MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

SUBMISSION FROM THE SCOTTISH YOUTH PARLIAMENT ON BEHALF OF THE SCOTTISH YOUTH PARLIAMENT, LGBT YOUTH SCOTLAND, SCOTLAND’S COMMISSIONER FOR CHILDREN AND YOUNG PEOPLE, YOUTHLINK SCOTLAND AND CHILDREN IN SCOTLAND

We are writing to you on behalf of five children and young people’s organisations to express our support for the provisions in the Marriage and Civil Partnership Bill for equal marriage in Scotland. We believe that the Bill will play a significant role in advancing equality in Scotland and creating the country our children and young people wish to see.

Young people have clearly shown they feel strongly about this. The Scottish Youth Parliament’s ‘Love Equally’ and LGBT Youth Scotland’s ‘M.E.2’ are examples of youth-led campaigns which have been at the heart of the call for equal relationship laws for same-sex and mixed sex couples.

We draw your attention to the overwhelming majority of young Scots who have declared their support for equal marriage: in the Scottish Youth Parliament’s Youth Manifesto consultation, the Scottish Social Attitudes Survey, in opinion polls and by responding to the Scottish Government’s ‘The Registration of Civil Partnerships/Same Sex Marriage’, enormous amounts of young people have time and again made clear their support for marriage equality. In line with Article 12 of the UN Convention on the Rights of the Child (UNCRC) children and young people have the right to have their views taken into account on matters which affect them. We also wish to draw your attention to the concept of the ‘evolving capacities of the child’ embodied in the UNCRC. This recognises the changing relationships between children and adults as they grow up, and focuses on capacity and children’s increasing autonomy rather than age alone. It also gives the State a role as facilitator in helping to achieve appropriate protection for the child and in encouraging their participation in decisions affecting them.

We believe the provisions in the Bill will make an extremely positive difference. This Bill will create an equal Scotland for our children, where their rights are not determined by their sexual orientation or gender identity. Laws governing relationships are one of the few remaining areas in law where discrimination remains legal, and removing the restriction on which couples can choose to celebrate their love by getting married is fundamental to promoting an equal Scotland for children to grow up in.

We believe that creating equality for LGBT people in law would help to tackle homophobic, biphobic and transphobic bullying in schools and more widely amongst young people. We are concerned at the high levels of children and young people bullied because of their perceived sexual orientation or gender identity. Research from LGBT Youth Scotland shows that 69% of LGBT young people had experienced homophobic or biphobic bullying in schools and 77% of transgender young people had experienced transphobic bullying. This bullying has a large impact on young people’s successes and life chances; 14% of LGB young people had left education as a result of bullying and 42% of trans young people who had experienced bullying
left education. Removing discrimination in law will help to reduce stigma for LGBT children and young people, and promote their wellbeing.

If same-sex marriage were to be legalised, it would be important that: teachers are expected to follow the GTC’s Code of Professionalism and Conduct in regards to commitment to social justice and inclusion\(^i\) and promote equality; children and young people’s views on their participation in sexual health lessons are taken into account in line with their rights set out in the UNCRC; and, schools are encouraged to use materials that include LGBT people. We are pleased that the face of the Bill as introduced promotes equality and we ask that any amendments made or guidance provided do not weaken this approach.

We urge the Equal Opportunities Committee not to support any amendments seeking to undermine LGBT inclusion in education or wider society. We recommend that Education Scotland develop comprehensive guidance addressing these potential flashpoints, which would provide a means of recourse for schools, pupils and parents where there is a conflict of views regarding the teaching of equal marriage.

We hope the Committee will listen very carefully to the views of young people and those who work with young people. We would encourage the Committee to undertake or commission a Child Rights Impact Assessment on these proposals, as we believe that it will help to make the child’s perspective more visible.

This Bill is a chance to create a happier, fairer, and equal Scotland, and we hope the Committee will support the provisions of this Bill which can make that better Scotland a reality.

Rob Gowans  
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Scottish Youth Parliament  
22 August 2013

\(^{iv}\) Registration of Civil Partnerships Same Sex Marriage: Consultation Analysis, Scottish Government p. 7-9