

**An Examination of Homosexuality in Ireland,  
1973 – 2014. And what are the  
Inconsistencies (Discrepancies) still Displayed  
towards Homosexuality Today?**

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Thesis Submitted in Partial Fulfilment of the  
Requirements of BA (Hons) in Journalism

Dublin Business School

School of Arts

May 2014

**Supervisor**

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## -ACKNOWLEDGMENTS-

I would like to thank everybody who helped me throughout the course of writing this thesis.

My friends and lecturers who offered advice and helped me acquire valuable interview sources. My cousin Linda for knowing where we were meant to go! My mother for everything she's done.

My Thesis supervisor John Lawrence.

And everybody who gave up their time to speak to me on the various topics I choose to examine.

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## -INTRODUCTION-

For this thesis I aimed to examine the struggle for equal rights for gay men and women in Ireland. Starting with the first wave of the gay rights movement during the 1970s and the various organisations established to help strive towards equality, and then looking at the lengthy time involved between the courts which ultimately led to the decriminalisation of homosexuality. I wanted to find a common link concerned with the opposition the gay rights movement was met with.

I then focused on the lull in legislative reform in the 1990s and 2000s, following decriminalisation in 1993, and how this lull was counteracted by various organisations which worked throughout those years to try and help shape a better society for gay people to live in. The aim behind this was to observe how far culture changed concerning homosexuality during an era when no legislative improvement was underway.

The report then shifts to the next key developments in the gay rights movement, namely focusing on the civil marriage bill and current legislative reform concerning the family law bill, which seeks to amend adoption rights for same-sex couples. I focused on the big differences between civil marriage and civil partnership and tried to deduce if the general public were supportive of the ensuing referendum concerning same-sex marriage.

Finally I looked at openly gay people in their respective careers to see if there was any glass-ceiling within different bodies which halted openly gay members of staff from rising through the ranks of their jobs, whether they be in politics, business or stereotypically male-dominated fields.

Although I could not get an interview with any religious bodies or right-wing institutions I found an underling opinion amongst my interviewees that there was still a strong element of church and state togetherness within Ireland, which surfaces throughout the reports.

BY KEVIN ANDREW LORD

In October 1973 David Norris started a revolutionary campaign to decriminalise homosexuality in Ireland. This campaign challenged, and ultimately went down in Irish history.

At the time Mr. Norris was serving as a lecturer at Trinity College in Dublin. It was there that Norris and a group of students unofficially set up the Sexual Liberation Movement. This informal organisation was the first beacon of gay rights within Ireland. At this time Ireland was still an overtly conservative country which was very much dominated under the theocracy of the Catholic Church.

Ireland had not seen anything like this group since the Offences Against the Persons Act, 1861, and the Criminal Law (Amendment) Act, 1885, both enacted by the Parliament of the United Kingdom before Irish Independence, had criminalised male homosexuality. The Amendment Act included extending buggery laws, which forbade any kind of sexual activity between males.

The Sexual Liberation Movement was made up of a number of students, drawn largely from the radical membership of Trinity's Students' Union. Notable members of the movement also included future president of Ireland Mary McAleese, future Supreme Court Judge Catherine McGuinness, and future documentary film maker Edmund Lynch – who gave an exclusive interview for the purpose of this thesis.

“There were five or six of us with big personalities,” says Edmund, “I was close with David. We were at the first meeting in Trinity College for the Sexual Liberation Movement together. We knew we wouldn't get anywhere unless we had support from well known people outside the gay circle.”

The group came together primarily to discuss sexual freedom. In a momentous achievement for the movement, on the 15th of February in 1974, Radio Éireann

broadcasted the voices of two openly gay people, Hugo McManus and Margaret McWillans, who were both original members of the society.

This broadcast gave information about a meeting to be held by the Sexual Liberation Movement the following day. According to Edmund this “was the beginning of visibility for Irish lesbians and gay men in the Irish media”. On February the 16<sup>th</sup> the first meeting on gay rights in Ireland was held. In his dissertation *The First Wave 1973 – 1993*, and film documentary *Did Anyone Notice Us?* (2003) Edmund cites Mary Dorcey, a fellow founder, as saying:

“It was an extraordinary day and it was the start of all the changes that have since happened in Ireland. It was the first time publicly, in the south anyway, that the questions of sexual orientation had ever been addressed.”<sup>1</sup>

Mary went on to draw parallels with Russia, an ironic comparison given Russia’s newly enforced no-tolerance policy concerning homosexuality today. Mary stated that:

“We came out of a society that was as repressed as Stalinist Russia and the kind of openness that we started then, the silence breaking, was so extraordinary that its repercussions are still being felt.”<sup>2</sup>

Speaking about this occasion during the interview Edmund said:

“People like Gay Byrne always gave us a fair hearing. For example the first meeting forty years ago was the first time gay people were interviewed *as* gay people. Later that night, Rose Robertson, who helped set-up an organisation for families of gay kids in England, appeared on the *Late-Late Show*, and for the first time homosexuality was discussed on RTÉ Television.”

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<sup>1</sup> Lynch, E. (2012) *The First Wave 1973-1993*. Dissertation. P7

<sup>2</sup> Cited in the same source. P7-8

The Sexual Liberation Movement was instrumental, but short-lived; it soon splintered into a number of different factions with similar objectives. The part of the movement that remained in Trinity became the first and subsequently oldest LGBT (Lesbian, Gay, Bisexual and Transgender) organisation in Ireland.

David Norris drew upon the Sexual Liberation Movement to set up the Campaign for Homosexual Law Reform. The primary aim of this operation was for the decriminalisation of homosexuality in the Republic of Ireland and Northern Ireland.

The first person to serve as legal advisor for the campaign was future president of Ireland Mary McAleese, who at the time also worked in Trinity College as a Reid Professor of Law, a job she took over from fellow future president Mary Robinson, who ultimately succeeded McAleese as legal advisor for the campaign in the 1980s.

“Some of the papers say Mary Robinson was a member – she never was. She was an advisor and then she became the legal person for us,” says Edmund. “There were people who supported us such as Hugh Leonard, who weren’t necessarily on the committee but still would have been good supporters. Then there were others like John Goode. And a person who handled all our legal cases for us is now a high court judge – Gareth Sheen. So we were kind of reaching out to people all the time.”

