



# Same Sex Marriage: From Fragmented Progress to a Shared European Commitment to Equality

Edited by  
Constantinos Saravakos  
Chris Loukas  
Efi Stefanouli



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# Foreword

Legal scholarship and the activity of civil society constitute foundational pillars of democracy. They are, at their core, expressions of freedom. The distinct paths each of us has followed in the historical struggle to articulate equality, respect, and human affection within the institution of the family converged through a long journey—and ultimately through our success before the European Court of Human Rights—affirming equality and the inclusion of every citizen within the institution of the Civil Partnership. Contrary to the position of the Greek State at the time, this marked the first legal recognition of “family” regardless of whether the individuals involved were heterosexual or not.

From the restrictive definition of marriage as the union of a man and a woman to today’s broader understanding of family, centuries of struggle intervene—struggles for dignity, equal treatment before the law, and freedom. We are confident that today all people, without distinction on the basis of gender, are finally able to focus on the substance and quality of their love, rather than on its legal recognition, which is now an established reality. Our journey and its outcome are dedicated—by both of us—to “the reverent gaze of people in love.”

**Nikos K. Alivizatos**, Professor Emeritus of Constitutional Law at the University of Athens and leading Greek lawyer who represented the applicants before the European Court of Human Rights, helping to secure the landmark judgment that condemned Greece for excluding same sex couples from civil unions.

**Gregory Vallianatos**, Greek activist and former journalist who challenged the Greek state (along with Nikolaos Mylonas) before the European Court of Human Rights and became the public face of the case that established legal recognition and equality for same sex couples in Greece

Case: *Vallianatos and Others v. Greece*.

## Introduction

# Same-Sex Marriage as a Symbol of Freedom and Equality for All

**Constantinos Saravakos**, Head of Research at the Center for Liberal Studies (KEFIM)

**Chris Loukas**, Junior Research at the Center for Liberal Studies (KEFIM)

**Efi Stefopoulou**, Research Associate at the Center for Liberal Studies (KEFIM)

## Why Marriage Equality Matters

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Marriage equality serves as a litmus test for the strength of the rule of law.

Across Europe, the legal recognition of same-sex marriage has become a very contested political topic. The deepening of legal equality among all citizens regardless of sexual orientation is still a heated topic for several countries, despite the institutional progress of the last decades.

Liberalism, at its core, presumes that citizens hold different views regarding morality and the “good life”, and that the role of the state should not be to privilege or impose one of them. Instead, its role is to safeguard the social order in a way that allows everyone to pursue their own ends uninterred (Bláhová 2024). Within this framework, marriage, and in this case between members of the same sex, has a double goal. On the one hand, allow the existence of private contracts between consenting adults that will regulate issues of property, inheritance and common life and, on the other hand, the public recognition that a bond between members of the same sex is of equal worth to that of heterosexuals. From a liberal

standpoint, refusing the right to marriage to same-sex couples is an assault on both equality before the law and their personal dignity.

This book aims to serve as both an inspiring and practical collection of cases that showcases the struggle for marriage equality as a principle that reflects the broader contest over liberal democracy in Europe today. Its main objective is to map and analyze the challenging trajectory of marriage equality across European states, examining how legal, political, and cultural actors either advance or hinder progress toward equal recognition. The country-specific comparative insights via 8 selected cases aims to uncover patterns of convergence and resistance that define the European landscape of rights, at a moment when populist and nationalist movements increasingly challenge liberal values and institutions. This book fundamentally poses a question on what marriage equality can reveal about the resilience (or fragility) of Europe's commitment to equality before the law and individual dignity. In order to serve these aims, the book is divided into two main sections. The first two chapters is a collection of papers from countries that have legalized same-sex marriage, detailing the challenges faced, the strategies employed, and the key steps taken to achieve legalization. The next six chapters focus on countries that have not yet legalized same-sex marriage, yet some of them offer civil unions, exploring the main difficulties they face and proposing potential pathways to overcome these obstacles. The book concludes with an overall assessment of the current state of affairs described in the country chapters and offers policy pathways and recommendations to advance the equality of individual rights across Europe.

Marriage equality serves as a litmus test for the strength of the rule of law. States that claim adherence to liberal democracy, constitutionalism and legal equality cannot depend on conventionality or tradition. Rights are most significant when popularity or social norms seem to go against the sovereignty of the individual. They are needed so that no matter the social environment, each person is protected. The right of same-sex couples to form legally recognized families thus becomes an indicator of whether liberal principles are consistently applied even when they are politically inconvenient. Equal marriage does not merely affirm existing

liberal values but also reproduces and renews them, ensuring that they do not remain just idealistic lines of ink on a paper, but a lived experience for many people.

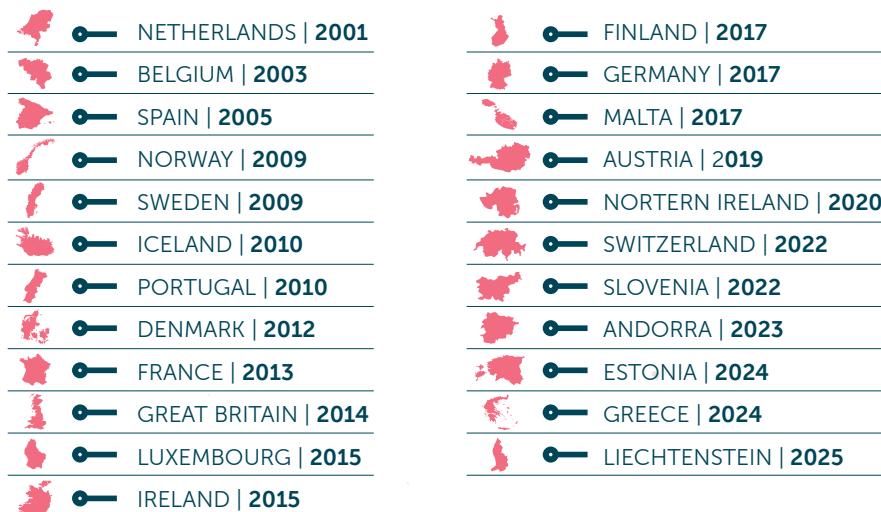
## The Legal Map of Europe

The landscape of marriage equality in Europe is at once a story of remarkable progress and persistent fragmentation. The first country to legalize same sex marriage in Europe was the Netherlands in 2001 and the latest has been Liechtenstein in 2025. Figure 1 shows a timeline of same sex marriage recognition in Europe.

**Figure 1. Timeline of Same-sex Marriage in Europe**

### Timeline of Same-Sex Marriage in Europe

**Year in which same-sex couples are allowed to marry**



Source: *Europe Magazine*. (2025, September 12). Instagram.

Among EU countries 19 out of the 27 recognise it. At present, the map remains uneven: Northern and Western European Countries exhibit perfect marriage equality, whereas parts of Central and Eastern Europe lag on that front, and try to push back through constitutional reforms. The process through which same-sex marriage has been legalized differs significantly from country to country. In some cases, it has emerged through parliamentary consensus (as in the Nordic Countries and in Greece), while in others, judicial rulings that interpreted constitutional guarantees of equality and human dignity have paved the way for marriage equality (as in Austria and Slovenia).

In some countries, largely in Eastern and Central Europe, there is no explicit recognition of same sex marriage through constitutional amendments. In 2011, Hungary's Fundamental Law defined marriage exclusively as "the union of a man and a woman", effectively barring all legislative moves towards marriage equality. In 2014, Slovakia pushed a similar amendment, while Poland, Latvia and countries in the Balkan peninsula have followed a similar institutional path of restriction. These constitutional impediments transform what could be a democratic debate into an arduous, nearly impossible legal reform shielded by the might of the constitution and the strenuous process accompanied by its revision.

Yet, although countries have reached, or at least have tried to halt, marriage equality through very different institutional routes, these divergences do not diminish the importance of a shared strategic conversation. On the contrary, the acknowledgment that the pathways that shape political opportunities can vary, enables political actors, policymakers, and civil society groups to identify where common approaches can be found and context-specific strategies are required to this end. For this reason, this comparative understanding is essential in order to achieve a wider, pan-European dialogue on equality that both respects institutional diversity, and reaffirming liberal principles.

However, EU *acquis* and its supranational institutional architecture that guarantees a Union of equal rights under the rule of law exerts pressure for convergence to domestic governments. As empirical literature shows, EU accession has led the candidate states towards greater political

freedom, aligning their institutional framework with the core principles of EU *acquis*. According to Saravakos (2021), access to justice seems to be the most impactful channel of increasing political freedom throughout the accession period. This effect was found that could be partly attributed to the rights established under the EU treaties that provide EU citizens with due process and legal recourse, as the mechanisms of a range of fundamental rights-related scenarios.

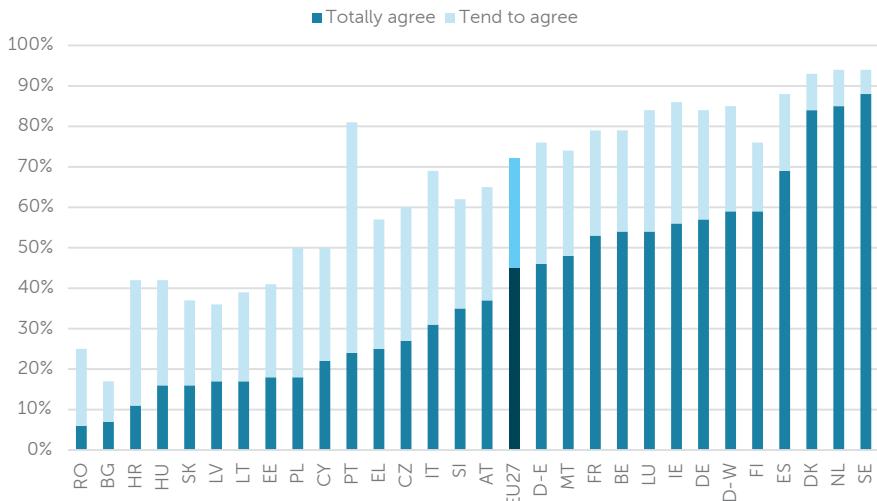
The European Court of Human Rights has held that while states are not obligated to extend the recognition of marriage to same-sex couples, they must provide some form of legal recognition (Oliari and Others v. Italy, 2015). Similarly, the Court of Justice of the European Union in *Coman v. Romania* ruled that EU members states must recognise same sex spouses for residence rights under the free movement law, even if they don't permit such marriages domestically. This effort can be seen through the prism of the "Europeanisation" of family law by aligning national legislation with common principles of respect for fundamental human rights.

### Public Opinion Trends on Same-sex Marriage

Public Opinion around same-sex marriage tends to vary among European Countries and the diffusion of marriage equality has both reflected pre-existing attitudes, as well as, reinforced social tolerance towards sexual diversity. Public attitudes have shifted from overwhelmingly negative a few decades ago to positive, especially among the younger generation (Pew Research Center, 2019).

According to the Eurobarometer on Discrimination (European Commission, 2023), more than 7 in 10 EU citizens see nothing wrong with sexual relationships between members of the same sex and that the marriage of same sex couples should be recognized throughout Europe. This represents a shocking rise from the 44% recorded in 2006 (European Commission, 2006), revealing the continent-wide evolution of moral attitudes. This average, however, doesn't shed light on the important regional divides between European countries. The acceptance rate for some countries routinely exceeds 90% (i.e. Denmark, the Netherlands, and Sweden), however, there are also countries such as Croatia, Bulgaria, and Romania which demonstrate extremely low levels of support.

**Figure 2. Percentages of Agreement on the Statement: “Same-sex marriages should be allowed throughout Europe (%)”, 2023 (Sorted by Totally Agree Category).**



Source: Eurobarometer on Discrimination (European Commission, 2023).

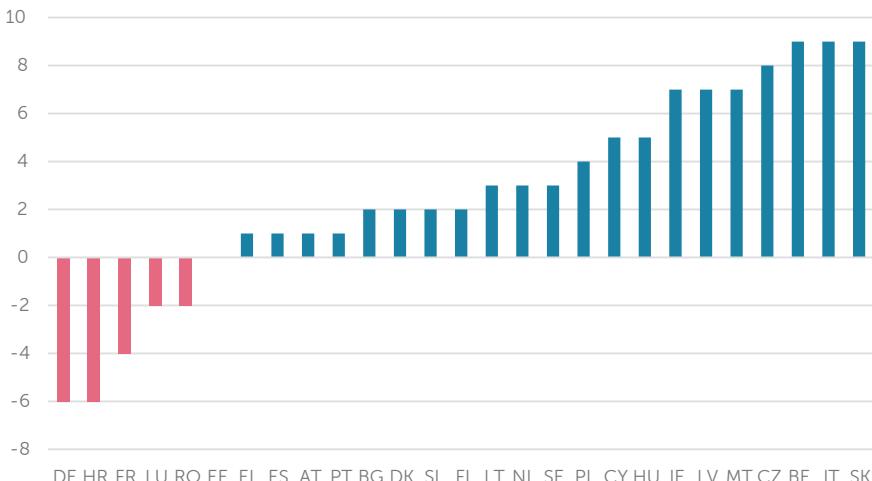
The Eurobarometer survey also reveals generational dynamics in perceptions of same-sex marriage. Across Europe, more than 85% of respondents aged 18-24 support marriage equality, compared to only 55% among those over the age of 55. This general divergence points to a certain liberalizing force. Younger generations take their place to boost approval rates of same-sex marriage and push for political change in place where it has not yet been implemented.

## Emerging Threats and Backlash

For most of its history, Europe’s trajectory on marriage equality has been one of slow or swift victories as, one by one, countries started to recognise same sex marriage. In the past decade, however, a powerful counter movement has emerged in many countries, which challenges both the

institution of same-sex marriage, as well as the liberal and progressive ideals on which it is grounded. This pushback has manifested itself in politics, law (e.g. constitutional clauses that prevent same sex marriage), and culture through the supposed return to “traditional family values” and the opposition to “gender ideology” (Datta, 2021; ILGA-Europe, 2025). Figure 3 shows how the perceptions on same-sex marriage has changed from 2019 to 2023 in the “strongly agree” category. Despite the evident progress of the vast majority of EU member states, there is a decrease in strongly agreeing for Germany, Croatia, France, Luxembourg and Romania, while in Slovakia, Italy, and Belgium the support grew significantly.

**Figure 3. Percentage Point Change in “strongly agree” Category Between 2019 and 2023 on the Statement: “Same-sex marriages should be allowed throughout Europe (%).”**



Source: *Eurobarometer on Discrimination (European Commission, 2023)*.

New parties have emerged in much of Eastern and Central Europe, which portray same-sex marriage as an ideological import that clashes with their respective national character. Some notable examples include Fidesz in Hungary and Law and Justice in Poland. This narrative is entangled in

the broader rhetoric of right-wing populism, which promotes an “us” versus “them” mentality. The “us” is usually the conservative, traditional people and the “them” the cosmopolitan elites, or the foreign institutions of the European Union in Brussels that seek to impose their agenda and undermine regional moral attitudes.

Academic research shows that instead of following a single, fixed approach, populist radical right parties deliberately downplay and reframe LGBTIQ+ issues within policy discussions. In Italy, they particularly link LGBTIQ+ issues to “freedom of speech” and the protection of the “traditional family” debate (Prearo et al. 2025). The results suggest that populist institutional designs exposing legislators to majority preferences often disadvantage unpopular minorities, whereas safeguards against majoritarian impulses can protect their rights.

Framing LGBTIQ+ rights as a social threat can be used to justify infringements on the freedom of the press, and enhanced government control over education and civil society to fight against ideas that are deemed “dangerous” for the social organism. Hungary’s 2021 “Child Protection Law”, for instance, bans the portrayal of homosexuality in content that can be accessed by minors, and in Poland, several municipalities have declared themselves as “LGBT-free zones” in 2019-2020, signalling resistance against equality.

Even in absence of formal bans, administrative resistance is a significant impediment to marriage equality. In several countries, local authorities refuse to recognize same-sex marriages that have been performed, deny adoption or parental recognition to same-sex couples, even withhold residence rights to foreign spouses despite rulings by the European Court of Human Rights (Oliari, 2015) and the European Court of Justice (Coman, 2018) that demand legal recognition.

On the level of culture, the last few years have seen the rise of the so-called *anti-gender*<sup>1</sup> movement and a number of advocacy networks,

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1 According to Kuhar (2022): “The so-called anti-gender phenomenon is relatively new. It began in Europe and then spread elsewhere, including to Latin

NGOs, religious institutions and political foundations that try to push back on the “decadence” of marriage equality. The anti-gender movement represents a new kind of conservative resistance, distinct from older opposition to gender equality movements, which relies on fresh forms of mobilisation, activism, and discourse. It frames its supporters as rational and civic-minded individuals acting out of common sense, aiming to reach and convince a wider audience beyond traditional conservatives. Networks such as the CitizenGo,<sup>2</sup> or the World Congress of Families,<sup>3</sup> and other conservative movements of many religious organisations have used digital media to amplify emotional and populist narratives that frame “pro-family” actors as the true fighters against liberal elites. The World Congress of Families did manage to create a digital space that harmed personal freedom and safety of LGBTIQ+ individuals. By spreading anti-gender, anti-feminist, and anti-migrant messages, they illustrated how religion and hypermediated communication fuel contemporary far-right populism, by merging conservative Christian values with far-right political rhetoric online, the movement (Evolvi, 2023). These movements see same-sex marriage as the latest front in the battle against debauchery and try to reframe the debate from the recognition of human rights to a fight against the ills of modernity.

Given this backlashing policy framework, this book seeks to provide a comprehensive analysis of the legislative and societal changes that have led to the legalization of same-sex marriage in various European countries. Obstacles to human equality, dignity, and prosperity have always existed; however, institutions, networks, and people, grounded in

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America and Africa. It goes beyond earlier forms of resistance to gender equality and tries to attract a broader audience by putting new forms of mobilisation in place, and by promoting international networks and coalitions among different groups (such as family and pro-life associations, radical nationalist parties and right-wing populists) as well as by making reference to a vague ‘gender ideology’. Experts believe the phenomenon’s spread and success are to be ascribed to a number of political and socioeconomic developments, such as the perceived failure of liberal democracy, and in particular to its ability to appeal to and reinforce people’s deep-rooted fears, anxieties and identity-related uncertainties”.

