

# Income, troubles and legal family formats in the Netherlands

by Natalie Nikolina<sup>1</sup>

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

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

Published by INED, Paris, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu)

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

© 2017 Natalie Nikolina

<sup>1</sup> Dr. Natalie Nikolina (researcher Comparative Sexual Orientation Law, Leiden University) is grateful for the useful comments that Dr. Ian Sumner (Voorts Juridische Diensten) and Kees Waaldijk (professor of Comparative Sexual Orientation Law, Leiden University) made on an earlier version of the answers in this section of the database.

<sup>2</sup> [Grotius Centre for International Legal Studies](#), Leiden University, Netherlands, [www.leiden.edu](http://www.leiden.edu).



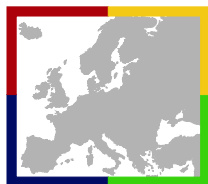
<sup>3</sup> Institut national d'études démographiques, Paris, France, [www.ined.fr](http://www.ined.fr).



**Recommended citation:**  
N. Nikolina, 'Income, troubles and legal family formats in the Netherlands', 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) (question 2.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](http://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](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 the Netherlands

The answers concerning the Netherlands 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 the Netherlands by Ian Sumner (Section 1)

### Income, troubles and legal family formats in the Netherlands by Natalie Nikolina (Section 2)

### Parenting and legal family formats in the Netherlands by Natalie Nikolina (Section 3)

### Migration and legal family formats in the Netherlands by Ian Sumner (Section 4)

### Splitting up and legal family formats in the Netherlands by Natalie Nikolina (Section 5)

### Death and legal family formats in the Netherlands by Natalie Nikolina (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.

–

Jurisdiction: **Netherlands**

Source: **N. Nikolina**, "Income, troubles and legal family formats in Netherlands". 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-NL-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 No, but 2001	2015 No, but 2001	2015 No, but 2001	2015 No, but 2001	2015 No, but 2001	2015 No, but 2001
Yes, but 0000	N/A 0000	Yes, but 1998	Yes, but 1998	Yes, but 1984	Yes, but 1984
		N/A 0000	N/A 0000	No 0000	No 0000
<b>References to legal sources:</b> Wet inkomstenbelasting 2001 (Income Tax Act 2001), Staatsblad 2000, 215 (previously: Wet op de inkomstenbelasting 1964).		<b>References to legal sources:</b> Wet inkomstenbelasting 2001 (Income Tax Act 2001), Staatsblad 2000, 215 (previously: Wet op de inkomstenbelasting 1964).		<b>References to legal sources:</b> Wet inkomstenbelasting 2001 (Income Tax Act 2001), Staatsblad 2000, 215 (previously: Wet op de inkomstenbelasting 1964, as amended per 1984).	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>                      Marriage can only result in lower income tax in certain cases. For example when certain payments can be tax-deducted from the spouse with the highest income (Art. 2.17) or when one of the spouses works in the company of the other spouse (Art. 3.78). Most tax benefits befall those spouses who have community of property. (See I. van Vijfeijken &amp; N. Gubbels in C. Forder &amp; A. Verbeke (eds.), <i>Gehuwd of niet: maakt het iets uit?</i>, Antwerpen - Groningen: Intersentia 2005, pp. 347-358.</p> <p>Before the 2001 law reform there seemed to be somewhat more beneficial income tax exceptions for spouses.</p>		<p><b>Explanations and nuances:</b>                      Registered partnership can only result in lower income tax in certain cases. For example when certain payments can be tax-deducted from the partner with the highest income (Art. 2.17) or when one of the partners works in the company of the other partner (Art. 3.78). Most tax benefits befall those partners who have community of property. (See I. van Vijfeijken &amp; N. Gubbels in C. Forder &amp; A. Verbeke (eds.), <i>Gehuwd of niet: maakt het iets uit?</i>, Antwerpen - Groningen: Intersentia 2005, pp. 347-358.</p> <p>Before the 2001 law reform there seemed to be somewhat more beneficial income tax exceptions for partners.</p>		<p><b>Explanations and nuances:</b>                      Cohabitation can only result in lower income tax in certain cases and only if the cohabitants qualify as 'partners'. Cohabitants qualify as partners if they have cohabited for a minimum of 6 months, are both of age and not in a formal relationship and choose to qualify as partners (Art. 1.2). Income tax may be lower for cohabiting partners for example when certain payments can be tax-deducted from the partner with the highest income (Art. 2.17) or when one of the partners works in the company of the other partner (Art. 3.78).</p> <p>Before the 2001 law reform there seemed to be somewhat more beneficial income tax exceptions for partners.</p>	

