

‘Equality in Ireland – A 20 20 vision speech’

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Summary: Equality in Ireland - A 20 20 Vision conference was held to mark a decade of Equality Legislation in Dublin Castle during 2010. Eoin was speaking on Civil Partnership in Ireland.

Transcript:

“Thank you very much for the invitation to speak here today and I just want to, before he rushes off, to congratulate the minister on the enactment of Civil Partnership legislation. It means a huge deal. It’s a huge advance and will make an enormous difference to many, many people in the ordinary days of their lives. So, I just want to congratulate you for getting it through at this time. Thank you and I also want to particularly thank the Equality Authority for the invitation.

I think the Equality Authority has been hugely part of the campaign for legal recognition and has played a central role in getting us to this point. There’s just three things I want to very briefly talk through. One is what’s in Civil Partnership because it has broad implications, not just for same-sex couples but also for non-married cohabitants. The second thing is just to acknowledge and to go over just some of the role that the Equality Authority has played since the early 2000s in advancing change. And finally, some very brief lessons that may be useful for discussions over the next few days at this conference.

So, very quickly, the Civil Partnership, it’s the Civil Partnership and Certain Rights of Cohabitants Act, was passed with the support of all parties, without a vote in the Dáil, as the minister said, and then after a nail biting debate in the Seanad, by 48 votes to 24. And it was nail biting because a series of amendments had been tabled to weaken it and to water down its effects. They were all rejected and it was very important that happened. The Civil Partnership and Certain Rights of Cohabitants Act has two separate schemes. And sometimes because the focus has been on same-sex couples, the two schemes get a bit mixed up. The first is a civil partnership, a registered scheme where when same-sex couples will register their relationships using the same procedures as civil marriage. And from that registration, derive many of the same rights and legally enforced obligations of civil marriage. They cover a wide range of issues from taxation through to immigration to protection of shared home.

The second is the cohabitation scheme and this applies to opposite sex and same sex couples who do not marry or do not register their relationships. People who qualify to be a cohabitant after five years living together and two years if they have children. From that, this is a presumptive scheme, the economically dependent partner can apply to the court for a series of remedies. This could have huge implications, maybe on the gender ground. Very often it is women who are economically dependent because they are looking after children and this may provide much needed remedies.

There has also been a significant expansion of the Equality Legislation. There is now a new ground for civil status, which includes marital status but also makes it an offense to discriminate against civil partners whether in employment or the provisions of goods and services. Just because this session is about the Employment Equality Act, some sense of the impact of civil partnership you can see when we look at employment. Registered civil partners will be treated the same for pensions as married spouses. Under the Employment Equality Act, a new civil status will make it illegal to discriminate against civil partners in employment. And any work place benefits that are offered to a spouse must now also be offered to a civil partner.

Equally, the definition of member of the family in the Employment Equality Act has been extended. So, any benefit offered to the child of a spouse must also be offered to the child of a civil partner.

And, if income tax is going to be amended to again deliver equal treatment with married spouses, this means again people in vulnerable situations, that you can transfer your tax credits to the person who is earning less in the relationship and that will mean a lot for a lot of people. And the Immigration Bill will be amended to deliver equality with married couples but already the act being enacted has led to changes in de facto recognition in immigration regulations. And that has been a huge thing because a huge amount of calls to GLEN over the past five years has been from couples where one party is from outside the EU and they are trying to stay and live here in Ireland on the base of their relationship. They now have some protection under this de facto recognition as a result of the Bill coming through.

I think one thing to acknowledge as well is that I met somebody from New York recently. He was over and he was quite astonished. A gay man looking legislatively at where Ireland was compared to New York. The sheer amount of progress that has happened here and as you can see right from '93, from unfair dismissals, right through to decriminalisation in '93, the refugee act '96, we have just had a very, very significant progress of our protections for

lesbian and gay people that have propelled Ireland into one of the top countries in the world around protection for lesbian and gay people.

And the Civil Partnership Act is a huge, very serious step forward on that and in a way the other legislation was about that right not to be fired, not to be refused a service. This is the first bill that really looked at the right to something and it is the right of couples to have their relationships recognised, to have those relationships acknowledged by the State and by their communities.

