IMPROVING THE LIVES OF LGBTI YOUNG PEOPLE IN SCOTLAND

LGBT YOUTH SCOTLAND’S MANIFESTO (2016 – 2021)
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INTRODUCTION

LGBT Youth Scotland is the largest youth and community-based organisation for lesbian, gay, bisexual, transgender, and intersex (LGBTI) people living in Scotland.

This manifesto outlines the ways in which the Scottish Government can improve equality and inclusion for LGBTI young people and ensure that their rights are fully realised. We recognise that there has been legislative change in Scotland within the past decade which has improved the lives of LGBT people. We know, however, that LGBTI young people continue to face significant and multiple forms of prejudice and discrimination.

Our manifesto therefore aims to improve the lives of LGBTI young people growing up in Scotland and is based on the following priorities:

- LGBTI young people have the services and support they need to thrive and their rights are fully realised
- LGBTI young people feel safe, supported and included in their education, across all settings
- All transgender and intersex young people are recognised and included in Scottish legislation and policy
- LGBTI young people feel safe growing up in Scotland: their specific needs are recognised and addressed by Police Scotland and the Crown Office and Procurator Fiscal Service
- LGBTI young people have improved mental, sexual and physical health
Below is a summary of LGBT Youth Scotland’s twenty asks for the Scottish Parliament to be achieved by 2021.

WE ARE CALLING FOR A COMMITMENT TO:

1. Full incorporation of the United Nations Convention on the Rights of the Child into Scots Law

2. Strengthening implementation and promotion of the Equality Act 2010 within Scotland, ensuring LGBTI young people’s needs are reflected and considered within the delivery and development of public services

3. The development of practice guidance to accompany the Children and Young People (Scotland) Act 2014 with a focus on getting it right for LGBTI young people and their rights

4. A sustained financial investment in youth work with consideration of the need for specialist services for LGBTI young people & LGBTI inclusive youth work provision

5. Production of a National Homelessness Strategy for Scotland that recognises the role discrimination plays in increasing the risk of LGBTI people becoming homeless

6. A dedicated fund for initiatives to prevent and address homophobic, biphobic, and transphobic bullying in schools, including training for teachers and approaches which support embedding LGBTI inclusion in policy and practice

7. A refreshed Toolkit for Teachers on addressing homophobia, biphobia, and transphobia in Scottish schools with greater emphasis on transgender inclusion and the Equality Act 2010

8. A statutory underpinning for consistent and LGBTI-inclusive Relationships, Sexual Health and Parenthood Education (RSHPE)

9. Reduction in the age for legal gender recognition to age 16, the age at which young people in Scotland have full legal capacity, and the ability for children under 16 to access legal gender recognition with consent from a parent or legal guardian

10. Improved legislation to ensure there is legal recognition for those who do not identify as a man or a woman, allowing for non-binary gender identities to be recognised and validated
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LGBTI YOUNG PEOPLE’S RIGHTS

LGBTI young people have the services and support they need to thrive and their rights are fully realised

UNCRC

We know that many lesbian, gay, bisexual, transgender and intersex (LGBTI) young people experience direct infringements of their rights. We believe that young people’s rights, articulated in the United Nations Convention on the Rights of the Child (UNCRC), should be fully realised in Scotland. Full incorporation of the UNCRC into Scots Law would improve civic inclusion and legal protection for LGBTI young people.

THE EQUALITY ACT 2010

We believe that the provision of services, including health and education, should be inclusive of LGBTI young people and the wider community. Some progress has been made in this area and there are examples of good practice, however consistency remains an issue. This can be improved by examining existing legislation such as the Equality Act 2010 and ensuring that LGBTI people are explicitly considered within public body equality outcomes, with progress measured and reported upon.

