



Veřejný ochránce práv
OMBUDSMAN

Survey conducted by the Public Defender of Rights

**CONCLUDING REGISTERED PARTNERSHIP IN THE
CZECH REPUBLIC**

2016

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The mission of the Public Defender of Rights

This Survey is conducted as part of the activities of the Public Defender of Rights as the national equality body, a role which was bestowed on the Defender at the end of 2009.

Act No. 349/1999 Coll., on the Public Defender of Rights, as amended, gives the Defender a broader range of powers.

Since 2001, the Defender has been defending individuals against unlawful or otherwise incorrect procedure of administrative authorities and other institutions as well as against their inactivity. The Defender may peruse administrative and court files, request explanations from the authorities and carry out unannounced inquiries on site.

If the Defender finds errors in the activities of an authority and fails to achieve a remedy, the Defender may inform the superior authority or the public.

Since 2006, the Defender has acted in the capacity of the national preventive mechanism pursuant to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Defender systematically visits facilities where persons are restricted in their freedom, either *ex officio* or as a result of dependence on the care provided. The purpose of the visits is to strengthen protection against ill-treatment. The Defender generalises his or her findings and recommendations in summary reports on visits and formulates standards of treatment on their basis. The Defender's recommendations concerning improvement of the conditions found and elimination of ill-treatment, if applicable, are directed both to the facilities themselves and to their founders as well as the central governmental authorities.

Since 2011, the Defender has also been monitoring detention of foreign nationals and the performance of administrative expulsion.

The special powers of the Defender include the right to file a petition with the Constitutional Court seeking the abolishment of a secondary legal regulation, the right to become an enjoined party in Constitutional Court proceedings on annulment of a law or its part, the right to lodge an administrative action to protect a general interest or to file an application to initiate disciplinary proceedings with the president or vice-president of a court. The Defender may also make recommendations to the Government concerning adoption, amendment or repealing of a law.

The Defender is independent and impartial, and accountable for the performance of his or her office to the Chamber of Deputies, which elected him or her. The Defender has one elected deputy, who can be authorised to assume part of the Defender's competence. The Defender regularly informs the public of his or her findings through the media, the Internet, social networks, professional workshops, round tables and conferences. The most important findings and recommendations are summarised in the annual report on the activities of the Public Defender of Rights submitted to the Chamber of Deputies.

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Foreword by the Public Defender of Rights

Ten years ago, gay and lesbian couples in the Czech Republic were officially recognised by the Czech government for the first time. This occurred on 1 July 2006, when the Registered Partnership Act came into effect, giving same-sex couples an opportunity to conclude legally-recognised civil unions in the Czech Republic.

The Act was passed after an intense debate among the MPs.¹ However, the public at that time was already decided and almost two thirds of the population agreed with the introduction of registered partnership. The growing support for this legal instrument proves wrong those people who predicted terrible consequences of this Act. Currently, three quarters of the people support registered partnership, while nearly a half even support same-sex marriage, i.e. equal access to marriage.²

This is usually taken as a sign of tolerance for minority behaviour. One can encounter comments such as that society “tolerates” registered partnership of homosexuals or that it “tolerates” adoption of children by homosexuals. However, the essence of the right to equal treatment, i.e. equal respect to human dignity of all human beings, does not lie in “tolerance”, but in respect for the uniqueness of each individual.

For this reason, the right to equal treatment is among the central pillars of a democratic state governed by rule of law. Despite that – or perhaps because of it – the debates on the scope of this right often give rise to heated arguments in society.³

I consider the introduction of registered partnerships an important milestone in the development of human rights legislation in the Czech Republic. By introducing registered partnership, the Czech Republic joined the ranks of developed democratic countries which respect their citizens regardless of their sexual orientation.

On the occasion of the 10th anniversary of the adoption of the Registered Partnership Act, I decided to take a closer look at the situation in the Czech Republic in terms of respect for

1 See transcripts of the discussion on the Registered Partnership Act. Available at: <http://www.psp.cz/eknih/2002ps/stenprot/051schuz/s051330.htm>
<http://www.psp.cz/eknih/2002ps/stenprot/045schuz/s045280.htm>
<http://www.psp.cz/eknih/2002ps/stenprot/051schuz/s051547.htm>

2 *Postoje veřejnosti k právům homosexuálů – červen 2016 (Public attitudes towards the rights of homosexuals – June 2016)*. [online] Centrum pro výzkum veřejného mínění, Sociologický ústav AV ČR, v. v. i. (*Public Opinion Research Centre, Institute of Sociology of the Czech Academy of Sciences, public research institution*), 2016 [retrieved on 11 November 2016] Available at: http://cvvm.soc.cas.cz/media/com_form2content/documents/c1/a7579/f3/ov160725.pdf

3 This currently also involves the possibility of registered partners to adopt children.

The Constitutional Court “honoured” the 10th anniversary of the Registered Partnership Act by abolishing the ban on adoption of children by registered partners. (Judgement of the Constitutional Court of 14 June 2016, File No. Pl. ÚS 7/15.)

The lawmakers are currently discussing the issue of adoption of a child by the other registered partner. (There are two similar proposed amendments to the Registered Partnership Act. See <http://www.psp.cz/sqw/historie.sqw?o=7&t=320&snzp=1> and <http://www.psp.cz/sqw/historie.sqw?o=7&T=957>).

For more on this issue, see e.g. POSPÍŠIL, Vojtěch. K osvojení dítěte registrovanými partnery (Adoption of a Child by Registered Partner). *Časopis pro právní vědu a praxi (Journal of Jurisprudence and Legal Practice)*. [online] 2016, Issue 3, pp. 451–462 [retrieved on: 11 November 2016] Available at: <https://journals.muni.cz/cvpv/article/viewFile/6159/5549>.

registered partners. Therefore, I focused on the conditions under which registered partnerships are concluded and on the obstacles faced by people in this regard.

The survey report corresponds to the legal state of affairs as of 11 November 2016.

All fourteen registry offices authorised to accept declarations on concluding a registered partnership in the Czech Republic (hereinafter “designated registry offices”) were included in the survey. I observed their procedure in accepting declarations on concluding these unions and compared it with the procedure they use when concluding marriages. The survey is mostly based on publicly available data from the websites of the individual designated registry offices. Where the data were unavailable or ambiguous, individually customised questionnaires were sent to the heads of registry departments of the individual city halls or city ward/district authorities to supplement the data.

All data retrieved from the websites of the designated registry offices were retrieved as of 3 June 2016. The individual offices were approached between 3 May and 25 May 2016. On 24 June 2016, I informed the designated registry offices of my findings. Only two of them accepted my recommendations on how to improve their practice.⁴ The situation in the other three cases, however, is not satisfactory and I will therefore contact the Ministry of the Interior to consider the issue.

I wish you a pleasant reading.

4 These changes are reflected in the fourth part of the survey report, “Previous activities of the Public Defender of Rights”.

A. Glossary of useful terms

Anti-Discrimination Act – Act No. 198/2009 Coll., on equal treatment and legal remedies for protection against discrimination and on amendment to certain laws (the Anti-Discrimination Act). This is a general law that prohibits discrimination in the areas listed (e.g. work and employment and access to goods and services) and stipulates the underlying definitions of discrimination and the associated terminology.

Grounds of discrimination – any of the grounds listed by the Anti-Discrimination Act (i.e. race, ethnicity, “nationality” (*národnost*), sex, sexual orientation, age, disability, religion, faith or worldview) or some other legal regulation, which may not be used to discriminate between individuals.

City Hall – an authority of a statutory city with similar functions as a municipal authority.

Marriage – legal union of two persons of a different sex. The law anticipates this union to be lasting and serve to raise children.

Registry office – a governmental authority with the power to officiate marriages. These may be municipal authorities, authorities of city wards or districts and military authorities in military training areas.⁵

City district – a part of the area of a statutory city to which the city statute confers some local government and state administration responsibilities.

Indirect discrimination – conduct or an omission where a person is put in a disadvantageous position on the basis of an apparently neutral provision, criterion or practice. Within the meaning of the Anti-Discrimination Act, such conduct occurs on the same grounds as direct discrimination. Provision, criterion or practice is not considered indirectly discriminatory if it is objectively justified by a legitimate objective and the means of achieving the objective are appropriate and necessary.

General measure – an administrative act issued by a body of public administration which specifically regulates an indeterminate number of future situations. A general measure may include e.g. a land-use plan or a traffic sign.

Operation fee – a fee charged by an administrative authority in connection with its activities. This is not a fee (*poplatek*) in terms of applicable law as it is not included in the Administrative Fees Act and administrative authorities charge it at their own discretion, usually on the basis of a general regulation. **In essence, it is a private-law agreement on the amount that must be paid for a certain above-standard service rendered by an administrative authority.** This makes it susceptible to being confused for an administrative fee by the general public.

Direct discrimination – an act or a failure to act, where one person is treated less favourably than another is, has been or would be treated in a comparable situation, based on any of the grounds of discrimination.

⁵ Section 3 of Act No. 301/2000 Coll., on the registries of births, deaths and marriages, names and surnames, as amended (hereinafter the “Civil Registry Act”)

Registered partnership – legal union of two persons of the same sex. The law anticipates this union to be lasting, but unlike marriage, it does not anticipate it to facilitate raising children.

Designated registry office – a governmental authority with the power to officiate the conclusion of a registered partnership. There are 14 such authorities in the Czech Republic which are generally part of the regional capitals' city halls.⁶

Administrative district – area where a body of public administration exercises its statutory powers.

Administrative fee (also “fee”) – a fee collected by an administrative authority based on the Administrative Fees Act. Fees are listed in an exhaustive list and are set in amounts determined by the Tariff of Administrative Fees.⁷

Administrative decision – an administrative act issued by a body of public administration that contains a decision concerning the rights and obligations of a specific person. The procedure of issuing an administrative decision as well as the requirements on its contents are regulated by the Code of Administrative Procedure.

