

Formalisation of legal family formats in the Czech Republic

by Lucian Luca Otáhal ¹

The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples

Edited by Kees Waaldijk,² Marie Digoix,³ Natalie Nikolina,² Giuseppe Zago,² Daniel Damonzé,² Arianna Caporali,³ Kamel Nait Abdellah ³

Published by INED, Paris, 2017, www.LawsAndFamilies.eu

Based on the [LawsAndFamilies questionnaire](#) on legal family formats for same-sex and/or different-sex couples (Section 1 – Formalisation)

© 2017 Lucian Luca Otáhal

¹ Mgr. Lucian Luca Otáhal (lawyer, member of Trans*parent Czech Republic, www.transparentprague.cz/english) is grateful for the useful comments that Ondrej Plesmid (lawyer, Prague Pride, Platform for Equality, Recognition and Diversity – PROUD) made on an earlier version of the answers in this section of the database.

² [Grotius Centre for International Legal Studies](#), Leiden University, Netherlands, www.leiden.edu.



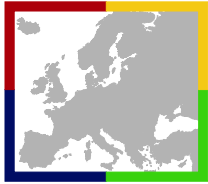
³ Institut national d'études démographiques, Paris, France, www.ined.fr.



Recommended citation:
L.L. Otáhal, 'Formalisation of legal family formats in the Czech Republic', 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 (question 1.x).

Acknowledgment

The research leading to these results has received funding from the European Union's Seventh Framework Programme (FP7/2007-2013) under grant agreement no. 320116 for the research project FamiliesAndSocieties, www.familiesandsocieties.eu.



FamiliesAndSocieties

Disclaimer

This paper and this database contain information with a scientific aim. Nothing in this paper and in this database should be seen as legal advice. Not all nuances and exceptions are included, and there may be errors and further legal developments. The experts, the authors, the editors, the Institut national d'études démographiques and Leiden University cannot be held liable for any inaccurate or incomplete information in this paper or in this database. More particularly, they cannot be held liable for any damage or consequences from the direct or indirect use of contents of this paper or database.

The six sections of the questionnaire

The [interactive LawsAndFamilies Database](#) is based on the [LawsAndFamilies questionnaire](#), which consists of six sections:

- Section 1 – Formalisation
- Section 2 – Income and troubles
- Section 3 – Parenting
- Section 4 – Migration
- Section 5 – Splitting up
- Section 6 – Death

Papers and an interactive database

For each jurisdiction there are therefore six papers like this one. And each of these papers contains the full answers, references and explanations (given by

a legal expert for the jurisdiction concerned) to the questions in one of these six sections. All these papers can be found in open access at www.LawsAndFamilies.eu. There the user also has access to the [interactive part of the LawsAndFamilies Database](#), which can be used to search the whole database and to create comparative overviews for different questions, different years, different countries and/or different legal family formats.

This website also contains references to publications analysing the results of the project, and to some other legal, sociological and statistical publications about same-sex and different-sex families. And it gives information about the methodology used for this questionnaire and database.

About the questionnaire

The [full text of the questionnaire](#) can be found in the paper:

K. Waaldijk, J.M. Lorenzo Villaverde, N. Nikolina & G. Zago, 'The LawsAndFamilies questionnaire on legal family formats for same-sex and/or different-sex couples: Text of the questions and of the accompanying guidance document', *FamiliesAndSocieties Working Paper* 64(2016), www.familiesandsocieties.eu.

The [Guidance document](#) contained in that paper, asked the experts answering the questionnaire to make several assumptions. These included the assumption that the partners have been living together as a couple already for at least two years. Plus the assumption (except for certain questions in Section 4 – Migration) that both partners have the citizenship of the country where they are now both lawfully and habitually residing, and that this is also the country where their relationship would have been formalised and where it would be dissolved.

About the answers

This paper contains the answers, references and explanations – for one jurisdiction – to all questions in one of the six sections of the questionnaire. The answers are presented in columns. Each column is a coloured timeline, representing legal developments for one question for one legal family format.

The year at the top of each coloured timeline is the most recent year for which a question was answered by the author. In the timelines the years given above and below an answer indicate that the answer applied between a certain day in the lower year and a certain day in the higher year. The year "0000" means that the answer applied since an unknown year before 1965. See further the [Guidance document](#).

