

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

Following the general [HCCH COVID-19 Toolkit](#), which 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 cases that fall within the scope of application of the [HCCH 1980 Child Abduction Convention](#). This Toolkit is not intended to direct the interpretation of the HCCH 1980 Child Abduction Convention in individual cases, and its content is subject to the relevant domestic laws and procedures of each Contracting Party.

Key points



- ✓ The Convention aims to protect children from the harmful effects of their wrongful removal or retention across international boundaries, ensure their prompt return to the State of their habitual residence, and protect rights of access.
- ✓ Cases should be considered and dealt with on a case-by-case basis.
- ✓ The Convention continues to be effectively applied in times of COVID-19 through contact and cooperation with, and the sharing of resources between, [Central Authorities](#).

Focus on the child



The HCCH 1980 Child Abduction Convention places the child at its epicentre. In order to help mitigate the impact of the COVID-19 crisis on the wrongfully removed or retained child, the following points and resources may assist in the continued application of the Convention in these unprecedented times.

- ✓ **Securing 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
- ✓ **Focusing on** each individual child on a case-by-case basis in the context of the application of the Convention
- ✓ **Carefully navigating 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))
- ✓ **Ensuring continuing and suitable contact between parent and child**, especially where measures taken in light of the COVID-19 situation may mean a period of prolonged physical separation between parent and child
- ✓ **Considering 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](#)

[Status Table: HCCH 1996 Child Protection Convention](#)

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

Removing barriers to a prompt return



The outbreak of COVID-19 has introduced challenges to the prompt return of wrongfully removed or retained children. Ensuring that the procedural requirements prescribed by the Convention are met may mean removing these barriers to a prompt return. Contracting Parties may find the considerations below helpful.

- ✓ **Promoting mediation** and other forms of dispute resolution, including online and remote mediation
- ✓ **Harnessing, where feasible, information, electronic and communications technology** in order to ensure that Convention cases advance towards resolution, including the electronic filing of documents, virtual and/or hybrid hearings, and the taking of evidence by electronic means
- ✓ **Safeguarding 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
- ✓ **Increasing access to knowledge**, including to relevant good practices and [case law turning on issues related to COVID-19](#)
- ✓ **Communicating and collaborating among members of the judiciary across borders** through direct judicial communications or the International Hague Network of Judges

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](#)

[Direct Judicial Communications](#)

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

Addressing the practical challenges due to COVID-19



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 may help in guaranteeing the safe and prompt return of children and the effective execution of the obligations under the Convention.

- ✓ **Finding means to ensure that agreements between parties continue to be recognisable and enforceable** in the relevant jurisdictions with as little delay as possible, regardless of challenges due to the COVID-19 pandemic
- ✓ **Contacting and cooperating 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
- ✓ **Where feasible and permitted under the relevant laws and procedures of the individual Contracting Party, considering the availability of practical arrangements that allow for the safe return of the child**, such as the placement of the returning child on flight priority lists, considering the purchase of medical and travel insurance in the case of COVID-19 infection, and where necessary, quarantine facilities at the destination
- ✓ **Continually re-evaluating any practical arrangements** put in place to ensure that they are up-to-date and can adequately address newest developments in the COVID-19 situation
- ✓ **Considering and addressing 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](#)