

### What makes international relocation of children challenging?

In today's globalised society when couples separate or divorce (particularly bi-cultural relationships) there is often a desire by one or both of the parents for professional and/or personal reasons to relocate with their child to another State. Even in circumstances where a parent has sole custody/parental responsibility of the child, they might not **have the right to relocate** without the consent of the other parent. Without permission from the non-custodial parent, a relocation may turn into child abduction (for further information, please see [ISS International Parental Child Abduction factsheet](#)). Parents who have a joint relocation right (an increasingly common status in family law globally) are not immune from one parent opposing the relocation for different reasons. In those cases, only **direct parental communication**, independently facilitated **counselling/mediation**, or a **court procedure** can bring a solution. As time is often an issue, access to an **effective, balanced and timely (mediation and/or court-based) resolution** is of paramount importance. The “**Washington Declaration**” provides a set of factors to take into account when assessing individual situations.

While the child of separated parents has the right to “maintain personal relations and **direct contact with both parents on a regular basis**, except if it is contrary to the child's best interests” (Art. 9 para. 3 of the CRC), both parents have the right to freedom of movement as well as to the respect of their family life. In international relocation cases, the challenge is balancing these sometimes conflicting human rights and finding **innovative cross-border, post-separation care arrangements**. Arrangements in the interest of all the parties involved with the child's best interests as the “primary consideration” ([General Comment no. 14, §36 to the UN-CRC](#)).

#### Guiding international standards and ISS documents:

- [Universal Declaration of Human Rights](#) (Art. 13), [ICCPR](#) (Art. 12) and [ICESCR](#) (Art. 10)
- [Convention on the Rights of the Child](#) (CRC)
- 2010 [Washington Declaration on International Family Relocation](#)
- [ISS Guide to International Family Mediation](#)
- ISS Casework manual



#### 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 ISS advocates for in relocation cases:

- Using a child-centred and child's rights approach;
- Securing access to speedy international relocation procedures for separated parents;
- Promoting binding international standards on relocation through an optional protocol to the HCCH 1980 Child Abduction Convention;
- Increasing the use of international family mediation to achieve mutual relocation agreements (for further information, please see ISS International Family Mediation factsheet);
- Adopting an interdisciplinary, rather than a mainly legal, approach;
- Granting, from a best interests' perspective, a strong focus on the well-being and future needs of both parents, the latter playing an important role in the child's development.



## ISS Casework services may include:

- Child-focused psycho-social and legal counselling for parents planning, or fearing, international relocation;
- Information about relocation laws in different countries;
- International family mediation (for further information, please see [ISS International Family Mediation factsheet](#)).

## Advocacy efforts and awareness raising services may include:

- Promotion of legal provisions for international relocation of children;
- Training on relocation/ child abduction law for child protection professionals such as, inter alia, lawyers, mediators, social workers, and universities;
- Promotion of International family mediation to solve relocation disputes;
- Co-operation with the HCCH in promoting binding international standards for international relocation.

