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Time to offer redress to thousands of gay people affected by the unjust law in the North

**The law had a harrowing effect on the lives of thousands of gay people in the 1970s in the North**

An unsung aspect of the Troubles was that it created a safe space for Belfast’s gay community. The city centre was cordoned off at night, but a gay bar, the Chariot Rooms, remained open. “The only people that came out at night were gays,” recalled Jeffrey Dudgeon, now a UUP councillor in Belfast. “The fact that the war was going on around us meant that we were in charge.”

To get to the Chariot Rooms, they would have to pass through the army checkpoints. The soldiers were friendly, and bantered with them. “On dark nights, they were pleased with any diversion.”

The war itself was not a threat. “We were concerned the paramilitaries would come for us. Luckily, they came for each other. That was how we survived. What we suffered from was emigration. Gay people didn’t hang around in Northern Ireland.”

Unlike Britain, but like the Republic, the 19th-century laws prohibiting gay sex remained in force in the North. The owners of the Chariot Rooms, Ernie Thompson and Jim Kempson, had served sentences in the late 1960s. Dudgeon and friends in the North’s nascent gay rights movement would be arrested in a round-up in 1976. (They were never charged - due to pressure from London, Dudgeon believes.)

Dudgeon challenged those laws, winning a case at the European Court of Human Rights in 1981, seven years before David Norris. Some 35 years later, he is now championing a logical follow-up: the pardoning of men convicted under the laws that he previously helped overturn.

The pardons issue came to the fore with the case of Alan Turing, the World War II code-breaker whose story was told in the film The Imitation Game (Turing was played by Benedict Cumberbatch). Turing was convicted of gross indecency in 1952 and chose the option of chemical castration over a prison sentence. He killed himself two years later.

Turing received a posthumous royal pardon in 2013. Momentum gathered for a pardon for others similarly convicted.

The British government responded by amending the Policing and Crime Bill, currently making its way through Westminster, to include provision for pardons for men convicted of various homosexual offences under legislation dating back to 1533. But criminal justice is a devolved matter: this bill would not apply in the North.

Dudgeon lobbied the Northern justice minister, Claire Sugden, an Independent Unionist, who brought the issue to Arlene Foster and Martin McGuinness. Within 48 hours, Sugden had approval to bring a “legislative consent motion” before the Assembly, to allow the pardons provisions be extended to the North. That motion will be debated tomorrow [Monday], and is expected to pass.

In the meantime, Dudgeon persuaded the Conservative peer, Lord Lexden, to put down the requisite amendments to the bill in the House of Lords. The bill is due to complete its passage through Westminster early in the New Year. Forty thousand men, whose only offence was to have sex with a man, will duly be pardoned.

It’s a good example of how politics sometimes works: the issue was put on the agenda in Britain by a popular campaign and given momentum by a hit film - but it took some deft lobbying by an individual politician, under the radar, to bring about its likely implementation in the North.

So will we follow in the South? Information on the cases involved is scarce. In 1979, the Dáil was told by the then minister for justice that there had been 44 prosecutions and 24 convictions for “homosexual offence” in the previous three years. I have been unable to find similar information for other years on the Dáil record. In 1975, Nell McCafferty reported in the Irish Times on the prosecution of two men for having sex in a public toilet. The younger of the two was 25; a psychiatrist testified on his behalf that he could be “treated” and ultimately marry and have children. The older man was married; his solicitor testified that the man’s wife was “a very nice woman” and that he would lose his job if convicted. “The law’s the law,” said the judge, but he took sympathy on them, and merely bound them to keep the peace.

David Norris recalls supporting numerous men charged with such offences through the Irish Gay Rights Movement, which he co-founded, up till the late 1970s. In some cases, he says, men were sent for therapy in place of custodial sentences (as happened to Alan Turing).

A retired lawyer I spoke to last week recalled defending men on such charges in the 1970s, a number of whom were convicted. In one successful prosecution, a Garda sergeant gave evidence that he had hidden in the front garden and peeped through the window to witness the men having sex. These cases often caused those charged “great anxiety”, the lawyer said; some were “absolutely terrified”.

For most of those involved, the damage is done. Many are dead. Their families may never have known, may have forgotten or may not care. Those alive may not wish to revisit their cases, or may feel that accepting a pardon would mean conceding that they did something wrong in the first place. Perhaps men like Ernie Thompson and Jim Kempson, who created a safe space for Belfast’s gay community at the epicentre of the Troubles, should be getting posthumous honours rather than pardons.

There is no way to fully rectify historical wrongs, and it would be impossible to rectify all such wrongs. But the best should not be the enemy of the good. There is an opportunity to offer some small redress to men whose lives were blighted by the long arm, and peeping eyes, of an unjust law. It should be taken.