



LGBT
IRELAND

For Inclusion
For Equality
For Everyone

24 November 2021

LGBT Ireland Opening Statement

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Opening Statement to Oireachtas Joint Committee on Justice

Ministers and Senators thank you for the invitation to the Justice Joint Committee meeting this evening to speak about the Access to Justice issues facing LGBTI+ people in Ireland.

On behalf of LGBT Ireland, I am very pleased to be here. I will give a brief summary of our submission and look forward to answering your questions in due course.

Who we are

LGBT Ireland is a national charitable organisation working to improve the visibility, inclusion and rights of LGBTI+ people living in Ireland. Through our national helplines (The National LGBT Helpline and the Transgender Family Support Line), online chat, and face to face services we provide confidential support and information to thousands of LGBTI+ people and their family members each year. Our submission was informed by the issues and experiences of LGBTI+ people and their family members who contact us and I will mention the key points in that submission in this Opening Statement this evening.

A target for hate crime and hate incidents

The National LGBT Helpline deals with approx. 2,000 contacts annually. Of these, 4% relate to ‘violence’. As an expert LGBT+ Non-Government Organisation, we know from anecdotal evidence this is not reflective of the true scale of homophobic, biphobic, lesbophobic and transphobic violence that is occurring in Ireland, online and offline, on the streets and in family homes. This year’s Pride celebration season saw rainbow flags being burned in Waterford, Cork and vile homophobic graffiti sprayed on a well-known gay bar in Dublin city. The impact of the online far-right anti-LGBTI+ agenda is coming more and more onto the streets. Our community is feeling less safe now than in the first years following Marriage Equality and Gender Recognition even when things were still not they should have been.

Research in 2016ⁱ reported a high percentage of LGBTI+ participants having experienced harassment and violence over their lifetime:

- 33.6% of respondents had been **threatened** with physical violence,
- 21.1% had been **physically assaulted**,

- 14.9% had been **sexually assaulted** and
- 6.3% had been attacked with a weapon because they were LGBTI+.
- Many LGBTI+ people struggle to openly express their identity:
- 53% of LGBTI+ couples said they felt unsafe showing affection for one another in public.
- 47.1% said they felt unsafe holding hands with their partner of the same sex in public.

Gay men and transgender people were more likely to report feeling unsafe holding hands in comparison to lesbians and bisexual people (Higgins et al. 2016).

The 2019 Call It Hate surveyⁱⁱ by *Hate & Hostility Research Group*, University of Limerick, revealed findings upholding LGBTI+ people's levels of hate crime and incidence:

- of 1,395 people who replied **1 in 3** have been **threatened** with physical violence
- **1 in 5 or 21%** of those surveyed, have been punched, hit or **physically attacked** in public for being LGBTI+

The legacy of criminalisation as well as the hostile socio-cultural environment up to 1990s Ireland, has created a normalisation of homophobia, biphobia, transphobia, even in the LGBTI+ community itself, almost **as the price of being visible, the cost of visibility**.

LGBT Ireland believes it this normalisation, coupled with a low expectation of justice and /or of a positive engagement with justice duty-bearers, that underlies the low level of calls on the issue of violence to our helplines.

Having said that, in 2020 the National LGBT Helpline recorded a fourfold increase in calls relating to violence.

The impact of the historical legacy of criminalisation remains

An Garda Siochana (AGS) launched its *Keeping People Safe Garda National Diversity and Integration Strategy 2019-2021*. It has led to renewed efforts to engage and improve expectations, experiences and outcomes for LGBTI+ people should they go to AGS. The legacy of criminalisation looms large as a barrier to go to AGS. Many opt not to engage due to a lack of trust and a fear of being treated disrespectfully. This is especially true of gay men of those age groups directly impacted by criminalisation. Butch-presenting lesbian women would also fear judgement and disrespectful treatment and would opt not to report. Members of the Trans community and others who present in gender non-conforming ways equally fear engagement with AGS for similar reasons.

Knowing that such low levels of reporting are happening maintains a perception that the scale of the problem is much less than in reality.

Apart from a difficult legacy, other aspects of many LGBTI+ people's lives add further barriers to going to AGS when they should-

- Addiction issues are high in our community in those aged 40+;
- Chemsex forms part of the social scene for many Gay men - violence and other problems at events where Chemsex is involved would present fear and barriers approaching AGS
- LGBTI+ young people are more likely to use drugs/alcohol
- LGBTI+ young people constitute a disproportionate number of those experiencing youth homelessness where they are
- Vulnerable to substance abuse
- Vulnerable to rape/sexual assault
- Prostitution as a means of supporting addiction or other dependencies
- Domestic violence happens in our community as it does in the wider community; our community faces the same struggles in seeking help; plus the additional invisibility of LGBTI+ relationships in domestic violence services making our community feel there is no support for them
- Cruising activity of some gay men, the secrecy around what they do, the fear of being discovered; these factors make it harder for gay men of a certain age to come forward to AGS

Concerns about substance use; concerns about being judged and concerns that AGS do not understand the culture of the LGBTI+ community and sub-sections within that, all act as barriers to our community trying to access justice when they should.

