION IN ORGANISATIONS

Many employers and universities publish information about their initiatives for LGBT staff and students. To find out what your organisation and other employers do to support LGBT people, staff and students can look out for the following:

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li> <b>Are policies and staff benefits explicitly inclusive of LGBT people?</b></li> <li> <b>Are LGBT people specifically encouraged to apply?</b></li> <li> <b>Do specific development opportunities exist for LGBT people?</b></li> <li> <b>Do LGBT network groups and formal allies programmes exist?</b></li> </ul> | <ul style="list-style-type: none"> <li> <b>Are LGBT role models celebrated?</b></li> <li> <b>Does the leadership team champion LGBT equality?</b></li> <li> <b>Are staff and students asked about their sexual orientation and gender identity in surveys to analyse and improve LGBT initiatives?</b></li> <li> <b>Does the organisation engage with the wider LGBT community?</b></li> </ul> |
|---|--|

Through the Diversity Champions programme, Stonewall works with over 750 organisations to help them create inclusive and accepting environments for their workforce and students. To join the programme or find out more, visit [www.stonewall.org.uk/dc](http://www.stonewall.org.uk/dc)

Stonewall also has a range of free workplace resources available at [www.stonewall.org.uk/workplace-resources](http://www.stonewall.org.uk/workplace-resources)



## BEST PRACTICE FROM STONEWALL'S GLOBAL DIVERSITY CHAMPIONS

**Lloyds Banking Group** “At Lloyds Banking Group, our goals are to become the best bank for customers, a company that reflects the diversity of modern Britain in our workforce, and provides an inclusive and welcoming environment for everyone” - **Karin Cook, Group Director, Group Services and Group Executive Sponsor for sexual orientation and gender identity**

Lloyds Banking Group became Stonewall's Employer of the Year 2017 after competing with more than 400 employers in the Workplace Equality Index. The Group has an LGBT strategy that covers colleagues, customers and communities. Bringing the strategy to life, the Group has recently extended their private healthcare provision to include interventions and support for trans employees. Lloyds Banking Groups' LGBT staff network, Rainbow, has over 5,000 members. They support the Group's strategy by focusing on professional development and promoting visible role models and allies. They've also supported : Bi Visibility Day and Transgender Day of Visibility, with new training tools, social media campaigns, and by flying the bisexual flag and transgender flags at 35 of their key sites. Lloyds Banking Group supports LGBT organisations across the UK, with colleagues and leaders spending over 1,000 hours volunteering with these charities and raising £75,000 within the last year. The Lloyds Bank 'For Your Next Step' advertising campaign featured a same-sex marriage proposal. The campaign was reported in the LGBT and mainstream press and has received positive feedback from the LGBT community.

**The University of Birmingham** The University of Birmingham examines LGBT inclusivity in the whole student journey, as well as supporting their LGBT staff. The University's successful LGBT staff network provides consultation, raises awareness and contributes to staff, student and community initiatives, including during LGBT History Month. Last year, for instance, one event focused on LGBT asylum seekers and included a talk by Clare Summerskill about her 2016 play Rights of Passage. The university careers service was the first in the country to set up an LGBT mentoring scheme which aims to enable young LGBT people to be comfortable about being themselves in the workplace after they graduate. 'Get out stay out' connects LGBT students with LGBT professionals in the city of Birmingham who act as mentors. They come from a range of public, private and voluntary sector organisations including the university's own LGBT staff network. The university has also led the establishment of the inter-institutional LGBT Inclusivity in Higher Education network and annual conference (@LGBTQinHE), which brings together higher education providers from across the UK and internationally to increase understanding of LGBT issues and make higher education a more inclusive place. As part of this work, the University of Birmingham have developed an LGBTQ-inclusive curriculum best practice guide. The guide supports higher education staff to think about inclusive language, curriculum content and the importance of LGBT role models in the learning environment. It is available for free online: [www.intranet.birmingham.ac.uk/staff/teaching-academy/documents/public/lgbt-best-practice-guide.PDF](http://www.intranet.birmingham.ac.uk/staff/teaching-academy/documents/public/lgbt-best-practice-guide.PDF).



## GET INVOLVED



### FIND LGBT GROUPS AND COMMUNITIES

To find LGBT services and community groups that are local to you, use Stonewall's What's in My Area search tool at [www.stonewall.org.uk/whats-my-area](http://www.stonewall.org.uk/whats-my-area)

If you can't find what you're looking for you can call our info line on 08000 50 20 20 (Mon-Fri 9:30am - 5:30pm, UK time) and the info team will try to point you in the right direction.



### PRIDE EVENTS IN THE UK

Pride events now take place in more than 100 towns and cities across the UK. Every year, Stonewall attends more than 30 Prides across the UK and is always looking for people to campaign for LGBT equality with us.

To find out more about volunteering with Stonewall at Pride celebrations, visit [www.stonewall.org.uk/pride](http://www.stonewall.org.uk/pride)

### SPOTLIGHT ON UK BLACK PRIDE

UK Black Pride is an annual Pride event. It promotes unity and co-operation among all black people of African, Asian, Caribbean, Middle Eastern and Latin American descent who identify as LGBT, as well as their friends and families.

Find out more: [www.ukblackpride.org.uk](http://www.ukblackpride.org.uk)

### SPOTLIGHT ON TRANS PRIDES

The number of trans-specific Prides grows each year, celebrating trans, including non-binary, and intersex people and fighting discrimination against trans communities. Find out more:

Trans Pride Brighton: [www.transpridebrighton.org](http://www.transpridebrighton.org)

Sparkle Manchester: [www.sparkle.org.uk](http://www.sparkle.org.uk)

Trans Pride South West: [www.facebook.com/transpridesouthwest](https://www.facebook.com/transpridesouthwest)

Trans Pride Scotland: [www.facebook.com/TransPrideScotland/](https://www.facebook.com/TransPrideScotland/)



### GET LOCAL LGBT UPDATES

**Bi Community News** – a bimonthly publication focusing on the bi community. [www.bicommunitynews.co.uk](http://www.bicommunitynews.co.uk)

**Diva Magazine** – an online and printed magazine for bi women and lesbians. [www.divamag.co.uk](http://www.divamag.co.uk)

**Gay Star News** – an online LGBT news publication. [www.gaystarnews.com](http://www.gaystarnews.com)

**Pink News** – an online LGBT news publication. [www.pinknews.co.uk](http://www.pinknews.co.uk)



### STONEWALL EMPOWERMENT PROGRAMMES

Stonewall runs a series of personal and professional development programmes to enable people to connect with and influence others to challenge homophobic, biphobic and transphobic bullying, celebrate difference, improve inclusion and increase the visibility of role models.

Find out more at [www.stonewall.org.uk/our-work/working-individuals](http://www.stonewall.org.uk/our-work/working-individuals)



## STONEWALL'S DIVERSITY CHAMPIONS PROGRAMME WORKS WITH MORE THAN 750 ORGANISATIONS OPERATING IN THE UNITED KINGDOM.

Our team of workplace advisors offers tailored one-to-one advice on how to create LGBT-inclusive workplaces globally. If you would like to receive support or want to be featured as a case study in one of our Global Workplace Briefings, contact Stonewall.

Stonewall  
192 St John Street, London  
EC1V 4JY  
United Kingdom

Switchboard: +44 (0) 20 7593 1850  
Info Line: +44 (0) 800 050 2020  
Email: [info@stonewall.org.uk](mailto:info@stonewall.org.uk)  
Website: [stonewall.org.uk](http://stonewall.org.uk)

Legal Partner



Freshfields Bruckhaus Deringer