

Petition

To the Scottish Parliament

Petition to allow religious involvement in Civil Partnership Ceremonies

We, the undersigned, being members and attenders of Holy Trinity Metropolitan Community Church, Edinburgh ("MCC"), on our own behalf and on behalf of those members, friends and attenders who, due to the continued presence of homophobia in our society, feel unable to sign, despite their support, due to the public nature of this document, declare that:

Metropolitan Community Church is a worldwide Christian denomination which was founded in 1968 within the lesbian, gay, bisexual and transgender communities and whose ministry extends to all people whatever their sexuality or gender identity;

The Civil Partnerships Bill (the "Bill") was introduced into the House of Lords by the United Kingdom Government on 30 March 2004:

Part 3 of the Bill relates to Civil Partnerships created under the law of Scotland and civil servants responsible to Scottish Ministers are involved in drafting that Part 3;

The Bill, if enacted, will introduce into the law of Scotland, a new legal institution called a "Civil Partnership" which can be created, in certain circumstances set out in the Bill, between two persons of the same sex and which will have rights and duties arising from the creation of that Civil Partnership which are broadly similar to those arising between husband and wife under the Scots law of marriage;

The Bill impacts on both devolved and reserved matters and as such Scottish Ministers have informed the Scottish Parliament of their intention to lay a Sewell Motion before the Scottish Parliament in relation to the Bill;

The Scottish Executive and the Scottish Parliament Equal Opportunities Committee consulted in relation to the proposed creation of Civil Partnerships:

The Scottish Parliament Equal Opportunities Committee took evidence in relation to the proposals;

MCC responded to the consultations on the proposal, supporting the principles behind the proposal while requesting, inter alia, that Churches be allowed (although not compelled) to solemnise Civil Partnerships;

The Scottish Parliament Justice 1 Committee at its meeting on 31 March agreed to take evidence on the "technicalities" within the Bill;

MCC, in common with its sibling congregations around the UK and the world, conducts commitment ceremonies (with legal effect where this is allowed by local law) for couples irrespective of the gender of the couples;

MCC congregations marry mixed sex couples in many countries and, in parts of Canada, are able legally to marry same sex couples as a result of litigation before the Ontario Supreme Court provoked by the Metropolitan Community Church of Toronto;

Our Churches in Portland, Oregon and San Francisco, California have recently been performing same-sex marriages during times when the authorities in those cities granted marriage licences on an equal basis, irrespective of gender;

The Marriage (Scotland) Act 1977 allows for a marriage ceremony to be conducted in Scotland by a Registrar or, in certain circumstances, by a Minister of Religion;

The Bill only makes provision for a Civil Partnership ceremony to be conducted by a Registrar;

The Marriage (Scotland) Act 2002 provided for marriage ceremonies conducted by a Registrar to be conducted at approved places within the relevant registration district in addition to the Registry Office;

The Marriage (Approval of Places) (Scotland) Regulations 2002 (Scottish Statutory Instrument 2002 No. 260) (the "2002 Regulations") sets out the procedure for the designation of approved places for Registrars to conduct marriage ceremonies;

Regulation 7(2)(b) of the 2002 Regulations provides that a place may not be approved for the solemnisation of a marriage by a registrar if "the place has a recent or continuing connection with any religion or religious practice which would be incompatible with the use of that place for the solemnisation of civil marriages";

Clause 89(2) of the Bill contains provisions similar to those in Regulation 7(2)(b) of the 2002 Regulations prohibiting the creation of a Civil Partnership in a place with a religious connection;

Accordingly, in terms of the Marriage (Scotland) Act 1977 (as amended by the Marriage (Scotland) Act 2002) a mixed sex couple may choose to be married by a minister of religion which may take place in a Church or other place with a religious connection or by a Registrar which may not take place in a place with a religious connection;

In terms of the Bill, if enacted, a same sex couple will only have the option of having the ceremony conducted by a Registrar, being denied the option of solemnisation by a minister of religion granted to a mixed sex couple under the Marriage (Scotland) Act 1977, and this ceremony can take place in any approved place so long as that place has no connection with religion;

Members of MCC (or other denominations) who wish to enter into a committed, legally recognised relationship, with a member of the opposite sex will be able to ground their commitment in their faith by having a religious ceremony conducted by the Church and in a Church building;

Members of MCC (or other denominations) who wish to enter into a committed, legally recognised relationship, with a member of the same sex will not be able to ground their commitment in their faith by having a religious ceremony conducted by the Church and, further, the possibility of any religious involvement at all will be specifically excluded by legislation if the Bill is passed in its current form;

The attempt to copy the provisions of Section 7(2)(b) of the 2002 Regulations in Clause 89(2) of the Bill is inappropriate as, in contrast with the scheme under the Marriage (Scotland) Act 1977 which allows the couple a choice between a religious context and a secular context, the only option available to a same sex couple under the scheme proposed in the Bill is a ceremony conducted by a Registrar;

The failure of the Bill to allow for religious solemnisation of a Civil Partnership and the prohibition on the creation of a Civil Partnership by a Registrar in a place with a religious connection is deeply discriminatory to people of faith who may wish to enter into a Civil Partnership;

Article 9(1) of the European Convention on the protection of human rights and fundamental freedoms (the "Convention") provides that:

"Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance."

Article 14 of the Convention provides that:

"The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status."

If the Bill is enacted in its current form, mixed sex couples will be free to express their religious beliefs in constituting the legal basis of their relationships but this freedom would be expressly denied to same sex couples on the basis of their gender;

Where a couple are of different genders they will be granted the freedom to manifest their religion or belief by having the legal recognition of their relationship by the State take place in a faith-based context while a couple whose genders were the same would be denied the freedom to manifest their religion or belief in this way;

This would appear to be discriminatory application, contrary to Article 14 of the Convention, of the rights guaranteed to all people in Article 9(1) of the Convention;

To be compatible with the Convention, as is required by Section 29(2)(d) of the Scotland Act 1998, it is submitted that the Scottish Parliament must ensure the freedom of a couple to manifest their religion in the legal recognition of their relationship is guaranteed without regard to the gender make up of that couple;


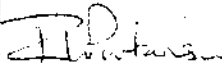


The Petitioners therefore request that the Scottish Parliament, before considering a Sewell motion in respect of the Bill, seeks that the Bill be amended to provide for:

- The possibility of solemnisation of a Civil Partnership in Scotland by a minister of religion in a way similar to that allowed for religious marriages under the Marriage (Scotland) Act 1977; or, failing which;
- The deletion of Clause 89(2) of the Bill so that Registrars will be free to conduct Civil Partnership ceremonies in otherwise appropriate venues which have a religious connection.

The Public Petitions Committee of the Scottish Parliament may contact the Petitioners through their representative:

Stephen Harte, MCC Edinburgh, 41 George IV Bridge, Edinburgh, EH1 1EL (Stephen.Harte@mccedinburgh.com).

Signed:

Print Name	Address	Signed
STEPHEN HARTE	17 GILCHRIST BROS GARDENS 112248800, CH4 2UG	
ROBIN PARKINSON	33 WESTFIELD RD. EDINBURGH EH11 2GW	
CAMERON ABERNETHY	2415 CLEARBURN CRESCENT EDINBURGH EH16 5ER	
DEREK McINTOSH	30 Arville Rd Edinburgh EH6 8DD	
MICHAEL LEWIS	10 TUCROFT BANK RD CRIFEFF PH7 4LN	