

***Response to the Government
Equalities Office consultation:
Civil Partnerships on religious
premises***

Christian Concern

&

The Christian Legal Centre



Consultation:

CIVIL PARTNERSHIPS ON RELIGIOUS PREMISES

Closing date: 23 June 2011

E-mail response to: civilpartnerships@geo.gsi.gov.uk

About Us

Christian Concern is a policy and legal resource centre that identifies changes in policy and law that may affect the Judeo-Christian heritage of this nation. The team of lawyers and advisers at Christian Concern conduct research into, and campaign on, legislation and policy changes that may affect Christian freedoms or the moral values of the UK. Christian Concern reaches a mailing list of over 34,000 supporters. <http://www.christianconcern.com>

Christian Concern is linked to a sister and separate organisation, the Christian Legal Centre, which takes up cases affecting Christian freedoms. <http://www.christianlegalcentre.com>

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CONSULTATION RESPONSE

Executive Summary

We oppose the proposed reforms to allow Civil Partnership registrations on religious premises for the following reasons:

- Marriage is a unique institution between a man and a woman which provides the perfect setting for raising children and is the most important building block of society. Homosexual unions cannot be compared to marriage and do not provide a child with a mother and a father, which is in the child's best interests. Attempts to promote homosexual unions as comparable to heterosexual marriages will undermine marriage, the family and society.
- Although the consent of faith groups is required under the proposed reforms, this may not be retained in the future given the push for the implementation of homosexual marriage equality and the increasing protection being afforded to homosexual rights under the Equality Act by the Judiciary.
- The promotion of sexual orientation rights through the Equality Act and in other ways has led to a dramatic curtailment of freedom of belief in the UK, and this needs to be reversed.
- Faith groups who wish to register Civil Partnerships on their premises already have the liberty to celebrate the event on their premises either before or after the registration. Therefore the argument that the proposed reforms will further religious freedom hold little weight.
- Only a tiny minority of faith groups are pushing for the proposed reforms. In contrast, the overwhelming majority of Christians and members of other faiths will be opposed to this move.

Question 1: Do you have any comments on our proposals for requiring faith group's consent for an application to a local authority for religious premises to be used for the registration of Civil Partnerships?

Churches must retain the right to exercise control over the use of their premises as this is consistent with the longstanding and fundamental right to freedom of conscience. Accordingly, 'consent' must be upheld as a minimum requirement before any religious premises are used for the purposes of hosting Civil Partnership registrations.

However, although the Government Equalities Office is adamant that these proposals are entirely voluntary, we are not convinced that Churches will retain this proposed freedom in the future given the increased protection being afforded to sexual orientation within equality law, over and above the protection of religion or belief.

Over the past decade, homosexual lobby groups have secured major legal and policy changes. The Civil Partnership Act 2004 has made available to homosexual couples almost every material right and responsibility presently conferred on married couples. In addition to this proposal to allow Civil

Partnership registrations to take place on religious premises, the Government Equalities Office has also announced its plans to consider the introduction of full homosexual marriages as the next step to advance sexual orientation 'equality'.

The proposed reform to allow Civil Partnership registrations to take place on religious premises must be seen in light of wider developments concerning equality and the conflict between the manifestation of religious belief and the manifestation of sexual orientation. The increase of legislation enshrining homosexual rights has led, in the last few years, to very serious restrictions on the rights of Christians to manifest their beliefs in public. The interpretation of the Equality Act 2010 in the Courts, for example, has resulted in several individuals who hold to mainstream Christian teaching losing their jobs after sexual orientation rights were held to take precedence over the right to freedom of conscience.

For example:

- Lillian Ladele, a Civil Registrar, was forced to resign after being disciplined by Lambeth Council for refusing to officiate at Civil Partnership registrations in line with her Christian beliefs. Lillian lost her case for religious discrimination in the Employment Appeal Tribunal. The decision was upheld by the Court of Appeal.¹
- Many prospective foster parents have been stopped from fostering children, including Eunice and Owen Johns, because of their Christian views on sexual ethics. The Johns were deprived of an opportunity to foster after they conceded that they would not promote homosexuality to a child in their care. The High Court upheld the right of Derby Council to stop the Johns from fostering children as their beliefs contravened the Council's 'equality and diversity' policy. The Equalities and Human Rights Commission intervened in that particular case and said that children were at risk of being "infected" by Christian moral teachings.²
- Gary McFarlane, a relationships counsellor, was sacked by Relate Avon for gross misconduct after expressing a conscience objection to providing sex therapy to homosexual couples on a training course because of his Christian beliefs.³
- A Judge ruled that two Christian owners of a guesthouse, Peter and Hazelmary Bull, had acted unlawfully in restricting their bookings policy for double rooms to "married couples only", ordering the couple to pay a fine of £3,600 in damages after refusing to offer a double room to a homosexual couple.⁴
- Several Catholic adoption agencies have been forced to permanently close after refusing to place children in the care of homosexual couples, against their religious ethos.⁵

¹ *Ladele v London Borough of Islington, Court of Appeal [2009] EWCA Civ 135*

² *Eunice and Owen Johns v Derbyshire County Council [2011] 1 FCR 493, [2011] Fam Law 471*

³ *McFarlane v Relate Avon Limited [2010] EWCA Civ B1; 2010 IRLR 872*

⁴ *Martin Hall and Steve Preddy -v- Peter Bull and Hazelmary Bull [2011] EW Misc 2 (CC)*

⁵ <http://www.telegraph.co.uk/news/religion/7952526/Last-Catholic-adoption-agency-faces-closure-after-Charity-Commission-ruling.html>

- Tory MP Chris Grayling had to apologise and was later not given the job of Home Secretary after he was recorded saying that B&B owners should be allowed to follow their conscience and exercise their Christian faith when dealing with this issue.⁶ In addition, the Conservative Party's candidate for North Ayrshire and Arran, Philip Lardner, was sacked for expressing his view on the case and his views on homosexuality on his website.⁷
- Dr Hans-Christian Raabe, a Manchester GP, was sacked by the Home Office from the Advisory Council on the Misuse of Drugs after it was discovered that he had co-authored an article entitled '*Gay Marriage' and Homosexuality: Some Medical Comments*, written with six other medical practitioners in 2005, which supported a link between homosexuality and paedophilia.⁸

These cases, which are only a small sample, and are considered to be the tip of the ice-berg, highlight the deep threat to civil liberties which results from the promotion of homosexuality and its practice as a 'right', and the lack of even a minimum 'conscience opt-out' for those in the public sector who are asked to affirm or promote behaviour which they believe is morally wrong and contrary to their beliefs.

