

Moving towards a Sexual Orientation Strategy for Northern Ireland

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Introduction

This brief focuses on policy issues relating to sexual orientation in NI and, in particular on the issue of a sexual orientation strategy. It draws on published research evidence and the discussion at a Roundtable event organised by ARK in July 2013. Roundtable participants included participants from the lesbian, gay and bi-sexual (LGB) community, a wide range of NGOs and representatives from statutory agencies and government departments. The event was conducted under the anonymity of reporting allowed under the Chatham House Rule to encourage open debate.

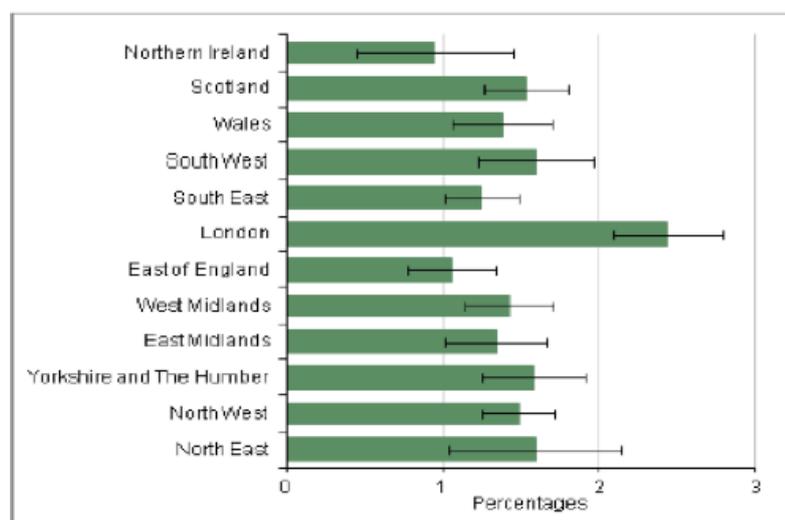
Context

The 2011 census did not collect data on sexual orientation; as a result, this is the only equality strand on which the UK census does not collect information. The Office for National Statistics, while acknowledging the importance of such data for

equality requirements, concluded that a compulsory census was not a suitable means of collecting sexual identity information for the first time (ONS, 2006). However, in 2009 a question on sexual identity was included in the ONS Integrated Household Survey (IHS). The most recent IHS data (ONS, 2012) shows that 93.6 per cent of men and 94.2 per cent of women identified themselves as Heterosexual/

Straight and that a larger proportion of men stated they were Gay, at 1.5 per cent, compared with women at 0.7 per cent. A comparison by age group shows that 2.7 per cent of 16 to 24 year olds in the UK identified themselves as Gay, Lesbian or Bisexual compared with 0.4 per cent of 65 year olds and over. Figure 1 below highlights that London was the region with the highest proportion of adults who said they

Figure 1
Sexual Identity by Region, April 2011 to March 2012



Source: Integrated Household Survey - Office for National Statistics

were gay, lesbian or bisexual and Northern Ireland was the lowest.

The Draft Sexual Orientation Strategy published under direct rule in 2006 identified the main concerns for LGB people to be areas such as health, employment, violence, partnership rights and housing, in addition to specific issues for young people, minority ethnic LGB people and lesbian women (OFMDFM, 2006). While some progress has been made, for example, in relation to partnership rights, LGB people continue to be discriminated against and to suffer homophobic bullying and violence. As a result, they are more likely to leave school without qualifications or with poor qualifications.

Northern Ireland has several pieces of legislation that seek to tackle discrimination based on sexual orientation. The 2006 Draft Sexual Orientation Strategy listed these as:

- The Employment Equality (Sexual Orientation) Regulations (NI) 2003. They implement in Northern Ireland the sexual orientation strand of the European Employment Framework Directive, making it unlawful to discriminate on grounds of sexual orientation in employment and vocational training. They prohibit direct discrimination, indirect discrimination, victimisation and harassment.
- The Employment (Northern Ireland) Order 2002 and subsequent regulations to

that Order give same-sex parents in Northern Ireland rights as individuals in relation to adoptive/parental leave and flexible working.

