



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

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FIRST SECTION

Application no. 11454/17
Cecylia PRZYBYSZEWSKA against Poland
and 9 other applications
(see list appended)

STATEMENT OF FACTS

The applicants are Polish nationals. The names of their representatives and the details of the facts of their cases are listed in the attached table.

The general outline of the facts of the cases, as submitted by the applicants, may be summarised as follows.

The first and the second applicants, the third and the fourth, the fifth and the sixth, the seventh and the eighth and the last two applicants, are in committed, stable relationships. They wish to have their relationships recognised by law. The applicants decided to marry, since in Poland the law does not provide for any other type of civil union. Each applicant made a declaration in accordance with the domestic law that there were no impediments to marriage. At the same time they indicated that they wished to marry their same-sex partner. The above-mentioned declaration is a condition to marry in Poland. On each occasion the relevant authority refused to accept the applicants' declaration. The authorities referred to the domestic law which stipulates that marriage is the union of a man and a woman. In each case, the courts of two instances upheld the authorities' refusals to accept the applicants' declarations. The decisions are final as there is no right to lodge a cassation appeal.

The applicants lodged constitutional complaints. The complaints lodged by the first eight applicants have been joined under the same case,

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no. SK 12/17, and accepted by the Constitutional Court for examination.
The case is pending.

COMPLAINTS

All the applicants complain under Article 8 of the Convention that their right to private and family life was breached. Although they form stable couples, the domestic law does not allow them to marry or enter into any other form of civil union.

The applicants also complain under Article 14, taken together with Article 8 of the Convention. They complain that their inability to enter into marriage or any other type of civil union recognising their relationship amounts to discrimination on the basis of sexual orientation.

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, should they be afforded a possibility to have their relationship recognised by law (see *Oliari and Others v. Italy*, nos. 18766/11 and 36030/11, 21 July 2015)?

2. In what specific ways are the applicants disadvantaged by the lack of any legal recognition of their relationship?

3. 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 get married or enter into any other type of civil union recognising their relationship in Poland?

APPENDIX

| No. | Application no. | Lodged on | Applicant name date of birth place of residence | Represented by | Facts |
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| 1. | 11454/17 | 01/02/2017 | Cecylia PRZYBYSZEWSKA 1987 Łódź | Karolina GIERDAL | On 4 November 2015 she declared before the Łódź Civil Status Officer that there were no impediments for her to marry her female partner. On 10 November 2015 the Łódź Civil Status Office refused to accept her declaration. On 24 February 2016 the Łódź-Widzew District Court upheld the decision. On 3 August 2016 the Łódź Regional Court dismissed the applicant’s appeal. On 29 December 2016 the applicant lodged a constitutional complaint (SK 12/17). On 16 July 2018 she requested the exclusion of judge M.M. from examining her case in the Constitutional Court. |
| 2. | 11810/17 | 01/02/2017 | Barbara Gabriela STARSKA 1987 Łódź | Karolina GIERDAL | On 4 November 2015 she declared before the Łódź Civil Status Officer that there were no impediments for her to marry her female partner. On 10 November 2015 the Łódź Civil Status Office refused to accept her declaration. On 24 February 2016 the Łódź-Widzew District Court upheld the decision. On 3 August 2016 the Łódź Regional Court dismissed the applicant’s appeal. On 29 December 2016 the applicant lodged a constitutional |

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| | | | | | complaint (SK 12/17). On 16 July 2018 she requested the exclusion of judge M.M. from examining her case in the Constitutional Court. |
| 3. | 15273/17 | 20/02/2017 | Michał Szymon NIEPIELSKI 1963 Kraków | Paweł Wojciech OSIK | On 4 November 2015 he declared before the Bochnia Civil Status Officer that there were no impediments for him to marry his male partner. On 1 December 2015 the Bochnia Civil Status Office refused to accept his declaration. On 17 May 2016 the Bochnia District Court upheld the decision. On 25 October 2016 the Tarnów Regional Court dismissed the applicant's appeal. On 21 February 2017 the applicant lodged a constitutional complaint (SK 12/17). On 13 July 2018 he requested the exclusion of judge M.M. from examining his case in the Constitutional Court. |
| 4. | 16898/17 | 20/02/2017 | Wojciech Kazimierz PIĄTKOWSKI 1972 Kraków | Mikołaj PIETRZAK | On 4 November 2015 he declared before the Bochnia Civil Status Officer that there were no impediments for him to marry his male partner. On 1 December 2015 the Bochnia Civil Status Office refused to accept his declaration. On 17 May 2016 the Bochnia District Court upheld the decision. On 25 October 2016 the Tarnów Regional Court dismissed the applicant's appeal. On 21 February 2017 the applicant lodged a constitutional complaint (SK 12/17). On 13 July 2018 he requested the exclusion of judge M.M. from examining his case in the Constitutional Court. |
| 5. | 24231/17 | 19/03/2017 | Karolina Monika BOROWSKA 1991 | Krystian LEGIERSKI | On 17 August 2015 she declared before the Warsaw Civil Status Officer that there were no impediments for her to marry her female partner. On 19 August 2015 the Warsaw |

