



LGBTI Equality Manifesto

**2021-2026
Scottish
Parliament**

Developed by:



Endorsed by:



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Our approach to developing this manifesto

This manifesto has been co-developed by national LGBTI organisations Stonewall Scotland, Equality Network, Scottish Trans Alliance, and LGBT Youth Scotland. It sets out our joint priorities for delivering equality for lesbian, gay, bi and trans people, and people with a variation in sex characteristics or who are intersex (I/VSC) in the 2021-2026 parliamentary term. It is further endorsed by our partners at LGBT Health and Wellbeing, LEAP Sports Scotland, Time for Inclusive Education, and iCON UK.

Our organisations work to achieve equality for LGBTI people. There are important differences in the experiences, needs and marginalisations of these groups of people. Experiences of discrimination and marginalisation due to sexual orientation, trans status or variations in sex characteristics can vary widely, and thus require different and multi-faceted solutions. Some of our calls in this manifesto are specific to particular groups – such as bisexual people, or non-binary people. Some of our calls will be specific to LGBTI people who are marginalised in multiple ways – such as LGBTI refugees, or older LGBTI people.

We have grouped our calls for commitments from the Scottish Government, MSPs and their parties into the following sections:

- **Ensure Gender Identity Services are fit for purpose** p4
- **Protect and progress LGBTI rights** p6
- **Support LGBT mental health** p8
- **Ensure fair treatment in Health and Social care for LGBTI people** p10
- **Implement LGBT-inclusive education** p12
- **Improve community safety and inclusion** p14
- **Support LGBTI rights abroad** p16

A note on I/VSC equality

Throughout this manifesto, we refer to ‘LGBT’ in some contexts, and ‘LGBTI’ in others. We refer to ‘LGBTI’ when there is existing research highlighting inequalities and human rights concerns for people with a variation in sex characteristics or who are intersex (I/VSC), or where tangible work is underway, or is needed, to further I/VSC equality. We recognise that not all individuals with I/VSCs would consider themselves as a part of the LGBTI acronym.

There has been limited progress so far in Scotland in tackling the inequalities and barriers that people with I/VSCs experience. It is important that the Scottish Government and Scottish Parliament engage with people with I/VSCs to review the inequalities they experience, identify their needs and priorities for national law and policy, and, in light of this, take action to further I/VSC equality.

Foreword

There has been significant progress on LGBT equality in the first two decades of the Scottish Parliament, from the repeal of Section 28 to the introduction of equal marriage. In the five years since the 2016 election, positive steps have been taken to build upon this progress, including world-leading work towards LGBT-inclusive education in Scotland’s schools, the pardon for historical ‘homosexual offences’, and equal civil partnerships.

But the last five years have also been challenging for many LGBTI people – in Scotland and around the world. Hate crimes based on sexual orientation and transgender identity are on the rise, waiting times for gender identity services have continued to increase alarmingly, LGBT mental health inequalities continue, toxic debates about LGBT identities are ongoing, and many trans people still do not have access to full legal recognition of their gender. Scotland is falling down the ILGA Europe Rainbow Index and must take action to continue to uphold its international reputation as a leading voice on LGBT equality.

The world has also changed considerably since the last election. The COVID-19 pandemic and the public health measures taken in response to it have affected everyone, but have exacerbated existing inequalities faced by marginalised communities. These include LGBTI people, particularly LGBTI people of colour, disabled people, younger and older people, and those living rurally.

In this LGBTI equality manifesto, we set out the concrete steps that the next Scottish Government and Scottish Parliament can take, over the next five years, to improve the lives of LGBTI people living in Scotland. This includes improving public services, delivering legal equality, tackling discrimination, promoting wellbeing, and building a more equal Scotland.

1. Ensure Gender Identity Services are fit for purpose

We're calling on MSPs and their parties to support and commit to:

Ensuring NHS gender identity services are fit for purpose – now, and in the future. Take action to substantially reduce the waiting times for first appointments as a matter of urgency, by providing centralised crisis funding and piloting new ways of delivering these services to realise their long-term sustainability.