Jurisdiction: **Netherlands**

Source: **N. Nikolina**, "Income, troubles and legal family formats in Netherlands". 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-NL-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 1965	2015 Yes 2001	2015 Yes 1998	2015 Yes 1998	2015 Yes 1987	2015 Yes 1987
	N/A 0000	N/A 0000	N/A 0000	Yes, but 1965	No 0000

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>References to legal sources:</b>                      Participatiewet (Participation Act), Staatsblad 2004, 270 (in force since 2015).</p> <p>Wet werk en bijstand (Work and social security Act), Staatsblad 2003, 375 (in force 2004-2014).</p> <p>Algemene bijstandswet (General Social Security Act), Staatsblad 1995, 199 (in force 1996-2003).</p> <p>Algemene bijstandswet (General Social Security Act), Staatsblad 1963, 284 (in force 1965- 1995).</p>		<p><b>References to legal sources:</b>                      Participatiewet (Participation Act), Staatsblad 2004, 270 (in force since 2015).</p> <p>Wet werk en bijstand (Work and social security Act), Staatsblad 2003, 375 (in force between 2004 and 2014).</p> <p>Algemene bijstandswet (General Social Security Act), Staatsblad 1995, 199 (in force between 1996 and 2003).</p>		<p><b>References to legal sources:</b>                      Participatiewet (Participation Act), Staatsblad 2004, 270 (in force since 2015).</p> <p>Wet werk en bijstand (Work and social security Act), Staatsblad 2003, 375 (in force between 2004 and 2014).</p> <p>Algemene bijstandswet (General Social Security Act), Staatsblad 1995, 199 (in force between 1996 and 2003).</p> <p>The law of 6 November 1986, Staatsblad 1986, 564 (in force since 1987).</p> <p>Algemene bijstandswet (General Social Security Act), Staatsblad 1963, 284 (in force between 1965 and 1995).</p>	



Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>                      There is no entitlement to basic social security if one of the spouses earns enough to support both spouses financially.</p> <p>See for explanation of the situation prior to 2015, K. Waaldijk, More or less together: Levels of legal consequences of marriage, cohabitation and registered partnership for different-sex and same-sex partners. A comparative study of nine European countries, Paris: INED 2005, p. 145, <a href="https://openaccess.leidenuniv.nl/handle/1887/12585">https://openaccess.leidenuniv.nl/handle/1887/12585</a>.</p>		<p><b>Explanations and nuances:</b>                      There is no entitlement to basic social security if one of the partners earns enough to support both partners financially.</p> <p>See for explanation of the situation prior to 2015, K. Waaldijk, More or less together: Levels of legal consequences of marriage, cohabitation and registered partnership for different-sex and same-sex partners. A comparative study of nine European countries, Paris: INED 2005, p. 145, <a href="https://openaccess.leidenuniv.nl/handle/1887/12585">https://openaccess.leidenuniv.nl/handle/1887/12585</a>.</p>		<p><b>Explanations and nuances:</b>                      There is no entitlement to basic social security if one of the cohabitants earns enough to support both cohabitants financially.</p> <p>The law of 6 November 1986 introduced equal treatment of same-sex and different-sex cohabitants. Different-sex cohabitants were already treated the same as spouses under the predecessor of this law. See for explanation of the situation and time frame prior to 2015, K. Waaldijk, More or less together: Levels of legal consequences of marriage, cohabitation and registered partnership for different-sex and same-sex partners. A comparative study of nine European countries, Paris: INED 2005, p. 145, <a href="https://openaccess.leidenuniv.nl/handle/1887/12585">https://openaccess.leidenuniv.nl/handle/1887/12585</a>.</p>	

Jurisdiction: **Netherlands**

Source: **N. Nikolina**, "Income, troubles and legal family formats in Netherlands". 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-NL-Section2.pdf](#) (please use this full citation when citing any information from this table).

