

MYTHS ABOUT EQUAL MARRIAGE – SETTING OUT THE TRUTH

MYTH: *Allowing same-sex couples to marry will destroy the institution of marriage.*

REALITY: Marriage is a hugely important institution in this country. The principles of long-term commitment and responsibility which underpin it bind society together and make it stronger. The Government believes that we should not prevent people getting married unless there are very good reasons – and loving someone of the same sex is not one of them.

MYTH: *Marriage has not changed in hundreds of years.*

REALITY: Marriage is not static. It has always been an evolving institution. In the 19th century inequalities prevented Catholics, atheists, Baptists and many others from marrying except in the Anglican Church. In the 20th century the law was changed to recognise married men and married women as equal before law. Opening up marriage to all couples will strengthen the vital institution of marriage, and help ensure that it remains an essential building block of society.

MYTH: *Religious organisations or minister of religion will be forced to conduct same-sex marriages.*

REALITY: This is not true. The Marriage (Same Sex Couples) Bill makes clear that no religious organisation or religious minister will be compelled to marry same-sex couples. A 'quadruple lock' of legal protections will ensure that all religious organisations are free to choose and can act according to their doctrines and beliefs.

MYTH: *The European Court of Human Rights will force religious organisations to conduct same-sex marriages.*

REALITY: The case law of the European Court of Human Rights makes it clear that same-sex marriage is a matter for individual states to decide. Any case before the Court would be brought against the UK Government, not a religious organisation. The Court would be bound to give priority to the rights of a religious organisation under Article 9 of the European Convention on Human Rights, which guarantees the right to freedom of religion.

MYTH: *The Church of England and Church in Wales have been banned by the Government from conducting same-sex marriages.*

REALITY: This is not true. Like every other religious organisation, the Church of England and Church in Wales will be able to decide for themselves whether and when to allow the marrying of same-sex couples according to their rites. The Bill contains specific measures to deal with the unique legal position of the Church of England and the Church in Wales. Unlike any other religious body in this country, their clergy have a specific (common law) legal duty to marry parishioners. The Bill makes clear that this duty is not extended to marriage of same-sex couples, and will ensure that Anglican Canon law does not conflict with civil law and can continue to state that for them marriage is between one man and one woman.

MYTH: *The Church of England and Church in Wales are being given extra protections.*

REALITY: The Bill contains specific measures to deal with the unique legal position of the Church of England and the Church in Wales. The clergy of the Church of England and Church in Wales have a legal duty to marry parishioners. The Bill provides them with protection to address this point. The Bill also ensures that Church of England Canon law, which states their belief that marriage is between one man and one woman, is not affected by this Bill. These provisions are required to take account of these Churches' particular legal circumstances – they do not provide more, or less, protection than is given to other religious organisations.

MYTH: *The Church of England and Church in Wales were not consulted properly.*

REALITY: During the course of both the consultation and the drafting of the legislation, the Government has had numerous and detailed discussions with stakeholders about the provisions within the Bill. These discussions have included a number of religious organisations including the Church of England, the Catholic Church and the Church in Wales.

MYTH: *Teachers will have to promote same-sex marriage to pupils in sex and relationships education.*

REALITY: This is not true. No teacher will be required to promote or endorse views which go against their beliefs. As with any other area of the curriculum teachers will of course be required to teach the factual position, that under the law marriage can be between opposite-sex couples and same-sex couples. There are many areas within teaching, particularly within faith schools, where this type of issue already arises and where subjects such as divorce are taught with sensitivity. The guidance governing these issues is the same guidance that will govern how same-sex marriage in the classroom will be approached. Sex and relationships education is categorically not about the promotion of a particular sexual orientation - that would be inappropriate teaching.

MYTH: *Teachers who oppose same-sex marriage will be sacked from their jobs.*

REALITY: Teachers will continue to have the clear right to express their own beliefs, or that of their faith in a professional way, such as that marriage should only be between a man and a woman. No teacher will be required to promote or endorse views which go against their beliefs.