The number of people on waiting lists for first appointments at a Gender Identity Clinic has continually risen over recent years, and demand for services is outstripping the capacity of under-resourced clinics. Unlike other NHS Scotland services, the 18-week Referral to Treatment standard does not apply to gender identity care. Currently, many people have been waiting more than two years to be seen for their first appointment. With waiting lists growing and services unable to meet demand, people joining the waiting list now can expect to wait even longer. It is feared that the impacts of COVID-19 on the health service will further exacerbate the already grave problem of access to gender identity services, with some clinics now forecasting 35-40 month waits¹.

Clinicians recognise that longer waiting times have a detrimental effect on the physical and mental health of their patients, with many identifying the period of waiting for a first appointment as a time when trans people are more likely to experience high levels of distress, self-harm, and suicidal ideation².

¹ All figures from National Gender Identity Clinical Network Scotland (NGICNS) Waiting List and Workload Quarterly Reports

² https://www.scotphn.net/wp-content/uploads/2017/04/2018_05_16-HCNA-of-Gender-Identity-Services-1.pdf

There are systemic issues with NHS gender identity services in Scotland which urgently need to be redressed at a national level, through Scottish Government intervention. The current structure of gender identity services does not provide sufficient capacity or efficiency to provide an adequate service. Outdated service delivery, which is overly reliant on Consultant Psychiatrists and Psychologists, contributes to recruitment problems for unfilled staff posts. Internationally, modernised models of gender identity service provision utilise multidisciplinary teams primarily staffed by specialist nurse practitioners, sexual health doctors, GPs with special interest in gender identity, and counsellors, supported by local endocrinology and mental health services. This recognises that the majority of trans people do not have any complex physical or mental health problems.

It is crucial to understand that simply increasing funding for existing gender identity services, though important, will not be sufficient in and of itself to provide long-term solutions to the waiting list crisis or the harm it causes. It is vital that new models of service delivery that take a person-centred, multi-disciplinary approach are piloted in Scotland.

We're calling on the Scottish Government to:

Take action to substantially reduce the lengthy waiting times for first appointments at NHS gender identity services as a matter of urgency.

Introduce the national waiting time standards for accessing first appointments at NHS gender identity services, and ensure they are adhered to.

Provide centralised crisis intervention funding to pilot new models of service delivery outside of the existing Gender Identity Clinics, which take a person-centred, multi-disciplinary approach.

Revise the NHS Scotland Gender Reassignment Protocol to reflect the need for new models of service delivery which take a person-centred, multi-disciplinary approach, and to allow for greater flexibility in treatment pathways.

Undertake work to ensure services have sufficient funding and staffing capacity to meet levels of demand going forward.

2. Protect and progress LGBTI rights

We're calling on MSPs and their parties to support and commit to:

Protecting and progressing LGBTI rights, including through enshrining LGBTI human rights in Scots law; taking measures to end 'conversion therapy'; improving trans equality, including through reforming the Gender Recognition Act; and taking action to further I/VSC equality.

There has been significant progress on LGBT equality in the first two decades of the Scottish Parliament, from the repeal of Section 28 to the introduction of equal marriage. But there is more to be done, and it is crucial that this progress does not stall. In a global environment where some LGBTI people have seen their rights removed or rolled back, our hard-won rights and protections must be maintained.

In recent years, Scotland's trans communities have experienced their lives and rights being debated in the public domain without witnessing any material improvements in law or policy on trans equality. It is vital that the unfinished business of reforming the Gender Recognition Act is taken forward in the next parliament, and other steps are taken to improve the lived experience of trans people, including non-binary people.

