International Academy of Family Lawyers

European Chapter

Newsletter, Spring 2022

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A Word from the IAFL European Chapter President

by Alberto Perez Cedillo, Spain & UK

Welcome to our first European Chapter Newsletter.

As I write I am happy to say that there are almost 300 participants signed up for our Athens Conference. A big thanks to Ali Massey for all her support in organising the conference. It will be great to see so many of our old friends face to face in the wonderful climate of Athens in May against the background of the Acropolis and with a fascinating educational programme put together by Julia Pasche, Mark Harper and James Stewart.

The chapter has kept busy and connected to the fellows through our monthly chats which I hope you have all enjoyed and which have included useful updates on European Regulations from the Public Policy Committee, meet-and-greets with the new fellows and our 'Fight-Club Forum Beauty Contests' where more senior fellows own up to what they really love and really hate about the way things are done in their own jurisdictions provoking entertaining informative and sometimes passionate debates. You will be pleased to know that prenuptials will be the subject of the spring contests and all prospective gladiators/contestants are warmly invited to apply to me.

Our February chat was emotionally charged with reports from our colleagues in Ukraine and Poland describing in raw and very personal terms what it is like to be trapped in a war zone in 21st-century Europe. Under the leadership of Sandra Verburgt, we have created the IAFL Emergency Relief Committee for Ukraine, please contact her if you have any suggestions for ways in which we can assist and support the victims of the war.

The monthly chats will resume after the conference in Athens and if there are any specific subjects or issues you would like us to address please contact me so that we can add them to the agenda.

We are participating in the European Commission initiative on the recognition of parenthood between EU Member States and have now been officially recognised

as Stakeholders, thanks to the leadership of Rachael Kelsey. Anyone willing and able to join this important project should let us know as soon as possible.

Currently, we are making a big push to recruit more members from under and un represented jurisdictions. To this end, we have created a new committee led by Karen O'Leary and Sarah Hoskinson. Please get in touch with them if you know any suitable candidates from any of the jurisdictions on the list which is included at the end of this issue. With the same aim we have joined our second funded EU project as associates, dealing with, 'The interplay of different EU instruments in Family matters and Beyond'. The new specific project is known as, "How to navigate the labyrinth in EU Family law" ("NAVI"). The objective is to develop training materials and to organise seminars in each jurisdiction represented in the consortium these being, Bulgaria, Croatia, Lithuania, Poland & Spain. Thank you to Alice Meier for all her hard work on this new project.

Finally, please note that the hotel registration for our Young Family Lawyers Conference in Ibiza in October (13-14/10/22) is now open and I would encourage all young lawyers to attend; apart from the educational aspect, it is the perfect opportunity to forge friendships and make contacts that will last throughout professional careers. At the conference, the finalists of the IAFL European Young Lawyers Award will be invited, and the winner will be announced.

I hope you will enjoy our new newsletter. Looking forward to seeing you in May under Athenian blue skies.

Alberto Perez Cedillo

Greetings from the USA!

by Peter Buchbauer, Virginia USA

I am the new USA Chapter President having been installed at the conclusion of the joint USA and Canadian Chapter meeting in New Orleans February 16-19, 2022. The meeting was the largest attended USA Chapter meeting with over 230 in person attendees. For the first time in IAFL meeting history, a virtual component for the education program was offered making the NOLA meeting a hybrid event. The Windsor Court, one of New Orleans finest luxury hotels, was the location for the meeting. In addition to over filling the room block at the Windsor Court, Fellows also stayed at the comparable Loews, Intercontinental, and Le Meridien hotels.

In addition to the relevant and informative education program chaired by Katharine Maddox and Mudita Chawla, Fellows and guests were delighted to take part in a variety of tours including: a City Tour of New Orleans, a cajun swamp tour, a tour of Mardi Gras World, and a tour of the captivating and educational National World War II museum. Additional event highlights included a cocktail reception at the one of a kind MS Rau, private viewing stands for Mardi Gras parades, and the President's Dinner at Galatoire's which was the perfect culmination of an amazing week full of culture, cuisine, and history. We also hosted the installation of IAFL Global President Thomas Sasser.

My wife, Jane, and I are looking forward to being with you in Athens in May. We hope to reconnect with many of our European friends and make new ones. It has been too long since we have been together.

Finally, I want to send our thoughts and prayers to our colleagues in Ukraine. Your American Fellows are deeply troubled by events in Europe and know the ripples are felt by all in Europe. We look forward to the restoration of peace among nations.

Best wishes to all,

Peter Buchbauer

Greetings from the Asia Pacific Chapter and Congratulations on the Launch of the European Chapter's Newsletter!

by Corinne Remedios, Hong Kong

Congratulations to Alberto and European Chapter Fellows on the launch of your newsletter!

As with AsPacEd, the AP Chapter's monthly newsletter, yours will be an important vehicle for sharing information. We have "published" 21 editions, one every month since our first in June 2020. Perhaps, going forward, there is scope for the Chapters to co-publish articles of common interest or just to keep in touch.

AP Hour, the AP Chapter's monthly zoom meeting on a mid-month Monday has been our way of keeping in touch with each other and presenting educational material in an informal setting. The 20 such sessions so far have clocked up more hours of CLE than most face-to-face meetings. And in and amongst the learned process, we have introduced new Fellows, honoured a much-loved colleague, celebrated International Women's Day by interviewing an evacuated female Afghani Judge, run a quiz or two to raise awareness or just simply said Hello.

The AP Chapter has made good headway in Expansion. We have had 3 new jurisdictions and 19 new Fellows join since the AGM in June 2020: 4 Fellows joined in the remaining half of 2020, 7 Fellows joined in 2021 and 8 Fellows have already joined so far in 2022, with more in the pipelines. The Asia Pacific Chapter now has 132 Fellows in 13 jurisdictions. Here is the breakdown:

Jurisdiction	Total	Joined between June 2020-2222	Jurisdiction	Total	Joined between June 2020-2222
Australia	58	4	China	2	
Hong Kong	32	10	Sri Lanka	1	
Singapore	12	1	Indonesia	1	
New Zealand	10	2	Taiwan	1	New jurisdiction – 1
Japan	8	2	South Korea	1	New jurisdiction - 1
India	5		Thailand	1	New jurisdiction - 1
Malaysia	2				

The start of 2022 and many Fellows are still suffering from the nasty effects of Covid-19. Travel restrictions, as yet in place in some jurisdictions, and successive lockdowns in the wake of Omicron, have meant that many of us in the Region were not able to attend the IAFL New Orleans Meeting. However, this is the year of the Water Tiger, auspiciously marked by strength, bravery, and the exorcising of evil. I am reliably informed and verily believe that we have a prosperous year ahead and accordingly, my best wishes to all of you for roaring success.

