



DANISH INSTITUTE FOR  
HUMAN RIGHTS

**COWI**

# The social situation concerning homophobia and discrimination on grounds of sexual orientation in Ireland

March 2009

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## A. A Summary of the Overall Situation of LGBT Persons

- [1]. In recent years the questions of the civil partnership (relationship recognition) and the rights of LGBT families have gained increased attention in the media and on the policy agenda of NGOs and human rights institutions. Still, same-sex couples in Ireland do not enjoy legal recognition. Public opinion, however, is supportive of legislative change. A 2006 national opinion poll found that 84 per cent favoured legal recognition of same-sex relationships, with a majority (51 per cent) in favour of marriage and 33 per cent preferring civil partnership. Adoption by lesbian and gay couples was more contentious: 39 per cent expressed support, while 37 per cent objected. The present coalition government has committed to introducing a form of Civil Partnership by 2009.
- [2]. The legal framework for prohibiting discrimination has improved significantly with the introduction of the Employment Equality Acts 1998-2004 and the Equal Status Acts 2000-2004 covering nine grounds, including sexual orientation and gender. The Equality Tribunals handle complaints, though the number of sexual orientation and transgender cases is remarkably low. *The Equality Authority* (the specialised equality body) plays an active role in commissioning research on LGBT needs and rights.
- [3]. Research and studies show that the invisibility of LGB identities in school curricula is a significant problem for young LGB persons. Young LGB persons are at higher risk of social isolation, depression and loneliness than heterosexuals. Furthermore, research across 700 schools showed that homophobic bullying exists in 79 per cent of Irish secondary schools and that teachers often lack of awareness or sensitivity.

## B. The Collection of Data

- [4]. The material for this report has been collected from four sources:
  - A legal country report by Donncha O’Connell, National University of Ireland Galway dean of law.<sup>1</sup>
  - A sociological country report reviewing available data on the situation concerning homophobia and discrimination on grounds of sexual orientation, written by University College Dublin law lecturer and head of equality studies Judy Walsh

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<sup>1</sup> D. O’Connell (2008) *Legal Study on Homophobia and Discrimination on Grounds of Sexual Orientation in Ireland*. FRALEX.

and University College Dublin Ad Astra research scholar Catherine Conlon.<sup>2</sup>

- Data collected through interviews held in Ireland with the *Gay and Lesbian Equality Network (GLEN)*, *The Department of Justice, Equality and Law Reform* and *The Equality Authority*.
- Data collected through an online questionnaire sent to the stakeholders mentioned above.

## C. Key Findings

### C.1. Attitudes Toward LGBT persons

- [5]. Surveys examining acceptance and attitudes toward homosexuality were carried out on a European level in 2008 and 2006.
- [6]. The 2008 *Eurobarometer* asked, 'How would you personally feel about having a homosexual (gay man or lesbian woman) as a neighbour?' (1 meaning 'very uncomfortable' and 10 meaning 'very comfortable'). The figure in Ireland was 8.6, with an EU average of 7.9. Romania was the lowest with 4.8.<sup>3</sup>
- [7]. In the 2006 Eurobarometer, attitudes toward same-sex marriage were examined in every Member State. Forty-two per cent of EU citizens agreed that such marriages should be allowed throughout Europe; the figure was 41 per cent in Ireland (Netherlands scored the highest with 82 per cent and Romania the lowest with 11 per cent). With regard to adoption, the level of acceptance decreases in the EU and in Ireland. Thirty-one per cent of Europeans felt that homosexual couples should be allowed to adopt children throughout Europe; in Ireland the figure was 30 per cent (Netherlands scored highest with 69 per cent and Poland and Malta the lowest with 7 per cent).<sup>4</sup>
- [8]. Drawing on European Values Survey data, Fahey et al (2005: 121-139) concluded that attitudes toward homosexuality in Ireland have become more liberal but still remain on the conservative side of the European average. Those reporting strongly negative attitudes toward

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<sup>2</sup> J. Walsh and C. Conlon (2008) *The situation concerning homophobia and discrimination on grounds of sexual orientation in Ireland*. Sociological Country Report.

