MARRIAGE & CIVIL PARTNERSHIP (SCOTLAND) BILL

SUBMISSION FROM GUSRC

How would you characterise your views on the Bill in general?

In support

We at the GUSRC are in support of the bill as it will be a step forward in promoting equality with respect for freedom of religion and freedom of speech.

How would you characterise your views on the introduction of same sex marriage, so that the same sex couples can marry each other?

In support

The GUSRC fully support the introduction of same sex marriage as we believe that it is an important step in reducing discrimination.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

There ought to be nothing in law that sets religious belief as more valuable than other belief systems

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including opt-in procedures)?

In support

We support that religious organisations should opt in to same sex marriage and we believe that the bill gets the balance right.

Within this there are two issues: organisation and individual opt-in

We support the freedom of individuals within organisations to decide if they want to officiate same sex marriage. But understand that this may make individuals in an organisation feel uncomfortable and singled out for their decision either way. The long-term goal ought to compel through social change religious organisations to accept same-sex marriage. But for the mean time making opt in on an organisational basis in an acceptable concession in view of other gains.

Opt in is a sufficient way of protecting the religious freedom of organisations who don’t want to officiate same sex marriage. But as above the goal ought to be to get them to change with this time.
We believe that there should be an amendment made to Section 11(2) of the bill, in order to give those religious and belief bodies that want to, the option of using the gender-free form of the marriage ceremony for mixed couples who would prefer that form. This is important for mixed-sex couples who are intersex or trans. Religious bodies that wish to always use the ‘husband and wife’ gendered form of the marriage ceremony should be free to continue to do so.

**How would you characterise your views on civil partnerships changing to marriages?**

In support

The GUSRC supports this however we see no reason why couples in a civil partnership registered elsewhere cannot get married in Scotland. Not allowing this could cause problems for couples who had moved abroad and then moved to Scotland who then would have to dissolve their civil partnership first before their marrying again in Scotland. Even if couples were in a civil partnership and returned to the country where they registered, if they did not allow same-sex marriage then they would need to dissolve their partnership before they were allowed to marry. In contrast, any couple from anywhere in the world would be allowed to marry in Scotland if they were not already in a civil partnership. It is unfair to discriminate against those who are already in a civil partnership.

**How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and the registrar?**

We support the choice given for people to hold their civil marriage ceremony wherever they choose.

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

We believe that this gives an appropriate extra option particularly for same-sex couples who are maybe members of catholic church which doesn’t support same sex marriage so would not opt in but may opt in to a religious civil ceremony.

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

We support the principle of allowing transgender people who are married to obtain gender recognition without being required by the state to divorce.

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**
We believe that the bill strikes the right balance. We however, don’t believe that civil registrars should be given an opportunity to opt-out as they are carrying out a civil function on behalf of the state.

For religious organisations they are currently given a lot of protection in terms of opting in as an organisation and then individuals opting out if they don’t agree with it.

We strongly oppose the proposal that teachers should be able to opt-out of mentioning same-sex marriage if a pupil were to ask about it. We believe this is not necessary as teachers are there to teach fact and not their personal opinion.

**Would you like to comment on the wider issue of freedom of speech**

We believe strongly in freedom of speech and welcome people criticising same-sex marriage if they want. Hate speech regarding LGBT people is already covered in law

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

GUSRC are fully supportive of the bill as we believe that it is a step in the right direction for equality. However, it does not introduce full equal marriage. The main thing missing from the bill is the mixed-sex civil partnerships. That has always been a part of the wider Equal Marriage campaign in Scotland. We believe that the same choices – marriage or civil partnership- should be open to all couples regardless of gender.

GUSRC
4 September 2013