

## PAISES NORDICOS

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Las novedades que podemos destacar en **Noruega** son dos. La primera novedad es que la Comisión creada para estudiar las futuras relaciones entre el Estado y la Iglesia Nacional sigue trabajando y a finales del año que viene tiene previsto hacer público su informe. No obstante, cabe mencionar los resultados de una última encuesta realizada por el diario noruego *Aftenposten*. Esta encuesta señala que el 40 % de los noruegos quieren mantener la Iglesia Luterana Noruega como Iglesia estatal; un 36 % quieren que termine dicho status y un 24 % no se decide. Un año antes, los resultados de la encuesta eran diferentes, un 24 % a favor del mantenimiento de la Iglesia de Estado, un 42 % en contra y un 30 % no se había decidido.

La segunda cuestión destacable tiene que ver con la educación. En este sentido, el Tercer Informe sobre Noruega, adoptado el 27 de junio de 2003 y hecho público el 27 de enero de 2004, de la Comisión Europea contra el Racismo y la Intolerancia del Consejo de Europa, recomienda, a las autoridades educativas noruegas, incluir y reforzar la dimensión de los derechos humanos en los planes de estudios. Así mismo, en relación con la enseñanza religiosa el citado Informe recomienda que la enseñanza religiosa ha de reflejar la diversidad religiosa de la sociedad noruega y que el predominio de una religión (la religión estatal) como obligatoria

debe suprimirse. Además, la asignatura denominada “Conocimiento religioso y ético”<sup>1</sup> (también denominada “Cristianismo, Religiones y éticas”) que tiene carácter obligatorio para todos los alumnos y la mayor parte del tiempo se dedica al estudio del Cristianismo. Estos hechos han propiciado que organizaciones de ateos y las comunidades musulmanes hayan solicitado la exención de esta asignatura<sup>2</sup>. Por último, como ya informamos<sup>3</sup>, esta asignatura fue recurrida ante los tribunales noruegos que declararon su legalidad. No obstante, la Asociación Humanista noruega ha recurrido esta decisión judicial ante el Tribunal Europeo de Derechos Humanos.

En Islandia, a pesar de que las leyes educativas contemplan el carácter no obligatorio de la enseñanza religiosa evangélica, la realidad es otra, pues los alumnos que no desean que se les imparta dicha enseñanza religiosa tienen muchas dificultades para eximirse o para estudiar otras religiones; sobre todo en el nivel de educación primaria, como ha puesto de manifiesto el Segundo Informe sobre Islandia adoptado el 13 de diciembre de 2003 y hecho público el 8 de julio de 2003, elaborado por la Comisión Europea contra el Racismo y la Intolerancia, del Consejo de Europa.

Por otra parte, destacamos que en octubre de 2003, el Partido Liberal presentó en el Parlamento islandés un proyecto de ley sobre la separación entre la Iglesia Nacional y el Estado, creándose un comité para el examen y estudio de este proyecto. Igualmente, los

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<sup>1</sup> Sobre esta asignatura, vid. RODRÍGUEZ GARCÍA, J. A.; MURILLO MUÑOZ, M.: “Crónica. Países Nórdicos”, en *Laicidad y Libertades. Escritos jurídicos*, 2002, Pág. 518.

<sup>2</sup> Cfr. Tercer Informe sobre Noruega, adoptado el 27 de junio de 2003 y hecho público el 27 de enero de 2004, de la Comisión Europea contra el Racismo y la Intolerancia del Consejo de Europa; Country Reports on Human Rights Practices, Norway, U. S. Department of State, 25 febrero de 2004.

<sup>3</sup> Sobre esta asignatura, vid. RODRÍGUEZ GARCÍA, J. A.; MURILLO MUÑOZ, M.: “Crónica. Países Nórdicos”, en *Laicidad y Libertades. Escritos jurídicos*, 2002, Págs. 518 y 519.

líderes del Partido de la Alianza han solicitado una revisión del papel de la Iglesia Nacional<sup>4</sup>.

Por último, sobre **Finlandia** destacamos: en primer lugar, que se ha aprobado la Ley sobre el ejercicio de la libertad de expresión en los medios de comunicación (nº 460/2003) que entró en vigor el 1 de enero de 2004. De esta Ley destaca el derecho de réplica sobre informaciones u opiniones ofensivas (artículo 8) y el derecho de corrección o rectificación sobre informaciones erróneas (artículo 9).

