

PRESS RELEASE

SPECIAL COMMISSION CONCLUDES WITH RECOMMENDATIONS TO IMPROVE THE OPERATION OF THE HAGUE ABDUCTION AND CHILD PROTECTION CONVENTIONS

The Sixth Meeting of the Special Commission to review the practical operation of the Hague Abduction and Child Protection Conventions concluded today with recommendations for judges, other government officials and experts to consider when confronted with Convention issues. The recommendations strive to improve the way in which the Conventions operate in Contracting States.

The 1980 Hague Child Abduction Convention applies typically where one parent has moved a child abroad without the consent of the other parent and without the permission of a court. Under the Convention, courts are obligated in such cases to return children to the state of their habitual residence unless an exception specified in the Convention is found to be applicable. One such exception is when a child may face a grave risk of harm if returned. In situations where, for example, domestic violence may be present, courts have inconsistently applied this exception. Special Commission participants therefore issued several conclusions and recommendations regarding consistent handling of domestic violence allegations and encouraged Contracting States to properly examine with all due speed consistent with the requirement of fair procedures the allegation of violence and the possible risks for the child.

In addition to domestic violence, the Special Commission noted the importance of mediation in cross-border family disputes, and welcomed a new practice guide, as part of an effort to encourage parents reach agreements on matters of custody and contact with their children, as well as international family relocation. It also reviewed statistics on the operation of the 1980 Hague Abduction Convention in 2008. The report presented to the Commission reflected a substantial increase in the number of applications for return of children, a marginally lower number of returns, an increase in the number of withdrawn applications and longer time periods to process applications.

The Special Commission further suggested various measures to improve the operation of the 1996 Hague Child Protection Convention, which provides for co-operation among the State Parties on a wide range of cross-border child protection matters, e.g., parental disputes over contact with children, the protection of runaway children, and cross-border care. Additional work on the 1996 Child Protection Convention will take place during Part II of the Special Commission, scheduled for early 2012.

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| WHAT | Conclusions and Recommendations of the Sixth Meeting of the Special Commission to review the practical operation of the 1980 Hague Child Abduction Convention and the 1996 Protection of Children Convention, Part I (Part II will be convened in early 2012). |
| WHEN | Friday 10 June 2011 |
| WHERE | Academy Building of the Peace Palace, Carnegieplein 2 (The Hague) |
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| MEDIA RESOURCES | Press kits and digital photographs of the Special Commission are available upon request. |

FOR IMMEDIATE RELEASE THE HAGUE, 10 JUNE 2011

The Hague Conference on Private International Law is the world organisation for cross-border co-operation in civil and commercial matters. It has 72 Members located on every continent. Furthermore, more than 130 States are Parties to one or more Hague Conventions. In essence, the purpose of the Organisation is to build bridges between various legal systems, while respecting their diversity. In doing so it reinforces the legal security of private persons – an essential role in an age of globalisation in which rules and guidelines are needed.

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