



Resolution 1291 (2002)¹

International abduction of children by one of the parents

Parliamentary Assembly

1. The Assembly notes with concern the growing number of abductions of children by one of their parents in cases of dispute between, or separation of, couples of different nationalities and the difficulties and obstacles of every kind encountered by parents and the competent institutions in tracing these children and ensuring their return.

2. It points out that, under the United Nations Convention on the Rights of the Child all children have the right to maintain regular personal relations with both parents; abduction by a parent is a denial of the child's rights; abducted children are deprived of one of their parents and their wider family; they are often cut off from their mother tongue and part of their cultural background; parents are helpless when faced with complex formalities, different procedures and the cost of action on their part, and so forth. Even if children are returned, they are marked by the abduction for the rest of their lives.

3. The Assembly believes that the member states, united within the Council of Europe by their attachment to the same values, ought to be able to overcome their legal, cultural and other differences, recognise the same concept of the best interests of the child and state that situations in which children are denied their rights cannot be allowed to continue.

4. The Assembly therefore urges member states to demonstrate their political resolve to address this difficult issue:

by ratifying such relevant legal instruments as they have not yet ratified: first and foremost the 1980 Hague Convention on the Civil Aspects of International Child Abduction and the various Council of Europe conventions on the rights of children;

by speeding up adoption and ratification of the convention on contact concerning children, which seeks to prevent the improper removal of children and which is in the final stages of preparation by the Council of Europe.

by using on a wider scale the signing and ratification of bilateral intergovernmental agreements contributing to the resolution of cases of abduction of children by one of their parents.

5. It urges each Council of Europe member state to:

make abduction by a parent of a child under 16 years of age a crime and punish it as such;

provide appropriate training for all people working in this field (police, lawyers, judges) and in particular for specialists investigating the disappearance of children;

promote family mediation as a means of preventing parental child abduction and helping to resolve family conflicts;

at national level, give only a small number of specialised courts, and perhaps only one, jurisdiction to deal with cases of parental child abduction in order to ensure that such cases are concentrated and dealt with more rapidly by well-informed judges and that decisions are consistent;

1. Assembly debate on 26 June 2002 (21st Sitting) (see [Doc. 9476](#), report of the Social, Health and Family Affairs Committee, rapporteur: Mr Hancock). Text adopted by the Assembly on 26 June 2002 (21st Sitting).



ensure that parents and families have access to free legal aid to help them meet the high procedural costs;

provide prospective marriage or common-law partners of different nationalities with information about their rights and obligations with regard to their children under their respective family law regimes;

recognise the importance of the role played by non-governmental organisations in parental support and in their information and prevention efforts, and give them the financial assistance needed to achieve these objectives.

6. The Assembly also recommends that member states set up centres for missing children, at both national and European levels, to keep in close contact with the judicial authorities and the police. These centres should have modern research facilities and the requisite international contact with similar services within and outside Europe.

7. Within the framework of their bilateral relations and also with the non-Council of Europe countries concerned, member states should set up mediation boards or other similar bodies to deal with all pending cases of conflict involving parental child abduction as rapidly as possible and propose solutions in the objective interests of the children concerned.

8. Finally, the Assembly urges member states to endeavour to increase the European Union mediator's powers and material possibilities of action and examine the necessity of establishing a Council of Europe mediator to deal with these child custody issues in greater Europe.