2 <https://www.citizengo.org/>

3 <https://wcfverona.org/en/>

liberal principles, have managed to overcome them and create societies of free individuals. Therefore, this collection of papers aims to explain how these changes occurred, and how they can happen again, towards a Europe of freedom and equality.

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## Chapter 1

# Legalising Same-Sex Marriage in Greece: A Story of Political Optimism

## Chapter 1

# Legalising Same-Sex Marriage in Greece: A Story of Political Optimism



**Prodromos Pyrros**

Former Secretary General of Social Solidarity and Combating Poverty at the Ministry of Social Cohesion and Family Affairs

## Introduction: How Members of the LGBTIQ+ Community Currently Live in Greece

LGBTIQ+ rights have come a long way over the past decade in Greece. Numerous policies have been put in place with the aim of acknowledging legal rights, addressing homophobia and transphobia, and increasing visibility for LGBTIQ+ persons. In 2015, the legislative framework for civil unions<sup>4</sup> was modified to include same-sex couples. In 2017, trans persons gained access to legal gender recognition through a court order and without the need for medical interventions.<sup>5</sup> In 2018, a law on foster parenthood was passed that did not exclude same-sex couples.<sup>6</sup>

4 Law 4356/2015 <https://www.kodiko.gr/nomothesia/document/140974/nomos-4356-2015>.

5 Law 4491/2017 [https://www.kodiko.gr/nomothesia/document/304143/nomos-4491-2017#google\\_vignette](https://www.kodiko.gr/nomothesia/document/304143/nomos-4491-2017#google_vignette).

6 Law 4538/2018 [https://www.kodiko.gr/nomothesia/document/304143/nomos-4491-2017#google\\_vignette](https://www.kodiko.gr/nomothesia/document/304143/nomos-4491-2017#google_vignette).

A more systematic approach regarding LGBTIQ+ rights was adopted in 2021, when Prime Minister Kyriakos Mitsotakis formed a committee with the mandate to prepare the first National Strategy for LGBTIQ+ Equality. The former President of the European Court of Human Rights (ECHR), Linos-Alexandros Sicilianos was appointed head of the committee, which also included academics (experts on family and constitutional law), members of the civil society, and government officials. The Greek Strategy followed, to a large extent, the structure set out in the European Commission's LGBTIQ+ Equality Strategy 2020 - 2025<sup>7,8,9,10,11</sup> and transferring trans women convicts from men's prisons to a separate section.

Before the implementation of the National Strategy, Greece stood somewhere in between western European countries that had adopted LGBTIQ+ reforms as early as the 1990s and eastern European countries that appear to lag behind on that front<sup>12</sup>

Thanks to the policies enacted, Greece's standing with respect to LGBTIQ+ rights has improved markedly, according to ILGA-Europe. In its 2024 report, Greece ascended 12 places compared to 2021, moving up to sixth place among forty-nine European countries, with a score of 71% (in 2021, it was eighteenth with 47%).<sup>13</sup>

However, legislative initiatives and policy actions do not automatically

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7 LGBTIQ Equality Strategy 2020 - 2025 [https://commission.europa.eu/publications/lgbtqi-equality-strategy-2020-2025\\_en](https://commission.europa.eu/publications/lgbtqi-equality-strategy-2020-2025_en).

8 National Strategy for LGBTIQ+ [https://www.primeminister.gr/wp-content/uploads/2021/06/ethniki\\_statigiki\\_gia\\_thn\\_isothta\\_ton\\_loatki.pdf](https://www.primeminister.gr/wp-content/uploads/2021/06/ethniki_statigiki_gia_thn_isothta_ton_loatki.pdf).

9 Article 62, Law 4931/2022 <https://www.kodiko.gr/nomothesia/document/790690/nomos-4931-2022>.

10 Articles 17-20, Law 4958/2022. <https://intersexgreece.org.gr/2022/07/25/apagorefsi-ton-epemvaseon-kanonikopoiisis-fylou-igm-sta-intersex-paidia/>

11 Subsequently the Greek Council of State required a more comprehensive reasoning from the Government.

12 ILGA-Rainbow Map 2020 <https://www.ilga-europe.org/report/rainbow-europe-2020/>.

13 ILGA-Rainbow Map 2024 <https://www.ilga-europe.org/report/rainbow-map-2024/>.

change deep rooted perceptions in society or eliminate multiple problems that members of the LGBTIQ+ community continue to face. But they can be drivers for improvement; even in areas that are not *stricto sensu* affected by policy interventions. Multiple surveys reflect both the positive developments and the shortcomings that need to be addressed. For instance, in the Eurobarometer of 2023, on the question of how comfortable one would feel if a colleague, who they interact with daily, was lesbian, gay or bisexual, 76% of the respondents in Greece said they would feel 'totally comfortable'. That is an increase of 20% compared to the same survey in 2019, the third highest in the EU.<sup>14</sup> In similar questions that measure Greeks' perception of LGBTIQ+ persons, the trend is equally optimistic, despite the fact that, in many instances,<sup>15</sup>

Notwithstanding the progress that has been made, there are still major obstacles that LGBTIQ+ community encounters on a daily basis. For example, according to a survey conducted by the European Union Agency for Fundamental Human Rights (FRA), in 2023,<sup>16</sup> Incidents of discrimination, particularly in the workplace, are not uncommon and considerably higher<sup>17</sup> In relation to incidents of violence and harassment,<sup>18</sup> with safety being a much more acute issue for trans persons. But again, the

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14 Special Eurobarometer SP535 : Discrimination in the European Union [https://data.europa.eu/data/datasets/s2972\\_99\\_2\\_sp535\\_eng?locale=en](https://data.europa.eu/data/datasets/s2972_99_2_sp535_eng?locale=en)

15 For ex. on the question how comfortable would you feel if one of your children was in a love relationship with a person of the same sex, only 29% responded comfortable and 13% moderately comfortable. Greece had an increase of 12 pp, the third largest increase compared to 2019.

16 LGBTIQ equality at a crossroads: progress and challenges <https://fra.europa.eu/en/publication/2024/lgbtqi-equality-crossroads-progress-and-challenges>.

17 28% felt discriminated against at work or looking for work in the year before the survey in Greece. For the EU-27 it is 19%. For the EU-28, it is 21% <https://fra.europa.eu/en/publication/2024/lgbtqi-equality-crossroads-progress-and-challenges>.

18 13% of all respondents in Greece had been attacked in the 5 years before the survey. The EU-27 is 13%. 4% of respondents in Greece had been attacked in the 12 months before the survey. The EU-27 is 5%. 54% in Greece say they were harassed the year before the survey. The EU-27 is 54%. <https://fra.europa.eu/en/publication/2024/lgbtqi-equality-crossroads-progress-and-challenges>

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Before the implementation of the National Strategy, Greece stood somewhere in between western European countries that had adopted LGBTIQ+ reforms as early as the 1990s and eastern European countries that appear to lag behind on that front

overall trend indicates that Greece is moving in the right direction. Policy actions have a positive impact on public perception and higher levels of acceptance facilitate more reforms. What remains to be seen is whether this virtuous cycle will continue or succumb to the international trend of questioning human rights.

### The Current Legal Framework: Marriage Equality Project

Most of the above changes took place during the first term of Mitsotakis' premiership, who led a moderate centre-right government that sought to make strides in areas that in the past

were largely monopolized by parties on the left of centre. Despite the significant progress achieved, one issue naturally emerged in the public discourse regarding LGBTIQ+ rights: marriage equality.

Flash back to 2021 and the drafting of the National Strategy. Everyone agreed that a distinct chapter would be dedicated to proposals on family law, but the exact phrasing of that chapter became the source of heated debate among members of the committee. Representatives of LGBTIQ+ organizations sought to extract a more explicit and detailed list of changes to the existing legislation. In the end, a succinct reference to marriage equality, together with proposals concerning existing families and the recognition of children, were adopted. After the 2023 election, Nea Demokratia won a second term and an outright parliamentary majority with 41% of the vote. In one of his first interviews with *Bloomberg*,<sup>19</sup> the

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19 Bloomberg-Same-sex Marriage is Part of Reelected Greek PM's LGBTQ Plan. <https://www.bloomberg.com/news/articles/2023-07-05/same-sex-marriage-is-part-of-reelected-greek-pm-s-lgbtq-plan?embedded-checkout=true>.

Prime Minister stated that the time had come for same-sex couples to be granted the right to marry.

That might have been the first public statement at the highest level, but preparations had begun as early as January 2023. A team had been formed comprising members of the Prime Minister's Office: Alex Patelis, the Chief Economic Adviser, who played an instrumental role from the very beginning, three legal experts, two professors of family and constitutional law, and a lawyer whose PhD focused on law 4356/2015 on civil unions. The Minister of the State, Akis Skeritos assumed the arduous task of bringing the bill to parliament. MP Maria Sirengela presented the bill on behalf of the parliamentary majority. The team worked intensively and drafted a bill that included the most important changes on family law since 1982, when civil marriage was established. Besides abolishing a long-standing discrimination, same-sex couples would now be granted the opportunity to adopt children, and to recognize the children who already lived with two parents but who, at best, appeared to have only one legal guardian.

### **The Challenges: Progress Required Confronting Deep Anxieties About Family, Correcting Misinformation and Closing Major Legal Gaps.**

This was a key issue in trying to shift public opinion and gain the necessary political support. On polls conducted on marriage, there seemed to be either a slight or a clear majority in favour of the reform. However, people (and, by extension, politicians) were more hesitant when it came to raising children. For many, two men or two women raising a child appeared to be a form of social engineering that could jeopardize children's well-being. Two arguments played a pivotal role in addressing those concerns. First, recognizing same-sex families was primarily an act of protecting children who, up to that point, had not enjoyed the same rights as those in heterosexual families. The case was made that those children exist; they are not an abstract social construct. Second, almost all countries that have legislated marriage equality, have granted full rights with regard to adoption. In some cases, the right to adopt even preceded the introduction of marriage legislation.

Another problem that needed to be addressed was that support for gay marriage varied significantly across the country. In urban centres, and more so in Athens, there was a clear majority in favour. This was not the case in rural areas, where members of parliament had to make a convincing case for the proposed reform. To that end, the team that worked on the reform essentially created a comprehensive guide that included useful information about other countries which had already legislated marriage equality, without the catastrophic effects that the opponents of the bill anticipated. In fact, the argument was that this reform had already been implemented in 35 countries and did not in any way undermine the value of traditional marriage between a man and a woman.

The bill also contained other important measures, such as recognising marriages registered abroad, extending labour-law provisions and social protections to parents in same-sex marriages, abolishing the requirement of trans persons to be unmarried in order to obtain legal gender recognition, and complementing existing legislation protecting LGBTIQ+ persons in the workplace. There was also extensive public debate over access to surrogacy services for same-sex couples. In the end, no modification was made to the preexisting legal framework which allows – under specific conditions – access to assisted reproduction services for heterosexual couples and single women. Access to surrogacy is something that should be re-examined in the future. After all, same-sex couples can become parents abroad and legally recognise their children in Greece. All parties involved, including the surrogate, should be able to do the same in their home country under a transparent, safe and efficient framework.

## Overcoming the Challenges: The Greek Experience Shows a Realistic Path Toward Securing Broad Support for Equality

On 15 February 2024, Greece became the sixteenth country in the EU, the thirty-sixth in the world and the first Orthodox one to legalise same-sex marriage.<sup>20</sup> A clear majority of 176 MPs voted in favour of the bill, as

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<sup>20</sup> Law 5089/2024 <https://www.kodiko.gr/nomothesia/document/945586/nomos-5089-2024>.

opposed to 76 who voted against.<sup>21</sup> Two-thirds of the Nea Demokratia MPs voted for marriage equality, substantially more than other centre-right parties who chose to legalise same sex marriage.<sup>22</sup> Social Democrats (PASOK) and the Left -with the exception of the Communist party- also voted in favour of the bill, though several of their MPs also abstained. Far right parties opposed it unanimously.

Showcasing examples of existing of gay families that live exactly as those consisting of straight couples, only with their children having less rights was a key-factor in passing this bill through. Informing members of parliament and the Greek society on the extent to which same-sex marriage was not an avant-garde experimentation but a tested policy in 15 countries of the EU and 35 in total around the world was also something that made a difference.

The story of legalising same-sex marriage in Greece is one of political optimism. It highlights how a well-prepared plan, backed by the necessary political will and a genuine effort to explain the reasoning of the proposed reform, can materialise into a law that can change people's lives for the better. In an era of polarisation and political fragmentation, it also sets an example of how substantive institutional changes can gain support across party lines. After all, removing barriers for citizens who have suffered for too long from unjustified discrimination should be a reason for unity, not a pretext for division.

## Conclusion and Policy Recommendations: Building on Recent Progress and Closing the Remaining Gaps

Progress on LGBTIQ+ rights can never be taken for granted. However, the Greek example shows that reform is possible when political will and actions, along with careful planning and honest public communication come together. Over the last years, Greece managed to move from slow reforms towards a comprehensive national strategy, and at the end to legalising same-sex marriage. These changes did not only align Greek

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21 The remaining 48 were either not present or abstained.

22 25% of CDU & CSU MPs had voted in favour in Germany and 40% of Conservative MPs in the UK.

institutional framework with the EU *acquis*, but also improved daily life for many of its citizens. Same-sex marriage recognition in Greece, and the way this reform was put forward by the government, also helped shift public attitudes in a positive direction. To secure equality and eliminate prejudice or fear for the LGBTIQ+ community, a robust legal framework is a necessary, but not sufficient. Progress, which is anything but certain, depends on consistent political support and continued social engagement.

In the future, there are several policy steps which can improve the lives of LGBTIQ+ people even more. In particular, there are still gaps that need to be addressed, such as access to surrogacy under clear and safe rules, a more inclusive educational framework that would put more emphasis on sex education, targeted measures for addressing homophobia in sports, better access to healthcare services for trans persons, and a more efficient implementation of anti-discrimination laws. Finally, the

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The story of legalising same-sex marriage in Greece is one of political optimism



cooperation of the state institutions with civil society organisations and other stakeholders is equally important, in order to help monitor the effects of reforms and support people who still face difficulties. If Greece moves in that direction, it can remain a positive example, highlighting how legal equality and social acceptance reinforce each other. The challenge now is to keep the momentum and avoid sliding back into old patterns of hesitation or complacency.

## **Chapter 2**

# Same Sex Marriage in Spain

## Chapter 2

# Same Sex Marriage in Spain



**Federico López**

General Director, Fundación para el Avance de la Libertad

## Introduction: How members of the LGBTQ+ Community Currently Live in Spain

Spain has consolidated its position as one of the European countries where LGBTQ+ people enjoy the highest levels of legal recognition and social acceptance. Yet formal equality does not always ensure the absence of practical or cultural obstacles. According to the *European Union Agency for Fundamental Rights* (FRA), 48% of LGBTQ+ people in Spain avoid showing affection in public and 41% report having suffered harassment in the past year (FRA, 2019).<sup>23</sup> The *ILGA-Europe Rainbow Map 2025* ranks Spain among the five European countries with the strongest legal protection, scoring 77,97%.<sup>24</sup> Moreover, the *Special Eurobarometer SP525* (2023) shows that 86% of Spaniards believe LGBTQ+ people should have the same rights as all other citizens – well above the EU average.<sup>25</sup>

<sup>23</sup> European Union Agency for Fundamental Rights (FRA) (2019), EU LGBTI Survey II – Country data: Spain (Luxembourg: Publications Office of the European Union).

<sup>24</sup> ILGA-Europe (2025), Rainbow Map & Index (Brussels: ILGA-Europe).

<sup>25</sup> European Commission (2023), Special Eurobarometer SP525: Discrimination in the European Union (Brussels: European Commission).

This broad acceptance coexists with specific legal and administrative challenges that limit the effective implementation of recognised rights and call for targeted policy adjustments.

## The Current Legal Framework: Spain's Legal Progress on LGBTIQ+ Rights

The turning point came with *Ley 13/2005, de 1 de julio, por la que se modifica el Código Civil en materia de derecho a contraer matrimonio* (Law 13/2005 of 1 July, amending the Civil Code to allow same-sex marriage). The reform was adopted by 187 votes in favour, 147 against and four abstentions, after overcoming a Senate veto.<sup>26</sup> Promoted by the *Partido Socialista Obrero Español (PSOE)*, it received support from nationalist and left-wing parties, while the *Partido Popular (PP)* and *Unió Democràtica de Catalunya* opposed it, claiming it altered the concept of marriage and could harm the interests of children. The law granted same-sex couples identical rights and obligations, including joint adoption, and removed all gender references from the Civil Code.<sup>27</sup>

Subsequent legislation consolidated this framework: *Ley 3/2007* on gender recognition, *Ley 19/2015* on the registration of children born to married women, and *Ley 4/2023* guaranteeing the rights of LGBTIQ+ people, including trans individuals, and banning conversion practices. Together, these measures created one of Europe's most comprehensive legal systems protecting LGBTIQ+ individuals in civil, family and employment life.

In assisted reproduction, *Ley 14/2006, de 26 de mayo, sobre técnicas de reproducción humana asistida* (Law 14/2006 of 26 May on Assisted Human Reproduction Techniques) authorises insemination and in vitro fertilisation for women regardless of sexual orientation.<sup>28</sup> However, it

26 Congreso de los Diputados (2005), *Diario de Sesiones, Pleno no. 187, 30 June 2005* (Madrid: Congreso de los Diputados).

