

NATIONAL LESBIAN &
GAY FEDERATION SYMPOSIUM



**MARRIAGE MATTERS
FOR LESBIAN AND
GAY PEOPLE IN IRELAND**

PROCEEDINGS OF THE SYMPOSIUM
HELD ON 7 MAY 2009



Published by the National Lesbian and
Gay Federation (NLGF) in November 2009

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*Marriage Matters for Lesbian and
Gay People in Ireland: Symposium
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This Symposium has been organised
by the NLGF with the support of the
European Union and Equality Authority.
The NLGF is particularly grateful for
the support and assistance of Cathal
Kelly and Carol Baxter of the Equality
Authority and Niall Crowley and Rachel
Mullen formerly of the Equality Authority.

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BIOGRAPHERS

Alejandro Alder is a Columbian national who has been heavily involved in LGBT activism in Spain for more than five years, during the period when the institution of civil marriage was extended to lesbians and gays in 2005. He worked as both Secretary and President of Iguales (LGTB Association of Salamanca) between 2004 and 2007 and was elected General Secretary of Bolo Bolo in December 2008 (LGTB Association of Castilla - La Mancha). In April 2009, he became the International and Human Rights Coordinator of the key Spanish LGBT organisation the National Federation of Lesbians, Gays, Transsexuals and Bisexuals (FELGTB).

Carol Baxter has been Head of Development at the Equality Authority since 2006. Her work involves developing partnerships with civil society, public and private sector bodies to promote equality. She was formerly Policy Manager at the National Women's Council of Ireland focusing on the issues of employment and caring.

Niall Crowley is an independent equality and diversity expert. He was Chief Executive Officer of the Equality Authority from its establishment in 1999 until 2009. Prior to this he worked in the community and voluntary sector with the Travellers' rights organisation Pavee Point for twelve years and during this period he was an active member of the Community Workers Cooperative. He trained as a civil engineer in Trinity College Dublin and worked as a civil engineer in Ireland, Zambia and Mozambique. He also completed a diploma course in youth work and community development in St. Patrick's College Maynooth and he is the author of *An Ambition for Equality*.

Eamon Gilmore has been leader of the Labour Party since 2007 and a TD for Dun Laoghaire since 1989. He was Minister for State for the Marine from 1994 to 1997 and President of the Union of Students of Ireland from 1976 to 1978. The Labour Party's Civil Unions Bill which would have created a status relationship equivalent to marriage – in most respects – for lesbians and gay men was defeated by the government in October 2007.

Professor Sheila Greene is the Director of the Children's Research Centre, Trinity College Dublin and holder of the AIB Chair of Childhood Research. Her research interests include applied research into the psychological

development and well-being of children and young people and developmental theory. She is the Co-director of *Growing up in Ireland, the national longitudinal study of children*. Her publications include *The psychological development of girls and women: rethinking change in time* and *Researching children's experience: approaches and methods*, co-edited with Dr Diane Hogan.

Grainne Healy is a long time feminist activist. She is currently the co-chair of MarriageEquality an initiative seeking to gain access to civil marriage for lesbian and gay couples in Ireland. She is former Chairwoman of the National Women's Council of Ireland, Vice President of the European Women's Lobby, Member of the Board of the Equality Authority, Board member of the Women's Health Council and Chairwoman of the National Domestic Violence Intervention Agency. She is currently Chairwoman of the EWL Observatory on Violence against women and is working as Project Co-ordinator for the Dignity Project, an EU funded initiative which is developing an inter-agency approach for victims of trafficking for sexual exploitation.

Dr Mark McCarron is an Organiser with LGBT Noise. Noise is an independent non-party political group which is campaigning for the provision of civil marriage for all people in Ireland, irrespective of gender and sexual orientation. It was founded in November 2007.

Patricia Prendiville has worked in the areas of equality and social change for the past 25 years at both national and European levels as activist, advocate and change agent. From 2004–2009 she was Executive Director of ILGA–Europe, linking the work for human rights and equality on grounds of sexual orientation and gender identity from the national to the international, and to the broad equality agenda in terms of multiple discrimination and the indivisibility of human rights. She now works as a consultant to organisations, supporting strategic development for equality outcomes.

Brian Sheehan is Director of GLEN, the Gay and Lesbian Equality Network. He has had a significant involvement with lesbian and gay organisations over the last 20 years, including with Gay Switchboard Dublin; as Director of the Dublin Lesbian and Gay Film Festival for five years, as board member and co-chair of the National Lesbian

and Gay Federation and as a Board member of GLEN prior to his appointment. He was previously a Director of the GLEN initiative: Gay HIV Strategies and founding Director of Boardmatch Ireland and worked as an independent researcher on a range of projects, including with Nexus Research on the development of strategic planning and evaluation methodology for the nonprofit sector, and was co-author of the Equality Authority report *Access to Health Services for Transsexual People*.

Ailbhe Smyth is Chair of the National Lesbian and Gay Federation (publisher of *GCN*). Nominated as the first lesbian Grand Marshall of Dublin Pride this year, she is a board member of MarriageEquality, and of GAZE, the Dublin lesbian and gay film festival, and is co-convenor of Feminist Open Forum. A senior academic at UCD for many years, Ailbhe founded WERRC (the Women's Education, Research and Resource Centre) at UCD and initiated the annual 'Lesbian Lives' conference. She works as a consultant in the NGO and community sector.

Peter Tatchell has campaigned for gay and other human rights since 1967. He was the defeated Labour candidate in the 1983 Bermondsey by-election – the dirtiest and most violent election in Britain for over 100 years. In 1989, he helped found the AIDS activist group ACT UP London, and in 1990 he was a founding member of the gay human rights organisation OutRage! He was voted sixth in the 2006 New Statesman readers' poll, "Heroes of our Time," and in the same year *The Independent* listed him as one of top 50 "Good" people in Britain. He is Coordinator of the gay human rights group OutRage! and is the British Green Party parliamentary candidate for the Oxford East constituency.

1.1 WELCOME: AILBHE SMYTH, CHAIR, NATIONAL LESBIAN AND GAY FEDERATION

We are very pleased indeed to welcome you all here today. We welcome Eamon Gilmore, leader of the Labour Party who will be opening the conference, and all of our guest speakers who have come from various parts of the world. Today's event follows on from the Symposium organised by the NLGF in 2007 in the context of the European Year of Equal Opportunities for All (EYEOPA), under the aegis of the Equality Authority here in Ireland. We are very fortunate to have with us this morning both the Head of Development at the Equality Authority, Carol Baxter, and as our concluding speaker, Niall Crowley, former CEO of the Authority.

I want to pay a very special tribute to the Equality Authority for the support they have given the NLGF and other lesbian and gay organisations in Ireland, and particularly for their clarity of focus and for being constantly pro-active in encouraging lesbian and gay organisations us to take up opportunities for funding and support. That is precisely what happened for us with the EYEOPA conferences. The Equality Authority pointed out to us that there was a funding opportunity under the 'Burning Issues' strand that we might wish to apply for, which we did, with the assistance of Carol Baxter and her wonderful team.

I make the point for a specific reason, which is that the interaction between agencies such as the Equality Authority and NGOs and voluntary sector organisations is a very important one. One of the key factors contributing to the advances we have made over the past decade and more is the high level of support and encouragement LGBT organisations have received from the Equality Authority. That is something which I believe must be safe-guarded, sustained and extended in this recessionary climate. Appropriately resourced and respected equality and human rights agencies are vital to the achievement and protection of equality.

You might ask, what has that got to do with marriage? Absolutely everything because what we're fighting for when we campaign for civil marriage for lesbian and gay people, is the right to equality. It is not more than that. And it is certainly not less than that. I want to put down a marker at the outset today that there is a majority view among LGBT and other equality organisations that the Civil Partnership Bill now before the Dail is not acceptable. It is not acceptable because it is not enough. It is not enough because it is not equality. Legislating for the right to civil marriage matters to LGBT people, because equality matters to us.

Therefore, given the imminence of the enactment of the Civil Partnership legislation, a major focus for us today is to consider the steps that we can take, as LGBT organisations, as voluntary and community sector organisations, as politicians and trade unionists, and as legal, equality and human rights professionals to ensure that equality, nothing less and nothing more, is promptly achieved for lesbian, gay, bisexual and transgendered people in this country. The day equality is achieved will be a day when everybody in Ireland can be proud, not only LGBT people, but everyone.

So it is now my very great pleasure this morning to wish you all a stimulating and productive day of discussions. Nobody ever said that activism and campaigning are free from debate and argument, and I'm sure there will be plenty of both today.

I am delighted to introduce Carol Baxter, Head of Development at the Equality Authority. Carol is a sterling person at the Equality Authority, a pleasure to work with, and always fully supportive of all our LGBT endeavours, and indeed of the endeavours of very many vulnerable and marginalised groups in this country.

Carol, you're very welcome.

1.2. SYMPOSIUM OPENING: CAROL BAXTER, HEAD OF DEVELOPMENT, THE EQUALITY AUTHORITY

I'm delighted to have the opportunity to welcome you here today to the NLGF Symposium on Marriage Matters for Lesbian and Gay People in Ireland. This Symposium is taking place within the framework of the European Year Legacy Action Plan which is funded by the European Commission's Progress Fund and also by the Equality Authority and, as Ailbhe Smyth said it follows on from the highly successful Symposium organised during the European Year of Equality Opportunities for All. I would like to salute Ailbhe Smyth and Ciarán Ó hUachtáin for their pioneering work in

organising this Symposium which brings together a range of perspectives on the case for marriage for lesbian and gay people in Ireland.

While the groups represented at today's Symposium may hold different perspectives as regards the ultimate objective being sought, be it civil partnership or marriage, all of you are united by the common goal to improve the rights enjoyed by lesbian and gay people in Ireland and to increase the protections available for same-sex couples here. This Symposium, therefore, provides the opportunity for you to explore those different perspectives and to identify common ground in your work to enhance partnership rights for gay and lesbian people.

I anticipate that the Symposium will generate interesting discussions and initiate ideas. It's hoped that the Symposium will also build the relationships necessary to achieve further progress in advancing partnership rights for lesbian and gay people. As Ailbhe has said and under Niall Crowley's inspirational leadership, the Equality Authority has worked actively for many years to highlight the need for partnership rights for lesbian and gay people.

The Equality Authority established an Advisory Committee on lesbian, gay and bisexual issues in December 1999 and the Advisory Committee's report, *Implementing Equality for Lesbians, Gays and Bisexuals*, recognised as pivotal the need for legal reform to bring about the recognition of same-sex partnership rights and entitlements. As many of you will be aware the Equality Authority also participated in the working group on domestic partnerships established by the Minister for Justice, Equality and Law Reform and

contributed extensively to its final report. That report reflected the Equality Authority's perspective that civil marriage for same-sex couples will achieve a quality of status similar to that enjoyed by couples of the opposite sex.

Under our new strategic plan the Equality Authority plans to continue its work to support partnership rights for lesbian and gay people in two ways. Firstly we plan to support the process of achieving implementation of the recommendations of the Working Group on Domestic Partnerships and we also seek to promote and support public debate on key equality issues such as partnership rights and marriage and our support for today's Symposium is part of our overall commitment to this important issue.

The pursuit of enhanced partnership rights in marriage for same-sex couples requires awareness-raising initiatives within the general population so that cultural change can be achieved. It also requires the creation of broad-based coalitions for change, that include social partners, schools, universities, sporting, cultural and political organisations. Much can be achieved if a broad-based coalition is in place. I welcome in this regard the presence here today of both politicians and trade unionists with the capacity to promote change.

At a conference of EU Equality Bodies held in Dublin on the 28th and 29th April 2009, for instance, the Swedish trade union 'Akademikerförbundet' highlighted the contribution that trades unions can play in working to combat discrimination and to improve the rights of lesbian and gay people. A Symposium like today's event can help to identify for politicians, trades unions and social partners the roles that they can play in promoting change in favour of partnership rights for gay and lesbian people in Ireland.

It is important for them to recognise that partnership rights are not just the concern of organisations representing gay and lesbian people. On the contrary, the pursuit of equality for gay and lesbian couples is a broad societal responsibility. This responsibility must be prioritised if existing inequalities that have brought hardship and misery for gay and lesbian people and their families are to be ended and if a truly equal society is to be created.

You have already achieved considerable progress in securing recognition of the need for lesbian and gay people to enjoy partnership rights in Ireland. While much still needs to be achieved today's Symposium has the potential to enable you to develop a broad platform for further progress and for action for change. The Equality Authority therefore looks forward to supporting the process of change in favour of equality for lesbian and gay people in Ireland.

Thank you very much.





2. OPENING KEYNOTE: EAMON GILMORE, TD, LEADER OF THE LABOUR PARTY

Thank you to the NLGF and to Ailbhe for inviting me to speak at the Symposium. For the Labour Party, the question of marriage for lesbian and gay people in Ireland is a question of equal citizenship. It is as simple as that.

The Labour Party has a long and proud history of fighting, and winning, the battle for equality between our citizens. It was Labour which introduced equal pay for men and women. Labour had the courage to stand up for individual freedoms, and to take the State out of citizens' bedrooms. It was Labour which legalised divorce in 1997. And it was Labour which made it legal to buy a packet of condoms.

We have been at the forefront, too, in major developments in the gay rights agenda. The words "sexual orientation" first appeared on the statute book in incitement to hatred legislation in 1989. Ray Burke, of all people, agreed to Labour and Workers' Party proposals and amended a Government Bill that had been confined to racial hatred.

In 1993, the Fianna Fáil-Labour coalition delivered on a Labour manifesto promise to abolish criminal offences relating to homosexual acts. And Labour's equal status legislation, voted down by Fianna Fáil and the PDs in 1992 when it was an Opposition Bill, became official policy in the Labour-Fianna Fáil Government of the following year and was enacted by the subsequent Rainbow coalition.

