

Questionnaire

(E)

About this Questionnaire

1. Couples cohabiting outside marriage may face legal uncertainties when they leave the State where the registered partnership or unmarried cohabitation was formed and become subject to a foreign legal system that does not necessarily recognise their status in relation to one another, or in relation to their (adopted) children, or third parties. Even if they do not leave the State wherein their relationship originated, issues may arise abroad concerning the validity or effects of their relationship or aspects thereof.

2. The Hague Conference on Private International Law (“Hague Conference”) has been monitoring the legal situation of cohabiting couples and registered partners, focusing on the private international law implications, since 1987. In March 2015, the Permanent Bureau presented an “[u]pdate on the developments in internal law and private international law concerning cohabitation outside marriage, including registered partnerships” (“2015 Update on cohabitation outside marriage”)¹ at the Council on General Affairs and Policy of the Hague Conference (“the Council”). The Council subsequently asked the Permanent Bureau to prepare a Questionnaire to seek further information on private international law issues relating to cohabitation outside marriage, including registered partnerships. It requested that a report on the results from this survey be presented to the Council in 2017.²

3. In line with the mandate provided by the Council, the **objective** of this Questionnaire is to gather information from various national legal systems about aspects of internal and private international law relating to cohabitation outside marriage (e.g., information about the recognition of partnerships registered abroad or the applicable law in cross-border situations). The information gathered will facilitate a better understanding of the issues that registered partners and unmarried cohabitants may face in a cross-border situation.

4. Terms used to describe cohabitation outside marriage differ widely.³ For this reason, and in order to facilitate the survey, it is suggested that the **terminology** as described in the “2015 Update on cohabitation outside marriage” be applied in this Questionnaire:⁴

- The term **“cohabitation outside marriage”** encompasses “unmarried cohabitation” and “registered partnerships”.
- The term **“registered partnerships”** refers to a form of cohabitation outside marriage which, under the domestic law of the State where it originates, requires the fulfilment of certain formalities, specifically registration in a central registry. The term as used here has a wide meaning and thus also covers, *inter alia*, “domestic partnerships”, “civil partnerships”, “civil unions”, “permanent couple unions”, “statutory cohabitation”, registered “de facto relationships” and “civil

¹ Prel. Doc. No. 5 of March 2015 for the attention of the Council on General Affairs and Policy of March 2015, available on the Hague Conference website at < www.hcch.net > under “Projects” then “Legislative Projects” and “Cohabitation outside marriage”. This document was completed pursuant to the mandate given by the Council in April 2013, which invited the Permanent Bureau to continue to follow developments in this area and, resources permitting, to update its “Note on developments in internal law and private international law concerning cohabitation outside marriage, including registered partnerships”, Prel. Doc. No. 11 of March 2008 for the attention of the Council on General Affairs and Policy of April 2008.

² See the Conclusions and Recommendations adopted by the Council of 2015 (24-26 March 2015), para. 10, available on the Hague Conference website at < www.hcch.net > under “Governance” then “Council on General Affairs and Policy”.

³ For an explanation of the terminology, see, e.g., Prel. Doc. No. 11 of 2008 (*op. cit.* note 1), paras 10 *et seq.*, paras 18 *et seq.* and paras 72 *et seq.*

⁴ See Prel. Doc. No. 5 of March 2015 (*op. cit.* note 1), paras 7-10.

pacts of solidarity". Individuals in a registered partnership are referred to as "registered partners".

- The term "**unmarried cohabitation**" refers to *concubinage* or *de facto* union without this union having been registered with an authority, formed by the parties' actual cohabitation.⁵ Individuals living in unmarried cohabitation are referred to as "unmarried cohabitants".

5. The **structure** of the Questionnaire reflects the situation that most legal systems which allow for the registration of a partnership draw a distinction between unmarried cohabitation and registered partnerships. For this reason, the questions for each of these (legal) institutions are addressed in different sections of the Questionnaire accordingly (Part A: Registered Partnerships, Part B: Unmarried Cohabitation).

