International Academy of Family Lawyers
IAFL
European Chapter

IAFL Continental Brief, Autumn 2026

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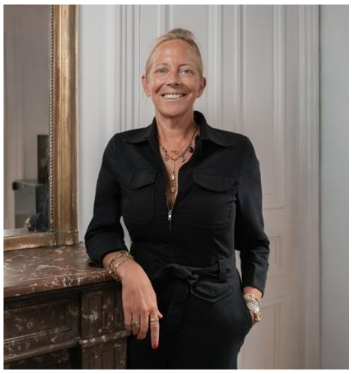
Welcome from Alice Meier Bourdeau, IAFL European Chapter President



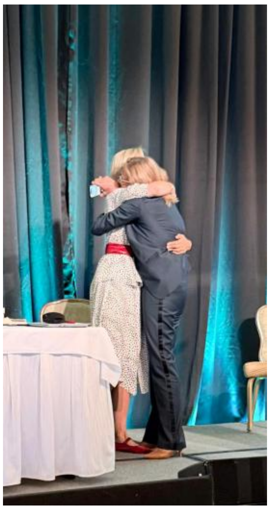
Dear European Fellows,

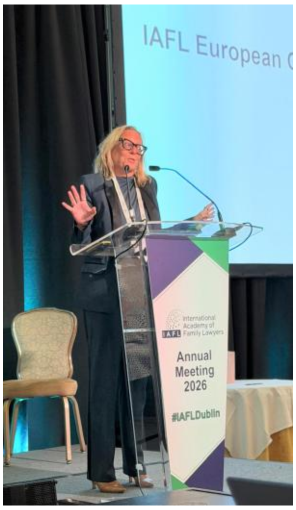
The baton has now been passed to me by our inspiring European Chapter President, Emma Hatley.

It was a great honour for Soma and me to present Emma with a gift and card at the AGM in Dublin, marking the end of her Presidency of the European Chapter of the International Academy of Family Law.

Emma has been an exceptional European Chapter President and, as our first President to serve a one-year term, she has done a fantastic job of leading and steering the Chapter over the past year.

Thank you, Emma, for your dedication, energy and leadership. It is a privilege to take on the baton from you, and I look forward to building on all that you have achieved.





The European Chapter Management Committee

Turning now to the other members of the Chapter Management Committee, many of whom will already be familiar to you. For those who may be less familiar faces, please know that we are all here to support our Fellows and to help the Chapter continue to flourish.

I am delighted to welcome Michael Wells Greco to the Committee as a Co-opted Member.

- **President Elect** – Soma Kölcsényi (Budapest, Hungary). Soma will continue to work to expand the Chapter into under- and unrepresented jurisdictions
- **President Elect Designate** – Johan Sarvik (Malmö, Sweden). Johan will be in charge of sponsorship and will help maintain and develop our relationships with other organisations, particularly the European Judicial Network (EJN)
- **Vice President** – William Healing (London, England). William will continue to host our regular Webinars and European Chats. He is also working alongside Soma, Daniela and Kostas on a training sub-committee to share expertise across the Chapter
- **Vice President** – Julia Pasche (Munich, Germany). Julia will attend EPK meetings and support the planning of the Vienna Symposium
- **Secretary** – Alexandre Boiché (Paris, France). Alexandre will ensure the Chapter's affairs remain in good order and continue to chair the Young Lawyers' Award Committee
- **Treasurer** – Renato Labi (London, England). Renato continues in his role as our exceptional and diligent Treasurer, and we are extremely grateful for his continued commitment and dedication to the Chapter
- **Elected Member** – Karen O'Leary (Dublin, Ireland). Karen is a member of the Young Lawyers' Award Committee
- **Elected Member** – Daniela Ježová (Bratislava, Slovakia). Daniela will also contribute to our efforts to expand into under- and unrepresented jurisdictions
- **Co-opted Member** – Konstantinos Rokas (Athens, Greece). Kostas has editorial control of our newsletter and will help ensure that we continue to share news, developments and opportunities across the European Chapter
- **Co-opted Member** – Michael Wells Greco. Michael will act as liaison between the Council of Europe and the IAFL

Looking Ahead

My Presidency will be a busy one, with the following webinars and meetings planned:

- 40th Anniversary – Ian Sumner Webinar

- Quarterly Chapter Chats – the next one is scheduled for Tuesday 29 September, and you should have received, or will shortly receive, your invitation
- IAFL Introduction to European Family Law Conference, Tirana – 15 & 16 October 2026
- IAFL Introduction to European Family Law Conference, Malaga – 17 & 18 June 2027

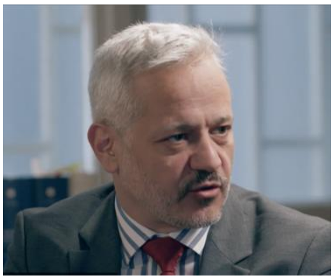
Although my Presidency will formally end in September 2027, I will continue to lead the planning for the next European Chapter Meeting in Vienna, from 1 to 5 December 2027.

I would very much like to build on Emma's wish to bring all our Fellows, old and new, fully into the life of our growing community. One of the things I value most about the IAFL is the opportunity to learn from one another, share our experiences, and build friendships and professional connections across Europe. I also want our Chapter, and the IAFL more widely, to continue the work we have carried out over the past several years - particularly through the Amicus Committee - by helping to improve family law and private international family law: submitting briefs in litigation, participating in working groups (notably the EJN), and providing training across Europe. I know I can count not only on the members of the Management Committee, but also on you, Fellows, to help me with these tasks, and I look forward to the year ahead.

Best wishes,

Alice Meier Bourdeau
IAFL European Chapter President

Message From The Editor-in-Chief, Konstantinos A. Rokas, IAFL European Chapter, Co-Opted Member of the Management Committee

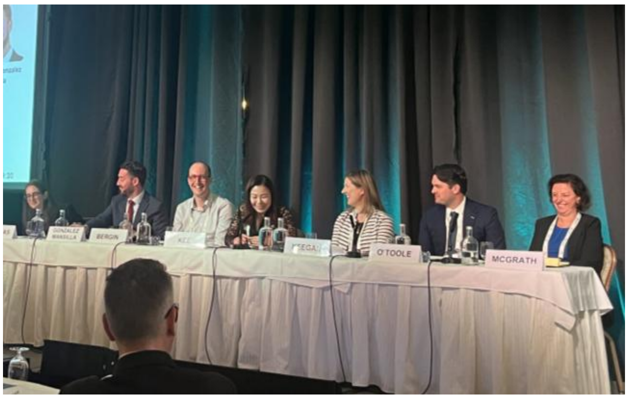


Dear IAFL Fellows,

Welcome to the latest edition of the International Academy of Family Lawyers European Chapter Newsletter.

