



# Ireland



**LGBTI issues were very visible throughout the year, not least due to the fact that Ireland hosted three major European conferences: (i) European Gay Police Association's conference; (ii) Transgender Europe's bi-annual Council; and (iii) ILGA-Europe's Annual Conference. Additionally, equal access to marriage was high on the agenda, receiving the support of the Deputy Prime Minister, other cabinet Ministers and various local and city councils across the country. Regretfully, the country continued to drag its feet with regard to its duty to provide trans people with the right to legal gender recognition.**

## Asylum

- In January, BeLonGTo launched a training programme on LGBT asylum seekers and refugees in Ireland. With the two-year pilot project BeLonGTo aims to increase the safety and quality of life of LGBT asylum seekers and refugees. Major protection challenges for LGBT asylum seekers and refugees include safety, insufficient access to appropriate services including healthcare and psychosocial support, mental health issues, often arising from delays in decision-making, lack of early legal representation and gaps in LGBT sensitive service provision.
- In December, BeLonGTo launched a report on working with LGBT asylum seekers and refugees to coincide with *International Human Rights Day*. The report, entitled *Key Principles for Working with LGBT Asylum Seekers and Refugees*, is the first of its kind in Ireland and was designed to provide a best practice blueprint for service providers on working with and ensuring the protection of at risk LGBT asylum seekers and refugees.

## Bias motivated violence

- In September, three participants of the *European Transgender Council* were physically and verbally attacked by two unknown persons in Dublin at the Temple Bar district. Another participant intervened trying to protect the victims and got spat on his face. The incident was reported to the police.

## Data collection

- In March, the results of the 2011 Census were published. There was almost a 100% increase in the number of cohabiting lesbian and gay couples to 4,042 from the previous census in 2006, even though the census was conducted before civil partnerships became available.

## Education

- In March, BeLonGTo together with schools organised a *Stand Up! Awareness Week on Homophobic Bullying*. The annual campaign aimed to raise awareness of homophobic bullying and the issues that

affect young LGBT people. Amongst others, Stand Up! Packs include background information on homophobic bullying for teachers and suggest activities for students.

- In May, the government organised an anti-bullying forum helping to bullying in schools. Experts, support groups, parents and students attended the forum held in Dublin on the *International Day Against Homophobia and Transphobia (IDAHO)*, with the support of GLEN and BeLonG To, and with Minister for Education and the Minister for Children and Youth Affairs participating.
- The Minister for Education set up a Working Group on Bullying which undertook to develop an *Action Plan on Bullying* for all schools in Ireland by the end of the year, and which fully integrated measures to tackle homophobic and transphobic bullying. GLEN and BeLonG To were the only NGOs invited to sit on the working group.
- Towards the end of the year, Ireland agreed to host the first thematic conference tackling LGBTI-phobic bullying in schools under the auspices of its EU Presidency.

## Equality and non-discrimination

- In March, Ireland provided answers to questions raised during its UN UPR session the previous October. Ireland accepted and answered two questions of relevance to LGBT people – the Section 37.1 Employment Equality exemption and access to marriage, and outlined the processes the Government was following to address these issues.
- In March, Michael D Higgins, President of Ireland, hit out at homophobia and racism in the country. He said, “The idea that any young person would be driven not just to lower self-esteem, exclusion, isolation, loneliness but self destruction itself is an appalling blight on a society,” and added that the Irish have “to ask about how racism gets going, how homophobia does its destructive work, how isolation tears at a person’s wanting to exist, how important every person is. These are important issues, they are not merely emotional issues.”

- On St. Patrick's Day, GLEN, NLGF and Marriage Equality were invited to join the President to celebrate the national holiday at the President's residence.
- In September, more than 200 delegates from 37 countries took part in the *4th European Transgender Council held in Dublin* under the motto *Trans Rights Now! Realizing Recognition, Respect and Equality*" trans people and human rights activists, civil society and policy makers convened to discuss and draw strategies for the improvement of the human rights situation of trans people.
- In October, Ireland held yet another European LGBTI conference, this time ILGA-Europe's *16th Annual Conference*, under the motto: *Advancing LGBTI equality in challenging economic times*. Eamon Gilmore, Ireland's Deputy Prime Minister, was one of the speakers of the event who delivered a moving speech and re-affirmed his support for the introduction of marriage equality.

