

## **Progress for Equal Rights Timeline**

### **Additional Information for Teachers**



#### **1972: The first Pride parade is held in London.**

Pride parades are a large and growing aspect of LGBT culture in Scotland. There were 27 planned in Scotland in 2022, which has grown from just 1 in Edinburgh in 1995.

Pride is sometimes seen as a celebration and consists of events enjoyed by a diverse range of people, including families. Pride is also, and was historically much more so, a protest about the fact that LGBT people are not always accepted in society and can face high rates of discrimination, prejudice, bullying, and inequality.

Teachers should be mindful that some learners may have attended Pride events, know people who do or are planning on visiting them. It's also important to remember that while the riots at the Stonewall Inn in 1969 are a major event in LGBT history, they were not the start of the movement for LGBT equality in the USA, or worldwide. There were some campaigns for equal rights taking place before 1969 in the USA. There is also a lot of unconfirmed information about the riots at the Stonewall Inn which is commonly referred to as fact. The book 'Stonewall: A Building, An Uprising, A Revolution' by Rob Sanders is a resource that can be used to help learners who want to know more about this topic, and does not reinforce unconfirmed information.

#### **1981: The law making it illegal for two men to be in a relationship is removed in Scotland.**

In 1954, the Wolfenden Committee was set up to consider whether homosexuality should remain a criminal act. In 1957, after a great deal of research, debate and testimony, the committee made a recommendation that "...homosexual behaviour between consenting adults in private should no longer be a criminal offence", which was a partial decriminalisation. One member of the 15-person committee (4 women and 11 men) dissented - John Adair, a Church of Scotland elder who was vehemently opposed to homosexuality.

10 years later, the 'Sexual Offences Act 1967' was passed. This legalised same-sex male relationships between two consenting adults, in private, and over the age of 21. The age of consent for relationships between women and men was 16 at the time. Owing to the different legal systems, it wasn't until 1980 that this was replicated in Scotland by Section 80 of the 'Criminal Justice (Scotland) Act 1980' which did not come into effect until 1981.

As noted on the Additional Information for Learners card, there is also evidence that

relationships between two women were criminalised through laws dating back to 1533 (there is more information about this in the 'Story of Poem 49' lesson plan for Secondary school learners on [lgbteducation.scot](http://lgbteducation.scot)), but after 1885 laws about same-sex activity were only about two men. In fact, the only surviving record of a conviction for female homosexuality was in Glasgow. Women who loved women were essentially ignored. It is important to communicate to learners that, nowadays, same-sex relationships — whether it's two men or two women — have the same legal status as a relationship between a woman and a man.

### **1988: Section 28 (or Clause 2a as it's known in Scotland) becomes law.**

This comes into effect through an amendment to the Local Authorities Act (1988). While this was introduced by the Conservative party in Government at the time, it was not official Conservative party policy, nor was it in their manifesto during the election campaign. This was a Private Members' Bill, laid by an MP, which was adopted in the act and into policy.

This was on the basis of a wave of moral panic in the 1980s which demonised minority groups and gay men in particular - owing to the onset of the AIDS epidemic. Within this climate, the Daily Mail published a story in 1983 relating to a book called 'Jenny Lives with Eric and Martin'. The article suggested that it had been put in school libraries and was being used to 'promote' homosexuality to children. Neither of these claims was true. The book was available in one local authority in London and would need to be specifically requested for use by a school.

Yet, despite this, a narrative was pushed that 'activist' teachers and local authorities were trying to use schools to push a 'homosexual agenda' onto children. This narrative was not true but it did galvanise support among those opposed to LGBT themes being included in education, and to LGBT people more broadly.

Section 28 prompted protests across the country; including 25,000 people marching in protest in Manchester, lesbian protesters abseiling into the House of Lords and, famously, invading the live 6 o'clock news broadcast on the BBC.

There was a lot of confusion about what the law actually meant and the definition of the word 'promote' included in the law. This led to the majority of schools refraining from mentioning anything to do with gay people and relationships at all, and also LGBT people more broadly. It is impossible to know how much of a change this was as it was not clear to what extent LGBT people **were** being taught before 1988. It did, however, create a generation of teachers who were told it was illegal to talk about same-sex relationships or gay and lesbian people in schools.

