
amnesty international

£REPUBLIC OF IRELAND

@Legislation decriminalising homosexuality

23 JUNE 1993

AI INDEX: EUR 29/05/93

DISTR: SC/CO/GR

The Government of the Republic of Ireland has just published the Criminal Law (Sexual Offences) Bill 1993, which will repeal the existing law forbidding homosexual acts and introduce provisions prohibiting such acts with persons under 17 years.

Current legislation on homosexuality in the Republic of Ireland is in breach of the European Convention on Human Rights because it allows for the prosecution of consenting adults engaging in homosexual acts in private. The European Court of Human Rights ruled in the David Norris case in 1988 that Irish laws were in breach of Article 8 of the European Convention which states that

"everyone has the right to respect for his private and family life, his home and his correspondence".

David Norris, a senator and long-standing campaigner for homosexual rights in the Republic of Ireland, contested in 1987 before the European Court of Human Rights the existence in the Republic of Ireland of laws which make certain homosexual practices between consenting adult men criminal offences. Although the Irish Government pleaded that the legislation had never been enforced against the applicant, and that he could not claim to be a "victim" within the meaning of Article 25/1 of the Convention, the court held that Article 25 of the Convention

"entitles individuals to contend that a law violates their rights by itself....if they run the risk of being directly affected by it".

It admitted that the risk of prosecution in this case was minimal but that as long as a law remained in the Statute Book it might be applied at any time.

The Court stated: "Moreover, it was found in the national proceedings that one of the effects of criminal sanctions against homosexual acts is to increase the anxiety and guilt of homosexuals leading, on occasions, to depression and the serious consequences which can follow from that unfortunate disease".

At its International Council Meeting in Yokohama in 1991, AI decided to consider as prisoners of conscience individuals who are imprisoned because of their homosexuality, including for the practice of homosexual acts in private between freely consenting adults.

AI therefore welcomes the Irish Government's introduction of new legislation governing sexual offences which would decriminalize the practice of consensual homosexual acts between adults in private.

KEYWORDS: HOMOSEXUALS / LEGISLATION / COUNCIL OF EUROPE /

INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 8DJ, UNITED KINGDOM
