

**Address by Brian Merriman, Head of Communications and Legal Services at the EGPA Conference in Dublin Castle on Friday June 29<sup>th</sup> 2012.**

Welcome to Dublin and welcome to Ireland. In 1993, we became the last western European country to decriminalise 'homosexuality'. It is in this context, that I want to examine the concept of community policing. It's a time when memory is recent and strategies to undo, over a century of repression, are vital to policing in the modern world. The gay circumstance is an interesting one. It is one of those rare times when a crime ceased to be a crime and 'criminals' had their status as citizens restored, without apology. There are few precedents for such a new dispensation in other areas of policing. What changed? By Dec 14<sup>th</sup> 2001 a Garda spokesman confirmed to the 'Evening Herald' that "A large number of gay men are attacked and robbed every year. However victims are often afraid to report their attackers", proving the imperative for informed, effective, community policing then and now.

It is a constructive irony to be addressing this event on the anniversary of the Stonewall riots against police harassment - the beginning of the public struggle for gay rights. Too often of course Police are blamed, or held responsible, for the laws they have to implement. That is a debate for another time. But such zealous acts certainly leave an ongoing legacy, when repressive laws are finally changed. The new society decided, after over a century of oppression, that love is no longer illegal, nor a destabilising threat. You can not forget history by simply erasing the crime. History is a strong force of influence in Ireland and in any community. In such a context, policing has to respond effectively to such change.

Nothing positive or pro active replaced decriminalisation in 1993, leaving a vacuum of understanding. Despite efforts to further stigmatise the newly liberated, the Parliament positively agreed to an equal age of consent for gays and heterosexuals. The Trade Union movement made the first protective moves in the 1980s. More equal rights were introduced, acknowledging the status of LGBT people in the late 1990s. Equality legislation now protected LGBT people from discrimination on grounds of their sexual orientation or gender identity in employment, or when they avail of goods, facilities, services, accommodation and education in Ireland – important progress.

But let's go back to Stonewall, the small bar in the Village, in New York where LGBT people socialised. Knowledge and trust in a community is vital for good policing. If there had been effective community policing in 1969, then perhaps the riots would not have happened that night? The anti-gay laws in the USA were draconian. More gay people lost their livelihood under McCarthyism, than did 'communists'. The first gay rights society in the 1940s, the Mattachine Society was founded on a mountain top, as the men could not be seen, together. Many forms of same sex association, including sharing a hotel room, were banned in the 'land of the free'. New York byelaws stated that men could not dance closer than 3 feet together – even in packed nightclubs. People had to wear clothing 'appropriate' to their gender – adjudicated by the police.

Even in gay dominated professions, marriage was compulsory for advancement. And that brings us back to Stonewall nicely. The police, who were very zealous at the Mayor's behest, in implementing these laws, in a city notorious for serious crime, simply did not know their community. A price was paid.

Mayor Lindsay with his eyes firmly on re-election launched a crackdown on the gay community. Stonewall a mafia/mob run bar, had been raided the previous Tuesday. Emotionally the temperature was high. Then, Judy Garland the vulnerable screen icon had been married, amongst others, to the gay Vincente Minelli died tragically in June 1969. Her funeral took place in New York on June 27<sup>th</sup>. The gay community – widely known as 'friends of Dorothy', were also emotionally charged that night by Lindsay's bullying and grief. Someone in the police department decided it was time to raid the gays again. They bullied their way into a grieving and angry community, but this time the gays fought back. They rioted for four days and the ultimate machismo of the NYPD never recovered, from having been held at bay by, drag queens, perceived effeminate men, women and transgendered people.