Looking around us today, it is hard to imagine that the rights and freedoms Labour fought so hard for, and which we all now take for granted, were resisted every step of the way. The divorce referendum, only 14 years ago, was passed by a mere 9,000 votes out of the 1.6 million cast. Two lessons can be drawn from these, often bruising, struggles. The first is that if we are committed to the equality and freedom of our neighbour, we will succeed. The second is that it won't be easy. This is as true for same-sex marriage as it was for those other milestones on the journey towards a fair and equal society.

That there is some considerable resistance to giving legal rights to same-sex partners is clear. The Labour Party introduced its own Civil Unions Bill to the Dáil twice since Fianna Fáil and the Green Party formed a government in 2007, and twice it has been voted down. The Government has promised to introduce its own legislation on civil unions, but so far it has failed to do so. There is one thing we can be sure of: they have no intention of introducing equal rights for same-sex couples to the extent that they are guaranteed in Labour's proposed legislation.

Our Bill offers same-sex couples the greatest measure of equality possible under our constitution. It affords same-sex couples access to a status relationship which is similar to marriage in every practical way - including the right to adopt a child. It will provide thousands of our fellow citizens with a vital legal protection, and bring to an end countless forms of discrimination that they encounter in their daily lives. Is our solution, as manifested in our Bill, a perfect one? To the extent that it stops short of changing the definition of marriage in the Irish Constitution, a move which would require a referendum, some would argue that it is not.

Let me be clear: our goal is full equality for gay citizens. It is a goal which is shared by our friends and allies, who have stood with us when we have fought for equality in the past. We may differ, sometimes, about the best way to reach our common destination, but ultimately we will get there, and celebrate there, together. The path we have chosen is that of legislation, which gives gay couples all the rights and responsibilities of marriage, and which could be implemented tomorrow if the political will exists. It is our job - as politicians, activists, friends and citizens - to expand that political will, and to campaign for our cause.

I firmly believe that the vast majority of Irish people have a live-and-let-live approach to their fellow citizens. I do not believe that they are interested in denying same-sex couples the right to take care of a sick partner, inherit the family home or, indeed, to commit to each other for better or worse. In arguing for a more progressive, tolerant and equal society, we must be sure that we give a voice to this majority. The Lisbon Treaty referendum campaign demonstrated that there are still deeply reactionary groups in Irish society, albeit on the outer fringes, who will lie and distort to preserve the status quo. Groups who are anti-Europe because the EU has been the most effective modernising force in Irish history, particularly when it comes to women's rights and equality.

It is likely, I believe, that a referendum will be needed to provide for full marriage equality between same-sex couples. Labour will, of course, support such a referendum. But we need to learn the lessons of the past. I believe there were two major differences between the first and second divorce referendum campaigns. Firstly, its supporters were much better prepared the second time around. But, more importantly, by the time of the second referendum, all the relevant legislation was already in place and was being practiced. Marriages were, effectively being brought to an end in our courts in a managed way that dealt with all the issues that arise: property divisions, inheritance, maintenance, custody, access, and so on. All that was left was a decision on one net point: the right to re-marry.

Similarly, imagine a referendum campaign on marriage equality in an Ireland where same-sex couples are already afforded the rights and responsibilities of marriage, as set out in our Civil Unions Bill. Nothing much has changed, except that thousands of our citizens - friends, family, neighbours, strangers - may choose to have their relationships recognised by the State, with all the rights and responsibilities that brings. To campaign against full marriage equality in that context would effectively be to campaign against what has become the status quo. In short, it would be unthinkable.

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. The Government - that is, Fianna Fáil and the Green Party - has said our Bill is unconstitutional because it creates a conjugal status relationship closely aligned to marriage. This, they say, undermines marriage. That argument might hold water if a same-sex union was an alternative to marriage for the same cohort of people. But of course it is not. The Government argument is nonsense. There will be no reduction in

numbers entering marriage because of individuals choosing to enter same-sex unions instead.

Our Civil Unions Bill is designed to meet the present needs of present day couples. It is based on a full commitment to equality and parity of esteem, and it goes as far as we can go within a constitutional framework that denies full marriage equality. I strongly believe that just a few short years of such legislation being put into practice will greatly strengthen the support for an amendment to the Constitution. And at that referendum there will be just one, straightforward change: the change of name to marriage.

Labour's living legacy is the modernisation of Ireland, and the liberalisation of its laws. We, and our fellow travellers, need to have faith in our own ability to effect change, to make allies, and to win the moderate majority. After all, an equal right to marry is not a gay issue - it's a citizenship issue. Equal citizenship is the most fundamental organising principal of our society, and of any functioning democracy. Equal rights for gay citizens is not a radical agenda. It is just the logical conclusion of believing that, in a republic, all citizens should be treated equally - something that is decidedly a majority opinion.

Of course, tackling fears and prejudice takes time. Equality cannot be imposed exclusively from the top down. A more equal society is created through the actions of the people who make it up, their attitudes and their relationships. There is no substitute for people acting on the principle that one's fellow human being is truly equal.

An example of how insidious prejudice can be is homophobic bullying in our schools. A survey in 2006 found that almost 80 per cent of teachers had witnessed homophobic bullying in their schools, and that almost a third had witnessed such abuse over ten times. Irish and international evidence shows that young lesbian and gay people are significantly more likely to experience depression, and to consider suicide. Indeed, one can only wonder about the shockingly high levels of young male suicide in Ireland, and how many of those lives have been destroyed by overwhelming insecurity and the terror of rejection by their family and community. The pervasiveness of homophobic language and bullying among young people tells us how far we have yet to travel before to abuse someone for being gay is simply taboo. But it will happen.

We can effect change through legislation, as Labour has done in the past. This is important, but it is not an end in itself. Equal treatment for gay couples is just one milestone in our endeavour to improve the quality of our citizenship, and our society, for all, regardless of background, creed, gender or sexual orientation. Labour is the only party in the Dáil whose record demonstrates a tireless, unequivocal commitment to equality. When we are in government again, we will deliver on that commitment. But we will need the support of our fellow citizens, our fellow activists, our fellow travellers who believe in a truly fair and equal society.

Thank you.

3.1 PLENARY: ALEJANDRO ALDER, FELGTB

MARRIAGE: DIGNITY AND EQUALITY IN SPAIN, EQUALITY WITHOUT BORDERS

Thanks to the National Lesbian & Gay Federation for the invitation to participate in this Symposium. On behalf of FELGTB, the Spanish LGBT Federation, the largest and most influential LGBT organization in Spain, comprising of 55 local and regional groups, I want to congratulate you for your work and express our best wishes for the future.

I have divided this presentation in 2 parts. Firstly I want to explain why we defend marriage rather than other existing options, and secondly I will explain how the right to civil marriage was achieved for lesbians and gays, in a country like Spain, where gays were put in jail only 30 years ago¹.

I want to start this conference with the question: if our will, our commitment and our love are the same as that of a man and a woman, why shouldn't we be allowed to access the same level of protection as heterosexuals. For me, demanding access to marriage as a legal institution that provides you with rights (and obligations, and also with social prestige) is simply a question of Equality and Dignity. This was the central idea that we defended in FELGTB. We always thought that the struggle for Marriage was the struggle for the recognition of equal rights and equal dignity for lesbians and gays.

We never accepted a Civil Partnership Law as a final destination at national level. We supported the regional laws in Spain that allowed for legal arrangements which were similar to Civil Partnership which conferred certain rights on same-sex couples. But we always made it clear that these were just a patch, something provisional, or temporary, just a first step, because what we were demanding was equality

¹ As an anecdote, Spain used to have 2 prisons for gay men: one was for 'tops' and the other one was for 'bottoms': this gives you an idea of the level of understanding of homosexuality which existed in the Spanish State in the late 1970s.

and access to the same institution as heterosexuals with the same level of respect.

We believed that special legislation made for us (because we shouldn't forget that it was only when lesbians and gays started to claim our rights, that people started to talk about "civil partners: never before had anybody worried about a new kind of institution to legalize relationships within the family), was a kind of "apartheid law", a way to segregate us from the rest.

When the Popular Party (the extreme right wing party in Spain) used to defend their policy of "same rights with another name", I always remembered Rosa Parks². She could also have agreed to go to the back of the bus and prevent any confrontation, but it was a question of asserting her dignity by remaining at the front, not being confined to any ghetto, by anybody, in any case, under any circumstance.

But in our struggle we had to confront not only conservative arguments but also those saying that defending the right of gays and lesbians to marry was meant to defend a sexist and patriarchal institution, a way of social control, and that this made us guilty of supporting an oppressive institution.

The Spanish law was very simple. We didn't need to engage in a huge legislative reform process, changing dozens of specific laws. We just modified several articles of the Civil Code in order to remove specific references to "husband" and "wife" for generic non-gendered terms such as "spouse". And in the article saying that "man and woman have the right to marry" we added a second paragraph saying that "the requirements and effects of the marriage will be same whether the persons involved are the same or different sex". We wanted to make it as simple as this. And I say "we", because the initiative came from the LGBT movement. This simplicity also brought some difficulties that we have been trying to solve, which we can talk about later.

But how did we manage to achieve this? I think that we have to distinguish two levels: political and social. If we understand the social changes experienced in Spain in the last 20 years, then it will be easier to understand how we got the necessary support from the political parties.

² Rosa Parks was a historical activist for the rights of Afro-American people, who became famous when she wouldn't get up from her seat at the first row in the public buses when, according to the segregationist rules, Afro-Americans were required to sit at the back of a bus.

And this is exactly where the difficulty is: understanding that, according to official polls from the Spanish Government, in December 2004, 66 % of the people said that gays and lesbians should have the right to marry, and on the subject of adoption, 75 % agreed that the most important issue was to support the wellbeing of children, regardless of the sexual orientation of the adopting parents.

So which are the factors that lead us to be successful in our campaign to secure marriage rights for lesbians and gay men. I would mention five factors, as follows:

- Political support
- Social support
- The role played by activists, and the LGBT movement
- The media
- LGBT Pride in Madrid

Of the five, the role of activists and the LGBT movement was the most important and critical for bringing about change. However, I will discuss the other four factors first.

Political support

It's obvious that political parties play a fundamental role in a democratic system and in the legislative process and that we need them to initiate legislative change. I won't ignore that it was only when the Socialist Party (PSOE) adopted our demands, and gained power when our dreams started to be possible and finally were realised. But it was not an easy job to bring PSOE onto our side.

The candidate Zapatero said in a LGTB magazine in 2003 "Marriage yes, adoption, we'll see". What made them change their position? I would say that the following factors were critical in helping to move PSOE over to the position that they supported both marriage and adoption:

- The left-wing parties (communists, Greens and far left) supported our demands for many years, and following the 2004 elections PSOE needed the votes of the left to form a government.
- The total support and cooperation of the main Trade Union leaders and their organizations was vital.
- Some nationalist parties in the Spanish regions, which were ideologically located in Christian-democracy, also supported our position.

- The failure of the Popular Party to recognise any of the rights of LGBT people in all the years that it was in government: they voted more than 30 times in Parliament against any initiative in that regard.

Social support - forging alliances with civil society

The large number of public figures, authors, artists and civil society representatives that came out in the years preceding the law reform led to a much greater acceptance of LGBT people in society. I previously mentioned the coalition with trades unions as a political factor. But it could also be viewed as part of a broad social strategy of forging networks throughout civil society, together with the strong links that we built with other social movements: women, family organizations, disabled people, immigrants, human rights umbrella organizations, and so on. Also, having the Catholic Church and satellite organizations against us, made these links stronger. So, I want to thank Opus Dei for giving us the opportunity to increase the cohesion with other social movements! Building alliances with other civil society groups, helped raise awareness about the reality of lesbian, gay, bisexual and transgender peoples' lives amongst the general population. The level of social acceptance of homosexuality has reached the point where 79% of Spanish people think that "homosexuality is an option as respectful as heterosexuality", according to official statistics.

The role of the media

Of course this was all possible because a majority of the media was on our side when it was necessary; not only offering us the platform to discuss our experiences and explain our reality but also by introducing LGBT characters in TV series and shows, in a respectful manner and providing a positive image of LGBT life. It reached the point, where some of the most popular TV shows in Spain were hosted by gay presenters, which was like having a gay at home every night!

LGBT Pride in Madrid

In the years of conservative Government, Madrid Pride started to become one of the biggest Pride events in Europe. The power of having over a million of people on the streets, made it clear to political parties that what we were demanding was fair, or at least something which they needed to take into consideration, although it was something which the Popular Party never understood.

But as I said before, when examining all of these factors we have to bear in mind the work that was done by the activists. Nobody gave us anything without a struggle, not in Spain nor anywhere else. What we achieved, we managed to do so, because of our hard work and dedication.

The role of the LGBT movement

The LGBT activists' role was crucial in bringing about change in the political arena. I didn't mention it before, when I spoke about politics, but we have only now reached the point where the majority of the PSOE support our rights and believe in our rights, because we convinced them. Many of our leaders left the movement to become councillors in our cities, or member of a regional parliament, etc. They joined the parties and set up LGBT groups within the

parties, which were responsible for designing and developing the policy of the party on LGBT rights.

We worked with the media, providing them with stories, with positive images of LGBT reality. And if society changed, it is because of the role played by individuals coming out of their closets: the increased visibility in all areas made it possible for every family to know a gay or a lesbian, and we all agree that education is the best, the easiest and the shortest way to fight homophobia. Public visibility is a political act, as we should not forget that our mere existence, our simple visibility, has a strong political meaning.

The very successful role played by the Spanish LGBT Federation is due to our independence, and our unified and coherent message: we have always had a clear understanding that we had to remain independent from political parties and that any reform other than Marriage, may be helpful in the short term, but it would never be enough. For a long time, our focus on marriage, meant we lost out on opportunities to secure funding (when the conservatives were in power, so we never had access to grants and public resources) but as I said before, it was a question of preserving our dignity.

