



## The Registration of Civil Partnerships/Same-Sex Marriage - A Consultation Response from the Scottish Youth Parliament

### Background to SYP

Our vision is of a stronger, more inclusive Scotland that empowers young people by truly involving them in the decision-making process.

The Scottish Youth Parliament (SYP) is democratically elected to represent Scotland's youth. We listen to young people, recognise the issues that are most important to them, and ensure that their voices are heard.

In working towards our aims, we support the following values:

**Democracy** - All of our plans and activities are youth-led, and we are accountable to young people aged 14-25. Our democratic structure, and the scale of direct participation across Scotland, gives us strength and sets us apart from other organisations.

**Inclusion** - We are committed to being truly inclusive. The Scottish Youth Parliament believes that all young people have a right to a voice, it doesn't matter who we are or where we come from. We celebrate our diversity.

**Political independence** - We are independent from political parties. Only by working with all legitimate political parties can we make progress on the policies that are important to young people.

**Passion** - We believe that drive and energy are key to successful campaigning. We are passionate about the key issues and believe that young people are part of the solution, not the problem.

### Introduction and Context of Response

The Scottish Youth Parliament (SYP) not only welcomes the opportunity to respond to the consultation, but the publication of the consultation itself. The Scottish Youth Parliament's priority national campaign is Love Equally, for marriage equality, and our Members (MSYPs) have been tirelessly campaigning to build awareness and support since its launch in August. As a first step in that campaign, we resolved to petition for a public consultation to be held and are delighted by the Scottish Government's decision to launch the consultation just a month after the campaign begun.

The SYP is encouraged by the Government's decision to set out its initial inclination that religious ceremonies for civil partnerships should be permitted, same-sex marriage should be introduced in Scotland, and that religious bodies or clergy should not be required to conduct same-sex marriages or civil partnership ceremonies if they do not wish to do so. These are broadly in line with our campaign, which is driven by the principle that laws regarding same-sex and mixed-sex relationships should be equal.



Our support and active campaigning for marriage equality is based entirely on the views of young people, who overwhelmingly backed the statement that **“all laws regarding homosexual relationships, whether male or female, should be equal to those of heterosexual relationships”** in the largest youth consultation of its kind in Scotland in the development of our youth manifesto ‘Change the Picture’ - with 42,804 responses from young people, it represents a comprehensive picture of what Scotland’s young people believe. **With 74% of respondents agreeing with the statement, it provides a compelling case for the change young people in Scotland want to see.**

Following the publication of the results, our MSYPs who are directly elected representatives of young people in 29 of Scotland’s 32 local authorities, voted for which of the statements from ‘Change the Picture’ should be the single national campaign SYP should pursue. From 49 possibilities covering youth unemployment, access to public transport, international issues and the rights of young people, the statement above was chosen and quickly formulated into Love Equally - SYP’s campaign for marriage equality.

**The message from Scotland’s young people is simple - we think that two people who love each other should be able to get married. We want to live in a Scotland where same-sex couples are allowed to get married if they want to, where mixed-sex couples are allowed to register a civil partnership and if religious organisations want to perform same-sex marriages and civil partnerships, they should be allowed to do so.**

We urged the Scottish Government to work quickly on making this a reality, and are delighted with their reaction. In this response we want to share the views of Scotland’s young people and the reasons why we think marriage equality should be made a reality without delay.

### **Love Equally - SYP’s Campaign for Marriage Equality**

The Scottish Youth Parliament has been in existence for twelve years, throughout that time campaigning passionately for change on the issues young people want to see in today’s Scotland. In those twelve years however, SYP has never seen any of our campaigns make such a sudden and dramatic an impact as Love Equally.

Within a week of its launch, the issue of marriage equality was dominating headlines and public discussion. Within a month, our first campaign objective - persuading the Scottish Government to hold a public consultation - had been achieved. Throughout the campaign we have been overwhelmed by the response from Scotland’s young people, who have demonstrated in their thousands that not only do they support marriage equality, they are prepared to speak up and take action to secure positive change.

As outlined above, the principle that all laws regarding relationships should be equal has some of its strongest backing amongst young people. In our ‘Picture the Change’ consultation in 2010, which saw almost 43,000 responses from young



people across Scotland, the message was clear - **74% supported the principle of equality in the law, with just 17% opposed.**<sup>1</sup> Based on that clear mandate, the statement is firmly at the heart of our youth manifesto, 'Change the Picture', shaping SYP's policy and campaigning activity over the next five years.

