

Northern Ireland Assembly Marriage Equality Motion

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Private Members' Business

Marriage Equality

Mr Deputy Speaker: The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer will have 10 minutes to propose the motion and 10 minutes to make a winding-up speech. All other Members who are called to speak will have five minutes.

I inform Members that a valid petition of concern in relation to the motion was presented on Friday 28 September. I therefore remind Members that the effect of the petition is that any vote on the motion shall be on a cross-community basis.

Mr Agnew: I beg to move

That this Assembly believes that all couples, including those of the same sex, should have the right to marry in the eyes of the state and that, while the rights of religious institutions to define, observe and practise marriage within their beliefs should be given legal protection, all married couples, including those of the same sex, should have the same legal entitlement to the protections, responsibilities, rights, obligations and benefits afforded by the legal institution of marriage; calls on the Minister of Finance and Personnel to introduce legislation to guarantee that couples of any sex or gender identity receive equal benefit; and further calls on the First Minister and deputy First Minister to ensure that all legislation adheres to the Government's commitments to protect equality for all.

Most of us in the Chamber and wider society have the opportunity to marry the person we love and are committed to. Whether in a civil or religious ceremony, we have that choice. Whether the motion is passed, and whether we legislate for equal marriage, will have little or no impact on our lives. However, there are those who happen to love and wish to commit to someone of the same sex, and they are currently denied the opportunity to marry. We as an Assembly have the opportunity to say that we see those couples as equal, and see their love as equal. We can send a message today that those in same-sex relationships should be treated equally and fairly in our society. This is very much an issue of equality.

I agree with those who say that this is also an issue of religious freedom. The law currently defines marriage in such a way that denies religious institutions the freedom to choose to define marriage within their own values. Even churches such as All Souls' Church in Belfast cannot perform either same-sex civil partnership or same-sex marriage ceremonies because the law currently denies them that religious freedom. Equally, we have an absurdity in the law: an atheist couple of different sex may, if they choose, have a religious ceremony, yet a devout Christian couple who happen to be of the same sex cannot even have hymns played or have any religious overtones to their civil partnership, if they choose to go down that line.

As well as enhancing religious freedoms, the motion seeks to enhance religious protections. I know that there is concern out there that if we legislate to allow same-sex marriage, Churches will, somehow, be forced to perform same-sex ceremonies. I want to make it clear that that will not be the case. Currently, 11 countries legislate for same-sex marriages, and there have been no instances of the Church being required to perform same-sex ceremonies against its will. Indeed, there have been many instances where the state definition of marriage and the religious institutions' definition of marriage has been different. Some churches will not marry two people of different religions

because they do not see that as being within the value of their church, and that is their right, yet the state will still perform marriages between two people of different religions. Equally, those who are divorced cannot be remarried in some churches, but the state will marry divorcees. Again, no church is forced to marry people who have been divorced if that is against the will of that institution. Importantly, the state has respected the Church's right to define practice and observe marriage within the bounds of its own belief system.

I assure those who fear other consequences and fear that their religious freedoms would be denied if same-sex marriages were allowed that I would only support legislation that ensured that that could not be imposed on a religious institution. Passing the motion will not stop people having a personal view on how they perceive and define marriage, but it will improve the life of significant numbers of people in our society who value the institution of marriage and wish to get married. So, as well as being a motion of equality, it is a motion about religious freedom and protection.

Mr Allister: Will the Member give way?

Mr Agnew: I will indeed.

Mr Allister: I was just wondering how far the Member's aspirations about equality go because, if you start with the principle that, historically, marriage has been the union between one man and one woman, and you now say that it can be a union between one man and another man or one woman and another man, and you say that on the basis of equality, what about the man who says, "I'm in love with two women; I want to marry two women"? Does it become a question of equality that we have to then authorise polygamy? Does it not take us back to the point that you have to have a moral root upon which you base legislation, and that is the historically trusted route that a marriage is a union between one man and one woman? If you start to go down the Member's road, where do you finish?

Mr Agnew: I thank the Member for his intervention, because it gives me the opportunity to clear up that point. He talked about the tradition of marriage. As I have stated already, the institution of marriage has changed a number of times over the years in terms of how it is legally defined, including legislation to allow for divorce, mixed-race marriages and marriage between two people of different religions. As regards the issue of polygamy, this is about equality saying that couples, whether they are same sex or different sex, should have equal treatment. A marriage between a man and multiple women is not equal to a relationship between two consenting adults. Indeed, there is sociological evidence that, in societies where a man is allowed to have multiple wives, society is damaged. That is a very separate issue, because there is no equal evidence to suggest that allowing same-sex relationships and same-sex marriage in any way harms society.

I have also heard concerns that, somehow, same-sex marriage would lessen the institution of marriage. I hear it, and I believe that it is a genuine concern, but I do not share that concern. Those who campaign for same-sex marriage, particularly those in the lesbian, gay, bisexual, or transgendered (LGBT) community who seek the opportunity to marry, are committed to the institution of marriage, which is precisely why they campaign to have the opportunity to marry extended to their relationship.

It is important that we are debating this today and addressing these issues, because it is a debate that is taking place across the UK. I think it is telling that a Conservative Prime Minister, the leader of a party that has arguably done more than any other to promote the institution of marriage, is now coming out in favour of same-sex marriage. It is very rarely that I will quote David Cameron in support of one of my principles, but, in this case, I think it is important to recognise that this issue has stretched across parties, including the Labour Party, the Lib Dems, the Conservative Party and the SNP in Scotland. David Cameron said:

"Conservatives believe in the ties that bind us; that society is stronger when we make vows to each other and support each other. So I don't support gay marriage despite being a Conservative. I support gay marriage because I'm a Conservative."

I concur with the Prime Minister's view on that. Extending the right to marriage to same-sex couples will strengthen the institution of marriage. As well as being a motion about equality and one that seeks to enhance religious freedom, this is a motion that seeks to strengthen the institution of marriage.

I hope today's debate will be a responsible one, because it is important that the Northern Ireland Assembly sends out the right message on this issue. The motion will not have a direct impact on anyone outside the LGBT community. Those in the LGBT community still face discrimination in our society. A survey was conducted in which a quarter of gay people said that they face homophobia in the workplace and a quarter said that they feel that they have to hide their sexual identity in the workplace. Gay people are much more likely to suffer mental ill health, and a recent survey showed that one quarter of gay young men said that they had attempted suicide. So, today, it is important that our language is moderate and respectful and that Members remember those issues.

I call on all in the House to support the motion and, in doing so, to support a motion that seeks to create equality in our society, enhance religious freedom, support the institution of marriage and to send out a message to all those in the gay community that the Northern Ireland Assembly believes that they should be able to live in safety, freedom —

Mr Deputy Speaker: The Member's time is up.

Mr Agnew: — and freedom from discrimination and that it is committed to a shared society for all.

Miss M McIlveen: I rise on behalf of my party to oppose the motion, not because we oppose anyone or how they choose to lead their life but, rather, because of what we support, and we support the institution of marriage. I want to say at the outset that my party believes passionately in equality. Indeed, one of the founding principles of the DUP is that all people are equal under the law and equally subject to the law.

