

Press release

Minister McEntee publishes report on disregarding certain historic convictions related to consensual sexual activity between men

From [Department of Justice \(/en/organisation/departments-of-justice/\)](/en/organisation/departments-of-justice/)

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- Working Group provide detailed recommendations on introduction of a scheme based on extensive stakeholder engagement
- scheme will seek to meaningfully address some of the harm caused to affected men and the wider LGBTQI+ population

The Minister for Justice Helen McEntee has today published the final report and recommendations of the Working Group examining the Disregard of Convictions for Certain Qualifying Offences Related to Consensual Sexual Activity between Men. The report contains 95 recommendations regarding the introduction of a statutory scheme to enable the disregard of relevant criminal records.

Speaking today, Minister McEntee said:

“Nearly 30 years on from decriminalisation, Ireland has become a much more tolerant society. But there are many people who still feel the hurt and stigma created by the laws that criminalised consensual sexual activity between men.

"Today marks an important moment in our efforts to exonerate those impacted by these outdated laws and address some of the lingering harms of the past. While we cannot undo the hurt inflicted on people who were discriminated against for simply being themselves, I do hope that today's report brings us closer to something that can address the harm done to generations of gay and bisexual men."

The report makes a number of recommendations on eligibility standards, the application process that should be followed and the offences to include in the scheme. It states that applications for disregard can be made on behalf of deceased persons and that emigrants and citizens of other countries who were affected can apply. In addition, formal statements may be accepted where no records in respect of the conviction are available or do not contain the detail required to ascertain if the eligibility criteria have been met.

The Working Group met eleven times during its tenure with follow up and wider outreach activities occurring between each meeting. A public consultation on the development of the scheme was also held between November and December 2022. This consultation received 148 submissions from individuals and stakeholder organisations.

Minister McEntee added:

"I want to thank the Working Group for carrying out the detailed and thorough work necessary to complete this report. I also want to thank all those who contributed to the public consultation, I know that the input provided through the consultation was invaluable in shaping the final recommendations for a number of key issues in this report.

"Both the Programme for Government and my department's Justice Plan commit to putting a disregard scheme in place. I now look forward to considering the report's recommendations with a view to progressing the introduction of a statutory scheme."

Notes

The Final Report and recommendations of the Working Group can be accessed below.



Final Report and recommendations of the Working Group

[Download \(https://assets.gov.ie/261368/cc6fecf3-e3b0-4dd3-ad34-c9cb12ba1280.pdf\)](https://assets.gov.ie/261368/cc6fecf3-e3b0-4dd3-ad34-c9cb12ba1280.pdf)

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The Summary Report on the Public Consultation can be accessed below.



Summary Report on the Public Consultation

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The criminalisation of consensual sexual acts between men in Ireland came into effect prior to the foundation of the State and remained in place until its eventual decriminalisation in 1993. This criminalisation is now widely recognised as an affront to human dignity and a significant historic injustice.

In 2018, the government announced plans to bring forward proposals for a scheme to enable the expungement (or disregard) of criminal records for qualifying offences, where the sexual acts involved would now be lawful. A Working Group was established consisting of representatives from the Department of Justice, An Garda Síochána, the Office of the Attorney General, the Irish Human Rights and Equality Commission (IHREC) and individuals from the LGBT community with expertise in this area to examine how this could be progressed.

In May 2022, the Department of Justice published the Working Group Progress Report, which contained a number of recommendations.

From 3 November to 9 December 2022, the Department of Justice held a public consultation on a number of the key issues related to the development of a disregard scheme.

This consultation received 148 submissions from individuals, LGBTQI+ representative organisations, other non-governmental organisations, trade unions and political parties and representatives. In between these activities the Working Group met eleven times with follow up and wider outreach activities between each meeting. This final report of the Working Group represents the culmination of all outreach and deliberation by the Working Group.

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