

INTERNATIONAL SURVEY OF FAMILY LAW

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INTERNATIONAL SURVEY  
OF FAMILY LAW

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*Edited by*  
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## International Survey of Family Law. 2020 Edition

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## PREFACE

The year 2020 will long be remembered for the international appearance of the novel coronavirus, COVID-19. As it spread throughout the world, it affected nations, communities, families and individuals in dramatic and tragic ways. Though clearly not in the same league as the deaths, grave illnesses, family violence and economic challenges wrought by the virus, COVID-19 impacted the International Survey. While some of the manuscripts had been completed by the close of 2019 or very early in 2020, a number promised never materialized. In one case, a country's central leadership which needed to approve a piece suffered major illnesses and political unrest. In another, the author herself became quite ill with the virus and had to struggle to complete the chapter. In many cases, sources available only in hard copy from libraries suddenly became difficult to obtain. For these reasons, I send this slightly smaller than usual version along with my admiration and great thanks to the 18 authors or teams included. They deserve our gratitude for their dedication and perseverance. And, as usual, I thank Dominique Goubeau and Christine Bidaud for their expertise in translating the abstracts into French, especially when so many came in simultaneously in the last days. Dominique informs me that this will be his last year on the Council of the ISFL, so we all need to thank him for his constant help and good humor in undertaking this project over many years.

In the end, the chapters again come from every inhabited continent, though a number of important jurisdictions (Russia, India and Japan) have no entries this year. I would ask for suggestions of new authors from these and other countries (such as the USA, which is part of a comparative chapter only) for future editions.

Two of the chapters concern the work of international bodies, the European Court of Human Rights (on paternity matters, written by Ledina Mandija from Albania) and the United Nations Committee on the Rights of the Child (Part 2, dealing with children's rights and written by Olga A. Khazova (Russia) and Benyam Dawit Mezmur (Ethiopia), two members of the Committee). A related piece by Mary Welstead concerns the treatment of international couples in England and Wales.

Two chapters deal with adoption under domestic law. These are written by two Brazilians, Antonio Jorge Pereira Júnior and David Accioly de Carvalho, and a Norwegian, Torunn E. Kvisberg. Two deal with adult guardianship, and therefore also with persons who cannot always speak for themselves. The countries represented here are Korea (Dongjin Lee) and Slovenia (Suzana Kraljić and Alenka Križnik).

A number of chapters, as is usual, deal with code revisions. This year's offerings include the Chinese revision of family law, by Xia Li and Ruina Feng; family law reform in Hong Kong, written by Anne Scully-Johnson; family code reform in Poland, by Małgorzata Balwicka-Szczyrba and Anna Sylwestrzak; and child and family law reform in Scotland, by Elaine E. Sutherland.

Then there is a group of very interesting chapters that cannot easily be grouped together. Australian Judge Grant T. Riethmuller writes about discretionary family trusts. Martha Bailey discusses the nimbleness and range of the Canadian Supreme Court when dealing with family law, while the large French team directed by Christine Bidaud reports on numerous and varied French developments. The German courts' treatment of de facto relationships is the subject of the chapter written by Nina Dethloff, Katharina Kaesling and Caroline Tiefenbach. Melanija Jančić from Serbia argues that child maintenance should be seen as a right. Najma Moosa gives a historical example of how minority religious exiles were faced with stark choices between poverty and conversion in South Africa. Finally, Elizabeth S. Perry compares the treatment of children's ability to be heard in legal proceedings in two liberal jurisdictions (Sweden and the state of California).

I trust that you will find this volume both interesting and illuminating. I know that I did. I wish you good health, safety and much success in the upcoming year.

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  
September 2020

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