

Belong To Submission to inform the final recommendations of the Working Group to Examine the Disregard of Convictions for Certain Qualifying Offences Related to Consensual Sexual Activity Between Men

Organisation: Belong To

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Belong To is the national organisation supporting lesbian, gay, bisexual, transgender, and queer (LGBTQ+) young people in Ireland. Since 2003, we have worked with LGBTI+ young people, between 14 and 23 years, to create a world where they are equal, safe, and valued in the diversity of their identities and experiences.

We welcome this process as a key part of restorative justice for people prosecuted directly by the legislation and those indirectly impacted. The criminalisation of same-sex affection and desire was a gross human rights abuse and had serious consequences on those directly impacted and the wider LGBT+ community.

The criminal legislation contributed significantly to a culture of homophobia, lesbophobia, biphobia, and transphobia that was endemic in government and public institutions and services. It enabled widespread discrimination and prejudice against LGBTQ+ people, and the legacy continues to this day

We acknowledge and welcome the State apology issued in 2019 as an important part of redress.

The principles of human rights and equality should underpin the disregard scheme and other actions that would provide redress for the harm caused by the legislation. As a youth organisation, we are particularly cognisant of the trauma experienced by juveniles who were prosecuted and convicted.

Any scheme must take account of the trauma people suffered who were arrested, charged, prosecuted, or convicted under the legislation and the effects on them and their wider families.

Any scheme must be as easily accessible as possible and not re-traumatise people, including not having them deal with organisations that were responsible for their prosecutions in the first place.

Further work is needed to address the legacy of decades of criminalisation, and a restorative justice approach is required in order to research, document, and address the consequences. A thorough restorative justice approach that would inform the importance and priority with which Government approaches urgently needed legislation – hate crimes, trans legislation, protections from conversion practice – and urgently needed policy reforms - and service provision in areas such as health, mental health, trans healthcare, sexual health and well-being.