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DEMAND FOR SAME-SEX MARRIAGE: EVIDENCE FROM THE UNITED STATES, CANADA, AND EUROPE

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EXECUTIVE SUMMARY

What proportion of gay and lesbian people choose to marry, when the option is legally available?

This research report offers estimates of gay and lesbian marriage rates based on the best available data. The highest estimate to date of the proportion of gays and lesbians who have married in any jurisdiction where it is available is 16.7% (Massachusetts). More typically, our survey of marriage statistics from various countries that legally recognize same-sex unions suggests that today between 1% and 5% of gays and lesbians have entered into a same-sex marriage. In the Netherlands, which has had same-sex marriage as a legal option for the longest period, between 2% and 6% of gays and lesbians have entered marriages in the first five years.

Trend data is extremely limited, but the available data suggest that the number of gay marriages tends to decrease after an initial burst (reflecting pent up demand). Whether same-sex marriage will emerge as common or normative among gays and lesbians, or fade as time and novelty passes, cannot yet be determined.

INTRODUCTION

What is the demand for legal marriage among gays and lesbians when that option is available?

Some have argued that with the passage of time marriage will become common or

normative in the gay community.¹ Others have expressed doubts.² Recent news reports have suggested that even where the law permits same-sex marriage, as in Canada, many gays and lesbians are choosing not to marry.³ Michael Bronski, visiting professor of Women's and Gender Studies at Dartmouth College, notes,

When I talk to my gay and lesbian students and other young queer people, there is no doubt that they are in favor of marriage equality. It's a no-brainer: why shouldn't there be equality under the law? But very few of them actually seem interested in getting married, now or later. That's true of both gay men and lesbians, although the women are more inclined to consider marriage in the future. Such ambivalence stands in sharp contrast to my heterosexual students, many of whom expect to get hitched sometime in the near future and some of whom have even made plans to do so after graduation.⁴

What proportion of gay and lesbian individuals have chosen to enter marriages where they are permitted to do so? This policy brief offers estimates based on the latest available data.

Limitations

These are, however, only estimates. The emergence of same-sex marriage has produced precise data on the actual number of people who have chosen to enter same-sex marriages. However the nation, or (in the U.S. and Canada) the province or state

from which one or both spouses come is not always ascertainable with certainty. In some jurisdictions like British Columbia, which were early adopters of same-sex marriage, it is likely that gay people from other provinces celebrated marriages there, which would result in overestimates in British Columbia and underestimates in other provinces.

There is also no hard data on the number of people who are gay and lesbian, which may vary according to the definition used.⁵ We use the best available country-specific estimates of the proportion of the population that are gay and lesbian to generate estimates (typically around 2% of the population). Because of the widespread view among scholars and activists that official statistics undercount the gay and lesbian population, we also estimate the proportion of homosexual people who have entered same-sex marriages using a more generous 5% estimate of the proportion of the population who are gays and lesbians.⁶

Because state-level (or province-level) estimates of the gay population are not available,⁷ we use national survey data to estimate the gay and lesbian population in Canadian provinces and in Massachusetts.

It is important also to note that this report provides estimates of the number of gays and lesbians who have ever married (a same-sex partner), rather than the number who are currently married to a same-gender partner.

Current data on the proportion of gays and lesbians choosing to marry must be viewed as preliminary. In most jurisdictions where same-sex unions are recognized, such recognition has been available only for a relatively short period of time. In most cases, the number of new same-sex marriages appears to be still declining and has not yet leveled out, making it difficult to project the ultimate proportion of gays and lesbians who will choose to enter same-sex marriages. And how the availability of marriage as a legal option may affect gay

and lesbian culture in the future is, of course, yet to be determined.

THE DEMAND FOR SAME-SEX MARRIAGE

The Netherlands

In April 2001, the Netherlands became the first country to legally recognize marriages between two people of the same sex. Thus, Dutch same-sex couples have had the longest window of opportunity to seek legal recognition of their relationships as marriages.

From April 1, 2001 to December 31, 2005, 8,127 same-sex couples married in the Netherlands.⁸ Dutch survey data suggest that 2.8% of Dutch men and 1.4% of Dutch women are gay or lesbian.⁹

Using this estimate (and assuming all homosexuals who marry in the Netherlands are residents), roughly 6.3% of gays and lesbians in the Netherlands had married through the end of 2005.

Assuming a more generous 5% of Dutch people are gay or lesbian, then 2.6% of gays and lesbians had entered a same-sex marriage between April 1, 2001 and December 31, 2005.

Thus, in the first five years that same-sex couples could legally marry in the Netherlands, between 2% and 6% of Dutch gays and lesbians did so.

