International Academy of Family Lawyers
European Chapter

The IAFL Continental Brief...

Newsletter, Autumn 2025

Contents

Welcome from Emma Hatley, IAFL European Chapter President

Dear Colleagues,

I hope you have all enjoyed a productive autumn term and are looking forward to the festive break! Since September, our Chapter has been abuzz with activity, innovation, and collaboration, reflecting the vibrancy and commitment of our Fellows.

Our recent Introduction to European Family Law Conference in Hamburg was a resounding success, drawing delegates from 22 countries. Hosted by Bucerius Law School, the event showcased outstanding speakers and culminated in the presentation of the Young Lawyers' Award to Hannah Sheen (England), with runners-up from the Netherlands and Finland also in attendance. Plans are already underway for future conferences in Tirana and Malaga, ensuring our educational offerings continue to expand and evolve.

Preparations for the European Chapter Meeting in Barcelona are in full swing, with registration now closed at an impressive 308 participants from around the globe. The education programme is robust, featuring a keynote on workplace psychology by Dr Carolann Edwards OBE, and we are grateful for the enthusiastic response to the pre-event assessment. We are both intrigued and nervous about what the AI session on Saturday is going to reveal about the future of our industry – stay tuned and don't miss it. Barcelona is a city with so much to offer, and we are excited by the energy and engagement around all events so thank you to all those able to join us and especially those able to stay for the President's Party which will be a blast!

Our Chapter Chat sessions continue to foster connection and knowledge-sharing, with the latest featuring presentations from new Fellows and, for those who missed it, there is a summary of the topics discussed in this newsletter. The Young Lawyers' Award 2026 is already in planning, and our Board of Admissions is busy handling with new applications.

Collaboration remains at the heart of our mission. We are progressing joint initiatives with the Union des Avocats Européens (UAE) and the European Judicial Network (EJN), and are proud to announce our institutional membership of the European Law Institute (ELI).

Financially, the Chapter remains in a strong position. As always, we are immensely grateful for the dedication and generosity of our members, sponsors, and committee members who volunteer their time and energy.

Thank you for your continued commitment to the European Chapter. I'm excited for the months ahead as we continue to build on our achievements and explore new opportunities together.

To those joining the Asia Pacific Chapter Meeting in Hong Kong this week, I look forward to seeing you there—safe travels to all.

With best wishes
Emma Hatley
President, IAFL European Chapter

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

Dear IAFL Fellows,

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

We live in a world overflowing with information, and we continually reflect on how to ensure that the communication we provide through this newsletter remains as meaningful and useful as possible. Our aim is not only to keep you informed about the news and activities of our vibrant community, but also to share the developments and insights that are most relevant to your practice. To make this possible, we draw on the expertise of our Chapter Fellows, who share information and perspectives that may not be easily accessible elsewhere.

On 23 and 24 October 2025, the IAFL Introduction to European Family Law Conference was held at Bucerius Law School in Hamburg. The event brought together 85 delegates from 22 jurisdictions. The educational programme addressed a range of key topics, including child protection within a multi-level legal framework; divorce across Europe; the intersections between international family law and immigration law; maintenance and other financial consequences of relationship breakdown; and the legal implications of becoming a mother through reproductive medicine in a transnational context. The conference also provided the opportunity to present the Young Lawyers' Award. It was a highly successful event and another testament to the strong and fruitful collaboration between practitioners and academia.

We are also delighted to announce that the European Chapter will hold its annual meeting in the vibrant city of Barcelona from 4–8 February 2026. This promises to be one of our most exciting gatherings to date. The educational program is exceptional. It offers a comprehensive overview of key developments in international family law. It opens with an examination of behavioural styles and their role in enhancing self-management and professional effectiveness. It then turns to the regulation of parenthood following relationship breakdown, as well as financial issues involving modern and unconventional assets, including crypto-assets, carried interest, royalties, intellectual property and even pets. Further sessions address private international law and the BRBII TER Regulation (1111/2019) in matters concerning children and financial arrangements. The program also explores the intersection of psychology and law, focusing on coercion and controlling behaviour. Finally, the agenda includes essential practice-management topics,

with particular attention to emerging technologies—AI, data breaches, cybersecurity and digital editing—providing practical guidance for navigating both the risks and opportunities they bring.

We are also delighted to feature in this issue contributions from our esteemed IAFL Fellows. In this issue, Alexandre Boiché provides insights from the European Court of Human Rights on the interaction between the ECHR and the 1980 Hague Convention. Sam Longworth examines the classification of marital and non-marital property in divorce in England and Wales, and the circumstances under which non-marital property may become "matrimonialised" during the marriage. Dipali Maldonado analyses the mechanisms by which the United Arab Emirates can impede spouses' efforts to conceal assets. Finally, we highlight a recent development from the Court of Justice of the European Union concerning the recognition of same-sex marriages within the EU.