The practice of 'conversion therapy', which seven per cent of LGBT people (rising to 13 per cent of trans people) in the UK have undergone or been offered³, is still legal in Scotland. With the UN

³ UK Government Equalities Office National LGBT Survey Research Report (July 2018)

Independent Expert⁴ calling for a global ban, steps must be taken in the 2021-26 parliamentary term to end this practice once and for all in Scotland.

⁴ <https://www.ohchr.org/EN/Issues/SexualOrientationGender/Pages/ReportOnConversiontherapy.aspx>

We're calling on the Scottish Government to:

Improve laws on gender recognition in line with international best practice, to allow trans people to change the sex on their birth certificate with a simple administrative process based on the principle of statutory declaration, and without intrusive medical diagnosis requirements. This process should be available from the age of 16 (and under 16 for those with parental/carer consent) and include the recognition of non-binary people.

End the harmful practice of sexual orientation and gender identity 'conversion therapy', including through introducing a comprehensive legal ban, working with the UK Government where necessary.

Introduce an Act of the Scottish Parliament to incorporate international human rights into Scots law, and ensure this explicitly includes rights for LGBTI communities.

Engage with people with I/VSCs to review the inequalities they experience, identify their needs and priorities for national law and policy, and, in light of this, take action to further I/VSC equality.

Commit to improving non-binary inclusion in public life and access to public services. Work with the UK Government to introduce 'X' gender markers in official documents to enable non-binary people to be legally recognised.

Work with the UK Government to update reserved surrogacy law to accurately reflect societal change and meet the needs of surrogates and prospective parents, including LGBT people.

Encourage public authorities to use 2022 Census data on sexual orientation and trans status to inform their service planning and delivery for LGBT people and equality outcomes under the Public Sector Equality Duty.

Ensure no retrograde steps are taken on LGBT equality at Holyrood, by the Scottish Government, or by Scottish public bodies.

Oppose any attempts to roll back LGBT rights at Westminster, either through changes to the Equality Act, or as a result of Brexit.

3. Support LGBT Mental Health

We're calling on MSPs and their parties to support and commit to:

Tackling LGBT mental health inequalities by taking forward targeted work on mental health improvement and prevention, and ensuring mental health services are equipped to support LGBT people.

There is substantial evidence⁵ that LGBT people are an at-risk group for poor mental health, and that they experience depression, anxiety, self-harm, and suicidal ideation at a significantly higher level than the general population. This is commonly recognised as being linked to experiences of prejudice and 'minority stress'⁶. These mental health inequalities are felt more acutely by different parts of the LGBT community: for example, trans people and bi people face particularly high rates of poor mental health⁷.

LGBT people can often be deterred from accessing services, including mental health services, if they do not think it will be safe to 'come out' or that their identity will be respected. It is crucial that mental health professionals and other frontline health and social care staff understand LGBT identities and the associated risk factors for poor mental health so that LGBT people can confidently access the services they need.

The needs of LGBT people, as an at-risk group for experiencing poor mental health, must also be incorporated into wider work on improving mental health and wellbeing, alongside targeted prevention and intervention approaches.

⁵ <https://www.lgbthealth.org.uk/wp-content/uploads/2018/08/LGBTI-Populations-and-Mental-Health-Inequality-May-2018.pdf>

⁶ 'Minority stress' recognises that LGBT people's experiences of stigma, prejudice, and discrimination create a hostile and stressful social environment that causes mental health problems and poor mental health is not an intrinsic part of being LGBT.

⁷ https://www.stonewallscotland.org.uk/sites/default/files/lgbt_in_scotland_-_health_report.pdf

We're calling on the Scottish Government to:

Ensure that LGBT people's needs are embedded throughout the implementation of the Mental Health Strategy (2017-2027), the development of any revised strategy, and the implementation of the Suicide Prevention Action Plan (2018).

In line with the actions of the Mental Health Transition and Recovery Plan (2020), act on and address the causes of LGBT mental health inequalities at a structural and individual level.

