



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

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FIRST SECTION

Applications nos. 6724/25 and 6748/25
Martin MACKO and Lukáš BEŇO against Slovakia
and X and Y against Slovakia
lodged on 24 February 2025 and 25 February 2025 respectively
communicated on 21 September 2026

SUBJECT MATTER OF THE CASE

This case concerns the unavailability of marriage, civil partnership or any other form of legal recognition and protection for same-sex couples in Slovakia.

The applicants are two male (application no. 6724/25) and two female (application no. 6748/25) Slovak nationals residing in Slovakia, who according to their submissions have been living together as same-sex couples since 2013 and 2018 respectively.

In October 2024 the applicants lodged notices of intention to enter into marriage with their respective local Civil Register Offices (*matričný úrad*), in response to which they were informed that it was not possible for them to enter marriage with each other within the existing statutory framework. In that regard, reference was made to Article 41 of the Constitution (Constitutional Law no. 460/1992 Coll., as amended), recital 1 and Article 1 of the Family Code (Law no. 36/2005 Coll., as amended), and section 27 of the Civil Register Offices Act (Law no. 154/1994 Coll., as amended), which all define or refer to marriage as to a union of a man and a woman.

The applicants point out that, compared to married couples, partners outside marriage have a different legal position in areas such as authorisation to act on each other's behalf, common property regime, mutual alimony duty, taxation, inheritance, certain social allowances and use of common family name.

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SUBJECT MATTER OF THE CASE AND QUESTIONS

Draft bills submitted in Parliament in 2001, 2012, 2021 and twice in 2022 to enact a legislative framework for civil partnership have all failed. On 17 April 2024, the Constitutional Court declared inadmissible for lack of its jurisdiction a motion by a group of members of Parliament seeking to challenge the Parliament's failure to enact such a framework. The remainder of the deputies' motion sought an alternative relief, consisting of invalidation on grounds of being contrary, inter alia, to Articles 8 and 14 of the Convention of certain legislative provisions of the Family Code, the Civil Code, the Social Security Code and another piece of legislation in the area of social security limiting the application of certain rules to marriage and parties to marriage. This part of the motion was declared admissible and the proceedings on the merits appear to be ongoing.

On 1 November 2025 an amendment (Constitutional Act no. 255/2025 Coll.) to the Constitution entered into force, stipulating that Slovakia retains sovereignty in matters of national identity, consisting of fundamental cultural and ethical questions, relating inter alia to private and family life, marriage and family, and to decision-making in that respect. The explanatory memorandum for the Government bill leading to the amendment specified that its purpose was to regulate the relationship between the legal order of Slovakia and the law of the European Union, as well as international obligations of Slovakia in general.

In response to the amendment, the European Commission decided to open an infringement procedure (INFR(2025)22028) for breach of fundamental principles of Union law (primacy, autonomy, effectiveness and uniform application). The procedure appears to be ongoing.

The present case raises questions under Article 8 of the Convention, taken alone and in conjunction with Article 14 of the Convention.

QUESTIONS TO THE PARTIES

1. Has there been a violation of the applicants' right to respect for their private and family life, contrary to Article 8 of the Convention? In particular, in view of the Contracting Parties' positive obligations under Article 8, should the applicants be afforded the possibility to have their relationship recognised and protected by law (see *Fedotova and Others v. Russia* [GC], nos. 40792/10 and 2 others, §§ 152-225, 17 January 2023; *Buhuceanu and Others v. Romania*, nos. 20081/19 and 20 others, §§ 72-84, 23 May 2023; *Przybyszewska and Others v. Poland*, nos. 11454/17 and 9 others, §§ 97-124, 12 December 2023)?

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2. Have the applicants suffered discrimination in the enjoyment of their Convention rights on the ground of their sexual orientation, contrary to Article 14 of the Convention read in conjunction with Article 8 of the Convention, in respect of their inability to enter into any type of civil union recognising their relationship in Slovakia (see *Maymulakhin and Markiv v. Ukraine*, no. 75135/14, §§ 60-81, 1 June 2023)?

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APPENDIX

No.	Application no.	Case name	Lodged on	Represented by
1.	6724/25	Macko and Beňo v. Slovakia	24/02/2025	Rastislav SKOVAJSA
2.	6748/25	X and Y v. Slovakia	25/02/2025	Rastislav SKOVAJSA