

Same-Sex Marriage and Human Rights Equality :

The LGBTQ+ Community's Critical Importance to Human Rights Development

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1. Introduction and Significance of the Relevant Legislation:

Same-sex marriage in the Netherlands (*Dutch: Huwelijk tussen personen van gelijk geslacht*) was officially legalized on April 1, 2001, making the Netherlands the first country in the world to recognize and legalize same-sex marriage.

This legislation represents the first instance of legal recognition for the LGBTQ+ community in terms of human rights. It acknowledges the identity of the LGBTQ+ community under the law and provides them with legal protection. It is important to note that this legislation pertains solely to the legal aspect of marriage and does not directly involve other behaviors such as sexual activities. Nonetheless, as the first country to legalize same-sex marriage, it had a significant impact worldwide, inspiring notions of equality among the LGBTQ+ community.

Being a minority group on a global scale, the LGBTQ+ community has long faced oppression within a predominantly heterosexual societal environment. At times, homosexuality has even

been classified as a mental illness, resulting in severe suppression and harm to the human rights of the LGBTQ+ population.

The emergence of same-sex marriage in the Netherlands not only marked the first recognition of same-sex marriage's legality but also greatly encouraged and protected the LGBTQ+ community, ensuring their equality, freedom, dignity, and overall well-being. It also serves as a crucial human rights protection for this marginalized group.

1.1 Rights Upheld and Importance of the Legislation:

(1) Protection of Equality Rights for the LGBTQ+ Community: The legalization of same-sex marriage recognizes and ensures equal rights and opportunities for same-sex couples, similar to those enjoyed by heterosexual couples. This includes legal recognition of marriage and partnership, adoption rights, inheritance rights, healthcare rights, and more. The recognition of these equal rights contributes to the elimination of discrimination and deprivation faced by the LGBTQ+ community, promoting social inclusivity and fairness.

(2) Upholding Freedom and Dignity of the LGBTQ+ Community: The legalization of same-sex marriage provides an environment of freedom and dignity for LGBTQ+ individuals. This measure helps reduce social pressure and stigmatization against them, allowing them to freely express their sexual orientation and be respected and accepted within their families, workplaces, and society at large. This environment of freedom and dignity is crucial for their psychological well-being and happiness.

(3) Enhancing the Happiness of the LGBTQ+ Community: The legalization of same-sex marriage positively impacts the health and well-being of LGBTQ+ individuals. It facilitates access to appropriate healthcare services, including sexual health counseling, HIV/AIDS prevention measures, and psychological support. Furthermore, legalization contributes to a decrease in violence and abuse, enhancing the sense of safety and social integration among LGBTQ+ individuals.

(4) Providing Legal Protection for the Human Rights of the LGBTQ+ Community: The legalization of same-sex marriage serves as a significant measure to protect human rights. Every individual should enjoy equal human rights and fundamental freedoms, regardless of their sexual orientation. Incorporating same-sex marriage into legal frameworks ensures the protection of the rights of LGBTQ+ individuals under the law and provides them with avenues for recourse and redress against unjust treatment.

While same-sex marriage has been legalized in many countries and regions today, discrimination and pathological phenomena still persist. This article aims to elucidate the positive impact of legalizing same-sex marriage on human rights. By exploring the legislative impetus behind such measures and their subsequent global influence, it seeks to diminish the prevailing discrimination against the LGBTQ+ community and foster greater understanding and acceptance of same-sex relationships.

1.2 Translation: Background of the Legislation and the Societal Context at the Time :

The establishment of the legislation and the societal context at the time were intertwined with the progressive social developments and evolving attitudes towards LGBTQ+ rights. The Netherlands, known for its historically liberal and tolerant outlook, played a significant role in shaping the legislative landscape surrounding same-sex marriage.

During the late 1960s and early 1970s, the LGBTQ+ rights movement gained momentum globally, advocating for equality and the recognition of same-sex relationships. In the Netherlands, the emergence of same-sex marriage as a public topic in the summer of 1967 marked a significant turning point. The exchange of rings between two young men during a dedication mass in a Rotterdam church brought attention to the desire for legal recognition and societal acceptance of same-sex unions.

Notably, the LGBTQ+ rights movement in the Netherlands was diverse in its approaches and perspectives. While the Homosexuality Party, led by Harry Thomas, emphasized same-sex marriage as a key action point, the COC (Cultural and Recreational Center for Homosexuals) preferred a broader focus on relationship freedom. The COC emphasized equal possibilities for different types of relationships, including marriage, closed relationships, and open relationships.

At the time, the prevailing societal attitudes towards homosexuality were gradually evolving. However, significant challenges and resistance remained. Some religious institutions, including the Catholic Church, expressed reservations about recognizing same-sex unions. A clergy working group's negative recommendations regarding homosexuality influenced the Catholic Church's initial reluctance to bless same-sex relationships.

The political landscape also played a crucial role in shaping the establishment of the legislation. The first Purple Cabinet, which took office in 1994, demonstrated a commitment to progressive

values and social change. This political climate allowed for the development and proposal of legal arrangements for same-sex relationships, leading to the introduction of civil partnerships in 1998.

The legislative process itself was influenced by societal debates and discussions surrounding LGBTQ+ rights and the concept of equality. The proposal for legal relationship arrangements aimed to provide legal recognition and protections for same-sex couples while addressing concerns related to parent-child relationships and dissolution of partnerships.