Include targeted work concerning LGBT populations within Scottish Government funded mental health improvement and suicide prevention programmes. This must adequately reflect the differing risks and needs of particular groups, such as bi and trans communities.

Fund mandatory training for mental health professionals, including frontline Child and Adolescent Mental Health Services (CAMHS) staff, on supporting LGBT people, and ensure that mental health and suicide prevention training delivered to NHS staff is LGBT inclusive.

Ensure LGBT and mental health inclusion in national strategies, policies and action plans related to wider mental health risk factors such as bullying, hate crime, lack of employment, equalities, and social isolation.

Support public bodies and mental health services to routinely monitor the sexual orientation and trans status of service users, in order to identify inequalities in access, experience and outcomes.

4. Ensure fair treatment in Health and Social Care for LGBTI people

We're calling on MSPs and their parties to support and commit to:

Ensuring that LGBTI people experience fair treatment when accessing all health and social care services, including equal access to reproductive and fertility services, with staff trained to effectively support LGBTI patients and service users.

Now more than ever, it is important that people feel safe and comfortable when accessing health and social care services. However, many LGBT people have experiences or expectations of facing discrimination in these settings due to their sexual orientation or trans status.

In fact, almost two in five trans people (37 per cent) have avoided healthcare treatment for fear of discrimination⁸. Many older LGBT people fear that, if they need to enter a residential care setting or receive care in their own homes, carers may not acknowledge and support their LGBT identity. Reproductive and fertility services are another area where LGBT people report poorer experiences, and can encounter inequalities in access to funded NHS treatment.

We're calling on the Scottish Government to:

Ensure that all health and social care professionals are able to meet the needs of their LGBTI service users by incorporating training on LGBTI identities for staff at all levels and across all services, that addresses barriers faced due to sexual orientation, trans status and having an I/VSC.

Ensure that LGBTI people, including older LGBTI people, are able to access welcoming and inclusive social care services, by providing targeted training for staff working across residential and at-home care services.

Undertake a review to ensure that LGBTI people have fair and equal access to NHS reproductive and fertility services, and that these services recognise, and address, the different barriers and health inequalities faced by lesbian and bi women, trans people, and gay and bi men.

Engage with people with I/VSCs to identify understand their needs and priorities, and, in light of this, take action to further I/VSC equality and inclusion across health and social care.

⁸ https://www.stonewallscotland.org.uk/sites/default/files/lgbt_in_scotland_-_health_report.pdf

5. Implement LGBT-inclusive education

We're calling on MSPs and their parties to support and commit to:

The continued implementation of LGBT-inclusive education, ensuring all of the recommendations from the Report to the Scottish Ministers (2018) are fully realised, and that the progress made so far in the implementation pathway is further built upon in the 2021-26 parliamentary term.

LGBT young people are now more likely to experience inclusive school environments and to be taught about LGBT issues – but this is not yet a consistent picture across all schools in Scotland, and many LGBT young people still face discrimination and prejudice. Research conducted in the last five years has shown that nine in ten LGBT young people (92 per cent) experience homophobic, biphobic or transphobic bullying in education, including nearly all trans young people (96 per cent)⁹, while two in five LGBT young people (41 per cent) are never taught anything about LGBT issues¹⁰.

In 2018, following the campaigning efforts of Time for Inclusive Education (TIE) and others, the Scottish Government agreed to implement a series of recommendations from the LGBTI Inclusive Education Working Group¹¹ in full, with Scotland set to become the first country in the world to have LGBT inclusive education embedded throughout the curriculum. This received the support of all parties.

Significant progress has been made on LGBT inclusion in schools over the 2016-21 parliamentary term, including work on taking forward the recommendations.

