

THE IRISH TIMES

Subscriber Only Opinion

A garda sergeant spied on two adult men having sex. But he wasn't prosecuted. They were

Almost 1,000 men were convicted under anti-gay laws, and 1,700 were prosecuted. Their wait for justice is nearly over

Brian Sheehan

Mon Mar 02 2026 - 06:14 • 4 MIN READ



Protesting at the Department of Justice, 1974. The formal repeal of these laws in 1993, following a successful case taken by Norris to the European Court of Justice, marked a hugely important turning point. Photograph courtesy of the Irish Queer Archive

In Tullow, Co Carlow, in the late 1960s there was [a cluster of court cases](#) involving up to 20 men, including three juveniles aged 15, 16 and 17 years, who were charged under the anti-gay laws then in force. Almost all of the men pleaded guilty to the charges the State brought against them. Some were sentenced to two years in prison, although the sentence was

suspended. The cases were well covered in local newspapers along with their names, ages, and addresses.

The enforcement of the anti-gay laws continued well into the 1970s. The renowned civil rights solicitor and later judge Garrett Sheehan has recounted how he defended two gay men who were charged with gross indecency based on the evidence of a sergeant from Rathmines going into the front garden of a house that was divided into apartments, peering through the window and maintaining that he had seen sexual activity between two adult men. The two men were prosecuted, convicted and sent to prison.

They, and at least 1,690 other men were prosecuted under the anti-gay laws from 1950 to 1993, with 941 men convicted, according to a [recent Oireachtas Library research report](#).

For centuries, ordinary loving relationships between men were criminalised. English common law treated gay men as criminals. The Buggery Act of 1533 provided for the penalty of death by hanging. That brutal legal position remained in place until the Offences Against the Person Act 1861 which replaced execution with imprisonment. A later Act in 1885 criminalised ordinary affection and intimacy between men under “gross indecency” provisions. These colonial laws were adopted unquestioningly by the Irish State in 1922 and implemented far more harshly.

Averill Earls, one of the few historians who has researched criminalisation in the earlier period, found there was a massive increase in prosecutions in Dublin after Independence. An estimated 18 men were prosecuted in Dublin under British rule between 1900 and 1920; however, this “skyrocketed” to 390 from 1924 to 1962.

Class, status and credibility could determine your fate under these laws. Earls has written movingly about a relationship between Ronald Brown, the State Solicitor for Kildare, and his boyfriend Leslie Price from London, a deserter from the British army. Both were tried in Dublin in 1941 for “gross indecency” but acquitted. Leslie was also tried for a sexual relationship with a different man, was convicted and sentenced to six months in Mountjoy. Working-class men with little power were the most vulnerable to criminalisation.

Brian Sheehan

Criminalisation led to a bigotry that placed less value on the lives of gay men. There are a number of cases where “homosexual panic” was successfully used as a defence in murder or manslaughter trials, where the gay man was blamed for being killed because of his sexuality.

The influence of those criminal laws carried across the courts, including into the family courts, where lesbian and bisexual women could be and were denied custody of their children or access to their children.

Beyond the justice system the impact of the laws affected the response to the Aids epidemic in the 1980s, where the State felt it could not be seen to fund information on how to reduce risk of HIV infection during an act the laws described as grossly indecent. Vital information that would help protect gay and bisexual men had to be produced by the gay community without support from the State.

['I'm trans and scared to date as Ireland becomes more transphobic']

The anti-gay laws were actively used as instruments of surveillance, punishment and social control. Men prosecuted and convicted under them faced imprisonment, public disgrace, loss of employment, exclusion from family and community life, and lifelong stigma. Many lived in fear of exposure or blackmail. Criminalisation shaped societal attitudes towards [LGBTQ+](#) people more broadly, embedding stigma, legitimising discrimination, and enforcing silence and shame. It has taken many

decades to reshape Irish law, policy and attitudes towards LGBTQ+ people, a struggle that is not yet complete.

The legacy of these convictions did not disappear with decriminalisation. Criminal records linger. Men carried the burden of past convictions into later life, affecting travel, employment and personal relationships. Some never recovered from the trauma of State-sanctioned punishment. Others died before the State acknowledged that what was done to them was wrong.

The formal repeal of these laws in 1993, following a successful case taken by [Senator David Norris](#) to the [European Court of Justice](#), marked a hugely important turning point.

Twenty five years later, a formal apology by the then-taoiseach on behalf of the State was delivered in the Dáil in 2018. The apology, supported by all members of the Dáil, acknowledged the “deep and lasting harm” done to those prosecuted under the laws and recognised that the laws had a “significant chilling effect on progress towards equality for the LGBTI community”.

Now, 33 years after decriminalisation, justice is finally in sight for men convicted under the anti-gay laws, convictions that are now recognised as huge violations of their human rights and dignity by the State.

The [Minister for Justice](#) has recently confirmed that he will soon bring forward legislation to provide for “disregards” for those convicted for consensual activity under the anti-gay laws. The proposals are expected to reflect the recommendations of a working group, established by the [Department of Justice](#), which developed a wide range of recommendations to provide redress, and which recommended including disregards for those convicted under parallel military laws.

[State faces imminent test to match powerful apologies with action]

By legally disregarding convictions for consensual same-sex activity, the State will recognise that these laws were unjust in principle and harmful in practice. Such a scheme will remove the ongoing legal consequences of discrimination.

We cannot undo history. But the consequences of the past injustice can be addressed. In removing the lasting legal scars of criminalising the expression of intimacy between consenting adults, Ireland can ensure that

justice goes further than words spoken in apology, but can be realised through a meaningful redress.

Brian Sheehan is a founder member of the LGBT Restorative Justice Campaign. www.lgbtdisregard.ie

LGBTQ+

European Court Of Justice

Jim O'Callaghan

Department of Justice