Another group advocating for gay rights which sprung up around this time was the Irish Gay Rights Movement, an organisation which coincided with the establishment of the Campaign for Homosexual Law Reform and was ultimately the first large-scale organisation dedicated to the cause for equality of gay men and women alike.

The Irish Gay Rights Movement was one of the groups which formed following the split of the Sexual Liberation Movement. It was formally launched on the 7<sup>th</sup> of July in 1974 at the South County Hotel in Stillorgan, Dublin. Under the terms of their constitution the organisation was to be administered by a committee and act as a non-party-political, non-sectarian, homophile grouping.

The movement was particularly vocal; they published newsletters and pamphlets, campaigned on legislative issues, and also provided counselling. They were also quite brazen for their time, organising social events such as moveable discos and theatre. In October 2012 the *Irish Independent* credited them as being the only body 'out enough' to publicise an address on Dublin's Parnell Square.

The article, by Damian Corless, referred to the first edition of *Magill* magazine, which had carried a short listing headlined 'Homosexuals' Groups'. Alongside The Irish Gay Rights Movement and the Campaign for Homosexual Law Reform there was only one other group listed, the Gays against Repression.

Both the Campaign for Homosexual Law Reform and Gays against Repression failed to provide addresses, with the campaign movement providing a PO Box number and Gays against Repression stating there was no address available, even though they held "discos and occasional demonstrations".

On October 6<sup>th</sup> in 1974, Shaun J. Connolly, secretary of the Irish Gay Rights Movement, was published in the *Sunday Independent* newspaper. In the report he spoke out against the oppression gay people were still subjected to:

"Homosexuals are ordinary everyday people who are prevented from expressing their emotional needs on the human level. It is with this in mind that the Irish Gay Rights Movement puts forward its objectives."

Mr. Connolly then referenced a number of the organisation's more prominent aims from their constitution:

"We work to improve the homosexual's lifestyle in the following areas:

Campaigning for equality under the law;

Promoting better understanding by dispelling the myths and old-wives-tales;

Providing a counselling/befriending service with professional back-up facilities (medical, legal, religious);

Enabling people of like persuasion to socialise in an informal relaxed atmosphere.

We do not seek to propagate our state of being to others and we look forward to the day when the discovery that one is homosexual will raise no more eyebrows than if one is left-handed, or is able to sing in tune.”

By 1976 David Norris was acting as the chairman for both the Irish Gay Rights Movement and his own organisation, the Campaign for Homosexual Law Reform. During Norris’ time as chairman the *Irish Press* published an article which spoke of a recent visit to Ireland by Rev. Joseph Douce, a French Baptist minister, who had spent a week in Ireland discussing the subject of laws and public outlooks regarding homosexuality.

Rev. Douce believed that the first step towards more liberal laws on homosexuality in Ireland should be a move to change people’s attitudes, primarily through educational purposes because what Ireland lacked the most was information on the subject. He stated that information should be made available through newspapers, magazines, radio and television and this would eventually filter through to the schools.

Rev. Douce believed that the law governing homosexual acts at the time, which imposed a prison sentence, would change automatically as people’s attitudes towards the topic progressed. Echoing a similar statement made by Shaun J. Connolly a year and a half earlier, Rev. Douce said he would consider homosexuality as being similar to being left-handed or black, and agreed that of the estimated 250,000 homosexuals in Ireland at the time most believed “they had been born with this difference.”

The agenda of these organisations that advocated for gay rights were met with opposition many times. Although, under the Sexual Offences Act 1967, homosexual

acts began to be decriminalised in the United Kingdom, the change in law did not apply to Northern Ireland, which was under a separate legal jurisdiction, as was Scotland, which did not enact decriminalisation of homosexuality until 1980.

By this time Rev. Ian Paisley, MP, then leader of the Democratic Unionist Party and Free Presbyterian Church had established a political campaign, named Save Ulster from Sodomy, to prevent the decriminalisation of homosexual acts in the north. Paisley's formation of this campaign was a rebuttal to the setting-up of Northern Ireland Gay Rights Association, an organisation which aimed to achieve equivalent legislation for the north of Ireland as to that of the United Kingdom.

Paisley upheld the Bible as his source of reason for his campaign. He claimed that since Christianity condemned homosexuality as a sin then it should not be legally recognised in a state which was founded on Christian principals. Of Paisley's campaign David Norris was published in an opinion piece by the *Irish Press* as saying:

“I am, of course, aware, of Mr. Ian Paisley's childishly named ‘Save Ulster from Sodomy’ campaign in the north of Ireland. Far from regarding this offshoot of the Democratic Unionist Party as representing informed Protestant opinion, I welcome the fact that the political associations of many of its adherents place the whole issue of anti-homo-sexual attitudes in its proper context of ignorance, bigotry and intolerance.

Southern Protestants will no doubt watch with interest to see if the officially expressed views of their churches on such matters are regarded by the new government as mere rumblings from ‘The Blow-ins,’ to be ignored by the ‘Democratic majority’.”

Mr. Norris had already previously stated that Ireland was the only state in the European Economic Community which criminalised homosexuality between consenting male adults, and that other deeply Catholic countries, such as Poland had already changed their laws concerning the issue.

Matthew McDermott, Policy and Advocacy Manager of the Rainbow Project, a health organisation working exclusively with the LGBT community in Northern Ireland today, was interviewed for this thesis, and stated that it was a court case in 1982 which overthrew the law criminalising homosexuality in Northern Ireland.

“The European Court of Human Rights decriminalised same-sex relationships between men up north. I believe it took effect in 1983.”

This court case was *Dudgeon v. United Kingdom*, taken by Jeff Dudgeon, a gay activist in Belfast who challenged the legislation passed in the 19th century which criminalised male homosexual acts in England, Wales and Ireland. Dudgeon claimed the legislation violated the European Convention on Human Rights. By this time these laws which criminalised homosexuality had already been abolished in England, Wales and Scotland.

The European Court of Human Rights found that the British Government was in breach of the European Convention of Human Rights by upholding laws which prohibited homosexual acts between consenting adults in Northern Ireland. As a result homosexual acts there were decriminalised in 1982 and Rev. Paisley’s campaign came to an end.

Although this was a major turning point for gay rights in Northern Ireland, Matthew says that it was not warmly embraced, “It was the court case that did, but it was robustly opposed by the unionist parties in the north at the time; they strongly opposed it. It was the court case itself that equalised decriminalisation across the United Kingdom and Northern Ireland.”