⁹ Lough Dennell, B.L., Anderson, G. and McDonnell, D. (2018) *Life in Scotland for LGBT Young People. LGBT Youth Scotland*. Available online: www.lgbtyouth.org.uk/media/1354/life-in-scotland-for-lgbt-young-people.pdf

¹⁰ https://www.stonewallscotland.org.uk/system/files/school_report_scotland_2017.pdf

¹¹ <https://www.gov.scot/publications/lgbti-inclusive-education-working-group-report/>

However, it is important that this crucial work to implement the recommendations continues, and is completed, after the Scottish Parliament election in 2021. Importantly, all recommendations must be fully implemented, with impact robustly evaluated. This includes aspects of the implementation pathway due to be completed after the current parliamentary term, including publishing the new LGBT inclusive Statutory Guidance on the Conduct of Relationships, Sexual Health and Parenthood (RSHP) education; and that specific LGBT Experiences and Outcomes are developed at the next review of Curriculum for Excellence. We know that schools are a place where too many trans young people do not feel safe, secure, or valued for who they are. We also know that teachers and schools can feel unsure of how to best provide a welcoming learning environment for their trans pupils. This is why we welcomed the Scottish Government announcement that it would update existing guidance on supporting trans young people in school. However, its publication has subsequently been delayed due to COVID-19. It is therefore essential that the next Scottish Government publishes the 'Supporting Trans Young People' guidance for schools as a matter of urgency.

Furthermore, it is vital that the widespread commitment to LGBTI-inclusive education does not waver in the 2021-26 parliamentary term, and that this momentum is harnessed to consider where further progress could be made on LGBTI inclusive education.

We're calling on the Scottish Government to:

Continue to fully implement and resource the recommendations of the LGBT Inclusive Education Working Group as a key priority. Opportunities for where further progress could be made, beyond the scope of the recommendations, should be identified where necessary through robust evaluation.

In line with the recommendations, pursue further measures, including legislative options, if there is insufficient progress in local delivery of LGBT-inclusive education.

Fund and resource LGBT-inclusive inputs for Initial Teacher Education and Career-Long Professional Learning to ensure that the implementation of inclusive education is effective and is sustained beyond 2021.

Provide necessary funding for long-term commitment, and sustainability of, LGBT-inclusive education.

At the next review of the Education Scotland school evaluation framework, 'How Good Is Our School', incorporate and include LGBT indicators and themes to ensure that LGBT inclusion is fully embedded into school inspections.

Publish the updated Scottish Government guidance on 'Supporting Trans Young People' for schools as a matter of urgency.

Engage with people with I/VSCs to further consider and identify how to incorporate issues around variations in sex characteristics into work on inclusive education.

6. Improve Community Safety and Inclusion for LGBTI People

We're calling on MSPs and their parties to support and commit to:

Improving community safety and inclusion for LGBTI people by funding LGBTI services and community groups, and ensuring that work on tackling issues such as hate crime, homelessness, and social isolation includes LGBTI-focused measures.

For many LGBTI people, concerns about discrimination, harassment, and safety within their communities are part of their day-to-day lives. Some LGBTI people, particularly younger LGBTI people living with unsupportive family members, or those experiencing domestic abuse, do not feel safe in their own homes.

Many LGBTI people have experienced hate crime based on their sexual orientation, trans status, or variation in sex characteristics. Hate crimes against trans people recorded by Police Scotland have doubled since 2015¹², while in 2019-20, charges reported to the Procurator Fiscal of hate crime on the grounds of sexual orientation rose by a quarter¹³.

LGBTI refugees and people in the asylum system can face extreme difficulties in accessing public services due to the No Recourse to Public Funds policy. They can also face homophobic, biphobic or transphobic discrimination on arrival in Scotland, in either immigration detention or accommodation, including when they have fled their country of origin as a result of such persecution and discrimination.

¹² *A Study into the Characteristics of Police Recorded Hate Crime in Scotland. Justice Analytical Services, Scottish Government (February 2021)*

¹³ <https://www.copfs.gov.uk/images/Documents/Statistics/Hate%20Crime%20in%20Scotland%202019-20/Hate%20Crime%20in%20Scotland%202019-20.pdf>

Many of these problems are hard for the Scottish Government to address, as matters relating to immigration are reserved to Westminster. This needs to change so that LGBTI refugees and people in the asylum system are treated with dignity and respect.