6. The Questionnaire further distinguishes between aspects that are **purely domestic** – aspects of internal law – and those that have an **international connection** – issues of private international law.

7. Moreover, while certain questions are **for all States to complete**, others are **relevant only to specific States**, *e.g.*, those whose internal domestic law provides for the possibility to register a partnership or have a special regime for cohabitation (or attach certain legal effects to cohabitation). Whether a question is to be answered by all or only specific States is indicated at the beginning of each question.

8. Furthermore, if the answer to any of the questions depends on the relevant **type of registered partnership or unmarried cohabitation** (*e.g.*, same-sex or opposite-sex), Members and non-Member States are kindly requested to answer the questions for each of the different types.

9. Finally, while the focus of the Questionnaire lies on the **legal aspects** of cohabitation outside marriage, the final section of the Questionnaire (Part C) asks for **statistical data** which Members and non-Member States are kindly requested to provide to the extent available.

Instructions for completion

10. In this Questionnaire the term "State" is used to cover any jurisdictional unit having competence to regulate the subject matter. Members and non-Member States are invited to complete the Questionnaire for each jurisdictional unit, if applicable.

11. Members and non-Member States are kindly invited to complete the Questionnaire (in either English or French) at their earliest convenience, but in any event by no later than **Friday 16 September 2016**.

12. In order to allow the Permanent Bureau to extract parts of the Questionnaire for a compilation and analysis of the responses, please **use this Word version** of the document, and please **do not return a PDF version** of the completed Questionnaire.

13. The Permanent Bureau would also appreciate it if a copy of, or a link to, any **legislation** mentioned in the response (preferably in English or French) could be provided, as well as relevant **case law** on private international law issues in relation to cohabitation outside marriage, including registered partnerships, if available.

14. The completed Questionnaire, as well as additional information on legislation and case law, should be sent by e-mail to < **secretariat@hcch.net** > to the attention of Ms Kerstin Bartsch, Senior Legal Officer, with the subject line: "Questionnaire – Cohabitation outside marriage".

⁵ Since in most legal systems this term is not defined, this is simply a working definition. For an explanation of the terminology, see Prel. Doc. No 11 of 2008 (*op. cit.* note 1), paras 10 *et seq.*

Publication of responses

15. The Permanent Bureau will place all responses to this Questionnaire on the Hague Conference website < www.hcch.net > unless expressly asked not to do so. A report summarising the results of this consultation will also be made available on the Hague Conference website.

Identification

Your contact information:

Name of Member or non-Member
State (or territorial unit, where applicable): [The Czech Republic](#)

For follow-up purposes:

Name of contact person: [Martina Kadlecová](#)
Name of Authority / Office: [Ministry of Justice/International Department for Civil Matters](#)
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PART A: REGISTERED PARTNERSHIPS

The term "**registered partnership**" refers to a form of cohabitation outside marriage which, under the domestic law of the State where it originates, requires the fulfilment of certain formalities (*i.e.*, registration). The term as used here has a wide meaning (see *supra* para. 4).

A.1. INTERNAL LAW

Formation:

1. *For all States:*

- a. Does the law of your State provide for the possibility of registering partnerships?
 Yes
 No
- b. If the answer is "No", is the introduction of registered partnerships being envisaged or studied by your State?
 -

2. *For States that provide for the possibility to register a partnership:*

- a. Who can register a partnership in your State?
- (1) Only opposite-sex couples
 Yes
 No
- (2) Only same-sex couples
 Yes
 No
- (3) Both opposite-sex and same-sex couples
 Yes
 No

- b. If the answer is "Yes" to questions (1) or (2), does your State envisage or study a change in the existing partnership regime? (If yes, please explain.)

No

3. *For States that provide for the possibility to register a partnership:*

- a. What are the requirements regarding the formation of a registered partnership? (If the answer depends on the relevant type of registered partnership (e.g., same-sex or opposite-sex), please answer the question for each of the different types.)

In particular, does the law of your State include the following requirements?

- (1) Neither of the partners must be married or united in a partnership with a third person.