As I said I think the Equality Authority has been a central player in a great deal of this progress. Going back to 2002, as Angela said, the Equality Authority was the first body to come out for civil marriage for same-sex couples and that was quite a long time ago. Since then, it has played a very central role. The previous CEO Neil Crowley and Eilish Barry, the legal officer at that time, played a significant role in participation on the Colley Group and then also leading a major international conference in 2006, which really defined the issues and really I think made a major contribution to clarifying the issues to the Irish public. From that Colley was able to make its proposals, as I said, which clarify the issues, clarify the issues that same-sex couples in particular were looking for marriage and what had been offered to same-sex couples is a very, very limited partnership model that would have been open to anyone. The Colley Group changed that and the Equality Authority played a significant in that.

But equally under Angela Kerins, the Authority has continued to play a very, very substantial role. The Authority came out in favour of the Civil Partnership Bill when it was published but they didn't lose sight of the goal of marriage, which is the goal of GLEN, and equally made very, very strong statement, Angela Kerins did an op-ed piece in the Irish Times, very, very strong statements on the opt-outs that had been put forward by religious groups in the legislation, which would have hugely weakened its effects. That played a very, very strong in making sure that those opt-outs weren't taken. So, I really think that input needs to be acknowledged and equally the Authority has continued to acknowledge a key gap in the legislation which is lack of any recognition of children being parented by same-sex couples. The Authority, as we have, made a very substantial submission to the Law Reform Commission, which is examining these issues currently.

Just very quickly and lastly, just to look at some of the emerging lessons of the work that has taken place over the past two decades to advance all of this progress from our own experience and working with the Equality Authority and with the other equality infrastructure,

including our work with the Department of Justice and lower form. The first one is building institutional support, that has been critical. As I said, the role of the Authority and the Colley Working Group have been central in framing the debate, in clarifying the issues around legal recognition. The second one, and more importantly even, has been building political consensus for change and I think we are very pleased that not only has the legislation been passed with the support of all parties but I think there's a real sense of ownership among all politicians and Oireachtas of the legislation, every party can see the role they've played. From the Labour Party, which had tabled its civil unions bill twice in 2007, to the Green Party, which has a policy of supporting marriage, and right through to Fine Gael, which was one of the first parties to propose civil partnership legislation. So, I think our Oireachtas and members of the Oireachtas needs to be congratulated. The quality of the debates was really superb and GLEN has published the Seanad and all debates on that basis. Because the quality of the input from all parties was very, very significant. And also what's evident from the debates is there seems to be an appetite for further progress. The issues and the gaps around children have been emphasised by politicians across all parties. We're hoping now that as a result of Law Reform Commission's proposal we can move legislatively on further progress.

And the support of the Authority has been and always will be very welcome in that respect. The third point is that it is still possible to make progress at a time of huge economic crisis. I think that is a hopeful point around what has happened. Even despite the worst economic crisis of a generation, this progress has still been made. We hope, as the Minister has said, I thought it was an interesting point to say is that equality isn't some frippery, it's not some kind of luxury of the boom, it's actually intrinsic part of our capacity to recover as an economy. Economics and social development do go hand in hand. So, the equality infrastructure in that sense can be considered as part of our economic infrastructure. The two are very linked.

Another point from me has been the critical importance of delivering change in people's lives. Five year's ago, people rang me when I started this job in GLEN, they had immigration cases, a whole range of issues that affected them, and we had literally nothing to offer them. In some cases, people had to leave the country and their relationship ended or they had to both emigrate. In other cases, a business might have had to be sold because of the death of a partner and their livelihood gone as a result. For some people, it's too late. The partner has died and, even in some cases, they don't want anything but retrospective recognition. I think the need and urgency of this legislation has been very apparent from that. But I think we always need to keep a critical mind when we're framing the eventual goal of what we want to

achieve. We also have to bear in mind the progress along that goal is extremely important for people in their lives.

The last thing is, just to finish on, I put it as unanimity in the goal and indifferences in strategy. Certainly there has been unanimity among lesbian and gay groups that marriage is a goal. Sometimes that hasn't all often been apparent because there have been very significant differences in strategy and I think we need to be able to look rationally, given we're talking over the next two days about the equality agenda. I think we need to be able to reflect on what strategies do work and rather than going back to rearticulate our goals, I think it is very useful to think well how do we achieve that, what are the lessons we learnt along the way, and how can we continue to move as fast to the goal as we possibly can. I will just finish on that and as I said I am delighted to be here today. I just want to again pay tribute to the Equality Authority for their significant work past and present on this issue. Thank you very much."

Link: <https://www.youtube.com/watch?v=y5FaT3J21mA>