

on Lesbian, Gay, Bisexual & Transgender rights
FOCUS



**GENERAL ELECTION 2005:
LIBERAL DEMOCRAT MANIFESTO
FOR LGBT**



Charles Kennedy MP
Liberal Democrats
4 Cowley Street
London
SW1P 3NB
020 7222 7999
www.libdems.org.uk

At the core of Liberal Democrat philosophy is our belief that a diverse Britain, is a richer Britain. We would like to see a fair, free and open society that nurtures individuality and creativity – not one shackled by conformity, ignorance or intolerance.

This means that we believe strongly in an individual's right to live their lives as they see fit, without discrimination, with personal privacy, with equal rights in front of the law and the opportunities to make the best of their talents. This applies to a person's sexuality and gender identity in the same way it does to their race, gender, or religion.

The Liberal Democrats have been consistent in our application of these principles and are proud of our track record on issues relating to lesbian, gay, bisexual and transgender rights. This Labour government has often appeared unwilling to sanction change and it has only acted because of European Court judgements or EU initiatives on things like the equal age of consent, equality in the armed forces, employment discrimination and transgender rights. It was the Liberal Democrats who were at the forefront of all these campaigns before they were fashionable, and led the Parliamentary fight to scrap Section 28 and introduce civil partnerships.

These battles have been fought and won. But there is much still to do. With a Labour Government that has too often chased the populist agenda and has not shown sufficient respect for fundamental civil liberties, it is imperative that the Liberal Democrats continue to push for equal rights, equal treatment before the law, and an end to discrimination. I am determined we will do just that.

From the protection of employees, to incitement to hatred; from HIV and health education to asylum; this manifesto sets out the policies that we will pursue over the next parliament.

Charles Kennedy

Top Liberal Democrat policies for LGBT rights

- **Strengthen the fight against discrimination with a single Equality Act.** This will outlaw all unfair discrimination and harassment, including on the grounds of race, sex, religion, sexual orientation, disability, age or gender identity – this will be the biggest step taken to protect gay, lesbian, bisexual and transgender people.
- **Press public bodies to tackle inequality and discrimination** against lesbians, gay men, bisexuals and transgender citizens.
- **Outlaw incitement of hatred** against people on the basis of their sexuality and homophobic exacerbation of offences.
- **Equal treatment for same sex and heterosexual couples** in pension arrangements.
- **End the exemption in the UK's implementation of the European Directive** that allows religious organisations to sack, demote or fail to hire employees in non-proselytising posts on grounds of sexual orientation.
- **Improve education on HIV** – prevention is better than cure. Over the life time of a Parliament we would refocus the spending and priorities of the health service on health education and screening.
- **Repeal provisions in the Human Fertilisation and Embryology Act** which discriminate against lesbian couples.
- **Introduce a rates relief for small businesses** – boosting the pink economy which is based typically on the small business sector.

Equality and freedom from discrimination

Britain is one of the most centralised countries in the western world. A government with a majority can take away whatever powers from citizens it wants to. Parliament exercises too little power over government and too often backbenchers are slavishly loyal – not to their principles or their constituents – but to Government business managers, ministers and whips. The result of this has been a nation that has power highly centralised in the hands of a few ministers who are able to ride roughshod over the rights of citizens of whatever background. Too often, governments as well as individuals and communities have discriminated against people on the grounds of sexual orientation. And there were no powers available to citizens to prevent this.

An Equality Act

Liberal Democrats will pass an Equality Act which will tackle all forms of discrimination including on the grounds of sexual orientation. Public bodies will have a positive duty to tackle inequality and discrimination against lesbians, gay men, bisexuals and transgender people, in the same way as they are required to promote race equality and tackle race discrimination. The Act would not just apply to the public sector. It will end discrimination in the provision of goods and services. For example, currently hotels can refuse to take a booking from a same sex couple. Under our Equality Act, everyone will be treated equally. The current Labour Government blocked the Lib Dem Peer Anthony Lester's attempt to introduce this Act in the last Parliament.