The following **answer codes and colours** have been used:

| | |
|---------------|---|
| Yes | Yes, this is so in the law of this country/jurisdiction, although possibly with a qualifying period of 24 months or less. |
| Yes, but | Yes, but with exceptions or restrictions, for example a qualifying period of 25 months or more, or only in most parts of the country/jurisdiction, or this is mostly a “dead letter”. |
| No, but | No, but it may be so exceptionally, or in a very limited way, or in a few parts of the country/jurisdiction, or indirectly, or by using a different legal instrument, or legislation says no while some courts might say yes. |
| No | No, this is not so in the law of this country/jurisdiction. |
| Doubt | The law is unclear (the law does not “know” the answer). |
| ? | No information was available. |
| N/A | Not applicable (for example because this family format is not available in this jurisdiction, or not for same-sex or different-sex couples). |
| X | This question was not asked for this legal family format. |
| Open question | Question without answer codes like Yes and No. |
| Empty cell | For this year the question was not asked or not answered. |

The six papers about the Czech Republic

The answers concerning the Czech Republic can be found in the [interactive database](#) and in the following six papers (all of which are published in open access 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):

Formalisation of legal family formats in the Czech Republic by Lucian Luca Otáhal (Section 1)

Income, troubles and legal family formats in the Czech Republic by Ondrej Plesmid (Section 2)

Parenting and legal family formats in the Czech Republic by Lucian Luca Otáhal (Section 3)

Migration and legal family formats in the Czech Republic by Ondrej Plesmid (Section 4)

Splitting up and legal family formats in the Czech Republic by Lucian Luca Otáhal (Section 5)

Death and legal family formats in the Czech Republic by Ondrej Plesmid (Section 6)

So this paper is based on **Section 1 (Formalisation)** of the [LawsAndFamilies questionnaire](#), which contains questions about the following topics:

- 1.1 Legal family formats
- 1.2 Two siblings
- 1.3 With resident foreigner
- 1.4 With non-resident foreigner
- 1.5 Two foreigners
- 1.6 Two resident foreigners
- 1.7 Two non-resident foreigners
- 1.8 Start at registry
- 1.9 Start at public authority
- 1.10 Start at religious building
- 1.11 Contract
- 1.12 Statutory contract
- 1.13 Surname
- 1.14 Living together
- 1.15 Sex
- 1.16 General background regarding formalisation
- 1.17 Literature

In the following pages of this paper, first the answers to questions 1.16 and 1.17 are presented, followed by the answers to questions 1.1 to 1.15.

1.16 - General background regarding formalisation (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, constitutional, legal-cultural, religious, etc.) that may be relevant for the understanding of your answers above regarding formalisation, then please do so here.

1.17 - Literature (Open question)

Please list some relevant literature about the family formats concerned, especially in English and/or online (with web links).

–

Švestka, Jiří a kol.: Občanský zákoník-komentář (Civil Code - Commentary), Svazek II - Rodinné právo (volume II, Family Law), Wolters Kluwer, 2014.

Hrušáková, Milana: Zákon o rodině, zákon o registrovaném partnerství (Family Code, Registered Partnership Law), C. H. Beck, 2009.

Jurisdiction: **Czech Republic**

Source: L.L. Otáhal, "Formalisation of legal family formats in Czech Republic". 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-CZ-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.01 - Legal family formats**

Which of the three legal family formats mentioned here are available to different-sex and/or same-sex couples?

(For the distinction between registered partnership and cohabitation, see section e of the [Guidance for experts answering questions in the questionnaire](#). If there are two or more formats available for informally cohabiting couples, then please mention these formats separately in the explanation to this question.)

