

## Response ID ANON-N1RA-8BY7-V

Submitted to **Review of Civil Partnership**

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### Information about you

#### Contact details and publishing consent:

Organisation/Group

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Mothers' Union is an international membership organisation, which seeks to promote conditions in society favourable to stable family life and the protection of children. This consultation response was completed by members in Scotland only, and collated by Mothers' Union centrally in London.

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Publish this response

**We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?**

Yes

### The 'no change' option

#### 1 Please provide any additional arguments you wish to make in favour of the no change option.

**Please provide any additional arguments you wish to make in favour of the no change option.:**

Mothers' Union in Scotland is in favour of the no change option on the future of civil partnership at present. In light of the relatively recent changes to the law around the nature of marriage, Mothers' Union feels it is too soon to make alterations to the law around civil partnership. Our members feel that a longer reflection period, such as five years from the passing of the Marriage and Civil Partnership (Scotland) Act 2014, would be beneficial before changes to the nature of civil partnership are seriously considered. A longer reflection period would be prudent as this would allow for appropriate information to be gathered, including information about the demand for civil partnerships from both same sex and opposite sex couples, as well as the attitudes of those in society towards the nature

of civil partnerships.

It is particularly important that any changes to the nature of civil partnership are made carefully and with great consideration, particularly considering that changes to cultural attitudes do not necessarily run parallel to changes in the law. As one Mothers' Union member stated, "Same sex civil partnership has...just been recognized and accepted [culturally] in this country. It needs more time to become properly established before further changes are implemented."

Mothers' Union in Scotland also feels that civil partnership should remain available to same sex couples, who may not wish to enter a traditional marriage for various reasons; and civil partnership may remain the best avenue for them to express and formalise their commitment, with the security and stability that this legal status brings. A number of members feel that this issue is particularly appropriate for those who, for moral or theological reasons, do not feel they could enter a same sex marriage, but would be happy to enter a same sex civil partnership; and therefore it is important not to take away the freedom of this choice from those wanting to formalise a same sex relationship. "For those who are theologically uncertain about same sex marriage...the [no change] option...is better than only marriage or nothing."

## **2 Please provide any additional arguments you wish to make against the no change option.**

### **Please provide any additional arguments you wish to make against the no change option.:**

Whilst Mothers' Union in Scotland agrees with the no change option, there are arguments against this option in the context of an equality framework. The issue of declining numbers of opposite sex couples entering traditional forms of marriage also points to the potential need for civil partnership to be opened up to opposite sex couples, in order to provide the security and stability that this type of formal relationship recognition can bring in terms of family stability, and future security in the form of survivor/pension benefits. One member reflected, "With increasing numbers of heterosexual couples rejecting marriage, some form of covenanted registration needs to be offered to ensure equality in inheritance/pension rights."

## **The option of 'no new civil partnerships being entered into in Scotland from a date in the future'**

### **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.**

#### **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.:**

Mothers' Union in Scotland is opposed to the option of no new civil partnerships being entered into from a date in the future; especially if the Government is making no other changes to civil partnership. Whether or not it was intended that the introduction of civil partnership be a 'stepping stone' to same sex marriage, the impact is that what has been a legally recognised relationship, is potentially under threat and its meaningfulness undermined.

### **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.**

#### **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.:**

Mothers' Union in Scotland is opposed to the option of no new civil partnerships being entered into from a date in the future, as this could take a valuable option away from those seeking to formalise their relationship in a non-marriage context. At present Mothers' Union agrees that civil partnership should remain, in order to provide couples not wishing to enter a marriage with the level of security and stability that a civil partnership affords, over having no legally recognised partnership.

Even though assurances may be made by the Government, that those already in civil partnerships would continue to have their relationship recognised, this may not necessarily translate into reality, which would run the risk of creating insecurity for families with civil partnership status. One Mothers' Union member felt that: "In spite of reassurances that the partnership would still have legal status; couples may feel there is uncertainty about the future if these partnerships cease coming into being."

## **Opposite sex civil partnership**

### **5 Do you have any comments on the Government's view that there are insufficient reasons for introducing opposite sex civil partnership in Scotland? If yes, please outline these comments.**

#### **Do you have any comments on the Government's view that there are insufficient reasons for introducing opposite sex civil partnership in Scotland? If yes, please outline these comments.:**

There is much to be considered before taking a decision on whether to introduce opposite sex civil partnership. Extending civil partnership to opposite sex as well as same sex couples could create unnecessary social and legal complications, for example there could be issues in the implementation of this in terms of the recognition of opposite sex civil partner relationships abroad, or in parts of the UK that have not extended civil partnership to include opposite sex as well as same sex couples.

Mothers' Union is also concerned about the impact of extending civil partnership to opposite sex as well as same sex couples on the institution of marriage as a whole, in essence creating a complex 'tier' system of relationships. One member stated: "I agree with the Government's view that such a move would introduce far too many anomalies and complications, which could seriously undermine the institution of marriage and family life."

However, Mothers' Union does have concerns around civil partnership remaining available to same sex couples only, and the inequality this creates. This is somewhat at odds with the intention of civil partnership to create greater equality in legal recognition of relationships and the overall equalities agenda. In the words of one member, "For true equality, civil partnerships should be available to all couples regardless of sex."

Mothers' Union does also see the merit in the various arguments in opening up civil partnership to opposite sex couples, as this may provide a preferential way

for an opposite sex couple, not wishing to become married, to formalise their relationship, with the added security and stability this may provide. The reasons some opposite sex couples choose not to formalise their relationship through marriage are manifold, and could include opposition to marriage on moral grounds, those who are divorced and do not wish to marry again, or whose religious beliefs and standing in religious communities do not allow for this; or those in later life who may be concerned about the impact of entering a marriage relationship on their children and wider family. These couples may feel that a civil partnership would provide the best descriptor of their relationship, and would provide a positive and more formal alternative to traditional marriage. As one member commented: "At the moment, opposite sex partners have no way of putting their relationship, other than marriage, into a more 'legal' basis, with any rights protecting them in the future if the relationship breaks down. Allowing [opposite sex] civil partnerships would give women especially, more security and also the children more feeling of being in a 'family', There will always be couples who, for whatever reason, do not want to get married, and this is a way of having their relationship recognised legally."

## Impact Assessments

**6 Please provide any comments you have on the partial Business and Regulatory Impact Assessment (BRIA), on the partial Equality Impact Assessment (EQIA) and on the screening report for the Child Rights and Wellbeing Impact Assessment (CRWIA).**

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Mothers' Union is an organisation committed to promoting conditions in society favourable to stable family life and the protection of children, and we feel that the impact on children of any changes to the civil partnership framework must be carefully and rigorously examined. The position and security of children in the family framework, should be equal regardless of whether the family is formed of a civil partnership or a marriage. One member expressed concern that "children may be confused by the kind of 'status' of partnership" and that "they may feel their future is insecure whilst they are under 18". This may be exacerbated by the differences in some survivor and pension benefits for civil partners and married couples.

## Evaluation

**Please help us improve our consultations by answering the questions below.**

**Matrix 1 - How satisfied were you with this consultation?:**

Slightly satisfied

**Please enter comments here.:**

**Matrix 1 - How would you rate your satisfaction with using Citizen Space to respond to consultations?:**

Slightly satisfied

**Please enter comments here.:**