



EQUALITY, DIVERSITY, SOLIDARITY

– Fighting with PRIDE for LGBT Rights in Ireland



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A Chairde,

The starting point for Sinn Féin on all issues of human and civil rights and equality is the Proclamation of 1916. It may be almost 100 years old but it is for us the mission statement of this generation of republicans.

As an Irish republican party, equality is at the core of all that Sinn Féin represents. All citizens must enjoy full equality of rights and opportunities under law, regardless of their background, including sexual orientation or gender. Nothing less can be tolerated in a modern, progressive and inclusive society.

This document “Equality, Diversity, Solidarity – Fighting with PRIDE for LGBT rights in Ireland” catalogues the significant strides made over recent times in Ireland, north and south in tackling the political, societal and legal obstacles and discrimination facing LGBT citizens.


Importantly, the document also sets out in clear terms what the key challenges are moving forward in the fight to further advance the rights of lesbian, gay, bisexual and transgender citizens and the actions required to eliminate discrimination and harassment which many LGBT people experience in aspects of their daily lives. For our part, Sinn Féin has positively embraced these challenges in a practical way through campaigning and activism and remain firmly committed to working in solidarity with the LGBT community to activate public and political support north and south.

In the Constitutional Convention delegates delivered a decisive vote of 79% in favour of amending the constitution to provide for marriage equality. The three Sinn Féin delegates voted in favour of amending the Constitution to include a positive obligation on the State to give effect to a guarantee of marriage equality and to the equal rights of the children of these marriages.

We welcome the announcement by the Irish Government that it will hold a referendum on marriage equality in 2015. However, it is imperative that an exact date is announced quickly.

I want to take this opportunity to commend the work of our LGBT comrades across Sinn Féin and invite republicans to become involved in these issues and help achieve the Ireland of Equals that is our goal.

Is mise

A handwritten signature in black ink, appearing to read 'GAD', with a long, sweeping flourish extending to the right.

GERRY ADAMS TD

President of Sinn Féin

A Chairde,

Is as forógra 1916 a thagann bunphointe Sinn Féin i leith cearta daonna, cearta sibhialta agus comhionannas. Cé go bhfuil sé beagnach 100 bliain d'aois, tá sé fós mar ráiteas misin don glúin seo de phoblachtaigh.

Is Páirtí Poblachtánach Éireannach muid, agus mar sin, tá comhionannas thar a bheith tábhachtach dúinn. Ba chóir do ghach saoránaigh aoibhneas a bhaint as comhchearta agus deiseanna faoin dlí. Is cuma faoin cúlra atá ag duine. Is cuma faoin gnéaschlaonadh ata ag duine nó fiú an gnéas. Ní féidir glacadh l'aon rud eile i tsochaí nua-aoiseach, forásach agus cuimsitheach.

Sa cháipéis seo "Equality, Diversity, Solidarity-Fighting with PRIDE for LGBT rights in Ireland" léirítear an méid dul cun cinn ata déanta sna laethanta beaga anuas i dTeisceart agus Tuaisceart na hÉireann. Tá an fhorbairt dearfach sin déanta trí dhul i ngleic constaicí pholaitiúil, sochaíoch agus dlíthiúil agus idirdhealú ar bhonn gnéaschlaonadh.

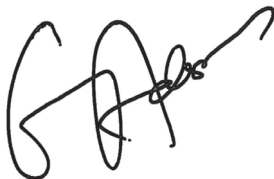
Leiríonn an cáipéis seo freisin na príomh dúshláin atá amach romhainn chun cearta an pobal Leispiach, Aerach, Déghnéasach agus Trasinscneach a chur cun cinn. Leirítear freisin na rudaí atá de dhíth chun deireadh a chuir le idirdhealú agus ciapadh.

Ghlac Sinn Féin i mbealach dearfach leis na dúshláin seo i tslí practiciúil trí fheachtasaíocht agus gníomhaíochas agus gealann muid go leanfaidh muid ag obair le chéile chun tacaíocht polaitiúil agus poiblí sa Dheisceart agus sa Thuaisceart a chuir i ngníomh.

