



NEWS REPORT

Date: 11 September 2013
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Title: Constitutional Court Proclaims the Right to Inheritance to Cohabiting Same-Sex Partners
Country: Slovenia
Context
Issue at stake: With the decision of the Constitutional Court co-habiting (unregistered) same-sex partners receive the right to statutory inheritance.
Ground of discrimination: sexual orientation
Source: national court decision: Ruling of the Constitutional Court of the Republic of Slovenia No. U-I-212/10 of 14 March 2013
Field: social protection
Legislative provisions: Inheritance Act

Content

Case: The Constitutional Court of the Republic of Slovenia declared the Inheritance Act unconstitutional because it does not recognize inheritance rights to co-habiting same-sex partners. The Court established that the situation of partners in a stable co-habiting relationship is from the perspective of the human right to statutory inheritance comparable to the position of co-habiting opposite-sex partners whose right to statutory inheritance is recognized and regulated with the Inheritance Act. The court held that the omission of the legislator to provide for statutory inheritance (i.e. inheritance not based on a will) for co-habiting partners constitutes discrimination on the grounds of sexual orientation. Such discrimination is not based on any objective goals but on sexual orientation for which the legislator does not have a reason that would be justified under the constitution.

Decision of the Court: The Constitutional Court declared the Inheritance Act as unconstitutional, ordered the legislator to remedy the inconsistency within six months after the publication (15 April 2013) of the decision in the Official Journal. In the meantime, the Court held, Inheritance Act has to be used for co-habiting same sex partners under equal conditions as are in place for co-habiting opposite-sex partners.

Internet link source and additional information:

<http://odlocitve.us-rs.si/usrs/us-odl.nsf/o/FC62EF78571FE59EC1257B4800408D62>