

# International child abductions

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Research conducted by Cardiff Law School shows that the efficiency of the system dealing with international child abduction to England and Wales may be under threat.

The 1980 Hague Convention on the Civil Aspects of International Child Abduction is an international agreement which aims to ensure the return of an abducted child to the country where he or she usually lives. The Convention relies on children being returned quickly so that issues of residence and contact can be decided in the courts of their home country, causing minimum disruption to the child and acting as a deterrent to abduction.

Building on the findings of previous global surveys looking at the operation of the 1980 Convention, which revealed that [applications](#) are taking longer to conclude, the research study conducted by Professor Nigel Lowe and Victoria Stephens broke new ground by analysing each

stage in the process for abduction cases to pinpoint the reasons for delay.

The study, funded by the Nuffield Foundation, revealed that the system is under pressure and highlighted the increase in the number of applications for the return of children taken to England and Wales. The research revealed that:

- The already high number of applications under the Hague Convention for children taken to England and Wales increased further in 2011 to 249 applications compared with 200 applications in 2008 and 142 in 2003.
- Though previous research found that applications to England and Wales took longer to conclude in 2008 compared with previous surveys, the time taken to conclude applications did not increase between 2008 and 2011 but remained roughly the same.
- Though the system in England and Wales is efficient, the time taken to conclude abduction cases in 2011 still fell far short of the six week target of the 1980 Convention (now an [obligation](#) for applications under the Brussels II a Regulation) with only 33% of applications under the Regulation being disposed of by the court in this time, and 26% of applications overall.
- The substantive court proceedings in abduction cases are taking longer (now up to three days compared with only one day previously). This is due to the exceptions to return (or 'defences') being argued more frequently and children's views being sought as a matter of routine, often for children as young as six years old.
- The effects of government cuts are beginning to be felt. The review of counter services and reductions of staff at the Principal Registry of the Family Division and reduction in the fees payable to translators under legal aid, together with increased pressure on ICACU staff and the Children and Family Court Advisory and

Support Service (commonly known as 'Cafcass') are all factors threatening the continued efficiency of the system.

If action is not taken to maintain the current system then the time taken to conclude abduction cases may slip and abducted children will remain away from their home and left-behind family, for longer. Long delays may also have an impact on the proportion of children being returned as it is more likely that they will become settled in England and Wales. A declining performance in the way England and Wales deals with these applications could affect its international reputation as a model jurisdiction for dealing with child abduction cases.

Professor Nigel Lowe said: "The Hague Convention on Child Abduction is the best available international legal framework for dealing with these problems. Despite these findings the English system remains a model Convention Country. The concern of the research is that it should remain so."

Provided by Cardiff University

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