Belgium

In June 2003, Belgium became the second nation in the world to recognize marriages between persons of the same sex. During the final seven months of 2003, 1,708 same-sex couples married in Belgium, with an additional 2,204 couples marrying in 2004.¹⁰

We were unable to find estimates of the proportion of gay and lesbian adults in Belgium. Using Dutch survey estimates of 2.8% of men and 1.4% of women (and

assuming all Belgian unisex marriages were between Belgian residents), roughly 4.7% of gays and lesbians had married in Belgium through the end of 2004.¹¹

Assuming 5% of the Belgian population is homosexual, 1.9% of gay and lesbian people entered marriages in 2003 or 2004.

Thus in Belgium though 2004, between 2% and 5% of gay and lesbian people have chosen to marry a same-sex partner.

Canada

The Ontario Court of Appeals opened the way for same-sex marriages in June 2003. Since then, various court rulings have made marriage available to same-sex couples in other provinces at differing times, culminating in national legislation creating same-sex marriage, passed in the summer of 2005.

To date, Canada is the only nation in the world in which same-sex couples may marry without either spouse being a resident. The *New York Times* reported in February 2005 that, in the 18 months following the Ontario court's ruling, only an estimated 4,500 same-sex couples had married in Canada, up to one fourth of whom were from the United States or other countries.¹²

We contacted the vital statistics office of each of the Canadian provinces to obtain official statistics of the number of same-sex marriages to date. Where residence statistics are kept, our results seem to confirm that, especially in the border provinces, many of the same-sex marriages are being contracted by Americans. For example, in British Columbia, where 5,454 same-sex marriages were entered into between July 2003 and the end of November 2005, less than half (2,531) were Canadian marriages.¹³

The data do not always permit us to distinguish between marriages by Canadians citizens and marriages by foreigners. Where we are able to distinguish between Canadian same-gender marriages and foreigners marrying in Canada, we do so. Where we

are not, we assume that 100% of same-gender marriages are Canadians (and thus in these provinces we may overestimate the proportion of Canadian gays and lesbians who have married same-gender partners). It is also likely that some of the marriages, especially in the early provinces to recognize same-sex marriages (such as British Columbia and Ontario), represent gays and lesbians traveling from other Canadian provinces to marry.

Estimates of the Gay and Lesbian Population in Canada. The Canadian Community Health Survey conducted by Statistics Canada first asked about sexual orientation in 2003. In that year, 1.3% of Canadian men and 0.7% of Canadian women aged 18 to 59 self-identified as gay or lesbian.¹⁴ We also calculated the proportion of gays and lesbians who have married using a more generous 5% estimate.

Same-Sex Marriages in Canada. The period in which same-sex marriage has been available in Canada varies from province to province, with national legislation having taken effect in July 2005. Each of the provinces maintains its own statistics on same-sex marriages.

We were able to obtain same-sex marriage statistics for 9 of 13 provinces (and territories), including Alberta, British Columbia, Manitoba, Newfoundland & Labrador, the Northwest Territories, Nova Scotia, Quebec, Saskatchewan, and the Yukon. We were unable to obtain data from four provinces (New Brunswick, Nunavut, Ontario, and Prince Edward Island). There appears to be significant regional variation in the demand for same-sex marriage in Canada. Data from each province (with estimates of the proportion of the gay and lesbian population who have ever married a same-gender partner) are provided below.

Alberta (population 2,633,000¹⁵). In Alberta, 143 same-sex marriages were recorded between July 20, 2005 and January 18, 2006.¹⁶ Albertan data does not distinguish between Canadian and foreign

same-sex marriages. Using national survey data on the prevalence of homosexuality, 1.1% of Albertans entered same-sex marriages in the first six months the law was in effect.¹⁷ Assuming 5% of Canadians are gay or lesbians, only 0.22% of Albertan gays and lesbians had chosen to marry.

Thus, in the first six months of availability, between 0.2% and 1.1% of Albertan gays and lesbians entered marriages.

British Columbia (population 3,559,000). In British Columbia, where same-sex marriages have been available since July 2003, 2,531 same-sex marriages were contracted by Canadians through the end of 2005.¹⁸ Using national survey estimates, approximately 14.3% of the province's gays and lesbians had married through the end of 2005.¹⁹ Assuming a more generous 5% of Canadians are gay or lesbian, about 2.8% of British Columbian gays and lesbians had entered same-sex marriages.

Thus, in the first two and a half years, between 3% and 14% of British Columbian gays and lesbians married.