Finally, this newsletter wraps up with a survey of legal changes introduced through the European Chapter's innovative webinar chat format. William Healing hosted the November 4th session, where new Fellows engaged in wide-ranging discussions on national law developments—from matrimonial property regimes and Spain's diverse regional succession laws to new parental rights and international abduction issues.

We invite you to discover the contributions from our colleagues on a wide range of family law topics from. I 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.

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

Introduction to European Family Law Conference, Hamburg: A fantastic two days of learning, connection, and inspiration, by Julia Pasche, Germany and Johan Sarvik, Sweden

This October the IAFL had the great pleasure of hosting an Introduction to European Law conference in cooperation with the Bucerius Law School in Hamburg. We received a very warm welcome from the dean of the Law School, Prof. Dr. Michael Grünberger, followed by an inspiring presentation of Prof. Dr. Henrike von Scheliha, and the panel on international child abduction with Soma Kölcsenyi, Carolina Marin Pedreno and Sandra Strahm.

The program continued with presentations by renowned IAFL fellows: Renato Labi, Alexandre Boiché and Daniela Jezova explained differences in divorce proceedings all over Europe and Dr Kerstin Niethammer-Jürgens led a panel with Alice Meier-Bourdeau and Konstantinos Rokas about the connection between family law and immigration law.

Day 1 concluded with an excellent presentation from IAFL: International Academy of Family Lawyers European Chapter Young Lawyer Award 2025 winner Hannah Sheen. Congratulations also to Runners Up Femke Boymans and Silva Kirkkomäki. This was followed by a lively dinner at Bucerius Law School. With 81 guests attending, it was a wonderful evening of networking.

Day 2 opened with Dr. Christopher Reibetanz as keynote speaker for the session "Married and Unmarried Couples: Maintenance and Other Financial Consequences When Relationships Break Down," and panel chair Valentine with Alexander Breedon, Lukas Deppenkemper and Lovisa Janhagen. This was followed by the final session on "Becoming a mother through Reproductive Medicine: Legal perspectives in a transnational context" with Anna Schneeberg, Eniko Fulop, Sandra Verburgt, Carolyn Vanthienen and Mathias Thorshaug Rengård.

A sincere thank you to our sponsors Dr Daniela Kreidler-Pleus and Dr Kerstin Niethammer-Jürgens and all speakers for their contributions to a truly successful event. Huge thanks to the Bucerius Law School.

It has been a pleasure to welcome so many talented family lawyers to Hamburg and we hope the next generation of IAFL: International Academy of Family Lawyers Fellows!

Spotlight on our new and Club 25 fellows

New Fellows: Deepak Nagpal KC, England & Wales and Hong Kong, China

1. **One word to describe the future of family law**

   Challenging.

2. **The best advice you ever got in your career**

   I have been incredibly fortunate to have received a great deal of advice and guidance from many brilliant people throughout my career. Yet, for all of that wisdom, it is hard to find better counsel than Alexander Pope's prescription: "Act well your part; there all the honour lies." I know that the word "honour" sometimes gets replaced with "glory", but I prefer the original.

3. **What is the one thing you hope to contribute or experience through your Fellowship of the Academy**

   One of the most effective ways to promote the development of practitioners of family law, the practice of family law, and family law itself is through the sharing of our learning and different experiences. With the range and calibre of its Fellows, the IAFL provides a unique forum for such exchanges. I hope not only to contribute to those exchanges but also to learn and to grow from them.

4. **What do you hope to see in the future for the IAFL**

   Given that issues in family law often mirror those in society, formidable challenges undoubtedly lie ahead. However, if the IAFL continues its tradition of combining deep experience with fresh perspectives brought by each new generation of Fellows, it will be exceptionally well-placed to meet those challenges.

5. **When you are not working we will find you …. doing what/where?**

   Not working? Huh? I'm not sure I fully understand…. Oh, hang on a minute! Is this a question generated by AI? It's one of its hallucinations, isn't it? You had me baffled for a moment.

New Fellows: Eelco Anink, Netherlands

1. One word to describe the future of family law

Connected. Family law will continue to bridge cultures, borders, and evolving definitions of family — making genuine human connection its core.

2. The best advice you ever got in your career

"Never forget that behind every case there is a person, not a problem." That reminder has shaped the way I practice law — with empathy, clarity, and respect for every individual's story.

3. What is the one thing you hope to contribute or experience through your Fellowship of the Academy

I hope to contribute to a truly global exchange of ideas and experiences, building bridges between different legal traditions and cultures. Most of all, I look forward to learning from colleagues who share a commitment to guiding families through change with (legal) knowledge, empathy, and creativity.

4. What do you hope to see in the future for the IAFL

A growing community that embraces diversity — of legal systems, of families, of thought — while remaining united by integrity and humanity in practice.

5. When you are not working we will find you …. doing what/where?

Hiking along the cliffs and trails near our home in Portugal, sharing good food and long conversations with friends — the perfect balance to the intensity of legal life.

Club 25 Fellows: Dr Daniela Kreidler-Pleus, Germany

1. What first drew you into family law?

I fell into family law accidentally. In Ludwigsburg where I started my work, I was the only woman working on her own. So, a lot of women came with family cases. I have the same amount of female and male clients.

