

Income, troubles and legal family formats in Iceland

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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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¹ Professor Hrefna Friðriksdóttir (University of Iceland) is grateful for the useful comments that Erna Kristín Blöndal (PhD student at the University of Iceland) made on an earlier version of the answers in this section of the database.

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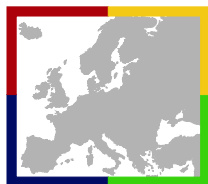


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Disclaimer

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 Iceland

The answers concerning Iceland 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 Iceland by Hrefna Friðriksdóttir (Section 1)

Income, troubles and legal family formats in Iceland by Hrefna Friðriksdóttir (Section 2)

Parenting and legal family formats in Iceland by Hrefna Friðriksdóttir (Section 3)

Migration and legal family formats in Iceland by Erna Kristín Blöndal (Section 4)

Splitting up and legal family formats in Iceland by Hrefna Friðriksdóttir (Section 5)

Death and legal family formats in Iceland by Hrefna Friðriksdóttir (Section 6)

So this paper about Iceland 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: **Iceland**

Source: H. Friðriksdóttir, "Income, troubles and legal family formats in Iceland". 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-IS-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 2010	2015 N/A 0000	2015 Yes 2010	2015 Yes, but 1978	2015 Yes, but 2006
	N/A 0000		Yes 1996	Yes, but 1975	No 0000
			N/A 0000	No, but 0000	
<p>References to legal sources: Art. 62, 63, 66, 80 and 116 of the Personal Income Tax Act no. 90/2003.</p> <p>Marriage became available for same-sex partners according to law no. 65/2010, in force since 27 June 2010, amending the Marriage Act no. 31/1993.</p>		<p>References to legal sources: Art. 141 of the Marriage Act no. 31/1993, as amended by law 65/2010, in force from 27 June 2010.</p> <p>Art. 5 of the Registered Partnership Act no. 87/1996, repealed by law no. 65/2010.</p>		<p>References to legal sources: Art. 62(3) of the Personal Income Tax Act no. 90/2003, amended by law no. 65/2010.</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Capital income of married couples is taxed in the hands of the spouse whose total employment income is the higher. Other types of income are taxed separately.</p> <p>The personal income tax structure is such that there is a basic tax free income. The tax free income allowance is transferable between spouses. Deductions for expenses is also transferable between spouses. Once the tax free income has been earned in any given month the tax increases in increments based on income levels. A person with higher income can benefit from his/her spouse's lower income levels. According to art. 116 of the Act, spouses have a joint responsibility for the payment of all their taxes.</p>		<p>Explanations and nuances: Provisions in tax law relating to marriage applied directly to registered same-sex partnership.</p> <p>Since the law on Registered partnership no. 87/1996 was repealed in 2010 it is impossible to enter into a registered partnership. According to art. 141 of the Marriage Act no. 31/1993, as amended by law no. 65/2010, it is possible for already registered partners to change their partnership into marriage. This does not happen automatically and registered partners are not obliged to do this. According to art.141(3) registered partnerships established under law no. 87/1996 have the same legal consequence as marriages.</p>		<p>Explanations and nuances: In laws on income and property tax prior to 1975 there were some concession made for unmarried parents living together. Law no. 11/1975, amending law no. 68/1971 on income and property tax, made it explicit that cohabitating parents could enjoy lower income tax. Law no. 40/1978 on income and property tax opened this possibility also for cohabitants that had lived together for a certain amount of time.</p> <p>"Yes but" because cohabiting partners have a right to be taxed as a married couple if the cohabitation is registered with Registers Iceland, or fulfills the requirements for registration according to the law on domicile no. 21/1990, as amended by law no. 65/2006 in force from 27 June 2006, and they have or are expecting a child or have lived together for at least a year. Until 2006 laws on rights and obligations for cohabiting partners in general only applied to different sex partners. Law no. 65/2006, in force from 27 June 2006, effectively introduced cohabitation equality as the general rule.</p>	