27 I. G. Fernández-Díez (2015), 'El matrimonio entre personas del mismo sexo', *Revista Jurídica de la Universidad Autónoma de Madrid*, 31, pp. 95–124 (Madrid: Universidad Autónoma de Madrid)

28 Ley 14/2006, de 26 de mayo, sobre técnicas de reproducción humana asistida

prohibits surrogacy, declaring all such contracts null and void.<sup>29</sup> While surrogacy is not an exclusively LGBTIQ+ issue, the lack of automatic recognition for children born abroad through surrogacy particularly affects same-sex couples, who often face complex and lengthy registration procedures. The Supreme Court has ruled that these cases require individual judicial authorisation, creating legal uncertainty and delays.<sup>30</sup>

## The Challenges: Political and Social Challenges to Equality

The 2005 legal reform marked one of the most significant social milestones of democratic Spain, though its passage was contentious. The *Conferencia Episcopal Española* (Spanish Episcopal Conference) organised mass demonstrations defending traditional marriage, and conservative parties filed constitutional appeals. The *Tribunal Constitucional* (Constitutional Court) eventually upheld the law's constitutionality in 2012.<sup>31</sup> The debate revealed a gap between a rapidly liberalising society and the resistance of religious and traditional institutions to new family models.

Beyond the legislative process, implementation posed administrative challenges. In the early years, registry offices interpreted the new provisions unevenly, and public officials often lacked training on family diversity. Over time, court rulings and administrative guidelines standardised procedures, ensuring equal treatment across the system.

Spain's success stemmed from the interplay of political will, growing public support, and the active involvement of civil society. LGBTIQ+ associations played a decisive role by presenting empirical evidence on the well-being of children in same-sex families and by framing the reform as a matter of legal consistency and civil rights rather than identity politics. This shift allowed the issue to evolve from a moral controversy

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(Law 14/2006 of 26 May on Assisted Human Reproduction Techniques).

29 Tribunal Supremo (2022), Judgment no. 277/2022, 31 March (Madrid: Tribunal Supremo).

30 EAPIL (2025), 'The Spanish Supreme Court on surrogacy contracts and public policy', European Association of Private International Law (Brussels).

31 Tribunal Constitucional (2012), Judgment 198/2012, 6 November (Madrid: Tribunal Constitucional).

The debate revealed a gap between a rapidly liberalising society and the resistance of religious and traditional institutions to new family models.

engaged with policymakers through lobbying and formal submissions, while using media outreach to highlight the civil rights dimension of marriage equality.

These actions had measurable impacts: public support for same-sex marriage increased, media coverage became more positive and informed, and administrative procedures in registry offices gradually became more consistent and inclusive. The coordinated efforts of these demonstrated how civil society can effectively influence both policy and societal attitudes, reinforcing the practical implementation of legal reforms and promoting broader social acceptance of diverse family models.

### Overcoming the Challenges: Legal Gaps and Pending Reforms

Despite Spain's extensive legal framework, certain gaps persist. The most pressing concerns the registration of children born abroad through surrogacy. Because surrogacy contracts are null under Spanish law, same-sex couples who become parents abroad must undergo lengthy judicial procedures to register both parents in the Civil Registry.<sup>32</sup> In many cases, only the biological parent is initially recognised, leaving the other in a legally uncertain position and potentially undermining the child's rights.

into a question of legal coherence and equal citizenship.

In particular, NGOs such as FELGTB (Federación Estatal de Lesbianas, Gais, Trans y Bisexuales) and COC (Colectivo de Lesbianas y Gais) actively shaped the public agenda by conducting targeted campaigns, organising conferences, and publishing research on the outcomes for children in same-sex families. They

<sup>32</sup> Instituto Bernabeu (2024), 'La gestación subrogada y su prohibición en España', Instituto Bernabeu (Alicante)

In 2024, the government announced plans to issue uniform guidelines for such registrations, but their application still depends on judicial interpretation. A specific regulation – without altering the domestic prohibition of surrogacy – could safeguard the best interests of the child while ensuring legal certainty for affected families, aligning Spanish practice with European standards on child protection.

Furthermore, data from FRA and ILGA-Europe indicate that around 40% of LGBTIQ+ people in Spain continue to experience discrimination at work or in public spaces.<sup>33</sup> This points to the need for improved reporting mechanisms, better institutional training and sustained awareness-raising to ensure that recognised rights are not only legal but effectively realised.

### **Conclusions and Policy Recommendations: Closing the Gaps so Spain's Rights Protections Work in Practice, Not Just on Paper**

Over the past two decades, Spain has achieved remarkable progress in the legal recognition of LGBTIQ+ people. The recognition of marriage, adoption and gender identity has strengthened civil liberties and personal autonomy. Nevertheless, ensuring the effectiveness of these rights requires continued attention to legal and administrative inconsistencies that still create uncertainty.

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<sup>33</sup> European Union Agency for Fundamental Rights (FRA) (2019), *op. cit.*

Three realistic policy priorities emerge:

**Regulate the registration of children born through international surrogacy.** Establish a uniform procedure safeguarding the child's best interests and ensuring legal certainty for all families, without revising the domestic prohibition of surrogacy.

**Strengthen anti-discrimination mechanisms.** Expand training for judges, law enforcement and public servants, and simplify access to reporting channels, following FRA recommendations.

**Promote inclusive civic education.** Integrate content on family diversity and mutual respect into school curricula as a preventive and cohesive measure.

These measures would enhance the practical application of existing rights, ensuring that legal equality translates into lived equality. Spain's experience demonstrates that stable legal recognition, informed policymaking and civic education together sustain a society in which individual freedom and equal treatment coexist within a coherent framework of rights.

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## Chapter 3

# LGBTIQ+ Families: The Legal Landscape in Bulgaria

## Chapter 3

# LGBTIQ+ Families: The Legal Landscape in Bulgaria



**Zinaida Zlatanova**

Board Member at Liberal Institute for Political Analyses, EU Policy Expert | Advocate for Sustainable Development

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## Introduction: How Members of the LGBTIQ+ Community Currently Live in Bulgaria

Bulgaria has a comprehensive legal basis and institutional framework for human-rights protection, but heritage from the totalitarian past, political influence and the recent rise of populism and disinformation make practical enforcement insufficient. Over the years, the state of the rule of law and media freedom in Bulgaria has repeatedly been, and continues to be, a matter of concern for both European institutions<sup>34</sup> and Bulgarian citizens. Within this context, the rights of LGBTIQ+ individuals are likewise affected and cannot be regarded as an exception. Against this background, the question of same-sex marriage remains one of the most contentious issues of equality and civil rights. For LGBTIQ+ people, everyday life is marked by a mixture of growing visibility and persistent vulnerability. According to the European Union Agency for Fundamental Rights (FRA) in its 2023 survey only about 27% of LGBTIQ+ respondents in Bulgaria said that they were fairly or very open about their identity,

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<sup>34</sup> European Parliament. (2025). 'The ongoing assault on democratic institutions and the rule of law in Bulgaria' is the subject of this session's topical debate, with Commissioner Dan Jørgensen and Danish European Affairs Minister Marie Bjerre. <https://www.europarl.europa.eu/news/en/press-room/20251016IPR30960/ep-today-wednesday-22-october>

compared with an EU average of 51%. Meanwhile, roughly 50% reported discrimination in at least one area of life in the previous year, and 19% reported physical attacks in the past five years –significantly higher than EU averages<sup>35</sup>.

LGBTIQ+ individuals in Bulgaria still face significant social and institutional barriers. Bulgaria and Romania are consistently the least likely to support equal rights for LGBTIQ+ people, according to public-opinion surveys.<sup>36</sup> Data from the European Agency for Fundamental Rights (FRA) indicate that 28% of LGBTIQ+ respondents in Bulgaria reported discrimination in employment in the previous year, compared with 19% in the EU-27. Harassment is also more frequent than in other EU member states: 60% of respondents in Bulgaria said they had been harassed in the year before the survey, against an EU average of 54%.<sup>37</sup> In addition to these data, public-opinion surveys show that only a minority of the population express acceptance of LGBTIQ+ people in high elected political positions. In Bulgaria, just one fifth (20%) of respondents say they would feel comfortable with a lesbian, gay or bisexual person in the highest elected political office in the country, with a further 59% saying they would feel uncomfortable. The negative attitude towards this group is far greater than that faced by members of a different gender, race or religion.<sup>38</sup>

In general, almost all figures compare unfavourably with those of many other European countries.<sup>39</sup> These findings depict a context in which

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35 European Union Agency for Fundamental Rights. (2024). *LGBTIQ Equality at a Crossroads: Progress and Challenges, Country Sheet on Bulgaria*. [https://fra.europa.eu/sites/default/files/fra\\_uploads/lgbtqi\\_survey-2024-country\\_sheet-bulgaria.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/lgbtqi_survey-2024-country_sheet-bulgaria.pdf)

36 European Commission. (2023). *Discrimination in the EU, Special Eurobarometer 535*. [https://www.dirittoantidiscriminatory.it/app/uploads/2024/01/Discrimination-in-the-EU\\_sp535\\_report\\_en.pdf](https://www.dirittoantidiscriminatory.it/app/uploads/2024/01/Discrimination-in-the-EU_sp535_report_en.pdf)

37 European Union Agency for Fundamental Rights. (2024). *LGBTIQ Equality at a Crossroads: Progress and Challenges, EU LGBTIQ Survey III*. <https://fra.europa.eu/en/publication/2024/lgbtqi-equality-crossroads-progress-and-challenges>.

38 European Commission. (2023). *Discrimination in the EU, Special Eurobarometer 535*.

39 ILGA Europe. (2023). *What the data says about the acceptance of LGBTI people in Europe*. <https://www.ilga-europe.org/blog/data-acceptance-lgbti-people->

many LGBTIQ+ people live with a heightened sense of secrecy, risk and limitation. Outside big urban centres, where social conservatism is stronger and local support networks weaker, the problems intensify. In short, the question of how LGBTIQ+ people live in Bulgaria is inseparable from how society, public opinion and institutions treat their relationships, identities and rights.

## The Current Legal Framework: Constitutional Barriers and Inconsistent Laws Keep Same-sex Families Outside Bulgaria's Legal Protections

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Gender identity and gender change were added through amendments in 2015, but legal recognition for trans and intersex people remains complex and contested.

While same-sex relationships are legal, Bulgaria does not recognise same-sex marriages, or registered partnerships that confer the full rights of marriage. The Bulgarian Constitution, in Article 46, defines marriage as 'a free union between a man and a woman', thereby excluding same-sex unions at the constitutional level. The regulation is further developed in the Family Code<sup>40</sup> which states that (1) 'only the civil marriage contracted in the prescribed legal

form produces the effects that Bulgarian law associates with marriage' (Art. 4), and (2) 'marriage is concluded by the mutual, free and explicit consent of a man and a woman' (Art. 5). On the discrimination front, the Protection Against Discrimination Act (2003) prohibits discrimination on the basis of sexual orientation in employment, education and the provision of goods and services. Gender identity and gender change were added through amendments in 2015, but legal recognition for trans and intersex people remains complex and contested. A legally

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40 State Gazette. (2009). <https://dv.parliament.bg/DVWeb/showMaterialDV.jsp?idMat=22498>

binding decision of the Supreme Court of Cassation, adopted in 2020, denies the right to change one's gender status in legal documents.<sup>41</sup>

A striking aspect of Bulgarian family law is that it does not recognise any alternative forms of family formation other than the conclusion of a civil marriage, even for different-sex couples. As a result, the legislation denies many Bulgarian citizens access to legal benefits equivalent to those conferred by marriage. At the same time, the number of Bulgarians choosing *de facto* cohabitation continues to rise and as of 2024, 62% of all children were born outside of marriage.<sup>42</sup>

It is worth noting, however, that Bulgarian legislation does offer legal definitions of such relationships, defined as *de facto* cohabitation, most notably in the Law on Counteracting Corruption,<sup>43</sup> the Judiciary Act<sup>44</sup> and the Foreigners in the Republic of Bulgaria Act.<sup>45</sup>

These and other legislative acts that refer to cohabitation use the term 'persons' rather than 'a man and a woman.' These provisions are applied primarily for the purposes of specific regulatory policies such as anti-corruption, conflict-of-interest prevention and other administrative obligations. Their intent is solely to prevent breaches of duties established under the respective laws.

Judicial case law has occasionally engaged with the issue of same-sex family rights, often in a contradictory manner. However, there is already positive practice that allows the issuance of residence permits to members of LGBTIQ+ families.

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41 Supreme Court of Cassation of Bulgaria. (2023). [https://www.vks.bg/novini/tr\\_2\\_2020\\_osgk\\_20\\_02.html](https://www.vks.bg/novini/tr_2_2020_osgk_20_02.html)

42 National Statistical Institute. (2024). 'Marital and extra-marital live births by districts, municipalities and place of residence.' <https://www.nsi.bg/statistical-data/216/690>

43 State Gazette. (2023). 'Закон за противодействие на корупцията.' <https://dv.parliament.bg/DVWeb/showMaterialDV.jsp?idMat=1999355G>

44 State Gazette. (2007). 'Закон за съдебната власт.' <https://dv.parliament.bg/DVWeb/showMaterialDV.jsp?idMat=4034>

45 State Gazette. (1998).

## The Challenges: Low Public Acceptance, Political Hesitation and Constitutional Barriers Slow Down any Move Toward Equality

Bulgaria's score in the ILGA-Europe 'Rainbow Map' remains low compared with other EU countries: in 2025 it was near the bottom of the EU (21.6%) in terms of legal protections for LGBTIQ+ people<sup>46</sup>. Thus, while some protective laws exist for individuals, the framework for the relational recognition of same-sex couples remains absent, and recent developments suggest a setback in social inclusion and educational visibility.

Achieving legally recognised same-sex unions in Bulgaria faces deeply rooted, multilevel obstacles. At the societal level, public opinion remains strongly conservative: only about 21% of Bulgarians support allowing same-sex marriage across Europe – the lowest figure among all EU-27 member states.<sup>47</sup> Without a broad base of social acceptance, reform efforts risk being perceived as elite-driven and disconnected from popular values. At both political and institutional levels, readiness is low: major political parties tend to avoid championing the elimination of discrimination against persons on the basis of sexual orientation, often fearing electoral backlash from more conservative electorates. Commenting on disinformation and smear campaigns following negative media coverage of the Istanbul Convention by several outlets, the European Parliament expressed concern that those were made possible '...with the particularly worrying participation of politicians and political parties represented in the Bulgarian Parliament'.<sup>48</sup>

These circumstances present a serious obstacle to reforms that require legislative or constitutional change. Readiness for the legal recognition of forms of civil partnerships alternative to civil marriage is also limited, especially amid the visible rise of anti- LGBTIQ+ rhetoric, including the

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46 ILGA Europe. (2025). *Rainbow Map*. <https://rainbowmap.ilga-europe.org/>

47 European Commission. (2023). *Special Eurobarometer 535*.

48 European Parliament. (2020). *Draft Motion for a Resolution*. [http://www.europarl.europa.eu/meetdocs/2014\\_2019/plmrep/COMMITTEES/LIBE/RE/2020/10-01/1214541EN.pdf](http://www.europarl.europa.eu/meetdocs/2014_2019/plmrep/COMMITTEES/LIBE/RE/2020/10-01/1214541EN.pdf)



new 'anti-propaganda' law,<sup>49</sup> which introduces a fine for 'performing propaganda, promoting, or inciting in any way, directly or indirectly, ideas and views related to non-traditional sexual orientations and/or determining a gender identity different from the biological one'. This is yet another action by political parties that heightens fear within the LGBTIQ+ community and artificially escalates division and hostility in society.

### Overcoming the Challenges: A Gradual Approach Focused on Awareness, Stability and Avoiding Backlash

While discrimination protections for LGBTIQ+ individuals do exist and are compliant with EU standards, many LGBTIQ+ people in Bulgaria continue to live in fear of harassment, avoid public acknowledging their relationships and lack legal security for their partnerships. Addressing the remaining equality deficits is a complex task that requires constant,

<sup>49</sup> State Gazette. (2024). Закон за изменение и допълнение на Закона за предучилищното и училищното образование. <https://dv.parliament.bg/DVWeb/showMaterialDV.jsp?idMat=224947>

sustained effort to build public awareness and change social attitudes. This 'step-by-step' reform approach should take into account the current atmosphere of division and disinformation and build on what has already been achieved without risking regression.

## Conclusion and Policy Recommendations: Protecting Democratic Values While Laying the Groundwork for Future Equality Reforms

Considering the prevailing political dynamics and the current stage of development of the legal framework governing family relations in general, and same-sex relationships in particular, it is difficult to foresee when this matter could be deliberated in a balanced and constructive manner by both society and the legislature so as to produce a normative or statutory resolution. At the same time, fundamental principles such as the protection of human rights and equality before the law are increasingly being called into question.

Therefore, a realistic short-term approach could include the following:

Making every possible effort to prevent any regression in democratic standards and to maintain a strong commitment to the fundamental values of liberal democracy, human rights, and the rule of law. This is essential to ensure that minority and vulnerable groups are not further marginalised or stigmatised.

Communicating equality as a virtue grounded in principles already embraced by society, such as family protection, equality before the law, personal freedom, and respect for ethnic, religious, and other minorities. Linking equality to these shared values can reduce polarisation and help citizens perceive LGBTIQ+ inclusion as consistent with national traditions and moral frameworks rather than as a foreign concept.

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## **Chapter 4**

# Same Sex Marriage in Europe –The Case of Cyprus

## Chapter 4

# Same Sex Marriage in Europe –The Case of Cyprus



**Dora Christodoulou**  
European Affairs expert

## Introduction: How Members of the LGBTIQ+ Community Currently Live in Cyprus

The recognition of same-sex marriage represents a defining test of equality and human rights in Cyprus. While the country has taken tentative legal steps towards inclusion – most notably through the 2015 *Civil Partnership Law (Law 184(I)/2015)*,<sup>50</sup> which allows same-sex couples to formalise their relationships – marriage remains a right reserved exclusively for heterosexual couples. Despite formal protections against discrimination and Cyprus's membership in the European Union (EU), same-sex couples continue to live without full legal recognition or the symbolic and practical rights conferred by marriage. Notably, Cyprus scored only 35% in the 2024 ILGA-Europe Rainbow Map of LGBTIQ+ rights,<sup>51</sup> which indicates that there is considerable room for improvement in LGBTIQ+ legal rights and policy, particularly in family and marriage recognition.