We on this side of the House take equality seriously. This debate is not about demoralising or marginalising anyone, but neither is it truly about equality. To use the word "equality" when referring to marriage is to suggest that marriage is in some way unequal or discriminatory. That is not the case. Marriage is a complementary union between a man and a woman. This is not a debate about equality; rather it is a debate about redefining the centuries-old meaning of the word "marriage". It is simply a myth that this is an equality issue, as equality already exists. People are free by marriage or civil partnership to take on the same rights and bear the same legal burdens, no

matter what type of relationship they choose to enter into. Moreover, everyone is free to choose to marry. There is no bar or prohibition on marriage. People are free to marry provided they marry someone who is of the opposite sex. It is time to tear down the smokescreen that this is about discrimination. The equality issue is settled.

1.15 pm

So, what is at stake in this debate? In our law, the word "marriage" was defined in the case of Hyde v Hyde in 1866. The court held that marriage was:

"the voluntary union for life of one man and one woman, to the exclusion of all others"

The reasons for defining marriage in this way are simple. Marriage is not simply about the individuals who are getting married. Marriage is about the future and the future generations who will be safeguarded by voluntary and exclusive relationships. Marriage, then, is not really about the participants; it is about the nurturing of children. To redefine marriage is to redefine society. To redefine the word "marriage" is to say that society is not about safeguarding the future but rather about the needs of the here and now. To redefine marriage is to change the point of focus from looking to the future to looking only at ourselves and our need. That is not the type of society that we want to build in the Assembly. Marriage is more than love and commitment. It is more than a publicly declared contract; it is about the future.

Graeme Archer, himself a declared gay man, said in 'The Daily Telegraph' on 5 May 2012:

"Deliberately to engineer children who cannot, by definition, have the advantage of a traditional family, in the hope that this brave new cohort will fashion into existence a 'more equal' society ... is, and I don't use the word lightly, irrational."

He says that this:

" — for gay people, as well as for those who won't, or can't, marry — is about self-acceptance ... It does take a village to raise a child. But the process should start with a mother, and a father."

This is not some narrow and bigoted view. Article 16 of the UN Universal Declaration of Human Rights, as upheld by the UN Human Rights Committee, defends this view of marriage. In European law, article 12 of the European Convention on Human Rights upholds the same definition, and the court has deemed this to be not a matter of equality but rather a matter for individual state law.

The motion states that safeguards should be put in place for Churches, but countless legal opinions, such as that of Aidan O'Neill QC, a leading human rights lawyer, raise the issue of the far-reaching problems for Churches that refuse to perform non-traditional marriage ceremonies. Churches could be debarred from the use of public buildings for youth clubs or from accessing public money, not to mention the Christian parents who would be debarred from removing their children from classes in schools that teach about redefined marriage. No matter what some in the Alliance Party, the Ulster Unionist Party or the SDLP tell us, Churches, church groups and Christians — in fact, any person from a faith community — will be in a significantly diminished position as a result of any legal change.

The question we are really asking today is this: what sort of society do you want to build? Is it a society that looks forward and that truly protects the rights of all, or a society that narrowly

redefines an institution for temporary gain? I know what type of society I want to be part of, and it is a society that is truly inclusive and that looks to the next generation. That is why we on this side of the House will oppose the motion.

Mr Deputy Speaker: Order. As this is the first debate in which the Assembly will hear from Ms Bronwyn McGahan, I would remind the House that it is the convention that a maiden speech is made without interruption.

Ms McGahan: Go raibh maith agat. As you quite rightly said, this is the first opportunity that I have had to participate in a debate, and I thank you for giving me time to say a few words.

Members will be aware that I was co-opted to my position in the Assembly to replace Michelle Gildernew, and I want to pay tribute to Michelle. She served as an MLA for Fermanagh and South Tyrone from 1998, and she gave 14 years' service to our constituency. She continues in her role as MP for Fermanagh and South Tyrone. I also want to thank my Sinn Féin colleagues here in the Assembly team and in Fermanagh and South Tyrone for selecting me for this position. I give special thanks to Assembly staff and officials. I have found them to be very helpful in enabling me to settle down and find my way around.

I speak as a republican, and one of the principles of the 1916 proclamation is a guarantee of religious and civil liberty, equal rights and equal opportunities to all citizens. This was the first mention of gender equality, given that Irish women under British law were not allowed to vote. Another important principle is a promise to cherish all the children of the nation equally. It is in that context that the motion aspires to move us towards a more equal and tolerant society. I recognise that there are deeply held views on this issue, but we cannot pretend to be for equality and add the word "but" if we are genuine in wanting to create a society of equals.

There have been many homophobic attacks. Indeed, in my constituency, a young man was murdered because he was openly gay. If we fail with this motion, we are sending out the message that members of the lesbian, gay, bisexual and transgender community are not equal and we will be creating conditions in which their basic rights are eroded and attacks on their community become acceptable.

Inequality is a manifestation of differences among people across a range of quality of life indicators. This island has experienced enough division and hatred without perpetuating any other divisions.

The motion is simply about one thing: if two consenting adults want to get married, regardless of gender, they should not be hindered in doing so. I ask the House to support the motion.

Mr Beggs: I declare an interest as a committee member of Raloo Presbyterian Church. I do so because I believe that same-sex marriage legislation could have implications for many Churches throughout Northern Ireland.

Marriage is a recognised institution where a religious or civic commitment is voluntarily given between a man and a woman to share their lives and property. A stable household and positive male and female role models are recognised as important in a child's development. I and many

others have very strong views on this matter. The Ulster Unionist Party has recognised this issue as one of conscience, so all members are entitled to vote according to their conscience.

The Civil Partnership Act 2004 legalised same-sex or civil partnerships in Northern Ireland. However, recently, the Home Secretary, the Rt Hon Theresa May MP, stated:

"Same-sex couples now receive access to equivalent legal rights".

She then added:

"bar the ability to be able to be married and to say that they are married."

The Assembly Research and Information Service paper states:

"Civil partners have the same rights and responsibilities as married couples in many areas including tax, social security, inheritance and workplace benefits."

However, the implications of introducing same-sex marriage are much more significant than merely changing the symbolic description of marriage. In its briefing paper, the Coalition for Marriage highlights that the word "marriage" appears some 3,000 times in UK legislation and that associated words such as "husband", "wife", "father" and "mother" also appear several thousand times. It points out that it is not possible to change the meaning of marriage without far-reaching consequences.

I believe that the motion is flawed. I also believe that it will not be possible to deliver same-sex marriage and to guarantee the protection of religious rights. Indeed, I believe that it will endanger civil and religious rights.

Some Members suggest that faith groups should not be concerned about the proposals to introduce same-sex marriage, as protections will be built in for those groups. However, I note that, in the consultation paper for England and Wales, the advice is that:

"no Church of England minister should face a successful legal challenge for refusing to conduct a same-sex religious marriage."

There is not much certainty in that statement.