Hopefully, many Fellows from the Asia Pacific will defy travel obstacles and make it to Athens: after this harsh drought, I can predict that the celebrations will be long and mighty!

Until then…

Corinne Remedios

President,

Asia Pacific Chapter, IAFL

LGBTQ Bench Book for the Judiciary Regarding a Glossary of Terms and Gender Pronouns

by Richard A. Roane, Michigan USA

Member of the IAFL LGBT Committee
LGBTQ COMMITTEE OF THE AMERICAN ACADEMY OF MATRIMONIAL LAWYERS

1. **LGBTQ DEFINITIONS**

The term LGBTQ refers to Lesbian, Gay, Bisexual, Transgender, and questioning people. The term is intended to be inclusive of people with non-heterosexual orientation and transgender people. The letters will sometimes appear in a different order or with additional letters. (i.e. A for asexual or ally and I for intersex).

a. **Transgender:** An umbrella term that refers to people whose gender identity, expression or behavior is different from their assigned sex at birth. Some transgender people have legally changed their names and pronouns. Some may have undergone hormone treatment or surgery. Not all transgender people will change their names, or take any medical intervention.

b. **Non-Binary:** People who identify as both masculine and feminine or neither. Some will use gender neutral pronoun such as “they.” Other terms that fall under non-binary include gender-fluid, gender nonconforming, and gender-queer.

c. **Asexual:** The lack of sexual attraction or desire for other people.

d. **Assigned Gender:** A decision made at birth (or before birth) about the gender of an infant based on visible genitalia.

e. **Bi-sexual:** A person who experiences sexual, romantic, physical, and/or spiritual attraction to people of their own gender as well as another gender.

f. **Cisgender:** A person whose gender identity is aligned to what gender/sex they were assigned at birth.

g. **FTM:** A term for a transgender individual who was assigned female at birth and identifies as a man. See also MTF for an individual assigned male at birth that identifies as a woman.

h. **Gender Identity:** An individual’s internal sense of being male, female, both, neither, or something else.

Gender identity is internal and not necessarily visible to others. This can be the same or different from their sex assigned at birth.

i. **Gender-Neutral/Gender-Inclusive:** A unisex or all gender inclusive space. Example- a general neutral bathroom.

j. **Heterosexual:** A person who is attracted to someone with a different gender than they have. Also referred to as straight.

k. **Lesbian:** A woman whose primary sexual, emotional, and romantic orientation is toward people of the same gender.

l. **Pansexual:** A person who experiences sexual, romantic, physical, and/spiritual attraction for members of all gender identities.

How a party is addressed in court is important. The individual may share their identity and pronouns directly, through counsel, or through pleadings. The judicial officer sets the tone. The use of a transgender person's former name or incorrect pronouns can show bias or disrespect. Title VII of the Civil Rights Act of 1964, which expressly prohibits workplace discrimination on the basis of race, color, religion, sex, and national origin. The Code of Judicial Conduct Cannon 2 also requires that a judge should perform their duties without bias or prejudice.

As these terms continue to evolve, there are many online resources that are updated regularly, including the Stylebook Supplement on Lesbian, Gay, Bisexual, & Transgender Terminology.

2. **OBERGEFELL**

In 2015, the U.S. Supreme Court ruled in Obergefell v. Hodges, 135 S.Ct. 2584 (2015) that every American has the constitutional right to marry the person they love. Therefore, the terms "gay marriage" and "same sex marriage" should not be used.

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Offensive	Preferred
"homosexual" (n. or adj.) Because of the clinical history of the word "homosexual," it is aggressively used by anti-LGBTQ extremists to suggest that people attracted to the same sex are somehow diseased or psychologically/ emotionally disordered – notions discredited by the American Psychological Association and the American Psychiatric Association in the 1970s. Please avoid using "homosexual" except in direct quotes. Please also avoid using "homosexual" as a style variation simply to avoid repeated use of the word "gay." The Associated Press, The New York Times and The Washington Post restrict use of the term "homosexual" (see AP, Reuters, & New York Times Style).	**"gay" (adj.); "gay man" or "lesbian" (n.);** **"gay person/people"** Please use gay, lesbian, or when appropriate bisexual or queer to describe people attracted to members of the same sex.
"homosexual relations/relationship," "homosexual couple," "homosexual sex," etc. Identifying a same-sex couple as "a homosexual couple," characterizing their relationship as "a homosexual relationship," or identifying their intimacy as "homosexual sex" is extremely offensive and should be avoided. These constructions are frequently used by anti-LGBTQ extremists to denigrate LGBTQ people, couples, and relationships.	**"relationship," "couple" (or, if necessary, "gay/lesbian/same-sex couple"), "sex," etc.** As a rule, try to avoid labeling an activity, emotion, or relationship gay, lesbian, bisexual, or queer unless you would call the same activity, emotion, or relationship "straight" if engaged in by someone of another orientation. In most cases, your readers, viewers, or listeners will be able to discern people's sexes and/or orientations through the names of the parties involved, your depictions of their relationships, and your use of pronouns.
"sexual preference" The term "sexual preference" is typically used to suggest that being attracted to the same sex is a choice and therefore can and should be "cured."	**"sexual orientation" or "orientation"** Sexual orientation is the accurate description of an individual's enduring physical, romantic, and/or emotional attraction to members of the same and/ or opposite sex and is inclusive of lesbians,

	gay men, bisexuals, and queer people, as well as straight men and women (see AP, Reuters, & New York Times Style).
"gay lifestyle," "homosexual lifestyle," or "transgender lifestyle" There is no single LGBTQ lifestyle. LGBTQ people are diverse in the ways they lead their lives. The phrases "gay lifestyle," "homosexual lifestyle," and "transgender lifestyle" are used to denigrate LGBTQ people suggesting that their sexual orientation and/or gender identity (see Transgender Glossary of Terms) is a choice and therefore can and should be "cured" (see AP, Reuters, & New York Times Style).	**"LGBTQ people and their lives"**
"admitted homosexual" or "avowed homosexual" Dated terms used to describe those who self-identify as gay, lesbian, bisexual, or queer in their personal, public, and/or professional lives. The words "admitted" or "avowed" suggest that being attracted to the same sex is somehow shameful or inherently secretive.	**"out gay man," "out lesbian," or "out queer person"** You may also simply describe the person as being out, for example: "Ricky Martin is an out pop star from Puerto Rico." Avoid the use of the word "homosexual" in any case (see AP, Reuters, & New York Times Style).
"gay agenda" or "homosexual agenda" Notions of a so-called "homosexual agenda" are rhetorical inventions of anti-LGBTQ extremists seeking to create a climate of fear by portraying the pursuit of equal opportunity for LGBTQ people as sinister (see AP, Reuters, & New York Times Style).	**"Accurate descriptions of the issues (e.g., "inclusion in existing nondiscrimination laws," "securing equal employment protections")** LGBTQ people are motivated by the same hopes, concerns, and desires as other everyday Americans. They seek to be able to earn a living, be safe in their communities, serve their country, and take care of the ones they love. Their commitment to equality and acceptance is one they share with many allies and advocates who are not LGBTQ.
"special rights" Anti-LGBTQ extremists frequently characterize equal protection of	"equal rights" or "equal protection"

the law for LGBTQ people as "special rights" to incite opposition to such things as relationship recognition and inclusive non-discrimination laws (see AP, Reuters, & New York Times Style). As such, the **term should be avoided.**	
"Transexual", "Tranny," "Transvestite," "She-male," "He-she," "It," "Hermaphrodite.	**"transgender"**
"Sex Change"	Sexual Reassignment Procedures or Sexual Affirmation Procedures. This can include hormones, surgery or other medical intervention.