<sup>50</sup> Republic of Cyprus. *Law 184(I)/2015 on Civil Partnership*. <https://www.gov.cy/moi/en/political-cohabitation-agreement-registered-partnerships/>

<sup>51</sup> ILGA-Europe. (2024, May). *Rainbow Map 2024 – Index & Annual Review*. ILGA-Europe. <https://www.ilga-europe.org/report/rainbow-map-2024/>

LGBTIQ+ people in Cyprus continue to live with elevated levels of *fear, invisibility and discrimination*. Data from the EU Agency for Fundamental Rights (FRA) show that social attitudes and individual experiences still reflect exclusion. 71% of LGBTIQ+ Cypriots avoid holding hands with a same-sex partner in public, compared with the EU average of 53%, while 39% avoid specific locations for fear of attack, and only 29% feel open about their identity (EU average: 51%).<sup>52</sup> As a 25-year-old bisexual woman put it: 'I have actively decided not to be publicly bisexual because of the prejudice and disbelief that comes along with the label'.<sup>53</sup>

These figures encapsulate a persistent duality of both social and structural barriers. Although the Cypriot legal framework is slowly adapting to European standards, societal attitudes lag, creating an environment in which many LGBTIQ+ people still conceal their identities and remain cautious in public life. A 27-year-old bisexual woman summed up this duality: 'While being queer in Cyprus is slowly becoming more socially accepted, to be out is equal to social suicide'.<sup>54</sup>

**The Current Legal Framework:** Cyprus recognises same-sex unions only partially, falling behind European human-rights norms. Article 22 of the Cypriot Constitution enshrines the right to marry and to found a family, stating that 'every person has the right to marry and to create a family according to the law governing the relevant religious rites and procedures'.<sup>55</sup> This formulation, however, defines neither 'marriage' nor 'family', leaving interpretive space. Historically, Cypriot authorities and courts adopted a heteronormative understanding, assuming marriage

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52 FRA. (2019). *EU LGBTI II survey: Results by country – Cyprus*. Publications Office of the European Union. [https://fra.europa.eu/sites/default/files/fra\\_uploads/lgbti-survey-country-data\\_cyprus.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/lgbti-survey-country-data_cyprus.pdf) ; FRA. (2024). *LGBTIQ equality at a crossroads: Progress and challenges – EU LGBTIQ survey III (Country data: Cyprus)*. Publications Office of the European Union. <https://fra.europa.eu/en/publication/2024/lgbtiq-equality-crossroads-progress-and-challenges>

53 EU Agency for Fundamental Rights (FRA), EU LGBTIQ Survey II – Cyprus Country Data (2019), p. 1.

54 *Ibid*, p. 2.

55 Constitution of the Republic of Cyprus, <https://www.law.gov.cy/law/law.nsf/constitution-en/constitution-en?OpenDocument>

As a 25-year-old bisexual woman put it: 'I have actively decided not to be publicly bisexual because of the prejudice and disbelief that comes along with the label'

to mean exclusively a union between a man and a woman. This interpretation, deeply rooted in religious and social tradition, effectively excluded same-sex couples from the constitutional guarantee.

The European Court of Human Rights (ECtHR)<sup>56</sup> and the EU Charter of Fundamental Rights (Articles 9 and 21) have both recognised that the right to marry can no longer be

restricted to opposite-sex couples.<sup>57</sup> In line with the EU legal framework, the European Parliament's 2014 resolution on the EU Roadmap against Homophobia explicitly urged member states to ensure legal equality for same-sex couples.<sup>58</sup>

In response, Cyprus enacted Law 184(I)/2015 on Civil Partnership, extending certain rights to same-sex couples, including inheritance, taxation and hospital visitation.<sup>59</sup> The law represented the first recognition of same-sex unions in Cypriot law, but it did not establish full marriage equality. Civil partnerships are not equivalent to marriage, and same-sex couples cannot jointly adopt or access full spousal rights. Notably, Cyprus does not recognise same-sex marriages lawfully conducted abroad,

56 ECHR (2015, July 21). *Oliari and Others v. Italy* (Applications nos. 18766/11 and 36030/11). HUDOC. <https://hudoc.echr.coe.int/eng?i=001-156265> ; ECHR.. (2023, January 17). *Fedotova and Others v. Russia* (Applications nos. 40792/10, 30538/14 and 43439/14). HUDOC. <https://hudoc.echr.coe.int/eng?i=001-217952>

57 European Union. (2012). *Charter of Fundamental Rights of the European Union* (2012/C 326/02). *Official Journal of the European Union*, C 326, 391–407. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12012P%2FTXT>

58 European Parliament. (2014, February 4). *European Parliament resolution of 4 February 2014 on the EU Roadmap against homophobia and discrimination on grounds of sexual orientation and gender identity (2013/2183(INI)) [P7\_TA(2014)0062]*. Publications Office of the European Union. [https://www.europarl.europa.eu/doceo/document/TA-7-2014-0062\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-7-2014-0062_EN.html)

59 Republic of Cyprus. *Law 184(I)/2015 on Civil Partnership*

creating a contradiction with EU principles of free movement and mutual recognition.<sup>60</sup>

## The Challenges: Political Resistance and Deep Social Biases Continue to Block Full Marriage Equality in Cyprus.

The legalisation of same-sex marriage in Cyprus faces substantial political, societal and institutional challenges, reflecting the country's complex relationship between modern European norms and deep-rooted traditional values. Although Cyprus has taken steps towards equality through the 2015 Civil Partnership Law, full marriage equality remains politically contentious and socially divisive.

Politically, Cyprus demonstrates limited readiness to enact same-sex marriage legislation. Major political parties have largely avoided openly supporting marriage equality, fearing backlash from conservative voters and religious authorities. The Orthodox Church of Cyprus, one of the country's most influential social institutions, continues to oppose the legal recognition of same-sex unions beyond civil partnerships, viewing marriage strictly as a sacrament between a man and a woman.<sup>61</sup> This religious influence shapes public opinion and constrains political actors who rely heavily on traditionalist constituencies.

Socially, progress towards acceptance remains uneven, while discrimination persists. In 2024, 37% of LGBTIQ+ individuals reported discrimination at work, and 50 % experienced discrimination in at least

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60 Court of Justice of the European Union. (2018, June 5). *Coman and Others v. Inspectoratul General pentru Imigrări* (Case C-673/16). ECLI:EU:C:2018:385. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62016CJ0673>

61 Holy and Great Council of the Orthodox Church (Ecumenical Patriarchate). (2016). *The Sacrament of Marriage and its Impediments* [Official Advance Document]. [https://orthodoxcouncil.org/pre-council-videos/-/asset\\_publisher/TSLHf0ntsMFa/content/what-is-on-the-agenda-for-the-holy-and-great-council-49a7.html?inheritRedirect=false#:~:text=The%20Holy%20and%20Great%20Council%20will%20address%20important%20issues%20of,and%20relations%20with%20other%20Christians.](https://orthodoxcouncil.org/pre-council-videos/-/asset_publisher/TSLHf0ntsMFa/content/what-is-on-the-agenda-for-the-holy-and-great-council-49a7.html?inheritRedirect=false#:~:text=The%20Holy%20and%20Great%20Council%20will%20address%20important%20issues%20of,and%20relations%20with%20other%20Christians.) ; Holy Synod of the Church of Cyprus. (2014, May 18). *Statement on homosexuality by the Holy Synod of Cyprus*. Pravmir. <https://www.pravmir.com/statement-homosexuality-holy-synod-cyprus/>

one area of daily life. That same year, 52% of LGBTIQ+ people in Cyprus said they were harassed in the previous twelve months (up from 29% in 2019), and 14% reported being physically attacked. Alarmingly, mental-health concerns remain acute, with 15% of LGBTIQ+ Cypriots saying they often or always thought about suicide in the preceding year.<sup>62</sup> In schools, 73% of LGBTIQ+ students reported bullying or threats in 2024, while 37% reported being subjected to 'conversion' practices, one of the highest rates in the EU.<sup>63</sup>

Legally, while European human-rights law obliges member states to offer legal recognition to same-sex couples<sup>64</sup>, Cyprus's constitutional and legal interpretation of Article 22 continues to follow a heteronormative model. Bridging this gap between European legal standards and national political will remains the central challenge, requiring not only legislative reform but also a cultural shift in how Cypriot society understands family, identity and equality.

### **Overcoming the Challenges: Change is Possible if Legal Reforms are Matched with Education, Awareness and Trust-building**

Addressing these challenges requires coordinated legal and societal reform. From a legal perspective, Cyprus must reform its constitutional and statutory framework to ensure full equality. The scope of Article 22 should be clarified or expanded through legislation or judicial interpretation to include same-sex marriage. Though politically challenging, such a step would enshrine equality at the highest legal level. Moreover, Law 184(I)/2015 should be amended to provide full parity with marriage, including rights to *joint adoption, inheritance and recognition of marriages* performed in other EU states. This approach

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62 FRA. (2024). *LGBTIQ equality at a crossroads: Progress and challenges – EU LGBTIQ survey III (Country data: Cyprus)*.

63 Ibid.

64 Court of Justice of the European Union. (2018, June 5). *Coman and Others v. Inspectoratul General pentru Imigrări* (Case C-673/16) ; Court of Justice of the European Union. (2018, June 5). *Coman and Others v. Inspectoratul General pentru Imigrări* (Case C-673/16).

could ensure broader support while aligning Cyprus with European standards.

Beyond legal reform, Cyprus could implement *public awareness campaigns tailored to local contexts*, highlighting personal stories of same-sex couples and the social benefits of legal recognition. Such campaigns could be combined with *education and broader social engagement*. As recommended by the Council of Europe in 2010, schools should implement comprehensive, age-appropriate sexuality and relationship education.<sup>65</sup> As an 18-year-old lesbian woman put it: 'Sex and relationships education in schools would benefit LGBTIQ+ students and decrease homophobia'.<sup>66</sup>

Institutionally, realistic measures could include *strengthening the Ombudsman's powers* (the Commissioner for Administration and Human Rights of Cyprus) to investigate discrimination and ensuring accessible reporting mechanisms for harassment and workplace bias. Since only 19% of victims report physical attacks to the police,<sup>67</sup> stronger trust and accountability mechanisms are crucial. Partnering with civil-society organisations can help monitor enforcement and provide support to victims. A *National Strategy for Equality and Inclusion* covering health, education and justice should also be adopted, as recommended in ILGA-Europe's *Rainbow Europe Index*.<sup>68</sup>

## Conclusion and Policy Recommendations: A Practical Path for Cyprus to Move from Partial Recognition to Real Equality

In recent years, Cyprus has made progress in recognising same-sex relationships through the 2015 Civil Partnership Law, yet marriage equality

65 Council of Europe. (2010). *Recommendation CM/Rec(2010)5 on measures to combat discrimination on grounds of sexual orientation or gender identity*. Council of Europe. <https://www.coe.int/en/web/sogi/rec-2010-5>

66 FRA. (2019). *EU LGBTI II survey: Results by country – Cyprus*, p. 3

67 FRA. (2024). *LGBTIQ equality at a crossroads: Progress and challenges – EU LGBTIQ survey III (Country data: Cyprus)*.

68 ILGA-Europe. (2024). *Rainbow Europe 2024: Annual review of the human rights situation of LGBTI people in Europe and Central Asia*. ILGA-Europe. <https://rainbowmap.ilga-europe.org/countries/cyprus/>

remains absent. The legal exclusion of same-sex marriage continues to reflect broader social conservatism, deeply influenced by the Orthodox Church and traditional family values. Persistent discrimination, limited societal acceptance, and institutional conservatism highlight the need for targeted reforms. Full legal recognition of same-sex marriage would signal compliance with European human-rights standards and ensure equal dignity for all citizens.

To advance equality in a realistic and socially grounded way, Cyprus should adopt a gradual, three-pillar approach:

**Legal reform:** Law 184(I)/2015 should be expanded to include equal parental, inheritance and adoption rights for same-sex couples, paving the way for full marriage equality.

**Institutional strengthening:** the Ombudsman's Office (the Commissioner for Administration and Human Rights) should be empowered to investigate discrimination cases proactively and to monitor compliance with anti-discrimination law.

**Public education and engagement:** national awareness and education campaigns should be launched, particularly in schools and workplaces, to reduce stigma and promote understanding of sexual diversity, possibly supported by NGOs and local municipalities.

Through these actions, Cyprus can bridge the gap between formal and substantive equality, ensuring that every citizen, regardless of gender identity or sexual orientation, can live openly, safely, and with dignity in a democratic society aligned with European human-rights standards.

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## Chapter 5

# Same-Sex Marriage in Italy: From Civil Unions to Full Equality

## Chapter 5

# Same-Sex Marriage in Italy: From Civil Unions to Full Equality



**Yuri Guaiana**  
LGBTI Liberals of Europe

### Introduction: How Members of the LGBTIQ+ Community Currently Live in Italy

The lived experience of LGBTIQ+ individuals in Italy remains characterised by significant challenges despite legislative advances. According to *ILGA-Europe's 2025 Annual Review*,<sup>69</sup> Italy witnessed a troubling increase in both the number and geographic spread of bias-motivated violence against LGBTIQ+ people compared with 2024, with incidents reported almost monthly. The Government's systematic assault on rainbow families intensified, with directives ordering municipalities to register only biological parents on birth certificates and prosecutors seeking to cancel existing recognition for children of same-sex couples.

The EU LGBTIQ Survey III<sup>70</sup> reveals only 43% of LGBTIQ+ people in Italy

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<sup>69</sup> ILGA-Europe (2025), 'Annual Review', 17 May, <https://www.ilga-europe.org/files/uploads/2025/02/ILGA-Europe-Annual-Review-2025.pdf>

<sup>70</sup> European Union Agency for Fundamental Rights (FRA, 2024), EU LGBTIQ survey III, LGBTIQ, Equality at a Crossroads: Progress and Challenges, Country Data - Italy, 14 May, [https://fra.europa.eu/sites/default/files/fra\\_uploads/lgbtiq\\_survey-2024-country\\_sheet-italy.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/lgbtiq_survey-2024-country_sheet-italy.pdf)

are fairly or very open about their identity, below the EU-27 average of 51%. Educational settings remain particularly hostile: 67% reported that their school education never addressed LGBTIQ+ issues, and 68% experienced bullying at school. Recent research by Fondazione Foresta<sup>71</sup> confirms this crisis, finding that more than one in four Italian secondary school students has suffered bullying or cyberbullying, with LGBTIQ+ youth paying the highest price. Among bullied girls, only 57% identify as completely heterosexual compared with 69% of non-victimised peers, while bullied boys show similar patterns (82% versus 90%). The perception of institutional indifference is devastating: only 4% of respondents believe the Italian Government effectively combats prejudice and intolerance against LGBTIQ+ people, compared to 26% across the EU-27.

## The Current Legal Framework: A Patchwork of Civil Unions and Court Rulings Still Leaves Many Families Unrecognised

Italy's legal framework for same-sex couples represents a partial and contradictory step towards equality, recently modified by judicial intervention that the government actively resists. The Civil Unions Law (Law 76/2016),<sup>72</sup> approved on 20 May 2016, established civil unions exclusively for same-sex couples, creating juridical segregation. Civil unions grant most matrimonial rights, including property-regime protections and inheritance rights, with partners acquiring the same rights and assuming reciprocal obligations of moral and material assistance and cohabitation.

However, critical differences distinguish civil unions from marriage. The law defines civil unions as a 'specific social formation' rather than a family, deliberately denying same-sex couples family status. The legislation explicitly excludes Civil Code provisions not expressly referenced, as well as all adoption legislation, creating a hierarchy between marriage and

71 E. Longo (2025), 'Bullying: one in four teenagers is a victim. Those who are different pay the highest price', Gay.it, 17 October, <https://www.gay.it/bullismo-adolescenti-diversita-fondazione-forest>

72 Law No. 76 of 20 May 2016. Regulation of civil unions between persons of the same sex and regulation of cohabitation. Official Gazette No. 118 of 21 May 2016, <https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:2016-05-20;76~art1-com20>

civil unions that relegates same-sex couples to inferior juridical status. The law further discriminates against transgender individuals: while legal gender recognition automatically dissolves civil unions, married couples may convert their marriage into a civil union if they wish to remain together after one partner transitions, permitting juridical ‘downgrading’ but prohibiting ‘upgrading’.

Strategic litigation has recently achieved significant advances despite Government opposition. On 22 May 2025, the Constitutional Court issued a historic ruling (judgment no. 68/2025)<sup>73</sup> declaring unconstitutional the exclusion of non-biological mothers from birth certificates of children conceived abroad through medically assisted reproduction (MAR), establishing that children born in Italy to women who jointly consented to MAR have the right to recognition by both mothers from birth<sup>74</sup>. Additional judicial victories include: the Court of Cassation restoring gender-neutral ‘parent’ terminology on ID cards (April 2025),<sup>75</sup> courts affirming equal surname rules for children in rainbow families (February 2025);<sup>76</sup> and the Florence Tribunal allowing legal gender recognition and divorce proceedings to be resolved together in a single case (April 2025),<sup>77</sup> exposing how the separate civil unions framework creates absurd complications that marriage equality would eliminate entirely.

Yet these judicial advances remain fragile, and thousands of children with two fathers remain legally invisible, creating a patchwork of recognition

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73 Constitutional Court, judgment no.68/2025 (Italy), <https://www.cortecostituzionale.it/scheda-pronuncia/2025/68>

74 Rainbow Families (2025), ‘Constitutional Court: a historic victory for equality!’, 22 May, <https://www.famigliearcobaleno.org/2025/05/corte-costituzionale-una-vittoria-storica-verso-luguaglianza/>

75 Lenford Network (2025), ‘Victory in the Court of Cassation on identity cards!’, 10 April, <https://www.retelenford.it/news/articoli/vittoria-in-cassazione-sulle-carte-didentita/>

76 Lenford Network (2025), ‘Choice of surname: no discrimination for same-sex parent families’, 24 February, <https://www.retelenford.it/news/articoli/scelta-del-cognome-nessuna-discriminazione-per-le-famiglie-omogenitoriali/>

77 Lenford Network (2025), ‘Major legal victory for married transgender people!’, 17 April, <https://www.retelenford.it/news/articoli/grande-successo-giudiziario-per-le-persone-trans-spose/>

depending on family composition, birthplace and local judicial interpretation.

