

Civil Partnership and Ireland: How a Minority Achieved a Majority

A CASE STUDY OF THE **GAY AND LESBIAN EQUALITY NETWORK**



“This is one of the most important pieces of civil rights legislation to be enacted since independence...”



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November 2012

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On the cover: RTE News Anchor **Michael Murphy** and **Terry O'Sullivan** celebrate their Civil Partnership. Photo by Independent Newspapers. Quote by Minister for Justice **Dermot Ahern TD**.

Design: **Lynne Smyers**, Smyers Design, www.smyersdesign.com.

The research for this report and support for GLEN's work on civil partnership were made possible with generous support from The Atlantic Philanthropies and others.



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Some of the most far-reaching legal protections for gay and lesbian couples in the world were signed into law by the president of Ireland on July 19, 2010.

This legislation—The Civil Partnership and Certain Rights of Cohabitants Act—allows same-sex couples in Ireland to enter a civil partnership, which carries an extensive range of marriage-like rights and obligations. Remarkably, the law was enacted in a country that just 16 years earlier still had a law on the books criminalizing homosexual conduct. What's more, the law was passed with near unanimous support by a coalition government led by a centrist political party and with the support of all political parties in a largely Catholic country.

For years leading up to Ireland's civil partnership legislation, a small nongovernmental organisation (NGO)—the Gay and Lesbian Equality Network (GLEN)—along with its many supporters and collaborators, worked quietly and methodically toward this day. GLEN was founded in 1988 as a loose volunteer network to advocate for policy change when Ireland was one of the most reactionary countries in the world on socio-sexual issues. Divorce and abortion were still illegal, as was homosexual conduct. Ireland had little in the way of formal gay and lesbian organisations to promote the rights of homosexuals.



GLEN board chair Kieran Rose and Taoiseach Bertie Ahern.

In 2005, GLEN received a sizable long-term grant from The Atlantic Philanthropies that allowed GLEN to increase its organisational capacity and to pursue its ambitious advocacy strategy for advancing equality for gays and lesbians in Ireland.

The story of how Ireland's landmark legislation was achieved for same-sex couples holds insights and lessons for any advocacy group trying to achieve legislative change. While some of the circumstances are particular to Ireland, many of the advocacy approaches taken can provide valuable learning for other organisations, particularly those seeking legal protections for minority groups.

Many advocates working toward the goal of marriage equality in Ireland played important parts in this story. This case study, however, focuses specifically on GLEN and how its advocacy played a crucial role. The case study begins with a chronological account of how advocacy for the civil partnership legislation unfolded during a six-year period. It discusses the advocacy strategy's critical elements and how GLEN adapted its strategy in response to changing social and political opportunities and setbacks. The case study ends with transferable lessons from this experience for both advocates and advocacy funders.

THE STORY OF GLEN'S ADVOCACY TO ACHIEVE LEGISLATIVE CHANGE

By the early 2000s, through the advocacy of GLEN and many others, gays and lesbians in Ireland could point to a growing body of laws that protected their rights.

For example:

- In 1993, Ireland passed a law decriminalizing homosexuality on the basis of equality, overturning laws dating back to the 19th century that prohibited homosexual activities.
- In 1998 and 2000, the Employment Equality Act and the Equal Status Act outlawed discrimination on the basis of sexual orientation and other grounds. These laws forbade discrimination in employment, vocational training, advertising, collective agreements, the provision of goods and services, and other publicly available opportunities.
- The Employment Equality Act of 1998 established The Equality Authority as an independent body that became a public voice and advocate for same-sex couples and their children. In 2001, it created an advisory group to promote equality for gays and lesbians.
- In 2002, the Equality Authority published a report that called for equal access to civil marriage, and for equality in other relevant areas of family law for same-sex couples.¹ It was the first statutory organisation that publicly supported civil marriage for gays and lesbians **and** that stated the importance of taking steps to implement such recognition.
- In 2004, in a case known as Zappone-Gilligan, a lesbian couple asked the Irish High Court to have their Canadian marriage recognised in Ireland. The case brought a new public face to the topic of gay marriage. While the case was unsuccessful in the High Court, it went on to be appealed in the Supreme Court.

With new legal protections in place, more gays and lesbians were coming out at work and home, giving greater visibility to homosexuals in Ireland. Meanwhile, social strictures as a whole began to loosen. The constitutional ban on the dissolution of marriage was removed in 1996, and in 1992 the Irish Supreme Court ruled in favor of a constitutional right to an abortion where there was a “real and substantial risk” to the life of the mother.²

1 The Equality Authority. (2002). *Implementing equality for lesbians, gays and bisexuals*. Retrieved from www.equality.ie/Files/Implementing%20Equality%20for%20Lesbians%20Gays%20and%20Bisexuals.pdf

2 The case was known as “The X Case.” Legislation has yet to be passed to give effect to this judgment and to the ruling of the European Court of Human Rights on Irish abortion laws in *A, B, and C v. Ireland*. The European Court ruled in December 2010 that the state had failed to implement existing rights to lawful abortion where a mother’s life was at risk. At the publishing of this document, the government is awaiting the report of an expert group established to address the issue.

2005: GLEN DECIDES TO PUSH FOR MARRIAGE THROUGH LEGISLATION

With strong anti-discrimination laws in place, the Equality Authority firmly behind them, and a growing acceptance of gays and lesbians as well as a sense of optimism in a booming “Celtic Tiger” economy, GLEN believed it was time to push for the next form of legal recognition—gay marriage. Going after marriage represented a significant step toward equality for gay and lesbian people.

ABOUT IRELAND’S GOVERNMENT

The executive and legislative branches are closely connected. The head of the government (the prime minister) is elected by the parliament. Once elected, the prime minister holds close control over the legislative body.

Parliament has two houses—the Dáil (House of Representatives) and Seanad (Senate). Citizens elect the Dáil’s members; it is the most powerful chamber. Seanad members are appointed by the prime minister, elected by panels representing vocational interests (e.g., education, labor, public administration), or elected by universities. The Seanad can review and delay legislation but cannot stop it.

The government, often through ministers, introduces legislation that is likely to become enacted.