- The Criminal Justice (No.2) (Northern Ireland) Order 2004 provides for increased penalties for 'hate-crime' – offences motivated by hostility towards a person's race, religion, sexual orientation or disability.
- The Civil Partnership Act 2004 came into force on 5 December 2005. It created a new legal status allowing adult same-sex couples to gain formal recognition of their relationship. The first civil partnership ceremony held in the UK was in Belfast City Hall.
- Section 75 of the Northern Ireland Act 1998 requires public bodies in the region to have due regard to the need to promote equality of opportunity between the nine categories of equality groups, including persons of different sexual orientations. There is also a duty to promote 'good relations', which requires public authorities to take a pro-active initiating approach to contributing to a shared society, rather than responding to the effects of a divided one.
- The Human Rights Act 1998 sets out fundamental rights and freedoms as contained in the European Convention on Human Rights and individuals can now challenge laws in the UK courts if they feel that their

rights have been breached by a public authority.

- The Equality Act (Sexual Orientation) Regulations (NI) 2006 provides a general prohibition of discrimination in the provision of goods and services on the grounds of sexual orientation. Similar legislation had long previously been in force in respect of discrimination on the grounds of sex, race, disability and marital status.

Key issues identified in research

Homophobic Bullying and Violence

Research on the experiences of LGB people in the education system suggests that problems of homophobia and homophobic bullying are prevalent in schools. Carolan and Redmond (2003) found that of a sample of 362 young people who identified as LGBT, 44% had been bullied at school because of their sexual orientation. Those who had been bullied made up a majority of those who were on medication for depression (53%), had self-harmed (54%) and those who had attempted suicide (57%). A 2006 survey of 190 gay men aged 15 to 25 years reported that two out of three of those surveyed had difficulties in school related to their sexuality and almost half (45%) reported homophobic bullying (McNamee 2006). A more recent report published by the Rainbow Project and Cara-Friend (Boyd, 2011) found that homophobic language and bullying is prevalent in schools with

98% of LGB young people reporting hearing homophobic language from pupils, teachers, non-teaching staff and visitors to the school. Schubotz and Sinclair's study (2006) of the development of bullying policies in schools (primary and post primary) in Northern Ireland found that schools anti-bullying policies did not include any reference to lesbian and gay related bullying and that in general, bullying incidences were treated the same, regardless of their nature. This is attributed to even the discussion of homosexuality being regarded as threatening. In Britain, the 2010 Equality and Human Rights Commission's "How Fair is Britain?" report revealed that that two-thirds of lesbian, gay and bisexual students in Britain report being bullied. While nearly half of all secondary school teachers in England acknowledge that such bullying is common, just 1 in 6 believe that their school is very active in promoting respect for lesbian, gay and bisexual students and only 6% of schools have policies targeting homophobic bullying. The School Report Stonewall (2012), showed that more than half of the 1,600 gay young people surveyed (aged between 11 and 19) had suffered from homophobic bullying (including cyberbullying) while at school. Three in five of these said that teachers who witnessed bullying never intervened and only ten per cent of gay pupils reported that teachers challenged homophobic language every time they heard it. However, the study also highlighted that levels of homophobic bullying have fallen by 10 per cent since 2007 and

the number of schools saying that homophobic bullying is wrong has more than doubled, to 50 per cent.

It is difficult to obtain a true estimate of levels of homophobic violence in Northern Ireland because of lack of reporting and problems with the collation of data. The "Through Our Eyes" research carried out by The Rainbow Project into LGB people's experiences and perceptions of homophobic hate crime and policing in Northern Ireland found that one in five (21%) of LGB people had been the victim of a homophobic hate crime in the previous 3 years and one in ten had been the victim of a homophobic hate crime in the past year. The study also found that two out of every three homophobic hate crimes were never reported to the police (O'Doherty, 2009). More recently, the 2011 report by the Equality Commission revealed that eight out of 10 people who experienced homophobic discrimination in Northern Ireland do not report the crime, convinced there is no point.