<sup>3</sup> European Commission (2008) *Special Eurobarometer 296. Discrimination in the European Union: Perceptions, Experiences and Attitudes*, chapter 9.

<sup>4</sup> Eurobarometer 66 (2006), available at: [http://ec.europa.eu/public\\_opinion/archives/eb/eb66/eb66\\_en.pdf](http://ec.europa.eu/public_opinion/archives/eb/eb66/eb66_en.pdf), pp. 43-46.

homosexuality had declined to 38 per cent in 1999-2000 from 62 per cent in 1981.<sup>5</sup>

- [9]. A 2006 national opinion poll commissioned by *GLEN* found that 84 per cent of those surveyed favoured legal recognition of same sex relationships,<sup>6</sup> with a majority (51 per cent) in favour of marriage and 33 per cent preferring civil partnership. As with the *Eurobarometer* results, adoption by lesbian and gay couples was more contentious: 39 per cent expressed support, while 37 per cent objected. Ninety-three per cent agreed that children should have equal rights irrespective of their parents' sexual orientation.<sup>7</sup>

## C.2. Criminal Law - Hate Crime

- [10]. The only criminal statute in Ireland dealing specifically with hate speech is the Prohibition of Incitement to Hatred Act 1989. This statute makes it an offence to incite hatred against a group of persons in the state or elsewhere on account of their race, colour, nationality, religion, ethnic or national origins, membership of the traveller community or sexual orientation. If an incident of hate speech or hate crime occurs, it is dealt with as an offence of 'assault', 'assault causing harm' or 'assault causing serious harm', as defined by the Non-Fatal Offences Against the Person Act 1997.<sup>8</sup> In sentencing, an assault committed due to the sexual orientation of the victim is not considered an aggravating circumstance.
- [11]. The nature and prevalence of hate crime was examined in a survey in 2006. The LGBT Hate Crime Report by *Johnny*, an NGO for gay and bisexual men, indicated the prevalence of hate crime in Dublin.<sup>9</sup> The sample included 1,000 persons. Forty-one per cent of respondents had experienced a hate crime incident, 66 per cent of which had occurred in the last 12 months. Fifty-five per cent of victims had been subject to a verbal attack, while 45 per cent suffered a physical or physical and verbal attack.<sup>10</sup> Furthermore, 72 per cent stated that they did not feel safe showing affection with a person of the same sex in public.<sup>11</sup> 80 per cent of victims did not report the attack to the police. There were a number of reasons as to why respondents did not report the attacks, but 36 per cent of respondents cited lack of confidence in the police as the reason, while 33 per cent stated that there was 'no point'

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<sup>5</sup> T. Fahey, B. Hayes and R. Sinnott (2005) *Conflict and consensus: A study of values and attitudes in the Republic of Ireland and Northern Ireland*. Dublin: Institute of Public Administration.

<sup>6</sup> [http://www.lansdownemarketresearch.ie/Same\\_per\\_cent20Sex\\_per\\_cent20Marriage\\_per\\_cent201.htm](http://www.lansdownemarketresearch.ie/Same_per_cent20Sex_per_cent20Marriage_per_cent201.htm)

<sup>7</sup> J. Walsh and C. Conlon (2008) *The situation concerning homophobia and discrimination on grounds of sexual orientation in Ireland*. Sociological Country Report.

<sup>8</sup> Section 2, 3 and 4 of the Non Fatal Offences Against the Person Act 1997 respectively.

<sup>9</sup> 2006 LGBT Hate Crime Report: Stop Hate Crimes in Ireland Campaign, available at <http://johnny.fruitdesign.ie/upload/hatecrimereport.pdf>.