En segundo lugar, resaltan las consecuencias de la nueva Ley de Libertad religiosa de 6 de junio de 2003. Estas consecuencias las podemos agrupar en dos. La primera, entorno a la inscripción de asociaciones religiosas, que recordamos deben contar como mínimo con 20 miembros mayores de 18 años; dicha inscripción se realiza en el Consejo Nacional de Patentes y Registros, de tal forma, que lo que ha pretendido la nueva Ley de Libertad religiosa es armonizar la inscripción de grupos religiosos y asociaciones y, por tal motivo, se ha creado un Comité de Expertos que depende del Ministerio de Educación que tiene como función comunicar al Consejo Nacional de Patentes y Registros si el grupo que solicita la inscripción responde a los objetivos y formas religiosas recogidos en la Ley de Libertad religiosa.

La segunda consecuencia de la Ley de Libertad Religiosa es que permite abandonar más fácilmente una confesión religiosa, simplemente se realiza con enviar una carta, sin comparecer en el registro municipal u oficial y sin el periodo de un mes de reconsideración de la anterior Ley de libertad religiosa de 1922. Este hecho ha provocado un número record de miembros que han abandonado la Iglesia evangélico-luterana finlandesa que se cifran en unos 26.857 en el año 2003<sup>5</sup>.

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<sup>4</sup>.Vid. International Religious Freedom Report, Iceland, 2004, U. S. Department of State, 15 september 2004.

<sup>5</sup>.Cfr. edición finlandesa del Boletín Racionalista Internacional, nº 118.

En Suecia se ha publicado una nueva Ley de Cohabitanes (SFS 2003:376) que deroga la anterior (SFS 1987:232) así como la extensión que se realizó posteriormente de la ley a la parejas homosexuales (SFS 1987:813), al contemplar la nueva legislación de forma conjunta tanto a las parejas de distinto como del mismo sexo.

La ley define en su Sección 1 con más precisión que la anterior que se entiende por cohabitantes: la expresión alude a dos personas que viven juntas de forma estable como pareja en un hogar común. La definición se construye sobre tres elementos: que exista una relación permanente lo que excluye las relaciones esporádicas, que se conviva como pareja y se cohabite en una casa común<sup>6</sup>. Esta definición será aplicable a cualquier referencia legal o estatutaria que se haga a cohabitantes o a quienes convivan en condiciones semejantes al matrimonio. No obstante, las disposiciones contenidas en la legislación sobre reproducción asistida e inseminación artificial sólo se aplicarán a las parejas de distinto sexo. Finalmente, las referencias que la ley de cohabitantes hace al matrimonio hay que entenderlas hechas también a las *parejas registradas* conforme a la ley 1994:1117.

La aplicación de la ley requiere que ninguno de los cohabitantes esté casado o tenga una pareja registrada así como que no hayan decidido de común acuerdo que conste por escrito, excluir dicha aplicación a su relación de convivencia.

Durante la convivencia cada cohabitante conserva la propiedad de sus bienes y es responsable de sus propias deudas. Las limitaciones afectan a la vivienda que constituye su hogar común y a los enseres de uso doméstico que no pueden venderse, cederse o transmitirse *mortis causa* sin el consentimiento del otro cohabitante aún cuando figuren inscritos sólo a nombre de uno de ellos. En estos casos, las partes deberán hacer constar la condición de hogar común de la vivienda o del derecho de arrendamiento sobre la misma, mediante una nota en el Registro de la Propiedad que garantiza que

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<sup>6</sup> Vid. Cohabitees and their joint home en [www. regeringen.se](http://www.regeringen.se)

el cohabitante propietario no pueda disponer del bien sin consentimiento del otro.

La ley despliega sus efectos en el momento en que la convivencia de la pareja finaliza, lo que se produce por las causas que enumera la Sección 2 de la ley: el matrimonio o el registro de una pareja homosexual de cualquiera de los cohabitantes, la separación o la muerte de una de las partes. También concluye la cohabitación si uno de los cohabitantes requiere judicialmente la división de la propiedad o que no se incluya el hogar común en la división de la propiedad.