Manitoba (population 945,900). In Manitoba same-sex marriages have been available since September 2004. In the 15 months between September 2004 and December 31, 2005, 104 same-sex couples married in Manitoba.²⁰ Manitoba has not compiled data on the residence of marriage partners. Assuming all were Canadian residents, and using national survey estimates, approximately 2% of the province's gays and lesbians had married through the end of November 2005.²¹ Assuming a more generous 5% of Canadians are gay or lesbian, then just 0.4% of Manitoba's gays and lesbians had married.

Thus, in the first year (and three months) marriage has been available, between 0.4% and 2% of gays and lesbians married in Manitoba.

Newfoundland & Labrador (population 435,200). In Newfoundland & Labrador, where same-sex marriages have been available since December 21, 2004, 16 same-sex marriages were contracted by Canadians in the first year such marriages were legal (through Dec. 31, 2005).²² Using national survey estimates, approximately 0.7% of the province's gays and lesbians had married through the end of December 2005.²³ Assuming a more generous 5% of Canadians are gay or lesbian, approximately 0.15% of gays and lesbians in Newfoundland and Labrador had married.

Thus, in the first year, between about 0.2% to 0.7% of homosexual Newfoundlanders (and Labradorians) had married.

Northwest Territories (population 32,400). In the Northwest Territories, same-sex marriages were legalized on July 20, 2005, when Parliament passed national same-sex marriage legislation. Between July 2005 and February 2, 2006, there were two same-sex marriages in the Northwest Territories.²⁴ Based on official 2003 government survey data, this represents approximately 1.2% of region's gay and lesbian population.²⁵ Assuming that 5% of residents are gay or lesbian, then just one in 400 gays and lesbians (0.25%) in the Northwest Territories married.

Thus, in the first six months of same-sex marriage, between 0.3% and 1.2% of gays and lesbians in the Northwest Territories married.

Nova Scotia (population 785,700). In Nova Scotia, where same-sex marriages have been available since September 2004, 175 same-sex marriages were contracted through February 20, 2006.²⁶ Assuming these were all residents of Nova Scotia, approximately 4.5% of the province's gays and lesbians married (using Canadian Census 2003 estimates) in the first 18 months same-sex marriages were recognized in the province.²⁷ Assuming a more generous 5% figure for the proportion of

Canadians who are gay or lesbian, then 0.89% of Nova Scotia's gays and lesbians had married through February 20, 2006.

Thus, in the first year and a half of legal availability, between 1% and 5% of gay or lesbian Nova Scotians married.

Quebec (population 6,340,000). In Quebec, same-sex marriages have been available since March 2004. In the 18 months between March 2004 and September 2005, 574 same-sex couples married in Quebec.²⁸ Assuming these were all Quebec residents, and using national survey data to estimate the gay and lesbian population, approximately 1.8% of the province's gays and lesbians had married through the end of 2005.²⁹ Assuming a more generous 5% of Canadians are gay or lesbian, 0.36% of Quebec's gays and lesbians had married through September 2005.

Thus in the first year and a half of legal availability, between 0.4% and 1.8% of gay or lesbian Quebecois had married.

Saskatchewan (population 799,400). In Saskatchewan, where same-sex marriages have been available since November 2004, 50 same-sex couples had married as of mid-January 2006.³⁰ Using national survey estimates, and assuming that all were Saskatchewan residents, approximately 1.3% of Saskatchewan's gays and lesbians had married in the first year such marriages were legal.³¹ Assuming a more generous 5% of Canadians are gay or lesbian, then 0.25% of Saskatchewan's gays and lesbians had married through January 19, 2006.

Thus in the first two years of legal availability, between 0.3% and 1.3% of homosexual people in Saskatchewan had married.

Yukon (population 25,300). In the Yukon, same-sex marriages have been available since July 2004. Between July 2004 and December 31, 2005, 8 Canadian couples had married in the Yukon,³² representing an estimated (using 2003 national survey data) 6.3% of gays and

lesbians in the Yukon.³³ Assuming a more generous 5% of Canadians are gay or lesbian, approximately 1.26% of Yukon gays and lesbians had married through December 31, 2005.

Thus, in the first year and a half of legal availability, between 1% and 6% of gays and lesbians in the Yukon have married.

Other Provinces. To date, we have been unable to obtain statistics from the provinces of Ontario, New Brunswick, Prince Edward Island, and Nunavut. Same-sex marriage became legal in New Brunswick (population 630,600) in July 2005, with 2005 marriage statistics expected to be published in the fall of 2006. Prince Edward Island (population 113,600) does not currently maintain statistics differentiating between same-sex and opposite-sex marriages, but is working to develop this database capacity in response to the new law. Ontario (population 10,265,000) similarly does not keep statistics differentiating between same-sex and opposite-sex marriages.³⁴ We have been unable to obtain a response from Nunavut (population 19,600). National data will gradually become available as Statistics Canada publishes annual vital statistics reports for the years since 2003.

