MARRIAGE EQUALITY

Civil Marriage for Gay and Lesbian People

# Case Study
## FINAL VERSION

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# 1. INTRODUCTION

## 1.1 Context for the Case Study

Between June 2009 and September 2010, O'Carroll Associates and Hibernian Consulting worked as external evaluators to the Marriage Equality (or ME) campaign in Ireland. During this period, a number of formative evaluation outputs were produced, to support and indeed influence the ongoing work of the campaign.

To complement these outputs, ME asked the evaluators to prepare a case study type paper which would act as a summary description of ME's work to September 2010 (i.e. with limited use of the detailed evidence gathered during the evaluation process). In this case study document, we seek to „capture" what appear to us to be ***strategic learning points of the campaign's journey as an advocacy effort*** whose aim has been (and is) to achieve the policy outcome of civil marriage for same-sex couples in the Republic of Ireland.[1] Our case study approach intends to make available, learning from the ME campaign (and from the evaluation) both to those involved in the campaign as it enters its next phase, and to others who may be interested in similar public policy campaigns.

In preparing this case study, we are conscious that Ireland's ME campaign was itself influenced from the outset by marriage equality campaign efforts elsewhere, particularly in Massachusetts, USA.[2] However, as the case study shows, the development and implementation of ME's campaign was shaped by the particular Irish policy context, located in a small society (population of approx. 4m people) with significant social networking and a political culture often described as „clientelist".[3] Despite this particular context, it may be that the case study will enable some learning for other advocacy contexts and campaigns.

## 1.2 Organisation of the Case Study

There are four further sections in the case study:

- Section 2 provides a description of the policy deficiency the campaign seeks to address, Marriage Equality's interpretation of the root causes of this inequality and the theory of change that determined the advocacy approach taken to address this policy gap (four inter-related strategies designed to achieve its aim). Section 2 also presents some brief information on the legislative structures and processes in the Republic of Ireland.

[1] Our case study approach has been guided by the work of Julia Coffman, Harvard Family Research Project, Harvard Graduate School of Education, Cambridge, Massachusetts, USA. www.hfrp.org

[2] The Irish campaign invited a representative of the marriage equality campaign in Massachusetts to conduct a workshop in Ireland. During the workshop, key lessons learned in Massachusetts were discussed and translated into activities conducted during the Irish campaign, including, for example, a project specifically targeting visits to public representatives to advocate for change, what latterly evolved into the "Out to your TD" project.

[3] As the respected commentator on Irish public life, Fintan O'Toole (2009:37), explains, localism and clientism are features of Irish politics. "Politicians were elected, not necessarily to implement impersonal policies or standards, but to provide a service both to individual constituents and to the constituency as a whole." This viewpoint is generally accepted by Irish political scientists.

- Section 3 describes key actions taken, and outcomes arising from, ME‟s strategies, up to September 2010.

- The framework used in our evaluation analysis of effective advocacy (Quinn-Patton, 2008) and findings from this process are discussed in Section 4.

- The case study concludes in Section 5 with a general summary and some brief comments on future work to realise the ME campaign aim.

A more detailed analysis of the work of the campaign, its strategies, outcomes, impact and lessons learned is contained in the unpublished Marriage Equality Final Evaluation Report (September, 2010) produced for the ME Board and Team.

## 2. ORIGINS OF THE ME CAMPAIGN AND THEORY OF CHANGE

### 2.1 History and Rationale behind ME Approach

Marriage Equality was established in February 2008.[4] It grew from the KAL Advocacy Initiative: a case to establish the rights of two women who had married in Canada (Drs Katherine Zappone and Ann Louise Gilligan) to file joint tax returns as a married couple living and working in the Republic of Ireland.[5]

ME was established with two co-chairwomen, experienced participants in social policy processes at national and international levels, who volunteered to lead the initiative. Other members of the initial Board were drawn from the worlds of lesbian and gay politics, PR, the media and academia. Following receipt of grant funding from The Atlantic Philanthropies (€200K per annum for two years), the campaign established its own base in Dublin city centre and appointed a core Team: Director, Administrator and a part-time Communications consultant.

The campaign"s timing followed from a number of inter-related events.[6] In 2006, the High Court found that since the Irish Constitution framed marriage as between a man and a woman, there was no breach of rights in the Irish Revenue Commissioners" refusal to recognise KAL"s Canadian marriage. Two reports published that same year were also relevant to the rights of same-sex couples: the Law Reform Commission"s report on the rights and duties of co-habitants (heterosexual and same-sex), and findings of an all-party parliamentary Committee on the Constitution that reported in favour of legal recognition of same-sex relationships for „marriage-like" privileges.

In tandem with these developments, the Irish Government initiated the Colley Group. This working group in the Department of Justice, Equality and Law Reform set out options in relation to how the Irish State should treat domestic partners/cohabiting couples. The outcome of these deliberations, the Colley Report (2006), found that while marriage equality was the only true equality, civil partnership was probably the only option through legislation, as same-sex civil marriage would probably require a change to the Irish Constitution (which would require a national referendum)[7]. The conclusions of this report drew on input from GLEN[8] (Ireland"s main lesbian and gay policy NGO) and the report formed the basis for the drafting of a Civil Partnership Bill by the government.

The Marriage Equality campaign held the view that, notwithstanding the input from GLEN, the Civil Partnership Bill did not represent the position of the vast majority of lesbian and gay communities" members, as the Bill fell short of affording lesbians and gay men the same rights as heterosexual citizens. ME argued that a national campaign was required to bring about civil marriage for same-sex couples in Ireland. While GLEN and ME were working towards the ultimate common aim of civil marriage, the two organisations were therefore approaching the challenge of policy change in different ways.

