

# The Advocacy Initiative

## Case Study 5: Gay + Lesbian Equality Network (GLEN)

### The Campaign for Civil Partnership – The Route to Equal Access to Civil Marriage for Gay and Lesbian Couples and Equality for All

#### Background

GLEN's position has always been that civil marriage is the ultimate equality option and has worked continuously for marriage. In 2006, the Labour Party put it to GLEN that their legal advice was that a Civil Marriage Bill would be unconstitutional, but that they were prepared to publish a Civil Unions Bill that would be akin to marriage. GLEN describes this as an 'inflection point' in its campaign to achieve civil marriage when it took a strategic decision to enthusiastically welcome the Civil Unions Bill (2006) as a 'stepping stone' to civil marriage.



Minister for Justice, Equality and Law Reform, Dermot Ahern TD, with Board and staff members of GLEN, at his signing of the commencement notices for the Civil Partnership Act, December 2011

This involved a strategic decision 'to go for less' initially on the path to full equality in order to address the urgent needs for a range of rights –financial, health, migration etc - of many gay and lesbian couples and to take a legislative rather than a judicial route.

GLEN subsequently strongly welcomed the Fianna Fáil – Green Party Government's Civil Partnership Bill (2009) and campaigned intensively to have it as close to marriage as possible and enacted as soon as possible to respond to couples urgent needs.

#### Approach

A wide ranging and complex advocacy campaign was embarked on. This involved:

- \* Building public, policy and political support for the 'ultimate goal' of civil marriage for gay and lesbian couples.
- \* Moving the debate about life styles to a view of loving gay and lesbian couples.
- \* Providing a voice and leadership for the civil partnership campaign and empowering individual couples to speak out about their own situation.

- \* Engaging constructively and intensively with politicians in all parties and officials around getting acceptance for a Civil Partnership Bill that would have a good likelihood of being passed.
- \* Prioritising getting the bill enacted as soon as possible and countering opposition to GLEN's strategy of seeking civil partnership on the route to civil marriage.

#### Key Steps along the way

Key Steps along the way included:

The launch of GLEN's strategic plan by the Taoiseach Mr. Bertie Aherne, TD in 2006 where he set out the Government's commitment to equality and legislative reform and referred to GLEN's goal of civil marriage.

GLEN's engagement with three successive Ministers for Justice, two Governments and politicians across all parties to put legal recognition on the political agenda. Every political party committed to legal recognition of same-sex couples in the 2007 general election, which gave a mandate for legislative change.

#### CASE STUDIES OF SOCIAL JUSTICE ADVOCACY

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- \* Appointment of GLEN by the Government to its 'Colley' Working Group (2006), which put forward just two equality-based options for legal reform. These were marriage, and if not marriage (due to Constitutional issues), then full civil partnership giving the same legal protections and recognition as marriage but without the Constitutional recognition given to marriage.
- \* Intensive and successful engagement with Minister for Justice, all politicians in the Oireachtas and the wider public to ensure that at least full civil partnership based on marriage was enacted as opposed to earlier proposals (which continued to be supported by those opposed to change for same-sex couples) for a civil partnership model based on informal co-habitation with no conjugal status for same sex couples and limited protections.
- \* Acting on legal advice, legislators considered that some legal differences between civil partnership and civil marriage were thought necessary to protect Civil Partnership Bill from constitutional challenge, and GLEN successfully engaged with the political system, so that these 'differences' were minor and that in all critical areas, except parenting, there is a parity with marriage.
- \* June 2008: Civil Partnership Heads of Bill published.
- \* 2011: Fine Gael – Labour Government introduce taxation laws and immigration codes that provide for equality for civil partners and married couples continuing the intent of the legislature to go as close to equality as they feel constitutionally possible.



Martina Malone and Deirdre Judge

### Success Achieved

Through this range of approaches GLEN moved to a situation where civil partnership legislation was passed into law in July 2010 with only four dissenting voices in the Senate and passed without a vote in the Dáil. Civil partnership extends most of the rights and obligations of civil marriage to same-sex couples. It provides for legal recognition in many areas such as recognition on a par to married couples in immigration (Civil Partnerships in Ireland provide more rights than State-enacted civil marriages in the US, as the latter do not include Federal rights such as immigration), social security and national taxation. Civil partnership also involves the same public registration process as civil marriage.