Jurisdiction: **Iceland**

Source: **H. Friðriksdóttir**, "Income, troubles and legal family formats in Iceland". 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-IS-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 2010	2015 N/A 0000	2015 Yes 2010	2015 Yes, but 0000	2015 Yes, but 2006
	N/A 0000		Yes 1996		? 0000
			N/A 0000		
References to legal sources: Art. 4, 12 and 21 of the Local Authorities Social Services Act no. 40/1991.		References to legal sources: See question 2.1.		References to legal sources: Art. 4, 12 and 21 of the Local Authorities Social Services Act no. 40/1991.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: The Act deals with basic social security. Each local authority is responsible for social service within its boundaries and shall ensure that persons are able to provide for themselves and their families. Each local authority lays down rules on the implementation of financial assistance so the rules are not uniform throughout Iceland. It may be assumed that assistance is generally higher for two individuals than for a married couple and that the income of the other partner is taken into consideration, possibly resulting in reduction or loss of entitlement.</p>		<p>Explanations and nuances:</p>		<p>Explanations and nuances: All local authorities will offer the same financial assistance to married and cohabiting couples but the definition of cohabitation may differ, some jurisdictions require registration with Registers Iceland while others rely on proof of the couple living together.</p> <p>For same sex cohabitation see question 2.1.</p>	

Jurisdiction: **Iceland**

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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 0000	2015 No 2010	2015 N/A 0000	2015 No 2010	2015 No 0000	2015 No 0000
	N/A 0000		No 1996		
			N/A 0000		
References to legal sources: Art. 10 and 29 of the Health Insurance Act.		References to legal sources: See question 2.1.		References to legal sources: Art. 10 and 29 of the Health Insurance Act.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Everyone who has been legally resident in Iceland for six months automatically becomes a member of the Icelandic public health insurance system, regardless of nationality. The public health insurance system is based on personal individual status.</p> <p>A fee to be paid for each consultation and other services is fixed by regulations. The extent of patient participation in the costs of the above health care services varies according to the service in question. Discount cards are available to persons who have, during one calendar year, paid a specified amount for physician and health care services. When an individual has a card the fees for his/her health services are lower.</p>		<p>Explanations and nuances:</p>		<p>Explanations and nuances: As described for married couples public health insurance is provided on an individual level.</p>	

Jurisdiction: **Iceland**

Source: **H. Friðriksdóttir**, "Income, troubles and legal family formats in Iceland". 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-IS-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 No 0000	2015 No 2010	2015 N/A 0000	2015 No 2010	2015 No 0000	2015 No 0000
	N/A 0000		No 1996		
			N/A 0000		
References to legal sources: See question 2.3.		References to legal sources: See questions 2.1 and 2.3.		References to legal sources: See question 2.3.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: There is no statutory right to paid or unpaid leave to give care.</p> <p>Trade unions negotiate collective agreements that may provide a right to unpaid leave. Most trade unions also handle special sickness funds and most of them offer a per diem allowance for a specific period, such as two months, for absence from work, or special grants due to serious long term illness of a spouse.</p>		<p>Explanations and nuances:</p>		<p>Explanations and nuances: Rights provided in collective agreements and from rules regarding trade union sickness funds generally cover cohabiting partners in the same manner as married partners. Definitions of cohabitation may differ.</p>	

Jurisdiction: **Iceland**

Source: **H. Friðriksdóttir**, "Income, troubles and legal family formats in Iceland". 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-IS-Section2.pdf](#) (please use this full citation when citing any information from this table).

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 No 0000	2015 No 2010	2015 N/A 0000	2015 No 2010	2015 No 0000	2015 No 0000
	N/A 0000		No 1996		
			N/A 0000		
References to legal sources: See question 2.3.		References to legal sources: See questions 2.1 and 2.3.		References to legal sources: See question 2.3.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: There is no statutory right to paid or unpaid leave to give care.</p> <p>Trade unions negotiate collective agreements that may provide a right to unpaid leave to give care to a close relative. Most trade unions also handle special sickness funds and some of them offer special grants due to serious long term illness of a close relative.</p>		<p>Explanations and nuances:</p>		<p>Explanations and nuances: Same as for marriage.</p>	

Jurisdiction: **Iceland**

Source: **H. Friðriksdóttir**, "Income, troubles and legal family formats in Iceland". 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-IS-Section2.pdf](#) (please use this full citation when citing any information from this table).