Authorisation – legal title to perform a specific act.

6 The designated registry offices are defined by Annex 4 to the Decree of the Ministry of the Interior No. 207/2001 Coll., implementing Act No. 301/2000 Coll., on the registries of births, deaths and marriages, names and surnames, and amending certain related laws).

7 The Tariff of Administrative Fees forms an annex to Act No. 634/2004 Coll., on administrative fees, as amended.

B. Summary of the survey's results

Most of the designated registry offices make no difference between the requirements for entering into a marriage and requirements for entering into a registered partnership. I informed the registry offices whose procedure differs from my findings. Subsequently, two of the designated registry offices changed their procedure in favour of registered partners. Currently, only three out of fourteen designated registry offices apply less favourable conditions regarding registered partnership in comparison to marriage.

Summary of the legal assessment

- Marriage can be concluded before one of over 6,000 registry offices or before a body of one of the 21 authorised churches and religious communities.
- The place and time of concluding a marriage is determined by the municipal council. The registry office may permit the ceremony to take place also in another suitable place at a different time. Permitting such a change is subject to an administrative fee of CZK 1,000.
- Registered partnerships may only be concluded before one of the 14 designated registry offices.
- The place of concluding a registered partnership is determined by the designated registry office. In doing so, the office should take into consideration the wishes of the partners and choose a place they want, if possible.
- The Civil Registry Act does not specify the circumstances of choosing the time of concluding a registered partnership. The designated registry office is not authorised to determine this on its own, the time should therefore be chosen on the basis of a mutual agreement.
- Fees for administrative acts can only be collected based on the Administrative Fees Act. For this reason, the offices charge the so-called operation fee for above-standard services. This fee, however, is essentially a private-law agreement.

Summary of results of the survey conducted among registry offices

- **Eight out of fourteen of the designated registry offices set equal conditions for concluding marriage and registered partnership**, both in terms of choosing the time and place of the ceremony and the applicable fees.
- All fourteen surveyed designated registry offices enable couples concluding a marriage to choose a different time and place of the ceremony than the one determined by the office.
- **In three regions, couples entering into a registered partnership were unable to change the place of the ceremony.** In the Hradec Králové Region, Ústí nad Labem Region and Olomouc Region, people could only enter into a registered partnership in the ceremonial hall. **In other two regions, their choice was partially restricted.** In the South Bohemian Region and the Liberec Region, registered partners can – just as betrothed couples concluding a marriage before a registry office – choose any place they want. However, the administrative district of a registry office is significantly smaller than the one of a designated registry office.
- **In two regions, registered partners have a limited choice of the date of the ceremony compared to betrothed couples.**

- **Couples concluding a marriage outside the set time and place must ask for a permission and pay an administrative fee of CZK 1,000. No such fee is set for registered partnerships, therefore none of the registry offices collect it. In this regard, couples entering into a registered partnership have an advantage over couples entering into a marriage.** Three registry offices set up a special operation fee instead of an administrative fee, thus compensating for the advantage.
- Jihlava City Hall charged an operation fee in the amount of CZK 3,000, i.e. three times the usual amount, to couples entering a registered partnership outside the assigned time and place. After being informed of the procedure used by the other designated registry offices, it reduced the amount to CZK 1,000.
- **Almost two thirds of designated registry offices (9 out of 14) collect operation fees in addition to administrative fees.** Unequal treatment of couples entering into registered partnerships in this area was applied by the aforementioned Jihlava City Hall. The second example of unequal approach is the procedure of the City District Authority of Ústí nad Labem-město, which – despite being the designated registry office for the entire Ústí Region – charges an operation fee for conducting a ceremony of CZK 1,000 to persons without permanent address in the city district, and an operation fee of CZK 2,000 to persons without permanent address within the city limits.

B.1 Previous activities of the Public Defender of Rights

Before I present my legal analysis and describe my findings, I would like to briefly summarise the previous experience of the Public Defender of Rights in this area.

Although gays and lesbians form a relatively sizable minority, the Public Defender of Rights first received a complaint against the conduct of a designated registry office this year. I am of the opinion that there is significant under-reporting of discrimination in this area.⁸ Indeed, there have been numerous media reports of less favourable conditions for concluding a registered partnership in the 10 years since the Registered Partnership Act came into effect.⁹

I believe that the affected persons are, for purely practical reasons, “adapting” to the conduct of the designated registry offices instead of lodging a complaint and seeking remedy. My sceptical assessment is partially founded on the following case. People involved in the case unsuccessfully tried by various means, including calling media attention to the case, to achieve a correction in the practice of the designated registry office in Ústí nad Labem.

The case described below illustrates the survey findings and confirms that this is a practical problem potentially affecting hundreds of people.

B.2 Individual complaint

In May 2016, independently of the survey being performed, I received a complaint from two men who wished to enter into a registered partnership in a synagogue in Děčín on Sunday, as both

⁸ I have dealt with the causes of “under-reporting” of discrimination in the previous survey titled “Discrimination in the Czech Republic: Victims of Discrimination and Obstacles Hindering their Access to Justice”. Available at: http://www.ochrance.cz/fileadmin/user_upload/DISKRIMINACE/Vyzkum/diskriminace_CZ_fin.pdf.

⁹ see e.g.: http://brno.idnes.cz/svatby-homosexualu-v-brne-jen-na-radnici-fd6-/brno-zpravy.aspx?c=A140606_2071502_brno-zpravy_mich

were working in Prague and Saturday was not possible due to religious reasons. They chose the Děčín synagogue as they both were members of the local Jewish community.

The relevant designated registry office (City District Authority of Ústí nad Labem-město), however, only allows to enter into a registered partnership in its ceremonial hall. Additionally, this is only possible on Friday afternoon or during working days directly in the registry office.

The complainants also asked for the possibility of concluding their registered partnership on Sunday because, unlike betrothed couples, the Labour Code does not grant them any right to a leave from work for preparing and entering into a registered partnership.¹⁰

The complainants also offered to cover the increased costs incurred by the designated registry office by means of an operation fee. The designated registry office did not grant their request, not even after learning of the results of this survey, which prove that most designated registry offices (11 out of 14) would have granted the complainant's request under the same circumstances.

The complainants had thus no other option but to enter into a registered partnership elsewhere, i.e. at the designated registry office in Prague.

It might seem that this is only a minor complication. In reality, however, the incomplete legal regulation, which does not allow to conclude a church wedding, in combination with an unhelpful public administration resulted in the registered partnership becoming a formal administrative matter for the complainants. In this case, registered partnership did not achieve one of its purposes, i.e. to ensure equal standing to homosexual and heterosexual couples and in doing so better integrate gays and lesbians into society, thus enabling all people to live their lives as they wish, without having to hide their sexual orientation.

¹⁰ In accordance with Section 199 (2) of Act No. 262/2006 Coll., the Civil Code, as amended, the Government sets by a regulation the range of impediments to work and the associated leave of absence as well as potential compensations for salary. This is the Regulation of the Government No. 590/2006 Coll., stipulating the scope and extent of other important personal impediments to work. According to paragraph 5 of the annex to this Regulation, an employee is entitled to one day of leave for preparing the wedding and one day for the wedding itself. Compensation for salary is only provided for one day.

C. Legal analysis

In this part of the survey report, I deal with the issue of the conditions for concluding a marriage and entering into a registered partnership as stipulated by current legal regulations. I address the general conditions of the individual legal concepts as well as the issues related to determining the time and place of the ceremony and the fees associated with the ceremony. This chapter also includes recommended procedures for persons affected by unhelpful practice on the part of a public authority.

Given the Defender's powers as the equality body, the legal analysis focuses on the exercise of the right to equal treatment with regard to the conditions for concluding a marriage and concluding a registered partnership.

C.1 Right to equal treatment and prohibition of discrimination

The right to equal treatment is derived from equal dignity of all persons.¹¹ It lies at the heart of the concept of human rights and its basis consists of treating all people equally.¹² Equal treatment comprises not only treating all people equally, but having equal concern for the needs of all people as well.¹³

A part of the right to equal treatment is not just equality in the broader sense of the term, but a specific requirement of non-discriminatory treatment. On constitutional level, the prohibition of discrimination is reflected in Article 3 of the Charter, according to which fundamental rights and freedoms are guaranteed to everyone. A non-exhaustive list of prohibited grounds of discrimination is provided in the same Article. The common criterion among these grounds is their close connection with identity, i.e. human dignity. The grounds include typical ones such as sex, race and religion as well as newer grounds such as property or descent. As the list is non-exhaustive, it is necessary to deal with the question of whether the grounds not explicitly listed also concern human dignity. Sexual orientation is one of these grounds. It is so closely associated with the individual's private life and dignity that it is generally considered to be covered by the prohibition of discrimination in itself without further justification.¹⁴

For this reason, the State must not decide on the rights and obligations of individuals based on the criterion of their sexual orientation. If such a criterion was used in otherwise comparable situations, this could constitute a violation of the prohibition of discrimination under Article 3 (1) of the Charter or even equality itself under Article 1 of the Charter.¹⁵

11 Article 1 of the Resolution of the Presidium of the Czech National Council No. 2/1993 Coll., on promulgation of the Charter of Fundamental Rights and Freedoms, as amended by Act No. 162/1998 Coll. (hereinafter the "Charter")

12 Cf. the Judgement of the Constitutional Court 29 February 2008, Ref. No. II. ÚS 2268/07: "Human dignity as a value is part of the very basis of the entire system of fundamental rights forming the constitutional order."