Richard A. Roane

Application of the Protection Measures Regulation

by Konstantinos Stavropoulos, Greece

Regulation (EU) No 606/2013 on mutual recognition of protection measures in civil matters applies from 11th January 2015 in all Member States except Denmark. For the purposes of this regulation, protection measure means any decision, whatever it may be called, imposing obligations on the person causing the risk with a view to protecting another person, when this person's physical or psychological integrity may be at risk. These obligations can be:

a prohibition or regulation on entering the place where the protected person resides, works or regularly visits or stays;

a prohibition or regulation of contact, in any form, with the protected person, including by telephone, electronic or ordinary mail, fax or any other means;

a prohibition or regulation on approaching the protected person closer than a prescribed distance.

This regulation basically sets up a mechanism for the direct recognition of protection measures ordered in one Member State in any other Member State without any special procedure and without any declaration of enforceability being required. As a result, a protection measure ordered in one Member State is treated as if it had been ordered in the Member State where recognition is sought. A person wishing to have a protection measure recognized in another Member State, must simply obtain a certificate from the Member State of origin which must be produced together with a copy of the protection measure and where necessary a transliteration or translation to the competent authority of the Member State addressed.

The validity of the certificate, i.e the effects of recognition of the protection measure, is limited to a period of 12 months from the date of issue even if the protection measure has a longer duration.

Recognition can be refused on limited grounds, and in particular if recognition is manifestly contrary to the public policy of the Member State addressed or if recognition is irreconcilable with a judgment given or recognised in that Member State.

It seems that the regulation has limited application in the Member States. This is evident in Greece where there is no case law and according to the information obtained from the Athens Court of First instance, no certificate has been issued and no such request has been filed so far. The situation seems similar in other Member States as well. The regulation seems little used.

This limited application may be related to a number of reasons:
In some cases, the protected persons when moving from their country of origin, they actually move away for the person causing the risk. So, they are not really interested in receiving protection in the Member State where they move.
Another reason could be that the regulation applies only to civil protection measures and in some states the distinction between civil, criminal and administrative protection measures might not be that clear.

In addition, the regulation does not interfere with the national systems of the Member States with respect to protection measures. It does not oblige them to modify their national systems so as to introduce civil protection measures. Therefore, and according to the information provided from the website of European Judicial Network in civil and commercial matters in some Member States, such as Sweden, Croatia and Spain there are no protection orders such as those described in the regulation.

Another reason for the limited application of the regulation could be that is does not interfere with the enforcement procedure of protection measures in case of breach. It leaves these matters to the law of the Member State addressed. This could turn out problematic, because not all Member States have the same reaction to violations of a protection order and in some cases additional proceedings may be required.
Finally, as the effects of recognition pursuant to the regulation are limited to a period of 12 months, some people may prefer to require national protection measures which may offer longer protection.

The application of the regulation will be addressed in the European Commission's report which was due by 11 January 2021 but was delayed due the outbreak of the COVID-19 pandemic in the first half of 2020. According to the information provided by the Commission the assessment and publication of the report is expected within March 2022.

Konstantinos Stavropoulos
IAFL Member

An End to the Blame Game

by Emma Hatley, UK

Introduction

It is a year for celebration in England and we don't just mean the Queen's Platinum jubilee. On 6 April 2022, the Divorce, Dissolution and Separation Act 2020 ('DDSA 2020') will come into force in England and Wales. The culmination of a long-running campaign by English Fellows, this much welcomed legislation introduces 'no-fault' divorce and marks one of the most significant reforms in English family law for almost 50 years, paving the way for a more amicable, constructive and collaborative approach to divorce. Crucially, it will end the so-called 'blame game' and finally bring our law in line with many no-fault divorce regimes across the world.

The new divorce law

The changes are long overdue and replace what many see as an outmoded process which, absent a long period of separation or desertion, currently requires one party to the marriage to blame their spouse for the breakdown of the marriage. This can prove traumatic for those involved and can damage future co-parenting relationships. The law as it stands, enshrined in the Matrimonial Causes Act 1973, fails to accommodate the not uncommon situation where the decision to separate is a mutual or amicable one.

The main changes are as follows:

A statement of the irretrievable breakdown of the marriage by the applicant/s will be conclusive. There is no longer a need to evidence the reason for irretrievable breakdown.

The new law will allow parties to make a joint application for divorce or for one party to make the application alone.

It will no longer be possible to contest or defend the divorce itself (although of course challenges will still be possible on the basis of jurisdiction, validity of the marriage and procedural compliance, for example).

New 'plain English' terminology will replace archaic language; for example, Decree Nisi and Decree Absolute will be substituted for 'Conditional Order' and 'Final Order'.
There will be a minimum period of 26 weeks from the start of divorce proceedings to the final divorce order being made. This factors in a 20 week 'period of reflection'.
It is anticipated that by removing the need for one party to blame the other for the breakdown of the relationship, this will lessen conflict and reduce tension at an already difficult time, rightly enabling divorcing couples to focus on the future, including the financial aspects of divorce and the arrangements for any children of the marriage.

Jurisdiction
Insofar as jurisdiction for divorce is concerned, Fellows will be aware that the Brussels IIa Regulation no longer applies to England and Wales post Brexit. Instead, domestic law in the form of **section 5 of the Domicile and Matrimonial Proceedings Act 1973** (as amended) is now relied upon to establish jurisdiction. The grounds for jurisdiction are broadly the same as contained in Brussels IIa except for the removal of a "joint application" ground and the addition of a ground permitting jurisdiction based on the domicile of just one of the parties ('sole domicile'). This has the effect of widening the jurisdictional rules.
In summary, a divorce can be commenced in England and Wales if one of the following is satisfied:
both parties to the marriage are habitually resident in England and Wales;
both parties to the marriage were last habitually resident in England and Wales and one of them continues to reside there;
the respondent is habitually resident in England and Wales;
the applicant is habitually resident in England and Wales and has resided there for at least one year immediately before the application was made;
the applicant is domiciled and habitually resident in England and Wales and has resided there for at least six months immediately before the application was made;
both parties to the marriage are domiciled in England and Wales; or
either of the parties to the marriage is domiciled in England and Wales ('sole domicile').

