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ECAY6005: Relationships, Communication and Families in Contemporary Society

Sexuality, Gender and Families (Part 1 Issues of Sexuality)

2024

Trawsnewid Addysg; Trawsnewid Bywydau
Transforming Education; Transforming Lives

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Sexuality, Gender & Families: Societal attitudes to homosexuality

Sexuality, Gender & Families: Historical Context

- In the past homosexual activity was often seen as:
  - Criminal Activity
  - Immorality
  - Mental illness
  - Disease

Wolfenden Committee

- The Committee was set up in 1957 to consider:

"the law and practice relating to homosexual offences and treatment of persons convicted of such offences"

Sir John Wolfenden

(Parliament. House of Commons, 1957)

Wolfenden: continued

- ‘The law's function is to preserve public order and decency, to protect the citizen from what is offensive or injurious, and to provide sufficient safeguards against exploitation and corruption of others… It is not, in our view, the function of the law to intervene in the private life of citizens, or to seek to enforce any particular pattern of behaviour’.

(Parliament. House of Commons, 1957)

Wolfenden Report 1957

- The Report of the Departmental Committee on Homosexual Offences and Prostitution
- Published on 4 September 1957 after a succession of well-known men, including Lord Montagu, Michael Pitt-Rivers and Peter Wildeblood, were convicted of homosexual offences.
- At that time there were over 1000 men in prison for homosexual activity.

The Committee's approach

- To preserve "public order and decency"
- To protect the citizen from what is injurious and offensive, and
- To provide safeguards against corruption

Why would legalising homosexuality help to safeguard against corruption?

Conclusion

- ‘There must remain a realm of private morality and immorality which is, in brief and crude terms, not the law’s business’

(Parliament. House of Commons, 1957)

Committee conclusion

- ‘In contrast to the belief that male homosexuality has a damaging effect on family life….we have no reasons shown to us which would lead us to believe that homosexual behaviour between males inflicts any greater damage on family life than adultery, fornication or lesbian behaviour’

(Parliament. House of Commons, 1957)

Historical overview of same sex relationships

- Ten years later……
  - In 1967 the UK government passed the Sexual Offences Act.
  - This Act partially decriminalised homosexual acts in private between two men
  - This did not cover the Armed Forces,
  - Nor did it cover the whole of the UK…..

Sexual Offences Act 1967 - Variations

- The 1967 Act covered England and Wales only.
- In other parts of the UK it took a lot longer:
- Scotland (1981)
- Northern Ireland (1982)

Why do you think it took longer to legalise homosexuality in these parts of the UK?

1967 Act….

- What does ‘partial decriminalization’ mean
  - Age of consent set at 21 years (rather than 16 for heterosexual sex)
  - Narrow definition of “privacy”
  - Not more than 2 men
  - So no longer criminal but not equal!

Section 28 of the Local Government Act 1988

- Prohibited the promotion of homosexuality as a ‘pretended family relationship’ on the basis that it ‘damages children and family life’

N.B. This act lead to the creation of the LGBT campaigning group Stonewall

www.stonewall.org.uk

(Local Government Act 1997)

Repeal of Section 28…

- Repealed in 2000 by the Scottish Parliament
- Repealed by the Local Government Act 2003 for the rest of UK.
  - However, in 2003 the Local Government Association retained the link between homosexuality and the need to “protect” children from materials deemed “inappropriate” and reinforced the duty for children to learn about “the nature of marriage and its importance for family life and the bringing up of children”

What implications would this have for the teaching of sex education and for safer sex campaigns?

Policy developments

- Age of homosexual consent was lowered to 18 years in the Criminal Justice and Public Offences Act 1994
- Lowered again to 16 by Sexual Offences Act 2000.
- The Sexual Offences Act 2003
- Removed the acts of 'buggery' and 'gross indecency' from UK law

N.B. The act of 'buggery' had been on the statute books since 1533

What is the derivation of the word 'buggery'?

Equality Act 2010

- Has sexual orientation as one of the characteristics protected under the Act
- The Act provides for;
  - Employment protection
  - Goods, facilities and services
  - The Public Sector Equality Duty

Equality Act 2010

These protections mean that:

- No employer, with very limited exceptions, can treat a lesbian, gay or bisexual employee or applicant differently from a straight employee or applicant simply because of their sexual orientation
- No organisation delivering a service can refuse to deliver it or give a poorer quality service to a customer simply because of their sexual orientation
- Any organisation delivering a public service (such as NHS healthcare), including businesses contracted out to deliver a public service, must consider the needs of different groups who might use that service and commit themselves to tackling inequality

Civil Partnership Act 2004

Key points

- Same-sex couples who register as civil partners or who marry have mostly the same employment rights as married opposite-sex couples.
- The Equality Act protects employees who are in a civil partnership or marriage against discrimination.
- The Equality Act also gives protection from discrimination because of an employee's sexual orientation.
- Recruitment and selection policies must not discriminate on the grounds of civil partnerships, marriage or sexual orientation.

