

User guide of the Interactive database

Version 01 February 2017

[Go to the Interactive database](#)

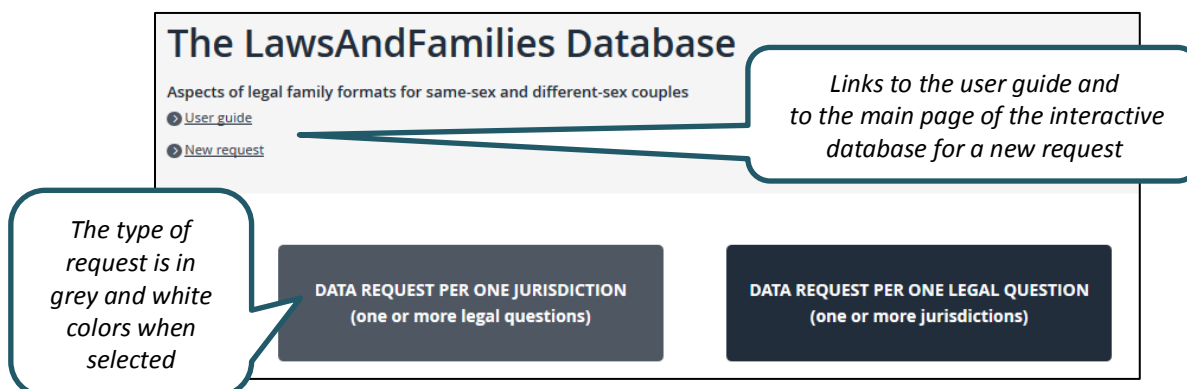
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Introduction

Two types of data requests are available (Figure 1). The first allows creating result tables for one jurisdiction and one or more legal questions; while the second gives the possibility to visualize tables for one legal question and one or more jurisdictions. Both types of data requests allow the selection of one or more legal family formats and of one or more years. And both provide export options in Excel and PDF.

Figure 1: Types of data requests



Data requests per one jurisdiction

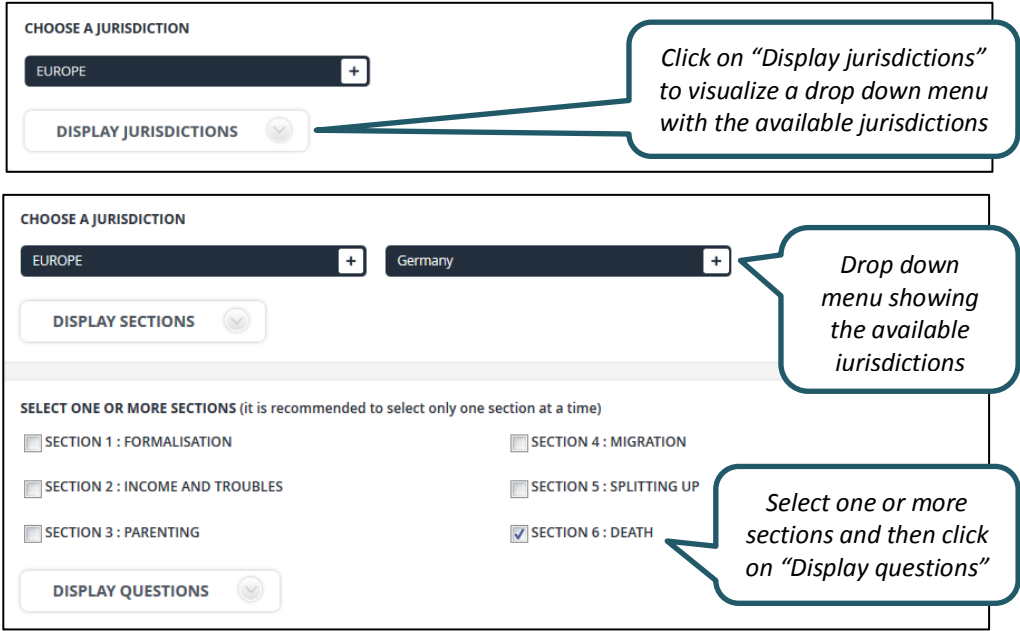
The data request for one jurisdiction makes is possible to visualize and compare, for a given jurisdiction, the data for one or more sections, one or more legal questions, one or more legal family formats, and one or more years.

Most jurisdictions are countries, but some are parts of countries; for example, Scotland is one of three jurisdictions within the United Kingdom (UK). Over the years, more jurisdictions (hopefully in more continents) may be added to this database. It is possible that for some countries, some sections will be added before other sections.

There are six legal family formats: marriage (different-sex and same-sex), registered partnership (different-sex and same-sex) and cohabitation (different-sex and same-sex). The database contains data from 1965 until 2015, and for some jurisdictions until a more recent year.

After having chosen a continent and a jurisdiction, users are required to select one or more sections (Figure 2). It is recommended to select only one section at a time.

Figure 2: Choice of a jurisdiction and selection of one or more sections



Each section is thematic (see Figure 2). In total there are 69 questions, including 9 open questions (always at the end of a section). It is possible to select all questions of one or more sections, or just one or more questions of one section or of different sections (Figure 3).

