Development of a Sexual Orientation Strategy and Action Plan

Consultation Document

March 2014
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SECTION 1 INTRODUCTION

1.1 The Northern Ireland Executive has set out, in the current Programme for Government (2011-2015), its vision for a society in which equality, mutual trust and respect are core values; a society in which all citizens are able to realise their full potential and live free from fear, prejudice and discrimination.

1.2 The strategy Together: Building a United Community Strategy outlines a vision of “a united community, based on equality of opportunity, the desirability of good relations and reconciliation - one which is strengthened by its diversity, where cultural expression is celebrated and embraced and where everyone can live, learn, work and socialise together, free from prejudice, hate and intolerance.”

1.3 Achieving this vision, and achieving a shared and cohesive community, requires tackling not just sectarianism and racism, but other forms of intolerance as well.

Purpose of a Sexual Orientation Strategy and Action Plan

1.4 The Together: Building a United Community Strategy recognises the problems Lesbian, Gay and Bisexual (LGB) people face due to prejudice and intolerance and acknowledges that good relations principles must apply to LGB people in the same way that they apply to people from different religious community or ethnic backgrounds. The strategy states:

Lesbian, gay, bisexual and transgender people have and do play a role in building good relations across our community. This was highlighted extensively throughout the public consultation when a number of individuals and representatives of lesbian, gay and bisexual groups, and transgender people, also spoke of the need to apply good relations principles more widely across all s75 groupings.
The specific needs of Lesbian, Gay, Bisexual and Transgender people were articulated clearly in the course of the public consultation on Cohesion Sharing and Integration, which included the commitment to publish the Sexual Orientation Strategy. The intention is that the Strategy and associated action plans will address the issues that impact on the daily lives of LGB people.

1.5 This document is intended to initiate public consultation on the development of the Sexual Orientation Strategy. Our aim is that the strategy will address the issues that directly and adversely affect the life chances of LGB people. Our intention is that it will bring focus and priority to identifying and addressing the issues and disadvantages that undermine equality of opportunity for people who are LGB and which adversely affect their everyday lives. We believe that this will contribute to the Together: Building a United Community Strategy objective of a more united and shared society, a society at ease with its diversity.

1.6 The Sexual Orientation Strategy and Action Plan will provide an overarching policy framework within which departments, their agencies and other relevant statutory authorities can develop actions that promote equality of opportunity for LGB people across government’s major policy areas, tackle the specific inequalities they face and counter prejudice, intolerance and hatred.

1.7 We are keen to receive comments on the issues and considerations set out in this consultation document, which will be important in helping to shape the Sexual Orientation Strategy. We would particularly welcome your views in response to the consultation questions contained in the accompanying survey. Guidance on how to respond is given at Section 3, How to respond.

Next Steps

1.8 We intend the Strategy and Action Plan to give added impetus and visibility to our current legal duty to promote equality of opportunity for LGB people. It will strengthen and coordinate our efforts to address those issues that work against equality of opportunity for LGB people.
1.9 Following consultation, we will examine the responses carefully before producing a final draft Strategy and Action Plan.

1.10 While this document is out for consultation we will also be continuing to work on the framework and support mechanisms that will support and give effect to the emerging objectives. This, in line with the current legal duty to promote equality of opportunity for LGB people, includes;

- countering homophobia, including homophobic harassment, bullying, violence and abuse.

- adopting a positive and proactive approach to identifying, understanding and responding to the needs and choices of LGB people and their families.

- ensuring that negative stereotypes of the LGB community have no place in policy development or decision-making.

- recognising the multiple identities of LGB people (e.g. ethnic origin, disability, occupation) as well as the impact of these other identities on individual circumstances.

- promoting a partnership approach to developing effective and inclusive policies and service delivery, enabling departments, agencies, statutory bodies, NGOs, trade unions, and voluntary and community groups to work productively together and share best practice.

Equality Considerations

1.11 All relevant equality implications will be considered in the context of policies arising out the consultation exercise and development of the Strategy itself.
SECTION 2 - DELIVERING THE VISION

2.1 To fulfil our vision, departments, their agencies and other relevant statutory authorities have commenced work in relation to achieving delivery of the following proposed strategic objectives:

- To promote an environment free from harassment and bullying and to tackle homophobia in all forms including violence and abuse.
- To promote equality of opportunity for LGB people.

2.2 The objectives highlighted at 2.1 may be amended, developed or added to as a response to this part of the consultation process.

SECTION 3 – HOW TO RESPOND

Consultation Process

3.1 We welcome any comments you have regarding the envisaged Strategy and Action Plan, particularly any issues relevant to sexual orientation that have not been addressed here.

3.2 We would be grateful if you could provide input into this consultation by completing the online questionnaire linked below. The questionnaire should only take around twenty minutes. Your input is important and will allow OFMDFM to gain a sense of any additional information to be considered in the development of the Sexual Orientation Strategy. If required a facility will be provided to complete the questionnaire via telephone.

3.3 While there are specific questions in the questionnaire, on which we are seeking your input, we would also welcome any other views that you have in relation to the development of the strategy. If you do not wish to complete the online questionnaire, consultation responses should be sent in writing either by post or by email to the contact details below. The closing date for all responses is 6 June 2014.
In addition to asking people to respond via the online questionnaire and in writing, we will be meeting directly with key stakeholders to ensure there is direct engagement with those on whose lives this strategy will impact most.