| Marriage | | Registered partnership | | Cohabitation | |
|---|--------------------|--|---------------------|--|---------------------|
| diff.-sex | same-sex | diff.-sex | same-sex | diff.-sex | same-sex |
| 2015 Yes 2014 | 2015 No 0000 | 2015 No 0000 | 2015 Yes 2006 | 2015 Yes 2014 | 2015 Yes 2014 |
| Yes 0000 | | | No 0000 | Yes 0000 | Yes 0000 |
| References to legal sources: Art. 655 of the Civil Code, No. 89/2012 Family Law, No. 94/1963. | | References to legal sources: Art. 1 of the Registered Partnership Law, No. 115/2006. | | References to legal sources: Art. 22 of the Civil Code, No. 89/2012. Art. 116 of the Civil Code, No. 40/1964. | |

| Marriage | | Registered partnership | | Cohabitation | |
|---|----------|---|----------|--|----------|
| diff.-sex | same-sex | diff.-sex | same-sex | diff.-sex | same-sex |
| <p>Explanations and nuances:</p> | | <p>Explanations and nuances:</p> | | <p>Explanations and nuances: Since 1964 the Civil Code has considered as “next of kin” any person whose harm would be felt as one’s own harm. The Civil Code that entered into force in 2014 added to this that “next of kin” is also the person with whom one is permanently living together. Various Czech laws, but certainly not all, attach some legal consequences to the fact of being “next of kin” and/or of living together. Nowadays this mostly applies both to same-sex and different-sex cohabitants; see for example questions 2.2 (social benefits), 2.4 and 2.5 (leave to care for partner or parent of partner), 2.6 (next of kin for medical purposes), 2.7 (domestic violence), 2.8 (criminal procedure), 6.1 (tenancy continuation), 6.3 (inheritance), 6.4 (inheritance tax) and 6.6 (wrongful death).</p> <p>It is unclear since when same-sex cohabitants have been effectively covered by such provisions; the earliest examples documented in this questionnaire are: (loss of) social benefits since at least 1995 (question 2.2), wrongful death since at least 1996 (question 6.6), domestic violence since at least 2004 (question 2.7) and criminal procedure since at least 2006 (question 2.8).</p> | |

Jurisdiction: **Czech Republic**

Source: L.L. Otáhal, "Formalisation of legal family formats in Czech Republic". 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-CZ-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.02 - Two siblings**

Is starting this type of relationship legally possible for two siblings?

| Marriage | | Registered partnership | | Cohabitation | |
|---|---------------------|---|--------------------|--|--------------------|
| diff.-sex | same-sex | diff.-sex | same-sex | diff.-sex | same-sex |
| 2015 No 2014 | 2015 N/A 0000 | 2015 N/A 0000 | 2015 No 2006 | 2015 No 2014 | 2015 No 2014 |
| No 0000 | | | N/A 0000 | No 0000 | No 0000 |
| References to legal sources: Art. 675 of the Civil Code, No. 89/2012. Art. 12 of the Family Law (abolished by the 2012 Civil Code), No. 94/1963. | | References to legal sources: Art. 4 of the Registered Partnership Law (No. 115/2006). | | References to legal sources: Art. 22 of the Civil Code, No. 89/2012. Art. 116 of the Civil Code, No. 40/1964 (abolished). | |

| Marriage | | Registered partnership | | Cohabitation | |
|---|----------|---|----------|---|----------|
| diff.-sex | same-sex | diff.-sex | same-sex | diff.-sex | same-sex |
| <p>Explanations and nuances:</p> | | <p>Explanations and nuances:</p> | | <p>Explanations and nuances: The term "next of kin" includes siblings (explicitly) and at the same time includes persons living together (cohabiting). The term "next of kin" specifies that cohabitation must be "similar to family relationship". By analogy to the Civil Code and Registered Partnership Law, laws that both ban two siblings from entering into these institutions, we may conclude that cohabitation between siblings would not be recognized as "cohabitation".</p> | |

Jurisdiction: **Czech Republic**

Source: L.L. Otáhal, "Formalisation of legal family formats in Czech Republic". 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-CZ-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.03 - With resident foreigner**

Is starting this type of relationship legally possible for a national citizen and a foreigner both residing in the country?
 (As to the meaning of "residing", see section c of the [Guidance for experts answering questions in the questionnaire](#).)

