



Name of Country and Jurisdiction:

Estonia

- 1. What forms of legally recognized relationships are available?
- 2. What are the requirements to be able to enter into the above relationships?
- 3. Differences between marriage and civil unions and how the two sets of laws interact.
- 4. What kinds of pre-existing relationships make you ineligible to enter each kind of relationship?
- 5. When a couple comes to Estonia, is their pre-existing relationship recognized? If not, is there any formalized avenue for obtaining recognition?
- 6. How can each form of relationship be dissolved? What is the residency requirement or other link to Estonia for an authority to grant a divorce/ dissolution?



1. What forms of legally recognized relationships are available?



LEGAL RECOGNITIONS FOR OPPOSITE-SEX COUPLE	GEOGRAPHY	LAW	AVAILABLE TO SAME-SEX COUPLE?
Marriage, registered	Estonia	The Estonian Family Law Act 2010, Sections 1(1) and 10(1).	No.
Registered partnership/ Cohabitation agreement	Estonia	The Registered Partnership Act (also known as the "Cohabitation Act").	Yes.*

* The Registered Partnership Act, which entered into force on January 1, 2016, gives unmarried couples, regardless of sexual orientation, the same rights as married couples with regard to property, inheritance, and adoption. Unmarried couples must register their partnerships under the law in order to gain those rights.

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2. What are the requirements to be able to enter into the above relationships?

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(i) Geographic requirements:

FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Registered partnership/ Cohabitation agreement	At least one of the partners must reside in Estonia.

(ii) Other substantive legal requirements:

FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Registered partnership/ Cohabitation agreement	Partners must have reached the age of 18 and have the capacity to enter into a registered partnership. Registered partnerships are unavailable to people who have a pre-existing valid marriage or registered partnership or are related (whether by blood or adoption).

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3. If both marriage and civil unions exist:

- (a) Identify any significant differences in eligibility; and
- (b) Briefly highlight how they interact if both are in effect (e.g., in some countries, entering into a marriage with the same or a different person automatically dissolves any civil union that the two parties were previously party to, making the latter vulnerable and potentially circumventing separation laws).
- (c) If both marriages and civil unions are available to same-sex couples, briefly highlight areas where major differences exist between marriage and civil unions (e.g., taxes, adoption, immigration, etc.).

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(a)–(c)	Not applicable. Same-sex marriage is not available in Estonia.
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4. What kinds of pre-existing relationships make you ineligible to enter each kind of relationship?

A

FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Registered partnership/ Cohabitation agreement	If a person is currently married or in a registered partnership, he or she cannot enter into a second registered partnership.



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5. When a couple comes to Estonia, is their pre-existing relationship recognized? If not, is there any formalized avenue for obtaining recognition?

A

FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	The Tallinn Circuit Court has ruled that all marriages concluded in another country, including same-sex marriages, must be entered into the Estonian population register when a person takes up residence in Estonia or is granted Estonian citizenship.

Q

6. How can each form of relationship be dissolved? What is the residency requirement or other link to Estonia for an authority to grant a divorce/ dissolution?

A

FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Registered partnership/ Cohabitation agreement	<p>A registered partnership may be terminated as follows:</p> <ul style="list-style-type: none"> • Upon the death of a registered partner; • Upon the contraction of marriage between the registered partners; • Upon the termination of the registered-partnership contract at a court or before a public notary. <p>The law also provides for judicial nullification of the registered-partnership agreement in limited circumstances.</p>

Sources:

Primary

- Family Law Act 2010, available at <https://www.riigiteataja.ee/en/eli/530102013016/consolide>.
- The Registered Partnership Act, available at <https://www.riigiteataja.ee/en/eli/527112014001/consolide>.

Secondary

- Kätlin Jaadla & Maarja Torga, *The Recognition of Foreign Marriages and Registered Partnerships in Estonia*, *Juridica* VIII 2013, 598–607, https://www.juridica.ee/juridica_en.php?document=en/articles/2013/8/232369.SUM.php.
- *Eesti Rahvusringhääling* [Estonian Public Broadcasting], *Parliament Passes Cohabitation Act; President Proclaims It* (Oct. 9, 2014), http://news.err.ee/v/main_news/f238f529-5b94-4f66-b7be-ad5d21566cc5.
- *Eesti Rahvusringhääling* [Estonian Public Broadcasting], *Nonprofit: Court orders entry of same-sex marriage into Estonian register* (Jan. 25, 2017), <http://news.err.ee/120456/nonprofit-court-orders-entry-of-same-sex-marriage-into-estonian-register>.
- European Union, *Your Europe, Civil unions and registered partnerships*, http://europa.eu/youreurope/citizens/family/couple/registered-partners/index_en.htm.

