**"Same-Sex Marriage and the Evolution of Family Law in Europe"**

For centuries, the legal definition of marriage in most European countries was limited to a union between a man and a woman. However, over the past two decades, a significant number of jurisdictions have expanded this definition, granting same-sex couples the right to marry or, at minimum, to enter into a registered civil partnership with comparable legal consequences.

The Netherlands became the first country in the world to legalize same-sex marriage in 2001, granting same-sex spouses full parity with heterosexual couples regarding adoption, inheritance, and spousal benefits. Other Western European states followed suit, while many Central and Eastern European countries, including Ukraine, have been more reluctant to amend their family law codes, often citing constitutional definitions of marriage as a union between a man and a woman.

This divergence has created a complex legal landscape within the European Union itself. The Court of Justice of the European Union has ruled in several cases that member states must recognize same-sex marriages performed in other member states for the purposes of freedom of movement, even if the host state does not itself permit such marriages domestically. This tension between national sovereignty over family law and the EU's commitment to non-discrimination and free movement of persons remains one of the most contested areas of comparative constitutional law today.

Critics of expanding marriage rights argue that family law should remain within the exclusive competence of national legislatures, reflecting each country's cultural and religious traditions. Proponents, on the other hand, contend that equal access to marriage is a matter of fundamental human rights, and that excluding same-sex couples from the institution of marriage constitutes unlawful discrimination based on sexual orientation.

**Питання для дискусії:**

1. What is the difference between civil partnership and marriage in terms of legal consequences?
2. Why do you think some Eastern European countries are more reluctant to legalize same-sex marriage than Western European ones?
3. Do you agree that family law should remain entirely within national competence, or should the EU have a greater role in harmonizing it?
4. How does the principle of freedom of movement create legal tension with national marriage laws?
5. In your opinion, should the Ukrainian Constitution be amended to allow civil partnerships? Why or why not?
6. Can you think of arguments on both sides of this debate that we haven't mentioned in the text?

LIVEWORKSHEETS