Political parties are not easily categorized as liberal or conservative; coalition governments are common. For example, the two largest parties—Fianna Fáil and Fine Gael—both have conservative and liberal elements. Their differences are largely traditional; they arose out of the Civil War in 1922 that followed the founding of the state. Other political parties include the Labour Party, Sinn Féin, the Green Party, and the now defunct Progressive Democrats.

In 2005, GLEN made the decision that it would pursue civil marriage through the legislature. Major reform for lesbian and gay people already had been achieved through this route and considerable evidence existed of goodwill across all political parties for further reform. GLEN was unconvinced about the likelihood of success if it pursued civil marriage through the courts. In GLEN’s view, the Irish courts were not typically interventionist, and there was little precedent to suggest that progress could be made quickly. Nevertheless, GLEN did publicly express support for the case by Katherine Zappone and Ann Louise Gilligan to have their Canadian marriage recognised in Ireland.

To reach the goal of achieving civil marriage for gays and lesbians, it was clear that GLEN had to win over members of all Ireland’s political parties and to build support across society more generally. Building as broad a consensus as possible was not only important for delivering marriage rights, it was important for sustaining it politically. GLEN had seen how in other countries such as the United States (in California), a court decision to open up marriage was rolled back (in this case through a public referendum) without sufficient political and public support to sustain it. GLEN did not want the same fate to befall gay marriage in Ireland, so it sought to bring along as many people as possible to support the cause.

Positive messaging and framing were at the core of GLEN's approach. GLEN started by framing gay and lesbian equality as something that everyone in Ireland could be proud of, rather than highlighting the controversy around such legal protections. Using this messaging, GLEN appealed to liberals as natural supporters. By contrast, GLEN appealed to more conservative politicians, particularly those in the governing party of Fianna Fáil, on the principle of equal citizenship, which is part of their tradition and republican values.

GLEN knew that in order to get legislation through parliament, the best bet was to have a government minister introduce it, because the government controls much of the legislative agenda. Legislation addressing gay and lesbian marriage fell under the purview of the Minister for Justice, Equality, and Law Reform. The minister was Michael McDowell, a leader who had been supportive of protections for lesbian and gay people in the past, but who at the time was perceived as tough on issues such as immigration and not particularly amenable to non-governmental organisations such as GLEN. Still, GLEN knew it had to engage McDowell to move legislation forward.

At the time, a GLEN staff member was serving as director of the Dublin Gay and Lesbian Film Festival. In a controversial move, Minister McDowell was invited to open the festival, a tactic GLEN later replicated at other events with high-ranking political officials. GLEN felt the move would help to build a relationship with the minister who held jurisdiction over the laws that needed to be changed.

McDowell accepted the invitation. While some gays and lesbians protested his appearance, many more gave him a warm welcome. In his remarks, McDowell offered a very limited legal contract proposal that would include domestic partnership rights for all mutually dependent couples, including same-sex couples, unmarried heterosexual couples, and siblings. He also said that in his experience, lesbian and gay people did not want marriage.

The decision to cultivate the relationship with the Minister for Justice, Equality, and Law Reform was crucial to securing legal recognition for same-sex couples. While GLEN members strongly disagreed with McDowell's assertion that gays and lesbians did not want marriage, it was the first time a minister had publicly stated that same-sex couples needed some type of legal protection. GLEN seized on that opening.

After McDowell's appearance, GLEN leaders arranged for meetings to further discuss legal recognition for same-sex couples and other issues affecting gays and lesbians. As a result of these meetings, McDowell offered to establish a working group that would examine issues affecting all classes of relationships outside of marriage and identify options for legislative change. He also offered to fund a liaison from GLEN for three years to work with his and other government departments on issues affecting gays and lesbians, including legal recognition for couples.

2006: THE COLLEY WORKING GROUP AND INSIDER ADVOCACY LAY THE GROUNDWORK

In early 2006, Minister McDowell announced the creation of the Working Group on Domestic Partnership. The group was charged with preparing options for the government for all classes of relationships outside of marriage,

including lesbian and gay couples, heterosexual couples, and non-conjugal relationships such as siblings who were living together who wanted legal protections. It was chaired by former Progressive Democrat Member of Parliament Anne Colley and composed of top civil servants and others, many of whom would later play key roles in drafting civil partnership legislation. A GLEN staff member also was appointed to the group.

GLEN's position was that one legal remedy would not suit all three groups under consideration. Consequently, a case was made to the group for examining all three types of relationships separately. That argument resonated, making way for a focus on the key issue for gay and lesbian couples—their exclusion from marriage. Even though the group's terms of reference explicitly stated that the Working Group focus on relationships outside of marriage, GLEN's representative on the committee persuaded the group that they could still consider civil marriage for same-sex couples.

On a tight nine-month time frame, the Colley Working Group met 20 times. In these meetings, the group commissioned a study of international approaches on this topic, wrote papers on different topics, and solicited public comment. In each step, GLEN was closely involved, including providing research on the effects of the lack of legal recognition on gay and lesbian families.

In November 2006, the Colley Working Group released its report proposing just two options for recognition of same-sex couples—marriage or full civil partnership.³ The group concluded, however, that civil marriage for gays and lesbians would likely be vulnerable to constitutional challenge. The Colley report stated that if gay marriage risked constitutional challenge, the only other legal option was full civil partnership. The report also noted that full civil partnership fell short of equality because it excluded same-sex couples and their families from the protection given to families under the Constitution, and went on to recommend that parties to marriage or full civil partnership be eligible to jointly adopt children.

With the Colley Working Group's recommendations, GLEN could now point to a government-backed report that called for either gay marriage or civil partnership. Both options represented huge leaps over McDowell's legal contract proposal and any other legal recognition for gays and lesbians ever put forward.