<sup>10</sup> 2006 LGBT Hate Crime Report: Stop Hate Crimes in Ireland Campaign, available at <http://johnny.fruitdesign.ie/upload/hatecrimereport.pdf>.

<sup>11</sup> 2006 LGBT Hate Crime Report: Stop Hate Crimes in Ireland Campaign, available at <http://johnny.fruitdesign.ie/upload/hatecrimereport.pdf>.

in reporting.<sup>12</sup> Eighty-six per cent believed that more visible police patrolling would make them feel safer.<sup>13</sup>

- [12]. Research conducted by *GLEN/Nexus* found that 25 per cent of respondents had been punched, beaten, hit or kicked because they were assumed to be gay.<sup>14</sup> A 1999 study by *An Garda Síochána* indicated high prevalence of physical and verbal assaults on LGB individuals, with 79 per cent of respondents stating that they had been physically or verbally abused.<sup>15</sup> The report echoed the findings of the abovementioned *Johnny* report regarding low levels of individual reporting of such incidences to the police.<sup>16</sup>

### C.3. Freedom of Assembly

- [13]. Pride festivals are held annually at various locations throughout Ireland, and various demonstrations and protest marches have been held over the years. A group formed in 2007, *LGBT Noise*, held a demonstration in Dublin aimed at supporting the introduction of lesbian and gay civil marriage in December 2007.<sup>17</sup>
- [14]. Since the decriminalisation of sex between men in the early 1990s, LGBT social, cultural and political engagement has flourished.

### C.4. Family and Other Social Issues

- [15]. Same-sex families in Ireland do not enjoy legal recognition, as civil marriage and partnership are not available. The question of civil partnership and the rights of LGBT families has gained increased attention in Ireland in the media and on the policy agenda of NGOs and statutory bodies such as the Irish specialised equality body *The Equality Authority*.<sup>18</sup>

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<sup>12</sup> 2006 LGBT Hate Crime Report: Stop Hate Crimes in Ireland Campaign, available at <http://johnny.fruitdesign.ie/upload/hatecrimereport.pdf>.

<sup>13</sup> 2006 LGBT Hate Crime Report: Stop Hate Crimes in Ireland Campaign, available at <http://johnny.fruitdesign.ie/upload/hatecrimereport.pdf>.

<sup>14</sup> GLEN and Nexus Research, *Poverty: Lesbians and Gay Men, the Economic and Social Effects of Discrimination*, (1995, Combat Poverty Agency, Dublin) in D.O. Connell (2008) *Legal Study on Homophobia and Discrimination on Grounds of Sexual Orientation in Ireland*. FRALEX.

<sup>15</sup> P. McGowan (1999) *Anti-Gay and Lesbian Crime: A Study of the Problem in Ireland*, MA Thesis for Garda Síochána College, Ireland.

<sup>16</sup> The study found the reporting rate for such incidences was 35 per cent for physical assaults and 11 per cent for verbal assaults. Reasons for non-reporting included fear of Garda response, fear of reprisal and the victim felt it was not serious enough to report. P. McGowan (1999) *Anti-Gay and Lesbian Crime: A Study of the Problem in Ireland*, MA Thesis for Garda Síochána College, Ireland.

<sup>17</sup> J. Walsh and C. Conlon (2008) *The situation concerning homophobia and discrimination on grounds of sexual orientation in Ireland*. Sociological Country Report.

<sup>18</sup> J. Walsh and C. Conlon (2008) *The situation concerning homophobia and discrimination on grounds of sexual orientation in Ireland*. Sociological Country Report.