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[4] For additional detail on the establishment of the campaign, see the campaign website www.marriagequality.ie
[5] See Ann Louise Gilligan and Katherine Zappone, *Our Lives Out Loud: In Pursuit of Justice & Equality* (2008).
[6] Detail on KAL"s High Court case can be found on www.marriagequality.ie. For the Law Reform Commission, see www.lawreform.ie, and the Committee on the Constitution, see www.constitution.ie and Colley, see www.inis.gov.ie/en/JELR
[7] This point will be decided upon by the Irish Supreme Court in 2011 in relation to the KAL case.
[8] GLEN – www.glen.ie

*The Government's position of providing lesser rights, compared to marriage, seriously undermines the principle of equality. Equality is not something that can be introduced in a piecemeal basis or a partial basis.* (ME Campaign, 2008)

The theory of change driving the ME campaign was the assumption that the Irish political establishment was some distance behind public opinion on the issue of equality for same-sex couples in relation to marriage. Attitude polls commissioned in the early days of the ME campaign established that over 60% of the Irish public believed that denying civil marriage rights to lesbian and gay couples was a form of discrimination.[9]

In this context, ME organised its advocacy campaign through **four inter-connected strategies**:

1) **Communications**, to "increase visibility of the LGBT community and the rationale for equality through access to marriage";
2) **Political**, to "work with public representatives through direct contact …to ensure legislative change is implemented as an outcome";
3) **Legal**, "to support the Zappone and Gilligan case for recognition of their marriage and create the conditions for change";
4) **Mobilisation**, to "engage with law makers on a grass roots level to ensure that LGBT community and the general public visit their local representatives to ensure demonstrated support for change from the public, and that public representatives are made aware of this".

Some key challenges faced ME. The first challenge was the need to reach and communicate to the public the difference between civil partnership and same-sex civil marriage, and why the Civil Partnership Bill did not offer equality. This was a challenge as many people, including politicians, saw the Civil Partnership Bill as being a full solution to the issue. As most marriages in Ireland take place in churches (with a separate religious ceremony and a civil marriage), there was also a need to communicate the difference between a religious marriage ceremony and civil marriage. This was important as, while many Churches (including the Roman Catholic Church, the dominant Church in Ireland) opposed civil marriage for same-sex couples, according to poll results, 81% of Irish people believed that everyone should receive equal treatment from the State regardless of sexuality). A third major challenge for the campaign was to address the complex issue of adoption (in recognition of the non-biological parent in lesbian/gay families).

While there was general support in the 2007 general election campaign amongst political parties for legal protections for same-sex couples, there was also a widespread belief that a referendum for introduction of same-sex marriage was required, something that was not a particular priority for any of the political parties

Marriage Equality's aim was to achieve this national policy change, i.e. same-sex civil marriage. This ambitious aim assumed broad-based lesbian, gay and transgender

[9] The campaign commissioned two sets of Lansdowne Research polls (respected national polling body), and reported research on attitudes and perceptions towards lesbians and gays marrying in a civil ceremony. See www.marriagequality.ie

communities' support,[10] as well as support from other constituencies that seek to address issues of social exclusion and inequality. With limited resources, volunteer effort was considered vital to deliver project activities, as was ME's capacity to build strategic alliances with others for whom the denial of this right represented inequality.

## 2.2 Legislative Policy Context - Ireland

ME's work took place in the specific context of Ireland's political structures. Ireland's Parliament, Oireachtas Éireann, consists of two houses, the more powerful Dáil Éireann (the main house, where elected representatives – TDs – legislate) and Seanad Éireann (where Senators largely elected by interest-based constituencies, debate legislation primarily developed in the lower house).[11]

Within the legislative policy process, there is a tension between what is deemed feasible politically and advocates' capacity to communicate an argument for change. In such a dynamic, change is often incremental. There is also a tradition of links between the Catholic Church and the State regarding constitutional matters.[12] Therefore, establishing the human rights of lesbians and gays in Ireland has been an incremental process often influenced by a combination of internal and external factors (national lesbian and gay political movements, legal rights won via the European Court of Human Rights, e.g. the Norris Case, and Ireland's compliance with EU directives etc.).[13] Not until 1993 was Victorian legislation criminalising male homosexuality overturned, and the presence of lesbians acknowledged by default. Nonetheless, on the cusp of the 21st century, there was significant progress in lesbian and gay rights: sexual orientation was listed as one of the nine grounds dealing with discrimination in employment (Employment Equality Acts, 1998, 2004), and in non-employment areas such as education and services (Equal Status Acts, 2000-2004). (However, a legal opt-out clause negotiated on behalf of religious employers on the basis of ethos rendered the legislation redundant for many lesbians and gays working in areas of education and health, where the Catholic Church is a significant employer.)

By 2008, when the ME campaign began, Ireland had entered what became a deep economic recession (compounded by a property crash and a banking crisis). At this time, there was no official recognition of same-sex relationships by the state, much of the government's equality infrastructure had been "downsized"[14] (with economic reasons cited but another agenda suspected by many), and full human rights for lesbians and gays had yet to be achieved (Appendix 1, Key Events Ireland). At the same time, within the international context, momentum was gathering for same-sex marriage in some other EU member states (six member states were providing this

[10] While the campaign identifies with and has used the acronym LGBT for Lesbian, Gay, Bisexual and Transgender peoples to illustrate its primary constituency of interest, throughout our evaluation process we have never assumed that there is one unified LGBT community in Ireland, but rather, multiple collectivities based on identity politics (itself a major topic of debate beyond the scope of our evaluation). Therefore, at different times throughout our reports we have referred variously to "lesbian and gay communities and "LGBT communities" in an effort to acknowledge this diversity. Also, it should be noted that the Transgender community is at a relatively early stage of development in Ireland.

[11] See Brian Harvey's *A Guide for Influencing Policy in Ireland* (1998), still one of the best handbooks for demystifying the policy-making process in Ireland directed at an audience of voluntary and community sector groups.

[12] This was most evidenced in the two referenda to change the Irish Constitution in relation to divorce and abortion conducted during the 1980s (Ferriter, 2007).

[13] See Íde O'Carroll & Eoin Collins (Eds), *Lesbian and Gay Visions of Ireland: Towards the Twenty-First Century* (1995).

[14] See "Overt messages: Hidden Agendas," Niall Crowley, MRCI, 2010 www.mrci.ie.

right), and same-sex marriage had been an outcome of the new constitution in South Africa (see Appendix 2, International Context).

### 2.3 ME's Advocacy Effort

Marriage Equality"s campaign has been (and is) an *advocacy effort* to introduce same-sex civil marriage in Ireland. To do this, it works to influence opinions in Irish policy structures, i.e. the political parties represented in Oireachtas Éireann, both in government and in opposition. It also seeks to influence and motivate wider policy making circles (including civil servants and lobby groups), civil society organisations (e.g. equality and social justice organisations, trade unions, and LGBT organisations), the media in its different forms, and the general public.

