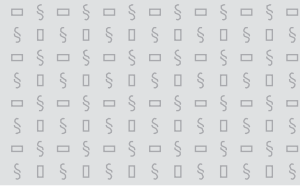




MASARYK UNIVERSITY
FACULTY OF LAW

CZECH FAMILY LAW

1. LECTURE Introduction



OUTLINE OF THE COURSE

1. Introduction into Czech Family Law. History - Presents - Future.
2. **Marriage**
3. **Registered Partnership, Marriage of Same-sex Couples**
4. Cohabitation
5. **Filiation - Fatherhood, Motherhood**
6. **Parental responsibility**
7. Maintenance duty
8. **Adoption**
9. Foster care
10. State interventions. Institutional Care
11. Guardianship and Custodianship
12. Law against Domestic Violence.



EXAMINATION

10 points - PRESENTATION AT LECTURE

*Student should provide during 20-30 minut presentation basic information about Czech Legislation, International Laws and Domestic Law of the Student's country. Topics are to be chosen from the **highlighted on the previous slide TODAY.***

30 points - SEMESTER PAPER

Topics are going to be assigned:

3. lecture

Deadline for Papers:

6. lecture

Grades:

7. lecture

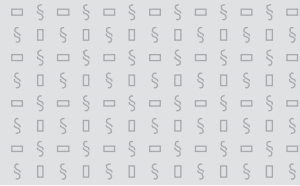
60 points - WRITTEN EXAM DURING THE LAST LECTURE

BONUS UP TO 10 points FOR ACTIVE PARTICIPATION ON LECTURES



GRADES

A	93-100
B	86-92
C	79-85
D	72-78
E	65-71
F	64 and below



WHAT DOES THE FAMILY LAW MEAN?

- Cornerstone of the Civil Law
- Legal regulation of marital / partnership status, kinship and parenthood
- Rights and duties of husband and wife; registered partners; parents and children; siblings; grandparents and grandchildren; stepparents and stepchildren; fosterparents and children in their care; guardians;



MASARYK UNIVERSITY FACULTY OF LAW

SOURCES AND PRINCIPLES OF FAMILY LAW

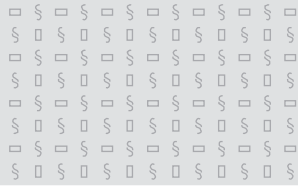


CZECH LAW

- Charter of Fundamental Rights and Freedoms (Act No. 2/1993 Coll.)
- Civil Code (Act No. 89/2012 Coll.)
- Act on Registered Partnership (Act No. 115/2006 Coll.)
- Act on Social Protection of Children (Act No. 359/1999 Coll.)
- Civil Procedure Code (Act No. 99/1963 Coll.)
- Act on Special Judicial Proceeding (Act No. 292/2013 Coll.)
- Act Governing Private International Law (Act No. 91/2012 Coll.)
- Act on Registry, Name and Surname (Act No. 301/200 Coll.)

INTERNATIONAL CONVENTIONS

- European Convention on Human Rights (209/1992 Coll.)
- UN Convention on Children Rights (104/1991 Coll.)
- Hague Adoption Convention (43/2000 Coll.)
- Hague Abduction Convention
- European Convention on the Adoption of Children (1967 - č. 132/2000 Coll.) (*Revised 2008 – www.coe.int*)
- European Convention on the Exercise of Children's Rights (54/2001 Coll.)
- Convention on Contact concerning Children (91/2005)



BASIC PRINCIPLES OF CONTEMPORARY FAMILY LAW

- PROTECTION OF FAMILY, PARENTHOOD AND MARRIAGE
- AUTHONOMY OF THE WILL (AND ITS LIMITATION)
- PROTECTION OF A WEAKER PARTY (ESPECIALLY CHILDREN)
- SOLIDARITY
- GOOD FAITH
- GOOD MORALS
- PROHIBITION OF ABUSE OF RIGHTS
- PROHIBITION OF DAMAGING RIGHTS OF OTHERS



