



OUT AND OUT

BREXIT MEANS BREXIT, SO WE'VE BEEN TOLD. BUT WHAT DOES IT MEAN FOR LGBT+ PEOPLE, WONDERS ANDY WASLEY

In the weeks following Britain's vote on 23 July to leave the European Union, the media reported a worrying rise in hate crime against people perceived to be "immigrants".

This, it was suggested, tapped into immigration as perhaps the key concern of Brexit voters. Intuitively, it seemed unlikely that this should directly affect LGBT+ people outside those who belong to the black or minority ethnic communities, so often conflated wholesale with "immigrants".

But in October the LGBT+ support charity Galop released a report suggesting anti-LGBT+ hate crimes had risen sharply. In the three months since the vote, the charity supported 187 LGBT+ people who had suffered hate crimes, compared with 72 in the same period in 2015 – a rise of 147%.

Stonewall's Chief Executive, Ruth Hunt, thinks so. "Certainly there were some people that voted for Brexit because they were concerned and anxious about those who are different. It's undeniable. Any cultural shift towards a situation where we can persecute people who are different from us endangers all of us. And that includes LGBT+ people."

If some voters' ignorance might be a threat to LGBT+ people's safety, LGBT+ rights themselves face perhaps a deeper threat from Brexit. EU law is upheld through the European Court of Justice (ECJ), which will cease to have jurisdiction in the UK after Brexit.

Although the vote in June was strictly about the European Union, membership of the European Court of Human Rights (ECHR)

– which is not an EU institution – was also talked up as a matter of concern for Brexit voters. Both the ECJ and the ECHR have played significant roles in advancing and defending LGBT+ equality in Britain, but withdrawal from both courts is the political goal of a significant number of Brexit-supporting MPs and MEPs.

The highest-profile victim of this increased hostility to European human rights protections might well be the Human Rights Act, which enshrines the European Convention on Human Rights into UK law. The Act has been instrumental in protecting LGBT+ people in areas as diverse as tenancy rights, service in the armed forces and gender recognition – but the government has a manifesto commitment to replace the Act with a Bill of Rights.

Heavyweight human rights organisations like Amnesty, Human Rights Watch, and Liberty are united in condemning the plan. But it seems unlikely the government will bow to pressure now that it has a perceived mandate to further

diminish European influence on British courts.

Ruth Hunt says repeal of the Human Rights Act might have a significant negative effect on the way the UK is perceived by LGBT+ people abroad – not to mention governments that are hostile to LGBT+ equality.

"The Human Rights Act sends a very clear message to other countries that Britain abides by core principles," she says. "Trying to explain that we do support human rights but through a Bill of Rights that we've written ourselves, which is almost the same but not quite, will sound less compelling."

This would seem to be compounded by the way LGBT+ rights are treated by senior ministers in Theresa May's post-referendum cabinet. David Davis, Liam Fox, Boris Johnson and Philip Hammond, in particular, have chequered histories when it comes to their attitude towards LGBT+ equality. Fox and Davis voted against equal marriage and Hammond – who has compared gay relationships to incest – abstained. Johnson did vote in favour, although he once complained equal marriage could lead to legalised bestiality.

Cabinet views on equality have already had an impact internationally. As David Cameron's foreign secretary, Philip Hammond banned British embassies from flying the rainbow flag during Pride events.

In one of Boris Johnson's first acts as the new foreign secretary, he restored that right. If this seemed progressive, Liam Fox had a Brexit counter-punch: in the wake of North Carolina's controversial efforts to legalise discrimination

against LGBT+ people and to deny trans people the right to use bathrooms that match their gender identity, Fox announced that the UK would open an international trade office in the state's capital, Raleigh.

It seems unusual, given Britain's recent stance on championing

LGBT+ rights abroad, that the issue is subject to such kick-about at cabinet level. Even matters as seemingly cosmetic as the rainbow flag send a message about commitment to equality when they are subject to ministers' whims.

This is, however, the post-Brexit reality: a confused position for British influence worldwide, increased hostility towards "difference" at home, and an uncertain future for LGBT+ friendly laws and institutions. And

"Can it really be that the Brexit vote led directly to this apparent spike in anti-LGBT+ crimes?"



EUROPEAN SUPPORT FOR UK LGBT+ EQUALITY

- 1981 – ECHR decriminalised gay sex in Northern Ireland
- 1996 – ECJ ruled against UK on trans rights in the workplace, forcing gender reassignment to be added to the Sex Discrimination Act.
- 1999 – ECHR ruled against ban on gay military personnel in 1999
- 2000 – EU directive forced member states to protect LGBT+ people from discrimination in the workplace
- 2002 – ECHR ruled against forcing trans people to keep birth genders, leading to the Gender Recognition Act 2004
- 2013 – ECHR ruled against anti-gay registrars in 2013

this is to say nothing of Brexit's as-yet unclear direct impact on residency for LGBT+ EU citizens living in the UK, or on LGBT+ Brits living in other EU countries.

Time and again today we are told that Brexit means Brexit. As LGBT+ people face an uncertain future, many will be wondering precisely what Brexit means for them.

Go to:
Out and Proud – Pro-Brexit LGBT+ campaign: outandproud.org.uk
Open Britain – Campaign to keep Britain in the Single Market: open-britain.co.uk
Galop – The LGBT+ anti-violence charity: galop.org.uk

