

LGBTQI+ Strategy Expert Advisory Panel – Themes and Recommendations

Executive Summary

December 2020

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Theme 1. LGBTQI+: Rationale for the Strategy Name

The Panel agreed that the title of the Strategy should be the 'LGBTQI+ Strategy' - Lesbian, Gay, Bisexual, Transgender, Queer (or Questioning), Intersex + - encompassing the diversity of the LGBTQI+ community beyond simply the issue of sexual orientation. Some people argue that sexual orientation and gender identity issues should be kept separate as the experiences of these communities can be incomparable. It was the view of the Panel that these issues are inseparable for a number of reasons.

- Many of the issues experienced across our communities are similar or connected.
- Many trans people are gay, lesbian, bisexual or another minority sexual orientation.
- Trans people have always been present in the LGB+ community.

Theme 2. Funding for the Delivery of the Strategy

Aim: We will establish an LGBTQI+ implementation fund to deliver this action plan.

This report highlights a variety of areas where improvements could be made to support LGBTQI+ people. Some of these improvements can only be made by government; others could be achieved through partnership working with organisations that specialise in work with LGBTQI+ people. The scale of the challenge set out in this Strategy is considerable and requires resources to have effective implementation. A coordinated approach across the public, private, community and voluntary sectors is instrumental.

LGBTQI+ organisations and charities must be supported financially to continue to deliver vital services that LGBTQI+ people rely on and that are best placed to meet some of their needs. The results of the National LGBT Survey conducted by the UK Government Equalities Office in 2017 highlighted that respondents found LGBT-specific charities particularly helpful when seeking support. LGBT organisations and charities were viewed as the most helpful when handling the most serious incidents experienced by respondents in a number of areas.

The expertise in the design and delivery of government's work must be utilised, and there must be a commitment to ensure the LGBTQI+ charities sector is put on a sustainable footing.

Recommendations for LGBTQI+ Strategy Outcomes:

- A SMART time bound and resourced action plan has been developed and implemented.
 - Key indicators and actions from the LGBTQI+ Strategy have been included in the Programme for Government and Departmental business and/or delivery plans.
 - The LGBTQI+ Strategy is funded and the commitments set out in this plan are achieved through investment from an LGBTQI+ implementation fund.
 - LGBTQI+ organisations are sustainable.
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Theme 3. Healthcare

Aim: We will ensure that the health inequalities experienced by LGBTQI+ people are understood and targeted responses to these needs are developed.

Locally, nationally and internationally, there has been a lack of focus on the health inequalities faced by LGB women, GB men and trans, non-binary and intersex people. There has been nowhere near enough research into their health needs. Health needs and inequalities of health of LGBTQI+ people have tended to remain invisible or not high on the health agenda. This has resulted in a lack of research and evidence which would link into policy health initiatives. There has not been a dedicated focus on the wider health needs of LGBTQI+ people due to issues of invisibility, marginalisation and often this issue may be of low precedence. There is a definite need for meaningful engagement directly with organisations that support LGBTQI+ people and constituent parts of that community i.e. men, women, trans and non-binary people and intersex people. This engagement will need to have a robust partnership approach that should also include The Executive Office and related departments, along with a range of health organisations/agencies.

Transgender individuals often need access to healthcare services to transition in the way they need or wish, and at present these services in Northern Ireland are oversubscribed, inaccessible and inappropriate for the needs of many trans and questioning individuals today. Based in care models many decades old, these services treat trans identity as a potential mental health condition and require high levels of assessment prior to treatment, disproportionate to the risks involved and to other services in the health service. International best practice has moved beyond where Northern Ireland's services remain, and global diagnostic categories and standards of care now impel regional services here to adopt modern care pathways which respect bodily autonomy and human rights. It is not possible to make the current services sustainable with increasing demand without adopting modern practices for assessment and care.

