

Constitutional Court of the Republic of Lithuania: Limiting Partnership to Opposite-Sex Couples Violates the Constitution

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On 17 April 2025, the Constitutional Court of the Republic of Lithuania delivered a landmark ruling concerning the regulation of the legal institute of partnership. The case was initiated by the Government of the Republic of Lithuania, which requested the Court to examine whether Article 3.229 of the Civil Code - restricting partnership to a man and a woman - is compatible with the Constitution.

The Court held that such a provision is unconstitutional. According to the Constitution, a committed cohabitation relationship - partnership - may be formed between two individuals regardless of their gender. The Court emphasized that the right to family life and human dignity must be protected equally for all individuals.

The ruling further noted that no law currently exists to establish the procedure for forming and registering a partnership. This means that the legislature has failed to fulfill its constitutional obligation to create a legal framework allowing people in long-term relationships outside of marriage to formalize and protect their union. The Constitutional Court stressed that the legislature has delayed this duty for more than 24 years - an unjustifiably long period that far exceeds any reasonable legislative timeline. As a result, cohabiting couples who are not married remain without access to legal protections under partnership.

The Court underscored that such legislative inaction creates legal uncertainty, undermines legitimate public expectations, erodes trust in the legal system, and violates the constitutional principles of legal certainty, legal security, and responsible governance. It also reiterated that the Constitution requires the state to regulate not only marriage-based family relationships, but also other forms of family life based on cohabitation.

With this ruling, the Constitutional Court drew a firm line: continued legislative inaction is no longer acceptable. The legislature must act without delay to ensure that partnership relations are legally recognized and applicable in

practice - rather than remaining "frozen" in the Civil Code as unenforceable provisions.

Until such legislation is adopted, courts are authorized to register partnerships as civil acts based on the constitutional imperative.

The ruling entered into force on the day of its publication. The legal framework must be revised without delay - this is a constitutional duty of the legislature, essential to ensuring equal rights for all individuals.

The full text of the ruling is available on the website of the Constitutional Court of the Republic of Lithuania:
<https://lrkt.lt/lt/teismo-aktai/paieska/135/ta3121/content>