So having clear ideas and objectives, strong community leadership, and unanimity in keeping to our core principles were the key to our success.

But don't think that everything in Spain is wonderful. We still have our enemies: the law allowing access to marriage for same-sex couples has been appealed before the Constitutional Court and the judgement is still pending. The Catholic Church continues its crusade against LGBT rights. And we still have to work on the issue of lesbian visibility, bisexual visibility and the integration of transgender people into the labour market. Recently, we've had to work very hard against the possibility of allowing teachers to opt out on the basis of "conscientious objection" to teaching the new civics curriculum in schools which has sections on the diversity of family life and LGBT relationships. The Catholic Church is opposed to this new curriculum, which is based on constitutional principles and was lobbying for the right for conservative teachers that do not agree with homosexuality to refuse to teach the course.

To finish, I would like to mention something that, in my opinion, we should not forget. Our aim should not be achieving this or that specific right, even when this is very important. Our aim must be to fight against homophobia, because in many parts of the world, the right to marry is not a priority at all: there are countries that we all know, where being gay, lesbian, bisexual or transgender leads to imprisonment, to physical punishment or even to death. International cooperation must be one of our most urgent tasks. So I encourage you all now to work and to lobby your Government for the de-criminalization of consensual same-sex relations between adults throughout the world.

Thank you very much.

3.2 PLENARY: PATRICIA PRENDIVILLE, FORMER CEO, ILGA-EUROPE

MARRIAGE EQUALITY - THE EUROPEAN PERSPECTIVE

G

ood morning, when I was asked to talk and provide an input, from a European perspective, I thought, I can say a lot of things, about what is happening in Europe, having worked in Brussels with the International Lesbian and Gay Association (ILGA)

for nearly the last 5 years. Then I thought that one of the big issues is that there are two discussions to be had. One is the personal and then one is the very political discussion about marriage. So I'm going to put my talk into two parts and one is going to be more philosophical, I like to call it philosophical - I don't know that it is, I'm not a philosopher - and then the second part is more technical. What can the institutions in Europe offer and then, where can we in Ireland use them as we try to move forward with marriage matters.

Where I wanted to begin is that when I started out as a feminist, a long time ago now it feels, marriage was just the most awful institution that we could imagine for ourselves. It was a seriously seriously contested space and no-one in their right minds wanted it for themselves. For all sorts of very good reasons at the time, we weren't on our own in this resistance. As within the work around race equality, marriage was still a contested space. The inter-cast marriages and the lack of right to inter-cast marriages in India are a good example of this, or inter-racial marriages in different countries - I'm thinking of South Africa and I think of North America - USA - so it has

been a very contested site of subversion. It has also been a site where people have argued and used it as a tool to argue for other equalities and for the recognition of people to have equality within a particular society.

So then reflecting on what Ailbhe was saying earlier, it's not necessarily that people want to get married who are arguing for marriage, they want to have the right to marriage. Nevertheless, we also have to be very mindful that people are choosing to get married and people are choosing to enter into civil partnerships or not and many others are remaining in long term monogamous relationships without choosing a legal basis. So one of the things it is important to be mindful about in the discussion, around marriage, is we need to be careful about valuing what it is individuals are choosing within their lives and making sure then that our language is not in any way devaluing any of the choices that individuals are making themselves.

My experience has been that it can be hard at times to remember to do so, because when you are talking politically you can start using language that feels very disrespectful of what others might have chosen. So, people will talk about marriages being 'downgraded' to civil partnerships. Now while there might be a legal basis for being able to say that - on the side of people who have chosen to civil partner, either because that's what's available to them in the United Kingdom for example or any of the other European Union countries or in various states of America, then we need to be mindful, I think, of remembering that our language is not disrespectful of other peoples choices. So the discussion just keeps on bringing me back then to where I started. As a feminist, what did I think about the institution itself for myself or for women generally, and then also what does it signify in terms of the recognition of the broader equality agenda for people. Whatever it is, it is people that we are talking about and we have to respect their choices. So that's the end of the philosophy!

In this second, more technical, part then what I want to talk about is connected to what Alejandro was saying, in that it is useful to explore why marriage and civil partnership are seen as being the indicator of equality for lesbians and gays at the minute. Can I say that obviously they are in Ireland but this isn't the case in an awful lot of other countries. The whole question of decriminalisation, the whole question of violence, of freedom of assembly, freedom of association are much bigger issues in a lot of

the other countries of Europe as being the indicator as to where the country has come in terms of recognising the rights of lesbian, gay and transgender people.

Mentioning transgender people, can I be another person stamping her foot (!) and be a bit contentious and just wonder aloud what are we saying and doing around marriage rights for transgender people? In some cases their struggle can be about the right to stay married. In an awful lot of countries what emerges is that in order to get your gender reassignment or gender recognition certificate - or whatever the language they use in different countries - people who may want to choose to stay in their relationship are required to divorce and enter into a civil partnerships because the status of their relationship has changed to become a same-sex relationship. So I think for us in Ireland we need to also have a look at that and begin to see what are we talking about in terms of marriage for all people who would be, loosely named as sexual outlaws as some people named it at the recent Transgendered Equality Network Ireland (TENI) Conference.

So from the point of view then of Europe and what can Europe do and what can an international forum like the UN do and what is possible in these institutional settings to allow us in Ireland to push for progress on LGBT issues. In Europe we now have five countries that have same-sex marriage - just a couple of weeks ago Sweden voted to enable people who were in same-sex partnerships to choose to now enter into a marriage. They have to remove all bars there on same-sex marriage and Norway voted similarly last year and those first marriages should be coming on-stream now as I think it came into effect on the 1st May. So that's five European countries. That's not very many, as there are forty-seven countries in Europe. So in terms of the Council of Europe and what the Council of Europe might like to say, that's a long way to go in terms of leverage of numbers. And yet at the same time, in terms of marriage, in terms of family rights or the right to privacy or the right to family life, it would be in the Council of Europe that we would in fact have more chance to gain anything.

So, the question is what do we do at European level in terms of marriage/recognition of same-sex couples? We need to strategise on our work in Europe. What are the options, what is the 'best' way forward and how do we proceed to work at European level? Because if I go back to where I had wanted to start - this is the very technical bit now - I'm going to talk about the role of the four different institutions.

The European Union

The European Union – despite what was said in the campaign last year around the Lisbon Treaty! – has absolutely no competence in the area of family law and I don't care what they say, and indeed Eamon Gilmore was right about the lies that were circulated around the Lisbon Treaty! But anyway the EU has no competence in this regard. It's just not going to happen through the European Union. It just doesn't have competence on marriage and its not going to look for it either.

In my experience, the European Parliament makes a lot of very strong statements and it looks for different things to be changed and it encourages equality – through the Inter Groups – and so on and so forth but it knows very clearly what the limits of its remit are. Witness just recently the big discussion and debate around the horizontal directive as it's jargonistically called over there and one of the things that the Commission put into this proposal was a clause which was naming very clearly how this directive is, without prejudice, to the family laws in national states. Now what the European Parliament was able to do – and we'll see whether it maintains it – was to weaken the clause a little bit and take it out of the main body and put it into a recital. Although what we had hoped for, was it would be taken out of the directive altogether. I can't remember the specific detail of the case now, because they did remove the clause and then there was an amendment and I can't remember which amendment was finally passed. But they know that a whole raft of other equality protections would fall if they didn't make it clear that family status laws remained clearly the competence of national levels.

So the Parliament will do a lot of talking, it will call on the Fundamental Rights Agency. It will call on the Commission to do things but everybody knows that basically the Commissioner doesn't have the remit to do anything, so it's not necessarily going to be much more than raising awareness of the extent of homophobia and the extent of the inequality.

Within the Commission there are some little places of possibility but they won't be around creating marriage but exploring what the possibilities might be and what we

would have to do is to try and push the whole question of the mutual recognition of the civil partnerships and of the marriages that we have in Europe (under the Stockholm Programme which has evolved from the Copenhagen Programme on Justice, Freedom and Security Issues).

Now that's going to be very difficult because there are eighteen different forms of civil partnership in the twenty-seven different European Union countries and then four of them now have marriage, as Norway is not a member of the European Union. The mutual recognition issue is on their agenda, they are aware of it, they know they should be doing something about it, although it's way down the agenda. But still it's a lever and it is something that I think we need to work on, and something that ILGA-Europe was doing before I left, and I presume they are still doing it, is trying to get the officials from the different countries together to have a look at the issue of non-recognition – in a discriminatory way – of some of their marriages in most countries, and of their same-sex partnerships in most countries. It is for them to ask their counterparts in other countries, what arrangements are they going to put in place so that their civil partnerships or their marriages are recognised by other countries across Europe and the key lever on this issue is around freedom of movement and also civil law and recognition of agreements.

So at the minute the directive dealing with these issues has only recently been transposed and is a relatively 'poorly implemented directive'. They've just had their first report on it and it's very very poorly implemented and transposed badly in an awful lot of countries and so it's not going to be something that's going to bring marriage or civil partnership recognition any time soon, but I suppose when you are in this equality work, you are in it for the very long haul. You are looking at another twenty years or whatever, but still it's there and it's a mechanism and I think it is an important mechanism. It is especially relevant now with the whole question of the labour market tightening and encouraging business to invest in Ireland – the Business Case for Diversity – argument is one that has potential. With people moving between member states and with increased migration, then there would be a role for national governments to present the case for mutual recognition.

In terms then of other kind of bodies related to the European Union, there is the Fundamental Rights Agency, which has published a very important, ground-breaking report for the European Union. It very clearly states that the lack of legislative protection on the grounds of sexual orientation in the area of same-sex couples being protected, is one of the key sources of the inequality, which leads to exclusion and homophobia trans-phobia. The report examines the experience of the different countries in the EU, and the Council of Europe is examining the possibility of extending the report to include an analysis of all its forty-seven member states.

So the Fundamental Rights Agency is definitely a friend of equality and I think that over time we will be able to use it little bit more. With the publication of the report, it went beyond, the remit of what the European Union is already saying and it made policy proposals and suggestions, that were closer to the style of a think-tank. So that was a good development.

And then what about the role of the role of the European Court of Justice? It can only judge on cases that have anything to do with employment and then if the new horizontal directive becomes law, it will also apply to goods and services and marriage is not a service. So we did try to think of all these things. Sometimes the feminism comes back and you think 'Oh heavens, did you want marriage to be a service anyway'!

So that was the EU and there are only three more institutions to talk about now.

The Council of Europe

As I was saying the Council of Europe they move terribly slowly, forty-seven countries as you can imagine, it's bad enough in the European Union, so to try and get any kind of agreement and consensus in forty-seven countries is incredibly difficult but interestingly they are working on two very important things. One is they have published a report on the rights of children in de facto families. I don't know how public it is, but it is available and they are looking at putting the rights of children at the centre rather than the rights of parents. I think that's going to be a site and a place for us to begin to work in the coming years.

The other issue the Council of Europe is working on is in terms of partnership and same-sex marriage is they are starting the work of proposing a recommendation to the Council. Now if a recommendation comes from the Council of Europe that will leverage things within the work of the Council of Europe itself, but it will also help the European Court of Human Rights make decisions on these issues. And we were all hearing last year, when they started to initiate this piece of work, that the Court had indicated they would welcome a reflection from the Council on these matters because there are a number of cases forthcoming and the Court had wanted some kind of indication as to what's the feeling in the forty-seven countries, what kind of judgments would be – acceptable. This is not to say that the Court is dependent – of course they are highly independent – but they don't want to make rulings that then would just not be acceptable. So that process is happening and it's a slow piece of work but still as I said before, you just have to take the long view.

So then, another place where we can exert leverage in the Council of Europe is around Protocol 12. Ireland has signed Protocol 12, although it hasn't ratified it yet. I think only seventeen countries have ratified it and only five of those are from the European Union. That's very poor and what Protocol 12 would do is make the articles guaranteeing all rights – and the crucial rights would be the right to family life and privacy – be based on non-discrimination. So Ireland would need to ratify it, in order that a case – which is based on discrimination on the ground of sexual orientation – could be taken in the European Court of Human Rights. Protocol 12 is very technical, but it worth us thinking about, as with all other grounds of discrimination, it would apply across the board and not only to grounds of sexual orientation or gender identity. So that's another place, for us to make progress.

The United Nations

At the UN the Yogyakarta Principles is what we would be using to advance our rights. The legal experts who brought these principles together decided – at the time when they were writing them – to acknowledge that there is no right to marriage written into any of the international covenants, conventions or charters. There's a right to family life and there's a right to private life. So they wrote what they expected in terms of UN conventions in relation

to non-discrimination in the application of these rights. They were very clear then that non-discrimination on grounds of sexual orientation should apply to the rights 'to found a family' and 'to private life'. A number of us were at a seminar recently about the United Nations and the International Covenant on Civil and Political Rights (ICCPR) and how Ireland can and should be using the reports on Ireland in relation to civil and political rights. So I think there is a little place there to position the argument around the right to marry, but it's not a very powerful place at the moment.

The role of the NGOs

And so back to the NGOs, because it will be back to us in the end, as really I don't believe that governments are necessarily going to take these opportunities and run with it themselves. It's just not necessarily high on most European governments' agendas at the moment and of course the economic crisis, is going to be the excuse for a long number of years now. So I think we need to figure out what are the international interconnections? What can we do? For me – I know I'm biased, because I worked in Europe – I think Europe is a very powerful place for us to be able to make some linkages. Some of the mechanisms that I mentioned earlier could do something. However, I think we need to be careful as well of making sure the agenda at home is what we continue to nurture and it's necessary to have a Symposium like this to enable people to have the conversations.