Today, New York celebrates its diversity and there is even an inclusive St Patrick's Day parade in the city, which welcomes gay people and acknowledges their diverse citizenship. In Ireland, it is a cause of great celebration, to see uniformed public servants from other countries, parade with us in celebrating our diaspora. We do it in their countries. It is a tradition here. It is reassuring and trust building. I wish you all a great experience in the friendliest of parades tomorrow, celebrating Dublin Pride. It will be a very powerful message, seeing you proudly wear your uniforms, as you have done in previous Pride parades in other countries, tomorrow in Dublin. Joining with your LGBT, Irish and police community in celebrating shared citizenship with pride, is a very positive action. I look forward some day to seeing Garda uniforms marching with you, something to be considered for the near future. In the meantime, hold your EGPA banners high and enjoy this positive visibility event.

Clearly in Europe, there is an east-west divide. Our eastern European partners in the EU have many serious challenges in working under repressive anti-gay laws, despite the guarantee of rights for all EU citizens, required by membership of the Union. From the Baltics to the Balkans, LGBT people struggle for any public expression of their citizenship. I am looking forward to Joel's analysis very much. Further afield in Russia, you will be imprisoned in St Petersburg if you 'promote' gay culture and they have banned the Pride parade in Moscow for the next 100 years. In Iran, your options include a culturally enforced gender reassignment or execution, as in 4 other countries, that Ireland does business with. Too many still carry harsh prison sentences. Historically, in Nazi Germany, the most harshly treated and gay prisoners of the Holocaust, were sent by the liberating Allies, from the concentration camps back to prison, to serve out their sentences for their convicted crimes. The Nazi anti gay law remained in force in Germany until the 1970s. That remains in memory today. The Arab world and Africa are not much better for gay people and of course people bring their cultures with them to their new countries. That has an impact in Ireland today, especially when one considers

any blending of an Ethnic Liaison service with the LGBT service. On the other hand, there are LGBT people of all ethnicities in the world, and they too have specific cultural needs. The Irish Traveller culture is in itself quite harsh for gay people.

In many other countries where repressive laws may have eased, there is still residual stigma and the culture of religious oppression – the ‘a la carte’ type that selects from a list of ‘abominations’ what is right and what is wrong. In the Christian religion, happily Jesus Christ is not recorded anywhere as having said anything at all about gay people, during his time on earth. Some interpretations add and give equal value to the teachings of men quoted in the Bible, as to how gay people should be treated. In fact being gay in the Christian church was not deemed to be ‘unnatural’ until the time of Thomas Aquinas in the 13<sup>th</sup> century. Being gay is, according to the selected passages that make up the modern bible, an ‘abomination’ equal to eating a full Irish breakfast or enjoying a Dublin bay prawn cocktail, according to the often quoted, Leviticus.

That is taught, it is believed, it is cultural in communities. There are residual cultural issues arising from such disdain, that are internalised by gay people and reflected by advocates in society to this day. It is not the fact, it is the invented stigma – the constructed lesser status - the imposed negative stereotype, that does the real harm. Here is the great challenge to community policing – which culture do you reflect – the individual faith culture or the State laws that ensure and protect equality of participation and citizenship? How is this reflected on LGBT police in practice, in your own workplace and in the community you serve? Is diversity understood, or is it a ‘concession’ that you are allowed gather here today? Is it pro-active positive action by a modernised and inclusive policing ethos? It is certainly a very positive step to host your conference in Dublin, one recognised by our President on Wednesday and the strong endorsement of the Minister for Justice and Equality yesterday and by the Equality Authority.

In Ireland we had our own Stonewall year in 1982, arising from a breakdown in community policing and judicial response. Generations of gay citizens of the new Republic were consigned to a legally constructed ghetto, as the oppressive British 1861 Offences Against the Person Act and the subsequent Criminal Law (Amendment) act of 1885, were embraced in the laws of the new Republic of equals. It is impossible to estimate how many lives remained unfulfilled in the 20<sup>th</sup> century, in the new Irish Republic as a result. But they remain in recent memory. By not naming lesbians in the law their identity was even more difficult to establish. The 1980s were a time of social change in Ireland.