CHILDREN & YOUNG PEOPLE’S (SCOTLAND) ACT 2014

The Children & Young People’s (Scotland) Act 2014 aims to strengthen the rights of children and young people by encouraging Scottish Ministers and public bodies to consider rights and how they relate to their work. This legislation also takes forward the ‘Getting it Right for Every Child’ (GIRFEC) approach, providing children and young people, from birth to 18, access to a ‘named person’. This Act will affect children and young people across Scotland and the specific needs of LGBTI young people need to be fully considered during its implementation.

SERVICES FOR LGBTI YOUNG PEOPLE

There continues to be a need for specific services for LGBTI young people where they can receive appropriate support and gain access to informal learning opportunities. Our research found that less than half of LGBT young people said they felt there were enough places where they could safely socialise and be open about their sexual orientation and gender identity. Those young people who had attended a LGBT-specific youth group were more likely to say that they were ‘very happy’ with their lives and to feel included and accepted in the wider community.1

It is therefore essential that specialist services continue to be provided for lesbian, gay, bisexual, transgender and intersex young people, despite a challenging economic climate.

“If the group wasn’t here I wouldn’t know half of the people I do. I wouldn’t understand anything about my own gender and sexuality and would have stayed isolated...The group has changed my life and saved it too. It is the most amazing escape, and makes the world a better place.” – young person

**HOUSING & HOMELESSNESS**

LGBT young people have an increased risk of becoming homeless and are disproportionately represented within the homeless youth population. This can occur due to difficulty securing employment as a result of poor school experiences or a lack of support when ‘coming out’ in the family home. The removal of housing benefit for 18-25 year olds is therefore likely to affect LGBTI young people disproportionately. The Scottish Government needs to take steps to mitigate the impact on LGBTI young people.

**WE ARE CALLING FOR:**

1. **Full incorporation of the United Nations Convention on the Rights of the Child into Scots Law**

2. **Strengthening implementation and promotion of the Equality Act 2010 within Scotland, ensuring LGBTI young people’s needs are reflected and considered within the delivery and development of public services**

3. **The development of practice guidance to accompany the Children and Young People (Scotland) Act 2014 with a focus on getting it right for LGBTI young people and their rights**

4. **A sustained financial investment in youth work with consideration of the need for specialist services for LGBTI young people & LGBTI inclusive youth work provision**

5. **Production of a National Homelessness Strategy for Scotland that recognises the role discrimination plays in increasing the risk of LGBTI people becoming homeless**

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INCLUSIVE EDUCATION

LGBTI young people should feel safe, supported and included in their education, across all settings

“Education is key to bringing about meaningful change for LGBTI young people and for a more equal, fairer and inclusive Scotland.” – Fergus McMillan, LGBT Youth Scotland’s Chief Executive

Education, particularly school, is consistently rated by LGBTI young people as the place they experience the most discrimination. Our research shows that 69% of lesbian, gay, bisexual and transgender young people regularly face bullying in Scottish schools and 10% of LGBT young people left education as a result of homophobia, biphobia and transphobia within the educational environment. The Equality Network likewise found that survey respondents listed education and the quality of their educational experience as a source of major concern.

When we asked LGBTI young people what would help them feel supported in the education system, they highlighted: visibility and inclusion within the curriculum; and, for teachers and staff to address homophobia, biphobia and transphobia whenever it manifests itself, before it can develop into bullying.

Improvements in LGBTI students’ educational experience have not been consistent within Scottish schools and there is still much institutional prejudice, ignorance and misunderstanding. Although we have worked fruitfully with both Education Scotland and the Scottish Government on these and other issues, the evidence indicates that there is still much work to do and there is a need for improved leadership and consistency in this area.

“I suffered 4 years of hell in high school and the teachers took a back seat... If a student comes out to a teacher or pupil and bullying arises, the school must take action.” – young person

RESOURCES, TRAINING & CAPACITY BUILDING

It is important to build the capacity of schools and local authorities to improve LGBTI young people’s experiences of education. This can be achieved by supporting improvements in school and local authority policies, training school staff effectively and improving inclusion in the curriculum. This ‘whole school’ approach is key to bringing about meaningful and long term change in school environments.

