

Subject: "The equality of husband and wife in Family Law.

Q U E S T I O N N A I R E

- 1.- Does your legal system establish equal conditions for marriage and the same grounds of divorce for man and woman ?
- 2.- Does your legal system contain provisions whereby a spouse is put in a more advantageous position than the other spouse (designation to act as the head of the family), or is given the sole right either to take decisions concerning the other spouse, or to represent this spouse ?
- 3.- In cases of absence of agreement between the spouses, does your law ensure that both spouses have equal rights where the law contains provisions to resolve questions? (choice of the common residence, decisions concerning the personal life of the child, etc.).
- 4.- Does each spouse need the consent of the other spouse to travel within the State of his habitual residence, or to go abroad ?
- 5.- Does your law grant both spouses equal rights to exercise a trade or profession and undertake or continue studies of their choice ?
- 6.- Does your law ensure that both spouses have equal rights to choose the common residence of the family? Can each spouse have a residence separate from that of the other spouse ? Who decides in case of absence of agreement?
- 7.- How does your law regulate the problem concerning the family name during the marriage and after its dissolution ?
- 8.- What are the rights and obligations of spouses in respect of household expenses and maintenance during the marriage and in case of legal separation or divorce? Can a divorced husband get maintenance from the other spouse ?
- 9.- Does your law ensure the legal protection for the spouse who has lived in the family home without possessing a right to the enjoyment of this home, when such right belongs or has belonged to the other spouse ?
- 10.- What contracts of marriage does your law admit? (matrimonial property regime of community of goods, separation of goods, dowry regime, etc.). Do the rules relating to such contracts contain provisions which discriminate against one spouse, or terms providing an irrevocable transfer of the powers of administration of the property by one spouse to the other spouse? Are there presumptions relating to property based on the sex of either spouse?
- 11.- Does your law grant to each spouse equal rights to inherit the estate of the other spouse ?
- 12.- What are the rights of the spouses as to the family name to be given to their children or the children adopted by them ?
- 13.- What are the rights of the spouses about: a) the property or income of the child; b) the legal representation of the child; c) decisions concerning the personal life of the child (education, religion, health, travel, consent to marriage, choice of the first name, access, etc.) ?
- 14.- How does your law regulate the contribution of spouses towards the maintenance of their children ?
- 15.- In case of separation or divorce, does your law attribute to the spouses the rights and obligations concerning their children without any discrimination based on the sex of the parents ?