



fine gael 
on your side

**CIVIL
PARTNERSHIP**



INTRODUCTION

Changes in Irish Society

Over the last 15 years, Ireland has changed in almost every way. More prosperous and open in its outlook, Ireland has witnessed an economic and social revolution where old certainties have been questioned and old attitudes challenged.

Traditional Irish values of fairness, charity and compassion remain but are increasingly placed in a more modern context, conscious of the diversity of people's lives and the need for tolerance and respect for that difference.

It is over ten years since Dail Eireann passed legislation decriminalising homosexuality, ushering in a new era of equality and fairness. In the decade that has followed, further legislation has been enacted, outlawing discrimination in areas such as employment and the provision of goods, services, facilities, accommodation and education.

Two years ago, a Young Europeans opinion poll showed that almost 60% of 15-24 year olds throughout the EU favoured equal rights for gay couples.

A poll conducted by the Union of Students in Ireland in late 2003 showed that almost 80% of respondents would have no problem, or would be supportive, if their best friend were gay. Almost 70% said they would have no problem seeing a same-sex couple kiss or hold hands on the street. The same number believe Ireland is a homophobic society.

Changes in Fine Gael

Following the last General Election, Fine Gael formally adopted a number of principles- or Values- to be used in framing our policy platform. These included **Equality of Opportunity** that would create a fair and caring society, **Security** that would safeguard families in all their modern forms and **Integrity** that would allow all Irish people to enjoy their rights and meet their responsibilities.

In publishing this document, Fine Gael is showing these Values mean something.

Changes Needed

After more than a decade of legal reform and social change, it is vital that our laws at all times reflect the mood of a modern Ireland and the needs of all its citizens.

This policy brings security and the protection of law to thousands of people who pay their taxes, obey the law and live their lives as responsible Irish citizens day in, day out.

Fine Gael fully accepts that this policy will not win support in all quarters. Many people may object on a number of grounds. However, in reaching a decision on this issue, it was necessary to balance these concerns with equally strong views of others who favour- and may avail of- our Civil Partnership policy.



BACKGROUND

In its 2002 document, *Implementing Equality for Lesbians, Gays and Bisexuals*, the Equality Authority said that

Lesbian and gay couples have no guarantee of fair treatment under the law because legally their relationships do not exist.

This situation leaves thousands of couples unable to benefit from the extension of rights in relation to pensions, residency, property, taxation, next of kin, welfare and various other areas. Unmarried heterosexual couples experience the same discrimination.

For our part, Fine Gael believes it is time to end this anomaly.

At present a number of European countries offer a range of partnership rights, ranging from the French "Civil Solidarity Pact" to the German "Registered Life Partnership" system which provide many rights to registered couples.

In an Irish context, we believe that the Equality Authority's 2002 Report- and the recommendations that flow from it- represent the best way forward, and it is these proposals that have most strongly influenced our policy.

Although impossible to quantify, international studies would suggest that one in ten Irish people are gay. In addition, according to the 2002 Census, there are almost 75,000 unmarried cohabitating heterosexual couples.

Fine Gael does not believe these people should be left behind. Civil Partnership is an important step in ensuring everyone shares the rights- and responsibilities- they deserve.

OUR CIVIL PARTNERSHIP PROPOSALS

Civil Partnership Register

Under our plans, a framework- called a **Civil Partnership Register** - will be created to allow for two people of the same sex or of opposite sex to formally register their partnership with the State.

Officers appointed by the Registrar-General will be empowered to conduct Civil Partnership ceremonies in Registrar Offices throughout the country.

The two individuals will be required to publicly declare in the presence of at least two witnesses that they fully understand the agreement they are entering into, the rights and responsibilities that come with this agreement and that they are entering a lifelong commitment to their prospective partner.

Civil Partnership will not be awarded to anyone who is married (and not yet divorced) or who has entered into another Civil Partnership (and has not yet been granted a dissolution of that Partnership).

Rights and Responsibilities

This "Civil Partnership" will award that "registered couple" a range of rights and responsibilities. These will allow that couple the protection of the law in a range of issues, providing them with a sound footing in a number of legal areas.

