

## MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

### SUPPLEMENTARY SUBMISSION FROM AMNESTY INTERNATIONAL

Successive Scottish Parliaments have strongly supported the development of a just and fair Scotland, working hard to take action against social inequality and celebratory of Scotland's diversity. Successive Parliaments have sought to place Scotland in the European mainstream when it comes to human rights. In some respects, within these islands the Parliament has shown itself to be a leading light.

The Scotland Act secured legal protection for human rights through the Human Rights Act. This requires that the legislature does not interfere with certain freedoms and that it takes positive action to ensure protections. The Human Rights Act is derived from the Universal Declaration of Human Rights.

Following the barbaric inhumanity shown during the two world wars in which particular communities were targeted with unspeakable violence the Universal Declaration on Human Rights was adopted by the United Nations. That this set of Articles is universal, that it is applicable to all is central to its importance. It is the standard against which rights based legislation is judged. It is the reference point for the European Convention on Human Rights which followed it and which celebrated its 60th anniversary last week. It paved the way for the International Covenant on Civil and Political Rights.

The international standard on gender equality is clear. Art 16 of the UDHR (right to marry and form a family) and Art 23 of the International Covenant on Civil and Political Rights. States may not discriminate with regards to the right to marry and found a family, on the basis of sexual orientation or gender identity. The position in Scotland today sits in stark contrast to this international standard.

UN Human Rights Committee and UN Committee on the Rights of the Child have consistently pushed for expansive definitions of family. 'The concept of family is so varied across cultures that here can be no standard definition' (UNHRC). 'All arguments place the essential value on the principle of non-discrimination at the fore of discussion about the family' (UNCRC).

Scotland is 12 years behind the Netherlands which legislated for same sex marriage in 2001. It is behind Spain, Norway, Denmark, Sweden, Iceland, Portugal, Belgium etc. The Scottish legislature and consequently society is now behind England in taking positive action on equal marriage.

Homophobic bullying has lead to suicide in school age children with 3 national studies including one in the UK showing very high levels of suicidal thoughts amongst young lgbt people. Countries as diverse as Finland and Latvia have introduced education materials and policies ranging from compulsory education on sexual diversity to prohibition of discrimination on grounds of sexual orientation.

Amnesty International and UNICEF have ambitious programmes of human rights education. Education, knowledge, understanding and tolerance will deliver a more equal and socially just society. Knowing your rights is the first step in asserting your rights. If they're a secret, they're useless. Schools should be supported to teach human rights and the universal nature of those rights.

Today Scotland is not a part of that European mainstream thinking on human rights and equality. Today, on this issue it is not leading. Today the legislature is presiding over discriminatory policy which stigmatises relationships in a way that can fuel discrimination based upon sexual orientation or gender identity. Some will use this to justify their discriminatory attitude and hate crime. The media regularly reports, on gender and homophobic based hate crime in Scotland. The Times Scotland reported in June 2013 with a headline '*Hate crimes against gay people soar to highest in 3 years*'.

Amnesty International believes that the legislature in Scotland should take positive action. It should secure equality in law and not leave same-sex couples with inferior rights to the rest of society.

Failure of Parliament to secure this legislation will be a particular blow at this time when across the world the LGBT community could reasonably consider itself to be under systemic and orchestrated attack. Amnesty international global research has shown use of the death penalty for the physical expression of sexual identity, the state sanctioned public beating, harassment and oppression of LGBT people.

On the international stage the timing is very important. In Russia a draconian homophobic law came into force in July, imposing fines on individuals and organisations accused of promoting "propaganda of non-traditional sexual relations" which the Russian authorities maintain could morally corrupt children.

Russia's new law, effectively banning public activism by lesbian, gay, bisexual, transgender and intersex (LGBTI) individuals has done nothing but create a climate of intolerance and promote violence by vigilante groups.

This law provides the framework for a state-sponsored discrimination and follows a pattern of abuse against LGBT individuals, with officials systematically failing to investigate hate crimes.

The Scottish Parliament has an opportunity to demonstrate leadership and in passing this Bill do the opposite of what is happening in Russia. Amnesty International supports the intent of the Bill and urges the Parliament to demonstrate its commitment to the values demonstrated by successive Parliaments which reflect the international standards shown by the civilised mainstream of European and world thinking.

UN Secretary General Ban Ki-moon *'to LGBT, let me say you are not alone. Your struggle for an end to violence and discrimination is a shared struggle. Any attack on you is an attack on the universal values of the United Nations...I call on upon all countries to stand with you'*

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