

STUDENTS' REPRESENTATIVE COUNCIL
UNIVERSITY OF GLASGOW



6 December 2011

Sandra Jack
Scottish Government
St Andrew's House
Regent Road
Edinburgh
EH1 3DG

Dear Ms. Jack,

We welcome the opportunity to respond to the Scottish Government consultation on Registration of Civil partnerships, same sex marriage and related issues. We agree with proposals to introduce same-sex marriage in Scotland, and we have attached our detailed response to the questions posed in the consultation document. I hope that our feedback is considered in detail and that the views of the students that we represent are fully considered during the consultation process.

Glasgow University Students' Representative Council represents the interests of over 25,000 students registered at the University of Glasgow to the University and nation. Council comprises up to 45 elected students who meet throughout the year, and is a fully independent representative organisation being non-affiliates of NUS (National Union of Students).

Sincerely,

Kenneth Law
General Representative

James Harrison
Vice President (Learning & Development)

Amy Johnson
Vice President (Student Support)

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Scottish charity No. SC006970

Do you agree that legislation should be changed so that civil partnerships could be registered through religious ceremonies?

Yes. We acknowledge that Civil Partnerships were intended as a non-religious institution but find it unfair that both same-sex couples who wish a religious ceremony to register their partnership, and faith groups prepared to perform such ceremonies, are denied this opportunity. The main considerations are freedom and availability of choice, and autonomy, however we emphasise there should be no coercion of religious bodies.

Do you agree with allowing religious celebrants to register civil partnerships in religious premises?

Yes. We feel that the performance of religious or civil ceremonies should be allowed to register their civil partnerships in religious premises, where both the couple and presiding celebrant were content. Again, this is about freedom of choice and autonomy.

Do you agree with allowing religious celebrants to register civil partnerships in other places agreed between the celebrant and the couple?

Yes. We see no reason a minister of religion should be prevented from carrying out a religious registration of a civil partnership on non-religious premises, again seeing their autonomy and freedom of choice as the prevailing factors. In some situations this may be essential, such as where one of the partners were in hospital

Do you agree that religious bodies should not be required to register civil partnerships?

Yes. Freedom of choice is imperative, and this should work both ways so that faith groups would be entitled to decline to perform civil partnership ceremonies according to doctrine or conscience.

Do you consider that religious celebrants should not be allowed to register civil partnerships if their religious body has decided against registering civil partnerships?

We are clear in our view that this is an internal matter for religious bodies themselves to consider, but acknowledge that this question again concerns obvious issues of conscience and freedom of choice. The Chaplain to the University for example, is permitted to exercise autonomy in matters which do not enter the substance of the faith, including civil partnerships, which seems an appropriate system.

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Do you agree that individual religious celebrants should not be required to register civil partnerships?

As representatives of a religious body, ministers should be required to provide all services that body purports to offer, and this should apply to the performance of civil partnership ceremonies. However we appreciate that this matter would perhaps be better regulated by faith groups themselves.

Religious bodies may not wish their premises to be used to register civil partnerships. Do you agree that no legislative provision is required to ensure religious premises cannot be used against the wishes of the relevant religious body?

We believe that common sense should be allowed to prevail on the issue. We feel that a religious space should not be forced into registering civil partnerships, and it is a matter for the religious organizations to decide on.

Do you agree that the law in Scotland should be changed to allow same sex marriage?

Yes. While we appreciate that some people may feel otherwise, all individuals are born equal and should be treated equally by the law, with the same access to all rights, including marriage. The law and an institution like marriage should bring people together rather than dividing them. As an analogy, it is unthinkable that there would today be discrimination affecting choice of marriage partner depending on racial background, and similarly, we believe that discrimination along gender lines should also no longer be accepted.

We feel that the term 'civil partnership' can be seen as lacking in emotion and sounding inherently inferior; more like a business arrangement than a life-long bond between two people. Descriptions used to describe a person's status ("a member of a civil partnership which has been dissolved" rather than "divorced") can be considered clumsy and undignified. The emotional value of words influence perception. We feel that the introduction of same-sex marriage would be beneficial to younger LGB people still coming to terms with their sexuality by demonstrating their equal status within society.

Do you agree that religious bodies and celebrants should not be required to solemnise same sex marriage?

The issues raised in this consultation concern the breadth of availability of choice. While permitting religious celebrants to refuse to solemnise same-sex marriages where they would have solemnised opposite-sex marriages could be seen as a form of institutionalised discrimination, we agree that freedom of choice is reciprocal, and that individuals should be entitled to follow their own conscience in matters such as these.

Do you agree with the introduction of same-sex civil marriage only?

No. Were same-sex marriage to be introduced, this should include religious marriage. There is no reason why religious bodies which wish to perform same-sex marriages should be prevented from doing so.

Do you agree with the introduction of same-sex marriage, both religious and civil?

We feel that were same-sex marriage to be introduced, this should include religious marriage, and that that there should be no reason why religious bodies which wished to perform same-sex marriages should be prevented from doing so.

Do you agree that religious bodies should not be required to solemnise same sex marriage?

We agree that it would be in no-one's interest to force religious bodies to perform same-sex marriages if they did not wish to.

Do you consider that religious celebrants should not be allowed to solemnise same sex marriages if their religious body has decided against solemnising same sex marriage?

No. We feel individual ministers should be allowed autonomy in this area, but that this is primarily an internal matter for religious bodies.

Do you agree that individual religious celebrants should not be required to solemnise same sex marriage?

We feel individual ministers should be allowed autonomy in this area, but that this is primarily an internal matter for religious bodies in cases involving them.

However, it is worth noting that in cases of civil marriage or civil partnerships of same-sex couples, that religious beliefs should not interfere with the required duties outlined for a civil registrar of the state.

If Scotland should introduce same-sex marriage, do you consider that civil partnerships should remain available?

We feel strongly that civil partnership should be retained as an alternative for those who did not wish their relationship to be associated with the patriarchal or religious traditions of marriage. We note that this would apply equally to opposite-sex couples, and we express disappointment that the consultation did not consider this.

Do you have any other comments?

In line with our answer to Q.19, we believe that there would be many couples who would prefer to remain in a civil partnership than be married. We believe couples currently in a civil partnership should have the option of converting this into a marriage without having to dissolve the partnership, but this should be optional and those not wishing to should not be forced to change. We are disappointed that the consultation did not consider the possibility of opposite-sex civil partnership.

We are concerned about how same-sex marriages formed in Scotland would be recognised in the rest of the UK, and ask that the Scottish Government should seek to have these recognised as marriages rather than civil partnerships. Foreign same-sex marriages should be recognised as marriage in Scotland, but we appreciate that recognition of Scottish same-sex marriages in countries outwith the UK would be beyond the capabilities of the Scottish Government.

An obvious benefit to transgender people already within a marriage is that they would not be required to divorce their partner on transitioning.