13 Cf. DWORKIN, Ronald Myles. *Když se práva berou vážně (Taking Rights Seriously)*. 1st edition, Prague: OIKOYMENH, 2001, 337 pages.

"The first is the right to equal treatment, which is the right to an equal distribution of some opportunity or resource or burden."
"...right to treatment as an equal. Which is the right to be treated with the same concern and respect in decision-making on how these opportunities and resources are to be distributed."

14 Cf. e.g. the Judgement of the Constitutional Court of 14 June 2016, File No. Pl. ÚS 7/15.

15 Both articles are supplemented with rich case-law of the Constitutional Court. However, the constitutionality of the current regulation is not a topic of this survey, therefore I refer to the following judgement of the Constitutional Court: Pl. ÚS 36/93 and Pl. ÚS 16/93 including the relevant parts of the commentaries to the Charter (WAGNEROVÁ, E.; ŠIMÍČEK, V.;

A question thus exists whether the situation is sufficiently different in terms of the registry offices' responsibilities to warrant a separate legal regulation. In other words, how different are the tasks performed by the registry office in concluding a marriage as compared to a registered partnership.

Even though marriage and registered partnership are two different and unequal concepts in terms of the applicable law (which favours marriage), I believe there is no reason for the procedure of registering the event in the register and the related activities of the (designated) registry office to differ significantly.

Indeed, the possibility to enter into a registered partnership is a part of the right of gays and lesbians to family life declared by the Convention for the Protection of Human Rights and Fundamental Freedoms (published under no. 209/1992 Coll., hereinafter the "Convention").¹⁶ Based on the interpretation of the European Court of Human Rights, parties to the Convention are obliged to provide gays and lesbians with an official framework to develop a stable and committed relationship.¹⁷ The form of the union is to be determined by the individual member states. The right to develop a relationship in a civil union acknowledged by the state cannot differ between homosexuals and heterosexuals, since it is the basis of Article 3 (1) of the Charter, i.e. to protect the rights declared by the Charter under equal conditions (equal treatment), taking into account the specific distinctions between individual groups of people (equal concern for the needs of all people).

In other words, the differences in the procedure governing the entering into a marriage *vis-à-vis* registered partnership must not give rise to feelings of inferiority. The nature of protection of human rights lies in ensuring respect for the dignity of all individuals.

C.2 Conditions for entering into a marriage

I analyse the conditions for concluding a marriage first. This is because the concept has existed in the legislation for longer, is well-developed and, to a certain degree, it serves as a template for registered partnership, which strives to become equal, or at least close to, marriage.

C.2.1 Generally on the possibilities of the conclusion of a marriage

The general regulation of marriage is included in the Civil Code.¹⁸ Section 656 (1) stipulates that marriage is formed by free and full affirmative expressions of will by a man and a woman. The ceremony of entering into a marriage should be public and solemn.¹⁹ If the betrothed agree they

LANGÁŠEK, T.; POSPÍŠIL, I. et al. *Listina základních práv a svobod. Komentář. (Charter of Fundamental Rights and Freedoms. Commentary)*. 1st edition. Prague: Wolters Kluwer ČR, 2012, 931 pages. ISBN 978-80-7357-750-6.).

16 Article 8 (1) of the Convention

17 In Judgement in case Oliari and others v. Italy of 21 July 2015, nos. 18766/11 and 36030/11, the European Court of Human Rights ruled that failure to provide an institutionalised form of civil union to gays and lesbians constitutes an infringement of the right to private and family life protected by Article 8 of the Convention (see paragraphs 174 to 176 of the cited Judgement).

18 Act No. 89/2012 Coll., the Civil Code

19 Section 656 (2) of the Civil Code

do not want to conclude their marriage in a public and solemn manner, the registry office should accommodate their wish.²⁰

The betrothed may even choose whether the ceremony will take place before a representative of a secular (civil) or religious authority.²¹ In this survey, however, I focused solely on the issue of civil marriages as they are comparable with registered partnership. The existing legal regulation does not permit church authorities to officiate the conclusion of a registered partnership.

Civil ceremony is officiated by the mayor of a municipality or a city, or an authorised member of the municipal assembly in the presence of a registry officer from the relevant registry office.²² In case the life of one of the betrothed is in danger, the presence of a registry officer is not required.²³

The list of registry offices is included in Annex 1 to the implementing decree. There are more than 6,000 registry offices. Territorial competence of registry offices is based on the division of the country into municipalities.

Marriage can also be concluded abroad, before an embassy or a consular office of the Czech Republic.²⁴ If a citizen of the Czech Republic is abroad and his life is in danger, a wedding ceremony may also be performed by the captain of a naval vessel sailing under the national flag of the Czech Republic or the captain of an aircraft registered in the Czech Republic, or potentially also by the commander of a Czech military unit abroad.²⁵

In some life situations (e.g. if a person serves imprisonment), it is impossible for one of the betrothed to be personally present at the wedding ceremony. In such cases, a regional authority may, if there are important reasons, permit one of the betrothed to be represented by another person at the wedding.²⁶

Church marriage is concluded before an authorised church body.²⁷ Of the 38 churches and religious communities registered in the Czech Republic, 21 are authorised to officiate marriages.²⁸ The choice of the person to officiate the ceremony belongs to the church or religious community itself.

20 Pursuant to Section 1 (2) of the Civil Code, the statutory requirements may be deviated from if this does not result in a breach of good morals, public policy or the right to protection of personal rights.

21 Section 657 of the Civil Code

22 Section 11a of the Civil Registry Act

23 Section 11a (4) of the Civil Registry Act

24 Section 668 of the Civil Code

25 Section 667 of the Civil Code

26 Section 669 (1) of the Civil Code

27 Section 657 (2) of the Civil Code

28 Register of churches and religious communities [online], Ministry of Culture, 2016 [retrieved on: 25 November 2016] Available at: http://www3.mkcr.cz/cns_internet/

C.2.2 Choosing the place and time of marriage

Marriage is concluded at a place chosen by the municipal council for solemn ceremonies.²⁹ If the betrothed wish to conclude their marriage elsewhere, this must be approved by the registry office.³⁰ The registry office should take their wish into consideration and, as a rule, grant it.³¹

The time when marriage is to be concluded is also determined by the municipal council while the registry office approves exceptions.³² Approving a different place and time of the ceremony is, however, always a matter of agreement and the office's possibilities.

If the registry office does not grant the betrothed couple's wishes in full, it shall issue a decision of refusal within the meaning of Section 67 of the Code of Administrative Procedure.³³

The betrothed may lodge an appeal within 15 days of the announcement of the decision, i.e. from the date when they learned their request was denied.³⁴ Appeals are handled by the regional authority, but are lodged with the registry office which issued the decision of refusal.³⁵

In case the appeal is dismissed, an action can be lodged with a court. The action against the decision of the regional authority must be lodged not later than two months of the delivery of the decision.³⁶ The court competent to hear the action is the regional court with jurisdiction over the region (*kraj*) whose authority issued the decision of refusal.³⁷

C.2.3 Fees associated with the conclusion of a marriage

Pursuant to the Administrative Fees Act, fees may be collected in relation to concluding a marriage only in four cases. These include e.g. concluding a marriage between persons without permanent residence in the Czech Republic (CZK 3,000), or in a situation where only one of them has it (CZK 2,000). The other two cases are issuing a certificate for marriage to be concluded abroad (CZK 500) and, finally, changing the place or time of marriage.³⁸

Concluding a marriage at the set time and place is not subject to an administrative fee. Approving a change in the place or time (or both) is subject to a fee in the amount of CZK 1,000.³⁹

Two kinds of errors may occur when charging fees for a wedding ceremony. Either the fee is charged in a wrong amount or based on unlawful grounds.

29 Section 11a (3) of the Civil Registry Act

30 Section 12 of the Civil Registry Act

31 Section 663 (1) of the Civil Code

32 Section 12 of the Civil Registry Act

33 Section 87 of the Civil Registry Act

34 see Section 83 (1) of the Code of Administrative Procedure

35 see Section 89 (1) and 86 (1) of the Code of Administrative Procedure

36 Section 72 (1) of Act No. 150/2002 Coll., the Code of Administrative Justice, as amended

37 Section 7 (1) and (2) of the Code of Administrative Justice

38 Item 12 of the "Tariff of Administrative Fees" (annex to Act No. 634/2004 Coll., on administrative fees, as amended)

39 Item 12 (c) of the Tariff of Administrative Fees

In case a fee is charged in a wrong amount for any reason, the betrothed may appeal against the authority's request to pay the fee.⁴⁰ The appeal must be lodged within 15 days of delivery of the request. Marriage may not be concluded before the amount of the administrative fee is clarified.⁴¹

Additionally, some registry offices enter into private-law contracts with the betrothed where they agree to pay for above-standard services.⁴² Such agreements are not regulated by public law. If such an agreement only supplemented the above-indicated fee or an activity otherwise not subject to a fee, i.e. if the subject-matter of the agreement did not comprise payment for above-standard services, this would constitute an evasion of the Administrative Fees Act consisting in unauthorised collection of fees at variance with the law. The important thing to decide here is the subject-matter of the agreement between the registry office or municipality and the betrothed. If the subject-matter indeed consists in payment for above-standard services (e.g. live music, special decoration or increased costs associated with the registry officer's travel to the chosen place of ceremony), then the agreement is legitimate.

All other payments to the registry office above the scope of administrative fees stipulated by the Administrative Fees Act are subject to a private-law agreement between the authority and people requesting its services. This means these payments are not "fees" (*poplatky*) within the meaning of the Administrative Fees Act, even though they might seem so, e.g. on account of the way they are called or the authority which collects them (usually the municipal council).

These payments must not create a hindrance in the access to public services provided by the authority, i.e. the conclusion of a marriage. Authorities are thus not allowed to require any additional payments for the performance of their duties.

