



## **Response to the Programme for Cohesion, Sharing and Integration Consultation Document**

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## 1.0 Introduction

- 1.1 The Rainbow Project is Northern Ireland's only organisation dedicated to promoting the health and general well-being of men who have sex with men in Northern Ireland. We provide a range of services including information and support, education and training, counselling, personal development courses, health promotion, advocacy and training.

## 2.0 General Comment

- 2.1 The Rainbow Project is grateful for the opportunity to make this submission to the Office of First and Deputy First Minister (OFMdFM) and to offer our assistance and comment on its Consultation Document; Programme for Cohesion, Sharing and Integration (The Programme).
- 2.2 The Rainbow Project, rather than provide answers to specific questions in the 'questionnaire' which does not enable us to provide answers which will fully reflect our thoughts on the programme, are submitting this response paper to OFMdFM. The Questionnaire is both leading and limited in its scope and does not allow for a true reflection of opinions on The Programme.

## 3.0 Relationship between good relations and other key policy areas

- 3.1 As outlined by (1.1) in The Programme the Programme for Government states:

*'equality, fairness, inclusion and the promotion of good relations will be watchwords for all of our policies and programmes across government. Much has already been achieved and we are committed to working towards a shared and better future for all'*

The Programme is contrary to this commitment within the Programme for Government as it fails to ensure equality, fairness and inclusion. This is in large part due to the focus on the narrow definition of 'Good Relations' derived from section 75 (2) of the Northern Ireland Act 1998 and the subsequent exclusion of a number of groups identified under section 75 (1) including sexual orientation and those living with a disability.

- 3.2 The aim of the First and Deputy First Ministers as outlined in the foreword states:

*'We aim to build a community where everyone, regardless of race, colour, religious or political opinion, age, gender or sexual orientation can live, work and socialise in a context of fairness, equality, rights, responsibilities and respect'.*

However, this strategy only identifies issues relating to people of different political or religious opinions and different ethnicity. We **call on OFMdFM to extend the scope**

**of The Programme to include issues relating to sexual orientation and gender identity, people living with disabilities and for OFMdFM to include a 'gender' aspect to the document to recognise and facilitate the important work women continue to do regarding reconciliation.**

- 3.3 The Rainbow Project welcomes the commitment of OFMdFM to publish a Sexual Orientation Strategy. However without any target date for publication, this carries little weight. A consultation on a sexual orientation strategy was carried out in 2006 and to date our local devolved administration has failed to produce the strategy. Moreover, the absence of a Sexual Orientation Strategic Reference Group coupled with the absence of any published Sexual Orientation Action Plan, particularly in light of other Section 75 groups Strategic Reference Groups being established and Action Plans published, gives little comfort to the LGB community. Therefore, it is important that to ensure equality OFMdFM clarify how this strategy will be developed along with target dates.
- 3.4 The Rainbow Project are disappointed that The Programme does not take into consideration or recognise the needs of transgendered people living in Northern Ireland within this strategy. Although the First and Deputy First Ministers give a commitment as outlined above, The Programme lacks any reference to ensuring equality for transgendered people. It is therefore necessary for OFMdFM to begin the process of developing and publishing a transgendered Strategy and Action Plan and establishing a Strategic Reference Group to address issues relevant and specific to the transgendered community.
- 3.5 In light of these failures individually and collectively, it is the view of The Rainbow Project that OFMdFM are failing to live up to their obligations under Section 75 (1) of the Northern Ireland Act 1998.

#### **4.0 Political Leadership/Community Engagement**

- 4.1 We agree with the statement in paragraph 2.1 of The Programme that '*strong political leadership is essential to the success of this Programme.*'

However while this statement is made within The Programme in terms of delivery, **the content of The Programme which does little to address the concerns and issues of the LGB and T community, demonstrates that OFMdFM have failed to represent strong political leadership in the drafting stage.** This effectively undermines the authority of The Programme itself.

- 4.2 There are numerous references, from tackling hate incidents and promoting safety, to sectarianism and racism throughout this section but no direct references made to other hate incident categories such as homophobia or transphobia, disability or faith/religion. This undermines the effectiveness of The Programme and

demonstrates exclusivity which means the document does not represent the '*strong political leadership*' outlined therein.

- 4.3 Given the serious omission of some vulnerable groups within and throughout The Programme, we have concerns about what OFMdFM mean when they identify in paragraph 2.6 the "*provision and expansion of safe and shared spaces*".

