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Protection against violence and discrimination based on sexual orientation and gender identity, in relation to the human rights to freedom of expression, association and assembly. IE SOGI HRC 56

Thank you for the opportunity to make this submission. I am a museum consultant working to empower museums, similar institutions, and their partners to contribute more effectively to sustainable development challenges, using rights-based approaches and linked to environmental and social goals.

1. Does your country have any laws, policies, or practices that, explicitly or implicitly, ban, restrict or make more challenging the exercising of freedom of expression by civil society organizations or activists advocating for LGBT persons' human rights?

Yes. While same sex marriage and other types of partnerships are legal in some places governed by the UK, they are not legal in others for which the UK has at least some governance responsibilities and functions, namely the UK Overseas Territories.¹

The UK has yet to ban LGBT 'conversion' therapy, despite wide public backing for such a ban, and a number of political promises to do so.²

The UK scores 17th out of 49 European countries in the ILGA-Europe (European Region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association) Index.³ The Index reports that the UK has protections for just over 50% of the potential legal and policy protections listed.

Less than 50% of LGBT people feel able to be open about their sexual or gender identity with their families, and discrimination or fear of discrimination or violence prevent many LGBT people from participating in a wide range of social and educational activities, for example anti-gay chanting at sports matches.⁴ Stonewall highlighted the rise in anti-

¹ <https://commonslibrary.parliament.uk/same-sex-marriage-in-the-uks-overseas-territories/>

² <https://www.stonewall.org.uk/about-us/news/stonewall-statement-uk-governments-failure-ban-conversion-therapy>

³ <https://www.rainbow-europe.org/#8666/0/0>

⁴ <https://www.stonewall.org.uk/cy/lgbtq-facts-and-figures>

LGBT violence in 2023: “Hate crimes on the basis of sexual orientation are still up by 112% in the last five years, despite this year's slight decrease of 6%.”⁵

While political action has been slow in some areas, this is in contrast to broadening social acceptance of LGB people, as outlined in the British Social Attitudes Report, although survey results show less general acceptance of transgender people in the context of widespread political and media discussion about trans rights as a ‘culture wars’ issue.⁶ The Office for National Statistics (ONS) noted, in relation to an increase in anti-trans violence of 11% in the previous year and 186% in the previous five years: “Transgender issues have been heavily discussed by politicians, the media and on social media over the last year, which may have led to an increase in these offences, or more awareness in the police in the identification and recording of these crimes.”⁷ Drawing on the ONS statistics, Stonewall highlight that “The increase in hate crimes against trans people... comes against a backdrop of UK Government drawing back its support for trans people and the growth of divisive and demonising rhetoric about trans people in society.”

A hardening political stance against refugees and asylum seekers may make it even more difficult for LGBT people to secure their cultural and other rights, and closer monitoring of the experiences of LGBT asylum seekers was highlighted as a priority for action by ILGA.⁸

Taken alone and together, these points aim to raise awareness of the general environment in the UK, which may make it difficult or impossible for LGBT people to express themselves, or to participate in cultural or social activity in the ways in which they should wish to do so.

3. Does your country have any laws, policies, or practices that, explicitly or implicitly, ban, restrict or make more challenging the exercising of freedom of association and freedom of peaceful assembly by civil society organizations or activists advocating for LGBT persons’ human rights?

The UK government has hardened its stance in relation to protest, in the context of protests against various government actions (such as workers’ rights and pay), and the actions of particular activist groups, notably concerning climate action and anti-racism. This has led to the Police, Crime, Sentencing and Courts Act (2022) and the Public Order Act (2023), which give the police wide-reaching powers to define what constitutes an acceptable level of protest. Government attempts to close down union’s abilities to call strikes also undermine workers’ – including LGBT workers’ – assembly and association rights. The Civicus Monitor has ‘downgraded’ the UK, so that its protection of civic space is listed as ‘obstructed’, giving it the lowest score among Western Europe countries.⁹

A lack of understanding of the obligations or limitations of what constitutes acceptable exercise of freedom of expression, association or assembly, for example in public institu-