2. Were there any mentors or figures in the IAFL who have shaped your career?

It was Werner Martens who recruited me for the IAFL. He became my mentor and a very good friend.

3. What's the biggest misconception the public has about family lawyers?

Very often, family lawyers in Germany are looked at as a second class of lawyers misunderstanding how demanding our job is.

4. What advice would you give to your younger self?

I would give advice to specialize in family law. Furthermore, I would advise to not sell yourself at less than fair value.

5. What three words would you use to capture the spirit of the IAFL?

Friendship, quality and tolerance.

6. Which was your most memorable IAFL conference?

It was the Lisbon conference organized by my husband Rüdiger and João. The concert of Raquel Tavarez at the president's dinner was the best.

7. How different is European family law now compared to when you started out?

When I started to work as an international family lawyer most of the law was national. Colleagues were laughing at me and did not see any sense in dealing with international law. Now we have much more European and International law to apply. Most of my time I am now dealing with international law and with international cases.

8. What's been the most challenging cross-border matter you've handled?

It was definitely the Radmacher/Granatino case. It changed everything. Since then, I have drafted a lot of international marriage contracts especially with connection to England.

9. What do you hope for the future of the IAFL?

I hope it will not become too big and so loose its character and quality.

10. What is your guilty pleasure?

I love to drink a good glass of wine.

11. What is your signature dish?

This is definitely every kind of pasta especially the Swabian Spätzle and these combined with cheese – "Käsespätzle".

12. When you are not working we will find you …. Where/doing what?

In my garden planting or in the mountains hiking or skiing.

Global Perspectives: Legal Insights and Developments Across Jurisdictions

Court of Justice of the European Union: *Wojewoda Mazowiecki*, 25 November 2025, C-713/23: A MS has the obligation to recognise a same-sex marriage between two EU citizens lawfully concluded in another MS by Konstantinos Rokas

Facts and Judgment: «Two Polish citizens who were married in Germany are requesting that their marriage certificate be transcribed in the Polish civil register so that their marriage would be recognised in Poland. The competent authorities refused their request on the ground that Polish law does not allow marriage between persons of the same sex. The Court of Justice, in answer to a question referred to it by a national court, finds that refusing to recognise a marriage between two Union citizens, lawfully concluded in another Member State where they have exercised their freedom to move and reside, is contrary to EU law because it infringes that freedom and the right to respect for private and family life. **Member States are therefore required to recognise, for the purpose of the exercise of the rights conferred by EU law, the marital status lawfully acquired in another Member State.** The Court emphasises, however, that that obligation does not require marriage between persons of the same sex to be introduced under domestic law. In addition, Member States have a margin of discretion to choose the procedures for recognising such a marriage. **Nevertheless, when a Member State chooses to provide for a single procedure for recognising marriages concluded in another Member State, such as the transcription of the marriage certificate in the civil register, it is required to apply that procedure equally to marriages concluded between persons of the same sex.**»

(https://curia.europa.eu/jcms/upload/docs/application/pdf/2025-11/cp250147en.pdf)

Comment

The decision follows the line of reasoning established in Coman (CJUE, *Coman*, 5 June 2018, C-673/2016) and Pancharevo (CJUE, *V.M.A. v Stolichna obshtina, rayon „Pancharevo"*, 14 December 2021, C-490/2020), reaffirming the obligations of Member States regarding the recognition of rights arising from same-sex unions and same-sex parentage. It confirms these earlier findings while going a step further by more clearly defining the scope of the obligation

to recognise personal-status relations. Until Pancharevo, a Member State could comply simply by requiring its authorities to recognise public acts issued by another Member State. In other words, where a Member State obliges its citizens to register personal-status acts—such as marriages, civil unions or parentage—and accepts such registrations for heterosexual couples, it must follow the same procedure for same-sex unions and parental rights. Practically, this means that Member States will now be obliged to create administrative forms and procedures that explicitly reflect the reality of same-sex couples, both as partners and as parents.

Furthermore, we observe a consistent effort by the CJEU to carefully limit the domestic impact of its rulings. The Court makes clear that this judgment does not require Member States to introduce same-sex marriage or to establish parentage rights for same-sex parents in purely internal situations. This clarification appears intended to reassure more conservative Member States and to pre-empt political backlash from governments or parties hostile to such developments. Although understandable in light of the rise of far-right movements across the EU, this effort is largely symbolic. On the one hand, it merely states the obvious: legislation in family matters remains within the exclusive competence of Member States. On the other hand, political actors who oppose recognition of same-sex families will continue to denounce the EU for alleged cultural imperialism and interference with national values.

In the long term, however, the indirect effects of such judgments should not be underestimated. The recognition of same-sex couples and same-sex parentage for cross-border purposes will inevitably influence the evolution of national family law. As administrative systems adapt to reflect these recognised relationships, the resulting legal and social realities will exert pressure on domestic frameworks. Citizens involved in purely internal situations will increasingly rely on constitutional equality clauses and non-discrimination principles to claim similar protection within their national legal orders, gradually shaping—and progressively expanding—the development of national legislation.