In light of this increasing intolerance towards Christian beliefs in the public sphere, we are concerned that the discretion afforded to Churches by the proposed reforms will soon be considered as an infringement of sexual orientation "equality". We do not believe it will be long before "permission" turns into "coercion" through further changes in public policy pushed by homosexual activists.

The Government is shortly going to consult on the introduction of full homosexual marriage equality. This may lead to the imposition of an obligation on Churches to conduct Civil Partnership registrations (and full homosexual marriage). Christians will need major reassurance that Churches will not be forced to abandon their beliefs and conduct Civil Partnership registrations against their will in the future, in particular in light of this possible future development. If this liberty is removed then it will signal the effective end of religious freedom in this nation.

Question 2: Do you have any comments on the three ways in which decisions can be taken about allowing Civil Partnerships to be registered on religious premises? Do they cover the circumstances of all faith groups?

The three ways suggested do not seem to cater for faith groups without a central decision-making body who want to require consent to be obtained.

When the regulations are drafted we request that details of faith groups which refuse to register Civil Partnerships should not be placed in the public domain, as the individuals or groups involved could become a target for hate crime. Once the proposed reforms are enacted, those who do not opt to allow Civil Partnerships on their premises are likely to be targeted by homosexual activists

⁶ <http://www.dailymail.co.uk/news/election/article-1277799/David-Camerons-new-Cabinet-Theresa-May-Home-Secretary-Ken-Clarke-Chancellor.html#ixzz1OnFBasf5>

⁷ <http://www.timesonline.co.uk/tol/news/politics/article7109552.ece>

⁸ <http://www.dailymail.co.uk/news/article-1354325/Christian-drug-expert-Hans-Christian-Raabe-sacked-Government-advisory-panel.html#ixzz1On9AQQZw>

(who are likely to be backed in any subsequent legal action by the Equality and Human Rights Commission) for “discriminating” against homosexual couples.

Christian Concern has 34,000 supporters on its mailing list, and many of these individual e-mail addresses represent entire congregations, from a wide range of denominations. These include Anglicans, Methodists, Baptists and Pentecostals amongst others. None of our supporters or the denominations they represent would ever consent to Civil Partnerships taking place on their premises. It is totally contrary to orthodox biblical teaching.

Question 3: Would your faith group want to have a specified body or person to take the decision whether or not to consent to civil to partnership registrations on its premises? If so, what or who would this body or person be?

We represent a wide diversity of Christian faith groups including Anglican, Methodist, Baptist, Independent and Pentecostal churches, none of which would consent to a Civil Partnership being held on their premises.

Question 4: Do you have any comments on our proposals for ensuring that faith groups’ consent is demonstrated in an application to the local authority for a religious premises to be approved as a place where Civil Partnerships may be registered?

Although the need for evidence of consent is undisputable, the consultation document does not indicate *how* the requisite consent is to be demonstrated in an application to the Council.

The difficulty is that “consent” is not a straightforward concept, and the definition of the term will vary from one application to another depending on the extent to which different faith groups decide to endorse section 202 of the Equality Act 2010. The consultation document makes it clear, for example, that:

“The faith group’s specified body or person will be able to give general consent covering all its religious premises or give specific consent to individual applications for particular religious premises to be approved premises for hosting Civil Partnerships.”⁹

Such discretion paves the way for consent to be contested at a later stage, particularly where the evidence of consent originally provided in the application was vague or unclear and did not fully reflect the intentions of the faith group’s specified person or body. Misunderstandings are more likely to occur where the applicant is a trustee or proprietor of the relevant premises, communicating on behalf of the specified person or body, as opposed to the specified person or body communicating its consent directly.

In order to avoid potential disputes over the nature and scope of consent given by a faith group, we propose that applicants must be required to present a **signed, written** statement by the specified person or body with the following information:

- The details of the specified person or body chosen to give consent, including names and position held in the religious premises (to allow the body or person to be clearly identified).

⁹ Government Equalities Office, Civil Partnerships on religious premises: A consultation, March 2011 pg. 21

- The details of the premises to which the consent relates (including names, addresses and contact details). Applicants must avoid generalised statements such as “consent is provided for all our premises” and must include details of each premises for which consent is given.
- A statement to the effect that the consent is being provided specifically to “opt-in” to section 202 of the Equality Act 2010, and to allow Civil Partnership registrations to take place in the religious place(s) of worship specified.

Any evidence presented as proof of consent should not be accepted where it does not cover the above information as a bare minimum. A simple statement to the effect that consent was provided by the specified person or body should not suffice, and guidelines must be issued to help applicants understand the content and depth of the evidence expected to be presented in an application under section 202 of the Equality Act 2010.

We also propose that religious groups should be able to state legally “No Consent”.

Question 5: Do you agree that, taken together, the arrangements we propose will prevent religious premises being approved as places where Civil Partnerships may be registered if the faith group concerned has not consented to it?

We do not agree.

We do not believe that Civil Partnership registrations should be allowed to take place on religious premises. Should the proposed reforms go ahead, we do not believe that trustees or proprietors of religious premises, or indeed any other individual, should be permitted to apply on behalf of the specified person or body as proposed in paragraph 3.4 of the consultation document. Conferring such powers on trustees will cause confusion, and is likely to result in misunderstandings regarding the nature and extent of the consent given by the specified person or body and increase the likelihood of consent being disputed at a later stage. It will also increase the scope for the submission, and potential approval of, applications where consent was, in fact, never given by the specified person or body but is demonstrated falsely in the application. Such provisions are unnecessary in any event, since the trustee/proprietor will always be required to obtain consent from the specified person or body in any event and will be asked to show evidence of consent acquired in the application to the Council.

The consultation document makes it clear that that any faith group which gives consent in an application to become an approved premises for the registration of Civil Partnerships, effectively “opts in” to section 202 of the Equality Act 2010 and will be entered on the list maintained by the General Registrar Office. For this reason, we believe that the new legislation must reduce, as far as possible, the risks of premises being approved where the faith group concerned has not consented to it by placing stringent restrictions on the classes of persons permitted to make an application to Council under the new legislation. Accordingly, we propose that only the specified person or body authorised to give consent should be eligible to complete and submit the application.