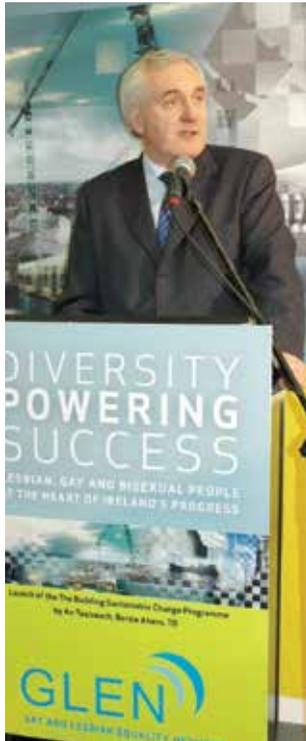
While the Colley Working Group was meeting, GLEN worked on other fronts to build support for gay marriage in Ireland, including with the prime minister. GLEN invited Prime Minister Bertie Ahern to visit and open its new offices, and he accepted. It was one of the first times in the world a prime minister had visited a lesbian and gay organisation. GLEN took advantage of this opportunity by broadly publicizing the visit to both praise the prime minister's actions and to mark progress that had been achieved on the issue.

At the time, Ireland's economy was booming, fueled by an explosive growth in real estate. Ahern was receiving much of the credit for the country's success. Building on this, GLEN hitched itself to Ahern's popularity and the country's economic boom. GLEN talked about diversity in terms of economic growth and attracting people, appealing to the national values of the republic.



GLEN director of Policy Change Eoin Collins; Chair of the Equality Authority Karen Erwin; Chair of the Working Group on Domestic Partnership Anne Colley; and Minister for Justice Michael McDowell at the "Colley Group" conference.

³ Working Group on Domestic Partnership. (2006). *Options paper*. Retrieved from www.justice.ie/en/JELR/OptionsPaper.pdf/Files/OptionsPaper.pdf



“Our sexual orientation...is an essential part of who and what we are. Sexual orientation cannot, and must not, be the basis of second-class citizenship. Our laws have changed and will continue to change, to reflect this principle.” —*Prime Minister Bertie Ahern*

Taoiseach (Prime Minister) Bertie Ahern at the launch of GLEN's new offices, 2006.

During his visit to GLEN, Prime Minister Ahern noted, “Our sexual orientation is not an incidental attitude. It is an essential part of who and what we are. Sexual orientation cannot, and must not, be the basis of second-class citizenship. Our laws have changed and will continue to change, to reflect this principle.”

In the coming months and years, GLEN would refer again and again to both Ahern's statement and to the Colley Working Group's recommendations as evidence of official acknowledgement of the importance of same-sex legal recognition. Over and over, GLEN looked for ways to bring gays and lesbians into the mainstream of society.

GLEN also developed strong relationships with civil servants. GLEN's policy liaison within the Department of Justice, Equality, and Law Reform led a series of meetings with government departments to discuss lesbian and gay issues and the role of the respective departments in promoting inclusion and equality. With doors being opened to it in this way, GLEN leaders believed that taking an insider advocacy strategy and working with the government was a more productive tactic than standing on the

outside and publicly criticizing it. Nonetheless, GLEN was still prepared to criticize when necessary, and did so strongly when the government defeated civil union legislation proposed by the Labour Party (a topic discussed in detail later).

GLEN's strategy also included making a public case. For example, GLEN along with the Equality Authority, which had continued its proactive work to support legal reform for lesbian and gay people, hosted a major conference on the legal status of same-sex couples and cohabitants. Speaking at the conference, GLEN representatives highlighted the importance of equality in relationships and family recognition for lesbian and gay people. Minister McDowell, who opened the conference, was urged to legislate for equality in civil marriage.

GLEN also commissioned the first opinion poll on marriage for same-sex couples. The poll showed 84 percent in favor of relationship recognition for same-sex couples, 51 percent in favor of civil marriage, and another 33 percent in favor of civil partnership but not civil marriage. GLEN used those poll numbers to point out to politicians that the majority of their constituents backed legal recognition for same-sex couples.

While GLEN's staff and board continued to carefully put the pieces in place for legislation to be introduced for civil marriage for gay couples, their work hit some major roadblocks. In late 2006, one month after the Colley Working Group released its recommendations, Ireland's High Court rejected the argument of the lesbian couple in the Zappone-Gilligan case, in which the couple argued that their Canadian marriage should be recognised in Ireland. Although the decision did not help to advance GLEN's cause, publicity and discussion around the case helped to build broad public support for legal recognition of gay and lesbian couples, if not gay marriage.⁴

⁴ Zappone and Gilligan went on to appeal their case to the Supreme Court. By 2012, the case still had not been heard, and the appellants decided instead to return to the High Court and test the provisions of the Civil Registration Act of 2004 and Civil Partnership Act of 2010. At the time this document was written, the case had not been listed for hearing.

The same day the High Court decision was issued, the Labour Party, a major opposition party with a strong track record of support for lesbian and gay rights, introduced a civil union bill that would provide same-sex couples all of the same rights, duties, and protections of civil marriage but without the constitutional protection that applies to marriage.

The bill was based on the recommendations of the Colley Working Group. A few weeks earlier, GLEN had met with Labour Party leaders and urged them to introduce a bill that would provide civil marriage for gays and lesbians. Labour Party leaders replied that, like the Colley Working Group noted, the legal advice they received was that gay marriage would not pass constitutional scrutiny and, therefore, would not make headway in the parliament. After the High Court decision it was difficult to disagree with the Labour Party's position. GLEN voiced strong public support for the civil union bill while maintaining its position on the ultimate goal of marriage.



Labour Party Leader Pat Rabbitte TD; Liz McManus TD; and Brendan Howlin TD at the publication of the Labour Party Civil Unions Bill, 2006.

While the civil union bill was debated in the Dáil and appeared to be gaining support, Minister McDowell tabled an amendment postponing the second reading of the civil union bill, an action that ultimately killed the bill. As explanation, McDowell stated that the government wanted to deliver a framework in which all non-married couples, including gay couples, can live in a supportive and secure legal environment. Supporters of the civil partnership legislation roundly criticized McDowell's decision as inconsistent with the Colley Working Group's recommendations, but there was nothing more they could do at the time to push the bill forward. GLEN described the Government's decision as a "failure of political nerve," highlighting the huge opportunity that had been lost to advance substantive legislation.

2007: GLEN ADVOCACY TARGETS ALL POLITICAL PARTIES

During the run up to the general election in 2007, GLEN's next tactic was to persuade all political parties to include legal recognition for same sex couples in their written manifestos. Such a commitment was critical because party manifestos form the basis for the programme for government, which in turn, is the roadmap for action of a new government.

