ARTICLE 12 OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS

THE RIGHT TO MARRY

WHAT DOES THE RIGHT SAY?

"Men and women of marriageable age have the right to marry and to found a family, according to the national laws governing the exercise of this right."

WHERE DOES IT COME FROM?

- English law has long protected rights within marriage, but not the right to marry.
- 1998: The Human Rights Act protected the right to marry in English law for the first time.
- 2014: Marriage between same-sex couples was legalised.

WHAT DOES IT MEAN IN PLAIN ENGLISH?

- We can marry whom we like (although states remain free to define their own laws on same-sex marriage).
- If you are transgender and have transitioned, to marry someone of the opposite gender.
- To start a family.

THREE KEY THINGS THAT IT DOES FOR US

Landmark court cases:

1987 **We have a right to remarry**
– F v Switzerland, Europe
Swiss laws stopped some divorcees getting remarried. This breached Article 12.

2002 **Transexual people can marry a partner of the opposite gender**
– Goodwin, Europe
A male-to-female transexual was still a male in marriage law, so couldn't marry a man. The law had to be changed.

2011 **Restrictions on marriage must be proportionate**
– O'Donoghue, Europe
Immigrants were forced to pay a £295 fee to get married. This breached the rights of a Nigerian man. The policy was changed.

WHY IS IT NEEDED NOW?

MOST STATES STILL DON'T ALLOW SAME-SEX MARRIAGE

(This isn't a right under Article 12... yet)

14 RECOGNISE SAME-SEX MARRIAGE

47 DO NOT YET RECOGNISE SAME-SEX MARRIAGE

Council of Europe member countries that:

Year law changed

- 2001 NETHERLANDS
- 2003 BELGIUM
- 2005 SPAIN
- 2009 NORWAY
- 2009 SWEDEN
- 2010 ICELAND
- 2010 PORTUGAL
- 2012 DENMARK
- 2013 FRANCE
- 2013 UK
- 2014 FINLAND
- 2014 LUXEMBOURG
- 2015 IRELAND
- 2015 SLOVENIA (PENDING)

NEARLY 19 MILLION FAMILIES LIVE IN THE UK

UK families by family type, 2014

12.5M MARRIED AND CIVIL PARTNERSHIP COUPLES

3.1M COHABITING COUPLES

3M SINGLE PARENTS

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