Furthermore, the local authority must verify consent by contacting the specified person or body stipulated in the application on a one-to-one basis. Any evidence presented as proof of consent must be a clear, written and signed statement by the specified person or body indicating the premises to which the consent relates. Any application which does not fulfil the signature

formalities, or include sufficient detail, should not be accepted as valid by the Council (please see question 4 for a further discussion of our proposals).

Question 6: Do you have any comments on our proposals for enabling faith groups that had given consent to revoke that decision?

Since there will be a lapse of time between a faith group's decision to reverse its consent and the local authorities revocation of the approval, we propose that a faith group must be permitted to refuse registrations of Civil Partnerships from the point at which it decides to withdraw its consent, regardless of whether or not the local authority has received this information. A faith group must not be forced to conduct Civil Partnership registrations arranged following to its decision to withdraw its approval, or fulfil new requests for registrations whilst waiting for the local authority to revoke its consent. In order to avoid potential confusion over whether or not a faith group is hosting Civil Partnerships registrations, we agree with the proposal outlined in paragraph 3.9 of the consultation document, that the faith group in question must communicate its decision to stop Civil Partnerships registrations to the local authority within 5 working days of making this decision.

Question 7: Do the arrangements proposed above cover all the premises which meet the definition of religious premises in the Civil Partnership Act 2004. If not, what types of religious premises are excluded?

Yes.

Question 8: Do you have any other comments on our proposals for identifying religious premises that may be approved for hosting Civil Partnerships?

No.

Question 9: Do you agree with our proposals for enabling faith groups to decide who should be able to register Civil Partnerships on their premises? Do you believe further safeguards might be needed? If so, what might these be?

We do not agree that Civil Partnerships should ever be held on religious premises. However, if the proposed reforms do go ahead, then we believe that faith groups must retain the freedom to decide which couples are able to register a Civil Partnership on their premises. However, further safeguards will be required.

The consultation document proposes that *"faith groups should have discretion about who may seek to register a Civil Partnership on their premises ... this might include not making premises available for the registration of a Civil Partnership of a couple of a different or no faith, for example"*¹⁰.

However, where a religious premise has become an approved premise for the hosting of Civil Partnership registrations, a refusal to register a couple's partnership on the basis of their faith, or any other reason, may subject the faith group to a claim for discrimination under the Equality Act 2010. The new section 202 must make it clear that faith groups who are registered as approved premises still withhold the right to reject *specific* requests for Civil Partnership registrations for any

¹⁰ Government Equalities Office, Civil Partnerships on religious premises: A consultation, March 2011 pg. 29-30

reason they think appropriate. There must be no limitation on the grounds under which a faith group is permitted to reject requests for Civil Partnership registrations.

Question 10: Do you agree that religious premises should be open to the public while a Civil Partnership is registered?

We do not agree. If premises are open to the public while a Civil Partnership is being registered then it will further normalise Civil Partnerships and blur the distinction between Civil Partnerships and marriage even further.

In addition there is a strong risk of significant offence being taken by members of the public. The overwhelming majority of citizens would be deeply shocked to see a Civil Partnership take place in a Church, and if they were visiting a Church without prior warning of the ceremony it could be seriously upsetting for them, as such a ceremony goes completely against the teachings of the Bible.

Question 11: Do you agree that religious premises should be subject to the same conditions that apply to secular approved premises about the layout of the building and the use of the room in which the Civil Partnership is registered before the registration takes place?

We do not accept that Civil Partnerships should take place on religious premises. However, should the proposed reforms go ahead, then religious premises should be subject to the same conditions that apply to secular approved premises regarding the layout of the building and the use of the room in which the Civil Partnership is registered before any registrations take place.

Question 12: Might the requirements cause difficulties for particular faith groups that wish to opt in to the measure? How might these be resolved?

Yes they might, but this is an inevitable consequence of the proposed reforms which should not be enacted.

Question 13: Do you agree that religious premises should be able to keep their religious symbols, decorations and objects in place while Civil Partnerships are registered?

We do not agree.

The only groups who have expressed an intention to host Civil Partnership registrations are Quakers, Liberal Jews and the General Assembly of Unitarian and Free Christian Churches¹¹. Quaker and Unitarian beliefs were originally founded upon Christian teachings, though they have moved away from orthodox biblical beliefs. If the cross appears in their meetings, then this would be deeply offensive to the vast majority of mainstream Christians, and contrary to biblical teaching on marriage and sexual ethics.

The BBC has reported that there are just 17,000 Quakers in Britain; 400 Quaker meetings take place each week and only 9000 Quakers gather regularly for worship. There are reported to be just 200 Unitarian congregations in the UK¹², and approximately 3000 practising Unitarians. In contrast, there

¹¹ See: "Gay weddings to be allowed in Church" *The Independent Newspaper*, Wednesday 3rd March 2011
<http://www.independent.co.uk/news/uk/home-news/gay-weddings-to-be-allowed-in-Church-1915467.html>

¹² <http://www.unitarian.org.uk/index.shtml>

are 47,000 Churches in the UK alone and 46.2 million people in Britain have identified themselves as Christians¹³. Registering a Civil Partnership in front of a cross is likely to be considered blasphemous to the majority of Christians.

Question 14: Do you agree with our proposals for arrangements for religious services following Civil Partnership registrations?

We do not agree that Civil Partnerships should be held on religious premises under any conditions. If they are to be allowed under the proposed reforms, then any resultant religious service should be kept separate from the registration itself, in order to protect marriage as a distinct union between a man and a woman.

Question 15: Do you agree with our proposals for the process for applying for Civil Partnership registrations?

We do not agree that Civil Partnership registrations should be held on religious premises under any conditions.

Question 16: What fee might need to be charged to enable local authorities to cover their costs?

No comment.

Question 17: Do you agree that the local authority should be able to revoke the approval of religious premises that ceases to meet the conditions on which it was granted?

We do not agree that Civil Partnerships should be held on religious premises under any circumstances. However, if the proposed reforms go ahead, then we believe that the local authority should be able to revoke the approval of religious premises that have ceased to meet the conditions of their approval.

