

## **Definition of the issue**

Same-sex marriages are defined as a marriage between two people of the same biological sex and/or gender identity. Same-sex marriage is also known as gay marriage and referred to as marriage equality or equal marriage. Many opponents characterize the legalization of same-sex marriage as “redefining marriage”.

The issue of same-sex marriage came up in the beginning of the 21<sup>st</sup> century. As of 9<sup>th</sup> May 2014, sixteen countries (Argentina, Belgium, Brazil, Canada, Denmark, France, Iceland, Netherlands, New Zealand, Norway, Portugal, Spain, South Africa, Sweden, United Kingdom, and Uruguay) and some parts of Mexico and the United States of America accept and permit same-sex marriages between same-sex couples. Many other nations discuss this issue continuously instead of allowing a different status like a civil union or introduce same-sex marriages as a whole. In this context, same-sex couples can marry, if they pay taxes with government services, and they can make financial demands. Also inheritance and hospital visitation rights are guaranteed for married same-sex couples.

## **History**

### **Ancient**

The first historical mentioning of the performance of same-sex marriages occurred during the early Roman Empire according to controversial historian John Boswell. The first Roman emperor to have married a man was Nero, who is reported to have married two other males on different occasions. The marriage was celebrated in both Greece and Rome in extravagant public ceremonies. It should be noted, however, that a marriage existed only between a male Roman citizen and a female Roman citizen, so that a marriage between two Roman males (or between a Roman and his male slave) would have no legal standing in Roman law (apart, presumably, from the arbitrary will of the emperor in the two aforementioned cases). Still, there is a consensus among modern historians that same-sex relationships existed in ancient Rome, but the frequency and nature of "same-sex unions" during that period are obscure.

### **Medieval**

A same-sex marriage between the two men, Pedro Díaz and Muño Vandilaz in the Galician municipality of Rairiz de Veiga in Spain was documented as having taken place on 16 April 1061. The ceremony was conducted by a priest in a small chapel. Documents about the church wedding were found at Monastery of San Salvador de Celanova, Spain.

### **Modern**

During the Victorian Era, two women cohabiting were termed a Boston marriage. There is no knowledge of official rights having been performed.

## Contemporary Timeline

- **2001: The Netherlands** has allowed same-sex marriages as legal since 1<sup>st</sup> April, 2001. Thus, the Netherlands were the first country in the world to legalize same-sex marriage.
- **2003:** On 1 June, **Belgium** became the second country in the world to legalize same-sex marriage. **Ontario** and **British Columbia** became the 1<sup>st</sup> and 2<sup>nd</sup> region in Canada legalizing same-sex marriages on 10<sup>th</sup> June and 8<sup>th</sup> July.
- **2004: More regions in Canada** legalized same-sex marriages. Sandoval County, New Mexico on 20<sup>th</sup> February; discontinued, reinstated by statewide legalization 19<sup>th</sup> December 2013, in the course of the year, also Quebec, Yukon, Manitoba, Nova Scotia Saskatchewan and Newfoundland legalized same-sex marriages. In the middle of the year, **one region in the USA**, Massachusetts legalized it and in San Francisco same-sex weddings took place between February 12<sup>th</sup> and March 11<sup>th</sup>, 2004.
- **2005:** One more country in Europe, **Spain**, legalized same sex marriages as did **Canada** national-wide.
- **2006:** The first and single African country to legalize same-sex marriage was **South Africa**.
- **2008: California** (16<sup>th</sup> June, discontinued 5<sup>th</sup> November; reinstated 28<sup>th</sup> June 2013) and **Connecticut** in the USA, legalized same-sex marriages.
- **2009:** Further nations in Europe (**Norway** and **Sweden**) legalized same-sex marriages, also **more regions in the USA** (Iowa, Coquille Indian Tribe (Oregon) and Vermont).
- **2010: Two regions in the USA** (New Hampshire, District of Columbia), one in **Mexico** (Mexican Federal District) and three nations (**Portugal, Iceland** and **Argentina**) legalized same-sex marriages.
- **2011: New York** and the **Suquamish tribe (Washington)** legalized same-sex marriages.
- **2012:** More states and regions in **South America**, especially regions in Brazil legalized same-sex marriages. Furthermore, Washington, Maine (USA), Quintana Roo (Mexico) and **Denmark** legalized it.
- **2013:** Again, more states and regions in the USA and in South America legalized same-sex marriages. Also **Brazil** [nationally], **France, Uruguay, New Zealand, Hawaii, New Mexico** [statewide] legalized same-sex marriages in 2013.
- **2014:** More **regions in the USA** and **England and Wales** legalized same-sex marriages.
- **Unspecified Date: Scotland** [Expected date: (late 2014)], **Wisconsin** (USA)