Overall, 7 of the 9 provinces from which we were able to obtain data have had same-sex marriage for at least one year.³⁵ In these 7 provinces, between 0.15% and 14% of Canadian gays and lesbians have entered such marriages.

The United States (Massachusetts)

National survey data suggest that between 2% and 2.5% of U.S. men and 1% to 1.4% of U.S. women are gay or lesbian.³⁶

Many advocates believe these surveys are undercounts, with some scholars suggesting that 5% of the population may be a more reasonable estimate.³⁷

Massachusetts. Same-sex couples have been able to marry in Massachusetts (the

only U.S. jurisdiction that recognizes gay marriage) since May 17, 2004. State law specifies that only Massachusetts residents may enter into same-sex marriages, although press reports did note that some non-Massachusetts residents married during this period.³⁸ In 2004, in the first 7½ months of legal gay marriage, 5,994 same-sex couples married in Massachusetts.³⁹

Recent data from the Massachusetts Registry of Vital Records and Statistics indicates that an additional 1,347 same-sex couples married in Massachusetts in 2005, bringing the total to 7,341 same-sex couples marrying in Massachusetts between May 2004 and December 2005.⁴⁰

We have been unable to locate good state-level estimates of gay and lesbian populations. Therefore, assuming the proportion of gay and lesbian people in Massachusetts is the same as the national average (2.3% of men and 1.3% of women), and assuming all the marriages recorded in Massachusetts are Massachusetts citizens, 16.7% of gay and lesbian individuals had entered into same-sex marriages.⁴¹ Using the more generous 5% estimate of the proportion of the adult population who are gay or lesbian, 5.9% had married through the end of 2005.

Spain

Same-sex marriages became legal in Spain in July 2005. Official marriage statistics are not yet available from Spain, though at least one news report suggests that there have been approximately 1,000 same-sex marriages between July 2005 and February 2006.⁴²

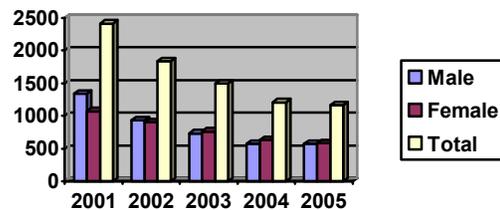
TREND DATA

The *New York Times* noted in February 2005: “[T]he gay and lesbian marriage rate has been falling in Canada over the last year, after an initial burst of weddings . . .”⁴³

Our data too suggest a similar trend, over the limited time same-sex marriages have been available. In Canada, Belgium, and the Netherlands, the number of same-sex marriages, after an initial burst, appears to be decreasing with each year the legal option is available.

Netherlands. In 2001 (April–December), 2,414 couples entered into same-sex marriages; in 2002, the number of new same-sex marriages dropped to 1,838; in 2003, 1,499 same-sex couples married; and by 2004, the number of new same-sex marriages fell to 1,210. Recently released statistics for 2005 suggest that the annual number of same-sex marriages may be beginning to level out, however, with 1,166 same-sex couples marrying in the Netherlands last year.

Same-sex marriages in the Netherlands



Belgium. We have data from Belgium for only 1 year and 7 months, making annual comparisons impossible. In the last 7 months of 2003, 1,708 Belgian same-sex marriages took place. In all 12 months of 2004, 2,204 marriages took place. The number of same-gender marriages dropped from an average of nearly 250 same-sex marriages per month in the final 7 months of 2003, to 185 marriages per month in 2004.

Canada. We were unable to obtain annualized data for most Canadian provinces, as the annual vital statistics reports are not yet available. Trend data from British Columbia seems to confirm the *New York Times* report that the number of same-sex marriages in Canada is tailing off

after an initial burst of pent-up demand, though perhaps not as sharply as suggested in the *Times* article. In British Columbia, 645 Canadian same-sex couples married in the last 6 months of 2003 as same-sex marriages first became legal in Canada. In 2004, 1,065 Canadian same-sex couples married in British Columbia, for a rate of 90 marriages per month, down from almost 110 per month in 2004. In 2005, the rate tailed off further, to just under 70 marriages per month, with a total of 821 same-sex marriages for the year.

In Quebec, however, the number of marriages (while very low overall) actually rose in 2005, as 321 same-sex couples married between January and September (35 per month), up from 253 (25 per month) between March and December 2004.