## The Challenges: Political Backlash, Conservative Mobilisation and Legal Uncertainty Block Real Progress

The obstacles to marriage equality in Italy today stem from three interconnected sources: intensified Government assault on existing rights, strategic deprioritisation by major LGBTQI+ organisations and persistent institutional opposition rooted in religious influence and conservative mobilisation.

The Meloni Government has systematically dismantled protections for LGBTQI+ people since 2023. Interior Ministry directives ordered municipalities to register only biological parents on birth certificates, erasing non-biological mothers and fathers. Prosecutors in Padua sought to cancel dozens of existing birth certificates for children of two mothers, throwing families into legal limbo.<sup>78</sup> In October 2024, Parliament classified surrogacy as a 'universal crime' alongside genocide and human trafficking, imposing prison sentences and fines of up to €1 million on Italians who seek surrogacy abroad – a measure primarily targeting gay male couples while claiming to defend women's rights.<sup>79</sup>

Education has become a battleground. Bills before Parliament would ban teaching

Yet these judicial advances remain fragile, and thousands of children with two fathers remain legally invisible, creating a patchwork of recognition depending on family composition, birthplace and local judicial interpretation

<sup>78</sup> ILGA-Europe (2024), 'Annual Review', 17 May, [https://www.ilga-europe.org/files/uploads/2024/02/2024\\_full\\_annual\\_review.pdf](https://www.ilga-europe.org/files/uploads/2024/02/2024_full_annual_review.pdf)

<sup>79</sup> ILGA-Europe (2025), 'Annual Review', 17 May, <https://www.ilga-europe.org/files/uploads/2025/02/ILGA-Europe-Annual-Review-2025.pdf>

of so-called 'gender ideology' – a concept fabricated by conservative and religious groups – or require parental consent for any mention of gender identity or sexual orientation in schools.<sup>80</sup> In October 2024, Undersecretary Rossano Sasso demanded the closure of a University of Sassari course on gender and queer theories, accusing the university of promoting 'gender ideology' with public funds.<sup>81</sup> This mirrors Russian-style censorship laws spreading across Europe.<sup>82</sup> The Government launched inquiries into Careggi Hospital in Florence, one of few facilities providing hormone blockers to trans youth, while officials pressure schools to withdraw 'alias careers' allowing trans students to use chosen names.<sup>83</sup>

The Catholic Church's influence persists with renewed intensity. While Pope Francis opened modest spaces in 2013 with 'Who am I to judge?', Pope Leo XIV has systematically closed them, declaring 'Marriage is and remains between a man and a woman', while Cardinal Müller calls homosexual acts 'a mortal sin' and accuses LGBTIQ+ Jubilee pilgrims of 'propaganda'.<sup>84</sup>

Conservative political forces remain mobilised. The Family Day rallies of 2007, 2015 and 2016, while unsuccessful in preventing civil unions,

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80 Bill no. 1885 (2024), 'Prohibition on the inclusion of educational objectives based on 'gender theories' in the educational programmes of educational institutions', 20 May, [https://www.camera.it/leg19/995?sezione=documenti&tipoDoc=lavori\\_testo\\_pdl&idLegislatura=19&codice=leg.19.pdl.camera.1885.19PDL0092000&back\\_to=](https://www.camera.it/leg19/995?sezione=documenti&tipoDoc=lavori_testo_pdl&idLegislatura=19&codice=leg.19.pdl.camera.1885.19PDL0092000&back_to=)

81 C. Cossu (2024), 'Queer theory at the University of Sassari, the appeal against the Lega Nord attack', Il Manifesto, 15 October, <https://ilmanifesto.it/teoria-queer-alluniversita-di-sassari-lappello-contro-lattacco-leghista>

82 All Out (2025), 'EU: Fight Anti-LGBT+ censorship', 24 March, <https://campaigns.allout.org/no-lgbt-censorship-in-the-eu>

83 Editorial Team (2024), 'Gender affirmation: the government sends inspectors to Careggi Hospital in Florence. Zan: "An ideological and political crusade"', Gay.it, 24 January, <https://www.gay.it/affermazione-di-genere-la-destra-di-governo-manda-gli-ispettori-al-careggi-di-firenze-zan>

84 G. Federico (2025), 'Pope Leo XIV shows his reactionary side on LGBT issues and sexual abuse', Gay.it, 18 September, <https://www.gay.it/papa-leone-xiv-lgbt-abusi-sessuali>

succeeded in removing stepchild adoption from the legislation. Anti-gender movements effectively mobilised around protecting children from supposed corruption, culminating in the surrogacy criminalisation that reveals how irrational fear of same-sex parenthood continues to provoke legislative excess.

Critically, major LGBTQ+ organisations have deprioritised marriage equality. Famiglie Arcobaleno, understandably focused on immediate threats to existing families, prioritises birth recognition and adoption reform over comprehensive marriage equality. This strategic choice – while rational given children's urgent vulnerability – risks accepting permanent second-class status for same-sex couples. The May 2025 Constitutional Court victory on birth recognition for children of two mothers using assisted reproduction, while historic, cannot substitute for legislative reform guaranteeing equal access to marriage and all family formation pathways.

### Overcoming the Challenges: A Realistic Path Starts with Adoption Reform while Keeping Marriage Equality in Sight

Achieving full equality in Italy requires the strategic prioritisation of adoption rights in the current political context while maintaining long-term commitment to comprehensive marriage equality and family law reform. The judicial route, combined with legislative pressure on adoption, represents the most politically viable near-term pathway but must be understood as part of a broader strategy towards full equality rather than an alternative to marriage equality.

Italy's adoption system urgently needs comprehensive reform that would benefit all families, not just the LGBTQ+ ones. Contrary to Family Minister Eugenia Roccella's claim that 'adoptions in special cases' (Article 44) take only two months, advocates report much longer wait times. These delays occur because the current law mandates social-services reports designed for entirely different circumstances. Demonstrate the absurdity of current restrictions. In Rome, one woman simultaneously filed two adoption petitions for children from two different female partners – one from whom she had separated, the other her current partner – with all parties living together in an expanded family structure where the sibling bond

provides crucial stability for the younger child. While the judge initially questioned the simultaneous filing, the resulting rulings recognised these new family forms, working from the child's best interest as the central principle.<sup>85</sup>

The cultural and political challenge around adoption rights is particularly complex because opponents weaponise child-welfare concerns. It is necessary to reframe adoption not as granting rights to LGBTIQ+ adults, but as protecting children's existing bonds and superior interests, as international law requires. This framing can attract support even from some majority members who recognise that denying legal recognition harms children, not parents.

However, adoption reform alone perpetuates juridical segregation. Italy requires comprehensive family-law reform incorporating marriage equality, modernised adoption provisions, and assisted reproduction access for all families, framed as twenty-first-century modernisation rather than 'LGBTIQ+ rights'. This approach can attract centrist support while addressing the concerns of multiple constituencies. The current framework – where civil unions exist for same-sex couples while marriage remains heterosexual-only – creates the very hierarchy the Constitution forbids.

International mechanisms offer additional leverage. EU infringement procedures, Council of Europe jurisprudence and UN Universal Periodic Review (UPR) mechanisms provide accountability tools. Italy's 2024 UPR resulted in 19 recommendations on LGBTIQ+ rights; Italy rejected 73% of them<sup>86</sup>. Documenting these violations and using international frameworks to spotlight Italy's non-compliance creates reputational costs and legal pressure that complement domestic litigation and mobilisation.

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<sup>85</sup> Associazione Radicale Certi Diritti (2024), '17th Congress', 4 May, <https://www.radioradicale.it/scheda/727345/17deg-congresso-dellassociazione-radicale-certi-diritti>

<sup>86</sup> Associazione Radicale Certi Diritti (2025), 'UN issues record number of recommendations to Italy on LGBTI rights', 3 February, <https://www.certidiritti.org/2025/02/03/onu-record-raccomandazioni-italia/>

Finally, the movement must guard against a critical threat to liberal effectiveness: the infiltration of identity politics or ‘woke’ ideology into LGBTQ+ advocacy. While often conflated with liberalism, identity politics is fundamentally illiberal, rejecting individual agency, objective truth and open debate in favour of group-based thinking, relativism and ideological conformity. When LGBTQ+ movements become captured by this approach, they lose the capacity for the pluralism, self-reflection, and principled compromise that make broad coalitions possible. More dangerously, they fall into cultural-elite condescension – the perception that advocates ‘think they’re better than you’ – which populist movements readily exploit.

The path forward requires listening respectfully to all Italians – urban and rural, educated and working-class – while never compromising on the fundamental liberal principle that all individuals deserve equal dignity under the law. This means emphasising how recognising same-sex marriage strengthens rather than threatens Italy’s traditions of family, commitment and community stability. This approach must navigate what French philosopher Caroline Fourest identifies as a contemporary crisis: a world fractured by emotion and fear, where reason becomes suspect in the face of dominant sentiment. This crisis of rational debate nourishes ‘moral tribes’ and weakens democracy. The Italian LGBTQ+ movement must resist both the identitarian retreat of a once-universalist left now structured around a hierarchy of victims, and what Fourest calls the ‘tyranny of goodness’, where contradiction becomes a moral fault, transforming the struggle against domination into a new exclusionary dogma.<sup>87</sup> It means showing working-class Italians that liberal principles of individual dignity and equal treatment align with their values of self-discipline, institutional respect and community cohesion. This is not centrism or value compromise; it is strategic wisdom, building the broad coalitions necessary to defend liberal democracy against both authoritarian capture and populist backlash.

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<sup>87</sup> Pigments Project (2025), ‘Dinner debate with Caroline Fourest’, 16 October, <https://www.pigments-project.org/post/polarisation>

## Conclusion and Policy Recommendations: The Path to Equality is Long, but Political Courage and Broad Coalitions can Finally Close the Gap

Italy's journey from the 1980 Giarre tragedy – when Giorgio Agatino and Antonino Galatola were murdered for their relationship – to the 2016 civil unions law represents significant progress,<sup>88</sup> yet the destination of full equality remains distant. The current framework embodies juridical apartheid: separate institutions for different citizens based solely on sexual orientation, contradicting Article 3 of the Italian Constitution, which guarantees equality regardless of personal conditions. The Meloni Government's systematic assault on existing protections, combined with rising violence and educational censorship, threatens to reverse even limited gains while leaving thousands of children legally invisible.

Italy requires three concrete and sequenced policy interventions tailored to current political realities:

First, immediate legislative action establishing a comprehensive reform of the 1983 adoption law that extends eligibility to same-sex couples and single persons, while simplifying procedures, establishing uniform national requirements and mandating post-adoption support. This reform should be framed as benefiting all Italian families – heterosexual couples facing bureaucratic nightmares, single persons wishing to adopt, children in foster care awaiting permanent homes, and yes, same-sex couples seeking to protect their children's established bonds. The current political climate, as Italian liberal-radical leader Emma Bonino observed, views 'any difference as deviance to be repressed', making this 'a mountain to climb'.<sup>89</sup> However, framing adoption reform as protecting children's superior interests rather than granting special adult rights, and building coalitions with all constituencies frustrated by current adoption barriers,

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<sup>88</sup> M. Seymour & Y. Guiana (2019), 'From Giarre to Civil Unions: The "Long March" for Same-Sex Relationships in Italy', in S. Brady & M. Seymour (eds.), 'From Sodomy Laws to Same-Sex Marriage' (London : Bloomsbury Academic).

<sup>89</sup> Associazione Radicale Certi Diritti (2024), '17th Congress', 4 May, <https://www.radioradicale.it/scheda/727345/17deg-congresso-dellassociazione-radicale-certi-diritti>

offers the most politically viable near-term pathway toward incremental progress.

Second, Italy needs comprehensive family-law reform that incorporates marriage equality as its centrepiece while modernising provisions across the entire framework. This means opening civil marriage to same-sex couples and eliminating the separate civil unions framework entirely, thus removing the juridical segregation that creates the absurd complications the Florence Tribunal exposed. Reform must also modernise assisted-reproduction legislation to permit access for same-sex couples and single persons, establish automatic birth-certificate recognition for all children with two legal parents from birth regardless of conception method or parents' gender, and update the nearly fifty-year-old family-law provisions to reflect contemporary family diversity, including unmarried couples, blended families and single parents. This comprehensive approach should be framed as twenty-first-century modernisation addressing the needs of all Italians rather than 'LGBTIQ+'



rights', learning from successful Irish and American campaigns that used empathy-based communication emphasising shared family values of commitment, stability and responsibility.

Third, sustained civil-society investment is required in multiple simultaneous strategies: continued strategic litigation to build precedent and expose contradictions, and empathy-based communication campaigns that move beyond Pride events to everyday storytelling, normalising diverse families through media partnerships. International mechanisms – EU law, Council of Europe jurisprudence and the UN Universal Periodic Review – offer leverage against rights rollbacks; violations should be documented and these frameworks used for accountability.

The path from civil unions to marriage equality need not require another generation. Political will, judicial pressure, cultural evolution and international solidarity can converge to deliver what Italians increasingly support: recognition that love and commitment merit equal dignity under the law, regardless of the genders involved. The May 2025 Constitutional Court victory demonstrates judicial pathways remain open despite Government hostility. The visible existence of thousands of rainbow families – celebrating civil unions, raising children, contributing to communities – challenges stereotypes daily.

Defending LGBTIQ+ rights in Italy is not a niche issue – it is central to defending liberal democracy itself. When minority rights erode, majority rights soon follow. The resilience of Italian liberalism will be measured by its courage to defend the dignity and equality of all citizens, recognising that the struggle for LGBTIQ+ rights is inseparable from the struggle for constitutional democracy. We cannot afford to fail this test; the principles at risk are too fundamental to the liberal project that defines modern Italy.

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## Chapter 6

When Legislators  
Fail: How Lithuania's  
Constitutional Court  
Advanced Equality  
for Same-Sex  
Families

## Chapter 6

# When Legislators Fail: How Lithuania's Constitutional Court Advanced Equality for Same-Sex Families



**Tomas Vytautas Raskevičius,**  
Leader of the Freedom Party

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### Introduction: Judicial Breakthrough and Shifting Social Attitudes in Lithuania

On 17 April 2025, the Lithuanian Constitutional Court ruled that same-sex unions could finally be registered – a landmark decision that reshaped the country's human-rights landscape. The judgment stemmed from efforts by the progressive majority in the 2020-2024 Parliament, including two liberal political parties, to secure legal recognition for same-sex families. When the bill on civil unions was blocked just before its final vote in July 2024, the outgoing Government referred the issue to the Constitutional Court, which ultimately completed the unfinished legislative task. As a result, Lithuania has become one of the few jurisdictions where same-sex families enjoy legal recognition in the absence of comprehensive legislation. This judicial development raises crucial questions about how the new framework operates in practice, what forms of protection it genuinely provides, and what prospects it opens for future political and social reform.

Lithuania – alongside Poland, Slovakia, Romania and Bulgaria – remains one of the few European Union member states without legislation on same-sex families. According to ILGA-Europe's Rainbow Map, Lithuania ranks thirty-sixth among forty-nine European countries in terms of legal protection for LGBTIQ+ citizens.<sup>90</sup> Social acceptance also remains low. The Special Eurobarometer on Discrimination reports that only 29% of Lithuanians agree that lesbian, gay and bisexual people should have the same rights as other citizens – the third-lowest result in the EU – while only 39% support allowing same-sex marriage across the Union, the fifth-lowest figure.<sup>91</sup> Even though public visibility of the local LGBTIQ+ community has increased dramatically over the past decade, it continues to mark deep social and political divisions in the wider human-rights discourse.

## The Current Legal Framework: Constitutional Limits, Court Intervention and Partial Recognition

The Lithuanian Constitution explicitly defines marriage as a union between a man and a woman. The Civil Code, adopted in 2001, introduced an institution of registered partnership as an alternative framework for recognising family relationships, but once again reserved it for different-sex couples. It has never become effective in practice: the Parliament refused to adopt the necessary implementing legislation, fearing that in a deeply Catholic society a secular civil partnership might compete with traditional marriage.

Despite this legislative standstill, an unusual legal practice emerged during the 2000s. Legislators routinely included partners – that is, individuals who had entered into registered partnerships – among the subjects of rights and obligations across the legal system. Today, more than sixty different laws in Lithuania refer to registered partners, alongside spouses

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<sup>90</sup> ILGA-Europe (2025), Rainbow Map and Index 2025: Annual Review of the Human Rights Situation of LGBTI People in Europe and Central Asia (Brussels: ILGA-Europe), <https://rainbowmap.ilga-europe.org>

<sup>91</sup> European Commission (2023), *Special Eurobarometer 535: Discrimination in the European Union* (Brussels: Directorate-General for Communication), <https://ec.europa.eu/eurobarometer/surveys/detail/2972?etrans=el>

and family members. In other words, those wishing to register their relationships in the form of a civil partnership had their rights recognised in law but no legal mechanism to formalise the registration itself.

The question submitted to the Constitutional Court centred on two concerns: first, that the Civil Code restricted registered partnership to different-sex couples in a discriminatory manner; and second, that the legislature had failed to enact the implementing legislation required to make the institution effective for over twenty years. The Court upheld the challenge, ruling that such exclusion violated constitutional guarantees of equality and human dignity.<sup>92</sup> It not only opened the institution of partnership to same-sex couples but also authorised ordinary courts to register unions in the absence of enabling legislation. As a result, both different-sex and same-sex couples may now apply to a court to have their relationship recognised as a registered partnership. Applicants must demonstrate that they have lived in a stable *de facto* relationship for at least one year and express their mutual free will to formalise their union. Courts now routinely grant such applications, conferring upon partners the rights and obligations established across the Lithuanian legal system.