GLEN took a cautious approach to lobbying politicians and political parties in the election. The Dáil debates on the civil union bill indicated that all parties believed that legal recognition of same-sex couples was overdue and should conform to the Colley Working Group report. GLEN did not want to undermine this emerging and perhaps still fragile view by highlighting differences in the civil union debate during the election.

GLEN used its trademark strategy of avoiding contention and highlighting agreement and consensus. The organisation emphasized the practical issues faced by same-sex couples, the public support for legal recognition, and the commitment already expressed by political parties to legal recognition of same-sex couples.

As part of its work, GLEN crafted letters to key members of political parties asking them for their support. In those letters, GLEN emphasized the work that each political party had already carried out to support gay and lesbian rights. GLEN used a positive approach, emphasizing what the parties had done, rather than what they had not. This provided ready-made ammunition to include protections for same-sex couples in their party platforms. This approach built trust with the parties.

GLEN also took to the airwaves, as it had done in the past, working with a leading current affairs programme on a special feature regarding the legal recognition of same-sex couples. GLEN identified couples to go on the programme to emphasize two key issues—immigration difficulties faced by same-sex couples and the lack of legal recognition of children being parented by same-sex couples.

Ultimately, all political parties included a commitment in their written manifestos to include some form of legal recognition for same-sex couples. Having such commitments from all political parties represented a world first. The commitments ranged from the Green Party's support of gay civil marriage to the Progressive Democrats commitment to a legal contract-type system. The Progressive Democrats, of which Minister McDowell was the leader, did poorly in the election and lost several seats, including McDowell's own seat in Dublin.⁵

The two largest political parties—Fianna Fáil and Fine Gael—both did well in the general election. Speculation turned to which would lead a coalition government. GLEN wrote to the leaders of all political parties and politicians identified as taking a lead negotiation role in forming the next coalition government.

GLEN then sought an agreement to include legal recognition for same-sex couples in the new programme for government. A programme for government is a much stronger commitment than a manifesto.



When it became clear that the most likely government would be a coalition between Fianna Fáil and the Green Party, GLEN stepped up their contacts with both parties. Green Party members invested a significant amount of their political capital and, at the eleventh hour, secured a commitment to insert the issue into the agreed programme for government.

GLEN got most, though not all of what it wanted; the government programme stated that its commitment was to civil partnership, not marriage. The programme also appeared to state that it would wait to take action on the commitment. Brian Lenihan, the Minister for Justice, Equality and Law Reform who succeeded Michael McDowell, made public statements that it was still the policy of the government to await the outcome of the Zappone-Gilligan appeal in the Supreme Court.

GLEN met with Lenihan and persuaded him to change his position. Invited to speak at the launch of GLEN's annual report in December 2007, Lenihan said that given the urgency of the issue for lesbians and gays it was no longer his policy to await the outcome of the Supreme Court appeal. He announced that he would quickly bring forth proposals for civil partnership for same-sex couples.

GLEN board chair Kieran Rose and Minister for Justice Brian Lenihan at the launch of GLEN's annual report, 2007. The Minister confirmed he would proceed with a Civil Partnership bill rather than await the outcome of the Supreme Court case on the issue.

⁵ The Progressive Democrats is no longer a political party in Ireland.

At about the same time, the Labour Party reintroduced its civil union bill that had been deferred by McDowell in the previous Dáil. As was its practice on all substantive developments toward marriage, GLEN strongly welcomed the legislation.

2008: A BILL DEVELOPS AND DRAWS OPPOSITION

By early 2008, fissures had emerged in the gay and lesbian community over the push for marriage versus civil partnership. The Green Party's decision to support a commitment to civil partnerships, not marriage, was strongly criticized by representatives from two groups—Marriage Equality and LGBT Noise. These groups felt strongly that GLEN was out of step with the wishes of gays and lesbians. Marriage Equality argued that a national campaign was required to bring about civil marriage for same-sex couples in Ireland. Supporting civil partnerships could mean relegating gays and lesbians to a second-class status for years to come. While GLEN and other gay and lesbian groups disagreed on the best approach, GLEN continued its efforts to lay the groundwork for civil partnership legislation, believing it was the best option available.

While GLEN maintained its commitment to marriage, the organisation also said it was clear that gay marriage was simply not an option, as all political parties believed the enactment of marriage would require constitutional change. GLEN thought civil partnership legislation was a radical and important step forward, as it was based closely on marriage (as opposed to earlier proposals by Michael McDowell) and embraced a wide set of protections that many gay and lesbian couples urgently needed.

While GLEN and other advocates had their differences, they found common ground, agreeing on the ultimate goal of gaining marriage equality for gays and lesbians. GLEN provided office space for Marriage Equality and, in January 2008, they jointly launched a “Share Your Story” campaign to encourage lesbian and gay people to talk to the media about issues they face due to the lack of recognition and support. Many lesbians and gays took the opportunity, leading to a number of appearances on some of Ireland's most popular radio and television programmes that got middle Ireland talking about the issue.

GLEN's style of not attacking public officials helped to get the new minister's support in introducing a civil partnership bill. In April 2008, Dermot Ahern replaced Brian Lenihan as Minister for Justice, Equality and Law Reform. A controversial figure among some members of the gay and lesbian community, he had not been supportive of the decriminalization of homosexuality while a member of the Dáil in 1993. GLEN chose to downplay Ahern's earlier opposition, saying 1993 was a long time ago. As a result, GLEN was able to meet with Ahern, who agreed to launch GLEN's next annual report.

In June 2008, Ahern published (introduced) a “Heads of Bill,” which set out the broad outline of a civil partnership bill. The bill was essentially the model proposed by the Colley Working Group with one critical omission—it

GLEN director Brian Sheehan speaking on RTE News responding to Cardinal Brady's opposition to the Civil Partnership Bill, saying it is a “civil not a religious matter”, 2009.



did not provide for legal recognition of children being parented by same-sex couples. Again, GLEN welcomed the bill while highlighting its lack of protections for children of gay and lesbian parents.

The next task was to draw up the actual civil partnership legislation, based on research. Throughout the process of working for legal recognition for same-sex couples, a key GLEN strategy was to provide research to inform legislation and help build the case for legal protections. The research also helped to combat the notion that there was no public mandate for the legislation.

