

HERe NI
2013



**SHADOW REPORT FOR THE UNITED KINGDOM OF GREAT
BRITAIN AND NORTHERN IRELAND
UN CONVENTION ON THE ELIMINATION OF ALL FORMS OF
DISCRIMINATION AGAINST WOMEN
55th session (8 – 26 July 2013)**

REPORT ON THE DISCRIMINATION AGAINST WOMEN AND
GIRLS IN NORTHERN IRELAND ON THE BASIS OF GENDER
AND SEXUAL ORIENTATION.

Examination of the 7th Periodical Report, July 2013.
This report is free to be submitted on the CEDAW website.

Here NI is a community organisation and registered charity based in Belfast. We're here to support lesbian and bisexual women and our families and improve the lives of L& B women across Northern Ireland. We do this in lots of different ways; through providing information; developing support networks in rural areas and towns; facilitating training; lobbying government and agencies on your behalf; offering a community space for meeting and much more.

Whether you want to connect with other lesbian and bisexual women in your area, find out about your rights, learn new skills or get involved as a volunteer, just get in touch or drop into our office in Belfast city centre. You can also explore this website to find out more about the services we offer and you'll find lots of useful resources to help with any question you might have.

In 1999 a number of women met in Belfast to explore the idea of establishing an organisation to support the needs of lesbian and bisexual women throughout the North of Ireland. The group became known as Lesbian Advocacy Services Initiative (LASI). A report was commissioned by the group, which detailed the experiences of lesbian and bisexual women here, in Northern Ireland and recommendations were made about the type of organisation that might meet our needs. The report, *A Mighty Silence*¹ was published, and launched at Stormont in 2002.

LASI was awarded a grant from the Community Fund in 2004 to employ a worker for three years. Much of the work done during this period was directly related to changing and improving legislation and LASI was directly involved in supporting, for example, the introduction of Civil Partnerships and the Equality Act around provision of goods and services to LGBT people. LASI secured a further 5 years funding from Big Lottery's Reaching Communities Fund to enable the setting up of a staff team; co-ordinator, development worker and part-time administrator.

With a renewed emphasis on community outreach, capacity building and connecting women, LASI rebranded as HERE NI in the summer of 2012. Our name reflects the importance of visibility for lesbian and bisexual women and the idea that HERE is wherever we are and we are everywhere.

VISON

Our vision is that all lesbian and bisexual women are visible, included and valued in all aspects of society.

MISSION

Our mission is to promote the full inclusion of lesbian and bisexual women in Northern Ireland and the Border Counties.

¹ http://hereni.org/wp-content/uploads/2012/09/a_mighty_silence.pdf

Article 2

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

- (a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;
- (b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;
- (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;
- (d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;
- (e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;
- (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;
- (g) To repeal all national penal provisions which constitute discrimination against women.

1. In the seventh periodic report of the United Kingdom and Northern Ireland (NI), dated 11 August 2011², page 8 paragraph 17 states “The Northern Ireland Executive is in the process of publishing a sexual orientation strategy”.
2. The Sexual Orientation Strategy and Action Plan (SOSAP) was originally proposed by OFMDFM during Direct Rule in 2005. However, during devolution this draft strategy was shelved until 2012 when it was announced through the Draft Strategy for Cohesion, Sharing and Integration that a new strategy would be developed. The SOSAP was later included as part of the Programme for Government with the commitment that it would be published in 2012.
3. To our knowledge little or no work has been done since both commitments in 2011 and 2012 on publishing this strategy. The Office of the First and Deputy First Minister has, however made another commitment to publish the Sexual Orientation Strategy by the end of 2013. However, with very little work having been done to date, this commitment looks unlikely to happen, or if it does it will be rushed which could affect the quality of the strategy and action plan that results. The absence of this strategy means that lesbian and bisexual women and girls face high levels of social exclusion, isolation, bullying in schools, harassment, discrimination and significantly lower health outcomes³ also

² <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N11/648/56/PDF/N1164856.pdf?OpenElement>

³ http://hereni.org/wp-content/uploads/2012/09/invisible_women.pdf

result. This is particularly relevant for rural women, who are even further impacted by the processes of discrimination, as they have limited access to the Lesbian, Gay, Bisexual or Transgender (LGBT) community.