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 2006	2015 No, but 2006	2015 No, but 2006	2015 No, but 2006	2015 No, but 2006	2015 No, but 2006
Yes, but 0000	Yes, but 2001	Yes, but 1998	Yes, but 1998	Yes, but 1989	Yes, but 1989
	N/A 0000	N/A 0000	N/A 0000	No 0000	No 0000
<p><b>References to legal sources:</b> Zorgverzekeringswet (Public Health Insurance Funds Act), Staatsblad 2005, 358 (entered into force in 2006).</p> <p>Ziekenfondswet (Public Health Insurance Funds Act), Staatsblad 1964, 392.</p>		<p><b>References to legal sources:</b> Zorgverzekeringswet (Health Insurance Act), Staatsblad 2005, 358 (entered into force in 2006).</p> <p>Ziekenfondswet (Public Health Insurance Funds Act), Staatsblad 1964, 392.</p>		<p><b>References to legal sources:</b> Zorgverzekeringswet (Health Insurance Act), Staatsblad 2005, 358 (entered into force in 2006).</p> <p>Ziekenfondswet (Public Health Insurance Funds Act), Staatsblad 1964, 392 (as amended by Law of 15 December 1988, Staatsblad 1988, 610; in force since 1989).</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>            All Dutch residents are obliged to have a basic health insurance (with a few specific exceptions) (Art 2). The fee is dependent on the income of a household.</p> <p>Before the new health insurance system was introduced in 2006, a partner who earned very little or nothing was in some cases covered by their partner's insurance. See K. Waaldijk, More or less together: Levels of legal consequences of marriage, cohabitation and registered partnership for different-sex and same-sex partners. A comparative study of nine European countries, Paris: INED 2005, p. 143, <a href="https://openaccess.leidenuniv.nl/handle/1887/12585">https://openaccess.leidenuniv.nl/handle/1887/12585</a>.</p>		<p><b>Explanations and nuances:</b>            All Dutch residents are obliged to have a basic health insurance (with a few specific exceptions) (Art 2). The fee is dependent on the income of a household.</p> <p>Before the new health insurance system was introduced in 2006, a partner who earned very little or nothing was in some cases covered by their partner's insurance. See K. Waaldijk, More or less together: Levels of legal consequences of marriage, cohabitation and registered partnership for different-sex and same-sex partners. A comparative study of nine European countries, Paris: INED 2005, p. 143, <a href="https://openaccess.leidenuniv.nl/handle/1887/12585">https://openaccess.leidenuniv.nl/handle/1887/12585</a>.</p>		<p><b>Explanations and nuances:</b>            All Dutch residents are obliged to have a basic health insurance (with a few specific exceptions) (Art 2). The fee is dependent on the income of a household.</p> <p>Before the new health insurance system was introduced in 2006, a partner who earned very little or nothing was in some cases covered by their partner's insurance. See K. Waaldijk, More or less together: Levels of legal consequences of marriage, cohabitation and registered partnership for different-sex and same-sex partners. A comparative study of nine European countries, Paris: INED 2005, p. 143, <a href="https://openaccess.leidenuniv.nl/handle/1887/12585">https://openaccess.leidenuniv.nl/handle/1887/12585</a>.</p>	

Jurisdiction: **Netherlands**

Source: N. Nikolina, "Income, troubles and legal family formats in Netherlands". 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-NL-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 2001	2015 Yes 2001	2015 Yes 2001	2015 Yes 2001	2015 Yes 2001	2015 Yes 2001
? 0000	N/A 0000	? 1998	? 1998	? 0000	? 0000
		N/A 0000	N/A 0000		
<b>References to legal sources:</b> Wet Arbeid en Zorg (Labour and Care Act), Staatsblad 2001, 567.		<b>References to legal sources:</b> Wet Arbeid en Zorg (Labour and Care Act), Staatsblad 2001, 567.		<b>References to legal sources:</b> Wet Arbeid en Zorg (Labour and Care Act), Staatsblad 2001, 567.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>                      There are various statutory rights to paid and unpaid leave to give care to a partner in need of care.</p> <p>First there is the right to calamity leave (calamiteitenverlof) lasting a few hours to a few days (Art. 4.1).</p> <p>Then the right to (partially) paid short period care leave (Art. 5.1) (up to twice the weekly work hours within 12 months).</p> <p>Finally there is the right to unpaid long term care leave (Art. 5.9) (up to 6 times the monthly working hours within a 12 month period).</p>		<p><b>Explanations and nuances:</b>                      There are various statutory rights to paid and unpaid leave to give care to a partner in need of care.</p> <p>First there is the right to calamity leave (calamiteitenverlof) lasting a few hours to a few days (Art. 4.1).</p> <p>Then the right to (partially) paid short period care leave (Art. 5.1) (up to twice the weekly work hours within 12 months).</p> <p>Finally there is the right to unpaid long term care leave (Art. 5.9) (up to 6 times the monthly working hours within a 12 month period).</p>		<p><b>Explanations and nuances:</b>                      There are various statutory rights to paid and unpaid leave to give care to a partner in need of care. Cohabitants are included in the rights (Art. 1.3 and 5.1).</p> <p>First there is the right to calamity leave (calamiteitenverlof) lasting a few hours to a few days (Art. 4.1).</p> <p>Then the right to (partially) paid short period care leave (Art. 5.1) (up to twice the weekly work hours within 12 months).</p> <p>Finally there is the right to unpaid long term care leave (Art. 5.9) (up to 6 times the monthly working hours within a 12 month period).</p>	