The 2012/13 Police Service for Northern Ireland (PSNI) figures for recorded homophobic hate incidents reveal the highest figures recorded since 2004/05. At 246, the number of homophobic incidents for 2012/13 had increased by a quarter from the 200 recorded in 2011/12. However it may be that because of partnership working, the increase has been in reporting rather than experience of homophobic incidents. The number of homophobic crimes reported also increased to 149 from

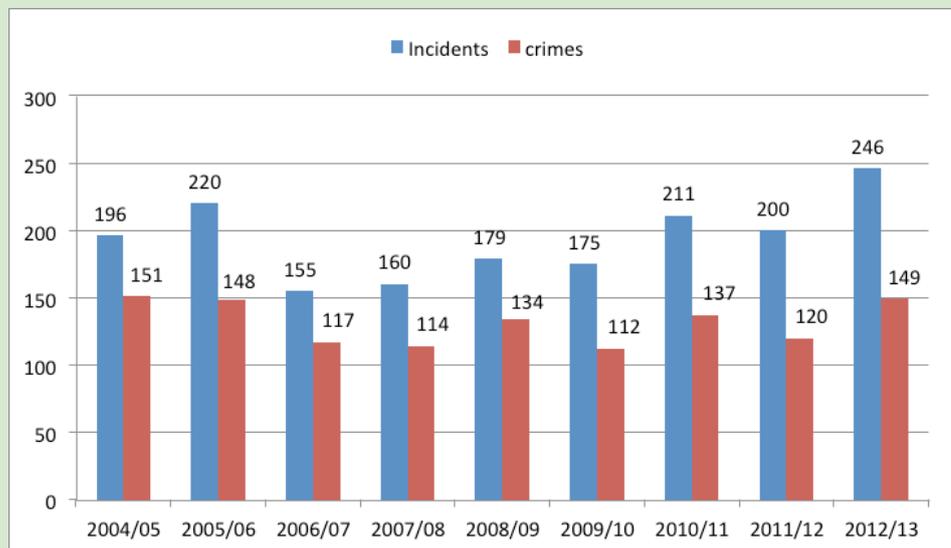
the 2011/12 figure of 120. The sanction detection rate for crimes with a homophobic motivation for 2012/13 is 16.8%, an increase on the 2011/12 figure of 15% (PSNI, 2013).

These Northern Ireland figures are in line with the experience of LGBT people across the EU. In 2012, the European Union Agency for Fundamental Rights (FRA) published the results of its online survey into the experiences of hate crime and discrimination of over 93,000 LGBT people across all 27 EU Member States and Croatia. It found that nearly half of all respondents had felt discriminated against on grounds of sexual orientation in the year before the survey. LGBT people were frequently victims of hate crime and harassment. About a quarter (26%) of all respondents said they had been attacked or threatened with violence in the last five years. High levels of under-reporting were also detected: just 22% of the most serious violent incidents against LGBT people in the five year preceding the survey were reported to the police. Furthermore, almost half of all respondents believed that offensive language about LGBT persons by politicians was widespread in their country of residence (FRA, 2013).

Mental Health Issues

Analysing the 2005 Young Life and Times (YLT) Survey, McNamee et al (2006) found that young people who said they were sexually attracted to people of the same sex were significantly more likely to have poor mental health and

Chart 1: Homophobic hate incidents and crimes recorded by the PSNI 2004/05 to March 2012/13



to say they had been bullied at school. They also found evidence that same/both-sex-attracted 16 year olds experience higher levels of social pressure than their opposite-sex-attracted counterparts to engage in behaviours that may damage their general and mental health, such as drinking alcohol, taking illegal drugs or losing weight. Similar findings emerged from analysis of the 2008 YLT Survey which also asked about emotional and mental well-being and about self-harm. Four out of 10 same-sex-attracted 16-year-olds reported emotional, mental, or personal problems, compared with less than a quarter of opposite-sex-attracted 16-year-olds. Nearly 4 in 10 same-sex-attracted young people said they thought about self-harming (39%), more than 3 times the incidence among opposite-sex-attracted respondents. Schubotz and O'Hara (2011) report that 44% of same-sex and

both-sex attracted young women and 25% of same-sex and both-sex attracted young men scored more than 4 points on the General Health Questionnaire 12 scale compared to 15% of all male respondents and 28% of all female respondents.

