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The Swiss Civil Code

Art.96

A man must have completed his twentieth year and woman her eighteenth before they can contract a marriage.

In exceptional cases, however, where there are material grounds for it, the Government of the Canton of the party's domicile can pronounce as capable of marriage a woman who has completed her seventeenth year or a man who has completed his eighteenth year, provided the parents or guardian give their consent.

Art.97

Only those persons who has discretion can contract a marriage.

Person who are of unsound mind are absolutely incapable of marrying.

Art.98

Minors can contract a marriage only with the consent of their father or mother or of their guardian.

Where at the date of the publication of the betrothal the parental power is confined to one parent, that parent's consent is sufficient.

Art.100

Marriage is prohibited:

1. Between relations in the direct ascending or descending line, between brothers and sisters of the whole or half blood and between uncle and niece, nephew and aunt, whether the relationship results from descent or adoption.

2. Between parents-in-law and daughters-in-law and between foster parents and step-children, even where the marriage that joins them has been annulled or dissolved by death or divorce.

The government of the Canton of the party's domicile can, where grave consideration justify it, permit relatives by adoption to contract marriage, except between relatives of direct ascending or descending line.

Art .101

All persons who wish to contract a second marriage must prove that their previous marriage has been declared void or has been dissolved by death or divorce.

Art. 105

The first requirement for the publication of the intended marriage is that the parties must give notice of the betrothal to the registrar of civil status.

This notice must be given either in person or by a writing signed and officially attested.

The application for publication must be accompanied by the birth certificates of the parties, and, where circumstances require it, the written consent of their parties or guardian as also the death certificate of the former spouse or the judgment of the court pronouncing the nullity of the former marriage or the divorce of the parties to it.

Art.113

Were there is no opposition to the marriage or where the opposition raised has not been brought before the court or has been rejected by the court, registrar of the civil status to whom notice of the betrothal has been given must, on the demand of the parties, proceed to solemnize the marriage or give them a certificate of publication.

The certificate of publication authorizes the betrothed parties to marry within six months before and Swiss registrar of civil status.

Art.116

Marriage re solemnized publicly in the marriage room of registry before two witnesses of full age.

A marriage can only be solemnized elsewhere on a medical certificate that one of the parties is, owing to illness, unable to attend at the registry.

Art. 259

Where the parents contract marriage the child born out wedlock is subject to the provisions made for the child born in wedlock as soon as the paternity is established either by acknowledgement or by judicial decree.

The acknowledgement can be opposed:

1. by the mother;
2. by the child, or after his death by his issue, provided that the common household of his parents was dissolved during his minority or acknowledgement was not pronounced before the end of his twelfth year of age;
3. by the legal home or domicile of the husband;
4. by the husband.

The provisions made for the disavowal are applied accordingly.

Art 260

Where the relationship exists only between a child and his mother, the father can acknowledge the child.

Where the acknowledge person is a minor or incapacitated, the consent of his parents or his guardian is required.

The acknowledgement must be made by a statement in the presence of the registrar of civil status or by a testamentary disposition or, where an action to establish paternity is pending, in the presence of a judge.

Art. 260a

Acknowledgement can be opposed by any interested party by bringing an action in the court, in particular by the mother, the child or at the latter's death his issue as well as by the domicile or the legal home of the acknowledging party.

The acknowledging party has this right of action only where he acknowledged the child under the pressure of a threat of an imminent and serious danger for the life, health, honour or fortune of his own self or a closely acquainted person or where he acknowledged paternity erroneously.

The action is brought against the acknowledging party and the child provided these do not bring an action themselves.

Art 260b

The plaintiff has to prove that the acknowledge person is not the father of a child.

However, mother and child are only then obliged to furnish this evidence if the acknowledging person can substantiate his claim to have cohabited with the mother at the time of conception.

Art 260c

The plaintiff can bring an action within a period of one year from cognizance of acknowledgement and of the fact that the acknowledging party is not the father or that a third party cohabited with the mother at the time of conception, or from the time when the error was discovered or the threat ceased to exist, but in any case before the expiration of a five year period from the date of acknowledgement.

The child can bring an action in any case before the expiration of one year after reaching majority.

After the expiration of this period of limitation an action of disavowal is only admitted if there are good grounds to justify the delay.

Art 261

The mother as well as the child can file a declaratory action to establish the relationship between the children and the father.

The action to establish paternity is brought against the father or, where he is dead, successively against his issue, his parents or his brothers or sisters or, where none of these exist, against the competent authorities of his last domicile.

Where the father has died the judge informs the wife that an action to establish paternity has been filed to enable her to safeguard her right.

Art.272

Parents and children own to each other such mutual assistance, consideration and respect as the welfare of the family demands.

Art.277

The duty of the parents to provide for the maintenance of the child lasts until his majority.

Where on reaching majority the child has not yet completed his professional training or education, the parents are bound to continue to provide for the maintenance in proportion to their possibilities until this professional training or education is completed within due course.

Art.544

A child is, as from the date of conception, capable of inheriting subject to the condition that it is born alive.

A still-born child does not inherit.