

How equal is our society?

One would think that in the 21st Century, Australia would be one of the most democratic, equitable and tolerant societies in the world. With a history of human rights violations, Australia has moved forward to heal hardship inflicted upon its indigenous population. It is therefore unfortunate to be a member of a modern society which continues to commit human rights violations against another minority group – the gay and lesbian population. Not allowing same sex couples to legitimise their relationships, in my opinion, is a violation against equity.

According to the Federal Government Marriage Act, same sex (gay) marriage is not recognised in Australia. This marriage Act was officiated in 1961, and given that this policy is 45 years old, perhaps it is time for it to be reassessed. Canada, along with the Netherlands, Belgium, South Africa and Spain are the only countries in the world which allow gay couples to legitimise their relationships. I feel that these countries are taking the lead. They recognise and accept social changes, believing that marriage is a union between two people, not just a man and a woman. The South African Government's view on same sex marriage is that 'The capacity for commitment and the ability to love and nurture and honour and sustain transcends the incidental fact of sexual orientation', (www.law.monash.edu.au). Same sex or not, marriage is about commitment and love.

I often wonder why the Australian Government does not see it this way. Maybe, it's because we are put on this earth to reproduce and this cannot be done 'naturally' in a homosexual relationship. However, with options such as IVF, surrogacy and adoption, this should not pose a problem. Or maybe it is not the inability to procreate naturally. There is the argument that children raised by homosexual couples may suffer discrimination and bullying, especially from their peers. This is definitely a concern; however legal recognition of gay relationships may lead to future acceptance and eventual removal of prejudice against homosexuals. It has been stated that 'Legalising same sex marriages may serve to promote tolerance – perhaps even acceptance', (www.murdoch.edu.au). I totally agree with this sentiment. As with most things, we fear what we don't understand.

HIV /AIDS is a disease, which I believe, is not understood enough. This deadly virus has been used as another weak excuse to prevent gay marriage. In Australia at the end of 2003, 14,000 people were recorded as having HIV/AIDS; of those 13,000 were male. This would seem to indicate that in Australia AIDS is a homosexual disease and this data appears to give good grounds to discourage the legalisation of same sex marriage. However, in Zimbabwe (2003), 1.8 million people were recorded as having the disease, of which 930,000 were women, over half, indicating that the disease transferred between heterosexual relationships. Based on this data, AIDS alone, or any other of the other arguments raised, are not strong reasons to deny same sex marriage.

Gay relationships, no matter their duration, are not legalised in the majority of countries and, as a result homosexual partners are denied many of the legal and economic benefits automatically bestowed by marital status. Some of these being joint tax return, health benefits, family allowance, interstate inheritance and rights arising after the death of a partner. Unfairly, it seems, heterosexual defacto partnerships are entitled to all these benefits after a small amount of time. Clearly a violation of equity.

In summing up, I feel that the interests of society would be better served by the legalisation of homosexual marriages. Ostracising people in ways which make them 'different' will only serve to create a more discriminative society. I believe that Australia's traditional view of a married family consisting of a mother, father and children is no longer representative of today's society. The failure to acknowledge the changing nature of society, in this way, is a true violation of basic human rights.

References

Recognition of Same-Sex Marriage: Time for a change? (12 August 1994). Retrieved 16 August 2006.
<http://www.murdoc.edu.au/elaw/issues/v1n3/lauw2.txt>

Powerpoint update on overseas same-sex marriage. Retrieved 16 August 2006.
www.law.monash.edu.au/castancentre/public-edu/waler-ssm.ppt

UNAIDS/WHO Epidemiological Fact Sheet – 2004 update. Retrieved 16 August 2006.
http://www.who.int/globalAtlas/predefinedreports/EFS2004/EFS_PDFs/EFS2004_AU.pdf