Advocacy has been defined as "a wide range of activities conducted to influence decision-makers at various levels" (Innovation Network, 2007). According to Weiss (2007), advocacy represents "the strategies devised, actions taken, and solutions proposed to inform or influence local, state, or federal decision-making." Policy change campaigns rely heavily on a strong evidence base in their efforts to influence, argue, persuade, cajole, pressurise and mobilise the general public and decision-makers in relation to the merits of the change required.

In addition to a strong evidence base, communications play a pivotal role in the policy path as a vehicle for transmitting preferences, opinions and influence on all sides. By its name, Marriage Equality communicated and framed its core argument on the basis of equality. The challenge was to gather and present convincing evidence to persuade the Irish public and decision-makers of the need for change while recognising that there would be those who would advocate a different policy preference and use similar strategies to advance their point of view.[15]

ME"s four strategies – legal, political, communications and mobilisation – were predicated on the assumption that activities needed to be conducted in all four inter-related (but distinct) areas for the campaign to succeed. The crucial concern was in affecting the opinions of the Irish public and in turning this support into action and ultimately political capital so as to leverage change in the status quo by legislators, through support from elected representatives and potentially through a constitutional referendum (which would need to be called by the Oireachtas).

Unlike earlier successful lesbian and gay advocacy efforts when GLEN and others lobbied to de-criminalise homosexuality in Ireland in 1993, Marriage Equality sought to mobilise its advocates to become centrally involved in interfacing locally with public representatives via the "Out to your TD" project. In that sense, ME"s efforts were designed to initiate a more grassroots mobilisation of supporters to become political agents in lobbying for legislative change. This endeavour was based on the assumption that public representatives legislate for those issues deemed most pressing by constituents who vote them into office. ME devised and operated a communications strategy to complement local level political influence to effect

[15] On one end of the ME policy preference spectrum in Ireland is the Iona Institute whose Catholic values drive its counter view to ME"s position, with GLEN perhaps somewhere in between as it sees the CP Bill as a necessary incremental „win" towards the ultimate aim of marriage equality.

change at national level, and also sought to build relationships directly with public representatives and political parties.

Key aspects of ME‟s legal strategy were the raising of awareness among legal professionals of effective legal solutions regarding established case law as well as legal positions taken in other jurisdictions in relation to same-sex marriage.

## 3. MARRIAGE EQUALITY'S FOUR STRATEGIES

Section 2 provided a brief description of the intended work of ME under each of its four strategies and Section 3 discusses actual work undertaken. As the political and mobilisation work was closely linked, work under these two strategies is described together.

### 3.1 Legal Strategy

Since the Marriage Equality campaign emerged as a response to the KAL case to seek legal recognition in Ireland of their Canadian same-sex marriage, cited earlier, the legal strategy has remained central to the campaign"s activities. The 2006 High Court judgment in the Zappone & Gilligan v Revenue Commissioners case noted that under the Irish constitution, marriage had always been interpreted as meaning marriage between a man and a woman. The Supreme Court will consider the KAL appeal in February 2011.

Marriage Equality (ME) conducted a broad range of activities to raise awareness amongst the legal profession, academics etc., and to encourage exploration of the issue in articles and publications in Ireland and abroad. ME has organised and contributed to conferences, made legal submissions and disseminated publications. For example, in addition to monitoring and reporting on legal developments in other jurisdictions e.g. Proposition 8 hearing in California,[16] and on hearings at the European Court of Human Rights "Schalk & Kopf v. Austria,"[17] the campaign has facilitated public debates on legal issues, conducted outreach with members of the legal community in Ireland, met with Irish Human Rights Commissioners, met with officials from various government departments/agencies (e.g. Ombudsman for Children), and commissioned substantive legal submissions (e.g. Law Reform Commission"s Report on Families, December 2009).[18] The campaign has also maintained national and international legal networks to inform its strategies, based on best practice, for example, with the "Freedom to Marry Campaign" in the USA, whose director, Evan Wolfson (a specialist in international same-sex marriage law) was planning to address a major ME conference in Dublin to review campaign strategy in November 2010.

Key aspects of the activities and outcomes from the ME legal strategy are shown below.

[16] In February 2010, the California Supreme Court considered challenges to „Proposition 8," the initiative approved by voters in November 2009 that restored the state"s definition of marriage as the union of a man and a woman. Less than six months earlier, the court declared that gays and lesbians had a constitutional right to marry. (For a re-enactment of the hearings see www.youtube.com/user/MarriageTrial)

[17] European Court of Human Rights, July 2010, Horst Michael Schalk and Johann Franz Kopf v Austria (Application No. 30141/04) see www.echr.coe.int - from the ME point of view, while the court did not find in favour of the two men"s right to same-sex marriage, and referred the matter back to individual countries, it did acknowledge the couple"s "family-like" rights.

[18] The Law Reform Commission makes recommendations for law reform to government. Its call for submissions on Legal Aspects of Family Relationships focused on issues such as guardianship, access and custody, and was therefore of relevance to the ME campaign. There were two elements to the Commission"s work – the rights and obligations of fathers, and the law as it applies to extended family members, including step-parents and *de facto* parents of children. (See www.marriagequality.ie for submission details)

**Matrix 1. ME Legal Strategy, Key Activities & Outcomes**

| Key Activities | Examples | Key Outcomes |
|---|---|---|
| Meetings with members of legal profession, academics etc. to encourage exploration of the issue in articles and publications | Seminars, information meetings, conference inputs (evidence – list of meetings conducted, project records, and evaluation interview data) | Raised awareness in legal profession and judiciary of situation re ME in other jurisdictions and emerging case law |
| Information sessions with organisations and legal opinion-formers in Irish context. | Amnesty International, PILA, and FLAC, ICCL (meetings, literature disseminated etc.), and with policy-makers (e.g. Office of Ombudsman for Children) | Built knowledge base regarding arguments for ME, information on case law, and contributed to growing support for human right to marry. |
| Legal Submissions | Analysis and submission of legal positions (e.g. ME‟s Law Reform Commission‟s Report on the Family, 12/09) | Informed legal and policy debates in relation to proposed reform of family law. |
| Links established and maintained with European and USA ME organisations. | „Freedom to Marry, USA;‟ ILGA Europe (evidence – evaluation interview data, 5/10, Proposition 8 and ECHR) | Documented shared learning, advice and knowledge base. Up-to-date information on key cases. Campaign strategy review with "Freedom to Marry," USA Director |

In terms of impact, ME‟s information and updates on legal developments have been availed of by legal professionals, academics and organisations in human rights and equality areas. There are multiple examples of individuals and organisations who have built on this contact to become more informed on the arguments and more involved in ME‟s other strategies, including mobilisation efforts.

