

## Chairman's Statement

Six months after the International Symposium on Child Abductions held in the Federal Foreign Office on 4 December 2009, I am happy to conclude that the symposium has indeed initiated the fruitful dialogue which State Minister Pieper called for in her opening remarks. Over the past months, we have received valuable feedback from participants – including the presentations of all symposium panellists, which we have now posted on our website.

Allow me therefore to summarize our main conclusions:

### **1. Cases under the Hague Convention of 1980 on the Civil Aspects of International Child Abduction**

Court proceedings in *Hague return cases* should be quick, also at the appellate level: “Justice delayed is justice denied.” An immediate return should always be our main goal and is one of the cornerstones of the Hague Convention.

Direct and professional contact between our “Central Authorities” is equally important.

Depending on the legal system, concentration of jurisdiction for cases under the Hague Convention on a limited number of specialized courts and judges can be a means for ensuring rapid procedures and coherent case law.

The International Hague Network of Judges should be further expanded.

Further, I welcome in particular:

- The elaboration by Brazil of a bill which will regulate the application of the Convention, with a view to adjusting the judicial procedure.
- The involvement in Mexico of the Federal Ministerial Police to help localize the child better and faster and the Mexican measures to expedite court proceedings.
- The Canadian initiative of September 2006 to establish a “Special Committee on International Parental Child Abduction” as an example for initiating a network of Hague Liaison Judges.

## **2. Future Member States to the Hague Child Abduction Convention**

Future Member States should ensure appropriate domestic structures are in place before the Hague Convention enters into force, including a Central Authority and the necessary implementing provisions.

Further, I welcome in particular:

- The steps Russia has undertaken to accede to the Convention.
- The current decision-making process in Japan regarding this matter. While still a non-member, Japan offers legal remedies in child abduction cases such as the *habeas corpus* proceedings and applications for a court order for the recovery of the child.
- The very recent decision by Morocco to join the Hague Convention, the first Islamic country to do so, deserves particular credit and appreciation.

The participants in the symposium continue to encourage other countries to join the Convention.

## **3. Cases outside the Hague Convention**

Outside the Hague Convention, many significant measures to facilitate the return of abducted children also deserve particular recognition:

- The ongoing Malta process for dialogue between Hague and non-Hague countries.
- Non-Hague countries in the Mediterranean region are in process of significantly reforming their family laws.
- The very successful mediation procedures in many non-Hague countries.
- The forming of a Department of International and Cultural Cooperation within the Ministry of Justice in Egypt, which acts in many ways just like a Central Authority in the Hague system.
- The 3rd Meeting of the Working Party on Mediation in the Context of the Malta Conference in Gatineau/Canada on May 11 and 12 regarding mediation in child abduction cases and the resulting proposal that a central point of contact for mediation be created in each country.

#### **4. Coordination of domestic actors**

Finally, all domestic actors need to further improve the coordination of their efforts. These actors include family judges, youth welfare officers, public prosecutors and the police, but also non-governmental organizations and individuals including lawyers.

The establishment of a non-governmental central information point as, for example, initiated by Land Bremen at the Conference of Interior Ministers in Germany – could be a very helpful step forward.

The activities of such a non-governmental central information point should include

- information of prospective parents about relevant legal provisions and cultural differences,
- information about the scope of preventive measures,
- counselling about the different aspects (socio-psychological and legal) of international family conflicts and their resolution, including the different means to deal with a conflict (e.g. mediation), focusing on the best interest of the child and its right of access with both parents,
- listening to and accompanying parents throughout the procedure,
- liaisoning like a case-manager between parents, governmental and non-governmental entities,
- contacting working partners abroad.