

All they need is love: Union formation among same-sex and different-sex couples in Brazil, 2019¹

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Objective

The objective of this study is to examine union formation and sexual orientation among same-sex and different-sex coresident couples in Brazil. In other words, we seek to investigate if sexual orientation is correlated to the type of union and whether gays and lesbians are more or less likely to be legally married than heterosexual couples.

Background

In 2010, the Brazilian Census included, for the first time, the possibility of identifying same-sex coresident partners. There were two categories for the spouse/partner: different-sex and same-sex. However, hitherto, no federal legislation has been approved regarding same-sex families in Brazil. The progress in that area has taken place in the Judiciary front.

The Supreme Federal Court approved domestic partnerships between same-sex individuals in 2011. The ruling gave same-sex couples in domestic partnerships the same financial and social rights of those in heterosexual relationships. Later, in 2013, the National Judicial Council of Brazil (Conselho Nacional de Justiça - CNJ) legalized same-sex marriages in the entire country, ruling that all civil registries must notarize same-sex marriages and convert previous domestic partnerships in marriage if the couples so wish (CNJ, 2013). Hence, there is no law that legitimates same-sex marriage, but it is a right guaranteed by the jurisprudence.

It should be noted that the Federal Constitution mentions the union between a man and a woman as the basis for family formation. However, the Federal Supreme Court has an inclusive interpretation that considers individuals. In September 2019, the Supreme Court excluded from the Civil Code any interpretation that would prevent recognition of same-sex couples as a family entity, ruling all families should have access to family-oriented public policies.

Theoretical focus

It is known marriage benefits men and women in heterosexual relationships – they are healthier and happier than single individuals (Grover and Helliwell, 2019). Research on the benefits of marriage for individuals in same-sex relationships presents marital advantages for same-sex couples as well (Chen and Van Ours, 2018). Carpenter et al. (2018) found that legal access to marriage increased healthcare access and care among sexual minority men in the United States. Moreover, Boertien and Vignoli (2019) show that after legalization of same-sex marriage in England and Wales, and the

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consequent reduction of social stigma, there was an increase in subjective well-being for individuals in same-sex relationships. In the case of Sweden, Kolk and Andersson (2020) suggest that the same-sex legislation introduced in 2009 had little effect on the pace of same-sex union formation.

Data

Data come from the Civil Registry and the recently released⁴ *Pesquisa Nacional de Saúde 2019 - PNS 2019* (National Health Survey 2019), both collected by IBGE, the Brazilian National Statistical Office and Census Bureau.

PNS 2019 has complex sampling with three stage conglomerate: census tract, household, and individual. We selected only spouses/partners of household heads.

Research Methods

Logistic regression models.

Model 1: same-sex spouses/partners

Dependent variable: type of union (1 if legally married; 0 otherwise)

Key independent variable: sex of the spouse/partner (male; female)

Control variables: education, age, race/skin color, geographical region, age at first union, attends religious services at least once a week, household income

Model 2: different-sex spouses/partners

Dependent variable: type of union (1 if legally married; 0 otherwise)

Key independent variable: sex of the spouse/partner (male; female)

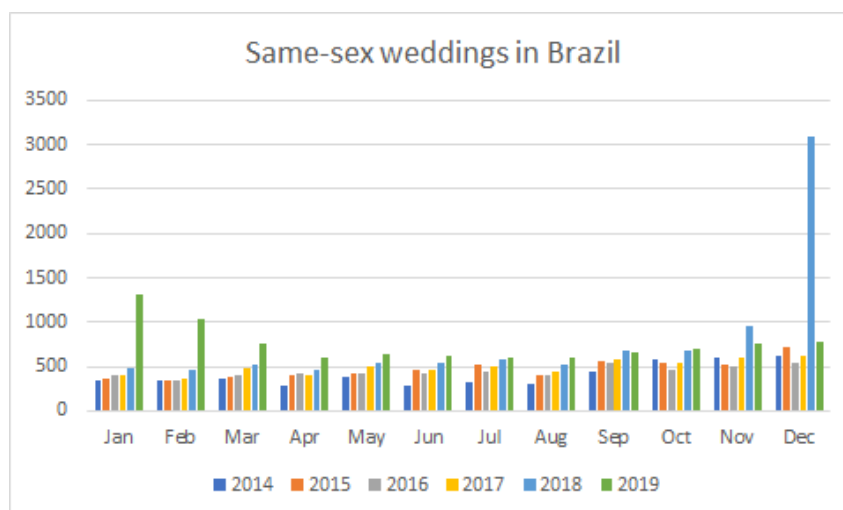
Control variables: education, age, race/skin color, geographical region, age at first union, attends religious services at least once a week, household income

⁴ Released on 5/7/2021.

Descriptive Results

The presidential election of Jair Bolsonaro (2019-) in October 2018 is likely to have impacted the number of legal unions between same-sex couples in the months following his victory, as shown in Figure 1.

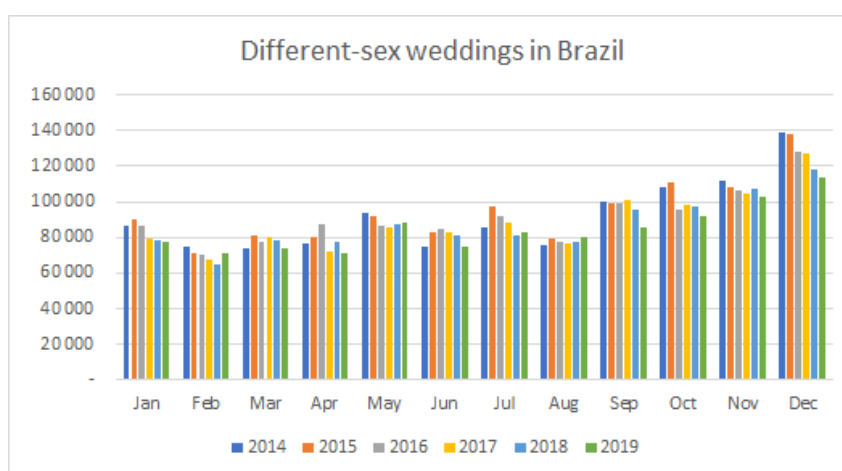
Figure 1: Same-sex weddings in Brazil, 2014-2019



Source: Civil registry 2014-2019, IBGE.

Contrastedly, the monthly pattern of heterosexual couples weddings in Brazil does not seem to have changed much, according to Figure 2.

Figure 2: Different-sex weddings in Brazil, 2014-2019



Source: Civil registry 2014-2019, IBGE.

Data from PNS 2019 indicate that females account for over 60% of spouses/partners of household heads in both same-sex and different-sex unions. Regarding union formation, 15.2% of the same-sex unions and 64.3% of the different-sex unions are formal (Table 1).

Table 1: Proportion of spouses/partners in same-sex and different-sex unions by gender and type of union

	Same-sex	Different-sex
Females	65,0	61,9
Males	35,0	38,1
Total	100,0	100,0
Formal union	15,2	64,3
Informal union	84,8	35,7
Total	100,00	100,00

Source: IBGE, PNS 2019

Logistic regression models

Forthcoming.

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