**Submission: report on Colonialism and SOGI**

**LGBT Foundation Response**

LGBT Foundation is a national charity based in the UK with LGBTQ+ health and wellbeing at the heart of everything we do. We celebrate and empower LGBTQ+ individuals and our diverse communities to realise their full potential, every day. Our vision is a world where queer liberation enables meaningful and lasting change and plays a vital part in a more equal and just society. We recognise the diversity and strength of our communities. We create safe spaces, amplify voices and work with our partners and allies to drive positive change. Since 1975, we’ve been transforming the lives of LGBTQ+ people across the UK. The same spirit that fuelled our beginnings still drives us today. We are committed to championing the unique voices, experiences and cultures of LGBTQ+ people across the UK. We know that challenges still exist, but we remain optimistic about the progress we can make together, towards a fairer and more inclusive world where queer hope and joy flourish.

Our submission to the report on Colonialism and SOGI is based on our geographical remit and the communities we represent. As a charity based in the UK, our primary focus in this submission is responding to the relevant questions with views and experiences of diaspora communities from formerly colonised countries (including those in the Commonwealth), migrant communities, and communities who may be racialised as being from a formerly colonised country even if their lived experience is different. While these experiences may be pertinent to other countries and other colonial histories, we do not want to presume that our response provides a one-size-fits-all evidence base or solution. Unless a specific source is cited, the information provided is a summary of anecdotal evidence by individual service users and collective community observations. This is supplemented by organisational expertise from staff with lived experience and academic backgrounds that focus on the theme of the report.

**How, if at all, has the protection against violence and discrimination based on sexual orientation and gender identity been transformed and positively or negatively impacted by processes of decolonization?**

Conversations around colonial history and decolonisation are heavily stifled in the UK, especially in light of the current socio-political climate of colonial nostalgia[[1]](#footnote-1) and nationalism.[[2]](#footnote-2) The active penalisation[[3]](#footnote-3) of anti-monarchical sentiment[[4]](#footnote-4) has also had a chilling effect on decolonial conversations and activism. As such, it is difficult to assess whether decolonisation has had much of an impact on current approaches to SOGI-based rights and protections. It is relevant to note that LGBTQ+ communities with cultural and/or ethnic links to formerly colonised countries have seen an increase in violence and discrimination during this same period, including racist and xenophobic discrimination within LGBTQ+ spaces.[[5]](#footnote-5) Conversely, initiatives and spaces which engage with complex decolonial histories and their material consequences are likelier to be safer and more inclusive[[6]](#footnote-6) of diverse LGBTQ+ experiences. It can be inferred, therefore, that a lack of proper context and understanding of (de)colonial history has contributed to an overall more dangerous situation for LGBTQ+ communities.

**What is the ongoing impact of gender- and sex-regulating colonial laws on the enjoyment of human rights by LGBT persons? How did the imposition of colonial laws on sex and gender shape social and moral ideas about sexual orientation and gender diversity?**

A significant area of concern expressed by our community members and service users is how the perception of British LGBTQ+ norms being universal and superior is informed by colonial legacies, and how these, in turn, create practical barriers to accessing fundamental rights. Examples include:

* Ignoring transition journeys and medical histories of LGBTQ+ migrants because the perception is they have moved to the UK from inherently prejudiced countries. This then denies access to individually tailored gender-affirming care in the UK and has a knock-on effect where LGBTQ+ migrants feel less able to access wider healthcare and wellbeing support for fear of their experiences being delegitimised.[[7]](#footnote-7)
* Denying claims of refuge and asylum by LGBTQ+ people fleeing persecution because they are unable to provide concrete “evidence” of their SOGI identity (e.g., photographs of partners, etc.). This ignores the fact that most individuals do not save any such evidence because they must maintain discretion for security reasons in their home countries[[8]](#footnote-8) – and presupposes that all forms of LGBTQ+ expression are formulaic and aligned with UK norms.
* The discourse of ignoring cultural understandings of SOGI by diaspora and non-white communities as a means of invalidating evidence. E.g., recent media attention given to the 2021 Census tried to argue that the data collected around gender identity must be flawed because (among other claims) there was a greater racial diversity among respondents who disclosed a transgender status.[[9]](#footnote-9) The implication here is that racially minoritised and diaspora communities are inherently prejudiced towards LGBTQ+ people so the data that potentially disproves this assumption must be flawed, rather than the assumption itself being flawed – which also ignores the trajectory of gender-based rights and gender-diverse cultural histories of countries situated in the Global South.

In all these examples, the basic fact of colonial-era laws of criminalisation (particularly of diverse sexual orientations) continuing to exist in post-colonial nation states, especially in the Global South, is used as de facto proof that people from these backgrounds must be inherently discriminatory. This is despite repeated evidence of diverse and rich LGBTQ+ histories in these communities.