## **The Current Challenges: Political Division, Social Backlash and Legislative Stagnation**

The first serious attempt to pass a bill on registered partnerships in the Lithuanian Parliament took place in May 2021. As the legal recognition of same-sex families was included in the governing agreement of the three coalition partners – the Christian Democrats and two liberal parties – the bill was jointly sponsored by all coalition leaders. However, the attempt failed by just two votes, securing fifty-three in favour and fifty-five against. The reasons were twofold: the opposition framed the proposal as serving only the progressive liberal majority, while significant groups within the Christian Democrats and the more conservative liberal party opposed it

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<sup>92</sup> Constitutional Court of the Republic of Lithuania (2025), *Ruling On The Compliance Of Article 28 Of The Law On The Approval, Entry Into Force, And Implementation Of The Civil Code Of The Republic Of Lithuania And Article 3.229 Of The Civil Code Of The Republic Of Lithuania With The Constitution Of The Republic Of Lithuania*, 17 April, <https://lrkt.lt/en/court-acts/search/170/ta3133/content>

based on their rural constituency preferences.

This sharp division triggered a visible backlash. The so-called *Family March* in Vilnius drew more than ten thousand protesters. Although an improved Civil Union Bill was reintroduced in May 2022 and passed its first and second readings in 2022 and 2023, the political landscape remained polarised. The bill required a higher threshold at the final vote – more than half of all MPs registered for voting and a majority of those voting in favour – making adoption ahead of the 2024 elections politically unattainable. In the summer of 2024, the government therefore referred the issue to the Constitutional Court.

As the legal recognition of same-sex families was included in the governing agreement of the three coalition partners – the Christian Democrats and two liberal parties – the bill was jointly sponsored by all coalition leaders

Following the 2024 general election, the new parliamentary majority – comprising the Social Democrats, the Farmers and Greens Union, and the right-wing populist party *Dawn of the Nemunas* – adopted a conflicted stance. Although a new Civil Code amendment proposal was tabled in November 2025, the coalition lacks unified support. Some civil society actors who had vocally opposed partnership legislation during the previous term assumed government posts, including the former head of the Institute for Free Society as Vice-Minister of Justice. The Minister of Justice, representing the Electoral Action of Poles in Lithuania, publicly stated that she would not propose measures to implement the Constitutional Court's ruling.<sup>93</sup> Given this alignment, it is unlikely that

93 G. Pankūnas and L. Petrakova (2025), 'Tamašunienė nepritaria partnerystés pataisoms: neatitinka mano ir daugelio žmonių nuomonés [Tamašunienė opposes partnership amendments: it does not reflect my view or that of many people]', *Irt. lt*, 4 November. <https://www.lrt.lt/naujienos/lietuvoje/2/2735307/tamasuniene-nepritaria-partnerystes-pataisoms-neatitinka-mano-ir-daugelio-zmoniu-nuomones>

comprehensive partnership legislation will be adopted before the 2028 elections.

## Overcoming the Challenges: Framing Equality, Consolidating Precedent and Strategic Timing

The legal recognition of same-sex unions through court judgments remains only a temporary solution to a systemic problem. Litigation is costly, time-consuming and structurally inappropriate for what should be a simple administrative procedure. While *pro bono* assistance from civil-society organisations has helped the first couples establish precedent, the absence of legislation leaves significant gaps. Key issues such as dissolution, inheritance and surname changes remain unresolved, weakening legal certainty. In practice, couples face uncertainty over the recognition of parental rights, access to survivor pensions, and the status of jointly acquired property – matters that courts cannot comprehensively regulate without statutory guidance. These inconsistencies create unequal outcomes, depending on which judge hears a case or how a particular institution interprets the court order.

To move forward, partnership reform must be framed as a universal human-rights issue rather than a partisan initiative. Legislative change should also be pursued early in a parliamentary term, when electoral pressures and the risk of backlash are lowest. Building a broad-based coalition – bringing together different political actors, human-rights advocates, professional associations and business groups – could help depoliticise the debate and demonstrate that legal certainty benefits not only same-sex couples but the functioning of the legal system as a whole. Finally, the Constitutional Court's judgment should be treated as a foundation for legislative consolidation rather than a replacement for it. The ruling has already opened the door; the parliament now needs to build the structure.

## Conclusion and Policy Recommendations: Securing Equality Beyond Judicial Remedies

Lithuania's path toward the legal recognition of same-sex families represents a distinctive trajectory of incremental progress driven more by judicial leadership than political consensus. While the Constitutional

Court has provided essential safeguards, the dependence on litigation is untenable for long-term equality. Three policy steps are essential.

*First*, the Government should adopt comprehensive, gender-neutral legislation on registered partnerships, establishing clear procedures for formation, dissolution, inheritance and parental rights.

*Second*, targeted public-awareness initiatives should counter misinformation and strengthen support for equality, particularly outside major cities.

*Third*, the judicial precedent must be integrated within a coherent legislative framework to ensure consistent application of rights across state institutions.

Full equality, ultimately achievable only through marriage rights, remains a future objective for human-rights defenders and progressive policymakers. However, the Lithuanian Constitution explicitly defines marriage as a union between a man and a woman, and amending this provision would require a two-thirds majority in Parliament – a level of political consensus that is not attainable under current conditions. Yet the developments of recent years show that even in challenging political conditions, constitutional principles can pave the way toward a more inclusive society.

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## Chapter 7

A Step Forward or  
a Stalled Reform?

Poland's Struggle for  
Civil Unions

## Chapter 7

# A Step Forward or a Stalled Reform? Poland's Struggle for Civil Unions



**Michał Tęcza**

Educator and trainer specialising on the social and psychological impact of discrimination.



**Miłosz Hodun**

President of the Project: Polska Foundation in Warsaw and a Member of the Board of Directors of the European Liberal Forum

## Introduction: How Members of the LGBTIQ+ Community Currently Live in Poland

The question of legal recognition for same-sex couples in Poland encapsulates the broader struggle between liberal and conservative forces that continues to shape the country's political evolution. Despite gradual changes in public attitudes towards LGBTIQ+ people, institutional barriers remain significant. The current debate on civil unions highlights the intersection of law, politics and culture in a society negotiating between tradition and modern European values.

For over two decades, efforts to secure legal recognition for same-sex

couples in Poland have been ongoing. Numerous proposals – ranging from civil-union frameworks to a marriage-equality bill – have been brought before the parliament yet none have advanced, either being dismissed outright or left without further action.<sup>94</sup>

Poland lacks not only civil unions but also broader legal protections for LGBTIQ+ people. For five consecutive years (2019–2024), the country ranked last among EU member states in ILGA-Europe's *Rainbow Europe* index. In 2025, its position improved only slightly – with just ten countries in Europe ranking lower, including Russia, Belarus, Azerbaijan and Turkey. According to the report, Poland's legal framework and law-enforcement practices concerning the human rights of LGBTIQ+ individuals remain among the weakest on the continent.<sup>95</sup>

Yet the absence of inclusive laws is only part of the problem;<sup>96</sup> the other lies in the hostile public atmosphere that has persisted for years.<sup>97</sup> The previous Law and Justice (PiS) Government used state institutions, including public media, to stigmatise and attack LGBTIQ+ people. Leading PiS politicians and prominent Catholic Church figures often resorted to dehumanising rhetoric, encouraging a climate of aggression, humiliation, and contempt.<sup>98</sup> A symbol of this attitude was the introduction of so-

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94 The first bill on registered partnerships was prepared in 2003 by prof. Maria Szyszkowska, senator of SLD.

95 Ilga-Europe (2024), Poland, Brussels: ILGA-Europe, February, [https://www.ilga-europe.org/files/uploads/2024/02/2024\\_poland.pdf](https://www.ilga-europe.org/files/uploads/2024/02/2024_poland.pdf).

96 Read also Rzecznik Praw Obywatelskich (2019), *The Legal Situation of Non-Heterosexual and Transgender Persons in Poland: International Standards for the Protection of LGBT Persons' Human Rights and Compliance Therewith from the Perspective of the Commissioner for Human Rights*, Warsaw: Office of the Commissioner for Human Rights, [https://bip.brpo.gov.pl/sites/default/files/Raport\\_synthetist\\_LGBT\\_legal\\_situation.pdf](https://bip.brpo.gov.pl/sites/default/files/Raport_synthetist_LGBT_legal_situation.pdf) M. Tęcza (2023), 'The Condition of Human Rights in Poland', *Human Rights in the 21st Century*, 17 September, <https://humanrights21.eu/the-condition-of-human-rights-in-poland/>

97 Ilga-Europe (2025), *Rainbow Map & Index 2025: Poland*, Brussels: ILGA-Europe, <https://www.ilga-europe.org/report/rainbow-map-2025/>

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called 'LGBT-free zones' by local governments controlled by PiS and its allies.<sup>99</sup> The Council of Europe's Commissioner for Human Rights described this as 'a widespread pattern of stigmatisation and statements targeting LGBTIQ+ people in Poland.'<sup>100</sup>

Despite this, right-wing attempts to use LGBTIQ+ rights as a tool for political polarisation have failed to halt a steady shift in public attitudes. Social acceptance has been growing: 43% of Poles now say they personally know a gay or lesbian person (up from 16% in 2005); 74% believe homosexuality should be tolerated (compared with 52% in 2005); and aversion towards homosexual people has declined from 41% to 28% over the same period. Moreover, 34% now believe that LGBTIQ+ individuals should have the right to express their identity publicly, more than double the proportion in 2005.<sup>101</sup>

Although the situation in Poland remains difficult, there are signs of positive change. The political shift following the 2023 elections has brought cautious optimism that the state's approach towards equality and human rights may evolve. The new Government's commitment to democratic values and the rule of law, together with growing public support for inclusion, gives hope that Poland is gradually moving toward a more open, respectful and rights-based society.

## **The Current Legal Framework: The Story of Non-recognition of Same-Sex Unions**

Poland does not recognise same-sex marriages or civil unions. As a result, same-sex couples are not guaranteed such rights as the right

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### FAMILY\_POLICY.pdf

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99 M. Hodun (2020), 'Culture War in Poland: PiS Fights for "LGBT+-Free Zones"', *Friedrich Naumann Foundation for Freedom*, 17 February, <https://www.freihheit.org/central-europe-and-baltic-states/culture-war-poland-pis-fights-lgbt-free-zones>

100 <https://humanrights21.eu/the-condition-of-human-rights-in-poland/>

101 Centrum Badań Opinii Społecznej (CBOS) (2024), *Komunikat z badań: K\_088\_24*, Warsaw: CBOS, [https://www.cbos.pl/SPISKOM.POL/2024/K\\_088\\_24.PDF](https://www.cbos.pl/SPISKOM.POL/2024/K_088_24.PDF)

to information about a partner's health, the right to decide on medical treatment, the right to receive a partner's body and arrange burial, the right to statutory inheritance without excessive taxation, the right to inherit in the absence of a will, the right to joint property and joint taxation, the right to guardianship benefits when caring for an ill partner, the right to joint insurance, the right to a survivor's pension, the right to adopt a partner's child, the right to joint adoption or the right to change one's name or assume a double surname.<sup>102</sup>

While Poland does not have a specific law governing cohabitation between same-sex partners, certain provisions scattered across various legal acts recognise relationships between unmarried partners and grant them limited rights and obligations.<sup>103</sup> For instance, Article 115(11) of the *Penal Code* uses the term '*closest person*', defined as, among others, '*a domestic partner*'. The status of '*closest person*' entitles an individual to refuse to testify against their partner under Article 182 of the *Code of Criminal Procedure*. The Supreme Court of Poland has ruled that the term '*domestic partner*' applies equally to same-sex couples, thus extending this right to them as well.<sup>104</sup>

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102 M. Hodun (2023).

103 Polish courts have gradually recognised same-sex partnerships in property and tenancy disputes. Beginning with a 2007 *Białystok* case, upheld by the Supreme Court, judges affirmed that cohabitation applies regardless of gender. Subsequent rulings confirmed equal treatment in housing benefits (2008), lease succession (2010), and tenancy rights (Supreme Court, 2012), aligning with the *Kozak v. Poland* judgment of the European Court of Human Rights (2010). Later cases reiterated that distinguishing between heterosexual and homosexual cohabitation constitutes discrimination under Article 32 of the Polish Constitution. See e.g. [https://kph.org.pl/wp-content/uploads/2016/05/Broszura\\_KPH\\_2015\\_v9\\_DRUK\\_bezznacznikow.pdf](https://kph.org.pl/wp-content/uploads/2016/05/Broszura_KPH_2015_v9_DRUK_bezznacznikow.pdf)

104 Equality Law Institute (n.d.), *Poland: Landmark Decision of the Supreme Court Regarding Rights of Same-Sex Partners in Criminal Law*, Brussels: European Equality Law Network, <https://www.equalitylaw.eu/downloads/3773-poland-landmark-decision-of-the-supreme-court-regarding-rights-of-same-sex-partners-in-criminal-law-pdf-101-kb>

<https://kph.org.pl/przelomowy-wyrok-polskiego-sadu-marta-wygrywa-z-gmina-slawa-i-po-niemal-dekadzie-otrzyma-zadoscuczynienie-za-smierc-swojej-partnerki/>.

Additionally, when one partner is entitled to social benefits, the income of the other is taken into consideration. Under Article 6.14 of the *Social Aid Act* of 12 March 2004, eligibility for social assistance depends on income per person in a family, and the term 'family' includes people who are married, in a de facto partnership, living together and maintaining a common household.<sup>105</sup> Likewise, Article 3.1(2) of the *Patients' Rights Act* of 6 November 2008 allows a partner to be recognised as 'next of kin' for medical purposes in the event of an accident or serious illness. The definition explicitly includes a 'person in a durable partnership'.<sup>106</sup>

In 2012, the Supreme Court ruled that same-sex couples possess limited legal rights concerning tenancy in a shared household. A few additional laws guarantee narrow protections – most notably, the right to refuse testimony against a partner and certain social benefits.<sup>107</sup>

## The Challenges: Politics, the Church, and Public Opinion

The biggest obstacle to the adoption of civil unions in Poland is the alliance and shared ideology between the political right – specifically the Law and Justice party (PiS) – and the Catholic Church. PiS Government (2015-2023) and its political allies actively attacked and discriminated against the LGBTIQ+ community, including those in non-traditional families (or 'rainbow families'). PiS utilised anti-gender narratives to present itself as the 'only defender of Polish families'.<sup>108</sup> This exclusion and demonisation of 'rainbow families' was a calculated strategy to inflame public conflict and build political campaigns on polarisation. The party's campaign against LGBTIQ+ people included symbolic actions such as the introduction of "LGBT ideology-free zones" by right-wing local governments.<sup>109</sup>

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<sup>105</sup> Institut National d'Études Démographiques (INED) (n.d.), *Laws and Families – Poland* Paris: INED,

<sup>106</sup> Institut National d'Études Démographiques (INED) (n.d.).

<sup>107</sup> Institut National d'Études Démographiques (INED) (n.d.).

<sup>108</sup> M. Tęcza (2023), 'The Condition of Human Rights in Poland', in A. Avazyan, S. Píkl, *The Contemporary Human Rights Situation in Central and Eastern Europe*, Dravograd: Institute Novum, [https://humanrights21.eu/wp-content/uploads/2023/08/Publication\\_FNF-Novum\\_HumanRights\\_Final.pdf](https://humanrights21.eu/wp-content/uploads/2023/08/Publication_FNF-Novum_HumanRights_Final.pdf)

<sup>109</sup> Kampania Przeciw Homofobii. (2025, April 24). "LGBT-Free Zones" in Poland

Some use the Constitution against civil unions.<sup>110</sup> Article 18 states that 'marriage as a union of a man and a woman, family, motherhood and parenthood is under the protection and care of the Republic of Poland'.<sup>111</sup> As a consequence, opponents of marriage equality have argued that this defines marriage as being exclusively between a man and a woman. However, in 2022, Poland's Highest Administrative Court (NSA) ruled that this is not the case. 'Article 18 of the Constitution cannot in itself constitute an obstacle to transcribing a foreign marriage certificate if the institution of marriage as a union of persons of the same sex was provided for in the domestic [legal] order', declared the NSA. 'The provision of the Constitution in question does not prohibit the statutory regulation of same-sex unions', it continued, concluding that 'at present the Polish legislature has not decided to introduce such solutions'.<sup>112</sup>

Currently, the politicised Constitutional Court stands as a significant obstacle on the path to the legal recognition of civil unions in Poland. Its alignment with conservative ideology – exemplified by statements from judges such as former PiS MP Krystyna Pawłowicz – reflects a broader

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Became History! [Blog post]. Retrieved from <https://kph.org.pl/en/lgbt-free-zones-in-poland-became-history/>

<sup>110</sup> Poland has limited the domestic application of the Charter of Fundamental Rights of the European Union. In 2007, under the government of the Law and Justice (PiS) party, Poland opted not to sign the document outright and instead introduced an additional protocol. One of the main justifications for this decision was the desire to prevent interpretations by the European Court of Human Rights that could alter the constitutional definition of the family and compel the state to recognize same-sex marriage. The protocol reaffirms the primacy of national law, and the Polish Constitution leaves no ambiguity, declaring: "*Marriage, being a union between a man and a woman, and the family, motherhood, and parenthood are under the protection and care of the Republic of Poland.*" While this provision does not in itself prohibit the registration of same-sex unions, it provides a convenient pretext for political inaction.

