

## **Press Release**

### **UN Human Rights Committee Condemns Australia Over Same-Sex Couple Discrimination**

The United Nations Human Rights Committee has condemned the Australian Government for discriminating against same sex couples in a case concerning veteran's pensions.

In 1999, Sydney man, Edward Young, took a case to the UN Human Rights Committee against the Australian Government and the Department of Veteran's Affairs claiming he'd been discriminated against over entitlements provided to partners of deceased war veterans.

Mr Young's partner of 38 years was an Australian World War II veteran who died five years ago from a heart condition.

"Heterosexual partners of veterans are entitled to a pension" said Mr Young, "but the Government refused to give me the same pension. The Department of Veteran's Affairs told me I couldn't have one because Larry and I were not a heterosexual couple."

Mr Young appealed this decision to the Veteran's Review Board which also refused the pension because only married or heterosexual de facto partners are entitled to it. He then took the case to the UN.

Michelle Hannon, Solicitor with Gilbert and Tobin who took the case to the UN for Mr Young, confirmed that the UN has ruled in Mr Young's favour.

"The UN Committee decided that Mr Young had been discriminated against by the Federal Government" she said. "It's view was that the Government should reconsider his pension application without discrimination based on his sex or sexual orientation, if necessary by amending federal law. The Committee also stated that Australia is under an obligation to ensure that such discrimination does not occur in the future."

ANU legal academic, Wayne Morgan, a consultant in the case, praised the UN decision.

"This is the strongest statement ever made by the UN about the equality rights of same-sex couples," he said. "The ramifications for Australian law are extensive. Australian law often defines a "couple" as including only married, or heterosexual de facto partners. Such definitions exist in superannuation law, tax law, and social security law as well as laws governing the armed forces. The UN's decision clearly means that all such definitions breach the human rights of same sex couples and the Government is now under an obligation to amend all these laws."

Mr Young went on to say that the decision honour the memory of his partner Larry and his war service.

“I did not apply for the pension for the sake of the money. It was a matter of principle, justice and equality before the law. The government was refusing to honour Larry’s service and was refusing to treat him the same as heterosexual veterans. The Government seems to think it is OK for gay men and lesbians to fight and die for their country, but still wants to treat us like second class citizens when it comes to recognising our relationships”.

The UN has given Australia 90 days to respond to the decision with information about what Australia will do to end its discrimination.

For further information, contact:

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