4. The LGBT community in Northern Ireland suffers greatly from discrimination and for lesbian and bisexual women this manifests itself in self-harming behaviour, including the abuse of alcohol, drugs and tobacco. In addition to this one in two lesbian or bisexual women are at risk from developing a mental health issue in their lifetime as a direct result of the invisibility and isolation they feel. In NI we have a Mental Health Promotion Strategy and a Suicide Prevention Strategy, under both of which lesbian and bisexual women have been named as a high risk or target group. However, little targeted work has been done with lesbian and bisexual women under the action plans of both strategies and they have been consistently overlooked throughout the lifetime of both strategies.
5. The Northern Ireland Executive again steps out of line with UK law in the case of Adoption rights for same sex couples. As it currently stands it is unlawful for unmarried couples to apply to adopt (marriage is not available to same sex couples in Northern Ireland) and couples who are in a Civil Partnership are also banned from applying to adopt. The Northern Ireland Human Rights Commission applied to the High Court of Justice in Northern Ireland to take a judicial review case against this discriminatory legislation. The legislation was judged by Mr Justice Treacy in October 2012 to be *prima facie* discriminatory⁴. However, the health minister for Northern Ireland, Edwin Poots, challenged this ruling and appealed it. The appeal case started on June 18th 2013 and is currently being considered.

Article 5

States Parties shall take all appropriate measures:

- (a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;
- (b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

1. There is a distinct absence of lesbian women in public life and despite being under an obligation to challenge patterns of discrimination key individuals in public life are openly and vocally homophobic. As stated above, some of the actions and comments from some of our elected

⁴ http://www.courtsni.gov.uk/en-GB/Judicial%20Decisions/SummaryJudgments/Documents/j_sj_NIHRC-Adoption-JR_181012/j_sj_NIHRC-Adoption-JR_181012.html

representatives could be perceived to be homophobic by many. For Example, our Health Minister supported the “blanket ban” on gay and bisexual men donating blood, despite massive blood shortages in Northern Ireland. Other key figures in public life are also openly homophobic and I refer to the wife of Northern Ireland's elected First Minister, Iris Robinson, who openly challenged the LGBT community on public television and radio stations stating homosexuality was an abomination and even referred to a therapist she knew who could cure anyone of their homosexuality. After much outcry from the general public and from the LGBT community, little was done to reprimand Mrs. Robinson who also compared gay people with murderers in a statement on a local and very popular radio station: "just as a murderer can be redeemed by the blood of Christ, so can a homosexual..."

2. If elected representatives use derogatory language when referring to LGBT people this gives a clear message to wider society that homophobia is acceptable and lesbian and bisexual women are forced, even further, to live in fear.
3. More sanctions need to be imposed on elected representatives to give a clear message that this use of language is unacceptable, discriminatory and has the potential to influence negatively the views of wider society about LGBT people.
4. In relation to Article 5B lesbian and bisexual women and their children face considerable disadvantage due to the lack of recognition of their families both in wider society and in schools. By not being inclusive of all families, including same sex families, schools and society force lesbian and bisexual mothers and their children to become invisible within society and this can have serious detrimental impacts on the education of the child and the parental experience of the mothers.
5. As society moves and develops more and more same sex families will exist. Much more work needs to be done to ensure these families are given the same rights and freedoms as other families.

Article 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

- (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;
- (b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;
- (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

1. It remains that in Northern Ireland there are only a very small number of openly out LGB people involved in frontline politics and of the 582 councillors in NI, less than 1% openly identify as LGB and none of them have ever or are currently identified with a trans* identity. It is

also true that none of the NI Assembly members or members of Parliament for NI openly identify as LGBT.

