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Abstract:

The subject of this article is the necessity of the implementation in Polish law of the obligation to recognise and protect same-sex couples in the light of recent case law of the European Court of Human Rights. The issues covered in the article have become particularly topical in view of the judgment of the European Court of Human Rights in the case of Przybyszewska and others v. Poland (Application no. 11454/17) issued on 12 December 2023. It stems from this judgment that the lack of formal recognition in Polish law of the legal situation of same-sex couples is an obstacle to the effective regulation of fundamental aspects of their lives, in particular concerning property, alimony, taxation and inheritance. The analysis covers the issue of the compatibility with the Polish Constitution of 2 April 1997 of the introduction into the Polish legal order of same-sex marriage or a registered partnership for such persons.