



Folketingets Retsudvalg

Dato: 16. maj 2006

Folketingets Retsudvalg har i skrivelse af 2. maj 2006 (Ad L 225) udbedt sig min besvarelse af følgende stillede spørgsmål 1:

**Spørgsmål nr. 1 :**

” Ministeren bedes tilsende udvalget en kort orientering om det lovforslag, som det islandske parlament behandler for tiden om homoseksuelles mulighed for adoption og kirkelig vielse (registreret partnerskab). Endvidere bedes ministeren orientere om lovforslagets baggrund og debatten om lovforslaget og afstemningsresultatet i det Islandske parlament.”

**Svar:**

Til brug for besvarelsen af retsudvalgets spørgsmål har jeg rettet henvendelse til det Islandske Parlament og bedt om en kort orientering om lovforslaget. Jeg har den 9. maj 2006 modtaget en udtalelse fra det Islandske Parlament, hvortil jeg henviser.

Af udtalelsen fremgår følgende:

” In recent years the rights of homosexuals have been gradually increased in Icelandic law. For instance, in 1996 the institution of registered partnership was created, similar to marriage between a man and a woman except that it did not give a rise to the right to adopt children or medically assisted procreation. In 2000, individuals in a registered partnership obtained the right to adopt the partner’s child.

In 2004 an expert committee delivered a report with further suggestions on how to improve the rights of same-sex couples. Although views differed amongst the experts on some of the issues, in particular regarding adoption and medically assisted procreation, the Government decided to put forward a bill taking up all their suggestions whether unanimous or not. The bill, presented by the Prime Minister in Parliament in October 2005, contains the following main elements:

1. A cohabitation (óvígð sambúð) between two persons of the same sex will be recognised by law as giving rise to the same rights as those of a man and women living together. This gives for example rise to reciprocal pension rights and tax benefits.
2. Same-sex couples will have the same right to adopt children as opposite-sex couples, the condition being marriage, registered partnership or cohabitation for at least 5 years. No difference is made as regards the origin of the children (from Iceland or abroad).
3. A woman in a homosexual relationship will be given the same right as a woman in a heterosexual relationship to benefit from medically assisted procreation, the condition being marriage, registered partnership or cohabitation for at least 3 years.

4. The conditions for entering a registered partnership will be relaxed, allowing non-resident Icelanders to enter into such partnership.

The bill was welcomed by representatives of all political parties. It was also welcomed by the association of homosexuals as being progressive and eliminating almost all discrimination by law against same-sex couples.

It was, however, criticised by some that the bill did not change the fact that registered partnership can only be entered into before lay officials of the state, while marriage can be concluded both before lay officials and priests from both the National Church and other recognised religious associations. The result is that same-sex couples cannot have a "church-wedding", at least not as a legally binding act.

The Prime Minister, when introducing the bill, explained that the National Church was not ready for this move and that the Government would like to give it reasonable time to reflect on the issue. Some members of the parliamentary opposition, however, announced an amendment that would eliminate this difference in how marriages and registered partnerships can be entered into, arguing inter alia that although the National Church was not ready, other religious associations were willing to conduct wedding ceremonies for homosexual couples.

A vigorous public debate followed, mainly on homosexuality and the christian religion.

The Parliamentary Committee dealing with the Government bill issued its opinion last month. The Committee suggested some amendments, the main ones being that: (a) The female partner of a woman having a child following assisted procreation should be defined as the adoptive mother, while the Bill had spoken of her as being "the parent". (b) Following a suggestion from the children's ombudsperson, a provision should be added to the law on medically assisted procreation to the effect that such an intervention should not take place unless it could be assumed that the future child would live in a family environment conducive to its development.

Furthermore, the Committee echoed the views of the Government that it would be necessary in the following to review existing provisions in the law allowing sperm donors (mainly from Denmark) to remain anonymous. This seemed problematic from the perspective of the child's right to know its origins.

The 2nd and 3rd readings of the bill will take place in June with entry into force still being planned on 27 June, the international day of homosexual rights."



Lars Barfoed



Marius Sylvestersen