

# Income, troubles and legal family formats in France

by Jérémie Kouzmine <sup>1</sup>

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

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Based on the [LawsAndFamilies questionnaire](#) on legal family formats for same-sex and/or different-sex couples (Section 2 – Income and troubles)

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<sup>1</sup> Jérémie Kouzmine (Juriste en droit international et européen et en droit des droits humains) is grateful for the useful comments that Elisabeth Ronzier (Doctor of Law, Assistant professor at Paris Saclay University and at Le Havre University) made on an earlier version of the answers in this section of the database.

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# 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](http://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](http://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 France

The answers concerning France 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](http://www.LawsAndFamilies.eu)):

#### Formalisation of legal family formats in France

by Jérémie Kouzmine (Section 1)

#### Income, troubles and legal family formats in France

by Jérémie Kouzmine (Section 2)

#### Parenting and legal family formats in France

by Elisabeth Ronzier (Section 3)

#### Migration and legal family formats in France

by Jérémie Kouzmine (Section 4)

#### Splitting up and legal family formats in France

by Elisabeth Ronzier (Section 5)

#### Death and legal family formats in France

by Elisabeth Ronzier (Section 6)

So this paper is based on **Section 2 (Income and troubles)** of the [LawsAndFamilies questionnaire](#), which contains questions about the following topics:

**2.1 Lower income tax**

**2.2 Social benefits**

**2.3 Health insurance**

**2.4 Care between partners**

**2.5 Care for a parent**

**2.6 Next of kin**

**2.7 Domestic violence**

**2.8 Criminal procedure**

**2.9 General background regarding income and troubles**

In the following pages of this paper, first the answer to question 2.9 is presented, followed by the answers to questions 2.1 to 2.8.

**2.09 - General background regarding income and troubles (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, family support, etc.) that may be relevant for the understanding of your answers above regarding income and troubles, then please do so here.

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Jurisdiction: **France**

Source: **J. Kouzmine**, "Income, troubles and legal family formats in France". 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](http://www.LawsAndFamilies.eu), [LawsAndFamilies-FR-Section2.pdf](#) (please use this full citation when citing any information from this table).

Section: **2 - Income and Troubles**

Question: **2.01 - Lower income tax**

Can a relationship of this type result in lower income tax than for two individuals without a partner?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 0000	2015 Yes 2013	2015 Yes 2005	2015 Yes 2005	2015 No 0000	2015 No 1999
	N/A 0000	Yes, but 1999	Yes, but 1999		No 0000
		N/A 0000	N/A 0000		
<b>References to legal sources:</b> Art. 6(1) of Code général des impôts.  Art. 194 of Code général des impôts.		<b>References to legal sources:</b> Art. 6(1) of Code général des impôts.  Art. 7 of Code général des impôts as amended by the law "de finances pour 2011 (1)" of 29 December 2010/n° 2010-1657.  Law "de finance pour 2005" of 30 December 2004/n°2004/1484.		<b>References to legal sources:</b>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>                      Married couples have a common declaration of income.</p>		<p><b>Explanations and nuances:</b>                      Registered partners have a common declaration of income. The income tax rules for married couples apply as well as for registered partners.</p> <p>Until the promulgation of the Law "de finance pour 2005", the registered partners could benefit from a lower income tax only after the third anniversary of the registration.</p>		<p><b>Explanations and nuances:</b>                      The cohabitation does not offer the possibility of lower income tax.</p>	

Jurisdiction: **France**

Source: **J. Kouzmine**, "Income, troubles and legal family formats in France". 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](http://www.LawsAndFamilies.eu), [LawsAndFamilies-FR-Section2.pdf](#) (please use this full citation when citing any information from this table).

