

Index

- abduction, international child 92, 102, 103, 192
 - Brussels vs The Hague 275, 276
 - case law database (INCADAT) 157, 158
 - Hague Convention 24, 103, 146–50, 275, 276, 277
 - ‘grave risk’ defence 161–3
 - impact at regional level 150–158
 - judicial networks 158–61
 - Hague Convention on adoption 166
- abortion 45, 75–6, 300, 316
- abuse 117, 175, 226
 - child sexual 109–10
 - see also* violence
- access and contact
 - CEFL 243–4
 - Council of Europe 104, 106–8, 114, 152–3
 - custody 102–4
 - ECHR and ECtHR 89–91
 - Hague Conventions 149, 152–3
 - placement and contact with family of origin 115, 116
- access to content of foreign law and justice 203–6, 220, 274
- activism, religious 317
- adoption 8
 - Council of Europe Conventions 99–101, 104, 110, 115, 164–5, 169–70
 - ECHR and ECtHR 65, 68, 78–83
 - European Union 169, 170–172, 267, 283
 - cross-border recognition of domestic adoptions 171, 174
 - Hague Intercountry Convention 101
 - challenges for Europe 174–7
 - impact in Europe 167–74
 - impact of European law and practice on 163–7
 - promotion of domestic adoption 173
 - security of legal status 174
 - State Central Authorities 172–3
 - pressure on states of origin 175–6, 177
 - ‘private’/‘independent’ 174–5
 - religion 173, 311
 - same-sex couples 79–81, 100, 101, 283
 - special needs 169, 176
- adultery 86
- adversarial legal system 302–3
- age
 - adoption 80, 100
 - children: sufficient understanding 105–6
 - legal capacity 111
 - marriage 191
 - relocation, views on 116
- aging population 184
- Albania 166
- alternative dispute resolution 324
 - CEFL 246
 - Council of Europe 105, 113–14, 116
 - mediation 105, 113–14, 149
 - religious-based 313, 324
- Alzheimer’s 184
- Andorra 103
- anonymous births 120
- applicable law 217, 274, 285
 - European Union 19, 28, 179, 182, 268–9, 270–271, 277, 281, 285, 292
 - matrimonial property 190, 268, 272–3
 - registered partnership property 273

- Hague Conventions 152, 178, 184, 190, 269
- arbitration
 - religious-based 324
- Argentina 126
- armed conflicts 113
- assisted reproduction 118, 196, 316
 - Council of Europe 120–122, 201
 - ECHR and ECtHR 74, 76–8
 - in vitro fertilization 45
- asylum
 - European Union 13–14, 18, 33
- Austria 51, 58, 66, 77, 271, 276, 281
- autonomy 189, 238, 287–8
- Baltic States
 - hybrid system 306
 - Estonia 276
 - Latvia 134, 271
 - Lithuania 126, 271
- Belarus 166
- Belgium 84, 125, 126, 134, 271, 281
- belief and spirituality 305, 307
 - belief body 315
- Berman, H 318
- best interests *see under* children
- bilateral agreements/treaties 205, 219, 265–6, 267
- biotechnology 45–6
- Brussels IIbis Regulation 17, 23, 268–9, 270
 - Council of Europe
 - Convention on contact 108
 - definitions 278–9
 - existing international agreements 29
 - Hague Conventions 154, 189
 - child abduction 24, 151, 162, 275
 - child protection 28, 29, 151–2, 269, 275–6
 - jurisdiction 267, 268
 - divorce 37–8, 217, 277
 - habitual residence 288
 - nationality 289
 - parental responsibility 267, 268, 277
 - marriage 269, 282
 - recognition and enforcement 268, 277
 - custody and access orders 103
 - review of 269
 - urgent preliminary rulings 33
- Büchler, A 307
- Bulgaria 173, 271
- canon law 294–5, 297–9
- capacity 111, 267
- Catholic Church 298, 299
- Central Asia 176
- Charter of Fundamental Rights of the EU 9, 15, 263, 290
 - child, rights of the (Art 24) 15, 290–291
 - marriage (Art 9) 15, 59, 64
 - non-discrimination (Art 21) 15
 - private and family life (Art 7) 15
- child support *see* maintenance
- children 8, 292, 326
 - abduction *see separate entry*
 - abuse
 - sexual 109–10
 - access and contact
 - CEFL 243–4
 - Council of Europe 102–4, 106–8, 114, 152–3
 - ECHR and ECtHR 89–91
 - Hague Conventions 149, 152–3
 - placement and contact with family of origin 115, 116
 - adoption *see separate entry*
 - autonomy 238
 - best interests 80, 81, 89, 90, 91, 177, 287, 325–6
 - abduction: return application 163
 - adoption 167–8, 175
 - CEFL 222, 224–5, 238, 246
 - contact with non-parent 107
 - Council of Europe 100, 105, 107
 - criminal investigations 109
 - parental responsibility 121
 - relocation 116, 117
 - in care 177
 - procedures 104
 - CEFL 243–4