GLEN prepared papers and case studies that highlighted issues caused by the lack of legal recognition for couples and children. GLEN also prepared a chronology of events that included every political party's role in getting Ireland to the point of debating civil partnership legislation in parliament.⁶ The point was to show that contrary to conservative opposition assertions, a mandate existed for substantive legal recognition of same-sex couples. GLEN also provided information on government-backed support such as the Equality Authority and the Colley Working Group report as well as public opinion polls showing a vast majority favoring legal recognition for gay and lesbian couples.

GLEN avoided engaging with opposition from the Catholic Church. The Catholic Church, while opposed to gay marriage rights and civil partnership, had not been much of a factor in the debate. With child sex abuse scandals in recent years, the church had suffered a steep decline in its moral authority in Ireland. The church also was the recipient of residual resentment from many people in their 50s and 60s—now in positions of power—who had grown up with the church's adamant opposition to divorce and abortion rights. As a result, GLEN's strategy had been not to engage the church.

In 2008, the Catholic bishops declared their opposition to the Civil Partnership Bill, suggesting they would support a Constitutional Challenge to the Bill, as the Bill was "marriage in all but adoption." GLEN chose to continue its strategy of not engaging the Church's opposition directly.

Green Party Leader and Minister for Environment John Gormley at the publication of the Civil Partnership Bill at the GLEN offices, June 2009.



More serious opposition from Fianna Fáil, the largest government party, was countered by eliciting the party's own traditions. The day of the publication of the "Heads of Bill" more than 30 Fianna Fáil TD (members of the Dáil) and Senators signed a party motion for the government to reverse its decision on civil partnership. The motion was potentially crippling for the legislation.

GLEN quickly appeared on the country's most popular morning current affairs show to respond. In the appearance, GLEN emphasized Fianna Fáil's proud tradition of republican principles, which includes treating everyone equally. This was a critical moment in dispelling resistance in the party. GLEN used Fianna Fáil's own language and made it difficult for the party to come out against the bill. Opposition in Fianna Fáil eventually dropped from 30 to three members when parliament discussed it.

⁶ GLEN campaign for legal recognition of same-sex relationships and families: A chronology of key events. Retrieved from www.glen.ie/attachments/Legal_Recognition_GLEN_Chronology.pdf

2009: THE CIVIL PARTNERSHIP BILL REQUIRES INTENSE EDUCATION AND ADVOCACY

The next task was to ensure that a bill based on the published “Heads of Bill” was drafted and introduced in the Dáil as soon as possible. For the next year, GLEN worked behind the scenes with members of parliament, their staff, and civil servants to flesh out the details.

As the worldwide recession hit Ireland, GLEN shifted its messaging and imagery. Ireland’s once robust economy had tanked, dragged down by the implosion of the real estate market. The government, earlier flush with revenue, was now proposing drastic budget cuts. Through this, GLEN continued to make progress on the drafting of a civil partnership bill. During the economic boom, GLEN tied gay and lesbian equality to economic progress. When the recession hit, GLEN shifted its message to say that even in a time of economic crisis social progress is possible.

Citing the importance of making significant gains versus no gains, GLEN chose to support the final bill, even though it offered important protections for lesbian and gay couples but still omitted provisions for children parented by same-sex couples. GLEN highlighted this as a flaw in the bill, but still decided to throw its support behind the bill, because it provided almost all the other rights and responsibilities of marriage.⁷ While this was a difficult decision, GLEN members believed that if they insisted on including provisions for children, the bill would not go through. The issue of provisions for children of same-sex couples was too complicated and controversial to tackle at the time. In June 2009, the leader of the Green Party launched the bill at GLEN’s offices.

After the bill was introduced, intense opposition again emerged from both the Catholic Church and other gay and lesbian advocates. Other organisations described the bill as consigning lesbian and gay people to “second class citizenship.” The intense anger some groups felt about the bill—and toward GLEN—became even more evident at the Gay Pride March, which coincidentally took place in Dublin the day after the bill was published. At the end of the parade, the bill was dramatically torn up on stage.

GLEN carried out an information campaign for the gay and lesbian community to inform stakeholders about the elements of civil partnership and why GLEN welcomed the bill. A detailed analysis of the bill was commissioned in an easy-to-read format. GLEN also held a series of informational meetings in cities across Ireland and participated in other public activities such as a debate on marriage and civil partnership.

The Catholic Bishops restated their opposition to the Civil Partnership Bill as being about marriage in all but name, and stating that marriage was an institution exclusively for a man and a woman. GLEN chose to respond by said that while the Church was entitled to express its opinions, this was a civil matter, and not a religious matter.

⁷ Irish civil partnership provides more extensive rights and obligations than marriage in the small number of U.S. states that have opened marriage to same-sex couples. For example, bi-national same-sex civil partners are treated the same as bi-national married spouses in Irish immigration regulations, and the non-Irish partner is entitled to live and work in Ireland on the basis of the civil partnership. A married bi-national same-sex couple in the United States is not recognised in immigration regulations (which are federal, while same-sex marriage is a state issue), and the non-citizen is not entitled to stay in the United States on the basis of marriage.



“This is one of the most important pieces of civil rights legislation to be enacted since independence. Its legislative advance has seen an unprecedented degree of unity and support within both Houses of the Oireachtas [parliament].”

—Minister for Justice Dermot Ahern



Top: Minister for Justice Dermot Ahern introducing the Civil Partnership Bill to Parliament, December 2009.

Middle: The Dáil gallery was packed to capacity with lesbian and gay advocates as the Civil Partnership Bill was introduced. Meanwhile, outside the Parliament groups protested the Bill.

Above: Charles Flanagan TD, Fine Gael (opposition party) Spokesperson on Justice, recommending the Civil Partnership Bill to Parliament, December 2009.

GLEN was careful not to criticize people’s beliefs, focusing on an audience of the movable middle, rather than on those who were unlikely to be persuaded. The conflict with the Catholic Church eventually went away in the public sphere.

When the legislation was introduced into the Dáil, GLEN met with gay and lesbian advocates who opposed it. GLEN was concerned that if opponents protested too much, the civil partnership bill would be defeated. The groups chose to continue their public opposition, however, and staged a large rally in front of the Dáil and protested the civil partnership bill, likening it to apartheid. GLEN feared the opposition would unravel the support that had been built.

