

Completing the Task:

GLEN Strategic Plan 2011 – 2015

GLEN - Gay and Lesbian Equality Network
July 2010

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1. Introduction

Fundamental progress was achieved across all areas of GLEN's programme from 2006 to 2010. The most significant achievement was building the political consensus for the enactment of a civil partnership bill directly based on marriage, which delivers almost all of the legal rights and obligations of marriage for same-sex couples.

Arising from this consensus we were able to build Government commitment to spend considerable and scarce resources in preparing a detailed and very complex civil partnership bill in the context of the worst economic crisis of a generation.

This was achieved in the face of major opposition from very powerful groups such as the Churches, particularly the Catholic Church, and lay right-wing organisations whose tactics such as 'delay the Bill' or a 'conscience clause' have been rejected by the Minister for Justice.

A further achievement is that no political party has publicly opposed marriage as the equality option for same-sex couples, a principle which was established institutionally through the Government's Working Group on Domestic Partnership. The only political rationale presented publicly for the enactment of civil partnership as opposed to civil marriage, is the view that opening civil marriage out to same-sex couples would require a constitutional referendum. This is the view of all political parties.

Great progress was achieved in other areas during the BSC Programme period. A critical breakthrough has been made in the education sector, in a unique cooperation developed between GLEN, the Government's Department of Education and the Church-controlled school management bodies which run almost every school in Ireland. In the areas of employment, workplace and mental health and wellbeing, major partnerships for progress have been established with social partners, business, professional bodies and statutory service providers.

Progress across all of these areas, as with relationship recognition, has been driven by an intensive and extensive level of engagement by GLEN with Government, political parties and key institutions of State. GLEN policies across all of the BSC programme areas have been launched and endorsed by the President of Ireland, the Taoiseach (Prime Minister), the Tánaiste (deputy prime minister), three ministers for justice across two successive coalition governments and a wide range of other government ministers and politicians.

'Completing the Task'

GLEN and lesbian, gay and bisexual (LGB) people are now poised to make a further quantum leap in the next five years building on the platform of achievement to date and on proven strategies for achieving concrete and radical change.

We have entitled our strategic plan post 2010 '*Completing the Task*' to reflect our ambition and our capacity to deliver on the remaining critical progress necessary to establish an enduring and sustainable environment for equality and full participation of LGB people in Ireland.

GLEN Strategic Plan

This document outlines the GLEN Strategic Plan *Completing the Task 2011 to 2015*.

The first sections focus on the concepts underpinning the strategy. This includes the overarching vision for change and also the critical success factors which have delivered the progress achieved in *Building Sustainable Change 2006 – 2010*, and the Sustainability

strategy which governs our approach to ensuring that the strategic plan delivers enduring change for LGB people.

The next section (Section 5) summarises the main objectives of the *Completing the Task* strategic plan 2011 – 2015, based on an analysis of progress and accumulated resources to date, challenges and opportunities going beyond 2010.

Section 6 outlines the Logic Models encompassing inputs, activities, outputs, short and long term outcomes across the five principal policy areas of GLENs work.

The remaining sections of the document outline the analysis contained in the summaries and the Logic models in more detail.

The final section contains the projected Income and Expenditure across the plan timespan of 2011 to 2015.

2. VISION FOR EQUALITY: The Full Participation of LGB People in All Aspects of Economic, Cultural and Political Life

GLEN's vision for equality is that of full participation by lesbian, gay and bisexual people in all aspects of life and society. This vision was articulated in the *Building Sustainable Change Programme* (2006-2010):

"GLEN is confident that Ireland can become a place where all LGB people can feel safe and confident about being open regarding their sexual orientation at home, in work and within the wider community; where LGB people are not discriminated against in laws and in service provision; where relationships and love between LGB people are seen as no different to relationships and love between heterosexual people. GLEN envisages a future where LGB people can make an even more creative and dynamic contribution to the social, economic and cultural development of Ireland".

This vision was elaborated further at the time of formal launch in 2006 of the BSC Programme when the Chair of GLEN, in an opinion piece in the Irish Times stated:

"GLEN is not here to manage our marginalisation but to abolish it. We are working towards a society where being gay or lesbian is unremarkable; where it is possible to be openly lesbian or gay and be elected Taoiseach. Where a couple expressing ordinary affections in public would be seen as ordinary. Where a teenager can come to terms with their sexuality and have all the support from their parents, siblings, friends, school and society at large. Where parents will not worry or have any greater concerns when their child says they are gay.

Chair of GLEN speaking at launch of BSC Strategy 2006.

Underpinning the broad vision therefore is a more elaborated vision of equality and full participation of LGB people in a number of critical aspects of life. These, as articulated in the BSC Plan 2006-2010, are:

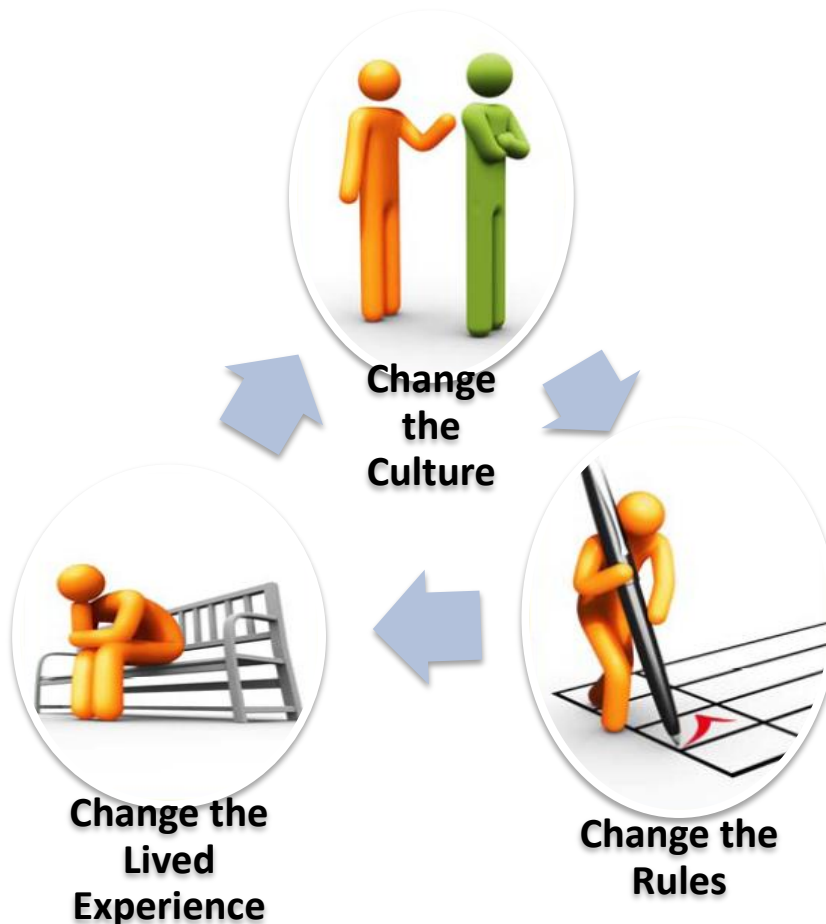
1. **Relationships and Family:** where same-sex couples would have the opportunity to share their lives together openly and have a family. This requires equal relationship recognition, including legal recognition of children being parented by same-sex couples.
2. **Inclusive, Safe and Supportive Education,** where young LGB people can feel safe, supported and included in schools and can achieve their full potential.
3. **Health, Safety and Wellbeing,** for which we need supportive family and communities and access to a broad range of services critical to well-being including health, mental health and effective policing where LGB people feel safe and secure on the street and in the places they live.
4. **Employment, Career and Full Participation in Economic Life,** where LGB people have the opportunity to support themselves and their families through full, equal and open participation in employment, training and education. This means that a person's sexual orientation would not be a barrier to entry, or advancement in any area of employment.
5. **Full Participation in Society,** where LGB people have the real opportunity to participate at any level in society and where being lesbian and gay would be of no hindrance to advancement in any aspect of public life, including political life of the country.

These critical goals of equality and opportunity had been identified through a series of reports consultations with LGB people. Particularly significant in this respect were the respective report of the Equality Authority report *Implementing Equality for Lesbians, Gays and Bisexuals* (2002) and the report of the National Economic and Social Forum (2005) *Equality for Lesbian, Gay and Bisexual People: Implementation Issues*.

3. ACHIEVING ENDURING CHANGE: The Theory of Change Underpinning GLEN's Strategic Approach

The US based LGBT Movement Advancement Project has identified a three pronged approach to advancing equality which neatly encapsulates the approach of GLEN to advancing the main goals of the BSC Programme.

1. **Change the Rules** – with a focus on changing legislation and overarching national policy in areas of key symbolic and practical importance to LGB people including relationship recognition, employment protection, protections against discrimination in services, and measures to promote safety and address homophobic violence.
2. **Change the Culture** – with a focus on engagement with the 'movable middle', that portion of the public, their political representatives and key public and professional bodies who might not yet support or understand LGB equality, but who might be persuaded.
3. **Change the Lived Experience** – the focus here being on ensuring that legal and cultural change actually translates into positive changes in the lived experience of all LGBT people



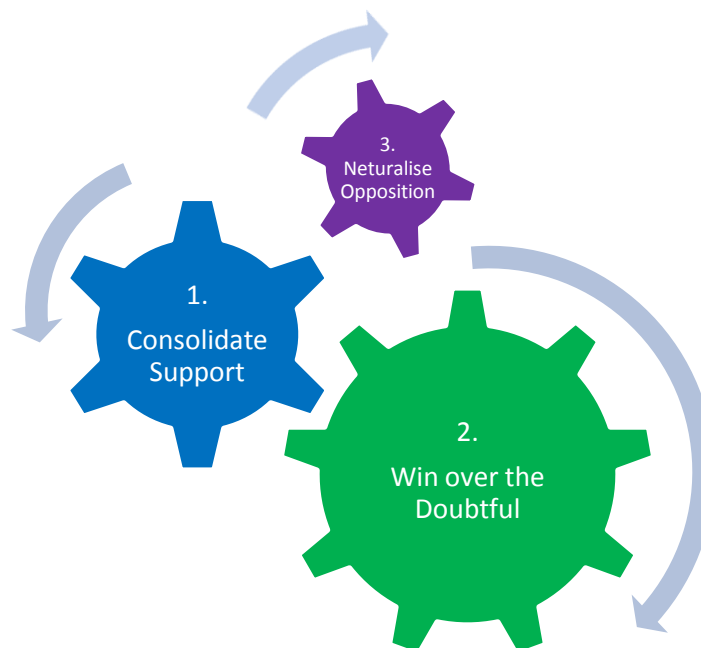
Each of these is interrelated and action on each is critical to achieving enduring change. Changing legislation or national policy requires action to change the wider societal culture,

in particular engaging with the wider population (and public representatives) to build support for legal change and to sustain it. Equally, legal change may have a limited impact on the lived experience of LGB people if societal attitudes and the culture of critical organisations across all aspects of people's lives haven't changed. For example, people may not be in a position to legally register their relationships if they live in communities where it is not safe to be openly lesbian or gay.

Even where significant progress has been made in legislation and societal attitudes, this still may not translate fully into positive change in the lived experience of LGB people because of the legacy of prejudice and discrimination. For example, older LGB people may bear the wounds of extreme anti-gay stigma in the past which can present a significant personal barrier to living in the more accepting present.

Implementing the Theory of Change: Constructing Majorities for Progress

In order to advance sustainable progress across the areas just described it is necessary to construct majorities for change, both in society and among its political representatives. Based on the work of GLEN over the past 20 years, and the success in driving legislative change from 1993 onwards, there are three critical elements or steps to building such majorities. These can be summarised as: 1) Consolidate Your Support; 2) Win Over the Doubtful, or what is described above as the “moveable middle” and; 3) Pacify the Opposition, or rather pacify those fundamentally opposed to progress so that they are not needlessly provoked into serious opposition.



1. Consolidate Your Support.

It is very important in advancing change not to take your supporters for granted or to assume they will always be supportive or that they will always make your issue a priority. At a political level for example, GLEN has always sought to give due credit to those who have supported us in the past. While engaging positively with Fianna Fáil we have been careful to highlight and acknowledge the role of the Labour Party in advancing equality for LGB people. We have also been careful to acknowledge the role played by Fine Gael, the largest opposition party, as the first party to have developed a policy on relationship recognition for LGB people.

2. Win over the Doubtful.

A critical issue in engaging with the ‘moveable middle’ is to understand the nature of people’s doubt and seek to inform and allay people’s often natural fear of change. It is difficult to win people over if their doubts are immediately dismissed as hostility to LGB people or if people feel they are not being provided with the freedom or space to disagree or to voice their doubts.

In our experience, most people, especially politicians dealing with diverse political demands, respond more favourably to respect and calm dialogue than to insult or guilt. Politicians also respond more quickly to an issue that connects with other political priorities and to an approach that recognises the constraints they face on any given issue – for example, we have consistently highlighted the positive links between equality and economic recovery as a means of building political support for the enactment of Civil Partnership in the context of a major economic downturn.

3. Neutralise the Opposition.

GLEN has consistently sought to neutralise rather than galvanise religious opposition to legal reform by emphasising the secular aspect of legal recognition of same-sex couples and also appealing to positive aspects of the religious traditions such as fairness and compassion. We have consistently refrained from presenting the quest for LGB equality as a war of culture or beliefs, or as a zero sum game with winners and losers. When progress has been achieved, we have not gloated but have presented progress towards LGB equality as a victory for everyone. Leaving any group in society with a sense of defeat is a significant risk factor in sustaining the gains we have made.

GLEN’s successful engagement with successive governments, politicians and the wider public has been based on this strategic approach. In the next stage of GLEN’s plan to complete the work of the Building Sustainable Change Programme, we will enhance our political and public affairs role to expand our connections with politicians at all levels so as to progress change across each aspect of our vision. We will also build on our successful engagement with the media.

Implementing the Theory of Change: Legislation on Relationship Recognition

In our experience the most successful approach to advancing substantive legislative change for LGB people in Ireland has been a three step process beginning with the development of institutional support for change and culminating in building support for enactment. The process described above of building majorities for progress has been critical to success along each step of this process of achieving legislative change (an analogous process is apparent in non-legislative areas of GLEN’s work including changing education policy and practice).



The first step is building institutional support and consensus for the principle of equality. For example, before decriminalisation in 1993 the Law Reform Commission had responded to submissions from GLEN and the ICCL and recommended an equal age of consent and

other equality provisions in the decriminalisation of sex between men. The Commission's recommendation was of the greatest importance to the eventual success of an equality based law reform because the rational argument for equality had been won at a mainstream and official level. In other words, it was not just the lesbian and gay movement or civil liberties groups who were arguing for equality but the Government appointed Law Reform Commission, which had carried out detailed research and consultation.

A similar process has been crucial to advancing a civil partnership bill based on marriage. At an institutional level, the Colley Working Group (appointed by Government following GLEN's engagement with the then Minister for Justice), basing its conclusions on research and public consultation, concluded that marriage was the optimal, equality based model for same-sex couples and that marriage, or a civil partnership model based on marriage (given the constitutional vulnerability of marriage) should be enacted. This in turn helped in the second step of building political support for marriage or a model based on marriage- the Labour Party for example, subsequently used the reasoning of Colley for the development of its Civil Unions Bill (equal in its legal consequences to marriage).

Colley has further contributed to the enactment of civil partnership, with the Minister for Justice consistently citing Colley when fending off opposition to the marriage-like status of civil partnership or in dealing with the tactic of the opponents seeking to extend civil partnership to siblings.

The success of this process of legislative and policy change will continue to guide the work of GLEN in furthering progress towards full equality for LGB people in relationship recognition and across other legislative and policy areas.

4. GLEN's SUSTAINABILITY STRATEGY: Mainstreaming Through *Completing the Task*

In the *Building Sustainable Change* Strategy 2006-2010 the overall aim was to deliver enduring change across all the programme areas. Such enduring change has been delivered to a great extent at a legislative and policy level ('changing the rules'). If GLEN were to disband at the end 2010, Civil Partnership, as noted, will provide same-sex couples with both a marriage-like status and a comprehensive set of legal protections. A broad political and public consensus has been developed in support of such change and there is limited support for those who would seek to undo the legislation or weaken its scope. Ground breaking progress has been made in education and considerable progress has also been made in other programme areas including workplace equality, safety and mental health and well-being.

It is our view that there are huge opportunities for building on the progress made in these areas to deliver another quantum leap of progress over the next five years. There is also growing support and a range of opportunities emerging to address the most important outstanding issues of recognition, protection and support of children of same-sex families. Another five year programme will allow us to maximise these opportunities to complete the tasks set out for the *Building Sustainable Change*. (opportunities which include the considerable expertise and relationships with Government, politicians and other policy makers that have been built by the staff and Board of GLEN).

The strategy to sustain progress during and beyond the next five years is based on ensuring that LGB issues are fully mainstreamed into the policies and structures of all relevant institutions of the State and across civil society, including the main social partners.

Funding by the State or by social partners (e.g. employers and trade unions) for the implementation of inclusive policy is one of the indicators of progress towards this goal. This funding can be either dedicated funding to build in-house capacity and implementation and/or funding for GLEN or other LGB groups to work at a strategic level with the relevant organisation. While the downturn in the economy presents significant challenges to funding (especially from the State given the crisis in the public finances), we are confident that significant progress will be made over the next five years in advancing progress and in ensuring that this progress is sustained (and paid for) in the future.¹

The precise configuration of our sustainability strategy differs across the policy areas we are seeking to advance further. This is outlined as follows:

1. **Relationship recognition:** We do not envisage the same level of resources needed to advance legal recognition of children from 2011 onwards than was needed to progress legal recognition from scratch in 2006. Towards the end of programme period, from

¹ GLEN did successfully leverage funding for policy change and development during the course of the BSC Strategy. This included, for the first time, funding for GLEN's input into policy in the Department of Justice, Equality and Law Reform, which is particularly relevant to LGB people and to the aims of the BSC strategy (covering equality and legal recognition of relationships). The Department initially funded the post of policy liaison in GLEN for a year, extended it to three years and then recommended its continuation after 2008. With the collapse of the economy, the Department's recommendation for further funding has been stalled in the Department of Finance – however, at meetings between GLEN and the new Minister of Equality, it has been suggested that project funding may be drawn down by GLEN to continue its equality work as opposed to funding for a post within GLEN or the department (funding for any new posts has been frozen by Government as a result of the crisis in government finances)

2014-2015 we envisage the amalgamation of the roles of GLEN director and that of the director of policy and legislative change.

The Minister for Justice has stated that resources will be put into an information campaign to inform people about the civil partnership. We anticipate that GLEN will secure funding from the Department for a targeted information campaign to LGB people.

2. ***Inclusive, safe and supportive schools:*** Our goal over the strategy period 2011-2015 will be to build on the partnership with the Department of Education and Skills (DOES) to develop a national strategy on LGB people in education. The most likely configuration of the structure to implement this strategy will be a triangular partnership between the DOES, the education partners, GLEN and other LGB groups such as the Belong To Youth Service. Funding for GLEN from the DOES will be essential to the implementation and sustainability of this kind of strategy structure.

A similar model already exists within GLEN. The Department of Health/HSE fully fund a post within GLEN - Director of Gay HIV Strategies – to develop strategic responses to HIV for gay and bisexual men in conjunction with HSE service providers, hospital services, voluntary bodies, national policy makers in the Department of Health and the Minister for State at the Department of Health.

3. ***Equal and open participation in career and employment:*** A critical success and sustainability factor for GLEN's workplace programmes will be the willingness of employers across all sectors to pay for the services offered by the programme. Building on the substantial links we have already developed with employers, we will focus on building a service which will support and showcase best practice inclusion of LGB people in the workplace.

This service will lead to a significant income stream for GLEN. Utilising the model and resources from Stonewall UK (with which GLEN has developed a strategic partnership) GLEN expect to have 100 public and private sector employers signed up as members of GLEN's Diversity Champion's Programme in the 5th year. This will yield a gross income of €250,000 in that year.

4. ***Health, Well-being and Safety:*** GLEN is currently almost fully funded for the role of Director of Mental Health in GLEN through the National Office for Suicide Prevention and the HSE. This again is the model already in place for Gay HIV Strategies i.e. the GLEN taking a fully funded strategic role within the context of a national strategy, in this case a national health and well-being strategy for LGB people.
5. ***Full participation in social, cultural and political life:*** A critical success factor in the achievements to date in GLEN, and in the achievements of the objectives set out in this plan, is the positive engagement by GLEN with the national political system, including government ministers and politicians across all political parties. A key goal will be to build on this engagement to ensure that there is a momentum of consistent commitment from all levels of the political system (including local and national government) to LGBT issues. This will be critical to sustaining progress across all aspects of the plan.