The PSNI Annual Statistical Report into hate incidents and crimes, 2009-2010, highlights that as well as sectarian and racist incidents increasing and sectarian recorded crimes increasing that

- (i) transphobic incidents rose by 40%,
- (ii) persons living with a disability 31.8%
- (iii) homophobic incidents reduced by only 2.2%

This is compounded by figures showing that transphobic crimes rose 100% in the same statistical year<sup>1</sup>.

- 4.4 The figures around homophobic incidents and crimes should be viewed in the context of a demonstrated and acknowledged issue with under reporting. Research carried out by The Rainbow Project highlighted that 39% of lesbian, gay or bisexual (LGB) people have been the victim of some sort of crime in the last three years<sup>2</sup> and 56% of all incidents against LGB people in the last three years, regardless of motivation, were never reported to the police. This confirms an issue with under reporting. The same research reported that 39% of LGB individuals alter their behaviour in order to avoid others knowing they are not heterosexual. **It would therefore be prudent to think that these are exactly the issues that OFMdFM should be considering when discussing tackling hate crime and providing safe spaces. However it is clear that these issues have been excluded from The Programme.**

- 4.5 In this context, we have serious reservations about the Ministerial Panel being tasked with identifying '*a number of specific issues on which it wishes to see direct action.*' It is clear from the outset of The Programme that there is no real desire to tackle and deliver on issues regarding minority sexual orientation or gender identity and we are not convinced that the 'specific issues' identified will not exclude those relating to sexual orientation or gender identity.

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<sup>1</sup> PNSI Annual Statistical Report, Report No. 3; Hate Incidents & Crimes, 1<sup>st</sup> April 2009 – 31<sup>st</sup> March 2010

<sup>2</sup> Through Our Eyes, Perceptions and Experiences of Lesbian, gay and bisexual people towards Homophobic Hate Crime and Policing in NI, The Rainbow Project, June 2009

## 5.0 People and Places

- 5.1 **This section of The Programme lacks any real substance.** Although there are numerous aims throughout such as paragraph 3.5. to *'promote fairness, equality, rights, responsibilities and respect'* or to *'embrace and promote better relations between all sections of the community participating in our society,'* there are no tangible actions or target dates for delivery which undermines the effectiveness of The Programme. Moreover this area of The Programme is short sighted as it contains no significant reference to LGB or T people throughout, diluting The Programme even further.
- 5.2 **With the exclusion of particularly vulnerable groups, coupled with the absence of details on measures to deliver aims, the Programme could be considered weak.**
- 5.3 We are concerned with the emphasis on "traditional" divisions, i.e. religion, regarding shared work places and education. While work needs to be carried out in this area, comparative data from the Republic of Ireland suggests that there is a need to explore diversity and equality in the workplace here in NI regarding sexual orientation and gender identity.

Considering that a recent survey of 1,110 LGBT people in Ireland highlighted that 57% of LGB staff conceal their sexual orientation from some or all their colleagues and that this has a negative impact on overall productivity within organisations<sup>3</sup>, this is an area which OFMdfM should be exploring when dealing with shared and open workplaces. However it seems that foresight in this area is not forthcoming in this document. It should be noted that it is the intention of The Rainbow Project to begin a comprehensive research project in this area in early autumn, of which OFMdfM are invited to support and contribute.

- 5.4 We have concerns about the lack of recognition of homophobic and transphobic related incidents throughout the document, particularly when The Programme outline in depth some of the issues, citing 'racist and sectarian graffiti' as a significant stumbling block in the pursuit to delivering safe and shared spaces. **It is unacceptable to overlook the significant issue of homophobic and transphobic hate incidents when dealing with hate incidents. In terms of OFMdfM obligations to promote and deliver equality, omitting this serious issue is an indictment on the overall functioning of the office and we do not accept the exclusion of LGB or T people in this area.**

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<sup>3</sup> Lesbian, Gay, Bisexual Diversity in the Workplace, Gay and Lesbian Equality Network (GLEN), 2010

5.5 The comments read above should be done so in the context of our belief that this section of **The Programme lacks any real explanation of mechanisms to deliver the aims, or delivery dates, which makes The Programme an aspiration at best.**

## **6.0 Empowering the Next Generation**

6.1 Paragraph 4.2. states that The Programmes aims

*‘to help prevent our young people at risk from becoming disaffected and empower them to engage in positive activities and programmes that will have beneficial impacts and outcomes for them.’*

This is the right approach for government to take to empower the next generation. However, **this section again is light on actions and has no stated target dates or mechanisms for delivery. This affects the credibility of The Programme.**

6.2 OFMdFM undermines the credibility of The Programme further by the omission of any other category of young people outside of religion and race. While paragraph 4.3 of the document highlights that *‘10% of young people had been the victims of name calling or harassment because of their religion’* there is no comparative data offered on the basis of sexual orientation or gender identity.

