



## DEBATE PACK

Number 2019/0126, 15 May 2019

# International Day Against Homophobia, Transphobia and Biphobia

By Doug Pyper

## Summary

A debate on International Day Against Homophobia, Transphobia and Biphobia has been scheduled for Thursday 16 May 2019 in the Main Chamber. The debate was nominated by the Backbench Business Committee after representations from Nick Herbert MP.

## Contents

<b>1.</b>	<b>Background</b>	<b>2</b>
1.1	Backbench Business Committee	2
1.2	International picture	2
1.3	LGBT rights in Brunei	4
1.4	Hate crime in the UK	5
<b>2.</b>	<b>Parliamentary material</b>	<b>7</b>
<b>3.</b>	<b>Further reading</b>	<b>11</b>
3.1	Government	11
3.2	Library publications	11
3.3	Organisations	11

The House of Commons Library prepares a briefing in hard copy and/or online for most non-legislative debates in the Chamber and Westminster Hall other than half-hour debates. Debate Packs are produced quickly after the announcement of parliamentary business. They are intended to provide a summary or overview of the issue being debated and identify relevant briefings and useful documents, including press and parliamentary material. More detailed briefing can be prepared for Members on request to the Library.

# 1. Background

International Day Against Homophobia, Transphobia and Biphobia occurs annually on 17 May, a date chosen to mark the day, in 1990, when the World Health Organization removed homosexuality from its list of mental disorders.

## 1.1 Backbench Business Committee

Nick Herbert MP [made](#) the following representations to the Backbench Business Committee in support of holding the debate:

**Nick Herbert:** That is right, Chairman, thank you very much indeed. I only have one application to make to you today. Last year, you very kindly granted a debate to mark International Day against Homophobia, Biphobia and Transphobia, or IDAHOBIT day, as it has become known.

...

I do not think that I need to labour the importance of these issues or why global breaches of LGBTI rights need to be discussed. There is ongoing violence against gay men in Chechnya, including murder. The sharia penal code has recently been adopted in Brunei. There have been some truly terrible developments in the Armenian Parliament: extraordinarily, just a couple of weeks ago, Armenian Members of Parliament threatened to burn a trans activist alive. It is a tale of two worlds: in some parts of the world these rights are advancing, along with other human rights, but in other parts they are going backwards.

This Parliament has played an important role over the past few years in drawing attention to these breaches of rights and in encouraging our Government, civil society and business organisations to take action, so I think I can be certain that this will be a well-supported debate. There is a lot of interest in these issues, and it would be a very appropriate day to mark.<sup>1</sup>

A debate on the same subject [took place](#) in the Chamber last year on 17 May 2018.<sup>2</sup>

## 1.2 International picture

Since its first edition in 2006, the International Lesbian, Gay, Bisexual, Trans and Intersex Association's *State-Sponsored Homophobia* has offered a comprehensive annual compilation of data on laws affecting people worldwide on the basis of their sexual orientation. The [most recent report](#), published on 20 March 2019, makes the following key findings:

As of March 2019, there are **70 UN Member States (35%) that criminalise consensual same-sex sexual acts: 68 of them have laws that explicitly criminalise consensual same-sex sexual acts and 2 more criminalise such acts de facto**. In addition, other jurisdictions which are not UN Member States also

---

<sup>1</sup> Backbench Business Committee, [Representations: Backbench Debates](#), Tuesday 30 April 2019

<sup>2</sup>

criminalise such acts (Gaza, the Cook Islands and certain provinces in Indonesia).

### **Progress (and backtracking)**

Since the last edition of this report, Angola, Trinidad & Tobago and India repealed such laws. However, Chad has troublingly criminalised such acts in 2017. Of the 70 UN States, 26 (37%) specifically criminalise only such acts between men. The rest of the 44 criminalising UN States criminalise consensual same-sex sexual acts among all genders.

### **Criminal Penalties**

Six UN Member States impose the death penalty on consensual same-sex sexual acts, with three in Asia (Iran, Saudi Arabia and Yemen) and three in Africa (Nigeria, Sudan and Somalia). In addition, the death penalty is a possible punishment in five UN Member States: Mauritania, United Arab Emirates, Qatar, Pakistan and Afghanistan. Though Iraq has been removed from this list following the elimination of the Islamic State (ISIL/ISIS), it remains as a de facto criminalising country due to reports of State prosecution using laws on public indecency, prostitution or others.

