

TOOLKIT FOR THE 1980 CHILD ABDUCTION CONVENTION IN TIMES OF COVID-19



The [HCCH COVID-19 Toolkit](#) outlines the suite of HCCH instruments and resources that support the global response to COVID-19. The Permanent Bureau of the HCCH has prepared this toolkit for stakeholders and parties involved in cases that fall within the scope of application of the [HCCH 1980 Child Abduction Convention](#).

Key points



- ✓ The best interests of the child are paramount.
- ✓ Cases should be considered and dealt with on a case-by-case basis.
- ✓ Access to justice should continue to be ensured including, where applicable, after the return of the child to the State of habitual residence.
- ✓ The Convention continues to be effectively applied in times of COVID-19 through the cooperation and the sharing of resources between authorities.

Focus on the child



The HCCH 1980 Child Abduction Convention places the child at its epicentre. The best interests of the child remain of paramount importance, in particular to help mitigate the impact of the COVID-19 crisis on the child. The following points and resources will help relevant authorities, parties and stakeholders bear in mind the key factors for the proper application of the Convention in these unprecedented times.

- ✓ **Secure the safe and prompt return of the child to the State of habitual residence** by continuing to properly carry out the obligations in the Convention in a timely manner
- ✓ **Focus on the best interests** of each individual child on a case-by-case basis in the context of the application of the Convention
- ✓ **Carefully navigate exceptions raised** to the obligation to return the child, for example, allegations of a possible grave risk of harm to the child upon return (Art 13(1)(b))
- ✓ **Ensure continuing and suitable contact between parent and child**, especially where measures taken in light of the COVID-19 situation may mean a period of physical separation between parent and child
- ✓ **Consider whether the HCCH 1996 Child Protection Convention applies**, in particular those provisions that allow the taking of urgent provisional measures for the protection of the child pending an application for return

Useful links



[Status Table: HCCH 1980 Child Abduction Convention](#)

[HCCH Website: Child Abduction Section](#)

[Guide to Good Practice on Art. 13\(1\)\(b\)](#)

[Transfrontier Contact Concerning Children](#)

[HCCH 1996 Child Protection Convention](#)

[Practical Handbook on the Operation of the HCCH 1996 Child Protection Convention](#)

Ensuring access to justice



The outbreak of COVID-19 has introduced challenges to parties' access to justice, which call for proactive response from the relevant authorities. Ensuring that the procedural requirements prescribed by the Convention are met entails removing barriers to due process and access to justice including, where applicable, after the return of the child to the State of habitual residence. The information below will help ensure resilient access to justice in Convention cases.

- ✓ **Promote mediation** and other forms of dispute resolution, including online and remote mediation

Useful links



[Guide to Good Practice on Mediation](#)

[Guide to Good Practice on the Taking of Evidence by Video-link](#)

[INCADAT: International Child Abduction Database](#)

- ✔ **Harness information, electronic and communications technology** in order to ensure that Convention cases advance towards resolution, including the electronic authentication and filing of documents, virtual and/or hybrid hearings, and the taking of evidence by electronic means
- ✔ **Safeguard equality between parties** to Convention cases, including by ensuring equal party participation and access to information, resources, and technology, for example equal access to video- and teleconferencing equipment and internet connectivity
- ✔ **Increase access to knowledge** among stakeholders, including to relevant good practices and [case law turning on issues related to COVID-19](#)
- ✔ **Communicate and collaborate among members of the judiciary across borders** through direct judicial communications or the International Hague Network of Judges

[Direct Judicial Communications](#)
[Members of the International Hague Network of Judges](#)

Seeing the process through



Measures taken to combat the COVID-19 pandemic have included the closure of international borders and the reduction of many public services. The current restrictions on international travel pose challenges to the enforcement of return orders under the Convention. The reduction of public services may also impact on the safe and prompt return of the child to the State of habitual residence. The following information and resources will help in guaranteeing the safe and prompt return of children and the effective execution of the obligations under the Convention.

- ✔ **Ensure that agreements between parties are recognisable and enforceable** in the relevant jurisdictions with as little delay as possible
- ✔ **Contact and cooperate with the corresponding Central Authority** in order to ensure current and full awareness of the situation at the destination, and a smooth execution of return orders
- ✔ **Put practical arrangements in place that allow for the door-to-door safe return of the child**, including ensuring the placement of the returning child on flight priority lists, the purchase of medical and travel insurance in the case of COVID-19 infection, and where necessary self-isolation facilities at the destination
- ✔ **Continually re-evaluate the practical arrangements** put in place to ensure that they are up-to-date and can adequately address newest developments in the COVID-19 situation
- ✔ **Consider and address potential parental and child anxiety** with regards to travel in light of the COVID-19 situation, especially in situations where the parent cannot travel with the child

Useful links



[Model Form for applications for return](#)
[Guide to Good Practice on Central Authority Practice](#)
[Guide to Good Practice on Enforcement](#)