| Marriage | | Registered partnership | | Cohabitation | |
|---------------------|---------------------|------------------------|---------------------|--------------|----------|
| diff.-sex | same-sex | diff.-sex | same-sex | diff.-sex | same-sex |
| 2015 Yes 2001 | 2015 N/A 0000 | 2015 N/A 0000 | 2015 Yes 2006 | X | X |
| Yes 1977 | | | N/A 0000 | X | X |
| ? 0000 | | | | X | X |

| Marriage | | Registered partnership | | Cohabitation | |
|--|----------|---|----------|--------------|----------|
| diff.-sex | same-sex | diff.-sex | same-sex | diff.-sex | same-sex |
| <p>References to legal sources: Law on Civil Registries (No. 301/2000) stipulates what documents are needed in order to be able to enter into marriage - art. 33: citizens, art. 35: foreigners.</p> <p>Previous regulation: Decree of the Federal Ministry of the Interior that further regulates the Law on Civil Registries (No. 22/1977).</p> <p>Previous regulation (Decree No. 182/1959) is not available.</p> | | <p>References to legal sources: Law on Civil Registries (No. 301/2000) stipulates what documents are needed in order to be able to enter into partnership - art. 33: citizens, art. 35: foreigners.</p> | | | |
| <p>Explanations and nuances:</p> | | <p>Explanations and nuances:</p> | | | |

Jurisdiction: **Czech Republic**

Source: L.L. Otáhal, "Formalisation of legal family formats in Czech Republic". 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-CZ-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.04 - With non-resident foreigner**

Is starting this type of relationship legally possible for a national citizen residing in the country and a foreigner residing abroad?

| Marriage | | Registered partnership | | Cohabitation | |
|--------------------------|---------------------|------------------------|--------------------------|--------------|----------|
| diff.-sex | same-sex | diff.-sex | same-sex | diff.-sex | same-sex |
| 2015 Yes, but 2009 | 2015 N/A 0000 | 2015 N/A 0000 | 2015 Yes, but 2006 | X | X |
| Yes, but 1977 | | | N/A 0000 | X | X |
| ? 0000 | | | | X | X |

| Marriage | | Registered partnership | | Cohabitation | |
|--|----------|---|----------|--------------|----------|
| diff.-sex | same-sex | diff.-sex | same-sex | diff.-sex | same-sex |
| <p>References to legal sources: Art. 35 of Law No. 301/2000, on Civil Registries, Name and Surname (zákon o matrikách, jménu a příjmení) stipulates what documents are needed in order to be able to enter into marriage - art. 33: citizens, art. 35: foreigners.</p> <p>Previous regulation: Decree of the Federal Ministry of the Interior that further regulates the Law on Civil Registries (No. 22/1977).</p> <p>Previous regulation (Decree No. 182/1959) is not available.</p> | | <p>References to legal sources: Art. 35 of Law No. 301/2000, on Civil Registries, Name and Surname (zákon o matrikách, jménu a příjmení).</p> | | | |
| <p>Explanations and nuances: If one partner is a non-EU foreigner (or if both are), he/she has to show – in order to be able to enter into marriage – that he/she is lawfully on the territory of the Czech Republic. Each non-EU foreigner therefore needs to submit a confirmation about the legality of his/her stay in the Czech Republic, which can be based on a residence permit or tourist visa. The confirmation is issued by the Police.</p> <p>Until 2009 this requirement also applied to EU-citizens.</p> | | <p>Explanations and nuances: See under "Marriage".</p> | | | |

Jurisdiction: **Czech Republic**

Source: L.L. Otáhal, "Formalisation of legal family formats in Czech Republic". 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-CZ-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.05 - Two foreigners**

Is starting this type of relationship legally possible for two foreigners, only one of whom is residing in the country?

| Marriage | | Registered partnership | | Cohabitation | |
|--------------------------|---------------------|------------------------|--------------------|--------------|----------|
| diff.-sex | same-sex | diff.-sex | same-sex | diff.-sex | same-sex |
| 2015 Yes, but 2001 | 2015 N/A 0000 | 2015 N/A 0000 | 2015 No 2006 | X | X |
| Yes, but 1977 | | | N/A 0000 | X | X |
| ? 0000 | | | | X | X |