Our strategies are litigation and legislation but of course within all of that, even if we get civil marriage, a whole lot of other things won't have changed at all. There will still be the homophobic bullying, there'll still be the commentary, there'll still be the exclusion from the textbooks, there'll still be the lack of the cultural outlets or visibility of lesbian, gay, bisexual and transgender lives in the mainstream media and so on and so forth, but at least if you have the legislation you can tackle that and individuals have their protection in it. I think in terms of the politics around whether marriage matters or not I'm back to the whole question around decriminalisation or the killings that are happening in certain parts of the world, not all that very far away from here in terms of Spain, Portugal, Turkey and Greece. Nonetheless, at least

if you have the recognition that you are equal and in this country, equality is being articulated at the minute in terms of marriage, then people will at least be able to know that they are equal under the law.

Why marriage matters

Now that's no guarantee that they will be treated equally but you have some starting place. So I'd better conclude by saying I do think marriage matters and I do think that there are two ways of looking at it. One is in terms of how to make sure that these marriages are actually as subversive of the old institution that the feminists were subverting all those years and that it becomes that kind of institution – I hate that word – but it becomes a form of legal protection for the relationships that we want to have and so the matter of marriage, and especially how we hold to equality of respect for our relationships and our choices as we contemplate the matter of marriage. And then the second reason that marriage matters is throughout the world, equality of access to marriage is the indicator of equality, inclusion, and non-discrimination on the grounds of sexual orientation and gender identity. Countries that are based on equality do not discriminate on grounds of sexual orientation or gender identity. These countries don't violate any of the rights of LGBT people. The continuum of equality has the death penalty at one end and same-sex marriage at the other. In the transition, along the continuum, societies have to address attitudes, prejudices, stereotypes, violence, other discriminatory laws so that the lived daily experiences of LGBT people are genuinely and fully equal

Marriage matters and we need to recognise that the equality has to apply inside our community as well as outside our community so that we are not in any way building a hierarchy of 'our relationships' or 'others' relationships'.

Thank you very much and I look forward to the debate.

3.3 PLENARY: PROFESSOR SHEILA GREENE, TRINITY COLLEGE DUBLIN

DO CHILDREN NEED PARENTS OF BOTH SEXES?

This is a question that has a lot of related sub-questions. Once a child is delivered into the world, does the sex of the person or persons who rear the child matter? Do children need both a father and a mother to develop healthily? Do boy children need fathers? Do girls need mothers? What difference does it make to a child to grow up with a lesbian or gay parent or parents? The latter question is clearly of direct relevance to this Symposium, but all the questions inter-relate.

I can't answer all of these questions in the brief time available. However I would first like to make a general statement about parents and children. We have to remember that parenting generally presents us with challenges. Being reared in a non-traditional family presents challenges for children, but then so does being reared in a traditional family. You are probably all familiar with this poem by Phillip Larkin. I will just remind you of it because I certainly had forgotten the last verses.

They fuck you up your mum and dad,
They may not mean to but they do.
They fill you with the faults they had
And add some extra just for you.

But they were fucked up in their turn
By fools in old style hats and coats,
Who half the time were stropky-stern
And half at one another's throats.

Man hands on misery to man,
It deepens like a coastal shelf,
Get out as early as you can,
And don't have any kids yourself.
Phillip Larkin

That's one perspective. Some of you may share it. Being a parent isn't for everyone. Parenting is a hazardous business and it is

a hazardous business for every parent and being parented is potentially hazardous for children.

What is the nature of the evidence in relation to same-sex marriage and the outcomes for children? The nature and quality of the evidence is currently a matter of public dispute. You will probably all recall that in recent debates and legal cases that various pieces of evidence have been put forward, and various assertions have been made about the nature of the evidence and the strength of the evidence. For example, I quote Professor Patricia Casey who wrote last year in *The Irish Times*: 'The evidence that children on average do best when raised by their biological mothers and fathers in a long term relationship is overwhelming.' This statement was accompanied by a negative appraisal of the evidence that we have to date on the outcomes for children raised by lesbian or gay parents.

In responding to this perspective on the evidence, it is important to recognise that the area is a complex one. There is not one model gay or lesbian family, these families are arrived at in all sorts of different ways. They may arise, for example, from originally heterosexual partnerships where the children then later become part of a family formed by a lesbian or gay partnership. Or a lesbian mother or gay father may be parenting alone. Or there may have been a separation between the original gay or lesbian partners. Or there may be sperm or egg donor who is involved or who is not involved with the children, who is known or not known. The children may be adopted or they may be fostered. There are all sorts of ways for families to be formed and this makes it very difficult to generalise about the experiences of the children, and indeed the experiences of the parents.

My discipline is psychology and there has been a long history of psychological research on father absence and the implications of father absence for children. A lot of this originated in psychoanalytic theories about the necessity for boys to have a father present in order to achieve masculinity by resolving the Oedipal complex. For some psychologists and those of like mind there are issues about whether boys who do not have a traditional father figure are going to be more feminine, this being seen as a bad thing. There is also an issue as to whether girls need fathers in order to develop a confident sexual (heterosexual) identity. Statements have been made about lesbian parents of boys fostering homosexuality in boys and so forth. Of course there are all sorts of contestable assumptions behind these concerns. Some of these assumptions have been very seriously challenged in recent years and the research that has been done on gay and lesbian parents has been a very interesting contributor to the debate on what children need to grow up healthy and happy.

It is my opinion that many of the assumptions about negative outcomes for children of gay or lesbian parents have no foundation. It is the case, however, that some of the family constellations mentioned earlier may be associated with a

higher than average incidence of challenges and problems. Where there are problems it is tempting to take the most salient aspect of the family – such as the parents being of the same-sex – and explain any problems with reference to that very obvious source of difference where it may reside in some other less obvious factor or cluster of factors.

As mentioned earlier, the family situation for same-sex parents can be complicated and therefore other features of the family may generate challenges. For example, adopted children have, on average, more issues and more problems than children who are not adopted. Similarly, it is the case that solo parents have a harder job in parenting and raising their kids than two parents. But that tells us something about parenting with another parent figure being easier – all told – it does not imply that the two parents should be a man and a woman. It is about the kind of support that another adult can give an adult who is involved in this very demanding, but enjoyable, business of rearing children.

The studies that we have to date on same-sex parenting are mainly of children with lesbian mothers, there being fewer gay parents to date. Even when only lesbian parents are the focus of study, the situation is complex because we have all sorts of different permutations of lesbian motherhood. Also there are, certainly, limitations attached to some of these studies, limitations that people emphasise when they say we don't have good data. Many of the studies are not representative of the whole population, many have small sample sizes, only a few studies are longitudinal, and, as stated, very few are of gay fathers. To some extent this is all true, but you can highlight the limitations of just about any area of social science research. There are always limitations in social science research.

However it depends on how much weight is placed on these limitations and whether the strengths of the research are also fully recognised. My opinion is that the limitations of research in this area have been very much over-stated. In the literature of the last twenty years there has been an accumulation of evidence which is quite impressive. The quality of the studies has improved over time. The early studies were often carried out with small samples of volunteer families, who by their nature were likely to be doing very well. However there is now a range of studies with larger and more representative samples, some of them followed up over time. To avoid the bias towards the positive that you often find with volunteer samples, random selection from the population is desirable so you can generalise back to the whole population of same-sex parents and children.

Recent studies of this type include the studies based on samples drawn from the National Longitudinal Study of Adolescent Health in the USA (Wainright & Patterson, 2006) and the Avon Longitudinal Study of Parents and Children in the UK (Golombok et al., 2003). There are also a few longitudinal studies, and these are a source of valuable data on development over time and on longer term outcomes. An example would be the Longitudinal Lesbian Family Study conducted by Gartrell and her colleagues (Gartrell et al., 2005; Rudolph, 2008). We now have studies which are looking at the adult children of lesbian and gay parents and their experiences (Golombok & Tasker, 1996; Tasker & Golombok, 1997; Goldberg, 2005). So we do have a picture going into adulthood: people who say otherwise are simply not reflecting the reality of the research. We also have many very good up-to-date reviews of the research such as those by Tasker (2005) and Patterson (2006). Their conclusions are that, broadly, the outcomes for children raised by lesbian or gay parents are good and entirely in line with the average outcomes for children from 'traditional' families. There are also reviews by professional societies, who are by their nature very cautious about making firm statements on contentious issues. One of the most significant of these is the American Psychological Association, the most powerful association of psychologists in the world. They conclude that the evidence is that the outcomes for children in lesbian and gay families are no better or worse than for heterosexual families (2004).

Another example of a professional society which came to the same conclusion is the American Academy of Pediatrics, whose policy statement was published in 2002. The interesting thing is that the comparison is almost always with children from heterosexual families as though that has to be the gold standard. There has been an interesting discussion recently about why we are using this as a gold standard of parenting for children. The fact of the matter is that this is the comparison point which matters most to many people who are troubled by the idea of same-sex parenting and some of these people are in positions of power in relation to decision-making around legal and other changes.

The comparison may be questionable but it needs to be dealt with, and most research to date has focused on finding an answer to the key questions: Are outcomes for children being raised by same-sex parents the same as the outcomes for children being raised by heterosexual parents and are the negative predictions substantiated? Taking a different perspective, it is also important for research to look at the interesting differences between families with same-sex parents raising children and 'traditional' families and the interesting differences

among families with same-sex parents and, importantly, to look at the positive differences that may arise in these new family forms.

At this point I would like to ask what is important to children? There is no standard way of rearing children that is guaranteed to produce the 'best' and most happy kids. (It needs to be borne in mind that factors other than parenting are important, such as the child's own genetic make-up) but we do know that the quality of family relationships matter and that warmth, responsiveness, and emotional engagement are important features of happy parent-child relationships. There are certain parenting styles which seem to be more productive and more helpful than others such as the authoritative child rearing style that combines warmth with firmness (Maccoby & Martin, 1983). Parenting characteristics such as warmth, firmness, consistency, the sense of long term commitment that engenders children's security and trust, can come from parents of any sexual orientation and any sex.

Families benefit from living in socially supportive context. They don't live in a little bubble. They need the support of family and friends and they need the support of the wider society. This is clearly an issue for families which are threatened with marginalisation and is a good reason for addressing ill-informed prejudices against particular non-traditional family forms. Contemporary Irish society is far more tolerant than it was in the past and it needs to be, since the number of non-traditional families is rising year on year (Harvey, 2008).

Finally I want to consider children's experience rather than child outcomes. Child outcomes are measures of how children are doing, such as how healthy they are, how they perform at school or whether they have high or low self-esteem. This all matters of course, but I am also interested in how children feel and what they think about their daily lives and the world around them. What does it mean to a child or young person to grow up with a gay or lesbian parent or parents?

Some of the studies already mentioned ask the children and young people for their views (Golombok & Tasker, 1997; Gartrell, 2005). Goldberg (2007) conducted a qualitative study which focused on the experiences of young adults who had been raised by lesbian and gay parents. There appear to be issues for the children and young people about being different. This chimes with other work we have done in the Children's Research Centre with children who are being raised in other non-traditional families, such as the children of solo mothers, (Nixon, 2008), children who have been adopted (Greene et al., 2006), and children whose parents have separated and divorced (Hogan et al., 2002).

There are issues for children about bullying and some of the studies have shown that as many as 50% of the children of lesbian and gay parents have experienced bullying. Some of the children report fear of being open about their family situation because of the consequences of openness. Some of the children talk about their reluctance to reveal their family situation to people outside a trusted circle. Some of these issues are common to the experience of children living in other non-traditional family structures. For example children in our study of the effects of parental separation and divorce were very cautious about whom they told about their situation. Some of the problems confronted by the children from lesbian and gay families are undoubtedly there because of societal homophobia. They are not intrinsic to their family composition and family life but intrude on the children's experience when they become involved in settings outside home, such as school, where homophobia, sadly, appears to be rife (Mayock et al., 2008).

Children are very acutely aware of the family norm in relation to having a mother and a father but also the biological reality that they have both a biological mother and a biological father. In my colleague Liz Nixon's study of children of lone mothers (who had been raised by their mother alone since birth), quite a few of the children had a preoccupation with their biological fathers, even when they had never met him or did not know who he was. It seems often to be the case that their mothers did not know about this preoccupation and the children were inclined to keep it from them. In a number of different studies, we have noted that parents often like to think that everything in the garden is rosy for their children. They are often not aware of the extent to which a child is being bullied or troubled by aspects of his or her home situation. Children keep their concerns from parents for a number of different reasons including not wanting to face the consequences of parental anger or concern or efforts to intervene and an often underestimated motivation to 'mind' their parents and save them from distress or worry.

I have emphasised some of the potentially negative aspects of children's experience but we also have to look at the positives. What is striking when you look at the small number of studies that examine the experience of children in lesbian and gay families, is that the children are doing very well and that's what the outcome studies tell us in general and in some cases they are doing better than the comparison groups. They show higher social confidence, they are more liberal and more thoughtful. Some of the

boys may be more feminine but, thinking about some of the negative traits associated with traditional masculinity, that may be seen as another positive. They may be more open to a sexual relationship with a same-sex partner although interestingly most of them don't identify ultimately in greater numbers as being homosexual but they may have more openness to and more experiences of sexual relationships with people of the same-sex. So there are positives for these children: being different is difficult when you're eight, it may be fantastic when you're eighteen. What is clear in many of the studies is an incredibly high level of parental commitment and that, obviously for any kid, has to be a good thing.

