

“The Remarkable Journey towards Equality and Civil Marriage for Lesbian and Gay People in Ireland”

Presentation to Centre for Criminal Justice & Human Rights, UCC

CCJHR

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Advisory Board, Centre for Theory of Change, New York

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From Criminalisation to Civil Marriage

- **1993** – Decriminalisation on the basis of equality
- **1998** – Powerful Equality legislation
- **2010** – Marriage-like Civil Partnership Act
- **2011** – Finance Act; on a par with marriage
- **2014** – Children and Family Relationships Bill; equality based
- **2015** – Referendum on the Right to Marry



**Civil Partnership and Ireland:
How a Minority Achieved a Majority**

A CASE STUDY OF THE GAY AND LESBIAN EQUALITY NETWORK



**“This is one of the
most important pieces
of civil rights legislation
to be enacted since
independence...”**

Center for Evaluation Innovation, 1 November 2012





- GLEN consistent policy is that **Civil Marriage is the ultimate equality option**
- But...we also campaigned for and welcomed **progress towards that goal**
- **Couples urgent and immediate needs were at the core of our concerns and our campaign**
- GLEN deliberately decided to take legislative route through Oireachtas
- Goes to the heart of differences in strategies of different marriage campaigns



- Engagement with three Governments & four Ministers for Justice



The Remarkable Journey to Equality.... ... Through a Recession

**1. 2006:**

Colley Group

2. 2006 Dec:

Labour Civil Unions Bill;
GLEN supports

3. 2006 Dec:

KAL case loses

6. 2008 June:

Heads of Bill Published:
Immigration procedures
changed to include
same-sex couples

9. 2010 July:

Bill passed -
without vote in Dáil;
48/4 in Seanad

13. 2013 April:

Constitutional Convention overwhelmingly
called for a change to the law to ensure equal
status for lesbian and gay couples and their
families

14. 2013 November: Government commits to
holding a referendum on civil marriage in 2015

2006**2007****2008****2009****2010****2011****2012****2013****2014****4. 2007:**

Programme for Government;
Delay pending Supreme Court
Appeal

5. 2007 Nov:

Lenihan removes pending
delay

7. 2009 June:

Bill Published

8. 2009 Dec:

Bill introduced in Dáil

10. 2011 Jan:

Civil Partnership 'live'; first couple formally
recognised - Immigration/Stamp 4

11. 2011 April:

First Civil Partnership

12. 2011

Tax, Citizenship equalised

15. 2014 January:

Government publish
plans to recognise
lesbian and gay
families



- 2006: **Colley Group Report was critical foundation**
- A key part of our consensus-building strategy: ‘independent’ ‘official’ support.
- Arose from **engagement with Minister Michael McDowell**
- GLEN’s Eoin Collins persuaded Group to set out **Civil Marriage as only equality option.**
- Or full civil partnership **if marriage constitutionally vulnerable**
- KAL Case **loses in High Court**



- 2006: Labour Party say to GLEN “**we have a Civil Unions Bill; will you support?**”
- Labour say Referendum necessary
- Labour Bill based on Colley
- Our **inflection point**
- We strongly support their bill; it was widely welcomed; Dáil visitors gallery packed; Government votes against
- However, agenda is **advanced strongly**





- 2007: **General Election:** Commitments in **every** party manifesto
- FF/Green Programme for Government **on basis of Colley** but also **pending Supreme Court Appeal in KAL Case**
- (appeal dropped in 2012)



- Critical to get that pending KAL appeal **delay removed**
- **Urgent needs** of lesbian and gay couples are our priority
- Noel Whelan ...

