

Gay marriage is not a 'human right': European ruling torpedoed Coalition stance

By [Steve Doughty](#)

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Same-sex marriages are not a human right, European judges have ruled.

Their decision shreds the claim by ministers that gay marriage is a universal human right and that same-sex couples have a right to marry because their mutual commitment is just as strong as that of husbands and wives.

The ruling was made by judges of the European Court of Human Rights in Strasbourg following a case involving a lesbian couple in a civil partnership who complained the French courts would not allow them to adopt a child as a couple.



The European Court of Human Rights, based in the French eastern city of Strasbourg, has ruled that same-sex marriages are not a human right

The ruling also says that if gay couples are allowed to marry, any church that offers weddings will be guilty of discrimination if it declines to marry same-sex couples.

It means that if MPs legislate for same-sex marriage, the Coalition's promise that churches will not be compelled to conduct the weddings will be worthless.

The ruling comes just days after the Government published a consultation paper which promised marriage to same-sex couples and made clear that Britain is only catching up with other countries.

Equalities Minister Lynne Featherstone said: 'Put simply, it's not right that a couple who love each other and want to formalise a commitment to each other should be denied the right to marry.'

However, the Strasbourg judges ruled that because the French couple were civil partners, they did not have the rights of married people, who in France have the sole right to adopt a child as a couple.



Equalities Minister Lynne Featherstone argues that same-sex couples should not be denied the right to marry

They declared: 'The European Convention on Human Rights does not require member states' governments to grant same-sex couples access to marriage.'

The judges added that couples who are not married do not enjoy the same status as those who are.

'With regard to married couples, the court considers that in view of the social, personal, and legal consequences of marriage, the applicants' legal situation could not be said to be comparable to that of married couples.'

The French civil partners, Valerie Gas and Nathalie Dubois, tried to secure marriage rights under clauses that prevent discrimination and protect privacy and family life.

But the Strasbourg judges said there had been no discrimination against them because they were lesbians.

Lawyers said the decisions transformed the impact of David Cameron's planned same-sex marriage law.

Neil Addison, a specialist in discrimination law, said: 'Once same-sex marriage has been legalised then the partners to such a marriage are entitled to exactly the same rights as partners in a heterosexual marriage.'

This means that if same-sex marriage is legalised in the UK it will be illegal for the Government to prevent such marriages happening in religious premises.'

The Government's consultation paper also said that no church would have to conduct gay weddings. It said there would be different legal categories of civil and religious marriage and same-sex couples would not be allowed religious marriages.

But Church of England lawyers have already warned that if same-sex marriage goes ahead, then equality law is likely to force churches to fall into line and perform the wedding ceremonies.

The Strasbourg ruling won praise from campaigners against same-sex marriage.

Norman Wells, of the Family Education Trust, said: 'For too long campaigners have been using the language of rights in an attempt to add moral force to what are nothing more than personal desires.

'In many cases they have bypassed the democratic process and succeeded in imposing their views on the rest of the population by force of law.

'We are seeing the same principle at work in the Government's sham of a consultation on same-sex marriage.'

He added: 'The ruling from the ECHR will embolden those whose concerns about same-sex marriage and adoption are not inspired by personal hatred and animosity, but by a genuine concern for the well-being of children and the welfare of society.

'Instead of rushing to legislate without seriously considering the views of the electorate, the Government should be encouraging a measured public debate on the nature and meaning of marriage.'

The Stonewall pressure group called for same-sex couples to be allowed religious weddings if churches agreed.

It added: 'The vitriol seen in statements by many political and religious figures, particularly some senior clerics, in advance of this consultation demonstrates the persistence of deeply worrying prejudice towards gay people.'