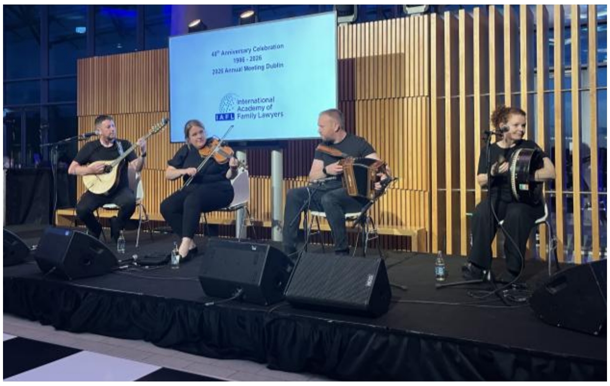
In nearly every one of our meetings, we discuss the expanding role of AI in our daily practice as lawyers. Nonetheless, the law develops along paths that AI cannot fully grasp. Connecting practitioners across different legal traditions and jurisdictions is still a human effort. This newsletter's objective is to select and share the information most meaningful to your practice.

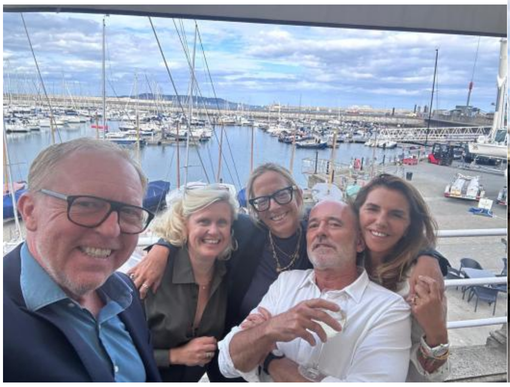
From 2 to 7 September 2026, the IAFL Annual Meeting was held in Dublin, Ireland. Delegates from around the world gathered and took part in a thoughtfully designed educational program that offered a successful combination of legal information and practical guidance. Sessions explored the difficulties inherent in maintenance disputes, arising from the differing conceptions prevalent across legal systems and the challenge of distinguishing between maintenance and equitable distribution. The program also addressed international maintenance recovery across France, the US, Ireland, and other key jurisdictions. The poignant issue of forced marriages took a special place in the program, while on the practice side, strategies and methodologies for rethinking communication and effectively conveying key points to clients were discussed, including perspectives from junior practitioners.

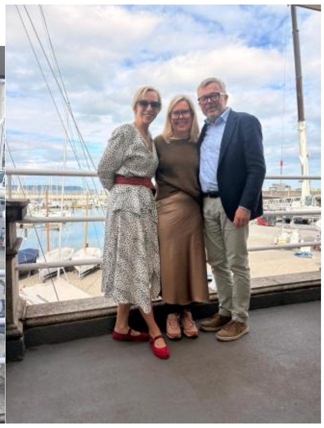


Within the context of the educational program, Professor Jens Scherpe presented the Kenyan students initiative, highlighting the positive outcomes of an IAFL-sponsored visit by five Kenyan students to Denmark, where they attended a comparative family law program at Aalborg University. During the Dublin meeting, the Early Career Award was presented to three members of the inaugural cohort of the IAFL Institute of Further Learning. In parallel, Institute Director Jill Hersh was honored to receive the inaugural IAFL Innovator Award in recognition of her tireless work in launching the Institute.

Of course, no IAFL international meeting would be complete without a little fun - and this one had plenty to celebrate, marking 40 years of the Academy's existence. We didn't need much convincing - Irish music had us on the dance floor in no time. And we have to humbly admit that we, the European Chapter fellows, dominated the floor with a display of energy and skill that left no doubt about the vigor of the European continent.







After Dublin, we look forward to our next Introduction to European Family law Conference, taking place in Tirana, Albania, from 15–16 October 2026. Beyond Mira Murati, Chief Technology Officer of OpenAI, and Dua Lipa, multi-Grammy award winner and one of the most streamed artists globally, Albania is also home to a very dynamic diaspora - one that might be involved in cross-border family law disputes.

In its effort to expand into new jurisdictions and grow its network across Eastern Europe, where representation remains limited, the European Chapter of the IAFL has chosen Tirana: the dynamic capital of Albania, a candidate country advancing swiftly toward EU membership. This event is being organized in collaboration with the Law School of the University of Tirana.

Our educational program spans topics such as matrimonial property, international and comparative law, and international conventions. This promises to be a truly compelling gathering, bringing together lawyers, judges, and academics to discuss key developments in international family law - including the 1980 and 1996 Hague Conventions and the movement of children, alternative dispute resolution mechanisms, different matrimonial property regimes (including nuptial agreements), and the interaction of international and comparative law in the evolution of national family law. The gathering will also be an opportunity to celebrate excellence within our ranks, with the Young Lawyers Award being presented during the Introduction to European Family Law conference.

In the newsletter's "Global Perspectives" column, Ombeline Cathelineau covers the recognition, through the exequatur of a foreign judgment, of foreign surrogacy parentage under French law in the most recent case law of the Cour de cassation. Delphine Eskenazi discusses the reconciliation of English matrimonial property division with the French compensatory allowance. Emma Jamison brings our attention to the evidentiary and risk-assessment challenges posed by coercive control in child return cases under Article 13(1)(b) of the Hague Convention in Northern Ireland, while Eniko Fulop offers a Romanian perspective on the recalibration of refusal thresholds and the enforcement of return orders under the 1980 Hague Convention. Armando Cecatiello focuses on the high-profile Chey–Roh divorce in South Korea, addressing marital property division, illegality, and corporate shareholding. Last but not least, Amparo Arbáizar examines Spain's new procedural requirement mandating alternative dispute resolution (MASC) before filing civil and family claims - a requirement that could prove to be a source of serious difficulties.

Finally, this newsletter wraps up with a survey of legal developments and evolving trends across Europe, presented through the European Chapter's innovative webinar chat format, organized and moderated by William Healing. Caroline Elander Knip spoke about the proposed Swedish inheritance law reforms regarding cohabitants, cousins, and a national register of wills. Hilka Hollmann discussed the English Supreme Court ruling confirming that statutory adoption orders cannot be revoked under the inherent jurisdiction. Joseph Alkatout addressed Swiss legislative proposals concerning shared physical custody and the criminalization of contact obstruction, while Zofia Józefowicz-Paszewska covered Poland's Supreme Administrative Court decision regarding the registration of foreign same-sex marriages.

We invite you to explore the contributions from our colleagues, covering a wide range of family law topics. We encourage you to read through the articles in this issue and share your thoughts with us - your feedback is invaluable in helping us ensure that this newsletter continues to meet your needs and support the growth of our community. We would also like to remind our fellows and friends that this newsletter is open to contributions on any topics you consider relevant to our community.

Thank you for your continued support of the International Academy of Family Lawyers European Chapter.