- conflict of interests 105, 239, 243, 246
- corporal punishment 113
- ECHR and ECtHR
 - parent one's own child 83–91
 - position of children 91–2
 - right to found a family 73–83
- education 121, 305, 320–321
 - right to 320
- European Union 22, 47, 170–172, 283
 - custody 33
 - fundamental rights 15, 290–291
- fostered 115–16, 311
- genetic parents, right to know 101
- guardianship 104, 115
- human rights 22, 311–12, 319, 320, 325–6
 - Convention on the Rights of the Child *see separate entry*
- (il)legitimacy 84, 86, 91–2, 100, 101–2, 104
- interests of 87, 88, 89, 92, 107
 - best *see above*
- legal representation 243
- medical treatment 104
- nationality 110, 111, 196, 199, 283, 286
 - dual 286, 289
- post-separation 312, 320
- procedural rights of 104–6
- religion 313, 317, 318, 319, 320, 325–6
 - education 305, 320–321
 - upbringing and 311–12
- residence 104, 110, 121, 241–2
 - relocation 116–17, 121, 123, 159, 242
 - shared 222, 228, 241–2
- special representatives 105
- views/wishes of 92, 105, 107, 116, 149, 238, 246, 290
- choice of law 274, 275, 285, 289
 - divorce: Rome III regulation 270, 289
 - marriage: Hague Convention 191
 - renvoi* 275, 278
- Christianity 297, 300–301, 308, 312
 - canon law 294–5, 297–9
 - political power 298–9
 - social control 299–300
 - split within 298, 299
- Churchill, Winston 50
- circumcision
 - infant male 325
- citizenship
 - European Union 10, 13, 15, 32, 34, 35–8, 140–141, 265, 285, 287
- civil law countries 274, 279–80, 292
- civil status records/registers
 - European Union 20, 35–8, 47, 140–141, 202, 265, 269, 285, 286
 - multilingual standard forms 141
- International Commission on Civil Status (ICCS) *see separate entry*
- cohabitation 8, 118, 221
 - adoption 81, 100, 101
 - ECHR and ECtHR 65–6, 68–9, 70–71, 81
 - access and contact 90
 - parent one's own child 83–6, 88–9
 - European Union 31–2, 42–3, 269, 271, 272
- paternal affiliation 120
- Commission (EU) 7, 140–141, 161, 186, 205, 219, 264
- Green Papers 20, 202, 267, 269
- matrimonial property 272–3, 282
- public documents 20, 202, 269
- registered partnerships 273
- Commission on European Family Law (CEFL) 9, 117, 209–30
 - aims 216–20
 - Principles of European Family Law 229–30
 - areas covered 213
 - hardship clauses 226–7
 - ideals and moral concepts 220–227
 - impact 227–9
 - structure 213–16
 - text 232–60
 - working method 210–212
- common law countries 274, 279–80, 287, 292

- compensation
 - European Court of Human Rights (ECtHR) 58
- conflict of interests 105, 239, 243, 246
- consent
 - adoption 82, 83, 100, 165, 177
 - assisted reproduction 74, 120
 - CEFL Principles 225
 - family home 112, 225
 - marriage 191
 - party autonomy 288
 - paternity, establishing 86
- constitutional model 299, 316
- contact and access
 - CEFL 243–4
 - Council of Europe 104, 106–8, 114, 152–3
 - custody 102–4
 - ECHR and ECtHR 89–91
 - Hague Conventions 149, 152–3
 - placement and contact with family of origin 115, 116
- contract law 11–12
- Convention on the Rights of the Child
 - 104, 105–6, 118, 319
 - alternative care 166–7
 - best interests 224, 325–6
 - education 320
 - Hague Conventions and 148–9, 166–7
 - identity 311–12
 - maintenance 179–80
 - minority ethnic communities 312
 - parental responsibility 99, 121
 - thought, conscience and religion, freedom of 312, 320
 - upbringing and development 325
 - views of child 149
 - well-being 325
- corporal punishment 113
- Council (EU) 16, 185–6, 264, 267
- Council of Europe 9, 50, 64, 96–123, 140, 146
 - Committee of Experts on Family Law (CJ-FA) 97, 106, 118, 119, 122
 - Committee of Ministers 52, 53, 57, 96–7, 98, 114, 121
- continuing work of 117–22, 199–201
- conventions 98, 194, 204
 - adoption 99–101, 104, 110, 115, 164–5, 169–70
 - children born out of wedlock 101–2, 117–18, 200
 - contact 104, 106–8, 152–3
 - custody of children 102–4
 - nationality 110
 - procedural rights of children 104–6
 - sexual exploitation and sexual abuse 109–10
- Hague Conventions
 - 1980 and 1996 152–3, 157
 - adoption 169–70
- harmonisation 97–8, 123, 165, 169–70, 201
- ICCS 126
- mandate 97–8
- parental responsibility 99, 100, 104, 115, 117–18, 119, 121
- recommendations 98–9, 111, 119
 - discrimination 114–15
 - mediation 113–14
 - positive parenting 114
 - public law protection of children 115–16
 - relocation, child 116–17
 - spouses, position between 111–12
 - violence 112–13, 117
 - vulnerable adults 113
- types of instruments 98–9
 - see also* European Convention on Human Rights; European Court of Human Rights
- criminal law 109, 113
- culture, religion as 309–11
- Cyprus 126, 134
- Czech Republic 107, 228, 276
- Davie, G 303–4
- death 278
 - see also* inheritance/succession law
- definitions
 - family 59, 284
 - religion 308
- Denmark 50, 103, 134, 177, 182, 266, 272, 274

