

## **Publications by Kees Waaldijk part I: in English on sexual orientation law**

1983 – 2010

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See also the list of [all publications by Kees Waaldijk per year since 1996](#).

### **--- books**

[Sexual Orientation Discrimination in the European Union: National Laws and the Employment Equality Directive](#) (written together with Matteo Bonini-Baraldi), The Hague: T.M.C. Asser Press 2006, 256 p. ([introductory and concluding chapters plus bibliography](#) are online; book is distributed by [Springer](#); book is partly based on the report [Combating sexual orientation discrimination in employment](#) ).

*Homosexuality: a European Community Issue – Essays on Lesbian and Gay Rights in European Law and Policy* (edited together with Andrew Clapham), Dordrecht: [Martinus Nijhoff](#) 1993, 426 p. (includes chapter '[The Legal Situation in the Member States](#)' by Kees Waaldijk).

### **--- articles in academic journals and chapters in academic books**

'[Same-Sex Partnership, International Protection](#)', in: R. Wolfrum (ed.), *Max Planck Encyclopedia for Public International Law*, Oxford: Oxford University Press (online publication 2009, [www.mpepil.com](http://www.mpepil.com); an updated version of September 2010 is to be published May 2011).

[Case note](#) (written together with Christa Tobler), Court of Justice of the EC, 1 April 2008, Case C-267/06 (*Tadao Maruko v. Versorgungsanstalt der deutschen Bühnen*), 46 *Common Market Law Review* 2009, p. 723-746.

'[Legislation in fifteen EU Member States against sexual orientation discrimination in employment: the implementation of Directive 2000/78/EC](#)', in: A. Weyembergh & S. Cârstocea, *The gays' and lesbians' rights in an enlarged European Union*, Brussels: Editions de l'Université de Bruxelles 2006, p. 17-47 (based on the report [Combating sexual orientation discrimination in employment](#)).

[‘Others may follow: the introduction of marriage, quasi-marriage, and semi-marriage for same-sex couples in European countries’](#) (based on an affidavit for the Supreme Court of Canada), 38 *New England Law Review* 2004, p. 569-589; also published in: [5 Judicial Studies Institute Journal 2005](#), p. 104-124, and also, in Chinese, in the [10 Jin Ling Law Review 2006](#), p.90-99.

[‘Taking same-sex partnership seriously – European experiences as British perspectives’](#), *International Family Law* 2003, p. 84-95 (this article, including an appendix called ‘Chronological overview of the main legislative steps in the process of legal recognition of homosexuality in European countries’, is a shortened version of the [Fifth Stonewall Lecture](#), London, 6 March 2002; see the [full text](#) of this lecture).

[‘Small Change: How the Road to Same-Sex Marriage Got Paved in the Netherlands’](#), in: Robert Wintemute and Mads Andenæs (eds.), *Legal Recognition of Same-Sex Partnership. A Study of National, European and International Law*, Oxford: [Hart Publishing](#) 2001, p. 437-464.

[‘Towards the Recognition of Same-Sex Partners in European Union Law: Expectations Based on Trends in National Law’](#), in: Robert Wintemute and Mads Andenæs (eds.), *Legal Recognition of Same-Sex Partnership. A Study of National, European and International Law*, Oxford: [Hart Publishing](#) 2001, p. 635-651.

[‘Civil developments: patterns of reform in the legal position of same-sex partners in Europe’](#), 17 *Canadian Journal of Family Law / Revue Canadienne de Droit Familial* 2000, p. 62-88.

[‘Free Movement of Same-Sex Partners’](#), 3 *Maastricht Journal of European and Comparative Law* 1996, p. 271-285.

[‘Standard sequences in the legal recognition of homosexuality – Europe’s past, present and future’](#), 4 *Australasian Gay & Lesbian Law Journal* June 1994, p. 50-72.

[‘The Legal Situation in the Member States’](#), in: K. Waaldijk and A. Clapham (eds.), *Homosexuality: a European Community Issue – Essays on Lesbian and Gay Rights in European Law and Policy*, Dordrecht: [Martinus Nijhoff](#) 1993, p. 71-130.

[‘Constitutional Protection Against Discrimination of Homosexuals’](#), 13 *Journal of Homosexuality* 1986/1987, p. 57-68; this article was also published in: A.X. van Naerssen (ed.), *Interdisciplinary Research on Homosexuality in the Netherlands*, New York: The Haworth Press 1987, p. 57-68; and in: A.X. van Naerssen (ed.), *Gay Life in Dutch Society*, New York: Harrington Park Press 1987, p. 57-68.

### --- academic reports and contributions to such reports

[Thematic study Netherlands - Legal Study on Homophobia and Discrimination on Grounds of Sexual Orientation and Gender Identity](#) (written together with Rick Lawson & Nelleke Koffeman), Vienna: [European Union Agency for Fundamental Rights](#) 2010 (85 p.).

[More or less together: Levels of legal consequences of marriage, cohabitation and registered partnership for different-sex and same-sex partners. A comparative study of nine European countries](#) (in cooperation with John Asland et al.), Documents de travail no.125, Paris: Institut national d'études démographiques 2005, 190 p.