While members of its own community argued against the civil partnership bill, GLEN also faced a new wave of opposition from a small but potentially influential minority within Fianna Fáil and Fine Gael as well as the Iona Institute, a Catholic think tank. The opposition asked for extensive exemptions for public officials and religious organisations from the provisions of the civil partnership bill.

In GLEN’s view, those proposed exemptions would have made the legislation unworkable. GLEN had to respond to requests from the Iona Institute seeking, among other things, a “conscience clause” that would have allowed civil registrars who had moral or religious objections to civil partnerships to be exempted from registering a civil partnership for same-sex couples.

In calculating how to respond, GLEN staff faced some difficult choices. If GLEN stated its strong belief that the legislation was the most effective stepping stone to marriage, the organisation risked fueling conservative opposition in parliament. But if GLEN leaders stayed quiet about why they believed its enactment was a major step toward marriage, they risked further spurring the vocal opposition of gay and lesbian advocates.

GLEN’s response to the requests for exemptions was to emphasize that as a secular state, Ireland could not allow people to decide what duties they will or will not provide. So when there was an objection, the Ministry could say that public servants in a public role should not allow their religious beliefs to stand in the way of their professional responsibilities.

While GLEN provided compelling counterarguments, it also learned that the demand for exemptions was starting

to gain traction in parliament. As a result, GLEN stepped up its meetings with lawmakers.

Between September and November 2009, GLEN representatives had more meetings with individual politicians than at any other time during its campaign to advance legal recognition. In all, GLEN met with more than 40 politicians from all political parties, including three ministers one-on-one. In the course of their work, GLEN staff had discovered that they could make use of a room in parliament to hold briefings. They also consistently held briefings and events for politicians in a high-quality venue located on the same street as the Irish parliament. This was critical to attracting large numbers of legislators and in presenting GLEN as a professional and mainstream organisation.

GLEN also got wind that the Iona Institute was going to make a presentation to the Fianna Fáil Party Justice Committee, of which all representatives and senators are members. GLEN asked for and received permission to make a presentation as well. GLEN later heard that its presentation swayed attendees who now believed that the legislation should be enacted without exemptions. GLEN had just overcome its last major hurdle.

In December 2009, Minister Dermot Ahern presented the civil partnership bill to the Dáil. Once at best a lukewarm supporter of civil partnerships, Ahern had become a strong advocate. In encouraging Ahern to make that change, GLEN emphasized that the bill would be part of his legacy, something for which he would be remembered. As always, GLEN representatives considered what messaging would appeal to the individuals they were targeting.

2010: THE CIVIL PARTNERSHIP BILL PASSES EASILY

For the next several months, GLEN kept up the pressure for the legislation to move through parliament, fearing it might get bogged down as members became distracted by the imploding economy.

In July 2010, the civil partnership bill passed in an overwhelming vote of support. It passed in the Dáil without a vote and in the Seanad by a vote of 48–4. The president of Ireland signed the bill on July 19, 2010.

Minister Dermot Ahern, once seen as an opponent of gay and lesbian rights, said at the time, “This is one of the most important pieces of civil rights legislation to be enacted since independence.”



Green Party

“I am proud that this day has come. It is a massive overwhelming victory. It is a victory, not for gay people nor Fianna Fáil, Fine Gael, the Green Party, Labour Party, or the Independents; it is a victory for decency and for this country.” —*Senator David Norris, Ireland’s best known openly gay politician and campaigner for lesbian and gay rights on the final passage of the Bill through the Seanad, July 2010*



Top: Tiernan Brady of GLEN addresses the Green Party Annual Conference, paying tribute to the party on the Civil Partnership Bill, which was progressing through the Dáil, March 2010.

Middle: Minister for Finance Michael Noonan at the Dáil Committee hearings on the Finance Bill giving tax equality to civil partners, June 2011.

Above: Mary O'Rourke TD (Fianna Fáil) and Michael D. Higgins TD (Labour), who became President of Ireland in 2011, at the GLEN launch of the Dáil Debates on Civil Partnership, June 2010.



Minister for Justice Alan Shatter TD in the Seanad bringing in equal citizenship provisions for Civil Partners, July 2011.

2011: THE LAW TAKES EFFECT

After the Civil Partnership Act took effect on January 1, 2011, hundreds of gay and lesbian couples began entering civil partnerships.

The only opposition to the civil partnerships law has been a court challenge lodged by the group Campaign for Conscience that claimed the law violated the Constitution's declaration that all authority is derived from God and that no law contrary to the Constitution shall be enacted by parliament. The High Court struck out the action and the group has appealed to the Supreme Court.

Meanwhile, momentum for further progress continued, with GLEN successfully advocating on tax and other issues.

As a result of the ongoing economic crisis, the government fell in February 2011 before the civil partnership legislation's tax elements had been enacted (tax and other "money" aspects of a bill are always dealt with in separate legislation). GLEN was successful in getting the new coalition parties (Fine Gael and Labour) to commit in their programme for government to address tax issues and other omissions from civil partnership, including children.

The new coalition's commitment was acted on quickly and, in July 2011, the president of Ireland signed into law a finance bill that provides for civil partners to be treated the same as married couples for taxation purposes. The law also provides that a child whose parent is in a civil partnership will be treated the same for tax purposes as the child of a married couple. For example, children of civil partners will have the same treatment for inheritance taxes as children of a married couple.

In 2011, the Minister for Justice also amended legislation on citizenship to provide equal treatment for civil partners and married couples, following an amendment proposed by Senator Katherine Zappone.

The issue of same-sex partners adopting children has not yet been addressed. However, the new programme for government also committed to addressing omissions in the civil partnership legislation, including those relating to children.

Further commitments also emerged on gay marriage.

In its party manifesto for the election, Labour (the second party in the new coalition) committed to bringing a constitutional referendum for same-sex marriage. In March 2011, the new coalition government



Hugh Walsh and Barry Dignam—the first couple to enter a Civil Partnership, 4 April 2011.



Teresa Quigley and Eleanor Newe celebrate their Civil Partnership with their fathers Michael Quigley and Gerard Newe.

proposed a special Constitutional Convention to discuss changes to the Irish Constitution, including civil marriage for lesbian and gay couples.