- religion 306
- disabilities 169, 183, 184
 - UN Convention 185
- discrimination
 - CEFL 224, 238
 - Council of Europe 109, 110, 114–15, 119
 - ECHR and ECtHR 59, 62, 64, 65–7, 73, 154, 224
 - adoption 78, 79–81
 - sexual orientation 66, 68–9, 80–1
 - European Union 10, 15, 32, 34, 37, 284, 288, 292
 - names 286
 - sex 270
 - sexual orientation 14, 15, 38–41, 44, 47
 - see also* equality/equal treatment
- divorce 8, 217–18
 - CEFL Principles 210, 213, 224, 225–6, 227, 232–4
 - Council of Europe 121
 - contributions following divorce 112
 - ECHR and ECtHR
 - divorce 71–3
 - European Union 37–8, 189, 280–281, 292
 - civil law and common law 279
 - Rome III Regulation 10, 19, 23, 270–271, 277, 281, 282, 287, 288, 289, 291
 - Hague Convention 187–8, 189
 - party autonomy 287
 - privatisation 324
 - religion 187, 295, 300, 310, 313, 316, 322, 324
- documents, public *see* civil status records/registers
- domestic violence 113, 117, 161, 192–4, 226
- dress
 - schools and religious 320
- e-Justice Portal, European 204
- Eastern Europe 122, 173, 176
 - see also* individual countries
- education 121
 - human rights 320–321
 - religion 298, 305, 320–321
 - secularism 305
- EFTA countries 24
- elderly 184
- electronic circulation of civil-status data 135–6
- embryo, human 45–6
- emergency measures in family matters 116
- enforcement *see* recognition and enforcement
- England
 - divorce 224
 - found a family, right to 74
 - marriage 60–61, 62
 - same-sex 309
 - religion 306, 309
- Enlightenment 299, 302
- equality/equal treatment 319, 326
 - CEFL 222, 224, 247, 260
 - Council of Europe 102, 119
 - spouses 111–12
 - ECHR and ECtHR 224
 - children 84, 86, 91–2
 - fathers 91
 - inheritance rights 84, 86, 92
 - spouses and partners 73
 - European Union 14, 15, 38–41, 270, 284
 - inheritance law 84, 86, 92, 102, 119
 - religion 302, 309, 319
 - see also* discrimination
- Estonia 276
- ethnic minorities 305, 312, 321–3
- EU private international law 16–17, 18, 20–22, 24–5, 28, 46–7, 144–6, 219, 261–92
 - basic approaches
 - conflict-of-law vs mere recognition 285–7
 - definition of family relationships and marriage 284
 - habitual residence and nationality 288–9
 - law of the forum 289
 - party autonomy 287–8

