



NORTHERN
IRELAND
HUMAN
RIGHTS
COMMISSION

The Rt. Hon Maria Miller MP
Minister for Women and Equalities
2 – 4 Cockspur Street
London
SW1Y 5DH

9 April 2013

Dear Minister,

Re: Marriage (Same Sex Couples) Bill

Thank you for your response of 21 March 2013.

The Commission notes that there has been engagement with the Northern Ireland Executive in relation to a legislative consent motion for the clauses of the Marriage (Same Sex Couples) Bill that relate to Northern Ireland. The Commission further understands that the Committee for Finance and Personnel has written to the Minister of Finance and Personnel in relation to this matter.

The Commission observes that there is no requirement under international human rights law for the State to introduce same sex marriage. However, it is in the remit of the State – should it choose so to do – to adjust its own domestic understanding of marriage whereby it might apply more widely than is the case for marriage as defined in the ECHR or elsewhere. It is in this regard that I had put my earlier question to you. In other words, my Commission continues to seek clarification regarding whether there is a legislative intention to extend the definition of marriage as it is understood under the Human Rights Act 1998.

It is the understanding of the Commission that the Human Rights Act was intended to apply to each of the jurisdictions of the United

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Kingdom with equal effect. The Commission remains concerned that the effect of the present Bill, if enacted, may be to undermine this principle by erecting a new definition of marriage that would apply for application of the Human Rights Act in only some but not all of the jurisdictions of the UK.

I will be grateful for your guidance on this matter.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Michael O'Flaherty', written in a cursive style.

Professor Michael O'Flaherty
Chief Commissioner

CC.

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