Overall, the background of the legislation and the societal context at the time reflected a dynamic interplay between social progress, evolving attitudes towards LGBTQ+ rights, political will for change, and the diverse perspectives within the LGBTQ+ community itself.

2. The main purpose and practical effects of the legislation.

2.1 The Main Purpose of Same-Sex Marriage Legislation

The significance of legalizing same-sex marriage goes beyond merely legitimizing a specific form of marriage; it represents the recognition of same-sex couples within a broader social context. The background of same-sex marriage legalization is intertwined with the growing visibility of LGBTQ+ communities globally. On May 17, 1990, the World Health Organization removed "homosexuality" from the list of mental disorders, granting LGBTQ+ individuals greater space for free development. The legislative action taken by the Netherlands further bolstered the morale and strength of the LGBTQ+ community, symbolizing their first legal recognition as a minority group. This legislation progressively normalizes homosexuality as a

valid sexual orientation and upholds the dignity and human rights of the LGBTQ+ community at a legal level.

However, the enactment of this law is not solely about ensuring equal status for same-sex marriage; it is equally important in alleviating past societal discrimination and stereotypes against homosexuality. Legalizing same-sex marriage aims to create a more inclusive and accepting social environment where every citizen receives equal treatment, regardless of their sexual orientation. This measure helps break down biases and stigmatization against LGBTQ+ individuals, offering them a sense of liberation and recognition.

Furthermore, same-sex marriage legislation seeks to challenge societal norms and promote more diverse and inclusive views of relationships. It emphasizes that love and commitment are not confined to specific gender combinations but can exist between any two consenting adults. This shift in perspective encourages the acceptance of various forms of relationships, fosters a social environment that respects individual choices, and upholds human rights.

In conclusion, same-sex marriage legislation represents a crucial turning point in the development of LGBTQ+ rights. It symbolizes the legal and societal recognition of same-sex couples, dismantling barriers of discrimination, and paving the way for a more inclusive, diverse, and accepting society. By advocating for equality and challenging prejudices, the legalization of same-sex marriage in the Netherlands becomes a beacon of hope for LGBTQ+ communities worldwide, contributing to global human rights and social progress movements.

Overall, the primary purpose of legalizing same-sex marriage is to promote equality, freedom, dignity, and well-being while fostering social inclusivity and fairness. It is a significant measure to ensure the protection of human rights and dignity for all individuals.

3. The human rights transformation of the LGBTQ+ community and positive societal progress.

3.1 Human Rights Progress Reflected in the LGBTQ+ Community

Following the enactment of the law, the LGBTQ+ community in the Netherlands can finally live openly without the stigma of being seen as "marginalized" or "difficult to discuss," instead being recognized as an ordinary group without special significance or perspective in society. It is when what was once considered special becomes commonplace that human rights issues concerning the LGBTQ+ community can be addressed and fully respected.

The legalization of same-sex marriage represents not only a legal advancement but also a significant manifestation of human rights progress. It signifies the acknowledgment of equal rights for LGBTQ+ individuals, elevating them from the margins of society to full-fledged citizens. Through legalized marriage, same-sex couples gain equal legal protection in areas such as marriage, inheritance, and healthcare, which exemplifies the embodiment of human rights principles. Legalizing same-sex marriage also creates an environment of freedom and dignity for LGBTQ+ individuals, allowing them to freely express their sexual orientation and be accepted and respected by society, ultimately enhancing their psychological well-being and happiness. This transformation in the social environment is of utmost importance for the happiness and human rights protection of the LGBTQ+ community.

The impact of the legalization of same-sex marriage in the Netherlands extends beyond its borders. While its primary influence is felt in the Western world, especially in Europe, it has served as a pioneering example for the global LGBTQ+ equality movement. Inspired by the

Netherlands' precedent, many countries have enacted legislation or advocated for the legalization of same-sex marriage, gradually improving the legal status and social recognition of LGBTQ+ individuals. The Netherlands has emerged as a leading role model, paving the way for worldwide efforts to secure LGBTQ+ rights.

The significance of legalizing same-sex marriage in terms of human rights cannot be underestimated. It signifies a nation's steadfast commitment to equality, freedom, and dignity at the legal level. By eliminating discrimination and promoting inclusivity, the legalization of same-sex marriage makes a positive contribution to achieving a more just, equitable, and human rights-respecting society. The Netherlands' enactment of same-sex marriage showcases a promising future where every individual, regardless of sexual orientation, can enjoy equal rights and dignity.

4. Conclusion

The legalization of same-sex marriage in the Netherlands represents a significant step forward in the advancement of human rights. This measure acknowledges the equal status of the LGBTQ+ community in the eyes of the law, granting them rights and protections equivalent to those of heterosexual couples, thus liberating them from the periphery of society and integrating them into the mainstream.

The legalization of same-sex marriage is not merely a legal advancement but also a crucial manifestation of human rights progress. It bestows upon the LGBTQ+ community freedom,

dignity, and happiness, while promoting societal inclusivity and eradicating discrimination. The Netherlands' pioneering example serves as a catalyst for the global LGBTQ+ equality movement, inspiring many countries and regions to follow suit and provide a leading model for LGBTQ+ communities worldwide.

The legalization of same-sex marriage embodies a steadfast commitment to equality, freedom, and dignity, making a significant contribution towards the realization of a more just, equitable, and human rights-respecting society. This transformative journey signifies a bright future where every individual can enjoy equal rights and dignity, regardless of their sexual orientation.