**2000: Section 28 (or Clause 2a as it's known in Scotland) is removed as a law.**

12 years after it was created, in the year 2000, Section 28 was repealed as one of the first actions of the new Scottish Parliament, which was formally opened in 1999. There was a similar repeal attempted in the same year at Westminster, but it was defeated in the House of Lords.

This was after a long campaign to get it removed which was started almost as soon as the law came into power. The charity Stonewall was created to campaign against Section 28 by prominent LGBT activists and campaigners, including Sir Ian McKellen, Lisa Power, and Lord Michael Cashman.

As the law was introduced by a Conservative party Government in 1988, the Conservative party made it clear that they expected their MPs to vote to repeal it. Many conservative MPs have since expressed regret at doing so, including in 2009, when David Cameron (who was the leader of the Conservative party at the time) apologised for Section 28 and recognised that it was the wrong thing to do.

**2003: A law is passed which makes it illegal in the UK to fire someone from a job because they are lesbian, gay or bisexual.**

The 'Sex Discrimination (Gender Reassignment) Regulations 1999' prohibited discrimination in employment and training based on someone being transgender, or undergoing gender reassignment measures. This included someone being fired from a job just because they are transgender.

In 2003, this was replicated for lesbian, gay and bisexual people in the 'Employment Equality (Sexual Orientation) Regulations 2003'. It prohibited direct or indirect discrimination, victimisation and harassment on the grounds of sexual orientation. This meant that someone could not be fired just for being lesbian, gay or bisexual, or if they were perceived to be.

While there is not a great deal of evidence that lesbian, gay or bisexual people were being fired specifically for their sexual orientation, research has shown that they have consistently faced significant discrimination in the workplace<sup>1</sup>. This law was designed to give them some protection from that. The legislation protected lesbian, gay and bisexual people from a range of discrimination - including being fired because of their sexual orientation - but also harassment, victimisation and mistreatment on the basis of it.

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<sup>1</sup> <https://www.cipd.co.uk/knowledge/fundamentals/relations/diversity/inclusion-perspectives-lgbt#ref>

**2004: A law is passed creating a pathway for transgender people to legally change the gender on their birth certificate.**

Transgender people have existed throughout history and across societies all over the world. The language used by the transgender community is still evolving and different terms have been used at different time periods (even 15 years ago the term 'transsexual' was much more widely used than 'transgender') and across different cultures.

For a transgender person living in the correct gender for them, having to show their birth certificate (for instance when applying for a job, driver's licence, or travel visa) would out them as a transgender person, which they may not wish to happen, owing to the high levels of discrimination faced by transgender people.

The 'Gender Recognition Act 2004' created the pathway in which transgender people can legally change their birth certificate so the gender marker (M for male, F for female) matches their gender.

This only applies to people who: are over 18 years old; have been "living as" the gender they are changing their certificate to for 24 months continuously; need a formal diagnosis of 'gender dysphoria'; commit to living as this gender for the rest of their lives.

The 'Gender Recognition Act 2004' is specifically and exclusively about changing a birth certificate. Other forms of identification such as a passport or driver's licence do not require the same level of evidence and can be changed with the use of a form completed by the individual.

**2007: A law is passed meaning that single gay, lesbian or bisexual people, or people in same-sex couples can foster or adopt children.**

It is useful to note that, in Scotland, roughly 4,500 children were living with foster families on 31 July 2021. Every year, hundreds of new foster families are needed in Scotland.

While adoption processes were affected by the Covid-19 pandemic, we know that there are between 350 and 400 adoptions per year in Scotland. Recently, statistics have shown that 1 in 11 families that are adopting in Scotland are made up of same-sex couples<sup>2</sup>. Yet, before 2007, same-sex couples were often rejected when they applied to foster or adopt children.

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<sup>2</sup> [https://www.newfamilysocial.org.uk/General-News/12832397#:~:text=29%20Jun%202022%2008%3A28%20%7C%20Anonymous%20member%20\(Administrator\)&text=The%20previous%20high%20was%2041,were%20to%20same%2Dsex%20couples](https://www.newfamilysocial.org.uk/General-News/12832397#:~:text=29%20Jun%202022%2008%3A28%20%7C%20Anonymous%20member%20(Administrator)&text=The%20previous%20high%20was%2041,were%20to%20same%2Dsex%20couples)

Historically, this was because there was a belief by some people that children would not do as well in a family without both a mum and a dad. Clearly, this isn't true as many children live in single-parent families or families not headed by a mum and a dad. Transgender people can also adopt or foster children as they have the same rights to access these agencies as everyone else.