So finally, with the focus on children, there are some implications, for parents. It is important to be aware of the existence of parental denial of what exactly their child might be going through on a day-to-day basis. Some of the children express quite a lot of pain about handling being different. Even though that source of pain should not be there, it is something that we need to address. Some of the questions may be ones that are hard to get around because they relate to some fundamentals about human life: the whereabouts and identity of their biological father, for example. Love is not enough; we need to be thoughtful parents as well as loving ones. And as Larkin reminds us we may not mean to mess up our kids but we do, perfection is both hard to come by and hard to live with, so parents should not expect to be perfect parents with perfect kids. Some children report a sense of pressure to be the perfect child so that they do not fulfil outsiders' negative expectations.

It is not only parents who need to work at getting it right, it is also society. Tackling homophobia is one major issue, another is the official status of lesbian and gay parents and their children as families. If they are not recognised as having the same rights as families formed by heterosexual couples, that has an impact on the children, their sense of worth and entitlement within society. The American Psychology Association states as one of their many resolutions on this issue: 'Discrimination against lesbian and gay parents deprives their children of benefits, rights and privileges enjoyed by the children of heterosexual married couples' (2004). So we need to think about the rights of those children as well as the rights of the adults in this scenario and for some families marriage may be the answer. Primarily, every family needs the support of society and a positive context in which to flourish.





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4.1 PRESENTATION OF THE BURNING ISSUES SURVEY

Background to the *Burning Issues* research

Following the first plenary session, Dr. Seán Denyer of the NLGF Board, presented an overview of the preliminary findings of the *Burning Issues* survey.

In Spring 2009, the National Lesbian and Gay Federation (NLGF) conducted a survey to gain a comprehensive reading of the key issues and priorities of concern to Lesbian, Gay, Bisexual and Transgendered people (LGBT) people in Ireland. One of the central aims of the survey was to collect information on the attitudes of LGBT people on the issue of civil marriage rights and to gauge the extent to which, it was a top policy and political priority, as there was a dearth of data available on this pressing issue.

The data collection phase of the survey was still ongoing in May 2009, so the presentation focussed on the headline results of the research and the Symposium provided an excellent opportunity to advertise the research, so that more respondents could complete the survey

In the intervening time, the survey has been completed, the data analysed and the findings have been written up as a research report. *Burning Issues* is being published in November 2009 in conjunction with the *Marriage Matters: Symposium Proceedings*. The executive summary of the *Burning Issues* report has been included in this section of the Symposium Proceedings. The full research report can be accessed at www.nlgf.ie

BURNING ISSUES - EXECUTIVE SUMMARY

Survey methodology

Although surveys have been conducted on specific issues such as mental and sexual health amongst LGBT people, no major national survey has ever before been conducted amongst LGBT people to identify

their key concerns and priorities as a community. Ireland's LGBT Community is difficult to define. This group is not measured in any census calculations, nor has there been any official measurement undertaken to define the size, gender profile, age breakdown or geographical spread of people who are LGBT. Due to these restrictions it is not possible to conduct a fully representative survey of the Irish LGBT population. However the objective of the research was to gain an indicative overview of the attitudes and opinions of LGBT people. This was done by undertaking an Internet survey of the largest possible sample of LGBT people in Ireland, while ensuring that there was gender and regional balance in the responses. The response to the survey surpassed all expectations with over 1,100 people taking part. The answers to the survey have been analysed using both quantitative and qualitative data analysis techniques and the findings of the research provide a unique insight into the key concerns of Ireland's LGBT community.

KEY RESEARCH FINDINGS

Key findings from the quantitative questions, the most important issues for all those surveyed were:

1. Equal rights at work

In the current economic climate issues in the workplace surfaced as the fundamental concern of all respondents. Being able to work in an environment where you can be fully open about your sexuality without fear of discrimination was rated the most important issue in the survey, with an overall importance level of 8.3, on a scale where 1 was least important and 10 was most important.

2. Personal security: bullying/violence against LGBT people

The personal security of LGBT people was highlighted as a paramount concern. Tackling bullying and violence against LGBT people throughout society, emerged very closely as the second most important priority of respondents, receiving an importance rating of 8.2.

3. Marriage equality

Securing full and equal access to the institution of civil marriage for LGBT people is the third most important issue of concern for people in the survey as a whole with an importance rating of 7.9. This issue also registered as the top concern of people in their open ended answers when they offered their own written response.

4. Support for younger LGBT people

Developing supports for younger LGBT people was the fourth most important issue of all those surveyed with a rating of 7.8.

5. Supporting people coming out

The related issue of supporting people of all ages who are coming out, was chosen as the fifth most important issue with a rating of 7.7.

KEY FINDINGS FROM OPEN-ENDED RESPONSES

The survey also had a set of qualitative questions where people could write their own responses. In the open-ended answers, respondents raised the following issues as their top priorities:

Marriage equality

Gaining the right to access the institution of civil marriage for lesbian and gay people is overwhelmingly the top priority of respondents with a quarter of them designating it as their most pressing priority. On the other hand, civil partnership rights were highlighted as just the twelfth priority of participants in their personal responses.

Equality in general

The issue of achieving full equality for LGBT people across all the dimensions of legal, political, social and cultural life is the second most important priority of the respondents, who raised the issue in their own words.

Lesbian and gay parenting rights

Parenting rights appears strongly as the third key priority in the open-ended answers. The issues of adoption rights for same-sex couples and securing the legal rights of non-biological LGBT parents were raised as fundamental concerns requiring government action.

Supporting LGBT people outside Dublin

The need to develop support systems for LGBT people outside Dublin and especially those who live in isolated rural areas arose as a key theme in the open-ended answers. Respondents raised this issue as a challenge for politicians and public policy makers, but also for national LGBT organisations to develop a regional presence in urban areas outside Dublin and in rural communities.

4.2 OVERVIEW OF WORKSHOP DISCUSSIONS ON STRATEGIES FOR ACHIEVING CIVIL MARRIAGE

Break-out workshops took place during the morning session of the Symposium to enable the participation of those attending, and to

facilitate discussion within the LGBT community on the most appropriate strategies required to achieve the right to civil marriage for lesbians and gay men. Stephen Jacques, Olivia McEvoy and Ciarán Ó hUlltacháin of the NLGF Board facilitated the discussions. The workshops were particularly well attended and engendered very lively discussion and proposals for action. Patrick Lynch of the NLGF Board presented a summary of the central themes that were raised in the workshops, following the afternoon plenary panel at the Symposium.

THE FOLLOWING KEY THEMES AND ACTION POINTS EMERGED FROM THE THREE WORKSHOPS:

Civil marriage as the key political goal of the LGBT community

There was almost unanimous support in the workshops for the goal of achieving full access to the institution of civil marriage

for lesbian and gay people and a general contention that the government's proposals for civil partnership were inadequate and discriminatory. The level of support for this approach was further demonstrated in the final questions and answers session in the Symposium after the keynote speech of Peter Tatchell, when every single member of the audience that spoke stressed the importance of setting marriage equality as the central goal of the LGBT community. Workshop participants were particularly critical of the lack of provision for same-sex families within the proposed legislation, and the failure in the Heads of Bill to protect the rights of children who are raised by a lesbian couple or a gay male couple. There was a widespread belief that LGBT organisations need to engage in a concerted information and education campaign to explain to LGBT people and to the wider population the differences between civil partnerships, civil marriage and religious marriage as widespread confusion exists over the meaning of these different terms.

Demand for coalition for marriage equality within the LGBT community

A very strong consensus emerged amongst the participants at the workshops that a national alliance of LGBT NGOs is required to advance the campaign for marriage rights for lesbians and gay men. Participants asserted that the coalition should have a clear charter and set of agreed principles and objectives to achieve marriage equality. The participants emphasised that the coalition needs to be truly nationally representative and it should seek to actively include groups and individuals from outside Dublin. Participants emphasised that the various regional Pride organisations across the country could act as key network in setting up the coalition and that the coalition would need to agree common media messages and speak with a unified voice on the issue of civil marriage rights.

Coalition for marriage equality to develop from the Platform for Equality

There was a widespread feeling in the workshops that the new coalition for marriage could develop from the Platform for Equality (PFE) which emerged out of the first NLGF Symposium on 'Marriage and Partnership Rights for Lesbians and Gay Men' in December 2007. The PFE was originally constituted as an informal grouping and has held a number of community meetings which have provided an important mechanism for interested individuals and groups to share information about their campaigns for partnership rights for lesbians and gay men. However, it became clear to many of the organisations participating in the PFE that, given the growing momentum of the campaign for equal marriage rights, the PFE now needs a more formal structure to advance its goals. In the Symposium workshops there was a strong sense that it was time to set up a new coalition that builds on the foundations initially laid by the PFE.

Forming an alliance with civil society outside of the LGBT community

Drawing on the experience of the speaker from the Spanish LGBT community, Alejandro Alder, participants stressed that any new coalition for marriage equality must seek to include as many civil society organizations as possible from the wider society as a whole, in order to gain the critical mass that is needed to effectively campaign for civil marriage rights. It was emphasised that stronger links need to be forged between LGBT organisations and the trade union movements. Members of trade unions and other members of civil society who do not identify as LGBT should be invited to attend Pride marches as an act of solidarity. It was asserted that the proposed coalition for marriage needs to liaise and garner the support of student groups, age and disability NGOs, youth organisations, women and community groups, professional organisations, sporting organisations and business groups.

Dialogue with political parties and opponents of equality

There was also strong support for the suggestion that LGBT community organisations should engage in a dialogue with all the main political parties to encourage more LGBT people to become active in political parties. It was argued that this is particularly important in the two largest political parties Fianna Fail and Fine Gael and that these parties need to develop a specific LGBT grouping within their party that has a strong base and structure like the Labour LGBT unit in the Labour Party. There was also strong (but not unanimous) support for the proposal that LGBT organisations need to publicly request dialogue with groups that oppose equality for LGBT people and to propose a meaningful dialogue with religious organisations as successfully occurred in Spain.

Process for achieving marriage equality

The means and methods of advancing the campaign for civil marriage were widely discussed and debated. Participants proposed that individuals and LGBT organisations should utilise a variety of traditional and digital media sources to successfully bring about change. There was substantial support for developing and strengthening the existing strategies that are currently working such as LGBT Noise's street rallies and marches and MarriagEquality's use of human-interest stories to focus media attention on the need for civil marriage rights. The importance of using the network of regional Pride organisations and events as a vehicle to help develop a social movement for marriage equality received significant support in all workshops.

In addition, new strategies and actions were proposed. In one workshop participants recommended initiating a multi-pronged viral marketing campaign utilising a variety of media sources simultaneously, such as email, Facebook, Twitter and radio audience participation shows. Furthermore, there was substantial support for the organisation of a national LGBT awareness day to highlight the issue of marriage equality, for novel initiatives like the organising a Wedding Breakfast fundraising event, promoting a register to vote campaign and for using the elections in June 2009 as an opportunity to highlight the strength of the LGBT vote.

Responsibility for actions

There was a widespread desire in the workshops that responsibility for advancing the campaign for marriage equality should be shared between individuals, existing LGBT organisations and the proposed coalition for marriage equality. Individuals were encouraged to work on those actions that require individual endeavour such as raising awareness amongst families and friends and supporting the MarriagEquality 'Out to Your TD campaign'. Participants recognised that each separate LGBT NGO has a responsibility to contribute to the campaign for marriage equality based on their mandate, organisational strengths and modus operandi. Finally, there was a general consensus that the proposed coalition for marriage equality should not replace or replicate the actions of individual LGBT organisations. Rather it was stressed that the coalition should act to achieve outcomes, where collective action would produce an added-value greater than individual organisations could achieve while operating separately.



5.1 PLENARY PANEL: GRAINNE HEALY, CO-CHAIR, MARRIAGEQUALITY

Good afternoon everybody. I'm delighted to be here this afternoon and to have the opportunity to address you at today's seminar "Marriage Matters for Lesbian and Gay People in Ireland" and thank NLGF for the work in organising it. Thinking about what I was going to say, normally I think people would expect me to make a very straightforward speech in a traditional style but I was thinking about maybe doing it a little bit differently today.

Anyway a few weeks ago I was sitting in a bus going into town on a very rare sunny Sunday afternoon on my way in to address the LGBT Noise rally for marriage in Dame Street and on the bus I sat next to a young man who saw me reading the few notes that I had prepared for the rally and after a short time he caught my eye and he just said to me quietly "are you going to the rally" and I laughed and I said "yeah, are you?" and he said "no, no I'm on my way to work but I hope it goes well" and he began to tell me a bit about himself and he said that he supported equal marriage rights for gays and lesbians, that he came from a small town in County Meath and

that both he and his older brother were gay.

However he told me that he had been unable to come out to his parents because his older brother had done so and his parents were really unhappy and fearful for him. They worried about what would happen to the brother and said that they feared that gay relationships had no real security or future in them and no recognition. So this young man said that he really needed MarriageEquality to be established to help him and his brother make the case to

his parents, that their choice to be gay was okay and that their parents needn't worry about their future, that they had options for the protection and security of their primary private relationships.

The reality of course is they don't and that we don't. The rally was a great success with over 1,000 people giving the red card to a government who had failed to address the issue of equality for lesbian and gay people in Ireland and I think the failure is an indication of an ideology that essentially tells us that gay people aren't equal and according to a former Minister for Justice who told us at a gay and lesbian film festival that he knew we didn't want to be able to get married. We wanted something else he told us and something else is what he proposed and something else is what is still being proposed by the current Minister in the form of civil partnership.

MarriageEquality then is working for equal marriage rights for lesbians and gay men in Ireland. We recognise that not all lesbians and gay men want to marry but the choice to do so should exist. That we do not have the option to enter into a civil marriage contract is simply discriminatory. The message is often sent out that civil marriage and civil partnership are the same, it's simply not true and worse than untrue its dangerous because this lie is lulling our community into the mistaken notion that civil partnership is so similar to marriage, that those of us questioning it are simply making noise and spoiling it for others who want the 'marriage-like' solution.

