

INTERNATIONAL SURVEY OF LEGAL RECOGNITION OF SAME-SEX COUPLES

Seven countries and five U.S. states have changed their legal definition of marriage from the union of a man and a woman to the union of any two persons. In six countries and five U.S. states, same-sex couples may register for a status that allows the access to all or nearly all of the benefits of marriage under a separate name (here referred to as civil unions).

Legal statuses allowing access to a more limited set of benefits are available to same-sex couples in four countries, one state in the U.S., and one in Mexico. Two countries and one U.S. state have this kind of status for same- and opposite-sex couples.

Same and opposite sex couples living together are recognized as de facto partners and have access to some legal benefits in five countries and two Australian states.

The following charts detail (1) the countries outside the United States providing various kinds of legal recognition to same-sex couples, (2) regional jurisdictions within countries that have given legal status to same-sex unions and (2) states in the United States providing legal recognition of same-sex unions.

Countries Granting Legal Status to Same-Sex Unions

Same-Sex Marriage	<ul style="list-style-type: none"> • Belgium (Law of 30 January 2003) • Canada (Civil Marriage Act, S.C. 2005, c. 33) • Netherlands (Act on the Opening Up of Marriage, 2001) • Norway (Ot.prp. nr. 33, 2009) • Spain (Boletín Oficial del Estado, July 3, 2005) • South Africa (Civil Unions Bill, B 26B-2006)¹ • Sweden (Civilutskottets betänkande 2008/09:CU19)
Civil Unions	<ul style="list-style-type: none"> • Denmark (The Registered Partnership Act, Act No. 372, June 1, 1989)² • Finland (Registered Partnership Act 950/2001)³ • Iceland (Registered Partnership Law 1996) • New Zealand (Civil Union Act 2004)⁴ • Switzerland (Bundesgesetz über die eingetragene Partnerschaft gleichgeschlechtlicher Paare 2004) • United Kingdom (Civil Partnership Act 2004)
Limited Partnership Benefits for Same-	<ul style="list-style-type: none"> • Czech Republic (Registered Partnership Act 2006)

¹ The legislation creates a separate kind of marriage (this bill creates a new licensing scheme without doing away with the previous marriage law) by allowing couples and opposite-sex to choose whether to register a civil union or marriage. The government will have to record the couple's preference.

² Excludes rights related to parenting.

³ Does not provide for joint adoption.

⁴ Also available to opposite-sex couples.

Sex Couples Only	<ul style="list-style-type: none"> • Germany (Life Partnerships Act 2000) • Luxembourg (Registered partnership 4946-12 May 2004) • Slovenia (Law on Registered Same Sex Partnership 2005)
Limited Partnership Benefits for Same and Opposite-Sex Couples	<ul style="list-style-type: none"> • Andorra (Unió estable de parella 2005) • France (Loi no. 99-944 du 15 Novembre 1999, Relative au Pacte Civil de Solidarité)
Cohabitant Recognition (Same & Opposite-Sex Couples)	<ul style="list-style-type: none"> • Austria (<i>Karner v. Austria</i>, application no. 40016/98, European Court of Human Rights, July 24, 2003) • Colombia (<i>Colombia Diversa v. Colombia</i>, Sentencia C-075/07, Colombia Constitutional Court, February 7, 2007) • Croatia (Law on same sex civil union 2003) • Hungary (Constitutional Court of Hungary(13 March 1995), 14/1995 (III.13.) AB határozat) • Portugal (Lei No. 7/2001 de 11 de Maio, Adopta medidas de protecção das uniões de facto, 109 (I-A) Diário da República 2797 2001)

Countries with Regional Recognition

Same-Sex Marriage	
Civil Unions	
Limited Partnership Benefits for Same-Sex Couples Only	<ul style="list-style-type: none"> • Coahuila [Mexico] (Pacto Civil de Solidaridad, Decreto Numero 209, January 11, 2007)
Limited Partnership Benefits for Same and Opposite-Sex Couples	
Cohabitant Recognition (Same & Opposite-Sex Couples)	<ul style="list-style-type: none"> • Tasmania [Australia] (Relationships Act 2003, No. 44 of 2003) • Victoria [Australia] (Statute Law Further Amendment Relationships Bill 2001)

U.S. States Granting Legal Status to Same-Sex Unions

Same-Sex Marriage	<ul style="list-style-type: none"> • Connecticut (<i>Kerrigan v. Department of Public Health</i>, 957 A.2d 407, 2008) • Iowa (<i>Varnum v. Brien</i>, No. 07-1499, 2009) • Maine (LD 1020, 2009) • Massachusetts [United States] (<i>Goodridge v. Department of Public Health</i>, 798 N.E.2d 941, 2003) • Vermont (H275, 2009)
Civil Unions	<ul style="list-style-type: none"> • California [United States] (Cal. Fam. Code §297) • New Hampshire [United States] (House Bill 437, 2007)

	<ul style="list-style-type: none"> • New Jersey [United States] (N.J. Stat. Ann. §26:8A-2) • Oregon [United States] (House Bill 2007) • Washington [United States] (Senate Bill 5688, 200)
Limited Partnership Benefits for Same-Sex Couples Only	<ul style="list-style-type: none"> • Maine [United States] (22 Maine Rev. Stat. §2710)
Limited Partnership Benefits for Same and Opposite-Sex Couples	<ul style="list-style-type: none"> • Hawaii [United States] (Hawaii Revised Statutes §572C-2)
Cohabitant Recognition (Same & Opposite-Sex Couples)	