Konstantinos A. Rokas

Dates for your diaries- future meetings

Full details are on the IAFL website:

IAFL Introduction to European Family Law Conference, Tirana, 15 – 16 October 2026

Asia Pacific Chapter Meeting, Auckland, 17 – 21 February 2027

USA & Canadian Chapter Meeting, New York City, USA 12 – 15 May 2027

IAFL Introduction to European Family Law Conference, Malaga, Spain 17 & 18 June 2027

IAFL Annual Meeting, Mumbai, India 15 – 19 September 2027

European Chapter Meeting, Vienna, Austria 1 – 5 December 2027

Global Perspectives: Legal Insights and Developments Across Jurisdictions

France: Parentage of surrogate children in relation to their intended parents established by a foreign judgment can be recognized in France (CCass. AP, 3rd July 2026, n° 24-50.028 and 24-50.029, Bull.), by Ombeline CATHELINEAU

Sitting in its most solemn formation, in a plenary assembly of 19 judges, the French Court of Cassation ("Cour de cassation") has clarified the effects that surrogacy arrangements carried out abroad may produce in France. Specifically, the Court was asked whether foreign rulings establishing the parentage of children born through surrogacy in relation to their intended parents can be recognized in France, and if so, which effects they may produce on French territory.

Although surrogacy is prohibited in France, the Court of Cassation, driven by the European Court of Human Rights, has progressively developed its case law.

This evolution led the Court of Cassation, in its decision, to reaffirm that:

- the mere fact that a child was born through surrogacy does not, in itself, preclude the establishment of his parentage in relation to his intended parents; and that

- on the contrary, there must exist under domestic law a means of recognizing that relationship, one that should be implemented promptly and effectively, in accordance with the child's best interests.

Examining whether, in the absence of recognition of the foreign decision, the means of establishing or recognizing parentage available under French law meet the requirements set by the European Court of Human Rights, the Court of Cassation found that this is not the case. Specifically, according to the Court of Cassation, if adoption is a possible option, it does not guarantee the establishment of the children's parentage in accordance with their best interests, given that:

- it does not allow for verification of the consent of the surrogate mother, who has no legally established parentage with the child;

- the adoption of the child by the biological parent would be precluded by the prohibition on the adoption of a child by their ascendant;

- the adoption of the child by the non-biological parent, as the spouse, civil partnership partner or cohabiting partner of the biological parent, would not be possible in the absence of recognition of the child’s parentage in relation to the biological parent.

Similarly, recognition (“reconnaissance”) or possession of status (“possession d’état”) are excluded since they both presuppose, as a prerequisite, the transcription of the foreign birth certificate into the French civil-status registers, and such transcription is only possible if the foreign decision on the basis of which it was drawn up is recognized in France.

However, in order to be recognized in France, the Court of Cassation requires that the foreign decision be reasoned. More specifically, the Court states that this reasoning -which may, if necessary, be drawn from evidence external to the decision- must allow "to identify the status of the identified persons who took part in the surrogacy project, and to ensure that it was established that the parties to the surrogacy agreement, first and foremost the surrogate mother, consented to that agreement, both in its terms and in its effects on their parental rights".

Then, if the decision may be recognized, it will not have the effects of an adoption but “the effects attached to it in accordance with the law applicable to each of them” thereby allowing the children’s parentage to be recognized in relation to their intended parents. The solution adopted by the Court of Cassation responds, in the words of its First President, to “the ongoing search for a delicate balance between the French prohibition of surrogacy and the best interests of the child once the child is born”.

Ombeline CATHELINEAU

France: The long-awaited reconciliation by the French Supreme Court of English Law with the French concepts of "matrimonial property regimes" and "compensatory allowance", by Delphine ESKENAZI, IAFL fellow

French Supreme Court, 1st Civil Chamber, December 10, 2025, 23-22.356

Facts: Divorce proceedings are underway in France between a wife of French nationality, residing in France, and a husband of British nationality, residing in the United Kingdom. The marriage was not preceded by a marriage contract. The spouses agree that English law is applicable to the matrimonial property regime, as the law of the spouses' first common domicile after marriage, while French law is applicable to the compensatory allowance, as the law of the habitual residence of the maintenance creditor. The Paris Court of Appeal rejected, as a matter of general principle, the award of compensatory allowance to the wife. It held that it was not disputed that French law was applicable to the wife's claim for compensatory allowance. However, English law applies to the division of the spouses' property interests, as this law combines, in its view, the three concepts of "division," "needs," and "compensation," which are comparable to those that would determine the right to compensatory allowance under the French system. Furthermore, the Court of Appeal held that the notary appointed by the conciliation judge considered that combining the equitable assessment, under English law, of the division of property interests with a possible compensatory allowance would risk duplication. The Court of Appeal thus concluded that the division of the spouses' property in accordance with the principles of English law would necessarily incorporate the compensation arrangements determined by Article 270 of the Civil Code. Consequently, it dismissed the wife's claim for a compensatory allowance.

This ruling was overturned by the Court of Cassation. The Court pointed out in particular that, in rejecting the claim for compensatory allowance, the judgment held that the notary, with a view to making proposals for the settlement of the spouses' property interests, had noted that combining the equitable assessment of the division under English law and a possible compensatory allowance would be likely to result in duplication. The Court of Cassation thus stated, in a very instructive manner:

> "*In ruling thus, when it had found that French law was the only law applicable to the request for compensatory allowance, so that it was for it to assess the existence of a disparity created by the breakdown of the marriage, to the detriment of the wife, in the respective living conditions of the spouses, without taking into account the share that would be allocated to her in the division of property, which is intended to be carried out on an equal basis, according to English law governing the liquidation of their property interests and whose application must be limited*

solely to the division of their property, the objectives of satisfying the needs of the spouses and compensating for the property imbalances resulting from the breakdown of the marriage being, where applicable, achieved by granting compensatory allowance to the wife, the Court of Appeal violated the above-mentioned texts by failing to apply them."

This ruling provides two much-awaited clarifications for practitioners of international divorce, in cases where the law applicable to the matrimonial regime is fragmented, on the one hand, and to maintenance obligations between spouses, on the other. The issue here is to reconcile the liquidation of the matrimonial property regime subject to English law and the compensatory allowance subject to French law. In doing so, the French Supreme Court specifies the conditions for the division of the spouses' assets, in cases where English law applies, but above all imposes a determination on the principle of a compensatory allowance, even if the law applicable to the spouses' property interests is based on a criterion of equal division of property.

Liquidation of the spouses' matrimonial property regime and the "egalitarian nature" of English law - For several decades, English law was considered to be a regime of separation of property, including when this law was applied at the time of the spouses' divorce. This fiction has recently been challenged by some practitioners, insofar as, on the one hand, the English system does not recognize the concept of matrimonial property regime and, on the other hand, it is now accepted that in the event of divorce, English courts may generally start by applying an equal division of at least the marital property (in the absence of a marriage contract or prenuptial agreement) [See, for example, D. Eskenazi and I. Amar, The impossible existence of the concept of matrimonial property regimes in *common law* countries. Or how to fit a circle into a square?, AJ fam. 2020. 167; T. Amos, M. Blitz, K. Drouet-Bassou, I. Rein-Lescastéreyres, Conséquences du divorce international : focus sur les principales difficultés, Gaz. Pal., 22 Apr/ 2025, special issue no. 2, p. 41.]