All payments above the scope of the above-indicated administrative fees⁴³ must serve to cover the expenses associated with above-standard services. Increased costs may consist in providing for the additional services, e.g. taking photographs or live music, payment for the use of the municipality's other premises, or increased administrative costs, especially in connection with personnel costs.⁴⁴ If these services are truly above-standard and wedding can also be achieved otherwise (i.e. without payment), then I believe these payments are permissible.

C.3 Requirements for the conclusion of a partnership

The concept of registered partnership was introduced into the legislation ten years ago. Back then, the legislator chose the option to create a regulation parallel to marriage and a selection of specific recitals which were then included into the Registered Partnership Act. Regarding the modification to the procedure of registry offices, the legislator decided to create a brand new regulation and introduce an independent system of designated registry offices outside the usual organisation of

40 Section 5 (2) of the Administrative Fees Act

41 Section 5 (5) of the Administrative Fees Act

42 If that is the case, I consider the payment to be an "operation fee" for the purposes of this survey.

43 see subchapter "C.2.3. Fees associated with the conclusion of a marriage"

44 For example if a very busy registry office is only officiating ceremonies nearby and charges a fee for more distant areas as covering them takes more time. This may consist in increased labour-law compensations for working on holidays or weekends.

registry offices. As will be demonstrated in the following sections, this path led to a number of issues, some of which can only be resolved with much difficulty.

C.3.1 Generally on the possibilities of entering into a registered partnership

The general requirements for conclusion of a partnership are stipulated by the Registered Partnership Act.⁴⁵ The Act stipulates that it is possible to conclude a registered partnership only on the basis of a declaration made before a registry officer of the designated registry office.⁴⁶ A church ceremony, as an independent way of entering into a registered partnership, is not permitted; the presence of a registry officer is always required.

The list of the designated registry offices is attached in Annex 4 to the implementing Decree, and includes 14 offices seated in the regional capitals. Thus, their competence spans the entirety of the region (*kraj*) in question. Usually, the designated registry office is a part of the city hall of the regional capital. In five cases, it is a part of a city district authority or a city ward authority.⁴⁷

Table 1

The list of designated registry offices where it is possible to make a declaration on the conclusion of a registered partnership

	Registry office	Administrative district
1.	The Authority of Prague 1 City Ward	territory of the Capital City of Prague
2.	The City Hall of Kladno	territory of the Central Bohemian Region
3.	The City Hall of České Budějovice	territory of the South Bohemian Region
4.	The Authority of Pilsen 3 City District	territory of the Pilsen Region
5.	The City Hall of Karlovy Vary	territory of the Karlovy Vary Region
6.	The Authority of Ústí nad Labem-město City District	territory of the Ústí Region
7.	The City Hall of Liberec	territory of the Liberec Region
8.	The City Hall of Hradec Králové	territory of the Hradec Králové Region
9.	The City Hall of Pardubice	territory of the Pardubice Region
10.	The City Hall of Jihlava	territory of the Vysočina Region
11.	Authority of Brno-střed City Ward	territory of the South Moravian Region
12.	The City Hall of Olomouc	territory of the Olomouc Region

45 Act No. 115/2006 Coll., on registered partnership and on amendment to some related laws, as amended

46 Provisions of Section 3 (1) of Registered Partnership Act

47 These include the Authority of Prague 1 City Ward, the Authority of Pilsen 3 City District, the Authority of Ústí nad Labem-město City District, the Authority of Brno-střed City Ward and the Authority of Moravská Ostrava and Přívoz City Ward.

13.	The Authority of Moravská Ostrava and Přívoz City Ward	territory of the Moravian-Silesian Region
14.	The City Hall of Zlín	territory of the Zlín Region

Source: Annex 4 to Decree No. 207/2001 Coll.

Unlike in marriage, the presence of a mayor or an authorised member of the municipal assembly during the declaration on conclusion of a partnership is not required.

The ceremony is not required to be solemn or public. As the Registered Partnership Act does not regulate this at all. The registry office has the final say regarding the form of the ceremony, as it concerns a manner of performance of public administration. Nonetheless, that does not mean it may proceed completely arbitrarily. The registry office is bound by the principles of activities of governmental bodies.⁴⁸ These principles include, *inter alia*, helpfulness⁴⁹ or the protection of rights and legitimate interests of the partners.⁵⁰ Therefore, the ceremony should not be a purely official act disallowing the presence of persons close to the registered partners.

Persons interested in entering into a registered partnership may not utilise the special ways available for marriage. Therefore, it is not possible to enter into a registered partnership abroad under simplified conditions in case of a threat to life of one of the partners or through a proxy if some other reason prevents one of the partners from being able to make the declaration in person.

C.3.2 The possibility to specify time and place of entering into a registered partnership

The place where a registered partnership is to be concluded is specified by the designated registry office within its administrative district.⁵¹ Thus, the entire territory of the region falls under a single authority, with no possibility of church ceremonies which are not permitted for the conclusion of a registered partnership.

The brevity of wording of Civil Registry Act raises a question of how the designated registry office should choose the place of conclusion of a registered partnership and to what degree it should take the individual wishes of the partners into consideration. In other words, whether it chooses the place of entering into a registered partnership by a general regulation, i.e. a general measure, or individually, i.e. by an administrative decision. This also entails the question of whether the registry office should take the wishes of partners into consideration in choosing the place the same as it does in case of marriage.

However, the situation regarding the specification of time of conclusion of a partnership is more problematic. Neither the designated registry office nor the municipal council are authorised by the Civil Registry Act to specify the time of conclusion of a registered partnership.⁵² Nonetheless,

48 Section 177 (1) of Act No. 500/2004 Coll., the Code of Administrative Procedure, as amended

49 see Section 4 (1) of the Code of Administrative Procedure

50 see Section 2 (3) of the Code of Administrative Procedure

51 provisions of Section 13a (3) of Civil Registry Act

52 cf. Section 13a of civil registries act

the absence of this regulation does not mean it is possible to enter into a registered partnership at any time the interested persons see fit.

The text of the Civil Registry Act by itself creates the impression that the legislator, on the one hand, entrusted the designated registry offices with an absolute power to choose the place of conclusion of a registered partnership; and on the other hand, left them without any powers regarding the specification of time.⁵³ I consider both these conclusions unsustainable.

The performance of public administration is under no circumstance a manifestation of unchecked arbitrariness of specific administrators. If the Civil Registry Act stipulates no criteria for decision-making regarding the place of conclusion of a registered partnership and, at the same time, does not leave any room for choice of specific conditions on the part of the partners nor any clear means of defence, then there is a gap in the law. The legislator had undoubtedly not intended to leave the persons interested in registered partnership at the mercy of the designated registry offices as regards the place of the conclusion of a partnership. Just as the legislator undoubtedly not intended to leave the choice of time of the conclusion of a partnership entirely up to the partners.

The legislator's intention and the purpose of the amended provision of Section 13a of Civil Registry Act clearly was to reflect the adoption of Registered Partnership Act and to make the conclusion of such a partnership possible. In these circumstances, *analogia legis* should be applied and the unintentional legal gap should be filled by application of similar provisions that govern civil marriage.

I believe that the correct interpretation of the provision of Section 13 of Civil Registry Act is as follows: Designated registry offices are authorised to issue a general regulation to specify the place of the conclusion of a registered partnership. At the same time, they are required to, under similar conditions as concern marriage⁵⁴, allow the conclusion of the registered partnership to take place at a location situated outside their administrative district (territory of the region). In case they reject a request, they should issue an administrative decision against which the registered partners may lodge an appeal just as future spouses could.⁵⁵

Similarly, the designated registry offices are authorised to specify the time of the conclusion of a registered partnership by a general regulation. If they do so, they are required to allow for an individual change of the time under similar conditions as in case of marriage.⁵⁶ If the request is rejected, they must issue an administrative decision against which the partners may lodge an appeal in the aforementioned manner.⁵⁷

53 The Civil Registry Act provides no answer regarding this issue. Having regard to the principle of legality of performance of public administration according to which the governmental authorities may act only within the bounds provided for by law (Art. 2 (2) of the Charter), the designated registry offices apparently should not interfere with the partners' choices.

54 See Section 12 of Civil Registry Act. The suitability of a place for concluding a marriage or partnership shall be the criterion for decision-making.

55 see the previous subchapter "C.2.2 Choosing the place and time of marriage"

56 See Section 12 of Civil Registry Act.

57 see the previous subchapter "C.2.2 Choosing the place and time of marriage"

C.3.3 Fees associated with the conclusion of a registered partnership

The fees for entry into partnership are identical to fees for conclusion of a marriage, with one exception: the fee for a change in place or time of the ceremony.⁵⁸ The change of the place or time of the conclusion of a registered partnership is not subject to an administrative fee.

The designated registry offices also charge operation fees, similarly to standard registry offices. However, I already discussed this issue above.⁵⁹

In a similar way, I would like to refer to possibilities of defence of the partners against incorrectly calculated administrative fees.⁶⁰

58 cf. subchapter “C.2.3 Fees associated with the conclusion of a marriage” and item 12 of the “Tariff List of Administrative Fees”

59 cf. subchapter “C.2.3 Fees associated with the conclusion of a marriage”

60 *ibid.*

D. Defender's findings

Within the survey, I collected statements of all fourteen designated registry offices and supplemented their answers with information available on their websites. Complete records of conditions for concluding a registered partnership in individual regions constitute Annex to this report on a survey.

Given the fact that I collected only the statements of the registry offices regarding their general practice, it was not possible to ascertain to what degree the registry offices or designated registry offices are obliging regarding the wishes of the betrothed couples or registered partners.