Aside from one's moral viewpoint on the rights and wrongs of same-sex marriage, I believe that the key issue is the unintended consequences for religious liberty. Any decision to introduce same-sex marriage is likely to have implications for me, for my Church and, indeed, for every religious organisation in Northern Ireland, as well as for an individual's fundamental freedom of religious expression. It is deeply disturbing that civil and religious liberties in the UK could be threatened by this proposed change.

Concerns about the proposed change to the definition of marriage have been expressed by the general board of the Presbyterian Church in Ireland, the Church of Ireland General Synod, legal advisers to the Church of England, the Roman Catholic Church, a host of other Protestant reform Churches, the Muslim Council of Britain, and Lord Singh, who is head of the Network of Sikh Organisations. So, why the concern? At present, a European Court ruling based on the current

definition of marriage and of civil partnerships indicates that human rights are met by the status quo. However, should the definition of marriage be changed, the protection of religious groups to restrict marriage to between a man and a woman is likely to be challenged. I note that Adam Wagner, of UK Human Rights Blog, states:

"It may be that once a state decides to implement gay marriage, the court will be less cautious in ruling on how exactly the rules are implemented."

The Church of England has indicated that, even if a mutually acceptable legislative solution could be found, it cannot be assumed that such a solution would withstand subsequent challenge, whether in our domestic courts or in Strasbourg. Leading human rights lawyer Aidan O'Neill QC indicates that equality legislation could result in Church chaplains being dismissed from hospitals for expressing their religious views, teachers having to utilise "John lives with Dick and David"-type books, and a host of other things. You think it impossible that that would happen? Remember that Relate, the Roman Catholic adoption agency —

Mr Deputy Speaker: Bring your remarks to a close, please.

Mr Beggs: — closed its doors rather than breach its beliefs and allow same-sex couples to adopt.

I oppose the creation of same-sex marriage and support the existing concept of marriage as being between a man and a woman.

Mr Eastwood: The motion before the House is very welcome. I recognise that there will be strongly and genuinely held views on both sides of the argument. I hope that the spirit and conduct of the debate is cognisant of that and we do not stray into disrespectful or fundamentalist language on either side. Those of us in favour of the motion need to be sensitive, aware and responsive to the arguments and sentiments of those who are opposed. In that vein, I deem that the words of the current Irish EU Commissioner, Máire Geoghegan-Quinn, are helpful. Speaking in another place, as Minister for Justice in 1993, regarding the decriminalisation of homosexuality, she eloquently identified that the:

"process of change is not easy and, understandably, many people worry that the traditional values which they hold so dear, and many of which are fundamentally sound, are under siege from emerging modern realities. But, of course, it is not a matter of laying siege to all the old certainties, nor is it a matter of jettisoning sound values simply to run with a current tide of demand".

It is important that those who hold genuine concerns about same-sex marriage are assured that it will not detract from, devalue or diminish their own moral principles or the theological tenets of religious institutions. It is not about the imposition or forcing of social mores. It is not a case of a shotgun marriage between theological tradition and ever-changing social and societal compositions. Each has a place of respect and the right of respect. It is important to note that the motion calls for the respect and legal protection of religious institutions, and allows them to define and practise marriage within their beliefs. I am not of the belief, however, that the existence of one set of societal values or compositions corrodes the strength, status or symbol of any other.

In essence, the extension of the statutory recognition of marriage to same-sex couples is an affirmation of the enduring importance of marriage. The sinews of bondage between two people,

encased and sustained by the growing nature of love, is a value worthy of extension to those who would choose it. Heterosexual marriage embodies those values; so too does same-sex marriage. It is all the more important given the modern fashion of a pervasive individualism advocating and instilling an 'Atlas Shrugged' view of our world. The recognition and extension of equal marriage is ultimately about the conservation of those same values of loving inter-reliance. It is about the preservation of those values.

It is the role of the state to meet the requests of same-sex couples who want the recognition afforded to other couples. It is, I believe, worthy and right that statutory recognition be given at this time. That is not because of a trend or the tide of demand, but because it is the right thing to do and the right thing for the state to recognise.

Ms Lo: I welcome the opportunity to debate the issue in the Assembly. The Alliance Party supports the motion, which is very much in line with policy that was recently passed by our governing party council after a period of internal and external consultation.

1.30 pm

In keeping with our core commitment to equality and freedom of religion, we support the extension of civil marriage provisions to same-sex couples. However, we are very clear in stressing that robust protections are provided and encapsulated in legislation to ensure that faith groups and religious celebrants will not be forced to conduct same-sex marriage ceremonies or to have them conducted on their premises. At the same time, we further believe that faith groups that, in conscience, wish to marry same-sex couples, should not be prevented by the state from doing so. The All-Souls' Non-Subscribing Presbyterian Church in my constituency of South Belfast regularly gives blessings for gay and lesbian couples after their civil partnership. Such churches may welcome those couples in future. However, we are clear that there must be no compulsion on churches to do so. We also support the extension to accredited humanist celebrants of the authority to solemnise marriages, which, unlike the practice in Scotland, they cannot currently do.

Every person has their own particular understanding of marriage. Indeed, those views may be held in common with others. Often, those views will reflect firmly held and sincere religious beliefs. However, the state also has a duty to treat all its citizens equally and fairly. That is not the case at present with marriage, with same-sex couples not having the ability to have their stable and loving relationship recognised by the state. I do not believe that the state recognising same-sex marriage detracts from the belief system or diminishes the Christian institution of marriage or that of other faiths. It is entirely possible to hold a set of values that govern one's personal life while recognising that, in a liberal society, it is not appropriate to impose those views and values on other people and other couples.

As elected representatives, we all have a duty to ensure that the state does not discriminate. It may be useful to draw a more direct parallel between same-sex marriage and divorce. Many people have sincere personal opinions about the rights and wrongs of divorce; indeed, many churches do not support divorce and will not facilitate second marriages. That is their right and their affair, even though I may disagree with it. However, few people today would argue against the state having a duty to provide civil divorce to any person or couple who wishes to dissolve a marriage.

Some ask whether the rights of churches in this regard can be adequately protected under law. I sincerely believe that they can. Some have also raised the prospect of the European Court of Human Rights imposing same-sex marriages on churches. That has been contradicted by other legal opinion. Article 9 of the convention, which has been upheld on many occasions, is unambiguous in protecting the right to freedom of religion. That gives churches really strong protection in respect of the ability to determine practices within their premises in line with their own teaching.

I believe that this is an issue of equality and of freedom of religion, and, if we are a progressive society, we must respect diversity and provide equality and protection for all.

Mr McKay: Go raibh maith agat, a LeasCheann Comhairle. It is very much to be welcomed that we are discussing the issue. This is the first private Member's motion that has come forward on issues relating to the lesbian, gay, bisexual and transgender (LGBT) community, and it is to be welcomed.