Following the launch of 'Change the Picture', the SYP resolved to choose just one of the 49 statements contained in the youth manifesto to campaign for unstintingly over the months ahead, with a lively debate and vote of our full membership at our AGM in June 2011. From that broad range of potential campaigns, containing such worthy causes as a national guarantee of work experience, an end to nuclear weapons in Scotland, cheaper public transport and a ban on the discriminatory Mosquito device, marriage equality emerged as the clear winner.

In voting for marriage equality as SYP's single national campaign, MSYPs made a significant statement. During a time of high youth unemployment and a period where young people have been disproportionately affected by the current economic climate and cuts to youth services are savage and biting, it is enormously telling that Scotland's young people feel that the issue most in need of urgent redress is the segregation in the law on human relationships. In choosing marriage equality as the priority of the Scottish Youth Parliament, young people made a statement about the Scotland that they wanted to see, with old discriminations swept away.

Another significant element about the decision to push for marriage equality is that whilst the SYP has been a passionate champion of equality and rights for all of our existence, we are not specifically focussed on LGBT rights and issues. Extremely well representative of Scotland's young people in all demographic aspects, only 13% of our membership identifies as lesbian, gay, bisexual or transgender.<sup>2</sup>

Marriage equality, together with an end to homophobic bullying and the ban on gay men donating blood, sits comfortably in our youth manifesto alongside an end to sectarianism, the introduction of the right to vote at 16 years of age and urgent action to enshrine the rights of children and young people in law. Following years of progressive and welcome action by the UK and Scottish Governments to tackle discrimination and inequality, marriage equality has moved rapidly into focus as an urgent and pressing demand for Scots of all ages and sexual orientations.

Our ambition is to get real results on the chosen issue - young people deserve nothing less! After planning and research led by our membership, we launched Love Equally outside the Scottish Parliament on the 1<sup>st</sup> August. MSYPs took part in a 'wedding ceremony', with two same-sex couples and one mixed-sex couple in order to place equality firmly at the centre of the campaign. MSYPs were joined by supporters and 'wedding guests' MSPs Marco Biagi and Patrick Harvie.

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<sup>1</sup> SYP Change the Picture Youth Manifesto. The remaining 10% were 'Not sure'.  
<http://www.syp.org.uk/our-manifesto-W21page-82->

<sup>2</sup> Scottish Youth Parliament 2011 Member Census  
<http://www.syp.org.uk/img/Scottish%20Youth%20Parliament%202011%20Member%20Census.pdf>



At the outset of the campaign we were confident that the case for marriage equality was strong, but were thrilled by the immediate reaction to the campaign. Within a week of Love Equally's launch, debate on the issue was making headline news in Scotland's newspapers and political TV programming. A motion was lodged in the Scottish Parliament in support of marriage equality, quickly gathering support from 50 cross-party MSPs.<sup>3</sup> The motion noted young people's strong support for marriage equality in 'Change the Picture' and welcomed the launch of Love Equally.

Our MSYPs and young people across Scotland embraced the campaign and took to the streets to build support for a public consultation. We produced a petition calling on the Scottish Government *"to bring forward a public consultation on same-sex marriage and registration of civil partnerships without delay, with a view to equalising the law to enable same-sex couples to marry, mixed-sex couples to register a civil partnership and religious organisations to solemnise same-sex marriages and civil partnerships if they wish to do so."*

**In just 33 days, the petition attracted 2,832 signatures**, with young people across Scotland eager to add their support. We were delighted and heartened by the response at schools, festivals, in the street and online alike. So successful was this process that enthusiastic MSYPs achieved their goal with the publication of this consultation on 2<sup>nd</sup> September.

Our outreach has continued with MSYPs raising the issue of marriage equality in their schools and at local youth events, and encouraging the young people they represent to respond to the consultation as individuals. The unprecedented thousands of individual responses from young people to this consultation is testament to this passion and yet more evidence of how strongly young people support marriage equality.

