CONTENTS

Table of	Cases with the bottom of the first of the second of the se	XV
Table of	Statutes (by jurisdiction)	xlvii
Table of	Statutory Instruments	li
Table of	Secondary European Legislation	liii
Table of	Treaties, Conventions, and International Instruments	lix
Abbrevia	tions and Special Terminology	lxvii
	6. Execution of Court Judgments manuscraft Beauty	
1. Intr	oduction Commence to E. FundaningildOnand	
I.	The Themes of the Book	1.01
	1. The Impact of Human Rights Law on Private International Law	1.01
	2. The Impact of Private International Law on Human Rights Law	1.05
II.	An English and European Perspective	1.09
	goizuhoztal	1.13
111.	Scope and Structure of the Book 1. Scope 2. Scope 2. Scope 2. Scope 3. Scope 3. Scope 3. Scope 4.	1.13
	Scope Structure This are a purished and a second probability of the second part of the second p	1.13
	2. Bases of Jurisdiction	1.2/
2. Hui	man Rights, Private International Law, and their Interaction	
4.200	a. Choice of Court A greenents which hands M an excess the	2.01
4.204	5. Restraining Eareign Proceedings and all the second moisonorm.	2.01
II.	Human Rights Law	2.02
	1. The ECHR	2.04
	2. The HRA making Produced to solving 2.	2.23
	3. Fundamental Rights Protection in EU Law (obsolute and gaugestled)	2.33
	4. Other International Sources of Human Rights Protection	2.58
	5. Rights in the Common Law (1997) and the c	2.65
III.	Private International Law and additional Law and ad	2.66
	1. Introduction to Private International Law Rules	2.66
	2. Sources of Private International Law Rules 3. Jurisdiction	2.67
	5. Jurisdiction	2.69
	4. Recognition and Enforcement of Judgments	2.75
	5. Choice of the Applicable Law a not impossed bits Lais Tais Tais Tais Tais Tais Tais Tais T	2.84
IV.	The Application of Human Rights Law in Private International	
	Law Cases	2.88
	1. The ECHR	2.89
	2. The Charter of Fundamental Rights	2.94
V.	Issues Arising from the Application of Human Rights in Private	
	International Law Cases	2.100
	1. Can Private International Law Accommodate Human Rights Concerns?	2.101
	2. Is there a 'Private International Law' Human Rights Standard?	2.105
	3. Clashes of International Obligations	2.111
VI	Conclusion	2.131

3.	The	The Right to a Fair Trial			
	I.	Introduction	3.01		
	II.	Sources of Protection	3.02		
	III.	Scope of Protection	3.09		
	IV.	The Protected Rights	3.12		
		1. Access to a Court	3.15		
		2. A Fair Hearing	3.34		
		3. Independent and Impartial Tribunal Established by Law	3.49		
		4. Public Hearing and Judgment	3.58		
		5. Judgment in a Reasonable Time6. Execution of Court Judgments	3.64 3.72		
	V.	of Marko Minimaric languages in relation in the Certification of	3.75		
D.I		Conclusion Conclusion	3.81		
	V 1.	L. The Impact of Human Rights Law on Private International Law	5.61		
4.	The	Right to a Fair Trial and Jurisdiction under the EU Rules			
0,1		An English and European Perspective	4.01		
	I.	Scope and Structure of the Book			
1.1	II.	The Impact of the Right to a Fair Trial on the EU Rules	4.02		
		1. The Introduction of EU Rules on Jurisdiction Majorial (1)	4.03 4.06		
		 Bases of Jurisdiction Declining Jurisdiction 	4.131		
		4. Choice of Court Agreements	4.200		
		5. Restraining Foreign Proceedings	4.204		
2.03		6. Residual Jurisdiction under Brussels II bis was 2 2 1 1 2 1 2 1 2 1 2 1 2 1 2 1 2 2 1 2 2 1 2	4.211		
		7. Small Claims AHDE of The Small Claims	4.212		
		8. Service of Documents ANH add C	4.216		