Despite the lukewarm reception to decriminalisation in the north it still paved the way for future activists, like Norris, to strive for and ultimately achieve the same feat. This was the first major success within Ireland concerning the gay rights movement.

BY KEVIN ANDREW LORD

Homosexuality was legally recognised in Northern Ireland in 1983, but the struggle for the same deed within the Republic was still underway. David Norris and the Campaign for Homosexual Law Reform worked throughout the later part of the 1970s, and the 1980s to help reach this goal.

The *Dudgeon v. United Kingdom* case in 1982 was highly significant in that it was the first successful case to be taken before the European Court of Human Rights and acted as a predecessor to David Norris' case *Norris v. Ireland*, which challenged the same 19th century legislative law which criminalised homosexuality in the Republic of Ireland.

On the 21st of November in 1977, Senator Mary Robinson, issued a plenary summons in the High Court on behalf of David Norris against the Irish Government, it claimed that the laws on homosexuality were repugnant to the Irish Constitution of 1937.

This was the beginning of the Campaign for Homosexual Law Reform's bid to have the law criminalising homosexuality overturned by the government, who were not taking it upon themselves to rectify the laws set in place by the British Parliament decades before.

On the 26<sup>th</sup> of January in 1978, an article by Bernard Keogh, the secretary for the Campaign for Homosexual Law Reform, appeared in the *Irish Press* newspaper. The piece was titled *Homosexual Law Change* and called out the Irish Government to act on amending the law which still imposed a jail sentence for men who engaged in sexual acts with one another.

The article chastised the "Victorian era" which produced the laws criminalising homosexuality, stating that people of the time "[were] hardly noted for [their] healthy acceptance of human sexuality or for insight into its complexities."

Mr. Keogh also criticised the government for its lack of support concerning the issue, citing comments made by the Minister for Justice, Gerry Collins, to the Dáil that he hoped to examine the matter of amending legislation “in due course” but that it was not on his list of priorities.

Mr. Keogh stated that since Dr. Noel Browne, an early advocator for gay, rights had challenged the Attorney General in the Seanad as far back as April 1975 to direct the attention of the Law Reform Commission to this issue still nothing had been done.

Reiterating a point made by Mary Dorcey almost four years earlier, Mr Keogh concluded by drawing comparisons between Ireland and Russia, stating:

“It is somewhat ironic to discover that the view which Ireland takes of the rights and freedoms due to its homosexual citizens accords in Europe only with that of the Soviet Union – hardly a paragon where human rights are concerned.”

Six months later, in July 1978, another article was published in the *Irish Press* which drew similarities between Ireland and Russia. This time it was David Norris who was the writer, stating that Ireland was the only country within Europe that shared an “outdated legal code under which adult male homosexuals can be subjected to police harassment and jail for the conduct of their private lives” with Russia.

He advocated that the Campaign for Homosexual Law Reform would welcome any demonstration of support, public or private, in their bid to obtain basic civil and human rights for Irish homosexuals. By September of that same year Mr. Norris had begun a plea by writing to his academic colleagues to appeal for contributions to start a ‘fighting fund’ to start legal proceedings against the Attorney General to have anti-homosexual laws declared unconstitutional.

By May 1979 the Irish Gay Rights Movement had become defunct. In his autobiography *A Kick against the Pricks*, Norris explains how the movement “fell

apart through the leadership cadre's own inefficiencies and in-fighting". David had spent the last two years building the movement up, setting up a structure of departments such as Publications, Legal and Social, headed by his lieutenants.

Unfortunately a new regime within the movement had done away with these posts and dismissed David's co-workers. However, having topped a leadership election in April 1977 the opposition were unable to get rid of David. They did, however, make his job increasingly more difficult, and internal fighting within the group sometimes led to physical violence. The new approach adopted by the movement focused largely on the social aspects of the organisation, and David was happy to leave.

"In many ways I was glad to be out of the IGRM, the time-consuming discos and hob-nobbing over cheese and wine. I threw myself wholeheartedly into the Campaign for Homosexual Law Reform – which I started as a political alternative – and it's pursuit of the legal route to reforming the constitution. But it was a difficult time for the early pioneers of gay liberation as we watched from the sidelines while the Irish Gay Rights Movement fizzled away to nothing." <sup>1</sup>

After the parting of the movement many people suggested to David that they begin a new organisation in its place. Although David was hesitant about setting up another Irish gay organisation he was persuaded to help "create a positive symbiosis between the personal and the political".

David therefore set up the National Gay Federation, which set up its operation in the on Fownes Street in Temple Bar. It was named the Hirschfeld Centre in honour of Magnus Hirschfeld, a German Pioneer who was persecuted by the Nazis for his homosexuality.

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<sup>1</sup> Norris, D. (2012) *A Kick against the Pricks*. Autobiography. P89

The federation still incorporated key aspects of the Irish Gay Rights Movement such as a disco, café and counselling service, but, according to a report published in the *Irish Press* on the 1<sup>st</sup> of May 1979, Norris claimed the key aim of the federation was “to provide a really first-class, comfortable venue where all homosexual people could feel welcome and fully accepted.”

Although in the same report Norris said that the eventual objective of the federation was to be able to mount and finance the legal action which he was undertaking against the government, which had begun under his previous organisation, the Campaign for Homosexual Law Reform.

Edmund Lynch was also quoted in the same report, and was interviewed for this thesis. Of the federation he said that he somewhat disagrees with Norris’s claim that the eventual aim of the federation was to fund the action against the Irish legislation criminalising homosexual relations between men.

“It wasn’t so much to fund it. There was that aspect to it certainly. There were those of us who were politically minded – and others weren’t politically minded, they were interested in the socialising aspect the federation offered.”

Although initially reluctant to even set up the new organisation, David eventually invested £12,000 – his life savings – into the National Gay Federation and even used his own house as collateral. The Hirschfeld Centre where the federation was based went down in the history of the gay liberation movement. It was a safe-house and catered Ireland’s first non-mobile gay disco, Flickers. David worked hard in the centre for a solid 10 years whilst also continuing his work with the Campaign for Homosexual Law Reform.

Following the issuing of the plenary summons in the High Court by Mary Robinson a year-and-a-half earlier, the campaign decided to take action against the growing discrimination focused on gay men who were caught engaging in sexual acts together.

