

EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FIRST SECTION

DECISION

Application no. 18822/18
Barbara Gabriela STARSKA
against Poland

The European Court of Human Rights (First Section), sitting on 18 December 2025 as a Committee composed of:

Erik Wennerström*, President*,
Raffaele Sabato,
Artūrs Kučs*, judges*,
and Liv Tigerstedt, *Deputy Section Registrar,*

Having regard to the above application lodged on 10 April 2018,

Having regard to the observations submitted by the respondent Government and the observations in reply submitted by the applicant,

Having regard to the comments submitted by International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) on behalf of the Fédération Internationale pour les Droits Humains (FIDH), European Region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA-Europe), Network of European LGBTIQ* Families Associations (NELFA) and European Commission on Sexual Orientation Law (ECSOL); Institute of Psychology, Polish Academy of Sciences; Ordo Iuris Institute for Legal Culture; and Polish Society of Anti-Discrimination Law (on behalf of Campaign Against Homophobia and Love Does not Exclude Association), which were granted leave to intervene as third parties by the President of the Section,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

1. The applicant, Ms Barbara Gabriela Starska, is a Polish national. She was born in 1987 and lives in Namsos, Norway. She was represented before the Court by Mr P. Knut, a lawyer practising in Warsaw.

2. The Polish Government ("the Government") were represented by their Agent, Mr J. Sobczak and subsequently by Ms A. Kozińska-Makowska, of the Ministry of Foreign Affairs.

3. The applicant complained under Article 8 of the Convention that, in 2015, she had been refused permission to change her surname to that of her same-sex partner, Ms Cecylia Przybyszewska. She also complained that the situation amounted to a breach of Article 14 of the Convention, taken together with Article 8, as she was discriminated against on the ground of her sexual orientation.

4. In 2015 the applicant instituted proceedings in which she sought an order permitting her to change her surname to *Starska-Przybyszewska* – that is, to add to her own name the surname of her same-sex partner. She argued that she had been in a stable relationship with her partner since 2011 and she felt close to her partner and her family; she was also not particularly attached to her own surname. On 27 May 2015 the Łódź Governor (*Wojewoda Łódzki*) upheld the earlier refusal by the Łódź Civil Status Office to allow the applicant to change her name. The Governor emphasised that same-sex couples were "not known to Polish law". The right to change one's surname to that of one's spouse was one of the advantages of marriage, which was understood in law as the union of a man and a woman. The domestic law offered no protection to same-sex couples and allowing a change of name to same-sex couples would "create an illusion that they form a family".

5. On 10 October 2017 the Supreme Administrative Court dismissed the applicant's application, in final instance. The administrative courts held that forming a household with another person, regardless of gender, should not have the legal consequence of permitting a change of surname.

6. In 2017 the applicant and her partner lodged another application with the Court (no. 11810/17) in which they complained of a lack of any form of legal recognition and protection for their same-sex relationship. On 12 December 2023 the Court found a violation of Article 8 of the Convention on account of Poland's failure to comply with its positive obligation to ensure that the applicants had a specific legal framework providing for the recognition and protection of their same-sex unions (see *Przybyszewska and Others v. Poland*, nos. 11454/17 and 9 others, 12 December 2023).

7. In March 2022 the applicant asked a Polish civil status office to change her surname on the grounds that she had married her same-sex partner in Norway on 28 January 2022, and that under Norwegian law she had validly changed her surname by adding the name of her wife to it. On 15 March 2022 the Head of the Slupsk Civil Status Office granted the request and changed the applicant's name from *Starska* to *Starska-Wika*.

8. In December 2022 the applicant lodged another application with the Court (no. 9864/23) complaining that the marriage she had contracted in Norway could not be registered in Poland and that there had been no other form of legal recognition or protection available for her same-sex relationship. On 7 Mary 2025 the Court decided to strike out the application following a unilateral declaration by the Government

(see *Gruszczyński-Ręgowski and Others v. Poland* (dec.) [Committee], nos. 5059/22 and 9 others, 7 May 2025).