Throughout Love Equally we have been fortunate to work with three other organisations who share our positive vision for change - the Equality Network, LGBT Youth Scotland and NUS Scotland's LGBT Campaign. Working together with their complementary campaigns for equal marriage, we have endeavoured to work to give voice to the majority of Scots who support marriage equality.

**The journey of Love Equally has left us in no doubt that there is an irresistible case for a change in the law to make marriage equality a reality in Scotland. The Scottish Youth Parliament's direct response to the specific questions which follow, are based on extensive consultation with young people across Scotland, and should be considered as their collected views. Tens of thousands of young people have also responded to the consultation as individuals, and this response should be read in conjunction with them. There are numerous reasons for change and the consultation will hear young people's rich and diverse viewpoints and individual feelings, but with one united outcome - marriage equality in Scotland.**

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<sup>3</sup> Scottish Parliament Motion S4M-005686.1 - The Equal Marriage Debate (Lodged 4<sup>th</sup> August 2011, Patrick Harvie)



## Same-Sex Marriage

*“Do you agree that the law in Scotland should be changed to allow same-sex marriage?” (Q10)*

The Scottish Youth Parliament believes that two people who love each other should be able to get married. The law in Scotland should be changed to allow same-sex couples to marry if they want to do so.

Following years of welcome progress in law to remove discrimination based on sexual orientation, marriage law stands virtually isolated, with the Marriage (Scotland) Act 1977 explicitly prohibiting same-sex couples from exercising the right to show their love and commitment to each other in the same way as mixed-sex couples can - by getting married.

Changes in the law reflect changes in society, and it is clear that there has been a seismic shift in attitudes in society towards same-sex relationships. This is particularly pronounced amongst young people - the ringing endorsement that Scotland's young people gave as part of SYP's 'Picture the Change' mass consultation, with 74% agreeing with the straightforward premise that relationship laws should be equal for mixed-sex and same-sex couples. Scotland's young people, many of whom have friends who are openly LGBT, simply cannot understand why some of their friends are denied rights afforded to others simply because of the person with whom they fall in love.

A wealth of evidence bears this out. In the 2009 Scottish Social Attitudes survey, 77% of 18-24 year olds in Scotland thought that relationships between adults of the same-sex were 'rarely or not at all wrong', notably higher than the population as a whole.<sup>4</sup>

The initial findings of the 2010 survey show this trend continuing, both amongst young people and Scots as a whole. As the SSA's 'Attitudes to discrimination and positive action' paper noted:

*“The biggest and most rapid change in discriminatory attitudes in the last decade has been in views of gay men and lesbians. In 2000, 48% felt sexual relationships between two adults of the same-sex were always or mostly wrong. By 2010 this figure had fallen to just over a quarter (27%). At the same time, support for same-sex marriage has increased from 41% in 2002 to 61% in 2010 [our emphasis], while more people said a gay man or lesbian would be a suitable primary school teacher in 2010 compared with 2006 (56% compared with 48%).*

*“These changes in attitudes have occurred across most groups in Scottish society, including people brought up in an era when male same-sex relationships were*

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<sup>4</sup> Equal Access to Marriage, Equality and Human Rights Commission p. 24  
[http://www.equalityhumanrights.com/uploaded\\_files/Scotland/Projects\\_and\\_Campaigns/pdf\\_final\\_2.pdf](http://www.equalityhumanrights.com/uploaded_files/Scotland/Projects_and_Campaigns/pdf_final_2.pdf)



*illegal (although it remains the case that older are more likely than younger people to hold discriminatory views towards gay men and lesbians).”<sup>5</sup>*

At the Equality and Human Rights Commission’s Equal Marriage Symposium in January 2011, the Co-director of the Scottish Social Attitudes survey, Professor John Curtice saw no reason why the sharp trend towards acceptance of same-sex relationships should not continue.