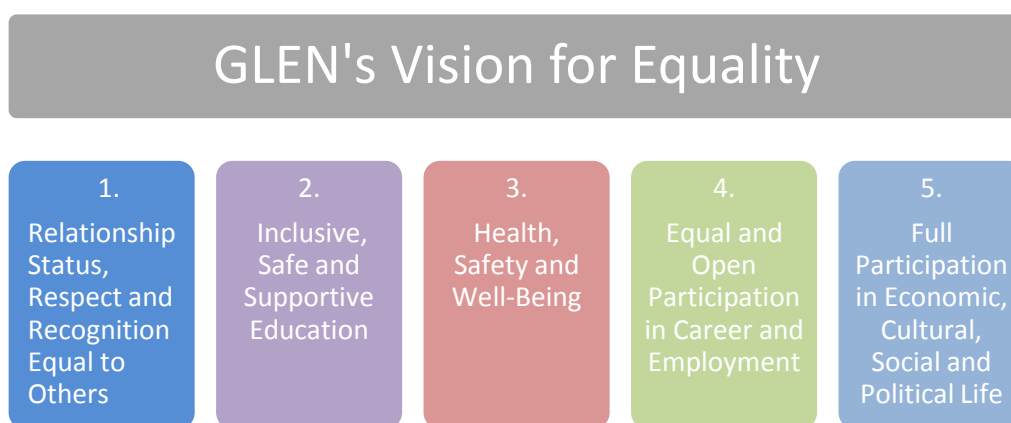
The participation of openly LGB people across politics and in key social and cultural institutions of society is an important factor in achieving this critical momentum.

5. ACHIEVING ENDURING CHANGE: GLEN's Priorities, Approach and Objectives 2011-2015

GLEN and gay/lesbian people are now poised to make a further quantum leap in the next five years, building on the platform of achievement to date.

GLEN will build on the successful approaches described above and the considerable progress achieved through the BSC plan to 'Completing the Task'. The 'Completing the Task' Programme will deliver further dramatic and enduring change across the main aspects of GLEN's vision.

Based on the 'theory of change' and conceptual approach described above, this section summarises in graphic form the priorities for action in order to achieve enduring change across each of the five areas of GLEN's overall vision. These five areas are:



For each of these areas, the following charts summarise:

- The **Starting Point** at the beginning of the GLEN *Building Sustainable Change* Programme in 2006.
- Key **Achievements** and progress since 2006 and GLEN's contribution to this through the BSC Programme.
- The **Challenges** and barriers to addressing remaining gaps and advancing further enduring change.
- The **Opportunities** that have emerged to furthering progress in key areas.
- Finally, the graphs identify GLEN's priority **Objectives** to achieving lasting change across each area of GLEN's overall vision for equality.

A more detailed outline of the analysis presented in the summary graphs is provided in subsequent sections. These sections include a comprehensive discussion of the approach GLEN has found to be consistently successful in advancing legislative and major policy change. These sections also outline the scope of actions which will be undertaken by GLEN to achieve the stated objectives from 2011-2015 in the *Completing the Task* Programme.

Vision: 1. Relationship Status, Respect and Recognition Equal to Others (See Section 7 page 34)

Change the Rules

Change the Culture

Change the Lived Experience

Starting Point 2006

- No legal recognition of LGB couples or families
- No recognition in immigration
- No recognition of parenting or provision for same-sex couple adoption
- Limited *de facto* recognition
- Zappone/Gilligan case prepared
- Rapid change internationally: including Civil Partnership UK (2005)

Achievements 2006 - 2010

- Civil Partnership (CP) Bill based on marriage to be enacted 2010
- CP Bill also provides equal *de facto* recognition with range of protections for same-sex cohabiting couples
- *De facto* recognition in immigration (2008)

Challenges 2010

Children:

- No recognition of children/parenting in CP
- Mc D and L case in Supreme Court - no *de facto* family in Ireland only family based on marriage

Marriage:

- Political consensus on Irish Constitution as barrier to marriage
- Constitution as a barrier not rebutted by any significant body.
- Loss of Zappone/Gilligan case in High Court & uncertainty about appeal to Supreme Court

Opportunities 2010 - 2015

- Law Reform Commission (LRC) process on custody and guardianship of children 2010
- Government Commitment to act on proposals in Renewed Programme for Government
- Law Reform Commission (LRC) consultation on Assisted Human Reproduction

Objective 1: Achieve Legal Recognition of LGB Parenting & Children of LGB People

- Extension of legal guardianship to *de facto* parents
- Recognition in Assisted Human Reproduction (AHR)
- Recognition of children in Civil Partnership; and Eligibility of Civil Partnership as joint adoptive parents.
- See **Section 5** for *Scope of Actions* incl. engaging with Government, all Political Parties & and civil society

Objective 2: Advance Access to Civil Marriage

- Zappone/Gilligan judgement critical to strategy
- If referendum required focus will be on an amendment on family as opposed to marriage for same-sex couples
- If referendum not required or unclear, focus on building institutional and political party support for marriage

Vision: 1. Relationship Status, Respect and Recognition Equal to Others (See Section 7 page 36)

Change the Rules

Change the Culture

Change the Lived Experience

Starting Point
2006

- Growing public support for legal recognition in opinion polls
- Less public support for adoption/recognition as parents
- Limited Political acknowledgement of issue
- Fine Gael CP Proposals 2004 (limited CP)

Achievements
2006 - 2010

- Taoiseach (Prime Minister) launches GLEN BSC programme and states that 'laws will change and will continue to change' to provide equality for LGB people
- GLEN funded by Dept. of Justice to provide Liaison to Government on s/o issues. - Colley
- Legal Recognition of same-sex couples on agenda of all political parties – which has been critical to progress
- All party support for CP Bill – included in election manifestos in 2007 General Election
- 80% public support for legal recognition

Challenges
2010

- Less public support for recognition of same-sex couples as parents
- Continuing opposition from churches and conservative organisations, particularly opposition to same-sex couples as parents
- Continuing opposition among a minority of politicians

Opportunities
2010 - 2015

- Greater visibility of LGB people and couples – should increase with CP ceremonies
- Continuing public support for marriage/Civil Partnership
- No direct opposition by political parties to marriage in the Oireachtas: Minister for Justice has stated that Oireachtas wanted CP to go as far as Constitution allows.

Objective 3: Maximise the Benefits of Civil Partnership across Society

- Address any anomalies or gaps in Civil Partnership in administrative or legislative framework.
- Ensure status and recognition of Civil Partnership is recognised across the whole public and private sectors
- Work with Dept. of Education and Education Partners to ensure new status of Civil Partnership is reflected in policies and curricula on personal relationships.

Vision 1: Relationship Status, Respect and Recognition Equal to Others (See Section 7 page 40)

Change the Rules

Change the Culture

Change the Lived Experience

Starting Point
2006

- 2,090 same-sex couples identified in 2006 Census. Could be up to 50,000 same-sex couples
- Colley says lack of conjugal legal recognition leads to low Status of LGB relationships
- Colley says lack of conjugal legal recognition means couples excluded from protections of marriage
- Fear of separation from children due to lack of recognition of same-sex couples as parents
- Lack of recognition in immigration regulations for same-sex couples. Formation of GLUE, an LGB organisation to work on issue. Immigration is issue most frequently raised by callers to

Achievements
2006 - 2010

- Non-EU partners of same-sex couples now getting work visas if in relationship for more than 2 years
- CP will deliver extensive protections (both status and legal protections)
- Heightened aspirations – many LGB people demanding marriage

Challenges
2010

- LGB Lives study 2009 – one third not 'out' to others- barrier to uptake of Civil Partnership
- Older people may be less 'out' – yet older people more likely to need legal protections
- Difference over marriage/CP- sense among some LGB people of CP as defeat
- Lack of awareness of extent of legal consequences of Civil Partnership.
- Again, little public or political support for recognition and support of LGB families/parenting

Opportunities
2010 - 2015

- State bodies (including Registrars) gearing up for Civil Partnership.
- Professional bodies beginning to gear up their members to support the roll-out of Civil Partnership (e.g. Law Society).
- Support growing for LGB families among key professional and voluntary bodies.
- Government to initiate information campaign on Civil Partnership once enacted. Could build on work already done by GLEN – e.g. Q&A on Civil Partnership by Dr. Fergus Ryan.

Objective 4: Maximise the Benefits of Civil Partnership for LGB People

- Engage comprehensively with Government information campaign on Civil Partnership, once enacted
- Engage with professional bodies, Citizens Information Centers, older people's organisation etc. to provide information and support on Civil Partnership, with a focus on the more vulnerable couples

Vision 2: Inclusive, Safe and Supportive Schools (See Section 8 page 49)

Change the Rules

Change the Culture

Change the Lived Experience

Starting Point 2006

- No DoES or Education Partner policy on supporting LGB young people in schools
- Equal Status (ESA) 2000/4 includes education and sexual orientation as ground for protection
- ESA specific duty for schools management (no exemptions)
- S37 of Employment Equality Act (EEA) barrier to teachers 'coming out': negative climate for students
- Relationships and Sexuality Education (RSE) has limited inclusion of sexual orientation
- Dept. of Education and Science (DoES) new school template on anti-bullying policy includes homophobic bullying
- LGB people not included as target group in Educational Disadvantage Policies

Achievements 2006 - 2010

- DoES/GLEN Guidelines for School Principals (2009)
- Guidelines first DoES policy on sexual orientation issues for school
- Guidelines endorsed by Catholic School Management Bodies & all Education Partners
- Joint Oireachtas Cttee on Education calls on DoES to address homophobic bullying within SPHE

Challenges 2010

- *Guidelines* implementation still not a requirement at school level
- As no cases taken under ESA re education- legal liability of schools for discrimination or harassment often not apparent
- Churches still control education – not one non-denominational 2nd level school in country
- Political resistance to engaging on any issues related to sexuality/relationships among young people and in particular to s/o issues (e.g. no senior Minister has yet engaged on s/o in schools)
- Approach in schools reflects Catholic view of 'respecting the sinner not the sin': respect LGB

Opportunities 2010 - 2015

- Engagement on homophobic bullying creates opportunities for broader work with Ed. Partners
- *LGBT Lives* research documents educational disadvantage. Can now target relevant policies
- CP will make it more difficult to exclude same-sex couples from education sphere (e.g. RSE., Teachers, S37)
- GLEN/DoES strategic partnership a positive platform for further progress
- Growing acknowledgement that primary schools also have to deal with sexual orientation

Objective 5: Mainstream S/O issues & Support of LGB Students across all DoES areas

- This will lead to:
 - Inclusion in Anti-bullying, curriculum, educational disadvantage, whole school evaluation, support and research and data collection
 - Ongoing funded role for GLEN (or specific role with DoES)
 - See **Section 6** for *Scope of Actions* including engagement with Government, Ministers, DoES

Objective 6: Remove barrier of Section 37 & barriers to other protections by teachers

- Clarification of legal implications of S 37 and requirements of schools on other legislation (e.g. Unfair Dismissals)

Vision: 2: Inclusive, Safe and Supportive Schools (See Section 8 page 51)

Change the Rules

Change the Culture

Change the Lived Experience

Starting Point 2006

- Policy/practice at school level almost totally absent:
 - 90% of schools do not refer to homophobic bullying in anti-bullying policies
 - Majority of teachers aware of homophobic bullying
 - 2 out of 5 teachers believe disapproval by Boards of Management (BoM)/Trustees hinder LGB issues being addressed (Norman et al 2006)
- No Education Partner has policy/practice on sexual orientation
- First anti-homophobic bullying campaign (Eq. Authority/BeLong To) 2006, but limited uptake
- First Trade Union (TUI) LGB group - INTO

Achievements 2006 - 2010

- Education Partners engage on LGB students in Valuing Visibility and Guidelines
- Catholic School Management Bodies support GLEN/DoES Guidelines
- NAPD taken on responsibility for training Principals on combating homophobic bullying
- TU take on role to upskill teachers members on safety and inclusion of LGB students
- TU establish support groups for teachers (ASTI/TUI) & develop policy for members on s/o issues
- NCGE produce guidelines for School Guidance Counsellors on LGB issues (2010)
- Pobal develop resource guide for 2nd level & informal education sector on s/o issues (2006)

Challenges 2010

- Church control of Education
- Sexuality among young people a sensitive issue in Irish society & reluctance to differentiate between sexual identity and sexual behaviour, or see
- Refusal to see relevance between s/o identity and performance and participation in school
- Some individual members of Education Partner bodies (e.g. parents council) firmly opposed to progress, with potential to block any further progress

Opportunities 2010 - 2015

- Increasing visibility and status of LGB people & families - State (CP) & broader societal recognition
- Visibility of young LGB people significantly enhanced through activities led by BeLong To & others.
- Engagement of JMB on *Guidelines* = opportunity for further progress in church-controlled context

Objective 7: Teacher Training Strategy to Fully Incorporate LGB issues

- Development by Teacher Training System (3rd level, Teaching Council etc.) of a strategy to fully incorporate LGB issues in teacher training and professional development

Objective 8: School Management Bodies Strategy on Inclusion of LGB People in Schools

- School Management Bodies and Trustee Bodies to develop a strategy on inclusion and participation of LGB young people in schools, building on the GLEN/DoES *Guidelines*

Objective 9: Mainstream LGB issues with all Education Partners

Vision: 2: Inclusive, Safe and Supportive Schools (See Section 8 page 52)

Change the Rules

Change the Culture

Change the Lived Experience

Starting Point 2006

- Equality Authority Report (2002)
 - 57% of LGB people experience bullying in schools & 8% left school early as a result
- Lynch & Lodge (2002)
 - LGB young people most marginalised in schools: 'gay' main term of abuse in schools
- Minton et al. (2006)
 - Three quarters of young people experienced verbal abuse in schools
 - 2 out of 5 experienced physical abuse
 - 10% left school early

Achievements 2006 - 2010

- Most comprehensive study of LGBT people's lives and experiences in education completed (*LGBT Lives* 2009). Confirms that significant problems still faced by LGBT young people in schools
- Some limited progress in schools, but adequate data not available.

Challenges 2010

- Younger people coming out earlier in schools, and so at extreme risk if schools do not respond.
- Change in ages in which young people coming out to themselves (1995 CPA = 15; 2009 *LGBT Lives* = 12). Increase in demand for and numbers attending services, e.g. BeLong To.
- Continuing challenges for young people identified in *LGBT Lives*
- Lack of longitudinal data on LGBT lived experiences, so difficult to assess impact of policy

Opportunities 2010 - 2015

- Greater number of LGBT specific youth services throughout country and increase in anecdotal evidence of experiences of young people coming out in schools
- Resourced LGBT young person's group – BeLong To – with service provision, advocacy and training personnel
- Outcomes from NAPD/GLEN/BeLong To schools' training providing more safety in schools
- Progressive change in Rules and Culture identified above lead to increase in schools with effective and inclusive practice & create more supportive contexts in schools for young LGBT

Objective 10: Regular Data Collection to Monitor and Inform Progress

- Engage with ESRI and other data collection/research bodies to ensure LGBT experiences included in all relevant research

Vision 3: Health, Well-Being and Safety (Section 9 page 56)

Change the Rules

Change the Culture

Change the Lived Experience

Starting Point
2006

- No Professional Body in health sector has policy on meeting LGB needs or on 'reparative therapy'
- HSE funds some LGBT groups, but has no formal or comprehensive policy on LGBT health
- LGB issues not named in Mental Health policies, though some progress with sexual orientation named as risk factor in *Reach Out*, the national suicide prevention strategy (NOSP).
- No data on broad health and mental health experiences and issues for LGBT people
- Incitement to Hatred Legislation includes sexual orientation (1989)

Achievements
2006 - 2010

- Formal Policy & Good Practice Guidelines in a range of professional organisations including College of Psychiatry in Ireland, Irish College of General Practitioners, Psychological Society of Ireland.
- Statements against reparative therapy from CPI, PSI, Irish Assoc. of Social Workers.
- HSE develop first comprehensive strategy on meeting health needs of LGBT people
- NOSP fund strategic approach to mental health – Director of Mental Health in GLEN

Challenges
2010

- Economic crisis impacting Health sector in particular – less scope for policy and programme development, and scarce resources, including HSE personnel
- Continuing levels of conservatism in some health and social care professions and resistance to 'special treatment' for LGBT people.
- Incitement to Hatred legislation weak and no consensus on Hate Crimes legislation
- 'Homosexual Panic' defence still used in some cases to excuse homophobic attack
- Inadequate Garda data collection, so difficult to assess effectiveness of Garda LGBT strategy.

Opportunities
2010 - 2015

- New high-level committee in HSE provides basis for translating policy into action
- Garda Diversity Strategy for LGBT people provides framework to consolidate and build on significant achievements to date
- Greater visibility of safety issues for LGBT people especially through EU FRA and EU Officials Network (including Dept. of Justice).

Objective 11: HSE Develop Comprehensive LGBT Health Strategy across Life Cycle

Objective 12: LGBT Inclusive Practice in all Health & Social Care Professional Bodies

Objective 13: Adequate Legal Protections from Hate Crimes for LGBT People

Vision: 3 Health, Safety and Well-Being (Section 9 page 58)

Change the Rules

Change the Culture

Change the Lived Experience

Starting Point
2006

- LGB people largely invisible in mainstream policy (except in HIV/Aids)
- HSE funding provided for LGB Groups. HSE most significant source of funding for LGB groups.
- Assumption among health and other service providers that 'not discriminating' against LGB people is the same as providing inclusive and accessible service
- Good confidence building measures between Gardaí and LGBT community
- Garda Liaison Officers to LGBT community in main cities 2003 v- 2005

Achievements
2006 - 2010

- President of Ireland launches Mental Health Booklet 2010. President makes very strong statements in support of LGBT people
- Minister for Health launches *Supporting LGBT Lives* – the most comprehensive study on LGBT people's circumstances, mental health and well-being.
- Irish Hospice Movement develop first ever booklet on death of same-sex partner
- Garda/GLEN Community Safety Strategy launched by Minister for Justice (2006)
- Liaison Officers to the LGBT community appointed in every Garda division in country
- Major study on lives of Older LGBT people funded and commissioned (2010)

Challenges
2010

- Stigma attached to LGBT people still a significant force in society –LGB Equality is still only equality ground contested by main churches
- Churches still have significant role in Health sector and religious bodies still major role in social care for older people
- Resistance in the Gardaí to moving LGBT issues into the mainstream

Opportunities
2010 - 2015

- CP will have very significant impact on Health Services – e.g. will be required to record 'civil status' of service users and will have to provide equal respect as 'next of kin'
- Significant support from senior politicians for LGB people (e.g. President of Ireland)

Objective 14: Comprehensive implementation of HSE strategy across whole HSE

Objective 15: Suicide prevention & mental health promotion agencies fully inclusive

Objective 16: Establish Inter-professional forum to mainstream LGBT Health

Objective 17: Gardaí fully integrate protection of LGBT people in all areas

Vision: 3 Health, Safety and Well-Being (Section 9 page 60)

Change the Rules

Change the Culture

Change the Lived Experience

Starting Point
2006

- 13% of LGB respondents scored negatively on a set of ESRI indicators of mental health and distress compared to 1% of the Irish population as a whole
- Psychological health of LGB people found to be significantly affected by anti-gay discrimination and difficulties trying to conceal sexual orientation from others
- 25% of LGBT people have been 'kicked, hit, punched or beaten' because of their sexual orientation
- 74% did not feel safe showing affection for someone of same sex in public
- 80% did not report attacks to police

Achievements
2006 - 2010

- *LGBT Lives* defines clearly the consequences of 'minority stress', the impact on LGBT people of stigma, discrimination and social exclusion
- However, 80% now 'comfortable' with their LGBT identity.
- Study also reiterated earlier findings:
 - 25% punched, hit, kicked beaten
 - 80% had been verbally abused because of their LGBT identity
- Funding secured for National LGBT Helpline – one freephone number linking all 9 LGBT Helplines nationally and associated capacity building measures in those helplines.

Challenges
2010

- Still significant experiences of physical and verbal violence
- Indications that younger, urban LGBT people more at risk

Opportunities
2010 - 2015

- Positive visibility through new status of CP will encourage more reporting
- GLEN/EU Projects on policing will create third reporting mechanisms for LGBT people

Objective 18: Implement Strategies to promote LGBT people's use of Health Services

Vision 4: Equal and Open Participation in Career and Employment (See Section 10 page 65)

Change the Rules

Change the Culture

Change the Lived Experience

Starting Point 2006

- Employment Equality Act (EEA) 1998 includes sexual orientation as protected ground
- Section 37 of EEA provides exemption if discrimination necessary to protect religious ethos
- Unfair Dismissals Act (1993) protection on grounds of sexual orientation without any exemption.
- Irish equality legislation (unlike NI) no statutory duty on public bodies to promote equality.
- No legal requirement on employers to recognise same-sex partners in pension or workplace benefits including health care

Achievements 2006 - 2010

- Parental Leave Act (2006) includes same-sex partners in 'force majeure' leave
- EU Free Movement Directive into Irish law (2006) – benefits non-EEA partners of EU citizens
- Govt extend *de facto* recognition in immigration (2008) to same-sex non-EEA partners of Irish citizens
- CP provisions will treat partners the same as spouses in: pensions, income tax, immigration
- CP amends Equal Status and EEA to prevent discrimination against same-sex partners
- CP amends EEA to ensure any workplace benefits provided to children or relatives of spouse must also be provided to children or relatives of civil partners

Challenges 2010

- Changing S37 of EEA involves direct confrontation with churches over what will be perceived as issues of religious freedom. Possibility of tension with other areas of GLEN's work in Education
- Significant resistance to including positive duty on public bodies
- Difficulty in establishing political priority for employment equality issues in current economic

Opportunities 2010 - 2015

- Consensus among 3 Teachers Unions on impact of S37 of EEA
- Equality Authority has identified S37 as barrier to equality, requiring amendment.
- S37 provisions have not yet been tested. Case to Equality Tribunal could limit significance.
- CP will provide state-sanctioned status to same-sex couples. More difficult to justify discrimination in that context
- Growing acknowledgement among Govt, Statutory bodies and major employers of link between equality/diversity and economic competitiveness = rationale for prioritising equality.