Being gay is legal and has been since 1982, when Jeff Dudgeon took a case to the European Court of Human Rights. I read about some of his experiences at that time, which seem like a world away. For example, members of the gay community were pulled in by the police for questioning about their activities. That was ludicrous, and, in this day and age, opposition to gay marriage, which does not affect any churches, is also ludicrous. Before I go on to my next point, I want to say that our responsibility as Members of the Assembly is to legislate not just for our particular part of the community but for everybody, regardless of their sexual orientation. Of course churches will have their own definition of marriage, which they are entitled to. However, if legislation came forward to facilitate marriage equality, it would not affect how each individual church defined marriage. That goes back to what Anna Lo said about divorce, which is facilitated in society even though the churches may not agree with it. We as legislators have to recognise that we represent everybody, and everybody's needs must be facilitated.

There is a much more serious issue here as well. What we say in the House today will go out on radio and television this evening. People sitting around their dinner table will watch this and see what the views of senior politicians are. People, particularly the young, will be informed by the opinions of politicians. As Bronwyn McGahan said, there is a lot of prejudice and discrimination on this issue in our community. We need to send out a clear message that people from the LGBT community are equal and are entitled to the same rights as everybody else. Prejudicial views lead to discrimination, and that discrimination has an ongoing devastating impact on young men and women who are gay. It leads to bullying, harassment and suicide. We have had debates about suicide in the Assembly, and all parties were agreed that we needed to do everything we can to ensure that the likelihood of that is reduced. Addressing this issue is one way we can affect the prevalence of suicide in our society. That is why we need to support the motion.

The fact that the House will not split down traditional, defined lines is to be welcomed. There is a variety of views across the Benches, and I hope that will continue to permeate our respective communities. Nobody should sit on the fence when voting on the motion. The party opposite has submitted a petition of concern, but there is an opportunity today for Members to secure a majority vote for equality and for standing up for the rights of gay people in our community. We need to grasp that opportunity and show political courage. We cannot always look over our shoulder and think, "My voters might not like this or that"; we need to do the right thing. There is a big opportunity here to send out a message that gay people in our community have a right to equality

and to have their needs facilitated and defended. The majority of Members in the House need to vote for the motion and send out a clear message that this will no longer be a taboo subject in this part of Ireland. People in the rest of Ireland are clearly going to move on, as are people in Britain, and we cannot be left behind. As I said at the start of my speech —

Mr Deputy Speaker: Bring your remarks to a close, please.

Mr McKay: — being gay has been legal since 1982. As with gender and race, when the breach is made —

Mr Deputy Speaker: Time is up.

Mr McKay: — it is just a matter of time before other rights come out of that. I urge Members to support the motion.

Mr B McCrea: I may be one of the few Members from the unionist Benches to speak in favour of the motion. I do so aware that many in my community are deeply uneasy about it, and I respect their position. However, I also know that there are Members of the House, some of whom are not present, who are unable to speak out on the motion despite their personal position and despite the situation that members of their family find themselves in. I find that really disappointing, and I am surprised that the DUP has felt the need to present a petition of concern on a matter that should really be a free vote. However, somebody needs to speak out. Somebody needs to speak for those who are carried away on urgent constituency business. All of us should be given the opportunity to speak freely.

I want to live in an open, tolerant and pluralist society that celebrates diversity, accommodates difference and protects individuals who happen to be different.

Mrs D Kelly: The Member, obviously, listened carefully to his party leader the other week when he talked about a unionist party that is progressive and for all. So, I commend the Member on speaking out. Does he not believe that a major feature in the rise in young suicides over the years has sometimes been prejudices around sexual identity?

Mr B McCrea: I thank the Member for her intervention. I will, if she does not mind, deal with that point a little later.

You do not have to be black to oppose racism or female to speak out against domestic violence, and I do not have to be gay to reject prejudice, misinformation and bullying. These are issues that we should all stand against. Nor do I limit my support to specific minorities. Churches, practising Christians and other religious faiths also have rights. The Church, whatever denomination it may be, is an important institution in society. Churches must have the right to determine what they permit within their bodies. That is the core of religious freedom. They do not have the sole right to determine what is permissible outside their bodies. The motion makes it clear that churches would have legal protection to ensure that they will not be compelled to engage in activity that they consider incompatible with their religious beliefs. Like Ms Lo, I believe that that right is fully protected under article 9 and, despite the scaremongering of some earlier speakers.

The central tenet of those opposed to the motion is that marriage is a religious institution and is, therefore, sacrosanct. It may come as a shock to some here to know that in the past Presbyterian marriages were not recognised, and the offspring of such unions were considered illegitimate. At other times, neither a minister nor a church was required; the only essentials were a declaration in front of witnesses and the absence of compulsion. Many marriages were not even registered unless property was involved. The point is that marriage can change to accommodate society.

There is something of a crisis in marriage. In the swinging 60s, only one person in 50 lived together. Marriage was the only option, and divorce was unheard of. Today, fewer than half the population are married. Almost one in five over the age of 50 is divorced, and 30% of children are born to parents who cohabit. What is, perhaps, most surprising about those figures is that the most ardent opponents of the motion are strangely silent about them. Where is the motion condemning people who live in sin, or cohabiting as we now call it? One in six of the population. If this is an issue about marriage, then there are other issues you have to tackle.

We are talking about a relatively small number. In 2010, there were 8,200 marriages in Northern Ireland and just 116 civil partnerships. Why is the focus on those small numbers?

Marriage is not an exclusively Christian concept. It is practised in many ways in many parts of the world. At different times in our history it has been looked at in different ways. The important thing to understand about the word "marriage" is that it is just a word. It is the meanings and actions behind the word and the associated values that are important. I have to say to society in general that actions speak louder than words. All the fine words here mean nothing; it is what people do.

An important thing in a way forward and a shared future is to accept that we are all different, yet we depend on each other.

Allowing one group to use a word does not diminish its use by another, and the context will be understood by all. Society accepting equal marriage does not mean that everyone has to agree with the practice. Many Christians and followers of other religions already do not agree with every single marriage that takes place. That is their choice, but our job is to provide some form of society in which we can all work together.

1.45 pm

The Assembly has an opportunity: by passing the motion, we will send out a powerful message that we can tackle hard subjects and take tough decisions, and, contrary to popular opinion, it will make a positive contribution to our society. I stand alone, if necessary, for all of the individuals in our society, and I urge people to remember that every single one of them is somebody's child.

Mr D Bradley: Go raibh míle maith agat, a LeasCheann Comhairle. Gabhaim míle buíochas leat as ucht an deis cainte a fháil ar an ábhar tábhachtach seo. Tá an rún seo thar a bheith tábhachtach. Chan amháin sin, sílim go bhfuil sé curtha le chéile ar bhonn cothromais, agus tugann sé aitheantas do chearta gach aon duine atá i gceist anseo: do lucht creidimh agus dóibh sin atá ag iarraidh a gceart chomh maith. Thank you very much, Mr Deputy Speaker, for the opportunity to participate in this important debate. I praise those who brought this extremely well constructed, balanced and fair motion to the House. I think that it seeks to uphold the rights of all concerned.