*“...there is plenty of reason to believe that attitudes will continue to become less censorious...there is a clear relationship between attitude and age ... [but] it is not the case that people become more censorious of same-sex relationships as a result of getting older.”<sup>6</sup>*

Professor Curtice went on to give some words of advice to politicians about legislating for marriage equality:

*“So in truth it’s not clear any party necessarily has much to worry about so far as their own ideological flocks are concerned... Therefore, my conclusion is, and it’s not very often I give politicians quite such stark advice is that, well, there probably isn’t much reason you shouldn’t act already, given the state of public opinion, but in the not too distant future you won’t have an excuse at all.”<sup>7</sup>*

The introduction of civil partnerships in 2004 saw many of the tax and legal benefits of marriage extended to same-sex couples for the same time and were a step in the right direction. More than 3,000 civil partnerships have been registered since their introduction. However, despite being viewed by some as ‘gay marriage’, civil partnerships are not marriage. Couples in a civil partnership are not legally allowed to be referred to as ‘husband’ or ‘wife’ but as ‘civil partners’. No religious activity is permitted during the registration ceremony. In law it is a technical arrangement, which is designed to have the trappings of marriage, whilst going to great lengths to ensure that it is not viewed as a marriage but something else entirely.

Even if one was to take the view of a civil partnership as a ‘gay marriage’, why with all the positive changes towards equality, should there be a distinction? Rather than having ‘gay marriage’ and ‘straight marriage’, if one was to accept the view of the overwhelming majority of Scots, and that of Scots law, that sexual orientation is not grounds for discrimination, why the need for the qualification - why not ‘marriage’?

Significant progress has been made to make Scotland a fair and equal nation for all of its citizens under law, with human rights for all and protection from discrimination. With the weight of public opinion firmly behind the move, and young Scots in particular taking up the cause as the biggest change they want to

<sup>5</sup> Scottish Social Attitudes survey 2010: Attitudes to discrimination and positive action - Research Findings <http://www.scotland.gov.uk/Publications/2011/08/1121400/0>

<sup>6</sup> Equal Access to Marriage, Equality and Human Rights Commission p. 24 [http://www.equalityhumanrights.com/uploaded\\_files/Scotland/Projects\\_and\\_Campaigns/pdf\\_final\\_2.pdf](http://www.equalityhumanrights.com/uploaded_files/Scotland/Projects_and_Campaigns/pdf_final_2.pdf)

<sup>7</sup> Ibid. p. 26



see, if the Scottish Government does not take this golden opportunity to act now, how much longer can this legalized discrimination continue to be justified? We believe that the time has come for same-sex marriage in Scotland, and that the Government must act quickly to legislate for marriage equality.

### Religious Solemnisation of Same-Sex Marriage

*“Do you agree with the introduction of same-sex civil marriage only?” (Q12)*

*“Do you agree with the introduction of same-sex marriage, both religious and civil?” (Q13)*

**The Scottish Youth Parliament believes that if religious organisations want to perform same-sex marriages and civil partnerships, they should be allowed to do so. Both religious and civil same-sex marriage should be introduced in Scotland.**

In Scotland, if a mixed-sex couple wishes to have their union conducted in a place of worship by a religious celebrant, they may do so if the celebrant and the body they belong to wish to conduct the marriage. Currently however, same-sex couples who wish to hold a wedding in a place of worship by a religious celebrant are banned from doing so. This is the case even if the religious body and celebrant want to conduct a marriage ceremony to allow the expression of the couple’s love.

Scotland’s young people have overwhelmingly demonstrated their view that all laws pertaining to mixed-sex and same-sex relationships should be equal. This equality should include affording same-sex couples the same right to be able to request a religious wedding, and the right of the religious body and its celebrants to agree to marry them.

It is certainly not the case that same-sex couples would be refused that ceremony by every religious organisation. In fact, several faith bodies are on record as stating that if they were allowed to conduct same-sex marriages they would be delighted to do so. Not only that, they are actively campaigning to be allowed to celebrate the love of same-sex couples by performing wedding ceremonies for them.

In conjunction with our campaigning partners, the Scottish Youth Parliament hosted a press conference with a number of representatives of faith bodies who spoke out for marriage equality on 28<sup>th</sup> September. Celebrants from the Unitarian Church, Liberal Jewish Community, Quakers, Metropolitan Community Church, Pagan Federation of Scotland and Buddhist Community of Interbeing spoke on behalf of their organisations for the right to be able to conduct same-sex religious marriages.

An important addition to this category is Humanism. Despite being a secular philosophy or belief system, humanist weddings are legally recognised by the Registrar General as religious marriages. In February 2011, it was reported that humanist weddings had overtaken Roman Catholic weddings to become the third



most popular ceremony behind civil ceremonies and those conducted by the Church of Scotland.<sup>8</sup> As humanist weddings were only granted legal status in 2005, at the current rate of growth, the Humanist Society of Scotland expects the number of ceremonies it conducts to overtake the Church of Scotland in 2015. The Humanist Society of Scotland is firmly in favour of same-sex marriage, and has been outspoken in campaigning for the right to conduct same-sex weddings.