## **Description of the problem**

### **Controversies**

The historical and anthropological record reveals a large range of attitudes towards same-sex unions ranging from praise, prohibition and discrimination through to physical annihilation. Opponents of same-sex marriages would erode religious freedoms and argue that the right of children to be raised by their biological mother and father would be undermined.

The supporters have two main-opinions. Some take the view that the government should have no role in regulating personal relationships while others argue that same-sex marriages would provide social benefits to same-sex couples.

### **Against** **Russia**

Concerning the past winter Olympic Games in Sochi, the Russian Government illegalized to ever speak about homosexuality around minors, much less openly display gay pride. Technically the ban is against "propaganda of nontraditional sexual relations" around minors, but the implication for openly gay individuals is clear. Public displays of affection by gays, including holding hands or other displaying symbols like a rainbow flag, are now banned. Violators face steep fines and jail time; foreigners face similar penalties plus deportation.

### **Ghana**

The Daily Graphic in Ghana reports that the director of public prosecutions, Ms. Gertrude Aikins, has indicated that persons caught engaging in homosexual activities could be liable for prosecution. Responding to calls for the country to enact laws to ban homosexuality in an interview in Accra, she stated the section 104 (1) (b) of the Criminal Code made the act a criminal offence.

### **Favor** **Zambia**

Zambian authorities should dismiss all charges and release two men arrested for engaging in homosexual acts, Human Rights Watch said. The police should immediately cease forensic anal examinations, which are intrusive, invasive and constitute cruel, inhuman, and degrading treatment in violation of international law.

### **Nigeria**

4<sup>th</sup> February 2014, Nigeria's anti-gay law entered into force in January. Today, we learned that Ugandan President Yoweri Museveni has said he will sign the anti-gay legislation passed by Parliament in December. LGBTI people in both countries already face some of the world's most dangerously homophobic legal and social environments, with a spike in violent anti-gay vigilante attacks already reported in Nigeria and of long-standing in Uganda. The consequences for LGBTI refugees in those countries are dire: more may need to flee, and those already displaced are at greater risk than ever. The Ugandan bill would worsen punishment of homosexual acts by up to life imprisonment, would criminalize actions

deemed to be 'promotion' of homosexuality, and would require service providers to report LGBTI people to the police.

These are only 4 examples of nations forbidding/ supporting homosexuality.

## **Prosecution**

### **Cameroon**

Cameroon prosecutes people for consensual same-sex conduct more aggressively than almost any country in the world, four human rights organizations said in a report released today. The organizations – Alternatives-Cameroun, Association for the Defense of Gays and Lesbians (ADEFHO), the Cameroon Foundation for AIDS (CAMFAIDS), and Human Rights Watch – found that at least 28 people have been prosecuted for same-sex conduct in Cameroon since 2010. Most cases are marked by grave human rights violations, including torture, forced confessions, denial of access to legal counsel, and discriminatory treatment by law enforcement and judicial officials.

### **Uganda**

Same-sex relationships are currently illegal in Uganda as they are in many sub-Saharan African countries, punishable by incarceration in prison for up to 14 years.

The Uganda Anti-Homosexuality Act, 2014 (previously called the "Kill the Gays bill" in the western mainstream media due to the originally proposed death penalty clauses) was passed by the Parliament of Uganda on 20 December 2013 with the death penalty proposal dropped in favor of life in prison. The bill was signed into law by the President of Uganda on 24 February 2014. The legislative proposal would broaden the criminalization of same-sex relations in Uganda domestically, and further includes provisions for Ugandans who engage in same-sex relations outside of Uganda, asserting that they may be extradited for punishment back to Uganda, and includes penalties for individuals, companies, media organizations, or non-governmental organizations that know of gay people or support LGBT rights.

## **Adoption**

The pro same-sex marriage states allow the joint adoption of children by same-sex couples and in several states having no same-sex marriages nonetheless permit joint adoption by unmarried same-sex couples. But the remaining 185 countries do not allow the adoption of children by same-sex couples. Homosexuals feel discriminated by these countries or rather the laws in these countries.