This is a debate about equal rights. It is about freedom from discrimination and stigmatisation. It is about legal protections and responsibilities, and the rights, obligations and benefits afforded by the legal institution of marriage. It is also about real people: sons, daughters, brothers, sisters, uncles and aunts. It is about parents who want to see their children in loving, secure, stable and permanent relationships that are protected by the legal institution of marriage and who do not want to see their children marginalised, stigmatised or wondering what the future may hold for them. Their love for each other and their commitment to their relationship should be afforded the very same protections and benefits that the rest of us derive from marriage and, in this case, civil marriage.

The LGBT community is not asking for more; it is simply asking for the same. Extending rights to those who are denied them should not be seen as a threat to those who already have those rights, or to their faith, belief or right to hold a different view. The motion makes a clear distinction between the civil and religious aspects of the issue. It states:

"that all couples, including those of the same sex, should have the right to marry in the eyes of the state".

It also states that religious institutions ought to continue to have the right to "define, observe and practise marriage" within the bounds of their institutions. There is no desire, therefore, for any religious denomination or celebrant to be compelled to perform same-sex marriage ceremonies against their beliefs or faith. I strongly believe that that should be the case, as it is in this motion. The equal marriage campaign in Northern Ireland is also committed to protecting the rights of those religious denominations and celebrants who do not wish to conduct same-sex weddings. The motion recognises that the state does not have any role in dictating to religious groups which ceremonies they can and cannot conduct.

Articles 2, 16 and 18 of the Universal Declaration of Human Rights underpin the right of all to marry and to have freedom of thought and religion. Article 18 upholds religious freedoms. I believe that the motion reflects those views. As Mr McCrea pointed out, equal marriage is an evolution of the principles set forth in the Universal Declaration of Human Rights and the European Convention on Human Rights. Those are that all human rights are indivisible and interdependent and must be secured and protected, without discrimination on the grounds of religion, race, gender, class, ability, sexual orientation or, indeed, any other status. Therefore, I strongly believe that the motion upholds the right of all to marry, and protects —

Mr Deputy Speaker: The Member should bring his remarks to a close.

Mr D Bradley: — the autonomy and rights of religious and faith groups. For that reason, I support the motion and commend it to the House.

Mr Kennedy: I speak in the debate not as a minister in the Executive nor on behalf of the Ulster Unionist Party. Rather, I speak as a Member of the House to express my personal views on what I regard to be an important issue of conscience. Members will know that my party believes that issues of this nature should be subject to individual conscience and not party dictates. As someone with a clear personal faith, yet tolerant of the right of others to hold and express their views, I want to set out my personal position on the subject of same-sex marriage.

I do not and cannot support the principle of same-sex marriage. I am opposed to it not just on the basis of the teachings of my church, the Presbyterian Church — I should add that, outside the House, I have responsibilities as clerk of session and Sunday school superintendent at Bessbrook Presbyterian Church — but also, most importantly, on the basis of the teaching of holy scripture. I do not see it as an issue of equality, because, in my view, civil partnerships provide equality of treatment for those in same-sex relationships.

Mr Agnew: Will the Member give way?

Mr Kennedy: Despite that fact of existing and fair and equal treatment, we find ourselves debating, I feel unnecessarily, this issue today. Many people at home who are watching the debate, following it or reading about it in tomorrow's newspapers will ask one question — Why? At a time of economic difficulty and job losses, when people are worried about bills, their job security, fuel prices as we approach winter and their shopping budgets, why are we setting aside time to debate same-sex marriage? The answer is, rather depressingly, because of Scotland. It seems that we are only debating the issue because the Scots consider it to be an issue.

We are not only discussing this issue, we are doing so with what I believe is a very confused motion. Like the other proposals in Great Britain, it is confused, because it calls for the right of same-sex couples to marry at the same time as calling for the right of religious institutions not to marry them. The net result could be a law that provides people with a right that they cannot exercise. It is sometimes said that you do not know your rights when you cannot enforce them. This motion could provide for people to acquire rights that they know about but cannot enforce. Therefore, it is a motion that is as pointless as it is a worthless course on which to embark. When it comes to pension provision, child maintenance, inheritance, life assurance and immigration rights, civil partners are not disadvantaged. Civil partnerships offer the same legal treatment as marriage and, therefore, there is simply no need to further change the law and no need for a motion that calls for the same legal entitlements. I invite the proposer of the motion, who wants to respond to my remarks, to list the legal entitlements to which he refers that are to be denied to civil partners.

Mr Agnew: I thank the Member for giving me the opportunity to respond. Civil partnerships are not equal in law, and nor do they provide religious freedom. They are not equal in law in that a couple in a civil partnership in Northern Ireland does not have the right to adopt children as opposed to the rights of civil partners in England, Scotland and Wales. There is no evidence to suggest that it would be detrimental if they had that right. Equally, it does not provide couples, even if they are Christian, with religious equality because they are not even allowed to play religious music or have any adornment of religious overtone in a civil partnership whereas I, as someone who does not attend church, can have a religious wedding if I so choose.

Mr Kennedy: I am grateful to the extent that the Member took the opportunity offered. However, he has not convinced me with his argument. The whole point of devolution is to permit regional variations in law and in practice from other parts of the United Kingdom. Not only are we not obligated to follow blindly but we would be neglecting our role by doing so. In referring to the "eyes of the state", the motion fails to acknowledge that, under devolution, those eyes are different in Scotland to those in England and Wales, and different again to those in Northern Ireland.

We are debating an issue today that even the Scots do not plan to introduce until after 2015. This debate sends out a message to people at home that we are not a serious Assembly because, once again, we are doing nothing other than debating somebody else's idea. A serious Assembly should concentrate its efforts on finding Northern Ireland solutions to Northern Ireland problems with health, education and, most importantly, with the economy. I do not support the motion, and I urge others, irrespective of their views on same-sex marriage, to follow suit and reject it.

Mr Allister: I also reject the motion. This is not an issue of equality; it is an issue of the perversion of marriage. Historically, for a very good reason, marriage has long been defined as the union of one man and one woman. Any society should be slow to tinker with or alter a bedrock of society that has served it so well, none more so than respect for marriage. Some have said — indeed, I heard Mr McKay say so — that as legislators, we have to represent everyone. Without apology, I am here today to represent in this debate those who say that they stand by the traditional values, standards and definition of marriage. I do not and will not represent a contrary cause in the House.

(Mr Speaker in the Chair)

Mr McDevitt: Will the Member give way?

Mr Allister: Later, perhaps.

There is a question as to whether any legislator should properly have regard to societal and moral norms. Is that outside the ambit that we should be considering? I am quite clear that it is something that we should most assuredly be considering, because the society that loses hold of its norms and its morals is a society that just keeps spiralling downwards. Reference has already been made to some of the social consequences of a society losing sight of its moral attachments.

Some say it is a human rights issue. It is not a human rights issue. It has long been established in human rights jurisprudence that there is no right to same-sex marriage under the European Convention on Human Rights in any state that has our definition of marriage. However, it would become a human rights issue if we were so foolish as to change the definition of marriage, because those who qualify outside the traditional definition of marriage would then be able to claim discrimination and say that they were being discriminated against by religious institutions. It would quickly become a human rights issue, and the bulwark that Ms Lo described article 9 of the convention as being would very soon melt away. That is because, in those circumstances, it would be only a competing interest in a balancing exercise to be conducted by the court. So, it would not be the bulwark.

