



European Family Law

Non-marital (registered) relationships

Monday, 19th November 2007

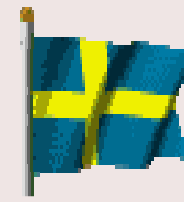
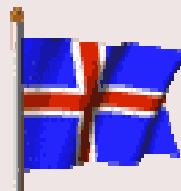
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Northern Europe

Denmark	1989	Registered Partnership
Norway	1993	Registered Partnership
Sweden	1994	Registered Partnership
Iceland	1996	Confirmed Cohabitation
Greenland	1996	Registered Partnership
Finland	2001	Registered Partnership





Central Europe

The Netherlands	1998	Registered Partnership
France	1999	Civil Pact of Solidarity
Belgium	1999	Statutory Cohabitation
Germany	2001	Life Partnership
Luxembourg	2005	Partnership
United Kingdom	2005	Civil Partnership
Switzerland	2007	Registered Partnership

Liechtenstein

no legislation, but proposals in 2003

Ireland

no legislation, but proposals in 2005 and 2007

Austria

no legislation, but proposals in 2007





Southern Europe

Spain
Andorra

1998-2003
2005

Regional legislation
Stable Union

Portugal
Italy
Greece
Malta
Cyprus

no legislation, but proposals in 2001
no legislation, but proposals in 2003
no legislation
no legislation
no legislation

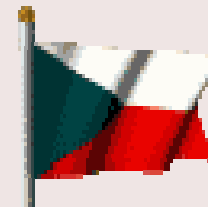
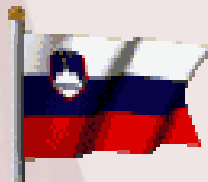




Eastern Europe (EU)

Slovenia	2005	Registered Partnership
Czech Republic	2007	Registered Partnership

Poland	<i>no legislation, but proposals in 2005</i>
Hungary	<i>no legislation, but proposals in 2005 and 2007</i>
Slovakia	<i>no legislation</i>
Estonia	<i>no legislation</i>
Lithuania	<i>no legislation and constitutional ban</i>
Latvia	<i>no legislation and constitutional ban</i>





Eastern Europe (non-EU)

