

### What is International parental child abduction (IPCA)?

The term “international parental child abduction” refers to a wrongful removal from, or a non-return to, a child’s State of “habitual residence” by one of the child’s parents without the agreement of the other parent. A relocation across borders is wrongful when the taking parent does not have, or does not have alone, the right to change the child’s place of residence. IPCA is different from extra-family child kidnapping.

[Research](#) and ISS casework demonstrates the following main forms of IPCA trends:

- Wrongful removal or non-return of the child in situations of **shared custody** (implying shared relocation rights);
- Flight of the custodial parent with the child in a context of alleged **family/domestic violence** (“protective abductions”);
- Wrongful return of the child with the custodial parent to that parent’s State of origin. Here, the child is **separated from the non-custodial parent**;
- Removal or non-return of the child by a non-custodial parent. Here, the child is **separated from the custodial parent**.

### Why do parents “abduct” their children?

There are as many reasons as there are individual situations. Most often we find one, or several, of the following motivations such as a parent:

- No longer sees any realistic future with their child in the State of residence, and searches for support from family and friends in the State of origin;
- Feels they have not had access to lawful and speedy relocation procedures;
- Flees a context of physical and/or psychological domestic/family violence;
- Does not accept a decision on custody/access on the assumption that they know better than the local judge what is in the best interests of the child;
- Feels dishonoured and/or humiliated in a legal procedure and therefore making their “own justice”;
- Loses their residence permit and taking “their” children back with them;
- Fears removal of their children by child protection authorities (e.g. foster care).
- Is driven by personal reasons to act in such a radical way.

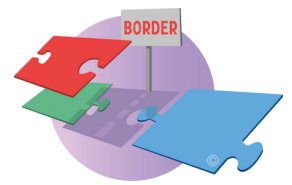
### Guiding international standards and ISS documents:

- [Convention on the Rights of the Child \(CRC\)](#)
- [HCCH 1980 Child Abduction Convention](#)
- [European Directive 2008/52/EC on Mediation in Civil and Commercial Matters](#)
- [ISS Guide to International Family Mediation](#)
- Council Regulation (EU) 2019/1111 ([Brussels IIb Regulation](#))
- ISS Casework manual
- [HCCH Guide to Good Practice - Mediation](#)
- [Principles for the Establishment of Mediation Structures in the Context of the Malta Process](#)
- [The Charter for International Family Mediation Processes](#)

### ISS in essence:

- Is a professional and specialised **global network** founded in 1924 with 132 members in 125 States;
- Has been serving the needs of children and families **for 100 years**;
- Contributes to **law and policy development and advocacy efforts**;
- Maintains a **long-standing and close co-operation with** the Hague Conference on Private International Law (**HCCH**) and its Central Authorities (**CAs**);
- Hosts the [International Reference Centre for the Rights of Children deprived of their family \(ISS/IRC\)](#), a program of the ISS General Secretariat based in Geneva, with a mission **for more than 30 years** to equip child protection, alternative care, and adoption professionals across the world with up-to-date research, publications, training, and technical assistance projects;
- Is always at the forefront of **implementing international standards and raising awareness about children’s rights** through its direct cross-border case management and advocacy efforts.





## What makes IPCA harmful for the child?

The effects of IPCA on the child are different in each pattern, and vary greatly in each individual case. Some harmful effects may include, inter alia: **sudden separation** of the child from their main caregiver and/or other important **attachment figures** (including siblings); sudden and **unprepared change** of the child's social and family environment; **stressful legal proceedings** for the parents, with consecutive harmful effects for their child.

## What responses to IPCA exist?

The first response is prevention. IPCA can be avoided through counselling and (voluntary or mandatory) family mediation services (for further information, please see [ISS International Family Mediation factsheet](#)), as well as through easy access to speedy relocation procedures (for further information, please see [ISS International Relocation of Children factsheet](#)).

If IPCA has already occurred, the range of possible responses varies according to several factors, especially whether or not the two States concerned are Contracting States of the **HCCH 1980 Child Abduction Convention**. In 103 States, this convention provides an international legal remedy, albeit with some important challenges in practice. In the remaining 100+ States of the world, only **very limited legal possibilities** exist, and the most effective response is **negotiation and mediation** to secure **meaningful parent-child contact** or – if possible – the **return** of the child.

## ISS advocates for:

- Using an interdisciplinary instead of a mainly legal approach to IPCA;
- Establishing systematic IPCA prevention programs, including legal counselling and mediation;
- Ensuring that the best interests of the child is a primary consideration in resolving IPCA disputes;
- Developing practical relocation rules and procedures, and allowing expeditious decision making;
- Increasing the use of mediation before and after IPCA has occurred;
- Facilitating regular contact and visits between the child and the left-behind parent and between parents during the conflict-resolution;
- Giving each child a voice and a legal representative in IPCA procedures;
- Establishing consistency in the interpretation of the HCCH 1980 Child Abduction Convention given the variety of IPCA patterns, in particular in line with art. 13 (1) b.

## Advocacy efforts and awareness raising services may include:

- Conferences on IPCA;
- Training on IPCA for child- protection professionals such as, inter alia, lawyers, mediators, social workers, and universities;
- Publications and research on the causes and effects of IPCA;
- Promotion of International family mediation to resolve IPCA cases;
- Co-operation with the HCCH.

## ISS Casework services may include:

- Child-focused psycho-social and legal counselling for left-behind and/or taking parents;
- Information to parents about legal ways to relocate to another State;
- Prevention of IPCA through counselling about its harmful effects and possible remedies such as legal proceedings and/or negotiation/mediation;
- Home visits and assessments through ISS network members;
- Facilitation of contact/visit between a child and the left-behind parent;
- Follow-up after the return of the child;
- International family mediation;
- Co-operation with Central Authorities in Contracting States;
- Co-operation with diplomatic authorities in non-Contracting States.