- influence of
 - national private international law 291
 - national substantive law 291–3
 - substantive European law 290–291
- instruments
 - issues not covered by regulations 267
 - optional 267–8
 - regulations 266–7
 - single *see below*
 - Treaties and European competence 263–6
- religion 322, 323
- single instruments 19–20, 148, 149, 150, 268–74
 - Brussels IIbis Regulation *see separate entry*
 - civil-status records 269
 - maintenance 19, 23, 29, 178–9, 180, 181–3, 271–2, 277
 - matrimonial property 272–3, 277
 - public documents 269
 - registered partnerships 273
 - Rome III Regulation 10, 19, 23, 270–271, 277, 281, 282, 287, 288, 289, 291
 - succession law 274
- structural problems 274–5
 - Brussels vs The Hague 275–6
 - civil law and common law categories 277–8, 279–80
 - controversial issues 280–283
 - coordination of European instruments 277–8
 - enhanced cooperation 280, 281, 283–4
 - interpretation of European instruments 277, 278–9
- Euradopt 173
- EURLEX 204
- European Convention on Human Rights (ECHR) 9, 50–51, 106, 140, 290
 - discrimination (Art 14) 59, 62, 64, 65–7, 68–9, 73, 154, 224
 - fair trial (Art 6) 55–6, 59, 89, 92, 106, 109, 154
 - living instrument 57, 71
 - marriage (Art 12) 58–64, 68, 71, 72, 73, 78
 - private and family life (Art 8) *see* ECHR and ECtHR *under* private and family life
 - religion (Art 9) 308, 318, 319, 320
- European Council 18, 20, 21–2, 50
- European Court of Human Rights (ECtHR) 51–3, 93, 97, 106, 118, 122
 - competence 53
 - effect of rulings of 57–8
 - Hague Conventions 153–8, 162–3
 - horizontal family law 59–73
 - definition of family 59
 - divorce 71–3
 - equal treatment of spouses and partners 73
 - formalized union outside marriage 64–71
 - possibility to enter marriage 59–64
 - methodological questions 53–7
 - religion 308, 321
 - surrogacy 201–2
 - vertical family law
 - adoption 78–83
 - parent one's own child 83–91
 - position of children 91–2
 - right to found a family 73–83
- European Court of Justice (ECJ) 6, 47, 51–2, 267, 290–291
- birth 45
 - external competence of EU 23, 24–5, 27, 29–30, 265
- Hague Conventions 153–4, 156–8
- human embryo 45–6
- judicial interpretation 33–41
- judicial law-making 41–6
- maintenance 279
- marriage 43–4, 287
- mutual recognition 285
- names 265, 285–7
- overview of jurisdiction 30–33
- pregnancy 45
- preliminary rulings 32, 33–4, 39, 45, 53
 - urgent 32–3, 47
- spouse 42–3, 44

- European e-Justice Portal 204
- European Economic and Social Committee (EESC) 268
- European Judicial Atlas 204, 274
- European Judicial Network in Civil and Commercial Matters (EJN) 160, 204, 274
- European Parliament 16, 23, 96, 171–2, 186, 202–3, 264, 267
- European Union 5–7, 46–7, 66, 106–7, 122, 123, 157
 - Area of Freedom, Security and Justice (AFSJ) 10, 16–22, 32–3, 47, 263, 266, 273
 - asylum 13–14, 18, 33
 - citizenship 10, 13, 15, 32, 34, 35–8, 140–141, 265, 285, 287
 - contract law 11–12
 - Court of Justice of *see* European Court of Justice
 - discrimination 10, 14, 15, 32, 34, 37, 38–41, 44, 47
 - enhanced cooperation 10, 19, 270, 271, 280, 281, 283–4, 291
 - EU private international law *see separate entry*
 - federal common law 32, 41–6
 - free movement 10, 13–14, 18, 20, 32, 34–7, 47, 140–141, 190, 219, 265, 285, 286–7
 - fundamental rights 9, 10, 15, 37, 59, 64, 263, 285, 290–291
 - Hague Conventions 206–7
 - adoption 169, 170–172
 - divorce 189
 - maintenance 178–9
 - marriage 190–191
 - matrimonial property 190
 - vulnerable adults 185–6
 - harmonisation 11–12, 20, 21, 219, 290
 - human rights 22, 319
 - ICCS 126, 134, 135, 140–141
 - immigration 13–14, 18, 33
 - impact of ECJ 47
 - judicial interpretation 33–41
 - judicial law-making 41–6
 - overview of jurisdiction 30–33
 - impact of 46–7
 - Area of Freedom, Security and Justice (AFSJ), impetus of 10, 16–22, 47
 - external aspects of competence 11, 22–30
 - overview of competence 12–16
 - pre-existing international agreements 28–30
 - matrimonial property 20, 190, 218–19, 268, 272–3, 274, 277–8, 288
 - civil law and common law 279
 - gender-neutral marriage 282
 - names 35–8
 - nature of European family law 7–10, 145–6
 - ordinary legislative procedure 16, 263, 264
 - protection orders 193–4
 - religion 308, 319, 322, 323
 - residence permits 23
 - scope of European family law 10–12
 - shared values and visions 323
 - social policy 10, 14
 - special legislative procedure 16, 264
 - surrogacy 199, 202–3
 - unanimity 16, 264
 - unification 11, 21, 290
 - visas 17, 23
 - extradition 59
 - fair trial (Art 6, ECHR) 55–6, 59, 89, 92, 106, 109, 154
 - family home 112, 222, 225, 248
 - fathers
 - access and contact 89–91
 - adoption: position of biological 82–3
 - affiliation, paternal 120
 - paternity, right to establish 86–8
 - surrogacy 201
 - unmarried 82–3, 84–6, 89, 90–91, 92, 102
 - parental responsibility 88–9
 - widowed 83
 - Ferrari, S 302
 - Finland 217, 276