David's basis for argument against the criminalisation of homosexuality was that it violated sections 1 and 3 of Article 40 in the 1937 Irish Constitution which guarantees the integrity of personal rights. It was during the establishment of the National Gay Federation that David had first stated he was prepared to take the case to the European Court of Human Rights as Ireland was the only EEC country to treat homosexual relations between consenting adults as a criminal offence.

Speaking about the steps which were undertaken by the campaign in the run-up to the court case Edmund explained their plan:

"It was decided that we'd have to get an individual to go forward, and it was boiling down to people like David and myself. But there was a big difference between David and the rest of us. One was that David was more educated, and more articulate than most of us. Two, David was a member of a minority religion – the Church of Ireland. And three, probably the most important part... his parents were dead!"

Edmund explained, as did Norris in his autobiography, that during that time many people were still very much prejudiced towards homosexuality, particularly older people, such as the parents of many students who were part of the first wave of the gay rights movement. David Norris "didn't have that sort of common family-prejudice hanging over him."

Norris therefore took the case to the Irish High Court in 1980 seeking a declaration that the laws of 1861 and 1885 which criminalised homosexuality were not in force since the enactment of the Constitution of Ireland in 1937. Article 50 of the Constitution provides that laws enacted before the Constitution that are inconsistent with it would no longer be in force. However the case was ultimately lost on legal grounds.

After being rejected in the High Court the campaign immediately set about to bring the case in front of the Supreme Court. Although despite the joint efforts between

two of Norris' gay rights groups – the Campaign for Homosexual Law Reform and the National Gay Federation – this case did not go in their favour either.

On October 10<sup>th</sup> after a six-day trial, Mr. Justice McWilliams said the statutes relating to buggery did not offend against the constitution.

Rejecting Norris' claim that he believed about four percent of men in Ireland were "exclusively homosexual" and that another larger group had "very pronounced homosexual tendencies", he said that although he "accepted the traditional attitudes of the churches and of the general body of citizens towards homosexuality were being challenged and may be successfully challenged in the future, Christian morality in [Ireland] did not approve of buggery or any sexual activity between persons of the same sex."

"In many ways the case should have won," says Edmund upon discussion of the Supreme Court ruling. "But you had people then who were judges and they were very Roman Catholic, like Justin Higgins. And it was very interesting because even when we were arguing for it in the Supreme Court one of the people who was arguing against us was a gay person – but that's law for you!"

Following the dismissal of his appeal by the Supreme Court, Norris said that he would start at once to bring the case to the European Court of Human Rights. He believed that because the grounds of his case were the same as those used successfully against the British Government in the Dudgeon case that he felt confident of winning.

Although he took the case in 1983 it was not until 1988 that the case opened, and it was then that the European Court found that the Irish laws were in breach of the convention. The court ruled that the criminalisation of homosexuality violated Article 8 of the European Convention on Human Rights, which guarantees the right to privacy in personal affairs, and ordered the state to pay costs to Norris.

“We won in Strasbourg, Mary Robinson came all the way with us, and we won it! And we also got costs. I got £100, which I thought was fantastic!” concluded Edmund satisfactorily.

After almost 20 years, and many rebuttals, the gay rights movement had finally achieved what had set out to do and succeeded in having the outdated and heinous law criminalising homosexuality abolished.

BY KEVIN ANDREW LORD

It took the European Court of Human Rights to force Ireland to repeal its ban on homosexuality. But for years after David Norris won his landmark 1988 case, the law had still not changed and gay men still faced the prospect of being jailed for committing illegal acts.

Although the court had ruled that criminalisation of homosexuality violated Article 8 of the European Convention on Human Rights, no reform action was taken by the then government of Taoiseach Charles Haughey, who had made his feelings on the subject clear as early as 1978.

Mr. Haughey had said that he was against decriminalisation of homosexuality in any area; this was covered by Bernard Keogh, then secretary for the Campaign for Homosexual Law Reform in his article *Homosexual Law Change* in a January 26th edition of the *Irish Press* newspaper.

When Albert Reynolds succeeded Haughey as Taoiseach in 1992 he declared that it was low on his list of priorities. As a result of this delayed action to bring the law he had worked for 14-years to achieve into effect, David Norris sought for the European Court of Human Rights to impose punitive damages of up £100,000 on the Government for its failure to implement the law sooner.

Norris claimed that the delay in its implementation was being used as an excuse for continuing discrimination against homosexuals. He also stated that people were only fooling themselves if they believed the Government was addressing the growing AIDS problem of the time.

The lack of action to bring the law into affect only highlighted the imbalance that still existed for homosexual citizens in Ireland. This lack of balance in equality continued throughout the 1990s and 2000s.

It was not until 1993, after the coalition of Fianna Fáil and the Labour Party, that the law was repealed after the Criminal Law (Sexual Offences) Act 1993 was enacted. This decriminalised homosexual acts between adults.

After the coalition took place the Labour Party put pressure on the Government to act and eventually the law was repealed under the then Minister for Justice, Máire Geoghegan-Quinn. She was noted for insisting that an equal age of consent be provided for homosexuals and heterosexuals alike.

Since its landmark ruling in the Dudgeon case in 1981, The European Court of Human Rights in Strasbourg have made a series of judgements which uphold that European Convention for the Protection of Human Rights and Fundamental Freedoms also includes the right not to be discriminated against because of sexual orientation.

The Dudgeon case had proved instrumental to Norris' case for same cause. The European Court established a stringent justification test under Article 8 of the European Convention for a difference in treatment based on sexual orientation not to be considered an infringement of the Convention's prohibition on discrimination.

Article 12 of the European Convention covers the right to marry, although its application to same-sex couples has yet to be tested. The Court now no longer makes a reference to its original definition of marriage as traditionally being between persons of the opposite sex.

Among other things, the Court also took note of the fact that Article 9 of the recently adopted Charter of Fundamental Rights of the European Union departed from the wording of Article 12 of the Convention in removing the reference to men and women. This ruling could prove to be a turning-point for future interpretation of Article 12 of the European Convention as also guaranteeing the right of men and women to legally marry someone of their own sex.

According to *Legal Recognition of Same Sex Couples in Europe* “If you claim that it is okay to treat someone or an entire group of persons differently from how you treat others, because of their sexual orientation, ethnic origins or disability, for example, the burden of proof thereby also weighs on you to prove that there are objectively justifiable reasons for such a difference in treatment. If you can not prove that, it is discrimination.”<sup>1</sup>

The author defines the term ‘discrimination’ referring to a concept of assumed legal importance as being:

“... sometimes used in an unclear manner. If a same-sex couple is treated in a way which violates the European Convention on Human Rights, the label ‘discrimination in law’ has a good basis. If there is no unlawful discrimination according to any article of the convention, it is scarcely consistent with valid law to talk of ‘discrimination’ in a negative sense if a homosexual couple according to any rule is treated differently from a heterosexual couple.