<sup>111</sup> See: Sejm of the Republic of Poland (n.d.), *The Constitution of the Republic of Poland*. English translation, Warsaw: Sejm, <https://www.sejm.gov.pl/prawo/konst/angielski/kon1.htm>

<sup>112</sup> D. Tilles (2022), 'Polish top court issues ruling on same-sex marriage', *Notes from Poland*, 3 November, <https://notesfrompoland.com/2022/11/03/polish-top-court-issues-ruling-on-same-sex-marriage/>

resistance to equality before the law for same-sex couples.<sup>113</sup> Such rhetoric not only dehumanises LGBTIQ+ individuals but also reinforces a legal and political environment hostile to progress in the protection of human rights.<sup>114</sup>

What is more, Poland's obligations under international law must be taken into consideration. The European Court of Human Rights (ECHR) has ordered Poland to recognise the rights of same-sex couples. The ruling states that Poland has violated the Convention and has an obligation to introduce legal protection for same-sex couples. The form of this protection must be appropriate and must protect same-sex couples effectively.<sup>115</sup> The ruling was commented by the Ombudsman, who stated that Poland is obliged to ensure that same-sex couples can legalise their relationships.<sup>116</sup>

## Overcoming the Challenges: Political Realignment and the Revival of the Civil Union Debate

The 2023 election results and the subsequent change of government – from a right-wing administration to a democratic coalition of parties ranging from the left to the centre-right – created new political momentum

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113 P. Korzeniowski (2021), 'Nagonka Krystyny Pawłowicz na transpłciowe dziecko', *Noizz.pl*, 7 April, <https://noizz.pl/lgbt/nagonka-krystyny-pawlowicz-na-transplciowe-dziecko/mekqrc2>

114 P. Pacewicz and Jakub Szymczak (2019), 'Homofobia PiS. Jak rozbudzali nienawiść do LGBT prezydent, prezes, ministrowie, posłowie [33 cytaty]', *OKO.press*, 28 July, <https://oko.press/homofobia-pis-jak-rozbudzali-nienawisc-do-lgbt-prezydent-prezes-ministrowie-poslowie-33-cytaty/>

D. Sitnicka (2020), 'Czarnek o LGBT: „Ci ludzie nie są równi ludziom normalnym”', *OKO.press*, 5 October, [https://oko.press/czarnek-o-lgbt-studio-polska/?utm\\_medium=Social&utm\\_source=Facebook&fbclid=IwAR3uFK9u6mniVsEVsZrL\\_wrFTofc4V02vhUOclB2cNdSg4rAbWGKkcFkzE](https://oko.press/czarnek-o-lgbt-studio-polska/?utm_medium=Social&utm_source=Facebook&fbclid=IwAR3uFK9u6mniVsEVsZrL_wrFTofc4V02vhUOclB2cNdSg4rAbWGKkcFkzE)

115 M. Weryszko (2023), 'The Strasbourg Court Has Ordered Poland to Recognize the Rights of Same-Sex Couples: The Denial of Civil Unions and Marriage Equality Is Discrimination', *Kampania Przeciw Homofobii*, 12 December, <https://kph.org.pl/en/the-strasbourg-court-has-ordered-poland-to-recognize-the-rights-of-same-sex-couples-the-denial-of-civil-unions-and-marriage-equality-is-discrimination-mr-prime-minister-lets-mee/>

116 *Rzecznik Praw Obywatelskich* (2019).

for the legalisation of civil unions. Two out of the four coalition partners, the Civic Coalition and the New Left, openly support the introduction of civil unions, while one party remains neutrally supportive. Only the conservative Polish People's Party (PSL) has proven to be an obstacle.

Prime Minister Donald Tusk appointed Poland's first-ever Equality Minister and tasked her with preparing a draft law on civil unions. Minister Katarzyna Kotula presented the proposal but was unable to reach an agreement with the conservative wing of the coalition.<sup>117</sup> The lack of progress on this issue is considered one of the reasons for the demobilisation of the democratic electorate during the 2025 presidential elections – approximately one million voters who had previously supported the governing parties did not turn out to vote. As a result of this lower turnout, far-right candidate Karol Nawrocki was elected President.

The loss of the presidential election served as a wake-up call for the coalition and led to renewed negotiations between the New Left and the PSL aimed at developing a compromise bill. On 17 October 2025, the coalition parties presented a new, consensus-based draft law.

The proposed legislation, intended to be practical and 'free from ideology', seeks to introduce legal recognition for partnerships without explicitly referring to them as 'civil unions', in order to avoid political controversy. Prime Minister Donald Tusk described the initiative as 'a small step, but one that should lead to a more bearable life and a better situation'.<sup>118</sup>

Although the proposal falls short of the expectations of activists who have long advocated for full civil partnerships, several LGBTQ+ organisations

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<sup>117</sup> The government's draft bill on civil unions allows any two unmarried adults, regardless of gender, to register their partnership before a civil registry official. It grants partners certain rights in areas such as taxation, healthcare, and inheritance, and is based on principles of equality and non-discrimination. However, the bill explicitly excludes joint adoption rights, a compromise made to secure broader political support.

<sup>118</sup> A. Szczerbiak (2025), 'Wygrała koncepcja „osoby najbliższej”. Kotula: Spotkaliśmy się z PSL w połowie drogi', *Polityka.pl*, 17 October, <https://www.polityka.pl/tygodnikpolityka/spoleczenstwo/2318913,1,wygrała-koncepcja-osoby-najbliszszej-kotula-spotkaliśmy-sie-z-psl-w-polowie-drogi.read>

in Poland acknowledge it as a step in the right direction.<sup>119</sup>

### Main Provisions of the Proposal

- A civil-law contract concluded before a notary, who forwards it to the Civil Registry Office (USC).
- The partners receive a certificate confirming the agreement from the USC.
- The agreement does not change marital status but it prevents either partner from entering into marriage with another person.
- Rights Granted by the Agreement
- Joint tax filing (where property is jointly owned).
- Exemption from inheritance, donation and civil transaction taxes.
- Right to a care allowance.
- Right to a survivor's pension following the partner's death.
- Possibility of including a partner in health-insurance coverage.
- Right to shared housing.
- Access to medical information, documentation and decisions.
- Right to make funeral decisions.
- Inheritance rights by will.

The Government aims to have the law passed by Parliament before the end of the year. However, it remains uncertain whether President Nawrocki will sign it. PiS has already denounced the bill as an 'attack on the Polish family'.<sup>120</sup>

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<sup>119</sup> "Although the law does not introduce marriage equality or regulate adoption issues, if enacted, it would be the first real step toward the state's recognition of our relationships," comments the only LGBTQI+ magazine in Poland, *Replika*.

<sup>120</sup> Polska Agencja Prasowa. (2025, October 17). *Prezes PiS odniósł się do założen projektu o statusie osoby najbliższej. „To uderza w rodzinę”*, PAP.pl. <https://www.pap.pl/aktualnosci/prezes-pis-propozycja-zawarcia-związków-partnerskich-przed-notariuszem-uderza-w-rodzinę>

President Nawrocki's position on the legislation remains unclear. He has the power to veto the bill, yet there is a chance he may approve it if it remains narrowly focused. During his election campaign Nawrocki stated that he was open to discussions about a law regulating the status of a 'closest person'. In other words, a limited form of civil-partnership legislation could still be enacted by the end of the year.<sup>121</sup>

Public support for the legalisation of same-sex relationships remains high. According to recent surveys, 67% of Polish respondents support some form of legal recognition for same-sex couples – 39% favouring same-sex marriage and another 28% supporting alternative legal arrangements.<sup>122</sup> Regarding adoption rights, 44% of Poles oppose granting adoption rights to same-sex couples, while 41% express support.<sup>123</sup>

Another recent poll shows that 44% of respondents would like the President to sign the civil-unions law (24% 'definitely yes', 21% 'probably yes'), while 45% are opposed (15% 'probably not', 30% 'definitely not').<sup>124</sup>

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121 Gazeta Prawna. (2025, May 23). *Związki partnerskie. Co kandydaci na prezydenta Polski sądzą na ten temat?* GazetaPrawna.pl. <https://www.gazetaprawna.pl/wiadomosci/kraj/artykuly/9807140,zwiazki-partnerskie-co-kandydaci-na-prezydenta-polski-sadza-na-ten-temat.html>

122 Centrum Badania Opinii Społecznej. (2024, September). *Stosunek Polaków do gejów i lesbijek: Komunikat z badań nr 88/2024* [Public opinion on gay men and lesbians: Research report No. 88/2024] (Report No. 88/2024). Warsaw: CBOS. [https://www.cbos.pl/SPISKOM.POL/2024/K\\_088\\_24.PDF](https://www.cbos.pl/SPISKOM.POL/2024/K_088_24.PDF)

123 Ipsos (n.d.), 'Duże poparcie Polek i Polaków dla legalizacji związków jednopłciowych', Ipsos Polska, <https://www.ipsos.com/pl-pl/duze-poparcie-polek-i-polakow-dla-legalizacji-zwiazkow-jednoplciowych>

In 2019, 41–42% Poles were in favor of marriage equality, and 56–57% in favor of civil unions. In 2021, in an analysis conducted with a different methodology, these numbers were 29% and 67%, respectively. Even the state-controlled institute has observed during the PiS administration an increase in the support for marriage equality (from 29% in 2019 to 34% in 2021). Ambroziak, A. (2019) "Rekordowe poparcie dla związków partnerskich i równości małżeńskiej [SONDAŻ OKO.press]", [in]: OKO.press. Available [online]: <https://oko.press/rekordowe-poparcie-dla-zwiazkow-partnerskich-i-rownosci-malzenskiej-sondaz>. CBOS (2021) *Stosunek Polaków do osób homoseksualnych*. Available [online]: [https://www.cbos.pl/SPISKOM.POL/2021/K\\_121\\_21.PDF](https://www.cbos.pl/SPISKOM.POL/2021/K_121_21.PDF).

124 U. Wróblewska (2025), 'Związki partnerskie tej samej płci dzielą Polaków

## Conclusion and Policy Recommendations: Building a Long-Term Strategy

The key to success lies in a long-term and consistent strategy. On the one hand, it is crucial that stakeholders who support diversity, minority rights and marriage equality do not abandon their efforts. Public education and advocacy among decision-makers must continue. Nothing can be taken for granted – not even the limited rights that have already been secured.

The current political climate increasingly favours far-right movements and their homophobic agenda. In this context, building coalitions between different social groups, including various minorities, is essential. Other minority communities must recognise that LGBTIQ+ people are often targeted first, but that eventually other groups may face similar attacks.

When developing political strategies, the ideological leanings and conservative tendencies of Polish society must be taken into account. Although public understanding and support for LGBTIQ+ people – as well as for civil unions and same-sex marriage – are gradually increasing, Poles maintain a specific view of the family's role and often express fears about rapid social change.

From a realistic perspective, marriage equality should be introduced gradually. A narrow, carefully framed civil-unions law could be the first step, allowing broader acceptance among at least some conservative members of the political class, including the President. Later, these rights can be expanded. It is also important to present such measures as pro-family solutions – a notion that resonates with conservative values – emphasising that they strengthen relationships, provide stability and help solve the real-life problems of millions of citizens.

At the same time, it must be remembered that the challenges facing LGBTIQ+ people in Poland go far beyond what can be regulated through a civil-union law. Hate speech and physical violence – including cyberbullying, unequal treatment in workplaces – public institutions and

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[SONDAŽ]', *Gazeta Prawna*, 7 May, <https://www.gazetaprawna.pl/wiadomosci/kraj/artykuly/9792303,zwiazki-partnerskie-tej-samej-plci-dziela-polakow-sondaz.html>

schools, so-called 'conversion therapies', and homelessness among LGBTIQ+ youth are all widespread issues.

The consequences are severe: poorer physical and mental health, higher levels of loneliness and depression, and increased suicide rates compared with the general population. The state must therefore take action across multiple sectors – education, healthcare and the justice system – to prevent further deterioration in the situation of LGBTIQ+ people.

New legislative initiatives should be presented not as ideological projects but as pragmatic, life-saving measures aimed at protecting the well-being and dignity of millions of citizens, especially young people.

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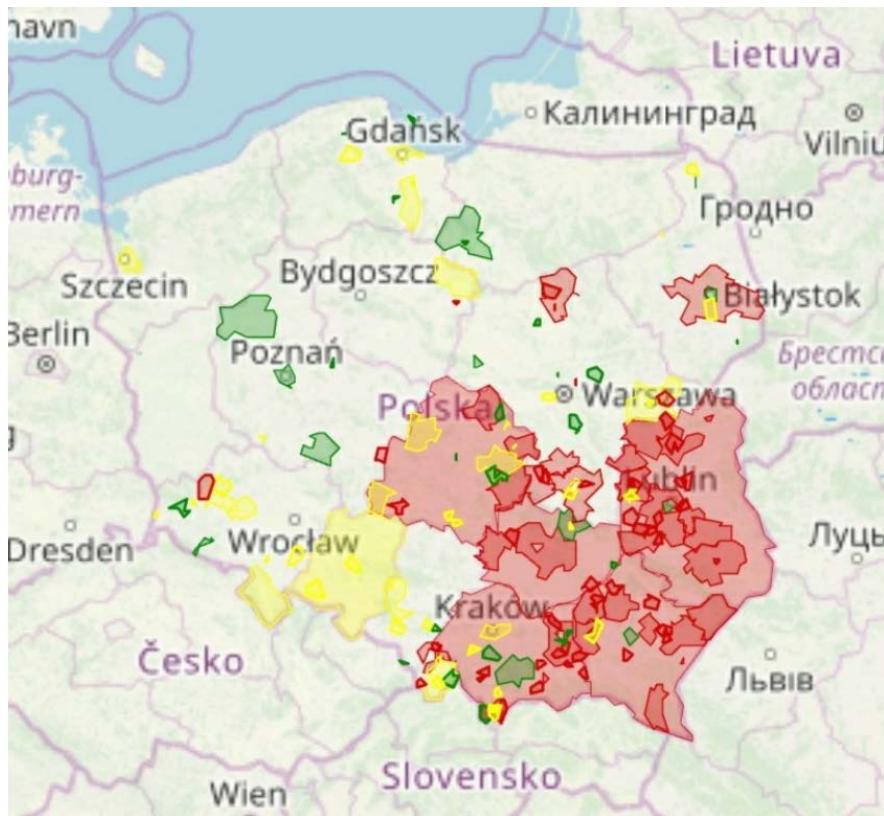
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**Figure 3: A map of Poland showing that about a third of the country was an 'LGBT-free' zone.**



Source: [atlasnienawisci.pl](http://atlasnienawisci.pl)

## Chapter 8

# Same-sex Marriage in Turkey

## Chapter 8

# Same-sex Marriage in Turkey



**Israfil Özkan**

Director of the Freedom Research Association (FRA)

## Introduction: How Members of the LGBTIQ+ Community Currently Live in Turkey

Over the past decade, Turkey has witnessed a significant regression in the protection and promotion of LGBTIQ+ rights. State authorities increasingly deprive LGBTIQ+ individuals of fundamental rights such as freedom of expression, freedom of assembly and protection from violence. Senior government officials and pro-government media regularly disseminate degrading rhetoric that frames LGBTIQ+ identities as a threat to national and cultural identity. Such narratives normalise discrimination, hate crimes, and social exclusion, all of which go unpunished owing to the lack of legal protections. Turkey's legal framework lacks a comprehensive anti-discrimination law that includes sexual orientation and gender identity. Public opinion further reflects this institutional hostility: according to the Freedom Research Association's *Liberal Values in Turkey – 2024 Survey*, 76.56% of respondents stated that they oppose legalising same-sex marriage.<sup>125</sup>

Despite repeated recommendations from international human-rights bodies, Turkey has not enacted any legal reforms in this area. Hate crimes

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<sup>125</sup> Freedom Research Association (2024), *Liberal Values in Turkey – 2024 Survey*, 17 April, <https://oad.org.tr/en/publications/liberal-values-in-turkey-2024-survey/>

against LGBTIQ+ individuals often go undocumented and unpunished. State authorities routinely target civil-society organisations advocating for LGBTIQ+ rights with administrative sanctions, fines and police interventions. Social stigma and structural discrimination have made access to basic services, such as education, healthcare and housing, nearly impossible for many LGBTIQ+ people.

Trans individuals, in particular, remain especially vulnerable owing to high rates of violence, police harassment and a lack of legal protection. LGBTIQ+ organisations struggle to sustain their activities under increasingly harsh legal restrictions and recurring bans on public events such as Pride marches. Although some court decisions have lifted these bans, authorities continue to justify restrictions by invoking 'public morality' and 'security concerns', thus perpetuating a cycle of legal uncertainty and systemic exclusion.<sup>126</sup>

### The Current Legal Framework: A Legal Vacuum and Restrictive Policies Keep Same-sex Couples Outside All Family Rights

Turkish law provides no legal recognition for same-sex couples; marriage, civil partnerships and adoption rights are all denied. Article 10 of the Constitution declares equality before the law regardless of 'language, race, sex, political opinion, philosophical belief, religion and similar reasons', yet it omits any reference to sexual orientation or gender identity. Lawmakers have persistently blocked attempts to include these categories.

In labour law, similarly vague wording is used, again excluding LGBTIQ+-specific protections. This legal ambiguity permits narrow interpretations, leaving LGBTIQ+ workers vulnerable to dismissal, harassment and exclusion. The official equality body, TIHEK, refuses to examine complaints related to sexual orientation or gender identity, citing their omission from its mandate.<sup>127</sup>

<sup>126</sup> Human Rights Watch (2019), 'Türkiye: Eşcinsellere yönelik ayrımcılığı son verilmeli', Human Rights Watch, 14 February, <https://www.hrw.org/tr/news/2019/02/14/327479>.

<sup>127</sup> Freedom Research Association (2024), 'Türkiye İnsan Hakları ve Eşitlik Kurumu'

Over the past decade, Turkey has witnessed a significant regression in the protection and promotion of LGBTIQ+ rights. State authorities increasingly deprive LGBTIQ+ individuals of fundamental rights such as freedom of expression, freedom of assembly and protection from violence.

Since 1988, transgender people have been allowed to undergo gender reassignment and change their legal gender, but the process remains invasive, costly and not fully covered by public health insurance. Trans individuals often face serious obstacles in employment, healthcare and social services owing to mismatches between their identity and official documents.

Freedom of assembly is also sharply restricted. Pride events, once vibrant in Istanbul, have been repeatedly banned or forcibly dispersed since 2015, often citing 'public morality' or 'security'. Meanwhile, hate-crime legislation

does not explicitly cover LGBTIQ+ people, leading to under-reporting, lack of prosecution and widespread impunity.

### **The Challenges: Weak Rule of Law and Rising State-sponsored Stigma Make Reforms Nearly Impossible**

The most serious barrier to advancing LGBTIQ+ rights in Turkey is the collapse of the rule of law. Since the introduction of the presidential system in 2018, power has been centralised in the President's office, weakening the separation of powers and allowing executive officials to disregard Constitutional Court rulings. Judicial independence has deteriorated, and frequent conflicts between courts have undermined legal coherence. In this environment, basic protections – such as for property, fair trial and liberty – are no longer reliably enforced, especially for already marginalised groups.

