

## What's the difference?

*The message is being sent out that civil marriage and civil partnership are relatively the same. However, this simply isn't true. The Government have short changed the lesbian and gay community and are forcing people to accept what is essentially second rate legal protection of our relationships with civil partnership.*

*However, to fully understand the differences, below is a definition of civil marriage and civil partnership for you to compare, and following that a list of some of the inequalities contained in the proposed civil partnership legislation.*

### What is marriage?

Marriage is a unique legal status conferred by and recognized by Governments the world over. It brings with it a host of reciprocal obligations, rights, and protections. Yet it is more than the sum of its legal parts; it is also a cultural institution. The word itself is a fundamental protection, conveying clearly that you and your life partner love each other, are united and belong by each other's side. It represents the ultimate expression of love and commitment between two people and everyone understands that. No other word has that power, and no other word can provide that protection.

In Ireland the family based in marriage (with or without children), is protected by the Constitution from attack and must be guarded with special care. This means that other families (with or without children) do not have this special elevated and protected status in Irish law.

Civil marriage is not the same as religious marriage. Religious marriage is a ceremony in a church, but it is followed by the signing of the civil marriage register, which is the civil or legally binding part. A civil marriage takes place in a registry office and has nothing to do with religion.

### What is Civil Partnership?

The Government proposes to bring in civil partnerships for same-sex couples and we are expecting a draft Bill in 2009. Opposite sex couples will not be given the option to register a civil partnership. They, like same-sex cohabiting couples will be allowed to draw up a contract between themselves setting out what is to happen if they split up or die, and will be given some automatic rights after living together for a period in case they die or split up.

Civil partnership is not marriage. It will not automatically apply all the rights of marriage to civil partners and therefore same-sex couples will not have equality. It will give partners who register their partnership some legal rights and protections in relation to succession rights and property rights (i.e. rights when a partner dies or the couple splits up).

*Here is a quick look at some of the inequalities of civil partnership.*

### Family unit not recognised

The civil partnership legislation has been designed, in close consultation with the Attorney General, to ensure that lesbian and gay relationships are treated separately and unequally to heterosexual married couples on many levels.

### Home not referred to as a family home

A home jointly owned by a lesbian or gay couple will not be considered a family home under the proposed civil partnership legislation. Instead it will be referred to as a shared home.

### Tax & Social Welfare discrepancies

The proposed bill does not deal with certain financial matters which affect lesbian and gay couples such as income tax, capital gains tax, capital acquisitions tax, stamp duty and social welfare benefits. The Government is instead planning on dealing with these through separate legislation. This is worrying; will registered civil partners be treated exactly the same as married couples for tax and social welfare purposes?

### Adoption rights

A same-sex couple will remain ineligible to apply to adopt a child, even the child or children of their civil partner. Currently, an individual regardless of their sexuality is eligible to apply to adopt and a same-sex couple are eligible to apply to foster a child together as a couple and many do all over Ireland. Marriage Equality believe that same-sex couples should be treated equally to married couples in the adoption process.

### Children

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

### Next of kin

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

### Separation

Married couples divorce and civil partners dissolve their relationship. The difference in terminology and the fact that it is easier to dissolve a civil partnership shows clearly that civil partnerships are not seen by policy makers as important to society as marriages.