Challenges facing ME that emerged up to September 2010 include: the „conventional wisdom‟ in legal circles (not accepted by ME), that a constitutional referendum is required[19]; the findings in recent Irish case law, "McD Case" (Dec. 2009) which reversed recognition of the "de facto family" and reinforced the constitutional exclusivity of the family based on marriage, and thereby increased the prospect of a referendum being necessary for same-sex marriage to be introduced; and findings from the Schalk & Kopf v Austria hearing at the ECHR which ruled that there was no violation of their human rights by the Austrian state‟s refusal to allow them to marry. Using the principle of subsidiarity, the ECHR put the onus on "national authorities" saying they were "best placed to assess and respond to the needs of society in this field" (June 2010, see www.cmiskp.echr.coe).

### 3.2 Political and Mobilisation Strategies

Based on lessons from the USA, Marriage Equality devised and implemented a novel grassroots project "Out to your TD," to mobilise allies and supporters, and build political capital. The campaign trained and supported volunteers, provided resources („TD information pack‟), and monitored the outcome of visits to public

[19] Legal opinion varies in this. The constitution states: "The State recognises the family as the natural primary and fundamental unit group of Society, and as a moral institution possessing inalienable and imprescriptible rights, antecedent and superior to all positive law" (Article 41.1.1); "The State, therefore, guarantees to protect the Family in its constitution and authority, as the necessary basis of social order and as indispensable to the welfare of the Nation and the State" (Article 41.1.2); "The State pledges itself to guard with special care the institution of marriage, on which the family is founded, and to protect it against attack" (Article 41.3.1).

representatives in the various constituencies. To widen its political access beyond parties in opposition, the campaign used a „backroom tactic," hiring professional political advisors who were working with the government on other issues to report back on the government's thinking on same-sex marriage. Other activities in the political strategy included the direct lobbying of political parties, advisors and civil servants. The campaign mapped the relative positions of all political parties, public representatives and constituencies on the issue, to inform its political efforts.

The ME mobilisation strategy worked well with a broad range of LGBT groups as well as other equality and social justice NGOs. Indeed, these efforts grew into a „social movement"[20], a major achievement, given ME resources. Research for the ME evaluation showed that same-sex marriage became a central cohesive issue for LGBT groups, with many becoming politicised in unprecedented ways and getting involved in public actions such as demonstrations, flash mobs etc. In addition, ME built coalitions with other civil society groups concerned with justice and equality matters, including women's groups, community groups and trade unions.

An innovative mobilisation tactic evolved organically when the children of lesbian and gay parents organised into a „Believe in Equality" group, following an ME consultation process to document their experiences of growing up with same-sex parents. The resulting report was launched in September 2010 at a „Voices of Children" conference with members of „Believe in Equality" addressing conference members ("…everyone talks about us but no-one asks us"). This group of young people has represented a powerful self-directed advocacy element to the campaign to counter misconceptions regarding same-sex parenting outcomes.

**Matrix 2: ME Political & Mobilisation Strategies, Key Activities & Outcomes**

| Key Activities | Example | Key Outcomes |
|---|---|---|
| „Out to your TD" | TD Project Package (Some 3,000+ packs to supporters, public representatives, organisations, 80+ visits etc.) | Over half of Oireachtas members contacted and their opinion on same-sex marriage documented. |
| Lobbying political parties directly | ME meetings with small groups of influential politicians across parties | Individual members of two main parties (FF/FG) supportive, Green Party, Labour and Sinn Féin overwhelmingly supportive. |
| Building strategic coalitions | Organisations from NOISE, Belong2, Amnesty, Irish Council for Civil Liberties and others participated in ME events. | Evaluation showed ME seen as "very positive, not negative" campaign and as social movement. |
| Public protests/marches | Pride March 2010 on theme of ME, received wide media coverage in Ireland | Major increase in numbers engaged in public protests – from 500 to over 5,000. |
| Mobilising LGBT allies | LGBT Noise, Flash mobs, blog, social networking activity | Unprecedented mobilisation of LGBT communities with the ME issue. |
| Communications – visual & „real life" stories | „Sinéad's hand" video developed. Viewed on ME website; DVD sent to all public reps. Also evident from content of Oireachtas debates, Voices of Children conference; Irish Times Poll, September 2010 (see later). | Politicians and general public more aware. Stakeholders told evaluation research: "Do not underestimate the value of first-hand stories for politicians" |

As mentioned, the main impact of the political and mobilisation strategies was an unprecedented level of political engagement by members of the LGBT communities

[20] A social movement is often a loosely organised, but sustained campaign, with members engaging in different actions in support of a common social goal. It involves collective action, with one or more organisations giving identity, leadership and coordination. Participation in social protests and other activities is a means for political expression to generate social change. (See Connolly and Hourigan, „Social Movements in Ireland," 2009).

and their allies to the extent that ME evolved as a new social movement in the Irish social change operational environment. A broad range of individuals and civil society groups have become advocates for ME, some as allies who frame their protest in terms of the inherent inequality of the CP Bill, others in protest at what was perceived as GLEN"s political compromise. Irrespective of motivation, the cumulative effect has been to "embolden gay men and lesbians as political forces in their own right" and increase the level of engagement of Irish citizens with the issue and with participative democracy.

The evaluation findings suggest that while Irish politicians increasingly recognise the rights of same-sex adult relationships – as evidenced by the content of speeches during Oireachtas debates and the fact that there was overwhelming cross-party support for passage of the CP Bill - they are less inclined to recognise the rights of children or non-biological parents in same-sex families or support same-sex couples in adopting children. Nonetheless, the evaluation noted the words of one bellwether interviewed during the process: "Politicians don"t lead, they follow public opinion."

Opinion polls suggest growing public support for marriage equality. A survey of social attitudes in The Irish Times (September 15, 2010) showed that 67% of respondents believed gay couples should be allowed to marry. This is a stunning statistic and, while it cannot be directly linked to any one action, it shows that, by autumn 2010, ME has helped to change public opinion in Ireland. As one bellwether stated: "The time is now – put it to the people." With the KAL Supreme Court hearing and a national General Election both likely in the first half of 2011, the work of ME has created a „window of opportunity" for change (e.g. possibility of getting political parties to commit to support for same-sex marriage in their election manifestos).

