

# Parading Resilience: Sexual Minority Rights in Northern Ireland

Written by Marian Duggan

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MARIAN DUGGAN, JUN 8 2016

In Northern Ireland, a dominant intersection exists between morally conservative Christian religious and political perspectives. This has been evident in the many harmful and inflammatory comments made by high-profile Northern Irish politicians against homosexuality, and remains an impediment to implementing rights and liberties for people from lesbian, gay, bisexual, transgender, queer and intersex (LGBTQI) communities. In recent years, participants and organisers of Belfast Pride are among those who have drawn attention to politicians' negative perspectives. As will be demonstrated in this article, Pride provides the political platform needed to publicise the continuing inequality issues facing LGBTQI citizens and their families. It therefore offers a vital and increasingly important socio-political opportunity for resistance and effective change.

### Background Context

A lot of parades take place annually in Northern Ireland. Occasionally, these invoke a level of contention as a result of the historic socio-political divides drawn along national and religious identity lines between 'Catholic/Nationalist/Republican' and 'Protestant/Unionist/Loyalist' sides. These divides are both psychological and physical. Many areas of Northern Ireland – from streets to whole towns – may be labelled in a way that reinforces a 'separate but equal' philosophy underpinning this 'two-community' approach. The most famous examples are the Republican Falls Road and Loyalist Shankill Road in Belfast. Once home to many of those involved in the height of the often violent ethno-political conflict known as the Troubles, these popular tourist areas are today adorned with paintings, murals, flags and quotations linked to the particular history of the community affiliated to either area. They are also still divided by huge gates serving as peace walls which would be closed at night in order to segregate members of opposing communities and quell violent tensions. The signing of the Belfast (Good Friday) Agreement 1998 signalled an end to the worst of this violence and a commitment to ensuring a more peaceful coexistence in the 'new' Northern Ireland.

Many of the annual parades are hosted by members of Protestant/Unionist communities, with some invoking (and celebrating) of historical sectarian events. Media reporting on Protestant/Unionist marches through primarily Catholic/Nationalist areas have contributed to the stereotypes of fear, violence and hostility by focusing on events which have resulted in violent clashes. Initiatives such as establishing a (now defunct) Parades Committee and rerouting parades to offset hostilities have perhaps contributed to the negative perception held about parades in Northern Ireland.<sup>[1]</sup> Therefore, it is unsurprising that tensions were high this year in advance of the Catholic/Nationalist events commemorating the anniversary of the 1916 Easter Rising. However, the largest of these parades and events progressed without incident as they took place in West Belfast and County Derry. These areas are characterised as Catholic/Nationalist/Republican. Thus, no transgression of territorial boundaries occurred.

### Politics and Gay Pride

Gay Pride Parades in Northern Ireland are somewhat unusual in that they are not exclusionary on the basis of identity politics. As well as being open to heterosexual attendees, Pride – as well as wider LGBTQI communities, organisations and spaces – is among one of the few visibly and proudly non-sectarian events to take place in

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Pride emerged from and commemorates the struggles of those who were involved in the Stonewall Riots. On 28<sup>th</sup> June 1969, the New York Police carried out another unwarranted raid on the Stonewall Bar in Greenwich Village, New York. This prompted a violent demonstration whereby members of the LGBTQI community occupied the Stonewall Bar and for three days fought back against the Police. Along with other civil rights movements taking hold in United States at the time, LGBTQI communities in the city began organising against homophobia. As a result, the Stonewall Riots are considered a key moment of gay resistance. The following year, commemorative marches took place in New York, Los Angeles, San Francisco and Chicago, and the Gay Pride movement – characterised by the parade – was born.

Although global variations exist with respect to the messages these Pride events seek to elicit, the political underpinnings of Pride remain fundamental. In Northern Ireland, the first gay Pride parade took place in Belfast in 1990 with a handful of people in attendance. Over the years this has grown to attract tens of thousands of attendees annually. Events have also been established in smaller cities and towns such as Derry, Strabane and Newry. The organisation of Pride is about much more than the parade. Included are week-long series of community events, workshops, talks, publicity and awareness raising activities. This has been particularly important for members of trans\* communities where activism, advocacy and visibility have developed significantly in recent years. A key area of current concern is the failure to recognise gender identity hostility in hate crime legislation in Northern Ireland. Although the Police Service of Northern Ireland have been recording incidents of transgender hate crime since 2007, the relevant laws have not been updated to include gender identity as they have been elsewhere in the UK. This means that although police data on transphobic hate crime exists, legislation to recognise this particular hostility if a conviction ensues does not.

