



Supporting LGBTI+  
Young People in Ireland

## **Brief Submission to Fianna Fáil Equality sub-committee**

**July 2021**

### **Introduction**

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. [www.belongto.org](http://www.belongto.org)

We have been invited by the Fianna Fáil Equality sub-committee to make a brief submission on behalf of our organisation specifically related to 1. General Policy Proposals you wish to see enacted 2. Mental Health 3. Civil Equality issues

### **General Policy Proposals we wish to see enacted or implemented:**

1. **National Strategies** - Fully implement the LGBTI+ specific national strategies including the National LGBTI+ Inclusion Strategy (2019-2021) and the LGBTI+ National Youth Strategy (2018-2020). Ensure thorough monitoring and evaluation of the real impact on of lives of LGBTI+ people in relation to both relevant strategies.
2. **Legal Gender Recognition** - 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<sup>1</sup>.

- a. 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.
  - b. The Gender Recognition Act should be amended to provide an administrative process for the legal gender recognition for under 18-year-olds.
  - c. The Gender Recognition Act should be amended to make legal gender recognition available to people who are non-binary.
  - d. 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. **Conversion Therapy** - 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. We are calling for action to enact the Prohibition of Conversion Therapies Bill to make the conducting of 'conversion therapies' illegal.
4. **Equality Legislation** - Take further steps to address discrimination in access to goods, employment and services, including healthcare. 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.
5. **Hate crime** - 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. The draft Criminal Justice (Hate Crime) Bill was published in early 2021. We are calling for action to:
- a. Progress the current Criminal Justice (Hate Crime) Bill.
  - b. Ensure that trans and non-binary identities are explicitly protected under the legislation.
  - c. Ensure that the upcoming Online Safety and Media Regulation Bill and Digital Services Act (EU) all align with the Hate Crime legislation and that they protect young LGBTI+ people from harm online and offline.

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

## **Mental Health & Trans Healthcare**

1. Transgender 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 published their report in December 2020<sup>2</sup>. Since then the Gender Identity Service for under 17s being made available in Crumlin Children's Hospital through the Treatment Abroad Scheme has closed. Young people under 17 must now wait until they are 17 to apply to the adult service. There is currently a three year waiting list to be seen at this clinic.

We are calling for action to

- a) Ensure the recommendations from the 2020 report are fully implemented in a timely manner.
  - b) Ensure access to gender-affirming healthcare for under 17s in Ireland. Provide an interim service until the new Gender Identity Clinic is open.
  - c) Introduce a psycho-social community led service for over 17s that is not based on 'Gender Identity Disorder/gender dysphoria' diagnosis or psychological opinion.
2. 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.
  3. Ensure that CAMHS and other mental health service providers have the confidence and capacity to meet the needs of LGBTI+ young people. Currently young people are being referred to BeLonG To and other youth services by some mental health services, even though we do not provide clinical support.

## **Civil Equality Issues:**

### **Schools and Relationship and Sexuality Education.**

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.

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<sup>2</sup> [Final Report of the Steering Committee on the Development of HSE Transgender Identity Services](#)

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.

We are asking for action to

- a) Ensure the recommendations based on the Oireachtas Joint committee report on Relationships and Sexuality Education are fully implemented<sup>3</sup>.
- b) Ratify UNESCO Convention against Discrimination in Education.
- c) Review and update the National Action Plan on Bullying (2013) as outlined in the 2020 Programme for Government and the LGBTI+ Youth Strategy.
- d) Invest in whole school community programmes to help schools become safe and supportive places for all students including LGBTI+ students
- e) A review and update of the National Action Plan on bullying (2013) and provide specific prevention initiatives for LGBTI+ identity-based bullying in schools.

We would welcome an opportunity to discuss the above issue with you in greater detail.

For further information or questions related to our submission please contact:

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<sup>3</sup> [https://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](https://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)