

# A REMARKABLE JOURNEY

## Reflecting on the decriminalisation of homosexuality 30 years later

By Kieran Rose

1993 was a huge breakthrough for LGBT+ rights in Ireland with the passing of an equality-based gay law reform and the inclusion of sexual orientation in the Unfair Dismissals Act.

There was huge opposition to the gay law reform from the Catholic Church and lay Right wing groups, like Family Solidarity. One Bishop warned at the time that "Decriminalisation will lead to a point where gay relationships will be seen as a valid alternative to marriage".

In April 1993, a draft Memorandum to Government on gay law reform was leaked to the Irish Times and very disappointingly it took a right wing approach and set out three options: the very repressive British style law reform; marking a difference with an unequal age of consent of 18 years; or the equality option as put forward by GLEN and the Campaign for Equality.

GLEN decided it would call for the defeat of any gay law reform Bill that did not provide for full equality and delegated Christopher Robson to contact his friend Ruairi Quinn who was a senior Labour Minister to make clear on a confidential basis initially of our decision in this regard.

We were delighted that the Government gay law reform Bill when it was finally published was the full equality option, abolishing the basic criminalization under the Common Law offence of buggery, no privacy restrictions, no exemptions for the Defence Forces, and, of course, an equal age of consent of 17 years.

The Fine Gael leadership tried to wreck the equality integrity of the Bill by attempting to introduce an unequal age of consent of 18 years. A number of progressive Fine Gael TDs carried out an organised filibuster against their own Party Amendment, so that the time available was used up and no vote was taken.

There were some nasty anti-gay speeches from some Fianna Fail TDs, some of whom would later to go on to apologise. One Fianna Fail TD who had a reputation for being bigoted and was described by Proinsias de Rossa as an 'ignoramus' was sent off to the United States on a junket so he wouldn't be around for the debate.

Meanwhile the vast majority of TDs and Senators celebrating the gay law reform. It was seen as 'one of the historic events of the decade', 'a great day for Ireland', and 'truly liberating'. I got the sense that the TDs and Senators were were delighted to be throwing off the shackles of the Catholic Church and lay Right who had intimidated successive governments since their overwhelming success in the 1983 Abortion Referendum and the 1986 Divorce Referendum. This was the first big defeat for the Right and we were delighted that a small LGBT+ group like GLEN was able to play an important role in out-manuevering and out-strategizing the Right.

The Dáil passed the Gay Law Reform Bill without a vote on Thursday 24th June and it was covered widely and positively in the media. By a very nice coincidence, the Dublin Lesbian and Gay Pride Parade took place the following Saturday giving the Parade an added sense of gusto and exuberance.

Mary Holland wrote in a great piece for the Irish Times on the Parade: 'One would need a heart of stone not to have been moved by the great waves of happiness that surged through the centre of Dublin last Saturday afternoon as Irish lesbians and gays took to the streets'.

The original aims of GLEN when it was set up in 1988 was an equality-based gay law reform and equality legislation. In 1998 the Employment Equality Act was introduced and later the Equal Status Act 2000 with the setting up of the Equality Authority which was to prove to be crucial for LGBT progress. GLEN also lobbied for the inclusion of sexual orientation in the Refugee Act 1996. Ireland held the Presidency of the European Union in 1999 and

GLEN successfully lobbied the Tánaiste and Minister for Foreign Affairs to include sexual orientation in the Amsterdam Treaty which was a hugely important breakthrough giving the EU competence in LGBT issues.

## ONE OF THE HISTORIC EVENTS OF THE DECADE

In 2007, the Labour Party twice presented its Marriage-like Civil Unions Bill to the Dáil significantly increasing the pressure for legal recognition of same-sex couples. 2010 saw the passing of the Civil Partnership Act by the Dáil without a vote and in a similar celebratory way to the Gay Law Reform. The dozens of Civil Partnership wedding celebrations that took place throughout the country every month radically changed public opinion so that it increasingly embraced marriage for same-sex couples, paving the way for the success in the 2015 Marriage Referendum.

In 2018, the 25th anniversary of Gay Law Reform, the Dáil and Seanad as a result of a Labour Party initiative voted on a fulsome apology for criminalization and the wider damage done for example the denial by the Department of Health to fund Gay Health Action for their HIV/AIDS awareness work, a denial that undoubtedly cost lives.

The 2020 Programme for Government includes a commitment to introducing Disregard legislation to exonerate with people convicted of consensual sexual relationships before gay law reform. On 17th of May this year, Senator Fintan Warfield and other Sinn Féin Senators presented a Motion to the Seanad commemorating the 30th anniversary of gay law reform, the 40th anniversaries of both the Fairview March and the first Dublin Pride Parade, and the 50th anniversary of the Sexual Liberation Movement established in Trinity College in October 1973. The Motion commended the advocacy of groups such as the Cork Gay Collective. The Motion called for the immediate introduction of Disregard legislation to exonerate the men convicted before gay law reform. There was support from all Senators and the Motion was passed unanimously.

Criminalization was one of the most serious human rights violations by the Irish State and undoubtedly requires a wider Restorative Justice programme to commemorate all the victims and pay tribute to their lives.



Kieran was a founder member of GLEN and is a former chair. He is a member of the Department of Justice Working Group on Disregard legislation (see [www.LGBTDisregard.ie](http://www.LGBTDisregard.ie)).