



**Response to “Civil Partnership: a  
framework for the legal recognition of  
same-sex couples”.**

**August 2003**



*“Sod it, almost everyone else is just going for ‘partnership’, we don’t want to rock the boat, so we’ll just follow the leader”*

*bwg’s take on your proposals*

## Introduction

The Queer Youth Alliance (QYA) is the UK's largest organisation solely representing British lesbian, gay, bisexual and transsexual (LGBT) people aged twenty-five and under. It is run by its members (through a voluntary management committee) and is host to a vibrant online community of its membership that offers a safe environment for socialising alongside traditional support and advice services.

QYA believes that same-sex couples should have the right to have their partnerships recognised both socially and legally on a basis that is equal to that opposite-sex couples have. We believe that the current situation is unfair, and needs to be tackled at many levels, the law being just one.

## Who do we represent?

QYA currently has a registered membership consisting of over 1400 individuals and related organisations. In response to the "Civil Partnership: a framework for the legal recognition of same-sex couples" consultation paper, many members expressed opinions which led QYA to create and submit this response. All members were invited to discuss this document.

We have included comments from the discussions of this issue in this response. We have attributed comments to the handle or nick that a person chooses to use on the site in order to preserve anonymity and trust. All images (except the logo) have been produced by one of our members, berry, specifically for this response.

## Methods of Consultation

As a web based community, we are in a unique position to consult and discuss with many members over a period of time. Our members can post their opinions, argue their thoughts and respond to others at any time. The system also allows everybody to follow the debate and add to the discussion whenever they like



## Summary

Queer Youth Alliance believes that Same Sex couples deserve legal and social recognition and would like to see a fair system introduced as soon as is possible. It is hoped that the points made in this response will lead to the creation of a fair system that we can support without many of our current reservations.

Queer Youth Alliance believes that while these proposals do make some very positive steps forward, there is one huge step backwards which cannot be ignored. The exclusion of heterosexual partnerships from this register draws huge criticism, both as being hetrophobic and also homophobic. Queer Youth Alliance has the following problems with the proposals:

*“the idea will enshrine discrimination in law”*

David\_M

- 1) A separate legal status which:
  - a. Enforces the idea of “them and us”.
  - b. Allows us to be abused within the tax and legal system.
- 2) Lack of Platform

*“I suppose the thing to consider is the extent to which ‘civil partnership’ measures would prevent successful campaigning for a system that is on a par with heterosexual unions in the future...”*

CogitoErgoSum

- a. Campaigning on from the current proposals to rectify the other problems would be met with a resistance, which can point to the fact that we have a system and we are “equal”.

Queer Youth Alliance sees two ways to calm their fears:

- 1) Creating a single system which is open to everyone upon which all legal issues are based
  - a. We feel this would be the best solution and is the ultimate aim. Church recognition should come on top of and be separate to legal recognition.

*“I don’t want to see this being opened up to heterosexuals as an **alternative**, I want to see a single system upon which all legal stuff is based for both heterosexual and homosexual couples”*

penwing

- 2) Opening up the current system to heterosexual couples

- a. This option is clearly second best, however it is the least the government can do.

Both these options would be beneficial:

- 1) It would stop there being a legal status exclusively for gay and lesbian partners, and we would gain protection from homophobic systems, which could otherwise take advantage of the separate status.
- 2) We would either need no platform to campaign from, or we would have something we can point to as “second class marriage”.

## **Positive Points**

*“It’s a step in the right direction, that is true to a point. It’s better than the situation that is in place at present.”*

CogitoErgoSum

QYA members have expressed feelings that they consider this to be a huge step forward. Our members are happy that where you have included rights and responsibilities, they seem to equate to marriage. It is good to see that you have recognised the need for privacy and protection of gay couples with respect to homophobia. It is good to see the Government tackling the issue of same-sex couples, and giving legitimacy to the debate.

## Our Problems with the Proposals

Queer Youth Alliance has two major problems with the proposals:

- 1) A Separate Legal Status.
- 2) A Lack of Future Platform.

