

Equal Civil Marriage

Consultation response

May 2012



About Galop

Galop makes life safe, fair and just for LGBT people in London. We work with LGBT people who have been the victim of hate crime, domestic abuse and sexual abuse. We provide third party reporting facilities, initial advice, and ongoing support and advocacy to up to 500 people a year. We use our expertise to help make the criminal justice system fairer and more effective for our clients, including working in London with the MPS and CPS to let them know about issues that arise for our clients. More information is available at www.galop.org.uk.

Overview

Galop warmly welcomes the Government's proposals to introduce legislation to allow same-sex marriage. We believe that this is an important step towards equality for LGBT people, which will contribute to cultural change and a reduction in abuse targeted at LGBT people. However, we strongly oppose the proposal to introduce two types, of marriage (civil and religious), and to restrict same-sex couples' access to only one of these types. We object to this proposal on the grounds that it is a restriction to religious liberty, and that it undermines the principles of the overall proposal.

Marriage

- Q1. Galop strongly agrees with the proposal to enable all couples, regardless of gender, to have a civil marriage ceremony.
- Q2. Galop recognises that at the core our work to combat hate crime and domestic abuse is a need to ensure equality and equal dignity for all human beings. Part of the answer to reducing abuse targeted at lesbian, gay, bisexual and trans people is a cultural change which recognises and celebrates this shared dignity and equality. Equal marriage is one step towards this aim.

We believe that LGBT people will never be truly equal whilst we are denied access to civil institutions which recognise, celebrate and solemnise our relationships.

Throughout the movement towards civil rights for different groups in society, 'separate but equal' has been shown time and again to actually mean separate and unequal. There is no moral or ethical difference between two men, two women, or a man and a woman, who are in a committed relationship and wish to marry. Galop believes that it is vital that the UK Government recognises this, and in doing so, demonstrates its commitment to equality.

We also believe that by creating equality in marriage, the Government will take another legal step which in turn will help to create the cultural change needed to end abuse targeted at LGBT people.

- Q3. This consultation response is being completed on behalf of an organisation.
- Q4. Galop works with clients who identify as lesbian, gay, bisexual or trans. We are aware of a number of clients who would wish to get married, should this be possible.
- Q5. Galop strongly disagrees with the proposal not to open up religious marriage to same sex couples. We disagree on two grounds – firstly that this proposal is a restriction on religious liberty, and secondly that the proposal undermines the aim of equal marriage.

a) *Religious liberty*

At present there are a number of religious groups which currently solemnise marriage, in their religious premises and which have indicated their desire to also solemnise the marriages of same sex couples (Unitarians, Liberals Jews, Reform Jews and Quakers). This proposal would prevent these religious institutions from freely practising their religion. Galop is completely supportive of the rights of different religions to practise their religion in a way which is consistent with their own beliefs. Just as some religions will not re-marry those who have been divorced, some religions may choose not to solemnise same-sex marriages, and Galop would support their right not to do so. We would oppose any attempt to prosecute or otherwise penalise religions from worshiping in a way consistent with their own beliefs. However, the logical and ethical result of supporting religions which do not want to consecrate same-sex marriages, where this is inconsistent with their beliefs, is to also support religions where they do want to do this.

b) *Undermining the principle of equal marriage*

Galop strongly believes that this restriction undermines the very principle of equality upon which the proposal for same sex marriage is based. The proposal to allow same-sex couples to get married is grounded in a belief that same-sex relationships are equal to heterosexual relationships, and that they deserve to be recognised by society on the same footing as marriage, hence the need to allow marriage, in addition to civil partnerships. Galop believes here that true equality means having access to the same civil institutions. The distinction between religious and civil marriage is not one which currently exists within the law or the way in which marriage is seen culturally. We believe that by creating two types of marriage, and then disallowing access for lesbian, gay, bisexual and trans people to one of the types, the Government would be creating equality with one hand and taking it away with another.

Civil Partnerships

- Q6. Galop agrees with the proposal to keep the option of civil partnerships once marriage is available to same-sex couples. We recognise that some couples would prefer not to get married, but would still appreciate a way for their relationships to have some legal recognition.
- Q7. This consultation response is being completed on behalf of an organisation.

- Q8. Galop disagrees with the Government's current position that civil partnerships will not be opened up to opposite-sex couples. We believe that any civil institution which recognises relationships should be equally available to all couples. Many opposite-sex couples may welcome to opportunity to formally register their relationship without getting married. If an argument exists at all to keep civil partnerships, it makes no sense to arbitrarily restrict this to same-sex couples.
- Q9. This consultation response is being completed on behalf of an organisation. However Galop is aware of a number of trans people who have been forced, as part of their process of gaining a gender recognition certificate to divorce their partners and then enter into a civil partnership. We welcome the opportunity for these clients to convert their civil partnerships into marriage. We are also confident that there will be a number of other couples who would have preferred to get married, had this option been available, at the time of their civil partnership. We therefore support the ability for these couples to convert their civil partnerships to a marriage. We are comfortable with a small, cost recovery-based charge being made for this service, as long as this is not prohibitively high.
- Q10. Galop does not see the need for an arbitrary time limit on the ability to convert a civil partnership to a marriage.
- Q11 Galop agrees that there should be a choice to have a ceremony on conversion of a civil partnership to a marriage. Many who entered into a civil partnership will have already had a ceremony, and may not want another one, however for some, marriage has a special meaning and these couples may want to celebrate with a ceremony – we support their right to do so.

Gender recognition

- Q12. This consultation response is being completed on behalf of an organisation, however Galop is aware of the extreme distress that the current law can cause, where some trans people are forced to divorce in order to get a gender recognition certificate. Galop fully supports allowing these couples to convert their marriage, as well as ceasing the continuation of this discriminatory practice. Galop is also aware of the difficulties that can be caused for trans clients who do not identify within a gender binary system, which forces them to identify as either male or female in order to have their relationships recognised by the state. We strongly support the ability of two people to enter into a marriage, regardless of their gender, and urge the Government to take the opportunity of any legislation on same-sex marriage to make gender entirely irrelevant to marriage.
- Q13. Please see answer to Q12.

Other issues

- Q14. Galop supports the backdating of state pension partner entitlements to 1978. We would also welcome legislation to dispose of unfairness in occupations pension schemes.
- Q15. We are not aware of any costs or benefits not accounted for in the assessment.

Q16. No further comments

Contact details

Please contact Deborah Gold for more information or with questions.

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