Objective 19: Minimise impact of Section 37 of EEA

- GLEN to strike balance between goal of removing S37 and GLEN work building support among religious controlled school management bodies to support LGB school goers
- See **Section 8** for *Scope of Actions* including engagement with national representative Employer and Union bodies and with individual large employers

Vision: 4. Equal and Open Participation in Career and Employment

(See Section 10 page 67)

Change the Rules

Change the Culture

Change the Lived Experience

Starting Point
2006

- Limited evidence of employers moving beyond compliance to proactive policies for LGB staff
- Limited or no analysis by key national economic agencies or research bodies of links between diversity, equality and the economy.
- Evidence that equality/diversity policies considered onerous by some employers
- ICTU (Congress of Trade Unions) progressive on LGB issues, building on earlier initiatives. More limited progress with individual unions.

Achievements
2006 - 2010

- ICTU/GLEN conference on LGBT issues in the workplace (2008)
- PSEU union undertake first major survey of members by a trade union on LGBT issues
- Tánaiste launches first comprehensive guide for Employers on LGBT issues, endorsed by IBEC, ICTU and Equality Authority
- GLEN work with Dublin Employment Pact to bring US economist Richard Florida to Dublin – thesis of strong link between diversity (including LGB people) and economic success
- GLEN and ICTU develop resource for LGBT employees (2010)
- Emergence of employee networks – mainly US companies, but also Gardaí, Universities etc.
- LGBT member networks established in all teachers unions & SIPTU
- Significant demand for employers for info on CP – seminars in Microsoft and Citi

Challenges
2010

- Still few Irish employers with proactive equal opportunities for LGB people
- Lack of positive duty for employers in public services a significant barrier to engagement.
- Impact of economic downturn – more difficult to promote equality in context of labour surplus
- SME's have limited human resources infrastructure making it more difficult to adopt diversity strategies.

Opportunities
2010 - 2015

- CP raises profile of LGB people in employment, with consequent demand from employers for info on their legal duties
- More people 'coming out' in higher status and more conservative workplaces (e.g. gay doctors)
- Development by GLEN of close relationship with Stonewall UK and their workplace programme - Diversity Champions (employers pay Stonewall for service relating to LGB)

Objective 20: Implement Diversity Champions Programme

- Replicate Stonewall (UK) Diversity Champions Programme in an Irish context.
- Will lead to service delivery role for GLEN – information provision, profiling of good practice, provision of networking opportunities.

Objective 21: Use workplace implementation of CP to promote profile of LGBT people

- Use implementation of Civil Partnership by employers to promote the profile and status of LGB people in the workplace.

Vision: 4. Equal and Open Participation in Career and Employment

(See Section 10 page 68)

Change the Rules

Change the Culture

Change the Lived Experience

Starting Point
2006

- GLEN/Nexus 1995 - only study on LGB people in employment
 - Only 40% out to others at work
 - 40% had experienced harassment in current workplaces because assumed to be LGB
 - 39% avoided categories of work due to fears of discrimination in those areas

Achievements
2006 - 2010

- *LGBT Lives* study (2009) gives up to date data on workplace experiences.
 - 70% out to at least some of their work colleagues
 - 3.2% verbally threatened in current workplace, 15% in previous.
 - 8.9% called hurtful names in current workplace, 25% in previous
 - 1.9% missed work to avoid being threatened in current workplace, 9.3% in previous
- Study suggests that experience of harassment in workplace diminished, but may be that people move to safer employment to avoid harassment.
- NLGF *Burning Issues* survey (2009) confirm that workplace most significant issue for LGBT

Challenges
2010

- Although diminished, prejudice and discrimination in workplace still a significant reality
- Even as culture shifts positively for LGB people, legacy of past stigma still impacts on LGB people especially on confidence to be out at work (e.g. recent UK Liberal Party politician David Laws)
- Lack of role models of successful openly lesbian or gay people across all stages of career path and across all sectors (e.g. very few out politicians)
- In current economic climate, LGB people more risk averse to coming out and employers less

Opportunities
2010 - 2015

- Expansion of equality legislation through CP will increase legal protections and benefits for LGB people in the workplace.
- CP alters status of *all* LGB people by changing perceptions. Employers providing benefits for civil partners will increase status and visibility of LGB people in the workplace
- Development of LGBT networks across range of high-status companies provides important opportunity for LGB people to be open and confident in the workplace generally.

Objective 22: Promote the development of Employee and Professional Networks

- Synergies with other GLEN work – e.g. professional networks in health and social care professionals; in legal profession etc.
- Focus on sectors where little progress has occurred.

Vision 5: Full Participation in Political, Social and Cultural Life (See Section 11 page 72)

Change the Rules

Change the Culture

Change the Lived Experience

Starting Point
2006

- Strong national policy on equality for LGB People (Equality Authority and NESF Reports)
- But: LGB people and issues largely excluded from government policy and programmes and key policy or institutional decision making structures.
- No core funding for LGB groups in national community or local development programmes, and not target group in those programmes
- No links or structures of engagement between LGB groups and government departments
- No political party has policy on mainstreaming participation of LGB people in their parties

Achievements
2006 - 2010

- Dept. of Justice fund GLEN to act as liaison to Dept on sexual orientation issues, and Dept. facilitates engagement across all government departments.
- GLEN appointed to Colley Group (on Relationship Recognition)
- GLEN Chair appointed to Board of the Equality Authority
- LGBT people named as target group in national community development programme, and good practice guide on LGBT inclusion in community development published
- NESF include extensive indicators on circumstances and needs of LGBT people across life cycle
- Ogra Fianna Fail develop, with GLEN's support, comprehensive policy on LGB equality

Challenges
2010

- Limited progress on core funding for LGB groups through national social inclusion programmes
- Economic collapse has seriously impacted on funding opportunities
- Resistance to including LGB people in national anti-poverty and social inclusion strategies
- Significant church presence in national social partnership

Opportunities
2010 - 2015

- LGBT Diversity programme established
- Belong To Youth Service has strong presence in youth sector
- Development of LGBT Networks with specific employers or professions, and development of LGBT groups within political parties (e.g. Labour LGBT)
- Incorporation of Equality into Dept. of Community, Equality and Rural Affairs with dedicated Minister
- GLEN Chair on Board of Equality Authority and well developed liaison with EA

Objective 23: Government-wide Strategy on Full Participation of LGB People

Objective 24: Mainstream LGBT participation at every level of Political System

Vision: 5. Full Participation in Political, Social and Cultural Life (*See Section 11 page 74*)

Change the Rules

Change the Culture

Change the Lived Experience

Starting Point
2006

- Limited data sources to assess public attitudes to homosexuality and to the full and open participation on LGB people across all aspect of Irish life
- Some evidence that public attitudes to LGB people less favourable than in other EU countries (1999, EU study shows 26.9% would not like LGB neighbour)
- However, periodic surveys show strong support for legal recognition of same-sex couples

Achievements
2006 - 2010

- Emerging more favourable attitudes to LGB people:
 - 2008 EU Survey: only 6% would be uncomfortable with LGB neighbour
 - 60% felt comfortable electing an LGB person to the 'highest political office'
- Irish focus group surveys show positive shift in attitudes to LGB people over last decade and indicate that out LGB people would play important role in dismantling anti-gay prejudice
- All political parties support legal recognition of same-sex couples
- Positive and affirming Dáil debates on CP entirely different from those of gay law reform in 1993

Challenges
2010

- Churches opposed to equality for LGB people, and are still a significant force in Irish society
- Few visibly 'out' LGB people in key areas of society, including politics, broadcasting or across the professions
- Lack of visibly 'out' people across society also perpetuates view of LGB people as inherently socially excluded
- Still a view of homosexuality as being purely sexual as against being part of a person's identity, particularly in regard to love and relationships

Opportunities
2010 - 2015

- LGBT Diversity offers significant opportunities to mainstream policy gain at local and regional level so that LGBT people can benefit from the gains.
- Civil Partnership and debate on legal recognition has helped move view of LGB people to one embracing relationships, love and families
- Church is a weakened force and people less like to take lead on sexual morality issues from them.

Objective 25: Mainstream Inclusion of LGBT People in key Civic & Cultural Institutions

Vision: 5. Full Participation in Political, Social and Cultural Life (See Section 11 page 76)

Change the Rules

Change the Culture

Change the Lived Experience

Starting Point
2006

- 1995 GLEN Survey shows only 49% realise their LGB identity by age 15 & only 38% out by age 20
- LGB groups, services or social spaces in large cities, but little available in many parts of country
- Significant growth in LGBT cultural events, with some now receiving mainstream support (e.g. Arts Council fund Film Festival and Theatre Festival in Dublin)
- Some LGB sporting activities, but no support from national sporting bodies
- No openly LGBT TDs, one Senator (David Norris) and few openly LGBT local councillors
- Only one political party has LGBT section -the Labour Party

Achievements
2006 - 2010

- Surveys show more LGBT people realising and disclosing their identity at earlier age. (average ages for realisation is 12 years; average age of disclosure 17 years – *Supporting LGBT Lives*)
- New LGBT organisations outside largest urban centers – Kilkenny, Kerry, Wicklow, Clare, Sligo, Mayo
- Bingham (gay) Rugby World Cup held in Dublin in 2008 with significant support from IRFU
- Huge growth in numbers attending Pride: 22,000 in 2010, compared to 5,000 in 2006.
- Very significant rise in coverage of LGB issues in media. and more positive or neutral portrayal

Challenges
2010

- Coming out at a younger age makes it more important that schools, families and communities are supportive of young LGBT people.
- Far less access to LGB facilities, including social facilities or places to meet, for LGBT people outside the larger urban centers

Opportunities
2010 - 2015

- *LGBT Diversity* programme offers significant opportunities to build local and regional capacity to deliver national gains directly to LGBT people on the ground, and to build strategic linkages at local and regional levels with local government, statutory and other service providers.
- *LGBT Diversity* provides opportunity for LGBT people's issues to feed into national policy including through strategic linkages with GLEN, BeLong To and TENI
- CP Implementation will contribute to status of LGB people and will advance participation in society
- First study on lives of older LGBT people will be catalyst to progress for older people

Objective 26: Maximise Opportunities to deliver national gains at local & regional level

- Work with *LGBT Diversity* to build capacity to implement national gains at local and regional level.

6. LOGIC MODELS for *Completing the Task*.

6.1 Summary of Objectives

The preceding section described the starting points, achievements, current challenges and opportunities that led to the development of the series of objectives included in the Plan. these Objectives are collected below.

This section continues by describing the Logic Models encompassing inputs, activities, outputs, short and long term outcomes across the five principal policy areas of GLENs work.

Vision 1: Relationship Status, Respect and Recognition Equal to Others

- Objective 1: Achieve Legal Recognition of LGB Parenting and Children of LGB People
- Objective 2: Advance Access to Civil Marriage
- Objective 3: Maximise the Benefits of Civil Partnerships Across Society
- Objective 4: Maximise the Benefits of Civil Partnerships for LGB People

Vision 2: Inclusive, Safe and Supportive Education

- Objective 5: Mainstream Sexual orientation issues and support of LGB students across all policy areas of the Department of Education and Science (DoES)
- Objective 6: Remove Barriers Presented by Section 37 of the EEA and other barriers to availing of other legislative protections
- Objective 7: Teacher Training Strategy to Fully Incorporate LGB issues.
- Objective 8: School Management Bodies Strategy on Inclusion of LGB People in Schools.
- Objective 9: Mainstream LGB issues across all Education Partners' policy and practice
- Objective 10: Regular data collection to monitor progress and highlight experiences of LGBT young people in schools.

Vision 3: Health, Well-Being and Safety

- Objective 11: HSE develop comprehensive strategy on LGBT health and well-being across the life cycle.
- Objective 12: All health and social care professional and regulatory bodies will have policies on LGB-inclusive practice
- Objective 13: Ensure that adequate legal protections are in place such that LGBT people are fully protected from intimidation, harassment and violence.
- Objective 14: Ensure comprehensive implementation of HSE LGBT Strategy across all aspects of the work of the HSE.
- Objective 15: All suicide prevention and mental health promotion agencies are fully inclusive of LGBT people
- Objective 16: Establish an inter-professional forum to comprehensively mainstream LGBT issues across the entire health sector
- Objective 17: Garda Síochána fully integrate protections for LGBT people across all aspects of policing
- Objective 18: Implement strategies to promote LGB people's use of health service. .

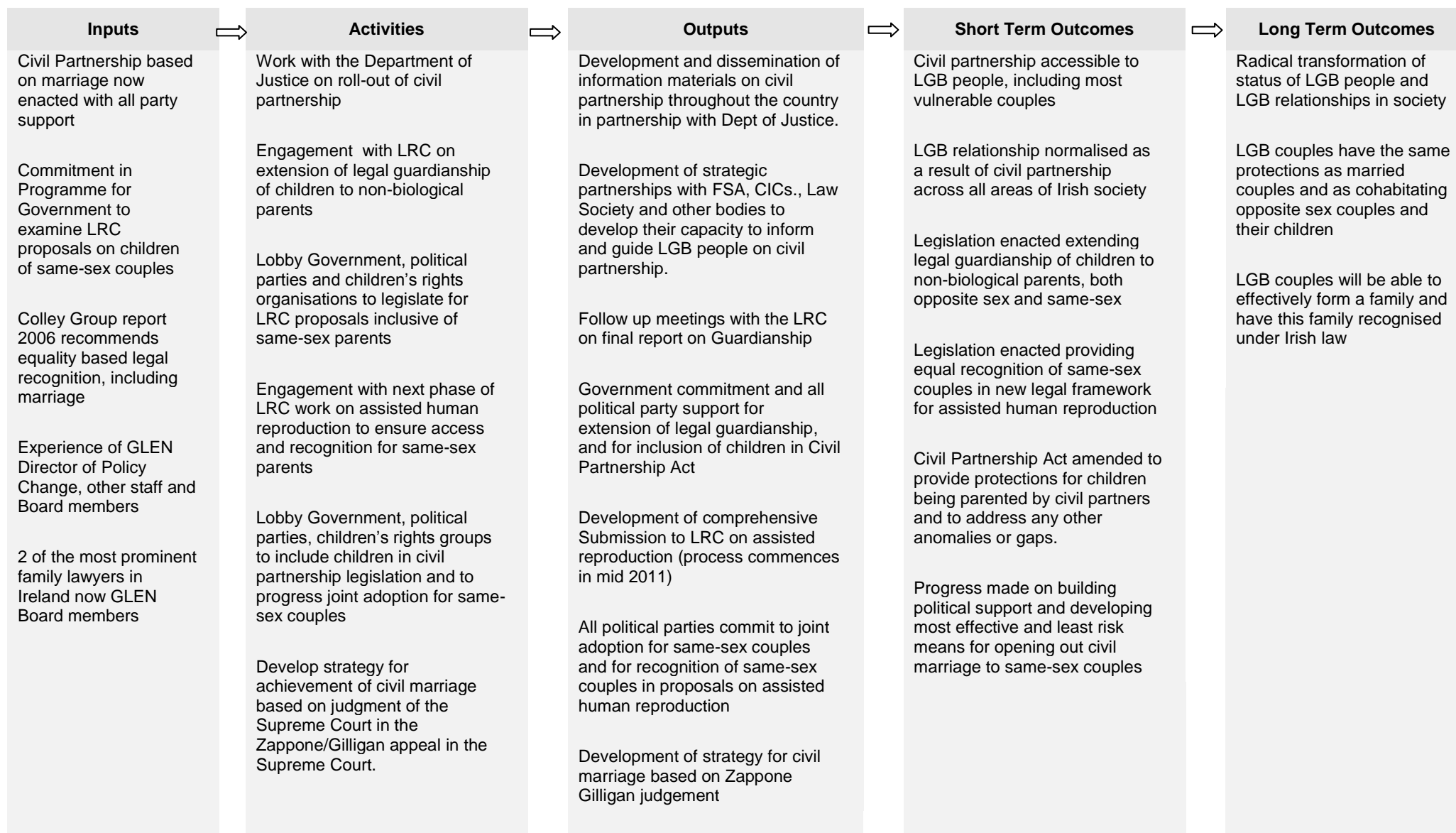
Vision 4: Equal and Open Participation in Career and Employment

- Objective 19: Minimise Impact of Section 37 of the Employment Equality Act (religious ethos exemption)
- Objective 20: Implement a Diversity Champions Programme
- Objective 21: Build on workplace implementation of Civil Partnership to promote profile of LGB people in the workplace.
- Objective 22: Promote the development of LGB Employee and Profession Networks

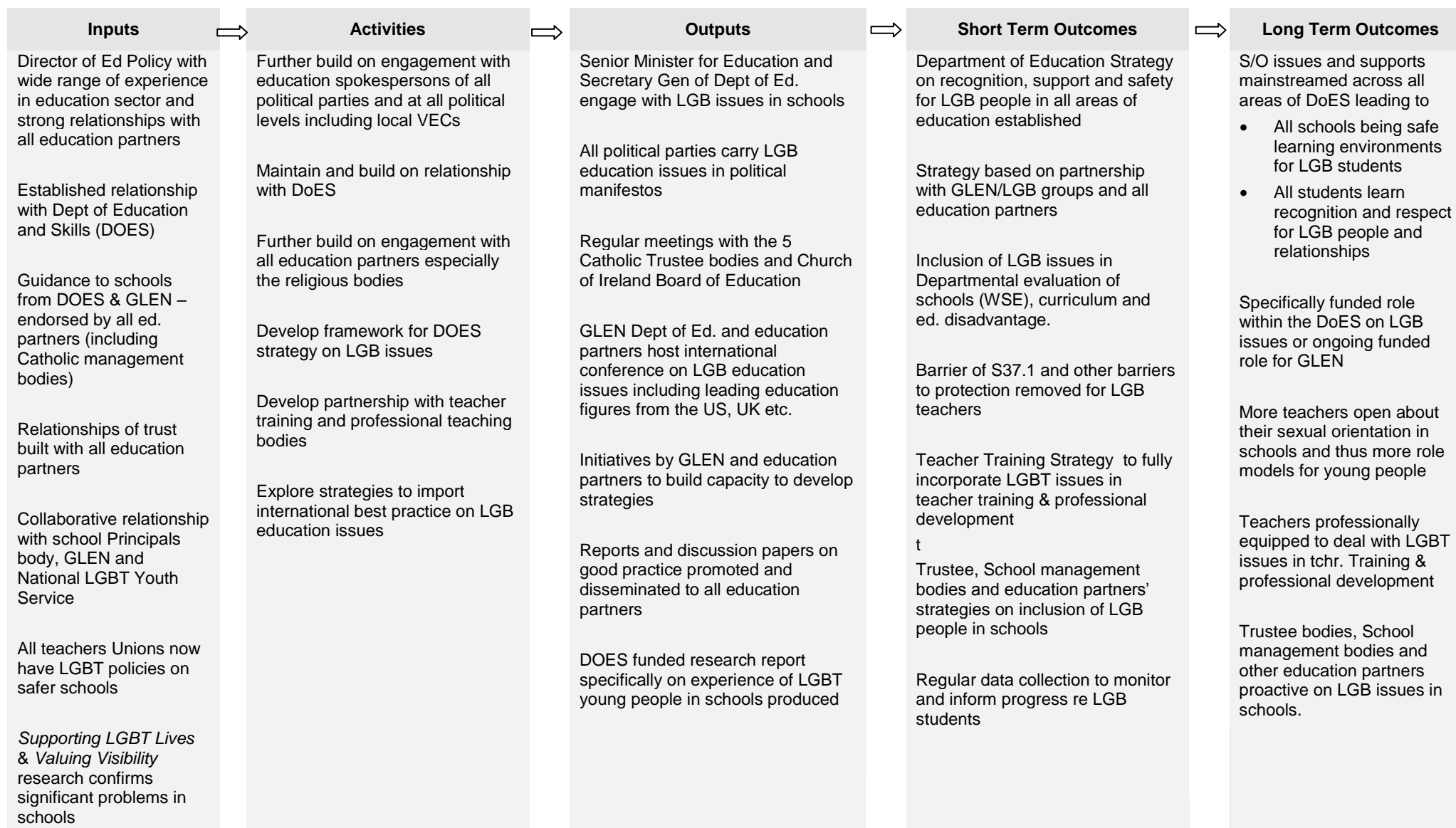
Vision 5: Full Participation in Political, Social and Cultural Life