In the present circumstances, the notary appointed by the conciliatory judge had indeed attempted to make proposals by making an equitable division of the spouses' assets. The French Supreme Court therefore initially validated the principles of English law on equal division, specifying that the liquidation of the spouses' assets in accordance with English law was "intended to be carried out on an equal basis." This confirmation is valuable and puts an end to the fiction that English law, at the time of divorce, is equivalent to a separation of property.

In our view, this reasoning should apply mutatis mutandis where the foreign law in question is inspired by British law (as is the case, for example, in Hong Kong) or, more generally, to laws originating in a common law country, such as US law (the majority of US states providing for "equitable distribution " of marital property at the time of divorce).

It is true, however, that fairness will not always mean equal division, and it will certainly be necessary for the appointed notary to request certificates of custom from foreign experts to determine whether the division should be equal or whether, given the circumstances, it is appropriate to depart from this principle.

Interrelation between English law applicable to the matrimonial property regime and French law applicable to compensatory payments - This is the second innovative contribution of this decision: the French Supreme Court considers that the application of English law must be confined to the division of the spouses' assets, but that the application of such law does not in itself exclude the existence of a compensatory allowance, if the objectives sought under French law so require, namely if there is a disparity created by the breakdown of the marriage, to the detriment of one of the parties, in the respective living conditions of the spouses.

Thus, the liquidation of the spouses' matrimonial property regime in accordance with English law, even if it results in an equal division (which by default covers the "*needs*" of the wife), does not prevent an assessment of whether the conditions for granting compensatory allowance, within the meaning of French law, are met.

In other words, there will not necessarily be "duplication" or "double compensation," since the French divorce judge, considering in advance the share allocated to each spouse in the liquidation of the matrimonial property regime, will remain free to assess whether it is appropriate to also order compensatory allowance.

It should be noted in this regard that this possibility of an additional sum (also exists in common law countries in certain circumstances. The French Supreme Court thus strictly adheres to the categories existing in our French legal system, strictly limiting the scope of application of each applicable law.

Practical advice: While the egalitarian nature of English law is recognized, this does not necessarily mean that this rule must be applied systematically, particularly in the case of common law providing for rules of "equitable distribution." The parties will often need to obtain the opinion of a foreign expert in order to confirm how marital and non-marital property should be divided, depending on the specific circumstances. The "historical" fiction of assimilation to separation of property cannot be replaced, for the sake of simplification, by a fiction of assimilation to a community property regime, at the risk of distorting the applicable foreign law

With regard to the compensatory allowance, its existence and quantum may be determined in accordance with the rules of French law, and it will not be possible to argue that the needs of the creditor spouse have necessarily already been fully met by the application of English law to the liquidation of the spouses' matrimonial property regime.

Delphine ESKENAZI

North Ireland : Coercive Control and Article 13(1)(b) of the Hague Convention- Are we Recognising the Risk?, by Emma JAMISON

Article 13(1)(b) provides one of the Convention's defences to the return of a child to their country of habitual residence. A court may refuse return where there is a grave risk that return would expose the child to physical or psychological harm or otherwise place the child in an intolerable situation. Domestic abuse is familiar territory in family law, often raised in this defence. But where the alleged abuse includes coercive control, are we recognising the same behaviour and assessing the same risk?

The most recent global statistical study published by the HCCH, found that 75% of taking persons in return applications are mothers. Where caring status was known, 94% of taking mothers were the child's primary or joint-primary carer.[1] Research has also identified a prevalence of domestic abuse allegations amongst taking mothers.[2]

Article 13(1) was drafted before the modern understanding of domestic abuse. Coercive control is pattern-based including individual acts which may appear innocuous in isolation. However, taken as a pattern, can cumulatively restrict a victim's autonomy, independence and support networks. It often escalates when a relationship ends or the perpetrator perceives a loss of control. Research demonstrates that coercive control has been identified in 51% of the intimate partner homicides cases studied in England and Wales, the same prevalence as physical abuse.[3] Other research found that around 50% of men convicted of killing an intimate partner reported no physical or sexual assaults against her in the year preceding the homicide.[4] Therefore, the seriousness of the risk may not always be apparent, if only incidents are considered rather

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[1] Nigel Lowe and Victoria Stephens, *A Statistical Analysis of Applications Made in 2021 under the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction: Global Report* (HCCH, 2023).
[2] Katarina Trimmings, 'Protection of Abducting Mothers in Return Proceedings: Intersection between Domestic Violence and Parental Child Abduction' (2021) 35(1) *International Journal of Law, Policy and the Family*, ebab001.
[3] Jennifer Chopra, Laura Sambrook, Shane McLoughlin, Rebecca Randles, Marek Palasinski and Victoria Blinkhorn, 'Risk factors for intimate partner homicide in England and Wales' (2022) 30 *Health & Social Care in the Community* e3086–e3095, doi:10.1111/hsc.13753.
[4] Holly Johnson, Li Eriksson, Paul Mazerolle and Richard Wortley, 'Intimate Femicide: The Role of Coercive Control' (2019) 14(1) *Feminist Criminology* 3–23, doi:10.1177/1557085117701574.

than the pattern of control. Put more starkly, coercive control can be viewed as the midwife to murder.

The development of understanding domestic violence has not been uniform across contracting states. A pattern identified as coercive control in one Contracting State may have no legal classification in another. Individual elements may be recognised as harassment, threats or psychological abuse, without necessarily being considered together as a course of conduct. Furthermore, even where coercive control is expressly recognised in legislation, identifying it is not always straightforward. Northern Ireland is one example. The Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021 introduced legislative recognition of abusive behaviour occurring as a course of conduct, capturing coercive and controlling behaviour. Yet despite that legislative framework, criminal and family practitioners are still grappling with how such behaviour will be interpreted, evidenced and treated by the courts.[5] If identifying coercive control remains difficult in a jurisdiction which has legislated to recognise it, the challenge of applying Article 13(1)(b) consistently across different legal frameworks and understandings of abuse is obvious.

The international dimension makes this even more complicated. Restrictions on a partner's clothing, friendships, finances or movement may raise concerns in one jurisdiction. Elsewhere, the same conduct may be explained by reference to family expectations, gender roles, religion or culture.

Where domestic abuse is relied upon under this exception, the court must consider whether the alleged or established abuse gives rise to the grave risk contemplated by Article 13(1)(b), and whether that risk can adequately be addressed on return. Hague proceedings are deliberately summary and expedited. However, coercive control often requires context. How does a court identify a pattern-dependent form of abuse without turning Article 13(1)(b) proceedings into a domestic abuse fact-finding exercise?

None of this means that an allegation of coercive control should defeat an application for return. Article 13(1)(b) deliberately sets a high threshold. Nor should the exception become a means of conducting a welfare enquiry which properly belongs before the courts of the child's habitual residence. The

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5 *Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021*, ss 1–2.

question is narrower. Can we apply an international test uniformly when the behaviour from which the alleged risk arises is not itself uniformly understood?

But recognition is only part of the problem. Even where the alleged pattern is recognised, a court may conclude that the risk can be sufficiently addressed through protective measures to permit a return. That raises another question. Are we protecting against the right risk?