'[Levels of legal consequences of marriage, cohabitation and registered partnership for different-sex and same-sex partners: Comparative overview & Comparative analysis](#)', in: Marie Digoix & Patrick Festy (eds.), *Same-sex couples, same-sex partnerships and same-sex marriages: a focus on cross-national differentials*, Documents de travail, no. 124, Paris: Institut National d'Etudes Démographiques 2004, p. 47-92 (based on the report [More or less together](#) ).

[Combating sexual orientation discrimination in employment: legislation in fifteen EU member states](#) (Report of the European Group of Experts on Combating Sexual Orientation Discrimination, about the implementation up to April 2004 of Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation, edited together with Matteo Bonini-Baraldi, commissioned by the Commission of the European Communities), Leiden: Universiteit Leiden 2004, 647 p.

'[The Netherlands](#)', chapter 13 in: [idem](#), p. 341-375.

'[Comparative analysis](#)' and '[Conclusions](#)', chapters 19 and 20 in: [idem](#), p. 533-598 and 599-608.

'[Towards equality in the freedom of movement of persons](#)', in: K. Krickler (ed.), *After Amsterdam: Sexual Orientation and the European Union. A Guide*, Brussels: ILGA-Europe (the European Region of the International Lesbian and Gay Association) 1999, p. 40-49 (also published in [translation in French, Spanish, German, Lithuanian and Hungarian](#)).

[Tip of an Iceberg. Anti-lesbian and anti-gay discrimination in Europe 1980-1990. A survey of discrimination and anti-discrimination in law and society](#), Utrecht: Department of Gay and Lesbian Studies, University of Utrecht 1991, 110 p.

### --- papers and various

['Legal recognition of homosexual orientation in the countries of the world. A chronological overview with footnotes'](#) (paper for the conference *The Global Arc of Justice – Sexual Orientation Law Around the World*, International Lesbian and Gay Law Association, Los Angeles, 11-14 March 2009, published in the conference binder), Los Angeles: the Williams Institute at UCLA 2009 (81 p.).

['Overview of Forms of Joint Legal Parenting Available to Same-Sex Couples in European Countries'](#), *72 Droit & Société* 2009, p. 383-385.

['Eight major steps in the legal recognition of homosexual orientation – A chronological overview of national legislation in the member states of the European Union'](#), *Choices* 2007, p. 11.

['Eight major steps in the legal recognition of homosexual orientation – A chronological overview of legislation in 45 European countries'](#), published online by the author in 2006.

['European case law on sexual orientation and gender identity'](#) (training manual for Regional Lobby, Advocacy and Policy project, Ohrid, Macedonia, July 2005), published online by the author in 2006.

['Text of Dutch law on the opening up of marriage for same-sex partners \(plus explanatory memorandum\)'](#), summary-translation, published online by the author in 2001.

['Text of Dutch law on adoption by persons of the same-sex \(plus explanatory memorandum\)'](#), summary-translation, published online by the author in 2001.

['Text of key articles on Registered Partnership in the Dutch Civil Code'](#), summary-translation, published online by the author in 2001.

['Legislation in the Netherlands against \(sexual orientation\) discrimination'](#) (in Dutch and in English translation), published online by the author in 2001.

['Not Quite Paradise – Forty Sexual Orientation Cases Decided by the Dutch Equal Treatment Commission between 1994 and 2001'](#) (paper for the conference *Sexual orientation, gender identity and fundamental rights – Decriminalisation, Anti-discrimination Laws and the Recognition of Gay, Lesbian and Transsexuals Rights*, Turin 9-10 March 2001, organised by Center for Research and Comparative Legal Studies on Sexual Orientation and Gender Identity, CERSGOSIG).

*Towards full equality in Dutch law for same-sex partners and their children*, COC Information Brochure 6, Amsterdam: Dutch Association for the Integration of Homosexuality COC 1998.

[‘Concurrence of discrimination: sexual orientation and civil status’](#) (paper for the International Conference on Comparative Non-Discrimination Law, Utrecht, June 1998).

‘The importance of changing law’ (lecture ERASMUS Intensive Programme on Gay and Lesbian Studies, University of Essex, Colchester, July 1991).

*Human rights and the gender of people you love. About homosexuality as a human rights issue*, Commissioner Special V, Utrecht: The Commissioner for human rights of the International Humanist and Ethical Union 1988, 17 p.; second edition, 1990.

‘Positive and negative information on homosexuality’ (opening speech for the pre-conference meeting in Utrecht, 9 December 1987, of the conference ‘Homosexuality beyond disease’, Amsterdam, 10-12 December 1987), 7 *Gay and Lesbian Humanist* 1988 (Spring), p. 21-23.

[‘Freedom and equality: alternate goals in the gay rights movement’](#), in: M. Duyves e.a. (eds.), *Among men, among women* (Papers for the conference ‘Among men, among women’, Amsterdam, June 1983), Amsterdam: University of Amsterdam 1983, p. 333-337.

‘A human rights perspective of homosexuality’ (paper for the conference *Homosexuality beyond disease*, Amsterdam, 10-12 December 1987).