		9. Challenging Jurisdiction was I III no no new of angli I language and the second angli I language and the second angli I language and the second and the second angli I language and the second and the second angli I language and the second and t	4.240		
		10. Taking of Evidence Tangul namuH to resume tenging and rod O	4.241		
	III.	1 6	- / - / /		
		Fundamental Rights wallagoia trisini ous viria	4.244		
	IV.	The Impact of Private International Law on Human Rights Law	4.254		
	V.	Conclusion Relation State Conclusion	4.255		
5.		Right to a Fair Trial and Recognition and Enforcement of Foreign			
	Jud	gments under the EU Rules I mi was I and M namuel to noise siliga And I			
	I.	Introduction notation	5.01		
	II.	The Impact of the Right to a Fair Trial on Recognition and			
		Enforcement of Judgments under the EU Rules	5.03		
		The Introduction of EU Rules on Recognition and Enforcement of	. Y		
		Foreign Judgments and Decrees	5.05		
	0	2. Non-recognition and Enforcement	5.07		
		3. Recognition and Enforcement: An Unfair Trial in the Member State of	- 1-		
		Origin and a Breach of Article 6(1) ECHR	5.48		

	4. Recognition and Enforcement: An Unfair Trial in the Member State of	
	Origin and a Breach of EU Fundamental Rights	5.99
	5. The Public Policy Defence	5.112
	6. An Unfair Trial in the Member State of Origin: Summarising	
	the Solutions	5.199
	7. The Natural Justice Defence	5.210
	8. The Exequatur Procedure and its Relationship with Defences	5.221
	9. The Abolition of Exequatur anomal staying box lair False a or algebra	5.228
	10. The Abolition of Defences and Their Replacement with a made gardbuller	
	Other Safeguards	5.250
	11. The Recast Brussels I Regulation: The Retention of Defences	5.297
	12. Non-harmonisation of National Rules on Recognition	JF 0.25
	and Enforcement	5.307
0.8 III.	The Impact of the Growing Commitment to EU Fundamental Rights	5.313
IV.	The Impact of Private International Law on Human Rights Law	5.316
	A Refusal to Recognise and Enforce	5.316
	2. Enforcement and Recognition and No Fair Trial in the Member State of	3.030
	Analysis of the Impact of the Right to a fair a nial on France nigiro uton	5.318
1.8 37	The Salara and a selection of the Salara Sal	10.109
V.	Conclusion Which Fair Trial Rights Have Had the Greatest Implication Francisco	5.322
1,8	ds. The Applicable Law under Traditional English his Hemai Ingottoment	
6. The	Right to a Fair Trial and Jurisdiction under National Rules	10,206
5.8 I.	Introduction and Enforcement and the State of Page 1991	6.01
1.8 II		
II.	The Impact on National Rules	6.03
	1. Exorbitant Bases of Jurisdiction under National Rules	6.04
	2. Jurisdiction and Denying Access Abroad	6.63
	5. No jurisdiction	6.65
		6.118
8.4	of Globe of Court regreements	6.125
	6. The Discretionary Element in Relation to Jurisdiction	6.127
	7. Restraining Foreign Proceedings 58 blunds apagmi and und W	6.182
	8. Limitations on Jurisdiction and base solution and leading and l	6.243
III.	Conclusion and Invador of Privacy	6.297
	1. A Lack of Impact	6.297
	2. The Right to a Fair Trial is Taken Seriously	6.301
	3. Areas of Concern	6.302
7 The	Dight to a Pain Trial and Descention and Enforcement of Parsian	
	Right to a Fair Trial and Recognition and Enforcement of Foreign	
Judg	gments under the Traditional English Rules	
8.0 I.	2. Arricle I Protocol 12 EQEMP and an enter of respect to not protocol 13. EU Fundamental Rights	7.01
e II.	The Impact of the Right to a Fair Trial on the Recognition and	
	Enforcement of Judgments under the Traditional English Rules	7.03
	1. Recognition and Enforcement and No Fair Trial in the Judgment	
	Granting State	7.04