Question 18: Do you have any comments on the proposals for keeping records of the location of religious approved premises?

No Comment.

Question 19: Do you have any comments on the proposals for training and guidance?

We are concerned that individual Registrars may find that the requirement to conduct Civil Partnerships on religious premises presents a severe moral conflict in light of their own Christian beliefs. A Registrar's right to manifest their beliefs needs to be protected. We are adamant that their freedom of belief in this scenario should be catered for. We propose that Registrars are given a conscience opt-out, and are permitted to decline to officiate at Civil Partnerships in general, and also, specifically, at Civil Partnership ceremonies on religious premises. A failure to introduce a conscience opt-out, as a very minimum, would seriously restrict their freedom of belief and force them to make a choice between their faith and their continued employment. This is unacceptable.

¹³ Data published Office for National Statistics in 2009 quoted in the Sunday Times at: <http://www.timesonline.co.uk/tol/news/uk/article5621482.ece>

In addition, any training or guidance offered to Registrars must have due regard to the fact that rejecting a homosexual couple's request to include faith based elements (such as readings of scripture or music) will be far more difficult when the registration is taking place in a religious place of worship as opposed to a secular premises. The pressure to include faith-based elements will be far greater in these circumstances and Registrars must be well equipped to deal with persistent requests by a couple or minister of the congregation. The main difficulty is that laws permitting Civil Partnership registrations to take place in religious places of worship give the false signal that it is wholly acceptable to give such registration a faith-based aspect - and this may well be the view endorsed by a Registrar. A Registrar may be more inclined to exclude religious aspects from registrations on secular premises, yet may see little point in excluding religious elements where the registration is already taking place in religious settings. Registrars must be fully trained to follow the secular proceeding regardless of whether the registration is taking place in secular or religious premises, from both a legal and a moral perspective.

Question 20: Are there other administrative issues for which special arrangements may be required for religious premises? What might these arrangements be?

No comment.

Question 21: Do you have any other points or issues you wish to raise about enabling Civil Partnerships to be registered on the premises of faith groups that permit this?

We would like to make the following points:

Marriage - The foundation of a healthy, stable and civilised society

We strongly oppose the enactment of section 202 of the Equality Act 2010 as it threatens to blur the distinction between marriage and Civil Partnerships and pave the way for the continued erosion of conventional marriage and the family.

Marriage between a man and a woman is the building block of a stable and civilised society. All of society is suffering because of the breakdown of family life in the UK. Undermining marriage will have serious consequences. For reasons of public policy, marriage should be kept distinct and upheld and promoted by the Government as a unique union between a man and a woman.

Civil Partnerships can never be compared with or equated to marriage. Marriage exists for the pro-creation of children and, as such, is the essential building block of our society. Marriage remains the ideal for society not least because children are best nurtured and cared for in families led by a father *and* a mother in a stable relationship. Civil Partnerships, on the other hand, do not tend towards child rearing. Conception is impossible without the union of a male and female. Therefore marriage should be protected and promoted by the Government, and not confused by any further reforms, such as those proposed.

The importance of *both* natural parents to the happiness, prosperity and well-being of children is demonstrated overwhelmingly by the educational, social and anthropological evidence. Studies conducted over the past five decades support the proposition that children brought up in nuclear families, and therefore exposed to the complimentary role models of both mother and father, do

significantly better in every aspect of their lives compared to those raised in single parent or 'alternative' homes.

Whilst children in nuclear families have access to both a mother and father figures, children raised by homosexual couples are deprived of at least one biological parent. Father figures will inevitably be absent from the lives of *all* children conceived to homosexual women through the use of artificial means. Likewise, all children conceived for homosexual fathers, through artificial insemination for instance, will be raised without their natural mother. Study after study has linked the absence of a natural parent with severe social, physical and emotional problems including low academic achievement, poor health, drug, alcohol and cigarette abuse, poverty, crime and sexual abuse.

Statistics

- The Daily Mail recently reported findings from the [Centre for Social Justice](#), which concluded that: "A child growing up in a one parent family is 75% more likely to fail at school, 70% more likely to become a drug addict, 50% more likely to have an alcohol problem and 35% more likely to be unemployed as an adult"¹⁴.
- Numerous studies have shown a direct link between crime and an absence of traditional family arrangements. 70% of young offenders in Britain identified by Youth Offending Teams come from lone-parent families.¹⁵ Young men from lone-parent families have been shown to be 1.6 times as likely to be persistent offenders as those from two-natural-parent families.¹⁶ Robert Sampson, in his study on British households, found a direct connection between single parenthood and major crimes, involving mugging, violence, car theft and burglary.¹⁷
- A study conducted by Catch22 and reported by the BBC found that children raised without a father were more likely to be involved in drugs and alcohol abuse. The research showed that 24% of children who said they felt close to their father admitted to having tried cannabis. In comparison, 39% of those who said they did not feel close to their father had tried the drug. The study showed a similar pattern with underage drinking and smoking.¹⁸ A study conducted in 1990 found that in homes led by strict fathers, only 18 per cent of children had used alcohol or drugs, compared to those led by single mother, where 35% of children had used drugs frequently.¹⁹
- There is also much evidence demonstrating a direct link between emotional disorders and the absence of a father figure. Among children aged five to fifteen years in Great Britain, those from lone-parent families were found to be twice as likely to have a mental health problem as those from intact two-parent families (16% versus 8%).²⁰ An American study showed that 80% of children who were admitted to two New Orleans hospitals as psychiatric patients came from

¹⁴ "The Collapse of Family Life" James Chapman, The Daily Mail, Monday April 18 2011

¹⁵ *Review 2001/2002: Building on Success, Youth Justice Board*, London: The Stationery Office (July 2002).

¹⁶ Flood-Page, Campbell, Harrington and Miller (2000), *Youth Crime: Findings from the 1998/99 Youth Lifestyles Survey*

¹⁷ 12. Sampson, Robert and Byron Groves, "Community Structure and Crime: Testing Social-Disorganization Theory" *American Journal of Sociology* 94, January 1989.