2. What is of particular importance in Northern Ireland is that none of the current equality legislation, that protects people on the grounds of sexual orientation was brought into law by the Northern Ireland Assembly. Instead, all of this legislation was forced over through means of devolution, from Westminster Assembly.
3. With particular reference to part C of this article as an NGO, HERe NI is the only organization working specifically with lesbian and bisexual women across Northern Ireland. We have a regional remit of the 6 NI Counties and over 15 years experience in this field, however, we are a National Lottery funded organization, a funding stream that is precarious at best. We have only 2.5 members of staff, and little or no government financial support to carry out our functions and programmes. The lack of Sexual Orientation Strategy in this case means we are significantly under supported by government in our work.
4. Again with particular reference to part C, lesbian and bisexual women are prevented from participation with HERe NI through a lack of promotion of the work we do and a lack of meaningful engagement from our government.
5. In addition, lesbian and bisexual women are prevented from accessing us as an NGO because of the lack of challenge by government to the widespread homophobia in our society, despite having a legal backing for discrimination based on sexual orientation, however, our government has done little to promote these laws and educate society about the effects of homophobia. A task that then falls on our small LGBT sector. The result is simply that we have legislation that only protects lesbian and bisexual women in theory and not in practice.

Article 10

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;

(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;

(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;

(d) The same opportunities to benefit from scholarships and other study grants;

- (e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;
- (f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;
- (g) The same Opportunities to participate actively in sports and physical education;
- (h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

1. Northern Ireland's approach to equality and diversity issues is directed by Section 75 of the NI Act which states: "A Public authority shall, in carrying out its functions relating to Northern Ireland have due regard to the need to promote equality of opportunity between persons of different religious beliefs, political opinion, racial group, age, marital status, sex or sexual orientation; between men and women generally; between persons with a disability and persons without; and between persons with dependents and persons without."
2. However, under Northern Ireland's equality legislation, Section 75 of the Northern Ireland Act, schools are not designated. This means that there is no statutory duty on schools to give lesbian and bisexual female students any information about sexual orientation, including relationships, sex and health risks associated with homophobia. This increases the risk to young LB women and girls in terms of mental health.
3. In addition to this lack of information schools are not required to adopt any policy on homophobic bullying and as a result bullying and harassment are a daily threat to LGBT students. The effect this has on students is that they are much more likely to leave school before earlier than their heterosexual counterparts⁵ and have less access to the labour market as a result.
4. Finally, schools do not teach students about the history of the LGBT struggle for freedom and there is no statutory duty for them to do so. Students are not taught of the achievements of LGBT people throughout history, for example Alan Turing, who broke the Nazi Enigma code, was a gay man but students are not taught this and by omitting information from the school curriculum that would make LGB students, including lesbian and bisexual women and girls, more visible the effect is to even further isolate them whilst also raising inequalities in education.

Article 11

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

⁵ <http://www.cara-friend.org.uk/assets/docs/left%20out%20of%20the%20equation.pdf>

- (a) The right to work as an inalienable right of all human beings;
- (b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;
- (c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;
- (d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;
- (e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;
- (f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

- (a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;
- (b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;
- (c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;
- (d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

1. Research carried out in Northern Ireland shows that 1 in 7 people working in the community and voluntary sector conceal their sexual orientation and in the private sector and public workspaces this increases to 1 in 4.⁶
2. This same research noted that 1 in 3 people surveyed were not aware of any equal opportunities, anti-bullying, domestic violence or family friendly policies in their workplace that specifically referred to sexual orientation or gender identity.
3. This means that the isolation and invisibility felt by lesbian and bisexual women is being extended into the work environment.

Article 12

⁶ Through Our Eyes – Experience of Lesbian, Gay and Bisexual people in the Workplace. M. McDermott. 2011.

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.