In order to deliver work on this scale and to ensure meaningful impact, this needs to be effectively resourced.

“I think if the teachers at school had been more comfortable with the issue it would have been a big help.” – young person

TOOLKIT FOR TEACHERS

In 2009 LGBT Youth Scotland worked with Learning and Teaching Scotland (now Education Scotland) to develop a Toolkit for Teachers on Dealing with Homophobia and Homophobic Bullying in Scottish Schools. Since 2009 there have been changes in the law and importantly a growing number of teachers and local authorities are seeking guidance in order to effectively support transgender young people in schools. This toolkit should be updated and distributed to every school in Scotland, taking into account changes in legislation and the needs of transgender young people.

RELATIONSHIPS, SEXUAL HEALTH AND PARENTHOOD EDUCATION

LGBTI young people tell us that Relationships, Sexual Health and Parenthood Education (RSHPE) in Scottish schools is not adequate and they lack the information they need to keep themselves safe in their relationships. Despite the efforts of some local authorities to develop curricular tools and deliver training for school staff that specifically includes the needs of LGBTI people, this is not being delivered consistently in schools across Scotland. We believe that legislation that creates a statutory underpinning for consistent and LGBTI-inclusive RSHPE would improve consistency in Scottish schools and improve the health outcomes for all young people.

“We need] more general inclusion and awareness of specific LGBT needs, and in education issues around sexual health, sexuality, relationships education.” – young person

WE ARE CALLING FOR:

6. A dedicated fund for initiatives to prevent and address homophobic, biphobic, and transphobic bullying in schools, including training for teachers and approaches which support embedding LGBTI inclusion in policy and practice

7. A refreshed Toolkit for Teachers on addressing homophobia, biphobia, and transphobia in Scottish schools with greater emphasis on transgender inclusion and the Equality Act 2010

8. A statutory underpinning for consistent and LGBTI-inclusive Relationships, Sexual Health and Parenthood Education (RSHPE)
Transgender and intersex young people experience high levels of discrimination and are not adequately protected within Scottish legislation and policy. The impact can clearly be seen within our research:

- 37% of transgender young people had left education as a result of homophobia, biphobia or transphobia in the learning environment.
- 68% of transgender young people felt that they had a mental health problem compared with 1 in 4 of the general population.
- Only 40% of transgender young people felt safe and supported by the legal system.

“As a transgender person, I do feel that a lot more could be done in Scotland to raise awareness of trans issues. I also believe that there aren’t enough services, or visibility of services for trans or gender variant people.” – young person

We support The Scottish Transgender Alliance (STA) and the Equality Network’s call to reform the Gender Recognition Act 2004 and are calling for improved consultation and consideration of the needs of intersex people.

**AGE OF GENDER RECOGNITION**

Under current legislation, transgender young people must wait until the age of 18 to have their gender legally recognised with a Gender Recognition Certificate (GRC). Not only can this waiting period be damaging to young people’s mental health, those without legal gender recognition have limited legal protection from discrimination.

This age limitation is inconsistent with Scots Law, which currently allows 16 year olds to officially change name, apply for a UK passport, get married, obtain a full time job and pay national insurance. Transgender young people over 16 have the capacity to make this decision to apply for GRC and reducing the age to 16 would bring this legislation in line with Scots Law. Permitting those under 16 to apply for a GRC with parental consent would also support parents, carers and families make the best decision for their child.

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RECOGNITION OF NON-BINARY GENDER IDENTITIES

In many aspects of the state, people are forced to identify in one of two binary categories (male or female), excluding individuals who identify as having a non-binary gender identity. Unlike other transgender people, non-binary people currently have no legal recognition of their gender and cannot change their documentation to reflect their gender identity. Many countries already recognise that some people do not identify as men or women and provide them with legal documents which respect their non-binary gender identity.