Le linn an Tionól Bunreachtúil chaith 79% de tocairí vóta i bhfabhár an bunreacht a leasú chun pósadh chomhghnéis a chuir ar fáil. Chaith na trí tocairí Sinn Fein vóta i bhfabhár an bunreacht a leasú agus dualgas a chuir ar an Stáit pósadh chomhghnéis a chinntiú agus comhchearta a thabhairt do na páistí de na pósadh seo. Cuireann muid fáilte roimh an bealach gur d'fhógair an rialtas Éireannach go mbeidh reifreann do phósadh chomhghnéis ann i 2015. Ach tá sé tábhachtach go fógraíonn said dáta láithreach.

Ba mhaith liom an deis seo a thógáil moladh a thabhairt d'ár gcomrádaithe LGBT thar fud Sinn Féin agus ba mhaith liom cuireadh a thabhairt do phoblachtaigh páirt a ghlacadh sa fheachtas seo agus cabhair a thabhairt dúinn Éireann ata bunaithe ar chomhionannas a chruthú.

Is mise,



Gerry Adams TD

Uachtarán Shinn Féin

INTRODUCTION

– Chris Curran LGBT Officer

A chara,

Sinn Féin LGBT is in the process of developing a radical new policy document to build on our All-Ireland LGBT successes over the last few years. Our shared history of state-led oppression provides us with a common aspiration of parity of esteem, equal treatment under the law and need to change societal attitudes towards LGBT people.

Much as greater freedoms exist for LGBT people, true equality has yet to be won. Sinn Féin recognises that societal attitudes, the ban on the donation of blood, gender recognition, adoption, transphobic and homophobic bullying, the reporting of domestic and sexual violence, as well as marriage & employment equality are a few of the areas of life where LGBT people suffer inequality and isolation.

LGBT people suffer higher rates of depression, self-harm and suicide, directly attributable to social conditioning, the stigma and isolation of state-led criminalisation, discrimination and harassment.

I believe that as a model of our Republican beliefs, a Sinn Féin government will stand with the LGBT community, not just to provide corrective LGBT legislation and change societal attitudes, our New Ireland will stand as a beacon of LGBT equality that will cherish, protect & celebrate diversity of all its citizens.

As part of its consultation process, Sinn Féin will be seeking submissions from its members, interested parties & LGBT groups across Ireland.

This document is intended to provide the reader with a general insight into the issues effecting LGBT people, demonstrate our position and will be used as a basis of discussion and policy formation consultation.

On behalf of Sinn Féin LGBT, I would like to thank you in advance for your support in building an Ireland of Equals

Beirimd Bua

Chris Curran
LGBT Officer

EXECUTIVE SUMMARY

There is no denying that Ireland has come a long way from the dark days when merely living life as a gay man exposed you to the risk of criminal prosecution and imprisonment. Now, in contrast, we recognise and rightly celebrate the gay identities of some of Ireland's greatest literary and cultural heroes. Our country would be a much lesser place without the contributions, great and small, of the lesbian, gay, bisexual and transgender members of our nation.

But even in 2014, obstacles still block the road to full LGBT equality. For example, while every Irish city now hosts Gay Pride Parades in which public officials participate across the Island, lesbian and gay Irish groups are still banned from official participation in some St Patrick's Day parades in the Irish diaspora. Despite all the victories in the courts from

Norris to Foy, and the hard-won increase in visibility, social tolerance and legal protections, homophobic and transphobic discrimination, harassment and even violence remain a hard fact of life for LGBT people in Ireland. Irish Republicans are only too well aware of what it means to be treated as second-class citizens. We are determined to challenge the ignorance and indifference that enable this unacceptable situation to continue, to encourage the necessary changes in attitudes and to introduce, or otherwise cooperate to support, necessary changes in the law.

As an Irish republican party, equality is at the core of all that Sinn Féin represents. We are committed to building a Real Republic, where social and economic equality is one of the main measurements of our nation's success. Sinn Féin therefore has a longstanding position of support for LGBT equality in all dimensions of life and law. This includes the equal right to legal recognition of same-sex marriage and the equal right to found a family, including by adoption. It also includes full legal recognition of the preferred/acquired gender of transgender people. These are important battles that have yet to be won.

