

LESBIAN LINE

NORTHERN IRELAND

**SUBMISSION TO UNITED NATIONS COMMITTEE
OVERSEEING**

**CEDAW - CONVENTION ON THE ELIMINATION OF
ALL FORMS OF DISCRIMINATION AGAINST WOMEN**

*Examination of 6th Periodic Report of United Kingdom
of Great Britain and Northern Ireland*

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Lesbian Line has been in existence since 1974 – as part of the CaraFriend Organisation (distinctly ‘Lesbian Line’ since 1989) in Northern Ireland. During that time we have been involved in Service delivery for / by / to Women who identify as Lesbian and Bisexual across N. Ireland (and indeed further afield).

This service delivery has involved the following:

- **Helpline, Befriending and Information services;**
- **Mental Health Support and Counselling;**
- **Advocacy;**
- **Social support / events;**
- **Training – Volunteers;**
- **Education & Training of / for Statutory, Community and Voluntary Agencies;**
- **Promotion of Equality and Human Rights for Lesbians and Bisexual Women through influencing policy / legislative developments.**

All of this frontline service delivery has been carried out by Voluntary Workers – Lesbian and Bisexual Women - (since 1974) from a diverse range of backgrounds and professions.

The expertise accrued by our Organisation¹ is reflected in the summary of ‘daily life experience’ on the part of thousands of Lesbians² here since 1974

¹ Lesbian Line [CaraFriend] produces Annual Reports detailing service provision, relevant statistics and developments affecting this Sector. (Copies are lodged with the Linenhall Library, Belfast and are also available on request).

² According to Dept of Trade & Industry (2005) (when the Civil Partnership Act was about to be introduced) – just **over 6%** of the population is ‘gay’: Using NI’s last Census figures (2001) this equates to over **52,500** Women who are Lesbian in Northern Ireland.

and as such, we would hope that this is included, reflected and addressed in future policies, strategies and direction of Government.

The Northern Ireland Assembly and in particular, the Office of First Minister and Deputy First Minister, have the opportunity / responsibility to implement such policies and strategies in line with their remit to 'promote equality' and 'social inclusion'. All Government Departments have a responsibility now – particularly under legislation introduced since the NI Act (1998) to 'mainstream' equality duties thereby promoting equality and human rights for all. The roles of the Human Rights Commission and Equality Commission here as laid out in statute, support this mainstreaming and promotion of Human Rights and Equality for all. It is our fervent hope that all opportunities are taken to ensure real and effective progress on issues (summarised below) which affect the significant numbers³ of Women in Northern Ireland who identify as Lesbians and Bisexual Women.

³ Ibid.

The Experience of Lesbians and Bisexual Women in Northern Ireland

Lesbians and Bisexual Women suffer a 'double discrimination' in society i.e. gender and sexual orientation. The following summarises their experience of the violence of 'enforced invisibility' and homophobia in all aspects of their daily lives:

- in **relationship** with others e.g. as partners, mothers, daughters, sisters, etc within and outside family structures;
- in **employment** - in all fields and professions and at all levels;
- in the **heterosexist paradigm** in which society is grounded;
- in the **institutional homophobia** perpetuated by e.g. major religions and political institutions throughout the world;
- in the **structural homophobia** in all aspects of public and political life which is reinforced by 'enforced invisibility';
- in the experience of **physical, mental and emotional violence**;
- in the '**enforced migration**' due to **intimidation**;
- in the **ignorance / lack of understanding** in aspects of public life and service delivery e.g. in the Health, Education and Justice Systems, participation in public and political life.

The following comments in relation to CEDAW Articles are given to address some of the issues highlighted above and to aid understanding / appreciation of the impact of the 'violence' (*and I stress violence*) of what I have termed 'enforced invisibility'.

These are based on the accumulation of knowledge and expertise gained working on the frontline of service delivery with Lesbians and Bisexual Women across N. Ireland and indeed throughout the UK and Ireland.

NB: The Yogyakarta Principles⁴ (2007) written by a large panel of Human Rights Experts throughout the world including representatives from UK and Ireland are / would be extremely helpful in 'informing' the development of these articles and indeed CEDAW in becoming a more inclusive Convention relevant to today and the experience of many thousands of Women across the world.

Human rights violations targeted toward persons because of their actual or perceived sexual orientation or gender identity constitute an entrenched global pattern of serious concern. They include extra-judicial killings, torture and ill-treatment, sexual assault and rape, invasions of privacy, arbitrary detention, denial of employment and education opportunities, and serious discrimination in relation to the enjoyment of other human rights.