In spite of this the idea of discrimination is often referred to by advocates for legal change. Such a terminology seems to imply that discrimination exists until every legal difference in the treatment of heterosexual and homosexual couples has been abolished.”<sup>2</sup>

Despite these progressive steps forward within the European Union, Ireland stalled on the issue of gay rights for many years after the decriminalisation of homosexuality. Although there were still many organisations working on campaigning for further rights for homosexual people, both in the Republic of Ireland and in Northern Ireland.

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<sup>1</sup> Boele-Woelki, K. and Fuchs, A. (2003) *Legal Recognition of Same Sex Couples in Europe 1st edition*. UK: Hart Publishing. P5

<sup>2</sup> Cited in the same book. P123

Regarding the issue of AIDS, and the lack of action being taken by the Government to address the growing problem at the time, which David Norris had made a point of mentioning prior to the implementation of the decriminalisation law, organisations were working on amending such problems. The Rainbow Project, established in Belfast in Northern Ireland in 1994 was primarily set-up to tackle the rise in HIV among gay and bisexual men.

The Rainbow Project has since become Ireland's largest gay rights charity. Matthew McDermott, Policy and Advocacy Manager for the project gave an interview for this article. Matthew explained the operations the project is involved in today:

“We have two functions; we have a services function that works across sexual health and mental health, handling youth services and family support. And we have a policy and lobbying function that works across all policy areas, lobbying government for legislative change or departmental strategies and oversees the research function of the organisation as well.”

According to Matthew there was always an “appetite” to do something in the north to help deal with the rise in HIV. Despite the fact that decriminalisation in the north had been reached a decade before it was reached in the Republic, Matthew said that attitudes did not immediately change following decriminalisation there and only around the time of the establishment of the project in 1994 were they starting to see a noticeable progression:

“It's a very conservative society up north and I think that part of the legislation (decriminalisation) has moved us on. Attitudes didn't necessarily tend to follow immediately, but now we're seeing shifts at the minute, mostly from younger demographics – but not exclusively – around attitudes. I think the legislation obviously helped the situation but I think there was always an appetite to do something, and I think it was accepted that the rise in HIV was unacceptable and something had to be done.”

Working to help deal with the spread of HIV is not presently the only work the Rainbow Project partakes in. Started exclusively as a gay and bisexual men's organisation which worked primarily around sexual health, it has since evolved to be an organisation that represents lesbian, gay, bisexual and transgender people, and not just gay and bisexual men.

It provides services to LGBT people ranging beyond the issue of sexual health; now focusing on mental health, youth, family support and policy, research and lobbying. The project also offers a family support service that works with parents of people who identify as gay:

"It's not so much counselling but rather peer support and peer mentoring, and also general personal development for parents and to provide information. Our counselling is for LGBT people rather than their parents, who avail of separate programmes that are more peer-led and mentor-led."

As one of the most prominent organisations currently working in the gay rights sector at the moment, the Rainbow Project is funded largely on donations. "There is a little bit of government funding, but our policy and research work runs exclusively on donations."

"Some of our services are funded by some of our health trusts, or the public health agency in Belfast. They have targets in their action plans too, for example to tackle issues around mental health or sexual health for LGBT people. They would commission us to do that. So through service level agreements we get some money from the government to do that, but generally our advocacy and our lobbying is exclusively donation based."

During the lull in legislative progression for homosexuals in Ireland, which persisted for seventeen years following decriminalisation, other prominent organisations were also working to improve the day-to-day lives of gay men and women. The Gay and Lesbian Equality Network, better known as GLEN, is one such group. The organisation

works from its office in Dublin. GLEN was set up in 1988, prior to decriminalisation, with its goal based around LGBT equality.

“When we talk about LGBT equality we’re talking about that right across people’s lives. For example we’re not just talking about marriage, which is the huge issue at the minute,” explains Tiernan Brady, Policy Director of the organisation during an interview.

“There was originally decriminalisation, unfair dismissals, immigration, equality, taxation, inheritance, civil partnership. And then there were the other parts of it that people don’t see – the daily routine things about being a gay person in society. So GLEN has worked right across all of those areas to try and bring about equality, it’s not just about the legislative reform programme.”

“Actually we have a very good way of putting it – one of the things we always say is you divide all your actions down into three groups; you change the rules, you change the culture, you change the living experience.”

Although organisations like The Rainbow Project and GLEN work on legislative reform, both organisations are still working around helping to shape attitudes around homosexuality to make the day-to-day lives of gay people better. This is done primarily through work with schools.

GLEN works with partners in education, such as the Teachers Unions, the Department of Education, and the joint management bodies of the schools to raise awareness of issues such as homophobic bullying and to draw up guidelines to counteract them.

“We have drawn up guidelines in conjunction with the department and with the teachers unions and the management bodies of the schools around bullying. We’ve also drawn up guidelines for principals and deputy principals and teachers in how to engage with the issue. We work with the partners, it’s more about building

awareness among the people engaged in education and equipping them to engage with the problem if there is one, and to educate in that regard.”

Similarly the Rainbow Project has an education programme that works on two parts. One is lobbying and trying to affect changes within the department and government mainly around the curriculum concerning anti-bullying policies, and around the structure of schools and how they are set up in the north. The second part is directly related to teacher-training and student training.

Whilst GLEN focuses largely on “equipping” teachers to deal with the issues concerning sexual orientation, and rarely participate in presentations with schools as an organisation, The Rainbow Project has been to a number of schools to speak on the issues. Although, according to Matthew they have not been to as many as they would like:

“We’re relying on schools to invite us in and there can be some resistance from some schools. Usually though it can just be a matter of trying to fit us into their training timetable, because teachers only have a certain amount of time that’s free for training and trying to fit us in can be difficult. So what we’ve tended to do when it comes to teacher-training is move to working with our educational library board.”

The project recently completed a round of training with senior management from all schools in Belfast through the Belfast Educational Library Board. Although not all schools attended all were invited, and over thirty schools were represented in that round of training, and about five hundred students in the last year were involved in the project’s pupil awareness raising system.