Such poor emotional and mental health in youth translates into poor mental health in later life, as prejudice, discrimination and oppression have been shown to impact on emotional well-being (Wilkinson and Pickett, 2009). Quiry (2006), in her study of the health needs of lesbian and bisexual women in Northern Ireland reported that lesbian and bisexual women are up to 2-3 times more likely to attempt suicide and have higher levels of self-harm than their heterosexual counterpart. The Bamford Review of Mental Health and Learning Disability (2005) recognised the higher risk of mental ill-health faced by LBG people, as well as other marginalised groups such as ethnic minorities, rural

communities and people living in poverty. There is also some evidence that LGB people with learning disabilities have even higher rates of mental ill-health than the general LGB community.

Issues facing older LGB People

There is a dearth of research on issues facing older lesbian, gay and bi-sexual people in Northern Ireland. What we do know is that older GLB people will have grown up at a time when homophobic attitudes were very prevalent and when there was no protection in law. Their experience of ageing, including their health outcomes may be affected by the discrimination they have experienced or expect to counter. International evidence points to poorer health outcomes for LGB than for the heterosexual population (Frish et al, 2003; Wang et al, 2007). The challenges faced by older people who are gay, lesbian or bisexual are complicated by the fact that older people's sexuality is an issue which is often ignored by service providers – for example in the provision of residential and nursing care. A Northern Ireland study by the Rainbow Project and AgeNI (2011) on making care homes more inclusive for LGBT people identified a lack of training provided to those working in care homes aimed at improving practice for LGBT people; a lack of processes to identify the sexual orientation of people, including at assessment stage and generally residential care being predicated on the assumption that all residents are heterosexual.

and qualitative research including: attitudinal issues; availability and accuracy of range of data – including data on hate crimes; education issues, including homophobic bullying; health issues; and the need to look at the issues from the perspective of the rights of LGB people.

Invisibility and lack of data

A number of examples were provided to illustrate the problems resulting from lack of data and failure to monitor adequately. This was seen as a significant cause of the 'invisibility' of LGB people. Reference was made to the fact that the Department of Education does not monitor for sexual orientation in surveys and how there is a lack of monitoring systems in schools to record homophobic bullying (currently many schools record incidences of bullying but not the motivation). There was a strong focus on the role of Section 75 and the application of Section 75 to schools with regard to sexual orientation. The fact that it is up to schools to decide how, and to what extent, this is applied was seen as problematic by many participants. However, it was also cautioned that it was not necessarily going to be appropriate for schools to implement the legislation in the same way that government departments and employers are required to. Having said that, there was strong agreement that schools should be mandated to record data in a particular and consistent way which would enable the scale of

homophobic bullying for example to be calculated and monitored. Similar problems were identified in relation to hate crimes as outlined in the context section above.

Children and Young People

Much of the discussion focused on children and young people. It was felt that the experience of LGB (or LGB-perceived) children and young people as they progress through the first learning stages of their lives can be quite hostile with homophobia and homophobic bullying identified as a serious and prevalent problem in schools across Northern Ireland. Participants spoke of the way in which heteronormativity¹ resulted in many of these issues going unchallenged and unaddressed and how institutionalised heterosexuality discriminates against LGB students. This was exemplified by examples of how LGB issues at school are missing from policy and practice resulting in LGB students not being afforded the same protection as their heterosexual peers.