- forum shopping 269, 284
- foster families 115–16, 311
- France 120, 125, 126, 134, 271, 276
 - adoption 78, 79–81, 168–9
 - bilateral agreement 219, 266
 - marriage
 - same-sex 281, 317
 - religion 299, 300, 306
 - fraud 135, 136, 139, 140
 - free movement 263
 - Council of Europe 112
 - European Union 10, 13–14, 18, 20, 32, 34–7, 47, 140–141, 190, 219, 265, 285, 286–7
- gender
 - identity and discrimination 114–15
 - reassignment 39, 61–3
 - see also* fathers; women
- Germany 51, 63, 125, 217, 221, 271, 276, 281
 - bilateral agreement 219, 266
 - equalisation of accrued gains 278
- Greece 120, 126, 271, 306
- Greenland 50
- guardianship 104, 115
- habitual residence 278, 283
 - Brussels II a Regulation 152, 154, 162, 277
 - CJEU 154
 - Council of Europe 112, 117
 - Hague Conventions
 - child abduction 147, 161
 - child protection 152
 - matrimonial property 272–3
 - nationality and 288–9
 - Rome III Regulation 270
- Hague Conventions 28, 29, 143–207, 278, 279, 288
 - adoption, intercountry 101, 167–74
 - challenges for Europe 174–7
 - impact of European law and practice 163–7
 - Brussels vs The Hague 275–6
 - child protection and abduction 24, 103, 104, 108, 121, 146–50, 192, 269, 275–6, 277
 - ‘grave risk’ defence to return of child 161–3
 - International Hague Network of Judges (IHNJ) 158–61
 - regional level impact 150–158
 - divorce 187–8, 189
 - maintenance 27, 177–81
 - EU Regulation 181–3, 271–2, 276
 - marriage 187, 188, 191
 - matrimonial property 187, 188–9, 190
 - new areas of study
 - access to content of foreign law and justice 203–6
 - foreign civil protection orders 192–5
 - status of children 195–203
 - vulnerable adults 183–6, 276
- harmonisation 263
 - CEFL 217–18
 - Council of Europe 97–8, 123, 165, 169–70, 201
 - European Union 11–12, 20, 21, 219, 290
- Holy See 29, 126
- homosexuality 300, 309
 - see also* same-sex couples
- honour killings 113
- human rights 22, 100, 122, 138, 149, 280, 290, 292
 - Charter of Fundamental Rights of the EU *see separate entry*
 - Convention on the Rights of the Child *see separate entry*
 - disabilities 185
 - divorce 270, 280–281
 - European Convention on *see separate entry*
 - European Court of *see separate entry*
 - religion 295, 318–21, 325–6
 - children: identity and 311–12
- human trafficking 193
- humanism 315
- Hungary 173, 271

- Iceland 50, 103
 identity, religion as 311–12
 immigration 196
 ECHR and ECtHR 59
 European Union 13–14, 18, 33
 incest 86, 191
 information 107, 116, 119
 access to foreign legal 203–6, 220, 274
 adoption 173
 CEFL 220
 ICCS: exchange of 140, 141
 procedural rights of children 105
 inheritance/succession law 84, 86, 92, 102, 119, 274, 276, 278, 287–8
 inter-disciplinary approach 303–4
 International Commission on Civil Status (ICCS) 124–41
 characteristics of 126–7
 conventions 129–33
 circulation of documents 134–6, 141
 cooperation between authorities 136–7
 electronic circulation 135–6
 names 137–8
 rectification 137
 exchange of information 140, 141
 future 140–141
 guidance 140
 internal organisation 127–9
 objectives 126
 recommendations 138–9, 141
 rectification 137
 International Hague Network of Judges (IHNJ) 158–61
 International Standardization Organization (ISO) 137, 138
 internet 220, 267
 Ireland 71, 72–3, 82–3, 134, 221, 266, 273, 274
 Islam 301–2, 305, 307, 311, 312, 322
 adoption 78
 dispute resolution 313, 324
 divorce 187, 322
 marriage contacts 324
 iSupport 181
 Italy 120, 125, 134, 166, 168–9, 271, 281
 religion 306
 Judaism
 dispute resolution 313
 divorce 187, 322
 judicial authorities
 child relocation 117
 contact 107, 108
 procedural rights of children 105
 judicial cooperation in civil matters (JCCM) 160
 European Union 10, 16–17, 18, 20–21, 25, 33, 47, 263–4
 judicial networks 161
 European Judicial Network in Civil and Commercial Matters (EJN) 160, 204, 274
 International Hague Network of Judges (IHNJ) 158–61
 jurisdiction 217, 263, 274, 275
 Council of Europe 107
 European Union 17, 19, 24, 25–6, 28, 37–8, 151, 267, 268, 275, 292
 divorce 189, 277, 281
 maintenance 179, 182, 271, 277
 matrimonial property 190, 272, 277
 overview of jurisdiction of ECJ 30–33
 registered partnership property 273, 277
 Hague Convention 275
 divorce 188
 protection of adults 184
 Latvia 134, 271
 legal aid 116, 181, 182
lex fori (law of the forum) 270, 279, 281, 287, 289
 Liechtenstein 103
lis pendens 218
 Lithuania 126, 271
 Luxembourg 125, 126, 271
 Macedonia 103