Massachusetts. Because same-sex marriage became legal in Massachusetts only in May 2004, annualized comparisons are not yet available. It is clear, however, that the rate of same-sex marriages has dropped off after an initial rush, with 1,347 marriages in 2005 (110 per month), down from 5,994 in the last eight months of 2004 (750 per month).

CONCLUSION

What proportion of gays and lesbians choose marriage where it has been available? The highest estimate to date of the proportion of gays and lesbians who have married in any jurisdiction that permits it is 16.7% (Massachusetts). More typically, our survey of marriage statistics from various countries that legally recognize same-sex unions suggests that today between 1% and 5% of gays and lesbians have entered into a same-sex marriage. In the Netherlands, which has had same-sex marriage as a legal option for the longest period (since 2001), between 2% and 6% of gays and lesbians have entered marriages.

Of course our experience with same-sex marriage is in its infancy. The small fraction of gays and lesbians who have currently married may change as cultural mores and expectations in the gay community shift, as some commentators have predicted. Or as others have suggested, once the novelty wears off, same-sex marriage may prove a decreasingly popular personal choice in the gay and lesbian community.

Appendix A

Region	Time Period	% Married Gays/Lesbians	
NETHERLANDS		1996 Survey	5% gay
National	4/01 – 12/05	6.3%	2.6%
BELGIUM		Dutch survey	5%
National	6/03 – 12/04	4.7%	1.9%
CANADA		StatCan 2003	5%
Alberta	7/05 – 12/05	1.08%	0.22%
Quebec	3/04 – 9/05	1.82%	0.36%
Saskatchewan	11/04 – 12/05	1.26%	0.25%
NW Territories	7/05 – 12/05	1.22%	0.25%
Yukon	7/04 – 12/05	6.30%	1.26%
British Columbia	7/03 – 12/05	14.29%	2.84%
Newfoundland/Labrador	12/05 – 12/06	0.74%	0.15%
Manitoba	9/04 – 12/05	2.02%	0.40%
Nova Scotia	9/04 – 1/06	4.49%	0.89%
UNITED STATES		NSFG data	5%
Massachusetts	5/04 – 12/05	16.7%	5.9%

Endnotes

¹ Jonathan Rauch, *Gay Marriage: Why it is Good for Gays, Good for Straights, and Good for America* (2004).

² See, e.g., Bob Morris, *Gay Marriage? How Straight*, New York Times, Mar. 7, 2004 (“Many gay men and lesbians – in fact most of the ones I know – are not jumping to jump the broom. They like their status as couples living between the lines, free of all the societal expectations that marriage brings.”); Mitchel Raphael, *Who Says All Gays Want to Marry?*, (Toronto) Globe & Mail, Apr. 7, 2004 (editor of Fab

Magazine suggesting the creation of civil unions so that “gays can create their own rules for partnership with all the rights of traditional marriage but without its baggage of eternal monogamy and 50-per-cent divorce rates.”); Gwen Florio, *Legal or Not, Many Question the Ritual*, Denver Post, Mar. 31, 2004 (observing that “an argument rages in the gay and lesbian community over whether marriage is a ritual worth pursuing”); Suzanne Fields, “*Queer Eye*” for Straight Courtship, Washington Times, Mar. 11, 2004 (“Judges and outspoken politically correct groupthink leaders drive the public debate over gay marriage. Gays skeptical of the ‘high status’ of marriage being thrust upon them are intimidated into silence.”); Sara B. Miller, *Gays Want the Right, But Not Necessarily the Marriage*, Christian Science Monitor, Feb. 12, 2004; Jeff Epperly, *Reality Check: In the Quest for Gay Marriage Don’t Leave the Rest of Us Behind*, Bay Windows, June 23, 2005; Andrew Cornell, “We Do? Queers Question the Politics of Gay Marriage,” Clamor Magazine, July/August 2004.

³ See, e.g., Johanna Petersson, *All Not Wedded to Marriage, But Most Like the Ring of It*, The Villager (NY), June 24, 2005; Clifford Krauss, *The Right to Marry, Or Not to Marry, Is the Issue Among Canada’s Gays*, New York Times, Feb. 6, 2005.

⁴ Michael Bronski, *Sexual Ceiling: The queer community’s fight for same-sex marriage, combined with revived AIDS hysteria, is short-changing GLBT youth by stifling discussion of gay sexuality*, The Boston Phoenix, March 23, 2005.

⁵ Edward O. Laumann, et al., *The Social Organization of Sexuality* 290-301 (1994).