Recommendations for LGBTQI+ Strategy Outcomes:

- LGBTQI+ people have improved health and wellbeing outcomes.
 - Gender-affirming healthcare services for all ages are established in meaningful collaboration with trans communities in each of the five trust areas, based on modern standards of care and respect for human rights.
 - Gender-affirming healthcare services are available in a timely manner in line with waiting time targets.
 - The regulation, policy and practice of gender-affirming healthcare services are accessible for disabled people and do not discriminate based on disability or coexisting health conditions, including for individuals with mental health conditions or learning disabilities.
 - All transgender, gender diverse and questioning people are provided with timely and accessible health information, support and care to transition in the way they wish.
 - There are zero new HIV diagnosis by 2030.
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- LGBTQI+ people enjoy good mental and emotional health and wellbeing and their specific needs are met by mental health services.
- Sexual orientation and gender identity are monitored in healthcare services.
- Blood donation deferral periods for men who have sex with men are in line with the best available evidence (in line with SaBTO: the Advisory Committee on the Safety of Blood, Tissue and Organs).
- The intersectionality of health inequalities is understood for LGBTQI+ people living with disabilities.
- Conversion therapy has ended in Northern Ireland.
- Intersex genital mutilation has ended in Northern Ireland.
- Fertility services are accessible for all LGBTQI+ people without discrimination based on gender, gender identity and/or sexual orientation.
- LGBTQI+ people have equal access to apply to adopt or foster.

Theme 4. Education

Aim: All LGBTQI+ people should feel welcome, safe and valued at school, college and university so that they can reach their full potential.

Most LGBTQI+ young people will first self-identify their sexual orientation when they start going through puberty and begin to experience sexual attraction. In terms of gender identity this can be much younger and is not linked to puberty or sexual attraction. Most young people will therefore self-identify a minority sexual orientation and/or gender identity while they are in full time education.

These years in particularly secondary education are therefore formative for LGBTQI+ young people in building their understanding of their identity and allow them to develop a sense of self and self-esteem in regards to their minority identity. This requires an understanding of and visibility of LGBTQI+ people, history and experiences to normalise this minority identity. There has been an historic invisibility of LGBTQI+ people in Northern Ireland, including within education. This invisibility impacts not only on LGBTQI+ young people but also on those who are seeking to educate them and the environment in which they are taught. Teachers cannot be experts on LGBTQI+ people or experiences without receiving this training or education themselves, and having likely attended school and teacher training in Northern Ireland this is not currently part of their education.

Recommendations for LGBTQI+ Strategy Outcomes:

- Schools, EOTAS (education other than at school) and facilities provided by the Education Authority's Youth Services are safe for LGBTQI+ young people and that mechanisms are in place to address any experiences of bullying or harassment.
 - There is a zero tolerance approach to hate crimes and online harassment within schools or learning environments.
 - Trans and gender-questioning young people have the support they need to express themselves and be fully included at school and in EOTAS.
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- All young people have access to age appropriate relationship and sexuality education inclusive of LGBTQI+ which is universal and not dependent on school ethos.
- The statutory curriculum is inclusive of the diversity of society and visibly includes minority communities such as LGBTQI+ people.
- Access to sports, activities, uniforms and facilities are accessible inclusive of all genders and gender identities.
- LGBTQI+ teachers can be themselves at work and teacher training is inclusion of diversity and human rights.

Theme 5. Safety and Security

Aim: All LGBTQI+ people should feel safe and secure in their own homes, in their communities and online to ensure they are free from fear, harassment and other forms of harm.

Gender stereotypes assign a set of so-called ‘natural’ characteristics to men and women, and set up strict gender binaries that do not reflect the fluidity and complexity of gender and sexuality. These stereotypes are damaging because they define and limit how people are expected to live their lives. The gender hierarchies and norms they reproduce mean that those who do not conform face daily challenges and risks in relation to their own personal safety. Homophobia, biphobia and transphobia can lead to anti-LGBTQI+ harassment and violence that puts gender and sexual minorities at heightened risk of physical and psychological harm.