European Court of Human Rights: *M.P and others v. Greece*, 9 September 2025, appl. No 2068/2024, The ongoing difficulty of the ECtHR to understand the philosophy of the Hague 1980 International Abduction Convention, by Alexandre Boiché, France

Facts

A couple, whose husband is an American-Greek national and whose wife is Greek, live in Florida. They have two children, born in 2016 and 2018. In October 2020, the mother travelled to Rhodes, Greece, with the children. She was initially supposed to stay until February 2021, but was then granted permission to stay until May 2021. In the end, she did not return. In August 2021, the father initiated return proceedings under the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction before the Greek courts. In a decision dated 12 May 2022, the trial judge refused to order the return of the children to the United States on the grounds that they had integrated into their new environment and would encounter difficulties integrating if they were separated from their mother. The father appealed and, in a judgment of 29 December 2022, the court overturned the decision and ordered the children to be returned to the United States, finding that there was no serious risk or intolerable situation for the children in this case. The mother lodged an appeal in cassation, which was dismissed by a judgment of 12 December 2023. Subsequently, after numerous twists and turns in the enforcement of the decision, the father finally managed to return to the United States with the children. The mother appealed to the European Court of Human Rights, arguing that the decisions by which the Greek courts had ordered the return of the children to the United States, as well as the failure to hear the children in the domestic proceedings, violated their rights under Article 8 of the ECHR. She was successful:

Decision

> "104. [...] the Court considers that the domestic courts were not in a position to determine, in an informed manner, whether there was a risk within the meaning of Article 13(b) of the Hague Convention and that the decision-making process under domestic law therefore did not satisfy the procedural requirements inherent in Article 8 of the Convention. It follows, in the Court's view, that the forced return of the second and third applicants [the children] to the United States cannot be regarded as necessary in a democratic society.
>
> 105. Consequently, the Court concludes that there has been a violation of Article 8 of the Convention. The Court therefore rejects the Government's preliminary objection based on the failure to hear the second and third applicants.

Comment

The European Court of Human Rights is clearly encountering great difficulty in understanding the provisions of the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction. It should be recalled that, in the past, in the cases of *Neulinger v. Switzerland* of 6 July 2010 and X. *v. Latvia* of 13 December 2011, the ECHR had, in a sense, rendered the Hague Convention meaningless by requiring judges hearing a request for return to consider, through the serious risk exception under Article 13(b) of the Convention, the consequences of their decision on the future of the children, in accordance with their best interests. In other words, in the context of this emergency procedure, the sole purpose of which is to put an end to a violation, the Court invited judges to consider the substance of parental authority by deciding in which country and with which parent the children should live. On that occasion, in the case of X *v. Latvia,* the Court stated that it had to verify whether the national courts had conducted a thorough examination of the entire family situation and a whole range of factors, including factual, emotional, psychological, material and medical factors, and whether they had carried out a balanced and reasonable assessment of the respective interests of each party, with a constant focus on determining the best solution for the abducted child. material and medical factors, and whether they had made a balanced and reasonable assessment of the respective interests of each party, with a constant focus on determining the best solution for the child who had been abducted in the context of a request for return to his country of origin (§ 66).

Finally, in the same case, the Grand Chamber was seized of the matter and brought everyone to their senses by ruling, on 26 November It subsequently redefined the basis for its review in this area, considering that 'Article 8 of the Convention imposes a specific procedural obligation on the domestic authorities in this regard: Article 8 of the Convention imposes a specific procedural obligation on the domestic authorities in this regard: Article 8 of the Convention imposes a specific procedural obligation on the domestic authorities in this regard: Article 8 of the Convention imposes a specific procedural obligation on the domestic authorities in this regard: Article 8 of the Convention imposes a specific procedural obligation on the domestic authorities in this regard: Article 8 of the Convention imposes a specific procedural obligation on the domestic authorities in this regard: Article 8 of the Convention imposes a specific procedural obligation on the domestic authorities in this regard: Article 8 of the Convention imposes a specific procedural obligation on the domestic authorities in this regard: Article 8 of the Convention imposes a specific procedural obligation on the domestic authorities in this regard: Article 8 of the Convention imposes a specific procedural obligation on the domestic authorities in this regard: Article 8 of the Convention imposes a specific procedural obligation on the domestic authorities in this regard: Article 8 of the

Convention imposes a specific procedural obligation on the domestic authorities in this regard: Article 8 of the Convention imposes a specific procedural obligation on the domestic authorities in this regard: Article 8 of It subsequently redefined the basis for its review in this area, considering that "Article 8 of the Convention imposes a specific procedural obligation on domestic authorities in this regard: when examining a request for the return of a child, judges must not only examine defensible allegations of 'grave risk' to the child in the event of return, but also rule on this matter in a specially reasoned decision in light of the circumstances of the case. Both a refusal to take into account objections to return that may fall within the scope of Articles 12, 13 and 20 of the Hague Convention and insufficient reasoning in the decision rejecting such objections would be contrary to the requirements of Article 8 of the Convention, but also to the purpose and object of the Hague Convention. It is necessary to take such allegations into account effectively, as evidenced by reasoning from the domestic courts that is not automatic and stereotypical, but sufficiently detailed in light of the exceptions referred to in the Hague Convention, which must be interpreted strictly. This will also ensure the European review entrusted to the Court, whose role is not to replace national judges. (§ 107).

