

By the Judgement of 11 February 2025 No.6-II, the Constitutional Court assessed constitutionality of Article 10 (parts 1 and 3) of the Federal Law “On Insurance Pensions”

These legal provisions were examined insofar as they serve as a basis for deciding on the granting of survivors’ pensions to children conceived by assisted reproductive technologies after the death of the mother’s spouse, whose paternity has been established by a court decision.

The contested provisions were found to be incompatible with the Constitution because they did not provide for the granting of the pension in question to a child conceived by means of assisted reproductive technologies after the death of the mother’s spouse (who was insured under the compulsory pension insurance system and also, during his lifetime, had expressed the intention to have children by means of assisted reproductive technologies and whose paternity was subsequently established by a court), and consequently born after the expiry of three hundred days from the date of the father’s death, whereas the social assistance system does not provide for the granting of other regular payments to such a child comparable in value to the survivors’ pensions.

Until appropriate legislative changes are made, such a child should be entitled to a survivors’ insurance pension.