



Ireland



2015 was a very significant year for the LGBTI community in Ireland, not least as the country made history by becoming the first to introduce marriage equality by popular vote. After years of campaigning by trans activists and allies, the Gender Recognition Act introduced legal gender recognition based on self-determination for over 18s. Ireland's outdated family laws were transformed and protections in employment law for LGBTI employees in religious run institutions (schools and hospitals) were also enhanced. Despite all this legislative progress, ensuring that equality is felt by LGBTI people all over the country remains a challenge. Several issues were unresolved at the end of the year; the blood donation ban was still in place, progress on hate crime legislation was slow and there were isolated bias-motivated incidents.

Bias-motivated violence

- NGO GLEN (Gay and Lesbian Equality Network) received 19 reports of homophobic or transphobic crimes between December 2014 and June 2015. The reports were recorded through a website set up to gather data on incidents traditionally underreported by LGBTI people. NGO Transgender Equality Network Ireland (TENI) received 27 reports of hate crime via their STAD (Stop Transphobia and Discrimination) reporting system.
- On 15 February, a lesbian couple were attacked by two men in Limerick. Passers-by contacted the emergency services and the incident was investigated by An Garda Síochána (police service).
- Human rights NGO The Irish Council for Civil Liberties (ICCL) and a consortium of organisations (including the University of Limerick, GLEN and other civil rights groups) published draft legislation to protect LGBT people from hate crimes on 13 July. Gender identity, gender expression and sexual orientation were listed among grounds protected under the proposed Criminal Law (Hate Crime) Amendment Bill 2015 presented to the government.

Education

- The Minister for Education and Skills, Jan O'Sullivan (Labour Party), launched the *Respect* guide for primary school teachers on how to deal with homophobic and transphobic bullying on 4 February, the first resource of its kind developed by GLEN and primary teachers' union INTO.
- In September, the INTO's LGBT Group launched a poster and accompanying resources for primary school teachers to support them in teaching about the diversity of families in Irish society, including LGBTI-headed families. *The Different Families, Same Love* poster was distributed to 40,000 teachers. The media reported opposition to the poster from conservative, Catholic advocacy group The Iona Institute who protested that the poster could be contrary to the religious ethos of many schools.
- In response to the passage of the Gender Recognition Act (see **Legal gender recognition**), the Department of Education and Skills convened a high-level meeting between department officials, civil society and education

partners, which was the first of its kind, on 6 October on the Act's implications for schools.

Employment

- The first Workplace Equality Index (WEI) and subsequently the first WEI Awards were presented by NGO GLEN's Diversity Champions Programme. The WEI Awards are Ireland's first benchmark for LGBT workplace equality. Accountancy firm EY Ireland were named the best place for LGBT people to work on 23 September.
- The Equality (Miscellaneous Provisions) Act 2015 was passed on 2 December. The legislation, originally proposed in 2013, amended section 37.1 of the Employment Equality Act 1998. LGBT NGOs, teachers and doctors had long advocated for change in the legal exemption which permitted religious managed institutions to discriminate against employees who undermined their religious ethos. Many LGBT employees had feared their job would be at risk if they were to 'come out'. The Act was signed into law by President Michael D Higgins on 10 December.

Equality and non-discrimination

- The Irish Blood Transfusion Service (IBTS) shared a report with the Department of Health in January which outlined possible alternatives to the complete ban on blood donation by gay and bisexual men. Health minister Leo Varadkar (Fine Gael, FG; centre-right) confirmed he was conducting a review and that he was in favour of a 12 month deferral period. In July, a private citizen commenced a High Court case against the IBTS and the Department of Health. He had been refused as a blood donor and he argued that the ban was unreasonable, discriminatory and in contravention of EU law.

Family

- The Child and Family Relationships Bill was passed by the Dail on 12 March. On 30 March, it was passed by the Seanad, accompanied by a standing ovation from senators, before being signed by the president on 6 April. The Act recognised LGBTI parenting for the first time, allowing civil partners, married couples and cohabiting

couples to apply for joint adoption. It details how same-sex couples can apply for guardianship, custody and access on the same basis as different-sex couples and recognises legal parentage in the context of assisted human reproduction on the same basis for straight and lesbian/gay couples. The parenting/guardianship provisions will be commenced in January 2016. Sections of the Act also outline the assignment of parentage through the donor-assisted reproduction process; these provisions were not commenced in 2015 and will be dealt with on a phased basis by the Minister for Health in 2016. Surrogacy will be addressed in separate legislation.