⁵ <https://www.stonewall.org.uk/about-us/news/new-data-rise-hate-crime-against-lgbtq-people-continues-stonewall-slams-uk-gov->

⁶ <https://natcen.ac.uk/news/britains-attitudes-towards-moral-issues-have-become-much-more-liberal>

⁷ <https://www.gov.uk/government/statistics/hate-crime-england-and-wales-2022-to-2023/hate-crime-england-and-wales-2022-to-2023>

⁸ <https://www.rainbow-europe.org/#8666/0/0>

⁹ https://monitor.civicus.org/globalfindings_2023/

tions such as museums or other civil spaces, could lead to them placing undue limitations on people's relevant rights, and self-censorship. More widely, a lack of understanding of human rights or what responsibilities they entail for governments and government-funded agencies, and the limitations they have to interfere with such rights (the 'respect' duty), leads to self-censorship in order to avoid 'difficult topics' and conflict with authorities and funders.

5. Are there practices, procedures, groups or actors, societal and political trends, incentives, civil society and constituency mobilization, laws, bills or policies, which you have not mentioned above but that already affect or are likely to affect in the future, directly or indirectly, the exercising of the human rights to freedom of expression, association and/or peaceful assembly by LGBT people, activists and civil society organizations in your country, nationally or locally?

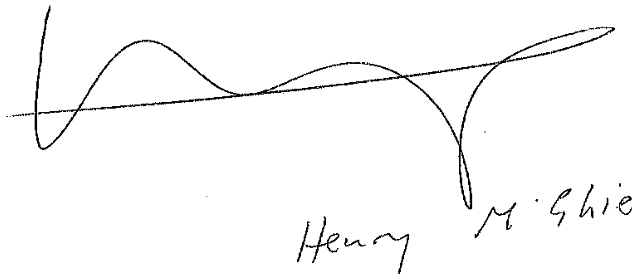
Commercialisation of cultural institutions, as a response to reductions in public funding from government and the application of neoliberal ideology to cultural institutions, results in the privatisation, semi-privatisation or closure of public civil space. Loss of cultural institutions in response to budget cuts – whether overall closure, or extra closure days – also reduces public civil space. This produces a diminished set of opportunities for people – including LGBT people – to even know about social and environmental challenges and opportunities, let alone to have a say – individually and collectively – on what actions should be taken and by whom. This erodes the 'availability', 'acceptability' and 'appropriateness' [to the needs and aspiration of minorities] of opportunities to exercise relevant rights.

While well-meaning, some programmes for inclusion or representation of LGBT people in cultural institutions may inadvertently perpetuate or reinforce stereotypes, or may be tokenistic. For example, LGBT people or their perspectives may be co-opted by institutions only to represent LGBT topics, rather than for LGBT people's wider inclusion in any activities that they may wish to be involved in (as protected under their freedom of expression). Conversely, LGBT people and groups may wish to meet or associate more privately, especially in contexts where they are subject to persecution, violence and discrimination. The celebratory nature of annual 'Pride' events, which cultural institutions may connect with as a key part of their engagement with LGBT people and topics, does not necessarily reflect the human rights infringements that LGBT people have endured in the past, or indeed that they endure now, in the UK or in other countries, nor the diversity of ideas, experiences and perspectives of LGBT people.

Finally, museums and other cultural institutions, and civic space, can provide many opportunities for LGBT people, and others, to contribute to and create communities that are peaceful, tolerant, and that support wider sustainable development. They just need the support and freedom to do so, and to ensure that people – LGBT people and others – take part, actively, freely and meaningfully.¹⁰

Thank you for the opportunity to make this submission. I remain at your disposal should you have any questions or want clarification on any of the points raised.

¹⁰ See <https://curatingtomorrow236646048.files.wordpress.com/2022/03/museums-and-human-rights3-2020.pdf> for an overview of how museums relate to, and can support, human rights, and use rights-based approaches.

A handwritten signature in black ink, consisting of a series of fluid, overlapping loops and a long horizontal stroke that ends in a sharp hook.

Henry McGhie

Henry McGhie, museum consultant, Curating Tomorrow