| Marriage | | Registered partnership | | Cohabitation | |
|--|----------|--|----------|--------------|----------|
| diff.-sex | same-sex | diff.-sex | same-sex | diff.-sex | same-sex |
| <p>References to legal sources: Art. 35/2 of the Law on Civil Registries, Name and Surname (zákon o matrikách, jménu a příjmení).</p> <p>Previous regulation: Decree of the Federal Ministry of the Interior that further regulates the Law on Civil Registries (No. 22/1977).</p> <p>Previous regulation (Decree No. 182/1959) is not available.</p> | | <p>References to legal sources: Art. 35/2 of the Law on Civil Registries, Name and Surname (zákon o matrikách, jménu a příjmení).</p> <p>Art. 4/2 of the Registered Partnership Law (zákon o registrovaném partnerství).</p> | | | |
| <p>Explanations and nuances: If one partner is a non-EU foreigner (or if both are), he/she has to show – in order to be able to enter into marriage – that he/she is lawfully on the territory of the Czech Republic. Each non-EU foreigner therefore needs to submit a confirmation about the legality of his/her stay in the Czech Republic, which can be based on a residence permit or tourist visa. The confirmation is issued by the Police.</p> <p>Until 2009 this requirement also applied to EU-citizens.</p> | | <p>Explanations and nuances: One of the couple has to be a citizen of the Czech Republic.</p> | | | |

Jurisdiction: **Czech Republic**

Source: L.L. Otáhal, "Formalisation of legal family formats in Czech Republic". 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-CZ-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.06 - Two resident foreigners**

Is starting this type of relationship legally possible for two foreigners residing in the country?

| Marriage | | Registered partnership | | Cohabitation | |
|---------------------|---------------------|------------------------|--------------------|--------------|----------|
| diff.-sex | same-sex | diff.-sex | same-sex | diff.-sex | same-sex |
| 2015 Yes 2001 | 2015 N/A 0000 | 2015 N/A 0000 | 2015 No 2006 | X | X |
| Yes 1977 | | | N/A 0000 | X | X |
| ? 0000 | | | | X | X |

| Marriage | | Registered partnership | | Cohabitation | |
|---|----------|--|----------|--------------|----------|
| diff.-sex | same-sex | diff.-sex | same-sex | diff.-sex | same-sex |
| <p>References to legal sources: Art. 35/2 of the Law on Civil Registries, Name and Surname (zákon o matrikách, jménu a příjmení).</p> <p>Previous regulation: Decree of the Federal Ministry of the Interior that further regulates the Law on Civil Registries (No. 22/1977).</p> <p>Previous regulation (Decree No. 182/1959) is now available.</p> | | <p>References to legal sources: Art. 35/2 of the Law on Civil Registries, Name and Surname (zákon o matrikách, jménu a příjmení).</p> <p>Art. 4/2 of the Registered Partnership Law (zákon o registrovaném partnerství).</p> | | | |
| <p>Explanations and nuances:</p> | | <p>Explanations and nuances: One of the couple has to be a citizen of the Czech Republic.</p> | | | |

Jurisdiction: **Czech Republic**

Source: L.L. Otáhal, "Formalisation of legal family formats in Czech Republic". 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-CZ-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.07 - Two non-resident foreigners**

Is starting this type of relationship legally possible for two foreigners residing abroad?

| Marriage | | Registered partnership | | Cohabitation | |
|--|---------------------|--|--------------------|--------------|----------|
| diff.-sex | same-sex | diff.-sex | same-sex | diff.-sex | same-sex |
| 2015 Yes, but 2001 | 2015 N/A 0000 | 2015 N/A 0000 | 2015 No 2006 | X | X |
| Yes, but 1977 | | | N/A 0000 | X | X |
| ? 0000 | | | | X | X |
| References to legal sources: See previous questions. | | References to legal sources: See previous questions. | | | |
| Explanations and nuances: See previous questions. | | Explanations and nuances: See previous questions. | | | |

Jurisdiction: **Czech Republic**

Source: L.L. Otáhal, "Formalisation of legal family formats in Czech Republic". 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-CZ-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.08 - Start at registry**

Can you legally start this type of relationship at the registry of births, marriages and deaths (État civil, Standesamt)?

| Marriage | | Registered partnership | | Cohabitation | |
|---------------------|---------------------|------------------------|---------------------|--------------|----------|
| diff.-sex | same-sex | diff.-sex | same-sex | diff.-sex | same-sex |
| 2015 Yes 2001 | 2015 N/A 0000 | 2015 N/A 0000 | 2015 Yes 2006 | X | X |
| Yes 1977 | | | N/A 0000 | X | X |
| ? 0000 | | | | X | X |

| Marriage | | Registered partnership | | Cohabitation | |
|---|----------|--|----------|--------------|----------|
| diff.-sex | same-sex | diff.-sex | same-sex | diff.-sex | same-sex |
| <p>References to legal sources: Art. 11a of the Law on Civil Registries, Name and Surname (zákon o matrikách).</p> <p>Previous regulation: Decree of the Federal Ministry of the Interior that further regulates the Law on Civil Registries (No. 22/1977) - § 47.</p> <p>Previous regulation (Decree No. 182/1959) is not available.</p> | | <p>References to legal sources: Art. 13a of the Law on Civil Registries, Name and Surname (zákon o matrikách).</p> | | | |
| <p>Explanations and nuances:</p> | | <p>Explanations and nuances:</p> | | | |