Concluida la relación de convivencia en el mismo domicilio, la regla general que establece la ley es la división por mitad de la vivienda común y de los enseres domésticos deducidas las deudas correspondientes a dichos bienes. No se establecen otras obligaciones económicas recíprocas entre los convivientes ni tienen más derechos sucesorios que los que se otorguen en testamento con arreglo a lo dispuesto en la ley con carácter general. La división de la propiedad no afecta a otros bienes como cuentas bancarias, casas de recreo, automóviles etc., que corresponden al cohabitante propietario. La división de la casa y el ajuar común deberá solicitarse en el plazo de un año desde que finalizó la relación de cohabitación. No obstante, en caso de necesidad, uno de los cohabitantes, es posible atribuirle la propiedad de la vivienda de parte de los enseres domésticos, siempre que el otro cohabitantes sea compensado de forma equivalente en otros bienes o en dinero. Por último, destacar que la división por mitad puede ser exceptuada cuando produzca resultados poco razonables en el caso de que la relación haya tenido una duración muy breve. En estos supuestos la ley permite que cada cohabitante retenga su respectiva propiedad sobre la vivienda y los enseres comunes.

Por lo demás, la ley atribuye otros derechos a los cohabitantes reconocidos al matrimonio y la pareja registrada en materia de impuestos y de Seguridad Social, equiparación más plena en el caso de que existan hijos comunes.

Respecto de la determinación de la paternidad, no se aplican las presunciones que la ley contempla respecto del matrimonio de manera que, cuando los padres no están casados, sólo la madre ostenta la custodia del menor aunque los padres sean cohabitantes. No obstante, los padres pueden obtener la custodia conjunta por decisión de la autoridad competente, una vez inscrita la paternidad del niño.

## ANEXO

### **The cohabitees Act ( 2003:376)<sup>7</sup>**

#### **The definition of cohabitees**

##### **Section 1**

By cohabitees is meant two people who live together on a permanent basis as a couple and who have a joint household.

When reference is made in an Act or another statutory instrument to cohabitees or persons living together in conditions resembling marriage or when similar expressions are used, this thus refers to cohabitees in accordance with the first paragraph. The provisions in Chapter 1, sections 6 and 8 of the Parental Code and the Insemination Act (1984:1140) and the Fertilisation Outside the Body Act (1988:711) only apply to cohabitees of opposite sexes.

This Act only applies to cohabitee relationships in which neither of the cohabitees is married. The Act applies to the joint dwelling and household goods of the cohabitees.

According to the Registered Partnership Act (1994:1117), the provisions of this act on marriage shall also apply to registered partnerships.

#### **When a cohabitee relationship ends**

##### **Section 2**

A cohabitee relationship ends

1. if the cohabitees or either of them marry,
2. if the cohabitees move apart or
3. if either of the cohabitees dies.

A cohabitee relationship shall also be considered as ending if a cohabitee applies for the appointment of an executor to divide the

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<sup>7</sup> Esta versión inglesa de la ley ha sido publicada por la Oficina del Ombudsman contra la discriminación por razón de orientación sexual en [www.Homo.se/o.o.i.s/1784](http://www.Homo.se/o.o.i.s/1784). La versión sueca se puede consultar en [www.riksdagen.se/debatt/sfst/index.asp](http://www.riksdagen.se/debatt/sfst/index.asp) introduciendo el número de la ley en el SFS 2003:376.

property under section 26 or for entitlement to continue to reside in a joint dwelling under section 28 or if a cohabitee institutes proceedings to take over a joint dwelling under section 22.

### **The property of cohabitees**

#### **Section 3**

Unless otherwise provided for in section 4 or 9, the cohabitees' joint dwelling and household goods are joint property if the property has been acquired for joint use.

#### **Section 4**

The joint property does not include

1. property received by a cohabitee as a gift from someone other than the other cohabitee on condition that the property is to be the recipient's individual property,
2. property received by a cohabitee through a will on condition that the property is to be the recipient's individual property.
3. property inherited by a cohabitee, which, according to the testator's will, is to be the recipient's individual property and
4. what has taken the place of property referred to in 1-3, unless otherwise provided for by the legal document according to which the property is individual.

#### **Section 5**

Unless otherwise provided for in section 7, for the purposes of this Act, the cohabitees' joint dwelling refers to

1. real property owned or held as a site leasehold by the cohabitees or one of them, if there is a building on the property, which is intended as the the joint home of the cohabitees and the property is held mainly for this purpose,
2. real property which the cohabitees or one of them has the right to use in association with a building on the property owned by the cohabitees or one of them, if the building is intended as the joint home of the cohabitees and the property is held mainly for this purpose,
3. a building or a part of a building, which the cohabitees or one of them holds on the basis of a tenancy, a tenant-owner right or any



other similar right, if the building or the part of the building is intended as the joint home of the cohabittees and is held mainly for this purpose, and

4. the building or the part of the building which the cohabittees or one of them is entitled to acquire in the future with a tenant owner right under the advance agreement referred to in Chapter 5 of the Tenant Ownership Act (1991:614), if the entitlement concerns an apartment which, when the agreement was entered into, was intended to be the joint home of the cohabittees and to be held mainly for this purpose.