Fellows are reminded of two key points:
Lis pendens no longer applies to England and Wales post-Brexit in relation to divorce and financial proceedings, with forum non conveniens taking its place. This may in turn lead to lengthy and costly proceedings to establish the "closest

connection" where there are competing jurisdictions before any substantive divorce proceedings can indeed take place.

Whilst the addition of 'sole domicile' helpfully extends the jurisdictional grounds, caution should be applied when considering whether to rely on this ground as in certain circumstances it may potentially give rise to difficulties where orders may need to be recognised and enforced abroad.

Emma Hatley
Stewarts

Freedom of Movement for a Two Mothers Child

by Francesca Maria Zanasi, Italy

A comment to the judgment of December 14th, 2021, C-490/20 of the European Court of Justice

Is it possible that the freedom of movement of a child with two homosexual parents may be restricted depending on whether or not the Member State recognises same-sex unions?

The Court of Justice of the European Union answered this question on December 14th, 2021 (Case C-490/20) to address the umpteenth divergence between Member States in the matter of same-sex couples. On the one hand, the Member State of birth of the child formed the birth certificate indicating two women as her mothers; on the other hand, the authorities of another Member State refused to recognise this double motherhood and consequently preventing the child's freedom of movement, who could only travel with one of her mothers.

The case:
A female couple of Bulgarian and English citizens got married in 2018. Soon the women moved to Spain where they gave birth to their first daughter through heterologous artificial insemination. The daughter's birth certificate, issued by the Spanish authorities, refers to both women as mothers of the child. The couple asked for the transcription of the birth certificate in Bulgaria, since the child had acquired the Bulgarian citizenship de iure sanguinis. The Municipality of Sofia refused to issue a birth certificate indicating both women as mothers of the child, Therefore, the Bulgarian mother challenged the decision of the Municipality of Sofia, considering it necessary to find a balance between the constitutional and national identity of the Republic of Bulgaria and the interests of the child, and in particular, her right to live a private life and moving freely.
The Bulgarian Judge asked The Court of Justice whether the refusal by the Bulgarian authorities to transcribe the birth certificate of a child (Spanish and Bulgarian de iure sanguinis) with two mothers may infringe her rights as described

in articles 20 and 21 TFEU and articles 7, 24 and 45 of the Charter of Fundamental Rights of the European Union.

The decision:
The judgment clarified the meaning of the provisions of (i) the Treaties concerning citizenship of the Union and freedom of movement (articles 20 and 21 TFEU, Art. 4, par. 2, TEU), (ii) the articles of the Charter of Fundamental Rights of the European Union which enshrine the right to respect private and family life and the rights of children (articles 7, 24 and 45), and (iii) the article 3 of Directive 2004/38/EC of the European Parliament and the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States.

Those rules should be interpreted in favour of the minor citizen of the Union whose birth certificate designates two persons of the same sex as its parents. The Court of Justice pointed out that the outset that determinate acquisition and loss of nationality is an exclusive power of each Member State, in accordance with international law (judgments of 2 March 2010, Rottmann, Case C-135/08, EU:C:2010:104, paragraphs 39 and 41, and 12 March 2019, Tjebbes and others, Case C-221/17, EU:C:2019:189, paragraph 30). However, this power cannot affect the freedom of movement of citizens, especially if they are minors: “The Member States are thus free to decide whether or not to allow marriage and parenthood for persons of the same sex under their national law. Nevertheless, in exercising that competence, each Member State must comply with EU law, in particular the provisions of the FEU Treaty on the freedom conferred on all Union citizens to move and reside within the territory of the Member States, by recognising, for that purpose, the civil status of persons that has been established in another Member State in accordance with the law of that other Member State”.

In addition, according to the Court a national who exercised his freedom to reside in a Member State other than his Member State of origin (as in the current case) may avail himself of the rights following to the status provided for by art. 21, par. 1 TFEU (judgment of 5 June 2018, Coman and Others, Case C-673/16, EU: C: 2018:385). EU citizens who were born in the host Member State of their parents and who have never made use of the right to free movement may also invoke this rule and the provisions adopted for its application (judgment of 2 October 2019, Bajratari, Case C-93/18, EU:C:2019:809, paragraph 26). This means that art. 21, par. TFEU gives rise to the right to conduct normal family life both in the host Member State and in the Member State of which the person possesses the nationality, with

the members of their family present at their side (judgment of 5 June 2018, Coman and Others, paragraph 32).

To achieve this right, the Court stated that article 4 par. 3 of Directive 2004/38 EC requires the Bulgarian authorities to issue an identity card or a passport to the child regardless of whether a new birth certificate is drawn up for that child: "Thus, in so far as Bulgarian law requires a Bulgarian birth certificate to be drawn up before a Bulgarian identity card or passport is issued, that Member State cannot rely on its national law as justification for refusing to draw up such an identity card or passport for (the child)". Consequently, the Member State of which a child is a national is required to recognise the document enabling that child to exercise, with each of his parents, his or her right to move and reside freely within the territory of the Union.

To sum up, in application of art. 21 TFEU and Directive 2004/38 EC the two women must be granted by all Member States the right to assist their daughter in the exercise of her right to move and reside freely within the territory of the EU (Judgment of 13 September 2016, Rendón Marín, Case C-165/14, EU:C:2016:675, paragraphs 50-52). Therefore, although the status of persons falls within the exclusive competence of the Member States, the Bulgarian authorities are obliged to recognise this relationship of subsidiary in order to allow the child the effective right guaranteed by art. Article 21, par. 1 TFEU, to move and reside freely within the territory of the Member States. This is not contrary to public order and, to this end, it is necessary that the two women must be granted of a document, which mentions them as persons authorised to travel with the child, and that the other Member States are obliged to recognise.

Francesca Maria Zanasi

International Relocation

by Anna Worwood, UK

The IAFL International Relocation Committee comprises IAFL fellows who are experienced in international relocation work, from a number of different jurisdictions including Australia, Argentina, France, Singapore, Spain and the UAE. The members of the Committee have not yet had the chance to meet together in person since its formation but keep in touch regularly and are looking forward to getting together at the earliest opportunity. It has been very helpful to share thoughts within the Committee during the difficult times of the last two years.

