

August 2009

Sir / Madam,

Some of the recent commentary on Amnesty International's position on the Civil Partnership Bill has shown a fundamental lack of understanding of human rights law.

The right to marry and found a family is contained in Article 16 of the Universal Declaration of Human Rights and in Article 23 of the International Covenant on Civil and Political Rights (ICCPR). Nothing in the articles on marriage in either treaty states that the right only extends to heterosexual couples.

Furthermore, Articles Two of the treaties have very strong anti-discrimination clauses that make it crystal clear that the rights contained in them apply to all people, regardless of their status. Article 26 of the ICCPR also guarantees equal protection of the law.

This was reiterated by the 1994 decision of the UN Human Rights Committee, charged with interpreting the ICCPR, in *Toonen v. Australia*, which found that sexual orientation was a protected status in human rights law the same as race or gender. The ICCPR is over 40 years old and the world is very different from how it was in 1966. Interpretations of all laws, whether human rights law or Irish constitutional law, change as society evolves.

A key principle of human rights law is universality, namely that "all people are born free and equal in dignity and rights". The principle of non-discrimination is at the core of Amnesty International's position on same-sex marriage.

Our global policy, democratically adopted in 2007, is to campaign to end discrimination in civil marriage laws on the basis of sexual orientation or gender identity. Our Irish Section endorsed this position when its members proposed and passed a motion at our 2008 Annual Conference mandating us to campaign on civil partnership for same-sex couples.

Yours,

Widney Brown
Senior Director, International Law, Policy and Campaigns
Amnesty International
International Secretariat
1 Easton Street
London
WC1X 0DW,
UK.