Is a 'soft landing' enough?

The HCCH's 2020 Guide to Good Practice on Article 13(1)(b) considers measures which may protect a child following return. Depending on the circumstances, these may include accommodation, financial provision, non-contact arrangements and measures to secure a safe arrival. But if the alleged pattern involved isolating a mother from her support network, preventing financial independence or creating dependency, what happens if she is returned to a State where she has no family support, no independent accommodation, insecure immigration status and/or no ability to work? Those circumstances do not themselves establish grave risk for the defence. But they may recreate some of the vulnerabilities through which the alleged abuse was perpetrated.

There is also a question of time. Protective measures may deal effectively with the first days or weeks following return. However, proceedings concerning children, domestic abuse, immigration or financial support can take considerably longer.

The issue is not whether protective measures are worthwhile. They are. It is whether measures designed to secure an immediately safe return will address an alleged form of abuse based on an enduring pattern of control, dependency and isolation. Article 13(1)(b) does not require Contracting States to have identical domestic laws on abuse. Nor, in my view, does it necessarily require reform to accommodate coercive control. But it does require courts in different legal systems to assess the same international test.

The Convention requires speed. Coercive control requires context. The Convention seeks consistency across borders, while our understanding and legal recognition of coercive control remain far from uniform. The challenge is not to change Article 13(1)(b), but to ensure that the way we identify and respond to risk continues to evolve alongside our understanding of domestic abuse. As our understanding of coercive control develops, so too will its recognition across Contracting States. The Convention has not changed, but our understanding of the behaviour which may give rise to risk has. How that developing understanding affects the application of Article 13(1)(b) is a question international family lawyers are likely to encounter with increasing frequency.

Emma Jamison

Romania: From Grave Risk to Public Policy: Articles 13 (1) (b) and 20 and the Recalibration of Refusal under the 1980 Hague Convention – A Romanian Perspective by Eniko FULOP, IAFL fellow and governor

1. The Structural Function of Hague Proceedings

Hague return proceedings are not designed to determine the future of the child. They are designed to restore the past. Their function is not to adjudicate custody, assess parental suitability, or conduct a classical "best interests" analysis. Rather, they serve a narrower yet fundamentally structural role: to restore the status quo ante by ensuring the prompt return of the child to the State of habitual residence and preserving the jurisdictional authority of that State. This limitation is not a deficiency of the Convention—it is its strength. The effectiveness of the Hague mechanism depends precisely on its refusal to transform return proceedings into substantive custody disputes.

2. Romania as a Pro-Return Jurisdiction

Romania operates as a firmly pro-return jurisdiction within the Hague framework. Its legal architecture is clear and aligned with European and international standards, combining: the 1980 Hague Convention, Regulation (EU) 2019/1111 (Brussels II ter), and Law no. 369/2004 implementing the Convention at national level.

Jurisdiction is centralized in Bucharest, ensuring consistency and specialization. Procedurally, the system is designed to be accelerated and enforcement-oriented: decisions are rendered swiftly, reasoning follows within short deadlines, and return orders are enforceable even pending appeal. The legislative philosophy is explicit: delay must not legitimise wrongful retention.

3. From Summary Proceedings to Expanding Litigation

Despite this structured framework, practice reveals a gradual transformation. Hague proceedings -intended to be summary- are increasingly expanding in evidentiary scope. Courts are confronted with: extensive witness testimony, psychological reports and detailed allegations concerning parental conduct. As a result, proceedings risk evolving into fact-intensive disputes that closely resemble custody litigation. This shift is not merely procedural; it reflects a deeper doctrinal evolution in how refusal is argued and assessed.

4. Article 20: A Residual Constitutional Safeguard

Article 20 of the Convention allows refusal of return where it would be incompatible with fundamental principles relating to human rights and freedoms. Its function is exceptional and systemic. It does not address individual hardship, but structural incompatibility with fundamental rights.

In Romanian practice, Article 20 is: rarely invoked, even more rarely analysed in depth, and almost never decisive. This restrained approach is deliberate. Expanding Article 20 would undermine mutual trust between contracting States and risk transforming Hague proceedings into indirect reviews of foreign legal systems.

5. Article 13(1)(b): The Real Site of Recalibration

If Article 20 remains marginal, the true doctrinal evolution occurs under Article 13(1)(b). This provision permits refusal where return would expose the child to a grave risk of physical or psychological harm or place the child in an intolerable situation. It is the primary operational exception—and the most contested one. Romanian courts have articulated a relatively consistent evidentiary threshold. The alleged risk must be: real and concrete, not hypothetical, serious in intensity, supported by objective evidence, and directly affecting the child.

The central doctrinal principle is clear: **the risk must concern the child, not the parents**. Parental conflict, emotional attachment, or economic disadvantage do not, in themselves, meet this threshold. The Convention does not permit a comparative assessment of living standards between jurisdictions.

5. **The Risk of Doctrinal Expansion**

In practice, however, Article 13(1)(b) is increasingly invoked through broader narratives such as domestic violence allegations, substance abuse claims, emotional dependency arguments and financial instability concerns. While some may be relevant in specific cases, their cumulative use risks shifting the provision from a narrow exception to a broader discretionary standard. This transformation is subtle. It occurs not through legislative reform, but through practice. Proceedings become longer, evidence more complex, and judicial reasoning more expansive. The result is a gradual blurring of the line between return proceedings and custody determinations.

7. A Significant Development: Strengthening Enforcement in Romania

While doctrinal expansion raises concerns, Romania has made a notable and important advancement in another critical area: **the enforcement of return orders**. Recent judicial practice has increasingly incorporated a decisive and pragmatic mechanism within return decisions, namely:

"In case of refusal to voluntarily execute the obligation to return the child within the established time limit, the plaintiff is authorised to take over the child personally or through a representative, and the defendant is obliged to cooperate in issuing travel documents in the child's name, the court hereby substituting the defendant's consent in case of refusal."

This development is of particular importance. For many years, practitioners -including myself- have consistently raised before the courts the need to strengthen enforcement mechanisms within the operative part of return decisions. The inclusion of such provisions directly addresses one of the most persistent weaknesses of Hague proceedings: the gap between judicial decision and practical execution.

By authorising direct recovery of the child, and substituting parental consent for travel documentation, courts are effectively removing procedural obstacles that have historically delayed or prevented enforcement. This evolution reflects not only judicial responsiveness but also a broader, collective effort within the legal community. It is reasonable to assume that many colleagues have advocated for similar solutions, contributing to this shift in practice. Importantly, this approach aligns with the core objective of the Convention: ensuring that return orders are not merely declaratory, but effective in practice.

8. The Structural Question Moving Forward

Romania does not openly challenge the Convention and remains formally aligned with its principles. However, like many jurisdictions, it participates in a broader, more subtle process: the gradual recalibration of refusal through the interpretation of Article 13(1)(b), alongside efforts to strengthen enforcement. This dual dynamic -expansion of refusal on one hand, reinforcement of enforcement on the other- defines the current evolution of Hague practice.