FULL EQUALITY UNDER LAW

While the legal position has markedly improved over recent decades thanks to dedicated activism, LGBT citizens are still not fully equal under all aspects of the law. Therefore, all remaining sources of lawful discrimination on the basis of sexual orientation and gender identity should be eliminated as a matter of priority.

Homophobic discrimination in the provision of goods and services including housing, and direct and indirect homophobic discrimination in employment is generally unlawful under the equality legislation introduced north and south consequent to the Good Friday Agreement. However, Section 37(1) of the Employment Equality Acts 1998-2011 remains a significant exception to this. It permits religious educational or medical institutions in the 26 Counties to engage in discrimination against LGBT employees or prospective employees, in the interests of promoting religious values.

In February 2013 Sinn Féin introduced the Employment Equality (Amendment) Bill, which aims to end discrimination against lesbian, gay, bisexual or transgender teachers in our schools and healthcare workers in our hospitals, by amending Section 37. The government in the 26 Counties has since also promised to change the legislation in this regard, and we plan to hold it to account.

This Sinn Féin Bill also proposed to extend the grounds under which discrimination is prohibited to include gender identity, pursuant to the Yogyakarta Principles. These principles were developed under international human rights law by a distinguished group of human rights experts who met in Yogyakarta, Indonesia in 2006 to address human rights abuses of LGBT people and subsequently developed the Yogyakarta principles as a universal guide to human rights which affirm binding international legal standards with which all States must comply.

The equal rights of LGBT citizens and their families must be unambiguously protected not only under ordinary law north and south, but also in the 1937 Constitution (preferably as part of a comprehensive Bill of Rights Amendment), and in the outstanding northern Bill of Rights promised under the Good Friday Agreement. New constitutional and Bill of Rights provisions should affirm the right to equal treatment regardless of sexual orientation, gender identity or family status, and should expressly prohibit discrimination on these grounds. Such permanent protections are necessary in order to remove all remaining legal ambiguities that shield official homophobia and transphobia at present, and put LGBT equality imperatives on Irish legislators, executives and the judiciary.

EQUAL FAMILIES

From Civil Partnership to Civil Marriage

Having made a legislative commitment in successive election manifestos, Sinn Féin backed the Civil Partnership Act finally introduced in the 26 Counties in 2010. This was an important first step towards LGBT family equality, honouring the Good Friday Agreement commitment to ensure that protections in the south are at least equivalent to those pertaining in the north.

However, achieving full equality in the right to civil marriage, on an all-Ireland basis, is the next goal. In 2013 Sinn Féin was proud to assist the momentum by sponsoring a marriage equality motion in the Northern Assembly and since 2012 tabling Council motions in Dublin, Cork, Belfast, Dungannon, Dundalk, Fermanagh, Waterford and Derry amongst others. This work will continue.

Our delegates to the Constitutional Convention advocated and voted for amending the 1937 Constitution to remove the provision that has been used to discriminate against LGBT citizens, and to provide for marriage equality. The overwhelming majority vote of 79% in favour at the Convention was a landmark moment for equality in Ireland. The change recommended by the Convention would allow the 26 Counties to join the growing number of jurisdictions around the world that have recognised marriage equality rights. This will make a real positive difference to the lives of Irish LGBT citizens and their children.

Sinn Féin therefore welcomed the consequent announcement by the Irish Government that it will hold a referendum on marriage equality in 2015. It is crucial that the Government now adopts a pro-active approach in bringing forward the legislation to give effect to this commitment. When referendum time comes, Sinn Féin will actively and enthusiastically campaign in favour of the marriage equality amendment.

Following this positive result at the Constitutional Convention, Sinn Féin introduced a second marriage equality motion in the Assembly. It is regrettable that, in contrast to the growing political consensus in the south on the issue, most of the other northern parties refused to support this initiative. However, we remain undeterred and will continue to work towards the introduction of marriage equality legislation in the north now and in the future.

