

Ending exclusion in matrimonial law

Considering:

- the essential liberal principle of non-discrimination, as laid down in the Universal Declaration of Human Rights, the European Convention on Human Rights and the Charter of Fundamental Rights of the European Union;
- the fact that the grounds on which discrimination is prohibited explicitly includes sexual orientation, as laid down in e.g. Art. 13 of the Treaty of Amsterdam, article 21 of the EU Charter of Fundamental Rights and various resolutions of the Council of Europe and European Parliament;
- the fact that Denmark, France, The Netherlands, Norway and Sweden offer fully registered partnerships to same sex couples as do certain cities in Italy and Spain;
- the fact that certain European countries offer limited registered partnerships for same sex couples (most notably Hungary and Spain);
- the fact that several European countries consider adopting similar legislation for same sex couples (most notably Czech Republic, Germany, Luxembourg and Portugal);
- the fact that The Netherlands has ended the exclusion of homosexual people from legal marriage and that Belgium and Germany are planning to do so as well;

Furthermore considering:

- the liberal principle that personal decisions, like the choice of a partner, should be made by the individuals involved with as little state-interference as possible;
- the principle set forth in the ELDR manifesto, that "any policy should be based on the respect and equal treatment of individuals, without any kind of discrimination";
- that the choice of a partner for life is first and foremost a very personal decision;
- the practical and symbolic importance, both for individuals and for society as a whole, of the legal recognition of long-term relationships;
- the importance of stable family relations for both individuals and society as a whole;

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September 2001,
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Concludes:

- that all European countries should lift legal barriers prohibiting same sex couples access to the existing legal marriage and, in this course, should at least offer registered partnerships to offer protection of same-sex couples at a similar level as married couples, including parental rights.

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