9. On 24 July 2024 the Government asked for the judgment in *Przybyszewska and Others,* cited above, to be rectified by the correction of the name of the applicant in order to reflect her change of surname in 2022. On 10 December 2024 the judgment was rectified accordingly (the surname of the applicant in application no. 11810/17 was changed from *Starska* to *Starska-Wika)*.

10. On 3 October 2024 the applicant informed the Registry of the Court that she had successfully changed her surname but she considered that it had no bearing on the present case.

11. The applicant and her wife later separated. The applicant changed her name on the Norwegian Population Register back to *Starska* on 17 December 2024.

THE LAW

12. The Court observes firstly that the Government raised a preliminary objection on non-exhaustion of domestic remedies in that the applicant failed to lodge a constitutional complaint. However, for the reasons outlined below the Court does not find it necessary to rule on the objection raised by the Government.

13. The Government submitted that the case should be struck out under Article 37 § 1 of the Convention, the relevant parts of which provide as follows:

> "The Court may at any stage of the proceedings decide to strike an application out of its list of cases where the circumstances lead to the conclusion that
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> ...
>
> (c) for any other reason established by the Court, it is no longer justified to continue the examination of the application.
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> However, the Court shall continue the examination of the application if respect for human rights as defined in the Convention and the Protocols thereto so requires."

14. The Court enjoys a wide discretion in identifying grounds for striking out an application on this basis, it being understood, however, that such grounds must reside in the particular circumstances of each case (see, for example, *Association SOS Attentats and de Boery v. France* (dec.) [GC], no. 76642/01, § 37, ECHR 2006-XIV, and *Zahtila and Koletic v. Croatia* (striking out), no. 63344/17, § 7, 7 November 2023).

15. In the present case the applicant complained under Article 8 of the Convention that between 2015 and 2017 the Polish authorities refused to allow her to change her surname by adding that of her long-term partner Ms C. Przybyszewska to it. While the proceedings did not directly concern the issue of same-sex union or marriage, the reason the change of name was

not allowed was that the applicant was cohabiting with her partner and not married to her. The authorities emphasised that domestic law offered no legal protection to same-sex couples and that cohabitation did not constitute a significant reason required by law for the change of name. Poland's failure to recognise or protect the union between the applicant and C. Przybyszewska was at the heart of the judgment of the Court of 12 December 2023 which found a violation of Article 8 of the Convention (see *Przybyszewska and Others*, cited above). The Court is aware that the execution of this judgment is pending, and Poland has expressed a commitment to implement it (see *Gruszczyński-Ręgowski*, cited above). Among the most important general measures proposed by the Government, subject to the supervision of the Committee of Ministers, is the introduction into the domestic legal system of the institution of civil partnership, which will make formal recognition and protection available to those in same-sex relationships.

16. After the introduction of the present case, the applicant married a new partner in Norway. In 2022 she successfully changed her surname to that of her wife. They separated in 2024 and the applicant returned to her maiden surname, though at present that situation is valid only in Norway. It therefore no longer appears that the applicant is interested in changing her name to *Przybyszewska* or that she remains in any way affected by the Polish authorities' refusal to permit her change of name between 2015 and 2017.

17. In view of the above, the Court concludes that it is no longer justified to continue the examination of the application within the meaning of Article 37 § 1 (c) of the Convention. Furthermore, there are no particular reasons regarding respect for human rights as defined in the Convention which would require the Court to continue its examination of the case under Article 37 § 1 *in fine*. It is appropriate to strike the case out of the Court's list of cases.

For these reasons, the Court, unanimously,

Decides to strike the application out of its list of cases.

Done in English and notified in writing on 22 January 2026.

Liv Tigerstedt Deputy Registrar	Erik Wennerström President