



## Press Release

19 May 2014

### **Unacceptable prohibition of same-sex marriage in Slovak constitution is about to be voted through**

Following our [press release](#) on Feb. 25<sup>th</sup> 2014 about an attempt to restrict the definition of marriage in the Slovak constitution, and despite the political will from the Party of European Socialists (PES) to engage in a constructive dialogue on this topic, SMER (member of PES) decided to put it on the agenda of the May parliamentary session.

The constitutional amendment tabled on May 13<sup>th</sup> was already approved by the Parliamentary Committee for Social Affairs, and is now awaiting a vote from the Parliament. The chosen redaction is particularly harmful. It is a clear attempt to pre-empt future debate on any form of legal recognition for same-sex couples. On top of defining marriage as a bond between a man and a woman only, it includes a provision to forbid the recognition of rights and duties associated to marriage by any alternative way<sup>1</sup>.

Rainbow Rose would like to restate its strong condemnation of this regressive and conservative trend. It goes against values of PES. It even goes against human rights recognised by the European Court of Human Rights, which since 2010 has clearly stated that same-sex couples, including when they don't have access to marriage or to alternative forms of legal recognition, are covered by the concept of family life and cannot suffer a blanket exclusion from all family rights<sup>2</sup>. Moreover, declining to engage in any dialogue on this topic with other sister parties is unacceptable. We therefore call for PES and its members to take note of this backlash and act accordingly.

As reminder, under current Slovak legislation, same-sex couples enjoy no recognition, either by means of marriage or in the form of civil partnerships or legal cohabitation.

Aurelien Mazuy, President of Rainbow Rose said: *"Constitutions are not intended to restrict the rights of citizens access to marriage. There is no need to amend this fundamental text on such an issue, this is an abuse of the constitution and establishes a worrying precedent"*.

*"In 2011, at European level, MEPs, including from SMER, denounced the same change in the Hungarian constitution and called for equal protection of the rights of every citizen to be guaranteed, "no matter which [...] sexual [...] or other group they belong to"<sup>3</sup>. SMER has to be coherent and apply the same standards.*

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<sup>1</sup> Navrhované znenie ústavného zákona obsahuje pozitívnu definíciu manželstva. Jedinečnosť manželstva znamená, že práva a povinnosti vyplývajúce z manželstva nemožno založiť inak

<sup>2</sup> Cases Kozak v. Poland (2010), Schalk & Kopf v. Austria (2010), Vallianatos and Mylonas v. Greece (2013), X and Others v. Austria (2013) mainly.

<sup>3</sup> SMER's MEP Monika Flasikova-Benova, on behalf of the S&D Group, was one of the proposers of the [European Parliament's resolution of 5 July 2011](#) on the Revised Hungarian Constitution. This resolution called for equal protection of the rights of every citizen to be guaranteed, "no matter which [...] sexual [...] or other group they belong to". It also took a clear stand against

*"There is currently a worrying trend in Europe, with a powerful conservative lobby pushing for the stigmatisation of LGBT people and for restrictions on their rights. The same tactics as employed in Croatia are being used in Slovakia."*

## **Ends**

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Notes for editors:

1. Rainbow Rose is the network for the LGBT groups of the socialist, social democratic and labour parties across Europe.
2. Rainbow Rose is affiliated to the Party of European Socialists and works with the Progressive Alliance of Socialist and Democrats in the European Parliament
3. You can find more about Rainbow Rose on [Facebook](#) or its [website](#)