## **Parenting**

If same-sex people want to have a children not all states allow that. But scientists found out that children growing up in a same-sex environment benefit from this. They are as psychologically healthy and well-adjusted as children reared by heterosexual parents. A child can improve the parents' financial, psychological and physical well-being from the same-sex union.

There are ways for same-sex couples to get a child. A gay or bisexual man has the option of surrogacy, the process in which a woman bears a child for another person through artificial

insemination or carries another woman's surgically implanted fertilized embryo to birth. As a lesbian or bisexual woman, there is the option of artificial insemination.

## **Organizations**

There are of course some organizations supporting same-sex marriages. They believe that it is unfair and discriminating to refuse same-sex couples legal access to civil marriage and to all its attendant benefits, rights, and privileges. Also anthropological research supports the conclusion that a vast array of family types, including families built upon same-sex partnerships, can contribute to stable and humane societies. They have the same rights as other citizens. Organizations of this opinion are The American Psychological Association, The American Sociological Association, The Canadian Psychological Association, The American Anthropological Association, The American Academy of Pediatrics and The United Kingdom's Royal College of Psychiatrists.

## **Health**

The psychiatric health of lesbian, gay and bisexual individuals found an increase in psychiatric disorders, including a more than doubling of anxiety disorders. This stated a study from a Columbia University Mailman School of Public Health in 2010.

Gay activists said that a same-sex marriage was good for the health, because the men whether homo- or heterosexual reduces their aggression and promiscuity. They said that there was no psychological difference between same-sex and mixed-sex marriage. The parent's sexual orientation was unrelated to their ability to provide a healthy and nurturing family environment.

But there are also diseases like HIV and other sexually transmitted diseases. Independent of the legal situation homosexual couples are at a higher risk of becoming infected with these diseases.

## **What has the UN done so far?**

Since its foundation in 1945, the United Nations have only started to discuss LGBT rights (regarding equality regardless of sexual orientation or gender identity) in December 2008. In the General Assembly, a proposed resolution supporting LGBT rights originally submitted in its first form by French/Dutch representatives, backed by the European Union, remains open for signature, with ninety-four countries having signed thus far.

On Friday 17 June 2011, the United Nations Human Rights Council passed a historic resolution on the rights of gay, lesbian and transgender people that “seeks equal rights for everyone regardless of their sexual orientation.” The resolution passed with 23 votes in favor, 19 against and 3 abstentions.

Generally, the United Nations thinks that laws forbidding same-sex marriages or same-sex couples are against the Human Rights.

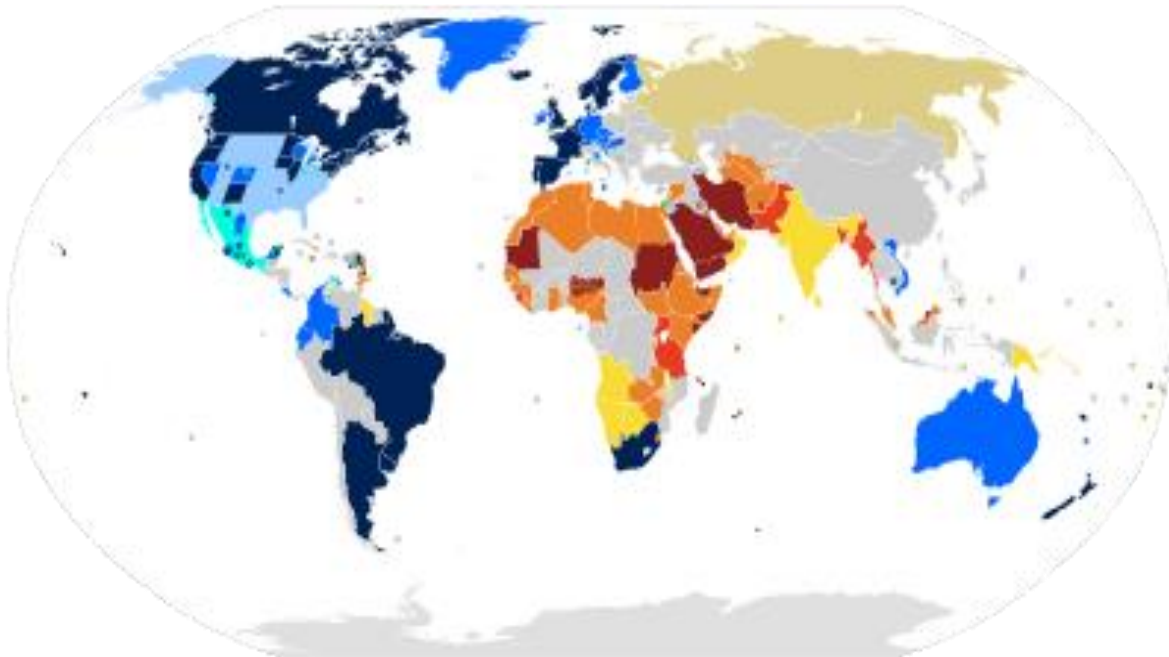
### **Also important**

#### **Rainbow flag**

The different colors symbolize diversity in the gay community and the flag is used predominantly at gay pride events and in gay villages worldwide in various forms including banners, clothing and jewelry. The color red stands for life, orange for healing, yellow for sunlight, green for nature, blue for harmony, purple/violet for spirit. The flag was created in 1978 with 8 colors, but in 1979 two colors were removed. The removed colors stood for sexuality (pink) and art/magic (turquoise).

## Maps

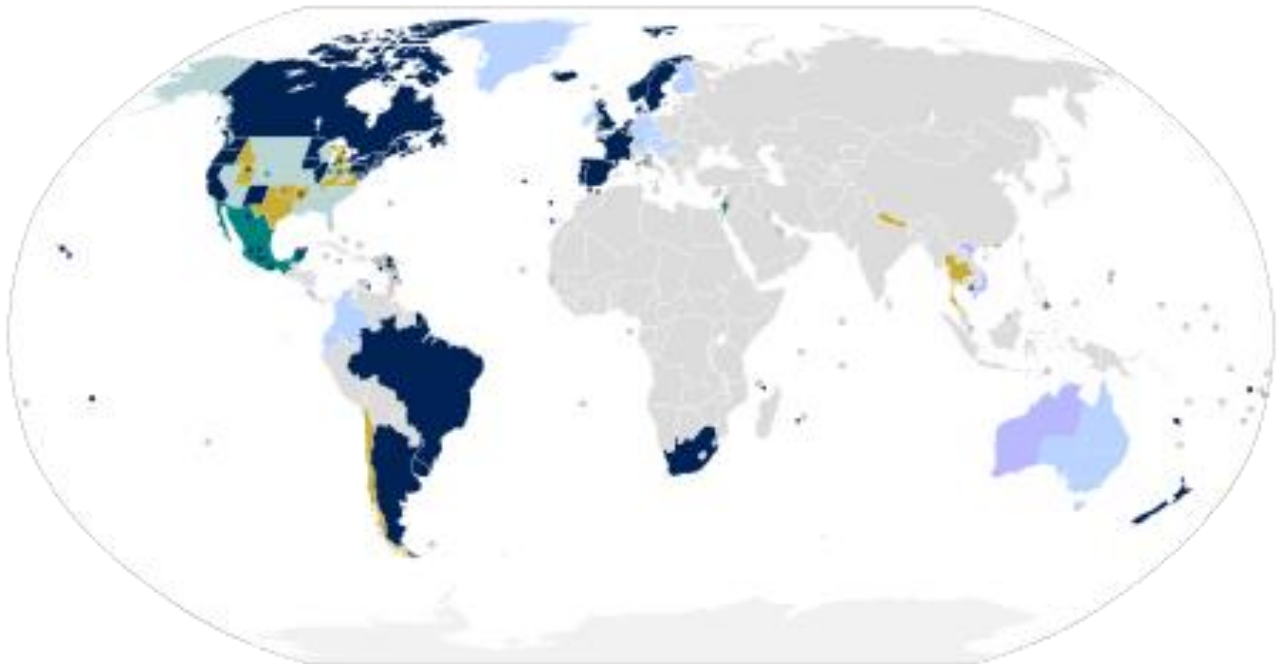
In the map, you can see the laws regarding homosexual relationships and expression in every country.



### Worldwide laws regarding homosexual relationships and expression

■ Same-sex marriage	■ Restricted freedom of expression
■ Other type of partnership or unregistered cohabitation	■ Unenforced penalty
■ Marriage recognized but not performed	■ Imprisonment
■ Marriage recognized federally but not performed	■ Up to life in prison
■ Same-sex unions not recognized	■ Death penalty

In this map, you can see the marriage-equality laws in the country.



