



PROVA DE SUFICIÊNCIA EM LÍNGUA INGLESA – 29-08-2015

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Guardian Shorts: **A Marriage Proposal** , Chapter 5

Something New

I love thee to the depth and breadth and height / My soul can reach - 'How Do I Love Thee?',

Elizabeth Barrett Browning

The Marriage (Same Sex Couples) Act addresses the fundamental human right to marry another consenting adult of your choosing. Without this right, the love expressed between two people cannot be formally recognised by society and government, across families and countries, through cultures and history. Without that right, same sex couples might not be allowed to become a couple, to live together, to raise children and be a family. Hundreds of thousands of couples around the world are searching for their rights to do so. Hannah Arendt showed the utmost importance of this search, famously asserting that: “Even political rights, like the right to vote, and nearly all other rights enumerated in the Constitution, are secondary to the inalienable human rights to “life, liberty and the pursuit of happiness’.”

Such rights have been established as the basis for human existence. Those countries that have legalised marriage for same sex couples have acknowledged that gay men and lesbians are equally entitled to those fundamental rights and responsibilities. To deprive gay people of full citizenship is to discriminate in a way that effects every aspect of their life, regardless of whether they want to get married, or have children. Where there is no choice there is no freedom.

Of the few countries outside Europe to pass same sex marriage, three are on the South American continent: Argentina, Brazil and Uruguay. Argentina was the first country in Latin America to legislate for same sex marriages, having established civil unions in some jurisdictions in 2002. When Uruguay’s senate passed the Marriage Equality Bill in April 2013, the objections from the Roman Catholic Church centered on the undermining of the family. The question of civil rights was again central to the decision of the National Council of Brazil in 2013 when it voted by 14–1 to legalise same sex marriage in the entire country, unifying the many policies followed by different states. In the preceding years, there had been much debate about civil unions and same sex marriages.

In Brazil all notaries are obliged to register, when requested, same-sex partnerships as a legally recognised "family entity", just as they do with heterosexual couples. This opens the way for a series of rights previously denied to same-sex couples in the country, such as joint adoption of children, inheritance, the consideration of both partners' income when applying for loans or mortgages or the right for one partner to take decisions regarding the other's medical treatment in cases of incapacity. The ruling also brings obligations that did not previously exist for same-sex couples in the event of separation.

True equality, where your rights as an individual are recognised by law and by society, does not happen overnight. But with the advent of same sex marriage we start to see how legal equality can work. Some in the LGBT community have argued that with the change in law and in attitudes, they may feel a pressure to answer questions about marriage and children, to conform, which they did not expect when they realised their gender and sexual orientation. The identity of “otherness” is not one to surrender lightly. But difference is not about whether you love someone of the same sex or the opposite sex, or whether you accept a binary gender assignment. As we are discovering, these differences are only part of our identity, they do not necessarily define us. With laws that recognise the absolute right of individuals not be discriminated against for their differences, we can imagine our non-conformity in other ways, in what we create and how we contribute. Otherness is not determined by the mainstream, it is not to be found in prejudice and ignorance, in criminalisation and taboo. With absolute equality, we can define ourselves.
