

2nd Study Commission questionnaire – 1984

1. In your law are the provisions for the act of marrying and concerning the grounds for divorce the same for husband and wife?
2. Does your legal system contain provisions which concede to the one spouse superiority over the other spouse (designation: Head of the Family) or award that spouse alone the right to decide for and represent the other spouse?
3. In the event of non-agreement between the spouses does your law ensure equal rights for the spouses when an order is made concerning the resolution of these questions (choice of domicile, decisions which affect the life of the child, etc.)?
4. Is it required that each spouse shall obtain the assent of the other spouse in order to change the dwelling place within the country, in which the ordinary domicile is situated, or in order to move abroad?
5. Does your law guarantee the spouses equal rights regarding the practicing of a profession or business or regarding the commencement or continuation of studies of the spouse's choice?
6. Does your legal system ensure equal rights for the spouses with regard to the choice of conjugal domicile? May a spouse have a domicile which is different from that of the other spouse? Who shall decide in the case of dissent?
7. How does your legal system regulate the problem of the spouses' family name, during the marriage and after the dissolution?
8. What are the rights and duties of the spouses with regard to housekeeping and support, even in the case of separation or divorce? Can the right of support also be due to the husband after divorce?
9. Are there protective measures which accord the spouse who has dwelt in the conjugal domicile without personally having a legal title a right to a normal use of the dwelling if the other spouse is or has been entitled to this right?
10. Which marriage agreements are provided in your legal system (joint marital property, separation of property, dowry, etc.)? Do the rules which dominate these contracts contain provisions or clauses which discriminate against one of the spouses, providing an irrevocable transfer of the power of asset administration from one spouse to the advantage of the other? Is there a presumption of ownership founded in the sex of the one or other of the spouses?
11. Do the spouses have the same inheritance rights to each other's goods?
12. What are the spouses' rights with respect to the bestowal of the family name on the legitimate or adopted children?
13. What rights do the spouses have with regard to:
 - a. the assets and the income of the child,
 - b. its legal representation,
 - c. decision concerning the child's private life (up-bringing, religion, health, change of dwelling, permission to marry, choice of first name, right to pay visits, etc.).
14. How does your law regulate the spouses' contribution to the support of their children?
15. In the event of separation or divorce does your legal system assign rights and duties to the spouses in such a way as to ensure that under these circumstances there shall be no sexual discrimination against one of the spouses?