### 3.3 Communications Strategy

The fact that The Irish Times included same-sex marriage equality in its national opinion poll on "sex, sin and society" in September 2010 is in itself evidence of ME"s success in its communication strategy. Activities to realise the objectives of this strategy included training and supporting lesbian and gay couples to engage with the media. ME also arranged ongoing inputs to print and electronic media by members of the board and campaign supporters. Lesbian and gay families participated in a public billboard project – „We are Family" - to increase visibility, providing real life stories to convey the rationale for the campaign. ME also commissioned and communicated two national polls on the general public"s attitudes to same-sex couples, liaised with journalists, issued press releases, produced and distributed its campaign film „Sinéad"s Hand" and produced various position papers, newsletters and bulletins.

In September 2010, the campaign hosted a ground-breaking conference to launch its „Voices of Children" research on the experience of Irish children raised by lesbian and gay parents, and debate findings from it and from international research on same-sex parenting. Professor Sheila Greene, Director of the Children"s Research Centre, Trinity College Dublin remarked that the „Voices of Children" report "mirrors four decades of international legal, psychological, and sociological research from Europe

and North America that has cumulatively declared as unfounded claims that LGBT people are unfit as parents."[21]

In addition, ME maintained a website as a key communications tool, and used social networking sites such as Facebook and Twitter to remain in contact with supporters. With only a part-time Communications" consultant, ME"s volume of communications and successful presence in media debates had to be augmented by an ongoing specialist input from the ME team, board and volunteers.

**Matrix 3. ME Communications Strategy, Key Activities & Outcomes**

| Key Activities | Examples | Key Outcomes |
|---|---|---|
| Providing press releases, ensuring media presence, journalist liaison etc. | Media Tracking (high number of „media hits" in different kinds of media, regional and national) | Stakeholders reported that distinction between civil partnership and marriage equality clearly made. |
| Promoting ME"s message via ME"s website and social networking sites | Very vibrant debates on different blogs and in internet forums | Access to generation of younger activists who then participated in other campaign activities. |
| Making LGBT families visible. | „We are Family" posters carried in all local libraries and on Dublin Bus, summer 2010. | Historic visibility of LGBT families in public spaces. Demonstrated everyday nature of such families. |
| Addressing the issue of children. | „Voices of children" research report and conference, including DVD record of proceedings. | First report of its kind in Ireland to document the experience of young people with lesbian parents. National and international speakers involved. |
| Communicating solutions to perceived policy barriers regarding LGBT children | Recommendations from „Voices of Children" research reported and communicated | Specific solutions for policy-makers, including amendments to adoption and guardianship laws and civil marriage. |

ME"s communications strategy has effectively brought the debate on same-sex marriage into the public sphere via traditional and new media actions. The survey already referred to (The Irish Times *Behaviour and Attitudes* poll, September 2010) poll on "sex, sin and society" is an indicator of the cumulative impact of ME"s many strategies. Findings indicate:

- An overwhelming majority of the Irish public, 91%, would not think less of a person if they were gay or lesbian;
- Over two-thirds of people, 67%, believe gay couples should be allowed to marry. Furthermore, in what the paper reported as a "showing of strong support for gay marriage," some 60% of people believe that civil partnership would not undermine the institution of marriage.
- People remained unsure as to whether lesbian and gay couples should be allowed to adopt children – 46% in support and 38% opposed – possibly indicating a continued lack of awareness of examples of lesbian and gay parenting in Ireland.

Since these poll results emerged shortly after the „Voices for Children" conference, the latter finding illustrates the importance of ME"s policy of foregrounding national and international research on positive outcomes for children raised by lesbian and gay parents. The campaign has consistently argued that legal recognition of same-sex marriage involves recognition of lesbian and gay families, with and without children,

[21] The ME campaign arranged a digital record of the conference proceedings (by Karl Hayden), soon to be uploaded to the website.

and presents a different concept of family to the (often mythical) heterosexual ideal. A challenge is therefore to continue to highlight the existence of lesbian and gay families, the positive outcomes for children of lesbian and gay parents and the highlighting of the young people in the „Believe in Equality" group (children of lesbian and gay parents).

ME"s actions clarified inequalities ensuing from the enactment of the CP legislation when compared to rights afforded via civil marriage. Its message has been carried in print and electronic media, on websites, generated campaign blogs, and been a catalyst for new ME social networking sites on Twitter and Facebook. ME"s „We are Family" poster project and its TV contributions by lesbians and gay men, and their children, have also brought a new visibility to these issues in Ireland.

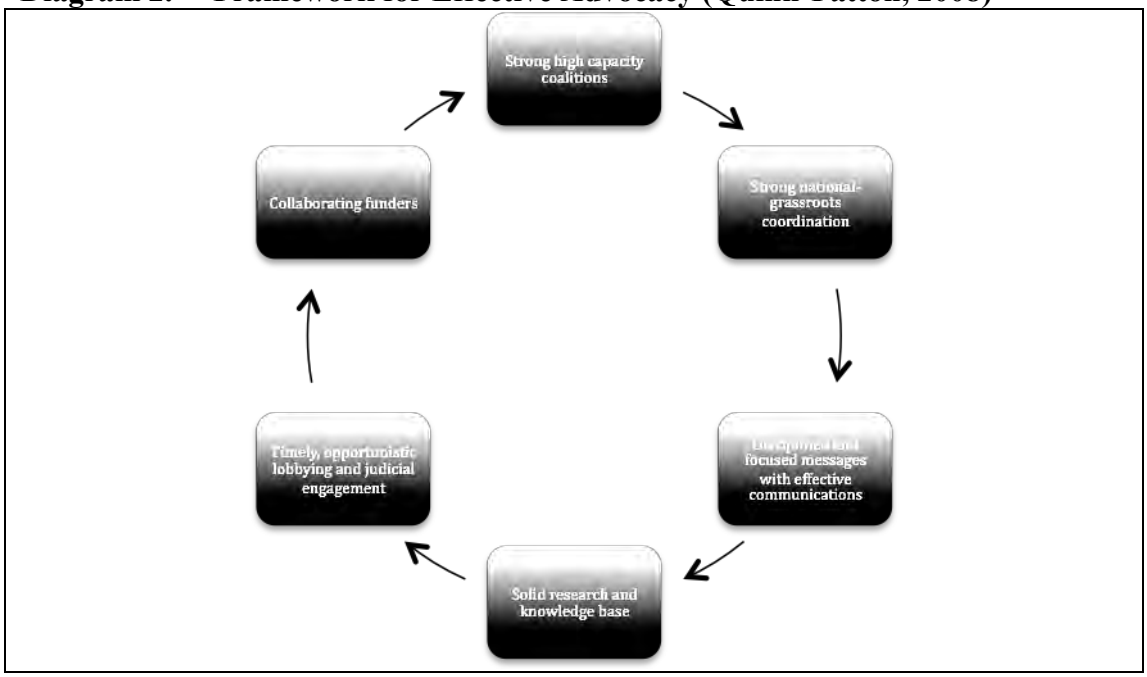
While it is important to keep making the core case and arguments for same-sex marriage, the balance of the communications effort can perhaps shift in 2011 to the likely need for a constitutional referendum on same-sex marriage and why any such referendum should be passed by the Irish people. This will include disseminating examples of the extent and nature of the inequalities arising from CP. The KAL Supreme Court hearing offers an ideal opportunity to publicise this data and convey to the public the reasons for introducing changes in adoption and guardianship laws. This latter issue of adoption and guardianship laws is contentious, and there is a challenge for ME to persuade the public of the necessity of changing these laws to establish full equal rights. Thus ME may remove an important potential obstacle to winning what would inevitably be a contested referendum campaign.