	2. Non-recognition and Non-enforcement	7.71
	3. Recognition of a Foreign Judgment and Denial of Access to a Court	7.79

	III.	The Impact of Private International Law on Human Rights Law 1. Recognition and Enforcement and No Fair Trial in the Judgment Granting State	7.86 7.86
		2. A Refusal to Recognise and Enforce	7.91
	IV.	the Solutions 7. The Natural Justice Defence	7.93
	Als.	8. The Exequatur Procedure and its Relationship with Delencestra and	
8.		Right to a Fair Trial and Private International Law:	
	Cor	10. The Abolition of Defences and Their Replacement with a bolition of Defences and Their Replacement with the Bolitic Replacement w	
	I.	Introduction The Recens Brussels I Regulation The Remainder of the Recens Brussels I Regulation The Remainder of the Research of the Research of the Remainder	8.01
	II.	Analysis of the Impact of Private International Law Rules on the Right to a Fair Trial	8.02
		1. The Impact on Article 6 ECHR Generally	8.03
		2. The Impact on the Right to a Fair Trial in Private International Law Cases	8.04
		3. Reasons for the Limited Impact	8.09
	III.	d. Enforcement and Recognition and No Latt Leaf in the Member State of	1
		Law Rules	8.10
		1. Which Fair Trial Rights Have Had the Greatest Impact on Private	
		International Law Rules? 2. On Which Rules of Private International Law has the Right to a Fair Trial	8.10
		had the Greatest Impact?	8.22
		3. Conclusion on Impact	8.24
	IV.	Reasons for the Varying Levels of Impact of the Right to a Fair Trial on Rules of Private International Law	8.25
		 Why the Impact of the Right to a Fair Trial has been Limited Why the Impact of the Right to a Fair Trial has been Greater in 	8.25
		Relation to Some Rules of Private International Law than in Relation	
		6. The Discretionary Element in Relation to Jurisdiction was send to ot	8.44
	V.	What the Impact should Be was transferred in t	8.51
	6.	1. Private International Law Rules and Fair Trial Concerns	8.52
		2. Solutions Conclusional Lawrence Property Reports Report Property Reports Property Report	8.56
297	9	1. A Lack of Impact	
9.	The	Prohibition of Discrimination and Private International Law	
	I.	Introduction Annual Research Market Parents of Foreign	9.01
	II.	The Prohibition of Discrimination images Abus Isla Tais 4 sounds 19 s	9.04
		1. Article 14 ECHR solutional language Tentral and resource and the solution of the solution o	
0.5		2. Article 1 Protocol 12 ECHR	9.31
		3. EU Fundamental Rights	9.33
	III.	Jurisdiction The Impact of the Right of the	9.50
		1. Is there Discrimination under the EU Rules?	9.50
		2. Discrimination under National Rules (1990) and Boundary Services for Costs and Human Pickers	9.115
	IV.	Security for Costs and riuman Rights	9.120
		1. The Right to a Fair Trial	9.121
		2. The Prohibition of Discrimination	9123

	V.	The Applicable Law 1. Impact on EU Rules on the Applicable Law 2. Vibile V Ismao II. Applicable Law 3. Vibile V Ismao II. Applicable Law 4. Vibile V Ismao II. Applicable Law 5. Vibile V Ismao II. Applicable Law 6. Vibile V Ismao II. Applicable Law 6. Vibile V Ismao II. Applicable Law 7. Vibile V Ismao III. Applicable Law 7.	9.134 9.136
	VI.	Classification of Marriage and Registered Partnerships noisulano sutral language land a result of the superior	9.145
10.		edom of Expression and the Right to Respect for Private :: International Defamation and Invasion of Privacy	
	I.	ions Rights and Recognition of Marriage and Extra-Judicial Divorce noisubortal	10.01