⁶ David M. Smith & Gary Gates, *Gay and Lesbian Families in the United States: Same-Sex Unmarried Partner Households*, Human Rights Campaign Report, p.2, August 22, 2001 (“[W]e estimate the gay and lesbian population at 5 percent of the total U.S. population over 18 years of age (209,128,094). This results in an estimated total gay and lesbian population of 10,456,405.”)

⁷ The *Gay and Lesbian Atlas* provides state-level data on same-sex couples from the 2000 Census, but not of gay and lesbian individuals. Gary J. Gates & Jason Ost, *Gay and Lesbian Atlas* (Washington, D.C.: Urban Institute Press, 2004).

⁸ Statistics Netherlands reports that as of December 31, 2005, there had been 8,127 same-sex marriages in the Netherlands. Statistics Netherlands, “Key Figures: Marriage and Partnership Registrations,” available at <http://statline.cbs.nl> (last visited April 4, 2006).

⁹ The 1996 NEMESIS survey of Dutch adults aged 18 to 64 found that 2.8% of adult men and 1.4% of adult women reported having sex with a person of the same sex in the 12 months prior to the survey. Sandfort, T. G., de Graaf, R., Bijl, R. V., & Schnabel, P. (2001). “Same-sex sexual behavior and psychiatric disorders: Findings from the Netherlands Mental Health Survey and Incidence Study (NEMESIS),” *Archives of General Psychiatry* 58, 85–91. The adult Dutch population (age 20 and over) in 2005 was estimated at 6,089,800 men and 6,220,900 women (75.5% of a total population of 8,065,979 males and 8,239,547 females). Statistics Netherlands, “Population; key figures,” available at <http://www.cbs.nl/en-GB/menu/themas/mens-maatschappij/bevolking/cijfers/default.htm> (last accessed Feb. 7, 2006). This suggests a Dutch gay and lesbian population of approximately 170,500 gay men and 87,100 lesbian women.

In a 2005 population analysis, Statistics Netherlands estimated almost 53,000 same-sex couples in the Netherlands, representing approximately 0.7% of Dutch households, and 1.3% of all coupled households in the Netherlands. Liesbeth Steenhof, *Over 50 Thousand Lesbian and Gay Couples*, Statistics Netherlands Web Magazine, Nov. 15, 2005, available at <http://www.cbs.nl/en-GB/menu/themas/mens-maatschappij/bevolking/publicaties/artikelen/2005-1823-wm.htm>.

¹⁰ Directorate-General Statistics Belgium, “Mariages entre personnes du même sexe en 2003” and “Mariages entre personnes du même sexe en 2004,” available at http://www.statbel.fgov.be/figures/download_fr.asp#2 (last visited Feb. 7, 2006).

¹¹ Directorate-General Statistics Belgium, “Population par sexe et par groupe d’âge - Belgique (2000-2005)” available at http://statbel.fgov.be/figures/d21_fr.asp#3 (last visited Feb. 16, 2006) (2005 population of 3,877,637 men and 4,154,174 women aged 20 and older). Assuming comparable percentages of gays

and lesbians as were found in the Netherlands in 1996 (see note 9, supra) suggests that 2.8% (108,600) of men and 1.4% (58,200) of women in Belgium are gay or lesbian. We have not located independent surveys of orientation rates or sexual practices in Belgium.

¹² Clifford Krauss, *The Right to Marry, Or Not to Marry, Is the Issue Among Canada's Gays*, New York Times, Feb. 6, 2005 (“Over the last two years, a series of Canadian provincial court rulings have made same-sex marriage legal for up to 85 percent of the population, and last week a government bill was introduced to give the right to all Canadians. . . . But an odd thing is happening – or not happening. Only an estimated 4,500 couples – up to a quarter of them from the United States and other countries – have tied the knot in Canada since the first decision, by an Ontario appeals court in June 2003, opened the door.”)

¹³ Personal correspondence from Terry McMahon, British Columbia Vital Event Information Management, Jan. 19, 2006, on file with author. Overall 5,454 same-sex marriages were recorded through the end of 2005, 56% of which were foreign (non-Canadian) marriages. Of the 5,454 same-sex marriages in British Columbia, 2,207 (40%) were marriages of British Columbia residents. An additional 324 marriages (6%) were of Canadians from other provinces (mostly Alberta), while 2,750 (50%) were from the United States and 173 (3%) were from other nations.

¹⁴ An additional 130,400 adults (0.6% of men and 0.9% of women) considered themselves bisexual. Overall, Statistics Canada found 1.0% of Canadian adults self-reporting as gay or lesbian, with an additional 0.7% identifying themselves as bisexual. Statistics Canada, “First Information on Sexual Orientation,” Daily Briefing, June 15, 2004, available at <http://www.statcan.ca/Daily/English/040615/d040615b.htm>.