Online Access to Laws

Belgium: <http://www.ilga-europe.org/content/download/3563/21783/file/Belgian%20marriage%20law%20BE%20official%20journal.pdf>

Canada: <http://www2.parl.gc.ca/HousePublications/Publication.aspx?Docid=2333927&file=4>

Netherlands: <http://athena.leidenuniv.nl/rechten/meijers/index.php3?m=10&c=86>

Norway: <http://www.regjeringen.no/nb/dep/bld/dok/regpubl/otprp/2007-2008/otprp-nr-33-2007-2008-16.html?id=502804>

Spain: <http://www.boe.es/boe/dias/2005/07/02/pdfs/A23632-23634.pdf>

South Africa: <http://www.southafrica.to/people/Marriage/Gay-Marriage/Civil-Union-Act-2006.pdf>

Sweden: http://www.riksdagen.se/Webbnav/index.aspx?nid=3322&dok_id=GW01CU19

Denmark: <http://users.cybercity.dk/~dko12530/s2.htm>

Finland: <http://www.finlex.fi/pdf/saadkaan/E0010950.PDF>

Iceland: <http://eng.domsmalaraduneyti.is/laws-and-regulations/nr/117>

New Zealand: http://www.legislation.govt.nz/libraries/contents/om_isapi.dll?clientID=220483446&info_base=pal_statutes.nfo&jump=a2004-102&softpage=DOC

Switzerland: <http://www.admin.ch/ch/d/ff/2004/3137.pdf>

United Kingdom: <http://www.opsi.gov.uk/ACTS/acts2004/20040033.htm>

Czech Republic: Dita Asiedu, *Same-Sex Registered Partnerships to be Introduced After Deputies Override Presidential Veto* RADIO PRAHA (March 16, 2006)
(<http://www.radio.cz/en/article/76898>)

Germany: <http://dip.bundestag.de/btd/15/024/1502477.pdf>

Luxembourg: http://www.gouvernement.lu/dossiers/justice/partenariat/loi_partenariat.pdf

Slovenia: Elizabeth Kukura, *Finding Family: Considering the Recognition of Same-Sex Families in International Human Rights Law and the European Court of Human Rights* 13 HUMAN RIGHTS BRIEF 17 (2006)
(<http://www.wcl.american.edu/hrbrief/13/2kukura.pdf?rd=1>)

Andorra:
<http://www.bopa.ad/bopa.nsf/b84c2e9d2d34fe50c1256ad9003b8903/9559566b4feb8d3dc1256fcd002754ea?OpenDocument>

France: <http://www.legifrance.gouv.fr/texteconsolide/AREBT.htm>

Austria: http://www.soho.or.at/soho/bilder/2006/04/2003_27_25_egmrurteil.pdf

Colombia: <http://www.colombiadiversa.org/local/Sentencia.C-075-07.doc>

Croatia: <http://www.iglhrc.org/site/iglhrc/content.php?type=1&id=73>

Hungary: Elizabeth Kukura, *Finding Family: Considering the Recognition of Same-Sex Families in International Human Rights Law and the European Court of Human Rights* 13 HUMAN RIGHTS BRIEF 17 (2006)
(<http://www.wcl.american.edu/hrbrief/13/2kukura.pdf?rd=1>)

Portugal: http://www.emcviolenciadomestica.com/uploadFiles/lei_7_2001.pdf

Coahuila:
<http://www.poderjudicialcoahuila.gob.mx/pag/TSJ/transparencia/pdf/reformasc%F3digocivil.pdf>

Tasmania: http://bar.austlii.edu.au/au/legis/tas/consol_act/ra2003173/

Victoria:
[http://www.dms.dpc.vic.gov.au/Domino/Web_Notes/LDMS/PubStatbook.nsf/0/C5491C2B35B971CFCA256E5B00213F95/\\$FILE/01-072a.pdf](http://www.dms.dpc.vic.gov.au/Domino/Web_Notes/LDMS/PubStatbook.nsf/0/C5491C2B35B971CFCA256E5B00213F95/$FILE/01-072a.pdf)

Massachusetts:

<http://www.mass.gov/courts/courtsandjudges/courts/supremejudicialcourt/goodridge.html>

California: <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=fam&group=00001-01000&file=297-297.5>

Connecticut: <http://www.cga.ct.gov/2007/pub/Chap815f.htm>

New Hampshire: <http://www.gencourt.state.nh.us/legislation/2007/hb0437.html>

New Jersey: http://www.njleg.state.nj.us/2006/Bills/PL06/103_.PDF

Oregon: <http://www.leg.state.or.us/07reg/measpdf/hb2000.dir/hb2007.en.pdf>

Vermont: <http://www.sec.state.vt.us/otherprg/civilunions/civilunionlaw.html>

Maine: <http://janus.state.me.us/legis/statutes/22/title22sec2710.html>

Washington: <http://www.leg.wa.gov/pub/billinfo/2007-08/Pdf/Bills/Session%20Law%202007/5336-S.SL.pdf>

Hawaii: http://www.capitol.hawaii.gov/hrscurrent/Vol12_Ch0501-0588/HRS0572C/HRS_0572C-0001.HTM