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Title: Zaświadczenie o stanie cywilnym a małżeństwa jednopłciowe i związki partnerskie zawierane za granicą / Certificate of civil status versus homosexual marriages and registered partnerships celebrated abroad

Source: Kwartalnik Prawa Prywatnego ("Quarterly of Private Law")

Year: 2015, vol: XXIV, number 3, pages: 693-725

Keywords: certificate of civil status, civil status registration, homosexual marriages and

registered partnerships, annotations in civil status register

Discipline: Law (Family Law, International Private Law)

Language: Polish

Document type: Article

Publication order reference: Uniwersytet Łódzki, Wydział Prawa i Administracji, ul.

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Abstract:

The new Polish Law on Civil Status Acts of November 28, 2014 has introduced a novel type of certificate issued on the basis of records to be found in the civil status register. The certificate of civil status, envisaged in Art. 44 and 49 of the new statute, is a single document which is meant to present all elements of civil status of an individual. It is clear, though, that the most important role of the certificate consists in giving official evidence of the marital status of an interested person. Accordingly, as the author argues, the certificate of civil status is an instrument which can be used to simplify the procedures of entering abroad into a homosexual marriage or a registered partnership, which are not known under Polish law. The article also explains why it is not possible to issue, in these situations, a certificate on marital capability – a document envisaged in Art. 83 of the Law on Civil Status Acts, which is reserved exclusively for persons planning a traditional (heterosexual) marriage abroad.

A significant part of the article is devoted to discussing the possibility and potential benefits of recording, in the Polish civil status register, information on foreign unions – mostly homosexual – which are not known under Polish law. The author strongly supports such recording whenever, under applicable law, entering into a given union entails the prohibition of bigamy. The best technical way of recording this type of information in the Polish register seems to be an annotation made next to the birth certificate on the basis of Art. 25 of the Law on Civil Status Acts.