Yes (§ 4/4c of the Act No. 115/2006 Coll., on Registered Partnership - RPA)

- (2) The partners must not be related by marriage, adoption or blood. (In the latter case, what is the accepted degree of blood relationship?)

A partnership cannot be entered into with effect between relatives in direct line and between siblings. (§ 4/3 RPA)

- (3) Both partners must attain a minimum age in order to form a partnership. (If yes, what is the minimum age?)

The minimum age is 18 years. (§4/4a RPA)

- (4) Both partners must have the mental capacity to consent to the partnership.

A partnership cannot be entered into with effect by a person who has limited legal capacity in this area. (§ 4/4b RPA)

- (5) Both partners must consent freely to the partnership.

A partnership is established by the expression of will of two persons of the same-sex made in the form of a free and complete expression of consent of those persons with their entering into the partnership. (§ 5 RPA)

- (6) Please state any other requirements:

At least one of the partners entering into the registered partnership has to be a citizen of the Czech Republic. (§ 4/2 RPA)

- b. Does your State envisage or study any changes regarding the present requirements? (If yes, please explain.)

No

Effects:

4. *For States that provide for the possibility to register a partnership:*

- a. What **rights** and **obligations** do registered partners have under the internal law of your State?

Please answer this question by taking into account the following subject matters and provide the legal basis (*i.e.*, legal rules or case law). (If your answer depends on the relevant type of registered partnership (e.g., same-sex or opposite-sex), please answer for each of the different types.)

- (1) relationship between partners, *e.g.*,

- (a) personal obligations and duties of partners (*e.g.*, duty of care of partners):

The rights and duties of partners are defined similarly to the rights and duties of spouses. (§ 8-12 RPA)

(b) maintenance obligations:

The partners have a mutual duty to maintain each other. After dissolution of the partnership, each partner is responsible for providing for his own maintenance. If he/she is not in a position to do this, he/she has a claim for maintenance against the other partner. (§ 10-12 RPA)

(c) property

Registered partnership in the Czech Republic does not allow joint property rights.

(d) inheritance:

The Czech Civil Code regulates 6 classes (groups) of potential heirs. Registered partners have the same position in the inheritance law as the spouses and inherit in the first, respectively second inheritance class (Act No. 89/2012 Coll., Civil Code).

When it comes to the statutory succession, the body handling the inheritance proceedings (typically the notary) firstly identifies the potential heirs of the deceased (i.e. relatives and cohabiting persons) and subsequently compares this group of individuals with the classes of heirs one after another until the suitable class is found, i.e. until some of the potential heirs fit the definition of the class.

Thus in the first class the decedent's children (or children's offspring) and spouse inherit the estate, each of them with equal share. However, if there are no children, the spouse cannot inherit the entire estate alone. In such a case the notary continues to test whether there is a second class of heirs.

In the second class of heirs: the spouse, decedent's parents and those who lived with the decedent in the common household for at least one year before his death and also cared for the common household or were dependent in maintenance on the decedent (so called "cohabiting persons") shall inherit the estate. In this class the spouse always inherits at least one half of the decedent's estate, other heirs inherit the rest of the estate in equal shares.

(e) other(s):

Similar to marriage, the partners jointly make decisions about issues related to their partnership. Each partner has the right to represent the other partner in his or her everyday affairs, especially to receive regular payments and other performance, unless stipulated otherwise. Both partners are bound jointly and severally by the acts of the other partner performed in the course of administering everyday affairs of the partnership. This applies to obligations undertaken during the existence of the partnership even if the partnership was later annulled or if it was extinguished. Such rules will not apply if any other person knew that the other partner expressly excluded the consequences resulting from these provisions in relation to the third party. (§ 9 RPA)

(2) children, e.g.,

(a) parental status:

If one partner has a custody over a child and both partners live together, his/her partner shall participate in the upbringing of a child. (§ 13/3 RPA)

(b) parental responsibility:

Existence of partnership does not hinder the exercise of parental responsibility for a child nor prevent a parent from being given custody of his/her child. (§ 13/1 RPA)

(c) child support:

There is no maintenance obligation for the partner's children.