- [16]. Several reports commissioned by statutory bodies dealing with the position of same-sex couples were published in 2006.<sup>19</sup> These detailed a number of inequalities faced by LGBT families, including areas such as the parent-child relationship, adoption, protection from domestic violence, employment-related rights, social welfare provision, inheritance and taxation.<sup>20</sup>
- [17]. Qualitative research suggests that the absence of a secure legal status causes LGBT families considerable anxiety.<sup>21</sup> O’Connell (2008) recounts the experiences of 10 lesbian couples in the following terms: ‘The women I spoke to were painfully aware of the kinds of issues that regulate and restrict their choices.... Many were disconcerted that although they could foster children jointly, they could not adopt jointly because only married couples can adopt a child together. Some were confused by the fact that there seemed to be no guardianship rights open to them as same-sex couples. They feared that they could be denied visiting rights if their non-biological child were hospitalised, that inheritance taxes would mean that their partner and their non-biological child could only hope to inherit a fraction of their estate, and that in the case of the death of the biological/adoptive mother, her blood relatives could step in and take the child.’<sup>22</sup>
- [18]. In 2006, the Government-commissioned Colley Report recommended that civil marriage be introduced, or at least a rigorous form of civil partnership. The present coalition government has committed to introducing civil partnership by 2009’.
- [19]. Finally, O’Connell notes that assisted reproduction is an issue of increasing importance for Irish lesbians, but access to such services has been unavailable since *Dublin Well Woman Centre’s* donor insemination service closed down in 1999.<sup>23</sup>

## C.5. The Labour Market

- [20]. In Ireland The Equality Act 2004—which amended the pre-existing Employment Equality Act 1998 and the Equal Status Act 2000—purports to implement the Employment Directive 2000/78/EC. However sexual orientation and gender (which includes transsexual

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<sup>19</sup> Law Reform Commission (2006) *Report: Rights and Duties of Cohabitants*, LRC-82-2006. Dublin: LRC; J. Walsh and F. Ryan (2006) *The Rights of De Facto Couples*. Dublin: Irish Human Rights Commission; Working Group on Domestic Partnerships (2006) *Options Paper*. Dublin: Department of Justice, Equality and Law Reform.

<sup>20</sup> J. Walsh and C. Conlon (2008) *The situation concerning homophobia and discrimination on grounds of sexual orientation in Ireland*. Sociological Report.

<sup>21</sup> Irish Council for Civil Liberties (2006) *Equality for All Families*. Dublin: ICCL.; O’Connell, Angela (2008) ‘Very Ordinary People – Lesbian Mothers Talking’ in Ursula Barry Ed., *Where Are We Now? New feminist perspectives on women in contemporary Ireland*. Dublin: Tasc at New Island, 96-129.

<sup>22</sup> J. Walsh and C. Conlon (2008) *The situation concerning homophobia and discrimination on grounds of sexual orientation in Ireland*. Sociological Report.

<sup>23</sup> A. O’Connell (2008) ‘Very Ordinary People – Lesbian Mothers Talking’ in Ursula Barry Ed., *Where Are We Now? New feminist perspectives on women in contemporary Ireland*. Dublin: Tasc at New Island, 96-129.

persons) were already prohibited grounds of discrimination under the previous equality law (i.e. the 1998 and 2000 Acts) which covered employment and access to goods, services and other opportunities. The other seven grounds of prohibited discrimination are: marital status, family status, age, membership of the traveller community, race, disability and religion.<sup>24</sup>

- [21]. There is no comprehensive research on the labour market experiences of LGBT persons. However, some insight into experiences of discrimination is offered by a study conducted by the *Gay and Lesbian Equality Network* and *Nexus Research* in 1995.<sup>25</sup> The study included the participation of 159 respondents and charted the socio-economic impact of discriminatory practices due to sexual orientation and identified several issues. For example, many respondents' job opportunities were severely narrowed because they avoided work for which they were qualified due to fear of discrimination. Furthermore harassment was found to have a significant impact on the respondents' work performance.<sup>26</sup>
- [22]. It is noteworthy that despite the introduction of the Employment Equality Acts 1998-2004 (EEA), an improvement in the legal framework, the number of sexual orientation cases is still remarkably low. Research (Walsh et al 2007) was commissioned in Ireland to examine the phenomenon and concluded that visibility mediates all aspects of LGB workplace experiences. Given the nature of sexual orientation ground claims and the need to come out, many LGB persons are unwilling or feel unable to bring cases forward.<sup>27</sup>