All these celebrants and the bodies to which they belong are legally permitted to conduct marriages for mixed-sex couples. The Scottish Youth Parliament sees no reason why there should be a legal impediment to them doing so for same-sex couples. Given appropriate legal safeguards, it is difficult to make the case for all religious same-sex marriages being banned because of the objections of some religious organisations, denying all other faith bodies the right to conduct ceremonies if they actively and vocally wish to do so.

### Civil Partnerships

*“If Scotland should introduce same-sex marriage, do you consider that civil partnerships should remain available?” (Q19)*

**The Scottish Youth Parliament believes that not only should civil partnerships remain available, we believe that mixed-sex couples should be allowed to register a civil partnership if they wish.**

As referred to in our response on same-sex marriage above, civil partnerships are not marriage. However, this does not mean that they could not play an important role following the introduction of religious and civil same-sex marriage, for same-sex and mixed-sex couples alike.

As the law currently stands, just as marriage is denied to same-sex couples, civil partnership is denied to mixed-sex couples, as a result of the Civil Partnership Act 2004. Scotland’s young people are firmly of the opinion that relationship laws should be equal for mixed-sex and same-sex couples. The Scottish Youth Parliament therefore supports the removal of the legal barrier to mixed-sex couples being allowed to register a civil partnership. No mention is made of this provision in the Scottish Government’s initial proposals, and as such we would urge them to add them into any forthcoming legislation to make true equality a reality.

Anecdotal evidence suggests that there would be at the very least some demand from mixed-sex couples for civil partnership in Scotland, with evidence from around the world showing that this is likely to be the case. During our Love Equally campaign, the SYP has heard from several Scots in mixed-sex relationships who do not wish to marry, but are attracted to the idea of registering a civil partnership. These couples have a number of personal reasons for not wanting to wed, but we believe that their feelings should be respected and that they should be allowed to

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<sup>8</sup> BBC News Online - More Scots wedding couples turn to humanist marriages (20<sup>th</sup> February 2011)  
<http://www.bbc.co.uk/news/uk-scotland-12517893>



express their love and commitment to each other by being allowed to register a civil partnership.

The example of the Netherlands may provide some clues to the impact of opening up civil partnership to mixed-sex couples. In 1998, Registered Partnerships were created, broadly analogous to civil partnerships in Scotland. These were open to both same-sex and mixed-sex couples.<sup>9</sup> Initially, 30% of Registered Partnerships were between mixed-sex couples, but ten years after the 2001 introduction of same-sex marriage, 90% of Registered Partnerships in the Netherlands are between mixed-sex couples. Some observers have even suggested the impact of mixed-sex civil partnerships may even have a bigger effect than that of same-sex marriages.<sup>10</sup> At the very least, we believe that demand exists from both same-sex and mixed-sex couples for civil partnerships and they should be retained alongside equal marriage law, and equalised to allow mixed-sex couples to register their partnership.

### Religious Solemnisation of Civil Partnerships

*“Do you agree that legislation should be changed so that civil partnerships could be registered through religious ceremonies?” (Q1)*

*“Do you think that the proposals in England and Wales on registration of civil partnerships in religious premises would be appropriate for Scotland?” (Q2)*

*“Do you agree with allowing religious celebrants to register civil partnerships in religious premises?” (Q3)*

*“Do you agree with allowing religious celebrants to register civil partnerships in other places agreed between the celebrant and the couple?” (Q4)*

**The Scottish Youth Parliament believes that if religious organisations want to perform same-sex marriages and civil partnerships, they should be allowed to do so. The law in Scotland should be changed so that civil partnerships could be registered through religious ceremonies and by religious celebrants if that is how couples want to express their commitment to each other and if the religious body and celebrant wants to register their partnership.**

We are firmly of the belief that two people in love should be allowed to demonstrate their love and commitment to each other in a way that reflects their personal feelings for each other. If a religious body or celebrant wishes to register their civil partnership in a place of worship, we see no reason why the law should stand in their way. In line with our responses on religious solemnisation of same-sex marriage and civil partnerships above and religious protections and freedom