PSYCHIATRIC DIAGNOSIS FOR LEGAL GENDER RECOGNITION

At present, although some transgender people can change the gender on their passports and other identity documents, there is a requirement for a psychiatric diagnosis to confirm an individual’s gender identity in order to apply for a Gender Recognition Certificate. Requiring a professional to validate one’s identity is dis-empowering and unnecessary. The psychiatric diagnosis should be removed and a self-declaration process introduced.

INTERSEX EQUALITY

The term intersex describes people whose anatomy or physiology differs from strict medical definitions of male or female. Intersex people face intersex-related equality and human rights concerns. For example, there is no specific coverage for intersex people in the Equality Act 2010 and other anti-discrimination laws, and intersex children face invasive medical interventions without giving consent. The best way to progress equality in this area is to consult with specialist organisations and intersex people directly.

WE ARE CALLING FOR:

9. Reduction in the age for legal gender recognition to age 16, the age at which young people in Scotland have full legal capacity, and the ability for children under 16 to access legal gender recognition with consent from a parent or legal guardian

10. Improved legislation to ensure there is legal recognition for those who do not identify as a man or a woman, allowing for non-binary gender identities to be recognised and validated

11. Removal of the psychiatric diagnosis requirement for legal gender recognition

12. The Scottish Government to engage with intersex young people and adults to understand their concerns and recognise their right to bodily autonomy and social equality
LGBTI young people feel safe growing up in Scotland and their specific needs are recognised and addressed by Police Scotland, the Crown Office and Procurator Fiscal Service.

HATE CRIME

One in six lesbian, gay and bisexual people has experienced a homophobic hate crime, yet three in four of these crimes were not reported to the police.9 Our research also found that only half of LGBT young people are aware of their rights under hate crime legislation and many lacked the confidence to report a hate crime.10

We observed a clear benefit of LGBT liaison officers within communities under the old policing structure; in youth groups where young people had regular contact with the liaison officers, they were more likely than young people in youth groups from other areas to feel confident reporting a crime. Raising awareness of what constitutes a hate crime and making the process clear to the public would also help increase the confidence of LGBTI young people to report hate crimes.

GENDER BASED VIOLENCE

The Scottish Government acknowledges the ways in which gender inequality and ‘gender based violence’ affect LGBTI people, however approaches tend to focus on violence against women. This can mean that the needs of gay, bisexual and transgender men and those who do not identity as men or women are excluded from the current framework and approach. We know that:

- Domestic abuse affects approximately 1 in 4 lesbian, gay, bisexual, and transgender people,11 approximately the same proportion as heterosexual women.

- Transgender people are particularly vulnerable to domestic abuse with 80% of respondents in a survey stating that they had experienced abusive behaviour by a partner or ex-partner.12

- 52% of LGBT young people have experienced some form of abusive behaviour from a partner or ex-partner, although only 37% recognised the behaviour as abuse.13

Gay and bisexual men are more likely to experience physical and sexual abuse in same-sex relationships than gay and bisexual women who are more likely to experience emotional abuse in same-sex relationships.\(^\text{14}\)

We therefore call for a broader approach to gender based violence and targeted work that addresses the needs of gay, bisexual, and transgender (GBT) men and people with non-binary gender identities. The current violence against women strategy must also be updated to acknowledge sexual orientation and transgender identity as risk factors and consider ways to address the issues experienced by LGBTI women.

**WELLBEING AND SAFETY IN COURTS**

In Scotland, the majority of court hearings are open to the public and the media is rarely excluded from proceedings. This can be a cause of concern for LGBTI people who may worry about being outed or having the nature of their relationship made public, and can deter people from reporting crimes such as hate crime or domestic abuse.

