

Registered partnership

Act on registered partnerships between persons of the same sex (Partnership Act)

Entry into force: 1 January 2007

A registered partnership commits partners of the same sex to lead life as a couple and to assume joint responsibilities. Partners must assist and respect each other. They must each contribute, as far as they are able, to the support of their life together.

Conditions

To form a registered partnership, partners must meet the following legal conditions:

- Partners must be over the age of 18 years and capable of proper judgement;
- They must not already be married or bound by a registered partnership;
- Persons who are legally incapable must have the consent of their legal representative;
- Partners must not be directly related. A person cannot form a partnership with his/her brother or sister, father or mother or a grand-parent, whether they are related by blood or by adoption.
- One of the two partners must hold Swiss nationality or be resident in Switzerland.

Persons who are not resident in Switzerland and who do not hold Swiss nationality may not form a partnership in Switzerland.

Preparatory procedure

The partners must go in person to the registry office covering the residence of one of them and must produce the following documents:

Swiss nationals:

A personal civil status certificate and a certificate of residence.

Foreign nationals:

A certificate of residence and documents proving their birth, sex, surname, parentage, civil status and nationality.

Partners previously married or bound by a registered partnership:

Confirmation of the dissolution of the marriage or registered partnership.

The application form to register a partnership can be requested from the relevant registry office.

Having completed this form and produced the necessary documents, the partners must also personally declare to the registrar that they meet all the legal conditions.

The registrar will examine the application and inform the partners whether the partnership can be registered. The details of the registration will be decided in agreement with the registry office. Registration must occur within three months of notification of the decision that the preparatory procedure has been successfully completed.

Swiss nationals abroad may file their application through the relevant diplomatic or consular representation.

Formation of the partnership

The two partners will make a declaration before the registrar that they wish to form a partnership. The registrar will get them to sign the partnership document and will then issue them with a partnership certificate.

Costs

The registry office charges a fee for registering the partnership (preparation and formation of the partnership) and for the documents issued.

Recognition of homosexual partnerships formed abroad

A partnership which has been duly formed abroad will be recognised in Switzerland if it complies with Swiss legal principles.

The partnership will be recorded in the "Infostar" civil status register if one of the partners holds Swiss nationality or is resident in Switzerland. The application for recognition must be filed with the Swiss representation (embassy or consulate) together with the documents on the registered partnership.

The Swiss representation will verify the accuracy of the documents, legalise these and then translate them, if necessary, into an official language of Switzerland (in return for payment of a fee). The documents will then be sent to the relevant cantonal civil status supervisory authority. The supervisory authority of the canton of origin will be responsible for Swiss nationals abroad whereas, for foreign nationals resident in Switzerland, recognition will be decided by the civil status supervisory authority of the canton of residence.

The cantonal supervisory authority will decide whether the partnership can be recognised. If the conditions are met, it will order the partnership to be recorded in the registers. Based on this decision, the partnership formed abroad may therefore be recorded in the "Infostar" civil status register.

A marriage celebrated abroad between persons of the same sex will be recognised in Switzerland as a registered partnership.

New civil status

Civil status must always be indicated on official forms and in correspondence with the authorities. The official term is "bound by a registered partnership" or "partnership dissolved" after the legal dissolution of the partnership or the death of a partner.

Joint home

The two partners undertake, as a result of registering the partnership, to lead life as a couple. They will decide together whether they want to live in a joint home or in two or more apartments. One partner cannot relinquish or cancel the lease for the joint apartment without the express consent of the other partner.

Effects of the registered partnership

Personal effects

a) Surname

The registered partnership will have no effect on the surname of the partners or on their citizenship. However, to indicate their partnership, partners do have the option of using a combined surname made up of their two hyphenated surnames. The combined surname may be used in daily life and may appear, on request, in their passports or identity cards.

Foreign partners can declare to the registrar that they want their surname to be governed by their national law (Article 37(2) of the Federal Act on Private International Law: LDIP RS 291¹). In some countries (e.g. Germany, Scandinavian countries), the national law allows partners to bear a joint surname.

b) Nationality

As regards the foreign partner acquiring Swiss nationality, the law does not allow for Swiss naturalisation to be obtained in a simplified manner as is the case with a foreign spouse of a Swiss national.

Property effects of the partnership

Each partner will own his/her own property and will be solely responsible for his/her debts. This system corresponds to the system of separation of property under matrimonial law. Each partner is obliged, if requested, to inform the other partner about his/her income, property and debts. At the request of one partner, the courts may compel the other partner or third parties to provide appropriate information and to produce the necessary documents.

If the partnership is dissolved, the partners may conclude a special agreement and specify, for example, that the property will be shared according to the provisions of matrimonial law on participation in the property acquired after marriage. This type of agreement will be valid only if drawn up as an officially recorded document by an authorised person (notary).

Each partner may have an officially recorded inventory drawn up of the respective property, to be produced as evidence.

In the areas of tax law and inheritance law, registered partners will be treated like married couples. If one of the partners dies, the surviving partner will be regarded as a widow/widower in terms of entitlement to old-age and survivors' pensions (*rente AVS*) and additional work pensions (*prévoyance professionnelle*).

Notifications

The lessor of the joint home must be informed of the partnership's registration because cancellation of the lease by the lessor is valid only if sent separately to each of the two partners.

Partnership and children

Adoption of a child and recourse to artificial reproduction are prohibited for persons bound by a registered partnership. Adoption of the partner's child is also not permitted.

Where a partner has children, the other partner must duly assist his/her partner in fulfilling the support obligation and in exercising parental authority and must represent his/her partner when circumstances require this (for example in the event of illness or absence).

Dissolution of the partnership

The two partners may together file a request for dissolution of the partnership with the courts. Each partner may also ask the courts to dissolve the partnership if the couple has lived separately for at least one year.

The additional work pension benefits (*prévoyance professionnelle*) will be shared as in the case of a divorce. After the registered partnership has been dissolved, each partner will in principle be responsible for supporting himself/herself. However, where one person has, due to the distribution of tasks during the registered partnership, limited his/her paid work or has not worked, he/she may request reasonable support contributions from his/her partner until he/she can again obtain work allowing him/her to support himself/herself.

¹ Translator's note: LDIP = loi fédérale sur le droit international privé; RS = Recueil Suisse (Swiss gazette).

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