

CMS 227722/DC



department for
**culture, media
and sport**

Professor Michael O'Flaherty
Chief Commissioner
Northern Ireland Human Rights Commission
Temple Court
39 North Street
Belfast BT1 1NA

21 March 2013

Dear Professor O'Flaherty

MARRIAGE (SAME SEX COUPLES) BILL

Thank you for your letter of 26 February, in which you make a number of observations about the Marriage (Same Sex Couples) Bill as it relates to Northern Ireland.

First, you ask for clarification regarding how the Government intends to proceed with those aspects of the Bill affecting Northern Ireland. We are working with the Northern Ireland Executive regarding the need for a Legislative Consent Motion to ensure that same sex couples who marry under the law of England or Wales are generally treated as civil partners under the law of Northern Ireland, unless there is some good reason in particular circumstances to vary that treatment. That position would be consistent with the way marriages of same sex couples registered under the laws of other jurisdictions are currently treated in Northern Ireland under the Civil Partnership Act 2004.

You also ask whether it is the intention of the Bill to extend the definition of marriage under Article 12 of the European Convention on Human Rights, as incorporated by the Human Rights Act 1998. I am happy to clarify that this is not the intention or the effect of the Bill. As you will be aware, even if we did wish the Bill to have this effect, no contracting state can unilaterally change a definition within the Convention. The interpretation of the Convention is a matter for the courts, and ultimately for the European Court of Human Rights. The Minister for Sport and Tourism, the Rt Hon Hugh Robertson MP, made clear to the Public Bill Committee of the House of Commons on 7th March (Hansard column 421-422) that there is no requirement under either domestic or European human rights legislation to introduce same sex marriage.

The decision on whether to enable same sex couples to marry under the law of Northern Ireland is of course a matter for the Northern Ireland Assembly, given that marriage and civil partnership are transferred matters.

A handwritten signature in black ink that reads "Maria Miller". The signature is written in a cursive, flowing style.

Rt Hon Maria Miller MP
Secretary of State for Culture, Media and Sport
and Minister for Women and Equalities

Cc

Rt Hon Theresa Villiers MP, Secretary of State for Northern Ireland.
Jim Hood MP and Gary Streeter MP, Chairs of Public Bill Committee
Sammy Wilson MP MLA, Department of Finance and Personnel
Daithí McKay MLA, Committee for Finance and Personnel