

## SAME-SEX RELATIONSHIPS AND BEYOND

European Family Law Series

Published by the Organising Committee of the  
Commission on European Family Law

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SAME-SEX RELATIONSHIPS  
AND BEYOND

Gender Matters in the EU

Fully revised 3rd edition

*Edited by*  
Katharina BOELE-WOELKI  
Angelika FUCHS



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Cambridge – Antwerp – Portland

Intersentia Ltd  
Sheraton House | Castle Park  
Cambridge | CB3 0AX | United Kingdom  
Tel.: +44 1223 370 170 | Fax: +44 1223 370 169  
Email: mail@intersentia.co.uk  
www.intersentia.com | www.intersentia.co.uk

*Distribution for the UK and Ireland:*  
NBN International  
Airport Business Centre, 10 Thornbury Road  
Plymouth, PL6 7 PP  
United Kingdom  
Tel.: +44 1752 202 301 | Fax: +44 1752 202 331  
Email: orders@nbninternational.com

*Distribution for the USA and Canada:*  
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USA  
Tel.: +1 800 944 6190 (toll free) |  
Fax: +1 503 280 8832  
Email: info@isbs.com

*Distribution for Germany and Switzerland:*  
Stämpfli Verlag AG  
Wölflistrasse 1  
Postfach 5662  
3001 Bern  
Switzerland  
Tel.: +41 31 300 66 77  
Email: verlag@staempfli.com

*Distribution for Europe and all other countries:*  
Intersentia Publishing nv  
Groenstraat 31  
2640 Mortsel  
Belgium  
Tel.: +32 3 680 15 50 | Fax: +32 3 658 71 21  
Email: mail@intersentia.be

Same-Sex Relationships and Beyond. 3rd edition  
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ISBN 978-1-78068-447-5  
D/2017/7849/21  
NUR 822

British Library Cataloguing in Publication Data. A catalogue record for this book is available from the British Library.

## 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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## LIST OF AUTHORS

*Marilisa D'Amico*

Professor of Constitutional Law, Department of Italian and Supranational Public Law, University of Milan, and Lawyer in the case *Oliari and others v. Italy*

*Tim Amos QC*

Barrister, Collaborative Lawyer and Resolution Mediator, Chambers of Lewis Marks QC, Queen Elizabeth Building, Temple, London

*Katharina Boele-Woelki*

Dean and Claussen Simon Professor of Comparative Law at Bucerius Law School, Hamburg; President of the International Academy of Comparative Law; Member of the Curatorium of the Hague Academy of International Law; Chair of the Commission on European Family Law

*Angelika Fuchs*

Dr iur; Head of Section European Private Law, Academy of European Law Trier (ERA)

*Samuel Fulli-Lemaire*

Senior Research Fellow at the Max Planck Institute for Comparative and International Private Law (Hamburg) and PhD Candidate at Panthéon-Assas (Paris II), University of Paris

*Cristina González Beilfuss*

Head of External and Institutional Relations of the Spanish Judicial School and Professor at the University of Barcelona

*Neža Kogovšek Šalamon*

Dr iur; Director and Researcher at the Peace Institute, Institute for Contemporary Social and Political Studies, Ljubljana, Slovenia; Postdoctoral Fellow of the Slovenian Research Agency on Fundamental Rights of Citizens and Foreigners in the EU (2014–2016); Visiting Researcher at the University of Palermo (2016)

*Suzana Kraljić*

Dr iur; Associate Professor at the University of Maribor

*Ingrid Lund-Andersen*

Professor of Family Law, Centre for Studies in Legal Culture, Faculty of Law, University of Copenhagen

*Costanza Nardocci*

Doctor of Philosophy in Constitutional Law, Department of Italian and Supranational Public Law, University of Milan

*Joe Rainer*

Barrister, Chambers of Lewis Marks QC, Queen Elizabeth Building, Temple, London

*Isabelle Rein-Lescastereyres*

Partner, BWG Associés, Paris

*Geoffrey Shannon*

Dr iur; Solicitor, Special Rapporteur on Child Protection for the Irish Parliament, Dublin

*Marjolein van den Brink*

Dr iur; Assistant Professor, Utrecht University

*Robert Wintemute*

Professor of Human Rights Law, King's College London