## Family

- In February, the government decided to set up a Constitutional Convention to discuss reforms of the key chapters of the Constitution, including access to marriage by same-sex couples. So far, the current Constitution's provisions relating to marriage have been interpreted by the courts to exclude same-sex couples from marriage. A new case challenging this interpretation has been lodged by Senator Katherine Zappone and her partner Ann Louise Gilligan who married in Canada. In July, Eamon Gilmore, Deputy Prime Minister, became the first senior government Minister to publicly call for marriage equality. Later in the year, Mr Gilmore said that he would like to see a referendum on marriage equality for same-sex partners "as soon as possible" and that in his own view the "time has come" for the country to extend equal rights to all couples, concluding that he doesn't "believe [that Ireland] should postpone what is a human right."
- The former President of Ireland, Mary McAleese also came out strongly supporting access to civil marriage for lesbian and gay couples.
- In November, the Minister for Justice and Equality announced that he would bring forward comprehensive

legislation to provide for parenting and LGBTI families. This is the key omission from the Civil Partnership legislation, which otherwise provides almost all the rights and responsibilities of marriage.

- During the year, various districts, local and city councils and counties passed motions to support marriage equality. These included: Ardee Town, Cork, Castlebar, Down, Dublin, Dun Laoghaire-Rathdown, Fingal, Omagh, Louth and Fingal, Moyle and Magherafelt, Mullingar, Newry, South Dublin and Waterford City.
- The Chief Justice of Ireland launched a new guide to Civil Partnership compiled by the Irish Council for Civil Liberties and GLEN.

## Foreign policy

- Ireland was elected to the UN Human Rights Council and on their election stated that LGBTI rights will be an important aspect of Ireland's work on the Council.

## Freedom of expression

- In October, the Press Ombudsman upheld a complaint by Marriage Equality and BelongTo against an article that was published in March on the *Irish Independent*. The Ombudsman found that it was in breach of Principle 2 (Distinguishing Fact and Comment) of the *Code of Practice for Newspapers and Magazines*, as well as Principle 8 (Prejudice). The article, headlined "Every single human decision has a consequence - so remember that the next time you vote for someone's rights", addressed the extension of full marriage rights to same-sex couples and reported as fact that: (i) "the liberalisation of the laws against homosexual acts" had resulted in the "catastrophic reality" of "at least 250,000 deaths from AIDS"; (ii) "the record of every society shows that boys without a strong stable male figure in their lives are an express train heading for trouble"; and (iii) Catholic adoption agencies have "closed rather than do something which they feel is immoral, which is to hand children over to homosexual couples". The Press Ombudsman's opinion was that, in this case, the failure to distinguish adequately between fact and comment was sufficiently substantial to justify a decision that the article was in breach of Principle

2 of the *Code*. Furthermore, the breaches of Principle 2 above were, in the circumstances, capable of causing grave offence under Principle 8 and, for that reason, amounted to a breach of that Principle too.

- In December, the Advertising Standards Authority for Ireland (ASAI) upheld complaints against Irish telecommunications company Meteor for an advertisement that promoted transgender stereotypes and encouraged a cheap laugh at the expense of trans people. The ASAI reviewed the complaints and the response of the advertiser and found that “the advertisement must not appear again in the same format.” In October, TENI galvanised people to speak out against the ad with a twitter campaign #MeteorShame which trended in Ireland for several hours on 16 October and was tweeted over 1300 times. The campaign featured recent comments from trans people on how they felt about trans representation in the media. It highlighted the exacerbation of depression and debilitating isolation to which irresponsible media directly contributes.

## Legal gender recognition

- In April, the Irish State indicated that it was considering making an ex gratia payment to Lydia Foy, who fought a 14-year legal battle to secure official recognition as a woman. The Cabinet agreed that a payment might be appropriate in the case of Dr Foy, and on the recommendation of Joan Burton, Minister for Social Protection, an adviser was meant to be appointed to assess what level of compensation might apply in her case. The matter will then return to Cabinet for a final decision.
- In September, Joan Burton, Minister for Social Protection, announced plans to closely examine the issue of gender recognition for transgender people during the autumn. The Minister made the statement in a speech at the opening of the *4th European Transgender Council* in Dublin. A proposed *Gender Recognition Scheme* published in July 2011 continues to require a compulsory divorce before legal gender recognition. Her statement was initially welcome, however when it was understood that the legislation would continue to demand invasive

medical treatment, sterilisation and divorce, the Minister was met with protest including placards that said: “Shame on you Minister Burton”, “Same Old Story”, “Not Good Enough” and “15 years and still waiting.” The latter placard referring to the number of years that trans people had been waiting for Ireland to implement of the High Court.