## C.6. Education

- [23]. The experiences of LGBT persons in the education system have been documented in a number of reports and scientific research.
- [24]. A report done for the *Equality Authority* on diversity at school identifies the general lack of education on LGB issues as a problem and discusses the effects of such invisibility. It identifies young LGB persons as being at risk of social isolation, depression, loneliness, harassment and violence. The invisibility of one's identity may result in poor educational outcomes.<sup>28</sup>

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<sup>24</sup> D. O'Connell (2008) *Legal Study on Homophobia and Discrimination on Grounds of Sexual Orientation in Ireland*. FRALEX.

<sup>25</sup> GLEN and Nexus Research, *Poverty: Lesbians and Gay Men, the Economic and Social Effects of Discrimination*, (1995), Combat Poverty Agency, Dublin

<sup>26</sup> J. Walsh and C. Conlon (2008) *The situation concerning homophobia and discrimination on grounds of sexual orientation in Ireland*. Sociological Report.

<sup>27</sup> Walsh, Judy, Catherine Conlon, Barry Fitzpatrick and Ulf Hansson (2007) *Enabling Gay, Lesbian and Bisexual Individuals to Access their Rights under Equality Law*. Dublin; Belfast: Equality Authority and Equality Commission for Northern Ireland; J. Walsh and C. Conlon (2008) *The situation concerning homophobia and discrimination on grounds of sexual orientation in Ireland*. Sociological Report.

<sup>28</sup> A. Lodge and K. Lynch (2004) *Diversity at School*. Dublin: Equality Authority.

- [25]. In 2002 Lynch and Lodge conducted research in 12 single-sex and co-educational schools in Ireland, and included a focus on sexual orientation. The authors concluded that sexual orientation was institutionally invisible across school materials, discourse and curricula. They also found high levels of homophobia among students and a lack of awareness and sensitivity among teachers.<sup>29</sup>
- [26]. Norman et al (2006) conducted research into homophobic bullying across 700 schools nationwide using both survey and qualitative interview methods. According to the findings, homophobic bullying occurred in 79 per cent of Irish second-level schools and was more likely to take place in boys' single-sex schools and co-educational schools than in girls' single-sex schools. The majority of Irish secondary schools had anti-bullying and equality policies but few made any specific reference to gay and lesbian equality. Most teachers were aware of homophobic bullying in their school, but 41 per cent said it was more difficult to deal with than other forms of bullying. Some teachers did not consider this behaviour to be anything more than 'horseplay' or 'messing', meaning that students could interpret their inaction as condoning bullying behaviour.<sup>30</sup>

## C.7. Health Service

- [27]. A report commissioned by the *Equality Authority*, 'Recognising LGB Sexual Identities in Health Services' (Gibbons et al 2008), comprehensively documented the health service experiences of 43 lesbian, gay and bisexual persons in northwest Ireland.<sup>31</sup>
- [28]. For many interviewees, disclosure of sexual orientation to healthcare providers was a major issue, and many never informed their general practitioner of their sexual identity. Many voiced concerns about the lack of recognition of same-sex partnerships and its implications for next of kin status, especially if one partner was hospitalised. Concerns included the right to information on their partner's health, visiting access and involvement in decision-making in case of serious health issues.<sup>32</sup> These findings correlate with observations by *GLEN*.<sup>33</sup>
- [29]. The experiences of respondents in mental health services due to emotional or psychological distress varied. Many sought support for problems associated with their sexual identity but this was not the

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<sup>29</sup> K. Lynch and A. Lodge (2002) *Equality and Power in Schools. Redistribution, recognition and representation*. London: Routledge quoted in J. Walsh and C. Conlon (2008) *The situation concerning homophobia and discrimination on grounds of sexual orientation in Ireland*. Sociological Report.