	II.	Freedom of Expression and the Right to Respect for Private Life 1. Freedom of Expression 2. The Right to Respect for Private Life	10.02
		Jurisdiction for International Defamation 1. The Nature of the Problem 2. The Human Rights Background 3. Jurisdiction under the EU Rules 4. Jurisdiction under the Traditional English Rules	10.45 10.46 10.48 10.50 110.95
	IV.	The Law Applicable to International Defamation 1. The Substantive Law Background 2. The Human Rights Background 3. The Applicable Law under Traditional English National Rules 4. The Applicable Law under EU Rules	10.198 10.198 10.199 10.207 10.256
	V.	Recognition and Enforcement of Foreign Defamation Judgments 1. The Nature of the Problem 2. The Human Rights Background 3. Recognition and Enforcement under the EU Rules 4. Recognition and Enforcement under the Traditional English Rules	10.265 10.265 10.266 10.283 10.291
	VI.	International Invasion of Privacy and boarded stimes and progressions	
		 The Lack of Impact The Reasons for the Lack of Impact 	10.298 10.304
	VII	Conclusion 1. International Defamation 2. International Invasion of Privacy 2. International Invasion of Privacy 3. International Invasion of Privacy 3. International Invasion of Privacy 3. International Invasion of Privacy	10.306 10.306 10.314
11.	The same of the sa	Right to Marry, the Right to Respect for Family Life, the Prohibition crimination, and International Marriage	on
	I.	Applicable Human Rights Law estudied Grant	11.01
	II.	Applicable Human Rights Law 1. The Right to Respect for Private and Family Life 2. The Right to Marry 3. The Prohibition of Discrimination 4. Conclusion	11.03 11.03 11.32 11.64
	III.	The Impact of Articles 8, 12, and 14 ECHR on English Choice of Law Rules on Validity of Marriage	11 0 /
		Rules on Validity of Marriage 1. Introduction 2. English Choice of Law Doctrine in Outline AMDE & Salain A. &	11.84 11.84 11.86

 6. Polygamy IV. Conclusion 12. Religious Rights and Recognition of Marriage and Extra-Judicial Divo I. Introduction II. Freedom of Religion and Recognition of Religious Marriage and Divorce under English Law 	rce
12. Religious Rights and Recognition of Marriage and Extra-Judicial Divo I. Introduction II. Freedom of Religion and Recognition of Religious Marriage	rce
II. Freedom of Religion and Recognition of Religious Marriage	10.01
II. Freedom of Religion and Recognition of Religious Marriage	12.01
and Divorce under English Law	
The state of the s	
1. Article 9 ECHR noisement of annihilation of an inches	12.04
2. Impact on English Rules Regarding Marriage	12.15
3. Impact on English Rules Regarding Religious Divorce and Annulment	12.29
	8.04
III. Religious Discrimination and Recognition of Religious Marriage an	
Divorce under English Law 1. Non-Discrimination and Religion	12 27
2. Religious Discrimination, Marriage, and Divorce	12.57
3 Impact on English Rules Regarding Marriage	12 46
Impact on English Rules Regarding Religious Divorce and Annulment	12.49
IV. Religious Rights and Recognition of Religious Divorce	
and Annulment under Brussels II bis	12 71
Recognition and Enforcement underwhell Bules V. 283	
Recognition and Enforcement under the Traditional English Rules W . (10.291	
13. Right to Respect for Family Life and the Rights of the Child: Internation	onal IV
The Reasons for the Lack of Impact 10.304 noithborn I.	13.01
noision 40.306	
II. Private International Law and Child Abduction	13.04
1. The Hague Child Abduction Convention To no	13.04
 Brussels II bis The Regulation of Child Abduction Outside of the Scope of the Hagu 	13.06
Child Abduction Convention	13.09