One of the first projects undertaken by the Committee has been that each member has been asked to prepare a paper summarising the law on international relocation in their jurisdiction. These papers will be made available to all IAFL fellows. It is important that lawyers who undertake international relocation work, have an understanding of the law on international relocation in the jurisdiction to which their client wishes to relocate (in other words 'the destination jurisdiction'), as well as having a full understanding of the law in the home jurisdiction, so that they are able to advise their client on the likely approach in the event that the client, or, if the client is the left behind parent, the relocating parent, decides that they wish to move from the destination jurisdiction in the future.

The papers prepared by members of the Committee have highlighted for me again that whilst the legal position in respect of international relocation, is similar in some jurisdictions, it remains very different in others.

In many jurisdictions, the best interests, or welfare, of the child is the paramount consideration or of paramount importance. Having said this, irrespective of this similar test being applied, some jurisdictions are more likely to allow relocation than others.

The jurisdictions in which the best interests, or welfare, of the child is the paramount consideration or of paramount importance include Spain, South Africa, Singapore, Australia and France.

Spain

Amparo Arbaizar of Arbaizar Abogados has reported that in 2014, the Supreme Court in Spain set a new case law precedent: the international relocation of the custodial parent can be ordered only if this is considered to be in the best interests of the minor child who is under his or her custody with whom the child shall relocate.

It is very difficult to obtain a relocation order from the Spanish courts especially if one of the parents is Spanish, the child is Spanish too and there is an extended family living in Spain. It is easier to relocate if neither parent is Spanish and there is no family support in Spain.

South Africa

In South Africa, as has been explained by Stuart Humphrey of Ubunye Chambers, all matters pertaining to children are dealt with on the basis that the child's best interests are of paramount importance.

In contrast to Spain, the South African courts generally allow the relocation of children. An application would be refused only in circumstances where the relocating parent has not demonstrated a move would be in the child's best interests.

Singapore

In Singapore, as reported by Malathi Das of Joy A Tan & Partners LLC, the welfare of the child is the paramount consideration. In determining a relocation application, case law shows that two factors are frequently considered: whether the primary caregiver's wishes to relocate are reasonable; and how grave the child's loss of relationship with the 'left behind' parent will be. The reader may take the view that these principles ressemble the principles set out in the guidance given in the English case of Payne.

Australia

Amanda Humphreys of Taussig Cherrie Fildes has explained that in Australia, the best interests of the child are the paramount but not the sole consideration. Amanda has identified that the common features of successful relocation cases

include that the court is satisfied that children have established a meaningful relationship with the other parent which can be sustained by long distance; the court is satisfied that the applicant has the intention and capacity to promote a meaningful relationship between the child and other parent following relocation; and/or the court is satisfied that there are practical proposals and financial resources to support regular travel in order for the children to spend time with the other parent. Amanda has suggested that because of the discretion and balancing exercise it is very difficult to predict the outcome of a relocation case in Australia as I believe it has become in England and Wales.

France

Rahima Nato Kalfane of BWG Associés has reported that relocation in France follows the general rules relating to litigation on parental authority. There is no specific law or proceedings.

Article 373-2 of the French civil code provides for an obligation of information for each change of residence, should it be in France or abroad. The parent who wants to move abroad with the children must obtain in advance the other parent's agreement. If no agreement is obtained, the parent who wants to move needs to seize the family judge who will assess the circumstances of the move.

No specific criteria are set out to help the judge in his/her decision making. The question must be dealt with by the judges on a case by case basis, the decisive criterion being the interests of the child.

Argentina

As has been explained by Patricia Kuyumdjian de Williams of Estudio Kuyumdjian & Williams, the legal position in Argentina is strikingly different to that in other jurisdictions. International relocation in Argentina is not regulated by law, nor is there a specific procedure for these cases. As there is no substantive legislation or special procedure, proceedings can last several years and can be inconclusive. There are no guidelines for judges to take into account when granting or rejecting relocations. This problem may be the cause of international child abductions. There is a general reluctance to grant relocations.

The UAE

Dr Hassan Elhais has reported that the UAE Personal Status Law envisages that a mother is the natural custodian of the children. When there are no circumstances which affect the interests of the child, the father's right to claim the custody from

the mother shall only be when the boy turns 11 and the girl turns 13. The courts usually look into the best interests of the child in custody matters.

Matters relating to relocation of children are dealt with as per the UAE Personal Status Law which mandates consent from both custodian and guardian (custody is the physical safekeeping of the child whereas a guardian, the father, is considered to have the legal or moral custody of the child). Both the guardian and custodian have the right to put a travel ban on the children so that one parent does not travel with the child outside the territory of the UAE without the consent of the other parent.

When a custodian parent wishes to travel with the children for a short visit but the guardian refuses, the mother would have the right to raise a request to the family court requesting to have permission to travel. As long as the short period travel does not prejudice the child, the court may exercise its discretionary powers based on the merits of the case.

In all other emirates, except Abu Dhabi, where there are non-Muslim resident expats and non-Muslim locals, an application for permanent relocation can be made by the father only. The father is considered by default as the guardian of the child. An application cannot be made by the mother as she is considered by default as the custodian. Under other emirates except Abu Dhabi, the custodian (the mother in most cases) has to follow the guardian if he relocates out the UAE since the child has to be kept always in the place where the guardian is.

An exception to this rule can be found in Article 151/3 of Federal Law No 28/2005 on Personal Status where the mother may object to a relocation of the child if she believes that the father is not travelling to relocate permanently, that the relocation will harm her or that the father will be able to travel between the two locations on the same day using a normal mode of transportation like a car.

There is no reference in the published court orders or in the published Federal Family Law cases to a situation where the custodian could relocate the child out of the UAE without the resident guardian's consent.

The abovementioned rule applies to Muslims based in Abu Dhabi as well as it being applied to Muslims and non-Muslims in other emirates.

With effect from 7 November 2021, the emirates of Abu Dhabi issued the local decree to be applied only to non-Muslim resident expats working or living there or non-Muslim locals based in Abu Dhabi only.

According to the above decrees, the rights and obligations of both parents are given to them equally. So, for the first time, the UAE laws include the concepts of legal custody and joint custody where the man and the woman have equal rights in custody and visitation arrangements as well as finances and inheritance. Although the new law did not address the issue of a relocation case instigated by the wife, the philosophy of the new law encourages that the non-Muslim expat mother may apply for a relocation on the basis of her equal rights to the father. However, it must be kept in mind that no Supreme Court order has yet been made in relation to this point.

Effect of the Covid-19 pandemic

The Committee has been able to share information about whether the Covid-19 pandemic has affected the way in which the courts in the various jurisdictions are approaching the determination of applications to relocate children internationally – we have considered whether the Covid travel restrictions have led the courts to take the view that it will be more difficult for the relationship between the child and the left behind parent to be maintained and thus to be more inclined to refuse relocation applications. We have also considered whether the courts have been more sympathetic to relocating parents who are isolated, living away from their family and being unable to visit them, and wish to return to their home country.