Succession

Should a partner die intestate, the surviving partner will be entitled to his/her entire estate, and will not be liable to inheritance tax. If the deceased partner has children (perhaps from a previous relationship) this automatic entitlement is reduced to two thirds.

Should a partner die, leaving a will, the surviving partner will be entitled to at least one half of that estate regardless of what that will states. Again, the estate will not be liable to inheritance tax.



If the deceased partner has children (perhaps from a previous relationship) this automatic entitlement is reduced to one third.

Next of Kin

Civil Partnership will bestow next of kin status upon a registered partner. This will primarily affect the area of health care and ensure that a registered partner is entitled to full hospital visitation rights and is consulted in the areas of medical treatment as well as those of organ donation and funeral arrangements should his/her partner die.

Beneficiary of Pensions

In the event of the death of a registered partner, the surviving partner will be entitled to benefit from the pension provisions that have been made in the same way as are available to married couples under the same State or private scheme.

Last Name

Both partners will have the right to share a last name should they wish. It will be up to the two individuals to decide what that name should be.

Residency

The right to residency in Ireland will automatically be conferred on a foreign registered partner of an Irish citizen.

Tax

The equivalent of the married tax-free allowance and married mortgage allowance will be conferred on registered couples.

Social Welfare Benefits

For the purposes of social welfare benefits, including medical cards and social housing, registered couples will be considered Adult Dependents and will be assessed according to their joint income.

Workplace Entitlements

Registered partners will be entitled to compassionate leave from employers in the event of serious illness or the death of their partner, along the lines granted to married couples.

Property

Although it is almost universal practice that new homes are bought in the name of both partners, the Family Home Protection Act will be widened to include Registered Couples in order to avoid any chance of a 'secret sale' of the home of a registered couple that may be in the name of only one member of that couple. This is particularly relevant in cases where the home has been owned and lived in by one partner prior to the registering of that partnership.

Not an Attack on Traditional Marriage

We believe our proposals will not weaken the traditional role of marriage and family in society. **Marriage is and always has been a matter of personal choice and faith, and the availability of an alternative model will not affect this.**

Fine Gael fully supports the institution of marriage. For the majority of people, it is seen as the best model in which to raise children and marriage will continue to confer rights upon parents that Civil Partnership does not.

In fact, Fine Gael believes that marriage needs the active support of the State and serious consideration should be given to measures that would strengthen it further.

However, Civil Partnership will strengthen relationships and end the legal limbo many find themselves in.

Just as divorce is an entirely civil matter and citizens may choose not to avail of it on the basis of their faith, so too will Civil Partnership exist as entirely separately civil, secular legislation.

Not a Licence to Abuse the System

Our plans in no way pose a threat to the integrity of the tax, social welfare or immigration systems. Civil Partnership brings with it many responsibilities- including a financial commitment to a



registered partner- and is therefore not an option for anyone seeking simply to benefit from a benign tax or social welfare system. Similarly, those seeking to register with a foreign partner will be subject to the same vigorous checks that the Department of Justice currently engages in.

Dissolution of a Civil Partnership

Should a registered couple wish to dissolve their civil partnership, a court-based process will apply. The appropriate financial arrangements for a registered couple seeking a dissolution will be drawn up as the Courts see fit.

No dissolution will be granted to a registered couple unless they have lived apart for a period not less than four of the previous five years.

Recognition of Foreign Partnerships

At present those who avail of partnership rights in other countries, such as Belgium or the Netherlands, are not awarded the recognition of this State

Fine Gael believes that on this complex legal issue, moves should be made at EU level to establish a system whereby member states who grant rights to non-married couples also grant those rights to those who have registered their partnerships in other EU states.

This will mean a meeting of minds of those countries who have adopted such proposals. Any member state, which has chosen not to adopt a Civil Partnership policy, should not be required to do so.

Familial Relationships

Fine Gael proposes to extend to two brothers, or two sisters, or a brother and sister living together a similar type of domestic partnership opportunity so as to ensure that they are not discriminated against.

THE BENEFITS OF CIVIL PARTNERSHIP

Fine Gael believes there are five key reasons for adopting a Civil Partnership policy;

- **It is the right thing to do**

The Equality Authority, the National Economic and Social Forum and a number of other bodies have recommended the Government moves on this issue. These bodies have the knowledge and the benefit of research to make these recommendations. They are set up to give the Government the advice it needs. It is time to listen to them.