2.00 pm

Just as civil partnership was the slippery slope to this proposition of marriage, let us remember that the proponents of civil partnership told us all that they were not interested in moving to full marriage. Those who were not deceived by that can see exactly where the intent was. Now, of course, the next step is into so-called gay adoption, and on and on it goes. Marriage is one of the institutions that holds society together, and I say to this House that we should be very slow indeed to loosen the grip of that binding moral.

I will give way to Mr McDevitt.

Mr McDevitt: I thank Mr Allister for giving way. I take him back to his earlier assertion that he has come here to defend "the traditional values" of marriage — not the conditions or the context of marriage, but the values. I presume that those are values such as love, interdependence and solidarity. Can Mr Allister tell this House how those values are not present in a same-sex relationship? How are those values absent, specifically, from a same-sex relationship?

Mr Speaker: The Member will have a minute added on to his time.

Mr Allister: The Member mentioned some of those values, such as love and companionship. He did not mention providing a context for the rearing of children. Marriage, of course, was instituted for that very purpose. That is where there is no equality between the man and the woman who want to get married to raise a family and the man and the man who want to get married for whatever reason. There is no equality whatever between those two situations, and nor can there be.

The logic of the Member's position, if we are heading down the road of saying that we can tinker with or change the basic concept of —

Ms Lo: Will the Member give way?

Mr Speaker: Order. The Member has the Floor.

Mr Allister: If we change the basic concept of marriage from being the union between one man and one woman, as I put it to the Member, we are headed down the road where there is no justifiable reason, in your logic and in that of those who proposed the motion, to resist polygamy.

If a man says, "I am in love with a man", you say, therefore, that he must be entitled to marry. If a man says, "I am in love with two women", according to your equality charter, it is his right to say that he must be entitled to marry. Of course, this House would recoil from that. Why? That is because, in all this, there is quite properly, even yet, a recognition that there is a moral standard that has to be upheld —

Mr Speaker: The Member's time is almost gone.

Mr Allister: The same moral standard prohibits loosening at all the grip on the fact that marriage is between one man and one woman —

Mr Speaker: The Member's time is gone.

Mr Allister: — and there it should stay.

Mr Wilson (The Minister of Finance and Personnel): I am very happy to respond to the debate. I listened with very great care and interest to the points that were made in the debate, which, I have to say, has been fairly measured. However, I believe that, for two reasons and as the Member for Newry and Armagh indicated, it is a debate that many people outside this Building will find very odd at this particular time. He gave the first reason, which is that there are many other important issues that this Assembly could be debating in the middle of an economic recession that is affecting almost every household. Secondly, there is no widespread demand — [*Interruption.*]

Mr Speaker: Order. The Minister has the Floor.

Mr Wilson: There is no widespread demand across society for the kinds of changes that the motion asks for.

At the outset, I will make clear my position as Minister of Finance and Personnel. I am opposed to gay marriage. I have no intention of bringing forward any legislation to this House to facilitate gay marriage. I believe that, in doing that, I am reflecting the general view in society in Northern Ireland.

A number of issues have been raised here today. The first is that people think that, once they raise the issue of rights, they have the trump card. When you talk about rights, nobody can possibly deny you whatever it is that you have asked for. However, the fact of the matter is that rights are not always compatible. One set of rights may not be compatible with another person's set of rights. The proposer of the motion spoke about the right to get married, the right to private family life, and so on. Equally, of course, Mr Beggs, Mr Kennedy, Miss McIlveen and Mr Allister talked about people's rights to religious freedom and religious beliefs. In this case, the two are not compatible.

Mr Agnew: Will the Member give way?

Mr Wilson: I will give way in a wee minute, but let me develop this point.

I have to say that there has been some shallow thinking in this debate. One of the shallowest comments was made by the Committee Chairman, Mr Daithí McKay. He said that we have to legislate for everybody and that everybody's needs must be facilitated. I have to say to the House that there are occasions when you cannot facilitate everybody's needs. There are occasions when, if you recognise and make a decision that, on balance, you want to go down one road, it means that you cannot facilitate people who want to go in a totally different direction. When it comes to the rights of religious freedom, as opposed to the kinds of things that the proposer of the motion talked about, there is a parting of the ways. It is shallow to think that you can facilitate that.

I do not want to criticise someone who was making her first speech, but to try to indicate that the sincere holding of these beliefs will somehow or other encourage people to attack those who have decided on a different lifestyle is just absolute nonsense. No one in this debate — no matter what side of the debate they have come from and regardless of how wrong they may think a certain lifestyle is or their view on that lifestyle — has indicated that that is a cause for physically attacking the people concerned. That is the first thing.

I will give way now.

Mr Agnew: The Minister made the point that there is a right to religious freedom. Equally, he said that I talked about the right of those in same-sex relationships to marry. He said that those are conflicting rights. Given that there is the right to divorce but the religious freedom of Churches does not allow divorce, can he tell me how these two rights — the potential right of same-sex couples to marry and the right to religious freedoms — would come into conflict?

Mr Wilson: I will. In fact, the Member has led me on to the next point that I want to make. When we come to look at the kinds of issues that he has raised today, a conflict will — it is not that it could or might; it will — arise that will impact on people's religious freedom.

Let me give you one example. In fact, Mr McCrea raised this point when he said that it is one thing to say that the law should not impinge on what people believe and how they conduct affairs in their Churches but it is another to say that we should not consider the effects that it has outside that. As Mr Allister pointed out, once we change the definition of marriage, we change the context in which a whole range of rights, responsibilities and obligations is made.

Let me give some examples. We will look at it first for individuals and secondly for Churches. If you change the definition of marriage in law, when it comes to teaching about marriage in school, the definition that has to be abided by, and the type of marriage that has to be taught, will be as defined in law. What happens if a teacher decides that it is against his or her moral and religious beliefs to

—

Mr McDevitt: Will the Minister give way?

Mr Wilson: Let me finish the point. What if he or she decides that it is against their religious and moral beliefs to teach that definition of marriage? Immediately, that teacher will be brought into conflict with the education authorities and with those who decide to challenge him or her. The same will happen with schools.

Mr O'Dowd: Will the Minister give way?

Mr Wilson: Let me finish the point, first. Someone else has asked me to give way, which I will do in a moment or two.

The same will happen with churches that refuse to accept that definition of marriage. Will their youth groups get excluded from council facilities because they will not abide by the new legal definition of marriage and are therefore seen as being discriminatory? Once you move the goalposts, the idea that somehow or other this will not impinge on people's rights is wrong. I will give way, and then I want to develop the point a bit further.

Mr McDevitt: We are used to the Minister's eccentric views on climate change, but the past few minutes have taken us into a whole new realm. Does he not accept the basic premise that in this jurisdiction there is a separation between the churches and the state? I take it that that separation is something that the entire House feels very strongly about?