### **2010: The 'Equality Act' is passed.**

The Equality Act (2010) was created to consolidate all of the different pieces of anti-discrimination legislation that existed in the UK prior to 2010 into one easy-to-understand Act. The Act was designed to make it as simple as possible to understand the expectation society has that everyone will be treated with respect and not suffer from any form of discrimination.

It created the 'Public Sector Equality Duty (PSED)' which means that public bodies have to consider all individuals when carrying out their day-to-day work – in shaping policy, delivering services, and in relation to their own employees.

The PSED requires that public bodies have due regard to the need to:

- eliminate discrimination
- advance equality of opportunity
- foster good relations between different people when carrying out their activities

The Act also created the nine 'Protected Characteristics' which describe parts of people's identities, recognising that individuals may live with more than one of these. They are:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

The Act protects anyone in these groups or perceived to be in these groups, from direct and indirect discrimination, harassment, and victimisation.

## **2014: Same-sex marriage is legalised in Scotland.**

As of October 2022, there are currently 34 out of 195 countries<sup>3</sup> where same-sex marriage is legal: Argentina, Australia, Austria, Belgium, Brazil, Canada, Chile, Colombia, Costa Rica, Denmark, Ecuador, Finland, France, Germany, Iceland, Ireland, Luxembourg, Malta, Mexico, the Netherlands, New Zealand, Norway, Portugal, Slovenia, South Africa, Spain, Sweden, Switzerland, Taiwan, the United Kingdom, the United States of America, Uruguay, Andorra, and Cuba. The first country in the world to welcome same-sex marriages was the Netherlands in 2001.

In Scotland in 2002, the Scottish Social Attitudes Study found that 44% of people in Scotland agreed with same-sex marriage, with 27% disagreeing. In 2014 (when same-sex marriages began) those statistics had become 68% agreeing they should be able to marry, with 17% against it.

In the UK two women in a relationship, or two men in a relationship, had no legal way of having that relationship recognised until the 'Civil Partnership Act 2004'. This allowed same-sex couples to become 'civil partners' and gave them most of the rights of being married, but two men were not considered to be 'husbands' nor were two women recognised as 'wives'.

Many couples became 'civil partners' but many still wanted to be able to marry, the same way their heterosexual friends and family could. In Scotland, this work was led by the 'Equal Marriage' campaign, established by the Equality Network charity in 2008.

In 2013, a law was passed allowing same-sex marriage in England and Wales. This was replicated in Scotland in 2014 and the first same-sex weddings were held on the 31st of December 2014. In 2020, same-sex marriages were allowed in Northern Ireland.

## **2018: In Scotland, the Scottish Government sets out the expectation that all schools will have lessons about LGBT people, themes and history.**

The legacy of Section 28, while it was repealed in 2000, was an education system which had effectively removed reference to LGBT people in teaching and learning. In the years following the repeal, this had not been effectively rectified nationally.

In 2015, a campaign was started by Time for Inclusive Education to ensure that all young people in Scotland learn about LGBT people, history and themes, throughout their school life. This is in order that schools can address prejudice and bullying experienced by LGBT

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<sup>3</sup> [https://en.wikipedia.org/wiki/Same-sex\\_marriage#Same-sex\\_marriage\\_around\\_the\\_world](https://en.wikipedia.org/wiki/Same-sex_marriage#Same-sex_marriage_around_the_world)

learners, learners who are perceived to be LGBT by others, or learners who have LGBT family members, through an educational approach.

In 2018, the Scottish Government announced support for LGBT Inclusive Education and agreed on a series of recommendations created by the LGBT Inclusive Education Working Group. These included free teacher training, teaching resources being made freely available, and guidance and information available to schools and teachers.

Information, teaching resources and guidance about this national policy area are available on the [lgbteducation.scot](https://lgbteducation.scot) national platform.