¹⁸ "Concern over absent fathers, BBC News, Tuesday 24 March 2009 <http://news.bbc.co.uk/1/hi/wales/7959970.stm>

¹⁹ Davidson, Nicholas. "Life Without Father: America's Greatest Social Catastrophe" *Policy Review*, Winter 1990

²⁰ Meltzer, H., et al. (2000), *Mental Health of Children and Adolescents in Great Britain*, London: The Stationery Office.

fatherless homes.²¹

- An absence of nuclear family arrangements also exposes children to a higher risk of sexual abuse. A study by Daly and Wilkinson found that “the risk of abuse and neglect is likely to be exacerbated where substitute individuals fill the roles of biological parents” and that “pre-schoolers in step-parent – natural parent homes . . . are estimated to be *40 times* as likely to become abuse statistics as like-aged children living with two natural parents”.²²
- An Australian study concluded that children from married heterosexual couples perform much better at school than those from families led by cohabiting heterosexual couples and homosexual couples. The study concluded that: “[Married] couples seem to offer the best environment for a child’s social and educational development”.²³

On this basis, public policy should be driven by consideration for the welfare of society as a whole, and particularly where children are involved. Concern for the welfare of children should prevent the Government from doing anything which undermines marriage and the family – and this includes the normalisation and promotion of homosexual relationships, which cannot be compared as equal in this respect because homosexuals cannot create children who have two biological parents and they cannot provide the complimentary roles of mother and father. Homosexual unions cannot be treated like marriage as they are fundamentally different in nature.

Parliament, Government and the Court on “homosexual marriages”

The above issues were central to the previous Government’s decision to maintain a clear distinction between marriage and homosexual relationships during the formal introduction of Civil Partnerships in 2005. In recognition of the unique benefits conferred by traditional marriages on society, the Government refused to grant “marriage status” to homosexual couples, stating in paragraph 1.3 of their consultation document that; “*It is a matter of public record that the Government has no plans to introduce homosexual marriage.*”²⁴ In guidance note 703 to Civil Partnership Act 2004 the Government admitted that; “*Marriage is, the surest foundation for raising children*”, citing this as the very reason for its refusal to permit heterosexual couples from entering into Civil Partnerships. In fact, the Labour Government openly expressed its opposition to homosexual marriages on numerous occasions, particularly during the coinciding passage of the Gender Recognition Bill, as it were at the time, through Parliament in 2004. The Government spokesperson for the Department of Constitutional Affairs and Parliament Under Secretary of State, Lord Filkin, summarised the Government’s take on homosexual marriages as follows:

“My Lords, the Government believe that marriage should be possible only between people of opposite gender in law. The concept of homosexual marriage is a contradiction in terms, which is

²¹ Garnefski, Nadia and Diekstra, Rene, “Adolescents from one parent, stepparent and intact families; emotional problems and suicide attempts” *Journal of Adolescence* 20, 1997, pages 201-208.

²² Daly, Martin and Wilson, Margo, “Discriminative Parental Solicitude: A Biological Perspective” *Journal of Marriage and Family*, vol. 46, May 1980.

²³ Sarantakos, Sotirios, “Children in Three Contexts” *Children Australia*, volume 21, 1996, pages 23-31.

²⁴ Civil Partnership: a framework for the legal recognition of homosexual couples: a consultation, June 2003 <http://www.equalities.gov.uk/pdf/Civil%20Partnership%20-%20a%20framework%20for%20the%20legal%20recognition%20of%20homosexual%20couples.pdf>

*why our position is utterly clear: we are against it, and do not intend to promote it or allow it to take place.*²⁵

In recognition of the special significance of marriage to Christians, the Labour Government also prohibited Civil Partnership registrations from taking place in religious places of worship and banned the reading of religious scriptures during the registration procedure.

Parliament also took a similar stance during the passage of the Civil Partnership Bill through the House of Lords in 2004. During debates on the Bill, there was much opposition to the new legislation on the grounds that it undermined conventional marriage by creating striking similarities between the rights conferred on Civil Partners and married couples. The Bill attracted widespread criticism on the grounds that it created homosexual marriages “in all but name”, sending the false signal that homosexual relationships were equally important to society as heterosexual marriages:

“The fact that marriage is so important is sufficient reason to oppose this Bill. The Bill sends out the message that marriage—as the fundamental foundation for raising children—can be equated to a homosexual relationship. Marriage is profoundly undermined by this Bill” (Baroness O’Cathain)²⁶

“The traditional family provides the basis for a stable society and the procreation of children. The Bill rests on the view that marriage and homosexual partnerships are equivalent or the same, but I do not believe that they are” (Angela Watkinson (Upminster) (Con))²⁷

“I believe that this Bill is wrong. If we pass it today, we will undermine the uniqueness of marriage, which is why I will oppose it at every stage. If we pass this Bill, we will send out of this House the message, which will be translated into law, that marriage is no longer unique.” (Miss Ann Widdecombe (Maidstone and The Weald) (Con))²⁸

In order to address these concerns, the House debated at length whether or not homosexual marriages were desirable and a positive change to our law in the future. After much debate, the Lords expressed the *unanimous* view that marriage status could not be conferred on homosexual relationships due to the distinct importance and value of traditional marriage in our society. Each peer, including those who supported the Bill, re-iterated the importance of children being raised by natural parents and emphasised the crucial need to preserve conventional marriage and traditional familial arrangements. The Civil Partnership Bill was nevertheless approved by a majority as much reassurance was given by Government officials that the new legislation would *not* devalue marriage or create homosexual marriage under another guise, but was simply designed to redress the social

²⁵ Hansard, *HL Debate, Gender Recognition 11 February 2004 vol 656 cc1093-5*

<http://hansard.millbanksystems.com/lords/2004/feb/11/gender-recognition>

²⁶ Civil Partnerships Bill, HL Debate: 12th October 2004

<http://www.publications.parliament.uk/pa/cm200304/cmhansrd/vo041012/debtext/41012-11.htm>

²⁷ Civil Partnerships Bill, HL Debate: 12th October 2004

<http://www.publications.parliament.uk/pa/cm200304/cmhansrd/vo041012/debtext/41012-11.htm>

²⁸ Civil Partnerships Bill, HL Debate: 12th October 2004

<http://www.publications.parliament.uk/pa/cm200304/cmhansrd/vo041012/debtext/41012-11.htm>

and economic disadvantages faced by those in long term monogamous homosexual relationships as a result of an absence of a legal recognition of their relationship²⁹. Thus, the Lords stated that:

*“We continue to believe that the conventional marriage and family is the best environment in which to bring up children. Civil Partnerships, of course, differ from marriage. Marriage is a separate and special relationship which we should continue to celebrate and sustain. To recognise Civil Partnerships is not in any way to denigrate or downgrade marriage....” (Baroness Wilcox)*³⁰

*“I agree wholeheartedly with my hon. Friend that a mother and a father together in a happy marriage are the best forum in which to bring up children, but I disagree.... that the Bill undermines that in any way. I do not think that it does” (Lord Duncan)*³¹

It is evident that Parliament was persuaded to pass the Bill on the understanding that traditional marriage will remain unaffected by the new law and will continue to hold its privileged status in society. The crucial point to note, of course, is that none of Peers approved of the idea of homosexual marriages, nor did they want to see marriage or the family undermined. Thus, the Lords collectively concluded that:

*“The normal definition of marriage simply cannot be massaged to cover homosexual relationships”³² and declared that “our support for marriage stems from the increasingly available evidence that marriage has significant benefits for present and future generations” (Baroness Buscombe)*³³.

Homosexual marriage ban: justified discrimination under Article 14 of the European Convention on Human Rights

Allowing Civil Partnerships to take place on religious premises means a step closer to full homosexual marriage equality, which is a desired outcome for homosexual lobby groups, who argue that withholding marriage status from homosexual couples constitutes a violation of their rights under Article 14 of the European Convention on Human Rights (prohibition on discrimination).³⁴ However, this is not true.

The European Court of Human Rights (ECHR) and the High Court of the Family Division have emphasised time and time again that the ban on homosexual marriages falls within the exceptions offered by UK equality legislation, whereby certain discrimination is justified to the extent that it

²⁹ See, Civil Partnership: a framework for the legal recognition of homosexual couples: a consultation, June 2003 pg.10 where the Government justified the introduction of Civil Partnerships on the basis that *“homosexual couples face many problems in their day-to-day lives because there is no legal recognition of their relationships”*.

³⁰ Civil Partnership Bill [H.L.] *HL Deb 22 April 2004 vol 660 cc387-433*

http://hansard.millbanksystems.com/lords/2004/apr/22/civil-partnership-bill-hl#column_390

³¹ Civil Partnerships Bill, HL Debate: 12th October 2004

<http://www.publications.parliament.uk/pa/cm200304/cmhansrd/vo041012/debtext/41012-11.htm>

³² *Baroness Thomas summarising the view of House on homosexual marriages: Civil Partnership Bill [H.L.] HL Deb 22 April 2004 vol 660 cc387-433*

http://hansard.millbanksystems.com/lords/2004/apr/22/civil-partnership-bill-hl#column_390

³³ *Baroness Buscombe, summarising the position of the House: Civil Partnership Bill [H.L.] HL Deb 22 April 2004 vol 660 cc387-433* http://hansard.millbanksystems.com/lords/2004/apr/22/civil-partnership-bill-hl#column_390

³⁴ <http://www.telegraph.co.uk/news/uknews/8214553/Peter-Tatchell-bids-to-overturn-gay-marriage-ban-at-European-Court-of-Human-Rights.html>

exists to protect a legitimate and proportionate aim. The Courts emphasised that withholding marriage status from homosexual couples is justified discrimination as it has both the legitimate and proportionate aim of safeguarding marriage and the conventional family (*Wilkinson v Kitzinger*³⁵, *Karner v Austria*³⁶, *Estevez v Spain*³⁷).

In *Wilkinson*, a homosexual couple who had married in Vancouver, where homosexual marriages are permitted, wanted a legal recognition of their marriage in the United Kingdom. Accordingly, they sought a declaration that section 11(c) of the Matrimonial Causes Act 1973, which states that a marriage is void unless the parties are respectively male and female, was incompatible with Article 8 (right to respect for private life), Article 12 (right to marry) and Article 14 (prohibition of discrimination) of the European Convention on Human Rights. A similar argument was presented in relation to section 215 of the Civil Partnership Act 2004, which provides that homosexual marriages formed overseas are nevertheless, to be treated as Civil Partnerships in the UK.

Notwithstanding this, the Court refused to impose an obligation on member states to recognise homosexual marriages and ruled that withholding marriage status from homosexual couples was not inconsistent with their Convention rights. In concluding that the matter fell outside the ambit of Article 14 (prohibition of discrimination), the Judges reaffirmed the decision of the ECHR in *Karner v Austria*³⁸, where it was held that; *"The protection of family in the traditional sense is, in principle, a weighty and legitimate reason which might justify a difference in treatment"*³⁹ between married and homosexual couples. The High Court also approved the decision in *Estevez v Spain*⁴⁰, where the ECHR had decided that by reserving social security allowance only for "surviving spouses", Spanish legislation had; *"a legitimate aim, which is the protection of the family based on marriage bonds"*⁴¹. Thus, the arguments presented by homosexual lobby groups that withholding marriage status from homosexual couples is unfair and unjustifiable, have little weight in practice.

Furthermore, despite the wealth of evidence highlighting the dangers of normalising homosexual activity, Civil Partners have rights which mirror those offered to married couples at almost every point, including tax, social security, inheritance and workplace benefits, parental responsibility and adoption. In fact, civil partners have substantially more rights than cohabiting heterosexual couples, despite the fact that children are known to do significantly better when raised by cohabiting parents than in homes led by homosexual couples. Accordingly, the current system cannot be described as being unfair or unjust towards homosexual couples in any way. Thus, it was partly in recognition of the wealth of rights afforded to homosexual couples under English law that the ECHR refused to conclude that withholding marriage status from homosexual couples breached their rights under Article 8 and Article 14 (prohibition of discrimination):

"By withholding from same-sex partners the actual status of marriage, the Government declined to alter the deep-rooted and almost universal recognition of marriage as a relationship between a man and a women, but without in any way interfering with or failing to recognise the right of same-sex

³⁵ [2006] EWHC 2022, [2007] 1FLR 295

³⁶ (2003) 38 EHHR 528

³⁷ ECtHR, 10 May 2001

³⁸ (2003) 38 EHHR 528

³⁹ *Karner v Austria* (2003) 38 EHHR 528

⁴⁰ ECtHR, 10 May 2001

⁴¹ *Estevez v Spain* ECtHR, 10 May 2001

couples to respect for their private and family life....Withholding of recognition of their marriage status does not criminalise, threaten, or prevent the observance by, such couples of an intimate private life in the same way as a married heterosexual couple, and indeed provides them... with all the material legal rights, advantages (and disadvantages) of those enjoyed by married couple. Not only does English law recognise and not interfere with the right of such couples to live in a very close, loving, and monogamous relationship; it accords them also the benefits of marriage in all but name. The matter falls outside the ambit of Articles 8 and 14 combined” (Judge Potter)⁴².