Jurisdiction: **Czech Republic**

Source: L.L. Otáhal, "Formalisation of legal family formats in Czech Republic". 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-CZ-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.09 - Start at public authority**

Can you legally start this type of relationship at another public authority (e.g. notary public, local population administration, court)?

| Marriage | | Registered partnership | | Cohabitation | |
|---|---------------------|---|--------------------|--------------|----------|
| diff.-sex | same-sex | diff.-sex | same-sex | diff.-sex | same-sex |
| 2015 No 0000 | 2015 N/A 0000 | 2015 N/A 0000 | 2015 No 2006 | X | X |
| | | | N/A 0000 | X | X |
| References to legal sources: Art. 668 of the Civil Code (občanský zákoník). | | References to legal sources: | | | |
| Explanations and nuances: Art. 668 - Outside the territory of the Czech Republic, marriage can take place at the diplomatic mission or consular office of the Czech Republic. | | Explanations and nuances: The Law on Registered Partnership does not provide for an exception analogical to art. 668 of the Civil Code. | | | |

Jurisdiction: **Czech Republic**

Source: L.L. Otáhal, "Formalisation of legal family formats in Czech Republic". 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-CZ-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.10 - Start at religious building**

Can you legally start this type of relationship at a church, synagogue, mosque or other religious building?

| Marriage | | Registered partnership | | Cohabitation | |
|---|---------------------|--|--------------------|--------------|----------|
| diff.-sex | same-sex | diff.-sex | same-sex | diff.-sex | same-sex |
| 2015 Yes 2014 | 2015 N/A 0000 | 2015 N/A 0000 | 2015 No 2006 | X | X |
| Yes 0000 | | | N/A 0000 | X | X |
| References to legal sources: Art. 657/2 of the Civil Code (No. 89/2012). Art. 4a of the Family Code (No. 94/1963). | | References to legal sources: Art. 2/1 of the Registered Partnership Law provides only for civil partnership registrations. | | | |
| Explanations and nuances: This provision provides for the option of church marriage. | | Explanations and nuances: | | | |

Jurisdiction: **Czech Republic**

Source: L.L. Otáhal, "Formalisation of legal family formats in Czech Republic". 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-CZ-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.11 - Contract**

Can the partners make a contract (with or without third-party effect) to organise their relationship, for example with regard to property or personal obligations? (Think of prenuptial contracts and cohabitation contracts.)

| Marriage | | Registered partnership | | Cohabitation | |
|---|---------------------|--|--------------------------|---|--------------------------|
| diff.-sex | same-sex | diff.-sex | same-sex | diff.-sex | same-sex |
| 2015 Yes 2014 | 2015 N/A 0000 | 2015 N/A 0000 | 2015 Yes, but 2006 | 2015 Yes, but 0000 | 2015 Yes, but 0000 |
| Yes 0000 | | | N/A 0000 | | |
| References to legal sources: Art. 716 - 721 of the Civil Code, No. 89/2012. Art. 143a of the Civil Code, No. 40/1964. | | References to legal sources: | | References to legal sources: | |
| Explanations and nuances: These articles provide for a contractual regime of joint property that is different from the statutory property regime. | | Explanations and nuances: The Registered Partnership Law does not provide for the possibility of partners to have joint property. Therefore, partners can make any contract they wish, however, without third-party effects. | | Explanations and nuances: Two persons living together can conclude any type of contract. These contracts do not usually have third party effects (if not known to the third party). | |

Jurisdiction: **Czech Republic**

Source: L.L. Otáhal, "Formalisation of legal family formats in Czech Republic". 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-CZ-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.12 - Statutory contract**

Are there specific statutory rules regarding such a contract?

