MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

SUBMISSION FROM NICOLA OSBORNE

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

In support

I think that the bill would be a major step forward for equality. I believe most people in Scotland support this updating of the law and/or they support their own friends and family who are in same sex relationships to have those treated equally. If it also included provision for mixed sex civil partnerships it would be better as, ideally, we would have full equality for legally recognised marriages and partnerships regardless of gender and sexuality.

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

In support

I believe same sex marriage should be available for all couples that are interested in perusing it. Personally I am in a very happy civil partnership and am both an atheist and a feminist and I am therefore happy to be part of a more modern institution separate from historical traditions associated with religion and property. However I know many people who find it heart breaking not to be able to use words like ”marriage” in their ceremony, and particularly people who want to be able to have a religious or belief ceremony and are currently unable to do so. I think it is crucial that couples of any gender be allowed to make informed choices between legally recognised partnerships or marriages.

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

In support

I see no reason for belief and religious celebrants to be treated differently in law and welcome the move in the Bill to ensure they are on the same footing. As an atheist I see no reason to treat some beliefs as recognised religious rights, and others as somehow inferior to these. I would welcome all legal registration of marriages being separated from religious or other celebration ceremonies (as occurs in France and Germany for instance) but as this is unlikely To happen and is not proposed here I fully welcome equal treatment of any belief or religious celebrants on an equal footing.

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

In support
I believe the arrangements suggested are appropriate and accommodate a range of views that may be held by different celebrants. It is right that those belief and religious organisations who wish to conduct ceremonies for both mixed and same sex couples be able to do so. And equally it is fair that those organisations and celebrants who do not wish to conduct same sex marriages be able to opt out. It is right that authorisation is provided/available to accommodate all wishes and views. I understand that a change is needed to section 11(2) is required to allow belief and religious organisations the option of using gender free versions of the marriage ceremony. I strongly support such an amendment which will be important both for same sex couples and for feminists in a mixed sex couple who may not want to use the "husband and wife" form of words with their historic baggage.

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

In support

I support this as it will allow those who want to have their relationship recognised as "marriage" the opportunity to bring their status into line with their wishes. I also welcome the right to remain in civil partnerships or to select this form of legally recognised relationship for those of us wanting equal legal rights as partners, separate from the historical traditions of marriage. I believe there is a need to equalise the treatment of those from outside of Scotland to have their civil partnerships changed to marriages if they want to do so. I concur with the Equality Network's views on this, that the legislation should treat any legally recognised civil partnership equally in terms of availability of conversion to a same sex marriage.

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

In support

This seems entirely appropriate and Not an LGBT issue. It also brings civil marriage into line with existing civil partnership law I believe. I am, however, generally unclear on the importance of excluding religious words or practice from civil partnerships.

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

In support

I am broadly supportive of this as I know that in a few rare cases this may be desirable, for instance where a humanist celebrant is conducting the marriage. Although I think few couples will choose a religious or belief registration of a civil partnership I do think this option would be more important if provision was being made in the law for mixed sex civil partnerships. I believe for mixed sex couples a religious or belief registration of a civil partnerships would offer a more equal and feminist alternative to a marriage.
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?

In support

This seems appropriate as a transgender persons status and rights should not vary by married status. I understand from the Equality Network that as the bill stands a married transgender person will require their partners permission for a gender recognition certificate and I think that is bizarre. Gender recognition is a personal issue regardless of relationship status and the ability for a legally recognised partner to block, delay or veto such a certificate smacks of the inequalities that once existed around women and divorce law.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I think the bill is very generous in recognising the views and rights of those who have concerns about same sex marriage. Crudely I think anyone who does not want to be in a same sex marriage shouldn't have one. That is the limit to which it imposes upon anyone else's life. I agree with the Equality Network that civil registrars should not be able to opt out of conducting same sex ceremonies as this is a human rights issue, particularly in small rural communities where a wide range of alternative registrars may not be available to conduct a ceremony. Similarly I think it would be absolutely inappropriate to bring into pace any special protections for those who do not wish to hear mention of same sex marriages in schools. This would be an underhand way of reintroducing section 28/section 2A concepts that were so harmful both to children and those teaching and supporting them. It is appropriate to represent the facts in schools, including marriage or civil partnership of any variety. And, as the Equality Network have stated, divorce is mentioned in schools and this is just as controversial for some people. In general I believe that those opposed to same sex marriage are already more than well accommodated by society. Offering equal rights to same sex couples does not threaten anybody else's rights. Nor does any same sex marriage change anyone's mixed sex marriage. Aside from the more than reasonable celebrant opt outs there is no need for any other form of protection for those opposed to same sex marriage. No gay person is about to try to convert a straight person, nor marry them, nor in any way impose on their life. There is no need to protect a minority of people from those of us who just wish to live our life on an equal and fair footing.

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

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

a private individual

Nicola osborne
22 August 2013