

LGBTI EQUALITY MANIFESTO 2016

EQUALITY NETWORK AND
SCOTTISH TRANSGENDER ALLIANCE



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Equality Network is Scotland's national lesbian, gay, bisexual, transgender and intersex (LGBTI) equality and human rights charity.

www.equality-network.org

Scottish Transgender Alliance is the Equality Network project to improve gender identity and gender reassignment equality, rights and inclusion in Scotland.

www.scottishtrans.org

INTRODUCTION

Since devolution in 1999, Scotland has made real progress on aspects of lesbian, gay, bisexual, trans and intersex – LGBTI – equality. We can be proud that, in 2000, Scotland was the first part of Britain to repeal section 28. 14 years later, the overwhelming vote for equal marriage in the Scottish Parliament, with wide public support, showed how far we had come.

But there is more to be done. Trans people and intersex people do not yet have equality under the law. LGBTI people still face prejudice, discrimination and hate crime, and many experience social isolation, especially in rural areas. Homophobic, biphobic and transphobic bullying are widespread in schools, and many of our public services do not yet feel welcoming, or deliver well, for LGBTI people.

This manifesto is based on wide consultation with diverse LGBTI people across Scotland, about the issues that matter most. We trust that the Scottish Parliament and Government of 2016-21 will build on the work of the past 17 years, and we will do all that we can to help take these issues forward in partnership.

LEGAL EQUALITY

There has been much progress towards legal equality for LGBTI people since 1999, most recently with the 2014 equal marriage legislation. However, trans and intersex people still do not have full equality in the law, and more needs to be done to end discrimination and promote equality in public services, including in education, and health and social care.

Reform gender recognition law

Scotland has fallen well behind international best practice in providing legal recognition of trans people's gender. The Gender Recognition Act should be amended to allow trans people to change their legal gender on their birth certificates without intrusive medical diagnosis requirements, from the age of 16, and below with parents' / carers' support. The law should also recognise the gender identity of non-binary people, who do not identify as men or women.

Determine what legal protections are needed by intersex people

Intersex people (people born with bodies that do not correspond to what is generally assumed to be standard male or female) face great discrimination and stigma. The Scottish Government should determine, in consultation with intersex people, what changes are needed to the law to end this.

Use newly devolved equality powers to promote equality in public services

The Scotland Act 2016 devolves equality law applying to Scottish public bodies. The Scottish Government should consider what additional legal provisions would help ensure that public services promote equality for all in Scotland, including for the three characteristics of sexual orientation (LGB people), gender identity (trans people) and sex characteristics (intersex people).

Mixed-sex civil partnership

The equal marriage legislation opened up marriage equally to same-sex and mixed-sex couples, but civil partnership remains restricted to same-sex couples only. The Scottish Government should legislate to open civil partnership to all couples regardless of gender, so that everyone has the same choices.

SOCIAL ATTITUDES

Social attitudes towards LGB people have improved significantly since 1999, but there is still a significant problem, with the large majority reporting experience of prejudice or discrimination. Prejudice against trans people is even more prevalent, while there is very little awareness of the reality of intersex people's lives.

Continue to research public attitudes on discrimination

It is vital to monitor progress on combatting prejudice, and to identify what works. The Scottish Government should continue with regular social attitudes surveys to measure progress on discrimination.

Show public leadership against discrimination

The importance of leadership from the top cannot be overstated. The Scottish Government should take every opportunity to speak out against prejudice and discrimination, including through effective media campaigns.

Promote openly LGBTI role models across public life

The Scottish Parliament can be proud of having had, in 2011-16, one of the largest proportions of openly LGB members in the world. However, there have never been any openly trans or intersex politicians in Scotland, and LGBTI people in many public roles do not feel able to be out. The Scottish Government should celebrate openly LGBTI public figures and encourage more openly LGBTI people to take public roles.

Encourage equality in sport

Sport remains an area in which many LGBTI people feel uncomfortable or unable to come out. For example, in professional men's football, there are no openly gay players and homophobia is still regularly heard in the stands. Trans people and intersex people are often unfairly excluded from participating in sport. The Scottish Government should support the moves by sports governing bodies, including in football, to promote inclusion and non-discrimination in their sport.

EDUCATION

Much of Scotland's school education system fails to provide a welcoming and supportive environment for LGBTI students and those with LGBTI parents/carers. Teachers lack training and support on LGBTI issues, and homophobia, biphobia and transphobia remain commonplace in schools.

End homophobia, biphobia and transphobia in schools

The Scottish Government should commit to ending the epidemic of homophobic, biphobic and transphobic bullying in Scotland's schools, with initiatives to support and equip teachers, and to ensure that all schools have a zero-tolerance approach and take effective action.

Ensure schools are inclusive and welcoming for LGBTI students

An inclusive school is about more than ending bullying. The Scottish Government should support effective training of school staff on supporting LGBTI young people, should promote LGBTI visibility and inclusion across the curriculum, and in particular must ensure that Relationships, Sexual Health and Parenthood education is LGBTI-inclusive in all schools.