(d) adoption:

The Czech Republic's Constitutional Court in June 2016 overturned a law which prevented individual gays and lesbians living in registered partnership from adopting children. However, the ruling does not allow same-sex partners to adopt children as a couple (Decision of Constitutional Court no. Pl. ÚS 7/15 from the 14th June 2016).

(e) inheritance:

Children inherit in the first inheritance class.

(f) assisted reproduction:

The Czech law governing medically assisted reproduction in the Czech Republic allows the performance of many treatments out of the ones available nowadays, including third-party reproduction. Access to assisted conception is only granted to heterosexual couples.

(g) surrogacy:

Surrogacy is not illegal in the Czech Republic but it is not regulated by the law.

(h) other(s):

(3) other financial matters, e.g.,

(a) pensions, including social security benefits:

Partners are not entitled to widow/widower pension after a deceased partner (§ 49 of Act No. 155/1995 Coll., on pension insurance).

(b) other(s):

Tax law: for the purposes of income tax, registered partners have the same status as spouses (Income Tax Act - No. 586/1992 Coll.).

- b. Does your State envisage or study any changes in respect of these effects? (If yes, please explain.)

The Czech Republic (The Governmental Office - The Minister of Human Rights) prepares an amendment of the Registered Partnership Act. The amendment brings the right to adopt not only the child of the second partner, but any child (e.g. from the Children's Home).

Annulment or Dissolution:5. *For States that provide for the possibility to register a partnership:*

- a. Consider the situation where a couple has registered their partnership in your State.

Does your State have a special procedure for **annulment** and / or **dissolution** of the partnership? Please describe the judicial or administrative process. (If your answer depends on the relevant type of registered partnership (e.g., same-sex or opposite-sex), please answer for each of the different types.)

The partnership may be dissolved by judicial decision upon the petition of one or both of the life partners. The court shall dissolve the partnership if one of the partners petitions for the dissolution and proves that the relationship no longer exists in fact. The court shall dissolve the partnership without further examining whether the relationship exists or not, if both partners petition for the dissolution or the respondent consents to the dissolution.

- b. Does your State envisage or study any changes regarding the conditions or procedures for annulment or dissolution of a registered partnership? (If yes, please explain.)

No

A.2. PRIVATE INTERNATIONAL LAW

Formation (in situations with an international element):

6. For States that provide for the possibility to register a partnership:

- a. Does the law of your State provide for the possibility of registering a partnership if:
- (1) One partner is a national of your State and the other partner is not?
 - Yes
 - If yes, are there further requirements (e.g., regarding habitual residence)?
 At least one of the partners entering into the registered partnership has to be a citizen of the Czech Republic. (§ 4/2 RPA)
 - No
 - (2) Neither of the partners are nationals of your State?
 - Yes
 - If yes, are there further requirements (e.g., regarding habitual residence)?
 - No
 - (3) One partner is habitually resident in your State and the other partner is not
 - Yes
 - If yes, are there further requirements (e.g., regarding nationality)?
 - No
 - (4) Both partners have their habitual residence in a State other than your State?
 - Yes
 - If yes, are there further requirements (e.g., regarding nationality)?
 - No
- b. If the response to any of these questions is "Yes":
- (1) Does the internal law of your State govern the **formal requirements for registration** in your State, or does, under the conflict of law rules of your State, the internal law of another State apply and, if so, what law(s)?
 The affirmative declaration must be done before the registrar (§ 3 RPA and § 13a of the Act No. 301/2000 Coll., on Offices of Vital Records, Names and Surnames).
 - (2) Does the internal law of your State govern the **substantive requirements for registration** in your State, or, does, under the conflict of law rules of your State, the internal law of other State(s) apply and, if so, what law(s)?
 Act No. 115/2006, on Registered Partnership

Recognition of the validity and effects of a partnership registered abroad:

7. For all States:

- a. Would the **validity** of a partnership registered abroad be **recognised** in your State?
- Yes
 - Yes, except for situations where there is a substantial link to my State.