Homosexual couples do NOT have a “right” to marry under Article 12

In demonstrating its support for marriage and the conventional family, the High Court in *Wilkinson* has made another crucial point – homosexual couples do not have an automatic *right* to marry under Article 12 of the Convention. The Court made it clear that Article 12, which includes the “right to marry and found a family” could not be interpreted as applying to homosexual couples under any circumstances and was purposely worded in this manner to specifically exclude homosexual relationships. Thus, the Judges reaffirmed the decision of the European Court of Human Rights in *Sheffield and Horsham v UK*⁴³ where it was held that:

“The right to marry guaranteed by Article 12 refers to the traditional marriage between persons of the opposite biological sex. This appears also from the wording of the Article which makes it clear that Article 12 is mainly concerned to protect marriage as the basis of the family”.

The decision of the High Court in *Wilkinson* was also followed in the recent case of *Schalk and Kopf v Austria*:

“The choice of wording in Article 12 must thus be regarded as deliberate. Moreover, regard must be had to the historical context in which the Convention was adopted. In the 1950s marriage was clearly understood in the traditional sense of being a union between partners of different sex.”⁴⁴

This is important because homosexual lobby groups often claim that our current legal framework deprives them of their marriage “rights”, but this so called “right” does not exist and neither can a “desire” be classified as a “right”. Homosexual activists are pushing for homosexual marriages in order to achieve their ideological objectives, but they do not have an automatic “right” to marry as is often alleged. The Government has to decide what rights to give homosexual couples, in the same way it has to decide what rights to give cohabiting heterosexual couples and those in any other arrangement which falls short of conventional marriage and in making this decision, the welfare of children and society must clearly be the primary considerations.

Implications of legal recognition of, and promotion of, homosexual lifestyle

The normalisation and promotion of homosexual relationships in general, including the incremental step of allowing Civil Partnerships to take place in religious premises, is damaging to society, marriage and the family.

A typical homosexual lifestyle is dangerous for the adults involved and there are significant physical and mental health implications. In his paper "*The Family in the Third Millennium: A Compendium of*

⁴² *Wilkinson v Kitzinger* [2006] EWHC 2022, [2007] 1FLR 295

⁴³ (1998) 27 EHRR 163 para 66

⁴⁴ *Schalk and Kopf v Austria* [2010] ECHR 30141/04

Scholarship and Opinion Supporting Family as the Fundamental Unit of Society,” Dr. A. Dean Byrd emphasised the risks of being engaged in homosexual relationships, including “reduced lifespan, suicide, drug and alcohol abuse, depression, and domestic violence”.⁴⁵ Dr Byrd emphasised that “lesbians are also at three times the risk for breast cancer than their heterosexual counterparts and face a whole range of sexually transmitted diseases (STDs), including bacterial vaginosis, hepatitis B, and hepatitis C. Homosexual males face anal cancer, syphilis, gonorrhoea, herpes simplex virus, and AIDS infection” as a result of homosexual sex. The rates of STD’s are significantly high in homosexual couples, and these have been shown to have increased over the past decade – coinciding with the increased normalisation of homosexual relationships in the UK through legislative changes over the past 10 years. The Health Protection Agency published the following information on STDs on homosexual men:

- Men who have sex with men (MSM) remain the group most at risk of becoming infected with HIV in the UK and new diagnoses in this group alone have increased by 70 per cent in the past 10 years rising from 1,810 in 2001 to 3,080 in 2010.⁴⁶
- An estimated 32,000 of men who have sex with men were living with HIV, with at least one in four of those aged 15-59 unaware of their infection in 2007.⁴⁷
- Five hundred and twenty-nine deaths among people with HIV infection were reported for 2010, and this is likely to increase as further reports are received.⁴⁸
- The rates of Gonorrhoea in MSM had also increased by 23% since 2000 – 2007.⁴⁹

Homosexual relationships have been proven time and time again to be potentially destructive to the participants. This should be reflected in public policy.

It is widely recognised that laws are taken as indicative of acceptable standards of behaviour. Legislation normalising homosexual relationships promotes the homosexual lifestyle and encourages individuals to enter such relationships, despite their consequences.

By willingly promoting the homosexual lifestyle, an example being these proposed reforms, the Government appears to be rejecting the moral values, based on the Christian faith, which have formed the basis of our law and society for centuries. Instead we have a new morality, which appears to be based on the rejection of Christianity and an embrace of humanism and moral relativism. However, we believe that this will have serious consequences for our nation and especially for future generations, not least in respect to both family life and to religious liberty.

The right to “religious freedom”

⁴⁵ Dr A. Dean Byrd, “The Family in the Third Millennium: A Compendium of Scholarship and Opinion Supporting Family as the Fundamental Unit of Society,”⁴⁵ 2005 <http://www.narth.com/docs/needboth.html>

⁴⁶ http://www.hpa.org.uk/webw/HPAweb&HPAwebStandard/HPAweb_C/1296683749074?p=1287147958032

⁴⁷ Men who have sex with men: A report

http://www.hpa.org.uk/web/HPAweb&HPAwebStandard/HPAweb_C/1227515299279

⁴⁸ http://www.hpa.org.uk/web/HPAweb&HPAwebStandard/HPAweb_C/1296683688485

⁴⁹ Men who have sex with men: A report

http://www.hpa.org.uk/web/HPAwebFile/HPAweb_C/1227515298225

Although the Government Equalities Office has cited the need for ensuring “religious freedom” as a core reason for removing the ban on the registration of Civil Partnerships in religious premises⁵⁰, this argument carries little weight in practice.

Under the current law, faith groups have the freedom to celebrate homosexual unions immediately after the registration has occurred. Thus, the consultation document recognises: *“It is currently possible for couples to have a religious service to celebrate or mark the formation of their partnership registration”*.