6.3 This is despite local evidence of the experience of LGBT youth that indicates this issue is a much more substantive concern with 63% of same sex attracted individuals experiencing harassment in school and 44.7% experienced bullying, due to their sexual orientation<sup>4</sup>.

6.4 One impact of this *harassment* and name calling is the increased risk of poorer mental health outcomes for LGBT youth with 29% having attempted suicide or being five times more likely to be medicated for depression<sup>5</sup>. This direct omission fails to follow the Department of Health, Social Services and Public Safety’s cross-cutting strategic drive of the Suicide Prevention Strategy ‘Protect Life – A Shared Vision’ and The Promoting Mental Health Strategy, which both identify the LGBT communities as high-risk groups.

6.5 OFMdFM cannot continue to ignore these serious issues. The Programme should be amended to take account of all these significant concerns.

**While Good Relations provisions were envisaged in 1998 to be primarily about ‘sectarianism’; 2010 presents a real opportunity for government to use The**

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<sup>4</sup> Out on Your Own, An Examination of the Mental Health Needs of Same-sex Attracted Men, The Rainbow Project, 2006

<sup>5</sup> Shout; The Needs of Young People in NI who identify as Lesbian, Gay, Bisexual and or Transgender, Youth Net and Department of Education; December 2003

**Programme to not only carry on that historical Good Relations work, but to identify and include areas that have not been included, such as sexual orientation and gender identity. This document as it currently stands does not do this and therefore does not meet its full potential.**

- 6.6 We welcome the Department of Justice work on developing a long term approach to reducing the risk of young people engaging in hate crime as outlined in paragraph 4.6. We would insist that this approach encompasses all hate crime categories, including homophobic and transphobic hate incidents and crimes.
- 6.7 Regarding paragraph 4.9. The Department of Education will have a fundamental role to play regarding future generations. However once again, any role by the Department of Education that limits the work to traditional sectarian issues will miss the potential that exists to address the varied and specific issues of all marginalised groups.
- 6.8 Schools play a fundamental role in the development of young people. It is where they spend a lot of their time, making the transition from youth to adulthood. It is where they form social bonds and learn about the society in which they live. Young LGBT people face all the stresses and difficulties of their heterosexual peers but must also deal with the additional daunting task of coming to terms with their sexual orientation in an environment which is unaccepting and unsupportive.
- 6.9 Isolating young LGBT people makes them highly visible to those who would bully and harass them. Derogatory language and physical abuse are commonplace in schools and the fear of retribution leads many victims to leave their abuse unreported. **Young LGBT people have a right and obligation to be educated and they have the right to be educated in a safe and accepting environment and yet, for many LGBT people, school can become a place where they are demeaned and tormented.** ‘The Young Life and Times Survey 2005’ found that 26.6% of a sample of sixteen-year-old men had been bullied in school but that this number rose to 66.7% of same-sex attracted men<sup>6</sup>. The consequences of this bullying are stark and damning. Research carried out by Youthnet discovered that, of those who had been bullied, 53% had been medicated for depression, 54% had self-harmed and 57% had attempted suicide<sup>7</sup>.
- 6.10 Schools must accept their LGBT pupils and accept their right to be safe in school. There must be a zero-tolerance approach to all forms of physical and verbal abuse, both inside the classroom and out. Schools must communicate that they are welcoming and supportive of all their students, regardless of their sexual orientation

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<sup>6</sup> Young Life and Times Survey 2005, UKDA Study Number: 5338, Queen’s University Belfast

<sup>7</sup> Shout; The Needs of Young People in NI who identify as Lesbian, Gay, Bisexual and or Transgender, Youth Net and Department of Education; December 2003

and that the diversity, which already exists within schools, is recognised and celebrated.

- 6.11 **It is clear that none of these issues are addressed in The Programme which undermines the credibility of The Programme and its effectiveness.**