31 UN Member States (44%) impose up to eight years' imprisonment while the remaining 26 Member States (37%) impose even harsher penalties: between 10 and life imprisonment.

### **Legal barriers that restrict the freedom of expression and association**

The data presented in this edition shows that at least 32 UN Member States (17%) have introduced or interpreted provisions to restrict the freedom of expression in relation to SOGI issues. This includes laws and regulations that prohibit media or web content as well as propaganda laws that prohibit the promotion of "homosexuality" or "non-traditional" sexual relations.

Additionally, 41 UN Member States (21%) have laws that restrict the possibilities of registering or running NGOs that work on sexual orientation issues. The justification for these restrictions is usually on the basis that these organisations' activities are illegal, immoral or against public interest.

These two types of laws, frequently found in tandem, pose serious challenges to activists and human rights defenders on the ground.

### **Protection from discrimination**

In terms of laws that protect people from discrimination based on sexual orientation, unchanged from the 2017 edition, there are 9 UN Member States (5%) that constitutionally prohibit discrimination on the ground of sexual orientation.

In addition, a total of 73 Member States (38%) have laws prohibiting employment discrimination on the ground of sexual orientation. Of these 73 Member States, 52 (27%) have broad legal protections (usually applicable to goods and services, health and education) on the basis of sexual orientation as well.

39 UN Member States (20%) have enacted laws that punish acts of incitement to hatred, discrimination or violence based on sexual orientation while 42 UN Member States (22%) impose enhanced criminal penalties for crimes motivated by hate towards the victim's sexual orientation.

The number of UN Member States that have prohibited “conversion therapy” remains at three (2%) though considerable progress has been made at the subnational level, with a growing number of local legislatures in the United States, Spain and Canada having enacted such laws over the past two years.

### **Recognition of same-sex relationships**

Since the 2017 edition of this report, four new UN Member States now also legally recognise same-sex marriage: Australia, Austria, Germany and Malta. This brings the total number to 26 UN Member States (13%). Most of these UN Member States are in Europe (62%) and North America (7%), with a small number located in Latin America and the Caribbean (19%) and Oceania (17%). South Africa remains the only UN Member State in Africa to recognise same-sex marriage.

27 UN Member States (14%) also legally recognise same-sex partnerships. 30 UN Member States (16%) provide for second parent adoption while 27 (14%) permit joint adoption.

### **Existing legal challenges**

In this edition we were able to track almost 30 existing legal challenges currently litigated before local courts in more than 17 criminalising countries, including in Botswana, Gambia, Grenada, Guyana (concluded), Indonesia, Jamaica, Kenya, Lebanon, Malawi, Malaysia, Namibia, Nigeria, Singapore, Tunisia, the United Arab Emirates, Uganda and Zimbabwe. In these cases, local advocates and activists challenge various laws and regulations on consensual same-sex sexual acts, NGO registration, freedom of expression on SOGI issues, legal gender recognition, forced anal examinations, among others.<sup>3</sup>

## **1.3 LGBT rights in Brunei**

In 2014 Brunei became the first East Asian country to adopt strict Islamic sharia law. The revised penal code, Syariah Penal Code Order 2013, was introduced in three stages, the last of which came into force on 3 April 2019. The code made anal sex an offence punishable by stoning to death. Brunei’s actions attracted considerable media attention and drew [international condemnation](#).<sup>4</sup> [Human Rights Watch](#) described the code as “barbaric” and the UN High Commissioner for Human Rights, Michelle Bachelet [called](#) on the Government of Brunei to halt the entry into force of “this draconian new penal code”.

On 4 April the Minister for Asia-Pacific, Mark Field MP, set out the UK’s position

Brunei introduced sharia criminal law in 2014, to operate alongside the common law system in that country. Implementation of the final phases of the associated sharia penal code was delayed from 2014 until yesterday. These final phases now introduce the possibility of hudud corporal and capital punishments, which may include amputation for theft, and execution by stoning for witnessed adultery and anal sex.

...

---

<sup>3</sup> ILGA, *State-Sponsored Homophobia*, 2019, 13<sup>th</sup> Ed., pp15-16

<sup>4</sup> Brunei implements stoning to death under anti-LGBT laws, *BBC News*, 3 April 2019

I want to be absolutely clear about the UK's position on this: this Government consider it appalling that, in the 21st century, people anywhere are still facing potential persecution and discrimination because of who they are and whom they love. We strongly support and defend the rights of the LGBT+ community here in the UK and all around the world.

...