Given this existing freedom, we consider it unnecessary to allow Civil Partnership registrations to take place on religious premises. The proposed reforms give no significant gain in religious freedom. This is merely a covering to push for an increase in homosexual rights.

If the Government is genuinely “committed to...ensuring religious freedom”⁵¹ then the Equality Act should be revoked or amended so that freedom of belief is protected from being undermined by homosexual rights. As demonstrated in our answer to Question 1, Christians no longer always have the freedom to exercise their beliefs openly in the public sphere without repercussions, and are ill-treated and marginalised for refusing to promote the practice of homosexuality.

Most religions and almost no Christian groups recognise or accept homosexual relationships. Hence, there are only a few minority groups who have expressed an intention to host Civil Partnerships such as Quakers, Liberal Jews and Unitarians.

We urge the Government to uphold the discretion allowed for by the new legislation, should the proposed reform go ahead. Churches must not be forced, now or in the future, to host Civil Partnership registrations against their will.

Question 22: Does this approach sufficiently protect faith groups and ministers of religion, or is additional protection needed?

We do not agree with the approach taken by the Government Equalities Office and believe that additional protection will be required to prevent faith groups from being compelled to conduct Civil Partnership registrations against their will in the future.

There are approximately 47,000 Churches in the UK, of which most continue to follow mainstream Christian teaching on marriage and sexual ethics and they are unlikely to take advantage of the new section 202. We believe that the next step for homosexual lobby groups will be to campaign for the discretion afforded by section 202 to be removed on the basis that the provision is “unfair” and permits unequal treatment of homosexual couples, contrary to the “aims” of the Equality Act 2010. We are not convinced that it will be long before “permission” turns into “coercion”. The Government have responded positively to pressure imposed by homosexual lobby groups for significant changes in law and policy, despite the beliefs of millions of Christians in the UK who have continuously warned of the serious repercussions of normalising and promoting homosexual rights and relationships in the law.

⁵⁰ Civil Partnerships on religious premises: A consultation (*Government Equalities Office, March 2011*) pg. 5

⁵¹ Civil Partnerships on religious premises: A consultation (*Government Equalities Office, March 2011*) pg. 5

The Government has done nothing to address the widespread discrimination being faced by Christians following a number of judicial decisions to affirm sexual orientation equality as a higher right than freedom of religion or belief.

In accordance with the longstanding right to freedom of conscience, the Government must protect Christians in this instance by making an express commitment towards upholding the discretion afforded by the new legislation to opt-out of section 202 and regardless of whether or not homosexual marriages are introduced in the future.

We propose that individual Churches must be further protected by prohibiting homosexual couples from approaching Churches for a registration of their Civil Partnership on a one-to-one basis. A couple who wishes to register their Civil Partnership in a religious place of worship must be required to check the list of approved premises, maintained, as proposed by the consultation document, by the General Register Office. Alternatively, the couple could check commercial internet websites, or contact the local authority to enquire about the nearest approved premises in their area. A couple should not be permitted, however, to ask a Church to register their Civil Partnership directly. Imposing such a ban may help to protect Churches against attempts to pressurise them into conducting Civil Partnerships on their premises.

Question 23: Can you provide any evidence of the number of individuals in England and Wales who might wish to register their Civil Partnership in religious premises each year?

No comment.

Question 24: Can you suggest whether or not specific religious premises, congregations and denominations will seek to make use of this provision? If you are responding on behalf of a faith group, is your faith group likely to allow Civil Partnerships to be registered on its premises.

Christian Concern has 34,000 supporters on its mailing list, and many of these individual e-mail addresses represent entire congregations, from a wide range of denominations. These include Anglicans, Methodists, Baptists and Pentecostals amongst others. None of our supporters or the denominations they represent would ever consent to Civil Partnerships taking place on their premises. It is totally contrary to orthodox biblical teaching.

The overwhelming majority of Christian denominations will uphold Biblical teachings on homosexuality. The established Church, the Church of England, has expressly said that they will not be permitting Civil Partnership registrations on their premises⁵². The Most Rev Peter Smith, speaking on behalf of the Roman Catholic Church, has also expressed strong opposition to the new provisions, stating that; *"We do not believe it is either necessary or desirable to allow the registration of Civil Partnerships on religious premises"* and has stated that *"these will not take place in Catholic Churches"*⁵³. There are five million Catholics in the UK.⁵⁴

⁵² See "Gay 'Church Weddings' move closer" *BBC News Online*, 17th February 2011
<http://www.bbc.co.uk/news/uk-12489160>

⁵³ The Catholic Church website:
<http://www.catholicChurch.org.uk/>

⁵⁴ "Gay weddings to be allowed in Church" *The Independent Newspaper*, Wednesday 3rd March 2011
<http://www.independent.co.uk/news/uk/home-news/gay-weddings-to-be-allowed-in-Church-1915467.html>

Faith groups supporting the new provisions continue to be a tiny minority. The *Independent* reported that only three religious groups - the Religious Society of Friends (Quakers), Liberal Jews and the General Assembly of Unitarian and Free Christian Churches, have expressed the intention to hold legally recognised homosexual partnerships.⁵⁵ In total, these groups are reported to have just 40,000 followers collectively⁵⁶.

Question 25: Can you provide any additional evidence of the possible costs religious premises will incur when hosting a Civil Partnership registration, in addition to those discussed in the impact assessment?

Please see the answer to Question 26.

Question 26: Can you provide any further data or examples of costs and benefits which have not already been included in the Impact, Assessment? Do you have any comments on the assumptions, approach or estimates used?

The increasing normalisation of homosexual relationships, and attempt to make homosexual unions equivalent to heterosexual marriages, will cost society dearly both in terms of undermining marriage and also in terms of deeply restricting freedom of belief.

In addition, implementing these proposals will cost money at a time when resources are desperately needed elsewhere.

⁵⁵ "Gay weddings to be allowed in Church" *The Independent Newspaper*, Wednesday 3rd March 2011
<http://www.independent.co.uk/news/uk/home-news/gay-weddings-to-be-allowed-in-Church-1915467.html>

⁵⁶ Statistics presented in: "Gay 'Church Weddings' move closer" *BBC New Online*, 17th February 2011
<http://www.bbc.co.uk/news/uk-12489160>