Albania

Azerbaijan

Bulgaria

Georgia

Romania

San Marino

FYR Macdeonia

Ukraine

Armenia

Bosnia-Herzegovina

Croatia

Moldova

Russian Federation

Serbia and Montenegro

Turkey

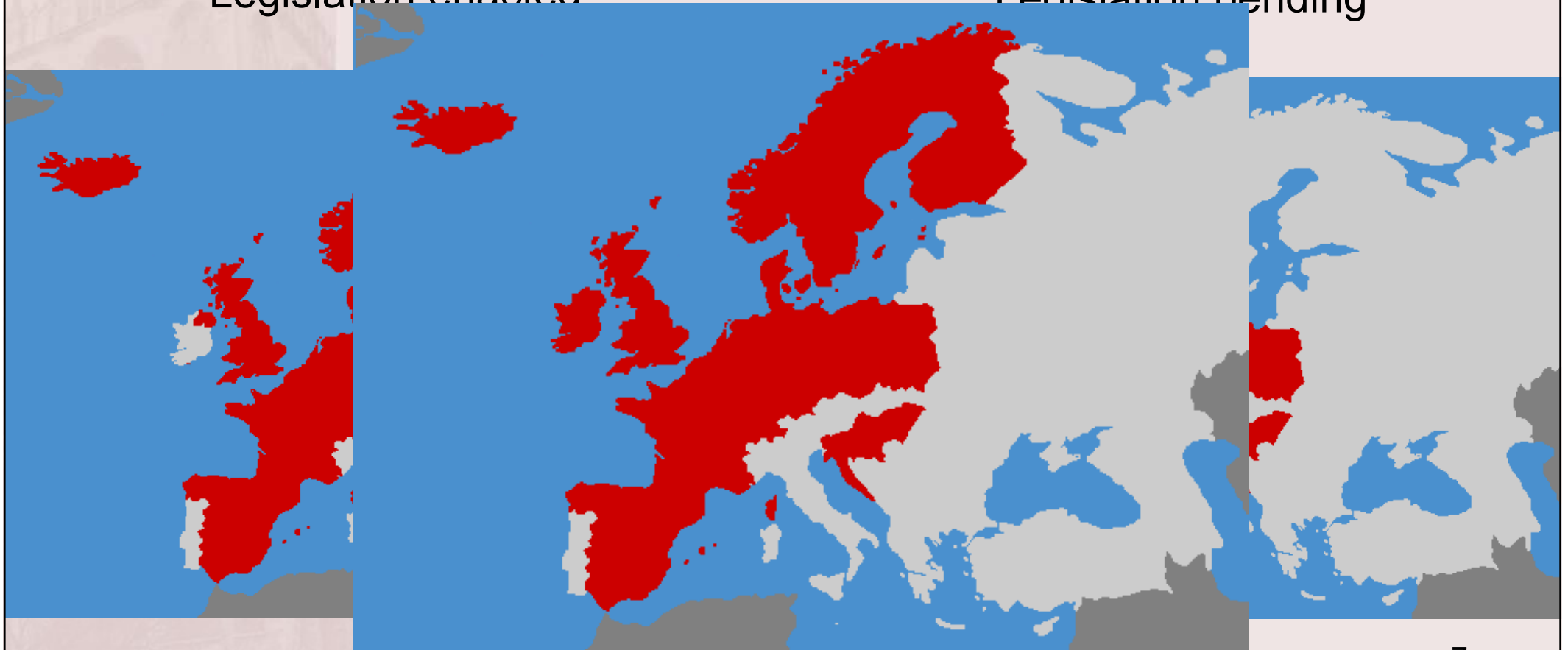


Thus, the story so far ...

Legislation enacted and pending

Legislation enacted

Legislation pending





Section 1

Establishment of the Relationship



1. Establishment of the Relationship

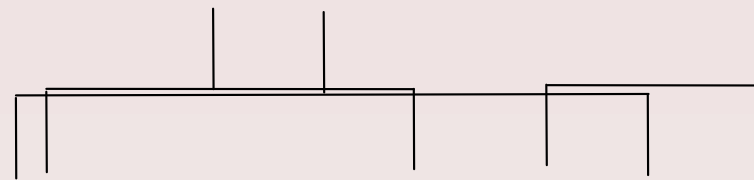
- Different conditions imposed on aspirant couples
 - Minimum age requirements – normally between 16-18
 - Prohibited degrees of relationship (except BEL)
 - Exclusivity
 - Sex
 - Competency and consent
 - Residency conditions
 - Formal requirements
- These requirements are present in virtually all jurisdictions to differing degrees



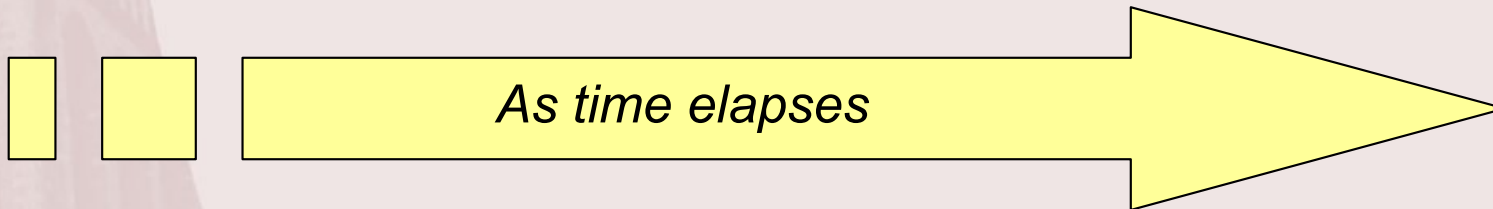
1. Establishment: Pluralistic Model

Time Period 2

Different-sex couples Same-sex couples



Marriage Marriage Non-marital registered relationships Non-marital registered relationships





1. Establishment: Dualistic Model

Different-sex couples

Same-sex couples

Marriage

Non-marital registered
relationships

Distinction drawn on the basis of sex



1. Establishment: Monistic Model

Different-sex & Same-sex couples



Marriage

No distinction drawn on the basis of sex



1. Distribution of Countries

Pluralistic		Dualistic	
Time Period 1	Time Period 2		
France	Belgium	Denmark	United Kingdom
Luxembourg	The Netherlands	Norway	Slovenia
Andorra	Spain	Sweden	Switzerland
		Iceland	Czech Republic
		Finland	Germany

No representative of monistic model in Europe (e.g. Massachusetts)



Section 2

Dissolution of the Relationship



2. Dissolution of the relationship

- **Dualistic Model**

- No reason to depart from the existing mechanisms for dissolving a marriage
- Only minor changes are normally made, e.g.
 - removal of adultery as ground in England & Wales
 - reduction of period of separation from 2 years to 1 year in Switzerland