- In October, the first transgender rights rally take place in Dublin to demand greater recognition in law. Calls were made for the government to introduce legislation that would allow transgender people to have their true gender recognised by law. The demonstration at the gates of Leinster House, fell on the fifth anniversary of the case of *Lydia Foy*, when Ireland was found in breach of the European Convention of Human Rights for not recognising a person’s changed gender. A number of European LGBTI activists who were attending the *ILGA-Europe Annual Conference* joined the rally to extend their support to the Irish trans community.
- In October, the Gay Doctors Ireland (GDI), a professional organisation of LGBT doctors and medical students, organisation supported TENI’s campaign to extricate the medical progress, including diagnosis of gender identity disorder, from the criteria for gender recognition legislation.

## Participation in public/political life

- In April, Jerry Buttimer became the first member of Parliament in the largest party in parliament – Fine Gael – to be openly gay, and the third openly gay member of the lower house of parliament. He set up a new group within the Party – Fine Gael LGBT – which was formally accepted by the Party as an affiliated Party group. The Party’s annual conference approved a motion to prioritise access to marriage at the Constitutional Convention. While Fine Gael do not yet have a formal position on marriage, all other Political Parties have policy positions supporting access to marriage for lesbian and gay couples, with the Fianna Fail party adopting a resolution supporting marriage at their annual conference.

## Police and law enforcement

- In June, Michael D. Higgins, President of Ireland, opened the European Gay Police Association (EGPA) conference held in Dublin. The President praised An Garda Síochána (the Republic's police force) in his speech, calling it an organisation "where conditions for lesbian, gay and bisexual members have become so much more positive in recent years." However, this sentiment wasn't fully echoed at the Dublin Pride Parade just three days after the President's speech, when Irish LGBT police officers were not permitted to wear their uniforms during the march. This sparked some controversy, and was described as "a lost opportunity" by Chief Superintendent Herman Renes, President of the European Gay Police Association (EGPA). In contrast, a sizeable contingent of the EGPA marched in uniform at the Pride celebrations.
- In June, a report stated that many gay or lesbian gardai remained in the closet for fear that they would never progress up the career ladder if they revealed their sexual orientation. The research from academics at Dublin City University (DCU) identified a leadership vacuum within the higher levels of the gardai in relation to the treatment of lesbian, gay and bisexual officers (LGB). Dr Vera Sheridan, one of the authors of the report, said that "Strong leadership is needed for change in the institutional culture of An Garda Síochána as a whole-institution response to equality in the workplace."

## Public opinion

- In October, an opinion poll showed that 66% of Irish voters support changes to the law to allow same-sex partners the right to marriage. The Behaviour and Attitudes poll of the Sunday Times showed that support for the change was strongest amongst women and younger voters, while at the same time more than half of voters over 55 were also in favour of marriage equality. Just over a quarter of those surveyed believed that the law should remain unchanged, with provision for civil partnership.
- According to Eurobarometer 2012, 23% of Irish believe sexual orientation discrimination is widespread. This is significantly below than the EU27 average (46%). 20%

believe gender identity discrimination is widespread. This is significantly below the EU27 average (45%). Irish scored 8.2 on a scale from 1 ('totally uncomfortable') to 10 ('totally comfortable') when asked how comfortable they would feel with an LGB individual in the highest elected political position in their country. This is slightly above the EU27 average (6.6). Irish scored 7.1 on a similar scale when asked about a transgender/transsexual person in the highest elected political position in their country. This is slightly above the EU27 average (5.7).

## Member organisations of ILGA-Europe

BeLonG To

[www.belongto.org](http://www.belongto.org)

Cork Gay Community Development

[www.gayprojectcork.com](http://www.gayprojectcork.com)

GLEN-Gay + Lesbian Equality Network

[www.glen.ie](http://www.glen.ie)

Labour LGBT Ireland

[www.labour.ie](http://www.labour.ie)

LGBT Noise

[www.lgbtnoise.ie](http://www.lgbtnoise.ie)

LGBT Society University College Cork

[www.ucclgbt.com](http://www.ucclgbt.com)

LGBT Synergy

[www.lgbtsynergy.com](http://www.lgbtsynergy.com)

Marriage Equality

[www.marriagequality.ie](http://www.marriagequality.ie)

National Lesbian & Gay Federation

[www.nlgf.ie](http://www.nlgf.ie)

Outhouse LGBT Community Resource Centre

[www.outhouse.ie](http://www.outhouse.ie)