Section: **2 - Income and Troubles**

Question: **2.02 - Social benefits**

When one partner (long-term unemployed or even never having been employed at all) would be entitled to a basic social benefit, will the income of the other partner then be taken into consideration and will it possibly result in loss or reduction of this entitlement?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 0000	2015 Yes 2013	2015 Yes 1999	2015 Yes 1999	2015 Yes 0000	2015 Yes 1999
	N/A 0000	N/A 0000	N/A 0000		? 0000
<b>References to legal sources:</b> Law "généralisant le revenu de solidarité active et réformant les politiques d'insertion" of 1 December 2008/n°2008-1249.		<b>References to legal sources:</b> Law "généralisant le revenu de solidarité active et réformant les politiques d'insertion" of 1 December 2008/n°2008-1249.		<b>References to legal sources:</b> Law "généralisant le revenu de solidarité active et réformant les politiques d'insertion" of 1 December 2008/n°2008-1249.	
<b>Explanations and nuances:</b> After a long-term unemployment or when a partner has never been employed at all, the income of the other partner will be taken into consideration. This rule applies to marriage, registered partnership and cohabitation.		<b>Explanations and nuances:</b> After a long-term unemployment or when a partner has never been employed at all, the income of the other partner will be taken into consideration. This rule applies to marriage, registered partnership and cohabitation.		<b>Explanations and nuances:</b> After a long-term unemployment or when a partner has never been employed at all, the income of the other partner will be taken into consideration. This rule applies to marriage, registered partnership and cohabitation.	

Jurisdiction: **France**

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Section: **2 - Income and Troubles**

Question: **2.03 - Health insurance**

Is the amount of money that the two partners in this type of relationship would have to pay for (public or private) health insurance, normally smaller than what two individuals without a partner would have to pay?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 No, but 0000	2015 No, but 2013	2015 No, but 1999	2015 No, but 1999	2015 No, but 0000	2015 No, but 1999
	N/A 0000	N/A 0000	N/A 0000		? 0000
<b>References to legal sources:</b> Art. L242-1 of the Code de la sécurité sociale.		<b>References to legal sources:</b> Art. L242-1 of the Code de la sécurité sociale.		<b>References to legal sources:</b> Art. L242-1 of the Code de la sécurité sociale.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>                      Regarding public health insurance: The contribution to finance the system is divided between the employer and the employee considering the amount of work. Marriage is relevant if one partner is unemployed. In that case, the unemployed partner is covered by the public health insurance of the employed partner.</p> <p>Regarding private health insurance: An individual subscriber can usually have his/her family benefit from his/her contract. Depending on the terms of the contract, it can lead to an increase of fees.</p>		<p><b>Explanations and nuances:</b>                      Regarding public health insurance: The contribution to finance the system is divided between the employer and the employee considering the amount of work. Registered partnership is relevant if one partner is unemployed. In that case, the unemployed partner is covered by the public health insurance of the employed partner.</p> <p>Regarding private health insurance: An individual subscriber can usually have his/her family benefit from his/her contract. Depending on the terms of the contract, it can lead to an increase of fees.</p>		<p><b>Explanations and nuances:</b>                      Regarding public health insurance: The contribution to finance the system is divided between the employer and the employee considering the amount of work. Cohabitation is relevant if one partner is unemployed. In that case, the unemployed partner is covered by the public health insurance of the employed partner.</p> <p>Regarding private health insurance: An individual subscriber can usually have his/her family benefit from his/her contract. Depending on the terms of the contract, it can lead to an increase of fees.</p>	

Jurisdiction: **France**

Source: **J. Kouzmine**, "Income, troubles and legal family formats in France". 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](http://www.LawsAndFamilies.eu), [LawsAndFamilies-FR-Section2.pdf](#) (please use this full citation when citing any information from this table).