Abuse and violence can begin during childhood. Those who do not conform to gender stereotypes face bullying and violence in schools, in the home leading to homelessness, and in sporting arenas. They can also experience relentless abuse in social media environments. These experiences have a serious effect on their well-being and prevents openness about their personal identity. While it is often in the school playground that abuse and blows are first experienced, harassment, violence and insecurities can often continue into adulthood and throughout an LGBTQI+ person’s life.

Where a person lives, works and socialises can become hostile and threatening environments. Simple pleasures such as holding hands with a romantic partner or going to a restaurant can open the person up to abuse and violence. Hate crimes against LGBTQI+ people are on the rise, as is homelessness, and research more broadly indicates several arenas of life wherein LGBTQI+ people continue to experience insecurity despite progress in legal protections.

Recommendations for LGBTQI+ Strategy Outcomes:

- LGBTQI+ people are protected from hate crime and victims of hate crime are provided with appropriate forms of support.
 - LGBTQI+ people have access to safe and secure housing.
 - LGBTQI+ criminal or civil detainees are not subjected to physical and psychological harms.
 - The PSNI protect LGBTQI+ people’s human right to equal protection under the law in ways that are responsive to their circumstances and needs.
 - LGBTQI+ people are effectively protected against domestic violence and sexual violence.
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Theme 6. Rights and the Law

Aim: LGBTQI+ people's rights and equality should be legally protected

This chapter explores the legal protection of LGBTQI+ people's rights in NI. LGBTQI+ people need legal protection across key areas of life. Due to the historical and irrational debasement of their lives and identities, LGBTQI+ people also need laws that protect their right to express their identities. While cultural shifts, equality campaigns and legislative change have meant that the legal protection of LGBTQI+ people's rights in NI has evolved in recent years, homophobia, biphobia and transphobia continue to impact on people's everyday lives. Even with the introduction of various protections, specific areas of the law need to be strengthened in order to create meaningful protections, and some additional legal protections are required. Other areas of the law and rights require radical revision to protect the rights of LGBTQI+ people.

The current legislative framework in NI is a mix of pieces of legislation that refer to the whole of the UK and legislation that emerged from the NI Assembly. UK-wide legislation has been influenced by European Union Directives. International standards such as United Nations (UN) conventions may apply but the extent to which UN conventions are enforceable is debatable. In general, International Human Rights Law relies on moral arguments to encourage compliance, but it remains an important point of reference for human rights protections. Comparatively, NI has been slower to enact international standards in terms of LGBTQI+ rights, even though the 1998 peace agreement remains one of only 5 international peace agreements to include LGBTQI+ rights. Section 75 of the Northern Ireland Act (1998) identifies sexual orientation and gender as protected categories. The Act obliges public authority decision-makers to have 'due regard' and 'regard' to the need to promote equality of opportunity.

There is clear evidence that the current legal framework in NI is not effectively protecting LGBTQI+ people in a range of areas of life. Moreover, issues remain in terms of the legal protections that sexual and gender minorities require to live autonomous, free and secure lives. International and regional comparisons illustrate how legislation can be improved and how new forms of legislation can be brought forward to address continuing societal and institutional prejudices towards LGBTQI+ people.

Recommendations for LGBTQI+ Strategy Outcomes:

- Gaps and weaknesses in the legal protection of LGBTQI+ people's rights and their damaging effects are addressed.
 - Gender Recognition legislation is fit for purpose and recognises and is reflective of the diversity of genders in Northern Ireland.
 - Conversion therapy has ended in Northern Ireland.
 - Quantitative and qualitative data sets monitor the effectiveness of legal protections for LGBTQI+ people, and are effective in addressing inequalities.
 - Specific funding is built into spending plans to support LGBTQI+ people dealing with discrimination and the harmful effects of specific laws.
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Theme 7. Data and Monitoring

Aim: Government and public bodies monitor for sexual orientation and gender identity in a consistent, respectful and proportionate way.

As evidenced throughout this report, being LGBTQI+ can impact on experiences and needs in healthcare, increased likelihood of being a victim of crime, negative experiences in education and many other aspects of daily life. To design effective public services to meet the needs of our communities, data is key. However, since services and data gathering exercises do not regularly monitor for sexual orientation or gender identity, it is not possible to measure the impact, positive or negative, services have or are likely to have on people who are LGBTQI+.