In England and Wales, the general view seems to be that the courts have continued to approach relocation applications in a similar way to they were doing before the start of the pandemic – very little, if anything, has changed.

Amanda Humphreys of Taussig Cherrie Fildes has reported that the impact of Australia's border closures, quarantine requirements and disruptions to international travel have been a consideration in some relocation cases in Australia. In some instances, parties have been asked to file further material setting out evidence they wish to rely upon in respect of international travel arrangements taking into account Covid 19 restrictions. Taussig Cherrie Fildes' case note of the Australian Full Court's decision in Denham & Newsham [2021] FamCAFC 141 can be found at this link.

In the Singapore High Court case of UYK v UYJ (2020) SGHCF9, the court held that the evidence relating to the COVID-19 pandemic could not be given inordinate weight. The court held that the COVID-19 situation is fast evolving and depending on whether the situation improves or deteriorates travel may or may not be allowed in the near future. The court ruled that it should not be making orders on relocation depending on the COVID situation at each specific point in time as these orders would quickly become outdated as the global situation changes.

Habitual residence and lockdown

An interesting issue which has arisen in a number of cases in which I have been involved during the Covid pandemic, is whether a child's habitual residence has changed in circumstances where a parent or family has made the decision to spend an extended period of time in another jurisdiction with a child or children due to a wish to be with extended family while their home country is in lockdown or a wish to be in a holiday destination, perhaps by the sea, where they may have a holiday home. In several cases, I have worked with clients in trying to safeguard against a change in habitual residence where consent has been given to a parent staying temporarily in another jurisdiction with a child during the pandemic. It is suggested that these matters could be discussed further at forthcoming IAFL meetings –

I look forward to seeing you in Athens!

Anna Worwood

A Spouse Can Only Have One Habitual Residence for the Application of Article 3 Brussels II-bis

by Alexandre Boiché, France

ABSTRACT: In application of Article 3 Brussels II-bis a spouse can only have one habitual residence even if he or she share his/her time between two Member States. The court has the duty to establish his/her habitual residence taking into account the place where such person has the main center of his or her interests and a stable presence.

KEYWORDS: habitual residence – matrimonial proceedings – Brussels II-bis – – change of habitual resi dence – divorce – forum-shopping.

I. Introduction

Habitual residence is the main ground of jurisdiction for the dissolution of the marital link in application of Article 3 Brussels II bis[1]. Habitual residence may be of either one or both spouses.

Habitual residence can be very difficult to ascertain in practice and given the 'race to the court' allowed by the multiple grounds of jurisdiction provided by article 3, this increases conflicts between spouses. Despite this situation, more than 20 years have elapsed before the first CJUE judgment on habitual residence of a spouse has been handed down, while many decisions have been given[2] on the habitual residence of the child[3] in the last 15 years.

In France, by a decision of 14th December 2005[4], the Cour de Cassation judged that when applying Article 2 of Brussels II-bis, the habitual residence shall be defined pursuant to the case-law of the CJUE as such a notion is an autonomous

[1] Regulation (EC) 2201/2003 of the European Parliament and of the Council of 27 November 2003 concerning jurisdiction and recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/200

[2] Case C-523/07 A. ECLI:EU:C:2009:225; case C-497/10 PPU Mercredi ECLI:EU:C:2010:829; case C-512/17 HR ECLI:EU:C:2018:513; case C-393/18 PPU UD ECLI:EU:C:2018:835.

[3] The rules related to the children have been introduced in Brussels II bis – which came into force on 1 March 2005; with regards to divorce, the regulations of which were already stated in Brussels II, art. 2 –which become effective on 1 March 2001– it has been transposed into art. 3 Brussel II bis

[4] French Civil Court of Cassation judgment 1 of 14 December 2005 n. 05-10951

precept of EU law, and that this should be found to be at the place where the person has determined, with the aim of giving it a stable character, as the permanent centre of his or her interest. French scholars have criticized the Cour de Cassation for not having taken the opportunity to refer for a preliminary ruling to the Court of Justice on the definition of the habitual residence of the spouse in application of Brussels II-bis article 2. The same approach was however later followed at least by the High Court in England[5] and the Cour d'Appel in Luxembourg[6].

The case submitted to the CJUE was now the ideal case to clarify on the definition of the habitual residence of spouses. In the case IB (Résidence habituelle d'un époux – Divorce)[7] a couple, a French husband and an Irish wife - lived in Ireland since 2008, where they had their family house and their children. In May 2007, the husband found a job in France: he worked in Paris during the week and went back to Ireland every weekend to stay with his family. He had an apartment in Paris, he was registered with the social security in France and paid his taxes in France. At the same time, he had a house in Ireland and his family was there, whom he met every weekend. He also maintained his social activities in Ireland. In December 2018 he filed for divorce in Paris.

The wife challenged the French jurisdiction based on the fact that the husband was not habitually resident in France but in Ireland. By an order dated 11th July 2019, the family judge in Paris found that it lacked jurisdiction to rule on the divorce of the spouses. The decision was grounded on the matter that the husband choice that his place of employment should be in France was not sufficient by itself to show an intention to establish his habitual residence there, notwithstanding the fiscal and administrative consequences and lifestyle habits resulting from that choice.

As regards proof of habitual residence, in comparison with the case that was judged in 2004, it should be noted that it is much more difficult today for a spouse to collect elements that will make it possible to determine the residence of his or her spouse. Indeed, since the provisions of Regulation 2016/679[8] on the protection of personal data came into force, it has become much more difficult to collect such evidence.

[5] England and Wales High Court decision of 3 September 2007 *Marinos v Marinos* [EWHC] 2047; England and Wales High Court decision of 11 April 2019 *Pierburg v Pierburg* [EWFC] 24.

[6] Luxembourg Court of Appeal judgment of 6 June 2007 n. 31642 F. K. c/ U. S.

[7] C-289/20 IB (Résidence habituelle d'un époux – Divorce) ECLI:EU:C:2021:955

[8] Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation.

On the appeal of the husband, the Court of Appeal of Paris decided to stay the proceedings and to refer for a preliminary ruling to the CJEU the following question. The referral thus runs:

'Where it is apparent from the factual circumstances that one of the spouses divides his or her time between two Member States, is it permissible to conclude, in accordance with and for the purposes of the application of Article 3 of Regulation No 2201/2003, that he or she is habitually resident in two Member States, such that, if the conditions listed in that article are met in two Member States, the courts of those two States have equal jurisdiction to rule on the divorce?[9]'

In the view of the present author, the referral was unfortunately poorly drafted. Indeed the Court of Justice's answer on the possibility for a person to have a dual habitual residence was quite obvious. The interest of the case is more on how to define the habitual residence of spouse. Although the Court provides some clarifications on the definition of habitual residence, it does not do so through the prism of the functional approach, although the facts of the case gave it the opportunity to do so.