Key human rights mechanisms of the United Nations have affirmed States' obligation to ensure effective protection of all persons from discrimination based on sexual orientation or gender identity. However, the international response has been fragmented and inconsistent, creating the need for a consistent understanding of the comprehensive regime of international human rights law and its application to issues of sexual orientation and gender identity. The Yogyakarta Principles do this.

http://www.yogyakartaprinciples.org/principles_en.htm

The following comments - in blue after each article - emphasise the need to expand understanding and achieve the inclusivity (and perhaps where appropriate through e.g. additional protocols to CEDAW) which will lead to the elimination of discrimination of all forms of discrimination against Women.

⁴ The Yogyakarta Principles are a set of principles on the application of international human rights law in relation to sexual orientation and gender identity. The Principles affirm binding international legal standards with which all States must comply. They promise a different future where all people born free and equal in dignity and rights can fulfil that precious birthright.

The Principles were developed and unanimously adopted by a distinguished group of human rights experts, from diverse regions and backgrounds, including judges, academics, a former UN High Commissioner for Human Rights, UN Special Procedures, members of treaty bodies, NGOs and others.

Ref: http://www.yogyakartaprinciples.org/principles_en.htm

Article 1

For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status *, on a basis of equality of men and women**, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

For all the aforementioned reasons Lesbian Line believes in the need to include * 'or sexual orientation' and indeed that the phrase **'Women of all identities' (so as to include Lesbians and Bisexual Women) should be applied throughout the Convention where 'women' are mentioned.

The need to collate disaggregated data in relation to this and all other CEDAW articles is vital – invisibility and instances of discrimination can only be addressed and/or reduced, if effective monitoring and interpretation of data is used to 'inform' future policies and strategies aimed at eliminating discrimination in all forms against women.

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.

Lesbians need to be included throughout this article – see * at Article 1. Lesbian Line believes the Review of Public Administration here could provide the opportunity to not only address the imbalance of Women in public / political life but promote dignity, equality and human rights for Lesbians and Bisexual Women. ‘Women of all identities’ should be included here as previously mentioned. For all the aforementioned reasons Lesbians and Bisexual Women here do not feel ‘safe’ enough to be open in e.g. national / public institutions.

Article 3

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the **full** development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

Again, given the daily lived experience of many Lesbians and Bisexual Women in Northern Ireland, they need to be included in this article. Effective codes of conduct e.g. could help attract their involvement. Lesbian Line – through CoSO (Coalition on Sexual Orientation) – has had to e.g. address with the Deputy First Minister N.I. what it viewed as breaches of the Ministerial Code. We in Lesbian Line had suggested such a Code for Ministers when submitting our response in relation to RPA. Lesbians and Bisexual Women should play as full a role in society enjoying human rights and fundamental freedoms as all others.

Article 4

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

Women ‘of all identities’ which will also include Lesbian mothers needs to be included / recognised in this article. Equality of opportunity for Women has to be inclusive of all Women.

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.

Lesbian mothers have experienced the psychological and emotional violence of 'enforced invisibility' for too long in Northern Ireland. Many who contact Lesbian Line have suffered so to e.g. protect their children from bullying and harassment and guard against intimidation – which has been the experience of a number of those who have contacted Lesbian Line.

Needs to ensure 'family' includes understanding of Lesbian motherhood / same sex parenting. This is particularly important when children attend school / Drs' surgeries etc.

Article 6

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women

This needs expanded to include violence against all women in all forms.

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.

Lesbian Line believes it is vital to ensure involvement of Lesbians and Bisexual Women in these areas to promote visibility, increase awareness of / 'normalise' lesbian identity and promote real inclusion. It has been our experience that many have been reluctant to 'step forward' given the felt 'cultural / societal / institutional oppression' they have suffered.

Article 8

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

Again, refer to previous comments. This article should explicitly mention Lesbians and Bisexual Women to promote visibility, 'normalise' lesbian identity and promote real inclusion i.e. 'Women of all identities'.

Article 9

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

* see 1

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:

(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

We need to ensure an education for all which is inclusive of diverse identities. Students have contacted Lesbian Line about the homophobia they have experienced in terms of 'invisibility' of role models and 'absence' within curriculum content, also 'absence' of addressing stereotyping; bullying – including physical, emotional and sexual assaults – and 'absence' in anti-bullying policies. A recent 'case' involved a 16 year old girl who was raped by male classmates because she was Lesbian and "could not tell anyone".

Teachers have also contacted Lesbian Line and availed of our Service Provision for similar reasons and because they do not feel 'safe' in many of our schools due to the cultural or religious ethos therein and/or due to the ignorance / misinformation and/or lack of awareness in wider society.

Resources for Lesbian Line are vital if we are to respond effectively and indeed proactively through Teacher Training Programmes, INSET provision in schools etc.

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:

(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 election 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.