<sup>30</sup> J. Norman, M. Galvin and G. McNamara (2006) *Straight talk: Researching gay and lesbian issues in the school curriculum*. Dublin: Centre for Educational Evaluation, Dublin City University quoted in J. Walsh and C. Conlon (2008) *The situation concerning homophobia and discrimination on grounds of sexual orientation in Ireland*. Sociological Report.

<sup>31</sup> M. Gibbons, M. Manandhar, C. Gleeson and J. Mullan (2008) *Recognising LGB Sexual Identities in Health Services*. Dublin: Equality Authority and Health Service Executive.

<sup>32</sup> M. Gibbons, M. Manandhar, C. Gleeson and J. Mullan (2008) *Recognising LGB Sexual Identities in Health Services*. Dublin: Equality Authority and Health Service Executive.

<sup>33</sup> Field trip meeting with *GLEN* (Ireland, 4 April 2008).

case for all. Some respondents felt that service providers did not always have an understanding of the specific experiences of LGB clients and reinforced heteronormativity.<sup>34</sup>

- [30]. Recognising that gay and bisexual men are at risk of HIV, significant funding has been made available to target the health needs of men who have sex with men, with a number of HIV projects in Dublin and Cork. The previous Taoiseach committed to challenging HIV-related discrimination in Ireland. This led to a national public awareness campaign, 'Stamp Out Stigma'.
- [31]. There appears to be a knowledge deficit among healthcare providers and the lesbian population concerning the sexual and gynaecological health of lesbians. More generally, Gibbons et al (2008) note that as a result of the concentration on gay men and HIV/AIDS, there has been insufficient work around other health issues in the LGB community, particularly lesbian health.
- [32]. The mental health and well-being of lesbian, gay and bisexual persons in Ireland was highlighted in the 2003 *GLEN Mental Health Report* (published in conjunction with the former *Northern Area Health Board*). The report described how marginalisation impacts LGB persons' general and emotional health. Key findings included: LGB persons are more likely to attempt suicide compared to their heterosexual peers; LGB persons are also more likely to have substance abuse or mental health problems (especially depression and anxiety), which are known risk factors for both attempting and committing suicide.
- [33]. The health and health experiences of transgender persons are discussed in the section on transgender.

## C.8. Religion

- [34]. Gays and lesbians have been depicted as 'deviant' or 'depraved' by religious doctrine,<sup>35</sup> yet in his account of a campaign to de-criminalize gay sex, Robson states that opposition came largely from the ideological right wing rather than the formal religious bodies.<sup>36 37</sup>
- [35]. Religious bodies own and manage the vast majority of primary schools and a significant number of secondary schools in Ireland. This is an important contributing factor to the institutional invisibility of non-traditional sexual orientations in schools. Religious bodies also own and manage a significant number of hospitals and health

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<sup>34</sup> M. Gibbons, M. Manandhar, C. Gleeson and J. Mullan (2008) *Recognising LGB Sexual Identities in Health Services*. Dublin: Equality Authority and Health Service Executive.

<sup>35</sup> S. Miner (2003) *The intersectionality of silences: parity-impeding cultural norms impacting on lesbian partnership*. Dublin: University College Dublin.

<sup>36</sup> C. Robson (1995) 'Anatomy of a Campaign' in O'Carroll and Collins, Eds. *Lesbian and Gay Visions of Ireland: Toward the Twenty-First Century*. London: Cassell, 47-59.