In January 1982 a very talented designer in our national broadcaster RTE, was found dead in his home - murdered. His name was Charles Self. The Garda response was to round up 1,500 known gay men and build a data bank of fingerprints and photographs, and asked who they slept with and for their partners’ names. This action traumatised and destroyed many lives and of course failed, to ever result in a charge or conviction for the Charles Self

murder. A militant group, the Dublin Lesbian and Gay Men's collective was established as a result and mounted a defence campaign against Garda harassment. They had had enough.

In 1982 lesbians and gays were forced by law to socialise underground, having no opportunity of seeking protection from the Gardai. No one in the gay community, at that time, ever gave their real name when socialising, even to friends. It was too dangerous. If you knew the community you might have also surmised, Charles Self was possibly in the company of a stranger, or someone not necessarily gay, who set upon and exploited gay men to threaten them, with the blackmail that such repressive laws guarantee. Anti-gay laws are always a 'blackmailer's' charter. Identity concealment in any community, only creates crime and criminals. The zealotry of the Gardai in using this tragedy as an excuse to harass a community, already living in fear not only of discovery, but now of their lives, is a negative cultural legacy that still

challenges good LGBT community policing today in Ireland. And for 12 more years, those laws remained in force. After 30 years, it is time the cold case of Charles Self's murder was solved.

Later that year, Declan Flynn was walking in Fairview Park. He was set upon, chased by a gang of youths and was beaten to death. This time the culprits were caught and brought before the Courts. In 1983 they got suspended sentences and were immediately released. Those convicted and freed held a "victory march" in Fairview Park. Equally disturbing, a news story contained in the Irish Queer Archive recounts the experiences of a man who went to a garda station complaining about queer-bashing months before the Flynn killing and "he was jeered and laughed out of the station". But later, the Courts took a much more serious view of a crime perpetrated by some of the gang. They got custodial sentences for stealing a car. A group of 'gay criminals' then decided to bravely protest and were joined by good citizens and held an historic gay march to Fairview Park in 1983. They were out in public and photographed, but they were creating change. In hindsight, this march has been designated as the first gay pride parade - a protest on the judgement that was seen to encourage and condone attacks on anyone, thought to be gay.

In 1988, while still a 'criminal', David Norris ran for and was elected to the Irish Senate and was the first gay person ever elected to a national parliament in the world. He took the Irish Government and its anti gay laws through the Courts and onto the European Court of Human Rights, represented by our soon to be, first female President, Mary Robinson. He won. This was a very politically volatile time in Ireland, especially in the human rights area, with the troubles in the North. Ireland often accused the UK of serious breaches of human rights. It now stood convicted itself. It took it 5 more years to merely erase the offending paragraph of the original Victorian laws – long discarded by the British. Culture and prejudice are difficult to move. In 1990, while still 'criminals', President Mary Robinson hosted a reception for lesbian and gay people in her official residence, where you were honoured guests yesterday. In 1990, only those who could be photographed, attended.

Recently, G Force made an impressive presentation to 18 young gay men from all around the country, who had undertaken public HIV charity events and given media interviews in their local and often rural communities. I suggested a scenario where they might have met someone over the internet, or in a pub, and the following morning might discover that their iphone, ipad or wallet was missing. In 2011, having met and been hugely impressed by G Force, only two of the 18 said they would consider reporting the crime. The cultural legacy that exists in the entire LGBT community, is rooted in their cultural anticipation and expectation of discrimination or bad treatment. It is a challenge for any society and any police force to work to overcome that. If it fails, the culture of concealment, will continue to be a breeding place for crime. It is real progress today where we have distinct designated LGBT Officers and G Force, an out and proud group of Gardai, who do so much voluntary work, to build trust and bridges, to counterbalance the mistrust of recent memory. Their dedication and effectiveness is to be applauded. The fact that it is a voluntary contribution to their daily work, is an excellent example of public service. With the Diversity Strategy and Human Rights Committees, the distinct LBGT services, these modest, named initiatives in An Garda Siochana, are an important step towards fair and effective community policing.