<sup>9</sup> Major legal consequences of marriage, cohabitation and registered partnership for different-sex and same-sex partners in the Netherlands, Kees Waaldijk - <https://same-sex.web.ined.fr/pdf/DocTrav125/05Doc125TheNetherlands.pdf>

<sup>10</sup> British couples to go Dutch?, Richard Frimston, Step Journal, April 2011 - [http://www.stepjournal.org/journal\\_archive/2011/step\\_journal\\_april\\_2011/british\\_couples\\_to\\_go\\_dutch.aspx](http://www.stepjournal.org/journal_archive/2011/step_journal_april_2011/british_couples_to_go_dutch.aspx)



below, no religious body nor celebrant should be required to register a civil partnership if they do not wish to do so. These decisions should be in accordance with religious bodies' own decision-making procedures. Religious solemnisation of civil partnership should be an option extended to same-sex and mixed-sex couples alike.

### Religious Protections and Freedom

*“Do you agree that religious bodies should not be required to register civil partnerships?” (Q6)*

*“Do you consider that religious celebrants should not be allowed to register civil partnerships if their religious body has decided against registering civil partnerships?” (Q7)*

*“Do you agree that individual religious celebrants should not be required to register civil partnerships?” (Q8)*

*“Which of the options do you favour to ensure that religious bodies and celebrants do not have to register civil partnerships against their will?” (Q9)*

*“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?” (Q10)*

*“Do you agree that religious bodies and celebrants should not be required to solemnise same-sex marriage?” (Q11)*

*“Do you agree that religious bodies should not be required to solemnise same-sex marriage?” (Q14)*

*“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?” (Q15)*

*“Do you agree that individual religious celebrants should not be required to solemnise same-sex marriage?” (Q16)*

*“Which of the options do you favour to ensure that religious bodies and celebrants do not have to solemnise same-sex marriage against their will?” (Q17)*

*“Religious bodies may not wish their premises to be used to solemnise same-sex marriage. Do you agree that no legislative provision is required to ensure religious premises cannot be used against the wishes of the relevant religious body?” (Q18)*

**The Scottish Youth Parliament believes that if religious organisations want to perform same-sex marriages and civil partnerships, they should be allowed to do so. We understand that not every religious institution would want to do this,**



however we believe it should be a matter for them to decide, with appropriate legal protections put in place to protect this freedom in accordance with their own decision-making processes. However, we also firmly believe that religious institutions that wish to conduct same-sex marriages and civil partnerships, should not be prevented from doing so by law, they should have the ability to decide this for themselves, in accordance with their own decision-making processes.

In the debate over whether marriage equality should be made a reality in Scotland, no subject has attracted such attention as the concerns of some religious institutions that they would be forced to conduct same-sex marriages against their will and discussions over how best to resolve this.

Throughout Love Equally the position of the Scottish Youth Parliament and that of our campaigning partners has been clear - no religious body or celebrant who does not wish to do so should be 'forced' to solemnise same-sex marriages or civil partnerships. We would support any appropriate legal provisions to ensure that the rights of religious organisations and their clergy not to be required to conduct same-sex marriages is protected. We respect the rights of religious bodies to determine this for themselves in accordance with their own decision-making processes. In any event, as the law currently stands, religious bodies and their celebrants have the right to refuse to marry a mixed-sex couple who asks them to conduct a religious wedding. We see no reason why this should change, or not continue to be the case for same-sex couples - the right to refuse is an essential element of religious freedom.

Another essential element of religious freedom however, is the right for people to hold religious beliefs and choose which religion, if any, to follow. We would be concerned if the reservations and opposition of some religious bodies, such as the Roman Catholic Church or the Church of Scotland for instance, should be used to deny the right to conduct same-sex marriages to Humanists, Quakers, Pagans, liberal Jews, Unitarians, the Metropolitan Community Church or other religious bodies that wish to conduct weddings for same-sex couples in accordance with their own decision-making process. To do so would effectively favour certain religions over others on the basis that they are perceived as bigger or more established. The Scottish Government should provide equality and protection under law for Scots of all faiths and none.

