



Supporting LGBTI+
Young People in Ireland

**BeLong To Youth Services Submission for the 39th Session of the
UPR Working Group**

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**Contact: Moninne Griffith (Moninne@belongto.org), Neasa Candon
(Neasa@belongto.org)**

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Introduction

BeLonG To Youth Services

www.belongto.org

BeLonG To Youth Services is the national organisation supporting lesbian, gay, bisexual, transgender, and intersex (LGBTI+) young people in Ireland. Since 2003, the organisation has worked with LGBTI+ young people, between 14 and 23 years, to create a world where they are equal, safe, and valued in the diversity of their identities and experiences. BeLonG To also advocates and campaigns on behalf of young LGBTI+ people, and offers a specialised LGBTI+ youth service with a focus on mental and sexual health, alongside drug and alcohol support. BeLonG To responds to the needs of LGBTI+ young people in Ireland and helps them thrive.

1. National Strategies

Updates

- LGBTI+ specific national strategies have been adopted, including the National LGBTI+ Inclusion Strategy (2019-2021) and the LGBTI+ National Youth Strategy (2018-2020).

Recommendations

- Ensure full implementation of relevant strategies and regularly review laws and policies to ensure all measures are taken to prevent discrimination in any form against LGBTI+ individuals and to improve the lived reality of LGBTI+ people in relation to employment, education, housing and healthcare.
- Ensure that collected data is disaggregated by gender identity, sexuality, ethnicity, disability, and age to ensure that policies and programmes are human rights compliant, evidence informed, and targeted in addressing the needs and upholding the rights of specific minority groups.

2. Legal Gender Recognition

Updates

- In 2017, a review of the Gender Recognition Act 2015 was carried out by a review group consisting of trans people and representatives from community organisations and relevant state departments.
- The review group made several recommendations based on their review of the existing legislation.¹

¹ <https://assets.gov.ie/36889/825dd1e75f1b43b284a1a245a1710e1c.pdf>

Recommendations

- Ensure that the recommendations based on the review of the Gender Recognition Act 2015 are fully implemented and a review of the legislation is carried out every two years as outline within the review of terms of reference.
- The Gender Recognition Act should be amended to provide an administrative process for the legal gender recognition for under 18 year olds.
- The Gender Recognition Act should be amended to make legal gender recognition available to people who are non-binary.
- All measures are taken to improve access to gender recognition, both with regard to age and gender identity (either binary or non-binary), should also provide access for intersex individuals.

3. Trans Healthcare and Mental Health

Updates

- Ireland accepted UPR 2016 Recommendation 135.119: Take further steps to address discrimination in access to goods, employment and services, including healthcare.
- A Steering Committee was formed in May of 2019 to address specific issues in relation to the development of Transgender Identity Services in Ireland. The Committee made a number of recommendations and concluded with two outcomes.²

Recommendations

- Ensure the recommendations from the report issued by the Steering Committee on the Development of HSE Transgender Identity Services are fully implemented in a timely manner.
- Ensure access to gender-affirming healthcare for under 18s in Ireland.
- Introduce a psycho-social community led service for over 18s that is not based on 'Gender Identity Disorder/gender dysphoria' diagnosis or psychological opinion.
- Review and amend the Mental Health Act, 2001, which currently does not grant young people, aged 16-17 years old, the right to consent to treatment for their mental health.

² <https://www.hse.ie/eng/about/who/primarycare/socialinclusion/other-areas/lgbti/final-report-of-the-steering-committee-on-the-development-of-hse-transgender-identity-services.pdf>

4. Schools and Relationship and Sexuality Education

Updates

- Part of the Equality Act 2010 known as the Public Sector Equality Duty (PSED or 'Equality Duty') requires schools to consider how their policies, practices and day-to-day activities impact on staff and pupils.
- In accordance with the PSED, schools must treat all current and prospective pupils, parents and guardians, employees and community members in a fair and non-discriminatory manner that does not put individuals or groups of individuals at a disadvantage.
- In 2019 the Oireachtas Joint Committee on Education and Skills produced a report on Relationships and Sexuality Education. The report details a series of recommendations to inform the update of the curriculum and delivery of RSE in primary and second level schools in Ireland. The committee gave particular attention to the importance of LGBTI+ inclusion in RSE.³