<sup>37</sup> J. Walsh and C. Conlon (2008) *The situation concerning homophobia and discrimination on grounds of sexual orientation in Ireland*. Sociological Country Report.

services. Section 37 of the Employment Equality Act exempts religious bodies and services where discrimination can be shown to be necessary to preserve the religious ethos of the religious body. While this exemption has never been tested in the courts, significant anecdotal evidence shows that Section 37, coupled with religious homophobia, prevents many LGBT teachers from coming out. Furthermore there are a number of anecdotal reports that openly LGBT teachers face discrimination.<sup>38</sup>

- [36]. One of the most prominent figures in the Catholic Church in Ireland, Archbishop Diarmuid Martin, has acknowledged that there are many different kinds of relationships, and did not object to civil partnership for lesbian and gay couples.<sup>39</sup>

### C.9. Sports

- [37]. There appears to be no quantitative or qualitative research or data on the subject. According to *GLEN*, LGBT persons are largely invisible in sports.<sup>40</sup> However, there is a growing number of LGBT sports clubs. The Gay Rugby World Cup is being held in Ireland this year and has received significant support from the National Rugby Association and the business community.

### C.10. Media

- [38]. There appears to be no quantitative or qualitative research or data on media representations of LGBT persons. According to *GLEN*, LGBT persons enjoy a positive and nuanced presence in the Irish media.<sup>41</sup>

### C.11. Asylum and Subsidiary Protection

- [39]. People that fear persecution because of their sexual orientation are recognised under the Refugee Act 1996 as a protected social group.
- [40]. There is no data available on the experiences of LGBT persons seeking asylum in Ireland or the number of asylum seekers applying on the ground of sexual orientation. The first-instance decision-making body is the *Office of the Refugee Applications Commissioner* (ORAC). Personnel who conduct interviews with asylum seekers have received some training in the area of equality, but there appears to be no training carried out in the area of homophobia and sexual orientation.<sup>42</sup>

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<sup>38</sup> Field trip meeting with *GLEN* (Ireland, 3 April 2008).

<sup>39</sup> <http://www.ireland.com/newspaper/opinion/2004/1120/1099561068594.html>

<sup>40</sup> Field trip meeting with the *Equality Authority* (Ireland, 4 April 2008).

<sup>41</sup> Field trip meeting with *GLEN* (Ireland, 3 April 2008).

<sup>42</sup> J. Walsh and C. Conlon (2008) *The situation concerning homophobia and discrimination on grounds of sexual orientation in Ireland*. Sociological Report.

## C.12. Family Reunification

- [41]. Since the definition of family is restricted to opposite-sex couples, and same-sex families are not legally recognised via civil partnership or other law, it is not possible for same-sex couples to apply for family reunification.

## C.13. Transgender Issues

- [42]. In Ireland, there is no provision for transgender persons to be officially recognised in the gender with which they identify. As a consequence, transsexuals do not have the right to marry in their reassigned gender, change their birth certificate or enjoy any right legally confined to the gender to which they belong.<sup>43</sup>
- [43]. There is little research in Ireland on transgender persons.
- [44]. One study was published in 2004 by the *Equality Authority* on access to health and the health needs of transsexuals. The findings showed that the experiences of transsexual persons were characterised by stigma and exclusion. Furthermore, policy and practice relating to meeting the health needs of transsexual persons was underdeveloped. Health services did not specify any particular experience or expertise around meeting the needs of transgender persons.<sup>44</sup>
- [45]. Respondents also highlighted the negative impact of lack of health service on their lives. This included depression, suicidal tendencies and in some cases accessing hormones on the black market, which were expensive and potentially dangerous without medical supervision. On the other hand, where respondents did access services that they felt were appropriate to their needs, the impact was positive in all cases. Some people described accessing to service ‘at last’ as being literally life-saving.<sup>45</sup>
- [46]. According to O’Connell (2008), the level and intensity of stigma attached to issues of gender variance means that transsexuals are often hidden from and invisible to both the general population and to service providers. This not only makes it difficult to establish the extent of the transsexual population, it also makes it extremely difficult to access this population in order to develop an understanding of their circumstances, needs and experiences.<sup>46</sup>

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<sup>43</sup> D. O’Connell (2008) *Legal Study on Homophobia and Discrimination on Grounds of Sexual Orientation in Ireland*. FRALEX.