*“[Senator Jim] Walsh and others in the Parliamentary Party who oppose civil partnership for same-sex couples were clearly relying on the traditional strategy of those who oppose reform – **delay**.”*



- **Role of Advocacy Group?**
- Critic? Hurler on the ditch?
- Or Active engagement and Participation?
- Taking part responsibility for in Delivery?
- With elected representatives, key departmental officials etc.
- **Persuasion: to win as a minority, you must build a majority**
- Minister Brian Lenihan removes delay
- 2008 Heads of Bill published



- 2009: Civil Partnership Bill Published
- GLEN strongly welcomes
- Strong opposition from those opposed to civil partnership on basis that too close to marriage
- 30 FF Backbenchers sign motion to Government
- Cardinal Brady and Catholic Church strongly oppose
- Strongly opposed by those whose position is 'marriage or nothing'. Bill torn up at Dublin Pride.





- A Campaign for Civil Marriage... became a Campaign against Civil Partnership?
- Refusal to deal with facts .. that overwhelming legal and political opinion considered a civil marriage bill to be unconstitutional
- Prepared to block fundamental and immediate progress for couples ... that Civil Partnership would bring
- In favour of the ultimate answer ... at some indeterminate time in the future
- Akin to religious certainties ...



- “hard cases make bad law” ... we were told when we raised couples in dire need of immediate answers
- “Civil Partnership would remove momentum for Civil Marriage” ..
- “Just introduce amendment to Civil Registration Act” ... still waiting for a Private members Bill
- The Civil Partnership to Civil Marriage strategy was successful
- “Civil Marriage or nothing” ... couples would have nothing now .. and far less chance of a successful Referendum



- Eamonn Gilmore's 2009 strategy for achieving marriage building on civil unions:

“In the meantime, there are immediate, unmet, needs that should not be postponed until such a referendum is held. Waiting for the best should not be a reason for delay in bringing about the better.”





Eleanor, Teresa and their Dads, Enniscorthy 2011

- **Role of Advocacy Group?**
- **The Need to Hold Your Nerve**

“it would be unconscionable to say to couples, ‘we know that the bill will provide you with legal answers to your urgent problems, but we will oppose it because it is not marriage”
GLEN chair Kieran Rose at public information meeting on Bill.





Alper and Paul, Dublin 2011

- **Joan Hart, PA Consulting** (from GLEN evaluation):

*Our clear understanding is that, had GLEN persisted with its preferred option (i.e. full marriage), civil partnership was at risk of **going off the political agenda completely**. GLEN understood this risk and made a calculated decision to pursue civil partnership and the legislative protections it brought.*
- Ministers and officials have many competing priorities

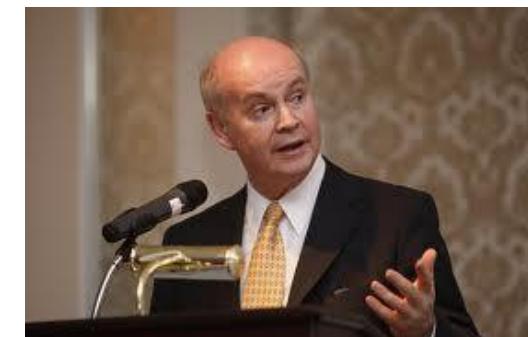


- 2009 & 2010: Civil Partnership proceeds through Oireachtas
- Powerful speeches in the Dáil and Seanad
- ‘Conscience’ clause spoiler rejected by Minister Ahern and all Parties
- **Praise works**
- ‘A victory all can be proud of.’
- **How you win is as important as what you win**

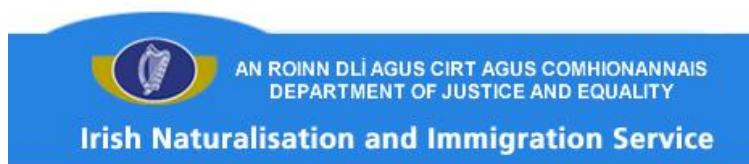


- Minister Pat Carey, speaking after passage of the Bill:

*“There was **never** an element of inevitability about the introduction of civil partnerships in this country...To be honest, when the Bill was introduced, many of us thought it would not get through the Dáil without a vote, and there was a **serious danger** that it **wouldn’t** get through at all...I must pay tribute to the work of GLEN for your advocacy, your **quiet advocacy** and your powers of persuasion.”*



- Civil partnership provides **almost all the rights and responsibilities of marriage**, with the exception of **parenting**, which will be addressed by the **Children and Family Relationships Bill**.
- Other differences are in areas that are not materially significant in order to ‘fireproof’ from Constitutional challenge.
- Equality implemented across full range of government services including immigration, social welfare and tax.