- Objective 23: Government Wide Strategy on Full Participation of LGB People
- Objective 24: Mainstream the participation of LGBT people at every level of the political system
- Objective 25: Mainstreaming inclusion of LGBT people in key civic and cultural institutions
- Objective 26: Maximising Opportunities to deliver national policy gains at local and regional level through supporting LGBT Diversity Programme

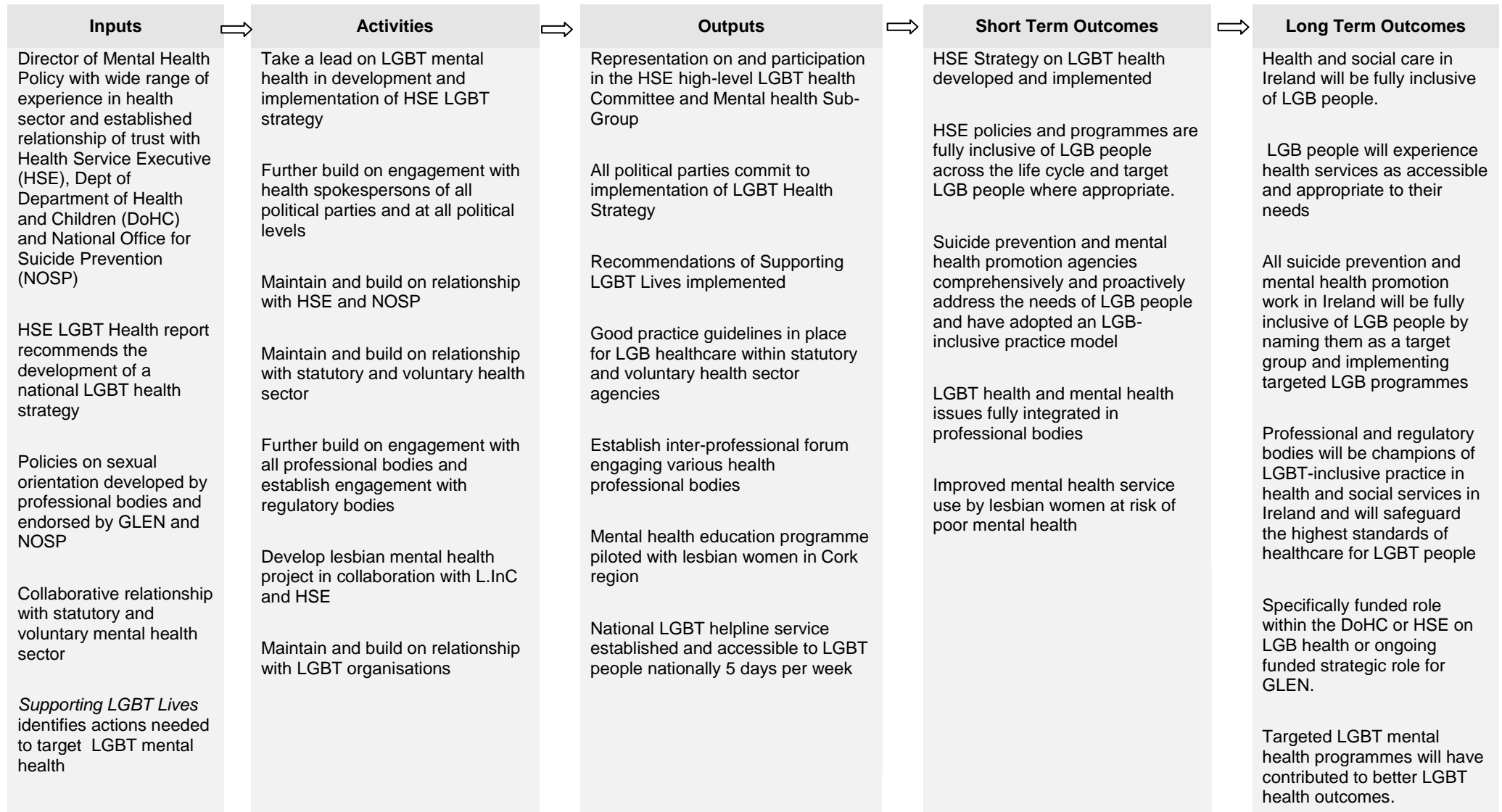
6.2 Logic Model: Relationship Status, Respect and Recognition



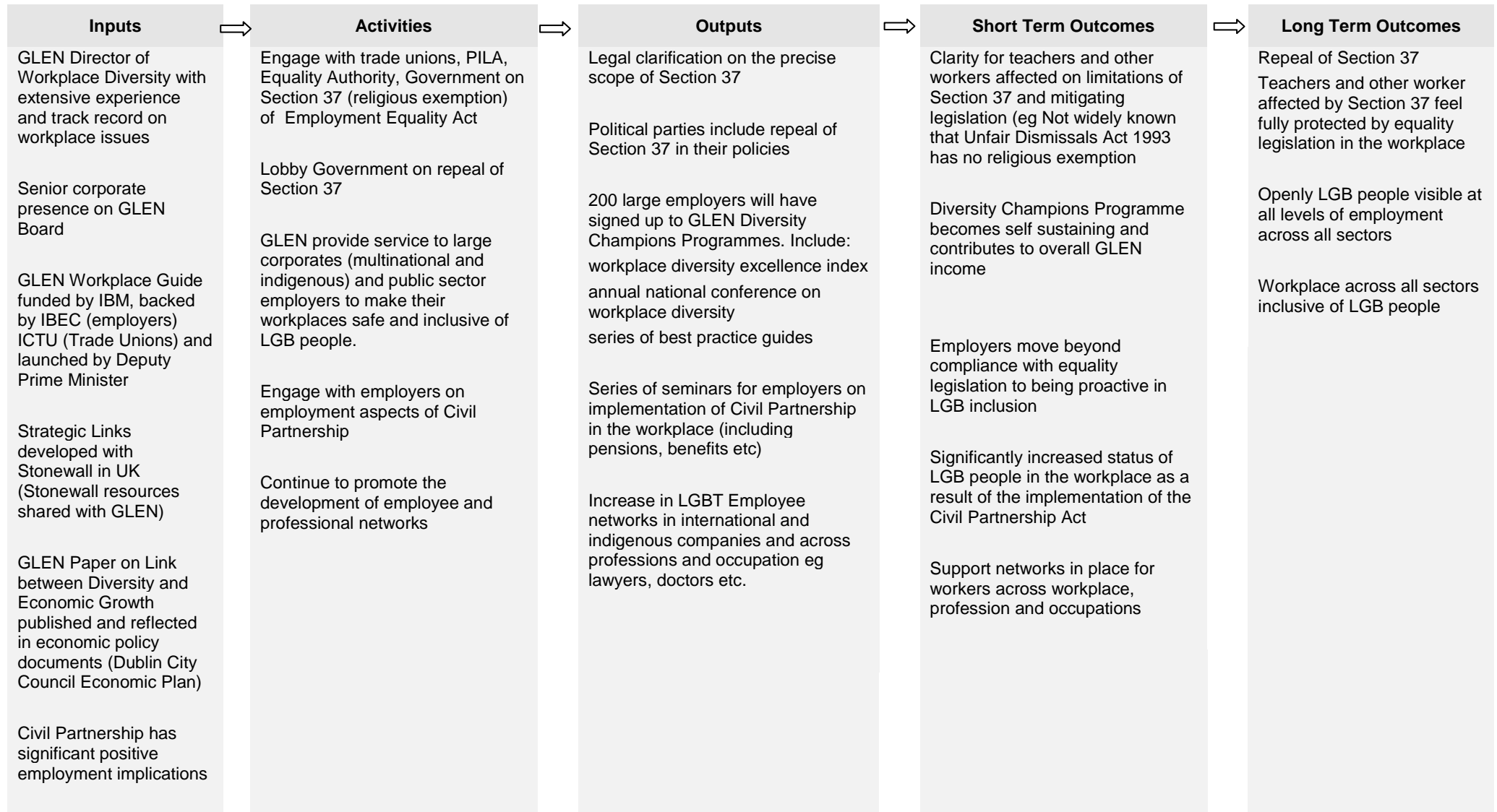
6.3 Logic Model: Inclusive, Safe and Supportive Education



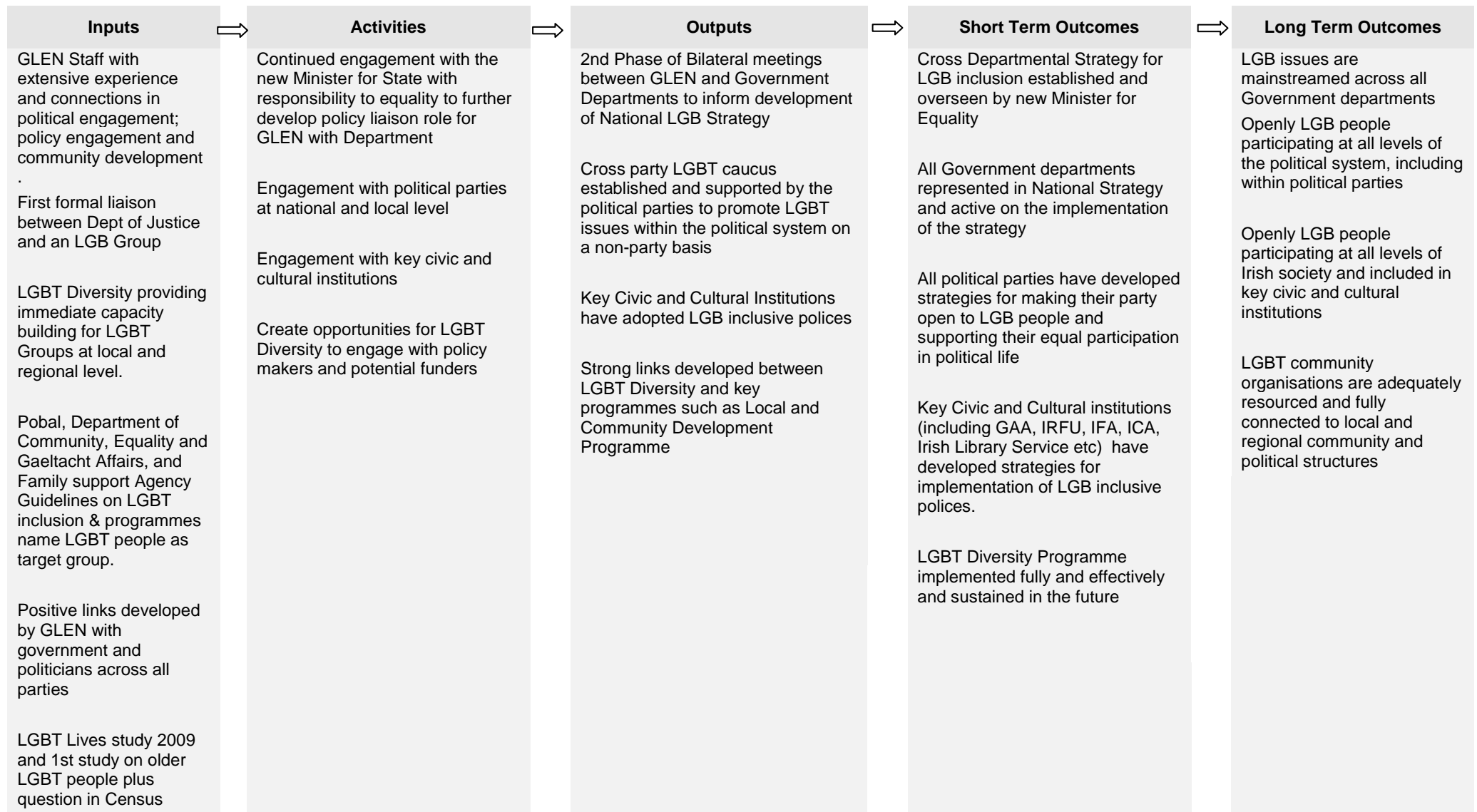
6.4 Logic Model: Health, Well-Being and Safety



6.5 Logic Model: Equal and Open Participation in Career and Employment



6.6 Logic Model: Full Participation in Political, Social & Cultural Life



7. VISION 1: Relationship Status, Respect and Recognition Equal to Others.

7.1 LGB Relationships: Changing the Rules

Changing the Rules: STARTING POINT 2006

At the commencement of the BSC Programme in 2006 lesbian and gay couples were almost wholly unrecognised in Irish law.² In particular:

- LGB couples were not entitled to marry in Ireland nor were there any alternative forms of legal recognition such as Civil Partnership. Also, family is defined in the Irish Constitution as being based on marriage.
- Unmarried opposite sex couples and same-sex couples were treated differently in a number of legislative areas and in a range of schemes for social welfare (unmarried opposite sex couples for example, were entitled to greater protections under domestic violence legislation than was the case for same-sex couples).
- Same sex couples were not recognised for immigration purposes.
- As only married couples could jointly adopt a child, it was not possible for same-sex couples to jointly adopt a child, not were there any other legal means (with the exception of testamentary guardianship) for a non-biological parent to establish a legal connection with the child they were co-parenting.

The BSC Programme sought to change this landscape by seeking access to civil marriage and equality in legal recognition of de facto relationships. The Programme also set out to identify and act on opportunities to address issues of immediate pressing concern to LGB people, couples and their families. These included lack of recognition in immigration regulations which was threatening many couples (including Irish people who wished to return to Ireland with their Non-EU partners), with separation and loss.

Changing the Rules: ACHIEVEMENTS 2006-2010

In 2010, the final year of the BSC Programme, huge progress has been made in delivering on the objectives on relationship recognition. In particular:

- **Civil Partnership closely based on marriage** A Government Civil Partnership Bill is at an advanced stage in the Oireachtas and is likely to be enacted and commenced by early 2011. This will provide same-sex couples who register their Civil Partnership most of the substantive rights and obligations that flow from civil marriage.
- Civil Partnership involves an identical civil registration process to married couples and, attendant on registration, equal treatment in home protections, pensions, taxation, immigration, maintenance, next of kin, social welfare, domestic violence, inheritance, enduring power of attorney, and succession to protected tenancies.
- **New recognition and protection for de facto relationships.** The Civil Partnership Bill also provides a set of protections and recognition to de facto

² The Equality Authority study *Partnership Rights of Same-sex Couples* (Mee and Ronayne 2000) provides a comprehensive review of the state of play of legal recognition which still reflected the legal state of play at the commencement of the BSC Programme in 2006.

opposite-sex and same-sex couples. This includes a cohabitation scheme which provides protection and redress for opposite sex and same-sex cohabitants who do not marry or register as civil partners.

- **Recognition in immigration regulations.** Civil Partners will be treated equivalently to married spouses in immigration law and regulation. Also, since summer of 2008, de facto same-sex relationships are now recognised for immigration purposes – the non-EU partner of an Irish or EU national is entitled to live a work in Ireland if they are in a “durable dully attested” relationship of over two years.

Changing the Rules: CHALLENGES

Children/Parenting

A critical omission in the Civil Partnership Bill is the lack of legal recognition of children being parented by same-sex couples. In particular:

- Civil partners, unlike married couples, will not be eligible to jointly adopt a child (provision for joint adoption was proposed by the Colley Working Group). Nor are there any other means through which the non-biological parent can acquire guardianship rights, except where guardianship is specifically willed by their partner in the event of their death.
- Children living with civil partners will not be able to claim against the partner who is not their biological parent for maintenance in the event of dissolution, nor will the child have any claim against their non-biological parent's estate on the death of that partner.
- McD Supreme Court case. In December 2009 the Supreme Court in the case of J.McD. v. P.L. & B.M. (10/12/2009) unanimously reversed a 2007 judgement of the High Court which had found that a lesbian couple and their child constituted a de facto family under Article 8 of the European Convention on Human Rights. The case illustrated the complexities around legal recognition of LGBT families as it concerned a dispute between a gay man and a lesbian couple over guardianship of a child conceived through agreement between the father (the gay man) and the mother of the child and her same-sex partner.

Marriage

A critical barrier to progressing civil marriage is that since 2006 a very significant political consensus has emerged that civil marriage would require a change in the Irish Constitution. In particular:

- The two parties supportive of civil marriage (the Greens and the Labour Party) have stated that marriage would require a referendum. The policy of the Labour Party, as articulated by Party Leader Eamon Gilmore is to enact their Civil Union Bill (giving the same rights and obligations as marriage) and to hold a referendum some time subsequently on marriage.
- The Colley Group had proposed full Civil Partnership on the basis that marriage (which the Group considered the full equality option) would be “vulnerable to constitutional challenge”. The Group noted however that the first case (Zappone Gilligan) specifically on this issue was before the High Court and a judgement was awaited. The dismissal of the case did nothing to lessen the growing consensus that constitutional change was necessary.

Changing the Rules: OPPORTUNITIES

- The Green Party (the smaller party in the governing coalition which has played an important role in advancing Civil Partnership) succeeded in having a commitment inserted into the Revised Programme for Government (2009) to review the law relating to access, custody and guardianship of children arising from recommendations of the Law Reform Commission (LRC).
- This commitment provides an important opportunity to advance recognition and protection for same-sex couples with children.
- The LRC will also be commencing in 2011 a process of public consultation and review of the legal framework relating to assisted human reproduction (AHR) which has major implications for same-sex couples.

7.2 LGB Relationships: Changing the Culture

Persuading the “moveable middle”, the potential majority of political representatives and of the general public that might not be supportive (yet) of civil marriage or equality based legal recognition for LGB people has been centrally important is advancing the progress made on relationship since 2006. In particular, the focus of GLEN has been on building mainstream support for relationship recognition through extensive engagement with the executive and legislative branches of government and with the broader Irish population.

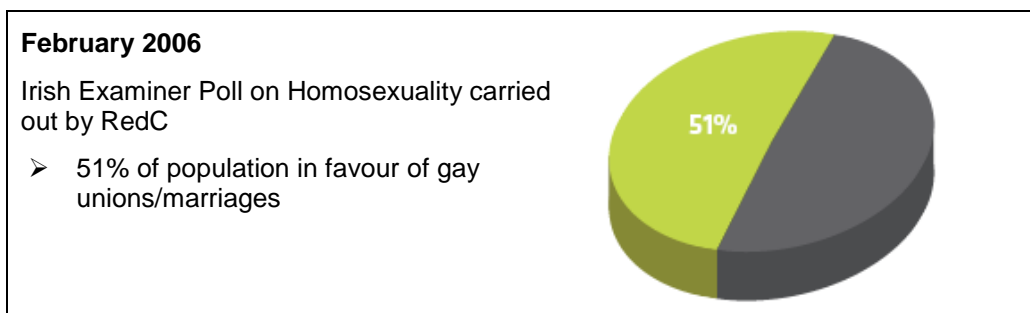
Changing the Culture: STARTING POINT 2006

The decade prior to 2006 had been a period of rapid progress for LGB people in Ireland. Decriminalisation in 1993 and the enactment of equality legislation, which included sexual orientation as a protected ground (both in employment and in the provision of services), propelled Ireland into the forefront internationally in terms of legal protections for LGB people.

This legislative change was made possible and has in turn been strengthened by more open and accepting attitudes towards LGB people across society, especially among politicians, public representatives, the media and the wider public. By 2006, moves towards legal recognition internationally, including marriage in Spain and Canada, or Civil Partnership in the UK and Northern Ireland (which has identical legal consequences to marriage) were also having an impact on public attitudes on such issues in Ireland.

Public Opinion

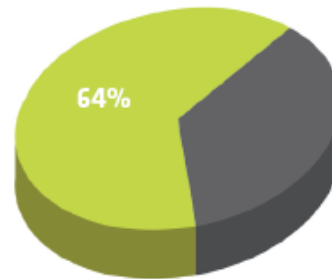
As indicated in the following charts, successive opinion polls indicated very substantial public support for marriage or civil unions for LGB people at the beginning of 2006.



October 2006

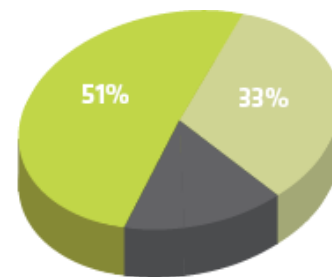
Sunday Tribune Opinion Poll carried out by Millward Brown IMS

- 64% of believe that same-sex couples should have the same legal and financial rights as married couples

**November 2006**

Lansdowne Market Research Poll for GLEN

- 84% in favour of marriage or Civil Partnership
- 51% believe that same-sex couples should be allowed to marry
- 33% believe that same-sex couples should be allowed to form Civil Partnerships



However, opinion polls also revealed considerably less support for allowing same-sex couples to jointly adopt children. For example:

- Only 39% of respondents in the Lansdowne survey (November 2006) supported same-sex couples being allowed to adopt children compared to 84% in favour of marriage or Civil Partnership. 37% of respondents believed same-sex couples should not be allowed adopt.
- 37% of respondents to the Sunday Tribune poll (October 2006) believed same-sex couples should be allowed adopt children, while 50% believed they should not be allowed.