In the present decision, the Court recalls these principles (§ 92). It examines the decisions handed down by the Greek courts through this prism. It then turns to the hearing of the children and notes that, at the time of the hearing before the Court of Appeal, they were four and six years old. It finds that there was no formal request by the applicants to hear the children, or at least that no such request has been demonstrated. However, it considers that today "the time has come to affirm that the national authorities are required to examine the appropriateness of hearing the child, either directly or otherwise, in order, where necessary, to dismiss the case by a reasoned decision" (§ 101). It then goes further and "notes, first, that the applicants maintain that a hearing of the children was essential in order to determine whether one of the exceptions to return provided for in Article 13(1)(b) of the Hague Convention applied. It then notes that the return of the children to the United States from Rhodes – where the first applicant and their maternal and paternal grandparents were living – was likely to entail considerable changes in their lives. Consequently, the Court considered that, given the specific circumstances of the case, namely, on the one hand, the contradictory decisions of the domestic courts concerning the return of the children and, on the other hand, the radical change that such a return to the United States would have brought about in their living conditions, the domestic courts should have endeavoured, in accordance with their obligation to act in the best interests of the children, to consider whether it was appropriate to hear the children, regardless of whether the applicants had made an explicit request to that effect. The Court notes that the present case was examined by three different courts over a period of approximately two and a half years and that at no point were the children given the opportunity to express their views, without any explanation being provided for this decision. The Court therefore notes that the domestic courts assessed the situation

without considering whether it was appropriate to hear the children's views, even though this was a key factor" (§ 102).

The ECHR therefore imposes a positive obligation on States to hear children in return proceedings, regardless of their discernment, in order to determine whether their return is in their best interests and whether it would expose them to serious risk. The hearing of the child must therefore serve to justify or not the application of the exception in Article 13(b).

However, the Convention provides that the child may be heard only if he or she expresses opposition to the return; this is specified in Article 13(2) of the Convention, expressly cited by the Court in its judgment (§ 93). However, it departs from this to require a systematic hearing of children in order to verify whether the requested return would place them in an intolerable situation. The burden of proof for the exception in Article 13(b) is therefore shifted to the child (unclear). This is completely contrary to the recommendations of the latest Special Commission on the operation of the Hague Convention, held in 2023 in The Hague, whose report states: "36. With regard to the hearing of the child for the purposes of Article 13(2) of the 1980 Child Abduction Convention, the Special Commission emphasises that this should only take place for that purpose and not for broader issues relating to the child's welfare, which fall within the jurisdiction of the courts of the child's habitual residence (bit.ly/HCCH_Enlevement_Commission_17102023).

These are recommendations made by all specialists in the field; they are not neutral. It should be remembered that, often, the child who has been unlawfully removed or retained has had no contact with the left-behind parent for many months or even years. It is also very difficult to know what the parent who removed or retained the child has told them to justify the wrongdoing, particularly with regard to the other parent. How, in these circumstances, can it be considered that the child should be heard systematically in this type of context and that this could provide the judge with essential information for making a decision, particularly with regard to serious risk? This also disregards the precautions that must be taken when hearing the child in this context. There is no real French case law on this point, but the case law handed down by foreign courts, available on the Incadat website (www.incadat.com), shows that this is not a neutral issue and that magistrates must be particularly vigilant in this type of hearing in order to protect the child in such a difficult context.

Once again, in the context of the Hague Convention, the ECHR has decided to impose its views and the rights it considers fundamental, to the detriment of the interests of the child, which are already protected by the provisions of the Hague Convention. From our point of view, in the context of unlawful removal proceedings, after the act of violence has been committed, hearing the child's testimony often amounts to a second act of violence against the child, even when the child opposes the return. Therefore, systematically hearing the child in order to try to establish a serious risk or an intolerable situation that the abducting parent is unable to demonstrate involves the child in the settlement

of an offence of which he or she is the victim. This does not make sense and certainly does not protect the child's best interests, especially if the resulting decision not to return leads, as is usually the case, to a complete breakdown in relations with the left-behind parent.

England: Standish v Standish-When Will the English Court Treat Assets as Being 'marital'?, by Sam Longworth, England & Wales

For only the third time in over 25 years, the UK Supreme Court heard a case on how assets should be divided on divorce in England & Wales. The case allowed the Court to examine the interaction between the sharing principle and the distinction between marital and non-marital property—particularly when an asset may change from one to the other.

