

## BHA BRIEFING: MARRIAGE



### Briefing from the British Humanist Association (BHA): *Humanist marriage, same-sex marriage and 'religious' civil partnerships*

#### **Our position**

Marriage law should be reformed to give legal recognition to humanist marriage in England and Wales as there is in Scotland.

Marriage law should be reformed to make same-sex marriage – either religious, civil or humanist – lawful.

#### **Humanist marriage**

##### **The present situation**

People wishing to get married in England or Wales all have a choice, if they wish, of a register office ceremony, which by law must not be distinctive of any religion or belief, including Humanism. Only the religious have the additional option of a legally recognised ceremony conducted according to their own religious beliefs. Although BHA-accredited humanist celebrants conduct hundreds weddings every year, these have no legal validity and have to be supplemented by a register office ceremony.

In other words, there is a clear discrepancy in the law whereby, in England and Wales, religious marriages have legal validity but humanist marriages do not. The BHA believes that this unequal treatment on grounds of religion or belief<sup>1</sup> is clear discrimination against humanists in marriage law and that the situation should be rectified.

Unlike in England and Wales, however, humanist marriages in Scotland are legal and have been so since in June 2005. Prior to this legal recognition, there were 85 humanist weddings in one year; however in 2009 alone there were 1,544 legally recognised humanist marriages in Scotland, the fourth most popular option in total and shortly behind the number of Catholic ceremonies conducted in Scotland<sup>2</sup>. The Humanist Society of Scotland expects number of services they provide to keep increasing.

The growing demand for legally recognised humanist marriages throughout Great Britain demonstrates that there is a real need for such services for the non-religious population.

##### **Cross-party Support**

There is a live parliamentary Early Day Motion 667 on Humanist Marriage, tabled by Greg Mulholland MP, which has cross-party sponsorship and signatories, and it is supported by MPs of a range of different religions and beliefs.

Moreover, at the 2010 Liberal Democrat conference, a policy motion that included an amendment for full legal recognition of humanist marriages received overwhelming support from delegates. Both Labour Humanists and the Conservative Humanist Association (CHA) have similar policy positions in relation to supporting equal marriage for humanists.

The BHA believes that there are strong principled and human rights based arguments in favour of remedying what is essentially a legal technicality that bars humanists from having a legally valid marriage in England and Wales reflecting their non-religious, humanist beliefs.

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<sup>1</sup> As understood in the Equality Act 2010 and human rights legislation as including non-religious beliefs such as Humanism

<sup>2</sup> In 2009 there were 1,788 Catholic marriage ceremonies in Scotland. General Register Office for Scotland: <http://www.gro-scotland.gov.uk/statistics/theme/vital-events/general/ref-tables/2009/marriages.html>

## Same Sex Marriage

The Civil Partnerships Act came into force on 5th December 2005, enabling same sex couples to register as civil partners. Although this is to be welcomed, there is still not equality in marriage law for same sex partnerships with marriage, and civil partnership ceremonies conducted by a humanist celebrant not recognised in law. We support the Civil Partnerships Act as a step in the right direction but want equality of same sex partnerships with marriage through a revision of the marriage law to allow it to be between two men or two women. The BHA is the leading provider of humanist partnership ceremonies in England, Wales and Northern Ireland.

Civil partnerships must be conducted via the registration service, which means that religious celebrants – and indeed, in Scotland, humanists – are not allowed by law to perform them.

### What are we doing?

We continue to campaign for humanist weddings to have legal standing in England and Wales (see above), and we are continuing to push for legal same sex marriage. With same sex marriages as opposed to civil partnerships, when humanist weddings are given legal validity, same sex couples will be able to get married in a humanist ceremony, rather than having to have a partnership via the registration service.

In 2010 we lent our support to the 'Equal Love' campaign. The Equal Love campaign seeks to end the twin bans on same-sex civil marriages and opposite-sex civil partnerships. The Equal Love campaign is working to end sexual orientation discrimination and to open up both systems to LGBT and heterosexual couples. The campaign is about equality for all before the law. [www.equallove.org.uk](http://www.equallove.org.uk)

Until such times, our fully trained and ever-growing network of celebrants continue to conduct many humanist weddings and civil partnership ceremonies every year.

### 'Religious' Civil Partnerships

As the national charity working on behalf of non-religious people in the UK, we are very interested in the discussion about what happens next with civil partnerships, particularly with reference to allowing same-sex couples the opportunity to register their relationship in a religious setting. This is an issue that the government has committed itself to investigating, with a rather confused provision in the Equality Act 2010 that seems to permit civil partnerships on religious premises, being the motor for its consultation.

We have been working on this issue with the Cutting Edge Consortium which is a group comprising different organisations, including many religious groups, working for the elimination of any faith-based homophobia/transphobia and institutionalised prejudice towards lesbian, gay, bisexual and transgendered people. We are a founding member of this organisation and currently sit on the steering group.

There is certainly no consensus among religious groups and/or gay rights groups on whether civil partnerships should be permitted in places of worship or, if they were, what they should involve.

The BHA is a strong supporter of the principle that civil marriages be conducted completely without reference to any particular religion or belief (including Humanism) because it is necessary for civil law to remain secular. We are therefore very concerned that the same principle be maintained in respect of civil partnerships, so that the greatest care is needed in deciding how (if at all) they are allowed to be registered in a religious setting.

In addition to these serious concerns of the potential infringement of religion on what is properly secular law, we believe that permitting civil partnership ceremonies on religious premises would create new, unjustified discrimination against humanists – humanists do not have, for example, 'registered premises' on which to conduct civil partnership ceremonies.

The fairest and most equal way forward would be to reform the marriage law to give both equal treatment to gay and straight couples, and to give humanists equal treatment to religious people, in marriage law.

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