As an integral part of our foreign policy work around the world, we will continue to oppose the use of the death penalty in all circumstances and promote the rights of LGBT+ people. Nobody should face punishment for who they are or whom they love.

On 6 May 2019 the [media reported](#) that Sultan Hassanal Bolkiah said Brunei would not enforce the death penalty for gay sex.

For further background, see the Library debate pack [LGBT rights in Brunei](#).

## 1.4 Hate crime in the UK

In July 2018 the Government Equalities Office published the [National LGBT Survey](#). Of the 108,100 valid responses provided from the lesbian, gay, bisexual and transgender community (LGBT) survey, 40% experienced a negative incident in the preceding 12 months involving someone they did not live with, due to being of the LGBT community, or being thought to be part of the LGBT community. The most frequent type of incidents involved various types of verbal abuse. 91% did not report the most serious type of incident that they experienced or did not report it personally.<sup>5</sup> The most common reasons given for not reporting an incident involved 'That it was not worth it or nothing would happen or change' (48%). Or 'it was not serious enough or it happens all the time' (54%).<sup>6</sup>

Transgender people were around twice as likely to experience threats of physical or sexual harassment or violence compared with the LGBT community as a whole (11% v 5%).<sup>7</sup>

Figures from the National [LGBT Survey Data Viewer](#) concerning negative incidents experienced outside the home by the LGBT community found that:

- 54% of transgender people had experienced a negative incident outside of the home compared with 40% of all LGBT people;
- 50% of LGBT people stated that the most serious incident experienced outside the home involved verbal harassment compared with 44% of transgender people;
- 88% of transgender people did not report the most serious type of incident they experienced or did not report it personally;
- 44% of LGBT people expressed dissatisfaction with the way the police handled the most serious incident reported compared with 43% who expressed satisfaction;

<sup>5</sup> Government Equalities Office, [National LGBT Survey](#), p.33

<sup>6</sup> [LGBT Survey Data Viewer](#). Respondents were permitted to give more than response as to why they did not report an incident.

<sup>7</sup> *Ibid*, pp68-69

- 48% of transgender people expressed dissatisfaction with the way the police handled the most serious incident reported compared with 39% who expressed satisfaction;
- 43% of all LGBT people aged 18 to 24 had experienced a negative incident (the highest of any age group) in the previous year in comparison with 25% of those aged 65+ who were at least risk;
- 40% of both male and female LGBT people experienced a negative incident in the previous year compared with 52% of non-binary people;
- Black LGBT people (37%) were the least likely of any ethnic group to experience a negative incident in the previous year compared to 40% of white LGBT people. Those of mixed ethnicity (44%) were the most likely to experience an incident.
- LGBT people of the Islamic faith (45%) were the most likely of the mainstream religions to experience a negative incident in the previous year. This was followed by 42% of those who were Jewish and compares with 37% of Christians. 41% of those with no religion experienced a negative incident in the previous year;
- LGBT disabled people were more likely to have experienced a negative incident (49%) in the previous year compared with 39% of non-disabled LGBT people.

For further information, see the Library briefing paper [Hate Crime Statistics](#).

## 2. Parliamentary material

### [Brunei: LGBT People: Written question - 250501](#)

**Q**

Asked by [Dr Rosena Allin-Khan](#)

(Tooting)

Asked on: 02 May 2019

**Foreign and Commonwealth Office**

**Brunei: LGBT People**

250501

To ask the Secretary of State for Foreign and Commonwealth Affairs, pursuant to the Answer of 25 April 2019 to Question 245924 on Brunei: LGBT People, what meetings he has had with his counterpart in Brunei on the implementation of anti-LGBT laws in that country; and what the outcomes of those meetings has been.

**A**

Answered by: [Mark Field](#)

Answered on: 14 May 2019

The Foreign Secretary spoke to Brunei's Foreign Minister, Dato Erywan, on 4 April to express the UK's concerns about the impact of the Sharia Penal Code. On 11 April, the Foreign Secretary and I met Dato Erywan and the Finance Minister, Dato Amin Liew, in London. The Prime Minister wrote to His Majesty The Sultan on 1 May encouraging the Sultan of Brunei to respond to international concerns.

We welcome the assurances thereafter provided by His Majesty the Sultan of Brunei on 5 May; in particular, confirmation that the *de facto* moratorium on the death penalty will apply to punishments under the Sharia Penal Code and that His Majesty the Sultan will commit to ratifying the United Nations Convention Against Torture. Following this announcement, I again met Dato Erywan and Dato Amin Liew on 7 May in London followed by a letter from the Foreign Secretary on 9 May.