Mr Standish a banker worth £130m, which he largely earned before this marriage, married Mrs Standish in 2004. Following 2017 UK inheritance law changes, Mr Standish transferred £80m to his wife for tax planning purposes, intending she would settle it into a trust for their children. Instead, she filed for divorce and kept the funds.

Financial provision on divorce in England & Wales seeks to achieve fairness, taking account of 'all of the circumstances of a case'. Guidance is provided in statute (the Matrimonial Causes Act 1973, section 25), supported by judgments from the family court. First instance decisions, especially those made at the High Court, are regularly published but it is the verdicts of the Court of Appeal and Supreme Court which provide the overarching principles by which financial decisions are reached. The overarching principles which are applied by the court in England & Wales are: sharing (equal division of marital assets), needs (meeting an individual's reasonable needs), and compensation (rarely applied).

The dispute in this case centred on whether the £80m remained Mr Standish's non-marital property or became marital through the transfer.

At first instance, the court found that the £80m had been matrimonialised by virtue of the transfer and was therefore subject to the sharing principle. This did not, however, require them to be divided equally. The court considered the source of the wealth to be the magnetic factor in the case, and therefore considered only 60% of the £80m should be subject to equal sharing between the parties, with the remaining 40% retained by Mr Standish alone. The court further found that £40m of the remaining wealth was 'marital' and to be shared equally between the parties. Overall, Mrs Standish received £45m of the total wealth of c.£130m.

Both parties appealed, with the Court of Appeal ruling that the transfer for tax purposes did not matrimonialise the funds, though 25% of the £80m had been earned during the marriage and was therefore subject to sharing. The Court of Appeal reduced her award from £45m to £25m (a 45% reduction), which is the largest reduction to a divorce award by the English Courts.

The Supreme Court upheld that decision in July 2025, confirming that only marital property is subject to equal sharing. Non-marital assets can only be "matrimonialised" through both an intention to share and consistent treatment of the property as shared over time. Tax planning alone was insufficient evidence of such intention.

While Standish clarifies the sharing principle and sets a new framework for determining matrimonialisation, it leaves open questions—how to prove intention, how long shared treatment must last, and whether matrimonialised assets must always be divided equally—ensuring further legal developments ahead.

France: Paris Court of Appeal Breaks New Ground (14 October 2025, RG n° 24/10294 and RG 23/13317): Filiation Recognised After Post-Mortem Medically Assisted Reproduction Performed Abroad, by Konstantinos A. Rokas, Greece

Judgments

"**1st Judgment:** In the first case, the question submitted to the court was whether a child born through medically assisted procreation, carried out after the death of the father and with his consent, in a European Union country that, unlike France, allows this practice, could have parentag recognized in France, the country where the mother gave birth, with respect to the deceased.

….

The court held that, although the principle in force in France prohibiting post-mortem medically assisted procreation (as set out in the Public Health Code) is, in itself, consistent with Article 8 of the ECHR in that it addresses ethical concerns and aims to protect the rights and freedoms of others—which involve respect for human dignity and free will—as well as the best interests of the child, the refusal to establish the parentage of a child born from such a practice with respect to the deceased father constitutes, in the particular circumstances of the case, a disproportionate interference with the child's right to respect for private life. The court indeed took into account, in the case before it, the fact that the child, born from medically assisted procreation freely pursued by her mother in Spain within twelve months of her husband's death, in strict compliance with local law and in accordance with his unequivocal wishes, has since birth been raised in a family and social environment that unanimously and consistently identifies her, on the same basis as her older brother, as the deceased's desired daughter."

2nd Judgment: In the second case, the court was called upon to rule on the ability of a child, born in Spain to a French mother, resulting from an embryo transfer carried out after the death of the husband, using his gametes and with his express consent, to inherit from her father, as recorded in her Spanish birth certificate transcribed in France.

…

The court held that the lower courts had correctly applied this article in combination with the provisions of the Public Health Code prohibiting post-

mortem medically assisted procreation, having concluded that the child resulting from it had not yet been 'conceived' at the time of the opening of the estate and, consequently, was not entitled to inherit. While noting that this exclusion of the child born from post-mortem medically assisted procreation from the inheritance of her father was consistent with the prohibition of such practices in France, the Court of Appeal, carrying out the requested review of compatibility with the Convention, nonetheless held that the child's inability to inherit from her father constituted, in the case before it, a disproportionate interference with the child's right to family life, which includes material interests, protected under Article 8 of the European Convention on Human Rights. The court also held that the child born from this post-mortem medically assisted procreation had a legitimate expectation of inheriting and that the difference in treatment between her and the other children of her father—whether those from a previous union or her sister, born during the husband's lifetime from the same medically assisted procreation procedure carried out in Spain—constituted a disproportionate interference with her rights under Article 14 of the aforementioned Convention and Article 1 of the Additional Protocol, particularly with regard to the principle of equal rights of children whose parentage is legally established.The court therefore overturned the judgment insofar as it denied this child the status of an heir.