Section: **2 - Income and Troubles**

Question: **2.04 - Care between partners**

In case one partner is in need of care, does the other partner then have a statutory right to paid or unpaid leave to give that care?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes, but 2008	2015 Yes, but 2013	2015 Yes, but 2008	2015 Yes, but 2008	2015 Yes, but 2008	2015 Yes, but 2008
? 0000	N/A 0000	? 1999	? 1999	? 0000	? 1999
		N/A 0000	N/A 0000		No 0000
<b>References to legal sources:</b> Art. L3142-16 to L3142-31 of the Code du travail as amended by the law "ratifiant l'ordonnance n°2007-329 du 12 mars 2007 relative au code du travail (partie législative)(1)" of 21 January 2008/n°2008-67.		<b>References to legal sources:</b> Art. L3142-16 to L3142-31 of the Code du travail as amended by the law "ratifiant l'ordonnance n°2007-329 du 12 mars 2007 relative au code du travail (partie législative)(1)" of 21 January 2008/n°2008-67.		<b>References to legal sources:</b> Art. L3142-16 to L3142-31 of the Code du travail as amended by the law "ratifiant l'ordonnance n°2007-329 du 12 mars 2007 relative au code du travail (partie législative)(1)" of 21 January 2008/n°2008-67.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>                      If one partner is handicapped or suffering a severe loss of autonomy, the other partner is allowed to take unpaid leave for 3 months extendable, but not more than a year.</p> <p>If one partner suffers from a disease severe enough to threaten his/her life, or is in a terminal phase of an incurable disease, the other partner is allowed to take leave for 3 months extendable one time.</p>		<p><b>Explanations and nuances:</b>                      If one partner is handicapped or suffering a severe loss of autonomy, the other partner is allowed to take unpaid leave for 3 months extendable, but not more than a year.</p> <p>If one partner suffers from a disease severe enough to threaten his/her life, or is in a terminal phase of an incurable disease, the other partner is allowed to take leave for 3 months extendable one time.</p>		<p><b>Explanations and nuances:</b>                      If one partner is handicapped or suffering a severe loss of autonomy, the other partner is allowed to take unpaid leave for 3 months extendable, but not more than a year.</p> <p>If one partner suffers from a disease severe enough to threaten his/her life, or is in a terminal phase of an incurable disease, the other partner is allowed to take leave for 3 months extendable one time.</p>	

Jurisdiction: **France**

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Section: **2 - Income and Troubles**

Question: **2.05 - Care for a parent**

In case the parent of one partner is in need of care, does the other partner then have a statutory right to paid or unpaid leave to give that care?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes, but 2008	2015 Yes, but 2013	2015 Yes, but 2008	2015 Yes, but 2008	2015 Yes, but 2008	2015 Yes, but 2008
? 0000	N/A 0000	? 1999	? 1999	? 0000	? 1999
		N/A 0000	N/A 0000		No 0000
<b>References to legal sources:</b> Art. L3142-22 to L3142-31 of the Code du travail as amended by the law "ratifiant l'ordonnance n°2007-329 du 12 mars 2007 relative au code du travail (partie législative)(1)" of 21 January 2008/n°2008-67.		<b>References to legal sources:</b> Art. L3142-22 to L3142-31 of the Code du travail as amended by the law "ratifiant l'ordonnance n°2007-329 du 12 mars 2007 relative au code du travail (partie législative)(1)" of 21 January 2008/n°2008-67.		<b>References to legal sources:</b> Art. L3142-22 to L3142-31 of the Code du travail as amended by the law "ratifiant l'ordonnance n°2007-329 du 12 mars 2007 relative au code du travail (partie législative)(1)" of 21 January 2008/n°2008-67.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b> If a partner's parent is handicapped or suffers severe disability, the other partner is allowed to unpaid leave for 3 months extendable, but not more than a year.</p>		<p><b>Explanations and nuances:</b> If a partner's parent is handicapped or suffers severe disability, the other partner is allowed to unpaid leave for 3 months extendable, but not more than a year.</p>		<p><b>Explanations and nuances:</b> If a partner's parent is handicapped or suffers severe disability, the other partner is allowed to unpaid leave for 3 months extendable, but not more than a year.</p>	

Jurisdiction: **France**

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Section: **2 - Income and Troubles**

Question: **2.06 - Next of kin**

In case of accident or illness of one partner, is the other partner considered as next of kin for medical purposes (even without power of attorney)?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 2002	2015 Yes 2013	2015 Yes 2002	2015 Yes 2002	2015 Yes 2002	2015 Yes 2002
? 0000	N/A 0000	? 1999	? 1999	? 0000	? 0000
		N/A 0000	N/A 0000		
<b>References to legal sources:</b> Art. L1111-4 of the Code de la santé publique as amended by the law "relative aux droits des malades et la qualité du système de santé" of 4 March 2002/n°2002-303.		<b>References to legal sources:</b> Art. L1111-4 of the Code de la santé publique as amended by the law "relative aux droits des malades et la qualité du système de santé" of 4 March 2002/n°2002-303.		<b>References to legal sources:</b> Art. L1111-4 of the Code de la santé publique as amended by the law "relative aux droits des malades et la qualité du système de santé" of 4 March 2002/n°2002-303.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>            When a patient is not able to express his/her consent, the family, or a relative, has to be asked about medical procedures.</p>		<p><b>Explanations and nuances:</b>            When a patient is not able to express his/her consent, the family, or a relative, has to be asked about medical procedures.</p>		<p><b>Explanations and nuances:</b>            When a patient is not able to express his/her consent, the family, or a relative, has to be asked about medical procedures.</p>	

Jurisdiction: **France**

Source: **J. Kouzmine**, "Income, troubles and legal family formats in France". 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](http://www.LawsAndFamilies.eu), [LawsAndFamilies-FR-Section2.pdf](#) (please use this full citation when citing any information from this table).

