

Charlie Flanagan, TD, speaking at the launch of the GLEN Report on Civil Partnership, 'How a Minority Achieved a Majority'

I'm delighted to be with you this evening and am honoured to have been asked to launch your very fine report. I wish to record my appreciation of the work of Atlantic Philanthropies in Ireland perhaps most particularly in the area of human rights and North/South relations on our island.

This evening's report outlines the often troubled journey from the decriminalizing of homosexuality and the repeal of 19th century discriminating Victorian legislation, in 1993, to the as yet unfulfilled destination of equal citizenship for all our people.

Developing and protecting a code of human rights of people irrespective of their sexual orientation whether, gay, lesbian, bisexual and transgender persons has to be a core objective of any civilised democratic state in the 21st Century.

The achievement of all party agreement on the enactment of the Civil Partnership Bill represented an important milestone for the legislature as well as for Irish society. As I said in the course of the debate the passing of the Bill was a mere stepping stone towards equality. I am very conscious that provision for same-sex marriage in Ireland is a core objective of GLEN together with the full recognition of such marriages where contracted in other jurisdictions.

It is timely that your launch takes place in the same week as the Constitutional Convention commences its proceedings. I am honoured to have been asked by the Taoiseach to lead the Fine Gael majority group on the Constitutional Convention which will report to government next year.

As you will be aware same sex marriage and whether our Constitution needs amending is an issue that will be firmly on the agenda for the Constitutional Convention. Moreover, The Taoiseach Enda Kenny has given a formal commitment to the Dail that the Government will give a public response, through the Dáil, to each recommendation from the Convention within four months of a recommendation having being made. The deliberations and recommendations of the Constitutional Convention are central to any action that may be taken by Government and to an informed wider public discourse on the matter. I look forward to this active engagement.

The Programme for Government as agreed between the Fine Gael and Labour parties contains a commitment to reform and update of our family law code. One of the great weaknesses in the current legal framework of Civil Partnership which as opposition Justice spokesperson I recorded at the time was the failure to specifically address issues relating to parental rights of gay couples and the legal relationship of gay parents to children being parented by them in circumstances in which the parents are parties to a civil partnership or individuals cohabiting in a committed relationship.

I was very much taken by and subsequently informed by my experiences as a constituency TD of a particular case in my district which experience I have no doubt is shared by each of my 165 colleagues in Leinster House. I am acutely aware that we need to reform family law to secure equal citizenship for lesbian and gay parents and the best interests of their children. This reforming focus must also ensure that children in lesbian or gay family units are able to form a legal connection with their non-biological parent and that kindred relationships flow from such legal connection. Reforms are also needed in the areas of guardianship, custody and access, and to ensure maintenance and inheritance rights for the children of civil partners.

So drawing from my own experience I would urge GLEN and other advocacy groups to present cases to individual TDs and representatives demonstrating hardship, anxiety and discrimination in every neighbourhood throughout the State. From my experience as a legislator and a representative TD I can tell you there is no better way to focus on and “move the moveable middle!”

A root and branch review of our family law code must take account of developments that have occurred in the area of assisted human reproduction that currently do not have the protection or force of Irish law. There is a need for legal certainty on the parent/child relationship, where children are conceived as a result of assisted reproduction or born to a surrogate. This area remains unregulated. We must bring our laws in this area into the 21st Century and to ensure that they reflect the welcome new provisions now contained in Article 42A of the Constitution following the recent passing of Childrens’ referendum. The best interests of the child must be the paramount consideration. It is not in the best interests of either parents or children that we deny the reality of the complexity of the diverse family relationships that actually exist in the Ireland of 2012. With a view addressing this area of the law, the Justice Minister Alan Shatter and Frances Fitzgerald the Children’s Minister are preparing a Family Relationships and Children’s Bill which I expect will be published next year and , enacted before the end of 2013.

On the issue of day to day enjoyment of life, and personal safety, you will know that the State has an obligation to respect the objective equal value and dignity of every citizen regardless of sexual orientation. Having a stake as an equal in your community must mean being able to walk the streets safely and free from intimidation or assault or interference. I realise that real progress has been made in policing with the establishment of Garda Liaison Officers to the LGBT community. I very much acknowledge and welcome what the Gardai are doing in this area but I accept that there is scope for improvement.

As you know, Ireland has secured a seat on the United Nations Human Rights Council, and, from January 2013, and will actively participate in the Council’s human-rights work. This election strongly endorses our commitment to promoting and protecting human rights and the rule of law at home and abroad. It also adds force and weight to the State’s statements and actions in this field. The State looks forward to the responsibilities of this exciting role.

The Government has taken a strong stance on violations of the rights of LGBT persons both in Ireland and internationally. This is a position which will be developed during our membership of the Council. Ireland will continue to support measures for the protection of Human Rights Defenders at EU and international level and in our bilateral engagements with other countries.

As you know we take on the Presidency of the EU as from 1st January. I am assured by my colleague the Minister for Justice Alan Shatter that Ireland has a number of priorities in the Justice and Home Affairs and in the Social Policy areas two of which will be of real interest .

Firstly the Justice & Home affairs Commission will bring forward proposals for a ‘justice scoreboard’ to evaluate the rule of law across EU Member States. Our Presidency will support the concept of a scoreboard on justice, rule of law, democracy and fundamental rights. Such a move has the potential to reinforce the highest rule-of-law standards across the EU. The potential of the initiative will have to be realised on the basis of a consensus among Member States and so the scope of this initiative needs to be broad enough to ensure that it is not seen as directed at any individual member states.

Furthermore, the European Parliament has recently made advances on a roadmap of equality for LGBT persons. Senior officials from Department of Justice met with

representatives of the International Lesbian and Gay Association (ILGA) Europe a few weeks ago , on the occasion of their annual conference in Dublin. ILGA outlined their views on the value of an EU roadmap for equality for LGBT persons, and asked us to consider this proposal during the Irish Presidency. While this proposal is arising quite late in the planning of priorities for our EU Presidency next year. We look forward to the Commission proposals and the Irish government certainly hopes to support an initiative during our Presidency next year.

In conclusion and in wishing you well, we can travel together along the often winding bumpy surfaced road that is the road to equality. It is regrettable that the road is sometimes difficult to negotiate but one thing is clear there will be no obstacles of an insurmountable nature on the road the destination of which is full participation and equal citizenship.