Abstract

As part of the transformation that has taken place in the family law regime towards the inclusion of same-sex couples, the Constitutional Court has played a central role and perhaps alone. This paper analyzes the main decisions of the Constitutional Court concerning standardization in the field of protection for same-sex couples, drawing from each building elements most relevant jurisprudence. Thus I argue that through a variety of interpretive tools, the Court has instrumentalized its decisions to exercise political opportunity in the direction of the prevailing view, using the conditioning of the judgments of constitutionality.

Keywords

Discrimination against same-sex couples, de facto marital union between same sex partners, institutional discrimination, legal protection for sexual diversity.