Lack of hate crime law

ILGA Europe's Rainbow Report 2021ⁱⁱⁱ saw Ireland ranked 15th in Europe in terms of equality and protection for LGBTI+ people and a significant factor in Ireland's stalled position is the lack of hate crime law. Our work with AGS in the past 2 years has made it clear that from their perspective they need stronger sanctions to appropriately deal with hate incidents and hate crimes. Knowing that AGS and Ireland doesn't have a hate crime law, acts as yet another barrier for our community in going to AGS to report.

We welcome the heads of Bill for a Hate Crime and as part of the Coalition Against Hate Crime we call for the coalition's submission and members' submissions to taken into serious consideration in order to make the Hate Crime Law fit for purpose into the future.

LGBTI+ Family Rights

Since the commencement of the final parts of the (CFRA) in 4th May 2020, meaning that for the first time in Irish law two female parents could both be registered on their child's birth certificate, hundreds of same-sex female parents have been able to re-register the births of

their children, ending years of legal limbo for families where only one parent was legally recognised.

The retrospective provisions allow for a declaration of parentage to be applied for by the non-birth parent through the District Court for consent applications, or the Circuit Court where a joint application is not possible, and if granted this declaration of parentage forms the basis for an application to the General Registration Office to have the birth re-registered. Dublin-based parents had an overwhelmingly positive experience of this process while in stark contrast families outside of Dublin had a very different and, in some cases, extremely difficult experience trying to access a parental order under the legislation. There was a general lack of awareness and knowledge about the new law by solicitors, court clerks and judges, resulting in parents having to educate their local court service about the law and in many cases having to request that they contact the Dublin District Court service to get information about the process.

This leaves a lot of room for improvement.

Intersectionality

- older LGBTI+ people

Older people are LGBTI+ too often live very invisible lives with diminished support networks compared to their heterosexual peers. What limited research exists in this cohort of our community (Irish and UK) paints a picture of fear, shames, isolation and as a result they remain a highly vulnerable group, particularly older gay men. Should they engage with other gay men, they do so in isolation from a gay community with its knowhow and supports. Many LGBTI+ organisations have dealt with cases of older gay men being blackmailed as a result of a sexual encounter, however because many remain closeted and also because they grew up in the shadow of homosexuality being criminalised, it is often very difficult for them to feel safe in making a report to AGS and beginning the journey of trying to engage with and access justice.

- LGBTI+ Travellers

LGBT Ireland sits on the *National Action Group for LGBT Travellers & Roma*. LGBTI+ Travellers experience minority stress and marginalisation on the basis of living more than one minority identity. This intersectional discrimination lays out double or more sets of barriers if an LGBTI+ Traveller thinks about accessing justice. There is little research available on LGBTI+ Travellers, but what little does exist^{iv} demonstrates high levels of mental health and suicidality while anecdotal knowledge also suggests high levels of addiction and substance abuse, also referenced by homeless sector services. Common barriers in engaging with AGS are:

- Fear of racism; anti-Traveller feelings
- Legacy of mistrust between Travelling community and AGS

- Substance abuse ambiguity in dealing with AGS

It should be noted that LGBT Ireland, as part of the National Action Group for LGBT Travellers & Roma, peer research will be carried out (Sept. 2021-Sept. 2022) and we hope to learn more about the supports needed in the coming year. We welcome the appointment of the first Traveller Garda earlier this year.

LGBTI+ asylum seekers

Since July 2018, LGBT Ireland has been supporting LGBT+ people seeking international protection in Ireland and living in Direct Provision (DP) across the country. The geographical spread of group members currently includes counties Cavan, Louth, Meath, Westmeath, Galway, Limerick, Wicklow and Dublin.

LGBTI+ asylum seekers are victims of various hate crimes and sexual assaults inside and outside DP centres. If they think about engaging with AGS and the justice system the barriers commonly cited in discussions are:

- fears of racism
- fear of questions about immigration status even when it's not relevant to the reason they may want to go to AGS
- language issues
- legacy of police violence and criminalisation of homosexuality in countries of origin and subsequent fear of the police force in Ireland

In terms of intersectionality these are just some examples. LGBTI+ people with disabilities, LGBTI+ migrants remain to get our significant attention and support as we lack resources.

What improvements?

Minorities trying to access justice rely hugely on their respective community and voluntary sector NGOs to guide, inform, support them through the process, practically and emotionally. These NGOs are a key bridge builder between citizens, residents and the justice system. Most of these NGOs are operating under excessive workloads with staff members trying to cover off multiple areas of specialist support work. Too few have dedicated Access to Justice Officers; more are needed. Key state justice agencies need to utilise Cultural Mediators to strengthen their liaison capacity with minority community members.

It is only through partnerships and collaboration that access to justice for all can be achieved.

ENDS