Things have changed radically and swiftly in Ireland for Lesbian and Gay citizens. There is protection from, discrimination in the workplace, incitement to hatred, unfair dismissal, and in accessing services. Frequently the police are called to pubs that refuse service to same sex couples or to same sex domestic situations. The role of the community police is crucial in presenting new societal values as expressed in law, rather than reinforcing residual, faith specific or current negative cultural values. We rely on our Police in a safe democracy. Same sex couples or singles aged 18 and over, are entitled to enjoy a drink in any public house in Ireland. They can book a weekend away in a hotel, walk the streets together with an expectation of being left in peace. They and our LGBT young people should be secure at school, in their homes, neighbourhoods and workplaces. That's the law. Law enforcers can not choose between law criminal or civil – enforcement of equality law is compulsory too.

Today, we have visible LGBT communities, Prides all over the country, an LGBT film festival, the biggest international gay theatre festival in the world, gay sports teams, advocacy and youth groups, thriving. Gay people are visible in the media and City Councils have been particularly good in flying Pride flags and flags with the word 'gay' on them, on the Quays, with media and broadcasters advertising gay events, including the first ever TV ad this year with the word gay featured. No controversy – just shared citizenship. There has been rapid progress and some admirable political leadership in Ireland.

There are negative signals still in law, of an inequality in status. Civil partnership is now valid in law and enjoys inclusive, wide celebration. These loving consenting adult partnerships can still not marry and are the only form of legal partnership not allowed to adopt children – even their partner's

children. What message does that send? The commitment of the Minister yesterday to amend this situation is welcome, commendable and reflects opinion polls show 3 out of 4 people now support equal marriage. The KAL case, where two legally married women in Canada, which only has one marriage law, are still battling for equity in taxation is ongoing here. There is still an exemption in employment equality legislation that allows employers with a religious ethos to discriminate to protect that ethos. This builds vulnerability and fear in our LGBT teachers and health workers, in State funded sectors like health and education, many still controlled by the Church. Amendment has been signalled politically.

Cat Mc Ilroy will elaborate more than I can, but I have to commend Lydia Foy's incredibly brave, invasive and long court battle resulting in change like, passports (where you have a validation role) and birth certificates and full legal acknowledgement of the true gender of a person will become law in the anticipated Transgender Recognition Act. The Equality Authority successfully supported Louise Hannon as she vindicated her rights to gender transition while in the workplace. There is great and rapid change, but it has had to be fought for, step by step. There has been progress, but it is done in the light of ongoing stigma. There are now campaigns to combat homophobic bullying in schools. Are you still fighting for recognition in your police forces and if so, why?

The tenth anniversary of decriminalisation saw the 2003 killing of young Brian Mulvaney in Dublin. The tragic murder of a young man who was perceived to be gay – he wasn't. What a horrendous price for a young man, his family and community to pay, for a construct, that still insists some are more equal, or better, than others. That case was solved, the killer Brian Willoughby, had a series of previous violent form against men he thought, were gay. He had knifed a man on College Green, inflicted dozens of cuts in an unprovoked attack on Baggot Street, stuck a broken bottle in the face of a student on the Number 15 bus, assault etc. In 2003, a proper life sentence was delivered by the Courts, as was the sentencing of his 15 year old accomplice. More recently, The more recent Frank Mc Cann murder, saw the same police station involved in the Charles Self case, conduct themselves in an entirely different manner and this time the perpetrator was apprehended and incarcerated.

Identity is important. Good police know their community. The community is diverse - therefore the service must reflect this, to be effective. Ireland protects people from discrimination across nine grounds, though we know there are many more grounds on which people experience prejudice and unacceptable behaviour. For centuries we were an isolated nation. Now we have over 180 different nationalities living here. The second language spoken in Ireland is no longer Irish – it is Polish. We introduced divorce for the first time in 1996 – there are now new families. Our population is ageing and ageing well. We have been rich, we have less now. Diversity as a tag, is not an adequate description or valuation of such change. The term diversity can never replace identity.