9. Conclusion: Where Do We Draw the Line?

The central question is not whether children must be protected. That is beyond dispute. The question is how that protection is integrated within a system designed to prioritise return. If the threshold of Article 13(1)(b) is lowered, even incrementally, the balance of the Convention shifts. And when that balance shifts, the Convention itself risks transformation from a mechanism of jurisdictional discipline into a forum for re-litigation. At the same time, effective enforcement mechanisms demonstrate that the system can adapt without losing its core function. The challenge for all jurisdictions remains the same: Where do we draw the line between necessary protection and structural transformation of the Convention itself?

Eniko Fulop

South Corea: The Chey-Roh Divorce: Marital Property, Illegality and Corporate Control in South Korean Family Law, by Armando CECATIELLO

On 24 July 2026, the Seoul High Court, sitting on remand, ordered SK Group chairman Chey Tae-won to pay his former wife, Roh Soh-yeong, KRW 944 billion in cash. Reported as the largest property-division award in South Korean divorce litigation, the ruling is significant for its treatment of non-financial spousal contribution, allegedly unlawful family funding, post-separation changes in asset value and shares carrying corporate-control implications.

Terminological accuracy is essential. The principal award is neither punitive damages nor periodic maintenance, but a payment arising from the division of marital property. A separate KRW 2 billion award of wija-ryo—compensation for non-pecuniary harm associated with the breakdown of the marriage—became final following the Supreme Court of Korea's judgment of 16 October 2025. That judgment reversed only the property-division part of the Seoul High Court's decision of 30 May 2024 and remitted that issue for reconsideration.

The statutory framework

Under Articles 839-2 and 843 of the Korean Civil Act, spouses may agree on the division of their property. Failing agreement, the Family Court determines the amount and method of division by reference to the property formed through the spouses' cooperation and to the other circumstances of the case. Article 839-2 directly governs divorce by agreement, whereas Article 843 extends the relevant property-division rules to judicial divorce. South Korean law therefore imposes neither an automatic equal division nor an invariably judicial distribution.

The Supreme Court has long characterized property division as a mechanism principally intended to liquidate and distribute property substantively created through marital cooperation. In its Order of 11 May 1993, case 93스6, the Court confirmed that domestic work and family support may constitute legally relevant contributions to the maintenance or increase of assets. It also held that a spouse responsible for the breakdown of the marriage is not, for that reason alone, deprived of the right to seek the division of property formed through the spouses' cooperation.

Matrimonial fault and proprietary contribution consequently remain analytically distinct. Fault may justify an award of wija-ryo, whereas property division concerns the formation, preservation and allocation of the marital estate. Chey's extramarital relationship was therefore not itself the legal basis for Roh's share of the divisible property.

The treatment of the SK shares

The proprietary inquiry concerned whether the SK Inc. shares held in Chey's name, although associated with a family-controlled corporate structure, had been formed, preserved or increased through the parties' combined efforts during their long marriage. According to the reasons summarised by the remand court and reported immediately after judgment, the Seoul High Court treated Roh's homemaking, child-rearing and external activities connected with SK Group as relevant contributions. It fixed the division proportions at one-third for Roh and two-thirds for Chey.

A qualification is necessary. The full official text of the 24 July 2026 remand judgment has not yet been identified in the publicly accessible South Korean case-law database. The details of its reasoning should therefore, at this stage, be attributed to the court's reported explanation rather than presented as direct quotations from an officially published judgment.

Illegality as a limit on marital contribution

The central doctrinal issue concerned an alleged KRW 30 billion transfer in or around 1991 from Roh's father, former president Roh Tae-woo, to Chey's father. In 2024, the Seoul High Court treated that alleged financial support as part of Roh's contribution to the formation and increase of the relevant assets. It awarded her approximately KRW 1.38 trillion. The Supreme Court rejected that approach in 2025 by reference to the principles underlying Articles 103 and 746 of the Civil Act. Article 103 renders juridical acts contrary to good morals and social order null and void. Article 746 establishes the doctrine commonly described as illegal-cause performance: a person who has transferred property for an illegal cause may not, as a general rule, demand its return.

The Supreme Court held that the policy underlying Article 746 is not confined to conventional unjust-enrichment claims. It must also be respected in divorce-related property division. Financial or non-financial support supplied by the parents of one spouse may ordinarily be treated as part of that spouse's contribution to the marital estate. It cannot, however, be recognised where its nature, purpose or origin is manifestly antisocial, unethical or contrary to public order.

Crucially, the Supreme Court did not make a definitive finding that the alleged KRW 30 billion transfer had occurred. It reasoned that, even assuming the transfer had taken place, the funds appeared -having regard to their amount, timing and surrounding circumstances- to originate from bribery proceeds received by the former president. Such support could not be treated as a legally protected contribution to the formation or preservation of the marital estate. The remand court consequently excluded it from its assessment of Roh’s contribution.

Valuation and post-separation appreciation

South Korean Supreme Court authority ordinarily requires the composition and value of divisible property to be determined as at the close of fact-finding in the divorce proceedings, using objective and reasonable materials available by that date. This principle appears in other judgments.

The rule is subject to an important qualification. As recognized in other cases, changes occurring between the breakdown of the marriage and the close of fact-finding may be excluded where they result from subsequent circumstances unrelated to the property jointly formed or maintained during the marriage. The Supreme Court reaffirmed and developed this principle in the 2025 Chey–Roh judgment.

According to the remand court’s reported explanation, 16 April 2024, the close of fact-finding in the original appellate divorce proceeding, remained the relevant valuation date for Chey’s SK shares. Their subsequent sharp market appreciation was not mechanically added to the divisible estate. The court nevertheless reportedly considered the increase when determining the overall division ratio. The distinction between the valuation date and the distributive percentage is technically subtle but economically decisive.

Corporate control and the form of relief

The order for payment in cash allowed Chey to retain the SK shares underpinning his influence over the group. According to the reported reasoning, the court considered the shares’ role in corporate management and control, together with their form, origin and use. A transfer in kind could have altered voting power and affected the governance of a major conglomerate. Cash payment instead separates Roh's economic entitlement from direct participation in the controlling shareholding, although it may impose substantial liquidity and financing pressures on Chey.

The Chey–Roh litigation demonstrates that ultra-high-net-worth divorce lies at the intersection of family law, corporate governance, valuation, evidentiary causation and public policy. It illustrates two complementary propositions: non-financial marital contribution may justify participation in wealth formally held in one spouse's name, but illegality limits what the legal system may recognise as a protected contribution.

Spain: New admission requirements to be able to proceed at the jurisdiction of Spain, by Amparo ARBAIZÁR, IAFL fellow

A major legal reform has taken place in the Spanish jurisdiction which, since April 3, 2025, requires an additional requirement to initiate proceedings before civil courts, and which also affects family matters. Organic Law 1/2025, of January 2, on measures regarding the efficiency of the Public Justice Service, completes the three efficiency bills of the "Justice 2030 Plan": digital, organizational and procedural transformation.