Monitoring for sexual orientation and gender identity will help public service providers to better understand the needs and experiences of LGBTQI+ people, and to address any potential barriers to accessing services. LGBTQI+ people, their families and their needs have been invisible to public service providers where monitoring for sexual orientation and gender identity is not common practice and therefore services may not be fit to meet the needs of this client group.

For example, the UK National LGBT Survey asked some questions about whether respondents had disclosed their sexual orientation in healthcare. More than half (50.87%) of respondents had never disclosed this.

Recommendations for LGBTQI+ Strategy Outcomes:

- The Northern Ireland Civil Service sets the standard as an exemplar employer for collecting data on sexual orientation and gender identity.
- Sexual orientation and gender identity are monitored alongside other Section 75 monitoring i.e. community background, sex, race, religion, ability etc. and S75 obligations are met.
- Gender identity questions are included in the Census.
- Guidance is in place to protect private data concerning the characteristics and history of transgender people.
- Departmental systems are updated to ensure monitoring of sexual orientation and gender identity in all cases, unless a business case has been developed to justify its exclusion.

Theme 8. Representation and Public Life

Aim: All LGBTQI+ people should feel confident, encouraged and supported to be fully included in all aspects of public life

This chapter will look at LGBTQI+ people in public life. Public life will encompass political positions, public appointments, behaviour in everyday life and what the barriers are to participation in public life. When an LGBTQI+ person is considering taking up a public position, quite often they experience anxiety and fear. These feelings can be related to actual or perceived homophobia, biphobia or transphobia. For some LGBTQI+ people, there is a fear of their sexual orientation or gender identity being disclosed in a public situation when they are not comfortable with that.

Though improving, there is still a significant underrepresentation of LGBTQI+ people in public life who can be a positive role model or can directly challenge discrimination and negative stereotypes. It can be affirming and empowering for people to see those similar to them holding public positions, and the societal changes this gradually enables helps others in future to both find LGBTQI+ communities and seek similar goals. There needs to be increased visibility of LGBTQI+ people in all areas of life, particularly visible political, civic and community leadership in order to promote positive change and tackle negative stereotypes.

The lack of reliable and comprehensive data is a definite obstacle to enabling the development of policy and the measurement of policy impact. In order to empower individuals and organisations this information is needed to measure progress.

LGBTQI+ people should feel comfortable, safe and at ease in public when holding their partners hand, be confident to apply and accept public appointments or be 'out' in a public position and be proud of who they are.

Recommendations for LGBTQI+ Strategy Outcomes:

- Society values LGBTQI+ people and their families.
- LGBTQI+ people visibly participate in all aspects of public life.
- Barriers to LGBTQI+ involvement in public life are removed and the extent of involvement is known.

Theme 9. Arrangements for Review of the Strategy

Aim: We commit to review, refresh and continue to build our commitment to meeting the needs of LGBTQI+ people through the delivery of this plan and the development of a stage 2 plan in 5 years' time.

We recognise that the needs of LGBTQI+ people cannot be addressed in the five-year period of this plan. For this reason, we commit to carrying out a review at year 4 of the delivery of this plan to develop another 5 year Strategy to be introduced at the end of this project. To measure the success of this Strategy and to identify the needs of the LGBTQI+ community, we commit to delivering a Northern Ireland wide research project covering the issues dealt with in this report and with specific focus on areas not dealt with in this Strategy, including but not limited to:

- physical health;
- further education;
- rural development;

and the intersection with LGBTQI+ communities and;

- ageing populations;
- BAME communities;
- travellers; and
- asylum seekers and refugees.

Recommendations for LGBTQI+ Strategy Outcomes:

- The 2021 Strategy is reviewed annually and will identify differential impacts for minority populations within the LGBTQI+ community.
- Further research has been completed to ensure that stage 2 of this Strategy is reflective of the current identified needs of LGBTQI+ communities and people.

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