



**LESBIAN, GAY, BISEXUAL
AND TRANSGENDER
MANIFESTO 2007-2011**

Contents

●	Equality at Holyrood	3
●	Summary of recommendations	4 & 5
●	Legislation - Hate crime	6
	Sexual offences	
●	Education and young people	7
●	Leadership against prejudice	8
●	Equality in employment and services	9
●	Equality for LGBT families	10
●	Contact details	11

Equality at Holyrood

Equality for lesbian, gay, bisexual and transgender people in the third term of the Scottish Parliament

There have been important changes for Scotland's lesbian, gay, bisexual and transgender (LGBT) people since 1999. The repeal of section 28/2A, gender recognition, civil partnership, and the changes to adoption law have given LGBT people and our families basic legal rights and protections that other people have long taken for granted.

But the job of removing from the law direct discrimination against LGBT people is not yet complete, and ending discrimination cannot be done by changing laws alone. LGBT people continue to face prejudice in our daily lives, with insults, abuse and poorer services commonplace, from school right through to the end of our lives.

This manifesto sets out actions that the Scottish Parliament and Executive can take to bring true equality, and freedom from discrimination, within reach for Scotland's lesbian, gay, bisexual and transgender people.

It is based on consultation during 2006 with LGBT people and organisations across Scotland.

Summary of recommendations

Legislation (page 6)

- The Scottish Parliament should legislate to extend the statutory aggravation for racist and religious hate crime to cover homophobic, transphobic and disability-related hate crime.
- The Scottish Parliament should legislate to reform sexual offences law as recommended by the Scottish Law Commission, including removing the remaining discrimination on grounds of transgender identity and sexual orientation.

Education and young people (page 7)

- The Scottish Executive Education Department should take immediate steps to counter the discrimination faced by young LGBT people and young people with LGBT families.

Leadership against prejudice (page 8)

- The Scottish Executive and Parliament should make clear public commitments to LGBT equality, and should speak out against prejudice when it is expressed by others.
- The Executive should use its media profile to promote the message that transphobic and homophobic prejudice and discrimination are unacceptable. A 'One Scotland' style campaign should be considered.
- The Scottish Parliament should ensure that the Scottish Commission for Human Rights, working in partnership with the GB Commission for Equality and Human Rights, places a high priority on promoting respect for the dignity and worth of all people.

Equality in employment and services (page 9)

- The Executive should redouble its efforts to mainstream equality, including LGBT equality, across its own operations.
- The Executive should take steps to support the sustainable development of the LGBT voluntary sector across Scotland.
- Working with the Commission for Equality and Human Rights and the LGBT voluntary sector, the Executive should promote equality and fairness, including for LGBT people, in employment and access to goods and services, across Scotland.

Equality for LGBT families (page 10)

- The Scottish Parliament should legislate to repeal section 86(1)(a) of the Civil Partnership Act 2004 and section 5(4)(e) of the Marriage (Scotland) Act 1977, opening up civil partnership to mixed-sex couples and marriage to same-sex couples.

Legislation

Hate crime

Research shows that LGBT people are at much higher risk of harassment and attack, with over half reporting harassment, and more than one quarter reporting physical assault, in one year. Scotland is the only part of the UK where crimes that are motivated by homophobic hatred are not treated as aggravated crimes.

The Scottish Executive's Hate Crime Working Group recommended extending the current statutory aggravation of racial or religious hate, to cover hate crimes on grounds of sexual orientation and transgender identity, and on grounds of disability.

This would enable homophobic, transphobic and disability-related hate crimes to be recognised, handled, prosecuted and sentenced as hate crime, just as racist and religious or sectarian crimes are.

→ The Scottish Parliament should legislate to extend the statutory aggravation for racist and religious hate crime to cover homophobic, transphobic and disability-related hate crime.

Sexual offences

Scotland's common law and statutory sexual offences still discriminate on grounds of gender, transgender identity and sexual orientation.