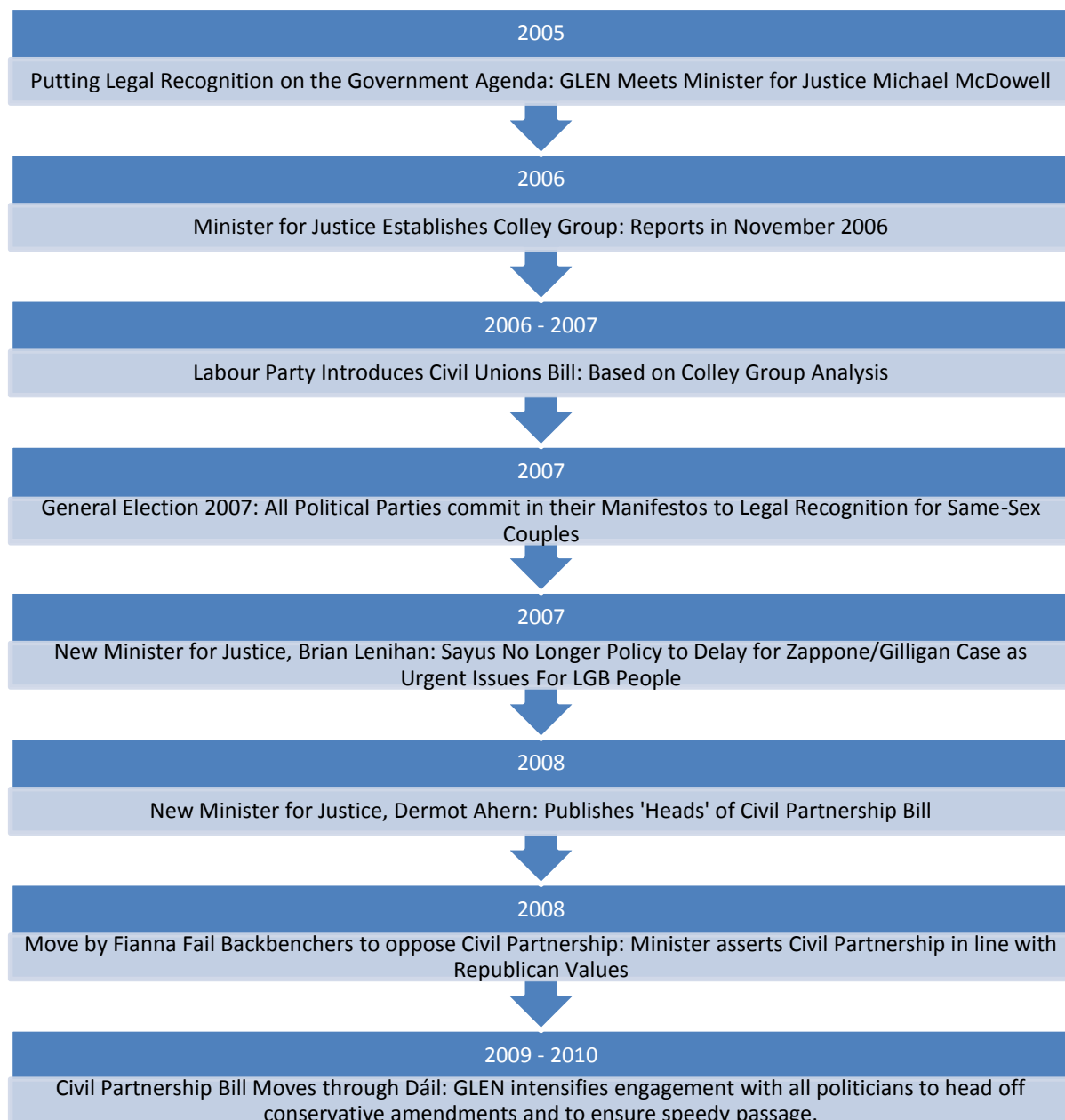
Government and Political Parties

- *Fine Gael, the first party with policy on legal recognition.* At the beginning of 2006, Fine Gael, the second largest party in the Oireachtas, was the only political party which had a policy proposing legal recognition for same sex couples (the policy was developed and published in 2004).
- The Fine Gael proposed was for Civil Partnership model open to same-sex and opposite sex couples with substantially less legal consequences than marriage. Also no provision for joint adoption or any other form of recognition of adult/children relationships that arise through civil marriage.
- *Government* (Fianna Fáil/Progressive Democrat coalition) voice support for legal recognition - although model proposed, as articulated by Justice Minister Michael McDowell, is for a limited non-conjugal legal framework open to any two people in relationships of mutual dependence.
- *Senator David Norris Civil Partnership Bill.* In 2005, Senator David Norris (most prominent 'out' gay politician) introduced his Civil Partnership Bill to the Seanad. Open to both opposite sex and same-sex couples, the Bill would have provided exactly the same legal consequences as marriage, with the notable exception of a six week dissolution period.

- *Joint Oireachtas Committee on the Constitution proposes Civil Partnership for same-sex couples.* The Joint Oireachtas Committee, comprising representatives from all political parties concluded in its 2005 report that provision for same-sex marriage would require a Constitutional amendment to extend the definition of the family. However the committee noted that legislation could extend to same-sex couples a broad range of “marriage-like privileges” without any need to amend the Constitution.

Changing the Culture: ACHIEVEMENTS 2006 - 2010

Moving from a position of limited support for legal recognition in 2006 (with the focus of support on limited, non-conjugal legal frameworks) to the point of enactment of a comprehensive Civil Partnership bill based on marriage and supported by all political parties in 2010 has been based on the following critical milestones (A more extensive outline of these milestones is outlined in Appendix 1).



Changing the Culture: CHALLENGES

Although progress has been made in building support for LGB equality in Irish society, there still exists a range of groups opposed to change and these have mounted a campaign against Civil Partnership. This campaign has intensified since the bill was published and as it has advanced through the Oireachtas. The opposition has come from a range of groups including:

- The mainstream churches, in particular the Catholic Church, which have opposed any move by the state to give specific legitimacy to same-sex relationships through a partnership model based on marriage.
- Groups such as the Iona Institute, a well funded organisation (which includes Irish Times columnist Breda O'Brien, Irish Independent columnist David Quinn and prominent psychiatrist Patricia Casey as members) and which is committed to preserving traditional marriage and restoring religious values in Ireland.
- A significant minority of backbenchers in the Fianna Fáil and Fine Gael parties have opposed the bill. GLEN presented to both parties' Parliamentary Party members in 2009 to help build support for the bill when it became clear that this minority was growing.
- Significant opposition to Civil Partnership in the Seanad (senate) – with a number of senators proposing opt outs for civil registrars and also a free vote on the issue. GLEN has been engaging intensively to build support for the bill in the senate.

As the Irish population has become more accepting of LGB people, the tactics of those opposed to progress for LGB people has changed. Unlike in 1993 when a good deal of opposition to decriminalisation was directly negative about LGB people, opponents to Civil Partnership have tended to avoid a direct attack on LGB people – instead they have presented Civil Partnership as exclusionary or as an attack on the rights of others.

The tactics of the Iona Institute for example, which have been reflected in opposition in the Dáil and Senate has focused on progressing a series of amendments to Civil Partnership that would weaken the legislation or help delay its passage. Suggested amendments have included:

- A “conscience clause” that would allow civil registrars who had moral or religious objections to Civil Partnership to be exempted from registering a Civil Partnership for same-sex couples. There were also objections to the penalties that a registrar would face in refusing to register a Civil Partnership.
- A “conscience clause” that would allow services relating to civil registration ceremonies (e.g. photographers and hotels) who had moral or religious objections to Civil Partnership to be exempted from providing their services to civil partners.
- A broader exemption for “church halls” – based on the assertion that churches could be forced to allow Civil Partnership registration on their property.
- And broader still, an exemption for all religious run organisations (including schools and hospitals) from the new ground of ‘civil status’ status in equality legislation provided for under the Civil Partnership Bill that would protect civil partners from discrimination. This last exemption would have essentially rendered the Civil Partnership legislation unworkable.

GLEN has been engaging intensively with both TD's and Senators to ensure that the bill is passed speedily without these amendments.

Changing the Culture: OPPORTUNITIES

Factors which have facilitated political and public support for marriage based legal recognition have included:

- Greater visibility of LGB people and couples which has helped humanise the issue of legal recognition as opposed to its presentation by conservative opponents as an abstract ideological demand. Katherine Zappone and Ann Louise Gilligan for example, received extensive and positive publicity for their case. Margaret Gill, whose lesbian daughter died leaving significant legal complications for her partner and their children due to lack of legal recognition, has been a very positive advocate for legal recognition across the media.
- The success of the Irish economy seemed to contribute to more openness around diversity, including LGB people.
- Decline of the Catholic Church – in particular, the scandals impacting on the Catholic Church following the Murphy and reports (documenting systemic failure to protect children from abuse) weakened the Church in making its case against legal recognition.
- Significant change on age grounds- Marriage Equality figures (2009) show very strong support for same-sex marriage among young people.
- Enactment of marriage and Civil Partnership internationally contributed to an understanding and awareness of the issues.
- No direct opposition has been voiced by any political party in relation to marriage. The Minister for Justice for example, stated that the Government wanted to go as close to marriage as the Constitution allows.

7.3 LGB Relationships: Changing the Lived Experience

Changing the Lived Experience: STARTING POINT 2006

Number of Couples

2090 cohabitating same-sex couples were identified in the 2006 Irish Census population. As noted in the table, this was a significant increase in the number of couples identified in the census of 1996 and in 2002.

Census	Number of same-sex couples
1996	150
2002	1300
2006	2090

However, it is likely that the census continues to under-estimate the number of couples as people still feel cautious about disclosing their sexuality and relationship status to others. This may be particularly the case with women as more than two thirds of same-sex couples identified in the census of 2002 and 2006 were men.

Extrapolating from proportions identified in more focused surveys of LGB people suggests that the numbers of couples may be very much greater. For example:

- In the UK, the Government has estimated from a number of meta-studies that up to 6% of the population is likely to be LGB.

- If such an estimate were to be applied to the adult Ireland (3,375,399 people over 14 in 2006), then there may be more than 200,000 LGB adults in Ireland.
- In the LGBT Lives study (2009) 24.7% of LGBT respondents in Ireland stated they were living with a partner.
- Applying the LGBT Lives figure to the estimated LGB population would suggest that up there may be up to 50,000 same-sex couples in Ireland.

Clearly these figures have to be treated with some caution, but so do the census figures, given the barriers that many people face or perceive in disclosing their sexuality to others.

Impact of Lack of Legal Recognition

GLEN contributed directly to Chapters of the Government's Colley Group report which set out the critical impact of lack of legal recognition on the lives of same-sex couples and their families. The Colley Group report notes that lack of legal recognition of families headed by same-sex couples has two main effects:

1. Status. Lack of state recognition Colley noted, has implications for the status and standing of same-sex families and for LGB people more generally, "contributing to a perception that their relationships lack value and meaning and are unequal to others" (2006: 48). A lack of positive recognition of same-sex relationships the report further notes, has led to disrespect which in turn has created the conditions for discrimination and exclusion of LGB people in society.

The Colley report notes that many LGB people are still hesitant to "come out" and make their sexuality known in Irish society, fearing negative consequences such as discrimination or social isolation if they do so. Lack of positive legal recognition of same-sex couples can underpin these apprehensions, significantly contributing to the perception that same-sex relationships lack legitimacy, value and meaning. *Colley Report, 2006.*

2. Direct legal consequences. Colley notes further that lack of legal recognition has direct consequences for same-sex families who are excluded from the protections and legally enforceable obligations that are available to opposite-sex couples through civil marriage.

These two aspects of legal recognition go to the heart of why LGB organisations have pursued access to civil marriage. To deliver legal protections in the context of a legal model that is open to any couple (for example siblings) would do nothing to address the legacy of the low status of same-sex relationships and the ideological resistance (particularly by the mainstream churches) to according LGB couples a conjugal status.

Children being parented by same-sex couples

There is considerable anecdotal evidence that an increasing number of same-sex couples are parenting children. This is happening, as highlighted by Fergus Ryan, in one of a number of diverse ways (Ryan, 2009):

- Children from a previous relationship.
- Conception and parenting through agreement with a known Father or through access to professional fertility service.
- Adoption by one of the partners.
- Foster-care.
- Surrogacy.

Lack of legal recognition of children being parented across these various scenarios leads to situations where:

- Children are excluded from the protection and legal obligations of their non-biological parent towards them in terms of inheritance, maintenance and other benefits.
- In the event of the dissolution of a relationship or in the event of the death of the legal parent, the child/children can be separated from their second parent, who has no legal connection to their child/children but who may have co-parented the child/children from birth. Equally, the child could be separated from the family of their non-biological parent, for example, this partner's parents, who may have played a significant role in the life of the child as de facto grandparents but who have no legal link or connection to their de facto grandchild.
- More day to day difficulties arise because the second parent has no legal connection with their child. For example, the non-biological parent may not be able to sign a consent form for medical treatment in the event of the other parent being incapacitated or unavailable. Similar issues arise in relation to registering a child for school and barriers to travel arising from non-recognition of the second parent.

Same-sex Couples and Immigration

- A key issue was that the non EU partners of Irish or EU nationals living in Ireland were not entitled to live and work here on the basis of their relationships and as a result many couples were facing separation and loss.
- Calls on immigration the most frequently raised issue by callers to GLEN.
- In 2005 a new group called GLUE (Gays and Lesbians United in Eireann) was established to seek recognition of same-sex couples in immigration.

Changing the Lived Experience: ACHIVEMENTS 2006 - 2010

The Civil Partnership Bill (2009) will, when enacted deliver major progress on the two key issues identified by the Colley Group: status and legal protections. In particular:

- ***Civil Partnership will deliver a conjugal status*** it is substantially based on marriage (one of the reasons the Bill has been opposed so strenuously by those opposed to the State positively acknowledging the legitimacy of LGB relationships).
- ***Civil Partnership will also deliver most of the substantive rights and obligations of civil marriage.***
- Inclusion of de facto recognition of same-sex couples in immigration has had a significant impact - most people have obtained right to live and work in Ireland on the basis of their relationships.

There is some evidence that more and more people feel able to be open about their relationships as a result of the various campaigns for marriage and the progress made towards that goal (more and more LGB couples in the media for example). The 2011 Census which includes a specific question on same-sex partnerships will provide an invaluable indicator of the extent of this openness.

There is also evidence of raised expectations among LGB people – for example, significant attendance at marches for civil marriage in 2009.

Changing the Lived Experience: CHALLENGES

- LGBT Lives study 2009 found that one third of LGBT people surveyed were not out to others. This is a significant barrier in the way of people availing of Civil Partnership.

- There is considerable anecdotal evidence that older people are more likely to be cautious about disclosing their sexuality or their relationship status to others³ This presents a barrier to accessing Civil Partnership, the legal consequences of which will be particularly relevant to older people (eg succession, pensions etc).
- In the debates on marriage/Civil Partnership within the LGB communities, Civil Partnership has been presented by some as a defeat rather than as progress for LGB people. The legal consequences of Civil Partnership have also been presented as being more limited than is the case – as noted the legal consequences are extensive.
- This confusion over Civil Partnership (and the presentation of the debate as being between civil marriage or Civil Partnership) has the potential to diminish the positive impact of Civil Partnership on the lives of LGB people.
- Significant gap in relation to children as described above – although the complexity of the issues involved were highlighted in late 2009 in a dispute between a lesbian couple (who are co-parenting a child conceived by one partner) and a gay man (the father of the child) over guardianship.

Changing the Lived Experience: OPPORTUNITIES

- State bodies (including Registrars) gearing up for Civil Partnership.
- Key professional bodies including the Law Society and the Bar Council have already begun prepare their profession for the enactment and roll-out of Civil Partnership. The Law Society for example, has held two seminars for solicitors on Civil Partnership, both of which have involved GLEN staff and board members.
- Government to initiate information campaign on Civil Partnership once enacted. There is a significant opportunity for GLEN to actively work with the Government on this, building on the significant work GLEN has already undertaken to inform people of their rights and responsibilities under Civil Partnership. For example, the GLEN information publication on Civil Partnership (Written by lawyer Dr. Fergus Ryan and new GLEN board member) has been widely disseminated.
- Support for LGB families is increasing among professional and voluntary bodies, including for example the Irish Association of Social Workers (which GLEN is working with on policy development) and Treoir.

7.4 LGB Relationships: Plan 2011 – 2015

The focus of GLEN's Plan for 2011-2015 will be to build on the success of Civil Partnership to advance further progress, and in particular to address the remaining legislative gaps in relationship recognition – with the immediate priority of delivering legal recognition for children and LGB parents.

The approach to be followed is that outlined in the Theory of Change section above. This identifies three key steps to achievement legislative change:



³ More comprehensive information on the circumstances and experience of older LGB people is currently the subject of a major research project commissioned by GLEN.

The detailed objectives, barriers and opportunities for advancing further legislative change for LGB couples and families are outlined as follows.

Objective 1: Achieve Legal Recognition of LGB Parenting and Children of LGB People

Legal recognition of same-sex couples as parents is a complex issue requiring comprehensive changes in family law in Ireland. Even if lesbian and gay couples could get married in Ireland, the primary implication of this in terms of parental responsibilities is that the couple would be eligible for consideration as joint adoptive parents. While this would be important progress, it would not, in the absence of broader changes in family law, suit children or parents in some of the scenarios in which children have been conceived and parented.

GLEN proposes therefore, four specific objectives in relation to children and parenting, covering access to existing family law provisions (eligibility for joint adoption) but also inclusion in broader changes in family law, including legal guardianship and assisted human reproduction (AHR). These are set out as follows:

Specific Objectives

- **Objective 1a:** Extension of Legal Guardianship to non-biological parent in LGB Families. The aim here would be to ensure that family law is changed to widen the categories of people that can become legal guardians of children and that these categories will include same sex partners parenting children with whom they have no biological connection.
- **Objective 1b:** Recognition of LGB people in new legal framework for Assisted Human Reproduction. The aim here will be to provide a legal framework for assisted human reproduction (AHR) that will allow for LGB people to access AHR and to develop legal connections to children conceived through AHR on the same basis as others.
- **Objective 1c:** Recognition of children being parented by same-sex couples in Civil Partnership legislation. The aim here will be to address the gaps in Civil Partnership regarding recognition of children – in particular, issues relating to maintenance, successions and protection in the family home.
- **Objective 1d:** Eligibility of civil partners as joint adoptive parents. The aim here will be to progress the recommendation of the Colley Working Group that same-sex couples should be eligible for consideration as joint adoptive parents.

Barriers/Challenges

- As noted above, opinion polls have consistently shown far less public support for legal recognition of same-sex couples as parents than for marriage or Civil Partnership.
- The issue of legal recognition of same-sex families is complex – children are being raised by same-sex couples in a variety of scenarios and one form of legal recognition (for example joint adoption) does not suit all scenarios.
- Progress on legal recognition for same-sex couples in areas such as guardianship and AHR requires changes in family law more generally.
- Very limited support for progress by member organisations of the Children's Rights Alliance (the largest network of organisations working for children).

Opportunities

- Law Reform Commission (LRC) is finalising report on Legal Aspects of Family Relationships. GLEN has made a detailed submission and has met senior representatives of the LRC to urge the inclusion of LGB de facto parents in recommendations regarding eligibility for legal guardianship. **There are strong indications that the LRC will recommend inclusion of LGB parents in provisions for extended legal guardianship.**
- The Renewed Programme for Government (negotiated by the coalition parties at the end of 2009) has a commitment to review the recommendations of the LRC report with a view to legislation.
- Party spokespersons on justice for the Labour Party and Fine Gael expressed support for the inclusion of children in the Civil Partnership bill.
- The Equality Authority has made a strong submission to the LRC supporting the inclusion of same-sex couples in proposals to extend legal guardianship.
- The LRC will, at the end of 2010, begin a consultation process on establishing a legal framework governing Assisted Human Reproduction (AHR).
- The general election in 2012 provides an important opportunity to build support for recognition of children.

Scope of Actions

- GLEN will engage intensively with Government and all political parties to advance the Government commitment to review and legislate for LRC report on guardianship.
- GLEN will draw up detailed submission and engage with the LRC on their consultation on AHR – and again will engage with legislators to advance legislation.
- GLEN will engage with all political parties to include commitment to advance protections for children being parented by same-sex couples (including provision for joint adoption) in party election manifestos for 2012 and subsequently on the negotiated programme for government.
- GLEN will work with Children's Rights Alliance and other key civil society organisations to build support for progress.

Objective 2: Advance Access to Civil Marriage

Considerable progress has been made on the path towards civil marriage with the enactment of a Civil Partnership bill substantially based on marriage – as opposed to an earlier proposal (the preferred option of those opposed to progress for LGB people) for a limited partnership model based on informal cohabitation among any two adults.

GLEN will continue to campaign for marriage although the immediate priority, now and in the 2011-2015 plan, is to focus on addressing the gaps in recognition of LGB parents and children being parented by LGB people.

Barriers to Accessing Civil Marriage

- A considerable consensus has been consolidated for the view that opening up civil marriage to same-sex couples will require constitutional change. This is now the view of all Political Parties in the Oireachtas.

