

Britain



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Lesbian sex has never been illegal under British law. This leads some to believe that lesbians, unlike gay men, do not face discrimination. This is, however, far from true. Legally, lesbians are still denied basic civil rights and socially, discrimination and harassment are still widespread.

DISCRIMINATION

Lesbians are not protected by law from discrimination or harassment on the grounds of their sexuality. It is legal, and common practice, for employers to provide pension schemes and other benefits to the partners of heterosexual staff and to deny these benefits to the partners of lesbians and gay men. While there are comprehensive laws in existence prohibiting discrimination on the grounds of sex and race, and legislation currently in progress that will make it unlawful to discriminate on the grounds of disability, no legislation prohibiting discrimination on the basis of sexual ori-

entation has even been considered as a serious possibility.

There can be no doubt that legislation is needed. A 1993 survey of 800 lesbians published by Stonewall, a national lesbian and gay advocacy group, found that 8% of respondents believed that they had been dismissed from a position and 48% had been harassed because of their sexuality. Sixty-eight percent said they conceal their sexuality from some or all of those they work with. Only 10% said they had never concealed their sexuality at work.¹

Government ministers have said on occasion that they deplore discrimination of any kind, but the government's own record as an employer suggests otherwise. It is government policy not to employ lesbians and gay men in the armed forces. The ban is actively enforced. Special investigation personnel are employed for the specific purpose of rooting out lesbians and gay men. Dozens of lesbians are dismissed every year, losing their careers and their pension rights. Lesbians are more likely to be thrown out than gay men: while women comprise only 10% of the armed forces, lesbians account for 26% of the discharges.²

Karen Greig joined the Navy at 18 and did not at that age think of herself as a lesbian. During her 7 years in the Navy she never had a relationship with a colleague. Her one relationship was with a civilian woman off base. Karen's sexuality only became an issue after she told her commanding officer she had been raped by a fellow naval rating [enlisted man]. Some months later it was put to her that the reason she was "not coping well with the rape" was that she was a lesbian. When she eventually "confessed" to being a lesbian, she was interrogated for 10 hours over a period of 3 days. She was asked for names of other lesbians and asked for intimate details of her sexual relationships. Her room and all her personal possessions were searched and her address book and letters were taken as "evidence". She was then discharged for being a lesbian. At no point did the Navy offer Karen any counseling for the rape and following her discharge she had a nervous breakdown.³

This policy is currently being challenged by an application for judicial review and if that fails it will be challenged under European law in the European Court of Human Rights.

RELATIONSHIPS

Lesbian couples are not entitled to marry, nor are their relationships recognized on par with heterosexual domestic partnerships. Many lesbians are not interested in marrying, but the complete lack of recognition of same-sex couples causes many problems. For example, a great many lesbian couples face financial discrimination in pension schemes. They, or their employers on their behalf, pay the same contributions as everyone else, yet lesbians' partners receive no benefits if their partner dies first, whereas heterosexual partners receive a widow/er's pension for life.

Another example of legal discrimination is in the realm of immigration law. As immigration policy is applied in practice, heterosexuals can bring their spouse or common-law partner to live in Britain. Lesbians whose partners come from outside the European Community have no such right. Asked in May 1994 how he could justify such a policy, the then immigration minister, Charles Wardle, could only respond that "English law does not afford any legal status to homosexual relationships. Immigration practice in relation to homosexuals reflects this general position. It would be illogical to try to construct an immigration policy which did not accord with the general position."⁴

PARENTING

There are tens of thousands of lesbian mothers in Britain. Many, probably most, have children before they come out as lesbians, but an increasing number of lesbians are choosing to have children of their own, some by donor insemination, others through adoption or foster care. Lesbians wishing to adopt face legal barriers. Under the Adoption Act of 1976,

only couples who are married are permitted to adopt, effectively ruling out unmarried or same-sex couples. In practice, however, it is possible for single people to adopt, and since the law regards all lesbians as unmarried, a few lesbians have been able to adopt in this way. However, there are only a very small number of children available for adoption each year and clear preference is given to married heterosexual couples.