The announcement by His Majesty demonstrates the importance of engaging in respectful dialogue and diplomacy to address sensitive issues. The assurances provided by His Majesty the Sultan are positive and go some way to addressing our anxieties about the human rights situation in Brunei. However, we urge Brunei to build on these assurances and formalise its commitment to respect individual freedoms and minorities.

### [Commonwealth: LGBT People: Written question - 241481](#)

**Q**

Asked by [Mr Tanmanjeet Singh Dhesi](#)

(Slough)

[\[N\]](#)

Asked on: 05 April 2019

**Foreign and Commonwealth Office**

**Commonwealth: LGBT People**

241481

To ask the Secretary of State for Foreign and Commonwealth Affairs, what steps he plans to take to support civil society groups (a) in Brunei and (b) throughout the Commonwealth who are protesting against the new laws on LGBT+ people.

**A**

Answered by: [Mark Field](#)

Answered on: 10 April 2019

A state of emergency has existed in Brunei since the revolt in 1962. This has meant that freedoms of expression and assembly have been curtailed, and there are strict controls on civil society organisations. As such, there are few civil society pressure groups in Brunei.

Despite this, the British Government works closely with a range of civil society organisations, such as The Commonwealth Equality Network, which works tirelessly to end discrimination and violence on the basis of sexual orientation and gender identity. At last year's Commonwealth Heads of Government Meeting, the Prime Minister made clear that nobody should face persecution or discrimination for who they are or whom they love. We have since allocated £5.6 million to enable the Equality and Justice Alliance – a consortium of civil society organisations – to support those countries who wish to reform legislation which discriminates on the grounds of gender identity or sexual orientation.

We will continue to encourage and work with the Government of Brunei, as with many other countries, to remove corporal and capital punishment from its statutes. We will also urge Brunei to take steps to decriminalise, and pass laws to protect LGBT people from all forms of discrimination.

### **LGBT People: Written question - 198218**

**Q**

Asked by [Robert Halfon](#)  
(Harlow)

[\[N\]](#)

Asked on: 03 December 2018

**Treasury**

**LGBT People**

198218

To ask the Chancellor of the Exchequer, how much money the Government has allocated to organisations and groups supporting LGBTQ+ rights in England since 2010.

**A**

Answered by: [Elizabeth Truss](#)

Answered on: 10 December 2018

The UK is recognized as a world leader on LGBT rights. Sexual orientation is one of the nine characteristics protected under the Equality Act 2010, for which the Government Equalities Office (GEO) within DfID is the Government's lead department. A wide range of government departments have spending in support of LGBT rights. For instance, in 2015, GEO ran a £2.0 million pilot fund to test approaches to effectively tackle homophobic, biphobic and transphobic (HBT) bullying in schools. Following the evaluation of the pilot, the Government is now providing £4.0 million worth of funds from 2016 to 2020 to tackle HBT bullying in schools. However, the information requested on broader funding allocations is not held centrally and could only be provided at disproportionate cost.

### Gay Conversion Therapy: Written question - 191936

**Q**

Asked by [Sarah Champion](#)  
(Rotherham)

Asked on: 15 November 2018

**Women and Equalities**

**Gay Conversion Therapy**

191936

To ask the Minister for Women and Equalities, what the proposed timetable is for bringing forward legislative proposals to ban gay conversion therapy.

**A**

Answered by: [Victoria Atkins](#)

Answered on: 23 November 2018

Conversion therapy is wrong. We are determined to bring an end to this abhorrent practice and, as we said in the LGBT Action Plan, we are considering all legislative and non-legislative options to do this.

We recognise this is a complex issue that we need to get right. We want to engage widely, and listen carefully, so that we can develop a range of measures that end these practices for good. We are conducting more detailed research into the experiences of those that have undergone conversion therapy, and will task the LGBT Advisory Panel with looking into this issue as their first priority when they meet for the first time, in the new year.

Ending these practices will take time. It is crucial we get our response right so that we protect people from harm.

### Sports: Homophobia: Written question - 206005

**Q**

Asked by [Dr Rosena Allin-Khan](#)  
(Tooting)

Asked on: 07 January 2019

**Department for Digital, Culture, Media and Sport**

**Sports: Homophobia**

206005

To ask the Secretary of State for Digital, Culture, Media and Sport, what steps the Government is taking to reduce homophobia in sport.