- This view has not been challenged by any significant body in Ireland - for example, it has not been challenged by the Irish Human Rights Commission, by the Equality Authority or by any legal bodies such as the Law Society, the Bar Council or the Association of Family Lawyers.
- The Colley Working Group stated that civil marriage would be “vulnerable to constitutional challenge” and proposed full Civil Partnership as a constitutionally feasible means of delivering the same legal consequences as marriage. Colley did note however, that the first case on this issue was before the High Court (Zappone/Gilligan) and that a judgement was awaited (The case failed however and is being appealed to the Supreme Court).
- There is considerable uncertainty about what position the Supreme Court will take in the Zappone/Gilligan case which has been appealed following the loss of the case in the High Court. It may become a significant barrier to the enactment of marriage if the Court were to find that marriage in the Constitution was definitively between a man and woman.
- The policy of the Labour Party (traditionally the most supportive of LGB rights) is to hold a referendum on marriage in the longer-term but in the shorter-term to support the enactment of their civil unions bill or equivalent providing the same legal consequences as civil marriage. Hence their support for the Civil Partnership bill.

The Risks of a Referendum

The need for a referendum would be a major and perhaps insuperable barrier to enacting marriage, fraught with risk:

- First there would be the need to convince all parties to hold a referendum. This would require a huge amount of political capital and support.
- Second, even if we convinced the Government to go for a referendum, it might be defeated which would be a massive setback for LGB people. The legal requirement to resource the alternative views in a referendum could also re-energise the conservative right opposed to change- undoing the considerable achievements of ‘changing the culture’ to support marriage for same-sex couples and damaging the considerable progress already made in creating a positive and supportive environment for LGB people.

Opportunities

- The Colley Working Group finding that marriage represents full equality for LGB people still stands – the only issue in principle therefore is whether marriage requires constitutional change.
- The potential for thousands of Civil Partnership ceremonies throughout the country will provide considerable visibility to the relationships of LGB people.
- The Zappone/Gilligan case would represent a significant opportunity if success were possible. If the Court holds that same-sex couples have a constitutional right to marry then marriage it is. If the Court finds that same-sex couples do not have a constitutional right to marriage but that there is nothing to stop the Oireachtas from legislating for marriage, then the remaining challenge is a political one – ie convincing political parties and the Irish people to enact marriage. However, if the judgement finds for neither of these, or if the Supreme Court states that constitutional change would be required, then a referendum would be needed.
- The possibility of a referendum being held on the Constitutional definition of the family (only the family based on marriage is recognised in the Irish Constitution) may provide

an opportunity to advance marriage in the context of a broader campaign. This would be less risky than a referendum specifically on same-sex marriage – it might garner broader support and if defeated would not be considered a specific defeat for LGB people.

Scope of Actions

The scope of actions proposed to advance civil marriage being opened out to same-sex couples will be determined to a considerable extent by the judgement of the Supreme Court in the Zappone Gilligan case. In the light of the above analysis of barriers, risks and opportunities, the following broad actions will be pursued in the context of different Supreme Court judgement scenarios.

Scenario 1: Referendum not required. Supreme Court upholds High Court judgement but finds no barrier to Oireachtas enacting marriage.

- Engage with all political parties to support marriage and include commitment to enact marriage in their party manifestos in the 2012 election.
- Build a consensus among key bodies including the Equality Authority, the Irish Human Rights Commission to support marriage.

Scenario 2: Referendum required. Court finds that the Constitutional definition of marriage is solely a union between a man and a woman

- GLEN under this scenario GLEN will campaign for a referendum on the family that among other things would allow for marriage to be opened out to same-sex couples. This has a greater chance of garnering wider support and would be less damaging for LGB people if lost.
- One of the first actions will be to build up the institutional support for such a referendum too counter the last major report on this issue, ie that of the Joint Oireachtas Committee on the Constitution (2005) which recommended that the Constitutional status of the family based on marriage should not be changed.

Objective 3: Maximise the Benefits of Civil Partnerships Across Society

Objective 4: Maximise the Benefits of Civil Partnerships for LGB People

GLEN will seek to maximise the impact of Civil Partnership on both the broader culture and in the lived experience of same-sex couples – these of course are both interlinked. Critical in this respect will be two key objectives:

Specific Objectives

- Objective 3: Maximise the opportunities for using the new status of Civil Partnership to promote the status of LGB people in Irish society. Examples here include progressing curricular and policies in schools to take account of the positive legal status of same-sex couples and the closeness of Civil Partnership to marriage.
- Objective 4: Promote the positive status of Civil Partnership among LGB people and help ensure that Civil Partnership is accessible to all LGB couples, particularly the most vulnerable couples who urgently need its legal protections (for example older couples).

Barriers/Challenges

- In debates on marriage/Civil Partnership the extent and seriousness of status and of the legal consequences of Civil Partnership have been obscured for some LGB people.
- Continuing resistance from conservative groups to according same-sex couples a status based on marriage.

Opportunities

- The Minister for Justice and Law Reform has stated the Government will fund a significant information campaign on Civil Partnership once enacted.
- Professional bodies are preparing their members for the roll-out of Civil Partnership. The Law Society for example, has already held two seminars on the Civil Partnership bill as part of its CPD programme for solicitors.
- The CSO has included a more direct question in the Census 2011 on same-sex partnerships which should provide a significant opportunity to estimate the numbers of same-sex couples.
- There are a range of statutory of agencies, including Family Support Agency, Citizen Information Centres that could play a significant role in informing and supporting civil partners or those thinking of registering their relationships.

Scope of Actions

- Working with Dept of Education (DoES) and education partners to ensure new status of Civil Partnership is reflected in politics and curricula on personal relationships.
- Working with the Dept of Justice to inform LGB people on Civil Partnership, its legal consequences, how to access it etc.
- Working with the Civil Registrar, Bar Council, Law Society, citizen information centres etc, to ensure that LGB couples, especially vulnerable LGB couples are informed about and have access to Civil Partnership.
- Addressing any anomalies or gaps in Civil Partnership legislative and administrative framework – in particular, ensuring that the status and recognition of Civil Partnership is recognised across the whole public and private sectors

8. VISION 2: Inclusive, Safe and Supportive Education.

8.1 Inclusive Education: Changing the Rules

Changing the Rules: STARTING POINT 2006

The legislative context for promoting equality for LGB people in Ireland was quite good in 2006. In particular:

- The Equal Status Act (ESA) 2000-2004 – includes education and sexual orientation as a ground for protection.
- ESA contains a specific duty for schools management (no exemptions) to prevent discrimination and harassment across the nine grounds (including sexual orientation).

However,

- Section 37 of the Employment Equality Act 1998 (which provides an exemption on discrimination for education and medical establishments run by religious bodies) is a barrier to teachers 'coming out' – creates a negative climate for LGB teachers and students. Schools in Ireland both primary and second level are overwhelmingly controlled by religious denominations.
- Department of Education and Science (DoES) Relationships and Sexuality Education (RSE) curriculum had limited inclusion of sexual orientation in 2006, and evidence that it is not being implemented in schools.
- (DoES) new school template on anti-bullying policy includes homophobic bullying.
- ***No DoES or Education Partner⁴ Policy on supporting LGB young people in schools***
- LGB people not included as target group in Educational Disadvantage Policies

Changing the Rules: ACHIEVEMENTS 2006 - 2010

- In 2009, the Minister for State in the DoES launched the first DoES policy on sexual orientation issues in schools. This was the DoES Guidelines for School Principals and School Leaders developed in partnership with GLEN.
- The Guidelines were endorsed by all school management bodies, including the Catholic school management bodies
- In 2009, the Joint Oireachtas Committee on Education called on the DoES to address homophobic bullying within Social Personal and Health Education (SPHE) in both primary and secondary schools. (SPHE incorporates a range of strands relating to sexuality and relationships.) This was the first engagement with issues of LGB people in school by the Oireachtas..

⁴ All major decisions regarding Irish education are carried out in consultation with the education partners which consist of management associations, national parents associations, teachers' union groups and professional representatives groups. These partners carry considerable influence with regard to the culture, practice and norms of second level schools

Changing the Rules: CHALLENGES

- Schools are not required by the DoES to implement the DoES/GLEN Guidelines – they are presented as suggestions on how to deal with sexual orientation in schools and suggested policy and service development is not compulsory.
- As no cases under the Equal Status Act have ever been taken by young LGB people who have been harassed in school, the actual legal liability of schools for discrimination or harassment is often not often apparent in any real sense.
- Churches (predominantly the Catholic Church, which is fundamentally opposed to a positive status being accorded to LGB people and their relationships) still control education – there is not one single non-denominational 2nd level school in country
- There is a resistance at a political level to engaging on any issues relating to sexuality/relationships and in particular to sexual orientation issues among young people. No senior Government Minister has yet engaged on sexual orientation issues in schools.
- Approach in schools reflects Catholic view of ‘respecting the sinner but not the sin’, so schools may respect an LGB person as victim of bullying but avoid giving any legitimacy to LGB identity. This is a barrier to getting at the root cause of prejudice and discrimination against LGB people: stigma attached to same-sex relationships.

Changing the Rules: OPPORTUNITIES

- Although there is no consensus on how LGB relationships should be dealt with in schools, there is far greater agreement that no-one, regardless of their sexual orientation, should be bullied or harassed. It is therefore easier to engage with DoES and Education Partners on anti-homophobic bullying than on affirming measures for LGB people and same-sex relationships in schools. However this engagement does offer the opportunity to address the broader issues.
- The GLEN/BeLonG To LGBT Lives (2009) research documents education disadvantage issues. This has provided a considerable evidential case for targeting education disadvantage policies.
- Civil Partnership should make it more difficult to exclude same-sex relationships from the education sphere (e.g. in Relationships and Sexuality Education, teachers, S37 etc.). It should also break down the view that LGB issues are purely about sex as opposed to relationships and broader, fundamental identity.
- The GLEN/DoES strategic partnership to date is a positive platform for further progress. Equally there are similar opportunities in the partnerships that GLEN is now forging with the Education Partners.
- Growth of BeLonG To youth services, including its direct services to young people, has helped raise the voice of young LGBT people in Irish society.
- There is a growing acknowledgement that primary schools also have to deal with sexual orientation – this should be facilitated by Civil Partnership and the acknowledgement that LGB issues are not inherently about sex but rather about relationships and identity.

8.2 Inclusive Education: Changing the Culture

Changing the Culture: STARTING POINT 2006

There has been a very strong resistance to dealing with LGB issues in schools. For example, research by Dr. James Norman of Dublin City University in 2006 found:

- Policy and practice on LGB issues was almost wholly absent in second level schools.
- 90% of school's anti-bullying policies did not refer to homophobic bullying, yet a majority of teachers were aware of homophobic bullying.
- 2 out of 5 teachers believed that disapproval by school boards of management and trustees (overwhelmingly denominational bodies) hindered LGB issues being addressed in schools. (Norman et al, 2006))

At a more systemic level policy and practice was also limited. For example: at the beginning of 2006 no Education Partner (including school management or parent bodies) had a policy or practice on sexual orientation.

On a more positive note:

- The first national campaign against homophobic bullying in schools was run in 2006 by BelongTo Youth Services, supported by the Equality Authority.
- First trade union LGB group was established in a teachers union – In the Irish National Teachers Organisation (INTO) representing primary schools teachers

Changing the Culture: ACHIEVEMENTS 2006 - 2010.

- All education partners (including Catholic school management bodies) engaged with GLEN/National University of Ireland Maynooth Valuing Visibility study
- Catholic Church school management bodies support GLEN/DoES Guidelines on LGB Students
- National Association of Principals and Deputy Principals (NAPD) take on responsibility for training school principals on combating homophobic bullying
- Trade unions for teachers take on role to up-skill teacher members on safety and inclusion of LGB students.
- Trade unions establish support groups for teachers (ASTI, TUI representing second level teachers)
- ASTI and TUI develop policy for members on sexual orientation issues
- The National Council for Guidance in Education (NCGE) produce guidelines for School Guidance Counsellors on LGB issues, in collaboration with GLEN (forthcoming, 2010)
- Pobal (Government Agency which runs the Local Development Programme) developed a resource guide for 2nd level and informal education on sexual orientation in 2006.
- Relationships and Sexuality Education (RSE) unit take on responsibility to develop module on LGBT issues for 2nd level schools RSE programme

Changing the Culture: CHALLENGES

- As noted, the Irish education system is controlled by religious denominations which view same-sex relationships as sinful and as something to be discouraged.

- Sexuality among young people is a sensitive issue in Irish society and there is often a reluctance to differentiate between identity and sexual behaviour when discussing LGB issues.
- There is a considerable resistance in the education system to acknowledging the relevance of sexual orientation, LGB identity and performance and participation in school.
- Some individual members of education partner bodies (e.g. on National Parents Council) are firmly opposed to progress on LGB issues and this opposition is a considerable barrier to progress.

Changing the Culture: OPPORTUNITIES

- Increasing visibility and status of LGB people and also the first positive legal recognition of same-sex relationships with the enactment of Civil Partnership.
- Visibility of young people significantly enhanced through activities led by BeLonG To.
- Engagement of JMB, the main Catholic school management body on the DoES/GLEN Guidance offers opportunity for further progress within church-controlled context
- Professional body for teachers established (Teaching Council) should provide an opportunity to resource teachers to deal with sexual orientation issues.
- The School Development Planning Initiative, the DoES planning initiative school planning at second level is preparing for Guidelines on Equality which should provide an important opportunity to include LGB issues in school planning.
- Coming together of three teachers union groups (INTO, TUI and ASTI) to work on common agenda, including action on Section 37.

8.3 Inclusive Education: Changing the Lived Experience

Changing the Lived Experience: STARTING POINT 2006

Equality Authority, 2002

- 57% of LGB people experienced bullying in schools
- 8% left school early as a result

Lynch & Lodge, 2002

- LGB young people most marginalised in schools. 'Gay' is primary term of abuse within schools.

Minton et al, 2006

- Three quarters of young LGB people experienced verbal abuse in school
- 2 in 5 experienced physical abuse
- 10% left school early

Changing the Lived Experience: ACHIEVEMENTS 2006 - 2010

The LGBT Lives study (Mayock et al 2009) confirmed previous findings of significant problem faced by young LGB and transgender people in schools. In particular:

- 57% of respondents were aware of homophobic bullying by students in school
- 34% were aware of homophobic comments by teachers at schools.
- 72% of respondents felt they could not be themselves at school.
- 59% felt there was no teacher or adult they could talk to in school about issues they faced.
- 76% felt they would be uncomfortable talking to a teacher on LGB and transgender issues.
- 85% said they would be uncomfortable talking to the school principal about LGB and transgender issues.

The *LGBT Lives* study notes that the proportion of those indicating that it was hard to fit in as an LGBT person in school was not quite as high amongst current school goers relative to the overall survey sample. However:

- Two thirds of those enrolled in school at the time of completing the survey felt it was hard for LGBT people to be accepted in school (69% for survey in total).
- 50% of those currently at school felt they could not be themselves at school compared to 72% of the total survey.

The *LGBT Lives* does not illustrate the differences between current and past school goers in relation to bullying or comfort levels in talking to teachers or other adults – such information in the future will be critical to establishing the impact of progress on the lived experience of young people on the ground.

Changing the Lived Experience: CHALLENGES

- Younger people are ‘coming out’ earlier in schools which can place them at extreme risk if schools do not respond to the issues they present or if bullying and harassment are unchecked.
- GLEN/Nexus study found half of LGB respondents were aware of their sexual orientation before the age of 15 years. *LGBT Lives* (2009) found the most common age was 12 years. Hence the need for responses at earlier ages – *BelongTo* have responded to this by establishing groups for much younger LGBT people, requiring different approaches and engagement.
- Continuing challenges identified by *LGBT Lives* – although not possible to determine change in experiences of young people over time in relation to all aspects of their experience in school.
- Lack of longitudinal data on LGBT lived experience to determine change and evaluate impact of progress on the actual lived experience of young people on the ground.

Changing the Lived Experience: OPPORTUNITIES

- Greater number of LGB specific youth services throughout country and increase in anecdotal experiences of people coming in schools
- Resourced LGBT young persons group – *BeLonG To* – with service provision, advocacy and training resources/personnel
- Outcomes from NAPD/GLEN/B2/EA Training for schools to provide more safety in schools

- Progressive change in Rules and Culture identified above should lead to increase in schools with effective and inclusive practice will create more supportive contexts in schools for young LGBT people.

8.4 Inclusive Education: Plan 2011 - 2015

A key task in the next phase of the GLEN plan for education will be to build on the partnership approach with the government, the Department of Education and Science and the Education Partners to secure the implementation of effective policies at all levels of the education system. The specific objectives in line with this aim are set out as follows.

Objective 5: Mainstream Sexual orientation issues and support of LGB students across all policy areas of the Department of Education and Science (DoES)

This objective will lead to:

- Inclusion in anti-bullying, curriculum, educational disadvantage, whole school evaluation, support, research and data collection
- A strategy which would involve ongoing funded role for GLEN (or specifically funded role within the DoES)
- A focus on primary and second level
- Work to ensure that the DoES Inspectorate evaluates and measures impact of policy change
- Mainstreaming of LGB issues in all education research, development and data collection undertaken or supported by the DoES

Scope of Actions

- Engagement with Minister for Education, Government, members of the Oireachtas and all political parties to advance objectives
- Engagement with education partners to advance objectives
- Engagement with political parties re manifestos in 2012 elections

Objective 6: Remove Barriers Presented by Section 37 of the EEA and other barriers to availing of other legislative protections

Scope of Actions

- Promotion of information on legal protections that are available for teachers including Unfair Dismissals and CP
- Clarification on legal implications of S37 and requirements of schools on other legislation – e.g. Unfair Dismissals and CP
- Engage with EA, IHRC and other key actors to examine and address implications of S37

Objective 7: Teacher Training Strategy to Fully Incorporate LGB issues.

Scope of Actions

- Development by Teacher Training system, including 3rd level colleges and the Teaching Council, of a strategy to fully incorporate LGB issues in teacher training and professional development for teachers.

Objective 8: School Management Bodies Strategy on Inclusion of LGB People in Schools.**Scope of Actions**

- Development of a strategy on inclusion of LGB people in schools by the school management bodies and the trustees (the new patron bodies for denominational schools). This strategy would include resources for local schools boards of management to support them in making schools safe and inclusive for LGB people.

Objective 9: Mainstream LGB issues across all Education Partners' policy and practice**Scope of Actions**

- Build on positive linkages with education partners already established through production of guidelines to deliver on objectives.
- Address resistance to progress for LGB students within some Education Partners (some parent bodies)
- Expansion of proactive programmes of NAPD to ensure enduring support from Principals
- Explore strategies to import international best practice in making schools safe and supportive for LGBT people (e.g. international conferences with Kevin Jennings, Obama appointed Assistant Secretary for Safe Schools)
- Collaborate with BeLonG To and other LGBT organisations in changing school cultures

Objective 10: Regular data collection to monitor progress and highlight experiences of LGBT young people in schools.**Scope of Actions**

- Engage with ESRI and other data collection/research bodies to ensure LGBT experiences included in all relevant research
- Major study specifically on LGBT people in education.

9. VISION 3: Health, Well-being and Safety.

9.1 Health, Well-being and Safety: Changing the Rules

Changing the Rules: STARTING POINT 2006

In relation to health and wellbeing, at the beginning of 2006:

- No professional body in the health sector had a formal policy regarding sexual orientation or on meeting the specific needs of LGB people. As a result, the various professional bodies had no position on issues such as the need for gay-affirmative therapy and the need to prohibit reparative therapy (a form of therapy based on the view that sexual orientation can be change). This meant that professionals and LGB groups had to rely on policy positions from professional bodies in other countries (e.g. American Psychological Association).
- Although the Health Service Executive (HSE) funded LGB groups, the Executive had no formal or comprehensive policies on meeting the health needs of LGB people or guidelines for ensuring health services were accessible and appropriate to LGB people's needs.
- LGB issues were largely invisible in national policies and strategies relating to health and mental health, although some examples existed such as the naming of LGBT people in Reach Out, the national suicide prevention strategy, and the identification of marginalisation as a risk factor for suicide.
- There was no comprehensive research on the experience, circumstances or health (including mental health) determinants of the LGB population (last significant study had been undertaken in 1995).

With regard to safety, although the Garda Síochána (Irish Police Service) had improved its responses to homophobic violence against LGB people and the Incitement to Hatred legislation (1989) includes sexual orientation, in 2006:

- There was no formal comprehensive policy of the Garda Síochána (Irish Police Service) in dealing with homophobic violence
- No formal approach to responding to the safety concerns of LGB people more generally.

Changing the Rules: Achievements and Progress 2006-2010

With regard to health and wellbeing, the work of the Director of Mental Health and Well-being in GLEN has led to:

- College of Psychiatry of Ireland issuing first *Guidelines on LGB Mental Health* developed in collaboration with the GLEN Director of Mental Health. This includes good practice guidelines as well as an explicit statement from the Irish psychiatric professional body that homosexuality is a normal part of human sexuality and that psychiatrists should not practice reparative therapy, i.e. they should not attempt to change a person's LGB Orientation and should practice in a gay-affirmative manner.
- Irish Association of Social Workers (IASW) publishing *Position Statement* against the Practice of Reparative Therapy. The IASW also issued a policy statement supporting full equality for same-sex couples and families.
- Irish College of General Practitioners (ICGP) launching *Guide for GPs on LGB Issues* written by GLEN Director of Mental Health. The Guide outlines the new ICGP policy on

meeting the needs of LGB people. Other policy change includes revised ICGP criteria for all GP training courses nationally.