## 4: ASSESSING ME EFFECTIVNESS

### 4.1 Framework for Effective Advocacy

The campaign"s progress and effectiveness as an advocacy effort was assessed using Quinn-Patton"s (2008) conceptual framework (see Diagram 2). The assumption underpinning the evaluation approach was that ME"s advocacy work can continuously be improved by consideration of the interconnected factors of this framework.

**Diagram 2. – Framework for Effective Advocacy (Quinn-Patton, 2008)**




The evaluation used these six factors as indicators of success, **providing a tool to analyse if ME was 'on track' as an advocacy effort**. Data gathered for the evaluation from standard formative evaluation methods and from methods used to evaluate advocacy campaigns (e.g. bellwether methodology, and intense-period debriefings) informed the effective advocacy ratings.

Based on our assessment of the effectiveness of Marriage Equality"s work, each factor was rated at different stages during the evaluation using a three point colour-coded scale: red (poor), amber (acceptable) and green (good). Assuming a baseline of red for each indicator in 2008, each rating therefore presented four points of comparison: 1) start of the campaign; 2) November 2009; 3) June 2010; and 4) September 2010. Discussion of these ratings with the ME team and board allowed consideration of what it might mean to be „good" at each factor in the shifting policy context, and allowed differentiation between areas where ME had made significant gains, and where re-alignment of effort and resources might increase effectiveness.

For this case study, a brief summary of key findings in relation to each factor is presented.

### 4.2 Strong High-Capacity Coalitions

Marriage Equality"s campaign contributed to a substantial increase in the number of LGBT community coalitions engaging with the advocacy issue by November 2009 and, by June 2010, ME had established its „We are Family" message as the slogan for Gay Pride marches and public protests throughout Ireland. As stated, one (academic) bellwether said that the campaign had developed into a social movement, with individuals and organisations with an equality or social justice mission in Ireland involved in one way or another in the campaign - a major achievement, given the campaign"s resources.

The campaign has developed strong links with equality-related NGOs in Ireland, in the EU (e.g. ILGA) and in the US (e.g. „Freedom to Marry"). International bellwethers said that, based on their knowledge of, and connection to, the campaign, it had achieved major impact with relatively low resources compared to efforts in other countries. In Ireland, national political figures participated in ME events (e.g. Dublin Mayor, Emer Costello, and Minister Mary White, Green Party) while political party members and advisors met campaign members regularly to discuss progress.

In terms of strategic learning, ME recognised the challenge presented by myths and misconceptions, and resistance to or lack of understanding of same-sex parenting. ME"s strategic response to building coalition capacity in this area was most evidenced in 2010. For example, the research commissioned on the experiences of children raised by same-sex couples in Ireland, „Voices of Children," was an innovative response to an emerging need. ME"s communications strategy facilitated several effective media appearances by young adults with lesbian and gay parents.

In addition, the range of speakers presenting at the "Voices for Children" conference in September 2010 demonstrated an expanding children"s rights" coalition committed to the campaign aim. Speakers included nationally-recognised leaders in the field of children"s rights such as Fergus Finlay, Director of Barnardos in Ireland, and Geoffrey Shannon, Deputy Director of Education, Law Society of Ireland, an acknowledged child law expert and member of the Adoption Board of Ireland. Internationally-recognised leaders in research on children and the law who spoke at the conference included Helen Stratham, Deputy Director, Centre for Family Research, Cambridge University, UK and Dr. Machteld Vonk, Professor of Law and Family Law, Utrecht University, Netherlands.

ME"s plan to have one of its coalition partners, Evan Wolfson, Director, „Freedom to Marry Campaign", USA – a specialist in international same-sex legal matters - visit Dublin in November 2010 is a further effort to broaden the case in Ireland for same-sex marriage and also helps to prepare the ground among the media for the KAL Supreme Court case in 2011.

### 4.3 Strong National-to-Grassroots Coordination

While much of Marriage Equality"s activities centred on the Greater Dublin area initially, by November 2009, considerable success was evident in links with lesbian and gay groups in the large regional population centres of Cork, Limerick and Waterford. The „Out to your TD" project emphasis on local engagement with public

representatives (with distance telephone support provided by ME volunteers), contributed to growing national-grassroots campaign coordination. Another contributing factor was the work undertaken by the National Lesbian and Gay Federation in 2009. Its „Burning Issues" research process not only involved lesbian and gay participants from all counties in Ireland who voted marriage equality as one of the top five issues for lesbians and gays in Ireland, but also exposed these research participants to the ME campaign and its activities (www.nlgf.org).

