

CZECH REPUBLIC, ONCE AGAIN TEMPTED BY SAME-SEX MARRIAGE

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The Czech Republic had tried to authorize same-sex

marriage between 2018 and 2021 without success. This time, conditions are more favourable.

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The former communist bloc countries in Eastern Europe are still holding out in terms of morality: for the time being, none of them has legalised same-sex marriage, contrary to the inexorable wave that is affecting the countries of Western Europe one after the other. The Czech Republic, reputedly more liberal than its neighbours, [could be the first to take the step](#).

[An amendment to the Civil Code, instituting marriage for all, was submitted](#) to the Chamber of Deputies on Tuesday, June 7th. The text was signed by one MP from each of the parliamentary groups of the parties in the government coalition, as well as by an opposition MP. However, the amendment was not supported by the Christian Democrat party KDU-ČSL (also a member of the government coalition), nor by the national right-wing party, SPD. "Marriage is an important part of life for KDU-ČSL. Marriage, as a bond of man and woman, is a unique bond with the potential [for] new human life," the KDU-ČSL party spokesman said.

Czech President Miloš Zeman is a staunch opponent of same-sex marriage. As soon as the amendment was passed, he explained that he would veto it and refuse to sign it into law. But the presidential veto can easily be overcome constitutionally, and Zeman is due to leave office in January 2023, making his threat rather ineffective.

On the occasion of Hungarian President Katalin Novák's visit to Prague, President [Miloš Zeman reiterated his opposition to this societal development](#), saying: "If such a law is put on the table, I will veto it. ... By the way, the word *rodina* [family] comes from the word *rodit* [to give birth]. And so far I have not noticed that children are born to same-sex

couples ... The family is the union of a man and a woman.”

In 2006, same-sex couples in the Czech Republic were permitted legally recognized protection of their relationships through civil unions. They provided couples with a number of material rights and benefits that the current president considers sufficient. The Czech law guarantees them some of the rights of marriage, such as inheritance, access to vital records, and alimony. However, it does not give them access to other rights, such as widow's pension, joint ownership of property, or adoption. Between 200 and 300 civil unions are celebrated each year in the Czech Republic.

Previous attempts have been made to pass same-sex marriage. They were staggered from 2018 to 2021 without success. Supporters of same-sex marriage used [the case of the famous snowboarder Šárka Pančochová](#), who adopted her American wife's daughter but risked losing her parental rights if she returned to the Czech Republic.

At present, adoptions from abroad can only be transcribed into Czech law if they do not conflict with Czech law—which *de facto* excludes adoptions by homosexual parents and adoptions by unmarried couples. The promoters of the current project want to remove this conditionality clause. The European Court of Justice is unsurprisingly pushing in this direction: in December, [it ruled that parental rights should be recognised in all member states without distinction](#), including the rights of same-sex couples who have adopted abroad.

Before the new amendment to the Civil Code is considered by the government, lengthy discussions must take place. "The discussions will be long and difficult," said Czech Prime Minister Petr Fiala, who is not personally in favour of changing the institution of marriage.

The proposal is based on a favourable trend in the Czech population towards recognition of same-sex marriage. Supporters of the legislative change point to agreeable conditions: "Both the pandemic and the current crisis have shown the importance of family and legal certainty, which is needed to address the fact that the other registered partner was not

entitled to go to the child's hospital and request information about his or her health," Olga Richterová, the Chamber of Deputies' vice president, told local media.

If the various political oppositions are overcome, the measure could come into force in the coming months.