Marriage is not the sole preserve or property of Christianity or any one faith. It has existed as long as recorded history in many ancient civilisations. The word marriage has two meanings. It is both a religious sacrament, defined by individual religious institutions in accordance with their own decision making processes and a legal institution, defined by the law as passed by the Scottish Parliament, representing the views of Scotland's citizens. We respect the rights of religious bodies to keep and uphold their own definitions of marriage as a religious sacrament. The legal institution of marriage, however, under the Marriage (Scotland) Act 1977, can be changed by Parliament in accordance with the wishes of Scotland's citizens to provide equality to mixed-sex and same-sex couples.



Therefore, the argument that “Government cannot redefine marriage” is inaccurate - it can redefine the *legal definition* of marriage, whilst leaving the religious sacrament as the preserve of religious bodies in accordance with their own decision-making processes.

## Equality for Transgender People

*“Do you have any other comments about potential implications of the proposals for transgender people?” (Q20)*

**As same-sex marriage and mixed-sex civil partnership are illegal, transsexual people are forced to undergo a divorce or dissolve their civil partnership before receiving legal gender recognition - even if their partner is the same person. The Scottish Youth Parliament believes the solution to this discrimination is marriage equality - legalising same-sex marriage and mixed-sex civil partnership.**

Currently, for example, the law provides for the often humiliating situation where someone may need to divorce their spouse, then register a civil partnership with the same person! The law as it stands does not understand the needs of Scotland’s transgender community and discriminates against them. In recent years, much progress has been made to achieve equality for transgender Scots and we believe that marriage equality is a necessity to continue this. Extending marriage to same-sex couples and civil partnerships to mixed-sex couples would remove the need for transgender Scots to interfere with their relationship status to achieve legal gender recognition and remove a hurdle to undertaking this process.

## Conclusion

When 74% of young people agreed that all laws regarding same-sex and mixed-sex couples should be equal as part of the largest youth consultation of its type Scotland has seen, it represented an overwhelming mandate for the change young people want to see. When MSYPs voted for marriage equality as the priority campaign of the Scottish Youth Parliament they signalled an urgent case for change. The launch of Love Equally and our petition resulted in an irresistible case for action.

We applaud the Scottish Government for bringing forward this consultation and for their willingness to make the change that young people want to see a reality. We encourage them to stay the course and listen to the vast majority of young Scots and the majority of Scots of all ages who wish to see same-sex marriage introduced. We ask them to listen to those religious bodies who wish to conduct same-sex marriages and allow them to do so. We encourage them to respect the decisions of those who do not wish to do so and guarantee their right not to be forced to. We urge them to maintain civil partnerships and strengthen them by allowing mixed-sex couples who wish to register one the right to do so. If a religious body wishes to register that partnership in their place of worship, we also encourage the Government to allow them to do this.



As set out in detail above, the Scottish Youth Parliament and the young people of Scotland feel there are a plethora of persuasive reasons why Scotland's marriage and civil partnership laws should be changed. However, when all is said and done it boils down to a very straightforward concept: two people who love each other should be able to get married. Marriage equality should be made a reality in Scotland without delay.

### Summary of Recommendations

The Scottish Youth Parliament believes and recommends:

- All laws regarding homosexual relationships, whether male or female, should be equal to those of heterosexual relationships
- Two people who love each other should be able to get married. The law in Scotland should be changed to allow same-sex couples to marry if they want to do so.
- If religious organisations want to perform same-sex marriages and civil partnerships, they should be allowed to do so.
- Both religious and civil same-sex marriage should be introduced in Scotland.
- Not only should civil partnerships remain available, mixed-sex couples should be allowed to register a civil partnership if they want to.
- The law in Scotland should be changed so that civil partnerships could be registered through religious ceremonies and by religious celebrants if that is how couples want to express their commitment to each other and if the religious body and celebrant wants to register their partnership.
- Not every religious institution wants to do perform same-sex marriages and civil partnerships, and we believe it is a matter for them to decide this, with appropriate legal protections put in place to protect their freedom to do this in accordance with their own decision-making processes.
- However, we also firmly believe that the option should be open for religious institutions that wish to conduct same-sex marriages and civil partnerships, to be allowed to do so, in accordance with their own decision-making processes.
- Current marriage and partnership laws discriminate against transgender people. We believe the solution to this discrimination is marriage equality - legalising same-sex marriage and mixed-sex civil partnership.



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