

Registered Partnership

Since 1 January 2007, same-sex couples can have their partnership registered in the civil status register and thus establish a marriage-like relationship with mutual rights and obligations. The Federal Office of Justice has prepared an information sheet for this purpose (www.eazw.admin.ch). The most important points of this information sheet are reproduced below.

Basic principle

The partners are mutually obligated to assist and respect each other. They each contribute, as far as they are able, to the support of their life together.

Conditions of registration

In order to form a registered partnership and have it entered in the register. The partners must meet the following legal requirements:

- They must be over the age of 18 and capable of proper judgement.
- They may not be already married or living in a registered partnership.
- Persons with guardians must have the consent of their legal representative.
- Partners must not be directly related; a person cannot form a partnership with a brother/sister or half-brother/half-sister.
- One of the two partners must be a Swiss national or be resident in Switzerland.

How do you initiate the procedure for a registered partnership?

The partners must go in person to the civil registry office of one of them with the necessary documents. The application form to register a partnership is available from the civil registry office. Swiss nationals living abroad may file their application through the relevant diplomatic or consular representation.

Formation of the registered partnership

The registrar notarises the couple's declarations that they wish to enter into a registered partnership (partnership document) and has both partners sign the document. A partnership certificate is then issued for the registered partnership.

Recognition of a same-sex partnership registered in a foreign country

A partnership legally registered in a foreign country is recognised in Switzerland insofar as it complies with Swiss legal principles.

New civil status

Civil status must always be indicated on official forms and in correspondence with the authorities. The civil status is: **"in a registered partnership"**. After legal dissolution of the partnership or after the death of one of the partners, the civil status is: **"partnership dissolved"**.

Personal effect of the registered partnership

The registered partnership has no effect on the surnames of the partners or their citizenship. There is, however, the possibility of adopting an affinitive name, whereby the surnames are conjoined with a hyphen. The combined surname can be used on an everyday basis and, on request, may appear in a passport or identity card.

Economic implications of the registered partnership

Each of the partners is free to dispose over her/his assets and is liable for debts out of her/his own assets. This system corresponds to the separation of property under matrimonial law. In areas such as tax law and inheritance law, same-sex partners will be treated like married couples. If one of the partners dies, the surviving partner will be regarded as a widow(er) in terms of entitlement to old age and survivors pensions (AHV) and occupational pensions.

Partnership and children

It is prohibited for persons living in a registered partnership to adopt a child or have recourse to artificial reproduction procedures. If a partner has children, the other partner must assist in fulfilling the support obligation and in exercising parental responsibility and must represent her/his partner when circumstances require, e.g. in cases of sickness or absence.

Dissolution of the registered partnership

The two partners may apply together to the courts for dissolution of the partnership. In addition, each partner may ask the courts to dissolve the partnership if the couple has lived separately for at least one year. The entitlements to occupational pension benefits are divided up as in a divorce. (Source: Federal Office of Justice information sheet "Infoblatt über die eingetragene Partnerschaft")

What does the introduction of the Registered Partnerships Act mean for companies which are Swiss Life clients (2nd pillar)?

- Employees must inform their employers when they register their partnership. In turn, the employer may only pass this information to offices/agencies and authorities to which the employer has an obligation of disclosure. This also includes the employee benefits institution.
- Employees living in a registered partnership have the same legal status as employees who are married.
- Persons living in a registered partnership receive a widow(er)'s pension upon the death of their partner.

What does the introduction of the Registered Partnerships Act mean for private clients of Swiss Life (3rd pillar)?

Pillar 3a and 3b

- Persons living in a registered partnership have the same legal status as persons who are married.
- With regard to beneficiary status, a surviving partner will be treated the same as a surviving spouse.
- Changes to the contract require the written consent of both partners.
- Cf. Swiss Life's information leaflet on tax-qualified insurance policies.

Pillar 3b

- With regard to the "bankruptcy privilege" (exemption from creditors' claims), a partner is treated in the same way as a spouse.

A checklist for the implementation of the Registered Partnerships Act in the business community and in public administration can be found at: www.network.ch

Additional information on the subject of the Registered Partnerships Act:

www.ejpd.admin.ch

www.pinkcross.ch

www.los.ch