Any attempt by a police practice to impose a definition on what is an 'Irish' person is today is full of risk. Services and activities that rely on a traditional or limited definition are exclusionary and flawed. When the definition is unspoken in the workplace, it is impossible to measure, assess and act upon. Any attempt to split society into two groups – those we recognise as 'like us' and those who are 'different' is equally flawed and inadequate. The challenge for the police is not to make a 'one size fits all' service, but to recognise and respect valid cultural difference and respond respectfully and efficiently to that opportunity, to fully understand our complete identities.

Police operate in a hierarchical institution, built on respect for law and rank. It is tradition and often a proud one. Real change happens when change is understood by senior management. Good policing can not 'consent to giving' people their human rights to participate in society. It must demonstrate a capacity to recognise and uphold these rights, in all people, as many of our laws do. That is a true culture of diversity – that is a key to good community policing. You police people, not categories or labels.

The embracing of respect can remain fragile in a historically constructed 'macho' police environment. Machismo is fake and insecure. How 'macho' was Cory Aquino when she stood in front of moving tanks to democratise her country. How macho was Ghandi or is Aung San Suu Kyi? Strength comes from knowledge and courage. Strength comes from the absence of fear. Perceived difference breeds fear. Policing services are challenged, when they may only be designed to respond to a society populated by those who 'look like' or 'behave like' them. Mono – policing fails the diverse community. It leaves people unprotected and vulnerable to crime. It creates an environment where the criminal thrives on the minority's reluctance to report crime, in the absence of a respectful and safe environment. Pro-active equality and diversity engagement and implementation, counterbalances the criminal opportunity.

The real skill is to see and understand the constructed difference. It is a test began by the Gardai in December 2001 when they expanded their LGBT service from one officer to 14. By 2003, the new Equality Authority and later the NESF, recommended that training be made available to all legal and judicial people on LGB issues, including the police. This year, the Garda Diversity Strategy Board, of which I am a member, was active in ensuring that the progress made by this vital, identifiable service, remained distinct in its LGBT identity. The accounting technique of 'one size fits all' attempts to consign different identities to the all encompassing, but opaque label of 'different'. It is a flawed premise. The first thing we owe our people is their identity, and they have the right to name themselves.

In Ireland, the Gardai have made important strides towards embracing the new diverse Ireland. Traditional intimate communities have broken down during the Celtic Tiger and many built gates to separate themselves from their neighbours. Recently, in county Wexford, two cases of men who lived alone, remained dead in their homes for months, in small rural intimate towns. This is

a shocking change for a traditionally intimate society, like Ireland. There is a high rate, particularly of young male suicide, in rural Ireland. Often only in such tragic cases, do families sit down and for the first time, consider their son or daughter might have been gay and an appeal, all too late, is made to the gay community for information. Then notices of missing teenagers and adults go up in gay bars. This is a tragic cultural residue, often made too late..

New proposals from Government indicate there will be a positive equality and human rights duty soon on the public sector. Policies and practices will have to reflect that ethnicity, sexual orientation, faith, civil or family status, gender identity, membership of the Traveller Community, age, are not the things that separate us – they are the common characteristics of us all. The cultural differences of some ethnic or faith communities are frequently at odds with those in the LGBT community. The attempt to confuse the skill of an ethnic liaison officer with those of an LGBT officer fails that test. It is not a difficult task to identify conflicting needs and to respond accordingly, especially when backed up by important and strong equality legislation and crucially, managerial leadership. That is the fuel on which effective community policing can continue to progress. It takes just a little time and effort. Minorities will often welcome contact, based on respect.

