

A BRIEF OVERVIEW OF THE CIVIL UNION ACT*

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SUMMARY

The adoption of the *Constitution of the Republic of South Africa*, 1996 (the Constitution) has provided a sound framework for the elimination of discrimination and prejudice against all members of our society. The Constitution provides for equal recognition of the right to freedom of religion and sexual orientation within the framework of the right to equality. This note aims to provide a brief overview and analysis of the general and potentially problematic features of the *Civil Union Act* 17 of 2006 (the Act) in the context of equality, generally and within realm of the constitutional protection afforded to everyone in South Africa. This contribution is limited to an examination of the quality of the legal protection accorded to same-sex couples as envisaged in the Act, and not to an analysis of the nature of the institution of marriage itself or the theological and social dimensions of same-sex marriages.

Keywords: same-sex marriages; civil union; equality; constitutional rights; constitutional protection of homosexual relationships; Civil Union Act

* 17 of 2006.

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