



Name of Country and Jurisdiction:

## Slovenia

- 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 Slovenia, 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 Slovenia 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	Slovenia	Law on Marriage and Family Relationships.	No. Article 3 states: "Marriage is a legally regulated living community of a man and a woman".
Long-term cohabitation	Slovenia	Law on Marriage and Family Relationships.	No.

The Act Concerning Partnership, which became effective 24 February 2017, affords same-sex couples the right to marry, extending the same rights and duties of opposite-sex married couples to same-sex married couples, with the exception of adoption and assisted reproduction. Previously, Slovenian law limited same-sex couples to civil partnerships (pursuant to the Civil Partnership Registration Act, passed 23 July 2005), which extended to same-sex couples some of the rights of married couples with regard to property and inheritance.

**Q**

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

**A**

(i) Geographic requirements:

FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	There is no express geographic requirement.
Civil partnership	At least one of the parties must be a citizen of the Republic of Slovenia.

(ii) Other substantive eligibility criteria:

FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	The parties must have the capacity to freely consent, be at least 18 years of age, and not be directly related.  Additionally, under Slovenian law, a marriage will be considered invalid in circumstances where the marital pair have no intention of living together.
Civil partnership	The parties must have the capacity to freely consent, be at least 18 years of age, and not be directly related.

**Q**

**3. If both marriage and civil unions exist:**

- (a) Identify any significant differences in eligibility;
- (b) Briefly highlight how they interact if both are in effect;
- (c) If both marriage 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.).

**A**

(a)	There are no significant differences in eligibility for same-sex marriage and civil partnerships in Slovenia.
(b)	A new marriage cannot be concluded until any previous marriage has been terminated or annulled. The legislation contains no express provisions regarding the relationship between marriages and existing civil partnerships.  An existing civil partnership or marriage is an absolute bar to entering into a civil partnership. A civil partnership in these circumstances will be considered invalid and can be the subject of annulment proceedings.
(c)	Same-sex marriage affords Slovenian couples the rights of opposite-sex marriage with the exception of adoption and assisted reproduction. The civil partnership law covered only property relations and the obligation of one partner to support the other; it did not grant social security rights or confer next-of-kin status on civil partners.

Q

**4. What kinds of pre-existing relationships make you ineligible to enter each kind of relationship?**

A

FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	If you are already married or if you have a civil partnership with a different person, you cannot marry.
Civil partnership	If you are already married or have a civil partnership, you cannot enter into a civil partnership with a different person.
Long-term cohabitation	As per marriage.

Q

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

A

FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	Unknown. We have been unable to locate any legislation or secondary materials regarding the recognition of foreign marriages.
Civil partnership	Unknown. We have been unable to locate any legislation or secondary materials regarding the recognition of foreign civil partnerships.
Long-term cohabitation	Unknown. We have been unable to locate any legislation or secondary materials regarding the recognition of long-term cohabitation in a foreign country.

Q

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

A

FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	A court can grant a divorce of any marriages registered in Slovenia.
Civil partnership	A civil partnership can be terminated by the authority that granted the civil partnership.
Long-term cohabitation	There is no specified process for dissolution.

## ■ Sources:

### Primary

- Law on Marriage and Family Relations (unofficial translation), available at [http://www.mdds.gov.si/fileadmin/mdds.gov.si/pageuploads/dokumenti\\_\\_\\_pdf/zakonodaja/law\\_on\\_marriage\\_and\\_family\\_relations.pdf](http://www.mdds.gov.si/fileadmin/mdds.gov.si/pageuploads/dokumenti___pdf/zakonodaja/law_on_marriage_and_family_relations.pdf).
- Civil Partnership Registration Act, available at [http://www.mdds.gov.si/fileadmin/mdds.gov.si/pageuploads/dokumenti\\_\\_\\_pdf/z\\_registracija\\_ips\\_en.pdf](http://www.mdds.gov.si/fileadmin/mdds.gov.si/pageuploads/dokumenti___pdf/z_registracija_ips_en.pdf).
- Act Concerning Partnership, *Official Gazette* No. 33/2016, available at <https://www.uradni-list.si/glasilo-uradni-list-rs/vsebina/2016-01-1426/zakon-o-partnerski-zvezi-zpz>.

### Secondary

- Jagielska, M. (2012) Eastern European Countries: From Penalisation to Cohabitation or Further?, in Boele-Woelki, K., and Fuchs, A. (eds.), *Legal Recognition of Same-Sex Relationships in Europe: National, Cross-Border and European Perspectives*, Intersentia, Cambridge, pp. 55–69.
- Couples in Europe, <http://www.coupleseurope.eu/en/slovenia/topics/1-which-law-applies>.