Law 1/2025 reforms the organization of justice, transforming single-judge courts into Courts of First Instance and attempts to alleviate the judicialization of litigation by requiring the use of Appropriate Methods of Dispute Resolution "Métodos Adecuados de Solución de Controversias MASC" as a requirement for the admission of the claim in general civil and commercial matters. When deemed appropriate based on workload, a Family, Childhood and Capacity Section will be created in the Court of First Instance, which will extend its jurisdiction to the entire judicial district.

Consequently, not all first instance courts in Spain have a Family, Children, and Capacity Section; as a general rule, these sections exist only in larger towns and not in villages. Therefore, not all Spaniards have access to a judge specializing in family law; only those living in larger towns have access. Spanish lawmakers have prioritized proximity and the presence of courts in most Spanish towns over citizens' access to a judge expert in Family Law.

Definition of the new admission requirement for the "MASC" claim

Article 2 of Law 1/2025 defines Appropriate Methods of Dispute Resolution (MASC) as any type of negotiation activity recognized by law to which the parties resort in good faith to find a solution to their conflict by themselves or with the intervention of a neutral third party. Therefore, since April 2025, it is generally required to prove that this negotiation activity has been carried out for the admission of the civil claim, that is, as a procedural requirement. To fulfill the requirement, not just any negotiating activity is valid, but only that recognized by Law 1/2025 itself and by other state or regional laws.

Examples of valid negotiation activity would be the following:

- Direct negotiation between the parties or through their lawyers
- Collaborative lawyers
- Mediation
- Conciliation
- Confidential binding offer
- Opinion of an independent expert

This negotiation process can be carried out in person or by electronic means, either fully or partially. Exceptions to the ADR prerequisite in family law proceedings:

- Application only for dissolution of marriage by divorce without any additional measures
- Very urgent measures to safeguard the protection of a minor under Article 158 of the Civil Code. For example: cases of unlawful removal or retention of a minor abroad.

Accreditation of having completed a MASC

The negotiating activity must be documented in the manner provided for in Article 10 of Law 1/2025. If a neutral third party has not intervened, accreditation will be fulfilled by means of any document signed by both parties, informing of the subject of the dispute and the date of the meeting or meetings. Negotiating activity may also be proven by a document that shows that the other party has received the request to negotiate, the content of the proposal and the date.

If 30 days have passed since the request for negotiation and the first meeting has not taken place, it will be understood that the process has been terminated, or if this negotiation process has begun within 30 days of a proposed agreement. Article 264, 4th of the Spanish Procedural Law (LEC), requires since April 3, 2025, that the claim must include a document proving that prior negotiation activity has been attempted before resorting to legal action, or a declaration by the claimant stating the impossibility of carrying out prior negotiation activity before resorting to legal action due to not knowing the address of the defendant or the means by which it can be requested.

This new requirement for both parties to engage in negotiation, and its accreditation as a prerequisite for filing a lawsuit, means that family law proceedings can be delayed by more than 30 days if no agreement is reached. This delay can be detrimental to the child's best interests, particularly in cases of parental disputes, where a child may be deprived of prolonged contact with one parent or of receiving child support payments, etc.

At the international level, and particularly within the European Union, it can harm citizens residing in Spain, who lose the so-called "Brussels II race", because they have to wait more than 30 days in the Spanish jurisdiction to be able to file the claim. For these and other reasons, on December 17, 2025, a bill was introduced in the Spanish Parliament to amend Law 1/2025, of January 2, so that the prior requirement of ADR (“MASC”) is not required in family proceedings affecting minors.

The Bill of December 17, 2025, amending Law 1/2025 of January 2, argues the need for amendment with the following claims:

> “Systematically forcing parties into a prior mediation or negotiation process before guaranteeing the most basic rights of children in family law proceedings, such as the right to child support or the right to communicate with their parents or relatives, or preventing parents from quickly resolving their disagreements regarding parental authority in court on urgent and fundamental matters, clearly delays the solution. Any delay in the response increases the exposure to the problem. Furthermore, in high-conflict scenarios, it exacerbates gender-based and domestic violence. Delays in the judicial response fuel the conflict to the detriment of the children.”

Due to the mandatory nature of this procedural requirement, when an international law factor intervenes in family proceedings, a disadvantage may arise for the party who, fulfilling this requirement, is prevented from accessing the judicial body, since, in systems of other countries where this procedural requirement does not exist, as may be the case in matters of parental responsibility or alimony, this may allow the other party to the proceedings to file a claim in another Member State that also has jurisdiction, thus harming the litigant in Spain.”

In conclusion, since April 3, 2025, it has been mandatory to attempt prior negotiation before filing a civil or commercial lawsuit in Spain. This will delay the process by at least 30 days if an agreement is not reached. The requirement for prior negotiation to access the courts also applies to family law cases. Family law specialists believe that cases involving minors should be exempt from the mandatory negotiation requirement, as it could be detrimental to protecting the child's best interests. Therefore, an amendment to Law 1/2025 has been requested to exclude proceedings dealing with family matters involving minors from the mandatory negotiation requirement. Until the proposed amendment is approved, it is currently mandatory in family law proceedings to resort to negotiation before being able to file a lawsuit in the Courts in Spain.

Amparo ARBÁIZAR
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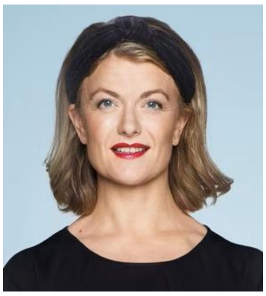
IAFL European Chapter Chat : My Dear Law Change

On 16 June 2026, William Healing, Vice President of the European Chapter, hosted the IAFL European Chapter Chat. The meeting moved into a rich and engaging discussion on legal changes across four different jurisdictions. The exchanges highlighted the impressive diversity of perspectives within our community and the dynamism of our newest members. Below, you will find concise summaries of the contributions, prepared with the valued assistance of Emma Hay, paralegal at AFP Bloom Family Law Specialists.

Caroline Elander Knip, Stockholm, Sweden: 3 reforms to Swedish inheritance law



Caroline Elander Knip founder partner at Elander Advokatbyrå in Stockholm spoke about three high profile reforms to Swedish inheritance law, that have attracted considerable attention in Sweden. The first and second proposal concerns the introduction of inheritance rights for cohabiting partners and cousins. And the third concerns the creation of a voluntarily national register of wills. The proposals aim to modernize Swedish succession law and better reflect how people live their family relationships today. Sweden has 2 million people that lives in a cohabiting partnership - 20% of the total population.

Cohabiting partners have no automatic legal right to inherit from one another. Even if a couple have lived together for decades, owns a home together and have children, the surviving partner receives nothing from the deceased estate unless there is a valid will. The first proposal is to grant cohabiting partners a limited statutory right to inherit. Supporters say society has changed and many choose to cohabit. Critics emphasize that we must look at the importance of freedom of choice of marriage or cohabitation.

A further proposed reform will allow cousins to inherit where no other direct family members exist. The rationale is that cousins are often the closest surviving relatives and then inherited assets should remain within the family rather than pass automatically to the State. Critics say cousins will be hard to trace. The reform may increase the complexity, cost, and duration of estate administration, which is already a problem here in Sweden.