Figure 3: Selection of one or more questions

The screenshot shows a survey interface titled "SELECT ONE OR MORE QUESTIONS" for "SECTION 6. DEATH". At the top, there is a checkbox labeled "Select all questions of Section 6". Below this are seven questions, each with a checkbox and a description:

- 6.01 Tenancy continuation**
When the partner who holds the rental contract dies, does the other partner then have a right to continue to rent the home?
- 6.02 Property at death**
When one partner dies, do statutory rules consider as joint property any possessions acquired by either of them after they started this type of relationship?
(In other words: would the surviving partner be deemed to own 50% of these possessions, while the other 50% are subject to relevant rules of inheritance law?)
- 6.03 Inheritance**
When one partner dies without testament, is the other partner then an inheritor?
- 6.04 Inheritance tax**
Is the surviving partner exempted from paying inheritance tax (or required to pay less than a mere friend would have to pay)?
- 6.05 Survivor's pension**
When one partner dies while being employed, is the surviving partner then normally entitled to a survivor's pension?
(For example on the basis of statutory law, and/or on the basis of a collective labour agreement or arrangements of the employer.)
- 6.06 Wrongful death**
In case of wrongful death of one partner, is the other partner then entitled to compensation from the wrongdoer?
- 6.07 General background regarding death** (Open question)
If you consider it useful to provide some general information or comments about (past, present or future) developments and trends in legal policy and case law in your country/jurisdiction, or information on other aspects (socio-legal, political, legal-cultural, etc.) that may be relevant for the understanding your answers above regarding death, then please do so here.

At the bottom of the form is a "CONTINUE" button with a downward arrow. Three callout boxes provide instructions: one points to the "Select all questions of Section 6" checkbox, another points to the checkboxes of individual questions, and a third points to the "CONTINUE" button.

Having selected one or more questions, users can select one or more legal family formats; they may do so by *de*-selecting one or more of them. After that, they have to select one or more years, and choose how to display the results (Figure 4). If only one or more open questions are selected, users will directly be asked to choose a display option.

Figure 4: Selection of one or more legal family formats, one or more years, and choice of how to display the results

The screenshot shows a web interface with three main sections:

- SELECT ONE OR MORE LEGAL FAMILY FORMATS (different-sex marriage is always included in this selection)**: Contains six checkboxes for 'Marriage diff.-sex', 'Registered partnership diff.-sex', 'Cohabitation diff.-sex', 'Marriage same-sex', 'Registered partnership same-sex', and 'Cohabitation same-sex'. A callout box points to the checkboxes with the text: "Click on or on a legal family format to deselect it".
- SELECT ONE OR MORE YEARS**: Includes a grid of year buttons from 2017 to 1990, with 2014, 2013, 2012, and 2010 highlighted. A callout box points to the year selection area with the text: "Select one year or a range of years. Alternatively, select all years since 1965, or since 1989, or since 2001".
- CHOOSE HOW TO DISPLAY THE RESULTS**: Contains two radio button options: "Questions in the rows" (selected) and "Questions in the columns". A callout box points to the "Questions in the columns" option with the text: "The display option 'Questions in the columns' is limited to 13 columns".

At the bottom right, there is a "SEE RESULTS" button.

Selecting a range of years by holding down simultaneously the SHIFT and CAPS keys, will not work in every web browser.

Please note that the information for older years in this database is often less complete than for more recent years. The years for the "All years since" options, have been chosen because the first law introducing registered partnership came into force in 1989 (in Denmark) and the first law opening up marriage to same-sex couples came into force in 2001 (in Netherlands).

The two available display options differ only in terms of how the questions are shown: either in the rows (Figure 5) or in the columns of the results table. The years are always displayed in rows, and the legal family formats always in columns.

Figure 5: Display layout “Questions in the rows”

Your request

Continent(s): Europe
 Jurisdiction(s): Germany
 Section(s): 6 - Death
 Question(s): 6.01 - Tenancy continuation, 6.07 - General background regarding death (Open question)
 Legal family format(s): Marriage diff.-sex, Marriage same-sex, Registered partnership diff.-sex, Registered partnership same-sex, Cohabitation diff.-sex, Cohabitation same-sex
 Year(s): 2014, 2013, 2012, 2011, 2010
 Display layout: questions-in-the-rows

[MODIFY YOUR REQUEST](#)

Summary of selections made

Your results

When citing any of the answers below to one or more of the questions, please use the relevant citations given below under "Sources" (always including the author(s) and the weblink(s)). These documents also provide references to legal sources and explanations and nuances regarding the answers for this jurisdiction.

