



Doc. 13630

08 October 2014

Parental authority conflicts

Motion for a resolution

tabled by Mr Pierre-Yves LE BORGNI' and other members of the Assembly

This motion has not been discussed in the Assembly and commits only those who have signed it

The strengthening of exchanges taking place on our peaceful continent, the free circulation of people between many countries and the huge success of the Erasmus programme for over 25 years, are all reasons explaining the development of unions and marriages between Europeans of different nationalities. Today 13% of Europe's couples are bi-national.

This beautiful way of constructing Europe however can have a downside if a couple splits up. The situation in such cases can be terrifying: complexity of the legal position, conflicts between court systems, length and cost of proceedings, a break in the link between one of the parents and the children as well as heavy legal fees for the parents of another nationality from that of the country of residence. The wealth of case law put forward by the European Court of Human Rights in the matter of the international abduction of children illustrates the magnitude of the problem, as does the number of legal decisions, at all levels, which have remained unenforced.

In the name of the European ideal, indeed simply in the name of humanity, it is essential that we must ensure that the superior interest of the child does not simply remain a concept of international law, but becomes a reality which is recognized and valued in the same way in all member states.

In order to reach this goal, it would be useful to collectively tackle the problem over the whole continent and to search for elements which would represent a truly common vision of the notion of parental authority. Particular attention should be given to the implementation of the European Convention on Recognition and Enforcement of Decisions Concerning Custody of Children and on Restoration of Custody of Children (ETS No. 105), 30 years after its entry into force.

The Parliamentary Assembly could thus contribute to finding a solution to a situation which has a direct impact upon our citizens. This would give the full meaning to the word Europe.

Signed (see overleaf)



*Signed*¹:

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1. ALDE: Alliance of Liberals and Democrats for Europe
EPP/CD: Group of the European People's Party
SOC: Socialist Group