

**SAME- SEX COUPLES MARRIAGE IN SPAIN:  
CONSCIENTIOUS OBJECTION OF JUDGES AND  
MAYORS**

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ABSTRACT

*Article 32 of the Spanish 1978 Constitution stipulates that: men and women are entitled to marry on a basis of full legal equality. This provision reflects the traditional conception of marriage as the union between a man and a woman, and at the same time, intends to guarantee the full enjoyment of the right to get married of every citizen on a basis of full legal equality, thus forbidding any kind of discrimination whatsoever. Three years ago, the Spanish Civil Code's regulation of marriage was modified by a Same-sex Marriage Act. Public opinion, for its part, has accepted with unexpected calm this controversial legal reform. In fact, the National Statistics Institute of Spain shows that 5843 same-sex marriages have taken place in Spain from June 2005 to December 2006. However, some public officials refused to conduct a same-sex marriage ceremony on the grounds of their personal convictions. The main question now is: Do these public officials have the right to refuse to discharge their public obligations and duties invoking conscientious objection?*

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