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| **European Convention on Human Rights****ECHR - Article 12:** Marriage**Article 12 – marriage****Main article:** Article 12 of the European Convention on Human RightsArticle 12 provides a right for women and men of marriageable age to marry and establish a family.Despite a number of invitations, the Court has so far refused to apply the protections of this article to same-sex marriage. The Court has defended this on the grounds that the article was intended to apply only to different-sex marriage, and that a wide margin of appreciation must be granted to parties in this area.In [***Goodwin v United Kingdom***](https://en.wikipedia.org/wiki/Goodwin_v_United_Kingdom) the Court ruled that a law which still classified post-operative transsexual persons under their pre-operative sex violated article 12 as it meant that transsexual persons were unable to marry individuals of their post-operative opposite sex. This reversed an earlier ruling in [***Rees v United Kingdom***](https://en.wikipedia.org/w/index.php?title=Rees_v_United_Kingdom&action=edit&redlink=1)***.*** This did not, however, alter the Court's understanding that Article 12 protects only different-sex couples.The European Court of Human Rights ruled in [***Schalk and Kopf v Austria***](https://en.wikipedia.org/wiki/Schalk_and_Kopf_v_Austria) that countries are not required to provide marriage licenses for same-sex couples; however, if a country allows same-sex couple marriage it must be done under the same conditions that opposite-sex couples marriage face, in order to prevent a breach of article 14 – the prohibition of discrimination. Additionally, the court ruled in the 2015 case of ***[Oliari and Others v Italy](https://en.wikipedia.org/wiki/Oliari_and_Others_v_Italy%22%20%5Co%20%22Oliari%20and%20Others%20v%20Italy)*** that states have a positive obligation to ensure there is a specific legal framework for the recognition and protection of same-sex couples. |