Comment

Post-mortem medically assisted reproduction (PM-MAR) is permitted in a limited number of European countries, including the United Kingdom, Belgium, Greece, and Spain. In France, the possibility of legalizing this practice has been considered in the past, but ultimately rejected. In at least one case, a Spanish woman residing in France obtained authorization to transfer her deceased husband's genetic material to a clinic in Spain (CE, 31 May 2016, n° 396848, Gonzales Gomez). In the vast majority of cases, however, similar requests made by individuals solely or mainly connected to France were denied, whether concerning the exportation of gametes (CE, 13 June 2018, n° 421333; CE, 4 Dec. 2018, n° 425446; CE, 28 Dec. 2021, n° 456966) or the transfer of human embryos (CE, 24 Jan. 2020, n° 437328).

This divergence in treatment of comparable cases appears difficult to justify, although in the case of the Spanish woman, a private international law rationale may underlie the decision. Such inconsistencies raise serious questions. From a humane perspective, couples or individuals aware of the legislative differences may plan in advance and seek PM-MAR in countries where it is permitted. Conversely, those who are unaware of these options or face urgent medical circumstances are effectively excluded.

The judgments of the Paris Court of Appeal underscore the need for the French legislator to reconsider certain prohibitions governing medically assisted reproduction. France could permit techniques already authorized abroad, under the supervision of French authorities, thereby safeguarding the rights of its citizens to procreate. This is particularly compelling given the number of individuals in France affected by life-threatening conditions or professional obligations—such as military personnel—who may face heightened reproductive risks.

Finally, these cases illustrate that national borders cannot be treated as impermeable in the regulation of assisted reproduction. Divergent national rules in cross-border contexts continue to drive the evolution of the law at domestic level and highlight the growing importance of harmonizing legal frameworks to address complex reproductive technologies issues.

(I would like to express my sincere thanks to Maître Mélanie Courmont-Jamet, of BWG Law Office, who pleaded one of these cases before the French Court of Appeal and kindly shared the judgment with me.)

United Arab Emirates: When Stonewalling Backfires: Abu Dhabi Court Imputes Husband's Income to Secure Maintenance, by Dipali Maldonado, UAE

In a punchy ruling on 21 January 2025, the Abu Dhabi Civil Family Court refused to let financial opacity derail justice. Husband ("H") declined to disclose his income and assets, withheld company accounts and bank records. The court utilised its broad discretionary powers under Abu Dhabi's civil marriage regime, drew adverse inferences, and pressed on to a fair outcome.

Wife ("W") asserted before the Court that H's monthly income exceeds AED 200,000 (approximately £45,000). In previous child custody proceedings between the parties, H had stated that his income was comparable to that of W and that he was capable of providing the same standard of living for the child as the mother. An expert report subsequently verified that W's monthly earnings were approximately AED 200,000.

By contrast, H who owns a U.S.-based company failed to submit any meaningful financial evidence despite being repeatedly instructed by the Court to disclose his financial records and the audited accounts of his company. His continued non-compliance led the Court to impose a financial penalty in an effort to compel disclosure; however, he still did not cooperate.

Faced with this one-sided evidentiary record, the Court adopted a pragmatic approach: it inferred that H's income was indeed higher than AED 200,000, as claimed by W, and that his refusal to disclose his financial information was a deliberate attempt to conceal it. In other words, the Court reasoned that if H's actual income were lower, it would have been in his own interest to provide evidence disproving W's allegation. His persistent non-disclosure therefore reinforced the credibility of her claim.

This judicial inference effectively neutralized the informational asymmetry between the parties and prevented H from using non-disclosure as a strategic advantage in the litigation.

The court then translated the imputed income into concrete relief. For spousal maintenance, it awarded a lump sum of AED 300,000, expressly derived from a formula that tied together the imputed income, a 25% factor, and the six year duration of the marriage, in spite of W's significant wealth. For the parties'

young child, the court ordered the Husband to pay AED 10,000 per month in child support, a custody housing allowance of AED 100,000 per year and payment of full school fees. H's counterclaim for damages due to the divorce went nowhere; the record showed no evidence that he had been contributing to his daughter's expenses. The court's message was clear: the best interests of the child prevail over parental brinkmanship.

Equally notable were the limits the court set. It declined to award W 50% of H's assets, holding that revenues from his US company would be allocated by H to meet his financial obligations, thus it is in W's and the child's best interest for H's company to continue to operate. The court further rejected W's request to be reimbursed for the rent she had paid during the marriage, characterizing those payments as voluntary donations by W for the benefit of her child.

For practitioners, the takeaways are crisp. Disclosure cannot be compelled in the UAE, but this case shows how it can be achieved indirectly. A party who withholds financial information does not gain an advantage: the Abu Dhabi civil law framework empowers the court to impute income and proceed on reasonable estimates. Here, the assessment of H's earnings provided a principled, evidence-grounded foundation for maintenance and child-related orders. The ruling underscores a practical truth: nondisclosure is not a tactic, it is a liability and the court will use its wide discretion to close the gaps and reach a just outcome.