- CEFL Principles 210, 213, 225, 226, 235–7
 - Council of Europe 102, 112, 117–18, 119
 - European Union 19, 25–6, 27, 29, 47, 178–9, 180, 181–3, 264, 271–2
 - Brussels vs The Hague 276
 - civil law and common law 279, 292
 - coordination 277–8
 - party autonomy 287
 - Hague Convention 27, 177–81, 271–2, 276
 - comparison with EU Regulation 181–3
 - party autonomy 287
 - Malta 73, 217, 270, 271, 295
 - margin of appreciation 93, 321
 - adoption 78, 79–80
 - child, interest of the 92
 - formalized union outside marriage
 - same-sex couples 66, 68, 69, 80
 - marriage 60
 - transgender and transsexuals 61, 62, 63
 - procreate, right to 74
 - medically assisted 76–7, 78
 - public safety and public interests 51
 - right to parent one’s own child
 - parental responsibility 88
 - right to establish paternity 87, 88
 - unmarried fathers 84
- marriage 7, 8, 221
 - arranged 318
 - child 318
 - ECHR and ECtHR 83
 - formalized union outside marriage 64–71
 - possibility to enter marriage 59–64
 - same-sex 63–4, 67, 68
 - European Union 17, 20, 25–6, 43–4, 47, 190–191, 219, 267, 287
 - Charter 15
 - civil law and common law 279
 - definition 284
 - optional instrument 267–8
 - same-sex 15, 44, 64, 269, 270, 271, 273, 281–3, 291–2
 - spouse 42–3, 44
 - forced 113, 193, 317–18
 - fraudulent 318
 - Hague Convention 187, 188, 191
 - privatisation 324
 - religion 297, 309–11, 314–15, 324
 - forced marriage 317–18
 - same-sex 309, 310, 314–15, 317
 - CEFL 213, 221
 - ECHR and ECtHR 63–4, 67, 68, 78, 80
 - European Union 15, 44, 64, 269, 270, 271, 273, 281–3, 291–2
 - ICCS 135
 - sham marriage 140
 - matrimonial property 8
 - bilateral agreements 219, 266
 - CEFL Principles 210, 213, 218–20, 222, 224, 228, 246–60
 - Council of Europe 112
 - European Union 20, 190, 218–19, 268, 272–3, 274, 277–8, 288
 - civil law and common law 279
 - gender-neutral marriage 282
 - Hague Convention 187, 188–9, 190
 - party autonomy 288
 - privatisation 324
 - religion 297–8
 - mediation 105, 113–14, 149
 - medical treatment 104
 - mental health 113, 183–4, 185
 - Mexico 126
 - migrant families 34–5, 321–3
 - modernity 302
 - Moldova 103, 126, 166
 - Montenegro 103
 - mothers 89, 201, 283
 - co-maternal affiliation 120–121
 - legal 119–20
 - unmarried 84, 86, 88, 89, 102
 - multiculturalism 325
 - Muslims 305, 311
 - family law 301–2, 307, 312, 322
 - adoption 78
 - dispute resolution 313, 324
 - divorce 187, 322
 - marriage contacts 324

