The Hague Convention on International Child Abduction

Paul Reid Beaumont, Peter Eugene McEleavy

Law

Research output: Book/Report > Book

Abstract

The Hague Child Abduction Convention has proved to be one of the most widely ratified treaties ever agreed at the Hague Conference on Private International Law. This book provides a much needed systematic analysis of the way in which the Convention has been applied in England and Scotland, with extensive reference to the case law of Australia, Canada, France, New Zealand and the United States. All the key provisions and terms of the Convention are thoroughly explored. The book also provides broader insights into the role of the Hague Conference and the use of habitual residence as a correcting factor.


Related content

© Impacts

International Child Abduction
The Convention shall apply to any child who was habitually resident in a Contracting State immediately before any breach of custody or access rights. The Convention shall cease to apply when the child attains the age of 16 years. Article 5. For the purposes of this Convention, the Convention shall be open for signature by the States which were Members of the Hague Conference on Private International Law at the time of its Fourteenth Session. It shall be ratified, accepted or approved and the instruments of ratification, acceptance or approval shall be deposited with the Ministry of Foreign Affairs of the Kingdom of the Netherlands. The Hague Abduction Convention consists of six chapters containing forty-five articles. This legal analysis was prepared to facilitate understanding of the Convention by the Senate and the use and interpretation of the Convention by parents, judges, lawyers and public and private agency personnel. Conduct Actionable Under the Convention A. International "child abduction" not criminal: Hague Convention distinguished from extradition treaties (Article 12) B. "Wrongful removal or retention" (Articles 1, 3, 5(a)) 1. Holders of rights protected by the Convention (i.e., with respect to whom the removal or retention is wrongful) (a) "Person, institution or other body" (Article 3(a), (b)) (b) "Jointly or alone" (Article 3(a), (b)). Desiring to protect children internationally from the harmful effects of their wrongful removal or retention and to establish procedures to ensure their prompt return to the State of their habitual residence, as well as to secure protection for rights of access, Have resolved to conclude a Convention to this effect, and have agreed upon the following provisions. The Convention shall be open for signature by the States which were Members of the Hague Conference on Private International Law at the time of its Fourteenth Session. It shall be ratified, accepted or approved and the instruments of ratification, acceptance or approval shall be deposited with the Ministry of Foreign Affairs of the Kingdom of the Netherlands.