

Civil Partnership is **NOT THE SAME** as Marriage



What are the Missing Pieces?

Introduction

The differences highlighted below, and detailed in the Marriage Equality marriage audit *'Missing Pieces'*, institutionalise discrimination and affect the lives of lesbian and gay couples each day. That discrimination cannot be chipped away, amendment by amendment. Full equality can only come through the extension of marriage and the resulting rights, responsibilities and status to all citizens, regardless of their sexual orientation.

As citizens we deserve nothing less.

This is just a snapshot of the inequality that same-sex couples face in Ireland today. The report looks at 169 legislative differences between marriage and civil partnership. It does not cover constitutional rights, common law (judge-made case law) or other rights and responsibilities outside domestic legislation. The *'Missing Pieces'* report is available on www.marriageequality.ie or a hard copy can be requested from info@marriageequality.ie

Parent and Child

25 substantial differences in treatment between married couples and civil partners were identified in this critical area such as:

- Civil partners cannot apply to jointly adopt
- Guardianship rights have not been extended to civil partners. Where a civil partner is not the biological or adoptive parent of a child there is no way to confer parental rights and responsibilities to that person, regardless of how involved they are in the care, education and development of a child.
- In the event of a relationship breakup in a civil partnership there is no legal requirement for a court to take into account the needs of dependent children.

This situation reinforces the view of the Ombudsman for Children that

'The omission of robust protections for children of civil partners will have real consequences for the young people concerned and it is in their interests that the law reflect and provide for the reality of their lives.'

Discrimination against children, based on their parents' sexuality is a day-to-day reality for thousands of children in Ireland today.



just
love?

The family home:

Again 25 substantial differences in treatment between married couples and civil partners were identified in this important area.

- The fact that our homes are not defined as 'family homes'. Instead our homes are downgraded to the status of a 'shared home'.
- In the case of desertion a spouse in a married couple can apply to the court to dispense with the deserting spouse's consent to sell the family home. No such protection is afforded to civil partners.
- Housing relief grants are provided where a house is severely damaged by fire, flood or other tragedies. In assessing the level of grant the hardship endured by a spouse is taken into account. Not so for civil partners, their relationship doesn't exist as far as this State support is concerned.

Legal Procedures:

62 differences in treatment between married couples and civil partners were uncovered under this heading, many of which deal with procedures from formalising a relationship and for how a relationship can be dissolved in the event of breakdown.

- Engagement has a legal status and resulting rights, protections and obligations for heterosexual couples. There is no equivalent status for civil partners.
- Religious bodies are not legally permitted to register a civil partnership.
- Unlike marriage law, the courts cannot recognise foreign civil partnerships or same-sex marriages. Whereas heterosexual couples can apply to the courts for recognition, same-sex couples must gain Ministerial approval.



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MARRIAGE EQUALITY

Civil Marriage for Gay and Lesbian People