The State has a vested interest in the promotion of lifelong, stable relationships. For this reason alone, there is tremendous merit in our proposals.

- **It is fair and equitable**

At present couples in stable, long-term relationships, many of whom have been in relationships for several decades and who pay their taxes, are denied the rights and responsibilities this should bring. This is not fair and no responsible political party should allow this situation to continue.

- **It is available to all**

The planned Civil Registration agreements will be available to same-sex and opposite-sex couples and will thus be an attractive policy to a large number of people.

- **It is not an attack on the family or traditional marriage**

The rights of married couples are not lessened in any way. Marriage will continue to provide rights regarding children that Civil Partnership does not provide.



Our proposals do not involve a redefinition of the term marriage as expressed in the Constitution, and are completely secular- there is no Church or spiritual dimension, except in a private capacity should the couple wish.

- **It makes Ireland a more attractive prospect for investment**

There is strong evidence to suggest that in order to continue to attract multinational companies to settle here, Ireland will need to have a modern social legislative base. Any company will have to bear in mind that their gay employees and board members will not be able to avail of rights that are available to them in other countries where it is possible they may locate, unless Ireland adopts this proposal.

CREATING AN ATMOSPHERE OF ACCEPTANCE

While Civil Partnership will be available to all, it will of course be of particular interest to same-sex couples.

While Fine Gael believes these proposals will go a long way in reducing the prejudice faced by gay people – prejudice that can range from homophobic employment policies to physical violence on our streets- we appreciate that a number of other important steps need to be taken to make Ireland a more equal, tolerant society. There are two areas where radical, workable solutions are particularly needed;

Promoting Equality in Communities

Fine Gael believes there is a need for **greater State support for community and voluntary organisations active in promoting increased tolerance and equality** for those who differ from what is regarded as the norm in terms of sexual orientation or marital status.

There is a need for increased activity by support organisations, in the community and voluntary sector, in the building of greater acceptance and recognition of alternative partnerships. **This is particularly necessary in rural areas, where homosexuality often remains a greater taboo and where gay and lesbian individuals are often isolated from community support structures.**

There must also be more vigorous attempts to allow representatives of the gay and lesbian community to have a greater voice in community and rural development decision-making procedures, which will reflect their particular concerns and needs at any discussion or negotiating forum.

We propose that the Government and Local Authorities begin a dialogue with groups representing the gay community in order to reach this aim.



Tackling Homophobia In Schools

If we wish to make Ireland a more equal and tolerant society, then we must examine the way in which we educate our children and young people in these qualities.

For this reason, any attempt to combat homophobia should include young people at school. Already, the Social, Personal and Health Education (SPHE) course stresses the importance of respect and tolerance for others. However, it is critical that this curriculum is offered in all schools, and **should also be expanded to specifically address homophobic attitudes and prejudice within the Junior Cycle.**

These negative attitudes are far too prevalent in our education system. SPHE aims to provide for the emotional health and well being of students. However, the well being of young people who are homosexual and in full time education has been overlooked for far too long.

In addition, it is important that Ireland **develop a Youth Worker programme that properly meets the needs of all young people**, particularly those in at-risk groups such as lesbian and gay teenagers who may be more likely to leave school early and suffer from isolation and depression because of their inability to 'come out', for fear of the repercussions such an act could provoke.

Fine Gael is concerned that homophobic attitudes in Ireland's schools and among young people are leading to an increased incidence of bullying, intimidation and harassment. This negative and destructive behaviour needs to be challenged to make our schools happier and safer places for all of our young people.

CONCLUSION

Fine Gael hopes that by publishing this policy, the rights and responsibilities of true equal citizenship are opened up to more people than ever before.

In itself, Civil Partnership will not solve the problems of those whose families do not fit the traditional model. But it does represent a powerful statement from Irish Society that it cherishes all equally and is determined to relegate discrimination to the history books.

We believe these proposals represent the logical culmination of a decade of legislative and social change in Ireland.

Ireland is ready for this policy and its politicians should not ignore the call for change.

Fine Gael certainly won't.

EQUALITY

ENTERPRISE

REWARD

SECURITY

INTEGRITY

HOPE

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