- Psychological Society of Ireland launching *Statement on Equality and Inclusive Practice* and Review Accreditation of Psychology Training Courses. The PSI statement highlighted the need to provide an equal service to all clients including LGB people and to understand their particular needs. PSI also produces Guidelines on LGB Mental Health developed in collaboration with the GLEN Director of Mental Health
- The Irish Institute of Mental Health Nursing (IIMHN) publishing comprehensive *Guidelines for Mental Health nurses on LGB people* developed with the GLEN Director of Mental Health. The Guidelines include position statements pertaining to the need to be LGB-inclusive, to practice in a gay-affirmative way and the prohibition of reparative therapy or any attempt to change a person's sexual orientation.
- The HSE formed a multi-stakeholder LGBT Health Committee that developed the first comprehensive report LGBT health in Ireland, *LGBT Health: Towards Meeting the Healthcare Needs of LGBT People*. HSE to establish a high level committee to implement recommendations of the LGBT report.
- The HSE National Office for Suicide Prevention increasing its financial support of the role of the GLEN Director of Mental Health in recognition of the importance of the role and GLEN's work in the area of LGBT mental health.
- The naming of LGBT people in the new National Drugs Strategy

With regard to safety:

- The Garda Síochána has outlined a comprehensive policy for LGBT people as part of its overall Diversity Strategy 2009.
- Gardaí has developed policy on LGBT Staff, which is used as model of good practice in GLEN's Workplace Diversity publication 2010.

Changing the Rules: Challenges

- Economic crisis is impacting on the health sector in particular – less scope for policy change and programme development specific to LGBT people in the context of extremely scarce resources including HSE personnel.
- Despite recent policy changes within the various professions, levels of conservatism continue at a practice level in some health and social care professions and a resistance to 'special policies' for LGBT people.
- Incitement to Hatred legislation weak. No consensus on Hate Crimes legislation. 'Homosexual Panic' defence still used in some cases to excuse homophobic attack.
- Garda Pulse statistics system inadequate in collecting information on homophobic crimes and thereby allowing for an assessment of the effectiveness of the LGBT strategy

Changing the Rules: Opportunities

- New high level committee in HSE provides basis for translating policy into action. GLEN Director of Mental Health has been selected as a member of this national committee
- TENI now resourced through Atlantic funding to work strategically on Transgender issues allowing for strong synergies between GLEN and TENI in progressing strategic health outcome, particularly at HSE level

- Garda Diversity Strategy for LGBT provides framework to consolidate and build on significant achievements to date.
- Greater visibility of safety issues for LGBT people, especially through EU Fundamental Rights Agency and through the EU Officials Network (including Dept of Justice Officials from Ireland). Also significant data from LGBT Lives research
- Joint project between GLEN and ACCEPT in Romania on LGB health policy will allow opportunities for shared learning between Ireland and other EU states, particularly with regard to professional body and health service policies.

9.2 Health, Well-being and Safety: Changing the Culture

Changing the Culture Starting Point 2006

Health and Well-Being:

- In 2006 LGB people were largely invisible in mainstream health policy. Exception has been in the area of HIV/AIDS where there has been policy and programmatic responses given the evidence of greater risk among gay men of contracting HIV.
- HSE funding has been provided for LGB groups, in fact the HSE has been the most significant source of funding for LGB groups, partly due to the links established between LGB groups and the health services through HIV/AIDS.
- The culture of ‘therapeutic neutrality’ – often expressed benevolently as “I don’t have a problem with someone being gay” – has led to the assumption among many health and social care professionals that ‘not discriminating’ against LGB people is the same as providing an inclusive and accessible service.
- Within the voluntary health sector, which plays a major role in Irish health and social care, LGB issues were completely invisible with no policies or programmes addressing LGB issues.
- Sexual orientation and associated ‘minority stress’ not recognised as a potential risk factor for mental health problems and suicidality

Safety:

- Good confidence building measures happening with An Garda Síochána (for example, in early in 2003 and 2006, the Garda Síochána organised joint LGBT Choir Gloria and Garda Choir in National Concert Hall concert. Second attended by the Garda Commissioner.
- Garda liaison officers to LGBT community had been appointed in main cities 2003-2005.

Changing the Culture: Progress and Achievements 2006-2010

Health and Well-Being:

- President of Ireland launches *LGBT Mental Health* booklet in 2010. President makes very strong statements in support of LGBT people. Booklet was developed and funded by HSE with input from GLEN Director of Mental Health
- The College of Psychiatry of Ireland’s new curriculum for training of Irish psychiatrists now includes content on sexual orientation, LGBT mental health and LGBT-inclusive practice, following GLEN submission to consultation.

- Minister for Health launches *Supporting LGBT Lives* (2009), the most comprehensive study to be undertaken on the circumstances, mental health and well-being of lesbian, gay, bisexual and transgender (LGBT) in Ireland. The report raises awareness of issues faced by LGBT people in relation to health, safety and other aspects of their lives and well-being.
- LGBT health issues raised at Joint Oireachtas Committee on suicide and report of committee includes sexual orientation issues.
- Irish Hospice Movement develop the first ever support booklet for LGB people entitled *Coping with the Death of Your Same-Sex Partner* in collaboration with the GLEN Director of Mental Health.
- The Samaritans produce *Supporting LGBT Callers*, guidelines for their helpline volunteers on how to support LGBT callers, written by GLEN Director of Mental Health.
- GLEN Director of Mental Health funded by HSE to provide LGBT-Inclusive Practice training to HSE staff in Dublin North-East region.
- 2009 National Office for Suicide Prevention Annual Forum dedicated to topic of LGBT mental health promotion and suicide prevention.
- GLEN secures funding from Age and Opportunity for first study on the circumstances, experiences and needs of older LGBT people. The study will be carried out by a research team from Trinity College Dublin.

Safety:

- Garda/GLEN Community Safety Strategy launched by Minister for Justice in 2006.
- Appointment of Liaison Officers in every Garda division throughout country with training provided by GLEN
- Garda Diversity Strategy which includes LGBT people, places formal responsibility for LGBT policing within Community Relations Division and give the CAO the role of "Diversity Champion".
- EU Fundamental Rights Agency research and report on safety issues for LGB people
- Gardaí policy on LGBT Staff used as model of good practice in Workplace Diversity.
- Ethnic Minority Liaison Officer network being merged with LGBT Liaison Officer Role resulting in far greater spread of liaison officers nationally
- Significantly increased visibility of Gardaí at LGBT events: e.g Garda Stand at Pride, Garda recruitment ads in GCN.
- Establishment of National LGBT Advisory Panel meetings between Gardaí, GLEN and NLGF.
- Establishment of Dublin Metropolitan LGBT Safety Forum with meetings of LGBT organisations, venues and Gardaí

Changing the Culture: Challenges

- Stigma attached to LGB people still a significant force in society – LGB equality is the only ground in the equality legislation contested by the mainstream Churches which continue to have a major impact on the formation of values in society.
- Churches still have a significant role in the health sector – for example, the two largest hospitals in Dublin (St. Vincent's and the Mater) are both owned by Catholic religious orders.

- Religious bodies still have a major role in social care for older people and in providing support at the end of a person's life. This has major implications for older LGB people when ill or when mourning and marking the death of a partner. It also has major implications for long-term placement of older LGB people in nursing homes, many of which have a strong religious ethos.
- There has been resistance in the Garda Síochána to moving LGBT issues into the mainstream.

Changing the Culture: opportunities

- Civil partnership will have a very significant impact on health services - for example, health services will be required to record the civil status (including civil partnership status) of services users and to facilitate equal respect to and recognition of same-sex partners as next of kin, on a par with heterosexual spouses. In tandem with this, the HSE are working with GLEN to develop guidelines on next of kin with same-sex couples.
- Significant support from senior politicians for progress for LGB people – for example, the President of Ireland Mary McAleese and her predecessor Mary Robinson have both made considerable efforts to support LGBT people.
- The impact of recent policy change in the professional bodies can be translated into a change of culture in health care in Ireland through the development of new programmes on LGB-inclusive services nationally.
- Following the publication of the report LGBT Health, the HSE is to establish a high level committee to implement recommendations of the LGBT report which will have a transformative effect on the culture of healthcare in Ireland.
- TENI now resourced through Atlantic funding to work strategically on Transgender issues allowing for strong synergies between GLEN and TENI in progressing strategic health outcome, particularly at HSE level.

9.3 Health, Well-being and Safety: Changing the Lived Experience

Changing the Lived Experience: Starting Point 2006

Health and Well-Being:

- GLEN/Nexus Study 1995:
 - 13% of LGB respondents scored negatively on a set of ESRI indicators of mental health and distress compared to 1% of the Irish population as a whole.
 - The psychological health and well-being of LGB people was found to be significantly affected by anti-gay discrimination and the difficulties experienced in attempting to conceal sexual orientation from others.

Safety:

- GLEN/Nexus Study 1995:
 - 25% of LGB people have been kicked, punched or beaten because of their sexual orientation.
 - 41% had been threatened with violence because of they were assumed to be LGB.

- 84% knew of other LGB people who had been harassed or kicked punched or beaten because they were assumed to be LGB.
- 'Johnny' (Gay peer Group) Hate Crimes Report for Dublin 2006
 - 41% of LGBT respondents had been a victim of a hate crime.
 - 45% of all attacks were physically violent
 - 74% did not feel safe showing affection for someone of the same sex in public.
 - 80% did not report these attacks.
 - 34% of those who did not report attacks said they had no confidence in the Gardaí.

Changing the Lived Experience: Achievements/ 2006 - 2010

Health and Well-Being:

The LGBT Lives study (2009) found very significant levels of mental health difficulties caused by what was termed 'minority stress'. This was defined as the mental health consequences for LGB people of experiences such as stigmatisation, discrimination and harassment. In particular the report found:

- 18% of respondents had attempted suicide, the majority of whom stated this was related to their sexual identity.
- 40% of women female respondents and 20% of males had 'self harmed'.

However, on a more positive note:

- 80% of respondents were now comfortable with their LGBT identity, and the majority had good self esteem and were satisfied with their lives.

Safety:

The LGBT Lives study (2009) indicates similarly pervasive experiences of homophobic harassment and attack as in previous studies: In particular:

- 25% had been kicked, punched or beaten because of their LGBT identity (the same as in the GLEN/Nexus study 1995)
- 40% had been threatened with violence (again the same as in the GLEN Nexus Study 1995).
- 80% of LGBT respondents had been verbally abused because of their LGBT identity.
- National LGBT Helpline (Funding Secured in 2008)
 - GLEN is currently acting as fiscal agent for the National LGBT Helpline Project, which received €226,000 last year from the Community Foundation of Ireland to develop. The aim of the project is the development of a national LGBT helpline accessible to LGBT people across the whole country
 - The Director of Mental Health is Chairperson of the Working Group which is overseeing the roll-out of the National Helpline Project. The Director also provides ongoing support to the National Helpline Coordinator, who is currently employed on a part-time basis by GLEN.

Changing the Lived Experience: Challenges 2010

- Still significant experiences of physical and verbal violence, indicating persistent levels of homophobic violence in Irish society.

- Indications that younger LGBT people more at risk and that the growing ageing population of LGB people have specific unmet needs.
- The fear of coming out and fear of rejection remains for LGB people

Changing the Lived Experience: Opportunities 2010

- Positive visibility through new status of CP will encourage more reporting
- GLEN/EU projects on policing will create third party reporting mechanisms for LGBT people

9.4 Health, Well-being and Safety: Plan for 2011 - 2015

The GLEN plan for Health, Well-Being and Safety for 2011 to 2015 will build on the policy change progress made to date with a range of health partners, including the HSE, the NOSP, professional bodies and the Gardaí.

The specific objectives in the area of health and well-being for rule change are:

Objective 11: HSE develop comprehensive strategy on LGBT health and well-being across the life cycle.

Scope of Actions

- Represent GLEN on the high-level committee that will develop the strategy
- Take a lead on LGBT mental health in development of the strategy
- Ensure gaps in HSE LGBT Health report are addressed in strategy, e.g. childcare, parenting, fostering and adoption
- HSE Strategy will reflect findings from the Visible Lives study of older LGBT people commissioned by GLEN.

Objective 12: All health and social care professional and regulatory bodies will have policies on LGB-inclusive practice

Scope of Actions

- Engage with psychotherapy, counselling and other health professional bodies
- Support development of LGB-inclusive policies and good practice guidelines

The specific objectives in the area of safety rule change are:

Objective 13: Ensure that adequate legal protections are in place such that LGBT people are fully protected from intimidation, harassment and violence.

Scope of Actions

- Develop Paper with the Department of Justice on existing legal protections, legal gaps and international good practice in protecting LGB people from violence.

- Working with Government, the Oireachtas, Director of Public Prosecutions, and the

The specific objectives in the area of health and well-being for culture change are:

Objective 14: Ensure comprehensive implementation of HSE LGBT Strategy across all aspects of the work of the HSE.

Scope of Actions

- Implement LGBT Health report recommendations
- Secure commitments from HSE and DoHC that implementation of strategy will be prioritised within the HSE transformation programme
- Lobby political parties for commitment to adequately resource the full implementation of strategy

Objective 15: All suicide prevention and mental health promotion agencies are fully inclusive of LGBT people

Scope of Actions

- Collaborate with NOSP and HSE on partnership approach
- Build the capacity of statutory and voluntary agencies
- Development of LGB-inclusive practice models with agencies

Objective 16: Establish an inter-professional forum to comprehensively mainstream LGBT issues across the entire health sector

Scope of Actions

- Identify LGBT champions within each professional body to take a lead on establishment of the forum
- Establish terms of reference for the forum and support its initial development

The specific objectives in the area of safety culture change are:

Objective 17: Garda Síochána fully integrate protections for LGBT people across all aspects of policing

Scope of Actions

- Development of comprehensive policing plan based on Garda Diversity Strategy.
- Training and capacity building of Garda Liaison officers to the LGBT community.
- Development of third party reporting mechanism through trans EU policing project.
- Enhancement of Garda monitoring and data collection systems on LGBT hate crimes.

The specific objectives in the area of health and well-being lived experience change are:

Objective 18: Implement strategies to promote LGB people's use of health service. .

Scope of Actions

- Despite change in services, there remains a distrust of health services arising from the legacy of pathologisation of homosexuality. A range of measures will be required to overcome this distrust.
- LGB community education programme to promote understanding and use of healthcare, including information leaflets for LGB people advising them of health services and entitlements
- Lesbian mental health community education programme

10. VISION 4: Equal and Open Participation in Career and Employment

10.1 Equality in Employment: Changing the Rules

Changing the Rules: STARTING POINT 2006

By the beginning of 2006, Ireland had some of the most comprehensive employment protection for LGB people in the world (considerably more advanced at this stage than was the case in the UK). In particular:

- Unfair Dismissals (Amendment) Act 1993 which deems dismissal from employment to be automatically unfair if it is attributable to a range of grounds, including sexual orientation.
- Employment Equality Act (EEA) 1998 and 2004, prohibits direct and indirect discrimination in the workplace across nine grounds, including sexual orientation.

However:

- Section 37 of the EEA provides exemptions for religious, medical or educational institutions run or directed by religious bodies. This allows them to give favourable treatment to people on the religious ground or to permits actions to prevent an employee or prospective employee from undermining the religious ethos of the institution.
- The precise scope of Section 37 has not yet been tested in case law and it is not certain whether discrimination against an LGB person could be construed as a reasonable or lawful action to protect the religious ethos of an institution.
- Regardless of this lack of clarity, Section 37 has been identified by the all teacher unions as contributing to discrimination or fear of discrimination among LGB teachers as schools are predominantly controlled by religious denominations.
- The Unfair Dismissals Act however, has no exemptions relating to religious ethos.
- Irish equality legislation is focused on individuals taking cases, which can be problematic for many LGB people who fear that public disclosure of their sexuality would lead to further discrimination⁵
- Unlike the case in Northern Ireland, Irish equality legislation does not impose a statutory duty on public bodies to promote equality.

Other Areas of Employment Related Law 2006

- There has been no legal requirement for same-sex partners to be recognised in occupational pension schemes, such recognition being at the discretion of pension trustees. Public sector workers are particularly disadvantaged as under the public service pension scheme, same-sex partners, unlike married spouses, cannot benefit from their partner's pension.
- There is no legal requirement for employers to include same-sex partners or the children of same-sex partners in workplace benefits provided to spouses or their children e.g. health insurance, leave etc.

⁵ A comprehensive review of the gaps in Irish equality legislation is outlined in the report Enabling LGBT Individuals to Access their Rights Under Equality Law Authority/Equality Commission of Northern Ireland GLEN was represented on the Advisory Group for this research (2007).

- As noted in the section above on relationship recognition, at the beginning of 2006, the non-EU partners of Irish or EU citizens were not entitled to live and work in Ireland on the basis of their same-sex relationship.

Changing the Rules: ACHIEVEMENTS 2006 - 2010

- In mid 2006, the Government amended the Parental Leave Act to include same-sex partners in legal entitlements to 'force majeure' (emergency) leave.
- In 2006, the EU 'Free Movement Directive' was incorporated into Irish immigration regulations – this required EU member states to facilitate the entry of the non EU partners (same-sex or opposite sex) of EU nationals to live and work in Ireland.
- In 2008, the Government extended recognition of de-facto partners to include the non-EU partners of Irish nationals.

The enactment of the Civil Partnership Bill 2009 will also have a significant impact on employment. In particular:

- Civil Partnership will require civil partners to be treated equally to spouses in all pension schemes.
- Civil partners will be treated equally to married spouses in income tax and immigration.
- The Bill will amend the Equal Status and Employment Equality Acts to prevent discrimination against civil partners. This will mean that if an employer offers a benefits package (such as private health insurance) to a spouse then it must also be made available to an employee's civil partner.
- Civil Partnership will also amend the EEA 1998 to ensure that any workplace benefits provided to the children or relatives of a spouse must also be provided to the children or relatives of a civil partner.

Changing the Rules: CHALLENGES

- Changing Section 37 of the Employment Equality Act 1998 involves direct confrontation with churches over what will be perceived as an issue of religious freedom. This confrontation may interfere with other aspects of GLEN's work, in particular, building up support among Church school management bodies to deal with sexual orientation issues in schools.
- Significant resistance to including positive duty on public sector bodies to develop and implement equal opportunities policies. In the North of Ireland, the imperative for this came through the resolution of the conflict there in the Good Friday Agreement.
- Difficulty in establishing political priority for employment equality issues (in particular positive duty) in the context of the massive economic downturn, cutbacks in the public services and growth in unemployment.

Changing the Rules: OPPORTUNITIES

- Consensus among the three teacher trade unions on the impact of Section 37 of the Employment Equality Act both for sexuality orientation and other grounds, eg single or unmarried parents.
- The Equality has identified Section 37 as a barrier to equality requiring amendment.

- Although the religious ethos exemption in the EEA has been identified as a critical issue for workers in education and health establishment controlled by the religious bodies, the extent to which Section 37 could be used against an LGB worker has not been tested. A case to the Equality Tribunal on the issue may lead to a finding that this section could not be used to discriminate against an LGB person, thus removing its significance.
- Civil Partnership will provide a significant state sanctioned status to same-sex couples and a comprehensive range of employment related protections – it may be more difficult to justify discrimination in this context.
- The growing acknowledgement in Government and among statutory bodies (eg National Competitiveness Council) and major employers (Microsoft, Google, IBM) of the link between equality/diversity and economic competitiveness. This provides a rationale for increasing priority of equality.

10.2 Equality in Employment: Changing the Culture

Changing the Culture: STARTING POINT 2006

- Despite the significance of legislative change, there was very limited evidence of Irish employers moving beyond compliance with equality legislation towards proactive policies to specifically promote equality of opportunity for LGB people.
- A small number of multinational companies (predominantly US companies such as IBM) did have very proactive policies and provision in the workplace, including establishment of LGBT employee networks.
- Limited evidence of any major Irish employers developing such policies.
- Very limited analysis or acknowledgement by key economic agencies or research bodies (eg NESR, ESRI, IDA Ireland, Forfas etc) of the links between diversity and the economy. Almost no mention whatever of LGB people, despite development in employers such as IBM.
- Evidence that equality/diversity policies considered onerous by some employers, with LGB inclusion being considered an extra burden of regulation.
- The Irish Congress of Trade Unions (ICTU) progressive on LGB issues – had issued Guidelines for Trade Union Negotiators on LGB issues decades ago and updated in 2004. More limited progress with individual trade unions.