Secondly, does he not accept that the logic that he is trying to project for what might or might not happen in a classroom is basically flawed? Is he seriously suggesting to me that Catholic schools today are teaching kids about divorce? Is he really? Is he saying that Catholic teachers who do not deal with the issue of divorce in the classroom because it is against Catholic teaching should be arraigned?

Mr Speaker: Interventions from Members should not be statements.

Mr Wilson: Of course, the Member loves the sound of his own voice and has tried to get in on quite a number of occasions. He talks about the separation between church and state, but faith groups are already excluded from making applications for, for example, government funding, because of what they believe and the stance that they take. That is the point that I am making: once we change the definition, we impact upon those various groups.

I have heard all of the talk about protections being brought into the law. I can remember sitting through debates in the House of Commons about the then Racial and Religious Hatred Bill, where it was said that people would still be permitted to preach whatever they wanted to preach according to their beliefs. Yet, that law has been used against street preachers and everything else, despite the fact that in the House of Commons it was explicitly said that people would be protected. Hoteliers and bed-and-breakfast owners have been brought before the courts despite the fact that protections were promised.

I listened to what Ms Lo said on the issue. She said she sincerely believed that the rights of churches could be protected. That is not a very good guarantee. If we were to legislate for this, the sincere belief of the Member for South Belfast would not be much of a safeguard for those people who hold a different view.

The first issue is that of rights. Rights are not always compatible, and we have to take a balanced view as to which rights are going to be pursued and which rights should be given protection.

Let me come to the second issue raised: equality. It was said that, somehow or other, this is about getting equality between the people who believe in same-sex marriage and those who believe in heterosexual marriage. I do not agree with the Civil Partnership Act 2004. As Mr Allister pointed out, that was the toe in the door and the means for pushing the boundaries even further in a direction that I, and the vast majority of people in Northern Ireland, do not wish them to be pushed as far as changes in society are concerned.

Whether you accept it or believe that it was a correct piece of legislation or not, it encapsulates a range of protections for people who believe that they want to have same-sex relationships. There has been a lot of talk about this in the debate.

2.15 pm

Mr B McCrea: Will the Minister give way?

Mr Wilson: Yes, I will give way.

Mr B McCrea: I am interested in this point. Is the Minister saying that he is anti-homosexuality or pro-marriage? I really want to find out about this. This is not about legislation and scare tactics. You have said that all of these human rights, including article 9, are rubbish. What is your personal position on marriage, and what is your personal position on homosexuality?

Mr Wilson: Since I am not an expert on human rights law, maybe I am not the best person to ask. Let us look at what the experts on human rights law say. It is not often that I quote the Northern Ireland Human Rights Commission, but I will tell you what it says about the equality issue. This is not Sammy Wilson's view as an amateur; this is the view of those who steep themselves in human rights legislation. It says:

"The restriction of marriage to opposite-sex couples does not violate the international standards and this is clear from both the International treaties and the jurisprudence of the European Court of Human Rights and the United Nations Human Rights Committee."

That is the answer to the Member's question. I do not think — [Interruption.]

Mr Speaker: Order. The Minister has the Floor.

Mr Wilson: I do not think that, even in his arrogance, the Member would dare to contradict the Northern Ireland Human Rights Commission on an interpretation about whether or not there is equality.

Mr B McCrea: Will the Minister give way?

Mr Wilson: No. [*Interruption.*]

Mr Speaker: Order.

Mr Wilson: I will not give way, because I do not want him to make a fool of himself. [*Interruption.*]

Mr Speaker: Order. Members should not debate across the Chamber.

Mr Wilson: I do not him to make a fool of himself again. He asked for a view: I have given him the most definitive view on the issue. That should be enough for him. It is not an equality issue. Even those who have been set up in Northern Ireland to make judgements on equality have given the view that the legislation that is currently in place is sufficient and there is no need to legislate for same-sex marriages. In conclusion — [*Interruption.*]

Mr Speaker: Order.

Mr Wilson: I can think of many more priorities for changes in the law that fall under my Department than the issue that the Member has brought forward. For the reasons that I have given the House —

Mr Speaker: The Minister's time is gone.

Mr Wilson: — I hope that Members will vote against the motion.

Ms Ruane: Go raibh maith agat, a Cheann Comhairle. Sinn Féin, along with the Green Party, tabled the motion calling for the provision of legislation to ensure marriage equality for the LGBT community. I welcome the tone of the debate, and I welcome the contributions from all the parties, although I have some concerns about some of the contributions, which I will outline in a few minutes.

First, every citizen should enjoy the same rights and entitlements under state law, and that includes those relating to marriage. [*Interruption.*]

Mr Speaker: Order.

Ms Ruane: This is an equality issue. Those who pretend that it is not should read the equality laws. Sexual orientation is one of the nine grounds listed in section 75. Nobody in our society is allowed to be discriminated against. The Assembly has enormous responsibility, and it needs to show political leadership.

The LGBT community is a proud one, but it is also hurting and suffering. Although there have been enormous advances in how our society includes our LGBT communities, they are still treated as second-class citizens throughout Ireland, north, south, east and west. Some people across the way

can pretend that civil partnership is the same as marriage; it is not. Steven Agnew answered those who tried to use that as a fig leaf. Our LGBT communities are still subjected to a campaign of hate and homophobic behaviour, and every one of us in the House, as political leaders, needs to show leadership. To say that our words do not hurt young and old is an absolute pretence. Taking responsibility for our words is what we have to do.

On Saturday, I, along with my colleagues Megan Fearon, Mickey Brady, Jennifer McCann, Conor Murphy and our councillors and activists, walked proudly behind the Sinn Féin banner to support Pride. It was the first Pride parade ever in Newry. It was a beautiful day, the sun was shining, the floats were very colourful and there was great music playing. Thousands of people — I note that the Minister of Finance is not listening, so I will say it again — [*Interruption.*]

Mr Speaker: Order, Members.

Ms Ruane: Thousands of people were there on the streets. The Minister is still muttering away, but thousands of people were out supporting the rights of people — [*Interruption.*]

Mr Speaker: Order.

Ms Ruane: — their sons, their daughters — [*Interruption.*]

Mr Speaker: Order. The Member has the Floor.

Ms Ruane: — their brothers, their sisters, their aunties and their uncles. So, let us not pretend that this is not a serious issue in our society.

I know that he was not speaking as Minister, but a Minister of our Executive claimed that we are not a serious Assembly because we are discussing this issue. I will tell you this: I take my role in this Assembly extremely seriously — [*Interruption.*]

Mr Speaker: Order.

Ms Ruane: This is one of the most important issues — [*Interruption.*]

Mr Speaker: Order.

Ms Ruane: — and we should be discussing it. I do not want anyone to be discriminated against, and I will not play my part in facilitating people to sit on the fence —

Mr Kennedy: Will the Member give way?

Ms Ruane: I will give way.

Mr Kennedy: I am grateful to the Member for giving way. It is interesting that the Member referred to her participation and that of her party in the Gay Pride parade in Newry on Saturday. It seemed to strike a different chord when it approached the right of others to assemble peacefully to celebrate the Ulster covenant in Belfast. [*Interruption.*]

Mr Speaker: Order.

