

Helen Grant MP  
Minister for Sport, Tourism & Equalities

16 April 2014

Dear Helen Grant

### **Civil Partnerships Consultation**

I am writing to respond to the government consultation on the future of civil partnerships.

This letter sets out the formal response of the Peter Tatchell Foundation.

These are our views, in summary, regarding the three government options:

1. **OPPOSE** - Abolishing the legal relationship of civil partnership and converting existing civil partnerships into marriages
2. **OPPOSE** - Stopping new civil partnerships being registered, but retaining existing ones
3. **SUPPORT** - Retaining civil partnerships and opening them up to opposite-sex couples

These are our views in detail:

**The government has proposed the option of abolishing the legal relationship of civil partnership and converting existing civil partnerships into marriages, including forcibly converting them to marriages against the couples' wishes.**

We reject this option. Many same-sex and opposite-sex couples don't like the sexist, homophobic history of marriage. They dislike the antiquated language of husband and wife. They'd prefer a civil partnership, finding it more egalitarian and modern. Of the same-sex couples who have had a civil partnership, many entered into it precisely because it was not marriage. They don't want to be married. To forcibly convert their civil partnership into a marriage would violate the contract they entered into - a civil partnership. This would infringe their choice, autonomy and rights. It would be authoritarian to compel them to convert to marriage against their wishes. Marriage should not be the only option. Couples should not be forced to marry to get legal recognition and rights.

**The government has proposed the option of halting the registration of new civil partnerships, but retaining existing ones.**

We reject this option. This isolates and marginalises existing civil partners and amounts to a de facto de-legitimisation of their status. It would deny legal recognition and rights to current and future couples who don't want to marry, for whatever reason, but who do want the legal security and protection that civil partnerships offer.

**The government has proposed the option of retaining civil partnerships and opening them up to opposite-sex couples**

We support this option. As a basic democratic and human rights right principle, everyone should be equal before the law. To deny opposite-sex couples the right to have a civil partnership is discrimination and discrimination is wrong. It cannot be justified, no matter how many or how few opposite-sex couples may want a civil partnership. The evidence from the Netherlands is that since civil partnerships have been open to all, many opposite-sex couples have taken advantage of the opportunity. In fact, today most Dutch civil partnerships are between opposite-sex couples. The same is likely to happen if UK civil partnerships are made available to couples of the opposite-sex.

Based on the experience in the Netherlands, perhaps 10-15% of male-female couples would seek a civil partnership. These are often women and men who dislike the patriarchal traditions of marriage. In a society that respects diversity, they are entitled to their view and to the alternative to marriage provided by civil partnerships. For their security and mutual rights and responsibilities, it is better that currently unmarried opposite-sex couples have a civil partnership, rather than merely live together and have nothing; especially where children are involved.

Legalising same -sex marriage was the recognition that LGBT people are of equal worth, equal love and have the right to equal treatment in law. The same principle of equality applies in the case of civil partnerships. Heterosexual couples should be able to have a civil partnership if they wish. Many straight people supported the campaign for same-sex marriage. The government should reciprocate by supporting their right to a civil partnership.

Under the current law, since 29 March 2014, same-sex couples have the option of two forms of official recognition: civil partnership and marriage. Opposite-sex couples have only one option: marriage. This is legal discrimination against heterosexuals. For the first time in British history, same-sex couples have a legal advantage over opposite-sex couples. That's not fair.

Our human rights campaigning is based on the principle of equality for all. We can't accept LGBT human rights at the expense of equal rights for straights. For us, selective and partial equality is unthinkable.

The government has previously claimed there is little demand from heterosexual couples for an end to the prohibition on opposite-sex civil partnerships. We are not aware of any credible, authoritative evidence for such a claim. Were it true, so what. Even if only a handful of straight men and women want a civil partnership, the principle of legal equality remains valid; as does the principle of free choice.

May I remind you that the government's 2012 public consultation on legalising same-sex marriage included a question on whether civil partnerships should be retained and opened to heterosexual couples. A whopping 61% of respondents supported extending civil partnerships to opposite-sex couples. Only 24% opposed.

In a democracy, all couples should have the right to decide for themselves what system of relationship recognition is best for them. The government shouldn't dictate by law that everyone must conform to the traditional marriage model. From a compassionate and democratic perspective, it feels wrong for the law to assert that marriage is the only valid legal commitment that heterosexual couples should be permitted to make.

David Cameron is reportedly worried that granting opposite-sex civil partnerships will undermine marriage. How?

Both civil marriages and civil partnerships embody the same core values of love, commitment, loyalty and stability. Why does it matter if a straight couple choose a civil partnership? How does their choice undermine the marriages of the others and the authority of an institution that still enjoys majority support? Civil partnerships may be a different institution from marriage but they are, in most respects, marriage-like. So why maintain the ban on female-male civil partnerships?

Finally, we take this opportunity to urge you to remedy the inequalities in pension inheritance that exist in both civil partnership law and same-sex civil marriage law. This is a grave injustice. Cost is never a legitimate reason to deny equal treatment.

Yours sincerely,



Peter Tatchell  
Director, Peter Tatchell Foundation