*see 1

Many Lesbians and Bisexual Women here have contacted Lesbian Line over the years it has been in operation. They fear being 'outed' / or being 'out' with the resultant fear of losing their jobs – in many areas / professions particularly e.g. in Teaching, not obtaining a job, being denied promotion, being denied access to equivalent benefits etc applicable in the employment / benefits spheres.

Article 12

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.

Lesbian and Bisexual Women are 'invisible' in the health service – this needs to be addressed through effective and inclusive training of **all** health service staff. Many Women tell us of their reluctance to identify as Lesbian / Bisexual to their first 'point of contact' with the health service i.e. GPs. This impacts on their access / treatment in relation to many aspects of health i.e. mental and physical - levels of self harm, suicide, suicide ideation, addictions, depression, mental illness, self esteem issues etc are all higher among the Lesbian and Bisexual Women's Community⁵.

Health Professionals e.g. Psychologists, Community Psychiatric Nurses, Social Workers, Nurses, GPs and Counsellors have contacted Lesbian Line for advice, information and training and to provide Counselling services – which we have provided but which needs greater resourcing to continue to deliver / develop.

Again the need to collate disaggregated data is crucial here.

Article 13

States Parties shall take all appropriate measures to eliminate discrimination against women* in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- (a) The right to family benefits;
- (b) The right to bank loans, mortgages and other forms of financial credit;
- (c) The right to participate in recreational activities, sports and all aspects of cultural life.

Lesbians and Bisexual Women suffer combined discrimination in relation to gender and sexual orientation – as well as the discrimination / poverty experienced by Women in the economic and social sphere, Lesbians and Bisexual Women fear losing their jobs, not obtaining a job, being denied access to mortgages, bank loans, etc.

Again the need to collate disaggregated data is important here.

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.

⁵ See 'Life & Times' Surveys periodically carried out by Queen's University Belfast.

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.

Many Lesbians and Bisexual Women in rural areas of Northern Ireland can suffer increased 'enforced invisibility' through the lack of adequate local services and lack of knowledge, expertise and basic awareness of Lesbian issues and experience. Lesbian Line has worked with many Women from rural areas across Northern Ireland who have endured isolation, loneliness and depression as a result.

Many Women feel the need to move away / have moved away from their Communities in order to live normal lives. They have either moved to the main cities i.e. Belfast or Derry or indeed have left the country completely.

Increased access to information and support services such as that provided by Lesbian Line, Education and Awareness Raising programmes, or specialist support through Counselling provision by experts in the field, could help reduce this 'forced (e)migration' and 'intimidation'.

Article 15

1. States Parties shall accord to women equality with men before the law.
2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.
3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.
4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

Women 'of all identities' needs to be included here. This is to militate against the perpetuation of invisibility experienced here. Lesbian Line acknowledges - as a result of contacts and work with Lesbians and Bisexual Women here - that many Lesbians and Bisexual Women in N. Ireland would not be open about their partners / family structures etc in above situations.

Article 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:
 - (a) The same right to enter into marriage;
 - (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
 - (c) The same rights and responsibilities during marriage and at its dissolution;
 - (d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;
 - (e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;

(f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;

(g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;

(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

Again at '1' after 'women' should be added 'of all identities' so as to include Lesbians and Bisexual Women. 'Civil Partnerships' should also be added at (a) and (b).

Lesbian Line has supported many Lesbian Mothers via Helpline, information and advocacy with issues in relation to children in the legal, educational and health spheres (ref 'd' and 'f' above) also 'e' providing reproductive rights (such as those included in the Human Fertilisation and Embryology Bill)

Recognition of same sex parents is vital in this area – not only to support Lesbian Mothers but also to support children.

Mairéad McCafferty⁶

On behalf of Lesbian Line⁷

⁶ Mairead has worked for the Lesbian Line Collective since 1996 – Helpline, Information, Advocacy, Policy & Legislation; She has worked for CoSO – Coalition on Sexual Orientation since 1998 and is currently Co-Chair – Umbrella organisation for LGB Groups across N. I. – Remit: Equality Duties on Public Authorities -NI Act '98, Bill of Rights NI, Single Equality Bill, Policy & Legislation (including recent judicial review re' GFS Regulations). She sits on the OFMDFM Sectoral Steering Group, the OFMDFM Gender Advisory Panel, the NI Equal Opportunities Committee of NASUWT (Teachers' Union), the UK National LGBT Advisory Committee of NASUWT.

⁷ All Members of Lesbian Line are / have been involved in its Service Delivery, Promoting Equality and Human Rights, Increasing Visibility, Awareness Raising, Influencing Policy and Legislation, Making Submissions to relevant Govt Depts, Responding to Consultation documents, Representing Interests / Views / Experiences, Facilitating Research, Producing Materials for Publication and Dissemination for / to / on behalf of Women who identify as Lesbian and Bisexual here (NI).