

## INTERNATIONAL SURVEY OF FAMILY LAW

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# INTERNATIONAL SURVEY OF FAMILY LAW

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## PREFACE

With contributions of authors from all inhabited continents, one of the great benefits of the annual International Survey of Family Law is the opportunity to see the challenges of family law across the globe, a subject area that experiences continuous developments and renewal.

The themes of this 2018 edition, summarized briefly below, focus on human life ranging from procreation and birth to death and property left behind at death.

The contributions from Africa largely deal with pluralism as it affects children: the choices of accommodating informal and formal systems and the varying religious traditions of different populations. Despite these common threads, they address the problems caused by sentencing primary caretakers, of working with children in informal justice systems and of statutory marriage requirements.

The Asian contributions can be grouped together from methodological as well as subject protection. The Chinese contributions are both empirical, studying attitudes about intestate succession rules and child sexual assault. Two contributions, from Hong Kong and Singapore, treat process issues, cross-cultural mediation in Hong Kong and a unified family justice court in Singapore. The contribution from Japan reveals the shortcomings with respect to women's equality in new cases from the high court, while that from Korea presents a review of several recent developments from both a legislative and case law perspective. The contribution from Myanmar, the Survey's first, addresses the development of marriage under the country's customary law, whilst the contribution from the Indian subcontinent discusses its treatment of family privacy.

The Survey includes several contributions from Europe and, like the EU itself, are varied. The Albanian contribution involves cross-border issues considered by local legislation and the ECtHR, the Belgian contribution reviews treatments of marriage, paternity, nonmarital relationships and child maintenance. The contribution on England and Wales treats various issues surrounding procreation: contraception, abortion, and sterilization. The German contribution is also a survey of developments in marriage equality, prevention of child marriage, paternity and sperm donation. The contribution from Ireland considers cases and legislation promoting homemaking, despite shifting social norms, whilst the authors for Italy and Portugal look at the

regulation (or not) of domestic robots and incompetent adults respectively. The two contributions featuring Scandinavia involve strengthening father's rights in Norway and a comparative analysis of corporal punishment of children in Norway, Sweden and the United States.

Both contributions from the Americas deal with some aspect of violence. The Brazilian contribution discusses the exposure of children to violence through media, while the Canadian author addresses problems of intimate partner violence and high conflict custody disputes (though these need not be violent in the physical sense).

Finally, there are three contributions from Australia and its environs. A contribution from an Australian judge involves the greater tendency to recognize individual adult rights as opposed to more collective ones. The developments in New Zealand review relationship property (marital and nonmarital) and accommodation of the Māori way of life in parenting and that from Papua New Guinea criticizes that island's recent legislative attempt to reform its children's law.

My thanks to Dominique Goubau and Christine Bidaud-Garon who have been responsible for producing the French résumés at the beginning of each contribution. My thanks also to Intersentia Publishing, its Publisher Ann-Christin Maak-Scherpe and its Editor Rebecca Moffat for their patience and able assistance.

For those desiring to learn more about the Society, its goals and history, or how to join the Society, the place to look is the ISFL website, [www.isflhome.org](http://www.isflhome.org).

Margaret Brinig  
South Bend, Indiana  
September 2018

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