2012: MOMENTUM FOR MARRIAGE ACCELERATES

With civil partnership in place, the momentum for marriage has increased rather than diminished, spurred by the hundreds of couples across the country who have registered their civil partnerships. By September 2012, 862 couples from all counties in Ireland had registered their partnerships, including people from 69 countries.

The public has enthusiastically welcomed civil partnerships being celebrated throughout the country. As an editorial in a rural Irish paper stated: “For many people the term ‘civil partnership’ has become interchangeable with the term marriage....As far as they are concerned they are attending the ‘wedding’ of their gay or lesbian friends....The reality is that the tide of public opinion has just shifted towards an acceptance of gay marriage.”⁸

Political parties have made public moves toward the support of civil marriage. The leader of the Labour Party and also deputy prime minister publicly declared the “time has come” for same-sex marriage in Ireland and that the right of gay couples to marry is “the civil rights issue of this generation.” The Fianna Fáil Party (now in opposition) came out strongly at its annual conference for marriage and for couples to be able to adopt children on the same basis as opposite sex couples. Fine Gael, the majority partner in government, made positive pro-marriage moves at its annual conference.

GLEN’s position is that the move to civil marriage is no longer a massive legislative leap; it is an incremental step that will build on the civil partnership legislation’s success. With favorable public opinion, transformed social attitudes, and support across political parties, “[i]n a relatively short period of time, Ireland has moved from being one of the most unwelcoming countries to gay people, to being one of the most progressive globally.”⁹

⁸ Putting gay marriage on the agenda [Editorial]. (2012, July 13). *Longford Leader*. p.6.

⁹ Rose, K. (2012, April 10). Right to marry for all key to progressive Republic. *Irish Times*.



Glenn and Adriano Cunningham-Vilar. *The first couple to be formally recognised by the State when Adriano received full immigration permission to live and work in Ireland on the basis of their Northern Ireland Civil Partnership, January 2011. Most foreign lesbian and gay civil marriages and civil partnerships are recognised in Ireland as civil partnerships with the full rights and obligations this carries.*



Marian and Sandra Irwin-Gowran *sign the register after their Civil Partnership, May 2011. Sandra is GLEN director of Education.*



Thomas Cahalan and Nicholas Nelson, *the second male couple to enter a Civil Partnership, outside the registry office, 5 April 2011.*

Leon Farrell / Photocall Ireland

“The move to civil marriage for same-sex couples now is not a massive legislative leap; it is an incremental step building on powerful civil partnership legislation and on the enthusiastic general welcome by Irish people for the civil partnerships that have already taken place.”

—Kieran Rose, GLEN Chair



Tom Clancy

GLEN board chair Kieran Rose; Minister for Justice Dermot Ahern; and GLEN director of Education Sandra Irwin-Gowran at the launch of GLEN's publication of the Seanad debates on Civil Partnership, July 2010.

LESSONS FOR ADVOCATES

Be confident that significant change is possible. From the start, GLEN believed it could win the support of the vast majority of the Irish people. That attitude set them apart. NGOs can become satisfied with accomplishing minor goals and fail to push for big wins. GLEN believed it could accomplish a lot in a short amount of time and held onto that belief even when opposition and setbacks occurred.

Know the core advocacy strategy and theory of change. GLEN developed an approach that it honed over time in its work to secure legal protections for gays and lesbian couples. While the staff and board were adaptive tactically, GLEN was clear about its approach and stuck to its core strategic elements:

- positioning gays and lesbians in the mainstream of society;
- working closely with people from all political backgrounds and beliefs, including conservatives;
- providing needed research to policy makers; and
- always praising the efforts of those they worked with rather than criticizing them.

Build a majority by focusing on the movable middle. Because it is difficult for minority groups to win in a democratic society, it is critical to build support outside one's group. GLEN knew it could not win over the most conservative people and that GLEN already had the support of liberals. So the organisation needed to focus—and listen to—people who were perhaps open to but undecided about extending legal recognition to same-sex couples. GLEN consolidated support by winning over the movable middle—people who were unsure but were open.

Try positive framing; show the issue as a logical progression of advances already made. GLEN began its advocacy from the standpoint of accepting and liking the society in which it operated, rather than regarding Irish society as irredeemably homophobic. GLEN representatives made their case and framed it in a way that was based on success, making the issue seem positive and about what was already in place and possible rather than as a complaint about what did not exist. GLEN's research, which showed all of the political parties' previous support of gay issues, as well as public opinion polls, helped demonstrate that supporting marriage or civil partnership was a natural extension of the progress that Ireland already had been making and in step with Ireland's tradition and future.

Understand the culture and society and link messaging to audience values or traditions. GLEN had a keen understanding of the culture and society in which it was working to achieve change, and took an approach that appealed to Ireland's centrist traditions. GLEN knew, for example, that Irish people valued fairness and that extremism was frowned upon. The Catholic Church's power, meanwhile, had waned in recent years, and its opposition to legal recognition of same-sex couples was never much of a factor in GLEN's work. GLEN highlighted logic and fundamental

fairness over morality by using real-life examples of the benefits, including economic benefits, of legal recognition.

Use credible voices to build and make the case. GLEN cultivated institutional support and gathered research to make the case for marriage and civil partnership, and then worked with trusted insider messengers to develop and deliver it. The Colley Working Group, which was formed by a government minister, provided the institutional case for GLEN's arguments, which GLEN referred to again and again. Having a government-appointed body come out strongly for either marriage or full civil partnership added important legitimacy to GLEN's case.

Work within the system rather than against it. GLEN understood how the political system worked and where the pressure points were. GLEN representatives took the time to get to know government departments and the people who worked in them. They learned the language and framed their social agenda in terms the government could understand.

Manage the unmovable opposition; do not always fight it. GLEN aimed to calm, rather than antagonize, the opposition. For groups actively opposed to legal protections for gays and lesbians, GLEN downplayed, rather than amplified, their power and significance. However tempting it was on an emotional level, GLEN rarely sought to rebut in detail the views of those most adamantly opposed to equality for same-sex couples. This approach tended to reduce the publicity given to opposing points of view.