By 2010, Marriage Equality was invited to join the steering committee of the new LGBT national capacity development initiative „Diversity: Building Sustainable Communities,"[22] a nationally-linked network of LGBT organisations in Ireland, funded by the Atlantic Philanthropies,[23] whose aim is to put in place sustainable infrastructure to support LGBT people. This invitation was perceived as evidence of ME growing traction amongst LGBT groups in Ireland, and an ME leadership opportunity within the campaign, two important factors for continued transfer of the campaign's message to a national/grassroots network of advocates. Involvement in this initiative represents access to resources and fresh advocacy impetus at a time when required by ME. The alignment with LGBT groups was further facilitated by the relocation of ME to „Outhouse", a Dublin city-centre base used by over 30+ LGBT groups, including those who meet outside their rural bases. Once ME's national grassroots coordination efforts with LGBT groups had grown via „Out to your TD" and other activities, the campaign sought to build further nationwide links to equality and social justice groups to contribute to the cohesion of its advocacy effort

With a general election likely in the first quarter of 2011, the next challenge facing ME in September 2010 is to translate the benefits of national/grassroots coordination into mobilisation of ME advocates and positive political action. The target is to support the election of the maximum number of public representatives across all political parties and constituencies committed to same-sex marriage.

### 4.4 Disciplined and Focused Messages with Effective Communications

By November 2009, ME's communication's strategy was rated as highly successful and significantly improved from its early days. Evidence from the Oireachtas debates on the CP bill (December 2009/January 2010) demonstrated a direct connection between the rhetoric of TDs and ME's message. With the launch of the „We are Family" project in June 2010, including posters on billboards and on Dublin buses, the campaign's effectiveness as a communications effort reached historic levels of visibility of Irish lesbian and gay families. Other substantial "advocacy wins" were documented throughout the evaluation in relation to coverage in print and electronic media, and in particular the important and innovative use of mobile communications (text messaging to gather advocates for „flash mobs") and social networking sites as advocacy tools, as well as a campaign film, *Sinéad's Hand* (commissioned and developed on a pro bono basis, based on a US model).

A key lesson in relation to communications was the limitations of a minimally resourced communications effort. While lists of media „hits" were regularly

[22] See www.lgbtdiversity.com
[23] See www.atlanticphilanthropies.org

disseminated and analysed, and significant outputs achieved, a part-time role inevitably limited the amount of detailed statistical and content analysis of media coverage that could be done, e.g. to establish coverage changes over time, relative to various media, voting constituencies, geographical areas etc. and cross-reference these with political trends within the campaign.[24]

### 4.5 Solid Research and Knowledge Base

In the initial days of the campaign, ME made excellent use of polling data to establish the policy issue in the public domain and convey the message of public support for marriage equality.[25] The quantitative data were picked up by the media, used during PR events and referenced during Oireachtas debates. Data from the National Lesbian and Gay Federation's „Burning Issues" research and conference in 2009 confirmed widespread LGBT support in Ireland for the campaign. The evaluation found that studies commissioned by the campaign on lesbian and gay families, progress in other jurisdictions etc., contributed to ME credibility and the validity of the core argument for policy change.

As discussed in Section 3, two important research-related events took place in September 2010: ME's conference to launch findings from the „Voices of Children" research, and publication of The Irish Times poll that took a reading of Irish public opinion on same-sex marriage. „Voices of Children" was a major milestone in providing a solid research and knowledge base on the contentious area of outcomes for children of same-sex parenting in an Irish context. The poll in The Irish Times was timely for the campaign not only because the findings were favourable to the campaign's mission (67% believe that gay couples should be allowed to marry), but because the evidence emerged from an independent, respected and widely read newspaper.

The use of one key source of research and knowledge was restricted by the Irish legislative process. A detailed marriage audit to compare and contrast the rights pertaining in heterosexual marriage with those afforded same-sex couples as a result of the CP Act could not be completed until the measures pertaining to finance were published in the Finance Act. However, the marriage audit data (when completed) in addition to the data from The Irish Times' poll, and the „Voices of Children" data, represent a strong arsenal of research and knowledge to be used by the campaign in 2011.

### 4.6 Timely, Opportunistic Lobbying and Judicial Engagement

In relation to political lobbying, participation in the „Out to your TD" project improved significantly as the campaign gathered momentum as advocates successfully brought the issue to public representative's local offices across the country. By November 2009, ME had mapped the geographic areas by political constituencies/representatives and were able to target underserved areas in advance of the CP debates in the Oireachtas (December 2009/January 2010). Political rhetoric used across party lines during the debates indicated the extent to which ME's message

[24] See Douglas Gould & Company (2004), writing media analysis www.mediaevaluationproject.org
[25] Details of findings from the two Lansdowne polls can be found on www.marriagequality.ie

had „landed" – epitomised by the phrase "not full equality yet, but..." (i.e. accepting the need for future steps to be taken after civil partnership was introduced).[26]

There is disagreement amongst bellwethers consulted during the evaluation on the campaign's timing of a push for a referendum on same-sex marriage. Nonetheless, should a referendum be required, the economic and political instability in Ireland brought on by the deep economic recession of 2008-10 may offer an opportunity to lobby hard for a referendum. The campaign has organised events and made inputs to seminars and legal gatherings to raise awareness of the issue amongst members of the legal profession in Ireland, work that will intensify in advance of the KAL Supreme Court case.

While the findings of the European Court of Human Rights in the Schluck v. Austria case - that denying same-sex couples the right to marry is not incompatible with the Convention on Human Rights – is perceived as a setback, the ECHR also recognised the growing support for same-sex marriage rights. Its stipulation that EU member states determine their own position in this regard places responsibility back with Ireland, either via the 2011 Supreme Court case or via referendum.

### 4.7 Collaborating with Funders engaged in Strategic Funding

The main funding body supporting the campaign is the Atlantic Philanthropies (AP), with whom ME has a good working relationship. AP view their support of both the ME campaign and GLEN as parallel processes to resource two advocacy avenues towards a common aim.[27] AP re-affirmed its commitment to the campaign with an additional grant over 15 months to end-2011.

In anticipation of a shortfall in funds in the medium term, ME has sought to raise money from international supporters by linking with members of the Irish diaspora who support the campaign aim. Team members will travel to the US on a fundraising mission in 2011, based on the evidence from the Williams Institute which indicates a high percentage of Irish-born lesbians and gay men reside with US-partners.[28]

[26] In July 2010, GLEN published the Oireachtas debates. See www.glen.ie
[27] Established by Irish-American billionaire, Chuck Feeney, Atlantic Philanthropies has a strong commitment to human rights outcomes world-wide. See „Field Dispatches: Winning CP in Ireland," September 20, 2010, on www.atlanticphilanthropies.org
[28] US Census for 2006 as analysed by the Williams Institute, UCLA and reported by Denis Staunton in the „Irish Times," 15th March 2008. See also www.law.ucla.edu/williamsinstitute

# 5: CONCLUSION

ME has achieved several significant incremental "advocacy wins" in its work up to September 2010. The poll results from The Irish Times in September 2010 offer perhaps the best evidence of the cumulative success of ME's strategies. They show that two in three Irish people believe gay couples should be allowed to marry, the direct focus of the ME campaign. Other major incremental advocacy wins include ME's emergence as a social movement in Ireland, gains in political capital across all parties and heightened legal awareness of issues around same-sex marriage. These wins have been achieved over a period when Ireland has had to grapple with significant economic difficulties.

