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How “Marriage for all” affects same-sex couples

With the electorate having approved the “Marriage for all” proposal in autumn 2021, same-sex couples will now be able to marry from 1 July 2022 onwards. How does this change in the law affect people in other ways? Does the amendment also have implications for Swiss Abroad?

The Swiss electorate voted yes to the “Marriage for all” proposal in a popular vote on 26 September 2021 (see edition 6/2021 of “Swiss Review”). There will also be implications for Swiss Abroad when the relevant amendment to the Swiss Civil Code comes into force on 1 July 2022.

Same-sex couples in Switzerland have been able to enter into civil partnerships since 2007, but they have never been allowed to get married. This will change when “Marriage for all” comes into force on 1 July 2022. Same-sex couples will then be able to tie the knot in Switzerland too, while no new civil partnerships will be permitted.

The legal differences between civil partnership and marriage mainly relate to the areas of naturalisation, adoption, and reproductive medicine. Simplified naturalisation, the right of

Laura and Delia cutting their wedding cake in Regensdorf: after the people said yes to “Marriage for all” all same-sex couples in Switzerland can marry from 1 July 2022.

Photo: Keystone



adoption, and access to reproductive medicine are only open to married couples.

Here are the possible implications for Swiss Abroad:

- Unmarried same-sex couples can get married in Switzerland from 1 July 2022. Starting from this date, they will be able to submit the necessary application for preparation of marriage in Switzerland to the relevant Swiss representation abroad.
- Registered partners keep their status. However, same-sex couples who have registered their partnership be-

fore 1 July 2022 will be able at any time to convert their (civil) registered partnership into marriage by means of a joint declaration. The conversion declaration can be handed in at any registry office in Switzerland or at the couple’s local Swiss representation abroad. Conversion into marriage at a registry office in Switzerland can involve a ceremony, if the couple so desire. Partners who enter into a civil partnership abroad on or after 1 July 2022 cannot convert such a partnership into marriage. They can, however, get married in Switzerland.

Don't miss the statutory period

For same-sex couples who marry abroad before 1 July 2022 but have no prenuptial agreement, the “Marriage for all” amendment has retroactive implications with regard to the matrimonial regime. Under Swiss law, joint ownership of property applies retroactively to same-sex couples (instead of separation of property). For this reason, either same-sex spouse can inform the other spouse in writing between 1 January 2022 and 30 June 2022 that their existing matrimonial regime will continue to apply until 30 June 2022. This declaration must be personally signed. (FOJ)

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■ Same-sex couples who have married abroad and whose marriage has been recognised in Switzerland as a civil partnership can, from 1 July 2022, apply to the cantonal marital status supervisory authority of their home canton to have their entry updated in the Swiss civil status register. This is because foreign same-sex marriages are now recognised as marriages in Switzerland. The entry will also be automatically updated when a change of civil status (birth, death, etc.) has to be registered.

■ Foreign heterosexual civil partnerships are now recognised as civil partnerships in Switzerland. From 1 July 2022, couples in such partnerships can apply to the cantonal marital status supervisory authority of their home canton for their partnership to be entered in the Swiss civil status register.

■ Married female couples will now have access to sperm donations in Switzerland. Provided the sperm donation is conducted under the terms of the Swiss Reproductive Medicine Act, the wife of the childbearing woman will become one of the child's legal parents, and stepchild adoption will no longer be necessary. The donation of eggs and embryos as well as all forms of surrogate motherhood remain unlawful. (FOJ)

For further information in German, French and Italian, visit the Federal Office of Justice (FOJ) website: [revue.link/zivilstand](https://www.revue.link/zivilstand)

Couples with any questions on these matters can contact the registry office/supervisory authority of their home canton or their local Swiss representation abroad. List of registry offices: [revue.link/zivilstandsamt](https://www.revue.link/zivilstandsamt)

Federal votes

The Federal Council determines voting proposals at least four months before the voting date.

Everything you need to know about voting proposals (voting pamphlets, committees, recommendations by Parliament and the Federal Council etc.) is available at www.admin.ch/votes or via the Federal Chancellery's VoteInfo app.

Popular initiatives

At the time of going to press no new popular initiatives have been launched.

The list of pending popular initiatives is available in German, French and Italian at www.bk.admin.ch > Politische Rechte > Volksinitiativen > Hängige Volksinitiativen



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