The response of the Gardai has been proactive in embracing many of the facets of the changing Ireland. But is it embedded yet? There is a committee on human rights and one on diversity strategy. They have good people, who are committed. It is a structure whose pro-activity will serve the Force well. There is a small racial, intercultural and diversity office with a tiny group of excellent people driving this positive change. The real test of change remains for senior management. Is this good work still vulnerable to personality change at senior levels or is it truly embedded and proactive in a Force, wanting to serve all who make up the community in Ireland today? Excellent community police have stepped out from behind their desks to respond to needs in their own local community, from connecting new cultures through sport, to Garda Phil Temple's transgender outreach initiative, to a national consultation with NGOs, representative and Statutory bodies. And yet, it is no secret that there have been difficulties in facilitating this very high profile event, which has brought honour to our police force and our country, for hosting it in Dublin this year. It remains to be seen if there is any negative impact on promotional prospects, by your completion of your personal identity in the workplace, and making your skill set available to the State and the community, rather than just seeking to blend in to the flawed sterility of sameness. But, we have laws to protect you from any such discrimination in Ireland. There is always more work to be done when we strive to serve our employees and our communities well.

Diversity means difference – but it is not for people to be declared or labelled different. It is for the services of the state to develop the knowledge and capacity to respond to different needs. In doing so, it will see clearly the amount of commonality that exists, amongst all peaceful and law abiding people. Those who don't, or don't want to, embrace this opportunity, may plead the 'cost factor' in offering distinct services. How much does changing

your attitude cost? – nothing. Attitudes change more rapidly when there is leadership from the top. Attitudes that have been embedded in policing culture for decades, will not be changed in any meaningful way overnight. They will not be changed by holding a conference, tolerating a small diversity project, setting up a committee, while concealing the old ways at the core.

It is often said that you are more likely to 'do business' in a place where you can 'see yourself' behind the counter. How many citizens see themselves reflected in their police force? It is a recognised essential in the North of Ireland to have religious diversity, for trust, for peace. In countries of conflict, like Afghanistan and Iraq, an essential priority of transition, is to train the local people, to form their own police forces, that reflect fair laws. We have our own different identities here and these too present a meaningful opportunity for recognition and respect, to properly police within our communities. It is about the Force reflecting diversity, recognising it and having the capacity to respond. That is well within the scope of a Force, whose proud tradition of being un-armed, has been a huge assistance in building respect and cooperation throughout society.

This human rights event, just like the fight for women's rights which gave momentum to the fight for black and ethnic minority rights, which gave momentum to the fight for Gay rights, which gave momentum to the fight for transgendered rights, all have one common result. People live better and fairer lives. The potential for criminal exploitation is reversed. Those advocates for change, created the space for society to shake off the value system, that imposed different statuses on people. Their success created a more open and equal society. One that develops and values distinct and respectful cultures. This is the community we all strive to serve today. You can not practice effective community policing, unless you know, embed and embrace the opportunity, knowledge and culture of equality. Prejudice prevents that change. Prejudice prevents good policing. Equality is the opportunity to do better.

This event has done the police some service. Your presence as LGBT officers, safely working in your own police forces, serves you well. It serves the police well. You are an example of positive identity, of positive difference, of real change and building a real sense of true community within and beyond your workplace. We are all challenged by our cultural past. We see the opportunity for equality in a modern context, not offered to many previous generations, to get to know our diverse community, as it exists today, in every locality. Nothing can be revealed, as long as people have to hide their identity. Nothing will be entrusted by people who don't trust you. Nothing can be achieved for equality and diversity, if you do not experience it, first hand, in your own workplace. Crime thrives in the security of unchallenged and enforced prejudice. An open, fair, policing service, which practices and reflects the principles of equality and diversity, is the pillar on which our stable pluralist democracy, can rely upon. It is up to all of us to work to achieve that goal, within our communities, respecting distinct identities. Your work this week is another significant step forward. It is a positive public message that the police forces in Europe are working to understand how to serve the entire

community effectively and with respect. I hope your message will be listened to and that Senior Gardai will now include that inclusivity in all their dealings, policies and strategies at home and abroad from now on. Congratulations on making a difference in Stonewall anniversary week though the battle is not over yet. Enjoy your Pride celebrations.