## **7.0 Respecting Cultures**

- 7.1 We find it paradoxical that The Programme seeks to promote and respect rights and embrace diversity to then at best display a lack of awareness or at worst an unwillingness to address issues specific to LGBT individuals.
- 7.2 A research update provided by The Institute of Conflict Research looking at attitudes towards lesbian, gay and bisexual people in NI concluded that ‘LGB people appear to remain relatively isolated from non-LGB people as the 2005 NILT survey found that fewer than half the population claimed to know an LGB person’. The same update found that there are still high levels of prejudice towards LGB people with ‘just 35% of respondents to the 2005 NILT survey [believing] that same sex couples should have the right to marry,’ only 23% supported civil partnership laws, and only 17% approved of same sex adoption<sup>8</sup>. It is not surprising that given these findings 39% of LGB people alter their behaviour to avoid others knowing that they are not heterosexual<sup>9</sup>. The Programme fails to address these issues.
- 7.3 **As well as capitalising on the ‘95% of Protestants and 95% of Catholics’ who indicated that they respected each other’s culture, this Programme should also be dealing with issues around attitudes towards the LGBT community. It is clear that the lack of reference to LGBT issues or homophobia and transphobia in general, this Programme falls short of what is required from OFMdfM in their statutory duty to promote equality of opportunity and good relations.**
- 7.4 This also demonstrates a fundamental conflict within government and between government departments. With the Department of Justice and the PSNI committed to tackling all forms of hate crime, OFMdfM have failed to demonstrate the same, which regrettably leads to mixed messages from government and represents anything but strong leadership.
- 7.5 Further to this, we disagree with OFMdfM’s original plans to address contentious parades and welcome the department’s commitment to reconsider the proposed legislation.

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<sup>8</sup> Research Update, Number 66, Attitudes towards Lesbian, Gay and Bisexual People in Northern Ireland, Institute of Conflict Research, March 2010

<sup>9</sup> Through Our Eyes, Perceptions and Experiences of Lesbian, gay and bisexual people towards Homophobic Hate Crime and Policing in NI, The Rainbow Project, June 2009

7.6 **Compounding the issues outlined heretofore under ‘respecting cultures,’ the aims outlined are undermined due to there being no firm target dates for delivery or any delivery mechanisms outlined.**

## **8.0 A Secure Community and A Cohesive Community**

8.1 Members of the LGB community suffer disproportionately compared with their heterosexual counterparts; being victims of hate crime or from homophobic bullying within our schools, as well as significant inequalities in health outcomes, namely substance use and misuse, mental health and sexual health – all as identified by the relevant strategies. This has a devastating effect on individuals, many of whom go through their life worried about others knowing their sexual orientation and what their reaction will be, as well as being under represented or experiencing a lack of resources in terms of public facilities.

8.2 There is nothing inherent about a person’s sexual orientation that predicates an increased risk of experiencing health inequalities but rather same sex attracted people suffer inequalities due to the ‘stigma’ around being attracted to someone of the same sex, homophobic bullying, issues coming to terms with their sexual orientation and coming out to friends, family and colleagues coupled with the conservative nature of NI and it’s political leaders

**8.3 In practice, delivering a secure and cohesive community should mean addressing all these issues and more. Yet Paragraph 6.4. of The Programme makes inconsequential reference only to ‘sectarian markers,’ ‘racist graffiti’ and ‘paramilitary murals’; only a small fraction of what is needed to deliver a truly shared and secure community. In this context, The Programme requires revision.**

8.4 We take strong issue with point 6.10 in The Programme which reads;

*Despite this, it is of concern that the latest PSNI Statistical Report on Hate Incidents and Crimes shows that during 2009/10 the number of sectarian incidents increased by 245 (an increase of 15.4%) and racist incidents by 48 (an increase of 4.8%) in comparison to 2008/09.*

While we agree that the issue of racist and sectarian hate incidents need addressed, the omission of the rest of the quoted paragraph, which is outlined below, could be construed as deliberate exclusion of groups that do not fall into the ‘sectarian’ or ‘racist’ category of hate crimes. OFMdFM are being disingenuous with their use of figures. If OFMdFM were to continue the sentence which is partially quoted from the PSNI Statistical Report on Hate Incidents and Crimes it would read;

'disability by 14 (an increase of 31.8%) and transphobic by 4 (an increase of 40%)'. BY contrast, during the same period, faith/religion incidents decreased by 23 (a decrease of 50%) and homophobic incidents fell by 4 (a decrease of 2.2%)'.<sup>10</sup>

8.5 This should be seen in the context of an acknowledged and accepted under reporting of homophobic and transphobic hate incidents/crimes, as well as a 100% increase in transphobic motivated hate crimes during the same period.

8.6 This represents a selective use of a Statutory Organisations data in order to justify exclusion of particularly vulnerable groups. Moreover **this section is further undermined due to the lack of target dates for delivery or the outline of any delivery mechanism.**

## 9.0 Supporting Local Communities

9.1 We recognise that local Councils have a major role to play in delivering services to local areas. Needs vary from area to area and local councils identifying need and delivering, with the support and assistance of central government is the correct approach. It is in this context that Community Planning should proceed in the absence of Councils coming together under The Review of Public Administration.

