

**Comparative database
on same-sex partnership in Europe: contribution with
marriage and partnership statistics***

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I. Presentation of the data and main indicators

We have collected and organized elements of a comparative statistical database on legal recognition of same-sex couples, marriage and various forms of registered partnership. The objective is to determine the frequency of legal recognition in European countries that offer this possibility to same-sex couples. The database will be open to international comparisons in order to test whether legal contexts are factors of differentiation in behaviors regarding access to marriage or registered partnership. Whenever possible, separation of registered partners or divorce of married couples has also been documented statistically. In all cases, statistics have been broken down by gender, in order to measure behaviors in gay and lesbian couples. The material collected also considers the possibility of comparing same-sex couples with different-sex couples.

Statistics on forms of legal recognition: marriage, registered partnership, etc.

The basic element collected is the annual number of registered partnerships or marriages for gay and lesbian couples. The statistics are generally made available by national statistical institutes as a component of population change, together with births, deaths and different-sex marriages. Note that some countries do not enumerate registered partnerships or marriages but rather the persons who enter this type of legal status. This is the case, for instance, in Belgium and Sweden, where published numbers must be divided by 2 to obtain a good approximation. Minor discrepancies may occur when one of the two partners does not belong to the national population register on which the statistics are based.

But some more serious difficulties may arise. Such is the case when the legal situations to be enumerated are complex, for instance when it is legally possible to enter a registered partnership and marriage successively or simultaneously. For instance, in the Netherlands, registered partnership was introduced in 1998, then same-sex marriage in 2001, but registered partnership continued to exist in parallel. Similarly, in France, the "Pacs" civil partnership was introduced in 1999 and marriage in 2013. How are movements between the two categories organized, first in law, then in statistics? Should the figures be summed or must we identify couples who transform (automatically or not) their registered partnership into marriage? In Norway, it seems that marriage superseded registered partnership on 1 January 2009, as it did in Sweden later the same year. Do all registered partners become 'married' and will they get 'divorced' instead of 'separated'? The questions remain to be discussed with lawyers and statisticians.

Being preceded by registered partnership is not the only difficulty with same-sex marriage; the confusion with different-sex marriage may also be problematic. In Sweden, the distinction between homosexual and heterosexual marriage has become so tenuous by law that it has also been abolished in statistics. The number of same-sex marriages is no longer published and it is hoped that tabulation on demand will fill in the gap for international comparison purposes. Note that the issue also arises for different-sex marriages when we want to compare the frequency of legal recognition by sexual orientation. It is not clear whether chronological series of marriage statistics are homogeneous before and after same-sex marriage became legal. Nevertheless, the impact is only marginal in that case. For instance in 2012, same-sex marriages represented only 2% of total marriages in Belgium, 1% in Norway.

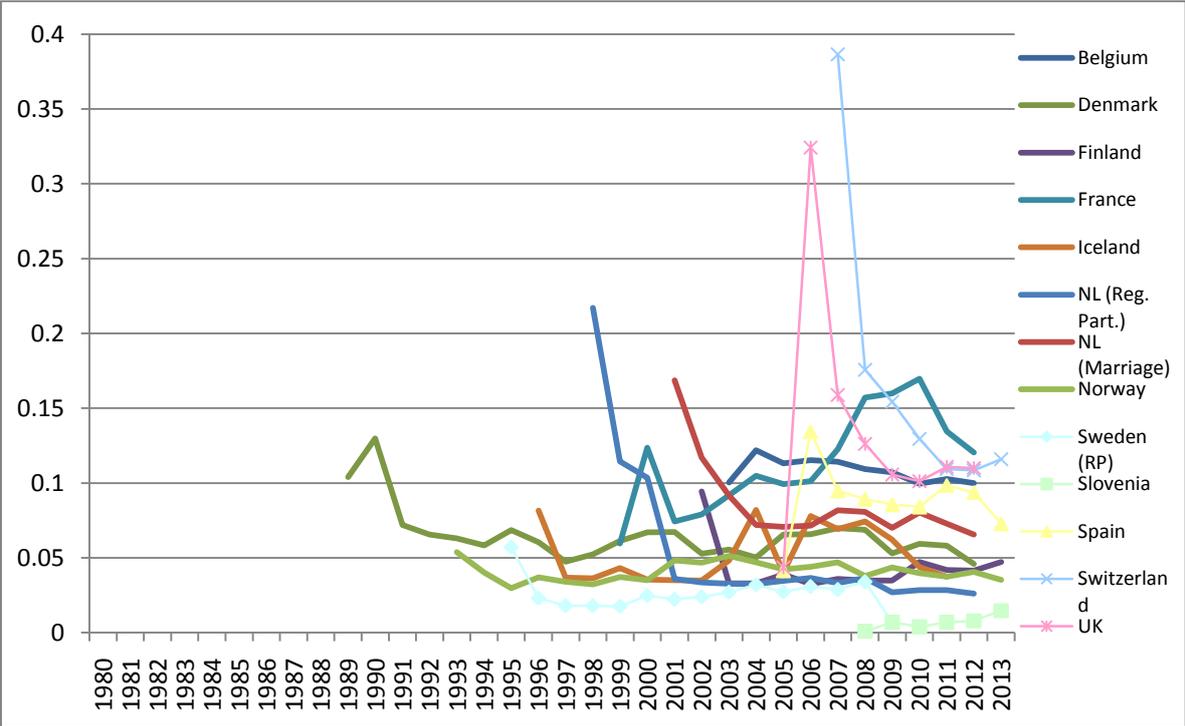
In some countries, registered partnership is not included in vital statistics and is not covered by national statistical institutes. Routines of data production are not as smooth as they are in the other countries and there may be difficulties in getting the material we need for comparative purposes. In France, Pacs unions are registered in tribunals and the statistics are produced by the Ministry of Justice. It took time before a distinction between same-sex and different-sex Pacs could be made in the data. Published data are only available after 2007, but there are reliable estimates for the period since 1999, based on unpublished results. Since 2011, Pacs unions may be registered by notaries, which creates a new difficulty or introduces at least a question mark on reliability of registration. In Spain, registered partnerships are regulated at the regional level and no national statistics are compiled. In Germany, we know of no regular statistical data on *lebenspartnerschaft*. The same applies in Czech Republic, where same-sex partnerships have existed since 2006 but no statistical information is published. We have excluded these two countries from our compilation. We have also excluded *cohabitation légale* in Belgium and we have concentrated on same-sex marriage. This is partly for legal reasons – *cohabitation légale* is not restricted to homosexuals but may be open to any community of interest, like brothers or sisters – and statistical data are rather scarce.

For the sake of comparison, we have also recorded numbers of different-sex marriages in the countries that offer legal recognition to same-sex couples. In France and the Netherlands, we have also added information on Pacs unions and registered partnerships, respectively, since they are open to different-sex as well as same-sex couples. The same reservation as noted above applies to the possibility of summing these statistics with those for marriages in order to measure the global frequency of legal recognition. Certain marriages are simply an “upgrade” of a Pacs or registered partnership for couples who transform one form of legal recognition into another. In France, this kind of transformation is documented in the statistics of Pacs dissolution, since marriage of the partners is one of the reasons for ending a Pacs (occasionally, marriage may be with another partner but we assume that such cases are marginal). In the Netherlands, no such statistics are available, but the reverse movement is documented, i.e. the number of marriages “downgraded” into a registered partnership. This kind of transformation was used by couples for a period to access a separation procedure that is more rapid than divorce (“flash divorce”). As previously, we have not included the statistics on *cohabitation légale* in Belgium, since this is not a form of legal recognition specific to couples.

Frequency of same-sex marriage or registered partnership

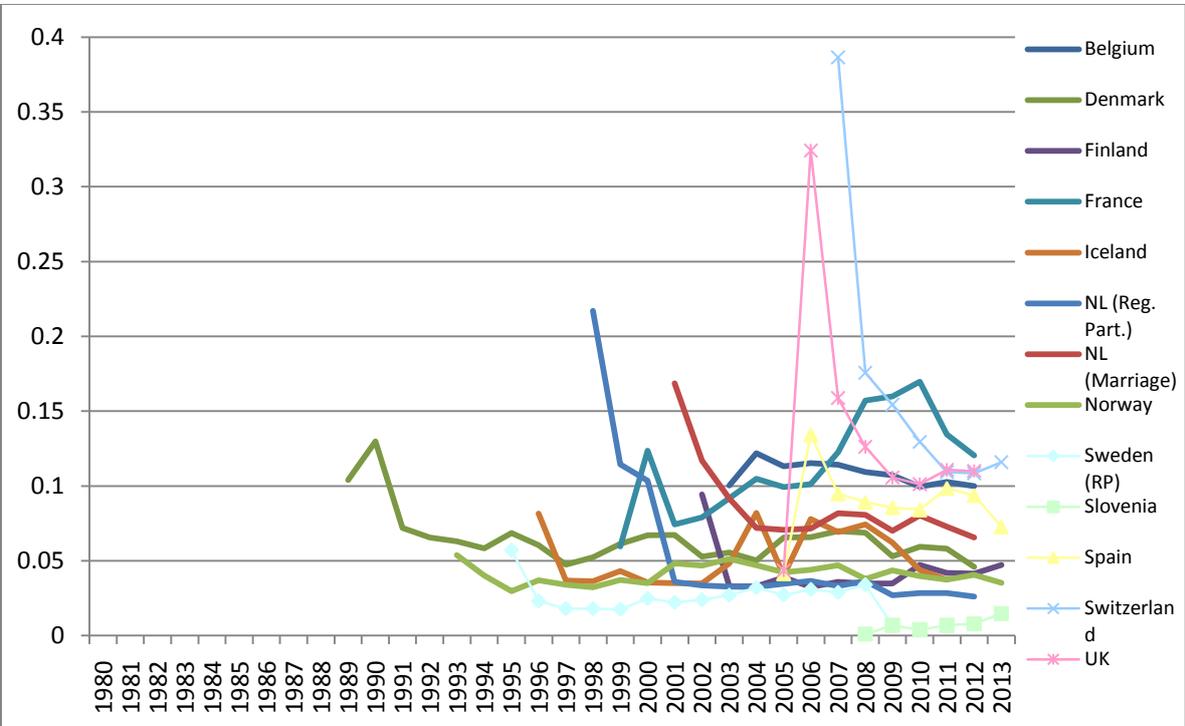
The simplest indicator of frequency is crude rate: ratio of marriages or registered partnerships to total population (See Figures 1 & 2). The number of male marriages or registered partnerships is divided by midyear total male population; that of female marriages or registered partnerships by midyear total female population. Similarly, the number of different-sex marriages or registered partnerships is divided by midyear total population, males and females. Total population by sex is routinely published by national statistical institutes. Midyear estimates are averages of populations on 1 January of years t and $t+1$. Calculation makes international comparisons possible, but not comparisons between same-sex and different-sex couples.

Figure 1. Crude male marriage rate (p. 1000)



Source: own calculation from marriage records and population statistics.

Figure 2. Crude female marriage rate (p. 1000)



Source: own calculation from marriage records and population statistics.

A more meaningful indicator is obtained by dividing the number of male marriages or registered partnerships by the number of male couples still unmarried or unregistered (See Figures 3 & 4). This ratio – and its female equivalent – relates events to the population most directly “exposed to risk”, a standard procedure in demography. The main difficulty is to obtain estimates of this population. We explained this in deliverable 9.4. In the European countries we deal with, the only reliable estimates published by national statistical institutes are for France (2011) and the Netherlands (1995-2002).

Take the example of France: in 2011, there were 31 000 unregistered male couples, of which 4119 (7.1%) contracted a Pacs, and 25 250 unregistered female couples, of which 3310 (8.1%) contracted a Pacs. Note that the frequency is higher among female couples than male couples, while the reverse is true for absolute figures and even crude rates (respectively 0.134 and 0.102 per 1000). A similar indicator may be calculated for different-sex couples in 2011: there were 3 712 949 unmarried couples, of which 231 100 (6.2%) got married. The frequency of different-sex marriage is lower than the frequencies of male and female Pacs unions. Absolute figures or crude rates were very far from showing that!

Statistics of unmarried different-sex couples are routinely published in many countries, since the 1990s, for example, in Belgium, Finland, Iceland and the Netherlands, or even earlier in Denmark. In Norway, the first estimates date back to 2005; from 1991 to 2004, estimates covered only cohabiting couples with children, which we have complemented with personal estimates for cohabiting couples without children (details are given in the Excel file). In France, the rotating census has given annual results since 2006, but the traditional censuses of 1982, 1990 and 1999 also provided statistics; linear interpolation has provided us with annual estimates for intervening years. In Sweden, there are no official statistics before 2013 and we have not attempted any personal estimates. In all countries (except Sweden), different-sex marriage rates can be calculated for a period that extends back before legal recognition of same-sex couples.

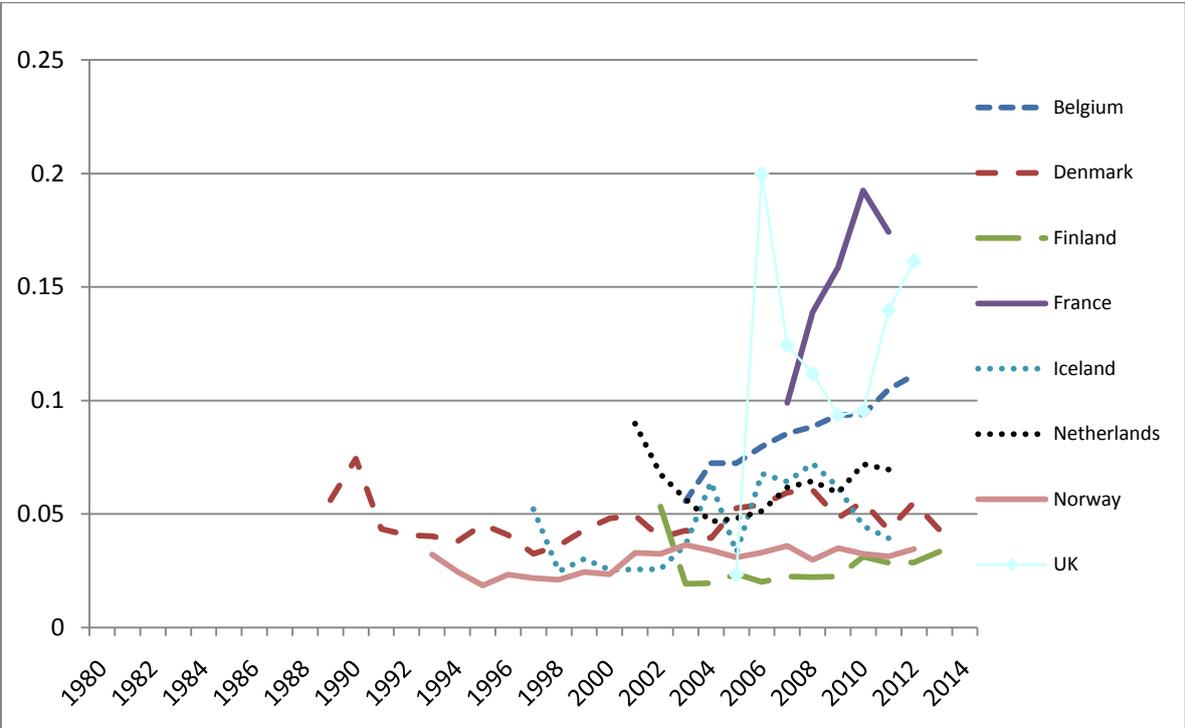
The graph of these rates indicates a gradual decline in most countries, at least since the mid 1990s. The most visible exceptions to this bird’s eye view are rapid declines in the more distant past, in France and Norway before say 1993, in Belgium before 2002. This may point to rapid declines in nuptiality, but statistical issues cannot be ruled out. Two explanations can be envisaged along this line: one, the number of unmarried couples may have been underestimated in the past and progressively become more accurate; second, past rates may have overestimated nuptiality among unmarried couples because certain marriages were contracted by men and women who had never lived together as couples before. A combination of both explanations is possible. Note that rates likely to have been biased correspond to years preceding legal recognition of same-sex partnerships. They would not be used for any comparison of rates between same-sex and different-sex couples, if such rates could be calculated for both.

We propose a method to tentatively estimate same-sex partnership rates despite the absence of official data on same-sex couples. We rely on the fact that same-sex couples that could be enumerated represent between 0.7% (as was the case for France in 2011) and 1.2% (the Netherlands in 1995-2002) of all couples. Results for other countries in Europe (Germany, UK) or outside Europe (like the US) are included within that interval; Spain is the only exception (0.5% in 2011). For all countries, we assume that same-sex couples represent between 0.7% and 1.2% of all couples. Moreover, in all countries where same-sex couples have been enumerated, in Europe or outside

Europe, there is a majority of male couples and a minority of female couples: the ratio is somewhere between 51-49 and 54-46 in the Netherlands; it is 58-42 in France. We have chosen 54-46 for our estimates. Finally, we measure the number of married or registered same-sex couples to subtract it from the total number of couples. When this figure is not readily available, as in the UK, we estimate it by subtracting the aggregate number of same-sex dissolutions from the aggregate number of same-sex marriages. Dissolutions are determined partly by estimation, especially for the Netherlands and Norway, but this is only a minor part of the calculation. These operations are conducted separately for male and female couples.

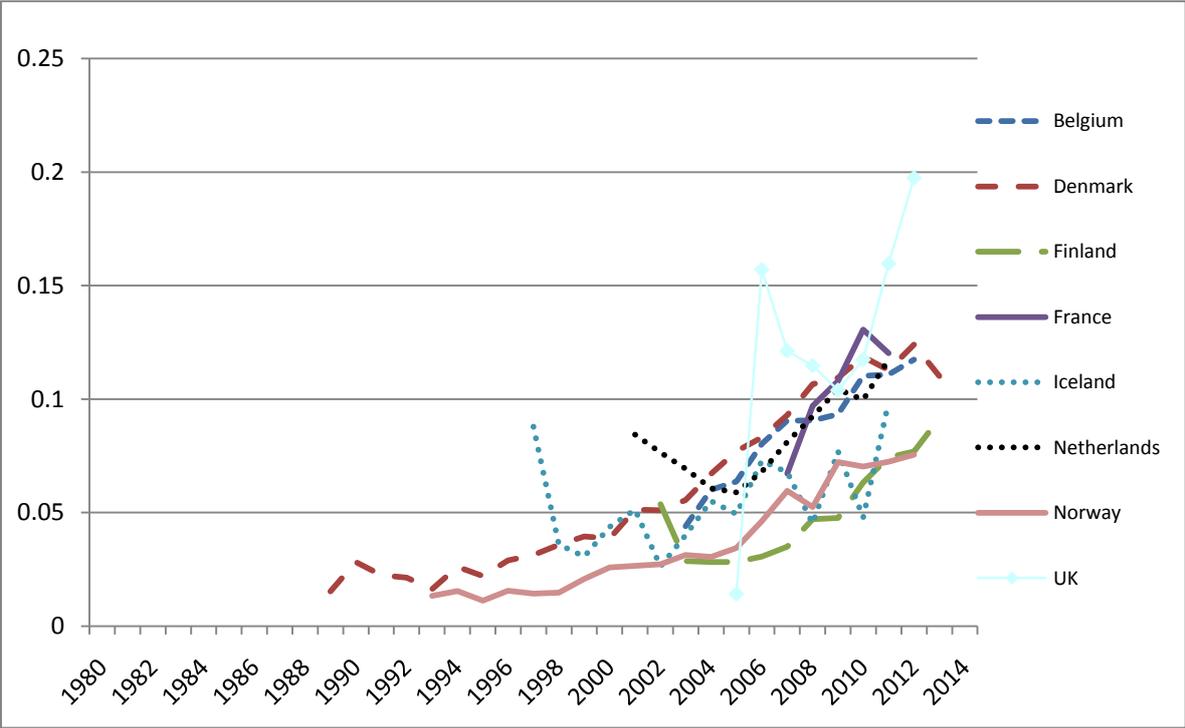
While crude rates are basic indicators almost exclusively calculated from official statistics and can be considered as final, refined rates provide more sophisticated information relying partly on estimates that may be challenged by other estimates or, ideally, replaced by official data.

Figure 3. Male marriage rate per unmarried couple



Source: own calculation from marriage records and population statistics.

Figure 4. Female marriage rate per unmarried couple



Source: own calculation from marriage records and population statistics.

Dissolution of same-sex marriage or registered partnership

Some countries providing statistical data on legal recognition also provide data on dissolution of same-sex marriage or registered partnership covering the whole period or a large part of it. This is the case for Belgium, Finland, France, Iceland, Spain, Sweden, Switzerland and United Kingdom. Information is lacking for Denmark, the Netherlands, Norway and Slovenia. One of the difficulties lies in the combination of registered partnership and marriage in parallel or in succession. The respective roles of separation in registered partnership, transformation of registered partnership into marriage, and divorce in same-sex marriage remain to be carefully documented and disentangled.

But beyond the availability of basic data, the measurement of separation or divorce risks is a tricky question to be explored. Legal recognition of same-sex couples is a recent phenomenon. Separations or divorces increase from year to year almost

inevitably, not because the risk of dissolution increases but because the number of cohorts exposed to the risk of dissolution increases. Comparisons of numbers through time cannot be taken at face value. And neither can comparisons between separation or divorce among same-sex couples (which is restricted to short durations), with total divorce in different-sex marriages (which is not). It is easily understandable that international comparisons are equally delicate, since legal recognition has become possible at various dates in different countries.

For these reasons, we limit ourselves to the compilation of accessible data and will envisage various methods and assumptions to treat the information in the future.

II. Specific notes for each country

BELGIUM

Source: Direction générale Statistique et Information économique

Check whether data on marriages and couples exclude same-sex relationships

MARRIAGES

Marriage and divorce statistics are mostly based on vital records filled in by local administrations where marriages are performed. These statistics cover events (marriages, divorces), not persons (spouses, divorcees) as is the case when they are extracted from the National Registry.

Statistics include all marriages performed in Belgian municipalities, not those performed in other countries.

SAME-SEX MARRIAGES

Since 13 February 2003, marriage and divorce have been open to same-sex couples, but statistics based on vital records do not yet distinguish between different-sex and same-sex marriages (and divorces). They must therefore be complemented by short statistics extracted from the National Registry, which enumerate persons who have entered same-sex marriages or divorces. These statistics concern persons, so must be divided by 2 for an estimate of events.

Statistics on legal cohabitation are also extracted from the National Registry.

SAME-SEX COUPLES

No data on same-sex couples. Personal estimates

Personal estimates based on the assumptions that same sex couples represent between 0.7% and 1.2% of all couples and that male couples account for 54% of same-sex couples and female couples 46%.

DENMARK

Source: Statistics Denmark, www.statbank.dk

MARRIAGES

The marriages counted in Denmark include all those which satisfy the condition that at least one of the two spouses is resident in Denmark.

For some marriages, the sex and age of one of the involved persons is not stated because the person was not in the Danish population register. In these cases the marriages are defined as marriages of different sex couples. This means that marriages of same sex couples might be underestimated and marriages of different sex couples might be overestimated.

COUPLES

1. *Married couples*. The two persons have spouse reference numbers that link them to each other. Since June 2012 two persons of the same sex are able to get married, but they are excluded here.

2. *Unmarried couples*. The sum of consensual unions and cohabiting couples:

a. *Consensual unions*. Two persons who have at least one joint child regardless of the child's age, and regardless of where the child lives and whether he/she is alive or deceased.

b. *Cohabiting couples*: A cohabiting couple consists of two persons of opposite sex with no common children, but possibly with children from a previous union. The two persons have an age difference of less than 15 years, they are not from the same family of origin as far as the reference numbers show, and there are no other adult persons living at the address. Persons down to the age of 16 can be regarded as cohabiting.

SAME-SEX MARRIAGES

The law on registered partnerships took effect on 1 October 1989.

The statistics are based on the same sources as those which apply to marriage.

1989 to 1998 figures are personal estimates based on the number of registered partners at the end of each year from 31/12/1989 TO 31/12/1998.

SAME-SEX COUPLES

No data on same-sex couples. Personal estimates

Personal estimates based on the assumptions that same sex couples represent between 0.7% and 1.2% of all couples and that male couples account for 54% of same-sex couples and female couples 46%.

FINLAND

Source: Statistics Finland, StatFin database

MARRIAGES

Marriages contracted refer to marriages contracted by females permanently resident in Finland.

COUPLES

Couples living in registered partnership are included with married couples

Couples are grouped into the following types:

- married couple without children
- cohabiting couple without children
- married couple with children
- cohabiting couple with children

A married or cohabiting couple without children refers to a couple who has never had any children or whose children no longer live with their parents. 'Cohabiting couple with children' contains couples who have common children and also couples whose children are not common.

A cohabiting couple is defined as two spouseless adults of different sex aged 18 and over and occupying the same dwelling on a permanent basis, provided their age difference is less than 16 years and they are not siblings. If the couple has a common child these specifications do not apply. Same-sex persons living together are not inferred as cohabiting couples. Only registered partnerships are recorded in the statistics.

SAME SEX MARRIAGES

Registered partnership of two persons of the same sex aged 18 or over (Act on Registered Partnerships of 9 Nov. 2001/950). Partnership is registered by an authority entitled to perform civil marriage ceremonies. Registered partnership is dissolved when one partner dies or is declared dead, or when it is dissolved by court order.

SAME SEX COUPLES

No data on same-sex couples. Personal estimates

Personal estimates based on the assumptions that same sex couples represent between 0.7% and 1.2% of all couples and that male couples account for 54% of same-sex couples and female couples 46%.

FRANCE

Source: INSEE and Ministère de la Justice
Mainland France and Corsica

MARRIAGES

Statistics on different-sex civil partnerships (Pacs) are available from 2007 (*overseas départements* have been excluded)

Different-sex Pacs are estimated for 1999-2006 from statistics published by Insee for MF Pacs (*overseas départements* have been subtracted, 0.9%)

COUPLES

Couples: linear interpolation between census results (in bold) communicated by Fabienne Daguet (INSEE)

They are considered as midyear estimates

SAME SEX MARRIAGES

Same-sex Pacs are published from 2007 (*overseas départements* have been excluded)

Same-sex Pacs are estimated for 1999-2006 from statistics published by INSEE for MM+FF Pacs

Estimates: *overseas départements* have been subtracted (=0.9%)

Estimates: the proportion of MM Pacs in 1999-2006 is said to be 62.5% by Carrasco. It is estimated as slowly declining from 66% in 1999-2000 to 60 in 2006

Dissolutions are published from 2007 (*overseas départements* have been excluded)

Separations and (different-sex) marriages have been added (an estimate for 2013, where marriages include same-sex)

Dissolutions in 1999-2006 represent 19% of MM Pacs and 23% of FF Pacs (Carrasco), i.e. 21,398 MM Pacs*0.19 (=4066) and 12,499 FF Pacs*0.23 (=2875)

SAME SEX COUPLES

Data on same-sex couples: G. Buisson and A. Lapinte, *Le couple dans tous ses états*, http://www.insee.fr/fr/themes/document.asp?ref_id=ip1435, INSEE, 2011 Census and EFL survey.

Personal estimates

Personal estimates based on the assumptions that same sex couples represent between 0.7% and 1.2% of all couples and that male couples account for 54% of same-sex couples and female couples 46%.

ICELAND

Source: Statistics Iceland

COUPLES

Type of family:

Consensual union:

Including homosexual couples in consensual union.

Married couple:

Including couples in registered partnership.

SAME SEX COUPLES

No data on same-sex couples. Personal estimates

Personal estimates based on the assumptions that same sex couples represent between 0.7% and 1.2% of all couples and that male couples account for 54% of same-sex couples and female couples 46%.

THE NETHERLANDS

Source: Statistics Netherlands, Statline

MARRIAGES

Excluding registered partnership.

From October 1994: the figures refer to married couples of which at least one partner is recorded in the municipal registers, irrespective of the country where the marriage was performed.

Until October 1994: the figures refer to all marriages contracted in the Netherlands, irrespective of registration of the person(s) in the municipal registers.

COUPLES

Married couple:

Couple consisting of two married persons, including persons in a registered partnership.

Unmarried couple:

Two persons living together who are not married or in a registered partnership.

SAME SEX MARRIAGES

Partnership registration

A marriage-like relationship recorded at the registry office.

Partnership registration is open to same-sex and different-sex couples.

Registered partnership was introduced in the Netherlands on 1 January 1998.

The figures refer to registered partnerships of which at least one partner is recorded in the municipal registers of a Dutch municipality.

Since 1 April 2001, it is legally possible for people in the Netherlands to marry persons of the same sex

SAME SEX COUPLES

Estimates on same-sex couples from J. Latten and E. Steenhof, Estimation of same sex couples in the Netherlands, CBS <https://same-sex.web.ined.fr/ppt/JanLatten2.ppt>. Personal estimates

Personal estimates based on the assumption that same sex couples represent between 0.7% and 1.2% of all couples and that male couples account for 54% of same-sex couples and female couples 46%.

NORWAY

Source: Statistics Norway, StatistiskBanken

MARRIAGES

Different sex marriages: the bridegroom resident in Norway

COUPLES

Data on couples since 2005. Personal estimates before

Before 2005, the numbers of married couples with and without minor children is known and so is the number of unmarried couples with children.

We have estimated the number of unmarried couples without children.

We have assumed that the ratio of unmarried couples without children to the total number of couples (married or not) without children was equal to that of Belgium at the same date.

Reference to Belgium on the basis of similarities in levels and trends of the ratio since 2005

SAME SEX MARRIAGES

Same sex registered partnership up to 2008. Same sex registered marriage since 2009

Same sex registered partnership or marriage: the oldest resident in Norway

SAME SEX COUPLES

No data on same-sex couples. Personal estimates

Personal estimates based on the assumptions that same sex couples represent between 0.7% and 1.2% of all couples and that male couples account for 54% of same-sex couples and female couples 46%.

SLOVENIA

Source: Statistical Office of the Republic of Slovenia

MARRIAGES

Only different sex marriages, taken from the Central Population Register.

COUPLES

Number of couples only in population census years, 2002 and 2011. Distinction between married and unmarried couples is available.

SAME-SEX MARRIAGES

Recognized partnerships for same-sex couples are legal since 23 July 2006.

SAME-SEX COUPLES

No data on same-sex couples. Personal estimates for census years.

Personal estimates based on the assumptions that same sex couples represent between 0.7% and 1.2% of all couples and that male couples account for 54% of same-sex couples and female couples 46%.

SPAIN

Source: Spanish National Statistical Institute, INE.

MARRIAGES

No information on registered partnerships at the national level.

COUPLES

Number of couples only in census years: 1991, 2011, 2011. Alternative sources could potentially be used to complete the time series (for example Labour Force Survey)

Distinction between married and unmarried couples is available.

SAME-SEX MARRIAGES

Same-sex marriage is legal since June 2005.

SAME-SEX COUPLES

Data on same-sex couples is available for 2001 and 2011 (the latest is a sample-based census).

Distinction between married and unmarried couples is available.

SWITZERLAND

Source: Swiss Statistics

MARRIAGES

Different-sex marriages. Since 2001, only marriages between spouses with permanent residence in Switzerland are included.

COUPLES

Number of couples only in population census years, 1980, 1990, 2000. Distinction between married and unmarried couples is available.

SAME-SEX MARRIAGES

No same-sex marriages

Same-sex registered partnerships have been recognized since 1 January 2007, when the Partnership Act came into force.

SAME SEX COUPLES

No data on same-sex couples. Personal estimates for census years.

Personal estimates based on the assumptions that same sex couples represent between 0.7% and 1.2% of all couples and that male couples account for 54% of same-sex couples and female couples 46%.

UNITED KINGDOM

Source: UK National Statistics

MARRIAGES

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COUPLES

Data on couples from the Labour Force Survey (1996-2011)

SAME-SEX MARRIAGES

The Civil Partnership Act 2004 came into force on 5 December 2005.

Same-sex marriages allowed in England and Wales in July 2013. No data available yet.

SAME-SEX COUPLES

Data on same-sex couples estimated from Labour Force Survey for the period 1996-2012, with no sex distinction. On that basis we have applied the assumption that male couples represent 54% of same-sex couples and female couples 46%.

Personal estimates based on the assumption that same sex couples represent 0.7% or 1.2% of all couples and on the sex ratio assumption.