### A Separate Legal Status

*“Many of you comment that this is a ‘first step’ but I see it as the complete opposite – a brick wall at the bottom of the stairs”*  
David

*“we cannot claim this is full equality or liberation”*  
penwing

The whole document seems self-contradictory. The forward recognises that we are not treated equally, and that this is a major problem, and yet proposes a method whereby we are treated differently, because it is ‘justifiable’. Difference in treatment should never be ‘justifiable’, where a difference in treatment is implemented, it should be seen as a sign of failure.

*“So lemme get this straight. Yes it is significantly different, but only because you won’t put us on the exact same basis”*

bwg

- 1) We feel that a separate legal status is both demeaning and still allows for us to be discriminated against. A separate legal status given to a mixed-race couple would be considered racist and would result in uproar. Yet, the Government seems to think that it is all right for LGB people to face exactly this problem.
- 2) A separate legal status enforces and legalises a “them and us” attitude. This is a form of active discrimination that, it could be argued, is worse than the current inactive discrimination.
- 3) The current proposals gloss over taxation issues. By implementing a separate legal status, the door is wide open to tax same-sex couples differently to opposite-sex couples.
- 4) With the exception of Section 28, this is the first time a law has specifically highlighted LGB people as different (previous laws have only attacked acts seen as unique to LGB people). This sets a very dangerous precedent.
- 5) This new legal status therefore does not, as you suggest, help to change the culture, but instead gives a method by which a discriminatory culture can foster. Our relationships can be seen as Second Class without the law being seen as treating us differently.

### A Lack of Future Platform

- 1) If we agree to these changes, then we are left in the future with no platform from which to fight for full and Equal partnership recognition as many people will not understand the situation and garnering support from within the media and LGB Lobbying groups will become nigh on impossible.
- 2) Also, if, as has been done in current partnership registers, people decide to use the traditions of marriage in their own ceremonies, we would be assisting in the attempt to disguise the fact that this is not marriage. This would set back our campaign for marriage by several years, as we would have to educate people in the face of much "evidence" to the contrary.

## Minor Points

Further to those major problems, Queer Youth Alliance has a number of more minor points:

*“this proposal isn’t to placate the gay voters, as david suggested – it’s to placate the tory voters”*

nickety

*“Humph. So it isn’t equality. Just ‘shut them up with sounds good’. Riiiiiggghtt.”*

bwg

- 1) This is not gay marriage. We have fought so long for Gay Marriage, and yet right at the start of the document it is made perfectly clear that this is not Gay Marriage. When we got adoption rights, it was made perfectly clear that it was nothing to do with Gay Adoption. We're sick of getting second-class treatment through laws that are admitted as not being what we are fighting for or come as a "happy accident" from the law.

*“...it’s basically a bribe to get us to shut up and stop demanding what they see as the impossible”*

David



- 2) Paragraph 3.2 states that 16/17 year olds would need their parents consent to register their partnership. There is a worry that homophobic parents may not allow their wards to register their partnerships in the event of speed being needed (i.e. not expected to live long enough). How would this best be resolved? Allowing exceptions as exception to waiting period? Making child ward of court?
- 3) There is no mention of where we would be allowed to register our partnerships. Would we be allowed to register our partnerships wherever marriage can be registered? Would venues be able to discriminate against us and refuse to host our ceremonies?

## Our Solutions

Queer Youth Alliance can see two solutions:

- 1) A Single system open to everybody.
- 2) Open up this system to heterosexual people.

### A Single System open to everyone

*“Let’s get this campaign off the ground and demand full marriage for same sex couples now.”*

David

- 1) Queer Youth Alliance believes that a single system, which is open to everybody, and upon which all legal, financial and other issues should be based, is the only way we can say that we have won the battle.
- 2) The main opponents of such a move would be the churches, who already disagree with each other and the law in terms of recognising divorce, allowing divorcees to remarry and a host of other issues. Adding same sex partnerships to the list isn’t going to make a huge difference.

### Open up this proposal to heterosexual people

- 1) Opening up these proposals to heterosexual couples is the minimum that the government can do to calm our fears.
- 2) In doing this:
  - a. The “them and us” attitude, which is prevalent throughout the proposals, would be quashed.
  - b. The system would be less open to homophobic abuse as any differences between marriage and this system would be shared by heterosexual and homosexual couples alike
- 3) The system could be much more clearly identified as a “second class” marriage, therefore giving us a platform to fight on to our preferred single system.