



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

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FIRST SECTION

Application no. 45301/19
Marta Agnieszka HANDZLIK-ROSUŁ and Anna Katarzyna ROSUŁ
against Poland
lodged on 16 August 2019

STATEMENT OF FACTS

The applicants, Ms Marta Agnieszka Handzlik-Rosuł and Ms Anna Katarzyna Rosuł, are Polish nationals who were born in 1981 and live in Gdańsk. They are represented before the Court by Ms K. Warecka, a lawyer practising in Gdańsk.

The facts of the case, as submitted by the applicants, may be summarised as follows.

The applicants, two females, have a stable relationship.

On 7 November 2015 the applicants married in Denmark.

On 18 September 2018 the applicants requested the Gdańsk Civil Status Office to register their marriage contracted in Denmark.

On 5 November 2018 the authorities refused.

On 7 February 2019 the Pomorskie Governor (*Wojewoda Pomorski*) quashed the decision on formal grounds. On 20 March 2019 the Gdańsk Civil Status Office requalified the applicant's motion as a request to create an entry of their marriage in the Marriage Registry and dismissed their request.

On 1 July 2019 the Pomorskie Governor dismissed the applicants' appeal, as entering a same-sex marriage in the Polish Registry would be contrary to "basic principles of the Polish law".

COMPLAINTS

The applicants complain under Article 8 of the Convention that the Polish legal system does not allow them to marry or otherwise recognise their relationship.

The applicants further complain that their marriage contracted abroad was not recognised by the Polish authorities. This amounts to discrimination on the grounds of their sexual orientation in breach of Article 14 taken together with Article 8 of the Convention.

QUESTIONS TO THE PARTIES

1. Was the interference with the applicants' right to respect for their private and family life, namely the refusal to register their marriage contracted abroad, in accordance with the law and necessary in terms of Article 8 § 2?

2. 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 so far as they had no other possibility to have their relationship recognised by law?

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

4. 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 in conjunction with Article 8 of the Convention in respect of their inability to (i) register their marriage contracted abroad and (ii) enter into any other type of civil union recognising their relationship in Poland?

Reference is made to the cases of *Orlandi and Others v. Italy*, nos. 26431/12 and 3 others, 14 December 2017 and *Oliari and Others v. Italy*, nos. 18766/11 and 36030/11, 21 July 2015.