



Foundation House

The Victorian Foundation
for Survivors of Torture Inc.

Statement from the Board of the Victorian Foundation for Survivors of Torture Inc.

The Board of the Victorian Foundation for Survivors of Torture (Foundation House) believe that the law on marriage in Australia should be amended to permit two people of any gender to marry.

The persecution of people because of their sexual orientation and gender identity has occurred in societies around the world for centuries. It persists.ⁱ

We welcome that Australia grants protection as refugees to people who are persecuted because of their sexual orientation and gender identityⁱⁱ. They include clients of Foundation House.

We acknowledge Australia has made commendable steps to address legal and social discrimination against people on the basis of their sexual orientation and gender identity. We also appreciate that people who wish to maintain the current law on marriage are not seeking a return to a society in which Australians were subjected to harsh and unjust treatment because of their sexual orientation and gender identity.

However, we feel strongly that denial of the right to marry constitutes a form of serious discrimination and social exclusion of members of the Australian community, including members of our staff, Board and our clients.

There is abundant evidence that discrimination has significant adverse impacts on mental and physical health. That is so for people who experience discrimination because of their sexual orientation and gender identity, as it is because of other attributes such as race, sex or religion.

Amending the law on civil marriage to permit two people of any gender to marry can be readily accomplished without impinging on the freedom of religious bodies to continue to act

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METROPOLITAN OFFICES

DALLAS (NORTHERN)

DANDENONG (SOUTH EASTERN)

RINGWOOD (EASTERN)

SUNSHINE (WESTERN)

PATRON IN CHIEF: Her Excellency the Honourable Linda Dessau AC, Governor of Victoria

PATRONS: Prof. Hilary Charlesworth AM, Ms Dur-é Dara OAM, Prof. David de Kretser AC, Mrs Jan de Kretser, Mr Petro Georgiou AO, The Hon. Michael Kirby AC CMG

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in accordance with their beliefs. The right to freedom of religion enshrined in the Universal Declaration of Human Rights must be protected.

Finally, we are mindful this is a subject about which our staff, clients and members of the community may have different views. As an employer and provider of health services, we will continue to treat everyone respectfully and without discrimination on the basis of their views.

Foundation House Board of Management

21 September 2017

ⁱ According to UNHCR, “(i)t is widely documented that (Lesbian, Gay, Bisexual, Transgender and Intersex) individuals are the targets of killings, sexual and gender-based violence, physical attacks, torture, arbitrary detention, accusations of immoral or deviant behaviour, denial of the rights to assembly, expression and information, and discrimination in employment, health and education in all regions around the world. 4 Many countries maintain severe criminal laws for consensual same-sex relations, a number of which stipulate imprisonment, corporal punishment and/or the death penalty.” GUIDELINES ON INTERNATIONAL PROTECTION NO. 9: Claims to Refugee Status based on Sexual Orientation and/or Gender Identity within the context of Article 1A (2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees. 2012.

ⁱⁱ See for example the High Court of Australia - S395/2002 v. Minister for Immigration and Multicultural Affairs (2003). As Justice Michael Kirby wrote with Justice Michael McHugh in this decision, 'Subject to the law, each person is free to associate with any other person and to act as he or she pleases, however much other individuals or groups may disapprove of that person's associations or particular mode of life.'