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(TİHEK)', 2 July, <https://oad.org.tr/yayinlar/turkiye-insan-haklari-ve-esitlik-kurumu-tihek/>.

LGBTIQ+ individuals are among the most vulnerable under this authoritarian framework. The political and legal system lacks the will to recognise same-sex unions; while a few opposition parties have raised the issue, the governing parties resist reform, aligning closely with religious-conservative narratives that depict same-sex relationships as 'immoral' or 'anti-family'.

Social resistance further limits progress. Only about one-quarter of the population supports same-sex marriage, and most oppose even civil recognition. This public opposition discourages political leaders from pursuing reform owing to fears of backlash.<sup>128</sup>

### Overcoming the Challenges: Strategic Activism, Local Alliances and Legal Action Keep Hope Alive Under Heavy Pressure

Within this stifled civic space, nongovernmental organisations (NGOs), human rights defenders, and independent research centres remain critical actors attempting to shift the agenda. For instance, organisations such as the [Freedom Research Association](#) (FRA) and [KAOS GL](#) have mobilised public opinion through quantitative polling, legal analyses, and media campaigns that demonstrate both the scale of discrimination and the economic cost of exclusion for LGBTIQ+ individuals. These actors also engage in strategic litigation: by bringing test cases before domestic courts and the [European Court of Human Rights](#) (ECHR), they aim to build jurisprudence despite weak domestic protections. Moreover, capacity-building efforts targeting municipalities, public universities and regional administrations help foster local allies who can implement inclusive policies even amid hostile formal frameworks.<sup>129</sup>

Despite considerable risks, including administrative investigations, funding restrictions, and targeted prosecutions, civil society organisations continue to innovate. One emerging strategy involves

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128 Freedom Research Association (2024), *Liberal Values in Turkey – 2024 Survey*, 17 April, <https://oad.org.tr/en/publications/liberal-values-in-turkey-2024-survey/>.

129 Çankaya Municipality, Directorate of Women and Family Services, accessed November 25, 2025, <https://www.cankaya.bel.tr/mudurlukler/kadin-ve-aile-hizmetleri-mudurlugu>.

embedding LGBTIQ+-inclusive practices within broader democratic reform agendas, such as anti-corruption, decentralisation, or youth empowerment, which receive more political legitimacy. In municipalities with reformist leadership, NGOs have collaborated on inclusive service delivery, gender-sensitive budgeting, and anti-discrimination protocols, often framed not as identity politics but as good governance. Another promising avenue is transnational solidarity: partnerships with international institutions and liberal democracies can amplify local advocacy, offer technical support, and provide a degree of protection through visibility and recognition.

Although direct confrontation may incur backlash, incremental engagement through legal education, professional associations, and grassroots training continues to build a culture of equality from the bottom up. In this context, civil society's role is not only to resist oppression, but to imagine and operationalise alternative models of coexistence, a task that requires creativity, endurance, and unwavering solidarity.

## **Conclusions and Policy Recommendations: Protecting Rights Starts with Anti-discrimination Laws, Real Institutions and Restoring the Rule of Law**

The systemic marginalisation of LGBTIQ+ individuals in Turkey cannot be addressed without confronting three deeply intertwined issues: the legal vacuum, state-sponsored hostility and the collapse of institutional protections. Despite the absence of laws criminalising same-sex relationships, LGBTIQ+ people remain effectively unprotected, denied legal recognition, targeted by hate crimes and silenced through the banning of peaceful assemblies.

The first and urgent step is to enact a comprehensive anti-discrimination law that explicitly includes sexual orientation and gender identity, ensuring protection in employment, housing, education and healthcare. In parallel, hate-crime legislation must be revised to recognize bias-motivated violence based on sexual orientation and gender identity. Additionally, independent complaint mechanisms, such as the Ombudsman and the Human Rights and Equality Institution, must be empowered to act without political interference.

Public funding currently directed towards homophobic media narratives and discriminatory state-sponsored campaigns must be redirected to inclusive education, diversity training and rights-based awareness efforts. Constitutional guarantees such as freedom of expression and peaceful assembly must be upheld, not selectively suspended.

Lastly, restoring the rule of law is paramount. Judicial independence must be protected, ECtHR rulings must be implemented, and equality bodies must be transformed into credible human-rights institutions. International actors must also hold Turkish authorities accountable not only rhetorically but through tangible political and funding conditionalities.

Despite increasing repression, the LGBTIQ+ community in Turkey continues to mobilise with resilience. Their determination remains the clearest beacon of democratic resistance and the most compelling reason for urgent, meaningful reform.

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# Conclusion by the Editors

**Constantinos Saravakos**, Head of Research at the Center for Liberal Studies (KEFIM)

**Chris Loukas**, Junior Research at the Center for Liberal Studies (KEFIM)

**Efi Stefopoulou**, Research Associate at the Center for Liberal Studies (KEFIM)

Marriage equality in Europe has been marked by numerous great victories, alongside a few setbacks along the way. The uneven progress across the continent, from full recognition in the Netherlands to constitutional prohibition in Hungary, reveal the diverging moral attitudes of the citizens in the many EU member states. This division needs to be overcome through action both on the level of civic society through campaigning and educating, and through effective political work on the EU level to fight back against emerging threats. The EU needs to show its commitment to liberal democracy by fully recognising same sex marriage. This way, it safeguards the dignity of its citizens and can act as an example for other countries to follow in its footsteps.

Across Europe, the legal and social landscape for same-sex couples remains uneven. As the eight country chapters in this report show, progress is never linear. Greece has moved from partial recognition to full marriage equality, becoming the first Orthodox-majority country to do so. The Greek experience shows how political will and a well-prepared strategy can unlock change even in conservative environments, though new legal gaps still need further attention. Spain represents a mature equality regime where marriage has been legal for twenty years. Despite this long term achievement, there are still practical gaps, in particular around registering children born abroad through surrogacy and addressing everyday discrimination. The next steps involve streamlining procedures and strengthening enforcement to ensure that rights are effectively upheld in practice. Cyprus still lags behind most EU

members, offering only civil partnerships that leave families without full rights. Social attitudes are cautious and often hostile, which shows that progress should be built with patient legal reform, stronger institutions and more visible public education. Bulgaria sits at the opposite end. Constitutional barriers, low social acceptance and aggressive political rhetoric keep same-sex families outside the law. Currently, the realistic goal is preventing regression and defending democratic standards, while at the same time slowly building public trust. Italy finds itself stuck between partial legal recognition and increasing political hostility. Civil unions may exist, nevertheless, marriage equality remains far away for now, as the recent government actions have put many rainbow families at risk. Future policy actions require defending judicial gains, prioritising adoption reform and rebuilding broad coalitions. Lithuania offers a different story: when legislators failed, the Constitutional Court stepped in and opened the door to registered partnerships. However, without legislation, couples depend on slow and costly litigation, and political resistance remains high. Poland and Turkey represent the hardest contexts. On the one hand, Poland has seen some political opening, however, progress is slow and can be easily blocked. On the other hand, Turkey remains trapped in a hostile environment, in the absence of a strong rule of law, where civil society operates under constant threat. In both cases, meaningful change will require long-term strategies focused on rebuilding democratic norms, strengthening institutions and creating enough social space for future reforms.

The cases explored reveal a European continent moving in many directions at once. While some countries advance, others stall, and a few are experiencing a strong regression. The uneven legal landscape and the emerging challenges expose a broader question: how should liberal democracies translate these ideals into lived equality? Progress requires both the existence of an adequate legal framework and the establishment of social approval to make sure that opposition won't try to roll back on the advancements already made. This concluding section will cover both how liberals should wage the war of ideas on that front and shift the Overton Window, and how EU institutions could help consolidate marriage equality.

Liberalism cannot survive on law alone; it depends on the cultural legitimacy of its fundamental principles. The struggle for the recognition of same sex marriage is also a struggle for the moral imagination of Europe – over what constitutes equal individuals and equal rights. The subversion of the ideas of family, community and love for reactionary purposes is a development liberals should try to reverse.

Shifting the Overton Window, that is, the range of acceptable discourse in each society, needs more than victories in court. It demands the reshaping of narratives: demonstrating that equal marriage strengthens social bonds as people are allowed to express themselves to their fullest extent and that permitting people of the same sex to marry is not a “concession” or granting of “special rights” but a deepening of the principle of equality before the law. Public storytelling, visible and active representation in media as well as inclusive education at all levels can make equality feel intuitive and humane, rooting out the fear that illiberal contenders seek to exploit.

In this sense, the push for marriage equality has a deeply pedagogical character. It must cultivate a civic ethos where pluralism is not just tolerated but also valued. This means investing in education, training and public dialogue which, from a liberal point of view, are the only legitimate means for actualising change.

At the institutional level, the cohort of EU institutions have crucial roles in preventing infringement of rights and closing the gap between Member States. First, EU law should grant mutual recognition of family status. Following the *Coman v Romania* ruling (2018) all member states should recognise same-sex marriages and parenthood established elsewhere in the EU for purposes like child custody and taxation. The very recent ruling of the European Court of Justice<sup>130</sup> stipulate that member states are obliged to recognise same-sex marriages, which have been lawfully concluded in other member states.

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<sup>130</sup> EU countries must mutually recognise same-sex marriages, ECJ rules. (2025, November 25). Euronews. <https://www.euronews.com/my-europe/2025/11/25/eu-countries-must-mutually-recognise-same-sex-marriages-ecj-rules>.

The struggle for freedom, equality and prosperity is ongoing, and European liberals must remain vigilant against any form of tyranny that seeks to deprive us of our basic human rights. The EU was built on this cornerstone and must continue to stand as a land of freedom, dignity and prosperity for all.

# List of Contributors

**Constantinos Saravakos** is a doctoral candidate in international and European studies at the University of Macedonia and head of research at Centre for Liberal Studies – Markos Dragoumis (KEFiM). He holds a master's in political science and sociology and a bachelor's in philosophy and history of science from the University of Athens. He has also received a master's degree in science in applied economics and administration from the Panteion University. He is a member of the Greek Political Science Association as well as the Economic Chamber of Greece. Additionally, he is a research associate at the Laboratory for Political and Institutional Theory and the History of Ideas (University of Athens); a V-Dem Institute (University of Gothenburg) and Rule of Law Index (World Justice Project) country expert, and fellow at the European Policy Information Centre (EPICENTER), Brussels. His main research interests include institutions, regulation, political economy (poverty, inequality, and prosperity), and political science (parties, democracy, populism, and political behaviour).

**Christos Loukas** is a Junior Research Centre for Liberal Studies – Markos Dragoumis (KEFiM). He was born and raised in Elefsina. He is currently an undergraduate student in the Department of Economics at the Athens University of Economics and Business. In 2024, he achieved third place in the International Economics Olympiad, competing among students from 18 countries. He has published articles in peer-reviewed academic journals, presented his work at international academic conferences, and has also written articles for the press.

**Efi Stefopoulou** is a research associate at the Centre for Liberal Studies – Markos Dragoumis (KEFiM) and a researcher at the Institute for Regulatory Policy Research. Between 2010 and 2012, she served as head of the Better Regulation Office of the General Secretariat of the Government, responsible for drafting the Greek law on Better Regulation (Law 4048/2012). She has worked in public sector reform projects in several countries (BosniaHerzegovina, Syria, Moldova, Armenia, Albania, and Serbia). She served as a representative of Greece on the Organisation for Economic Co-operation and Development (OECD) committee for Good Governance and Better Regulation from 2006 to 2014. She

has been teaching a course on better regulation in the Greek National School of Public Administration since 2009. She has also taught public administration issues at seminars organised by the European Institute of Public Administration (EIPA), Maastricht.

**Prodromos Pyrros** was until September 2025 Secretary General of Social Solidarity and Combating Poverty at the Ministry of Social Cohesion and Family Affairs. He was responsible for numerous social policies associated with vulnerable groups of the population. Prior to his role at the Ministry of Social Cohesion, he was an Economic & Public Policy Adviser at the Office of the Prime Minister of Greece. In that capacity, he has worked for the committee that formed the National LGBTIQ+ Strategy under the ex-President of ECHR, Linos-Alexandre Sicilianos. After the publication of the Strategy he was coordinating the implementation process. Before joining the government, he worked for New Democracy's communication team and press office. In the past he was also a public policy researcher at the Center for Liberal Studies and other think tanks. He holds an MA in Global Political Economy from City, University of London and a BSc in Physics from Aristotle University of Thessaloniki.

**Federico López Abalo** holds a double degree in Law and Political Science from Universidad Rey Juan Carlos (Madrid) and a Master's Degree in Legal Practice from Universidad Nebrija. He has held various executive positions at the Foundation for the Advancement of Liberty since 2021 and currently serves as its General Manager. He is the author of several reports published by the Foundation on contemporary legal and political issues —including *Surrogacy: An International Legislative Overview* (2021)— and has written numerous legal and political opinion articles for *Avance*, the Foundation's opinion magazine, where he also serves as Deputy Editor. He contributed to the legal section of the *Practical Guide Against Illegal Housing Occupation* (2023) and is co-author of the report *Entrepreneurship Among Immigrants in Spain* (2022), reflecting his ongoing engagement with the economic, legal, and social dimensions of public policy in Spain.

**Zinaida Zlatanova** is a long-time Bulgarian and European public sector senior manager. She was the Head of EC Representation in Bulgaria/2008-2013/, Deputy Prime Minister for European

Funds/2013-2014/, and Director for European Affairs and International Financial Institutions at the Council of Ministers of Bulgaria /2001-2007/. From 1998-2001, she was Head of Unit for European Integration at the Ministry of Environment and Water of Bulgaria and deputy head of the negotiations team for the chapter "Environment" within the negotiations for Bulgaria's accession to the EU. In 2001-2007, she was a member and deputy head of the main negotiating team for all 31 negotiating chapters with the EU and the head of the secretariat of the Council for European Affairs at the Council of Ministers. She was a deputy head of the team for the coordination and preparation of the Treaty for the accession of Bulgaria and Romania to the EU. She is the Founder of the foundation Institute for Sustainable Policies and is a Member of the Board of Directors of the Liberal Institute for Political Analyses. She is a frequent public speaker on European topics and author of publications addressing transparent policy-making, the green transition, and climate change. She has a Master in Law from Sofia University "St. Kliment Ohridski" and is a graduate of 91 German Language High School in Sofia.

**Dora Christodoulou** is a European Affairs expert specialising in the EU's southern neighbourhood and a freelance author. Her professional experience spans policy analysis, research, and European governance. She holds a BA in European Studies from Maastricht University and two Master's degrees: in Global Political Economy from Leiden University and in International Relations and Diplomacy from the College of Europe.

**Yuri Guajana** is a human rights activist with a solid track record in promoting civil liberties and secularism. He holds key leadership roles in various global, European, and Italian associations, notably serving as Secretary-General of LGBTI Liberals of Europe, Secretary of Certi Diritti, and International Officer for Più Europa. He possesses a robust academic foundation, holding a Doctorate (PhD) and having conducted research in contemporary history at the University of Milan, following earlier studies in Political Science. He has also explored topics such as international politics, security, crowdfunding, advocacy, and strategic litigation. A recognised author, his works comprise monographs and academic essays dedicated to historical memory, civil rights, and LGBTIQ+ rights. Beyond his writing, he is known for his involvement in media and

cultural projects, including the radio programme *Fuor di pagina*, which he founded and occasionally hosts. He identifies as an 'open idealist', driven by a passion for art, culture, design, and travel, and maintains a conviction that fostering deep intercultural knowledge is instrumental to achieving positive social change.

**Michał Tęcza** is an educator and trainer with more than thirteen years of professional experience. He specializes in psychological support and crisis intervention, with a strong focus on the social and psychological impact of discrimination. As a group training facilitator, he works primarily in the fields of equality, inclusion, human rights, sexual health prevention, sexuality education, and mental health promotion. For over a decade, he has supported individuals at risk of exclusion, including people with disabilities, LGBTIQ+ communities, and ethnic and religious minorities, collaborating with both Polish and international NGOs. He also advises large companies on implementing equality strategies and creating inclusive workplaces. Additionally, he trains professionals in psychological and therapeutic support, lectures at a medical university, and is the author and editor of publications on education, particularly anti-discrimination and diversity education.

**Mirosz Hodun**, PhD is the President of the Project: Polska Foundation in Warsaw and a Member of the Board of Directors of the European Liberal Forum. He serves on the Liberal International Climate Justice Committee. He is a coordinator of numerous international projects and the author or editor of publications on populism, hate speech, and democratic challenges, including *Beyond Flat Earth. European Liberals vs. Conspiracy Theories, US/THEM. Hate Speech at the Service of Politics, Scary Stories or the Sum of All Fears in Political Discourse in Poland and Hungary*, and the *European Atlas of Democratic Deficit*. He previously served as an advisor to Adam Szłapka, Minister for European Affairs. Hodun is also a Visiting Adjunct Professor at the Reykjavik University Law School, focusing on comparative law and federalism, and earlier worked as an expert within the Presidential Experts Program at the Chancellery of the President of Poland.

**Tomas Vytautas Raskevičius** is the leader of the liberal Freedom Party in Lithuania. He served as the Chairperson of the Human Rights Committee

in the Lithuanian Parliament from 2020 to 2024. His political agenda focuses on the adoption of civil union legislation, the prevention of gender-based violence, and ensuring equal rights for persons with disabilities. He holds academic degrees in political science and human rights law. Before entering national politics, Mr. Raskevičius worked as a human rights lawyer and is a well-known LGBTQ+ activist in Lithuania.

**İsrafil Özkan** is the Director of the Freedom Research Association (FRA), an Ankara-based think tank committed to promoting liberal democratic values, rule of law, and human rights in Turkey. He leads national and international research, advocacy, and policy programs focused on institutional reform, civic freedoms, and political accountability. Özkan is particularly engaged in defending marginalized groups through evidence-based policy work and international cooperation.

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