(2) Treatment of Civil Partners in immigration cases

A civil partner, as defined above, will be treated as equivalent in immigration matters to a person who is married to another person of the opposite sex where the marital relationship has not been dissolved or is the subject of a decree of nullity. In summary, the immigration authorities will treat a civil partnership in the same way as marriage.

Any references to marriage in the information notices on this site can be read as applicable in like manner to civil partnership.



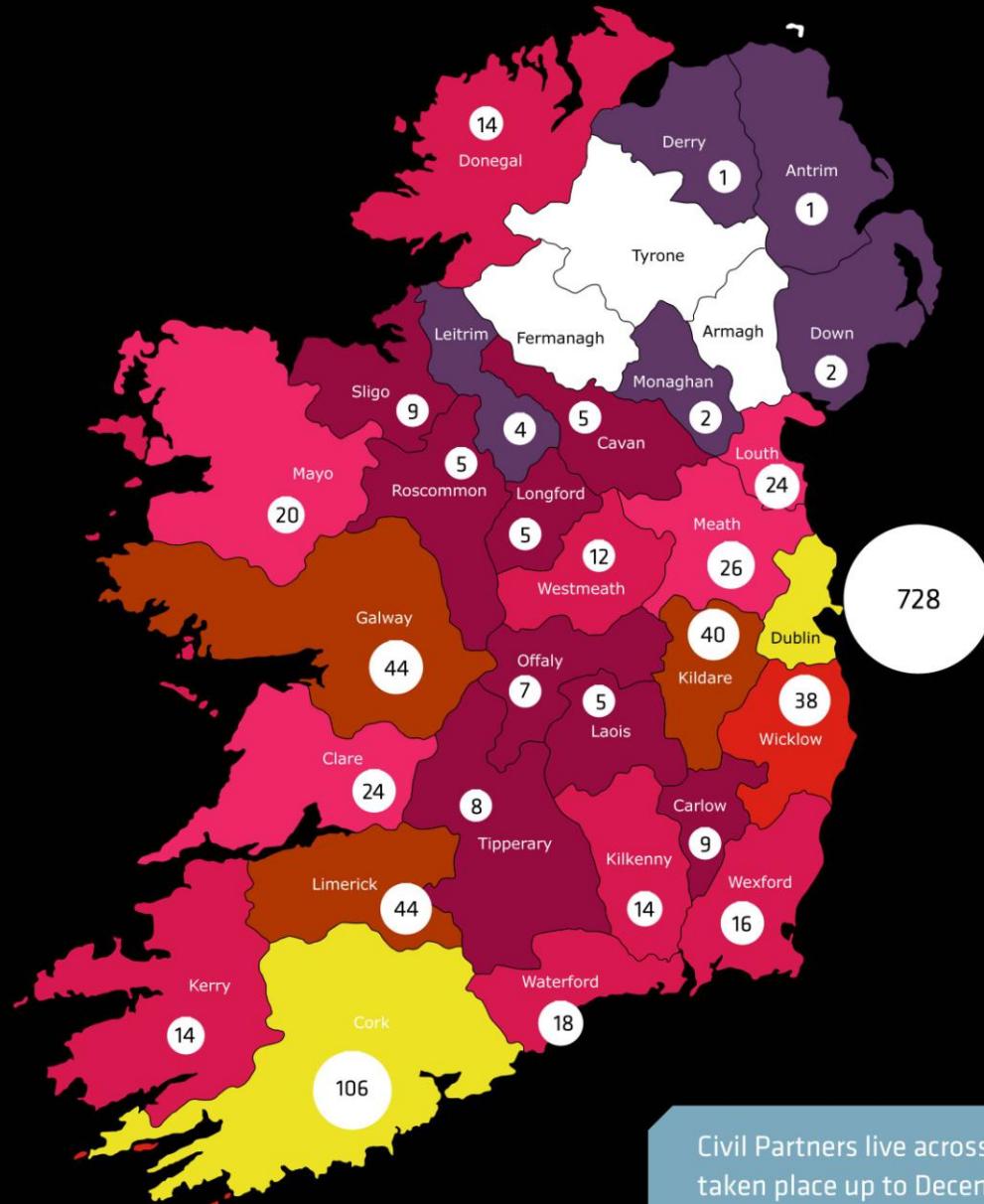


Hugh Walsh and Barry Dignam, Dublin 2011

- **April 5th 2011 First Civil Partnership:**
- **1,303 Civil Partnerships to end Dec 2013**
- Every County in Ireland
- All ages
- From Ireland and **72 Countries**
- Foreign same-sex marriages and civil partnerships automatically treated as CPs from Jan 2011.

