

NORTHERN  
IRELAND  
HUMAN  
RIGHTS  
COMMISSION

COMMITTEE FOR

22 APR 2013

F & P

Committee for Finance and Personnel  
Room 419  
Parliament Buildings  
Stormont  
Belfast  
BT4 3XX

19 April 2013

Dear Mr. McKay,

Thank you for your letter of 11 April 2013 in relation to the Marriage (Same Sex Couples) Bill.

The Commission raised the issue of the need for a legislative consent motion with Minister Maria Miller MP and understands that the UK Government is working with the Executive in relation to this. The Commission notes from your letter that the Minister of Finance and Personnel is currently considering the Government's request.

The Commission has sought clarity as to whether there is a legislative intention to extend the definition of marriage, as it is understood under the Human Rights Act 1998. Given that the Human Rights Act 1998 was intended to apply to each of the jurisdictions of the United Kingdom with equal force, the Commission remains concerned to clarify whether a new definition of marriage would only apply to some of these jurisdictions. The Committee was copied into this correspondence. A further copy is enclosed for your convenience.

The Commission understands that the Committee had raised similar concerns to the Department of Finance and Personnel but notes that the response of the Department does not address the issue.

The Commission notes the reference in the Department's letter of

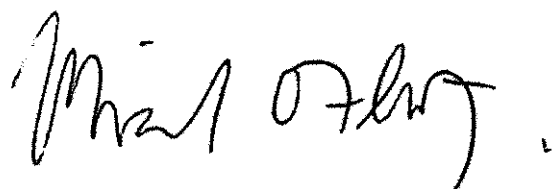
Chief Commissioner: Professor Michael O'Flaherty ■ Director: Virginia McVea



20 March 2013 to our views in relation to the issue of same sex marriage. The Commission recognises that international human rights law does not require a State to introduce same sex marriage. The Government is entitled to raise the bar in terms of domestic human rights standards beyond what is required in international law.

The Government is also required to address any issues which may arise with respect to the unequal application of the Human Rights Act across the jurisdictions of the United Kingdom. It is in this regard that we await further response from Minister Miller MP.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Michael O'Flaherty". The signature is written in a cursive, flowing style with a small mark at the end.

Professor Michael O'Flaherty  
**Chief Commissioner**