

## Same-sex partnerships in Portugal From *de facto* to *de jure*?

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### Abstract

As far as cohabitation is concerned, two opposite but simultaneous trends can be detected. In the field of different-sex relationships the trend appears to be that of deregulation, while in the field of same-sex relationships the opposite trend seems to be discernible. Same-sex couples claim for their outside legitimisation of their relationship and demand increasing State intervention on this matter.

The purpose of this article is to determine how the Portuguese legislature should deal with these demands. This being so, a brief description of Act 7/2001, as the first piece of Portuguese legislation that offered legal protection to same-sex relationships, is provided. According to this legislation, the legal situation of same-sex relationships is almost identical to the situation of different-sex cohabiting couples. The description will only stress the differences when appropriate.

Against this background, it will be possible to reflect on the current legal situation of same-sex relationships in Portugal and determine which further steps the Portuguese legislature should take along the path of according a legal status to same sex relationships. There are two different possibilities, namely opening civil marriage or introducing a form of registered partnership. The advantages and the disadvantages of each one of them will be discussed according to the guiding principles of the Portuguese legal system.

### Keywords

same-sex *de facto* union; same-sex marriage; same-sex registered partnerships; right to marry; Portugal

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