¹⁵ All population figures given for Canadian provinces are for ages 15 and older, as of July 1, 2005. Statistics Canada, “Population by sex and age group, by province and territory,” available at www.statcan.ca (last viewed February 27, 2006).

¹⁶ Personal correspondence from Barry Haugrud, Assistant Director of Alberta Vital Statistics, Jan. 18, 2006, on file with author. Although official residence statistics have not been compiled, Mr. Haugrud indicated that approximately 35 of these couples were from the United States.

¹⁷ Statistics Canada indicates a total Albertan population, age 15 and older, of 2,633,000 (1,325,400 males, 1,307,600 females) as of July 1, 2005. Statistics Canada, “Population by sex and age group, by province and territory,” available at www.statcan.ca (last viewed February 27, 2006).

¹⁸ Personal correspondence from Terry McMahon, British Columbia Vital Event Information Management, Jan. 19, 2006, on file with author.

¹⁹ Statistics Canada indicates a total British Columbian population, age 15 and older, of 3,559,200 (1,751,500 males, 1,807,500 females) as of July 1, 2005. Statistics Canada, “Population by sex and age group, by province and territory,” available at www.statcan.ca (last viewed February 27, 2006).

²⁰ Personal correspondence from Frances Beer, Manager, Registration Information Systems Unit Vital Statistics, Dec. 1, 2005 and Feb. 2, 2006, on file with author. This total includes 21 marriages in the final 4 months of 2004 and 83 marriages in all of 2005.

²¹ Statistics Canada indicates a total Manitoban population, age 15 and older, of 945,900 (466,100 males, 479,800 females) as of July 1, 2005. Statistics Canada, “Population by sex and age group, by province and territory,” available at www.statcan.ca (last viewed February 27, 2006).

²² Personal correspondence from Brenda Andrews, Registrar, Newfoundland and Labrador Vital Statistics, Dec. 14, 2005 and Feb. 2, 2006. Overall, 17 same-sex marriages were registered, including one non-Canadian couple.

²³ Statistics Canada indicates a total population, age 15 and older, of 435,100 (212,000 males, 223,200 females) in Newfoundland and Labrador as of July 1, 2005. Statistics Canada, “Population by sex and age group, by province and territory,” available at www.statcan.ca (last viewed February 27, 2006).

²⁴ Personal correspondence from Diane Baxter, Northwest Territories Health Services Administration, Dec. 2, 2005 and Feb. 2, 2006, on file with author.

²⁵ Statistics Canada indicates a total population, age 15 and older, of 435,200 (212,000 males, 223,200 females) in Newfoundland and Labrador as of July 1, 2005. Statistics Canada, "Population by sex and age group, by province and territory," available at www.statcan.ca (last viewed February 27, 2006).

²⁶ Personal correspondence from Karen J. Kieley, Research and Statistical Officer, Nova Scotia Vital Statistics, Feb. 20, 2006, on file with author.

²⁷ Statistics Canada indicates a total Nova Scotia population, age 15 and older, of 785,700 (381,600 males, 404,100 females) in Newfoundland and Labrador as of July 1, 2005. Statistics Canada, "Population by sex and age group, by province and territory," available at www.statcan.ca (last viewed February 27, 2006).

²⁸ Institut de la statistique du Quebec, "La Situation demographique au Quebec, 2005," ch. 6, at 108-09, available at <http://www.stat.gouv.qc.ca/publications/demograp/pdf2005/Bilan2005c6.pdf>

²⁹ Statistics Canada indicates a total Quebec population, age 15 and older, of 6,340,000 (3,105,500 males, 3,234,500 females) as of July 1, 2005. Statistics Canada, "Population by sex and age group, by province and territory," available at www.statcan.ca (last viewed February 27, 2006).

³⁰ Personal correspondence from Kari Norman, Registration Unit Team Leader, Saskatchewan Vital Statistics, Jan. 24, 2006, on file with author (statistics through January 19, 2006). Statistics on the residence of couples are not yet available.

³¹ Statistics Canada indicates a total Saskatchewan population, age 15 and older, of 799,500 (394,000 males, 405,400 females) as of July 1, 2005. Statistics Canada, "Population by sex and age group, by province and territory," available at www.statcan.ca (last viewed February 27, 2006).

³² Personal correspondence from Sylvia Kitching, Yukon Vital Statistics, Dec. 1, 2005 and Feb. 2, 2006, on file with author.

³³ Statistics Canada indicates a total Yukon population, age 15 and older, of 25,300 (12,800 males, 12,500 females) as of July 1, 2005. Statistics Canada, "Population by sex and age group, by province and territory," available at www.statcan.ca (last viewed February 27, 2006).