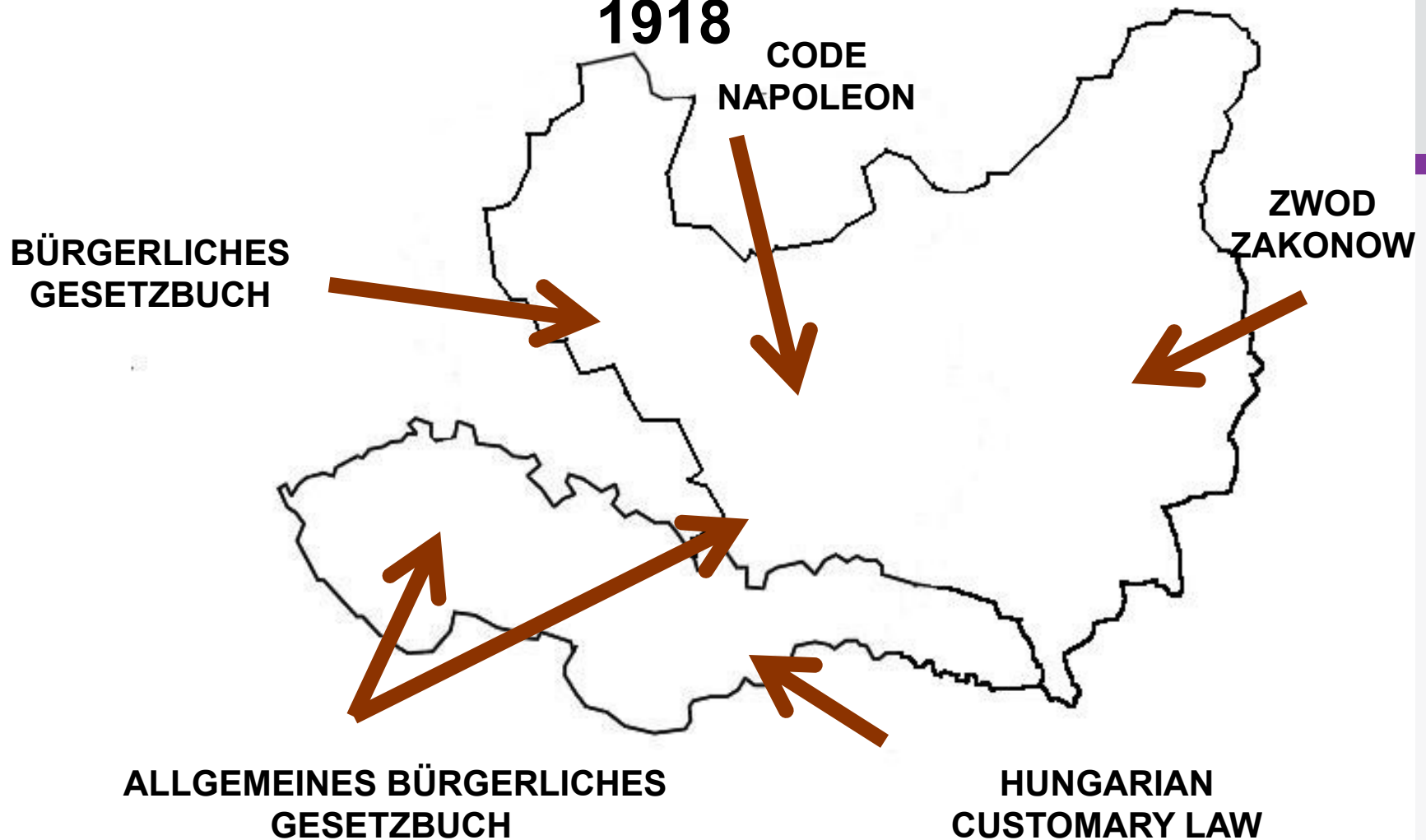
MASARYK UNIVERSITY
FACULTY OF LAW

HISTORY OF CZECH FAMILY LAW



The Republic of Czechoslovakia and the Republic of Poland

1918



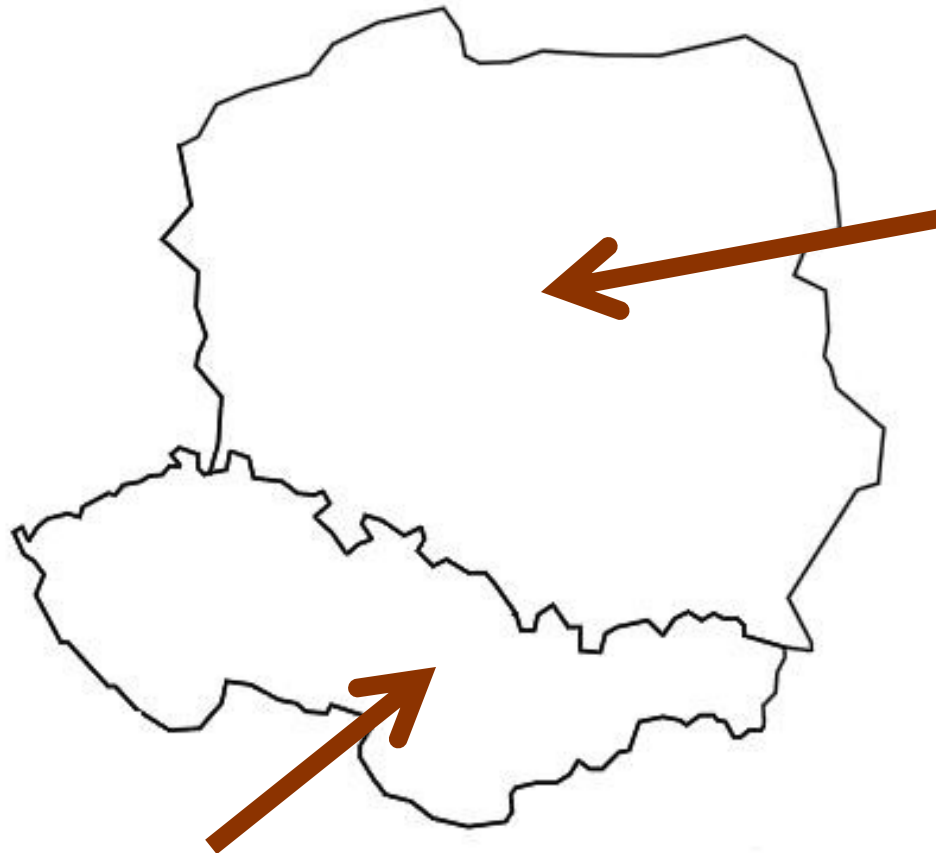


FROM 1948 - SOVIET FAMILY LAW AS A NEW PARADIGM

- Proclaimed equality of men and women
- Proclaimed equality of children born in marriage and out of a wedlock
- Since 1952 - necessity of state approval to marry foreigners

The civil section of the Polish Czechoslovak Commission for Juridical Cooperation decided to coordinate the ideological principles of civil codes of both countries and to introduce a "social reform of family obligations." On the basis of ideological theses presented by Prof. J. Jodlowski, rapporteur of family law in the Polish Diet, presented in Rome during the International Congress of the Communist-dominated Association of Democratic Jurists (October 28-November 1, 1949) two parallel codes were enacted: the Czechoslovak statute on family law of December 7, 1949, No. 265 Sb. and the above Polish code of June 27, 1950

