

<b>Title</b>	ISFL - Information Document for the 8th Special Commission on the 1980 Abduction and 1996 Child Protection Conventions
<b>Document</b>	Info. Doc. No 14 of October 2023
<b>Author</b>	The International Society of Family Law (ISFL)
<b>Agenda Item</b>	N/A
<b>Mandate(s)</b>	N/A
<b>Objective</b>	To share the Information Document for the 8th Special Commission on the 1980 Abduction and 1996 Child Protection Conventions prepared by the International Society of Family Law (ISFL).
<b>Action to be Taken</b>	For Decision <input type="checkbox"/> For Approval <input type="checkbox"/> For Discussion <input type="checkbox"/> For Action / Completion <input type="checkbox"/> For Information <input checked="" type="checkbox"/>
<b>Annexes</b>	N/A
<b>Related Documents</b>	N/A



## The International Society of Family Law

### Information Document for the 8<sup>th</sup> Special Commission on the 1980 Abduction and 1996 Child Protection Conventions

#### The International Society of Family Law (ISFL)

The ISFL is an independent, international scholarly association dedicated to the study, research and discussion of family law and related disciplines, which was founded in 1973. The ISFL membership currently includes professors, lecturers, scholars, teachers, and researchers from more than 50 different jurisdictions.

The ISFL believes that insights arising from research should be used to inform discussion and the quest for improvements in family law and its implementation. It provides an international forum for discussion and analysis of legal policy applied to family relationships. Its most high-profile activities are organizing world and regional conferences and production of professional publications, including *The International Survey of Family Law*, an annual review of developments in family law across the world, generally covering well over 20 jurisdictions from all continents.

#### The International Society of Family Law and HCCH Special Commission Meetings

ISFL members have a strong interest in the proceedings of Special Commission meetings. Many members teach the topic of international child abduction in courses on (international) family law at the undergraduate, graduate and postgraduate levels. Many members present papers or attend conferences where papers and sometimes whole panels address international child abduction, such as at the 50<sup>th</sup> anniversary World Conference in Antwerp in July 2023. And the 2013 ISFL Regional Conference in Israel was devoted entirely to the work of the HCCH in relation to family law.

ISFL has enjoyed observer status at Special Commission meetings concerning family law issues for many years and has been represented by ISFL members with relevant expertise.

#### The ISFL Representatives at the 8<sup>th</sup> Special Commission on the 1980 and 1996 Conventions

Professor **Rhona SCHUZ** and Professor **Merle WEINER** will be representing the ISFL at the 8<sup>th</sup> Special Commission meeting. Professor SCHUZ previously represented the ISFL at the 6<sup>th</sup> and 7<sup>th</sup> Special Commissions and Professor WEINER at the 5<sup>th</sup> and 7<sup>th</sup>.

Professor **Rhona SCHUZ** is a Professor at the Academic College of Law and Science in Israel and Adjunct Professor in the Law Faculty of Bar Ilan University. Before moving to Israel, she was a lecturer at the London School of Economics. Professor SCHUZ has been researching the 1980 Abduction Convention for over 30 years and has published numerous articles and a book (*The Hague Child Abduction Convention: a Critical Analysis*, 2013 (Hart)) on the topic. Her work has been cited widely in professional and scholarly literature and by courts in a number of jurisdictions, including the Supreme Courts of the US, Canada, UK and Israel. Much of her work has focused on the need to ensure that the rights of abducted children are respected in Abduction Convention proceedings. She has recently been awarded a four-year grant by the Israel Science Foundation for a project entitled “SOCIO-LEGAL RETHINKING OF THE HAGUE CHILD ABDUCTION CONVENTION: ISRAEL AS A CASE STUDY,” which will involve comprehensive quantitative and qualitative analysis of Israeli cases and empirical research, designed to shed light on the aftermath of ingoing and outgoing Abduction Convention cases involving Israel and insights of the persons involved in them.



## The International Society of Family Law

Professor **Merle WEINER** is the Philip H. Knight Professor of Law at the University of Oregon. She coauthored the first US casebook on international and comparative family law, *Family Law in the World Community* (Carolina Academic Press), in 2003. In 2000, she wrote the first of ten major articles on the Hague Abduction Convention. Many courts have cited her work, including the US Courts of Appeals for the First, Second, Sixth, Seventh, and Eleventh Circuits. She has trained judges, lawyers and law professors on the topic, including through the auspices of the National Criminal Justice Training Center, the National Association of Women Judges, the ABA Commission on Domestic and Sexual Violence, the National Council of Juvenile and Family Court Judges, and the Association of American Law Schools. She also has advised domestic violence organizations filing amicus briefs in four out of five Hague Abduction Convention cases before the US Supreme Court.

### The Representatives' Research Relevant to the Discussion at the 8<sup>th</sup> Special Commission

#### 1. Relating to the protection of victims of domestic violence

Rhona SCHUZ & Merle WEINER, *A Mistake Waiting to Happen: The Failure to Correct the Article 13(1)(b) Guide to Good Practice*, 2 INTERNATIONAL FAMILY LAW 87 (2020).

(expressing concern about the wording of parts of the HCCH Guide to Good Practice on art. 13(b) and referenced in Working Document 5)

Merle H. WEINER, *You Can and You Should: How Judges Can Apply the Hague Abduction Convention to Protect Victims of Domestic Violence*, 28 UCLA WOMEN'S L. J. 223 (2021)

(providing arguments, observations, and resources to permit a more just application of the Convention)

Merle H. WEINER, *The Article 13(b) Guide to Good Practice*, 25 THE DOMESTIC VIOLENCE REPORT 7, Oct./Nov. 2019, and *Addendum to WEINER's Article on The Article 13(b) Guide to Good Practice*, 25 THE DOMESTIC VIOLENCE REPORT 93, June/July 2020.

#### 2. Relating to determination of habitual residence

Rhona SCHUZ, "Habitual Residence: Review of Developments and Proposed Guidelines", LAWS 2023, 12, 62. <https://doi.org/10.3390/laws12040062>

(illustrating disparities in the ways courts determine habitual residence, despite greater doctrinal uniformity; proposing that the SC adopt guidelines to increase uniformity and ensure that findings of habitual residence promote the objectives of the Abduction Convention and setting out draft guidelines as a basis for discussion).

Rhona SCHUZ, "The Hague Child Abduction Convention and Re-Relocation Disputes," INTERNATIONAL JOURNAL OF LAW, POLICY AND THE FAMILY Vol 35, 1-36 (2021)

(highlighting the difficulties which arise when the Abduction Convention is invoked in cases of mobile families living overseas temporarily, with emphasis on determination of habitual residence, and proposing steps which might be taken by mobile couples, courts and other authorities to alleviate these difficulties).

#### 3. Relating to children's participation

Rhona SCHUZ, "Child Participation and the Child Objection Exception" in RESEARCH HANDBOOK ON INTERNATIONAL CHILD ABDUCTION (Marilyn Freeman and Nicola Taylor (eds), Intersentia, 2023)

(highlighting disparities between different jurisdictions in relation to child participation in Abduction Convention proceedings and in relation to the interpretation and application of the art. 13(2) child objection exception, with analysis from a children's rights perspective).