

TENSIONS BETWEEN LEGAL, BIOLOGICAL AND
SOCIAL CONCEPTIONS OF PARENTAGE

EUROPEAN FAMILY LAW SERIES

Published by the Organising Committee of the
Commission on European Family Law

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CONCEPTIONS OF PARENTAGE

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Distribution for the UK:

Hart Publishing Ltd.
16C Worcester Place
Oxford OX1 2JW
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Tel: + 44 1865 51 75 30
Fax: + 44 1865 51 07 10

*Distribution for Switzerland and
Germany:*

Stämpfli Verlag AG
Wölflistrasse 1
CH-3001 Bern
Switzerland
Tel: + 41 (0)31 300 63 18
Fax: + 41 (0)31 300 66 88

Distribution for North America:

Gaunt Inc.
Gaunt Building
3011 Gulf Drive
Holmes Beach
Florida 34217-2199
USA
Tel: + 1 941 778 5211
Fax: + 1 941 778 5252

Distribution for other countries:

Intersentia Publishers
Groenstraat 31
BE-2640 Mortsel
Belgium
Tel: + 32 3 680 15 50
Fax: + 32 3 658 71 21

Tensions between Legal, Biological and Social Conceptions of Parentage
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© 2007 Intersentia
Antwerpen – Oxford
<http://www.intersentia.com>

ISBN 978-90-5095-646-8
D/2007/7849/30
NUR 822

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PREFACE

During the last century, fundamental changes have taken place in the area of the law of the child. The 1990s were even known as the “decade of the child”. Whereas initially, the child was merely regarded as an object of parental claims and rights, after the middle of the last century, the role of the “interests of the child” began to take scope. This trend culminated in the enactment of the United Nations Convention on the Rights of the Child, which specifically gave children rights as autonomous individuals.

Against this background, the decision was made to conduct a session on “Tensions between legal, biological and social conceptions of parentage”, discussing the major developments in the law of parents and children, at the XVIIth Congress of the International Academy of Comparative Law, 16–22 July 2006, Utrecht, the Netherlands. This book comprises the contributions made in anticipation of this Congress. It consists of 15 National Reports from Austria, Belgium, Canada, China/Macau, Croatia, Denmark, England, Germany, Greece, Japan, the Netherlands, Romania, Serbia, Switzerland, and the USA, which formed the basis of a General Report by the editor that was presented at the Congress. The National Reports were written in response to a questionnaire that is reprinted in the annex to this book.

Many thanks go, first of all, to all the National Reporters for revising their reports for this publication. Special thanks are due to my dear colleague and friend, Professor Dr. Katharina Boele-Woelki, Utrecht, for organising the Congress, and for her willingness to include this contribution in the European Family Law series. Last but not least, I am most deeply indebted to my academic assistant, Mariel Dimsey, LL.M., Lawyer (NSW, Australia), who not only helped me extensively in preparing the General Report, but was also responsible for organising this publication. Finally, thanks go to b.sc. et cand. iur. Catherine Weibel, who assisted in formatting the reports for publication.

Basel, January 2007
INGEBORG SCHWENZER

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