The cohabittees may notify the property registration authority in a document signed by them both that real property, title to which is registered in the name of one of them, or a site leasehold, for which one of them is registered as the leaseholder, is their joint dwelling.

#### **Section 6**

Unless otherwise provided for in section 7, in this Act, the cohabittees' joint household goods refers to furniture, domestic appliances, and other corporeal chattels for indoor use intended for the joint home. Household goods exclusively for the use of one cohabitee are not joint household goods.

#### **Section 7**

The cohabittees' joint dwelling and household goods do not include property used mainly for recreational purposes.

### **Division of property**

#### **Section 8**

When a cohabitee relationship ends for another reason than the cohabittees marrying one another, at the request of either of the cohabittees, a division of property shall take place. The property division shall be performed on the basis of the property relationships that applied on the date that the cohabitee relationship ended. The request for division of property shall be made not later than one year after the relationship ended. If the cohabitee relationship ends following the death of one of the cohabittees or if a cohabitee dies

within one year of the end of the relationship, a request shall be made no later than when the estate inventory is drawn up.

#### **Section 9**

Cohabitees or prospective cohabitees may agree that a division of property shall not apply to a particular item of property. They may change what has previously been agreed upon by a new agreement. The agreement is to be drawn up in writing and to be signed by the cohabitees or the prospective cohabitees. This shall also apply if either of them is a minor or if the agreement concerns property that is to some part subject to administration pursuant to the Parental Code. In this case, however, the written consent of the guardian or administrator is to be obtained. If a condition in the agreement is unreasonable taking into consideration the content of the agreement, the circumstances at the time of the agreement's coming into being, subsequent and other circumstances, it may be adjusted or disregarded in the property division.

#### **Section 10**

Cohabitees may, in the event of an imminent ending of the cohabitee relationship, make an agreement on the future division of property or on other matters relating to this (prior agreement). A document is to be drawn up on the agreement that is to be signed by the cohabitees. The provisions made in section 9, third paragraph, on conditions in agreements concerning division of property also apply to conditions in the prior agreement.

#### **Section 11**

Each cohabitee is obliged, until the division of property has been made, or the issue of division of property has lapsed, to account for his or her joint property, for any such joint dwelling as can be taken over under section 22 and for such joint property that the cohabitee has held but which belongs to the other cohabitee.

#### **Section 12**

When a division of property takes place, the cohabitees' shares in the property shall first be calculated.

**Section 13**

When calculating the cohabitees' shares in the property, a deduction shall be made from what each cohabitee owns of the property sufficient to cover the debts that the cohabitee had when the relationship ended. Claims on a cohabitee, which do not carry a preferential right in the joint property and are not attributable to such property in any other way, shall only be covered from this property only to the extent that payment cannot be obtained from other property.

**Section 14**

The combined balance of the cohabitees' joint property, after deductions have been made to cover debts as provided for in section 13, is to be calculated. The value thereof shall then be divided equally between the cohabitees.

**Section 15**

In so far as, it is unreasonable, in view of the duration of the cohabitee relationship as well as the cohabitees' financial and overall circumstances, for one cohabitee to surrender property to the other to the extent following from sections 12-14 when cohabitation ends, the property shall instead be divided in such a way as to allow the first-mentioned cohabitee to retain more of his or her property. If one cohabitee has been declared bankrupt when property division is to take place or if there are other special reasons for not dividing the cohabitees' property, the cohabitees shall each retain their property as their share.

**Section 16**

The property is to be apportioned between the cohabitees guided by the share calculated for them. The cohabitee most in need of the dwelling or household goods shall be entitled to receive this property, with a corresponding deduction from his or her portion or, if it is of little value, without such deduction. However, a cohabitee may only take over a dwelling or household goods belonging to the other cohabitee provided that it can be considered reasonable for the first-mentioned cohabitee to do so, taking into account the overall circumstances. If the property is security for a claim, which carries a

preferential right in the property, a further condition for it to be taken over is that the other cohabitee shall be relieved of responsibility for the claim or that funds to pay it shall have been placed in safe custody.