Finally, Caroline spoke of the proposal of a national register of wills. Without this, it is not uncommon for wills to be misplaced, destroyed or discovered only after an estate has already been distributed. The register will be voluntary and will not contain the original will itself, but rather information enabling authorities to determine whether a will exists and where it can be found. These reforms are not finalised but, if approved, are expected to enter into force in Sweden on 1 January 2027.

Hilka Hollmann, London, England and Wales: English Supreme Court on Adoption (April 2026)

Hilka Hollmann, partner from Dawson Cornwell in London spoke next on a very recent (April 2026) English Supreme Court decision on adoption. The case highlights a lot of the difficulties in children law cases and especially where children cannot live with their birth family, usually for safeguarding reasons. In X v Y the birth mother was supported by 2 of her children, who had previously been adopted, to set aside the adoption order. The mother used the inherent jurisdiction. It is an ancient court remedy that gives the judge wide powers over a child if it can be shown it's in the child's best interest, and other legislative powers are lacking.

Unlike France, for instance, England only has one type of adoption. Once a child is adopted, they are treated in law as if born to the adoptive parents.

Someone can only seek to set aside an adoption order if there were usually significant procedural flaws in the process and the adoption order should not have been made. But there is also the appeal route, where you apply to appeal out of time and use this “inherent jurisdiction”.

Hilka once had an adoption order cancelled in a case where it concerned a Somali refugee who was believed she left behind a child who was adopted in the UK, but who the mother had believed had died. The child had subsequently turned up alive in the UK. The authorities assessing the adoptive parents, had even not been truthful about whether they had spoken with any birth parents and obtained consent. So, that adoption order was set aside under the inherent jurisdiction.

In the new matter X v Y however, High Court doubted the inherent jurisdiction was even appropriate. There were serious safeguarding concerns meaning these children could not live within their birth parents.

The children were adopted but continued to have significant contact with their birth mother. During the pandemic the children went back to live with their mother, and subsequently, the adoption arrangements fell apart. One child went to live with their biological father, and the others went to live with their biological mother.

The biological parents were even given parental responsibility back again through a private law order. All parties except one child wanted these orders to be cancelled under the inherent jurisdiction, and so did the local authority who acts as the adoption agency. The Supreme Court were hostile to the mother's application and refused it. They made it very clear that adoption orders are for life. You cannot use the inherent jurisdiction to set something aside that has been created through statute. And so, they refused the application.

The court said a successful application would require very extreme or special circumstances. It will not be easy going forward to challenge any adoption order under English law. It is going to be inadvisable unless there are exceptional circumstances.

There must have been a concern by the X v Y judges that a different decision would open the floodgates to many people seeking to revoke an adoption order using the inherent jurisdiction, and that that power was being over-used. While Hilka could see the policy reasons for the decision, she was not sure she agreed with this outcome.

Joseph Alkatout, Geneva, Switzerland: The Never-Ending Question: What does Meaningful Contact with Parents Really Mean?

Josef Alkatout founder partner from Alkatout Legal in Geneva, said the question of meaningful contact with parents is always a live one, but how can we preserve this? Two significant developments have occurred in Switzerland in this area.

First, there is a parliamentary initiative introduced in 2021. That initiative seeks to strengthen and promote shared physical custody, as the preferred model in cases of joint parental responsibility. Historically, Switzerland focused on identifying the primary caregiver on where the child is supposed to live even after separation. So today the question is - how can both parents remain substantially involved in the child's life? Switzerland has already moved towards joint parental responsibility the past years, which is now the general rule. Since 2017 Swiss courts have been required to examine at least the possibility of joint physical custody.

In many cases, one parent, often the mother, continues to function as the primary residential parent, while the other exercises visitation rights. So, the initiative seeks to strengthen the legal position of alternating physical custody or a similar model. The reform will encourage judicial authorities to consider this as the default arrangement whenever joint parental responsibility exists.

In 2025, a preliminary draft civil code change was adopted. The changes have been watered down under one variant, to just "examination" of joint physical custody, which codifies the Supreme Court position. Variant two, would require the court to examine physical custody whenever parents holding joint parental responsibility disagree about custody arrangements. This is closer to the true intent of the original law reform. Josef will keep us informed of further developments if this is passed into Swiss law.,

The second proposal, introduced in 2019, seeks to criminalise parents who deliberately prevent court-ordered parent-child contact. The government (which does not have a majority in Parliament) opposes this proposal. Josef asked how we can distinguish deliberate obstruction by a parent from genuine resistance originating from a child who might often be older?

Nevertheless, the motion has received substantial parliamentary support. The government now is obliged to prepare a legislative proposal. There must then be formal consultations with cantons, bar associations, and universities. Only then can there be draft legislation and a national referendum on the question.

Zofia Józefowicz-Paszewska, Warsaw, Poland : The Registration of Same-sex Marriages in Poland Post-ECtHR and CJEU Jurisprudence

Zofia Józefowicz – Paszewska founder partner from ZJP Kanceleria in Warsaw spoke about a March 2026 Supreme Court decision on the registration in Poland of foreign same-sex marriage.

The registration of a same sex couple civil partnership, as well as same sex marriage is not permitted in Poland. Article 18 of Polish Constitution means that marriage is a union between a man and a woman. The Strasbourg Court of Human Rights and the CJEU in Luxembourg have through decisions over the years obliged the Polish government to make possible at least a form of civil partnerships for same-sex couples. The government have taken no such steps.

The Supreme Administrative Court of 20th March changes the position. But even then, it has been a long road to judicial recognition. An attempt to register a foreign same sex marriage in Poland was made in the civil registry office. When denied, the case went on appeal to a provincial governor. When denied again the matter went on appeal to the lower administrative court of the Court of Appeal. Then when denied a third time, the case went on cassation appeal to the Supreme Administrative Court.

The Supreme Court decided that registration of foreign marriage did not offend Article 18 prohibition since there are wider constitutional articles in play. Equality is just as important as Article 18. Therefore, the head of the civil registry office is obliged to register same-sex couples, even if the registrars had refused to enter same sex couples before.

In the light of the decision, the new regulation of 22 May, issued in connection with civil registration, has been published. Several same-sex marriages registered abroad have already been registered in Poland. Some heads of the civil registry offices refuse, especially in the most conservative part of Poland at the border with Slovakia. The judicial/ regulatory reform may or may or may not lead to changes for Polish couples too. Perhaps same sex marriages, perhaps civil partnership? We don't know the likely outcome yet.

Call for action

Our Executive Committee have suggested that we keep an archive of memories (newsletters and photos) on so that we can readily access nostalgic material in the years ahead and chart how we age gracefully. Please do send pictures to Ele Dexter (ele.dexter@iafl.com) for IAFL nostalgic use in the years to come. Thank you. Michael Wells-Greco

We would be delighted if Fellows attending the Dublin meeting could share their photos with us. Please send your photos to : ele.dexter@iafl.com