**Was there a relationship between colonial laws and policies that created unequal treatment and power relations affecting LGBT persons, paving the way to intersecting forms of discrimination, exclusion, racism, xenophobia and related intolerance, patriarchy, and other forms of discrimination and oppression? How did these laws and policies impact persons with multiple and intersecting identities such as LGBT persons with disabilities, older LGBT persons, LGBT children, LGBT persons of African descent, among others.**

The examples listed in the previous answer are intrinsically linked with prejudice based on racism and xenophobia. A common thread in the experiences shared above is a consistent invalidation of lived experience and disbelief of LGBTQ+ identity based on assumptions that are racist and xenophobic. Other examples include the following:

* Medical practitioners not appropriately recording LGBTQ+ identity on demographic monitoring forms because diaspora and/or migrant patients who are not fluent in English are not given sufficient support to express their identities and labels.[[10]](#footnote-10)
* Trans and non-binary people of colour facing additional barriers to their experiences being heard by medical practitioners, often to the point of tangible issues such as pain relief being ignored, sometimes even actively.[[11]](#footnote-11)
* LGBTQ+ people of colour being denied entry from, or having their bodies invasively policed in, supposedly inclusive spaces due to the overlap of racism and LGBTQ+phobia – and their subsequent complaints being dismissed because they “should be grateful” to live in a country outside the Global South. This specific experience happens regardless of the actual national and cultural background of the LGBTQ+ individuals.[[12]](#footnote-12)
* Fetishisation and commodification of minoritised LGBTQ+ people in dating and social spaces, including the use of heavily racist language informed by colonial-era discrimination and prejudice.[[13]](#footnote-13)

Our broader evidence base also shows that inequalities and discrimination are more acutely felt when LGBTQ+ people have multiple[[14]](#footnote-14) overlapping[[15]](#footnote-15) identities and experiences – e.g., LGBTQ+ migrants, LGBTQ+ people of colour, disabled LGBTQ+ people, older LGBTQ+ people, LGBTQ+ people in precarious housing, etc. While a consistent recommendation is for culturally competent and intersectional approaches to LGBTQ+ inclusion, there is often very little motivation and/or funding to achieve this goal.

**How, if at all, should reparatory justice for the lasting consequences of colonialism include measures to address discrimination and violence based on gender, gender identity and sexual orientation?**

The UK is in a notable situation regarding the long-lasting impacts of colonialism vis-à-vis SOGI. As of May 2023, the Commonwealth of Nations continues to be the single largest bloc of countries that retain colonial-era laws of criminalising diverse sexual orientations and/or gender identities, almost all of which are based on a shared history of British anti-sodomy penal codes. At the same time, the UK publicly positions itself as a haven of LGBTQ+ rights and inclusion. This confluence of shared global community through the Commonwealth mechanism and the promotion of being a supposed safe space has inevitably resulted in large numbers of LGBTQ+ individuals from Commonwealth backgrounds moving to the UK for safety (including many seeking refuge and asylum,[[16]](#footnote-16) whose claims are often denied). However, despite this socio-political and historical context, the UK has systemically failed the most at-risk LGBTQ+ communities, including those from backgrounds linked with formerly colonised countries. At the very least, there needs to be a recognition at a state level of colonial history and its impact on SOGI rights, including on communities living in the UK. Without even such a basic foundational principle of accountability, reparatory justice cannot be actively pursued. Our recommendation is for reparatory justice initiatives to start by engaging with impacted communities, including understanding that there may be different approaches that will fit in different contexts. Only by starting from the ground up can any form of justice be truly achieved.

1. <https://www.politics.co.uk/comment/2022/05/31/imperial-nostalgia-is-choking-britain/> [↑](#footnote-ref-1)
2. <https://blogs.lse.ac.uk/brexit/2020/04/29/europes-colonial-embrace-and-brexit-as-nostalgia-for-empire-are-part-of-the-same-story/> [↑](#footnote-ref-2)
3. <https://www.theguardian.com/commentisfree/2023/may/12/coronation-protest-arrests-police> [↑](#footnote-ref-3)
4. <https://www.independent.co.uk/voices/queen-elizabeth-death-racist-abuse-twitter-b2166204.html> [↑](#footnote-ref-4)
5. <https://www.vice.com/en/article/z343zj/manchester-lgbtq-racism> [↑](#footnote-ref-5)
6. <https://static1.squarespace.com/static/5c7687174d87112ad57fc819/t/6194f30dcea6433f35a14f77/1637151508280/WWBH_FINAL_2021_v2-compressed.pdf>, especially p.10 [↑](#footnote-ref-6)
7. Experience shared during LGBT Foundation migrant inclusion healthcare project. [↑](#footnote-ref-7)
8. <https://www.rainbowmigration.org.uk/news/4-facts-about-lgbtqi-people-seeking-asylum-in-the-uk/> [↑](#footnote-ref-8)
9. <https://www.spectator.co.uk/article/why-does-the-census-say-there-are-more-trans-people-in-newham-than-brighton/> [↑](#footnote-ref-9)
10. Experience shared during LGBT Foundation migrant inclusion healthcare project. [↑](#footnote-ref-10)
11. <https://dxfy8lrzbpywr.cloudfront.net/Files/97ecdaea-833d-4ea5-a891-c59f0ea429fb/ITEMS%2520report%2520final.pdf>, pp.45-46. [↑](#footnote-ref-11)
12. Testimonies of QTIPoC individuals from community groups House of Spice and Rainbow Noir. [↑](#footnote-ref-12)
13. Testimonies of QTIPoC individuals from community groups House of Spice and Rainbow Noir. [↑](#footnote-ref-13)
14. <https://dxfy8lrzbpywr.cloudfront.net/Files/b9398153-0cca-40ea-abeb-f7d7c54d43af/Hidden%2520Figures%2520FULL%2520REPORT%2520Web%2520Version%2520Smaller.pdf> [↑](#footnote-ref-14)
15. <https://dxfy8lrzbpywr.cloudfront.net/Files/7a01b983-b54b-4dd3-84b2-0f2ecd72be52/Hidden%2520Figures-%2520The%2520Impact%2520of%2520the%2520Covid-19%2520Pandemic%2520on%2520LGBT%2520Communities.pdf> [↑](#footnote-ref-15)
16. <https://www.gov.uk/government/statistics/immigration-statistics-year-ending-june-2022/asylum-claims-on-the-basis-of-sexual-orientation-2021--2> [↑](#footnote-ref-16)