Please indicate what connecting factor(s) would prevent recognition (e.g., no recognition if one or both partners are nationals of or habitually resident in your

State).

[Please insert text here](#)

Yes, with exceptions (*e.g.*, where there is no substantial connection of partners with my State, or: no connection between the partners and the State of registration).

Please provide details of any such exceptions to recognition by your State.

[Please insert text here](#)

No

b. Would any of the following **effects** of the partnership registered abroad be **recognised** in your State?

- (1) relationship between partners, *e.g.*,
 - (a) personal obligations and duties of partners (*e.g.*, duty of care of partners):
[Please insert text here](#)
 - (b) maintenance obligations:
[Please insert text here](#)
 - (c) property:
[Please insert text here](#)
 - (d) inheritance:
[Please insert text here](#)
 - (e) other(s):
[See answers in Part 4/a/1](#)
- (2) children, *e.g.*,
 - (a) parental status:
[Please insert text here](#)
 - (b) parental responsibility:
[Please insert text here](#)
 - (c) child support:
[Please insert text here](#)
 - (d) adoption:
[Please insert text here](#)
 - (e) inheritance:
[Please insert text here](#)
 - (f) assisted reproduction:
[Please insert text here](#)
 - (g) surrogacy:
[Please insert text here](#)
 - (h) other(s):
[See answers in Part 4/a/2](#)
- (3) other financial matters, *e.g.*,
 - (a) pensions, including social security benefits:

Please insert text here

(b) other(s):

See answers in Part 4/a/3

(4) Would the registered partnership constitute an impediment to the conclusion or formation by one of the partners of a marriage or a new partnership with a third person?

Yes

No

(5) Would the surname declared by the partners upon the registration of their partnership be recognised in your State?

Yes

No

c. If your response to a. is "Yes" or "Yes, except for situations where there is a substantial link to my State", what are the **requirements for recognition** of the **validity** of the registered partnerships?

No automatic recognition. It must be registered with the Special Registry Authority in the city of Brno.

Registered partnerships and their effects, the eligibility to conclude the partnership, form of their conclusion and dissolution, invalidity and non-existence are subject to the law of the state in which the registered partnership is or was concluded (§ 67/2 of the Act No. 91/2012 Coll, on Private International Law - PILA). The validity cannot be recognized if the recognition would be manifestly contrary to public order.

In particular, does the law of your State require any of the following?

(1) The registered partnership must be valid in accordance with the internal law or conflict of law rules of the State in which registration took place.

Yes

No

(2) There is a civil status document proving the (existence and) validity of the registered partnership.

Yes

No

(3) Neither of the partners is married or united in a partnership with a third person.

Yes

No

(4) The partners are not related by marriage, adoption or blood. (In the latter case, what is the accepted degree of blood relationship?)

Yes

No

(5) Both partners had attained a minimum age when they formed the partnership.

Yes

No

(6) Both partners had the mental capacity to consent to the partnership.

- Yes
 No

(7) Both partners had consented freely to the partnership.

- Yes
 No

(8) The effects of the partnership under the applicable law must be similar to those of a marriage:

- Yes
 No

(9) The effects of the partnership granted in the State where the partnership was registered should not exceed the effects granted for registered partnerships under your State.

- Yes
 No
 Not applicable (My State does not provide for registration of a partnership.)

(10) Any other requirements for the recognition of the (existence and) validity of the registered partnership (please explain):

The validity of the registered partnership cannot be recognized if the recognition would be manifestly contrary to public order.

(11) May or must recognition of the (existence or) validity of a registered partnership or its effects be refused if this recognition would be manifestly contrary to public policy? If yes, under which circumstances?

- Yes

Please insert text here

- No

d. Would your reply to the previous questions be different when a question regarding the validity or effects of a registered partnership arises as a **preliminary issue** in the context of another question of private international law before the authorities of your State (*e.g.*, about maintenance or inheritance)?

No

Recognition of the annulment or dissolution of a partnership registered abroad:

8. For all States:

Consider the situation where the partners have registered their partnership in State X. Subsequently, their partnership has been dissolved or annulled in that State or in a third State.