Recommendations

- Ensure the recommendations based on the Oireachtas Joint committee report on Relationships and Sexuality Education are fully implemented.
- Ratify UNESCO Convention against Discrimination in Education.
- Review and update the National Action Plan on Bullying (2013) as outlined in the 2020 Programme for Government and the LGBTI+ Youth Strategy.⁴

5. Conversion Therapy

Updates

- In 2018 The Prohibition of Conversion Therapies Bill was presented before Seanad Éireann.
- The Bill is currently stalled, but recent months have seen public support for the introduction of anti-conversion therapy legislation.

Recommendations

- Enact the Prohibition of Conversion Therapies Bill to make the conducting of 'conversion therapies' illegal.

³https://data.oireachtas.ie/ie/oireachtas/committee/dail/32/joint_committee_on_education_and_skills/reports/2019/2019-01-29_report-on-relationships-and-sexuality-education_en.pdf

⁴ <https://www.gov.ie/en/publication/7e05d-programme-for-government-our-shared-future/>

- Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

6. Equality Legislation

Updates

- Ireland accepted UPR 2016 Recommendation 135.119: Take further steps to address discrimination in access to goods, employment and services, including healthcare.
- The Equal Status Acts 2010-2018 preclude the use of the equality framework to challenge discriminatory laws.⁵

Recommendations

- Review the Employment Equality Act and Equal Status Acts to ensure that transgender people have explicit protection within the equality grounds.
- Amend the Equal Status Acts 2000 to 2018 to ensure that an effective remedy with a legislative basis is provided for victims of discrimination.
- End the 1-year MSM blood ban and bring Ireland up to international standards.

7. Hate crime

Updates

- Ireland accepted three recommendations relating to combatting hate speech, ensuring accountability for hate crimes, and combatting hate crime.⁶ Updates were provided by the Government in its interim report.
- The Department of Justice has held consultations with civil society and affect groups on the drafting of hate crime legislation, and updating the Incitement to Hatred Act 1989.

⁵ UN Committee on the Elimination of Discrimination against Women, Concluding Observations on the combined sixth and seventh periodic reports of Ireland, 9 March 2017, CEDAW/C/IRL/CO/67, para. 12. Available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/IRL/CO/6-7&Lang=En.

⁶ UPR 2016 Recommendation 135.115: Combat hate speech and prosecute perpetrators of xenophobic acts; UPR 2016 Recommendation 135.116: Ensure accountability for hate crimes; UPR 2016 Recommendation 135.117: Take measures to eliminate racial discrimination and combat hate crime.

- The Department of Justice published a comprehensive report on the public consultation regarding legislating for hate speech and hate crime in December 2020.⁷
- The draft Criminal Justice (Hate Crime) Bill was published in early 2021.⁸

Recommendations

- Progress the current Criminal Justice (Hate Crime) Bill.
- Ensure that trans and non-binary identities are explicitly protected under the legislation.

⁷http://www.justice.ie/en/JELR/Legisating_for_Hate_Speech_and_Hate_Crime_in_Ireland_Web.pdf/Files/Legisating_for_Hate_Speech_and_Hate_Crime_in_Ireland_Web.pdf

⁸[http://www.justice.ie/en/JELR/General_Scheme_Criminal_Justice_\(Hate_Crime\)_Bill_2021.pdf/Files/General_Scheme_Criminal_Justice_\(Hate_Crime\)_Bill_2021.pdf](http://www.justice.ie/en/JELR/General_Scheme_Criminal_Justice_(Hate_Crime)_Bill_2021.pdf/Files/General_Scheme_Criminal_Justice_(Hate_Crime)_Bill_2021.pdf)