- names 35–8, 73, 112, 119, 265, 267, 285–7, 291
 ICCS 129, 130, 131, 132, 137–8
 national parliaments 264, 267
 nationality 37–8, 110, 111, 196, 199, 283, 286, 291
 dual 286, 289
 habitual residence and 288–9
 nature of European family law 7–10, 145–6
 Netherlands 125, 126, 228, 281
 NLex 204
 nobility, title of 286
 non-discrimination *see* discrimination
 Norway 99, 103, 227, 228
 Nygh, P. 191
- opt-in 266
 ordinary legislative procedure 16, 263, 264
- pacta sunt servanda* 226
- parental leave
 European Union 45
 parental responsibilit(y)/(ies) 8, 196, 222, 269
 CEFL Principles 117, 210, 213, 225, 228, 237–8, 239–46
 Council of Europe 99, 100, 104, 115, 117–18, 119, 121
 ECHR and ECtHR 88–9
 European Union 17, 25–6, 28, 33, 151, 264, 267, 268, 269, 277, 292
 interpretation 278–9
 surrogacy 283
- parents 267, 283
 access and contact
 CEFL 243–4
 Council of Europe 102–4, 106–8, 114, 152–3
 ECHR and ECtHR 89–91
 Hague Conventions 149, 152–3
 placement and contact with family of origin 115, 116
 canon law 297
 child: right to know genetic 101
 fathers *see separate entry*
 foster 115–16
 legal 120–122, 195–203, 283
 maintenance and unmarried 102, 117–18
 mothers *see separate entry*
 positive parenting 114
 right to parent one's own child 83–91
- parliament(s)
 European 16, 23, 96, 171–2, 186, 202–3, 264, 267
 national 264, 267
- partnerships, registered 63, 221
 adoption 79–80, 100, 101
 Council of Europe 114
 paternal affiliation 120
 ECHR and ECtHR 78
 adoption 79–80
 formalized union outside marriage, right to 64–71
 European Union 8, 14, 31, 40–41, 43–4, 219, 267, 269, 270, 277, 281–2
 property 20, 273, 282
 ICCS 135
- party autonomy 189, 287–8
passerelle clause 264
- patents 45–6
 paternalism 225
 paternity, right to establish 86–8
 Peru 126
 Poland 60, 126, 166, 281
 Portugal 227, 271
 post-secularism 306–7
 power and religion 298–9, 315–18
 practice, religion as 314–15
- pregnant workers
 European Union 14, 45
- Principles of European Family Law *see under* Commission on European Family Law
- prisoners
 ECHR and ECtHR 59, 60, 77
- private and family life
 ECHR and ECtHR 34, 53–5, 58–9, 70–73, 106, 320
 adoption 78–9, 81, 82–3
 definition of family 59

- found a family, right to 74, 75–6, 77, 78
- Hague Conventions 1980 and 1996 154, 155
- parent one's own child 83, 84–6, 87, 88
- possibility to enter marriage 62
- same-sex couples 64, 65–6, 68
- surrogacy 201–2
- EU Charter 15
- private international law 78, 123, 146, 217, 262–3
 - Brussels vs The Hague 275–6
 - EU private international law *see separate entry*
 - ICCS 137–8
 - national 291
 - religion: migrant families 321–3
 - see also* Hague Conventions
- privatisation 313
 - personal laws and 323–6
- proportionality
 - ECtHR 60, 63, 74, 76, 78, 80, 81, 87
 - European Union 36, 265, 281, 286
- protection orders 192–5, 273
- public consultation
 - religion 316
- public documents *see* civil status records/registers
- public policy 37, 191, 278, 283, 290
- reasonable man 313
- recognition and enforcement 217, 263, 274
 - Council of Europe
 - access orders 103
 - contact orders 107–8
 - custody orders 103
 - European Union 179, 275, 292
 - access orders 103
 - custody orders 103
 - foreign civil protection orders 193–4, 273
 - judgments 16, 17, 19, 24, 25–6, 28, 151, 152, 264, 267, 268, 277
 - maintenance 182–3, 271, 277
 - matrimonial property 190, 272
 - registered partnership property 273
 - Hague Conference
 - foreign civil protection orders 192–5
 - Hague Convention 275, 277
 - maintenance 180
 - protection of adults 184
 - rectification of civil-status records (ICCS) 137
 - Reformation 298, 299
 - registered partnerships 63, 221
 - adoption 79–80, 100, 101
 - Council of Europe 114, 120
 - ECHR and ECtHR 78, 79–80
 - formalized union outside marriage, right to 64–71
 - European Union 8, 14, 31, 40–41, 43–4, 219, 267, 269, 270, 277, 281–2
 - property 20, 273, 282
 - ICCS 135
 - relationship, religion as 313–14
 - religion 173, 187, 201, 280, 294–326
 - challenging times 303–7
 - fundamentalism 302
 - impact in law 318
 - human rights 318–21
 - migrant families 321–3
 - privatisation and personal laws 323–6
 - impact of
 - as culture 309–11
 - as identity 311–12
 - as power 315–18
 - as practice 314–15
 - as relationship 313–14
 - juridification of 303
 - lasting impact 326–7
 - neutrality 306
 - new style 301–3
 - regulated interaction 313–14
 - settled place of old style 296–7
 - common fate 300–301
 - control 299–300
 - law 297–8
 - power 298–9
 - sociology of 303–4, 308, 313, 314
 - relocation 268