MYTH: *There is no difference between civil partnership and marriage.*

REALITY: There are some small legal differences between civil partnerships and marriage. But for many people there are important differences in the perception of and responsibilities associated with these separate institutions.

MYTH: *You are abolishing the terms 'husband', 'wife', 'mother' and 'father'.*

REALITY: This is not true – these terms will continue to exist. 'Husband' will refer to a male marriage partner and 'wife' will refer to a female marriage partner, as now.

MYTH: *Not introducing civil partnerships for opposite-sex couples is unfair.*

REALITY: This is not true. We believe in the institution of marriage and we do not believe that opposite-sex couples are disadvantaged by not being able to enter into civil partnerships. This Bill is designed to remove the unfairness of same-sex couples being excluded from marriage.

MYTH: *This is the thin end of the wedge – further changes to the law to enable other groups to marry are likely.*

REALITY: This is simply not the case - we have absolutely no plans to amend the law on marriage in any other area.

MYTH: *You did not take into account the large number of petitions received opposing a change in the law.*

REALITY: 228,000 individuals and organisations responded to the consultation on how to open up marriage to same-sex couples. Additionally there were petitions for and against equal marriage. The largest was from the Coalition for Marriage against the proposals which contained over 500,000 signatures opposed to the proposals. The views expressed in the petitions were considered along with all the other responses received. However, the Government have always been clear that the consultation was focussed on how to implement a change in the law, rather than whether to change the law.

MYTH: *The Government has no mandate to introduce same-sex marriage.*

REALITY: The Conservative Party's Contract for Equalities, published alongside its General Election Manifesto in 2010, set out clearly that we would consider the case for changing the law to allow civil partnerships to be called and classified as marriage. Independent surveys, such as the one carried out by the Times in March 2012, show support by the general public with 65% thinking gay couples should have an equal right to marry, not just to have civil partnerships.

MYTH: *People will be sacked if they criticise same-sex marriage at work.*

REALITY: This is not true. We have always been absolutely clear that being able to follow your faith openly is a vital freedom that we will protect. Everyone is entitled to express their view about same-sex marriage, at work or elsewhere. No employee will be required to promote or endorse views about same-sex marriage which go against their conscience. But it is an entirely different matter to act in an offensive or discriminatory way because of someone's sexual orientation and the two issues should not be confused.

MYTH: *The four recent European Court cases show that people are not free to follow their beliefs at work.*

REALITY: On the contrary, Ms Eweida won her right to wear a cross at work. These cases were not about same-sex marriage. However, we have always been absolutely clear that being able to follow your faith openly is a vital freedom that we will protect. We believe people should be able to wear discrete religious symbols, provided it doesn't hinder or physically get in the way of their job. In the other cases the Court found that the needs of health and safety and the requirement not to discriminate against customers were relevant considerations, on the facts of those particular cases – it is all about striking a sensible balance, which our legislation does.

MYTH: *The Trafford Housing case with Adrian Smith shows that people can be sacked because of their religious beliefs.*

REALITY: Adrian Smith actually won his case in the High Court, a judgment which shows that expressing views about this type of issue in a measured and non-offensive manner does not permit an employer to discipline an employee. Any such action by an employer would be unlawful.

MYTH: *Local councils will stop giving religious groups contracts or letting them use their facilities if they refuse to conduct same-sex marriages.*

REALITY: This is not true. The Equality Act 2010 protects people from being discriminated against because of religious belief. Treating someone in this way because of their religious opposition to same-sex marriage would be unlawful discrimination. It would also be a misuse of the council's powers if it penalised a religious body for doing something which is lawful.

MYTH: *This Bill is being rushed through Parliament and has not been properly thought through.*

REALITY: This is untrue. The Government is committed to introducing same-sex marriage and published a consultation in March 2012 which resulted in the biggest ever response to a UK consultation. The Minister for Women and Equalities made a statement to the house in December 2012 announcing the Government's intention to bring forward legislation.

MYTH: *Polling shows that the public is not supportive of this policy.*

REALITY: This is untrue. Recent polling shows that there are a range of views on this subject. We know that there are many people who are in favour of and supportive of this policy, as shown by 53% of people who responded to our consultation.