Ms Ruane: First of all, I will not allow the Member to hide behind other issues. Let us have a debate — *[Interruption.]*

Mr Speaker: Order.

Ms Ruane: Let us have a debate on those other issues, and I will be the first to do it, but — *[Interruption.]*

Mr Speaker: Order. Let us not have a debate across the Chamber.

Ms Ruane: — today is about the rights of our LGBT communities. You can hide and try to divert the debate, but it will not work with me.

Mr Agnew: Will the Member give way?

Ms Ruane: No, I want to develop my point. I have already given way.

That day will be remembered by many people as a day when Newry came of age. Young and old were there; that is the important issue. Some Members opposite seem to think that this issue just affects our LGBT community, but it affects our grandmothers and grandfathers, our mothers and our fathers, our brothers and our sisters and our aunties and our uncles. Do you know where the leadership is coming from? Our young people. I saw them in Newry, and they had done very profound and beautiful banners that said, "I love my gay uncle" and "Cool to have a gay auntie". Fair play to them. They are not taking the 1866 laws that were quoted at us. We could also find laws to quote on why women should not vote. Ms McIlveen told us to look forward. I am looking forward, and I ask her to join the rest of us in looking forward. The 1866 laws are obviously wrong; get rid of them. The best way to get rid of them is by legislating so that people are not discriminated against.

There is a challenge here for our Assembly. We have an opportunity to send out an unambiguous, clear message to the LGBT community, their families and society to say, "We respect you and your rights, and we are going to work alongside all sections of civic society to ensure that you as citizens, your children and your families are entitled to live free from harassment and from hate crime". Bronwyn McGahan mentioned a young man in her community, and, if Sammy Wilson is under the illusion that words cannot create dangerous situations, he should study that case. Words can create dangerous situations for people. It is called incitement to hatred, and we all know about that. Our gay and straight communities — *[Interruption.]*

Mr Speaker: Order.

Ms Ruane: The gentlemen across the way should just listen. *[Interruption.]*

Mr Speaker: Order. The Member must be heard.

Ms Ruane: Our gay and straight communities need to stand together against the scourges of homophobic behaviour and outdated thinking.

I understand that people may have issues of conscience, but we are politicians, not church leaders. The Church legislates for the Church. It is worrying that a Minister in the Executive does not know the difference between the Church and the state. Two Ministers have said that they are

opposed to equal marriage. They need to clarify their position. The question that the House asks them is this: in light of our equality duties, are they saying —

Mr Kennedy: Will the Member give way?

Ms Ruane: No. I will not. I have already given way to you. You had your chance. [*Interruption.*]

Mr Speaker: Order.

Ms Ruane: At the end of the day, the Ministers are in the Executive, equality is part of the Executive, and people from the LGBT community deserve equality. I welcome —

Mr McKay: Will the Member give way?

Ms Ruane: I will. [*Interruption.*]

Mr Speaker: Order.

Mr McKay: I thank the Member for giving way. She referred to how the words of politicians can stir up hatred. Recently, a DUP representative in Mid Ulster said that homosexuality should be made illegal again. Does she agree that that will only stir up hatred and put a lot of unnecessary pressure on the LGB community in that area?

Ms Ruane: First, I agree with the Member. I think that we will all take that comment with a pinch of salt. What we need to do is legislate to protect rights. The comments referred to by my colleague Daithí, which were made by a member of the party on the Benches opposite, are not acceptable. Of course, homosexuality should never have been illegal in the first place.

Leadership is not sitting on the fence. It is not quoting literally or selectively from the Bible to justify actions. It is not abstaining in votes on a council so that motions are lost. [*Interruption.*]

Mr Speaker: Order.

Ms Ruane: Leadership is about standing up and being counted. It is about legislating for equality. We have a chance now to do something, and it is important that we do it.

I welcome the fact that councils throughout Ireland have passed motions, and, today, I ask that all parties support our joint motion. I call on those on the unionist Benches who have set their heart against it, even at this stage, to support the motion. There is no partial equality; there is no selective equality. I welcome the leadership shown by Mr Basil McCrea here today.

Mr Speaker: As Question Time begins at 2.30 pm, I suggest that the House take its ease until that time. The debate will continue after Question Time, when the Question will be put on the motion.

The debate stood suspended.

2.30 pm

3.30 pm

Private Members' Business

Marriage Equality

Debate resumed on motion:

That this Assembly believes that all couples, including those of the same sex, should have the right to marry in the eyes of the state and that, while the rights of religious institutions to define, observe and practise marriage within their beliefs should be given legal protection, all married couples, including those of the same sex, should have the same legal entitlement to the protections, responsibilities, rights, obligations and benefits afforded by the legal institution of marriage; calls on the Minister of Finance and Personnel to introduce legislation to guarantee that couples of any sex or gender identity receive equal benefit; and further calls on the First Minister and deputy First Minister to ensure that all legislation adheres to the Government's commitments to protect equality for all. — [Mr Agnew.]

Mr Speaker: We now move to the marriage equality motion. I remind Members that the vote will be taken on a cross-community support basis.

Question put.

The Assembly divided:

Ayes 45; Noes 50.

AYES

NATIONALIST:

Mr Attwood, Mr Boylan, Ms Boyle, Mr D Bradley, Mr Brady, Mr Durkan, Mr Eastwood, Ms Fearon, Mr Flanagan, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Mr McCartney, Ms McCorley, Mr McDevitt, Mr McElduff, Ms McGahan, Mr McGlone, Mr M McGuinness, Mr McKay, Mrs McKevitt, Ms Maeve McLaughlin, Mr Mitchel McLaughlin, Mr McMullan, Mr Maskey, Mr Molloy, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Mr P Ramsey, Ms S Ramsey, Ms Ruane, Mr Sheehan.

UNIONIST:

Mr Copeland, Mr Kinahan, Mr B McCrea.

OTHER:

Mr Agnew, Mr Dickson, Dr Farry, Mr Ford, Ms Lo.

Tellers for the Ayes: Mr Agnew and Ms Ruane.

NOES

UNIONIST:

Mr Allister, Mr Anderson, Mr Beggs, Mr Bell, Ms P Bradley, Ms Brown, Mr Buchanan, Mr Campbell, Mr Clarke, Mr Craig, Mr Cree, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Kennedy, Mr McCausland, Mr McClarty, Mr I McCrea, Mr McGimpsey, Mr D McIlveen, Miss M McIlveen, Mr McNarry, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Newton, Mrs Overend, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Swann, Mr Weir, Mr Wells, Mr Wilson.

OTHER:

Mr Lunn.

Tellers for the Noes: Mr Givan and Mr D McIlveen.

Total Votes 95 Total Ayes 45 [47.4%]

Nationalist 37 Nationalist 37 [100.0%]
Votes Ayes

Unionist 52 Unionist Ayes 3 [5.8%]
Votes

Other Votes 6 Other Ayes 5 [83.3%]

The following Member voted in both Lobbies and is therefore not counted in the result: Mr A Maginness.

Question accordingly negatived (cross-community vote).