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[Estonia: Legalization of Civil Partnerships](#)

(Jan. 14, 2016) On January 1, 2016, the Registered Partnership Law, which had been passed by the Estonian Parliament in 2014, entered into force. The enforcement of the Law was delayed by the need to pass implementing regulations and amend existing legislation. ([Registered Partnership Act](#) (Oct. 9, 2014), RIIGI TEATAJA [OFFICIAL GAZETTE] (Oct. 16, 2014), Item 1 (in Estonian) (toggle 4th tab from left to view English text).)

The Law allows heterosexual and same-sex couples to register their relationships and enter into civil unions if they do not want to or cannot get married. Under the Estonian Family Act, same-sex couples cannot get married because the Act defines a “family” as a union between a man and a woman. ([Family Law Act](#) (Nov. 18, 2009, in force on July 1, 2010), § 1(1), RIIGI TEATAJA 2009, No. 60, Item 395). The conclusion of a partnership agreement entitles couples entering into civil partnerships to joint possession of property, succession rights, shared financial obligations, access to each other’s private information, and resolution of issues related to the end of life. (Registered Partnership Act, §§ 7-14, 16.)

Registered partner couples will have limited adoption rights. An individual in such a relationship can adopt a natural child of his or her registered cohabiting partner or a child to whom another registered partner was a parent before entering into a partnership. The partners are not allowed, however, to jointly adopt a child who has no relationship with the couple. Some exceptions to this rule can be made to avoid creation of an “extremely unfair” situation. (*Id.* § 15; *see also* Peter Roudik, [Estonia: Family Relations Extended Beyond Marriage](#), GLOBAL LEGAL MONITOR (Oct. 17, 2014).)

Partnerships are to be registered by public notaries. To enter into a civil partnership, both partners must be older than 18 years of age, at least one of them must be an Estonian resident, and neither of the partners can be married or be a partner in another civil partnership. (Registered Partnership Act, §§ 1-3.)

Implementation of the Registered Partnership Law

Even though the Registered Partnership Law is now in force and several couples have already signed partnership agreements, these partnerships cannot be officially registered because no implementing legislation has been adopted yet. Amendments to more than 80 legal acts are required, and about 350 amendments have been proposed. It appears that the suggested amendments might be discussed by legislators by the end of January. (Press Release, Parliament of Estonia, [The Second Reading of the Implementation Provisions of the Registered Partnership Act Will Be Held on 26 January](#), Parliament of Estonia website (Dec. 14, 2015).)

At present, the conclusion of a partnership agreement and its registration by a notary does not result in automatic entry of the information about the partnership into Estonian national population and property registries. The Notary Chamber of Estonia has recommended that those who want to register their relationships wait to do so, or conclude an agreement and then return to their local registration offices later, after the package of implementing legislation has been adopted, to make sure that their

registration information has been retroactively entered into the registries. (Taele Tammeorg, [Who and Why Concluded the First Estonian Cohabitation Agreements](#), DELFI.EE (Jan. 8, 2016) (in Russian).)

Potential Impact of and Reactions to the Law

It appears that implementation of this Law may have significant societal impact. About 170,000 people cohabit in Estonia without entering into marriage, and more than 50% of children are born out of wedlock. According to the last census, 400 children have a parent who cohabits with a same-sex partner. (*Id.*) It was also reported that after this Law entered into force, about 20 same-sex couples expressed interest in registering their partner relationships. (*Id.*)

While two major religious organizations, the Estonian Evangelical Church and the Russian Orthodox Church, expressed their opposition to legalizing civil partnerships, the President of Estonia, Toomas Hendrik Ilves, said that he sees it as a basic human rights issue. ([Parliament Passes Cohabitation Act; President Proclaims It](#), ERR.EE (Sept. 10, 2014).)

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Topic: [Human rights and civil liberties](#), [Inheritance and succession](#), [LGBT rights](#), [Marriage and family status](#), [Same-sex marriage](#)

Jurisdiction: [Estonia](#)

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