Organisations such as The Rainbow Project and GLEN are continuing to do ongoing work to help create a more equally-embracing culture amongst Irish society for gay men and women. They have kept the torch for gay rights burning steadily throughout the intervening years between decriminalisation and the civil

partnership act of 2010, which was the next major achievement in the gay rights liberation movement.

BY KEVIN ANDREW LORD

Ireland had to wait until 2010 for the next significant movement in the bid towards equality for gay men and women. On the 1st of July in 2010 the Civil Partnership and Certain Rights and Obligations of Cohabitants Act was passed in the Dáil and then by the Seanad one week later by a vote of 48–4. The act allows for same-sex couples to enter into civil partnerships and also provides rights for couples in long-term cohabiting relationships who have not entered into a civil partnership or marriage.

The Minister for Justice and Law Reform signed the commencement order for the Act on 23rd of December, 2010 and the law came into force on the 1st of January, 2011.

Although there are significant differences between the rights afforded to couples recognised under civil partnership compared to those who are married, the act was still a milestone in the next step towards equality for gay people in Ireland. The fact that the act fell short of full marriage still demonstrated a clear inequality towards gay men and women, and even though it did not guarantee the full rights of marriage it was still opposed by certain sectors of society.

On the 5<sup>th</sup> of November in 2013, it was announced that a referendum to legalise same-sex marriage is to be held in the first half of 2015. This, along with a Family Reform bill currently going through the Dáil, would be two of biggest steps forward towards equality for gay men and women since decriminalisation 21 years ago, should the outcome be a positive one.

According to Tiernan Brady, Policy Director of GLEN, in terms of changes to the law, equal access to civil marriage is the hot button issue, and in terms of legislative reform it is the next big step:

“I’m conscious when I’m talking about that that I’m talking about LGB rather than T because the trans side has massive legislative reform still outstanding and Ireland’s

very far behind on the trans legislative reform side of things. I think on the LGB side the big key one now is the referendum on marriage. But just prior to that what's currently going through Leinster House is the Family Reform Bill."

As it stands in Ireland, under current adoption legislation, a child may be adopted by a number of specified classes of persons, including married couples. However there is no facility for couples who are not married to adopt a child. A joint adoption by a couple is only possible if the couple is married and cohabiting. This prevents both unmarried heterosexual couples from adopting and obviously homosexual couples as well. This was one of the key differences not addressed by the civil partnership act.

Although a single person can adopt a child it is not possible under the current legislation for a partner of the same sex to later apply to adopt the child, or to apply to adopt the natural child of his or her partner.

According to Tiernan, "The New Family Law Reform Bill will ensure that all families, whether they have lesbian or gay-headed parents or not, have the same protections in law, and that's something that hasn't happened up until now. Civil partnership delivered a massive amount in terms of taxation equality, immigration equality, pension equality, social welfare equality, but what it didn't do was deal with Family Law."

"So right across the country you have lesbian and gay-headed families but they don't have the same recognitions and status in law, and the children don't have the same legal status and protection in law as is available to other families. So legislation to deal with that is starting now, and hopefully that will be passed before the referendum."

The bill proposes to amend the legislation to allow for same-sex couples to jointly adopt. The current law was not written with the intention of discriminating against lesbian and gay people. "The fact that they can't adopt as a couple was never about

sexual orientation. It isn't singling them out for exclusion; it's literally a gap in the law. The way the rules were written you had to be married," say Tiernan.

"Civil Partnership was brought in, and it didn't look at Family Law, and now the new bill is going to address that area because you have the illogical position now where you can be a single gay person and adopt but if you're a gay couple and you're in a state recognised civil partnership you can't jointly adopt."

"Obviously the law as it stands doesn't make sense and there is something that has to be fixed there, and it will be fixed. There isn't resistance to it being amended; there is actually strong support across all the political parties for that which is very encouraging."

Tiernan continued, "Lesbians and gay couples all over Ireland foster children on behalf of the state so the state already know that lesbian and gay people can make great parents and they know that there are lesbian and gay-headed families, it's just about making sure the law catches up with reality. So I would say there are two big legislative changes that have to happen: Family Law and Marriage."

When interviewed for this thesis, Labour Party politician Dominic Hanniagn said:

"There are over one hundred differences between full marriage and civil partnership and until we get all of those items into law there will still be a feeling out there that we are second-class citizens, so at this stage it's kind of totemic. On a personal level I think that the civil partnership gives me as much security and stability as I feel I need at the moment. As I said there are still over one hundred pieces of legislative where I'm not equal, including adoption but we are working our way through that."

He continued, "But compared to where we were 20 years ago we're virtually finished with the agenda. A lot of the debates that we have at the moment – and by we I mean those of us within the gay movement – we discuss whether or not we should be putting in so much effort on the issue of marriage as opposed to tackling thing

like homophobic bullying at schools, tackling the way that we deal with homophobic issues in other places.”

“Marriage is often seen as the only thing we should be concerned with and it’s not, so I think we will get to full marriage, but I don’t think it’s the only issue and I don’t think it’s the be-all-and-end-all.”

In actual fact there are a total of 169 differences between civil partnership and civil marriage. As already stated, family law was just one area that the civil partnership act failed to amend adequate rights to same-sex couples. Others include: immigration, housing, inheritance, taxation, freedom of information, and other miscellaneous provisions.

These differences highlight the stark inequalities that still exist for gay people in Ireland today. There is a large gap in social status, tradition and religious meaning between the two institutions. There is no legal equivalent to engagement for civil partnership and a civil partnership can not be conducted by a religious body.

Richard Lucey, a Supply Chain Manager who sat on the board of the National Lesbian and Gay Federation for several years, spoke on this issue for the purposes of this paper:

“As I see it I live in a civil society, and what the church wants to do concerns you being a member of that “club” more-or-less, but in Ireland people hear the word ‘marriage’ they think the local parish priest, they think the big white dress, and a man and a woman down the church, and even people who are pretty atheist and non-practising will still head off to the local parish church in order to get married, so that confusion is very unhealthy.”

Richard and his partner advocated for civil marriage in an article written by Andrew Phelan in the Herald in July 2008. They were unhappy with the rights accorded under

civil partnership compared to those under civil marriage and felt the next step should just have been civil marriage in entirety, skipping civil partnership altogether:

“For me the simplest thing is just to make civil partnership into genuine civil marriage – just make it available to all people in consenting adult relationships,” Richard explained.