Jurisdiction: **Netherlands**

Source: N. Nikolina, "Income, troubles and legal family formats in Netherlands". 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-NL-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 Yes, but 2001	2015 Yes, but 2001	2015 Yes, but 2001	2015 Yes, but 2001	2015 Yes, but 2001	2015 Yes, but 2001
? 0000	N/A 0000	? 1998	? 1998	? 0000	? 0000
		N/A 0000	N/A 0000		
<b>References to legal sources:</b> Wet Arbeid en Zorg (Labour and Care Act), Staatsblad 2001, 567.		<b>References to legal sources:</b> Wet Arbeid en Zorg (Labour and Care Act), Staatsblad 2001, 567.		<b>References to legal sources:</b> Wet Arbeid en Zorg (Labour and Care Act), Staatsblad 2001, 567.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>                      The employee has a right to leave to care for a person they are in a social relationship with if this is reasonable to be expected of them. Whether this is the case for a parent-in law depends on the situation (Art 5.1). First there is the right to (partially) paid short period care leave (Art. 5.1) (up to twice the weekly work hours within 12 months). Then there is the right to unpaid long term care leave (Art. 5.9) (up to 6 times the monthly working hours within a 12 month period).</p>		<p><b>Explanations and nuances:</b>                      The employee has a right to leave to care for a person they are in a social relationship with if this is reasonable to be expected of them. Whether this is the case for a parent-in law depends on the situation (Art 5.1). First there is the right to (partially) paid short period care leave (Art. 5.1) (up to twice the weekly work hours within 12 months). Then there is the right to unpaid long term care leave (Art. 5.9) (up to 6 times the monthly working hours within a 12 month period).</p>		<p><b>Explanations and nuances:</b>                      The employee has a right to leave to care for a person they are in a social relationship with if this is reasonable to be expected of them. Whether this is the case for a parent-in law depends on the situation (Art 5.1). First there is the right to (partially) paid short period care leave (Art. 5.1) (up to twice the weekly work hours within 12 months). Then there is the right to unpaid long term care leave (Art. 5.9) (up to 6 times the monthly working hours within a 12 month period).</p>	

Jurisdiction: **Netherlands**

Source: **N. Nikolina**, "Income, troubles and legal family formats in Netherlands". 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-NL-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 2001	2015 Yes 1998	2015 Yes 1998	2015 Yes 1995	2015 Yes 1995
	N/A 0000	N/A 0000	N/A 0000	No 0000	No 0000
<p><b>References to legal sources:</b> Art. 7:450 and 7:465 of the Civil Code. These articles on the "medical treatment contract" were inserted into the Civil Code in 1995 by law of 17 November 1994, Staatsblad 1994, 837.</p>		<p><b>References to legal sources:</b> Art. 7:450 and 7:465 of the Civil Code.  These articles on the "medical treatment contract" were inserted into the Civil Code in 1995 by law of 17 November 1994, Staatsblad 1994, 837, and amended to include registered partners by law of 17 December 1997, Staatsblad 1997, 660.</p>		<p><b>References to legal sources:</b> Art. 7:450 and 7:465 of the Civil Code. These articles on the "medical treatment contract" were inserted into the Civil Code in 1995 by law of 17 November 1994, Staatsblad 1994, 837.</p>	



Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>            For purposes of "medical treatment contract" a patient who is incapable of considering their own interests may be represented by their spouse.</p> <p>See also K. Waaldijk, More or less together: Levels of legal consequences of marriage, cohabitation and registered partnership for different-sex and same-sex partners. A comparative study of nine European countries, Paris: INED 2005, p. 147, <a href="https://openaccess.leidenuniv.nl/handle/1887/12585">https://openaccess.leidenuniv.nl/handle/1887/12585</a>.</p>		<p><b>Explanations and nuances:</b>            For purposes of "medical treatment contract" a patient who is incapable of considering their own interests may be represented by their registered partner.</p> <p>See also K. Waaldijk, More or less together: Levels of legal consequences of marriage, cohabitation and registered partnership for different-sex and same-sex partners. A comparative study of nine European countries, Paris: INED 2005, p. 147, <a href="https://openaccess.leidenuniv.nl/handle/1887/12585">https://openaccess.leidenuniv.nl/handle/1887/12585</a>.</p>		<p><b>Explanations and nuances:</b>            Art. 7:465 speaks of a "life companion (levensgezel)" and not of a "cohabitant". For purposes of "medical treatment contract" a patient who is incapable of considering their own interests may be represented by their "life companion".</p> <p>See also K. Waaldijk, More or less together: Levels of legal consequences of marriage, cohabitation and registered partnership for different-sex and same-sex partners. A comparative study of nine European countries, Paris: INED 2005, p. 147, <a href="https://openaccess.leidenuniv.nl/handle/1887/12585">https://openaccess.leidenuniv.nl/handle/1887/12585</a>.</p>	

Jurisdiction: **Netherlands**

Source: N. Nikolina, "Income, troubles and legal family formats in Netherlands". 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-NL-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 2009	2015 Yes 2009	2015 Yes 2009	2015 Yes 2009	2015 Yes 2009	2015 Yes 2009
No, but 1886	No, but 2001	No, but 1998	No, but 1998	No, but 2006	No, but 2006
	N/A 0000	N/A 0000	N/A 0000	No 0000	No 0000
<p><b>References to legal sources:</b> Art. 304 of the Penal Code.</p> <p>Wet tijdelijk huisverbod, Staatsblad 2008, 421 (entered into force in 2009).</p>		<p><b>References to legal sources:</b> Art. 90octies and 304 of the Penal Code.</p> <p>Wet tijdelijk huisverbod, Staatsblad 2008, 421 (entered into force in 2009).</p>		<p><b>References to legal sources:</b> Art. 304 of the Penal Code, as amended by the law of 22 December 2005, Staatsblad 2006, 11 (entered into force in 2006).</p> <p>Wet tijdelijk huisverbod, Staatsblad 2008, 421 (entered into force in 2009).</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>            Violence against a family member including a spouse may result in a higher punishment than the maximum sentence for battery (art. 304 of the Penal Code). It is an aggravating circumstance.</p> <p>Also, since 2009, a person who uses violence against someone they live with can be subjected to a temporary restraining order forbidding them from entering the home.</p>		<p><b>Explanations and nuances:</b>            Violence against a family member including a registered partner (art. 90octies) may result in a higher punishment than the maximum sentence for battery (art. 304). It is an aggravating circumstance.</p> <p>Also, since 2009, a person who uses violence against someone they live with can be subjected to a temporary restraining order forbidding them from entering the home.</p>		<p><b>Explanations and nuances:</b>            Since 2006, violence against a family member including a "life companion" may result in a higher punishment than the maximum sentence for battery (art. 304). It is an aggravating circumstance.</p> <p>Also, since 2009, a person who uses violence against someone they live with can be subjected to a temporary restraining order forbidding them from entering the home.</p>	

Jurisdiction: **Netherlands**

Source: **N. Nikolina**, "Income, troubles and legal family formats in Netherlands". 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-NL-Section2.pdf](#) (please use this full citation when citing any information from this table).

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 2001	2015 Yes 1998	2015 Yes 1998	2015 No 0000	2015 No 0000
	N/A 0000	N/A 0000	N/A 0000		
<b>References to legal sources:</b> Art. 217 of the Code of Criminal Procedures (Wetboek van Strafvordering).		<b>References to legal sources:</b> Art. 217 of the Code of Criminal Procedures (Wetboek van Strafvordering), as amended by the law of 17 December 1997, Staatsblad 1997, 660.		<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>                      Current and ex-spouses are exempt from having to testify against their (ex-)spouse.</p>		<p><b>Explanations and nuances:</b>                      Registered partners are exempt from having to testify against their current or former registered partners.</p>		<p><b>Explanations and nuances:</b>                      Cohabitants are not included in the exemption for (ex-)spouses and (ex-)registered partners. This was confirmed by the Dutch Supreme Court (Hoge Raad) in a ruling of 31 May 2005, ECLI:NL:HR:2005:AS2748, and accepted by the subsequent ECtHR judgement in Van der Heijden v. the Netherlands, Application No. 42857/05, of 3 April 2012.</p>	