### **Section 17**

A cohabitee shall be entitled to pay a corresponding sum of money instead of surrendering property to the other cohabitee. If acceptable security is provided for the payment, the cohabitee may be given reasonable time in which to pay. If no payment is made, the other cohabitee shall be entitled to receive, as far as possible, such property as is not manifestly unsuitable for that cohabitee. If one cohabitee takes over a dwelling or household goods with a corresponding deduction and does not provide the other cohabitee with property from the joint property, the first-mentioned cohabitee shall pay a corresponding sum of money. If acceptable security is provided for the payment, the cohabitee may be given a reasonable time in which to pay.

### **Section 18**

If a cohabitee dies, the provisions concerning the right to request division of property and concerning the right to take over a dwelling or household goods shall only apply in favour of the surviving cohabitee. If a cohabitee relationship ends following the death of a cohabitee, the surviving cohabitee shall always be entitled to receive, as his or her share in the division of property, a part of the property, net of debts, corresponding to twice the price base amount pursuant to the National Insurance Act (1962:381) at the time death occurred. The provisions of Chapter 15, sections. 1 and 3, of the Inheritance Code concerning forfeiture of inheritance rights shall also apply as regards the surviving cohabitee's entitlement, in the division of property, to share in the property of the deceased.

### **Section 19**

If property division has resulted in real property being divided in such a way that the cohabitees have received distinct shares without partition of the property being made a condition in the property division document, the cohabitees shall own the real property in

common. In so far as the property division in other cases entails part of a piece of real property coming into the hands of a separate owner in other cases, such division of property shall have no legal effect.

### **Section 20**

The provisions of Chapter 9, sections 5, 7, 9 and 10 of the Marriage Code also apply to property division under this Act. References to spouses shall in this connection also apply to cohabittees. Instead of the point in time at which proceedings for divorce are instituted, the date on which the cohabitee relationship ends shall apply.

### **Section 21**

If in the division of property a cohabitee has, to the detriment of his or her creditors, foregone property, forming part of his or her share under sections 13-16, the provisions of Chapter 13, sections 1 and 2 of the Marriage Code concerning the effect of such action in the division of property between spouses shall apply.

## **Taking over of a dwelling in certain cases**

### **Section 22**

If one cohabitee holds the joint dwelling on the basis of a tenancy or tenant-owner right and if this property is not joint property, the other cohabitee shall be entitled to take it over at the end of the cohabitee relationship, if that cohabitee is most in need of the dwelling and it can also be considered reasonable for that cohabitee to take it over, taking into account the overall circumstances. If there are not or have not been any children of which both cohabittees are parents, this shall only apply if there are exceptional reasons for it to do so. A claim to take over rented or tenant-owner right is to be made at the latest a year after the end of the cohabitee relationship. If the cohabitee leaves the dwelling, however, the claim must be submitted no later than three months thereafter. The respite of one year does not apply if the cohabitee who owns the dwelling dies and the surviving cohabitee continues to reside in the dwelling. The cohabitee taking over the dwelling under the first paragraph shall compensate the other cohabitee for the value of the dwelling. This may be done by deducting the value of the dwelling when

determining the cohabittees' shares in the division of property, if the person surrendering the dwelling can be compensated in this way. Otherwise the deficit shall be paid as a sum of money. If acceptable security is provided for the payment, the cohabitee may be given a reasonable time in which to pay. Restrictions in the right to dispose of the joint dwelling.

### **Section 23**

A cohabitee may not without the consent of the other cohabitee 1. alienate, let or in any other way grant the use of a dwelling which constitutes joint property or which the other cohabitee may be entitled to take over under section 22, 2. mortgage real property or a site leasehold on which there is a dwelling that constitutes joint property, 3. pledge as security other property that includes a dwelling that constitutes joint property or a dwelling that the other cohabitee may be entitled to take over under section 22, or 4. alienate or pledge household goods that are joint property. Consent to the alienation of or mortgage of real property or a site leasehold shall be given in writing. The provisions concerning the consent of one cohabitee to action by the other cohabitee shall also apply when such action is taken on behalf of the estate of a deceased cohabitee. Consent shall not be necessary, if the other cohabitee cannot give valid consent or if the cohabitee's consent cannot be obtained within a reasonable period of time.

### **Section 24**

If consent which is required for a measure under section 23 cannot be obtained, the court may permit the action on the application of the person wishing to undertake it.