<sup>44</sup> E. Collins and B. Sheehan (2004) *Access to Health Services for Transsexual People*. Dublin: Equality Authority.

<sup>45</sup> E. Collins and B. Sheehan (2004) *Access to Health Services for Transsexual People*. Dublin: Equality Authority.

<sup>46</sup> D. O’Connell (2008) *Legal Study on Homophobia and Discrimination on Grounds of Sexual Orientation in Ireland*. FRALEX.

## C.14. Multiple Discrimination

- [47]. There has been little research on experiences of multiple or intersectional discrimination in Ireland. Yet Ireland is one of few countries which has detailed statistics of the percentages of cases involving discrimination on more than one ground, including the intersection of sexual orientation with other grounds.<sup>47</sup>
- [48]. Some studies note that lesbians and bisexual women and girls experience misogyny as well as homophobia and may face greater pressure to remain invisible.<sup>48</sup>
- [49]. A sociological qualitative study carried out by Zappone et al. (2003) examined lesbian, gay and bisexual youth and adults with disabilities.<sup>49</sup> Respondents in the study discussed homophobia in disability organisations and attitudes toward disability in the lesbian, gay and bisexual communities.<sup>50</sup> Writing on the intersection of age and sexual orientation, Loudes (in Zappone et al.) noted that the process of self-identification and ‘coming out’ is difficult for young lesbian, gay and transgender persons due to fear of discriminatory treatment.<sup>51</sup>
- [50]. In 2005 the *National Disability Authority* published a discussion paper on disability and sexual orientation.<sup>52</sup> The paper correlated with the findings of Zappone et al. and highlighted a number of recurrent themes, such as disability within LGB communities, homophobia and societal prejudice that constructs disabled persons as asexual. Access to the LGB community was flagged in relation to the built environment, advertising and marketing, support and helplines.
- [51]. According to *GLEN*, there is a lack of recognition that same-sex relationships exist within elderly persons’ homes, and elderly LGBT persons are silent and silenced about this. This means, for example, that a resident could be grieving for the death of a partner but would not feel free to tell anyone.

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<sup>47</sup> The Equality Authority. Annual Report

<sup>48</sup> L.inc: Lesbians in Cork (2006) *Lesbian Health: A Study of the General Health of the Lesbian Community in Cork*. Cork: L.inc; S. Miner (2003) *The intersectionality of silences: parity-impeding cultural norms impacting on lesbian partnership*. Dublin: University College Dublin.; J. Walsh , C. Conlon, B. Fitzpatrick and U. Hansson (2007) *Enabling Gay, Lesbian and Bisexual Individuals to Access their Rights under Equality Law*. Dublin; Belfast: Equality Authority and Equality Commission for Northern Ireland.

<sup>49</sup> K. Zappone (ed) (2003) ‘Re-thinking Identity The Challenge of diversity’ Commissioned by the Joint Equality and Human Rights Forum. To explore the intersection of disability and sexual orientation see M. Brothers (2003) It’s not just about Ramps and Braille: Disability and Sexual Orientation pp. 49-69 in Zappone et al. (2003) To explore the intersection of age and sexual orientation see C. Loudes (2003) ‘Learning to grow up. Young Lesbians, Gay and Bisexual People in Northern Ireland’ in Zappone et al. (2003).

<sup>50</sup> K. Zappone (ed) (2003) ‘Re-thinking Identity The Challenge of diversity’ Commissioned by the Joint Equality and Human Rights Forum.

<sup>51</sup> C. Loudes (2003) ‘Learning to Grow Up: Young Lesbian, Gay and Bisexual People in Northern Ireland in Zappone et al. (2003)

<sup>52</sup> National Disability Authority (2005) *Disability and Sexual Orientation: A Discussion Paper*. Dublin: NDA.

[52]. There appears to be no research on how ethnicity affects the lives of LGBT persons.

#### D. Good Practice

[53]. Good practices are described in Annex 1.