Foster parenting is subject to different rules. In Scotland, regulations prohibit foster parenting by single people or unmarried couples. In England, Wales, and Northern Ireland, there is no legal bar, but lesbians wishing to be foster parents still face political and social barriers. It is up to each child-care charity or local authority to make its own policy on who may be foster parents. There is little to prevent local authorities or charities from adopting a policy which discriminates against lesbians and gay men, and in practice many do.

For example, in 1994 it was revealed that the Children's Society, one of the biggest child-care charities, had adopted a policy of refusing applications to be foster parents from lesbians or gay men. When lesbian and gay campaigners argued that this contravened government guidelines on foster parenting,⁵ which say "it would be wrong arbitrarily to exclude any particular group of people from consideration,"⁶ the Society replied that as a charity (rather than a local authority) it was exempt from those guidelines.

In recent years a number of local authorities have adopted nondiscrimination policies, but many lesbians and gay men applying to be foster parents in these areas find that in practice they go through long and thorough application procedures and eventually receive approval, but still don't have children placed with them. Even sympathetic local authorities are hesitant about such placements because if such a policy or placement becomes known to the media, the agency can find itself under intense media pressure to back down—a situation that is detrimental to

both the child and the caregivers.

When lesbians do succeed in foster parenting it is often because they are willing to take on children who have problems such as a severe disability requiring extra attention and care or children who have been abused in the past and are traumatized as a result. Somehow with these children it has been possible to overcome the usual objections to lesbian caregivers, perhaps because such children are "hard to place" as most heterosexual couples don't want them, and the view taken is that any foster home is better for the child than remaining in the care of the state. This practice perpetuates two harmful prejudices: that children with disabilities are second-class citizens and that lesbian and gay foster parents are second-class caregivers. The success of these placements has had no impact on the general prejudice that lesbians are unfit to be parents, and healthy children, particularly those available for adoption, are still therefore "reserved" for "normal" married couples.

The extent of this prejudice is seen in sharp relief when one considers that there are currently 39,000 children in local authority care in England and Wales. The majority of these children would rather be in foster care, but, according to the government, there is a shortage of suitable foster parents. Lesbians would provide an ideal pool of potential caregivers if the system did not discriminate against them. As things stand, it is much easier for a lesbian to have a child of her own than to become a foster parent, and that is what increasing numbers of lesbians are doing. It is the children left unwanted in children's homes who lose out.

PROMOTING HETEROSEXUALITY

A law passed in 1988, commonly known as Section 28, makes it unlawful for local authorities to "promote" homosexuality or to promote "the teaching..of the acceptability of homosexuality as a pretended family relationship."⁷ This law, which was the subject of a massive protest campaign

by lesbians and gay men, has not led to a single court case, but it has undoubtedly had an effect on funding for arts and social initiatives aimed at lesbians and gay men. The law continues to have an arbitrary and uncertain effect. While many groups and projects have been relatively unaffected, some local authorities have withdrawn or refused funding for fear of breaching Section 28 and others have used Section 28 as an excuse. For example, the York Lesbian Line, an advice and counseling service, was asked to contribute to a display at the York Public Library to commemorate International Women's Week. Their contribution included an article from a national lesbian and gay newspaper about "coming out" and a magazine article on homosexuality. The local government decided that this part of the exhibit was illegal under Section 28 and had it removed from the library.

Section 28 also has immense symbolic importance as it clearly implies that homosexuality is not acceptable and that lesbian and gay relationships are not real family relationships. For the children of lesbian mothers this means the law says theirs is not a real family relationship, and if the school teaches otherwise then the local authority may be held accountable. Very little research has been done on the effect of this law, but its symbolic meaning is indisputable: it reinforces the government's view that lesbians and gay men are second-class citizens.

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harassment."

EDUCATION

The needs of young lesbians are still ignored by most schools. In 1993 Stonewall carried out a national survey of lesbians and gay men's experience of sex education. Three hundred lesbians responded. Two hundred and thirty-six, or 78%, had received sex education in school, but of those only 12 (5%) said that lesbianism had even been mentioned, and 11 of them said that the coverage of lesbianism was poor or very poor. Only one said the coverage was good.