**A**

Answered by: [Mims Davies](#)

Answered on: 15 January 2019

There is no place for homophobia in sport. Sports must come together to tackle homophobia and discrimination of any kind, and ensure that sport is at the forefront of equality.

Sports, from grassroots to elite, should continue to work with organisations such as Stonewall, Pride Sport and Kick It Out to make sport more inclusive. In 2017 government worked in partnership with Kick It Out to issue guidance to stewards on tackling homophobia in sport.

The cross-government sport strategy 'Sporting Future: A New Strategy for an Active Nation' seeks to ensure that access to sport is equal for all and that everyone can enjoy taking part. Sport England, our national sport council, will soon be releasing new LGBT insight, which will explore the

barriers and motivations around participation, as well as a LGBT sport infrastructure review report.

### **Armed Forces: LGBT People: Written question - 215136**

**Q**

Asked by [Nia Griffith](#)  
(Llanelli)

[\[N\]](#)

Asked on: 31 January 2019

**Ministry of Defence**

**Armed Forces: LGBT People**

215136

To ask the Secretary of State for Defence, what steps he is taking to promote LGBT inclusion in the Armed Forces.

**A**

Answered by: [Mr Tobias Ellwood](#)

Answered on: 05 February 2019

The Ministry of Defence (MOD) is increasingly challenging itself to become a more diverse and inclusive organisation. It recognises that recruitment and inclusion of individuals with diverse skills, perspectives and backgrounds will bring real strength to the organisation. The Defence Diversity and Inclusion Strategy 2018 to 2030: A Force for Inclusion was issued by the Secretary of State for Defence in October 2018: <https://www.gov.uk/government/publications/defence-diversity-and-inclusion-strategy-2018-to-2030-a-force-for-inclusion>. This renewed strategy is focused on the delivery of a set of strategic goals and objectives that clearly set out what sort of organisation we want to be in the future: inclusive; appropriately representative of UK society; and a force for inclusion in wider society.

Since the lifting of the ban on LGBT personnel serving in the military in the year 2000, the MOD has welcomed and supported all personnel, irrespective of sexual orientation, actively celebrating and supporting the diversity of all our personnel. Support is available including through LGBT champions, senior LGBT role models, active LGBT networks and over 150 personnel trained by Stonewall as LGBT allies. The single Services (and MOD civilians) took part in the 2018 Stonewall Workplace Equality Index, with all three Services being placed in the Top 100 Employers. In March 2018, for the second year running, the MOD flew the transgender flag to mark Transgender Day of Visibility. The MOD once again flew the rainbow flag from the top of our Main Building, as LGBT Service personnel marched alongside their civilian colleagues at London Pride 2018.

All three Services have a zero-tolerance policy on bullying of all kinds, including homophobic bullying. All military personnel receive mandatory diversity and inclusion training on entry into service and every two years which both educates people on the reasons for positive behaviour, and the options for seeking help when poor behaviours are displayed. The Services have a robust policy for dealing with all bullying, Joint Service Publication 763, a copy of which can be found at the following address: <https://www.gov.uk/government/publications/jsp-763-the-mod-bullying-and-harassment-complaints-procedures>. Equality and diversity advisors are also embedded within each unit, acting as the first point of call for any personnel subjected to bullying or harassment.

## 3. Further reading

### 3.1 Government

Government Equalities Office, [LGBT Action Plan](#), 2018

Government Equalities Office, [Delivering our commitment to support local LGBT organisations](#), February 2019

### 3.2 Library publications

[LGBT rights in Brunei](#), Commons Debate packs CDP-2019-0091, April 2019

[Hate Crime Statistics](#), Commons Briefing papers CBP-8537, March 2019

[Proposals to allow self-identification of gender](#), Commons Debate packs CDP-2018-0254, November 2018

[Global LGBT rights](#), Commons Debate packs CDP-2017-019, October 2017

[Gender Recognition and the Lesbian, Gay, Bisexual and Transgender Action Plan](#), House of Lords Briefing packs LBP-2018-0088, July 2018

### 3.3 Organisations

[All Party Parliamentary Group on Global LGBT Rights](#)

[International Lesbian, Gay, Bisexual, Trans and Intersex Association](#)

[Stonewall](#)

[Amnesty International LGBTI rights](#)

[Human Rights Watch LGBT rights](#)

### 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 [hcinfo@parliament.uk](mailto:hcinfo@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](#).