A man who rapes another man cannot be charged with rape, only with the ancient and little understood offence of sodomy. It is unknown whether the rape of a transsexual woman would be recognised as rape in Scotland. Some sexual offences against boys have lower penalties than similar offences against girls. And the law refers to all consenting sexual acts between adult men as "gross indecency" – this is offensive and absurd in the era of civil partnerships. In 2007 the Scottish Law Commission will publish recommendations for reform of sexual offences law.

→ The Scottish Parliament should legislate to reform sexual offences law as recommended by the Scottish Law Commission, including removing the remaining discrimination on grounds of transgender identity and sexual orientation.

Education and young people

Research in recent years has highlighted the level of abuse and isolation faced by many young LGBT people. Homophobic bullying is common in schools, and because of the difficulty young LGBT people often face in coming out to their families, many have no one to turn to for support.

The effects of discrimination, and the lack of supportive youth services in many areas, are stark. Research indicates that young LGBT people in Scotland are several times more likely to self harm than other young people. Some young people miss out on many of the benefits of education, leaving at the earliest opportunity to escape the difficulties.

Bullying often starts in primary school, or pre-school. Children may be targeted because they have LGBT parents or relatives, or because they do not conform to peer or adult expectations for their gender. This abuse harms all those who are bullied, regardless of their future identity. For this reason, work around bullying and attitudes towards LGBT people must start in the earliest years of education.

Lack of access to appropriate sexual health information also puts young LGBT people at unnecessary risk. The figures for HIV transmission amongst young gay men are one indicator of this.

Generations of young LGBT people have been, and are still being, failed by Scotland's education and youth support systems.

→ The Scottish Executive Education Department should take immediate steps to counter the discrimination faced by young LGBT people and young people with LGBT families, including:

- Providing national guidance and materials for dealing with homophobic and transphobic bullying, from primary school upwards
- Ensuring that education from the earliest years on presents an age-appropriate inclusive view of Scotland's families and identities, including LGBT families and identities
- Ensuring the principles of equality and anti-discrimination are mainstreamed effectively throughout the 3 to 18 curriculum
- Ensuring that confidential support services are available to all young LGBT people
- Ensuring that appropriate sexual health services are accessible to all young people.

Leadership against prejudice

The Scottish Social Attitudes Survey in 2002 found that a significant minority of people in Scotland hold prejudiced views about LGBT people – for example, 26% felt that a lesbian or a gay man would be unsuitable as a primary school teacher.

Westminster laws banning discrimination in employment and in the provision of goods and services are intended to help prevent discrimination (see page 9), and the inclusion of homophobic and transphobic hate-motivated crime in hate crime law (see page 6) would help to prevent criminal abuse.

But Scotland will not become a welcoming place for its LGBT people and visitors while discriminatory attitudes, prejudice and misunderstanding remain widespread.

Clear public leadership, from the Executive and Parliament, to counter transphobic and homophobic prejudice, is a necessary step towards true equality.

The Scottish Commission for Human Rights, in partnership with the GB-wide Commission for Equality and Human Rights, also has an important role to play in promoting respect for the dignity and worth of all people.

- The Scottish Executive and Parliament should make clear public commitments to LGBT equality, and should speak out against prejudice when it is expressed by others.
- The Executive should use its media profile to promote the message that transphobic and homophobic prejudice and discrimination are unacceptable. A 'One Scotland' style campaign should be considered.
- The Scottish Parliament should ensure that the Scottish Commission for Human Rights, working in partnership with the GB Commission for Equality and Human Rights, places a high priority on promoting respect for the dignity and worth of all people.

Equality in employment and services

Westminster legislation bans discrimination in employment, on grounds of gender reassignment and sexual orientation. Discrimination on these grounds in the provision of goods and services will become unlawful during 2007.

The UK Government is proposing legislation to extend the current duties on public bodies to promote race, disability and gender equality, to fully include gender reassignment, sexual orientation, age, and religion/belief.

Devolved Scottish legislation already places a duty on many public bodies, including local councils and NHS boards, to carry out their functions in a manner that encourages equal opportunities, as defined in the Scotland Act, including for LGBT people.