## Socio-Legal Barriers to Equality

Discrepancies in criminal justice responses to LGBTQI issues across the UK are historically evident. Next year, many members of LGBTQI communities in the UK will celebrate the 50<sup>th</sup> anniversary of the Sexual Offences Act 1967. This Act partially decriminalised homosexuality among men aged over 21 years of age in England and Wales. Northern Ireland, however, has a bit longer to wait for their celebrations: until 2032 to be exact! Plans to extend the 1967 Act to Northern Ireland were immediately blocked following ferocious opposition by a prominent church leader (and at the time, soon-to-be prominent politician), the late Dr Ian Paisley. His 'Save Ulster from Sodomy' campaign invoked every available negative stereotype, fear and assumption about homosexuality to prejudice people into supporting this opposition. The campaign worked for a time, but a challenge brought by Jeff Dudgeon under Article 8 of the European Convention of Human Rights resulted in the favourable ruling. In 1982, homosexuality was partially decriminalised in Northern Ireland as per the European Court of Human Rights judgement. Whilst a victory in many senses, little did the campaigners know that this protracted legal route would be a precedent, indicating the way in which further LGBTQI rights, freedoms and equalities would be fought for in subsequent years.

The theme of this year's Pride parades in Northern Ireland is access to equal marriage. In a manner reminiscent of the 1967 Act, efforts to extend the Marriage (Same Sex Couples) Act 2013 to Northern Ireland have been repeatedly blocked by Unionist politicians. In each previous attempt to extend the 2013 Act, a petition of concern<sup>[1]</sup> was tabled by Unionist representatives in advance of the vote, meaning that the motion would require cross-community support from *both* Unionists and Nationalists in order to succeed. Politicians opposed to the Act rely on unsubstantiated claims that the legislation is not needed or desired, and that the availability of Civil Partnerships should suffice. Like many other rights and equality battles fought by LGBTQI community members, this has galvanised advocates to provide actual evidence of support for the Act in order to counter such claims. Research by the Northern Irish Life and a Times survey have demonstrated the gradual, positive shift in attitudes towards homosexuality and people who identify as lesbian or gay, including support for equal marriage. Similarly, other reports indicate that 68% of people polled in Northern Ireland support marriage equality being implemented. This is greater than the 62% of people who voted 'yes' in the Republic of Ireland referendum on equal marriage in May 2015. Calls for a similar referendum on equal marriage in Northern Ireland have emerged as a result of the outcome in the Republic. However, these have been opposed by LGBTQI advocates who believe that keeping it as a political decision means that homophobic

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politicians are forced to state and account for their prejudice in a public forum.

The equal marriage issue has also been in the headlines following the 2015 ruling against Asher's Bakery for breaching equality regulations. The Bakery refused to fulfil an order for a cake iced with a slogan supporting equal marriage in Northern Ireland. This led to heated discussions about the implementation of equality legislation which, for some, detracted from the original issue of highlighting marriage inequality. The original ruling decided that the Bakery discriminated against the complainant, a gay man, on the basis of his sexual identity. However, legal representatives for the Bakery are appealing this decision on the grounds that the ruling compelled their clients to comply with a request that fundamentally opposed their personal religious and/or political beliefs. Regardless of the outcome of this appeal, legislative change may be on the horizon. In the most recent round of elections to the Northern Ireland Assembly, 58 of the 108 politicians elected to office are open in their support of equal marriage. This may mean that a sixth attempt to enact legislation has a greater chance of success in bringing Northern Ireland in line with the rest of the UK on this issue.

Demographical data indicates a more even number of Catholics and Protestants in Northern Ireland, and an increasing number of people now consider their identity to be 'Northern Irish'. This changing nature of society could mean that political elites are held to greater account for the impediments they impose on LGBTQI rights, equalities and freedoms. If this is the case, then future gay Pride parades can concentrate on celebrating the more positive aspects of LGBTQI communities, families and achievements in Northern Ireland.

## Notes

[i] Jarman, N. and Bryan, D. (1996) *Parade and Protest: A Discussion of Parading Disputes in Northern Ireland* University of Ulster, Coleraine

[ii] The 1998 Belfast (Good Friday) Agreement included several legal tools designed to ensure that a fair and representative government would ensue wherever possible. One such tool is the 'Petition of Concern'. This allows politicians to effectively veto any proposed motion if they believed this to be harmful to the ongoing peace process. These arrangements are designed to ensure that political decision-making and related policy implementations are fair, equal and representative. However, in some cases they may serve to enhance the dominance of Unionist parties' socio-political positioning. The power-sharing agreement outlined a need to account for both perspectives, yet it is often the will of the Unionist parties which dominates decisions, particularly when a 'petition of concern' is used in this manner.

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## About the author:

**Marian Duggan** is a Lecturer in Criminology at the University of Kent's School of Social Policy, Sociology and Social Research. Prior to joining the University of Kent, in 2014, she taught a variety of Criminology, Sociology and Law modules at Queen's University Belfast, Sheffield Hallam University and the University of Central Lancashire. Her research interests focus on informing policy and practice to reduce sexual, gendered and hate-based victimisation. She has published widely in these areas, including her books *Queering Conflict: Examining Lesbian and Gay Experiences of Homophobia in Northern Ireland* (2011) and *Administrating Victimization: The Politics of Anti-Social Behaviour and Hate Crime Policy* (2014), co-authored with Vicky Heap.