

## **5. MARRIAGE EQUALITY AND REFERENDUMS**

*Labour Youth Ireland, Mladi Forum Slovenia*

We welcome the progress made in recent years in a number of countries in achieving legal recognition of LGBTQ\* rights, and notably the growing number of countries that have legally recognised marriage equality. We hope to see this trend grow and accelerate in the coming years, and assert our solidarity with all those campaigning for marriage equality and other LGBTQ\* rights.

However, we note with concern the tendency for the question of marriage equality to be put to referendum in some countries.

It may be necessary to fight and win such referendums in certain cases, such as in Ireland in 2015, where very specific constitutional requirements mean it is the only means by which marriage equality can be legally implemented.

However, it must be remembered and strongly asserted that people's private lives and equal liberties should be protected as basic human rights, not contingent upon the permission of a majority at a given point in time that is implied by referendums. To put such questions to a referendum, even when necessary, is to exacerbate, reinforce and prolong the long history of oppression of LGBTQ\* people by the rest of society.

At best, as in Ireland, such referendums may achieve marriage equality at the cost of months of emotional turmoil for LGBTQ\* people who find their private lives and identities opened up for judgment and discussion by the entire population. In other cases, such as in Australia, they may serve as a means for governments and politicians to avoid the issue or to delay or prolong inequalities. In cases such as Slovenia, they may be used actively as a tool by conservatives to overrule the legislature to and to actively prevent the recognition of marriage equality.

LGBTQ\* rights such as marriage equality are fundamental human rights that should be recognised as such in the simplest and clearest possible way by legislatures or courts. Referendums on the topic go against the fundamental principle of human rights and minority rights and should be fought only as a last resort.