Would the **annulment** or **dissolution** of the partnership be **recognised** in your State? If so, under what conditions?

- Yes

Foreign judgements on the dissolution, invalidity and non-existence of a registered partnership or a similar relationship which have been issued in the state where the registered partnership was concluded or in the third state (if that judgements are recognised in the state where the partnership was concluded), are recognised without any further proceedings (§ 67/3 PILA).

- No

Please insert text here

- Not applicable (My State would not recognise the validity or certain effects of the partnership.)

9. *For States that provide for the possibility to register a partnership:*

Consider the situation where partners have registered their partnership in your State. Subsequently the partnership has been dissolved or annulled in a *foreign* State. Would that **dissolution** or **annulment** be recognised in your State? If so under what conditions?

- Yes

The Czech courts shall have jurisdiction to decide upon dissolution, invalidity or non-existence of a registered partnership, provided the registered partnership was concluded in the Czech Republic or at least one of the partners is a citizen of the Czech Republic and is habitually resident in the Czech Republic (§ 67/1 PILA).

- No

Please insert text here

Jurisdiction:

10. *For States that provide for the possibility to register a partnership:*

- a. Please state any specific rule applying in your State concerning the **jurisdiction** of the authorities of your State regarding the **validity** of

- (1) a partnership registered in your State.

Act No. 99/1963 Coll., Civil Procedure Code

- (2) a partnership registered in a foreign State.

The Czech courts shall have jurisdiction in proceedings when the (Czech) procedural provisions stipulate a local jurisdiction (venue) of a court in the territory of the Czech Republic, without prejudice to the application of other provisions of this Act or other legislation (§ 6/1 PILA).

- b. Please state any specific rule applying in your State concerning the **jurisdiction** of the authorities of your State regarding the **annulment** and **dissolution** of

- (1) a partnership registered in your State.

The Czech courts shall have jurisdiction to decide upon dissolution, invalidity or non-existence of a registered partnership, provided the registered partnership was concluded in the Czech Republic (§ 67/1 PILA).

- (2) a partnership registered in a foreign State.

The Czech courts shall have jurisdiction to decide upon dissolution, invalidity or non-existence of a registered partnership, provided at least one of the partners is a citizen of the Czech Republic and is habitually resident in the Czech Republic (§ 67/1 PILA).

Applicable law (conflict of laws):

11. *For States that provide for the possibility to register a partnership:*

- a. Please state any specific conflict of law rule(s) applying in your State concerning the validity or any of the effects, or the dissolution or annulment of a registered partnership.

Registered partnerships and their effects, the eligibility to conclude the

partnership, form of their conclusion and dissolution, invalidity and non-existence are subject to the law of the state in which the registered partnership is or was concluded. The same law is also used for the regulation of the personal and property relations of the partners (§ 67/2 PILA).

- b. In particular, please explain your State's approach to determine the applicable law, *e.g.*, application of, exclusively, domestic law to the effects of the partnership; application of the law of the common habitual residence of the partners, application of the law where the partnership was registered (*lex loci registrationis* rule). (See Prel. Doc. No 5 of March 2015, paras. 49 *et seq.*)

Lex loci celebrationis

12. *For States that provide for the possibility to register a partnership:*

Does your State envisage or study any changes in relation to the conflict of law rules and other private international law aspects of registered partnerships (*e.g.*, in relation to the formation of a partnership, the recognition of the validity and effects of a partnership registered abroad or the recognition of the annulment or dissolution of a partnership)? (If yes, please explain.)

No

Legal and practical problems:

13. *For all States:*

- a. Do you know of any legal and / or practical problems that have arisen in your State in the context of registered partnerships where there are international elements involved? If so, please describe briefly.

No

- b. In particular, do you know of any situation where registered partners lost rights they had acquired under the law of the State where they had registered their partnership after moving to another State? If so, please describe briefly.

