

Stéphane Chapin & Bertrand Charpentier v. France

[Case Law](#), [Legal Protection](#), [Family](#), [Marriage Equality](#)

Same-sex marriage

(Application No. 40183/07), 27 October 2009

[Find Court's judgement here in French.](#)

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- The applicants, a **same-sex couple**, complained that the French authorities' **refusal to allow them to contract marriage** violated Article 12 and 14 of the Convention.
- ILGA-Europe, together with FIDH, ICJ and AIRE Centre submitted the following:
 - There is need for guidance on whether "**family life**" in Art. 8 should be interpreted as including same-sex couples. According to the interveners *Karner v. Austria* implies that same-sex couples (without children) enjoy "family life". Furthermore, national courts in European and other democratic societies have treated unmarried same-sex couples (without children) as families.
 - The interveners also submitted that if the European Convention does not yet require equal access to legal marriage for same-sex couples, it is **indirect discrimination** based on sexual orientation to limit a particular right or benefit to married different-sex couples, but provide no means to qualify for same-sex couples. There also is a growing consensus in European and other democratic societies that **same-sex couples must be provided with some means of qualifying for rights or benefits attached to marriage**.
- The European Court of Human Rights delivered its [judgement on 9 June 2016](#).
- It reiterated its findings in the case of *Schalk & Kopf v Austria* that Article 12 of the Convention does not impose an obligation on the respondent Government to grant a same-sex couple access to marriage.