LGBT populations experience relatively high levels of homelessness, domestic abuse, and social isolation. Research has found that one in three LGBT people (33 per cent) feel isolated where they live because they are LGBT, including almost half of those living in rural Scotland¹⁴. It is likely this will have been further compounded by COVID-19. LGBTI-specific and inclusive services are essential to ensuring that LGBTI people undergoing hardship are supported. Local LGBTI community infrastructure, including support services and social groups, Prides, and inclusive sports clubs, are vital in building strong local communities that celebrate diversity and inclusion and promote positive wellbeing for LGBTI people.

¹⁴ <https://www.equality-network.org/wp-content/uploads/2015/07/The-Scottish-LGBT-Equality-Report.pdf>

We're calling on the Scottish Government to:

Take forward a programme of work to raise awareness and encourage the reporting of anti-LGBTI hate crimes, and to build LGBTI people's trust and confidence in Police Scotland and other criminal justice agencies.

Ensure frontline police officers and staff receive training on LGBTI issues to enable them to support LGBTI people, and understand and accurately record cases of anti-LGBTI hate crime.

Ensure that gender-based violence services are adequately funded so that they have the resources necessary to support LGBTI survivors, and can address the differing needs and experiences of gay and bi men, lesbian and bi women, and trans people.

Review the impact of the No Recourse to Public Funds regime in Scotland, and campaign for the UK Government to end this policy. Take all steps possible in the meantime to support LGBTI refugees settling in Scotland, including helping them to understand their rights and protections from discrimination, and to access support and relevant services.

Seek devolution of the asylum support and accommodation system, in part to ensure that LGBTI refugees and people in the asylum system who may have fled their country of origin due to homophobic, biphobic or transphobic persecution do not continue to face such persecution or discrimination on arrival in Scotland.

Ensure that LGBTI support services and community groups across Scotland, including in rural and island areas, have the funding and resources they need to effectively support LGBTI people, and improve inclusion and challenge prejudice in their local communities.

Work with Sport Scotland and other governing bodies to end LGBTI discrimination in sport, supported by strategic investment to ensure that LGBTI people can fully participate in grassroots and community sport.

Ensure there is LGBT inclusion in national strategies, policies and action plans related to tackling homelessness, recognising LGBT young people in particular as an at-risk group.

Ensure the needs of LGBTI people, including LGBTI older people and those living in rural communities, are included in national strategies, policies and action plans related to tackling social isolation and digital poverty in light of the COVID-19 pandemic.

Show public leadership on equality for LGBTI people, including through effective media campaigns, and researching public attitudes on discrimination to measure progress.

7. Support LGBTI Rights Abroad

We're calling on MSPs and their parties to support and commit to:

Showing leadership in advancing LGBTI equality and the protection of LGBTI rights abroad, including through delivering LGBTI-inclusive and LGBTI-specific international development work.

The Scottish Government must show leadership in advancing LGBTI equality and the protection of LGBTI rights abroad, including through its work on international development. In many countries across the world, LGBTI people face criminalisation, ostracism, and harassment that can prevent them from accessing vital services, including through international development programmes. Where development programmes are not targeted at redressing these inequalities, LGBTI people can be left behind.

We're calling on the Scottish Government to:

Work with partner countries to advance LGBTI equality and protect LGBTI rights abroad.

Where appropriate, raise concerns about LGBTI equality with governments and international bodies around the world, in consultation with LGBTI human rights defenders in those countries.

Ensure all international development and small grants programmes reach LGBTI people in partner countries, and ensure that LGBTI people are supported as part of wider health, anti-poverty, and education programmes. Fund LGBTI-specific international development programmes, where possible.

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