D.1 Specification of the place of ceremony

All the registry offices have generally specified a place for concluding a marriage. This is usually a ceremonial hall or other suitable premises of the municipality. At the same time, all surveyed registry offices allow to change the place where the ceremony will be held. Some of them take this difference into account in the fees.⁶¹

In case of registered partnership, only 11 designated registry offices did so. The Prague City Hall, The City Hall of Karlovy Vary and the Authority of Moravská Ostrava and Přívoz City Ward have not specified a place for conclusion of a registered partnership.⁶² In the remaining 11 cases, the specified places for conclusion of registered partnerships are usually the same ceremonial premises used for concluding marriage.

Should a couple concluding registered partnership wish to hold the ceremony at a different than specified place, they will be denied in three regions. Specifically, the Hradec Králové Region, Ústí nad Labem Region and Olomouc Region. These regions allow registered partnerships to be concluded only in the ceremonial hall. In case of the Ústí Region, it is possible to conclude a partnership directly at the registry office and, if the partners want a less "bureaucratic" place, in the ceremonial record hall.

In the Liberec Region, persons can conclude a partnership at any suitable place within the registry office's administrative district. The designated registry office of the City Hall of České Budějovice proceeds similarly, but also adds the Hluboká nad Vltavou and Červená Lhota châteaux.

At this point, it is appropriate to note that the administrative district of a registry office encompasses the territory of a municipality, whereas the administrative district of a designated registry office encompasses the territory of a whole region. The partners have fewer options, but having regard to the complexity of performance of the ceremony anywhere in the territory of an entire region, I consider this solution an acceptable compromise. The core of this difference lies in the separation of designated registry offices from registry offices and the differences in territorial competence.

To summarise, 11 out of 14 designated registration offices specify the place of conclusion of a marriage in the same way as the place for conclusion of a partnership.

61 I am addressing the issue of fees in more detail in the subchapters "C.2.3 Fees associated with the conclusion of a marriage" and "C.3.3 Fees associated with the conclusion of a partnership".

62 According to their statement, the place is specified on the basis of an agreement in order to satisfy the partner's wishes. In the last listed case, the options are limited on the Moravská Ostrava and Přívoz administrative district.

The approach taken by the remaining 3 designated registry offices, i.e. Hradec Králové Region, Ústí Region and Olomouc Region, violate the principle of helpfulness of the public administration,⁶³ because, despite the common practice, they do not allow for individual changes in the place where registered partnerships can be concluded.

In this case, helpfulness means an effort to comply with the wishes of the recipients of public administration, i.e. person interested in concluding a registered partnership, and not an effort to make the exercise of public administration easier for public servants. The designated registry offices are not required to comply with every wish of the future registered partners, but should comply with such requests that can be granted without extraordinary trouble. Moreover, the authorities may charge an operation fee.

D.2 Specification of the time of the ceremony

As concerns the time of conclusion of a partnership, all registry offices also specified a general time period when a marriage can be concluded without any additional fees. Usually in the form of specified days, sometimes just specified hours. All registry offices allow exceptions from the selected time of a ceremony.

In contrast, only 6 designated registry offices specified a time period for conclusion of a partnership by a general regulation, 4 of which allow for a change of the generally specified time period. Remaining 8 designated registry offices would specify the time of conclusion of the partnership individually, upon agreement with the partners.

First exception is the Authority of the Ústí nad Labem-město City District, which on the one hand has specified no binding time period for conclusion of a partnership, as the Civil Registry Act does not allow it, but, on the other hand, provides an information on its website that a partnership can be concluded only on business days with no possibility of individual arrangement. The place of conclusion of a partnership depends on the chosen time. If the partners do not want to conclude their partnership directly on the premises of the registry office, they can use the ceremonial record hall on Fridays. So effectively, the designated registry office did specify a time of conclusion of a registered partnership. If the partners do not wish to conclude their partnership directly on the premises of the authority, only Friday morning is available. In other cases, they can conclude their partnership during the working hours of the authority without the possibility of an individual change, as in the case of a marriage.

Second exception is the City Hall of Hradec Králové, which for the conclusion of a registered partnership stipulated the same dates as for concluding a marriage (specified Fridays and Saturdays). However, unlike spouses, the future registered partners may not choose any other days, not even for a fee, which is charged in case of a change of time of a marriage.

In summary, a majority of designated registry offices, i.e. 12 out of 14, allow for individual arrangement of a time of conclusion of a registered partnership. The remaining two regions, i.e. Hradec Králové Region and Ústí Region violate the Civil Registry Act as they effectively specify the time of conclusion of a partnership without having been authorised to do so by the Civil Registry Act.

⁶³ The principle of helpfulness of the public administration is one of the principles of a good governance (see <http://www.ochrance.cz/stiznosti-na-urady/principy-dobre-spravy/>) and, at the same time, one of the basic principles of activities of governmental bodies (provisions of Section 4 (1) of Administrative Procedure).

D.3 Fees for conclusion of a marriage and for conclusion of a registered partnership

Since I only dealt with the conduct of the authorities in general terms, I did not inquire into their practice of charging administrative fees in more detail, therefore, this subchapter only deals with the issue of operation fees from the viewpoint of a right to equal treatment.

The operation fees of the surveyed registry offices vary between CZK 200 for pipe organ music and CZK 10,000 for marriage ceremonies held during the weekends or public holidays. Majority of the authorities included in the survey charge fees for holding the ceremony at a different place or time in the amount between CZK 1,000 and CZK 10,000.⁶⁴

Having regard to the fact that the Act on Administrative Fees does not stipulate a fee for a change of place or time of conclusion of a partnership, 6 out of 14 authorities charge an operation fee for these acts. It is appropriate to note that in two regions the time of conclusion of a partnership cannot be changed and in three regions, the place of conclusion of a partnership cannot be changed. In said regions, the establishment of an operation fee would serve no purpose. In the remaining five regions, the partners pay no fees for changing the place or time of the ceremony.

Apart from the above-mentioned exceptions, the purpose and amount of the fees are identical both for registered partners and for spouses.

Sole exception was the City Hall of Jihlava, which charged CZK 3,000 for a change of the place. After I informed the mayor of the practice of other designated registry offices, the fee was lowered to the usual amount of CZK 1,000.

The other exception is represented by the Authority of Ústí nad Labem-město City District, which determines the amount of the fee for a solemn ceremony, i.e. for the presence of a mayor, based on the partners' place of residence. Having regard to the fact that neither the Civil Registry Act nor Registered Partnership Act require solemn ceremony, the local authority subjected it to an operation fee as an above-standard service. In case of citizens of the Ústí nad Labem-město City District, the solemn ceremony is free, as a bonus for local citizens. Citizens of another Ústí nad Labem City District pay CZK 1,000 and everybody else pays CZK 2,000. Such differentiating, however, does not correspond with the administrative district of the designated registry office. In contrast to a registry office, the territory in question does not encompass just a city district, but the entire Ústí Region. From the viewpoint of the designated registry office, all citizens of the Ústí Region are the inhabitants of its administrative district.

No authority thus treats registered partners less favourably. By contrast, I consider the practice of the Authority of the Ústí nad Labem-město City District unlawful as it differentiates between inhabitants of its district without any valid reason. It is yet another consequence of the two-track system of registry offices and the differences in administrative division between the branches of this system, but that does not change the fact that all inhabitants of the Ústí Region are inhabitants of the administrative district of the Authority of Ústí nad Labem-město City District. I would consider it acceptable if the city district paid this fee for the inhabitants of the Ústí nad Labem-město as a token of helpfulness. However, it is not acceptable if the authority treats certain groups

⁶⁴ This includes information on 14 registry offices which, at the same time, are the designated registry offices. The information was in part gathered from the websites of the authorities and in part from answers of the authorities themselves.

of inhabitants of its administrative district differently just because their residence is located in a different part of its district.

D.4 Reactions of the designated registry offices

Prior to issuing this report on performance of a survey, I acquainted all designated registry offices with the collected results and asked those who deviated from the majority practice and were less helpful towards registered partners to consider changing their practice.⁶⁵

Of the five authorities, two complied with my request; the City Hall of Jihlava, which lowered the fee for concluding a partnership at other than the specified place to the usual amount of CZK 1,000, and the City Hall of České Budějovice, which expanded the available options for conclusion of a registered partnership to the same extent that applies to conclusion of a marriage, i.e. the administrative district of the city.

The following suggestions followed from the reactions of the authorities:

- (A) Unification of registry offices and designated registry offices. The administrative districts of designated registry offices are considered too large.
- (B) Explicit comparison of fees. Not only the addition of a payment duty for registered partners for changing a time, which would require further specification of the regulation in Civil Registry Act, but also the cancellation of a fee for a change of name, as the conclusion of a registered partnership does not result in a creation of a shared name.
- (C) Requirement for a solemn ceremony for registered partners following from the law.

⁶⁵ These were the designated registry offices of Hradec Králové Region, Ústí Region, Olomouc Region, South Bohemia Region and Vysočina Region.

E. Final recommendations of the Public Defender of Rights

In the introduction to this report on a survey, I stated that each human is a unique and singular being. The current approach to human rights is based on this uniqueness and equal dignity. The dignity of a person therefore cannot be measured in any way, as the dignity of a human being is always the same.

The European Court of Human Rights concluded that the possibility to develop personal relationship in a stable and institutionalised form constitutes a part of the right to private and family life. Sexual orientation is one of the innermost parts of a human personality. To divide people on the basis of their sexual orientation therefore constitutes infringing on their dignity as it can lead to a feeling of inferiority and exclusion from society. Therefore I consider discrimination in access to a fundamental human right of every person, i.e. the right to a private and personal life on the basis of a sexual orientation, unacceptable.

The survey has proven that most registry offices respect the equality of people and allow the conclusion of a marriage or a registered partnership under comparable conditions.