However, Tiernan Brady of GLEN defended the civil partnership act:

“One of the reasons we supported civil partnership was because it addressed real needs for real people. We could have held out another ten years for marriage but we would have been sacrificing couples who needed their issues addressed; whether they had been together 40 years and suddenly they had issues concerning health, or pensions, around social welfare, whether one of them was a non-national and there was issues around immigration rights, those couples had to have their rights protected.”

Although Richard agreed that civil partnership “has been a great stepping-stone, because a lot of the arguments and hysteria shown from the opposition has been shown to be nonsense. The earth didn’t stop revolving around the sun and the sky didn’t fall in.”

This echoed a similar statement made by Tiernan in his interview:

“Civil partnership broke the back on the issue in that the greatest weapon conservatives have is fear of the unknown, and civil partnership removes that fear because civil partnership shows the entire world that lesbian and gay couples exist and can have legal rights without the sky falling down and that changes the entire conversation.”

Tiernan also explained that at the time the civil partnership bill came through it wasn’t a choice between civil partnership and marriage, “it was a choice between

nothing and civil partnership and we very gratefully took civil partnership, and because of it we got to a marriage referendum much quicker.”

Excluding South Africa, every other country or state that has equal marriage rights for heterosexual and homosexual couples, started with civil partnership or a civil partnership model. According to Tiernan this is because it’s the key to persuading the rest of the population that this won’t damage them, and it isn’t damaging to society, “it’s just about treating another set of couples in society with the same respect, dignity and legal rights as the rest.”

One area that all three sources for this article agreed up was that despite a warm reaction from the public to the referendum, its outcome is not secure.

“I think it’s going to be far from easy to get that campaign passed, people are being far to glib about it, and if you dig underneath the current surveys and data on it, the core support for the referendum passing is not anything like as high as people are suggesting it might be,” said Richard.

GLEN believes the polls indicate there is a very strong majority in favour but that there are still a couple of challenges to be faced:

“There is a strong minority who is very sure that they are against it. And then there’s another strong group who are very sure they’re for it. And then you have this vast group of the electors in the middle, who in the polls are currently siding on the yes side but they haven’t really considered it because to be honest they’re not gay, and they haven’t had the reason to consider it, so they’re not switched on to the issue.”

“I think there’s a massive majority in Ireland that favourably disposed to the idea, but I think a lot of work has to be done to persuade them and motivate them to vote. And to make sure we can copper-fasten their support, I don’t think you can take it for granted.”

And Dominic concluded during his interview that:

“Each referendum takes on a dynamic of its own throughout the campaign, so while there might be this perception that everybody wants this referendum to go through and all the parties in the Dáil love it – bollocks!” When it comes to the actual campaign you’re going to see lunatics coming out of the woodwork and they’re going to start throwing out these ideas that will get some people thinking ‘oh I hadn’t thought it that way’ and they are going to cloud the issue.”

“If we lose this referendum on same-sex marriage you can forget it for the foreseeable future. People might think ‘oh it’ll be like Lisbon, they’ll do it again’, well we won’t. It’ll be left for maybe ten years. I could be wrong. But there isn’t the same imperative to rerun it as there was for Lisbon.”

Although public reaction to the referendum has proved to be positive, it seems to those who have been actively involved in the field that work remains to be done in order to achieve the desired outcome. Energies need to be directed to persuade people why equal marriage is the right decision, and educating the public in the problems still faced by those who merely hold civil partnership.

The history of the issue demonstrates that people’s attitudes, and subsequently society as a whole, change through reasonable discussion.

BY KEVIN ANDREW LORD

Although Ireland has not yet reached a state of equality between heterosexual people and homosexual people it has still made significant progress in a relatively short space of time. Ireland was a staunchly catholic country up until relatively recently, and the catholic teaching is extremely dogmatic concerning homosexuality.

However as time moved on the Catholic Church lost much of its grasp over society, due in large part to the various child abuse cases that emerged from within the church. Being gay gradually became more and more acceptable within Irish society, and continues to do so with each generation.

For gay men and women to have had to wait until 1993 for decriminalisation was a considerably long time, and it offers a clear insight into the how structurally controlled Irish society had been before it came into effect. It had been an overtly conservative and insular country where things that broke with the norm were simply not accepted.

Tiernan Brady of GLEN spoke of the progression made towards acceptance of homosexuality in Ireland since decriminalisation.

“When it comes to LGBT rights in Ireland it’s a massive success story because it started incredibly late; 1993 for decriminalisation and then you come this gigantic distance in a very short period of time because once people got to see that lesbian and gay people did exist, that there were lesbian and gay people in society, in their family, in their village people’s minds changed instantly. And I think it’s a real tribute that the Irish attitudes have changed so fast.”

Once gay people started becoming more visible, and gay and lesbian couples started becoming more visible in society peoples minds began to change incredibly quickly, “we have literally moved from a position where decriminalisation was not a popular move – there were polls taken at the time – and a very clear majority in the polls

where against decriminalisation and we've moved from that majority of over sixty percent against decriminalisation to a point now where we have consistent majorities for marriage in poll after poll," said Tiernan.

Gay rights organisations such as GLEN worked throughout the 1990s and 2000s during the lull in legislative progression to make the day-to-day living experience of gay people easier, and to secure them equal rights in the workplace, which as Tiernan puts it:

"We tend to think what are the big changes that have to happen and we always go straight to changes in law, but I think the biggest changes aren't necessarily about legal changes, it's about how do we change workplace diversity for people so that where you spend most of your day as a person, in terms of in the public sphere, is a place where you are understood and cherished and have equal respect and equal standing, so building strong workplace programmes is one of the really big key areas."

In this regard organisations such as GLEN are not the only ones working to strive for equality in the workplace for the LGBT community. Labour Party Politician Dominic Hanniagn says that "We have a Labour LGBT Society, we've got a number of societies within the party, so there's Labour Women, there's Labour LGBT, there's Labour Diversity. There are probably 30 or 40 people in Labour LGBT who would meet on a regular basis and they would help to shape policy in relation to LGBT rights."

Speaking about his career as one of the first openly gay people to be elected to Dáil Éireann Dominic said:

"I don't think there were very many people in the old days would have seen it as a potential career. They would have seen too many obstacles in the way. I remember even going back to 2005/2006 when I was a counsellor, and I was an out counsellor, I remember a national journalist saying 'He'll never get elected to the Dáil, Irish people will never vote for a gay person'."