Every child deserves loving parents

Research shows that there is no credible evidentiary support for the claim that children need one parent of each gender in order to thrive and reach their full potential. Indeed, research evidence over 30 years demonstrates no appreciable difference in outcomes for children of same-sex couples – except to the extent that these children and their families experience discrimination under the law on the basis of parental sexual orientation. This research is the basis of positions taken in support of legal recognition of same-sex marriage and parenting by leading organisations representing the social work and medical professions (including the Irish Association of Social Workers, the Irish Institute of Mental Health Nurses, the American Psychological, Psychiatric and Medical Associations (APA, APA and AMA), and the American Academy of Paediatrics, among others).

LGBT couples have the equal right to found a family with children, and deserve equal treatment in reproductive, adoptive and related social and other public services. Same-sex couples have as much right to assisted reproduction options as do opposite-sex couples that are unable to conceive naturally. Children eligible for

adoption have the right to an opportunity to grow up in a happy loving household, regardless of the sexual orientation of the prospective parents. LGBT parents have an equal right to full legal recognition of their relationship to their child or children, regardless of whether they are a biological or adoptive parent. All children of these families – whether biological or adopted – deserve equal constitutional rights and protections.

In January 2014 the former Minister for Justice and Equality in the 26 Counties gave a public commitment to bring forward by the end of the year legislation that would recognise the ‘reality of the diversity of family life in today’s Ireland’, including LGBT families. Sinn Féin would welcome the introduction of such legislation and will continue to press the Irish Government to match these words with action.

In December 2013 Sinn Féin supported a private members motion in the Northern Assembly calling on the Executive to bring forward a Sexual Orientation Strategy that would allow the Assembly to introduce policies protecting the rights of the LGBT community in everyday life, including marriage equality and adoption. The passing of this motion must prevent any further delay in this regard.

Sinn Féin has strongly opposed the decision taken by DUP Health Minister Edwin Poots in the North to ban gay men from donating blood. We support the recent high court judgments in respect of same-sex adoption and the exclusion of gay men from donating blood. We will continue to stand up against such irrational decisions and discrimination and ensure that the Health Minister fully complies with the court judgments and his equality obligations as a member of the Executive and Assembly.

THE EQUAL RIGHT TO SAFETY, SECURITY AND WELL-BEING

Homophobic and transphobic harassment persists at disturbingly high levels in Ireland, according to research conducted by the EU Fundamental Rights Agency in 2013. Almost one in three LGBT people surveyed had been physically or sexually attacked or threatened within the past five years. Over half had been harassed within the past five years. More than half actively avoid certain places for fear of harassment or violence. Despite this – and the recent improvements in service provided by the 400 dedicated Garda Liaison Officers – nearly 82% did not report attacks or threats to the Gardaí, and 96% did not report harassment, due to fear and mistrust.

In the North the Executive are developing a new integrated domestic and sexual violence and abuse strategy which builds on the previous separate strategies Tackling Violence at Home (2005) and Tackling Sexual Violence and Abuse (2008). This strategy must include the LGBT community from the outset as part of the consultation process and ensure that the issues affecting LGBT people are appropriately included and that both a robust and zero tolerance approach is taken by government and its agencies to prevent and act upon issues of sexual violence and abuse.

Strengthening Hate Crime Legislation

In the 26 Counties, incitement to hatred on the grounds of sexual orientation is a criminal offence under the Prohibition of Incitement to Hatred Act 1989. However, this legislation is hardly ever used, as the thresholds for prosecution are high – that is, it can be difficult to prove both ‘incitement’ and ‘hatred’. The result is less than

one prosecution per year on average. Complementary legal measures are therefore needed to better protect LGBT citizens and to prevent or punish homophobic and transphobic crime.

In practice most homophobic and transphobic attacks are prosecuted as generic crimes such as assault, criminal damage, or public order offences. However, new routine provisions should be introduced into the criminal law requiring 'bias motives' (homophobia or transphobia) to be treated as aggravating circumstances resulting in the prosecution of such acts as aggravated offences and/or increased penalty at sentencing, complemented by prosecution and sentencing guidelines applicable to such cases.

The existing hate crime legislation should also be updated to address incitement to homophobic and transphobic hatred via the internet in general, and social media in particular.