An Equality and Human Rights Commission

Liberal Democrats will bring together as the Equality and Human Rights Commission the various bodies involved in upholding and promoting the rights of different groups within society. This will have, amongst other responsibilities, a role in advising both the public and private sector on equality issues as well as being the guardian of equal rights.

Incitement to homophobic hatred and homophobic aggravation of offences

We will make incitement of homophobic hatred an offence on the

same basis as inciting racial hatred. We will ensure that offences for which penalties are more severe when racially or religiously aggravated are also penalised when aggravated by homophobia. We will end the use of homophobia as a defence or mitigation in court for criminal activity. We will ensure police hate crime investigation units coordinate information and action against racist, homophobic and other hate crimes.

Homophobic bullying in schools

Many young people growing up (or just thought to be) gay or lesbian in schools and colleges suffer verbal abuse, damage to schoolwork and clothing, physical attack and injury. Some attempt suicide. This has been contributed to by Section 28, which Lib Dems alone opposed in 1988 and which took the Labour Party six years in office to repeal. All parents have a right to feel confident that their child will be safe at school. School staff already receive training on how to deal with bullying. We will ensure this also covers dealing confidently with homophobic bullying and issues that arise in school around sexuality. We will support freephone helplines where those targeted can report bullying and get help and advice. All young people benefit from a school culture where difference is respected. We will require that all schools have a written policy on tackling homophobic hate crime and that tolerance on sexual orientation is specifically included for the first time in the guidance for religious education alongside race, religion and gender.

Our commitment to include Sex and Relationships Education in the National Curriculum will ensure that children are introduced at the appropriate age to proper information about sexual orientation before myths and bullying take hold.

The Police and Armed Services

Great progress has been made throughout police forces in Britain in tackling homophobic practices. Police authorities have taken on a much more progressive and tolerant approach to gay and lesbian employees. This is a positive model we believe should be extended elsewhere.

It should not have taken defeat in the European Courts to finally force Conservative and Labour Governments to remove the disgraceful ban on gay and lesbian personnel in the armed forces, many of whom had their careers and lives wrecked, and many of whom are still waiting for compensation.

Currently there is no collection of information about discrimination in the armed services. This makes the tackling of homophobia extremely difficult. A Liberal Democrat government will require the armed services to get to grips with the problem by setting up a system of support and information collection similar to that already existing within the police.

A Liberal Democrat government will also work with police authorities to tackle the problem of domestic violence within same sex relationships. Insufficient attention has been paid to this issue.

Jobs and prosperity

The rise of the pink economy and the strength of the pink pound reflect a community that is vibrant and self confident. This is welcomed by Liberal Democrats. There are however some areas of the economy and the world of work where inequality still needs to be tackled.

Ending employment exemptions

A European Directive protects gay and lesbian people from discrimination (dismissal, demotion, non-appointment) and harassment at work and in training. The Labour Government has allowed a broad exception for religious organisations to discriminate against staff on the grounds of their sexual orientation even where there is no genuine vocational requirement for a particular sexuality. As a result, a cleaner in a church hall can be sacked for being gay, and a lesbian teacher can be sacked from a church school, even a state-funded one. Liberal Democrats will end this opt out and apply the rules to non-proselytising roles in religious organisations, whilst respecting the need for religious organisations to be able to appoint people according to their beliefs in proselytising roles such as priests..

Pensions

Liberal Democrats were the first to call for civil partnerships for same sex and unmarried opposite sex couples,

and the Labour Government blocked a Lib Dem bill to introduce them years before the Civil Partnership Bill was brought forward. It was Lib Dems who pressed for this to be amended to allow state pension rights for civil partners on a par with married couples.