One exception is the Authority of Ústí nad Labem-město City District, which violates the principle of helpfulness of public administration by not allowing the conclusion of a partnership at a different location than on the premises of the authority or in a record hall, even though its administrative districts encompasses the entire Ústí Region. This authority also proceeds at variance with the Civil Registry Act when it effectively specifies the time when a partnership can be concluded and excludes any possibility of individualisation even though the Civil Registry Act does not authorise such a conduct.

The City Hall of Hradec Králové is a similar exception as it violates the principle of helpfulness of the public administration by only allowing the conclusion of a partnership at specific designated places. Furthermore, it proceeds at variance with the Civil Registry Act when it, in advance, specifies dates when it will be possible to conclude a partnership and does not allow individual exemptions. The Civil Registry Act does not authorise it to such a conduct.

The third exception is the City Hall of Olomouc, which violates the principle of helpfulness of the public administration by only allowing the conclusion of a partnership at a specified place, i.e. the Olomouc town hall, even though its administrative district encompasses the entire Olomouc Region.

I will contact the above-mentioned authorities again and request a change of their practice. Then I will consider contacting the Ministry of the Interior, which is responsible for the conduct of registry offices.⁶⁶

Apart from individual errors of the above-mentioned authorities, the survey revealed a number of ambiguities in the legal regulation itself, which should be clarified in the future. This should be done to unify the practice of public administration, but also to protect the fundamental human rights of persons wishing to enter into a registered partnership.

⁶⁶ provision of Section 4b of Civil Registry Act

To achieve these goals, I recommend, on the basis of the performed survey and subsequent communication with relevant registry offices and designated registry offices, to initiate a debate on the implementation of one of the following measures:

- (1) Having regard to the similarity of concluding a marriage and a registered partnership, I do not consider the existence of two different types of a registry office to be either necessary or appropriate. In practice, the acts of the registry office and the designated registry office are performed by the same persons. This division would not be a problem by itself, if the territorial competence of these authorities was not based on different principles. While the registry offices follow the division of the country into municipalities, the designated registry offices are responsible for the entire regions. A number of complications also follow from the simple fact that the administrative district of a designated registry office is several-fold larger than the administrative district of a registry office, while the competence of both offices is performed by a single person.

Another problem follows from the fact that the role of designated registry offices is usually performed by the city halls of the regional capitals, which are already quite taxed (in comparison to smaller municipalities) by marriages they perform as registry offices.

On these grounds, I recommend to consider the possibility of a change in the territorial competence of the designated registry offices. That can be achieved either by their dissolution and a transfer of their competences to registry offices or through increasing the number of designated registry offices, for example to every municipality with extended competence. Since many city halls agree with this conclusion, I believe it would be an acceptable practical solution.

These changes can be achieved either through amending the Civil Registry Act or through amending the Annex to the implementing Decree, which could be done by the Ministry of the Interior.

- (2) Unification of the conditions and clarification of the registry offices' practice can be also achieved through amending Section 13a of Civil Registry Act and explicit implementation of equal conditions for the specification of place and time of conclusion of a partnership and for conclusion of a marriage. At the present time, these conditions are generally implemented to the same extent, chiefly due to unintentional gap in the legal regulation.

It would be appropriate to change the Tariff of Administrative Fees in the same way and implement a fee for changing the time of conclusion of a registered partnership. At the present time, this fee is collected as an operation fee. Even though this practice has a legitimate aim and addresses the unintentional consequences of a gap in the legal regulation, I would consider it appropriate if this, too, was explicitly regulated.

I am of the opinion that there must be a discussion between the parties concerned, i.e. the Ministry of the Interior and the designated registry offices, regarding the possible future direction and that this must happen before any changes are introduced. Therefore, I decided to hold a meeting next year, which should open discussion on specifying the conditions for conclusion of a registered partnership in the context of a respect for the right to equal treatment.

Brno, 30 December 2016

Mgr. Anna Šabatová, Ph.D., signed
Public Defender of Rights
(this report bears an electronic signature)

F. Overview of Legal Regulations

Resolution of the Presidium of the Czech National Council No. 2/1993 Coll., on promulgation of the Charter of Fundamental Rights and Freedoms, as amended by Act No. 162/1998 Coll.

Act No. 301/2000 Coll., on the registries of births, deaths and marriages, names and surnames, as amended.

Act No. 150/2002 Coll., the Code of Administrative Justice, as amended.

Act No. 500/2004 Coll., the Code of Administrative Procedure, as amended.

Act No. 634/2004 Coll., on administrative fees, as amended.

Act No. 115/2006 Coll., on registered partnership and on amendment to some related laws, as amended.

Act No. 262/2006 Coll., the Labour Code, as amended.

Act No. 198/2009 Coll., on equal treatment and legal remedies for protection against discrimination (the Anti-Discrimination Act), as amended.

Act No. 89/2012 Coll., the Civil Code

Regulation of the Government No. 590/2006 Coll., stipulating the scope and extent of other important personal impediments to work.

Decree of the Ministry of the Interior No. 207/2001 Coll., implementing Act No. 301/2000 Coll., on the registries of births, deaths and marriages, name and surname and amending certain related laws, as amended.

Communication of the Federal Ministry of Foreign Affairs No. 209/1992 Coll.

G. References

DWORKIN, Ronald Myles. *Když se práva berou vážně*. 1st edition, Prague: OIKOYMENH, 2001, 455 p. ISBN 80-7298-022-X.

WAGNEROVÁ, E.; ŠIMÍČEK, V.; LANGÁŠEK, T.; POSPÍŠIL, I. et al. *Listina základních práv a svobod (Charter of Fundamental Rights and Freedoms). Commentary*. 1st edition. Prague: Wolters Kluwer ČR, 2012, 931 p. ISBN 978-80-7357-750-6.

H. Annexes

- (1) An overview of conditions on concluding marriage and on concluding registered partnership at individual registry offices
- (2) Information of the Ministry of the Interior No. 2/2012, on collection of fees for concluding a marriage
- (3) Questionnaire for the designated registry offices⁶⁷

⁶⁷ This is full wording of a questionnaire, which was individually adjusted for each designated registry office based on information available on its website.

1) An overview of conditions on concluding marriage and on concluding registered partnership at individual registry offices

	Marriage	Registered partnership
Capital City of Prague	Specified day: Tuesday, Thursday, Friday (may be arranged on Saturday)	Not specified
	Specified place: Ceremonial hall of the Old Town Hall (may be held elsewhere)	Not specified; usually the ceremonial hall of the Old Town Hall (may be held elsewhere)
	Operation fees: Not determined	Not determined
Central Bohemia Region	Specified day: Friday from 10:00–14:00.	Friday from 10:00–14:00 (may be held at a different time)
	Specified place: Ceremonial hall of the City Hall of Kladno (may be held elsewhere)	Ceremonial hall of the City Hall of Kladno (may be held elsewhere)
	Operation fees: <ul style="list-style-type: none"> • Marriage ceremony in chateau gardens – CZK 3,200 • Marriage ceremony in chateau chapel – CZK 4,000 	<ul style="list-style-type: none"> • Fee for conclusion of a registered partnership outside the specified time or place – CZK 1,000 • Ceremony in chateau gardens – CZK 3,200 • Declaration made outside of the City Hall of Kladno – territory of the Central Bohemia Region – CZK 1,000
South Bohemian Region	Specified day: Friday	Not specified
	Specified place: Ceremonial hall of the City Hall of České Budějovice (may be held elsewhere)	Ceremonial hall of the City Hall of České Budějovice, Hluboká nad Vltavou chateau or any suitable place within the territory of České Budějovice
	Operation fees: Transport of the registry officer to other than specified place by a taxi	Transport of the registry officer to the Hluboká nad Vltavou/Červená Lhota chateaux by taxi
Pilsen Region	Specified day: Saturday and Sunday	Not specified
	Specified place: Ceremonial Hall of the Pilsen town hall, meeting room of the Pilsen 3 City District and meeting room of the Pilsen 1, 4, 5 or 7 City Districts (may be held elsewhere)	Ceremonial hall of the Pilsen town hall, meeting room of the Pilsen 3 City District (may be held elsewhere)
	Operation fees: Not determined	Not determined

	Marriage	Registered partnership
Karlovy Vary Region	Specified day: Specified Saturdays	Not specified
	Specified place: Ceremonial hall of Karlovy Vary (may be held elsewhere)	Not specified
	Operation fees: Not determined	Not determined
Liberec Region	Specified day: Friday and Saturday	Monday to Sunday
	Specified place: Ceremonial hall in the historic town hall building (may be held elsewhere)	<ul style="list-style-type: none"> • Registry office – only in the presence of a registry officer (Monday to Friday) • Ceremonial hall of the town hall (Friday or Saturday) • May be held at suitable premises in Liberec, Dlouhý Most, Jeřmanice, Stráž nad Nisou or Šimonovice upon agreement, may not be held elsewhere
	Operation fees: <ul style="list-style-type: none"> • fee for photographs – CZK 363 • pipe organ music – CZK 200 • conclusion of a marriage outside the town hall – CZK 1,210 	<ul style="list-style-type: none"> • fee for photographs – CZK 363 • pipe organ music – CZK 200 • conclusion of a registered partnership outside the town hall – CZK 1,210
Olomouc Region	Specified day: Thursday	Not specified
	Specified place: Ceremonial hall of the Olomouc town hall (may be held elsewhere)	Ceremonial hall of the Olomouc town hall – solemn ceremony, small lounge in front of the ceremonial hall – without solemn ceremony (may not be held elsewhere)
	Operation fees: <ul style="list-style-type: none"> • Marriages held in the ceremony hall <ul style="list-style-type: none"> • Thursday (day specified by the Olomouc Municipal Council) – CZK 500 • Friday, Saturday (usual days) – CZK 1,000 • Marriages held outside the ceremonial hall – first Saturday of the month (or other within the rules of the Olomouc Municipal Council) – CZK 3,000 • Other marriages not listed under points 1 and 2 <ul style="list-style-type: none"> • on business days 8:00–17:00 – CZK 5,000 • business days until 17:00. – CZK 10,000; other Saturdays Sundays or public holidays – CZK 10,000 	<ul style="list-style-type: none"> • Conclusion of a registered partnership including ceremony – ceremonial hall of the town hall (usual ceremony days) <ul style="list-style-type: none"> • Friday, Saturday – CZK 1,000 • Conclusion of a registered partnership including ceremony not listed under point 1 – ceremonial hall <ul style="list-style-type: none"> • on business days 8:00–17:00 – CZK 5,000 • business days until 17:00 – CZK 10,000 • Saturdays (when no ceremonies are held). Sundays, public holidays – CZK 10,000 • Conclusion of a registered partnership without a ceremony – lounge in front of the ceremonial hall (usual ceremony days) <ul style="list-style-type: none"> • Thursday – CZK 500 • Friday, Saturday – CZK 1,000

