



INTERNATIONAL SOCIAL SERVICE

International relocation of children

Challenges, principles, ISS services

What makes international relocation of children a challenge?

In today's globalised society when couples separate or divorce (particularly bi-cultural relationships) there is often a desire by one or both of the parents for professional and/or personal reasons to relocate with or without their child to another country. Even in circumstances where a parent has sole custody/parental responsibility of the child, he or she **does not necessarily alone have the right to relocate** without the consent of the other parent. Without permission from the non-custodial parent, the relocating parent can be accused of child abduction ([see factsheet](#)). Parents who have a joint relocation right (globally, an increasingly common status in family law) are not immune from one parent opposing the relocation for different and understandable reasons. In those cases, only **direct parental communication**, independently facilitated **counselling/mediation**, or a **court procedure** can bring a solution. As time is often an issue, access to an **effective, fair and timely resolution (mediation and/or court-based)** is of paramount importance. The "**Washington Declaration**" provides a set of factors to take into account when assessing individual situations. While the child of separated parents has the right to "maintain personal relations and **direct contact with both parents on a regular basis**, except if it is contrary to the child's best interests" (art. 9 (3) UN-CRC), both parents have the right to freedom of movement and to the respect of family life. They need to be able to move forward following separation. In relocation cases, the challenge is balancing these sometimes conflicting human rights and finding **innovative cross-border, post-separation care arrangements. Arrangements**, in the interest of all involved - with the child's best interest the "primary consideration" ([General Comment no. 14, §36 to the UN-CRC](#)).

What ISS advocates for in relocation cases:

- A child centred and child's rights approach
- Secure access to speedy international relocation procedures, for separated parents
- Promoting binding international standards on relocation, i.e. through an optional protocol to the 1980 Hague Convention
- Increased use of international family mediation to achieve mutually agreed relocation agreements ([see factsheet](#))
- An interdisciplinary, rather than a mainly legal, approach
- From a best interest's perspective, a strong focus on the well-being and future needs of both parents - taking into account the particular importance for the child's development, of their main care giver's well-being

Guiding international standards and ISS internal documents:

- [Universal Declaration of Human Rights](#) (art. 13 – Freedom of Movement), [ICCPR](#) (art. 12) and [ICESCR](#) (art. 10)
- [Convention on the Rights of the Child](#) (UN-CRC)
- 2010 [Washington Declaration on International Family Relocation](#)
- [ISS-Guide to International Family Mediation](#)
- ISS Casework manual

ISS-Casework services include:

- Child-focused psycho-social and legal counselling for parents planning, or fearing, international relocation
- Information about relocation laws in different countries
- International family mediation

Advocacy and awareness raising services include:

- Promotion of legal methods for international relocation
- Training on relocation/ child abduction law for child protection professionals, lawyers, mediators, social workers, universities etc.
- Promotion of International family mediation in resolving relocation disputes
- Cooperation with HCCH in promoting binding international standards for relocation