Section: **2 - Income and Troubles**

Question: **2.07 - Domestic violence**

When one partner uses violence against the other partner, does specific statutory protection apply?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 2006	2015 Yes 2013	2015 Yes 2006	2015 Yes 2006	2015 Yes 2006	2015 Yes 2006
Yes, but 1992	N/A 0000	Yes, but 1999	Yes, but 1999	Yes, but 1992	Yes, but 1999
No 0000		N/A 0000	N/A 0000	No 0000	? 1992
					No 0000
<b>References to legal sources:</b> Art. 222-8(6), 222-10(6), 222-12(6) and 222-13(6) of the Code pénal as amended by the law "renforçant la prévention et la répression des violences au sein du couple ou commises contre les mineurs (1)" of 4 April 2006/n° 2006-399.		<b>References to legal sources:</b> Art. 222-8(6), 222-10(6), 222-12(6) and 222-13(6) of the Code pénal as amended by the law "renforçant la prévention et la répression des violences au sein du couple ou commises contre les mineurs (1)" of 4 April 2006/n° 2006-399.		<b>References to legal sources:</b> Art. 222-8(6), 222-10(6), 222-12(6) and 222-13(6) of the Code pénal as amended by the law "renforçant la prévention et la répression des violences au sein du couple ou commises contre les mineurs (1)" of 4 April 2006/n° 2006-399.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>                      Since 1992, the existence of marriage or cohabitation between the author and the victim of violent acts resulted in a higher sentence. However, it did not apply to all kinds of violence. Only major acts of violence such as cruelty, intentional violence or poisoning were covered with the exception of intentional murder.</p> <p>The 2006 Law also includes former spouse and former registered or cohabiting partner (if violence was pursued with regard to this former relationship).</p>		<p><b>Explanations and nuances:</b>                      Since 1992, the existence of marriage or cohabitation between the author and the victim of violent acts resulted in a higher sentence. However, it did not apply to all kinds of violence. Only major acts of violence such as cruelty, intentional violence or poisoning were covered with the exception of intentional murder.</p> <p>The 2006 Law also includes former spouse and former registered or cohabiting partner (if violence was pursued with regard to this former relationship).</p>		<p><b>Explanations and nuances:</b>                      Since 1992, the existence of marriage or cohabitation between the author and the victim of violent acts resulted in a higher sentence. However, it did not apply to all kinds of violence. Only major acts of violence such as cruelty, intentional violence or poisoning were covered with the exception of intentional murder.</p> <p>The 2006 Law also includes former spouse and former registered or cohabiting partner (if violence was pursued with regard to this former relationship).</p>	

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Section: **2 - Income and Troubles**

Question: **2.08 - Criminal procedure**

In case of a criminal prosecution against one partner, can the other partner then refuse to testify against the partner who is being prosecuted?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<b>2015 No, but 0000</b>	<b>2015 No, but 2013</b>	<b>2015 No 1999</b>	<b>2015 No 1999</b>	<b>2015 No 0000</b>	<b>2015 No 1999</b>
	<b>N/A 0000</b>	<b>N/A 0000</b>	<b>N/A 0000</b>		<b>No 0000</b>
<p><b>References to legal sources:</b> Art. 109, Art. 335 and Art. 448 of the Code de procédure pénale.</p>		<p><b>References to legal sources:</b> Art. 109 of the Code de procédure pénale.</p>		<p><b>References to legal sources:</b> Art. 109 of the Code de procédure pénale.</p>	
<p><b>Explanations and nuances:</b> Every person summoned to testify has to do it. If not, the judge can use the law enforcement.</p> <p>The only exception is that the husband or the wife (even after the divorce) does not have to testify under oath.</p>		<p><b>Explanations and nuances:</b> Every person summoned to testify has to do it. If not, the judge can use the law enforcement.</p>		<p><b>Explanations and nuances:</b> Every person summoned to testify has to do it. If not, the judge can use the law enforcement.</p>	