The following are some key points arising from the case study:

- **Substantial voluntary input and pro bono work linked with relatively modest financial resources** (when compared to ME efforts in other countries) enabled the campaign to deliver on its four strategies (legal, political, communications and mobilisation). This in turn facilitated **multiple points of influence on Irish policy-makers and the general public,** resulting in a positive impact on policy debates, levels of lesbian and gay visibility, and political engagement by ME advocates.

- The small hard-working ME Team and volunteer board's approach to **slowly building a broad-base of support** via strategic alliances (with NGOs, Trade Unions, political parties etc.), based on **collaboration rather than control**, enabled ME to harvest political capital beyond its immediate allies. This contributed to its emergence as what one political bellwether called "an innovative grassroots initiative."

- The campaign's **communications strategy** continuously spurred debate on lesbian and gay issues using evidence from **international and national research** commissioned by the campaign or accessed via partners to substantiate rights and equality arguments. A lack of resources inhibited its capacity to complete detailed statistical and content analysis to inform its communications strategy.

- ME's efforts to promote lesbian and gay **visibility** generally (in the "Out to your TD" project) and its use of **images of lesbian and gay families, media and conference presentations by lesbian and gay parents and children of lesbian and gay parents** helped to counter the notion of a hidden Ireland and communicated the ubiquitous nature of lesbian and gay citizens and families in Ireland.

- **Widening the legal profession's knowledge base** by providing data on same-sex marriage provision in other countries proved important in illustrating the growing legal consensus and body of case law – albeit in parts of the world only – for the right to access same-sex marriage. This was supplemented by ME's commitment to international knowledge transfer.

- **An openness to learning by the ME team and board** was demonstrated by their contribution to and collaboration on evaluation processes, debates on the meaning of findings etc., all of which contributed to „wins" and improvements in advocacy effectiveness ratings

These gains, and outcomes, were achieved with an annual grant of €200k, and 2.5 team members.

As at September 2010, it seemed that successful realisation of access to full, equal civil marriage rights for lesbian and gay people in Ireland may require a longer-term commitment, most likely through a constitutional referendum[29] and a requirement to persuade the majority of Irish voters of the justice of the case. In this regard, the data from The Irish Times poll is a good starting point, although public opinion can change and there is no doubt but that any future referendum will be contested. Ireland is also heading into a period of further economic difficulty in the 2011-14 period and it is likely that ME will have to work in the context of a more limited budget than heretofore and lower levels of donations from supporters, at least in Ireland.

[29] As stated earlier, this is not certain and either the Irish Supreme Court, or the European Courts (based on the inequality of the CP legislation) could yet instruct the Irish government to introduce same-sex marriage

## Appendix 1: Key Events in relation to Rights for Lesbians and Gay Men in Ireland

1993 - Decriminalisation of homosexuality

2004 – Norris bill

Nov. 2004 - Zappone & Gilligan High Court challenge to decision of Revenue Commissioners not to recognise their Canadian marriage

Jan. 2006 - Introduction of Civil Partnership in UK, incl. N. Ireland
Jan. 2006 - Equality Authority states legal requirement under Belfast Agreement to provide same rights as N.I.
Jan. 2006 - Taoiseach Bertie Ahern endorses Oireachtas Committee report recommending registered civil partnerships

Oct. 2006 - Hearing of Zappone & Gilligan High Court case

Nov. 2006 - Working Group, Domestic Partnership, "Colley Report" identifies options: marriage ("full equality option") or civil partnership
Dec. 2006 - Publication of Labour Party Civil Unions Bill (defeated Feb. 07)

Feb. 2008 - Marriage Equality established

June 2009 - Publication of Civil Partnership Bill
Dec. 2009/January 2010 - CP Bill introduced and debated in Oireachtas

19 July 2010 – The Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 signed into law. Changes to tax and social welfare code expected in 2011 Finance and Social Welfare Bills (the Act will commence once those changes take effect). First civil registrations likely in 2011.

2011 – Likely General Election and Hearing of Zappone & Gilligan appeal by Supreme Court.

## Appendix 2: Overview of countries with national recognition of Same-Sex Partnership by rights and exclusions (Badgett, 2009:9)

| *Country (year enacted)* | *Marital rights & responsibilities* | *Examples of martial rights not included* |
|---|---|---|
| **MARRIAGE** | | |
| Netherlands (2001) | All or almost all | Parental status for second parent of child born to a married lesbian (NLD, BEL)<br>Adoption rights (BEL) |
| Belgium (2003) | | |
| Spain (2005) | | |
| Canada (2005) | | |
| South Africa (2006) | | |
| Norway (2009) | | |
| **REGISTERED PARTNERSHIP** | | |
| Denmark (1989) | Almost all | Right to church wedding (DEN, NOR, SWE, ICE, FIN); joint adoption rights (DEN, NOR, ICE, FIN, HUN); access to assisted reproduction (DEN, NOR, ICE, HUN) |
| Norway (1993) | | |
| Sweden (1994) | | |
| Iceland (1996) | | |
| Netherlands (1998) | | |
| Finland (2001) | | |
| New Zealand (2005 CU) | | |
| United Kingdom (2005 CP) | | |
| Switzerland (2005) | | |
| Hungary (2009) | | |
| **REGISTERED COHABITATION** | | |
| France (1999) | Liability for debts; common property; joint taxation; housing; insurance (France)<br>Support obligations; inheritance; pension and health insurance; immigration (Germany)<br>Mutual responsibility for debts; common residence protected except after death; obligation of support (Belgium) | Inheritance rights; child-related rights; alimony (France)<br>State-supported financial benefits (Germany)<br>Inheritance rights; alimony; right to damages for negligent death of partner; adoption; citizenship (Belgium) |
| Belgium (1999) | | |
| Germany (2001) | | |
| Czech Republic (2006) | | |
| Slovenia (2006) | | |
| Luxembourg (2004) | | |

Source: Badgett, 2009:9