IAFL Europan Chapter Chat : My Dear Law Change

On 4 November 2025, William Healing, Vice President of the European Chapter, hosted the fourth IAFL European Chapter Zoom Chat of the year. Emma Hatley, President of the European Chapter, alongside William opened the session with a welcome and an update on recent Chapter developments. The meeting then 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 Charlie Elmitt, paralegal at AFP Bloom Family Law Specialists.

Mònica Bardaji Pujadas, Barcelona Spain: Succession and the Hague Convention in Spain

Mònica presented the distinctions between the Spanish Civil Courts and the Civil Courts of Catalonia regarding forced heirship. She highlighted that the EU Succession Regulation (650/2012) allows testators to choose the law of their nationality to govern their wills. Mònica also drew attention to an important development in the Catalan Civil Code (Article 234-1), which grants unregistered partners the same inheritance rights as spouses, provided they have cohabited with the deceased for at least two years. Under this rule, the surviving partner is entitled to usufruct rights over the entire estate. These notably generous provisions stand in contrast to those of other Spanish regions

and illustrate the significant variations that can exist within Spain's private law systems.

Lily Mottahedan, London, England and Wales: Not so "BIEN"? The English Courts' Approach to European Marital Property Arrangements after *BI v EN* (2024)

Lily presented the case of *BI* v *EN*, illustrating how the English courts approach European marital agreements when all assets are matrimonial. The assets in dispute ranged from £87 million to £155 million, depending on share valuations. The parties had signed a separation of property (séparation de biens) agreement at the French Consulate in Hong Kong just days before their wedding, without either party obtaining independent legal advice. The agreement was motivated by concerns over the husband's entrepreneurial risks and the wife's desire to safeguard assets held in her name from potential creditors, rather than by any contemplation of divorce. During the marriage, the husband accumulated substantial wealth. Consistent with established English case law, the court awarded the wife £23 million—approximately one-fifth to one-quarter of the total assets—based on a "generous and complete assessment of needs." The judgment demonstrates the English courts' treatment of valid European marital agreements, even where they seek to exclude matrimonial assets that were accrued during the marriage.

Robert Thake, Valletta, Malta: The Modern Family

Robert presented a private law children case concerning the rights of non-family members. He explained that individuals such as grandparents or third parties who have played a significant role in raising a child should be able to seek contact. This development arose from a case involving a man who had helped a mother raise her child to such an extent that the child referred to him as her father. After the relationship between the mother and the man ended, the mother restricted his contact with the child. Although there was no clear supporting case law or statutory basis, the man argued that societal realities had evolved and that his central role in the child's life should be recognised. The court agreed, holding that contact rights cannot be limited exclusively to traditional family structures. While Robert acknowledged the outcome as a positive step for children's welfare, he expressed concern over the method by which this change was introduced. Constitutional arguments were advanced

in the family court, effectively allowing the judiciary to create new legal principles in a space normally reserved for the legislature. It remains to be seen whether lawmakers will eventually enact legislation reflecting this judicial development.

Francesca Mele, Milan Italy: Child Abduction – Recent Italian Decisions involving Article 13 (1) (b) of the Hague 1980 Convention

Francesca presented two recent decisions of the Italian Supreme Court concerning Article 13(1)(b) of the 1980 Hague Convention. Both judgments underscore two key principles: the importance of hearing the child's views and the narrow scope of the Article 13(1)(b) exception to the obligation to return children to their country of habitual residence. In the first case, the Court considered an application for the return of two children to Moldova. A psychological assessment revealed that the children had a genuine fear of returning with their mother. One child, aged nine, was deemed capable of expressing an informed opinion. The Court held that their "fear of violence and the aggressive behavior of the mother's partner was real and constituted an obstacle to their return." The decision reinforces that children's views can and should be taken into account when expressed in a meaningful and well-substantiated manner, following a thorough examination of the family's circumstances. In the second decision, relating to a return request to Spain, the Supreme Court overturned a ruling of the Naples court. The lower court had refused the return on the basis that the children might face an intolerable situation due to ongoing criminal proceedings against the mother in Spain. The Supreme Court held that this assessment was flawed: the Article 13(1)(b) defence cannot be based on hypothetical or speculative risks. This decision reiterates the narrow and exceptional nature of the Article 13(1)(b) ground available to first-instance judges.

Dates for your Diaries - Future Meetings

European Chapter meeting, Barcelona, 4-8 February - SOLD OUT

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

USA Chapter Introduction to International Family Law Conference, Philadelphia, 16–17 January 2026.

International Family Law Conference, Kuwait, 29–31 March 2026

IAFL Asia Pacific Chapter Meeting, Kuala Lumpur, Malaysia, 20–24 May 2026

IAFL Annual Meeting, Dublin, Ireland, 2–6 September 2026

IAFL USA and Canadian Chapter Meeting, Fort Lauderdale, USA, 2–6 December 2026

IAFL European Chapter Meeting, Vienna, Austria, 1-5 December 2027