

Civil Partnership Registration

Response by the Gay and Lesbian Association of Doctors and Dentists (GLADD)

The Gay and Lesbian Association of Doctors and Dentists (GLADD) was established in 1995 as a UK-wide organisation for gay, lesbian, bisexual and transgendered doctors, dentists, medical and dental students with the aim of providing professional and social support in the context of their place of work and in the world at large. GLADD is a non-governmental, voluntary and non-profit-making organisation (Please see the constitution and accounts at Annex 1).

There exists a range of sexual orientations in the medical and dental professions just as in the general population and a significant proportion (3 – 10 %) of doctors and dentists, medical and dental students and patients are not exclusively heterosexual. In contrast, homophobia is more prevalent both within the professions and in the patient population, with some estimates suggesting about 20 per cent of people in the medical community alone being strongly homophobic^{1,2}.

The UK Government intends to create a new legal status of civil registered partner for same-sex couples living in stable and committed partnerships akin to marriage. GLADD strongly supports the concept of civil partnerships for the following reasons:

1. It will recognise in law the right of two people of the same-sex to live together in a loving, long-term relationship akin to marriage without fear of prejudice, negative discrimination, or disadvantage with respect to their joint or individual financial and legal status compared to married heterosexual couples.
2. The partnership arrangement will help bring about the change in culture that is required to abolish homophobic behaviour within our civil institutions, the work place, as well as within the community at large.
3. From the professional perspective of the members of GLADD, the proposals are specifically welcomed because they will (i) enhance the status and self-esteem of doctors and dentists in their dealings with their heterosexual colleagues, managers and patients; (ii) enhance the visibility of gay and lesbian doctors and dentists and so additionally ease the plight of gay and lesbian patients (iii) encourage gay and lesbian doctors and dentists to enter into stable, loving and committed relationships and so help provide a means of support that will reduce the risk of suicide and long term depression that is too often the fate of gay and lesbians living alone and working in highly stressful occupations.

¹ Rose L. Homophobia among doctors. *BMJ* 1994; 308: 586-587

² Parker A and Bhugra D. Attitudes of British medical students towards male homosexuality. *Sexual and Relationship Therapy*. 2000; **15**:141-149.

Questions and Comments.

- Members of the medical and dental profession are highly mobile and may frequently move job within the United Kingdom e.g. from England or Wales to Scotland or Northern Ireland and back again whilst still essentially working for the NHS. What safeguards will be put in place to ensure that doctors and dentists entering into civil partnerships in England or Wales do not lose out by moving to Scotland or Northern Ireland or indeed back again? Failure to address this issue might mean that individuals would not consider taking up a post in Scotland or Northern Ireland, thus reducing the cultural diversity that is perhaps even more necessary in these countries to combat homophobia.
- It is clear that some same-sex couples might want the fact of their registration to remain private for fear of homophobic attacks. However, it is thought that the majority of the membership of GLADD would not support a “private register” since the concept works against the core aims of the legislation and of the aims of GLADD.
- A major concern of same-sex couples relates to hospital visiting and medical treatment. It is clear that since there is no legal definition of “next of kin” it is down to medical staff following NHS guidance to make appropriate decisions. This raises an interesting question. How would those suffering failure to recognise the civil partnership within a medical setting (visiting rights, administration of treatment, removal of organs for transplantation, funeral arrangements) be given legal recourse? Would it become possible to take out an injunction to ensure a specific course of action was taken?
- It would be hoped that couples in a civil partnership would not be classified as being at high risk of HIV any more than married couples might be. Would the white paper include a provision making it an offence for any commercial concern to discriminate in this way? How would the Blood Transfusion Service react to potential blood donors in a civil partnership and, if they refuse a donor on the grounds of risk of HIV, could they be prosecuted for discrimination?
- Would recognition be retrospective in pension terms? Could any institution/company (e.g. the NHS) lawfully ignore the existence of the surviving member of a civil partnership?
- It is clear that the government has no intention of introducing marriage for same-sex couples. However, it is unclear how the civil partnership differs from marriage, with the obvious exception of the ability of the married couple to

procreate. The differences in law need to be clearly stated and the reasons for any differences explained.

- The term “civil partnership” is not ideal since it conveys no indication that it is a loving partnership between a couple of the same sex and recognised as such in law. (some suggestions: same-sex partnership or civil same-sex partnership or civil partnership for same sex couples, or civil partnership for gay and lesbian couples)
- There will undoubtedly be vociferous critics of these proposals and it will be important for the government in collaboration with voluntary organisations to provide sufficient support to enable our civil institutions, businesses, professions, the media and the public at large to embrace the new arrangements. Will the government consider funding interested voluntary organisations to promote the new arrangements across the country?