instion, and international Matriage	TATO DISCENSE
III. Applicable Human Rights Law 1. Introduction	13.11 13.11
1. Introduction	10.11
2 IIII C	12.12
4. The Charter of Fundamental Rights	12.10
5. Other Related Rights	12.22
IV. The Hague Child Abduction Convention Summary Return System	
Impact of Articles 8, 12, and 14 ECHE on English namuH bna	13.23
les on Validity of Marriage	10.00
2. Article 8 ECHR	12 25
3. Article 6 ECHR author of an important and an important	12 (0

	V.	The Brussels II bis Regime and Human Rights 1. Introduction 2. The ECHR 3. The Charter of Fundamental Rights	13.79	
	VI.	Abduction Cases Falling Outside the Scope of the Hague Child Abduction Convention and Human Rights	13.97 13.112	
		1. Introduction		
		2. Article 8 ECHR assaul survivil no wall and all a named to socioni sall	13.113	
		3. English Law and the Duty to Reunite under Article 8 ECHR	13.119	
	3711			
	V 11	. Conclusion 2. 30h Which Rules of Private International Law baye Human Rights and the	13.121	
14.		ht to Respect for Private and Family Life and Related hts: Parental Status		
	I.	Introduction which is a special belongs about the largest should be a special belongs as the largest should be	14.01	
	II.	Human Rights Law amaly no wed brooks can law and lo racymlad	14.04	
	11.	1. Article 8 ECHR and Adoption	14.04	
		2. Article 8 ECHR and International Commercial Surrogacy	14.36	
		3. Article 12 ECHR and the Right to Found a Family	14.49	
		 4. International Adoption and Surrogacy and Other ECHR Rights 5. The CRC and its Implications for International Adoption 	14.51	
		and Surrogacy	14.55	
		6. International Adoption and Surrogacy and Other Human Rights Instruments	14.60	
	Ш.	The Impact of Human Rights on Private International Law Rules	11,00	
	111.	regarding Parental Status	14.61	
		International Adoption under English Law	14.61	
		International Adoption trider English Law International Commercial Surrogacy under English Law	14.01	
	IV	The Impact of Private International Law Rules Regarding Parental	14.77	
	1 4.	Status on Human Rights	14.111	
		7 (200 m) (7) (200 m) (1) (1) (1) (1) (1) (1) (1) (1) (1) (1		
	V.	Conclusion	14.114	
		1. International Adoption	14.114	
		2. International Commercial Surrogacy	14.117	
15.	The Right to Property, Foreign Judgments, and Cross-Border Property Disputes			
	I.	Introduction 1990/2007	15.01	
	II.	The Right to Property	15.03	
		1. Sources of Protection	15.03	
		2. The Protected Interest: Peaceful Enjoyment of 'Possessions'	15.09	
		3. Legitimate Interferences	15.12	
	III.	The Impact of the Right to Property on Private International		
		Law Rules	15.32	
		1. Introduction	15.32	
		2. Recognition and Enforcement of Foreign Judgments	15.35	

13.79 13.79	3. Jurisdiction4. Choice of Law			15.61 15.80
.VI 3.81	Conclusion		The ECHR address: The Charter of Fundame	15.88
16. Ov	erall Conclusions		Abduction Cases Falling (
13.112 2.112	Introduction			16.01
.IB.113 13.119	1. Which Human Rig	ghts have had the Greatest	e International Law and Least Impact on Private	
		Private International Law	have Human Rights had the Human Rights on Private	16.03 16.33
	International Law F	Rules	Tullian Rights on Thivate	16.39
	4. What the Impact sh	nould Be		16.61
10.1 III.	The Impact of Private	e International Law on F	Human Rights Law	16.86
	1. What the Impact ha			16.88
	2. What the Impact sh	nould Be	2. Article 8 ECHR and Inn	16.109
14.49				
Index				883
		n Judgments, alid Cross		
			The Right to Property	
nate Interferences at noiseness a second of the last				