9.2 It is the view of The Rainbow Project that local councils will play a greater role in the delivery of services over the coming years. The pending cuts in the Comprehensive Spending Review, the voluntary programme of collaboration and efficiency savings being undertaken by councils and supported by the Northern Ireland Local Government Association (NILGA) and the merging of District Policing Partnerships and Community Safety Partnerships, mean that local councils will have to be given adequate and additional resources to engage with communities. This engagement however cannot be limited to the sections of the community outlined in this Programme as this would breach local councils own equality statements. This makes The Programme unworkable and narrow in this respect.

9.3 The Rainbow Project will be engaging local communities and local councils in this work, ensuring that LGB and T issues are acknowledged and addressed in the out workings of local authorities in future.

9.4 However it remains the case that this section of The Programme lacks sufficient detail and in the absence of that detail, as well as delivery mechanisms and target dates, this section is weakened. It requires significant amendment and strengthening.

## 10.0 Looking Outward; the North/South, East/West and European Dimensions

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<sup>10</sup> PNSI Annual Statistical Report, Report No. 3; Hate Incidents & Crimes, 1<sup>st</sup> April 2009 – 31<sup>st</sup> March 2010

10.1 This section of The Programme, and work in this area from Government, needs improvement. As well as scoping best practice in other 'post conflict' areas OFMdfM should also be exploring best practice in terms of delivering a more equal society and the benefits this has for the economy and society generally<sup>11</sup>. In the absence of these aims, the opportunity that exists to deliver a comprehensive and effective Programme is limited. The Department should consider further work in this area.

## 11.0 Mechanism to Oversee the Implementation of CSI

11.1 The Rainbow Project is concerned with the makeup of The Ministerial Panel. As is so often the case, while the 'objective' of most government departments is to ensure that the makeup of any public administrative body is representative of the wider community, it is so often the case when public bodies are being established with a view to be representative, the exclusion of lesbian, gay, bisexual or transgendered (LGBT) people occur, either by default or design. In reality what this means is that between 6-10% of the population<sup>12</sup> of NI is not represented, and whose views and concerns are often over looked.

11.2 This should be addressed by OFMdfM when considering appointments.

## 12.0 Options for the Delivery of Funding and Policy

12.1 It would not be appropriate for The Rainbow Project to comment on what we believe to be the best model to deliver funding or policy at this stage as we believe that not much will be achieved with this current draft of The Programme. **The document needs amended to include achievable target dates, mechanisms for delivery and reference to LGBT issues throughout The Programme.** We would urge OFMdfM to amend the document considerably before we would comment on this section.

## 13.0 Conclusion

13.1 TRP is grateful for the opportunity to provide comment on this consultation paper and we are happy to meet with OFMdfM to discuss any aspect of our response with officials.

13.2 It is clear that The Programme for Cohesion, Sharing and Integration is a Programme that is intended to transcend a number of different government departments and encompass a number of different proposed strategies and Bills, such as the Community Safety Strategy and the Public Parades, Assemblies and Protests Bill.

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<sup>11</sup> The Spirit Level; Why More Equal Societies Almost Always Do Better, Wilkinson and Pickett, Penguin Books Ltd, February 2010

<sup>12</sup> Based on National Statistics 2006, estimated population for NI of 1,685,000.

Therefore it is not unreasonable to conclude that The Programme should aim to deliver for all vulnerable groups and not be exclusive to a few.

- 13.3 **Overall the proposed Programme is lacking in sufficient detail with regards target dates for delivery and delivery mechanisms.** However there are some good aspects to The Programme as well as an aspiration to deliver more joined up government.
- 13.4 These comments should be seen in the context that **The Rainbow Project does not support The Programme as it currently stands**; we have severe reservations about the serious omissions of LGBT issues.
- 13.5 **In the research update carried out by the Institute of Conflict research highlights, those that hold the most bigoted views against same sex attracted people are those that said they have had the least contact or do not know someone who is same sex attracted<sup>13</sup>. This is evidentially a good relations/community relations matter that this Programme will fail to deliver on in its current form.**
- 13.6 **It would seem that the Programme by its nature, i.e. wide ranging and encompassing a number of different policy strands and areas, should be broad enough and comprehensive enough to include all vulnerable groups within society into its remit. This is not the case.**
- 13.7 **OFMdFM should not miss this opportunity to deliver a comprehensive, strong and effective Programme for Cohesion, Sharing and Integration and should revise the document.**

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<sup>13</sup> Research Update, Number 66, Attitudes towards Lesbian, Gay and Bisexual People in Northern Ireland, Institute of Conflict Research, March 2010