Although much of the equality legislation is reserved to Westminster, there is a crucial role to be played by the Scottish Executive and Parliament in ensuring equal and fair access to services, and to employment, in Scotland.

This will need to be done in partnership with the Commission for Equality and Human Rights (CEHR) and with the LGBT voluntary sector. That sector has a key part to play in providing information, advice and support to LGBT people, and to service providers and employers, but needs significant development to meet those demands.

- The Executive should redouble its efforts to mainstream equality, including LGBT equality, across its own operations.
- The Executive should take steps to support the sustainable development of the LGBT voluntary sector across Scotland.
- Working with the CEHR and the LGBT voluntary sector, the Executive should promote equality and fairness in employment and access to goods and services across Scotland, by:
 - supporting the development of expertise and guidance on LGBT equality, across the public sector
 - promoting the benefits of an approach based on equality and fairness, including for LGBT people, across all sectors of the Scottish economy
 - commissioning and promoting research into, and monitoring of, inequalities affecting LGBT people in Scotland.

Equality for LGBT families

Civil partnership gives same-sex couples identical legal rights and protections to mixed-sex married couples. The second term Scottish Executive and Parliament deserve credit for the development and scrutiny of the devolved provisions of this Westminster legislation. Many same-sex couples have already registered a civil partnership, making a public, life-long commitment to each other.

But, as the Executive and Parliament made clear when the legislation was introduced, civil partnership is not marriage, a fact that is clear to LGBT people also.

A marriage can be registered in a civil ceremony, or by an approved religious or humanist celebrant. For civil partnership, only a civil ceremony is available. Same-sex couples cannot have their partnership legally solemnised by a leader from their religion, or by a humanist celebrant, despite the fact that a number of faith bodies, as well as humanists, would like to offer this.

In other ways, civil partnership is equal in its legal effects to, but is separate from, marriage. Racially segregated education in the United States was once justified as being separate but of equal quality. The US Supreme Court, in the historic *Brown v. Board of Education* judgement, ruled that “separate but equal” can never be true equality.

Civil partnership is not equal to marriage; it is separate and symbolically different in a fundamental way. The present arrangements discriminate against same-sex couples, who cannot marry if they wish to, and against mixed-sex couples, who are denied access to civil partnership – which some mixed-sex couples would prefer to cohabitation or marriage. The current law also discriminates against transsexual people and their partners, because transsexual people cannot obtain gender recognition (which changes their legal gender) if they are married or in a civil partnership, and so must divorce first.

→ The Scottish Parliament should legislate to repeal section 86(1)(a) of the Civil Partnership Act 2004 and section 5(4)(e) of the Marriage (Scotland) Act 1977, opening up civil partnership to mixed-sex couples and marriage to same-sex couples.

Contact details

This manifesto was developed through consultation with LGBT people and groups in Scotland

Published in April 2007 by:

Equality Network

30 Bernard St

Edinburgh

EH6 6PR

Tel: 07020 933 952

Fax: 07020 933 954

Email: en@equality-network.org

Web: www.equality-network.org

Other useful contacts:

Stonewall Scotland

9 Howe St

Edinburgh

EH3 6TE

Tel: 0131 557 3679

Email: scotland@stonewall.org.uk

Web: www.stonewallscotland.org.uk

LGBT Youth Scotland

John Cotton Centre

10 Sunnyside

Edinburgh

EH7 5RA

Tel: 0131 622 2266

Email: info@lgbtyouth.org.uk

Web: www.lgbtyouth.org.uk

This document is available in large print, on our website at www.equality-network.org

If you require it in large print on paper, or in any other format or language, please contact the Equality Network by phone on 07020 933 952 or by email at en@equality-network.org



EQUALITY NETWORK

30 Bernard St, Edinburgh, EH6 6PR
Tel: 07020 933 952, Fax: 07020 933 954
Email: en@equality-network.org
Web: www.equality-network.org
Registered Scottish charity SC037852