Changing the Culture: ACHIEVEMENTS 2006 -2010

- ICTU/GLEN Conference on LGB issues in the workplace (2008)
- Public Service Executives Union (PSEU), with support from GLEN, undertake first major survey by a trade union of members on LGB issues.
- Tánaiste (Deputy Prime Minister) launches first comprehensive Guide for Employers on LGBT Issues, endorsed by IBEC (national employer's body) ICTU, Business in the Community and the Equality Authority.
- GLEN work with Dublin Employment Pact in bringing US economist Richard Florida to Ireland. Florida has come to prominence with his thesis on the strong link between tolerance, diversity (including LGB people) and economic success.
- GLEN and ICTU agree in 2010 to develop resource for LGBT employees.

- Emergence of employee networks - although still mainly in US companies but also establishment of LGB employee network in Garda Síochána (Irish police service), University College Cork and University College Dublin.
- Establishment of number of LGBT union member networks in the teacher unions (ASTI, INTO, TUI) and also in SIPTU, Irelands largest trade union.
- Significant demand by employers for information on Civil Partnership leading to seminars for employers in Microsoft (2009) and in Citi (2010).

Changing the Culture: CHALLENGES

- Still very few Irish employers with proactive equal opportunities for LGB people.
- Lack of positive duty for employers in the public service to develop proactive policies (as in the case of Northern Ireland) a significant barrier to engagement.
- The inclusion of a positive duty for the public service in the UK has helped in Stonewall's (main LGB group in the UK) engagement with public sector employers (this has created a significant demand for Stonewalls Diversity Champions workplace programme).
- The economic downturn has had a negative impact – more difficult to promote equality in the context of labour surplus. Many companies cutting budgets of their diversity programmes and concentrating on core business issues.
- SME's have limited Human Resources infrastructure than large companies which makes it harder for them to adopt detailed diversity strategies for LGB people.

Changing the Culture: OPPORTUNITIES

- Civil Partnership raises the profile of LGB people in employment – recognition in core areas of employment including remuneration and benefits. Significant demand by employers for information on their legal obligations under the legislation.
- More people 'coming out' in higher status and more conservative workplaces eg emergence of Gay Doctor's Association.
- Development by GLEN of close links with Stonewall, the main national LGB organisation in the UK. Stonewall have developed very significant workplace programmes with employers, including a "Diversity Champions Programme".
- Employers pay Stonewall to be deemed 'Diversity Champions' and it works with the employers to help ensure they are fully inclusive of LGBT employees. It is possible for GLEN to replicate the Diversity Champions Programme in an Irish context, thus providing a positive way of developing and showcasing good practice in the workplace.
- GLEN has developed a Paper on the Economic Case for Equality which led to GLEN being represented on the Working Group established by Dublin City to explore this issue in the context of the development of the Dublin metropolitan area. The link between equality (including LGB people has also been picked up by the National Competitiveness Council.

10.3 Equality in Employment: Changing the Lived Experience

Changing the Lived Experience: STARTING POINT 2006

Only significant data on employment and LGB people in 2006 was the GLEN/Nexus study from 1995 which found that::

- Only 40% were 'out' to others at work.
- 40% had experienced harassment in their current workplace because they were assumed to be LGB;
- 39% avoided categories of employment because they feared they were more likely to face discrimination (this primarily related to areas of employment such as teaching, controlled by religious bodies). (GLEN/Nexus, 1995),

Changing the Lived Experience: ACHIEVEMENTS 2006 - 2010

LGBT Lives

The LGBT Lives study (Mayock, 2009), the most comprehensive survey undertaken on the LGB population since 1995 documents issues for LGB and transgender people in the workplace.

- Over 70% of those surveyed were 'out' to at least some of their work colleagues, as opposed to 40% of those surveyed in the GLEN/Nexus study in 1995.
- 3.2% of respondents had been verbally threatened by colleagues in their current workplace while nearly 15% had been threatened in previous employment.
- 8.9% of respondents had been called hurtful names by work colleagues, in their current workplace compared to more than a quarter who reported being called names in previous employment.
- 1.9% of people said they missed work to avoid being threatened or name calling in their current work compared to 9.3% who had missed work in previous work.

These figures would suggest that people's experience of harassment in the workplace has diminished. However, it is not possible to deduce from this research whether people moved to more congenial employment to avoid harassment or whether the low figures for harassment in the current workplace represents an improvement in workplace conditions overall.

NLGF Burning Issues 2009

In an on-line survey of 1000 LGB people undertaken in 2009 by the National Lesbian and Gay Federation (NLGF) on the needs LGB people confirmed that the workplace remains the most significant issue for LGB people. The majority of survey respondents said that equality for LGB people in the workplace was the single biggest issue for them.

Changing the Lived Experience: CHALLENGES

- Although it has diminished, prejudice and discrimination against LGB people in the workplace is still a significant reality.
- Also, even as the broader culture shifts so that prejudice and discrimination against LGB people diminishes, the legacy of past stigma still impacts on LGB people and many (particularly older people) still do not have the confidence to 'come out'. (A recent example is the UK Liberal Democrat politician David Laws)

- There is still a lack of role models of successfully openly lesbian or gay people across all stages of the career path and across all sectors (Still very few politicians for example who are openly LGB).
- As the unemployment has increased and job security diminished, LGB people can risk averse to 'coming out' in the workplace and employers can become less interested in supporting diversity in the workplace.

Changing the Lived Experience: OPPORTUNITIES

- The expansion of equality legislation to include civil partners as well as sexual orientation will increase the legal protections and benefits for LGB people in the workplace.
- Civil Partnership alters the status of all LGB people by shifting the perception of LGB people. The benefits that employers will be obliged to provide for civil partners increases the status and visibility of LGB people in the workplace.
- The development of LGB employee networks across a range of high status companies provides an important opportunity for LGB people to be open and confident in the workplace (Microsoft, Google, IBM and Accenture LGBT employee networks march in annual pride parades behind company banners).

10.4 Equality in Employment: Plan 2011 - 2015

Objective 19: Minimise Impact of Section 37 of the Employment Equality Act (religious ethos exemption)

Scope of Actions

- A delicate balance has to be struck between on the one hand, the goal of removing Section 37 (which would lead to a direct confrontation with the Churches) and the work of GLEN in building support among the religious controlled school management bodies in promoting equality for LGB school goers.
- In seeking to minimise the impact of Section 37, GLEN will not therefore take a leading role in seeking its repeal – but instead will support other critical actors (for example, the Equality Authority) in seeking to minimise its effects. This will include seeking to have the precise scope of Section 37 tested in litigation.

Objective 20: Implement a Diversity Champions Programme

Support the development of safe and inclusive workplaces through the development of a Diversity Champions programme.

Scope of Actions

- Replicate Stonewall UK Diversity Champions Programme in Irish context – Positive strategic link with Stonewall important.
- Will lead to service delivery role for GLEN – information, profiling good practice, provision of networking opportunities – fee charged to companies taking part.

Objective 21: Build on workplace implementation of Civil Partnership to promote profile of LGB people in the workplace.

Scope of Actions

- GLEN will seek to become a partner in the information campaign to inform employers, LGB people and other on the legal consequences of Civil Partnership.
- Build on partnership developed with IBEC (employers), individual employers and ICTU (trade unions).

Objective 22: Promote the development of LGB Employee and Profession Networks

Scope of Actions

- Synergies with other work- eg using connections with Law Society and Bar Council to establish and support LGB lawyer's network.
- Focus on sectors where little has taken place – including areas such as medicine and networks within Irish employers.

11. VISION 5: Full Participation in Political, Social and Cultural Life

11.1 Full Participation: Changing the Rules

Changing the Rules: Starting Point 2006

LGB community/voluntary sector groups have been a key driving force for progress for LGB people. In many parts of Ireland LGB people organising together has also been essential in providing the basic facilities for LGB people to meet one another.

Progress had been made at a national policy level in identifying the LGB issues and the opportunities to address these issues. Critical in this respect were:

- The Equality Authority report *Implementing Equality for Lesbians, Gays and Bisexuals* (2002) which was based on extensive consultation with LGB people and the social partners.
- The report of the National Economic and Social Forum (NESF) *Equality for LGB People: Implementation Issues* which is based on the work of an NESF project Group and process of engagement by the Group with Government and statutory bodies to examine the opportunities for implementing the recommendations of the Equality Authority report.

Despite this, LGB people and issues have, by and large, not been fully included in Government policy and programmes, for example in community development policy and programmes. Nor have LGB groups been represented on key policy or institutional decision making bodies directly relevant to LGB people. For example, in 2006:

- LGB groups were not included in any core funded national programmes for community or local development. For example, no LGB groups were funded under the Government funded national Community Development Programme which is the principal source of funding and support for community advocacy organisations in Ireland.
- LGB people were not included as a target group in national policies relating to social inclusion.
- There was no specific LGB representation on the Board of the Equality Authority, which is the principal body established by statute to support the implementation of Irish equality legislation.
- LGB people were not identified in mainstream data collection exercises used to inform social policy in Ireland. For example, there were no direct questions on LGB people in the Census of Population.

At a broader level, LGB people have not been a visible presence in mainstream political and policy making structures at national or local level. For example:

- No political party had a formal policy on mainstreaming the participation of LGB people within their parties.
- There were no links or structures of engagement between LGB groups and government departments; in particular there were no links with the Government Department of Justice, Equality and Law Reform (DJELR). On the other hand, the DJELR for example, had engaged extensively on other equality grounds and funded major equality initiatives in areas such as anti-racism and promoting equality for the Traveller community.

Changing the Rules: Achievements 2006-2010

- In 2006, the Minister for Justice Equality and Law Reform (DJELR) funded GLEN as liaison to the Department on sexual orientation issues. This was the first time an LGB organisation has been accorded (and core funded for) such a role at this policy level. The liaison role has led to engagement with a range of Government departments and to a direct input by GLEN into DJELR policy development, in particular relationship recognition. This engagement has been a catalyst for many of the achievements highlighted in other sections of this document.
- In 2006 the Director of Policy Change in GLEN was appointed to the Government Working Group on Domestic Partnership (Colley Group) and to the Department of Justice, Equality and Law Reform Working Group on Equality proofing.
- In 2008 the Chair of GLEN was appointed to the Board of the Equality Authority by the Minister for Justice, Equality and Law Reform.
- LGBT people have been named as a target groups in the new Local and Community Development Programme. This Programme amalgamates the Community Development Programme (which funds community development groups) and the Local Development Social Exclusion Programme which facilitates the coordination and delivery of social inclusion programmes through a network of social partnership companies based in disadvantaged areas.
- In 2009, the main national departments/state agencies responsible for community development in Ireland developed their first joint policy on LGBT issues in community development. The agencies are Pobal, the Family Support Agency and the Department of Community, Rural and Gaeltacht Affairs.
- In 2009 direct questions on legal and de facto same-sex partnerships were included in the Pilot for the Population Census 2011. This is the first time questions specifically on same-sex couples have been tested for the Census.
- In 2009 the National Economic and Social Council included extensive indicators on the circumstances and needs of LGB people in their scoping report for the establishment of a social reporting system for Ireland. This is the first time that LGB people have been mainstreamed in the work of the NESC which has had enormous influence in the development of national policy across a wide range of areas.
- In 2009, Ógra Fianna Fáil, the youth organisation of Fianna Fáil (the largest political party in Ireland) developed a comprehensive policy on equality for same-sex couples, with GLEN's assistance.

Changing the Rules: Challenges

- While funding has been sourced for LGB groups (principally from the HSE), very limited progress has been made in obtaining core funding for LGB people in national social inclusion programmes (which have been the main funding source for community advocacy projects and programmes).
- The collapse of economy has seriously impacted on funding opportunities, particularly in the area of social inclusion. Funding for the national Local and Community Development Programme for example, has been seriously cut back which limits the potential for LGB groups to receive core funding, despite LGB people being named as a target group in the Programme.
- There has been a resistance to including LGB people in the Government's National Anti-poverty and Social Inclusion Strategy. This relates to a broader resistance to extending the concept of social inclusion beyond income inequality and poverty.

- There is a significant church presence in the national social partnership NGO Community Pillar. In particular, the Church based group CORI is a very significant player in the sector and is not supportive of LGB issues.

Changing the Rules: Opportunities

- The LGBT Diversity Programme, funded by Atlantic Philanthropies to support the development of LGBT organisational capacity on a regional and national basis provides an opportunity to make links with broader societal structures at local, regional and national level to advance participation of LGB people.
- BelongTo the LGBT Youth Services has developed a very strong presence in the youth sector and has contributed significantly to the positive portrayal of LGBT people more generally.
- The establishment of the LGBT Policy Implementation Group by the Health Services Executive provides an important opportunity to establish core funding for LGB groups.
- The development of LGB groups across professions or areas of employment outlined in the section on careers above and the development of LGBT Groups within politics (for example LGBT Group in the Labour Party) could be a very significant addition to LGBT community organising on a geographic basis.
- The incorporation of Equality into Community Equality and Rural Affairs creates an opportunity to extend funding to embrace equality across the nine grounds in addition to measures which address poverty and social exclusion. The liaison role in GLEN which was supported by DJELR creates an important platform to build upon in this regard.
- GLEN chair on the board of the Equality Authority. A well developed liaison exists with the Authority which provides continuing opportunities for further progress.

11.2 Full Participation: Changing the Culture

Changing the Culture: Starting Point 2006

There are very limited data sources in which to assess public attitudes to homosexuality and to the full and open participation of LGB people in social, cultural and political life of society. Periodic surveys, as noted in the section above on relationships, do show consistently strong support for legal recognition of same-sex couples in Ireland from 2006.

Prior to 2006, there was some evidence that public attitudes were less favourable in Ireland than in many other EU countries. For example, 26.9% of people surveyed in Ireland by the European Values Survey in 1999 said they would not like to have a homosexual person as a neighbour. As noted by the National Economic and Social Forum, in their 2003 Report Equality Policies for Lesbian, Gay and Bisexual People, this did not compare favourably with the results from Ireland's European neighbours: only Greece, Italy and Northern scored higher on this social distance indicator.

Changing the Culture: Achievements 2006-2010

In addition to support for legal recognition of same-sex couples, a number of data sources provided further evidence of more favourable attitudes to LGB people. For example, Eurobarometer⁶ figures in show that in 2008:

- Only 6% of people surveyed in Ireland said they would be uncomfortable having a homosexual (gay man or lesbian) as a neighbour and 93% were either comfortable or indifferent. This compares to 29% who said they would be uncomfortable having an LGB neighbour in 1999.
- 60% of Irish people felt 'comfortable' in electing a gay man or lesbian woman to the highest political office. This compared to an EU (27 member state) average of 50%.

Positive changing attitudes were also identified in a survey and focus groups conducted for GLEN by Lansdowne research at the end of 2006. When members of the focus groups (representative of older people in Ireland) were asked about changing attitudes in general and about attitudes towards LGB people in particular the following responses were recorded:

- Most viewed the greater openness of Irish Society, including a fall off in the power of the Church and the increases in multi-culturalism arising from immigration as being a positive development.
- All acknowledged a significant positive shift in attitudes to LGB people over the previous decade;
- All believed that, like society in general being more open, accepting and therefore healthy, this change in attitudes towards LGB people was also healthier.
- All focus group participants stated that role models of 'out' LGB people would play an important role in dismantling anti-gay prejudice.

Changes in the culture are also reflected in the political system. As stated earlier:

- All political parties have supported legal recognition of same-sex couples.
- The debates on civil partnership in the Dáil are entirely different than those around decriminalisation in 1993. Discourse of opposition has centred on protection of marriage rather than attacking LGB people directly.

Changing the Culture: challenges

- Churches opposed to equality for LGB people are still a major force in Irish society.
- There are still very few visibly 'out' LGB people in key areas of society including politics, broadcasting or across the professions. This contributes to a narrowly defined view of LGB people and to a sense that LGB people are few in number and unrepresentative of society as a whole.
- A lack of visibly 'out' LGB people across society also perpetuates a view of LGB people as inherently socially excluded.
- There is still a view of homosexuality as being purely sexual in nature as opposed to it being part of a person's identity, particularly in regard to love and relationships.

⁶ Eurobarometer is an institution of the EU charged with collecting information across the EU.

Changing the Culture: opportunities

- The LGBT Diversity Programme offers significant opportunities to mainstream policy gains at local and regional level so that all LGBT people gain from these gains.
- Civil partnership and the debate on legal recognition of same-sex couples has helped move the perception of LGBT people to one embracing relationships and love and the same as other relationships.
- The Catholic Church has been weakened as a force in Irish society and people are less willing to taken seriously its views on sexual morality.

11.3 Full Participation: Changing the Lived Experience

Changing the Lived Experience: Starting Point 2006

- In 1995 the GLEN Poverty Study found that only 49% of those surveyed realised their LGBT identity by the age of 15. Furthermore the survey found that only 38% of those surveyed were out by the age of 20.
- There were LGBT groups or services (including meeting places) located in large cities but little available in many parts of country (e.g. Midlands, northwest)
- There had been a significant growth in LGBT cultural events, especially in Dublin and Cork. The Dublin LGBT film and theatre festivals received some mainstream arts bodies support and numbers attending continued to grow.
- Numbers attending LGBT Pride events, especially in Dublin, had grown significantly.
- Some LGBT sporting activities with little or no support from national sporting bodies
- There were no openly LGBT TDs (members of the main chamber of the Irish parliament) and there was just one openly-gay Senator and few openly LGBT local councillors.
- Only one political party, the Labour Party, had an LGBT section.

Changing the Lived Experience: Achievements 2006-2010

- Surveys indicate that more LGBT people are now realising and disclosing their sexual identities at younger ages. In 2009 LGBT Lives found that a majority of those surveyed now realised their LGBT identity by the age of 12. The study also found that a majority of those who were surveyed were now “out” by the age of 17 (c.f. 1995 study above).
- New LGBT community organisations have emerged outside the largest urban centres. Groups have been established in Galway, Kilkenny, Kerry, Wicklow, Clare, Sligo and Mayo.
- The Bingham Rugby World Cup, the largest LGBT rugby sporting event in the world, held in Dublin 2008 with significant support from IRFU.
- Huge growth in numbers attending LGBT Pride events. For example, more than 22,000 people marched on Dublin LGBT Pride in 2010 compared to less than 5000 in 2006.
- There has been a very significant rise in coverage of LGBT issues in the media and more positive or neutral portrayal of LGBT people.

Changing the Lived Experience: Challenges

- Coming out at a younger age makes it even more important that schools, families and communities are supportive of young LGB people
- Far less access to LGB facilities e.g. places to meet, for people outside the larger urban centres.

Changing the Lived Experience: Opportunities

- Funding by Atlantic Philanthropies of *LGBT Diversity* for development at local and regional levels, provides an important opportunity for LGB groups to build their capacity to implement changes achieved at national level (by eg GLEN, TENI, Belong To) at a local and regional level.
- The Programme also provides an important opportunity to develop strategic linkages at local and regional levels with local government, statutory and other service providers to ensure that national policy changes are delivered at local level for LGBT people.
- *LGBT Diversity* further provides an important opportunity for LGB people's issues to feed directly into national policy development, including through strategic linkages with GLEN, TENI, BelongTo and other national policy bodies.
- Civil Partnership will contribute to the status of LGB people in society and should be a major factor in advancing the participation of LGB people of all ages in society.
- The first comprehensive and focused study on the lives of older LGBT people has been commissioned by GLEN and will be published at the end of 2010. This study provides a critical opportunity to work with all the agencies working with older people including health services, active retirement bodies and voluntary older people's services.

11.4 Full Participation: Plan for 2011 -2015

Objective 23: Government Wide Strategy on Full Participation of LGB People

Scope of Actions

- GLEN will advance the development of a national LGB strategy with the new Department of Equality, which will incorporate all areas of government policy and practice relevant to LGB people. The Dutch and Scottish Governments' national LGBT strategies provide a useful model. These strategies also include dedicated funding lines.
- The liaison role established by Department of Justice in GLEN also provides a useful strategy template.

Objective 24: Mainstream the participation of LGBT people at every level of the political system

Scope of Actions

- GLEN will work across all political parties to develop a cross party LGBT caucus with the aim of including LGBT people in the political structures at all levels (including

national politics and on local councils) and with the aim of promoting LGBT issues within the political system on a non-party basis.

Objective 25: Mainstreaming inclusion of LGBT people in key civic and cultural institutions

Scope of Actions

- GLEN will identify major national social and cultural organisations where there may be perceived or actual barriers to including or supporting LGBT people and/or lack of visible role models.
- These will include key mainstream community infrastructure such as Macra na Feirme and major sporting organisations such as the GAA., IRFU and the Irish Sports Council.
- Engage with An Comhairle Leabharlann (National Library Board) to ensure that libraries are accessible and appropriate points of contact for LGB people on relevant issues.

Objective 26: Maximising Opportunities to deliver national policy gains at local and regional level through supporting LGBT Diversity Programme

Scope of Actions

- GLEN will work strategically with the Joint Working Group of LGBT Diversity to build its capacity, and the capacity of all local and regional LGBT organisations, to deliver national policy gains at local and regional level.
- GLEN will seek to identify funding opportunities at national level that can support LGBT communities at regional and local level. This includes developing linkages with politicians, the new Department of Community, Equality and Rural Affairs and national programmes.

12. INCOME AND EXPENDITURE PROJECTIONS 2011 - 2015: