

= Same @-@ sex marriage in Spain =

Same @-@ sex marriage has been legally recognized in Spain since 3 July 2005 . In 2004 , the nation 's newly elected Socialist Party ( PSOE ) government , led by Prime Minister José Luis Rodríguez Zapatero , began a campaign for its legalization , including the right of adoption by same @-@ sex couples . After much debate , a law permitting same @-@ sex marriage was passed by the Cortes Generales ( Spain 's bicameral parliament , composed of the Senate and the Congress of Deputies ) on 30 June 2005 and published on 2 July 2005 . The law took effect the next day , making Spain the third country in the world to allow same @-@ sex couples to marry across the entire country , after the Netherlands and Belgium , and 17 days ahead of the right being extended across all of Canada .

The ratification of this law was not devoid of conflict , despite support from 66 % of the population . Roman Catholic authorities in particular were adamantly opposed , criticising what they regarded as the weakening of the meaning of marriage . Other associations expressed concern over the possibility of lesbians and gays adopting children . Demonstrations for and against the law drew thousands of people from all parts of Spain . After its approval , the conservative People 's Party challenged the law in the Constitutional Court .

Approximately 4 @, @ 500 same @-@ sex couples married in Spain during the first year of the law . Shortly after the law was passed , questions arose about the legal status of marriage to non @-@ Spaniards whose country did not permit same @-@ sex marriage . A ruling from the Justice Ministry stated that the country 's same @-@ sex marriage law allows a Spanish citizen to marry a non @-@ Spaniard regardless of whether that person 's homeland recognizes the partnership . At least one partner must be a Spanish citizen in order to marry , although two non @-@ Spaniards may marry if they both have legal residence in Spain .

The November 2011 general election delivered a landslide victory to the People 's Party , whose leader Mariano Rajoy said that he opposed same @-@ sex marriage , but any decision about repealing the law could be made only after the ruling of the Constitutional Court . On 6 November 2012 , the law was upheld by the Court with 8 support votes and 3 against . Minister of Justice Alberto Ruiz @-@ Gallardón announced that the government will abide the ruling and the law will not be repealed .

= = History = =

During the 1990s and early 2000s , several city councils and autonomous communities had opened registers for civil unions that allowed benefits for unmarried couples of any sex , although the effect was mainly symbolic . Registries were created in 16 out of 17 of Spain 's autonomous communities ; Catalonia ( 1998 ) , Aragon ( 1999 ) , Navarre ( 2000 ) , Castile @-@ La Mancha ( 2000 ) , Valencia ( 2001 ) , Balearic Islands ( 2001 ) , Madrid ( 2001 ) , Asturias ( 2002 ) , Andalusia ( 2002 ) , Castile and León ( 2002 ) , Extremadura ( 2003 ) , Basque Country ( 2003 ) , Canary Islands ( 2003 ) , Cantabria ( 2005 ) , Galicia ( 2008 ) and La Rioja ( 2010 ) , and in both autonomous cities ; Ceuta ( 1998 ) and Melilla ( 2008 ) Spanish law already allowed single people to adopt children ; thus , a same @-@ sex couple could undertake a de facto adoption , but the partner who was not the legal parent had no rights if the relationship ended or the legal parent died . Same @-@ sex marriages were not legal in the autonomous communities , because the Spanish Constitution gives the State sole power to legislate marriage .

The Socialist Party ( PSOE ) manifesto for the 2004 general election included the pledge of amending the Civil Code to legalize same @-@ sex marriage , granting it the same status as heterosexual marriage in order to " ensure full social and legal equality for lesbians and gays " . After the socialists ' victory in the election , the new Prime Minister José Luis Rodríguez Zapatero promised at his inauguration address to bring this change forward : " The moment has finally arrived to end once and for all the intolerable discrimination which many Spaniards suffer because of their sexual preferences . ( ... ) As a result , we will modify the Civil Code to recognize their equal right to marriage with the resulting effects over inheritance , labor rights and social security protection " . On

30 June 2004 , the then Minister of Justice Juan Fernando López Aguilar announced that the Congress of Deputies had provisionally approved a government plan for legislation to extend the right of marriage to same @-@ sex couples . López Aguilar also announced two propositions , introduced by the regional Convergence and Union party of Catalonia : one introduced legal status for both opposite- and same @-@ sex common @-@ law unions ( parejas de hecho , " de facto unions " ) , while the other permitted transgender people to legally change their name and sex designation without the requirement of surgery . The bill regarding same @-@ sex marriage was approved by the Cabinet on 1 October 2004 , submitted to Parliament on 31 December , and passed by the Congress of Deputies on 21 April 2005 . However , it was rejected on 22 June 2005 by the Senate , where the opposition People 's Party held a plurality of the seats . The bill was returned to the lower house , which holds the power to override the Senate , and final approval was given to the bill on 30 June 2005 with 187 " yes " votes , 147 " no " votes , and 4 abstentions .

With the final approval , and enactment of the bill on 2 July 2005 , Spain became the third country in the world to formally legalize same @-@ sex marriages nationwide , after the Netherlands and Belgium .

The first same @-@ sex wedding took place eight days after the bill became law , and was celebrated in the council chamber in the Madrid suburb of Tres Cantos by Carlos Baturín and Emilio Menéndez . The first same @-@ sex marriage between women took place in Barcelona eleven days later .

In spite of these steps toward equal treatment , a legal flaw remained : if children were born within a lesbian marriage , the non @-@ biological mother was not legally regarded as a parent ; she still had to undergo the lengthy financial process of adoption . This right was granted to heterosexual couples ( married or not ) , where a stepfather could declare his wife 's children to be his without further process . On 7 November 2006 , the government amended the law on assisted reproduction , allowing the non @-@ biological mother to be regarded as a parent alongside her female spouse who is the birth @-@ mother .

= = = Ratification of Law 13 / 2005 = = =

The projected bill announced on 30 June 2004 by the Minister of Justice was studied by the General Council of the Judiciary . Although the General Council admitted that the existing discrimination against homosexuals could not be condoned , it was quite critical about extending marriage toward same @-@ sex couples ( including collateral adoption ) . It argued that the extension was not demanded by the Constitution , and that ending discrimination could be achieved through other legal means , such as the extension of civil unions .

Despite this negative report , the government presented the bill to Congress on 1 October 2004 . With the exception of the People 's Party and members of the Democratic Union of Catalonia , the different parliamentary parties favoured the reform . On 21 April 2005 , Congress approved the bill , with 183 " yes " and 136 " no " votes and 6 abstentions ( including a member of the People 's Party ) . The bill to allow same @-@ sex marriage in Spain was short : it added a new paragraph to article 44 of the civil code , saying that Matrimony shall have the same requisites and effects regardless of whether the persons involved are of the same or different sex .

In accordance with constitutional provisions , the text approved by the Congress was then submitted to the Senate for final approval , change or veto . On 21 June 2005 experts were called to the Senate to debate the issue . The expert 's opinions were diverse ; some stated that gay adoption had no effect on a child 's development , except for perhaps a higher tolerance towards homosexuality . However , psychiatrist Aquilino Polaino , called by the People 's Party as an expert , called homosexuality a pathology and emotive disorder . Among other assertions that generated debate , he claimed that " many homosexuals have rape abuse antecedents since childhood " and that homosexuals generally come from families with " hostile , alcoholic and distant " fathers , and mothers who were " over protective " toward boys and " cold " toward girls . Prominent People 's Party members later rejected Polaino 's assertions .

The Senate vetoed the text submitted by the Congress . The veto was proposed by the People 's

Party , which held the majority of the seats , and by the Democratic Union of Catalonia , and was approved by 131 " yes " and 119 " no " votes and 2 abstentions . As a result , the text was sent back to the Congress . On 30 June 2005 it was approved by Congress , which , in accordance with the constitutional provisions , overrode the Senate veto . This was achieved with 187 " yes " votes ( including a member of the People 's Party , Celia Villalobos ) , 147 " no " votes , and four abstentions . The veto override implied its approval as law . The vote was held after Zapatero unexpectedly took the floor of parliament to speak in its support , saying We are expanding the opportunities for happiness of our neighbors , our colleagues , our friends and our relatives . At the same time , we are building a more decent society . Mariano Rajoy , the leader of the opposition People 's Party , was denied the opportunity to address parliament after Zapatero 's appearance , and accused Zapatero of dividing Spanish society .

When the media asked King Juan Carlos if he would sign the bill that was being debated in the Cortes Generales , he answered that he was the King of Spain , not of Belgium ? a reference to King Baudouin of Belgium , who refused to sign the Belgian law legalising abortion . For the king to withhold his royal assent would effect a veto of the legislation . However , the king gave his royal assent to Law 13 / 2005 on 1 July 2005 , and the law was gazetted in the Boletín Oficial del Estado on 2 July , and came into effect on 3 July . The king received criticism by Carlist and other far right conservatives for signing the legislation .

= = Reactions = =

The bill 's passage was met with concern by Catholic authorities , including Pope John Paul II ? who warned of a weakening of family values ? and his successor Pope Benedict XVI . Cardinal López Trujillo , president of the Pontifical Council for the Family , said the Church was making an urgent call for freedom of conscience for Catholics and appealing to them to resist the law . He said every profession linked with implementing same @-@ sex marriages should oppose it , even if it meant losing their jobs . Gay rights supporters argued that while the Catholic Church also formally opposed opposite @-@ sex , non @-@ religious marriage , its opposition was not as vocal ; for example , the Church did not object to the marriage of Crown Prince Felipe to Letizia Ortiz , who had divorced from a previous civil marriage . The church was unable to gather enough support to derail the bill , even though 80 % of Spaniards identify as members of the Catholic Faith . Sociologists believe this may be due to the significant increase of liberalism in the realm of individual rights in recent years , where the Church traditionally had most influence , especially on family issues . A poll showed that three quarters of Spaniards believe the church hierarchy is out of touch with social reality . A complementary explanation might be that the Church 's influence on Spaniards declined after the death in 1975 of the dictator General Francisco Franco , whose regime was closely linked to the Church .

Prime Minister Zapatero responded to Church criticism by saying :

There is no damage to marriage or to the family in allowing two people of the same sex to get married . Rather , these citizens now have the ability to organize their lives according to marital and familial norms and demands . There is no threat to the institution of marriage , but precisely the opposite : this law recognizes and values marriage .

Aware that some people and institutions profoundly disagree with this legal change , I wish to say that like other reforms to the marriage code that preceded this one , this law will not generate bad results , that its only consequence will be to avoid senseless suffering of human beings . A society that avoids senseless suffering of its citizens is a better society .

In any case , I wish to express my deep respect to those people and institutions , and I also want to ask for the same respect for all of those who approve of this law . To the homosexuals that have personally tolerated the abuse and insults for many years , I ask that you add to the courage you have demonstrated in your struggle for civil rights , an example of generosity and joy with respect to all the beliefs .

On 19 June 2005 there was a public protest against the law . Protesters ? led by People 's Party members , Spanish bishops and the Spanish Family Forum ( Foro Español de la Familia ) ? said

they had rallied 1 @. @ 5 million people against what they considered an attack on the traditional family and Spanish values ; the Government 's Delegation in Madrid counted 166 @, @ 000 at the same event . Two weeks after this protest , coinciding with Gay Pride Day , FELGT ( Federación Estatal de Lesbianas , Gays , Transexuales y Bisexuales ? the Spanish Lesbian , Gay , and Transgender Organization ) estimated two million people marched in favour of the new law ; police sources counted 97 @, @ 000 . Both marches took place in Madrid , at the time governed by the conservative People 's Party .

Spanish bishops also claimed that the government , by extending the right of marriage to same @-@ sex couples , weakened the meaning of marriage , which they defined as an involving a heterosexual couple . The Spanish Family Forum expressed concern over the possibility of gay couples adopting and raising children , and argued that adoption is not a right for the parents , but for the adopted . Gay associations replied that de facto adoption by same @-@ sex couples had existed for a long time in Spain , since many couples were rearing minors adopted by one of the partners . Adoption by same @-@ sex couples was already legal in Navarre ( 2000 ) , the Basque Country ( 2003 ) , Aragon ( 2004 ) , Catalonia ( 2005 ) and Cantabria ( 2005 ) before the same @-@ sex marriage law legalized these adoptions nationwide . Furthermore , in Asturias ( 2002 ) , Andalusia ( 2002 ) and Extremadura ( 2003 ) , same @-@ sex couples could jointly begin procedures to temporarily or permanently take children in care . These associations also argued that there was no scientific basis for the claim that the parents ' sexual orientation would cause developmental problems for their adopted children . This view is officially supported by the Spanish School of Psychology , which also states that homosexuality is not a pathology .

In a 2008 biography , Queen Sofia of Spain revealed that she preferred the term " civil union " to " marriage " for committed same @-@ gender relationships . This and other alleged comments by the queen opened the Spanish monarchy to rare criticism in 2008 , with the Zarzuela palace issuing an apology on behalf of the queen for the " inexact " quotes attributed to her . Antonio Poveda , president of FELGT , said his organization accepted the queen 's apology , but added that there remains ill feelings by the gay community towards the queen over the comments . King Juan Carlos , known to be far more liberal than his wife , was reportedly incensed by the biography , with reporters stating the king will fire palace officials who allegedly approved official royal endorsement of the book .

During the 2011 General Election , People 's Party leader and Prime Minister of Spain Mariano Rajoy stated he also prefers the term " civil union " to marriage for same @-@ sex couples .

= = Opposition court challenges = =

On 21 July 2005 , a judge from the city of Dénia refused to issue a marriage license to a lesbian couple . The judge also filed a constitutional challenge against the same @-@ sex marriage law with the Constitutional Court based on Article 32 of the Constitution that contains the phrase " Men and women have the right to contract marriage with full juridical equality . " In August 2005 , a judge from Gran Canaria refused licenses to three same @-@ sex couples and mounted another constitutional challenge . In December 2005 , the Constitutional Court rejected both challenges owing to both judges ' lack of standing to file them . On 30 September 2005 , the opposition People 's Party decided to initiate a separate constitutional challenge , causing division within the party . The outcome was published on November 6 , 2012 , seven years after the challenge was presented . The Court decided to uphold the same @-@ sex marriage law with 8 support votes and 3 against .

On 27 February 2007 the Spanish Family Forum presented an initiative signed by 1 @. @ 5 million people to legislate marriage as the union of a man and a woman only ( thus effectively prohibiting same @-@ sex marriage ) . The initiative was rejected by the Spanish Congress . On 30 May 2007 , the aforementioned judge of Dénia was condemned by the Disciplinary Committee of the General Council of Judiciary Power ( Comisión Disciplinaria del Consejo General del Poder Judicial -CGPJ- ) to pay 305 euros for refusing to marry a gay couple and was also strictly warned against doing it again . She attributes this action to the " propagandistic machinery " of the government .

## == Residency issues ==

Shortly after the law was passed , questions arose about the legal status of marriage to non @-@ Spaniards after a Spaniard and an Indian national living in Catalonia were denied a marriage license on the grounds that India did not permit same @-@ sex marriage . However , on 22 July another judge in Catalonia married a Spanish woman and her Argentinian national partner ( the first same @-@ sex marriage between women in Spain ) . This judge disagreed with his colleague 's decision and gave preference to the right of marriage over Argentinian law at the time not allowing same @-@ sex marriage .

On 27 July , the Junta de Fiscales de Sala ? a body within the Public Prosecutor 's Corp that advises the Minister of Justice 's office ? issued an opinion that LGBT Spaniards can marry foreigners from countries that do not permit same @-@ sex marriage . This marriage would be valid according to Spanish law , but did not imply automatic validity according to the foreigner 's national law . A ruling published in the Official State Bulletin stated :

According to the instructions from the Ministry of Justice ( Dirección General de Registros y Notariado ) , Spanish Consulates abroad may carry out the preliminary paperwork for a same @-@ sex marriage . At least one of the marrying partners must be a Spanish citizen , residing in the Consular demarcation . However , the marriage itself can only take place at the Consulate if local laws recognize same @-@ sex marriages ( Spanish consulates in Boston , Brussels , The Hague , Amsterdam , Oslo , Toronto , Montreal , Ottawa , Cape Town , Pretoria , Stockholm , Washington , D.C. , Mexico City , Lisbon , Porto , Reykjavík , Buenos Aires , Rosario , Córdoba and Mendoza , as of August 2010 ) . In all other cases , the partners must marry in Spanish territory . Two non @-@ resident foreigners cannot marry in Spain , as at least one of the partners must be a Spanish resident , although they both may be non @-@ Spanish citizens .

## == Marriage statistics ==

According to the Spanish National Statistics Institute ( INE ) , 27 @,@ 357 same @-@ sex marriages took place up to the end of 2012 : 1 @,@ 275 in 2005 , 4 @,@ 574 in 2006 , 3 @,@ 250 in 2007 , 3 @,@ 549 in 2008 , 3 @,@ 412 in 2009 , 3 @,@ 583 in 2010 , 3 @,@ 880 in 2011 and 3 @,@ 834 in 2012 .

Most same @-@ sex marriages in 2011 took place in : Catalonia , with 886 weddings ( 3 @.@ 33 % of all marriages in the Community for that year ) ; Madrid , 729 ( 2 @.@ 91 % ) ; Andalusia , 484 ( 1 @.@ 71 % ) ; Valencian Community , 436 ( 2 @.@ 58 % ) ; and the Canary Islands , 203 ( 3 @.@ 60 % ) .

## == Notable weddings ==

Since its legalization in 2005 , couples from a cross section of Spanish society have entered into same @-@ sex marriage . Within the first year the law received royal assent , an influential socialist leader and Madrid city councilor Pedro Zerolo married Jesús Santos in January , and popular television presenter Jesús Vázquez married Roberto Cortés in March . In October 2005 , Spain 's prominent anti @-@ terrorism judge Fernando Grande @-@ Marlaska married his fiancé Gorka Gómez . In August 2006 Ourense city councilor and member of the People 's Party Pepe Araujo , whose party originally opposed the law , married his fiancé Nino Crespo . In September 2006 Alberto Linero Marchena and Alberto Sánchez Fernández , both army soldiers assigned to the Morón Air Base near Seville , became Spain 's first military personnel to marry under the new law . In August 2008 , Doña Luisa Isabel Álvarez de Toledo , 21st Duchess of Medina Sidonia and three @-@ time Grandee of Spain ( branded the Red Duchess for her socialist activism ) , became the highest ranking Spanish noble to marry in an articulo mortis ( deathbed ) wedding to longtime companion Liliana Maria Dahlmann , now the Dowager Duchess of Medina Sidonia by right of her late wife . In June 2015 the then mayor of the Basque capital Vitoria , Javier Maroto , announced his engagement to longtime partner Josema Rodríguez . The wedding was held on 18 September 2015

at Vitoria 's city hall . Maroto , a member of the conservative People 's Party 's national board , is known for his views contrary to the stance of his own party pertaining the gay marriage in Spain . Prime Minister Mariano Rajoy , who had challenged the law approving same sex marriage when he was Opposition Leader , attended the wedding celebrations as a guest .

= = Public opinion = =

A poll by the government @-@ run Centre for Sociological Investigations ( Centro de Investigaciones Sociológicas ) , published in April 2005 , reported that 66 % of Spaniards favoured legalising same @-@ sex marriage . Another poll taken by Instituto Opina a day before the bill passed placed support of the same @-@ sex marriage bill at 62 @.@ 1 % and support of adoption by same @-@ sex couples at 49 @.@ 1 % . An Instituto Opina poll taken nine months after the bill passed said 61 % agreed with the government 's decision .

On 25 July 2007 the BBVA Foundation published their report Social portrait of Spanish people , which reported that 60 % of Spain 's population support same @-@ sex marriage . This support occurs mainly among the younger population , between 15 and 34 years old ( 75 % ) , people with higher education ( 71 % ) , people not attached to any religion ( 75 @.@ 5 % ) , and those identified by left and centre @-@ left political views ( 71 @.@ 9 % ) . However , only 44 % of the population favor the right of adoption by homosexual couples , in contrast to 42 % opposition .

A May 2013 Ipsos poll found that 76 % of respondents were in favour of same @-@ sex marriage and another 13 % supported other forms of recognition for same @-@ sex couples .

According to the Ifop poll , conducted in May 2013 , 71 % of Spaniards supported allowing same @-@ sex couples to marry and adopt children .

The 2015 Eurobarometer found that 84 % of Spaniards thought that same @-@ sex marriage should be allowed throughout Europe , 10 % were against .