**WE ARE CALLING FOR:**

13. Police Scotland and the Crown Office and Procurator Fiscal Service to work together to identify strategies to improve LGBTI people’s wellbeing and safety in courts

14. Police Scotland to take steps to engage with LGBTI young people through a commitment to liaison officers, raising awareness of what constitutes a hate crime, and what happens after a report is taken

15. A broader ‘gender based violence’ approach and definition, which clearly addresses the needs of gay, bisexual, and transgender (GBT) men and those who identify with a non-binary gender identity

16. ‘Equally Safe’, Scotland’s strategy to take action to address all forms of violence against women and girls, to be updated to include the experiences of LGBT women, girls and boys

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LGBTI young people experience poorer health outcomes than their peers. For example research shows that LGBTI young people can engage in substance and alcohol misuse, are less likely to engage in sports and physical activity than their peers, and young gay and bisexual men experience higher rates of STI transmission. With only 35% of lesbian, gay and bisexual young people out to their doctors, health is clearly an area of concern. For the purpose of this manifesto, we have focused on the issues commonly raised through consultation with LGBTI young people.

MENTAL HEALTH

The mental health and wellbeing of LGBTI young people is an area that urgently needs action. Research shows that 40% of LGBT young people considered themselves to have a mental health problem, compared with the overall Scottish figure of 1 in 4. Transgender respondents were the most likely to consider themselves to have mental health problems (67%) followed by bisexual women and lesbian and gay women.

Transgender young people have told us that mental health professionals and services lack the knowledge and information to support them effectively; others do not access services at all due to a fear of being stigmatised. Mental health services need to be effectively trained in order to respond the needs of LGBTI people and LGBTI people must feature prominently in the Scottish Government’s mental health strategy.

GENDER SPECIALISTS

There are limited resources for gender specialists in Scotland, particularly for those under 18, with the main expertise based in the Glasgow area. There are increasing numbers of transgender young people ‘coming out’ and this is placing a high demand on services. This has resulted in increased waiting times and unnecessary stress for transgender young people. There needs to be improved capacity to support transgender young people; widening expertise beyond Glasgow and using multi-disciplinary approaches to free up much needed medical resources for young people waiting for hormones or surgery.

15. Emslie et al. (2016) The social context of LGBT people’s drinking in Scotland. SHAAP & GCU.
19. Ibid.
BLOOD DONATION

The current policy of the National Blood Service in the United Kingdom is to ban blood donations from men who have had sex with men in the previous year. The National Blood Service has argued that this policy is necessary in order to protect public health and minimise the spread of transmittable diseases such as HIV, yet it is still viewed as discriminatory towards gay and bisexual men. Scotland’s LGBT National Youth Council first highlighted this discrimination in their 2009 manifesto. The time is right to review the guidance and related evidence regarding blood donation in Scotland or support a UK wide review.

WE ARE CALLING FOR:

17. The new Mental Health Strategy for Scotland to explicitly include sexual orientation and gender identity and for LGBTI young people to be consulted on the creation of the new strategy

18. Mental health professionals to receive training to understand the experiences of LGBTI young people; recognising that prejudice and discrimination are often the primary cause of poor mental health

19. NHS boards to improve access to gender services in order to reduce waiting times and free up medical resources for transgender young people waiting for hormones or surgery

20. The Scottish Government to conduct a review of the guidance and related evidence regarding blood donation in Scotland, which currently prohibits sexually active gay and bisexual men from donating blood

The manifesto was designed for Parliamentary candidates and policy makers, and aims to clearly explain what needs to be done to improve the lives of lesbian, gay, bisexual, transgender and intersex young people living in Scotland.

It was developed in consultation with LGBTI young people and our partners, draws on evidence from a wide range of research and is informed by our direct work with young people. It outlines in detail all our calls to action and has a check-list for MSPs to review and monitor progress.

If you would like to discuss any aspect of the manifesto please contact LGBT Youth Scotland on 0131 555 3940 / info@lgbtyouth.org.uk