Civil Partnership compared to marriage

- Same property rights
- Same exemption on inheritance tax
- Ability to get parental responsibility for a partner's children as well as responsibility for reasonable maintenance of one's partner and their children
- Tenancy rights
- Next of kin rights in hospitals (e.g. consent for operations)
- Formal process for dissolving partnerships akin to divorce

Civil Partnership compared to marriage

- Cultural acceptability
- Religious ceremonies
- Restricted pension rights
- Recognition abroad/ living oversees
- Different rules about adultery and consummation
- Full life insurance recognition for partner

Marriage (Same Sex Couples) Act 2013

- Came into force on 13th March 2014
  - enables same sex couples to marry in civil ceremonies;
  - ensures those religious organisations which wish to do so can opt in to marry
  - same sex couples according to their rites;
  - protects religious organisations and their representatives from successful legal
  - challenge if they do not wish to marry same sex couples;
  - enables civil partners to convert their partnership to a marriage, if they wish; and
  - enables individuals to change their legal gender without having to end their marriage.

Civil Partnerships, Marriages and Deaths (Registration Etc.) Act 2019

- The Marriage (Same Sex Couples) Act 2013 created an unusual situation where same sex couples could choose between marriage or civil partnership, but heterosexual couples could only choose marriage
- Steinfeld and Keidan were an opposite sex couple who felt that the bar on opposite sex civil partnerships were discriminatory.
- They felt that for those for 'whom marriage is simply not an available alternative' due to their fundamental disagreement with its patriarchal origins, they have no way of obtaining state recognition for their relationship.

(Biney, 2019)

Civil Partnerships, Marriages and Deaths (Registration Etc.) Act 2019

- They challenged the law on the basis that it was discriminatory under Article 8 (right to family life) of the European Convention on Human Rights when considered alongside article 14 (prohibition of discrimination).
- Their case went all the way to the Supreme Court and in June 2018, the judges unanimously agreed that the ban was in fact discriminatory.
- The Civil Partnerships, Marriages and Deaths (Registration Etc.) Act 2019 changed the law and allowed opposite sex couples to have Civil Partnerships.

(Biney, 2019)

Opposition

- Many are opposed to these changes, for example;
  - The Coalition for Marriage, (C4M) is a Christian campaign group which opposes UK government proposals to allow same-sex couples to marry.
  - People signing the petition against the Act did so with the words:

- "I support the legal definition of marriage which is the voluntary union for life of one man and one woman to the exclusion of all others. I oppose any attempt to redefine it".
- "I believe it will undermine the institution of marriage and the stability it brings to society"

Common Stresses & Concerns of Gay and Lesbian Families

Group Activity 3

- Over the course of this Module we have looked at the stresses and concerns faced by various types of families
- Take a moment to consider the particular stresses and concerns faced by gay and lesbian families
- Share your findings with the larger group

Common Stresses & Concerns of Gay and Lesbian Families

- Reaching agreement and commitment to raise children together
- Recognizing strengths, successes, and capacities of homosexual parents

Common Stresses & Concerns of Gay and Lesbian Families

- Dealing with the degree to which each parental partner is open about his or her lifestyle with;
  - extended family;
  - neighbors and community;
  - the education system;
  - health and mental health services;
  - and the other biologic parent

Common Stresses & Concerns of Gay and Lesbian Families

- Developing a way to explain parental lifestyle to children
- Assisting children with an explanation of their family for peers, teachers, coaches, and others

Common Stresses & Concerns of Gay and Lesbian Families

- Responding to discriminatory or misunderstanding comments by:
  - family,
  - community members,
  - ex-partners,
  - school personnel,
  - health or mental health providers, or,
  - children's peers

Common Stresses & Concerns of Gay and Lesbian Families

- Dealing with the children's questions and preferences throughout development
- Dealing with naturally occurring parent-child conflicts, recognizing how they may be altered by parental lifestyle

Common Stresses & Concerns of Gay and Lesbian Families

- Assisting children with their own lifestyle and relationship choices
- Dealing with stresses within the parents' relationship

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