We are, as Ailbhe Smyth reminded us some time ago, not 'human-like' thus we reject the sole offer of 'marriage-like' rights. We are fully human and demand equal rights. The failure of the government to make provision for our equal rights is an indication of an underlying viewpoint that we are unfit for family relationships (and I want to congratulate Sheila Greene on her excellent presentation this morning of the kind of information that we really need to be able to counter that sort of argument). The viewpoint, furthermore is an indication that there is a belief that the institution of marriage must be protected from us. This viewpoint is central to gay and lesbian subordination and to accept anything less than equal treatment before the law for our relationships is to buy into that oppression.

Whether as Feargha Ni Bhroin argues in her soon to be

published paper on feminism and same-sex marriage, whether one agrees with the system of social organisation that is marriage or not, it is clear that marriage is a primary social institution. It is pertinent, she says, to almost sphere of our social interaction and thus our systematic exclusion from it is a marker of official state endorsement of second-class status. It is fundamentally unjust, she adds, that lesbians and gay men are not free to access the social institution that has immense legal and symbolic power.

Demanding the right to marry does not mean that one endorses the traditional concept of marriage, again to follow on from some of the points that Patricia Prendiville was making this morning, as another feminist, it's not necessary to argue that marriage itself is a social good. Equality is the social good towards which we must work and access to all the institutions of the state for us is a fundamental and just goal for those of us pursuing equality.

You see my conversation on the bus, where we spoke of the difference it would make to one young man's life and his brother's if we had access to civil marriage, moved away from a mere listing of how civil partnership proposes a set of lesser rights and entitlements in civil marriage, though it certainly does, even in the sketchy outline of the current proposed bill it's obvious that the intention is to create a new consciously unequal institution for gays and lesbians.

No we didn't list the taxation issues, the pension issues, the lack of a mention of our legal rights to our children, we didn't even mention inheritance or other inequalities that the proposed bill will actually create. We spoke on the 40 bus quite simply of how - if we had the civil right to marry - just the power of that symbolically, just that choice available publicly in the same manner as it is open to heterosexuals, that in itself, if some of us choose never to actually get married, that option standing on our statute books, that would allay the fears of the parents of those two lads in County Meath. It would enable their parents to be proud that their sons were different but equal and it would be a statement of support for the equality for all Irish citizens and a statement of equality in particular for lesbian and gay families.

Let me be very clear about the position of MarriageEquality on why marriage matters. In the absence of the option of

the full menu or rights, including equal marriage rights, the lesser option of the proposed bill is simply unacceptable. Only when we have the full option of equal marriage rights can we accept that of course there needs to be a variety of possibilities, of varying sets of rights available. For those who would wish to access those different sets this option indeed is true for non-married co-habiting heterosexual couples as it is for lesbian and gay people. The difference is they had the choice to get married and we don't.

To finish up, it was very interesting this morning to see the headline results of the NLGF *Burning Issues* Survey and the level of interest and the priority given to the issue of marriage equality in that research. Recently MarriageEquality published our own report of the findings of the Lansdowne National Poll conducted for MarriageEquality late last year. In that poll an overwhelming 81% or 8 out of 10 Irish people agree that everyone should receive equal treatment from the state, regardless of their sexual orientation and 61% of the public believe that denying same-sex marriage is a form of discrimination.

The Irish public are ready for marriage equality. The gay and lesbian community are calling for marriage equality. The Supreme Court will, hopefully very soon, rule on the case of Katherine Zappone and Ann Louise Gilligan - who are here today - and even if it rules that a referendum is required to give us our rights, and that my friends is what the Supreme Court will decide, our survey shows that 61% of people now in Ireland, if they were asked tomorrow in a referendum to extend civil marriage rights to same-sex couples, said they would vote 'yes'.

So what is Eamon Gilmore waiting for this morning? Another five years of let's wait and see? We don't need it. So what MarriageEquality would like to ask you to do is to continue to work with us, to support us, to sign up on the MarriageEquality website, to sign up to our 'get out to your TD' campaign, tell them of your situation, of your reality, talk to the local and European candidates, they will be coming to your door, let them know you have a vote and you want them to represent your views on this issue.

Let us know what they're saying to you. You can get onto the website, you can donate a few bob to us - we would be very glad to take it to help us do the work - and finally we need you, as individuals and couples, who are willing to speak to local, regional and national media outlets. We can get the media coverage if you will offer to tell your story. Many of you have done so already and that has made all the difference. We are part of a momentum that is execrably moving towards civil marriage rights. The trend is evident in Europe, most recently in Norway, Sweden and indeed last week in Maine in the USA and elsewhere South Africa, Canada, Nepal, it's no longer a matter of 'if' it's a matter of 'when'. So let's work together and make it really happen soon.

Thank you.



5.2 PLENARY PANEL: BRIAN SHEEHAN, CEO, GAY AND LESBIAN EQUALITY NETWORK



GLEN's goal is equality in all forms of relationship recognition and protection for lesbian, gay and bisexual couples and families. This includes equality in marriage. GLEN has campaigned consistently

for equality in marriage and will continue to do so, building political and public consensus for equality for same-sex couples and families.

GLEN has campaigned for equality for LGB people over the last 20 years across a wide range of areas, and continues to do so across areas such as education, immigration, social inclusion, in employment, health and mental health. There has been very significant progress for LGB people over this time including, for example in legislation, incitement to hatred in 1989, gay law reform in 1993, unfair dismissals in 1993, employment equality in 1998 and equal status legislation in 2000.

In a critically important area for LGB people - relationship recognition, support and protection - the government has published a Heads of Bill for Civil Partnership, with a commitment to publish the Bill shortly.

GLEN has strongly welcomed the Heads of Bill as a major step forward that will resolve immediate and pressing issues for LGB couples and this will be done

through a comprehensive legal model that seeks equivalence to married spouses. This is a major departure from earlier proposals that sought to equate same-sex couples with any form of domestic cohabitation, for example, two siblings.

Clearly the Heads of Bill seeks to deliver very extensive rights and obligations across a very wide range of areas. A Bill based on the Heads will provide protections and supports for LGB people in immigration, inheritance, pensions, family home protection, maintenance, domestic violence provisions, residential tenancies and protections on dissolution of relationships. The Heads also propose a change in the Employment Equality and Equal Status Acts which will provide protection from discrimination to people in civil partnerships on a par with married couples. The government have committed to changing the tax and social welfare legislation to provide for equal treatment with married couples.

A key area of concern for GLEN is that the proposed registered civil partnership scheme largely treats civil partners as a self-contained unit with limited reference to, or provision for any children that reside with and are dependent upon them. This will seriously disadvantage children living in these situations. A civil partnership can be dissolved without any requirement to specifically take into account the needs of dependent children; a child living with civil partners will not be able to claim maintenance from the partner who is not his or her biological parent; protections provided to civil partners in respect of the shared home make no reference to the accommodation needs of children living in the home; a child or children do not have any legal claim against the estate of their non-biological parent; and civil partners will not be eligible for consideration for adoption (as was proposed by the Colley Group). It is difficult to see how these exclusions are in the best interests and welfare of the children concerned.

The provisions in the Heads of Bill are based on the government's Colley Report, which put forward only two options for same-sex couples: marriage and full civil partnership should marriage be vulnerable to constitutional challenge. The Labour Party Civil

Unions Bill was similarly based on the Colley full civil partnership option.

The Heads of Bill also includes proposals for a limited set of protections and obligations for cohabiting couples - both same-sex couples and opposite-sex couples who are neither married nor in a civil partnership. All co-habiting couples will be afforded protection in a number of areas including residential tenancies and domestic violence. Couples that have been cohabiting for more than three years, or two years if the couple have a child together, can apply to the courts for additional protections where there is a financial dependency arising from the relationship. This redress scheme provides for maintenance orders, property and pension adjustment orders and a possibility of claiming from the estate of a deceased partner. A couple can opt out of these provisions by agreement.

The publication of the Heads of Bill follow on from a period of extensive debate and consultation on legal recognition for same-sex couples. Some of these key milestones are:

- In 2005 GLEN met with the then Minister for Justice, Michael McDowell on relationship recognition for same-sex couples. The Minister established a working group to look at options for domestic partnerships. This group, under the chair of Anne Colley, included the participation of GLEN. The group produced an options paper in 2007 (now known as the Colley Report) which was based on detailed analysis and extensive public consultation. It recommended just two options for same-sex couples: marriage, which the group acknowledged would underpin a wider equality for same-sex couples in society; and should same-sex marriage be vulnerable to constitutional challenge, then full civil partnership. The Colley report also recommended that same-sex couples should be eligible for consideration as adoptive parents.
- The Oireachtas Committee on the Constitution concluded in its 2005 report that legislation could extend to same-sex couples a broad range of 'marriage-like privileges' without any need to amend the Constitution.
- The various polls commissioned by GLEN and by

Marriage Equality from 2006 onwards show an overwhelming support for legal recognition for same-sex couples, and growing support for marriage equality.

- The then Taoiseach Bertie Ahern launched the GLEN programme Building Sustainable Change in 2006 and said:

“Our sexual orientation is not an incidental attribute. It is an essential part of who and what we are. Sexual orientation cannot, and must not, be the basis of a second-class citizenship. Our laws have changed, and will continue to change, to reflect this principle”.

- In an opinion piece in the Irish Times on the day of the launch, Kieran Rose, Chair of GLEN wrote:

“The key outstanding legal issue for lesbian and gay men is recognition of our relationships. There is no reason why there should not be an equality of rights and responsibilities for all, in other words civil marriage for same-sex couples”.

- In 2006, the Law Reform Commission proposed a Redress Scheme for both opposite and same-sex couples. The Heads of Bill provisions for cohabiting couples follow those LRC proposals.

- The Labour Party introduced a comprehensive Civil Unions Bill to the Dáil twice in 2007. Their Bill was very widely welcomed by LGB people as a major step forward. The Bill was based on the Colley Report option of full civil partnership, and included the provision for same-sex couples to be considered for adoption.

- All parties in the 2007 General Election had a commitment in their published manifestos to legal recognition for same-sex couples. This was a world first. These commitments ranged from domestic partnership arrangements by the PDs to marriage equality by the Green Party.

- The programme for government negotiated by Fianna Fail and the Greens had a commitment to introduce civil partnership, taking account of the Colley Report

and awaiting the outcome of the Zappone/Gilligan Supreme Court case. Subsequently, at the launch of the GLEN annual report in 2007, the then Minister for Justice Brian Lenihan confirmed that given the urgency of the issues faced by same-sex couples, the government would proceed immediately with proposals for extensive civil partnership, and that a Heads of Bill for this would be published by mid 2008.

- The Heads of a Civil Partnership Bill were published in June 2008, and the resulting Bill is due to be published shortly.

- A key element in building support and consensus for legal reform has been the visibility of lesbian and gay couples and families. This has contributed enormously to building public support for change, and building an understanding that equality for LGB relationships is about love and commitment, and about providing a legal framework which supports people in that commitment.

- There is political consensus for Civil Partnership, and it is possible to quickly deliver protections and supports to LGB couples in a legal framework where marriage is a comparator. We believe this is a major step forward and is particularly important for many lesbian and gay people who contact GLEN with urgent issues that will be resolved by this legislation. Delay for many of them is not an option.

- GLEN will seek to have a Bill based on the Heads brought forward as quickly as possible; to have any critical omissions addressed as the Bill progresses through the Dáil; and to have the Bill enacted as quickly as possible. GLEN will continue to seek further family law changes to support lesbian and gay headed families, and continue to campaign for equality in marriage.

5.3 PLENARY PANEL: DR MARK McCARRON, LGBT NOISE

Thank you to the NLGF for inviting us here to speak today. We're delighted. As Patrick alluded to earlier Noise is a community organisation that is based on a non-hierarchical structure. At the moment we have seven organisers, a general term that we all use, and after that we have a large amount of volunteers who routinely email to in anticipation of leaflet droppings and things like that. Then we have the members through the membership database, and through Facebook we hope to be a representative group in the sense that we reach out to all of the community and we have a role for everybody in the community to play, should they wish to play as large a role or as small a role as they'd like. And certainly among the organisers we have changed personnel a number of times through people coming forward and to other people leaving.

So we were set up actually in 2007. Our first outing in fact was when Paul and Annie arrived at the last NLGF Symposium declaring that Noise was on the scene and that you were to come to our first ever protest. So I'm just going to speak briefly about Noise and about the campaign and how we see the campaign and how Noise fits into it and the second component I'm going to speak briefly about is the Platform for Equality and the importance we attach to the Platform for Equality - going forward.

So if I could just address one issue. Noise was set up to campaign exclusively for gay civil marriage. We have one aim and that's the attainment of gay civil marriage and just in reference to a point that Patricia made earlier about denigrating of civil partnership, we make no apologies for referring to civil partnership as a second class status, enshrining it in law. I think it's important that people differentiate between denigrating the institution versus denigrating the people who enter the institution and I think a large number of people who have partnerships from different countries, I think they understand that tactically, at the moment, it is necessary to differentiate between the two in sometimes a disparaging language but I think should a time come when partnership arrives before marriage then we will certainly modify the language. But on the other hand to counterbalance what you were saying it's important that we don't get over offended on behalf of these people during our campaign!

Two components to how we work - we see this as being about creating noise, obviously the name, and about keeping this on the media's agenda and by keeping it on the media's agenda we are filtering out to both the LGBT community and raising awareness among them and also raising awareness then in the wider community. So we do this by street protest demonstrations, stunts and other events designed to focus attention and secondly through public education carried out through the distribution of leaflets and flyers and public relations and through the media. We make no excuses for being media whores. We would be very unhappy if one of our rallies didn't get some sort of media attention because that's why we exist.