The Czechoslovak Republic and the Polish People's Republic 1950



**THE FAMILY CODE
(USTAWA Z DNIA 27
CZERWCA 1950 r.
KODEKS
RODZINNY)**

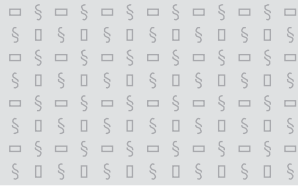
ACT NO. 265/1949 COLL., ON FAMILY LAW

The Czechoslovak Socialist Republic and the People's Republic of Poland 1964



**THE POLISH FAMILY
AND
GUARDIANSHIP
CODE
(USTAWA Z DNIA 25
LUTEGO 1964 r.)**

ACT NO. 94/1963 Coll., ON THE FAMILY

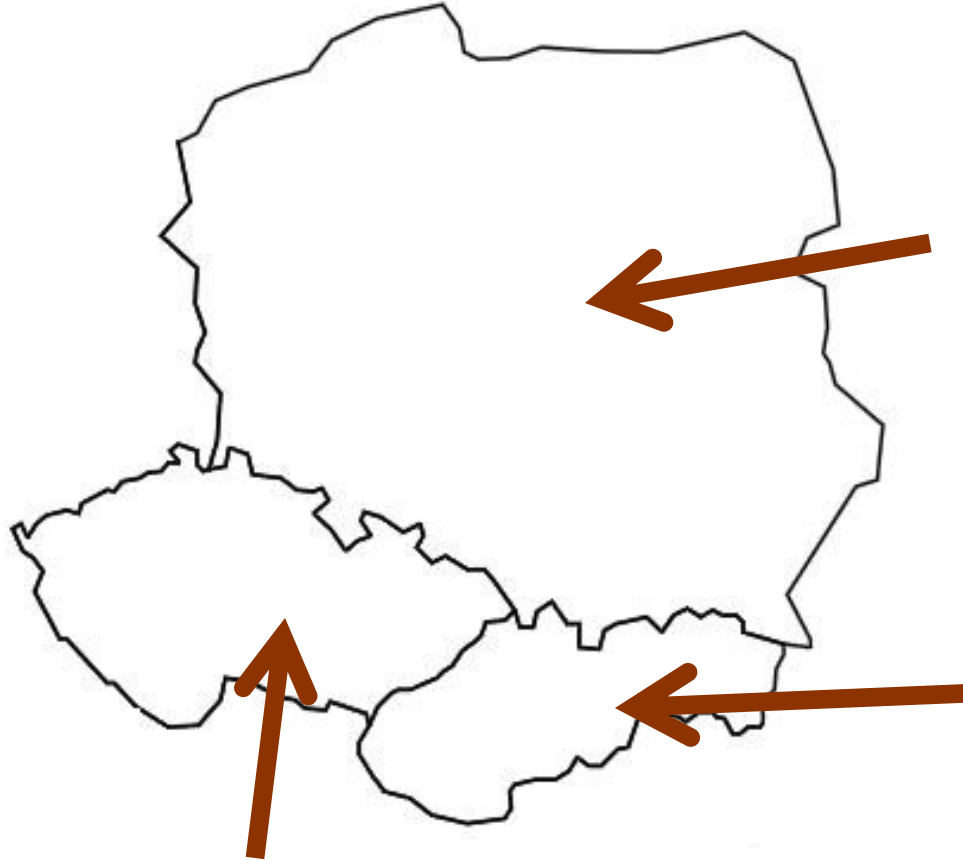


ACT NO. 94/1963 Coll.

- “[p]arents, the state, and social organizations, particularly the Czechoslovak Association of Youth and its Young Pioneer Organization, altogether in inseparable unity, care for children’s upbringing”



The Czech Republic, Slovakia and Poland 1990-2013



**THE POLISH FAMILY
AND
GUARDIANSHIP
CODE
(USTAWA Z DNIA 25
LUTEGO 1964 r.)
AND ITS
AMENDMENTS**

**ACT
NO. 36/2005 Z.
z., ON FAMILY**

ACT NO. 94/1963 Coll., ON THE FAMILY AND ITS AMENDMENTS





NEW CIVIL CODE (2014 - NOW)

<http://obcanskyzakonik.justice.cz/images/pdf/Civil-Code.pdf>

- Family law again integrated into Civil Code
- Complex regulation
- Adoption of adults
- Religious marriage