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| | | | Warszawa | | <p>Civil Status Office refused to accept her declaration. On 16 December 2015 the Warsaw Praga-Północ District Court upheld the decision. On 28 September 2016 the Warsaw Praga-Północ Regional Court dismissed the applicant’s appeal.</p> <p>On 8 March 2017 the applicant lodged a constitutional complaint (SK 12/17). On 19 July 2018 she requested the exclusion of judge M.M. from examining her case in the Constitutional Court.</p> |
| 6. | 24351/17 | 19/03/2017 | Agata KELLER 1989 Warszawa | Krystian LEGIERSKI | <p>On 17 August 2015 she declared before the Warsaw Civil Status Officer that there were no impediments for her to marry her female partner. On 19 August 2015 the Warsaw Civil Status Office refused to accept her declaration. On 16 December 2015 the Warsaw Praga-Północ District Court upheld the decision. On 28 September 2016 the Warsaw Praga-Północ Regional Court dismissed the applicant’s appeal.</p> <p>On 8 March 2017 the applicant lodged a constitutional complaint (SK 12/17). On 19 July 2018 she requested the exclusion of judge M.M. from examining her case in the Constitutional Court.</p> |
| 7. | 25891/17 | 28/03/2017 | Krzysztof Mariusz ŁOŚ 1980 Warszawa | Marcin Piotr WOJCIECHOWSKI | <p>On 13 November 2015 he declared before the Warsaw Civil Status Officer that there were no impediments for him to marry his male partner. On 19 November 2015 the Warsaw Civil Status Office refused to accept his declaration. On 21 January 2016 the Warsaw Praga-Północ District Court upheld the decision,</p> <p>On 28 September 2016 the Warsaw-Praga Regional Court</p> |

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| | | | | | dismissed the applicant’s appeal. On 21 March 2017 the applicant lodged a constitutional complaint (SK 12/17). On 18 July 2018 he requested the exclusion of judge M.M. from examining his case in the Constitutional Court. |
| 8. | 25904/17 | 28/03/2017 | Grzegorz Adam LEPIANKA 1981 Warszawa | Marcin Piotr WOJCIECHOWSKI | On 13 November 2015 he declared before the Warsaw Civil Status Officer that there were no impediments for him to marry his male partner. On 19 November 2015 the Warsaw Civil Status Office refused to accept his declaration. On 21 January 2016 the Warsaw Praga-Północ District Court upheld the decision. On 28 September 2016 the Warsaw-Praga Regional Court dismissed the applicant’s appeal. On 21 March 2017 the applicant lodged a constitutional complaint (SK 12/17). On 18 July 2018 he requested the exclusion of judge M.M. from examining his case in the Constitutional Court. |
| 9. | 30128/18 | 12/06/2018 | Malgorzata SOBCZYŃSKA 1981 Łódź | Marcin GÓRSKI | On 12 November 2015 she declared before the Zgierz Civil Status Officer that there were no impediments for her to marry her female partner. On 18 November 2015 the Zgierz Civil Status Office refused to accept her declaration. On 3 August 2017 the Zgierz District Court upheld the decision. On 12 December 2017 the Łódź Regional Court dismissed the applicant’s appeal. On 18 December 2015 she made an identical statement before another Civil Status Officer. On 30 December 2015 the Head of the Pabianice Civil Status Office refused to accept her declaration. On 4/10/2017 the Pabianice District Court upheld the decision. |

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| | | | | | <p>On 7 March 2018 the Łódź Regional Court dismissed the applicant’s appeal.</p> <p>On 27 April 2018 the applicant lodged a constitutional complaint.</p> |
| 10. | 30340/18 | 12/06/2018 | Beata HANUSZKIEWICZ 1976 Łódź | Marcin GÓRSKI | <p>On 12 November 2015 she declared before the Zgierz Civil Status Officer that there were no impediments for her to marry her female partner. On 18 November 2015 the Head of the Zgierz Civil Status Office refused to accept her declaration.</p> <p>On 3 August 2017 the Zgierz District Court upheld the decision. On 12 December 2017 the Łódź Regional Court dismissed the applicant’s appeal.</p> <p>On 18 December 2015 she made an identical declaration before another Civil Status Officer. On 30 December 2015 the Head of the Pabianice Civil Status Office refused to accept her declaration. On 4 October 2017 the Pabianice District Court upheld the decision.</p> <p>On 7 March 2018 the Łódź Regional Court dismissed the applicant’s appeal.</p> <p>On 27 April 2018 the applicant lodged a constitutional complaint.</p> |