JUSTICE AND SAFETY

68% of LGBT people have experienced verbal abuse, and 16% have been physically assaulted, because they are LGBT. Same-sex couples do not feel safe holding hands in much of Scotland, and many trans people feel unsafe in public spaces. Homophobic, biphobic, and especially transphobic hate crime, is underreported, in part because people lack confidence that it will be dealt with safely and effectively. No information is collected on intersexphobic hate crime.

Take concerted action to reduce hate crime

The Scottish Government should commission research into hate crime against LGBTI and disabled people, to identify better the forms it takes. The Government should continue to support efforts by police, the Crown Office and LGBTI organisations to deal appropriately with hate crime and to encourage reporting.

Ensure the justice system respects trans people

One of the reasons for underreporting of transphobic hate crime is that people fear that the justice process will compound the problem, by treating them unfairly and outing them publicly and to the media. The Scottish Government should explore, with police, the Crown Office, the judiciary, and community organisations, how the justice system can respect the identity and privacy of trans people, including non-binary trans people.

HEALTH & SOCIAL CARE

Improve NHS Gender Identity Services

The creation of the NHS Scotland Gender Reassignment Protocol was a welcome step forward for trans people's healthcare. However, NHS Gender Identity Services are severely under-resourced and waiting times for first appointments are three times longer than the 18 week guarantee. The Scottish Government should deliver improved NHS Gender Identity Service capacity, using multi-disciplinary approaches and shared care with GPs.

Improve mental health care

Prejudice and social exclusion place LGBTI people at increased risk of mental health problems, self harm and suicide. Yet many LGBTI people struggle to access effective mental health support. Service providers lack LGBTI expertise, and some hold discriminatory attitudes. Effective training is needed to enable service providers to respond to the mental health needs of LGBTI people, and those needs should be specifically addressed in the Scottish Government's mental health strategy.

Protect intersex people's rights

When children are born with intersex variations, their families often feel isolated, scared and anxious. Parents need peer support, time and education, so that they do not feel under pressure to quickly make irreversible medical decisions. It should always be the intersex person's right to decide on their body's aesthetic appearance and functionality. The Scottish Government should listen to intersex people to determine how best to prevent medical violations of their human rights and to ensure they can access appropriate non-invasive health care and emotional support.

Promote LGBTI parenthood

Many LGBTI people aspire to be parents, and there are many looked after children in need of family homes. The Scottish Government should encourage LGBTI people to apply to become foster carers or to adopt, and should also ensure that reproductive health services are available on a fair basis to LGBTI people.

Ensure welcoming care provision for older LGBTI people

Many older LGBTI people fear that, if they need care services, in their own homes or residentially, carers may not celebrate and support their LGBTI identity. The Scottish Government should ensure that care services understand the need to, and how to, deliver LGBTI-welcoming services.

PUBLIC SERVICES FOR ALL

Train and support public service staff on LGBTI equality

Many public service staff are unclear what they should be doing to welcome LGBTI service users, and how to address the specific needs of those users. The Scottish Government should use its position and influence, and where appropriate the new devolved equality powers, to ensure that staff receive sufficient training and support to deliver services for LGBTI people.

Continue to develop understanding and good practice

The Scottish Government should continue to support LGBTI and other equality organisations and public bodies, to work together to develop understanding and good practice around LGBTI equality. There should be a particular focus on underdeveloped areas, including the needs of trans people, bisexual people, intersex people, and of LGBTI people with intersectional identities, including black and minority ethnic LGBTI people, LGBTI asylum seekers and refugees, and disabled LGBTI people.

COMBATting SOCIAL ISOLATION

Half of LGBT people living in rural areas, and one quarter of those in urban areas, report feeling isolated. For trans people, the figures are more than two thirds (rural) and more than half (urban). There are currently few LGBTI social groups or opportunities in rural areas, even fewer for trans people or bisexual people, and none for intersex people.

Support the capacity of LGBTI groups in rural areas

In partnership with LGBTI organisations, the Scottish Government should explore creative ways to support the capacity of much-needed LGBTI social groups and initiatives in rural areas.

Support initiatives to reduce social isolation for trans, bisexual, intersex and intersectional LGBTI people

In partnership with LGBTI and other equality organisations, the Scottish Government should support initiatives that aim to reduce social isolation for trans people, bisexual people, intersex people, and LGBTI people with intersectional identities including black and minority ethnic LGBTI people, LGBTI asylum seekers and refugees, and disabled LGBTI people.

INTERNATIONAL

Although there is much more to be done to deliver real LGBTI equality in Scotland, we know that in some other countries, life is much harder for LGBTI people. Many LGBTI people in Scotland would like to help those in other countries, and any such help should be in the form requested by LGBTI groups in those countries.

Support the strategies of LGBTI organisations in other countries to advocate for equality

The Scottish Government should use its influence and resources in a targeted way, as requested by LGBTI people and organisations in other countries, to support them to work for equality.


LGBTI ACTION PLAN

Develop, in partnership with LGBTI people and organisations, an LGBTI Action Plan for 2016-21

To ensure strategic direction and real progress on LGBTI equality issues over the next Scottish Parliamentary session, the Scottish Government should work with LGBTI people and organisations to develop and publish an LGBTI Action Plan, including specific Action Plans for trans and intersex equality. Progress reviews should be published in mid-session and in 2021.

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