

31 July 2009

**Senate inquiry into the Marriage Equality Amendment Bill  
Parliament of Australia  
Canberra Australia**

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**Re: Same-sex apartheid: Australia's mediocre and hypocritical human rights record**

Dear Senators,

According to Article 1 of the United Nations (UN) Universal Declaration of Human Rights, "All human beings are born free and equal in dignity and rights" (United Nations 1948). As a member of the UN, Australia ratified this Declaration on 10 December 1948 (Human Rights and Equal Opportunity Commission 2006). Australia's refusal to legislate same-sex equality is therefore a human rights violation. Australia is a country that has traditionally claimed to be a human rights champion. Its federal governments and media have traditionally criticised non-Western nations, *vis-à-vis* their apparent inferior human rights record (Deveraux 2005).

Australia's refusal to recognise same-sex marriage exposes its human rights record for what it is – mediocre. Same-sex marriage is performed and recognised by the national governments of Belgium, Canada, Netherlands, Norway, South Africa, Spain and Sweden. Same-sex marriage is also performed and recognised by multiple state jurisdictions in the United States (US). Australia's same-sex equality record also lags behind over a dozen other countries whose national registries perform same-sex civil unions. These nations include Andorra, Slovenia and Uruguay (Australian Marriage Equality 2009). Civil unions and same-sex partnership registers are inferior to marriage and promote "second-class citizenship" for gay, lesbian, bisexual, transgender and inter-sex (GLBTI) persons. Australia's marriage law does not even recognise same-sex civil unions or same-sex partnerships. Australians in same-sex relationships are therefore subject to diminished "third-class citizenship" status (see Kaplan 1997).

Same-sex marriage is being recognised by a growing number of jurisdictions, in Australia and overseas (see Australian Marriage Equality 2009). In future decades, Australia's youth and

scholars will look back in disbelief at how GLBTI Australian's were treated as third class citizens for no reason other than the fact they were a same-sex attracted person. This astonishment will be comparable to the utter shame most people feel toward the denial of women's right to vote. This denial was public policy in most Western nations during the pre First War era. It will also compare to the disgust most people feel toward the former racial apartheid policies administered by former South African and US Governments (see Freedman 2003).

The Rudd Australian Government will not remain in office forever. This government must take the opportunity *now* to seize the moment and demonstrate to the world that it is genuinely committed to supporting universal equality. Legislating same-sex marriage would be a major symbol of this government's commitment to human rights equality. Failure by this government to do so during its first term will forever tarnish this government's human rights record. I also call on this government to offer an apology to GLBTI Australians – both living and deceased – for the blatant human rights atrocities which they have been subject to during Australia's history. This reconciliation is as equally necessary as the overdue apology this government offered to Australia's indigenous people and their ancestors shortly after it assumed office.

Yours sincerely,

*Jyonah Jericho*

#### References

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