

The Secretary General

COPY

Mr Tony Blair
President of the Council of the European Union
10 Downing Street
LONDON SW1
United Kingdom

THE HAGUE, 25 October 2005

No 31848(05)VL/LJM

Dear Mr President,

Subject: *Brussels Regulation concerning parental responsibility – Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children*

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On 25 February this year I wrote to your predecessor, President Luc Frieden, in what I referred to as “a matter critical to the international legal protection of children”. In this letter, a copy of which is attached, I made an urgent appeal to the President of the Council to find a solution to the impasse in which the EU Member States find themselves in relation to the above-mentioned Hague Convention. There was, and there is, an urgent need for the EU States to overcome the blockage which exists solely as a result of the issue of the application of the Convention to Gibraltar.

In his reply of 31 May 2005, President Luc Frieden indicated that the Presidency had encouraged Spain and the United Kingdom to continue their efforts to find a satisfactory solution for the future. However, until today apparently the matter has not been solved. This is difficult to accept any longer.

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Today, the twenty-fifth of October 2005, we are celebrating the twenty-fifth anniversary of the *Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction*. This Convention has brought enormous benefits to the children of the world, and their families, by preventing the abduction across international borders of countless children and ensuring the return home of thousands of wrongfully removed children. As explained in my letter of 25 February, the 1996 Convention complements, and reinforces, the 1980 Convention, as it complements and reinforces the above-mentioned Regulation. It addresses a wide range of international child protection issues, and establishes a comprehensive and secure framework to deal with parental disputes over custody or contact in cross-border situations. It provides a unique opportunity for the building of bridges between legal systems having diverse cultural or religious backgrounds.

We are also concerned about the negative effects of delay on other regions of the world. There is interest in the 1996 Convention among a growing number of States in Africa, Asia, the Middle East, South and North America, among others. The Convention is viewed as an instrument which will not only help to build bridges between the regions but also have an application to some of the very challenging problems of cross-frontier child protection within certain regions such as Southern and Eastern Africa. The ratification of the Convention by all European Union States will send out a strong signal internationally. It will be an act of leadership which will bring benefits to children in different parts of the world.

It should be possible to find a way out of the impasse for an instrument which is so critical to the well-being of children. One could think, for example, of a decision to proceed promptly to common ratification, but allowing the United Kingdom and Spain some time for further consultations. A second possibility might be for the United Kingdom and Spain to accept that the 1996 Convention and the Regulation are so closely related in their subject-matter that the understanding between the United Kingdom and Spain which made possible the implementation of the Regulation should also be applied to the Convention. A third solution might be for the Permanent Bureau of the Hague Conference to act temporarily as a channel for communications in respect of Gibraltar. Other solutions are also conceivable. But it is difficult to accept that the ratification of the 1996 Convention remains blocked for the larger part of the European Union because of an issue that is not related to the protection of children.

The Permanent Bureau remains at your full disposal to assist in trying to find a solution in due course.

I am sending a copy of this letter to all the Ministers of Justice of the European Union.

Yours sincerely,

(signed) Hans van Loon

./ Enclosure mentioned.