Under Labour, same sex couples in civil partnerships continue to be treated unfairly compared with married couples in terms of partner benefits in some pension arrangements in both the public and private sector. Our Equality Act will give us the opportunity to tackle this inequality and end discrimination in pension provision.

Pink prosperity

The pink economy is made up of thousands of small businesses catering mainly for gay and lesbian clients. Many however are burdened by uniform business rates which hit small businesses harder than medium and especially large concerns.

Liberal Democrats will introduce a rates relief scheme for all businesses with rateable values of less than £25,000. The average saving will be about £600 per small business - just part of our wider package of measures to help business, particularly small businesses, such as cutting red tape and inspections.

Health

The Liberal Democrat approach to health is to tackle the root causes of ill health at their source, rather than the knee-jerk reactions of previous governments. It is more effective to stop health problems happening in the first place than to respond to a problem that has blown up. Health education will therefore have a key role to play under the Liberal Democrats. Over the lifetime of a Parliament we will focus more NHS resources on prevention, since this is better and more cost effective.

Education on HIV and other sexually transmitted infections.

Freeing the NHS from the huge weight of central targets will enable local trusts to address particular health educational needs. HIV and other sexually transmitted infections are still rising amongst gay men and there is a need to tackle this through health education. Free of politically motivated targets, trusts will be able to focus more effectively on communities where there is a greater

need for sexual health education.

We have opposed, and will continue to oppose, attempts to criminalise reckless transmission of infectious diseases, as this would undermine the public health need for people to come forward for testing.

Freeing health trusts to treat patients

The health service is highly centralised in England and health trusts are too tied up in attempting to achieve Whitehall targets, rather than concentrating on the needs of patients. Liberal Democrats believe that the professional judgement of doctors and specialists about the needs of patients should be the driving force behind the activity for health trusts.

Currently, in many areas there are long delays for tests and treatments at genital urinary clinics. Liberal Democrats will free the National Health Service in England from the straitjacket of inappropriate central government targets. Health trusts will be able to focus their resources on the needs of their patients. This will help to cut back the waiting times for diagnosis and treatment at STI clinics faced by patients. Better targeting of HIV education where it is needed will also be possible. By scrapping centrally imposed targets, local health trusts could prioritise treatment and services on HIV.

A right to a family

A provision introduced by the Conservatives in the 1990 Human Fertilisation and Embryology Act discriminates against lesbian couples wishing to have treatment to have children. By requiring the role of a father to be considered in applications for treatment under the Act, lesbian couples are effectively prevented from using it to start a family. There is good evidence that the children of lesbian parents are at no disadvantage compared to children of mixed sex couples, and we would repeal the discriminatory provisions.

Asylum

Men persecuted for being gay in some other countries have sought asylum in the UK. There have been examples of Jamaican gay men, for example, being refused asylum in the UK on the grounds that being gay does not constitute a cause for seeking asylum. Being sent back however can put that person's life at serious risk.

The asylum system needs to treat all applications fairly. Homophobic persecution should be considered as a legitimate reason for applying for asylum where sending them back to the country of origin puts them at serious risk of persecution or physical harm by the state authorities or where the state does not provide adequate protection from non-state agents of persecution..

Equality for transgender people

Liberal Democrats were the first party to call for equality for transgender people, in a Bill proposed by the then Lib Dem MP Alex Carlile, and we supported the recent Bill - forced on an unwilling Government by the European Court - that allowed transgender people to change their birth certificate to reflect their new gender. However, married transgender people are required to divorce before their certificate can be changed. This is an unreasonable intervention in the private lives of citizens. We will scrap this requirement.

The Government rejected Liberal Democrat attempts to provide for an end to discrimination in the provision of goods and services against people on the basis of their transgendered status. Our Equality Bill will provide this protection for the first time.

This document contains Federal Liberal Democrat policy, except in areas where policy of the Scottish and Welsh Liberal Democrats applies.

A full costing document will be published at the same time as the General Election Manifesto.



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