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 0000	2015 Yes 2010	2015 N/A 0000	2015 Yes 2010	2015 Yes, but 0000	2015 Yes, but 2006
	N/A 0000		Yes 1996		? 0000
			N/A 0000		
References to legal sources: Legal Majority Act no. 71/1997 and art. 7 of the Act on the Rights of Patients no. 74/1997.		References to legal sources: See question 2.1.		References to legal sources: Legal Majority Act no. 71/1997 and art. 7 of the Act on the Rights of Patients no. 74/1997.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: According to the Legal Majority Act a spouse can be the plaintiff in a case involving deprivation of legal competence or for involuntary commitment to an institution. The term next of kin is often used in legislation, such as in the Act on the Rights of Patients. The laws do not provide a definition of the term but it is safe to presume that a spouse would be considered next of kin in case of illness or accident of his/her partner.</p>		<p>Explanations and nuances:</p>		<p>Explanations and nuances: See marriage. It is safe to say that the definition of next of kin would be considered to include cohabiting partners. Yes but because cohabitation may be defined differently in different laws or under different circumstances.</p>	

Jurisdiction: **Iceland**

Source: **H. Friðriksdóttir**, "Income, troubles and legal family formats in Iceland". 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-IS-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 2010	2015 N/A 0000	2015 Yes 2010	2015 Yes 2006	2015 Yes 2006
No, but 2000	N/A 0000		Yes 2006	No, but 2000	? 0000
No 0000			No, but 2000	No 0000	
			No 1996		
			N/A 0000		

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: Art. 70 and 233 b. of the General Penal Code no. 19/1940, as amended by law no. 27/2006, in force since 3 May 2006.</p> <p>The Exclusion Orders and Ejections Act no. 85/2011, replacing the Restraining Order Act, no. 122/2008, replacing Chapter XIII A of the Code of Criminal Procedures, as amended by law no. 94/2000.</p>		<p>References to legal sources: See question 2.1.</p> <p>Art. 70 and 233 b. of the General Penal Code no. 19/1940, as amended by law no. 27/2006, in force since 3 May 2006.</p> <p>The Exclusion Orders and Ejections Act no. 85/2011, replacing the Restraining Order Act, no. 122/2008, replacing Chapter XIII A of the Code of Criminal Procedures, as amended by law no. 94/2000.</p>		<p>References to legal sources: See question 2.1.</p> <p>Art. 70 and 233 b. of the General Penal Code no. 19/1940, as amended by law no. 27/2006, in force since 3 May 2006.</p> <p>The Exclusion Orders and Ejections Act no. 85/2011, replacing the Restraining Order Act, no. 122/2008, replacing Chapter XIII A of the Code of Criminal Procedures, as amended by law no. 94/2000.</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Law n1. 27/2006, amending the General Penal Code, introduced heavier punishments in cases where it is considered that the close relationship between the perpetrator and the victim has led to gross violations. Furthermore, new provisions were introduced, providing for up to two years' imprisonment in cases where a person insults or vilifies his or her spouse or former spouse, child or another person closely related to the perpetrator and the action is seen as constituting gross defamation.</p> <p>The Exclusion Orders and Ejections Act, No. 85/2011, has now replaced the Restraining Order Act, No. 122/2008 which replaced a special chapter on restraining orders in the Code of Criminal Procedures added in 2000. The new Act includes a fundamental change, giving the police power to impose exclusion decisions and eject the accused from homes in cases of domestic violence. The provisions give victims increased protection.</p>		<p>Explanations and nuances: Registered partnership established under the Registered Partnership Act no. 87/1996 guarantees the same protection as marriage.</p>		<p>Explanations and nuances: Cohabitation guarantees the same protection as marriage.</p>	

Jurisdiction: **Iceland**

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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
2015 Yes 0000	2015 Yes 2010	2015 N/A 0000	2015 Yes 2010	2015 Yes, but 0000	2015 Yes, but 2006
	N/A 0000		Yes 1996		No, but 0000
			N/A 0000		
References to legal sources: Art. 65 and 117 of the Code of Criminal Procedure no. 88/2008.		References to legal sources: Art. 65 and 117 of the Code of Criminal Procedure no. 88/2008.		References to legal sources: Art. 65 and 117 of the Code of Criminal Procedure no. 88/2008.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: A person may refuse to testify in a criminal case where the defendant is his/her spouse or former spouse.</p>		<p>Explanations and nuances: Registered partnership established under the Registered Partnership Act no. 87/1996 guarantees the same protection as marriage.</p>		<p>Explanations and nuances: "Yes but" since a person does not have a statutory right to refuse to testify in a criminal case against his/her cohabiting partner.</p> <p>According to art. 117(2) a judge has discretionary powers to exempt a person from the duty to testify, if such a person is deemed to have had a close personal relationship with a defendant, such as the defendants cohabiting partner. Same-sex cohabitation gained recognition by law 65/2006, in force from 27 June 2006. Before that same sex cohabitants could possibly be exempt from the duty to testify, as being in a close relationship.</p>	