So just to our very first rally, it happened two months after establishment so we got it together very quickly and it was called 'Sing for Civil Marriage' and we had the wonderful Gloria choir and they were singing outside of the Stephen's Green, a very public area, and everyone had pink hearts and it became our symbol actually on our logo and it was a great day out, about sixty people turned up but it was fantastic because the next day it was in *The Irish Times*

"a new gays right voice concerns" and even in *The Sunday Times* "rough justice".

This is how we function. We function by having, hopefully, fun protests that are entertaining but they're also informative and then they reach out to the media, so then we reach out to the wider community. Our next one, and this actually got our most media attention, was around the time when Bertie Ahern (former Taoiseach) was getting a particularly hard time so we decided to present him with a six foot valentine's card with 'Bertie, My Valentine' and inside we had over a thousand messages with different poems from all over the community expressing true poetry: "roses are red, violets are blue, give us gay marriage or we'll call in Land Revenue"! was one of them and we had a thousand of these and amazingly we banged on for weeks sending emails about how we're citizens of the state and we want this card to go into the Dail directly through the main entrance and amazingly Bertie Ahern's private secretary came out and physically carried it into the Dail! I'm amazed he did it but it was fantastic because the next day we ended up in *The Independent*, also on TV3 news and Vincent Browne had us on discussion on TV3 that night.

Now earlier today in the workshops one of the important points that were raised was the need to differentiate between civil marriage and religious marriage. So shortly after the valentines protest, we decided to very clearly demonstrate the difference between civil and religious marriage by having two couples break into the Civil Registry Office, and we held a protest where Senator Norris spoke and it was a great day out because it was covered by Six-One News, and they're quite difficult to get. It very clearly demonstrated the contrasts of the comments of Cardinal Brady with the protest at the Registry Office and they very clearly made the pointed difference between the civil institution of marriage, which all citizens are entitled to, versus the religious institution of marriage, which we have no qualms with the cardinal having his view over at all, it's his church.

So these are the ways we work and it has been a progressive job to break down the barriers of apathy within the community. Our overwhelming view is that there is fantastic support in the community for marriage. I think there is a large understanding about the difference between partnership and marriage because we have to go out to the community quite a lot through meetings all around the country and also through leading up to a rally we would have maybe three weeks of distributing flyers around the community, in clubs and bars and people are very informed now after the two years of campaigning and they are predominantly pro-marriage.

So it culminated where a thousand people at the last rally in April outside the Central Bank in Dublin – although *The Irish Times* said 600 but now we have realised that you don't put a number into your press release because they'll actually report it as fact, so next time we will be saying 5,000 even if it's 2,000! But it was fantastic and as we were saying earlier what we hope to do is portray the message through entertaining and informative ways but also ways that will empower the community themselves. And at the last rally we came up with the idea of the 'Red Card to Inequality' stunt and you can see there (pointing to a photo) everyone holding up a red card. It was chosen for obviously its sporting reference and in line with the six nations we wanted to portray the fact that we are just as patriotic and Irish as everybody else and proud of our rugby victory so we decided to have a mixed gender Irish scrum up against the posters of the wonderful government ministers there Dermot Ahern, Mary Coughlan, the magnificent Senator Jim Walsh and it's probably the only time he's ever been in the media actually – he must be delighted with the coverage!

So we had a thousand people from the community leading up to where people were making their own posters, I particularly like this 'if it's so equal and fair we'll trade your marriage for my civil partnership' and they bet that's a 'no' from everybody but of course we were delighted. This one made all the three broadsheets the next day, *The Examiner* which credits Louise, our Communications officer, they just copied the press release verbatim, so they talked about ending the ban

on civil marriage which is always what you want to get out there, *The Irish Times* and *The Irish Independent* and *Herald AM* have a classy picture of two guys kissing. It was fantastic again that the message is getting out there and it's getting out there loudly.

So that's how Noise functions. It's got quite an easy to understand campaign. We've one agenda, despite the amount of times we are patted on the head and the real politic of the situation in Ireland is explained to us, frankly we don't give a damn. This is about marriage, it's about aspiration, it's about asking for the top, as mentioned earlier, and always asking for the top and not bending into a God-damn excuse about constitutions or whatever they want to throw at us.

We feel the Platform for Equality is a very important vehicle for moving the campaign forward. There was a lot of discussion in the workshops earlier about the LGBT community speaking with a common voice. Now we do argue that all of the groups, MarriageEquality, GLEN, we've a role to play through different energies and different responsibilities to people who might fund it or not fund it (and as a voluntary group, we'll take money too actually!) However all the separate groups are operating under a single banner called the 'Platform for Equality' and Noise has recently undertaken to advertise this more often. I think it's going to grow into an organisation with more clout, as it does need to, because other regional community organisations should be joining underneath one banner and ideally we think that the Platform for Equality is that banner.

Now we've had meetings where we all get on very well and we have had discussions about common themes and common actions that we do together and the last one for instance was on the 21st March at Outhouse and you can see generally the three groups, Noise, MarriageEquality and GLEN all have our different roles to play. GLEN in terms of pushing for change within the Partnership Bill. MarriageEquality in terms of personal lobbying of TDs and also by giving a voice to the personal stories of couples in the media, which is an important component of their work. Noise is self-evident about raising community awareness

but also awareness amongst the wider community and public. There are many more strands than and a parallel strategy goes with that. Lobbying within political parties is very important, we need LGBT units within all the other political parties, which are as effective as Labour LGBT. We also have the gayvote.ie campaign, which hopefully will be revived for the next election.

We have recently been able to collect important quantitative data as evidenced in the recent LGBT Lives survey that was carried out by BeLongTo and GLEN. We need the quantitative data to make our arguments stronger. There's also the importance of personal lobbying of your own TD and finally the parallel strategy of the legal case from the wonderful Doctors Gilligan and Zappone. It's important to pursue the legal avenue as well as the political and the lobbying avenue. In her High Court judgement Judge Dunne (in the Gilligan and Zappone case), pointed out that hopefully legislative change would occur before the courts would have to deal with the issue again. So if the Dail and the elected representatives are prepared to show a little bit of leadership on this I think it will go quite a long way in terms of the Supreme Court ruling.

So thank you very much.

6.1 KEYNOTE: PETER TATCHELL

CIVIL PARTNERSHIPS ARE SEXUAL APARTHEID

It's great to be here and to see quite a few faces that I've worked with and known over the years. I've listened with much encouragement and appreciation to the debate today, and to your regurgitation of the issues that have been on-going here in Ireland, in Britain and, indeed, around the world. This whole debate about civil marriage versus civil partnerships, it's an on-going debate that is happening in every corner of the world. And, of course, you must make your own choices and judgments. The choice and decision is yours.

What I want to do today is to offer a few of my own observations, based on the experience of our struggle in Britain. I suppose I'll start by saying that, cards on the table, I'm not a great fan of marriage. I tend to take the feminist critique of what marriage has historically been. We know that marriage evolved primarily as a mechanism for the inheritance of property through the male line and for the male domination and subjugation of women. We know that historically for women, children and LGBT people marriage and the family have often been a site of great suffering and oppression.

But that's the history. Personally, even though marriage has somewhat evolved, I would not wish to get married

myself. I don't feel the need for that state approval. I don't want to endorse what to me has been historically a hetero-sexist and often oppressive institution. But I also, of course, oppose homophobic discrimination and the ban on same-sex marriage. The non-recognition of same-sex partnerships is homophobic discrimination. So, because I support equality, even though I am myself very critical of marriage I would defend absolutely the right of those people, straight or LGBT, who want to make that choice. In a free and open society people have a right to make their own choices, even if you or I may personally disagree with them and not wish to be part of them.

So that's where I'm coming from. But, as many of you will know, I've in fact argued for not civil marriage or even civil partnership, but for a whole new system of relationship recognition that would apply and benefit both straight and LGBT couples. At different times, I've drafted what I've variously called an 'Unmarried Partners Act' or a 'Civil Commitment Pact.' The essence of these is that if we were starting from scratch, starting from now, to invent a model of relationship and partnership recognition I doubt we would choose marriage as the model. I think we'd try and come up with something new, fresh, more liberating.

The Unmarried Partners Act model, or the Civil Commitment Pact model, that I have devised would apply to both LGBT people and straight people. It would enable someone to nominate any 'significant other' person in their life, as their next of kin, as their beneficiary, as the joint guardian of their children and so on. This could be a partner. It could also be a lifelong best friend or favourite niece or nephew - lots of different possible permutations. We already know that in France the PACS system is roughly along these lines. In the Australian state of Tasmania, since 2003 their Relationship Act also enables people to nominate any significant other person in their life. Within this framework, when it comes to people who are in a love relationship, I would like to see partners able to pick and choose from a menu of rights and responsibilities.

The reason for this is because both civil marriage and civil partnerships present a one-size-fits-all model of relationship recognition, when we know that in reality

there are a huge variety of lifestyles and relationships. Some couples live together, others live apart. Some share their finances, some maintain financial independence. Under this proposed system partners could devise, from a designated menu of rights and responsibilities, their own tailor-made partnership agreement - their own tailor-made, individualised partnership agreement, suited to their particular personal circumstances and needs. That, I think, is a much more democratic, flexible and open system.

But, of course, we're not there yet. It is something to aim for and a goal that I still aspire to. As I said, the French system, the PACS system, to some extent goes in this direction but the best model of all is the 'Tasmanian Relationship Act 2003', which I would urge you all to look at and examine, as a glimpse of what might be possible, as an alternative model. Despite my reservations and critique of civil partnerships, I concede that they are a remedy for many of the injustices faced by same-sex couples. There's no doubt that having civil partnerships in Britain is infinitely better than the situation that prevailed previously. No doubt about it whatsoever. Many or nearly all of the rights and responsibilities that go with marriage are included in civil partnerships. So, to be honest, I have to say civil partnerships are an advance, no doubt about it.

But also, as has been reiterated many times here today, civil partnerships are not equality. They're a separate system. A separate, different legal framework. As we all know, separate is not equal. Civil partnerships are also quite divisive. They sustain the divisions between heterosexual people and LGBT people. They don't bring us together - they separate us. One law for straight people, another law for queers. This isn't really the model we ought to be aiming for. We should be seeking to heal these historic divisions that have divided us based on sexual orientation and gender identity. We ought to share a unified system.

One of the most shocking things about civil partnership legislation in Britain is that we previously had a situation where same-sex couples were banned from civil marriage. Then, since civil partnerships came along, we now have

a situation where opposite sex couples are banned from civil partnerships. So the homophobia of the prohibition on same-sex civil marriage is now compounded by the heterophobia of the ban on opposite sex civil partnerships. Just as LGBT couples can't have a civil marriage in Britain, heterosexual couples are denied the right to have a civil partnership. My understanding is that a similar model is envisaged here in Ireland, under the proposed civil partnership legislation. So really, in essence, civil partnerships compound, reinforce and perpetuate discrimination and division.

The only real equality is, quite obviously, same-sex civil marriage. For a movement that has historically held up the banner of equality, that has made equality our mantra, civil partnerships are not equal. For us to settle for anything less than same-sex civil marriage is a betrayal of this historic quest for equal rights and non-discrimination. Some people say 'well, you're just fussing over words, the rights and responsibilities are pretty much the same, what does it matter what you call it - civil marriage or civil partnership.' To some extent they're right.

But we also know that symbols are important, that words are important, that words and symbols often embody values and ideas, and when you have a differential legislative framework you are sending a signal. It's not a signal of inclusion or dignity or respect or equality, it's a signal of difference, of treating some people in society differently from others. I always say to those who use this argument that our critique is quibbling over words, "how would you feel if the Irish government said to black people: you are banned from civil marriage, no black person in Ireland is allowed to have a civil marriage ceremony". I think pretty much the entire country would be dismayed, appalled and outraged. People would say that this was a form of apartheid. There would probably be riots, there would be an international outcry, there would be calls for Ireland to be boycotted around the world as a racist state.

Well, that's the way I see civil partnerships. They are a form of sexual apartheid - a legal differentiation on the basis of sexual orientation and gender identity. One law for heterosexuals, civil marriage, and another law for LGBT people, civil partnerships. It really does echo - I emphasise echo because it is not the same - it really does echo the philosophy of apartheid, the philosophy of separate development. The Bantustans were supposed to

be separate but equal. Well, the world rejected that excuse and rationalisation. The world said no, no, no. In a free and democratic society, where there is universal respect for human rights, every human being is supposed to be equal under the law.

For the Irish government to go down this road of civil partnerships is, to me, a huge disappointment. It shows a massive lack of imagination, courage, determination and principle. We all know that marriage is the gold standard. We all know that. It's the only partnership framework that has universal global recognition. The only one. If you go anywhere in the world and if you're married, people know what you mean and it's accepted and recognised in every country.

With British-style civil partnerships, the sad fact is that they are not recognised in most countries around the world. Not even recognised in most European countries. So if a same-sex civil partnership couple go on holiday abroad or migrate to another country, nine times out of ten their relationship, their civil partnership, has no legal status or recognition whatsoever.

Some people say that civil partnerships are a stepping stone to civil marriage, that if we can get civil partnerships that will move us in the right direction. Well, that has not been the experience in Britain. I can tell you very clearly that civil partnerships have effectively killed off the campaign for same-sex civil marriage. The LGBT movement in the UK, apart from OutRage! and the Lesbian and Gay Christian Movement, accepts the ban on same-sex marriage. So do all the political parties, bar one. Only the Green Party in Britain supports same-sex civil marriage. Not Labour, not the Liberal Democrats, not the Conservatives. The political parties are not interested. They say 'you've got what you asked for, you've got what you wanted, we've delivered, go away.' It's very, very shocking. The main politicians are quite blatant about it, quite blatant about supporting this discrimination in law.

