

NORTHERN IRELAND POLICING BOARD'S THEMATIC INQUIRY ON POLICING WITH AND FOR LESBIAN, GAY, BISEXUAL AND TRANSGENDER (LGB&T) INDIVIDUALS

Terms of Reference

All human beings are born free and equal in dignity and rights. All human rights are universal, interdependent, indivisible and interrelated. Sexual orientation¹ and gender identity² are integral to every person's dignity and humanity and must not be the basis for discrimination or abuse.³

The Human Rights Act 1998 requires the Police Service of Northern Ireland (PSNI), as a public authority, to uphold and protect the fundamental rights and freedoms of individuals that are enshrined in the European Convention on Human Rights (ECHR).

The Northern Ireland Policing Board has a statutory duty to monitor the performance of the PSNI in complying with the Human Rights Act 1998.⁴ In recognising that discrimination and abuse based on sexual orientation and gender identity remains prevalent in society today, the Board, through its Human Rights and Professional Standards Committee, is launching a thematic inquiry to examine policing with and for lesbian, gay, bisexual and transgender (LGB&T) individuals.

The Committee recognises at the outset that transgender individuals experience separate, very different, challenges in their everyday lives than lesbian, gay and bisexual individuals. Likewise, lesbian individuals face issues not encountered by gay men and vice versa. However, there are some common policing issues that arise, particularly when it comes to reporting (or not reporting) crime. The Committee therefore considers it pragmatic to address LGB&T issues all within the body of one report. The thematic inquiry will approach the issues sensitively and will let LGB&T individuals speak for themselves, not for each other. The report will clearly explain the differences between individuals categorising themselves as lesbian, gay, bisexual or transgender, making clear that the 'T' in 'LGB&T' is not just an add-on.

The thematic inquiry will consider the PSNI approach to policing with and for LGB&T individuals and its compliance with the Human Rights Act 1998 in:

- Identifying, recording and encouraging the reporting of crimes committed against LGB&T individuals including, but not limited to,

¹ 'Sexual orientation' refers to each person's capacity for profound emotional, affectional and sexual attraction to, and intimate and sexual relations with, individuals of a different gender or the same gender or more than one gender.

² 'Gender identity' refers to each person's deeply felt internal and individual experience of gender, which may or may not correspond with the sex assigned at birth, including the personal sense of the body (which may involve, if freely chosen, modification of bodily appearance or function by medical, surgical or other means) and other expressions of gender, including dress, speech and mannerisms.

³ Extract from the introduction to the Yogyakarta Principles.

⁴ Section 3(3)(b)(ii) of the Police (Northern Ireland) Act 2000.

homophobic or transphobic motivated hate incidents and crimes; domestic abuse; and sexual violence;

- Supporting LGB&T victims of crime;
- Investigating crimes committed against LGB&T individuals and arresting the perpetrators;
- Providing internal support to LGB&T police officers and police staff; and
- Engaging with LGB&T stakeholder groups, organisations, and individuals.

This will necessarily involve a review of PSNI policy, training, staffing, the quality of service received by LGB&T victims of crime, and the ethos within the PSNI generally towards LGB&T individuals.

The Committee also hopes to raise public awareness of homophobic and transphobic motivated hate crime and will examine whether victims are deterred from reporting these crimes because of the way they are treated at any stage of the criminal justice process.