No

PART B: UNMARRIED COHABITATION

The term "**unmarried cohabitation**" refers to *concubinage* or *de facto* union without this union having been registered with an authority, formed by the parties' actual cohabitation (see *supra*, para. 4).

B.1. INTERNAL LAW

Legal regime and effects:

14. *For all States:*

- a. Does the national law of your State establish a **specific legal regime** for cohabitation? (If yes, please explain.)

Yes

No

- b. If not, does the national law of your State attach **certain legal effects** to (aspects of) cohabitation? (If yes, please explain.)

Yes

There are few situations, when the Czech law attaches legal effects to the regime of persons who live together. These will be mentioned below. There is no specific regime for

unmarried cohabitations.

No

15. *For States that establish a specific legal regime for cohabitation or which attach certain legal effects to (aspects of) cohabitation:*

What **rights** and **obligations** do unmarried cohabitants have under the law of your State? Are there any requirements which have to be fulfilled before such rights or obligations arise?

Please answer both questions by taking into account the following subject matters and provide the legal basis (*i.e.*, legal rules or case law). (If the answer depends on the type of unmarried cohabitation (*e.g.*, whether the couple is of the same-sex or opposite-sex), please answer the question for each type):

- a. relationship between unmarried cohabitants, *e.g.*,
- (1) personal obligations and duties of unmarried cohabitants (*e.g.*, duty of care of unmarried cohabitants):

No

- (2) maintenance obligations:

Unmarried mother (regardless of cohabitation) has right to receive maintenance (expenditure with her pregnancy and with the birth of the child and maintenance for period of two years after the birth)

§ 920 Civil Code - Maintenance and support, and provision for the payment of certain costs for an unmarried mother:

(1) If the child's mother is not married to the child's father, the child's father shall provide her with maintenance for two years from the birth of the child and provide her with a reasonable contribution to cover the costs associated with pregnancy and childbirth. The man whose paternity is probable has the duty to reimburse the costs associated with pregnancy and childbirth even if the child is not born alive.

(2) A court may, on the application of a pregnant woman, order to the man whose paternity is probable to provide an amount needed for maintenance and a contribution to cover the costs associated with pregnancy and childbirth in advance.

(3) A court may, on the application of a pregnant woman, also order to the man whose paternity is probable to provide in advance an amount needed to provide for the maintenance of the child for a period for which a woman would be entitled to maternity leave as an employee under another legal regulation.

- (3) property relations:

- (4) inheritance:

Similar to the regime of people who live together in the common household.

§ 1636 Civil Code - Second class of heirs

In the second class of heirs: the spouse, decedent's parents and those who lived with the decedent in the common household for at least one year before his death and also cared for the common household or were dependent in maintenance on the decedent (so called "cohabiting persons") shall inherit the estate. In this class the spouse always inherits at least one half of the decedent's estate, other heirs inherit the rest of the estate in equal shares.

§ 1637 - Third class of heirs

If neither the spouse nor the decedent's parents inherit, the decedent's

estate will be equally divided in the third class of heirs to decedent's siblings (or their children) and the cohabiting persons.

- (5) other(s):
 - Living:
 - There could be a joint lease for the people who want to live together. (§ 2270 Civil Code)
- b. children, *e.g.*,
 - (1) parental status:
 - Parental status is independent to the marriage. (§ 775 - 793 Civil Code)
 - (2) parental responsibility:
 - Parental responsibility doesn't depend on the marriage.
 - (3) child support:
 - The maintenance obligation doesn't depend on the marriage.
 - (4) inheritance:
 - The position of children born in the marriage and in the unmarried cohabitation is the same.
 - (5) adoption:
 - Unmarried couples cannot adopt children in the Czech Republic. However it is allowed for unmarried couples to adopt the biological child of the other partner.
 - (6) assisted reproduction:
 - The Czech law governing medically assisted reproduction in the Czech Republic allows the performance of many treatments out of the ones available nowadays, including third-party reproduction. Access to assisted conception is only granted to heterosexual couples.
 - (7) surrogacy:
 - Surrogacy is not illegal in the Czech Republic but it is not regulated by the law.
 - (8) other(s):
- c. other financial matters, *e.g.*,
 - (1) pensions, including social security benefits:
 - For some types of social benefits is important, if there is a single person (*e.g.* single parent with child) or if there is a cohabitation.
 - (2) other(s):

