European Court of Human Rights delivers Grand Chamber Judgment in the case of X v Latvia in which reunite intervened

The European Court of Human Rights (ECtHR) today delivered a Grand Chamber judgment in the case of X v Latvia in which reunite International Child Abduction Centre intervened.

The case concerned the application of the 1980 Hague Convention on the Civil Aspects of International Child Abduction and its compatibility with the provisions of Article 8 of the European Convention on Human Rights (ECHR).

In 2008 a Latvian Court ordered the return of a child to Australia, finding that the child's removal to Latvia had been wrongful under the principles of the 1980 Hague Convention. Following the return of the child, and in a judgment delivered in November 2011, the Chamber of the ECtHR concluded that there had been a violation of Article 8 of the ECHR as "the Latvian courts' approach in granting the return order lacked in-depth examination of the entire family situation and of a whole series of factors...".

In this subsequent appeal, reunite assisted the Grand Chamber in considering the general approach taken to the examination and subsequent determination of the welfare of an individual child in international child abduction cases.

An increasing number of cases under the 1980 Hague Convention are coming before the ECtHR and reunite held concerns that some aspects of the Court's jurisprudence were being applied inappropriately and in a manner which was inconsistent with the principles of the 1980 Hague Convention. In particular, we were concerned that the operation of the 1980 Hague Convention as an effective instrument to achieve the speedy, summary return of abducted children to their countries of habitual residence risked being undermined if a wide-ranging welfare inquiry had to be made in each case before such a return could be contemplated.

The President of the ECtHR authorised reunite to provide written submissions as independent third parties in the case before the Grand Chamber. reunite was one of just three interveners, and the sole non-governmental organisation to intervene, and in our submissions we invited the Court to make clear that the "in-depth examination" in the context of a 1980 Hague Convention case is only that which is required to ensure that the return complies with the ECHR, and that the task of undertaking a full assessment of the child's interests is reserved for the Courts of the child's habitual residence following a return.
Following the judgment, Alison Shalaby, reunite's Chief Executive Officer, said "We are grateful to the European Court of Human Rights for affording us the opportunity to contribute submissions and provide assistance in this case. We believe that the 1980 Hague Convention must remain an effective international instrument, ensuring that children who have been abducted are promptly returned to their country of habitual residence, and it is important that any guidance to its proper interpretation is clear to those who have to apply it, or who are subject to it. reunite will consider this important judgment and will make further comment in a later press release."

reunite is grateful to its legal team who formulated and presented its submissions to the European Court of Human Rights; Henry Setright QC of 4 Paper Buildings, Edward Devereux of Harcourt Chambers, Michael Gratton also of 4 Paper Buildings, Nuala Mole of The AIRE Centre, and Anne-Marie Hutchinson OBE and Carolina Marin Pedreno of Dawson Cornwell, all of whom acted for reunite pro bono in this matter.

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