II. A spouse can only have one habitual residence

The question asked by the Court of Appeal was inspired by the Hadadi[10] case in which the CJEU, for the application of Brussels II-bis Article 3(1)(b), accepted that the spouse's double nationality confer jurisdiction on multiple Member States. But the solution given to dual nationality cannot be transposed to habitual residence. In a case related the Succession Regulation the Court had already found that a person could have only one habitual residence[11].

Regarding Brussels II-bis, such a conclusion is now grounded on the following five arguments:

- i) a textual argument. The Court notes that "Article 3(1)(a) of that regulation nor any other provision of that regulation refers to that concept in the plural" (para 40). Undeniably, habitual residence is always referred to in the singular and it is never said that a person, spouse or child may have more than one habitual residence;

[9] IB cit. para 23.
[10] Case C-168/08 Hadadi ECLI:EU:C:2009:474.
[11] Case C-80/19 E.E. (Jurisdiction and law applicable to inheritance) ECLI:EU:C:2020:569.

- ii) the term 'habitual' reflects a permanence or regularity and, in case of transfer of a person's habitual residence to another Member State, the intention of the person to establish there the permanent center of his or her interest should be demonstrated. Therefore, such definition and approach is not compatible with the possibility to have two habitual residences.
- iii) the objective of the rules laid down at art. 3 Brussels II-bis is to strike a balance between the free movement of persons within the European Union and legal certainty. The text establishes a number of alternative criteria without hierarchy between them in order to facilitate the possibility for the petitioner to file for divorce. The extension of these criteria with the possibility for a person to have more than one habitual residence would undermine legal certainty;
- iv) the determination of the jurisdiction based on Article 3 Brussels II bis has consequences on other ancillary matter because the court for divorce would also have jurisdiction for maintenance between spouses and also, probably, for the partition of the matrimonial property regime. It is therefore crucial that jurisdiction on divorce is established on a strong ground, which also implies that a person shall have only one habitual residence;
- v) this arrangement will not affect the solution of the Hadadi case because the concept of habitual residence and nationality are quite different, and the decisions adopted for the first one cannot not be transposed to habitual residence.

These considerations take the CJEU to conclude that, although a spouse could have a few residences, he or she may have, at a given moment, only one habitual residence for the purposes of Article 3(1)(a) Brussels II bis.

III. Some Clarifications on the Definition of Habitual Residence

The Court then focused on the definition of habitual residence. In this regard, it refers to its case law on the definition of the child's habitual residence, and in particular the need to identify the place where the person concerned has the permanent centre of his or her interests, which in the case of an adult will necessarily be more numerous than those of a child, without requiring that they all be located in one and the same State.

To summarize, the Court considers that the concept of 'habitual residence' is characterized, in principle, by two factors, namely, first, the intention of the person concerned to establish the habitual center of his or her interests in a

particular place and, secondly, a presence which is sufficiently stable in the Member State concerned.

It deduced that in this case, the husband's integration in France, where he carries out a professional activity during the week and occupies an apartment, was indeed demonstrated. However, it considers that in order to admit that the husband has his habitual residence in France, it will be necessary to show whether he had the intention to transfer his habitual residence there.

On a critical appraisal, the Court's approach allows for some skepticism. In the judgment the Court clarifies that habitual residence "has to be given an autonomous and uniform interpretation, taking into account the context of the provisions referring to that concept and the objectives of that regulation[12]". In our view, the objectives of the Regulation are instead not addressed at all in the decision.

Indeed, while it was undeniable in this case that the husband had his habitual residence in France from a professional and social point of view, from a family point of view everything suggested, as the first judge in France had held, that his habitual residence remained in Ireland. This functional approach to the concept of habitual residence seems to have been completely underestimated by the Court of Justice. Admittedly, this was not the question posed by the Court of Appeal in Paris. However, after answering the first question related to the possibility of dual habitual residence, the Court turned to the definition of the spouse's habitual residence. In this context, it is regrettable that it did not, as it seemed to recommend in paragraph 39[13], analyze the situation in the light of the objectives of the Regulation at issue. Indeed, this functional approach to the concept of habitual residence is advocated in the context of Regulation No 650/2012[14] of 4th July 2012 on succession. In the preamble to such Regulation, this functional approach is expressly advocated with regard to the interpretation of the concept of habitual residence. Paragraph 24 states:

"In certain cases, determining the deceased's habitual residence may prove complex. Such a case may arise, in particular, where the deceased for professional or economic reasons had gone to live abroad to work there, sometimes for a long time, but had maintained a close and stable connection with his State of origin. In such a case, the deceased could, depending on the circumstances of the case, be

[12] IB cit. para 39.

[13] Ibid.

[14] Regulation (EU) 2021/650 of the European Parliament and of the Council of 4 July 2012 on jurisdiction, applicable law, recognition and enforcement of decisions and acceptance and enforcement of authentic instruments in matters of succession and on the creation of a European Certificate of Succession.

considered still to have his habitual residence in his State of origin in which the center of interests of his family and his social life was located.[15]"

The present case gave the CJEU the opportunity to rule on this approach to habitual residence in the context of the Brussels II bis Regulation It is regrettable that it did not do so.

Alexandre Boiché

[15] Ibid. para 24.

Pets on Family Law in Spain

by Amparo Arbáizar, Spain

The Law 17/2021, of 15 of December has amended several articles of the Spanish Civil Code and Law of Civil Procedure to pay regard to the welfare requirements of animals.

In accordance with the European Convention for the Protection of Pet Animals of 1987 and article 13 of the Treaty on the Functioning of the European Union, the new Law 17/2021 takes into account that animals are sentient beings and have a special relationship with man.

Article 333 bis of the Civil Code says that animals are sentient beings. The legal rules for movables and goods would only be applicable to animals as far as they are compatible with their nature and their protection regulations. If an injury upon a pet has caused its death or damage in its physical or mental health, the pet´s proprietor has a right to compensation.

The Law of Civil Procedure has been amended to stipulate that pets cannot be seized in enforcement proceedings, because they are not goods. The proceeds of pets can be seized.

Animals do not fit anymore in the legal concept of movables or goods.

The new law affects the Spanish Family Law and Law of Successions.

On divorce or legal separation or children´s arrangements the court must rule the custody of pet animals taking into account the family members' best interest and the welfare requirements of animals. The court must also rule the right of access to pets and the payments of their maintenance costs.

Children shared custody will not be granted by the court in case of domestic abuse upon the spouse or children. Ill treatment or violence inflicted on animals with the intention to cause pain or control the spouse or children will be regarded as domestic abuse.