B.2. PRIVATE INTERNATIONAL LAW

Recognition of the validity of a special legal regime for, or of certain legal effects of, unmarried cohabitation:

16. *For all States:*

Consider the situation where a couple has acquired certain rights and obligations under a special legal regime for unmarried cohabitation in State X, or the couple has acquired certain rights and obligations because the laws of State X attach certain legal effects to their unmarried cohabitation.

- a. Would the **validity** of the legal regime for unmarried cohabitation of State X be recognised in your State?
 Yes
 No
- b. Would any of the **effects** which the unmarried cohabitation has under the laws of State X be recognised in your State?
 Yes
 No
- c. If the answer to a. or b., is "yes", what are the requirements (*substantive and / or formal* requirements) for the recognition of the legal regime or of its effects?
 Relationships (regimes) similar to registered partnerships and their effects, the eligibility to conclude the partnership, form of their conclusion and dissolution, invalidity and non-existence are subject to the law of the state in which the registered partnership is or was concluded (§ 67/2 PILA). The validity cannot be recognized if the recognition would be manifestly contrary to public order.
- d. Would the reply to the previous questions be different when a question regarding the validity or effects of the unmarried cohabitation arises as a **preliminary issue** in the context of another question of private international law before the authorities of your State (*e.g.*, about maintenance or inheritance)?

No

Jurisdiction:

17. *For States that provide for a specific legal regime for cohabitation or which attach certain legal effects to (aspects of) cohabitation:*

Please state any specific rules applying in your State concerning the **jurisdiction** of the authorities of your State regarding the specific legal regime for cohabitation or its effects.

The Czech courts shall have jurisdiction in proceedings when the (Czech) procedural provisions stipulate a local jurisdiction (venue) of a court in the territory of the Czech Republic, without prejudice to the application of other provisions of this Act or other legislation (§ 6 PILA).

Applicable law (conflict of laws):

18. *For States that provide for a specific legal regime for cohabitation or which attach certain legal effects to (aspects of) cohabitation:*

Please state any specific conflict of law rules applying in your State concerning the legal regime for cohabitation or concerning the legal effects attached to (aspects of) cohabitation.

Relationships (regimes) similar to registered partnerships and their effects, the eligibility to conclude the partnership, form of their conclusion and dissolution, nullity and non-existence are subject to the law of the state in which the registered partnership is or was concluded (§ 67/2 PILA).

Legal and practical problems:

19. *For all States:*

- a. Do you know of any legal and / or practical problems that have arisen in your State in the context of unmarried cohabitation where there are international elements involved? If so, please describe briefly.

No

- b. In particular, do you know of any situation where unmarried cohabitants lost rights they had acquired under the law of the State where they had cohabited after moving to another State? If so, please describe briefly.

No

Future developments:

20. *For all States:*

Are any developments foreseen in your national law, *e.g.*, modification or introduction of a legal regime for cohabitation or of certain legal effects of cohabitation? Are any developments foreseen in relation to private international law aspects of cohabitation outside marriage?

No

PART C: Statistics

21. *For all States:*

Please provide any statistics relating to registered partnerships and unmarried cohabitation where applicable, if available, *e.g.*,

- a. the (estimated) number of registered partners in your State and any trend in this regard;

Please insert text here

- b. the (estimated) number of couples who are cohabiting without being married in your State and any trend in this regard:

Please insert text here

- c. the (estimated) birth / adoption / surrogacy rates for registered partners and unmarried cohabitants in your State and any trends in this regard:

Please insert text here

- d. the (estimated) number of registered partnerships that have been annulled or dissolved in your State:

Please insert text here

- e. the (estimated) number of international couples (*i.e.*, at least one partner is not a national of or habitually resident in your State) and any trends in this regard:

Please insert text here

- f. any other relevant statistics:

Please insert text here