- of children 116–17, 121, 123, 159, 242
- renvoi* 275, 278
- reproduction, assisted 118, 196, 316
- Council of Europe 120–122, 201
- ECHR and ECtHR 74, 76–8
- in vitro fertilization 45
- residence
 - children 104, 110, 121, 241–2
 - relocation 116–17, 121, 123, 159, 242
 - shared 222, 228, 241–2
- habitual *see separate entry*
- relocation 268
 - children 116–17, 121, 123, 159, 242
- rights-based model 302–3
- Romania 107, 126, 165, 173, 271
- Russia 50, 126, 166, 169, 174, 227
- religion 299
- same-sex couples 8, 47, 316
 - adoption 79–81, 100, 101, 283
 - Council of Europe 114–15, 120–121, 201
 - ECHR and ECtHR 77
 - adoption 79–81
 - formalized union outside marriage 64–9
 - same-sex marriage 63–4, 67, 68, 78, 80
 - European Union 14, 15, 31, 32, 38–41, 47, 66
 - maintenance 272
 - marriage 15, 44, 64, 269, 270, 271, 273, 281–3, 291–2
 - matrimonial property 273
 - registered partnerships 8, 14, 20, 31, 40–41, 43–4, 219, 267, 269, 270, 273, 277, 281–2
- marriage 309, 310, 314–15, 317
 - CEFL 213, 221
 - ECHR and ECtHR 63–4, 67, 68, 78, 80
 - European Union 15, 44, 64, 269, 270, 271, 273, 281–3, 291–2
 - ICCS 135
 - Sandberg, R 303, 306
 - scope of European family law 10–12
 - Scotland 309, 312, 315
 - secularism 297, 299, 301, 302, 304–7, 315–16, 317, 318
 - education 305, 321
 - religious-based dispute resolution 313
 - separation, legal
 - European Union 19, 189, 270–271, 291
 - Hague Convention 187–8, 189
 - Serbia 103
 - sex discrimination 270
 - sexual exploitation and sexual abuse
 - children 109–10, 111
 - sexual orientation
 - discrimination
 - Council of Europe 114–15
 - ECHR and ECtHR 66, 68–9, 80–81
 - European Union 14, 15, 38–41, 44, 47
 - Shachar, A 313–14
 - single persons
 - adoption 80–81, 100, 115
 - Slovakia 173
 - Slovenia 126, 271
 - social policy
 - European Union 10, 14
 - soft law 140
 - sources of European family law 9
 - Spain 101, 126, 168–9, 217, 221, 225, 271, 281
 - religion 306
 - special legislative procedure 16, 264
 - spirituality 305, 307
 - stalking 193
 - state church system 306
 - statelessness 110, 111
 - subsidiarity principle 265, 281
 - intercountry adoption 171, 173, 176
 - succession/inheritance law 84, 86, 92, 102, 119, 274, 276, 278, 287–8
 - surnames 35–8, 73, 112, 119, 265, 267, 285–7
 - ICCS 129, 130, 131, 132, 137–8

- surrogacy 118, 120, 121–2, 195–9,
 202–3, 283
 Sweden 99, 126, 270, 281, 315
 Switzerland 58, 60, 73, 79, 103, 104,
 125, 126, 227
 Taylor, C 305
 terrorism 302
 time limits 217
 Council of Europe 108
 European Court of Human Rights
 (ECtHR) 52
 national parliaments 264
 title of nobility 286
 transgender individuals 44
 transsexual persons 60–64, 140
 transparency 267
 Turkey 50, 103, 104, 126, 306
 Ukraine 101, 103, 104, 169, 174
 UNICEF 176
 United Kingdom 51, 58, 99, 182, 266,
 272, 273, 274, 276, 315
 civil law and common law categories
 280
 divorce: *lex fori* 281
 England 60–61, 62, 74, 224, 306, 309
 Scotland 309, 312, 315
 United Nations 146, 148, 185
 Convention on the Rights of the Child
 see separate entry
 High Commissioner for Refugees
 126, 167
 United States 157, 163, 179
 views/wishes of child 92, 105, 107, 116,
 149, 238, 246, 290
 violence 112–13, 117, 121, 161, 192–4,
 226
 vulnerable adults 113, 183–6, 267, 276
 Wales 62, 309
 Williams, Rowan 301
 women 191
 mothers 89, 201, 283
 co-maternal affiliation 120–121
 legal 119–20
 unmarried 84, 86, 88, 89, 102
 religion 317
 as relationship 313–14
 violence against 113, 194
 Woodhead, L 308