(See question 1.11 about the possibility for the partners to make a contract to organise their relationship.)

| Marriage | | Registered partnership | | Cohabitation | |
|---|---------------------|-------------------------------------|--------------------|-------------------------------------|--------------------|
| diff.-sex | same-sex | diff.-sex | same-sex | diff.-sex | same-sex |
| 2015 Yes 2014 | 2015 N/A 0000 | 2015 N/A 0000 | 2015 No 2006 | 2015 No 0000 | 2015 No 0000 |
| Yes 0000 | | | N/A 0000 | | |
| References to legal sources: Art. 716 and 721 of the Civil Code. Art. 143a of Law No. 40/1964, Civil Code (abolished). | | References to legal sources: | | References to legal sources: | |
| Explanations and nuances: Such a contract has to be concluded in the form of a "public document". It can be filed in a public registry. The new Civil Code has made it possible for future spouses to conclude such a contract. | | Explanations and nuances: | | Explanations and nuances: | |

Jurisdiction: **Czech Republic**

Source: L.L. Otáhal, "Formalisation of legal family formats in Czech Republic". 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-CZ-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.13 - Surname**

Can (or must) one partner use or have the surname of the other partner?

| Marriage | | Registered partnership | | Cohabitation | |
|---|---------------------|--|-------------------------|-------------------------------------|--------------------|
| diff.-sex | same-sex | diff.-sex | same-sex | diff.-sex | same-sex |
| 2015 Yes 2014 | 2015 N/A 0000 | 2015 N/A 0000 | 2015 No, but 2006 | 2015 No 0000 | 2015 No 0000 |
| Yes 1963 | | | N/A 0000 | | |
| References to legal sources: Art. 660 of the Civil Code. Art. 8 of the Family Code, No. 94/1963 (abolished). | | References to legal sources: | | References to legal sources: | |
| Explanations and nuances: | | Explanations and nuances: The issue of surnames is not included in the Registered Partnership law. Partners can apply for a change of surname according to Act. 301/2000 Coll., on registers, name and surname, § 72. | | Explanations and nuances: | |

Jurisdiction: **Czech Republic**

Source: L.L. Otáhal, "Formalisation of legal family formats in Czech Republic". 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-CZ-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.14 - Living together**

Do partners in this type of relationship have a duty to live together in the same house?

| Marriage | | Registered partnership | | Cohabitation | |
|--|---------------------|---|--------------------|--|-------------------------|
| diff.-sex | same-sex | diff.-sex | same-sex | diff.-sex | same-sex |
| 2015 Yes 2014 | 2015 N/A 0000 | 2015 N/A 0000 | 2015 No 2006 | 2015 No, but 0000 | 2015 No, but 1996 |
| Yes 0000 | | | N/A 0000 | | ? 0000 |
| References to legal sources: Art. 687 of the Civil Code, NO. 89/2012. §18 of the Civil Code, No. 40/1964. | | References to legal sources: | | References to legal sources: Art. 22 of the Civil Code. | |
| Explanations and nuances: Spouses are obliged to live together. | | Explanations and nuances: Partners do not have the obligation to live together. | | Explanations and nuances: The key part of the definition of "next of kin" is harm suffered by one of the persons and felt as own harm of the other person. The two persons do not necessarily have to live together. However, the provision takes into account the situation when the two persons live together. | |

Jurisdiction: **Czech Republic**

Source: L.L. Otáhal, "Formalisation of legal family formats in Czech Republic". 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-CZ-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.15 - Sex**

Does the law require relationships of this type to be sexual or intimate?

| Marriage | | Registered partnership | | Cohabitation | |
|---|---------------------|---|--------------------|-------------------------------------|--------------------|
| diff.-sex | same-sex | diff.-sex | same-sex | diff.-sex | same-sex |
| 2015 No 2014 | 2015 N/A 0000 | 2015 N/A 0000 | 2015 No 2006 | 2015 No 0000 | 2015 No 0000 |
| No 0000 | | | N/A 0000 | | |
| References to legal sources: Art. 687/2 of the Civil Code. | | References to legal sources: | | References to legal sources: | |
| Explanations and nuances: Spouses are obliged to be faithful to one another. The law does not talk about sex life. | | Explanations and nuances: The law does not talk about sex life. | | Explanations and nuances: | |