

# HSS Response to Scottish Government review of Civil Partnership

## **About HSS**

Humanist Society Scotland seeks to represent the views of people in Scotland who wish to lead ethical and fulfilling lives guided by reason, empathy and compassion. We provide a range of non-religious ceremonies and campaign for a secular state. HSS has over 14,000 members across Scotland.

## **About Humanism**

As long as there have been groups of human beings living together, there have been humanists. Humanists are people who trust science and rational inquiry to help explain the universe around us, and who do not resort to supernatural explanations. Humanism is a belief system which puts human happiness and flourishing at its heart, and promotes cooperation towards a shared common goal.

People who share the values of science and rational enquiry, and who seek to live an ethical and fulfilling life based on reason and compassion are humanists. Humanist Society Scotland works on behalf of humanists living in Scotland to promote humanist thinking, building networks of humanists across the country and influencing public policy.

Humanism has a long and varied history, but today humanists share the core values which were agreed in the [2002 Amsterdam Declaration](#) of the International Humanist and Ethical Union.

## **Humanist marriage**

Scotland is one of only eight counties in the world where humanists can conduct legal weddings. Since HSS was authorised by the Registrar General in 2005 to conduct weddings we have seen a phenomenal growth in the numbers of people seeking a meaningful non-religious ceremony.

We manage a network of over 100 HSS Registered Celebrants across Scotland who provide humanist ceremonies on behalf of the Society.

We also provide support and training to other humanist organisations around the world to help them build capacity for providing humanist ceremonies.

**Question 1: Please provide any additional arguments you wish to make in favour of the ‘no change’ option**

HSS agrees with the Scottish Government that there will continue to be a demand for civil partnerships from same-sex couples in Scotland. We note the evidence from the Equality Network’s survey, which shows that demand for same-sex civil partnerships will continue to be steady.

Humanist Society Scotland has a network of over 100 HSS Registered Celebrants. Evidence from celebrants shows that there is a continuing interest from same-sex couples who wish to have a civil partnership as their preferred option.

We agree with the Equality Network that ending the option for civil partnerships in Scotland, may lead to a loss in recognition for same-sex couples who are in a civil partnership (or similar) from outwith Scotland.

**Question 2: Please provide any additional arguments you wish to make against the ‘no change’ option**

As an organisation we are committed to equality. Continuing with Civil Partnerships in their current arrangements leads to an unequal provision for mixed-sex and same-sex couples.

All of the HSS Registered Celebrants who responded to a questionnaire made arguments against retaining the current system, and in favour of introducing civil partnerships for mixed-sex couples.

*“She and her partner didn’t want to have the perceived ties of marriage but would have liked the advantages and ‘protection’ which a civil partnership would have provided.” - HSS Registered Celebrant\**

HSS Registered Celebrants are occasionally asked to perform non-legal ceremonies for couples who wish to make a public declaration of their commitment without the formal process of marriage. Some HSS Registered Celebrants believe this is evidence that there is a potential group of people who would be interested in mixed-sex civil partnerships.

We agree with the Equality Network’s concerns that a mixed-sex couple who are in a civil partnership from outwith Scotland would have no legal protection in Scotland.

HSS has not identified a large demand for mixed-sex civil partnerships, however, as this is not currently an option that is understandable. Anecdotal evidence from HSS

Registered Celebrants shows that there have been a small (20-30) enquiries from mixed-sex couples seeking a civil partnership.

*“Since I was authorised in April 2009, I have married 2 mixed-sex couples who told me they’d have preferred to have entered civil partnerships. There may be other couples who don’t want to marry but, knowing they cannot enter civil partnerships, haven’t made themselves known to us, so it’s hard to assess possible demand.” - HSS Registered Celebrant\**

Many mixed-sex couples who are in a second, or subsequent relationship, do not wish to get married for various reasons. Civil partnerships give such couples a route to legal protection, and security.

This would be an opportunity missed to strengthen the Scottish Government’s commitment to equality by giving greater freedom to couples, regardless of sex or gender, to celebrate their relationship in a personalised way of their choice.

**Question 3: Please provide any additional arguments you wish to make in favour of the option of no new civil partnerships being entered into from a date in the future**

Civil partnerships were seen by some LGBT people as a token gesture, short of full equality. This option offers one route to equality for all.

**Question 4: Please provide any additional arguments you wish to make against the option of no new civil partnerships being entered into from a date in the future**

As stated above, and acknowledged by the Scottish Government, there continues to be a demand in the provision of civil partnerships in Scotland, from same-sex couples and mixed-sex couples.

As mentioned in the EQIA (Annex 1), we are concerned that a decision to discontinue civil partnerships in Scotland whilst registering those from outwith Scotland would still require the Scottish Government to put in place the necessary administrative arrangements.

We agree with the Equality Network that if same-sex civil partnerships would continue to be registered in England and Wales, and recognised in Scotland, this would effectively export the provision of civil partnerships.

Given the Scottish Government’s previous decisions to become one of the first countries in the world to recognise humanist marriage, we would hope that a similar

commitment to equality for mixed-sex couples who seek a civil partnership would be undertaken.

**Question 5: Do you have any comments on the Government's view that there are insufficient reasons for introducing opposite sex civil partnership in Scotland?**

Humanist Society Scotland disagrees with the Scottish Government's view on this. We believe that opening up choice and options to all people, regardless of sex or gender, should be the view of the Scottish Government. We support equal civil partnerships for all.

We accept the argument from the Scottish Government that current demand is low. However, as we have shown, anecdotal information from HSS Registered Celebrants shows that there is already a small group of mixed-sex couples who are seeking a civil partnership.

The Scottish Government have argued that if mixed-sex civil partnerships are introduced in Scotland, there would be a low-level of recognition outwith Scotland. Whilst we agree with this statement, we note from the Annexes D and E that many countries who have civil partnerships (or similar) have already introduced options for mixed-sex couples.

We agree with the cost/benefit analysis by the Equality Network, that whilst there would be start-up costs and ongoing costs, these would be offset by the benefit to the many mixed-sex couples who would be able to take this option.

HSS has been of the opinion for many years that civil partnerships should be available to mixed-sex couples. We remain of this view, and hope that the Scottish Government will change its preferred option and introduce civil partnerships for mixed-sex couples; equal civil partnerships.

Gary McLelland | Head of Communications and Public Affairs  
December 2015

*\* Details held by HSS.*