	Marriage	Registered partnership
Hradec Králové Region	Specified day: Specified Fridays and Saturdays	Specified Fridays and Saturdays (may not be held at a different time)
	Specified place: Building of the City Hall of Hradec Králové (may be held elsewhere)	Ceremonial hall and small ceremonial hall in the building of the City Hall of Hradec Králové (may not be held elsewhere)
	Operation fees: <ul style="list-style-type: none"> • Marriage ceremony held outside the specified time period at a specified place during business days, i.e. Monday to Friday – CZK 1,000 • Marriage ceremony held outside the specified time period at a specified place on Saturday – CZK 2,000 • Marriage ceremony held outside the specified time period at a specified place on Sunday or public holiday – CZK 3,000 • Marriage ceremony held on the specified time period approved by the Town Council outside the specified place – CZK 1,500 • Marriage ceremony held outside the specified time period and outside the specified place during business days, i.e. Monday to Friday – CZK 2,000 • Marriage ceremony held outside the specified time period and outside the specified place on Saturday – CZK 3,000 • Marriage ceremony held outside the specified time period and outside the specified place on Sunday or public holiday – CZK 6,000 	Not determined
Vysočina Region	Specified day: Friday 11:00–13:00	Monday to Saturday (or business days of the Authority and Saturdays – based on agreement)
	Specified place: Large Ceremony Hall, Small Ceremony Hall (may be held elsewhere)	Large Ceremony Hall, Small Ceremony Hall (may be held elsewhere)
	Operation fees: Not determined	Issuance of a permit to conclude a partnership outside the officially specified place – CZK 1,000
South Moravian Region	Specified day: Friday and Saturday	Not specified
	Specified place: Ceremonial hall of the New Town Hall (may be held elsewhere)	Authority of the Brno-střed City Ward, Ceremonial Hall of the New Town Hall (may be held elsewhere)

Operation fees: Not determined

Not determined

Marriage

Registered partnership

Specified day: Friday and Saturday

Friday and Saturday

Specified place: Town hall (may be held elsewhere)

Town hall (may be held elsewhere)

Operation fees:

- ceremonies held at the town hall on specified days for concluding marriage (Friday and Saturday except for public holiday) – free of charge
- ceremonies held at the town hall on other business days (Monday to Thursday except for public holiday) – CZK 3,000
- ceremonies held at the town hall on Sunday or public holiday – CZK 5,000
- conclusion of a marriage held at the Pardubice chateau or Kunětická Hora castle on specified days for concluding marriage (Friday and Saturday except for public holiday) – CZK 1,000
- conclusion of a marriage held at a suitable place other than the Pardubice town hall, Pardubice chateau or Kunětická Hora castle on specified days for concluding marriage (Friday and Saturday except for public holiday) – CZK 3,000
- conclusion of a marriage held at a place other than the town hall on Monday to Thursday, Sunday or a public holiday – CZK 5,000
- ceremonies held on 1 January, 24 December, 25 December, 26 December or 31 December – CZK 10,000

- ceremonies held at the town hall on specified days for concluding marriage (Friday and Saturday except for public holiday) – free of charge
- ceremonies held at the town hall on other business days (Monday to Thursday except for public holiday) – CZK 3,000
- ceremonies held at the town hall on Sunday or public holiday – CZK 5,000
- conclusion of a marriage held at the Pardubice chateau or Kunětická Hora castle on specified days for concluding marriage (Friday and Saturday except for public holiday) – CZK 1,000
- conclusion of a marriage held at a suitable place other than the Pardubice town hall, Pardubice chateau or Kunětická Hora castle on specified days for concluding marriage (Friday and Saturday except for public holiday) – CZK 3,000
- conclusion of a marriage held at a place other than the town hall on Monday to Thursday, Sunday or a public holiday – CZK 5,000
- ceremonies held on 1 January, 24 December, 25 December, 26 December or 31 December – CZK 10,000

Pardubice Region

Specified day: Individual arrangement; in case of a marriage held at a castle, chateau or a museum – selected Saturdays

Not specified; it is possible to arrange for Monday to Friday (may not be held at a different time)

Specified place: Ceremonial Hall of the City District Authority, ceremonial hall of the Authority of Ústí nad Labem-Severní Terasa City District (may be held elsewhere)

Ceremonial record hall of the Authority of the Ústí nad Labem-město City District (may not be held elsewhere)

Operation fees:

- Marriages held at the ceremonial site at the Střekov Castle, Větruše chateau or the Museum of Ústí nad Labem on dates specified according to the timetable of marriage ceremonies – CZK 1,000

- Holding a solemn ceremony if one of the partners has a permanent residence within the territory of the registry office of Ústí nad Labem-City – CZK 0

Ústí Region

- Marriages held at the ceremonial hall of an authority other than a registry office – CZK 1,000
- Marriages not specified above – CZK 5,000
- Holding a solemn ceremony if one of the partners has a permanent residence in Ústí nad Labem – CZK 1.000
- Holding a solemn ceremony of partners without a permanent residence in Ústí nad Labem – CZK 2,000

Marriage

Registered partnership

Specified day: Selected Fridays (9:00–11:00) and Saturdays (ceremonial hall 8:00–14:00, Lešná chateau 9:30–14:00, Malenovice castle 9:30–14:00)

Selected Fridays (9:00–11:00) and Saturdays (ceremonial hall 8:00–14:00, Lešná chateau 9:30–14:00, Malenovice castle 9:30–14:00); (may be held at a different time)

Specified place: Ceremonial hall of the City Hall of Zlín (Fridays and Saturdays), Lešná chateau (Saturdays), Malenovice castle (Saturdays); (may be held elsewhere)

Ceremonial hall of the City Hall of Zlín (Fridays and Saturdays), Lešná chateau (Saturdays), Malenovice castle (Saturdays); (may be held elsewhere)

Operation fees: Ceremonial hall of the City Hall of Zlín

- Specified Fridays (except for the 9:00–11:00 time period) – CZK 500
- Specified Saturdays (except for the 8:00–14:00 time period) – CZK 1,000
- Unspecified Saturdays – CZK 5,000
- Business days except for specified Fridays (8:00–16:00) – CZK 1,000
- Business days except for specified Fridays (except for the 8:00–16:00 time period) – CZK 4,000
- Sundays, public holidays – CZK 6,000

Ceremonial hall of the City Hall of Zlín

- Specified Fridays (except for the 9:00–11:00 time period) – CZK 500
- Specified Saturdays (except for the 8:00–14:00 time period) – CZK 1,000
- Unspecified Saturdays – CZK 5,000
- Business days except for specified Fridays (8:00–16:00) – CZK 1,000
- Business days except for specified Fridays (except for the 8:00–16:00 time period) – CZK 4,000
- Sundays, public holidays – CZK 6,000

Lešná chateau

- Specified Saturdays (except for the 9:00–14:00 time period) – CZK 1,000
- Unspecified Saturdays – CZK 5,000
- Business days (8:00–16:00) – CZK 1,000
- Business days (except for the 8:00–16:00 time period) – CZK 4,000
- Sundays, public holidays – CZK 6,000

Lešná chateau

- Specified Saturdays (except for the 9:00–14:00 time period) – CZK 1,000
- Unspecified Saturdays – CZK 5,000
- Business days (8:00–16:00) – CZK 1,000
- Business days (except for the 8:00–16:00 time period) – CZK 4,000
- Sundays, public holidays – CZK 6,000

Malenovice castle:

- Specified Saturdays (except for the 9:30–13:00 time period) – CZK 1,000
- Unspecified Saturdays – CZK 5,000
- Business days (8:00–16:00) – CZK 1,000
- Business days (except for the 8:00–16:00 time period) – CZK 4,000
- Sundays, public holidays – CZK 6,000

Malenovice castle:

- Specified Saturdays (except for the 9:30–13:00 time period) – CZK 1,000
- Unspecified Saturdays – CZK 5,000
- Business days (8:00–16:00) – CZK 1,000
- Business days (except for the 8:00–16:00 time period) – CZK 4,000
- Sundays, public holidays – CZK 6,000

Other locations:

- Unspecified Saturdays (8:00–16:00 – CZK 1,000
- Specified Saturdays (except for the 8:00–16:00 time period) – CZK 3,000

Other locations:

- Unspecified Saturdays (8:00–16:00 – CZK 1,000
- Specified Saturdays (except for the 8:00–16:00 time period) – CZK 3,000

-
- Unspecified Saturdays – CZK 5,000
 - Business days – CZK 5,000
 - Sundays, public holidays – CZK 8,000

- Unspecified Saturdays – CZK 5,000
- Business days – CZK 5,000
- Sundays, public holidays – CZK 8,000



2) Information of the Ministry of the Interior No. 2/2012, on collection of fees for concluding a marriage

Ministry of the Interior
General Administration Department
náměstí Hrdinů 1634/3
Prague 4
140 21

Ref. No.: MV~ 19109-5/VS-2012

Prague, 19 June 2012,
number of pages: 4

INFORMATION No. 12/2012 Fees for marriage ceremonies

Having regard to the numerous inquiries regarding the determination of fees for marriage ceremonies from regional authorities and the registry offices themselves, after having consulted with the Inspection and Supervision Department of the Ministry of the Interior and the Ministry of Finance, we state the following:

The betrothed shall make the declaration of conclusion of a marriage in the presence of a mayor, vice-mayor or an authorised member of a municipal assembly, city ward of the Capital City of Prague, city wards or city districts of regional statutory cities and towns which serve as the seat of a registry office.

