

European LGBTQ+ Lawyers Association (ELLA) Conference – 17 September 2026

A person should not have to hide who they are in order to be safe.

That principle matters internationally, but it is worth beginning here at home.

In England and Wales, LGBTQ+ people enjoy substantial legal protections. Yet police-recorded hate crime remains a reality. In the year ending March 2025, the comparable Home Office figures—excluding the Metropolitan Police because of changes to its recording system—included 18,702 sexual-orientation hate crimes and 3,809 transgender hate crimes.

Those figures remind us that legal protection does not automatically eliminate hostility.

But for many LGBTQ+ people around the world, there is an additional and fundamental problem: the state itself may criminalise them, persecute them, or fail to protect them.

That takes us directly to the Refugee Convention.

Persecution because of sexual orientation or gender identity can engage the Convention ground of membership of a particular social group.

And the significance of that protection was powerfully articulated by the Supreme Court in HJ (Iran) and HT (Cameroon) v Secretary of State for the Home Department [2010] UKSC 31.

The court rejected the idea that someone could simply be expected to live “discreetly” to avoid persecution. The summary of the judgment published by the Supreme Court includes that:

"One of the fundamental purposes of the Convention was to counteract discrimination and the Convention does not permit, or indeed envisage, applicants being returned to their home country ‘on condition’ that they take steps to avoid offending their persecutors. Persecution does not cease to be persecution for the purposes of the Convention because those persecuted can eliminate the harm by taking avoiding action [paras [14] and [26] per Lord Hope and paras [52]-[53] and [65] per Lord Rodger]."

"The ‘reasonable tolerability’ test applied by the Court of Appeal must accordingly be rejected [para [29] per Lord Hope and paras [50], [75] and [81] per Lord Rodger]."

That matters because discretion can sound almost harmless. But what does it actually mean?

It can mean never holding your partner's hand. Never speaking openly about the person you love. Inventing relationships to satisfy your family. Avoiding particular clothes, friendships or places. Living every day with the calculation: If they discover who I am, what will happen to me?

That is not freedom. Protection cannot depend upon requiring someone to conceal a fundamental part of their identity because persecution awaits them if they do not.

Europe

LGBTQ+ rights have seen significant advances, but recent developments demonstrate that protections cannot simply be taken for granted.

In April 2026, The Court of Justice of the European Union ruled that Budapest's anti-LGBT "propaganda" law is in fact unlawful and should be repealed by the country's next parliament.

The legal position differs considerably between jurisdictions, making opportunities to learn from one another particularly valuable.

The Commissioner for Human Rights Dr. Michael O'Flaherty recently referred to the latest European survey where one in 7 LGBTI respondents reported being physically or sexually attacked in the preceding 5 years, while over half experienced hate-motivated harassment.

I have acted in cases over many years for the protection and freedoms of LGBTQ+ people. In the Maldives, where I was representing the former president, my instructing solicitor was arrested. The alleged offences focus on the allegation that he was gay. Initially, unnecessarily, he was imprisoned. I worked on his release.

I have learnt, working in many countries where it is illegal to be gay, that communities got around the laws by treating a couple living together as if they were housemates, although all knew that they were a couple. In other words, they did not inform on them and lived in harmony and friendship.

Whilst there should be openness and freedom to live as LGBTQ+, this also underlines the importance of community.

I pause to remember my good friend Johnny Cooper KC of the Human Dignity Trust. We used to have the most wonderful conversations around minority protections and rights. He is much missed and left us too soon.

ELLA is a community

ELLA is valuable not only for the substantive legal discussions, but for the community and connections it creates. Lawyers can sometimes feel that they are working in isolation in relation to these types of cases. Connecting with colleagues dealing with similar legal challenges can provide knowledge, support and new perspectives.

Why European collaboration matters

LGBTQ+ legal issues do not stop at national borders. European and international developments inform domestic legal work. Collaboration is not about creating a single approach, but learning from different jurisdictions and sharing knowledge and what works.

ELLA's focus on research, education, best practice and cross-border cooperation provides a strong basis for this.

Looking ahead

This first ELLA Conference focuses on what can be built beyond these two days. This will include:

- A lasting network connecting national associations, individual lawyers, students and others working on LGBTQ+ legal issues
- A place to share expertise, support one another and respond collectively to emerging challenges

Conclusion

I encourage you to make connections during the conference that continue afterwards. Thank you, ELLA, for creating this network.

How to close? I've spoken about the dignity of the person and the importance of identity.

Perhaps it is back to fundamentals. The measure of equality is not how we treat those who comfortably live within the majority but whether everyone is free to live, love and belong without fear.