³⁴ Personal correspondence from Dianne Campbell, Vital Statistics Department, Ontario Office of the Registrar General, March 17, 2006, on file with author.

³⁵ This includes British Columbia (July 2003), Manitoba (Sept. 2004), Nova Scotia (Sept. 2004), Newfoundland/Labrador (Dec. 2004), Quebec (March 2004), Saskatchewan (Nov. 2004), and the Yukon (July 2004).

³⁶ One analysis of combined data from the General Social Survey (GSS) and the National Health and Social Life Survey (NHSLs) between 1988 and 1996 found that 2.5% of men and 1.4% of adult women are gay or lesbian. Dan Black, et al., *Demographics of the gay and lesbian population in the United States: Evidence from available systematic data sources*, 37(2) *Demography* at 141. In the absence of any universal definition of homosexuality, this number represents the percentage of respondents who had engaged exclusively in homosexual sex during the previous 12 months. The number of respondents self-identifying as gay or lesbian was somewhat lower, at 1.8% of men and 0.6% of women. Black et al. note that even these numbers may overestimate the number of gay men by as much as 32% and the number of lesbian women by as much as 44% due to recording errors in the surveys. The highly respected Chicago Sex Survey found that 2.0% of men and 0.9% of women identify themselves as homosexual. *Laumann et al., The Social Organization of Sexuality: Sexual Practices in the United States* 311 (Table 8.3b) (1994). Laumann, et al., also note that the proportion of gays and lesbians differs significantly based upon the measure used. For example, 2.7% of men and 1.3% of women report a same-gender sex partner within the past 12 months. *Id.* at 303. Two percent of men and 1.0% of women report *only* same-gender sex partners within the past 12 months. *Id.* at 311. Extended to 5 years, 4.1% of men and 2.2% of women report a same-gender sex partner, with 2.0% (men) and 0.8% (women) reporting *only* same-gender partners. *Id.* at 303,

311. Overall, 7.7% of men and 7.5% of women report some level of same-sex desire. *Id.* at 305. The most recent data, from the 2002 National Survey of Family Growth (NSFG) (interviewing a nationally representative sampling of 12,571 people ages 15-44), found that 2.3% of men and 1.3% of women self-identified as homosexual. William D. Mosher, et al., “Sexual Behavior and Selected Health Measures: Men and Women 15–44 Years of Age, United States, 2002,” *Advance Data from Vital and Health Statistics, Report No. 362*, National Center for Health Statistics, Sept. 15, 2005, available at <http://www.cdc.gov/nchs/data/ad/ad362.pdf>. Another question asked by the NSFG found that 2.2% of men and 1.5% of women report that they are sexually attracted “mostly” or “only” to persons of the same sex. *Id.* at 32-33 (Tables 14-15). The survey also found that 1.6% of men and 1.3% of women had only same-sex partners over the previous 12 months. *Id.* at 5 (Table B).

³⁷ David M. Smith & Gary Gates, *Gay and Lesbian Families in the United States: Same-Sex Unmarried Partner Households*, Human Rights Campaign Report, p.2, August 22, 2001 (“[W]e estimate the gay and lesbian population at 5 percent of the total U.S. population over 18 years of age (209,128,094). This results in an estimated total gay and lesbian population of 10,456,405.”)

³⁸ Warren St. John, *Despite Uncertainties, Out-of-Staters Line Up to Marry*, *New York Times*, May 18, 2004, at A21.

³⁹ Personal correspondence from Kevin Foster, Massachusetts Department of Public Health, Jan. 26, 2006, on file with author.

⁴⁰ Pam Belluck & Katie Zezima, *Massachusetts Court Limits Gay Unions*, *The New York Times*, March 31, 2006 at A10.

⁴¹ This assumes 2.3% of adult males and 1.3% of adult females are homosexual throughout the United States. State population data are through July 1, 2004, and are derived from the U.S. Census Bureau’s “Age and Sex for States and for Puerto Rico: April 1, 2000 to July 1, 2004,” available at <http://www.census.gov/popest/states/asrh/SC-est2004-02.html> (last visited Feb. 8, 2006). Of Massachusetts’ 4.95 million adults, roughly 54,200 are gay men and 33,750 are lesbian women.

⁴² Malcolm Thornberry, *1000 Gay Couples Wed in Spain*, *365Gay.com*, March 2, 2006.

⁴³ Clifford Krauss, *The Right to Marry, Or Not to Marry, Is the Issue Among Canada’s Gays*, *New York Times*, Feb. 6, 2005.