In the process GLEN's campaign has resulted in:

- \* Intensified moves towards civil marriage.
- \* A growing number of public statements about the right of all couples to full equality and full citizenship, including marriage.
- \* Growing consensus that the Irish constitution should be changed to allow marriage for same sex couples.
- \* Increasing visibility of gay couples portrayed in a positive and sympathetic light.
- \* Trust built up among Ministers, TDs, senators and senior civil servants that GLEN is an organisation that can be worked with.
- \* Increasing community support for 'gay marriage' and a transformation of public attitudes towards gay and lesbian people- civil marriage is now a mainstream issue.
- \* 750 civil partnerships to date; as GLEN puts it, 'every lesbian and gay couple who publicly celebrate their civil partnership brings the day of civil marriage much, much closer'.

*'every lesbian and gay couple who publicly celebrate their civil partnership brings the day of civil marriage much, much closer'*

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## Learning

The following are the key learning points from this advocacy campaign:

- \* Have a firm belief that you can achieve your goal. ‘Principled pragmatism’ is more effective than hard line ideology.
- \* See your organisation as an ‘agent of change’, as having responsibility for delivering progress as distinct from being a critic on the side-lines.
- \* The need for a coherent strategy with clear final and related intermediate goals that builds in review and evaluation and thus ensures that the campaign keeps in line and keeps moving forward.
- \* Focus on delivery of progress as soon as possible, responding to people’s urgent needs in their actual daily lives recognising that delay is one of the best tactics to stymie progress.
- \* Hold on to your analysis and don’t be distracted.
- \* Know exactly what you want to achieve and work to ensure full ownership and agreement by your board on this.
- \* Rehearse the arguments that will be used in public to ensure a consistent message.
- \* The need to change the rules (e.g. the law), the culture and the lived experience.
- \* Understand how change occurs and the skills needed to make it happen. (Why should a Minister or the officials select your legislative objective when they many other priorities and scarce resources and legislative time?)
- \* Appeal to the sense of fairness and humanity of decision makers and to the best tradition of each political party, e.g. republican traditions of Fianna Fáil.
- \* The importance of knowing and grasping a situation when a confluence of the right people, the right focus and the right time comes along and shape the campaign to suit the wider environment e.g. recessionary times.
- \* Work with other stakeholders to agree achievable objectives and discuss with them how to overcome obstacles, listening to their concerns and responding respectfully and on a principled basis.
- \* Work constructively and professionally with government, legislators and the wider public.
- \* Aim to achieve a situation where all feel that they have won and thus build trust and support for the next stage of the campaign.
- \* The key role that adequate resources play in mounting a coherent campaign, staffed by highly skilled people.
- \* The benefits of an ‘internal’ campaign that uses media judiciously in getting promised legislation enacted.

## Evaluation

PA Consulting Group report on GLEN: ‘*Evaluation of the Building Sustainable Change Programme Report on Findings and Recommendations*’ (2010) found that: ‘GLEN had a critical role in shaping the legislation and in driving its progress. Findings from the consultation were that GLEN:

- \* Created opportunities to engage with key decision-makers at the highest level.
- \* Were instrumental in setting up the Colley group and in shaping its conclusions.
- \* Perceived as a source of expertise and a resource on legal recognition by civil servants and politicians. Persistent, deliberate process of engagement and consensus-building with politicians.
- \* Voice of reasonableness and pragmatism’.

The evaluators concluded that:

- \* *‘In summary, most stakeholders consulted were strongly of the view that GLEN’s role was central in shaping and achieving legislative change. Most of the stakeholders consulted were also of the firm view that the model of Civil Partnership espoused in the bill goes as far as possible towards marriage without being marriage.’*

and

- \* *“Our clear understanding is that, had GLEN persisted with its preferred option (i.e. full marriage), civil partnership was at risk of going off the political agenda completely.”*

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### The Future

The enthusiastic welcome for civil partnerships by lesbian and gay couples and by the wider public has had a transformative effect on the social and political landscape. The momentum for marriage has speeded up and there is growing all-party consensus for further change.

GLEN is intensifying its campaign for civil marriage building on the success of civil partnership and towards obtaining rights for children of gay and lesbian couples through changes in family law including the extension of guardianship.

*'An overriding lesson for further progress is that how you win is as important as what you win. This is particularly important for laying the ground and motivation for further progress'* **Kieran Rose, Chair, GLEN**



Glenn and Adriano Cunningham-Vilar

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