- Marriage open to same-sex couples (ring = individual cases)
- Recognized when performed in certain other jurisdictions (ring = individual cases)
- Government/court announced intention to recognize
- Federal recognition of marriages at the state level
- Civil unions
- Unregistered cohabitation
- Same-sex unions not legally recognized

### Things you should know about your country

- What is your country's position on the whole issue
- Think about, what your country can do to improve the situation in the interest of your country's position
- What is your country willing to change on a national and international level
- What could future developments of the issue look like
- Which countries might be my allies, which countries will I have to convince of my principles and ideas?



## Helpful links

- [http://en.wikipedia.org/wiki/Same-sex\\_marriage#History](http://en.wikipedia.org/wiki/Same-sex_marriage#History)
- [http://search.un.org/search?q=same-sex+marriage&btnG=Search+UN+Website&output=xml\\_no\\_dtd&client=UN\\_Website\\_en&num=10&lr=lang\\_en&proxystylesheet=UN\\_Website\\_en&oe=UTF-8&ie=UTF-8&Submit=Go&ulang=de&sort=date%3AD%3A%3Ad1&entqrm=0&ud=1&exclude\\_pps=1&site=un\\_org](http://search.un.org/search?q=same-sex+marriage&btnG=Search+UN+Website&output=xml_no_dtd&client=UN_Website_en&num=10&lr=lang_en&proxystylesheet=UN_Website_en&oe=UTF-8&ie=UTF-8&Submit=Go&ulang=de&sort=date%3AD%3A%3Ad1&entqrm=0&ud=1&exclude_pps=1&site=un_org)
- [http://en.wikipedia.org/wiki/LGBT\\_rights](http://en.wikipedia.org/wiki/LGBT_rights)
- <http://www.freedomtomarry.org/landscape/entry/c/international>
- <http://iglhrc.org/>
- <http://ilga.org/>
- [https://www.princeton.edu/~achaney/tmve/wiki100k/docs/International\\_Lesbian\\_and\\_Gay\\_Association.html](https://www.princeton.edu/~achaney/tmve/wiki100k/docs/International_Lesbian_and_Gay_Association.html)
- <http://internationalspectrum.umich.edu/global/worldwideorgs>
- <http://www.buzzfeed.com/saeedjones/76-countries-where-anti-gay-laws-are-as-bad-as-or-worse-than>

## Sources:

[http://en.wikipedia.org/wiki/Same-sex\\_marriage](http://en.wikipedia.org/wiki/Same-sex_marriage)

[http://en.wikipedia.org/wiki/Rainbow\\_flag](http://en.wikipedia.org/wiki/Rainbow_flag)

[http://en.wikipedia.org/wiki/File:World\\_marriage-equality\\_laws.svg](http://en.wikipedia.org/wiki/File:World_marriage-equality_laws.svg)

[http://en.wikipedia.org/wiki/File:World\\_laws\\_pertaining\\_to\\_homosexual\\_relationships\\_and\\_expression.svg](http://en.wikipedia.org/wiki/File:World_laws_pertaining_to_homosexual_relationships_and_expression.svg)

<http://www.hrw.org/news/2013/05/20/zambia-stop-prosecuting-people-homosexuality>

<http://rightnow.org.au/news-article/un-human-rights-council-passes-historic-gay-rights-resolution/>

[http://en.wikipedia.org/wiki/Uganda\\_Anti-Homosexuality\\_Act,\\_2014](http://en.wikipedia.org/wiki/Uganda_Anti-Homosexuality_Act,_2014)

[http://en.wikipedia.org/wiki/LGBT\\_rights\\_at\\_the\\_United\\_Nations](http://en.wikipedia.org/wiki/LGBT_rights_at_the_United_Nations)

<http://www.freedomtomarry.org/landscape/entry/c/international>

<http://reliefweb.int/report/nigeria/prosecution-and-persecution-anti-gay-legislation-nigeria-uganda-endangers-lgbti>

<http://changingattitude.org.uk/archives/3618>

<http://abcnews.go.com/International/russian-lawmaker-suggests-gay-athletes-prosecuted-2014-winter/story?id=19829868>

<http://www.hrw.org/news/2013/03/21/cameroon-rights-abuses-homosexuality-prosecutions>