The positive role which schools could play in encouraging young people to feel comfortable and confident about their sexuality was discussed. Too often, it was argued, schools pathologised gay and lesbian young people by directing them to a counsellor as soon as they mention

they are gay or lesbian. School environments also contributed to young people learning to keep their sexuality secret whereas if schools demonstrated that they are inclusive of young LGBT people, including creating a physical space that makes young people feel welcome, then they are more likely to see themselves as welcome in the world around them.

A number of issues raised are particularly relevant to the Department of Education – the 'Invisibility' of LGB issues in departmental, board and school policies; the curriculum content with regard to LGB issues and the need to provide young people with opportunities to learn about and discuss LGBT issues and homophobia.

The pivotal role of the youth sector in supporting young LGB people and challenging discrimination and stereotypes was discussed. While there are examples of innovative youth work, concerns were raised about the potentially negative impact of some of the proposals set out in the Priorities for Youth consultation document (DE, 2013). This includes the suggestion that youth sector responsibility will generally not extend beyond 19 years. Young people may only be coming to terms with their sexuality at that age and be in a position to seek and benefit from the kind of help and support offered by professional youth work projects. It was argued that the suggestion in Priorities for Youth that the youth sector could continue to work with young people over 19 years if they are a 'problem'

¹ Heteronormativity can be understood as 'the view that institutionalised heterosexuality constitutes the standard for the legitimate and prescriptive sociosexual arrangements'. It is the daily practice where LGB students are inadvertently discriminated against by the presumption that everyone is heterosexual; the heteronormative ethos which underpins the school (Flattery, S. 2013).

would create further problems as it would be highly stigmatising. Participants pointed to evidence of innovative work to support gay, lesbian and bi-sexual people and tackle inequality and disadvantage. For example, an independent evaluation of YouthAction's Out and About Project, which supports the personal development of young women aged 16-25 who identify as other than heterosexual, (Keenan, 2010), highlighted how the project had successfully challenged prejudicial attitudes towards young lesbian and bi-sexual women and provided opportunities for a wide range of professionals to learn about the lives of the young women involved in the project. A key factor linked to the success of this project and others was its location within the mainstream youth sector and the way in which promoted among marginalised young women their right to access relevant youth work services.

A Sexual Orientation Strategy

Although there was consensus that a Sexual Orientation Strategy needed to be developed and implemented as soon as possible, participants were clear about what would be required to ensure the successful development and implementation of a strategy. Participants agreed that top/down leadership is required with Ministers being seen to accept and embrace it. This was argued to be critical to other sectors and professionals changing attitudes and behaviour.

Participants were concerned that a strategy should be sufficiently robust to challenge government departments to tackle the issues that affect the LGB community and facilitate departments being held to account for progress. Those present queried the commitment of OFMDFM to deliver a strategy given the track record to date of not meeting published deadlines for delivery. It was agreed that the Sexual Orientation strategy:

- o Should be accompanied by a robust action plan comprising an appropriate number of applicable actions that might be measured over time and that implementation and administrative arrangements must be properly thought through.
- o Should be the overall responsibility of OFMDFM and that the Department should establish a strategy management/monitoring body that includes stakeholder representatives
- o Should cover a period of time no longer than 5 years, though 3 years would be preferable.
- o Should have an adequate budget which would take into account the poor support provided to LGB organisations to date (It was noted that given the size of the LGB community—6,000-10,000 people—there are fewer than 20 staff employed in total and the only organisation representing the lesbian community has just two staff, funded through the lottery with funding ending December 2013).

- o Should require cross departmental engagement and commitment to the strategy -particularly regarding policy areas such as domestic violence, hate crime, health and education.
- o Should require and provide for cross department coordination and training.
- o Should link in with other government strategies i.e. the Gender Equality Strategy and Older Person's Strategy.
- o Should take into account and provide for the needs of older LGB people, including in care homes.
- o Should be based on relevant statistical and research information. Availability and disaggregation of data should also be improved to ensure that the strategy can be appropriately monitored.

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