The declaration of a conclusion of a marriage can also be made in the presence of a mayor or vice-mayor of a municipality, city ward of the Capital City of Prague, city wards or city districts of regional statutory cities and towns which do not serve as the seat of a registry office, if one of the betrothed has a permanent residence within its administrative district. The declaration of a conclusion of a marriage can also be made in the presence of a mayor of the Capital City of Prague, deputy mayor of the Capital City of Prague or an authorised member of the Municipal Assembly of the Capital City of Prague, as well as in the presence of a mayor of a statutory town or city, deputy mayor of a statutory town or city or an authorised member of a municipal assembly of a statutory town or city.

If the life of one of the betrothed is directly threatened, a marriage can be concluded at any municipal authority.⁶⁸

The competences of regional authorities, municipal authorities with extended competence, registry offices, municipal authorities or mayors, deputy mayors or authorised members of municipal assemblies pursuant to Act No. 94/1963 Coll., the Family Act, as amended, constitute performance of delegated competence.⁶⁹ Section

68 provisions of Section 4 (1), (2), (3) or (5) of Act No. 94/1963 Coll., the Family Act, as amended

69 provisions of Section 104a of Act No. 94/1963 Coll., the Family Act, as amended



95a of Act No. 301/2000 Coll., on the registries of births, deaths and marriages, names and surnames and on amendment to certain laws, as amended, stipulates that the competences of regional authorities, municipal authorities with extended competence, City Hall of the Capital City of Prague, Authorities of city wards of the Capital City of Prague, City Halls of Brno, Ostrava and Pilsen, Authorities of city wards or city districts of regional statutory towns or cities or municipal authorities pursuant to the Civil Registry Act constitute performance of delegated competence.

The marriage shall be concluded through a free and full affirmative declaration by a man and a woman that they conclude a marriage, made before the municipal authority authorised to keep registries or an authority which performs its duty, or before a body of the church or religious society authorised by a special regulation.

The declaration is made publicly, in a solemn manner and in the presence of two witnesses.⁷⁰

Every registry office shall specify a place for concluding marriage and a time when the marriages shall be concluded (e.g. a ceremonial hall in the building of the authority, chateau, castle, fortress, chateau garden located within the administrative district of the registry office, on, for example each Friday 10:00–13:00 and every even Saturday 10:00–13:00). The place for concluding marriage should allow for a public and solemn performance of the marriage ceremony. No administrative fee shall be charged for conclusion of a marriage in the following cases. The betrothed must be allowed to conclude their marriage in a solemn manner at the specified place and time free of charge.

However, the registry office may, based on request of the betrothed, permit the conclusion of a marriage at any appropriate place within its administrative district or outside the time period specified by the municipal council.⁷¹ For such a permission, it shall charge an administrative fee in the amount of CZK 1,000.⁷²

For the sake of completeness, it may be added that if none of the betrothed or only one of them has a permanent residence in the Czech Republic, they shall pay an administrative fee in the amount of CZK 3,000 or CZK 2,000, respectively.⁷³

In concluding a marriage, the relevant registry office performs a delegated competence. Costs associated with this activity, i.e. the performance of a public administration are compensated by the way of a contribution from the State budget and administrative fees stipulated by law, which the administrative authorities may not change at will. Neither the municipal authority, nor any other body of the municipality may interfere with said competence (delegated competence), i.e. it may not change nor determine administrative fees associated with said activity. Just as

70 provisions of Section 3 of Act No. 94/1963 Coll., the Family Act, as amended

71 provisions of Section 4 (4) of Act No. 94/1963 Coll., on family, as amended and Section 12 of Act No. 301/2000 Coll., on the registries of births, deaths and marriages, name and surname and amending certain related laws, as amended;

72 item 12 (c) of the tariff set out in Annex to Act No. 634/2004 Coll., on administrative fees, as amended

73 item 12 (a) and (b) of the tariff set out in Annex to Act No. 634/2004 Coll., on administrative fees, as amended



the exercise of independent competence may not interfere with delegated competence.

Administrative fees which may be charged pursuant to Act No. 634/2004 Coll., on administrative fees, as amended, in relation to conclusion of a marriage are exhaustively described therein. Municipalities are not authorised to increase these fees arbitrarily or charge the betrothed any further fees.

If the municipality provides some above-standard service in connection with the marriage ceremony (rent of special premises, flower decorations, musicians, toast for the newlyweds etc.), then, according to us, the payment (beyond the scope of the administrative fee) may be resolved only through an agreement (i.e. private-law agreement between the municipality and the betrothed) but not through an authoritative decision made by one of the bodies of the municipality; furthermore, the betrothed have the right to refuse such services.

Council or municipal assembly may determine “operation fees” by virtue of its resolution; however, this resolution may only possess the nature of a draft agreement between the municipality and the betrothed, which is subsequently entered into (e.g. implicitly with the betrothed’ acceptance, i.e. payment of the fees). But the betrothed must always be notified that they are being offered an above-standard form of conclusion of a marriage, for which operation fees are charged. If they do not accept, they are entitled to a free conclusion of a marriage and provision of a usual standard expected for a solemn manner of concluding a marriage.

We ask all registry offices within the competence of regional authorities, municipal authorities with extended competence and the City Halls of Brno, Ostrava, Pilsen and the City Hall of the Capital City of Prague to become acquainted with the above.

At the same time, we ask that increased attention is paid to this issue within inspection activities to ensure that the registry offices proceeded in accordance with the above in charging fees for marriage ceremonies; if a registry office proceeded at variance with this information, a remedy is to be implemented immediately.

JUDr. Václav Henych
Head of the Department
signed by electronic means



3) Questionnaire for the designated registry offices

A. Choice of a date

1. Please indicate the days and time periods during the week (“marriage dates”), which your registry office currently specified as dates for concluding marriages.
2. Please indicate the days and time periods during the week, which your registry office currently specified as dates for concluding registered partnerships.
If these are the same days and time periods as in case of concluding marriages, it is sufficient to indicate “same as marriage”.
3. Is it possible to arrange the date of conclusion of a marriage outside said officially specified date and time?
 - A. Yes: Please indicate the amount of fee, or, if applicable, the amount of reimbursement for this service (if determined)

 - B. No
4. Is it possible to arrange the date of conclusion of a registered partnership outside said officially specified date and time?
 - A. Yes: Please indicate the amount of fee, or, if applicable, the amount of reimbursement for this service (if determined)

 - B. No

B. Choice of a time

5. Please describe the premises, which your registry office designated for concluding marriages (e.g. type of building, location, capacity etc.).
6. Please describe the premises, which your registry office designated for concluding registered partnerships (e.g. type of building, location, capacity etc.).
If these are the same premises as in case of concluding marriages, it is sufficient to indicate “same as marriage”.
7. Does your registry office offer the option to, upon agreement, conclude a marriage outside the officially specified place, according to the betrothed couple’s request?
 - A. Yes: Please indicate the amount of fee, or, if applicable, the amount of reimbursement for this service (if determined)
_____ → continue with question 8
 - B. No → please continue with question 9



Filter: question 8 only applies to respondents choosing option “A” in question 7.
Other respondents continue with question 9.

8. **What conditions must the betrothed fulfil in order to conclude their marriage outside the officially specified place?**

9. **Does your registry office offer the option to, upon agreement, make the declaration on conclusion of a registered partnership outside the officially specified place, according to the betrothed couple’s request?**
 - A. Yes: Please indicate the amount of administrative fee, or, if applicable, the amount of reimbursement for this service (if determined) _____ → continue with question 10
 - B. No → please continue with question 11

Filter: question 10 only applies to respondents choosing option “A” in question 9.
Other respondents continue with question 11.

10. **What conditions must the partners fulfil in order to conclude their registered partnership outside the officially specified place?**

If these are the same conditions as in case of concluding marriages, it is sufficient to indicate “same as marriage”.

C. Fees

11. **Please indicate the amount of administrative fee for conclusion of a marriage or a registered partnership, which is charged by your registry office, if both betrothed or partners have a permanent residence in the Czech Republic.**
 - A. Marriage: _____
 - B. Registered partnership: _____

12. **Please indicate the amount of administrative fee for conclusion of a marriage or a registered partnership, which is charged by your registry office, if one of the betrothed or partners does not have a permanent residence in the Czech Republic.**
 - A. Marriage: _____
 - B. Registered partnership: _____

13. **Is it possible to make a declaration on conclusion of a registered partnership in your registry office even if none of the partners have a permanent residence in your region?**
 - A. Yes: please indicate the amount of administrative fee (if determined) _____
 - B. No

14. **Do you have any other notes, comments or suggestions regarding the topic of conclusion of marriages and registered partnerships?**



- 15. Please provide the name of your region.**

- 16. Please provide contact details of the person filling-in the questionnaire (for the purposes of posing supplementary questions).**