



## FLASH REPORT

**Date:** 7 January 2010  
**Expert:** Orlagh O'Farrell  
**Title:** Civil Partnership bill introduced  
**Country:** Ireland

### Context

**Issue at stake:** Equal recognition for same sex couples  
**Ground of discrimination:** Sexual orientation  
**Source:** Legislation  
**Field:** Social protection, social advantages, other  
**Legislative provisions:** Civil Partnership Bill 2009

### Content

**Legislation (draft):** The introduction of the Civil Partnership Bill in Dáil Éireann was welcomed by the Equality Authority which described the move as an important step forward for civil rights in Ireland. The proposed legislation will, for the first time, give same-sex couples the right to have their relationships formally recognised by the State.

The Chairperson of the Equality Authority stated: "This proposed legislation will extend protection to thousands of same-sex couples in areas like inheritance, pension benefits, taxation and medical rights and is welcome. However, though a significant step forward it is not the final destination. In 2002 the Equality Authority called for equal access to civil marriage, and for equality in other relevant areas of family law, for same-sex couples. This remains our goal."

The policy of the Equality Authority is to support the full implementation of the recommendations of the Government Working Group on Domestic Partnership which underpin equality-based reform for opposite sex, same-sex and non conjugal cohabitants. In this regard, the Equality Authority voiced some concerns with the proposed legislation, the main one being the lack of reference to children and of adoption by same-sex couples in the legislation. The working group recommended that same-sex couples should be eligible for consideration as adoptive parents.

"In reality, many same-sex couples are already parents. Their children will continue to face questions regarding inheritance, guardianship and access, and will remain disadvantaged when compared with other children, including the step children of a civil marriage. It is to be hoped that the Law Reform Commission's current consultation on the Legal Aspects of Family Relationships will bring forward major reform in this area."

Addressing the issue of a possible amendment which has been mooted to allow for state officials to be exempt from registering civil partnerships, the Equality Authority stated: "This proposal would be unjustified, unworkable and unacceptable. Civil Partnership is a civil event, not a religious one. The Equality Authority would be strongly against such an amendment to the Bill, as a retrograde and discriminatory clause in what is a progressive piece of legislation."

The Chairperson commented:

"Hundreds of committed campaigners have invested time and energy in bringing Ireland forward to this point and now this Bill will finally be debated in the Dáil. Today is a historic day for Irish civil rights, with Ireland joining other countries such as the UK, Canada, Spain, Denmark and Sweden which have already taken steps to recognise the rights of same-sex couples to have their relationships recognised by the State.

"While the availability of civil marriage must always be our goal for same sex couples, the Civil Partnership Bill is a fundamental and historic step towards a fair and just society for gay, lesbian and bisexual people who are not unknown faceless people but the sons, daughters, mothers, fathers, aunts, uncles, neighbours and friends of all of us. All our elected representatives should stand behind this Bill and ensure its swift enactment."

**Internet link source and additional information:**

<http://www.oireachtas.ie/documents/bills28/bills/2009/4409/b4409d.pdf>