In the liquidation of the matrimonial property regime, pets are not goods but sentient beings and therefore they cannot not be divided as any other asset (f.i. sale it and share the profit). If the spouses cannot agree to sell the pet or who has the pet´s custody, the judge will decide the pet´s destiny taking into account the copropietors interest and the animal´s welfare. The judge can share between the propietors the pet´s custody and care and the pet´s costs.

On successions article 914 bis of the Civil Code rules that in the absence of testament, the pet will be given to the inheritor that requests it. If there is not an agreement on succession the pet will be given to a third person (t.i. Animal Protection Society) until the inheritors find an agreement. If there is not an agreement the judge will decide the pet´s destiny paying regard to the welfare requirements of animals.

Amparo Arbaizar

IAFL Fellow Member

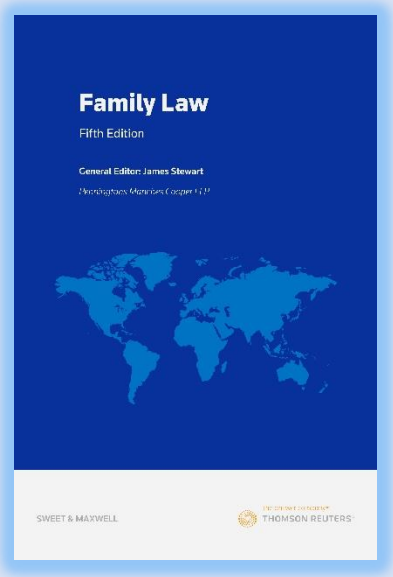
Spanish Lawyer

The Odyssey of the Blue Book – Celebrating 10 years of *Family Law: A Global Guide*

by Charlotte Butruille-Cardew, France

Over a wonderful lunch in Le Marais in 2010, James Stewart raised the idea of a IAFL-centred multi-jurisdictional guide to international family law with me. The idea won me over immediately. Having already found the publisher, James invited me to author the French chapter of the publication. As we are both philhellenes, we thought that the first edition of the book should be launched at a reception in Greece. Drawing inspiration from James Joyce, who insisted that the cover of the first edition of Ulysses should match the blue of the Greek flag (which hung in Joyce's Paris apartment), we agreed that the first edition of the guide should also be 'Greek flag' blue.

With the help of 36 other chapter authors, most of them IAFL Fellows, the first edition of Family Law: A Global Guide (which quickly became known as the 'Blue Book') was launched at a marvellous IAML European Chapter conference at the Elounda Beach on the Greek island of Crete in April 2012. So many chapter authors attended this launch party including our host Haroula Constandinidou-Stavropoulou (Greek chapter author and former IAFL European Chapter President).



The unprecedented success of the first edition was such that reprints were required on a number of occasions. That edition was followed by launches of second, third and fourth editions in 2013, 2015 and 2018 and most recently, a fifth edition, now covering 56 jurisdictions worldwide, was published in 2021. Having been involved in each edition of this publication as a chapter author, I know that the success of the Blue Book is the cumulation of what has been a very substantial research project undertaken by James and all of our chapter authors.

The international family law community owes James and the chapter authors a huge debt of gratitude for driving this project forward and for ensuring that each edition of the publication has showcased the IAFL's primary objective, namely to improve the practice of family law and the administration of family justice throughout the world.

All five editions of the Blue Book have included a foreword from the President of the IAFL. Most recently, our outgoing President, the wonderful Marlene Moses, has contributed a foreword to the fifth edition, in which she states:

"As President of the International Academy of Family Lawyers (IAFL), I know the importance of having the right resources available to lead practitioners through the intricacies and complexities of international family law. I am delighted, therefore, to endorse Family Law: A Global Guide from Practical Law, a unique publication which summarises family law across the world, over 56 jurisdictions. In such a complex area, there can be no substitute for the advice of specialists. I am very proud, therefore, that so many of the contributors to this publication are Fellows of the IAFL."

The online version of the Blue Book has had over 500,000 visitors over the last year and numbers are growing on a month to month basis. The publication has become a 'go to' resource for judges, academics and international lawyers throughout the world. It is the only such comparative guide to international family law which is marketed globally and covers all key family law issues including jurisdiction and conflict of law; pre- and post-nuptial agreements; divorce, nullity, and judicial separation; children; surrogacy and adoption; cohabitation; family dispute resolution; civil partnership/same-sex marriage; media access and transparency, as well controversial areas and reform.

I am very proud to be associated with the Blue Book and delighted that so many chapter authors and other Fellows of the IAFL, who have unstintingly supported this publication, are gathering in Greece in May 2022 for what I know will be a brilliant European Chapter Meeting at the Hotel Grande Bretagne, Athens.

Returning to Ulysses (the Latin name for Odysseus, the hero of Homer's epic poem, The Odyssey), it is perhaps fitting that our forthcoming meeting in Athens coincides with the 100th anniversary of James Joyce's magnum opus which, however tangentially, served to give the Blue Book its name. Like Odysseus and his crewmates, who took 10 years to return home to Ithaca after the fall of Troy,

I am so pleased that the Blue Book, its General Editor, James Stewart, and its many chapter authors are now returning to Greece 10 years after the launch of the first edition.

The fifth edition of the Blue Book is available both in hardback and digitally via Practical Law and Westlaw.

Charlotte Butruille-Cardew

IAFL Young Lawyers Award 2022 Update

SUBJECT

The topic for the 2022 award was: 'Inter-country adoption is in decline. Discuss. What is your point of view about this statement?'

PRIZE

The winner and two best runners up will also receive a subsidy of up to €500 for travel and accommodation plus free registration to enable them to attend the Ibiza conference.

JUDGING PANEL

A panel of European Chapter Fellows led by Alexandre Boiché will be responsible for the selection of the winning contributions.

RESULTS

So far six essays have been received and the results will be announced no later than 7th June 2022.

IBIZA CONFERENCE

The first prize is €1,000 and two runners up prizes of €500 each. The prizes will be presented at the IAFL Introduction to European Family Law Conference to be held in Ibiza, Spain, from Thursday 13th to Friday 14th October 2022. The winner will be invited to give an oral presentation on his or her contribution during this conference.

The winner and two runners up from 2020 and the winner and one runner up from 2021 will also be invited to the Ibiza conference with the same €500 subsidy for travel and accommodation plus free registration. (All in the 2022 European Chapter budget).

Under & Un Represented Jurisdictions	No. Fellows January 2022
Austria	2
Bosnia and Herzegovina	0
Bulgaria	0
Croatia	0
Cyprus	1
Czech Republic	0
Denmark	2
Estonia	0
Hungary	1
Iceland	0
Kosovo	0
Latvia	0
Liechtenstein	0
Luxembourg	1
Malta	2
Northern Ireland	4
Norway	1
Poland	4
Portugal	2
Romania	0
Serbia	0
Slovakia	1
Slovenia	0
Spain	9
Turkey	1