- **Pluralistic Model**

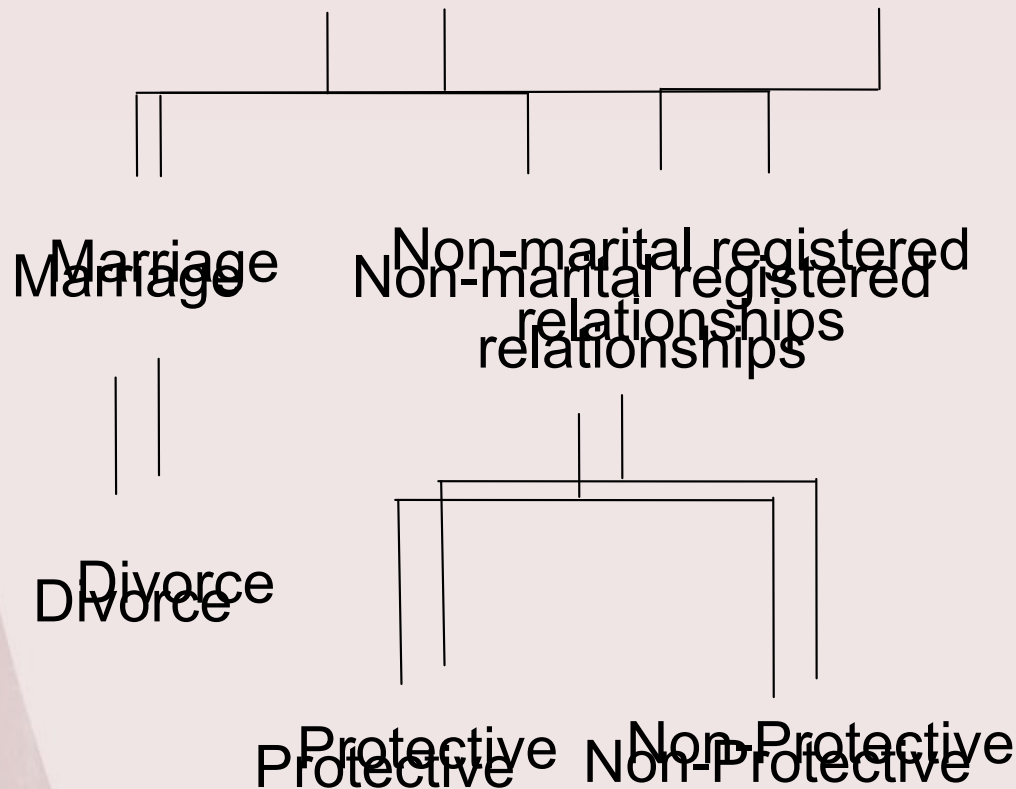
- Due to the possibility for different-sex couples to register, new scheme needed
- Two differing approaches: protective and non-protective



2. Dissolution: Pluralistic Model

Time Period 2

Different-sex & same-sex couples





2. Dissolution: Dualistic Model

Different-sex couples



Marriage



Divorce

Same-sex couples



Non-marital registered
relationships

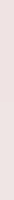


Dissolution

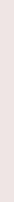


2. Dissolution: Monistic Model

Different-sex & Same-sex couples



Marriage



Divorce



2. Distribution of Countries

Pluralistic		Dualistic	
Protective	Non-protective		
The Netherlands	Belgium	Denmark	United Kingdom
	France	Norway	Slovenia
	Spain	Sweden	Switzerland
	Luxembourg	Iceland	Czech Republic
	Andorra	Finland	Germany

No representative of monistic model in Europe (e.g. Massachusetts)



Section 3

Rights and Duties



3. Rights & Duties of the Parties

- Enormous variety
- Dependent upon the rights and duties attached to marriage and non-marital cohabitation
- Possible to generalise and classify
 - Property law and personal obligations
 - Fiscal law, e.g. tax, social security, pensions
 - Family and inheritance law
 - Rights in relation to children
- If restrict to the first two categories: **weak registration**
- If allow rights in last two categories: **strong registration**



Overview

<div style="text-align: right;">Model</div> <div style="text-align: left;">Rights</div>	Pluralistic	Dualistic
Strong	The Netherlands	<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> Denmark Norway Sweden Iceland </div> <div style="width: 45%;"> Finland United Kingdom Switzerland Germany </div> </div>
Weak	<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> Belgium Luxembourg Andorra </div> <div style="width: 45%;"> France Spain </div> </div>	Slovenia Czech Republic