The social stigma that comes with being gay often attributes the gay man or woman to being something of an outsider. This preconceived notion of homosexuality, that a gay man or woman doesn't fit into certain job sectors, seems to still exist within certain sectors of society today, such as in the political field. Although Dominic certainly was elected, thus disproving the claim made the journalist, the fact such a claim was made demonstrates a perception by some that to be gay is to be **lesser**.

Business man Richard Lucey who works as a Supply Chain manager says that "I haven't experienced any kind of direct prejudice. But there is the kind of 'boys group' like in school, and you are kind of seen as being a little bit outside that,

One of the most masculine job sectors in Irish society is the Gardaí, having a long history of being a very male-dominated field. A member of G Force, the employee support network for LGBT members of An Garda Síochána, who for the purposes of this feature will be called John, spoke of the purpose of having such an organisation within the Garda body for this article:

"We want to support gay and lesbian guards in the workplace. And transgender guards if they identify to us, but we haven't had any yet. Were we can't help individual members on a one-on-one basis we try and change the culture of the organisation so that homophobia and homophobia behaviour in the organisation is less commonplace so they have an easier journey through their career."

According to John up until the time G Force was established, gays and lesbians were essentially invisible with the guards and weren't part of the organisation. There was plenty of homophobia, and homophobic language was standard in the Garda discourse. This was where the need for an LGBT society within the body was seen, and eradicating homophobia is something the organisation is slowly but surely working at removing.

"I think there is definitely a particular difficulty in certain professions concerning homosexuality, and the uniform services like the military, policing, prisons – they

tend to be very male-dominated, masculine, sexist, homophobic, racist, and I'm talking across the board; Irish and international rather than just the guards. I think anywhere where you have a heterosexual male dominance you will have an element of homophobia," says John.

The introduction of women into these organisations and careers seems to have watered down prejudice a good bit, "I suppose it's been notable that where we have female leaders in the police we tend to have less homophobia and we tend to have a little more buy-in towards LGBT inclusion and that type of thing."

Discussing the stereotype that women who work in these male-dominated sectors such as the guards tend to be butch and therefore lesbians, John said that:

"Organisations like policing approves of behaviour in people that are tough, and strong, and physically capable. And I suppose that's why police-forces can be quite sexist, because they don't see women as capable as fulfilling that role. Whereas lesbians I suppose are seen as tougher than straight women so they'd almost be seen as more culturally acceptable than straight women, whereas gay men would be seen as being weaker than straight men so they'd be less culturally acceptable. There is most definitely a double-standard!"

The organisation has been met with obstruction and opposition from within the Garda body, primarily from a small core of senior officials who don't consider it policing, and don't believe it has any place in the organisation.

"We've always backed up everything we've done with research, we got external academics to do research to prove there is a case and a need for this group, because there are those that don't want G Force there, that don't like gay people or want gay people in the organisation and without evidence to back up what you're doing they could make life quite difficult for people."

As an LGBT body operating to promote a better working environment within such a masculine field, G Force is largely striving to tear down the stereotypes surrounding gay men within the organisation that belittles them; an aspect which is interestingly often not attributed to gay women within the field.

Other areas where being gay can often be a challenge for men is concerned with sports. NUI Maynooth student Gary Shaw, who is the Public Relations Officer of the university's golf society, spoke about the issues encountered as young sportsman who identifies as being homosexual:

“The NUI Maynooth golf team is made up of primarily 18-25 year-olds, and everyone was amazingly positive towards me coming out there. There was literally no change in treatment, it was more of a ‘blegh, who cares?’ attitude. This was probably because of the younger age profile and more experience knowing more out gay people before meeting me. Because where I come from in Mullingar was a different story.”

Gary continued, “What I found a little demoralising playing on the Mullingar Golf Club team was the ignorance some golfers have towards gay people in general. For example, 12 of us went on a trip away to play last winter, some of the guys got drunk and began to let out what they really thought regarding me, and homosexuality. It wasn't negative, but rather they were curious. They simply don't understand gay people and what they do in their lives, so it seems.”

“We were going to a club and I suggested two, and they immediately thought they were gay clubs and one of them was actually afraid it would be a gay club because I had chosen it. They couldn't believe that I'd go to a straight club. It's basically ignorance on their behalf.”

Gary attributes this lack of awareness towards gay people in this case to the men involved being from the countryside, and not having been exposed to many openly gay people beforehand, “For many of them I would be the first person close to them

that was openly gay. So I don't take it offensively when they are blatantly ignorant to my ways, rather, I take the opportunity to show them the truth and be patient with them as they learn.”

The flip side to being the gay man on the field is to be the child of the sportsman; the son of the stereotypical Irish father who exhibits the brusque qualities of his generation – a generation who were educated in the field of homosexuality late in life because it was not a socially acceptable issue whilst they were growing-up. In that regard, music student Seán Boylan, son of former football manager of the Meath GAA Senior Football Seán Boylan, gave an insight into coming-out:

“For me, coming out was a worrying, stressful, but liberating process. It was worrying because I was unsure of the potential consequences. How would my friends and family react? Would I change? It was stressful because I constantly told myself to wait till the right time, I'll do it tomorrow. But tomorrow never comes. There is also stress in knowing that ultimately, coming out is something I will have to do throughout my life.”

This echoed a similar issue made by Richard Lucey, who said: “What bothers me – and it’s a pain in the ass to be frank – is having to come out to people all the time. The assumption is always that you’re straight, and in particular when you have a deep voice and you’re a big guy like me. I think if I was very effeminate and camp people would put two and two together, but because I’m not I end up having to come out to people frequently.”

Sean has found that a hindrance in his day-to-day life as well, but found coming-out to his family wasn’t as scary as he first believed.

“It annoys me that I have to come out constantly, but it is a requirement of 21st century life. Coming out to my dad was tough but incredible at the same time. That I didn’t play football helped me come out to him. I think if I had been playing, it would have been much more difficult. It was already difficult being his son and not being

good at sports, especially in school. And I certainly felt less comfortable in myself in that alpha male environment.”

The conclusion here seems to be that there is an on-going progression towards accepting homosexuality, whether it is in the political, business, and policing or sports environment. Largely the opposition comes from an older generation or from parts of the country where there is still an element of old Irish conservatism.

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