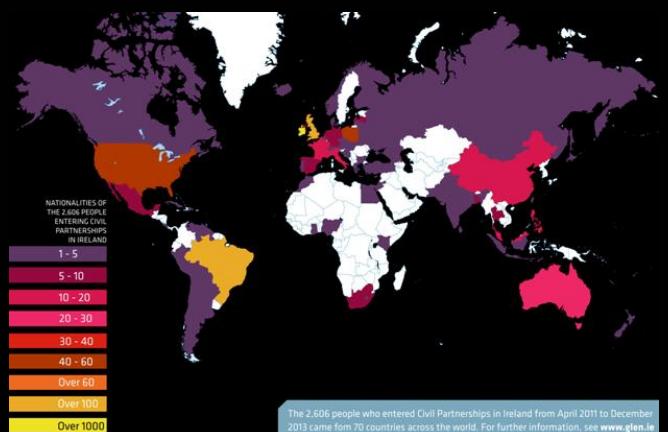
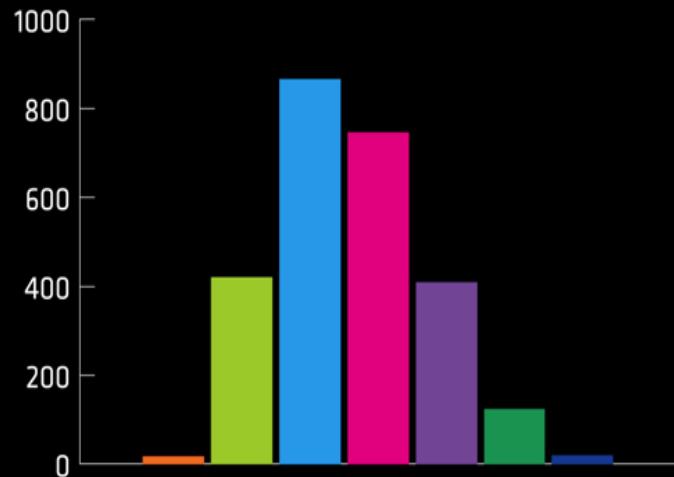


Civil Partnerships 2011/13 Where couples live



Ages of the 2,606 people entering Civil Partnerships in Ireland

TOTAL April 2011 to December 2013



Civil Partners live across every county in Ireland. 1,303 Civil Partnerships have taken place up to December 2013. For further information see www.glen.ie

EQUALITY

RESPECT

PROGRESS

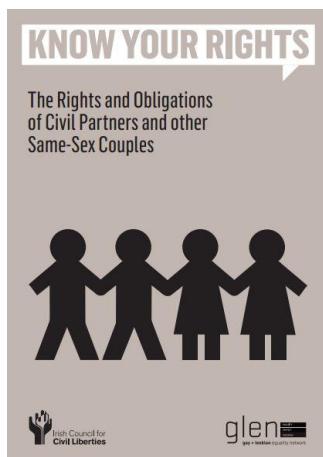


- Momentum for Marriage Intensified:
- Major cultural shift
- GLEN steps up our campaign for civil marriage in 2012
- Longford Leader Editorial, July 2012

"For many people the term 'civil partnership' has become interchangeable with the term marriage... As far as they are concerned they are attending the 'wedding' of their gay or lesbian friends....The reality is that the tide of public opinion has just shifted towards an acceptance of gay marriage".