2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

1. As previously mentioned lesbian and bisexual women are named as a target group under Northern Ireland's Mental Health Promotion and Suicide Prevention Strategies, however no targeted work with lesbian and bisexual women has been done under the action plans for these strategies. This effectively contributes to the mental health inequalities faced by lesbian and bisexual women in Northern Ireland.
2. Fertility Rights – In 2009 the Human Fertilisation and Embryology Bill was changed to eliminate the need for a father and instead replaced it with the need for responsible parents. It was thought that this would open up publically funded fertility treatment for lesbian and bisexual women. However, current eligibility criteria for such treatment states that couples must prove they have been trying unsuccessfully for two years before being referred. As a lesbian couple, it is impossible to prove this and as such this creates an immediate barrier to lesbian and bisexual women accessing public fertility treatment. This forces lesbian and bisexual women to seek other means of conceiving including having sex with strangers, using donor sperm from a friend both of which pose severe health risks to women. Alternatively women are forced to use private facilities where they have to pay large amounts of money for treatment that should be available to them freely as it is to all other women.
3. Whilst there are health implications to the risks lesbian and bisexual women are being forced to take in order to have a family, the legal ramifications can have a detrimental impact to both the mothers and to the child as it can result in questions over the parental responsibility of the non-biological mother and the donor.
4. The National Health Service has a website directing people to services such as the Regional Fertility Centre, however, there are no images, mention or reference to lesbian and bisexual women and all literature is based on heterosexual couples. Lesbian and bisexual women are again being left out and isolated from these services.
5. Adoption – as previously mentioned unmarried couples are currently unable to adopt in Northern Ireland, and as a lesbian couple marriage is not a right afforded to us in Northern Ireland, another policy that brings NI out of line with the United Kingdom. Being unable to marry means that as a lesbian couple you aren't even eligible to apply to adopt.

6. In addition, *Invisible Women*⁷ shows that lesbian and bisexual women face significant barriers to accessing health services, for example : they are reluctant to access services for fear of discrimination, they are less likely to access preventative care and they delay treatment and follow-up.

Article 14

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

(a) To participate in the elaboration and implementation of development planning at all levels;

(b) To have access to adequate health care facilities, including information, counselling and services in family planning;

(c) To benefit directly from social security programmes;

(d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;

(e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self employment;

(f) To participate in all community activities;

(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;

(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

1. All of the above stated discriminatory practice in Northern Ireland is further compounded when lesbian or bisexual women are living rurally. In rural areas there is little or no access to the LGBT community and women are forced to leave the security and support of their home town in order to access appropriate services. Although HRe NI's remit is Northern Ireland wide we are significantly under resourced to meet the needs of the region's lesbian and bisexual women and we get very little support from national government or local councils to support women who live rurally.
2. As shown under Article 12, lesbian and bisexual women face significant barriers to accessing health services, including family

⁷ *Invisible Women – A Review of the Impact of Discrimination and Social Exclusion on Lesbian and Bisexual Women's Health in Northern Ireland*. M. Quiery. 2007

planning, this access is made even less reachable if the women concerned are rural women.

3. Benefiting from social security programmes is crucial for lesbian and bisexual women as many of them leave school earlier than their heterosexual counterparts due to the harassment and bullying faced in school. If the women in question are rurally based, access to such services is further restricted.
4. Many lesbian and bisexual women feel so isolated from society because of the apparent homophobic attitudes of society, government and other public figures. As such many of them do not participate fully within their own communities and when they don't have access to the lesbian and bisexual women's community or when they don't feel empowered enough to access that community they become further isolated. When these women are rurally based the existence of a lesbian and bisexual women's community is not supported in these areas and as such the women become the victims of triple discrimination. Firstly on the basis of their gender, secondly on the basis of their sexual orientation and thirdly on the basis of their rural status.
5. In relation to adequate living conditions, due to the lack of information and education in rural areas about sexual orientation, homophobia and discrimination and the "small-town" mentality and levels of homophobia in rural areas many lesbian and bisexual women, especially young lesbian and bisexual women, find themselves homeless as a result of telling family members about their sexual orientation.