



Right to marry
and found a family
(Article 12)

The right to marry and found a family

Article 12 of the Human Rights Act

The right to marry and found a family is one of the 16 human rights (also called Articles) in the Human Rights Act.

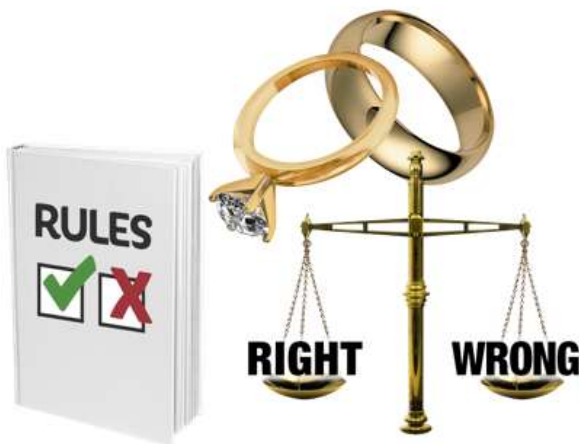
When could the right to marry and found a family matter to me?



Everyone has the right to get married.



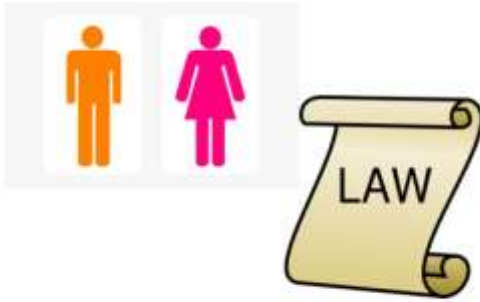
There are other laws in UK which explain the rules about marriage. For example, you have to be aged 18 or over.



These rules about marriage must be for a reason and must be fair.



The Marriage (Same Sex Couples) Act 2013 means that same sex marriage is legal in the England Wales. Scotland and Northern Ireland also have laws that make same sex marriage legal.



The Gender Recognition Act 2004 means that trans people can get legal recognition of their gender identity. Once they have done that they can get married.



This right protects your right to choose to start a family but it does not mean that you always have the right to adopt or be able to access assisted reproductive technologies.

Can my right to marry and found a family be restricted?



Yes.

This right can never be taken away from you. But there are some rules about marriage, for example, you can not marry two people at the same time.



The government who set these rules and the public bodies who enforce them have to make sure that any limits on the right to marry meet the 3 tests below.



1. Lawful

There must be laws in place that explain the rules about marriage.

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2. For a good reason

Any rules that stop people being able to marry have to be for a very good reason.



3. Thought about properly

Being able to marry and found a family is very important. So, any time someone is stopped from doing this it has to be thought about properly. Bans on whole groups of people from being married or having a family shouldn't happen.

What do staff in public services have to do about my right?

They have to **RESPECT** your right.

This means staff in public bodies should not stop you getting married and founding a family unless they can show that this meets the test above.

They have to **PROTECT** your right.

This means that staff have to do things that protect your right to marry and found a family and make sure you are involved in conversations about actions they take.





They have to **FULFIL** your right.

This means that if something goes wrong, staff need to find out why and try to stop this from happening again.



The Right to Marry and Found a Family in Real Life

Sam and his girlfriend wanted to get married.



Sam was a long term patient in a mental health hospital.

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Sam's doctor said he was not sure if Sam could make the decision to get married because of his mental health.



The staff at the hospital decided to use human rights to help think about Sam's situation.



The staff made a list of their concerns. They realised only thinking about risk could mean unfairly taking away Sam's right to marry and found a family.



The staff decided to use human rights to support Sam and Eve to get married.