Communicate the strategy to others working toward the same goal. GLEN's main regret related to its interactions with other members of the gay and lesbian community. GLEN made an explicit calculation to focus its energy on working with the civil service and political system, rather than cultivating grassroots support within the gay and lesbian community. As a result, GLEN did not predict the vehement opposition that came from within that community toward some of GLEN's stances. Part of this reaction stemmed from GLEN's failure to communicate; GLEN did not do as much as they could to explain what they did. Even if the strategy to achieve the advocacy goal requires more insider advocacy than grassroots mobilization, communication to other advocates and vested interests is critical.

Work with people where they are. A hallmark of GLEN's approach was to win people over by listening to their concerns and responding respectfully. GLEN gave people space to voice their concerns, cautions, and unfamiliarity with gay and lesbian people without immediately thinking they were hostile. GLEN representatives maintained this perspective when they went on radio and television shows, spoke to legislators who disagreed with them, and worked side by side with civil servants on the details of crafting bills. GLEN took every opportunity to listen to and understand the constraints legally, socially, and politically, and to put forth solutions in response.

LESSONS FOR ADVOCACY FUNDERS

Give advocates multi-year and flexible funding that allows them to be adaptive and responsive. For GLEN, important support came in the form of a five-year, €2.1 million (\$2.5 million) grant from The Atlantic Philanthropies, one of the only funders working on this issue in Ireland. For Atlantic, support for GLEN was critical to carrying out its strategy of advancing human rights and improving access to justice and services for the lesbian, gay, bisexual, and transgendered (LGBT) community. When Atlantic entered the LGBT field, there was one full-time person in Ireland working on national

strategy. Atlantic believed an investment in this area could advance significant gains not only for the LGBT community but also for other minorities.

Because GLEN had a long-term grant to implement its strategy, staff members could focus on securing the organisation’s goals, rather than worrying about chasing down funding to continue their operations.

Securing core funding over five years from Atlantic gave GLEN the resources to put in place the right systems and create effective and professional materials and events to make its case. Atlantic funding also allowed GLEN to not only expand its staff from one to seven, but to hire highly qualified staff who understood the political system and its levers.

Consider funding organisations using multiple strategies to achieve the same goal. Atlantic funded gay and lesbian advocates that were taking different approaches to achieving the same aim. In late 2005, the Atlantic Philanthropies provided a relatively small grant to a support group that had arisen out of the Zappone-Gilligan case, known as the KAL Advocacy Initiative. Atlantic followed that support with bigger grants for the now re-named organisation, Marriage Equality.

While some tension emerged at times between GLEN and Marriage Equality, Atlantic recognised that everyone would not always agree on one best approach. But as long as organisations do not undermine each other, a multifaceted approach can make sense and add value. Funders should, however, be prepared to get involved when grantees do not agree. Funders should not take sides, but rather facilitate dialogue between the parties.

Take a dual advocacy approach. With public policy goals, it can be difficult to know the precise path that change will require. And many changes, especially if they require long-term advocacy efforts, require a mix of skills, people, and approaches. As a result, funders may be wise to support both insider and outsider advocacy strategies—funding both those working within the system to change it and those challenging it

CIVIL PARTNERSHIP KEY ACCOMPLISHMENTS			
2005	2006	2007	2008
GLEN begins pursuing strategy of legislative change	Colley Working Group meets and recommends two options—marriage or full civil partnership Labour Party introduces the civil unions bill	Political parties include legal recognition for same-sex couples in written manifestos New programme for government includes support for civil partnership	Heads of Bill published that set broad outline for a civil partnership bill
2009	2010	2011	2012
Civil partnership bill published and introduced in the Dáil	Civil partnership bill passes with overwhelming support	Gay and lesbian couples begin entering into civil partnerships Tax and citizenship issues for same-sex couples addressed	All political parties make public moves toward civil marriage

from the outside. Atlantic's funding for GLEN represented support for insider advocacy. GLEN chose to work with government rather than publicly rally against it. Atlantic also supported other advocates who took more of an outsider advocacy approach on civil partnership and marriage equality.

Connect advocates across jurisdictions. Atlantic grantmaking included advocacy funding for lesbian and gay rights in multiple locations—the Republic of Ireland, South Africa, and the United States. In South Africa, grantmaking supported court rulings in favor of same-sex marriage, making it the first African state to recognise this right. In the United States, Atlantic grantmaking supported LGBT advocacy for same-sex marriage at the state level. While its grantees were working on three different continents and in three very different contexts, Atlantic believed LGBT advocates could learn a great deal from their diverse work toward a similar goal. As such, the foundation connected grantees so they could develop supportive relationships and share lessons learned.

ACKNOWLEDGMENTS

The research for this case study was made possible through generous support from The Atlantic Philanthropies. The Center for Evaluation Innovation would like to thank the following individuals for their thoughtful comments and assistance during the case study's development:

Gail Birkbeck, strategic learning and evaluation executive, The Atlantic Philanthropies

Anne Colley, former Progressive Democrat TD and chair of the Working Group on Domestic Partnership

Eoin Collins, director of Policy Change, GLEN

Joan Hart, evaluation consultant

Sinead Haughey, programme associate, Reconciliation and Human Rights, The Atlantic Philanthropies

Sandra Irwin-Gowran, director of Education Policy Change, GLEN

Brian Kearney-Grieve, programme executive, Reconciliation and Human Rights, The Atlantic Philanthropies

Angela Kerins, Rehab Group, Equality Authority Board chairperson

Niall McCutcheon, director, Equality Tribunal

Ciaran O'Cuinn, former special advisor, Minister for Justice, Equality and Law Reform

Kieran Rose, board chairperson, GLEN

Brian Sheehan, director, GLEN



Senators Ivana Bacik (Labour) and Jerry Buttimer (Fine Gael); Atlantic Philanthropies programme executive Brian Kearney-Grieve; and GLEN staff and board just after the Civil Partnership Bill passed the Seanad vote, 8th July 2010.

This case study also was greatly informed by the Atlantic-funded independent evaluation performed by PA Consulting Group and published in the report *GLEN: Evaluation of the Building Sustainable Change Programme*. The report is available on Atlantic's website at: www.atlanticphilanthropies.org.

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