- Ireland became the first country in the world to introduce marriage equality by popular vote. On 22 May, 62% (1,201,607 people) voted in favour of adding equal marriage provisions to article 41 of the constitution. Voter turnout was 61%. Two separate appeals against the referendum result were lodged and heard by the High Court in June. Both cases were refused leave to proceed and subsequently dismissed by the Court of Appeal and the Supreme Court. The Constitution was officially amended when President Michael D Higgins signed the referendum result bill into law on 29 August. Subsequently, the Marriage Bill was passed by the Dail (lower house) on 7 October and by the Seanad (upper house) on 22 October. The Presidential Commission signed the Marriage Act 2015 on behalf of the president on 29 October. The commencement orders, required to make the Act operational, were signed by the justice minister Frances Fitzgerald (Fine Gael, FG) and the Tánaiste (deputy prime minister) Joan Burton (Labour Party) on 10 November. The first marriages between same-sex couples took place on 16 November.

Freedom of assembly

- Over 45,000 people took part in the Dublin LGBTQ Pride parade on 27 June, the event's highest ever attendance.

Health

- In April, a specially commissioned report on the health needs of LGBTI people was launched by the Health Service Executive (HSE). The Rainbow Report's

recommendations will be used to draft an integrated plan for the five counties of the HSE's South East Community Health Organisation Area.

- The first National Transgender Healthcare Conference took place in Carlow on 3 December. The event, jointly organised by the Transgender Equality Network (TENI) and the Health Service Executive (HSE), attracted 380 health professionals.

- Minister of State at the Department of Health, Kathleen Lynch (Labour) spoke at an event on LGBT mental health (organised by ILGA-Europe, GLEN and the Department of Health) attended by policy makers and NGO representatives from seven European member states.

Human rights defenders

- During the year, the *Yes Equality* civil society campaign (coordinated by NGO's GLEN, Marriage Equality and ICCL) was represented nationwide by over 70 local branches who canvassed for a Yes in May's referendum. The campaign also encouraged 60,000 new voters to register (see **Equality and non-discrimination**). In December, the *Yes Equality* campaign was honoured with a *People of The Year* award.

- Lydia Foy became the first trans activist to receive a European Citizens' Prize from the European Parliament on 14 October.

Legal gender recognition

- On 3 June, the Minister for Social Protection and Tánaiste Joan Burton (Labour Party) announced that the government intended to amend the Gender Recognition Bill to allow for self-determination. The Bill completed the legislative process on 15 July and was signed into law by the president on 22 July. Trans people over the age of 18 can apply for gender recognition by way of statutory declaration; no medical interventions or diagnosis required. More limited provisions, based on a medical model, exist for people aged 16 and 17 years. The so-called 'forced divorce' clause requiring applicants to be single was amended and removed as soon as the Marriage Act was passed (see **Family**). Trans people in Ireland could apply for gender recognition certificates from 8

September. The state's first ever certificate was issued to Dr Lydia Foy (see **Human rights defenders**).

"This marks a hugely significant and historic day for the transgender community, for their families, friends and indeed for all of Irish society."

- Tánaiste Joan Burton, 8 September 2015

Participation in public, cultural and political life

- Health minister Leo Varadkar came out as gay in a radio interview with national broadcaster RTÉ on 18 January. As a result, he is the country's firstly openly gay cabinet minister.
- In September, RTÉ journalist Jonathan Rachel Clynych announced they identified as gender-fluid. In a statement, RTÉ said they encourage "diversity and equality and RTÉ is supportive of Jonathan Rachel, a valued member of staff and a highly-respected journalist".

Police and law enforcement

- On 25 November, An Garda Síochána's PULSE computerised crime recording system was updated to allow transphobia to be logged as a motive.

Public opinion

- According to Eurobarometer 2015, 49% of people surveyed in Ireland believe that discrimination on the basis of sexual orientation is widespread (EU28 average was 58%). When asked about gender identity, 47% felt discrimination on this ground was widespread (EU 28 average was 56%). 87% totally agreed with the statement that LGB people should have the same rights as heterosexual people (EU 28 average was 71%). When asked to grade how comfortable they would be with certain scenarios on a scale of 1 (not comfortable at all) - 10 (totally comfortable), 92% said they would be comfortable or moderately comfortable with an LGB work colleague (EU28 average was 72%). When asked about a potential trans work colleague, 86% said they would be comfortable or moderately comfortable (EU28 average was 67%).