### **Section 25**

If, without obtaining the necessary consent or permission, a cohabitee or the estate of a deceased cohabitee, have alienated or, to the detriment of the other cohabitee, granted the use of property, the court shall at the instance of the latter, declare that the legal act is void and that title or use is to be restored. The same shall apply if, without the necessary consent or permission, a cohabitee or the estate of a deceased cohabitee have pledged the cohabittees'

household goods as security. The transfer or pledging as security of the household goods shall not, however, be declared void, if the new possessor gained possession of the property in good faith. Proceedings under the first paragraph shall be instituted in the court within three months of the other cohabitee learning of the disposition of the dwelling or the delivery of the household goods. If registration of title has been granted with respect to transfer of real property or a site leasehold, proceedings may not be instituted. If proceedings for eviction have been instituted, the court may grant a reasonable period of time in which to move

### **Further provisions**

#### **Section 26**

The provisions of Chapter 17, sections 1, 2 and 4-9 and Chapter 18, section 1, of the Marriage Code, shall also apply in the event of disputes between cohabitees. References to spouses shall in this connection also apply to cohabitees.

#### **Section 27**

When dealing with a matter pursuant to this Act, the court consists of a legally qualified judge. However, if there are special reasons, taking into consideration the nature of the proceeding, the court may consist of a legally qualified judge and three jury members. The government may decide that other district court employees who are not legally qualified judges may appoint an executor to divide the property pursuant to Chapter 17, section 1, of the Marriage Code.

#### **Section 28**

On the application of a cohabitee, the court shall, as regards a dwelling which under section 8 is to be included in the property division, determine which of the cohabitees shall be entitled to continue to reside in the dwelling until property division has been performed. The court may then also for the same time, at the request of either of the cohabitees, prohibit the cohabitees from visiting one another. The court may also vary a previous order. At the request of either of the cohabitees, the court may decide as to what is to apply under the first paragraph until the issue has been determined by a

decision that has attained legal force. An interim decision of this kind may be enforced and shall apply in the same way as a decision that has attained legal force. The decision may, however, be varied by the court at any time and is to be reviewed when a final decision is made in the case. If a person breaches a prohibition on visiting under the first or second paragraph, section 24 of the Prohibition against Visits Act (1988:688) is applicable. Before the court makes a decision, the opposite party is to be given the opportunity to make a statement. Act (2003:485).

### **Section 29**

The cohabitee whom the court has determined shall be entitled to continue to reside in the dwelling until the property division has been performed shall be entitled to use the joint household goods which are in the dwelling and which belong to the other cohabitee. However, the court may order otherwise regarding certain property. Any agreement which the last-mentioned cohabitee subsequently enters into with a third party shall not restrict the right to use the dwelling or household goods. If one cohabitee has been granted the right to continue to reside in the property, the other cohabitee must move from it immediately.

### **Section 30**

The question of the right to continue to reside in the dwelling until the division of property has been performed shall be submitted to a district court that is competent to consider disputes on the division of property between the cohabitees. The same shall apply to the question of the court's permission for disposition of a dwelling and household goods by a cohabitee.

### **Section 31**

In a case concerning the right to take over a dwelling under section 22, the court, for the period until the question has been decided by a judgment that has attained legal force, at the request of either of the cohabitees, determine which of them shall be entitled to continue to reside in the dwelling. The court may then also for the same time, at the request of either of the cohabitees, prohibit the cohabitees from visiting one another. If the right to continue to reside in the dwelling



is granted to the cohabitee who is not the tenant or tenant-owner, the court shall also on request determine what that cohabitee is to pay the other cohabitee for his or her use of the dwelling and what other conditions the first-mentioned cohabitee is to observe. If one cohabitee has been granted the right to continue to reside in the dwelling, the other cohabitee must move from it immediately. A decision under the first paragraph may be enforced in the same way as a judgment that has attained legal force. The decision may, however, be varied by the court at any time. When the case is decided, the court shall review its interim decision. If a person breaches a prohibition on visiting under the first or second paragraph, section 24 of the Prohibition against Visits Act (1988:688) is applicable. Before the court makes a decision, the opposite party is to be given the opportunity to make a statement. Act (2003:485).

### **Section 32**

If the court notifies a decision in a case in matters referred to in section 31, first paragraph, proceedings against the decision shall be conducted separately. The decision of the court of appeal may not be appealed against. Act (2003:485).

### **Transitional provisions 1.**

This Act comes into force on 1 July 2003, when the Cohabitees (Joint dwellings) Act (1987:232) and the Homosexual Cohabitees Act (1987:813) cease to apply.<sup>2</sup> The older provisions apply if a cohabitee relationship has ended before the coming into effect of the Act.

