

SAME-SEX RELATIONSHIPS AND BEYOND

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SAME-SEX RELATIONSHIPS
AND BEYOND

Gender Matters in the EU

Fully revised 3rd edition

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PREFACE

Uppsala (2002), Trier (2011), Hamburg (2016): synonyms for three international conferences organised by the Academy of European Law (ERA) on legal recognition of same-sex relationships, followed by the conference proceedings in the European Family Law Series and each with a different focus and direction. The first edition consisted of the very few national laws granting the right to enter a registered partnership; marriage for same-sex partners was at that time only allowed in the Netherlands. The second presented a picturesque landscape of different national registration schemes including same-sex marriage in numerous countries, and initiated the debate on legal aspects of cross-border surrogacy. The present edition, anchored in the recent Hamburg conference of 18–19 April 2016, organised by ERA in cooperation with Bucerius Law School, has considerably broadened the horizon and includes the topic of gender identity. In social networks people can now choose from among more than 50 gender options, mirroring a reality which needs to be addressed in any legal debate.

The opening section of the book describes the current state of play in all EU Member States (and beyond) when formalising a same-sex relationship, steady progress being the keyword in describing the developments in many countries (with the exception of six Eastern European states that object to legislation in this field). The second part concentrates on parenthood and children's rights, notably adoption, surrogacy, multiple parenting and the range of parenting rights for same-sex couples and transsexuals. The third part on gender identity and human rights discusses the legal aftermath of the European Court of Human Rights' judgment in *Oliari* condemning Italy for failing to protect homosexuals' right to family life. Furthermore, it explains EU legislation against discrimination on grounds of sexual orientation and the challenges lesbians, gays, bisexual and transgender applicants are confronted with when reaching Europe as refugees. The book ends with a lively debate on the right to change one's legal sex and raises the fundamental question whether we still need sex as a legal category: gender matters in the EU – or does it?

The editors express their thanks to the authors for contributing to this volume, and to Professor Karsten Thorn for co-organising the Hamburg conference.

Katharina Boele-Woelki and Angelika Fuchs
Hamburg/Trier, 1 January 2017

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