So, in summary, I'd say that the choice between civil marriage and civil partnerships, is yours. You are the ones who must decide. But speaking for myself, the proposed Irish civil partnership legislation is a big mistake. Whatever the intention, it is discrimination, and a real insult to the LGBT community, to exclude you from same-sex civil marriage. It is a rejection of marriage equality. Separate

laws for LGBT people are not equal laws. Civil partnerships will simply reinforce and strengthen the ban on same-sex marriage and therefore reinforce and perpetuate discrimination. Indeed, they will extend discrimination by denying heterosexual couples the right to have a civil partnership. It's obvious that this is not equality.

I would, even at this late stage, urge the Irish government to take a principled stand in favour of equal rights by ditching its civil partnership proposals and instead do the right thing. This means bringing forward legislation for same-sex civil marriage. Civil partnerships are simply not good enough. They are second best and I believe - and I think all of us here believe and that many of our heterosexual friends and allies believe - that same-sex couples deserve the same legal rights as heterosexual couples. Every single one of us in a democratic society should be equal before the law. Creating one law for gay people and another for straight people is a retrograde, divisive step. So, please, do not follow the flawed British system of civil partnerships. Let Ireland lead the way and outdo the Brits by giving full civil marriage rights to its lesbian and gay citizens. Equality has always been our goal, we should settle for nothing less.

Thank you.

6.2 CONCLUDING KEYNOTE: NIALL CROWLEY, FORMER CEO, THE EQUALITY AUTHORITY

AN AMBITION FOR MARRIAGE EQUALITY



Ailbhe Smyth, during the opening session, expressed some impatience at the level of ambition and the level of progress in relation to recognising same-sex relationships. She was responding to Éamon Gilmore, who valuably stated that marriage is a question of equal citizenship but, unfortunately, went on to say that civil union is about creating the conditions for marriage. Subsequent

presentations during the seminar have justified this expression of impatience.

The experience presented from Spain is telling in this regard. The contribution of the Partido Popular, the conservative Spanish political party, to achieving civil marriage for same-sex couples was identified as 'doing nothing' about gay and lesbian relationships. By 'doing nothing' they created the conditions for the demand for civil marriage to emerge and be accepted by a more progressive government. In Britain, we were told, the introduction of civil partnership has demobilised the demand for civil marriage. These experiences demonstrate that partial or limited progress in recognising same-sex relationships end up as a barrier to equality rather than being the precursor for further change.

This seminar takes up from initiatives developed during the 2007 European Year of Equal Opportunities. The same energy, the same sense of innovation, the same sense of hope is evident. The same demand for marriage equality is evident. However we have to

acknowledge that the European Year took place in very different circumstances such that it became a time of renewal in Ireland. The European Year was a time when existing champions for equality recharged their batteries and moved forward on key equality issues. It was a time when many new champions for equality emerged. It was a time of real confidence in asserting a new ambition for equality. We weren't just talking about opportunities, we were talking about change, we were talking about new outcomes and choices for groups experiencing inequality. We were talking about the demand for marriage equality.

This seminar takes place in a very different time. We need to be sensitive to this. This does not mean dropping the demand for equality or lowering the ambition for equality. It means that there is a need to acknowledge the scale and nature of the task and to adapt tactics and strategies to a new context. This is a time of very significant backlash against equality. Equality is trivialised in public debate. It is incorrectly suggested that the whole equality project has just gone too far and needs to be reigned back in. It is put forward that this isn't really the time for discussion on equality, there are more weighty matters and problems facing our society. The demand for equality must now wait its turn.

This backlash is evident in political discourse. All of the political parties are talking about 'sharing the pain' of economic recession. The more progressive political parties are talking about fairness. Nobody in this political discourse is talking about equality, the value of equality and the need to achieve equality in responding to the current economic crisis.

This backlash is evident in the challenges now being posed to advocacy. The space for advocacy is being closed down. The Equality Authority was targeted because of its legal advocacy work. The community sector is experiencing cutbacks as well as threats to the funding of groups which dissent from the dominant line. Funding is restricted to service provision rather than being made available for advocacy work. The economic recession is being used as a cover to take out those organisations which are inconvenient to those who are in power in society.

In a context of backlash, it is crucial that we assert equality as a core value for our society. We need to seek the espousal of equality as a core value across all sectors in civil society. This demand for equality is captured and advanced in the demand for access for lesbian and gay people to civil marriage. Fairness, which is the dominant theme, doesn't afford access to civil marriage. Fairness is about getting rid of the 'disadvantaged experience' that is part of lesbian and gay peoples' lives. Fairness is about civil partnerships.

The current proposals for civil partnership mean that we are still at the level of fairness. We need to lift the ambition of all to the level of equality and access to civil marriage. To go beyond civil partnership and to seek civil marriage is to pose equality as a core value for Irish society.

In a context of backlash it is important to defend advocacy and the importance of advocacy to our democracy. Advocacy is key in holding the power holders to account. It is key in giving voice to those who are powerless in our society. The best way to defend advocacy is to practise advocacy and to practise advocacy as widely as possible. The practice of advocacy will break the fear that is gripping parts of the community sector. This fear leads to paralysis. Change does not seem possible. There is just no space to raise matters of equality. This fear leads to gratitude in that we are grateful for what is offered by the powerful. As we become grateful we end up in a position where we should accept whatever is offered.

It is important to prove the backlash wrong, to prove that this actually is the moment to bring forward equality issues. We need to communicate that an effective response to the economic recession requires an emphasis on equality objectives. We will not emerge successfully from the economic recession without achieving the core value status for equality and without injecting equality considerations into what our responses to this crisis must be.

This is a time of upheaval and change. This can be, and has been, experienced as a barrier, but we need to begin to see and experience it as a moment of opportunity, opportunity to advance demands for a more equal society including, and in particular, the demand for marriage equality. We need to believe that progressive change is possible in the current context and progressive change is necessary in the current context.

The campaign for marriage equality has a particular contribution to offer in this regard in terms of the wider society. There is a cultural dimension to this recession. Many people have lost optimism, have lost hope, have lost confidence. The manner in which this recession is being communicated to us almost seeks to achieve this negative cultural context – it is easier to control. However the campaign to achieve civil marriage for same-sex couples is morale boosting and does lead to new hope and new optimism. This will contribute on a wider level to a better response to the current problems that face us.

Today's seminar has been posed as 'marriage matters for lesbian and gay people'. It could equally well have been posed as 'lesbian and gay people matter for marriage'. The institution of marriage is deeply tarnished by the significant inequalities that persist within marriage and by the violence that can often be experienced in marriage by women. This has been alluded to by a number of speakers. The institution of marriage is a tired institution. People increasingly choose not to engage with marriage, people, that is, who currently have the right to marriage. Cohabitation emerges as the preferred option – or at least it does so until the Revenue Commissioner's look to take their share. We do need to pose the issue in terms of lesbian and gay people offer significant new energy to a tired and outdated institution.

Lesbian and gay people most importantly offer the potential for new models of marriage to emerge. These new models of marriage would reflect equality and would reflect the equality that led to the demand for access to civil marriage. That is what diversity does for society. However it only does that for society if society acknowledges, values and takes into account that diversity. However the current proposals for civil partnership are in effect a denial of the value of that diversity.

This denial reflects a very dominant problem with difference that we have in Irish society. We do not value difference. At best we tolerate difference. Tolerance is problematic. Tolerance is about putting up with things that are basically unacceptable. Tolerance does not require any understanding of difference. Indeed it can often co-exist with contempt for difference. We need to break with that tradition of responding to difference. The campaign for marriage equality campaign breaks with that tradition in a most powerful way.

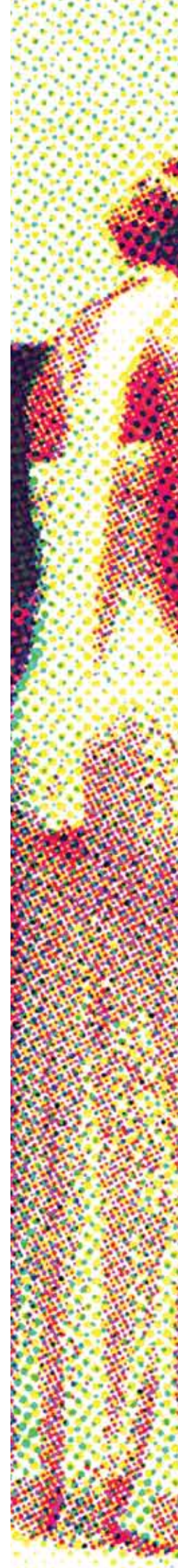
We do need a framework of legal recognition for relationships in Ireland. This framework should be characterised by diversity and equality. This framework should include recognised households, civil partnerships and civil marriage so as to meet the needs of the diversity of family forms that are present and to afford real choice to people – gay, lesbian, bisexual, transsexual or heterosexual. It opens the possibility of equality for lesbian and gay people, for bisexual people, for heterosexual people and for trans people. However, a starting point where heterosexual people have access to civil marriage, gay and lesbian people have access to civil partnerships and transsexual people have access to nothing is not helpful or promising. We need a starting point that would avoid creating the segregation and the status subordination involved in the current set of proposals.

In conclusion it is important to acknowledge that we have made progress. The survey figures presented by MarriageEquality give tangible evidence of this progress. Those figures would have been unimaginable ten years ago and they are an extraordinary tribute to the work that has been done by lesbian, gay and bisexual organisations. Given that we have come this far I would conclude with two final messages.

The first message is that we need to remember the importance of international solidarity. We have advanced way beyond other countries. We should be concerned about and responding to, just as the groups in Spain are doing, with what is happening for lesbian, gay and bisexual people in places like Russia and Poland.

The second message is that, having come so far, this is surely not a time for caution. It has to be a time for progress, it has to be the time for access to civil marriage. All of the speakers have emphasised the centrality of the LGBT movement to achieving change in this area – a movement that is independent, that is visible and that is noisy. The participants at today's seminar are the key to achieving change. This change, in terms of access to civil marriage, is something that is being pursued for lesbian, gay and bisexual people. However, the pursuit of this change is also part of the pursuit of a more equal Ireland. As such the campaign deserves and requires the solidarity of all who aspire to a more equal Ireland.

Thank you.





6.3 SYMPOSIUM CLOSING: AILBHE SMYTH, CHAIR, NATIONAL LESBIAN AND GAY FEDERATION

A very warm thank you to Niall. I'm particularly glad you talked about the recession because I'm tired of people saying that such and such an issue is not really very important at the moment. Of course, they say it about all kinds of issues, not only lesbian and gay matters. My response – almost a mantra now – is that 'equality is not a luxury, it is a need'. It is the basis on which people can or cannot live their everyday lives with decency and dignity. This is not something to be postponed until some better future (and who knows when that will be?). So thank you again Niall for a such a wonderful, rounded concluding keynote. You will be happy to know that I am not going to give a speech at all but I do want to make a number of really very important thank yous.

First of all a big thank you to our speakers today for keynotes and panels covering a wonderfully wide swathe of issues and perspectives on civil marriage for lesbian and gay people. Your contributions were thoughtful, always stimulating and often properly provocative. Discussion throughout the day was both sophisticated and nuanced, yet without seeking to avoid divisive or sensitive issues.

There was an acute recognition on all our parts, I believe, that when we address marriage matters for LGBTs, we are talking about people's lives and needs, their hopes and aspirations. This is of course immensely complex, intimate and sensitive terrain which we do not venture out on lightly. And as Alejandro and other speakers also reminded us powerfully during the day, there are many other issues in lesbian and gay communities internationally and domestically that require to be addressed.

That reminder was a very positive feature of the Symposium today: that maintaining and building LGBT solidarity both nationally and internationally on a range of issues is hugely important. For instance, I believe we are all aware of the need to maintain a sharp focus on the deep and persistent discriminations faced by Trans people in this country, and discussed in depth at the recent TENI conference. It behoves us all to pay particular attention to Trans issues at this time and not allowed them to be long-fingered to the bottom of some post-recession agenda.

A big thank you too to all of you for your contributions during the day, from the floor and in the breakout groups. I also want to thank EYEOPA and the Equality Authority for championing and supporting us to gain the funding and to organise this Symposium.

An especially warm thank you to the Symposium co-organiser, Ciarán Ó hUlltacháin from the board of the NLGF. He is truly a model of patience and fortitude and did an immense amount of work for today. And thank you to all of the members of the NLGF board who have been so active and supportive throughout. My thanks to Brian Finnegan, Managing Editor of *GCN*, and to all the staff, for your Trojan work; to Edel Hackett for her tireless media work; to Karl Hayden who has been filming today, and particular thanks to LGBT Noise because it was they who suggested inviting Peter Tatchell and offered their co-operation and support.

That's a very marked feature of our community: that we are cooperative. We don't agree on everything, but we do cooperate, and when the chips are down we talk and this day was about talking. It was about dialogue. It was about seeing where the chips and the cards are falling and I think on the whole, whether we liked all of it or not, we have succeeded in doing that.

And finally, this Symposium has been about emphasising that as LGBT people, we are not prepared to accept anything less than equality, because that is our due as citizens and as human beings. And we will not rest until it has been achieved.

Thank you all very much.

**This publication is supported
by the Directorate-General
for Employment, Social Affairs
and Equal Opportunities of the
European Commission.**

Its funding is provided under the European Community Programme for Employment and Social Solidarity, PROGRESS (2007–2013). This programme was established to financially support the implementation of the objectives of the European Union in the employment and social affairs area, as set out in the Social Agenda, and thereby contribute to the achievement of the Lisbon Strategy goals in these fields.

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- providing analysis and policy advice on PROGRESS policy areas;
 - monitoring and reporting on the implementation of EU legislation and policies in PROGRESS policy areas;
 - promoting policy transfer, learning and support among Member States on EU objectives and priorities;
- and
- relaying the views of the stakeholders and the society at large.

For more information see: http://ec.europa.eu/employment_social/progress

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