[HOW TO READ THE RESULTS](#)

Click on "How to read the results" to visualize or to hide the legend that explains the answer codes and colours

Question	Year	Marriage		Registered partnership		Cohabitation		References to legal sources & Explanations and nuances
		diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex	
SECTION 6: DEATH (a)								
6.01 - Tenancy continuation When the partner who holds the rental contract dies, does the other partner then have a right to continue to rent the home?	2014	Yes	N/A	N/A	Yes	Yes	Yes	More...
	2013	Yes	N/A	N/A	Yes	Yes	Yes	
	2012	Yes	N/A	N/A	Yes	Yes	Yes	
	2011	Yes	N/A	N/A	Yes	Yes	Yes	
	2010	Yes	N/A	N/A	Yes			
6.07 - General background regarding death (Open question) If you consider it useful to provide some general information or comments about (past, present or future) developments and trends in legal policy and case law in your country/jurisdiction, or information on other aspects (socio-legal, political, legal-cultural, etc.) that may be relevant for the understanding your answers above regarding death, then please do so here.	The case of Maruko (Court of Justice EU 1 April 2008 - 267/06) was the turning point for registered partnerships in Germany. Many Länder changed their pension laws after the amendments took place only after the Federal Constitutional Court embra... 2009 (1 BvL 1/11, see questions 6.5).							

Link to the footnote indicating the source-paper

Click on "More..." to visualize references and explanations about the answers to this question for this jurisdiction (Figure 6)

Sources

(a) L. Adamietz, "Death and legal family formats in Germany". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, LawsAndFamilies-DE-Section6.pdf

Citation and link to the source-paper

Download(s)

- LawsAndFamilies_DE.xls [XLS | Microsoft Excel & OpenOffice]
- LawsAndFamilies_DE.pdf [PDF]

XLS and PDF

The display option "Questions in the columns" is not possible when the combined number of selected questions and legal family formats would require more than 13 columns to be displayed. And this option does not work well in the downloads, when one or more open questions have been selected.

Please note that the XLS download option will not work in all web browsers.

For each question, clicking on "More..." (under the item "References to legal sources & Explanations and nuances") displays in a separate window all available information on the answers to that question for the selected jurisdiction for all years and all legal family formats (Figure 7). This does not apply to open questions. The same information, but then for all questions in a section (including the open questions), can be found in the source-paper(s) mentioned under "Sources".

Figure 6: Window available by clicking on "More..."

Jurisdiction: **Germany**

Source: L. Adamietz, "Death and legal family formats in Germany". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database - Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-DE-Section6.pdf](#) (please use this full citation when citing any information from this table).

Section: **6 - Death**

Question: **6.01 - Tenancy continuation**
When the partner who holds the rental contract dies, does the other partner then have a right to continue to rent the home?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 0000	2015 N/A 0000	2015 N/A 0000	2015 Yes 2001	2015 Yes 1993	2015 Yes 2001
			N/A 0000	No 0000	No 0000
References to legal sources: Art. 563 Bürgerliches Gesetzbuch - Civil Code.		References to legal sources: Art. 563 Bürgerliches Gesetzbuch - Civil Code.		References to legal sources: BGH, judgment of 13 January 1993 - VIII ARZ 6/92, BGHZ 121, 116. Art. 563(2) cl. 4 Bürgerliches Gesetzbuch - Civil Code.	
Explanations and nuances: Upon death of the lessee the surviving spouse becomes automatically a party to the rental contract.		Explanations and nuances: Upon death of the lessee the surviving Partner becomes automatically a party to the rental contract.		Explanations and nuances: In 1993, the Supreme Civil Court (Bundesgerichtshof, BGH) decided that the surviving cohabiting partner (by definition of the opposite sex) succeeded to the lease in analogy to a family member who lived in the household of the deceased lessee. This was codified in 2001. The 2001 reform is not limited to cohabiting partners but refers to "persons who maintain a joint household of a permanent nature with the lessee." This can also be a cohabiting same-sex partner. That person succeeds to the lease upon death, if the spouse or civil partner does not succeed.	

In the six time-lines in this table the year below an answer indicates that this answer applied since a certain day in that year. The year "0000" means that the answer applied since a certain day in an unknown year before 1965. An "X" means that this question was not asked for this legal family format. For an explanation of the possible answers (Yes; Yes, but; No; No, but; Doubt; ?; N/A) see the Guidance for experts answering questions in the questionnaire.

Download(s)

[LawsAndFamilies_References_Explanations_DE_question_6_1.xls](#)
[XLS | Microsoft Excel & OpenOffice]

[LawsAndFamilies_References_Explanations_DE_question_6_1.pdf](#)
[PDF]

Data requests per one legal question

The data request for one legal question makes it possible to visualize and compare, for a given legal question, the data for one or more jurisdictions, one or more legal family formats, and one or more years.

After having chosen a section and a question, users have to select one or more continents and one or more jurisdictions. And they may select one or more legal family formats. Unless only open questions are chosen, it is also necessary to select one or more years. Finally, users may choose a display layout: “Jurisdictions in the rows” or “Jurisdictions in the columns”. The latter option is not possible when the combined number of selected jurisdictions and legal family formats would require more than 13 columns to be displayed. And this option does not work well in the downloads, when one or more open questions have been selected.

The functionalities of the data request for one legal question are the same as those explained above for “Data requests per one jurisdiction”.