This consultation document is available on our website at http://www.ofmdfmni.gov.uk/sexual-orientation. The online questionnaire is available via https://www.surveymonkey.com/s/Sex_Orient_Cons_survey

Let us know your views by completing the online questionnaire or contact us at:

Tel: (028) 9052 2527
Email: geso@ofmdfmni.gov.uk

Written responses should be addressed to:

OFMDFM Equality Directorate
Gender Equality and Sexual Orientation Unit
Room E3.15
Castle Buildings
Stormont Estate
Belfast
BT4 3SQ

If any organisation would value a meeting via a focus group facility please let us know.

3.4 Please contact us if you require additional copies or if the document is not in a format that meets your requirements. Contact details are as noted at section 3.3.

3.5 We also intend to consult the Equality Commission for Northern Ireland, the Human Rights Commission and Trade Unions.

3.6 All comments will be treated as public unless otherwise requested.
SECTION 4 – EQUALITY IMPLICATIONS AND FREEDOM OF INFORMATION

Equality Implications

4.1 We consider that the strategy and the actions flowing from it will have a positive impact on equality of opportunity. Any new policies resulting from this work will be screened by departments, their agencies, and the relevant statutory authorities, in accordance with the criteria set out in the guidance produced by the Equality Commission for Northern Ireland (ECNI). If it emerges that the policy will have adverse implications for equality of opportunity, an equality impact assessment will be carried out and ways of either avoiding or mitigating the effect will be considered. **As part of the consultation process, we would welcome your views on the equality implications of the envisaged sexual orientation strategy and action plan.**

Freedom of Information Act 2000 - Confidentiality of Consultations

4.2 The Freedom of Information Act gives the public a right of access to any information held by a public authority (in this case the Department). This includes access to information provided in response to a consultation exercise. The Department cannot automatically consider information supplied to it during consultation as confidential if that information is subsequently requested under Freedom of Information. However, if there is a Freedom of Information request for information submitted during this present consultation, the Department will consider carefully whether it should be made public, or treated confidentially.

4.3 If we are asked to disclose responses under Freedom of Information legislation, we will take any requests for confidentiality into account. However, confidentiality cannot be guaranteed.

4.4 We will handle any personal data provided during consultation in accordance with the Data Protection Act 1998.
4.5 For further information about confidentiality of responses, please contact the Information Commissioner’s Office or visit their website at: http://ico.org.uk/about_us/our_organisation/northern_ireland

Legislative Framework

4.6 Several pieces of legislation have been introduced that address human rights, employment rights, and equality, including for people with a minority sexual orientation. These are summarised below:

- **Section 75 of the Northern Ireland Act 1998**: Section 75 requires designated public authorities to have due regard to the need to promote equality of opportunity for people who are LGB.

- **Human Rights Act 1998**: The Human Rights Act 1998 sets out fundamental rights and freedoms as contained in the European Convention on Human Rights. Individuals can now challenge laws in the UK courts if they believe their rights have been breached by a public authority. The Northern Ireland Human Rights Commission (the NIHR C) is a statutory body, created by the Northern Ireland Act 1998, which works to ensure that the human rights of everyone in Northern Ireland, including people with a minority sexual orientation, are fully and firmly protected.

- **The Employment (Northern Ireland) Order 2002** (and subsequent regulations to that Order) is similar to legislation in Great Britain in that same-sex parents in Northern Ireland have rights as individuals in relation to adoptive/parental leave and flexible working.

• **The Criminal Justice (No.2) (Northern Ireland) Order 2004:** This Order provides for increased penalties for offences motivated by hostility towards a person's race, religion, sexual orientation or disability.

• **The Civil Partnership Act 2004:** The Civil Partnership Act created a new legal status that allows adult same-sex couples to gain formal recognition of their relationship.

• **The Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006** give protection from discrimination on the ground of sexual orientation in the provision of goods, facilities and services.

**Role of the Equality Commission for Northern Ireland**

4.7 Under the Employment Equality (Sexual Orientation) Regulations (Northern Ireland) 2003, the Equality Commission for Northern Ireland’s powers were extended in relation to sexual orientation. These powers include:

- a general duty of working towards the elimination of discrimination and promoting equality of opportunity for people with a minority sexual orientation.
- keeping the relevant legislation under review.
- discretion to undertake or assist research or educational activities
- discretion to issue codes of practice in the field of employment and vocational training
- discretion to assist individuals in the preparation and presentation of their complaints under the Regulations where there is some special reason for affording assistance.

**THE CLOSING DATE FOR COMMENTS IS 6 JUNE 2014.**

We look forward to receiving your comments.
Sexual Orientation Strategy and Action Plan - Next Steps

5.1 Following this element of consultation, we will produce a Sexual Orientation Strategy and Action Plan. We will work closely with LGB representative groups and organisations, and with departments, in developing the strategy. A further public consultation exercise will be held at that stage.

5.2 The draft strategy will contain specific issues and actions to be assigned to departments on the basis of policy competence. Each department will then develop an Action Plan which it will then implement, monitor, and review and evaluate.