One lesbian respondent in her twenties commented:

Having tried to commit suicide twice under the age of 16, it breaks my heart to think there are those going through the education system right now, feeling alienated, confused and at odds with what they're fed as "the norm". It has to change. It's wrong. It hurts. Homosexuality just "is", it cannot be "encouraged". I will do anything to help change these ridiculous pathetic laws.⁸

The lack of good education in this area affects not only young lesbians and gays, but all children, fostering intolerance and prejudice and perpetuating discrimination.

VIOLENCE

Stonewall's most recent survey was on lesbian and gay men's experience of homophobic violence and harassment. Six hundred and thirty-five lesbians responded. According to the study's findings, 28% had experienced homophobic harassment at least once in the last five years. This included vandalism, graffiti about them, hate mail, threats, and blackmail. Thirty-one percent had experienced homophobic violence at least once in the last five years. This included being beaten up; being hit, punched, or kicked; having objects thrown at them; being assaulted with a weapon; and other

kinds of violence.

Two of the hundreds of personal stories received illustrate the problems many lesbians experience:

Sarah:

I live in Eccles which isn't so bad, but I used to live on Salford Precinct which is quite rough. When I came home from work I used to get verbally and physically abused by gangs. My girlfriend stood up to them and we had a fight with these lads. We were both injured and so was a passer-by, a woman of 60 walking her dog. We reported it to the police and it went to court. We won the case, but it could have easily gone the other way. He even called my girlfriend a slag in court.

We have since been called names and spat at and the police did nothing. We had to move in the end. We got an emergency move from the housing on harassment grounds. But it is a shame we had to move because of these small-minded people. We daren't even go shopping there for fear of more of the same.

Jane:

I was married to a violent man for nearly 10 years. We split up and eventually divorced. I got involved with a woman and she moved in with me and my four children. My ex-husband found out and all hell let loose. I had to go to welfare courts to fight for custody of my kids as my husband said they were being perverted and they weren't safe. I was appalled by the welfare officer who told me to stand up and guarantee that my kids wouldn't turn out gay. It took months of pressure, stress and heartache but I won.

I have moved 5 times in 2 years due to harassment and I have been very badly treated by the council. We have been shot at. Had dog dirt smeared up our front door and windows, even thrown through the windows. We've had eggs thrown at us, a lit candle posted through our door, a wall kicked down at the front of our house. Our cat was stabbed in the throat, dog had fat poured over him so we had to get rid of him. If we went out of the house we were verbally abused and stoned. Sex objects [were] posted through our door.

I took photos and contacted the police but nothing was done even though I knew one particular family who was involved but couldn't prove it. I saw local councilors who did nothing. I had letters put in the paper, still nothing. Now I have been moved by the council as an emergency as I had my windows smashed in, the council in the area I was living just wanted me out. I am not the problem, they are. I am the victim.

Fear of violence and harassment contributes to the continued invisibility of lesbians in society. Twenty-five percent of respondents said they never kiss or hold hands with their partner in public, and another 55% said they sometimes avoid doing so in order to avoid homophobic violence and harassment. As delineated in the UN Declaration on the Elimination of Violence Against Women (Articles 2 and 4), governments have a responsibility to end abuses even when they take place in the family and community. The police are slowly beginning to take homophobic violence more seriously, but the problem is that they can only tackle the symptoms, not the root of the problem. The root causes of violence are socially sanctioned discrimination against lesbians and gay men. As long as the government allows lesbians to be dismissed from their jobs without redress, as long as it continues to dismiss them from the armed forces, as long as it defines homosexuality as something that is not to be promoted (and implicitly, heterosexuality as something that is to be promoted), violence and harassment will continue to exist.

NOTES

1 Anya Palmer, "Less Equal than Others: A survey of lesbians and gay men at work," Stonewall, 1993.

2 Angela Mason, "Uniform Sexism," *Diva*, June 1994, p. 8.

3 *Ibid.*