Combatting Bullying and Suicide Risk

New research from the Royal College of Surgeons of Ireland published in 2013 found that members of the LGBT community in Ireland were seven times more likely to take their lives through suicide, and that this increased risk is linked to discrimination-related stress. This is the most serious consequence of the homophobic and transphobic bullying that can happen in the workplace, at school, and even in one's own family or social circle. In January 2013 Sinn Féin introduced a Dáil Bill that would provide greater legal guidance for schools to address bullying, including the elimination of homophobic and transphobic bullying. The Irish Government voted against this Bill, claiming that it would be impossible to force school boards and school management to implement the mandatory rules proposed to replace voluntary guidance. Despite this setback, the Sinn Féin campaign on the issue did force the Irish Government to update the guidelines for schools to include cyber bullying and homophobic harassment.

THE RIGHT TO RECOGNITION

Ireland is the last Member State in the EU to introduce legislation enabling transgender citizens to have their preferred or acquired gender legally recognised. This is despite the clear guidance by the European Court of Human Rights in *Goodwin v UK* (2002), and the Irish High Court ruling of 2007 in the *Foy* case, resulting in the first declaration of incompatibility of an Irish law with the European Convention on Human Rights, under the ECHR Act 2003. This situation also persists despite the Good Friday Agreement obligation to ensure at least an equivalent level of human rights protection in the south as pertains in the north, where gender recognition legislation applies.

In May 2013 Sinn Féin published the State's first Gender Recognition Bill, which provides for full legal recognition of a person's preferred gender and the acquisition of a new birth certificate reflecting this change. The Sinn Féin Bill was followed by the publication of similar legislation by Senator Zappone and by the Minister for Social Protection.

THE RIGHT TO APPROPRIATE HEALTHCARE

Our transgender citizens also deserve adequate access to appropriate healthcare including specialist treatment and gender reassignment where needed, and for this not to be excluded from coverage as 'elective' or as a 'pre-existing medical condition'. The Equality Authority recommendations in this regard should be implemented in full.

A WELCOME PLACE FOR LGBT REPUBLICANS

Sinn Féin has had a formal policy on promoting LGBT equality for almost two decades, and an official presence at LGBT Pride events for many years, in addition to the legislative and other initiatives detailed. We are also committed to ensure that the party itself is a welcome place for LGBT republicans. To this end, we have appointed an LGBT officer to work together with other interested activists to further develop party policy, raise internal awareness of and publicly campaign on issues affecting the lives of lesbian, gay, bisexual and transgender people and their families.

For all those wishing to join Sinn Féin to help with this work, and for all those current Sinn Féin members who want to get involved, contact Chris Curran at chris.curran@sinnfein.ie or lgbt@sinnfein.ie

10 KEY PROPOSALS FOR LGBT EQUALITY

1. Eliminate legalised homophobic and transphobic discrimination against LGBT education and healthcare workers in the 26 Counties, by amending Section 37 of the Employment Equality Acts 1998-2011.
2. Amend the 1937 Constitution to include express equality protections for LGBT citizens and equal treatment for all family forms.
3. Set a date for a constitutional referendum on same-sex marriage.
4. Include express equality protections for LGBT citizens and prohibitions on homophobic and transphobic discrimination in the forthcoming Bill of Rights for the north.
5. Progress the northern Sexual Orientation Strategy, including legislation to provide for same-sex civil marriage.
6. Legislate north and south for equal treatment of prospective LGBT parents in reproductive and adoptive services, and in related social and other public services. Ensure the law treats all children equally regardless of family status or the sexual orientation or gender identity of their parents.
7. Introduce into criminal law a provision that makes committing an offence with a homophobic or transphobic motivation or aim an aggravating circumstance allowing for a more severe penalty.
8. Update the incitement to hatred laws to address the use of the internet and social media to promote homophobic and transphobic messages.
9. Legislate for mandatory rules to combat homophobic and transphobic bullying in schools.
10. Introduce gender recognition legislation in the 26 Counties, to enable transgender citizens to acquire a birth certificate appropriate to their gender identity.