Campaign against Civil Partnership; 160 Differences?

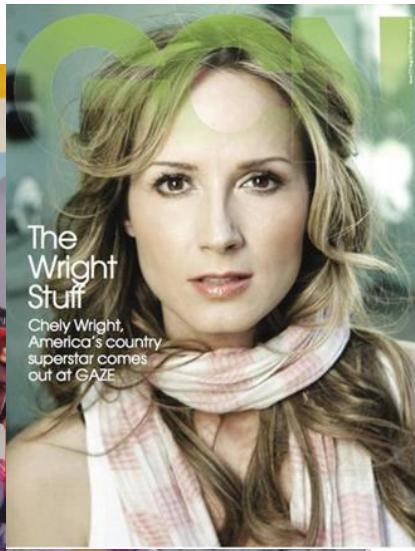


- **Noel Whelan, July 2012:**

“Forcing the issue in a haphazard way is counterproductive. Emphasising or...overstating the gap between civil marriage and civil partnership now only serves to endanger the success of a future referendum campaign but also runs the risk of disrespecting those who have entered into CP by somehow suggesting they are complicit in their own discrimination.

The opposite is the case because those couples are pioneers who have helped to radically alter the perception of lesbian and gay relationships across the country.”





MARCH TOWARDS MARRIAGE

On August 12 thousands of people, gay and straight, will march through Dublin demanding marriage equality, which is "the civil rights issue of this generation", according to Tánaiste, Eamon Gilmore. But what's the right strategy for achieving the goal, asks Brian Finnegan?

Before the introduction of civil partnerships legislation in 2005, the strategy of demanding marriage equality was the central focus of the campaign. In 2004, a march and rally towards marriage equality and a commitment to a political leader to lead while Marriage Equality (ME) "began again" and marched, instead, calling the attention of the public to the issue of civil partnerships.

Five years later that emphasis would shift to the approach of partnership, illustrated, in other Dublin Pride statements, the "franchise". Dennis Cuthbert said it was the civil rights issue of the generation, putting the constituent's political weight behind it, and now

marriage is being discussed in the media more than ever.

It is this strategy that has informed the photo and circulation in the press over the last, including a large display by Tánaiste, Eamon Gilmore, of "Civil Partnership is not marriage equality".

According to Kieran Strevens of GLSEN, this is not a practical message. "It is a violation of law," he says, "to be calling for marriage equality."

GLSEN advocates Civil Marriage, the next step

building on the success of civil partnerships.

"GLSEN's goal has always been civil marriage."

Brian explains, "We wouldn't be talking about civil marriage the way we are now if civil partnerships had not been introduced. Some one people would have no legal protection now if GLSEN's strategy had been civil marriage or nothing. As a result same-sex couples have marriage-like rights and

MINI GUIDE 22

- **GCN Editorial July 2012:**

"Gay and lesbian couples who have civil partnerships are the ones driving the acceptance of marriage equality home".



- Fine Gael and Taoiseach and all political parties support Civil Marriage
- All marriage-like statutory rights and responsibilities in place...
- ... next **incremental** step is Civil Marriage and Full Constitutional Equality



Thank You!

chair@glen.ie

www.glen.ie

- Referendum is there to be won... convincingly
- If we convince a good majority to go out and vote **'Yes to Marriage'**
- **'Yes to Equal Citizenship under the Constitution'**
- **If we have the right Campaign Strategy**
- **...building on the success of civil partnerships**

