

## Proposed Civil Partnership – a denial of rights and equality

Since the announcement of plans to introduce a civil partnership scheme to Ireland was announced, the trail of media coverage that followed has been extensive. You may have read some of these articles, heard the interviews on radio, or indeed seen our spokespeople on TV and asked yourself why did Marriage Equality not welcome civil partnership, even as a stepping stone towards civil marriage.

Though the publication of the bill certainly marked a watershed in Irish history for the lesbian and gay community, Marriage Equality share the view with other civil rights organisations that civil partnership will create a scheme that falls way short of marriage equality, and indeed it will marginalise and discriminate against lesbians and gay men.

Ultimately we believe that all adults in Ireland deserve the right to marry, if they so choose and that civil partnership affirms a secondary status upon the relationships of lesbians and gay men. However, we wanted to provide you, our supporter, with some specific issues that we have with the proposed civil partnership legislation including:

1) **Separate rights are not equal rights.** Civil marriage is the only option among relationship recognition schemes that will give lesbians and gay men equal status and equal rights in Ireland. Civil partnership does not allow for the recognition and protection of a same-sex relationships and families under the constitution as this is only afforded to families based on marriage. Furthermore, civil partnership was drafted to ensure that lesbian and gay relationships are not on par with heterosexual couples across the board as we do not have access to civil marriage. Even a home owned by a lesbian or gay couple will not be recognised as a “family home” (for the purposes of the Family Home Protection legislation), instead it will be referred to as a “shared home”. This discrimination must end. The definition of the family has changed drastically since the constitution was written in 1937 and same-sex couples are a family unit like many others.

2) **Civil partnership does not deal with same-sex couples and social welfare benefits.** The government are planning to address this area in another bill. However, Marriage Equality believe that establishing a separate set of social welfare benefits for civil partners, unless 100% on par with married couples, is discriminatory. It is therefore unclear whether the Government plans a new and unequal set of social welfare benefits for civil partners in relation to widows/widowers benefits, maternity/paternity benefits, guardians payment, bereavement grant, adoptive benefits, respite care grants and widows/widowers non-contributory pension.

3) Similar to social welfare, **the government are drafting separate taxation legislation for civil partners** which could once more spell further discrimination for same-sex couples. This would relate to income tax, capital gains tax, capital acquisitions tax and stamp duty. If the Government had introduced same-sex civil marriage, lesbian and gay couples would have had exactly the same financial entitlements as heterosexual married couples. Once again it is unclear what is planned. Their decision to progress with the introduction of a separate and unequal form of partnership registration can only allow us to fear that they will do the same in relation to tax and social welfare.

4) Lesbians and gay men have always been and will continue to be loving mums and dads to their children. However, **the government have totally ignored children in the civil partnership legislation.** There is no provision for guardianship of children who are being co-parented by same-sex couples. In addition there is no provision for

custody or maintenance payments for children. Furthermore, a child's non-biological parent may not be treated as next of kin in a hospital or school situation. In essence there is no legal recognition of the relationship between a child or children and their non-biological parents, they are effectively treated as strangers in law.

5) **A same-sex couple will not be eligible to apply to adopt a child** under civil partnership, even the child or children of their civil partner. Currently a single person, regardless of her/his sexuality is eligible to apply to adopt. Only married couples are eligible to apply to adopt as a couple, however same-sex couples are eligible to apply to foster a child together as a couple and many do all over Ireland. MarriagEquality believe that same-sex couples should be eligible to adopt.

If you have any questions or want further information please contact MarriagEquality on 01 659 9459

Kind regards,

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