

**Judges' Seminar on the 1980 Hague Convention on the
Civil Aspects of International Child Abduction
Noordwijk, 19-22 October 2003**

**Involving judges and Central Authority personnel from
Germany, the United States of America,
Austria, France, Israel, the Netherlands, Sweden, Switzerland, Turkey and
the United Kingdom (England and Wales, Northern Ireland, Scotland)**

CONCLUSIONS

EXPEDITIOUS PROCEDURES

1. Court processes should be expedited and should not be unduly protracted. Delay may damage the child and frustrate the objectives of the Convention.
 - a. The obligation to process return applications expeditiously extends also to appeal procedures.
 - b. Trial and appellate courts should set and adhere to timetables that ensure a speedy determination of return applications.
 - c. Enforcement proceedings should be conducted with equal expedition.

MEDIATION AND VOLUNTARY SETTLEMENT

2. Having regard to the benefits to the child of an amicable settlement, the Central Authority and the court should from the outset and throughout the proceedings, working as appropriate with the parties or their legal advisers, give consideration to the possibility of a mediated or other form of voluntary settlement, without prejudice to the overriding obligation to avoid undue delay in the litigation.

INFORMATION CONCERNING PROTECTIVE MEASURES

3. A court considering the return of a child should be provided, through the Central Authorities, with information concerning the protective measures and services available in the requesting State, where this is needed to assist in securing the safe return of this child.

FINAL ORDER FOR RETURN

4. The practical arrangements which are necessary for the implementation of the return order should be decided after the judge has heard the submissions of the parties and considered their respective proposals.

To avoid the possibility of the order not being enforced because of imprecision, the final order for return should be specific and clear in relation to these matters.

VOLUNTARY COMPLIANCE

5. Judges should do what they can to promote voluntary compliance with return orders and thus reduce the need for the application of enforcement measures.

IMPLEMENTATION OF RETURN ORDER

6. It is important to ensure maximum continuity between the terms of the return order set by the judge and the subsequent measures taken to enforce the return order.
7. Where the system permits, the court responsible for making a return order should exercise supervision over the process of implementation. Where the court does not have this responsibility, another court or public authority should preferably assume it. The authority responsible for effecting return must endeavor to achieve it in accordance with the terms of the order, and at the earliest practicable date.

PERSONS CARRYING OUT ENFORCEMENT

8. The persons responsible for enforcing a return order should receive appropriate training and should be able when necessary to call upon the assistance of other relevant professionals (*for example, social workers, psychologists*).

PREVENTING FLIGHT

9. At all stages of the case the court should consider whether a need for protective measures exists to prevent the concealment or removal of the child from the jurisdiction of the court (*for example the deposit of a passport, reporting requirements, the posting of a bond, etc.*).

MEASURES TAKEN IN THE HABITUAL RESIDENCE OF THE CHILD

10. A judge in the State of the child's habitual residence should, before taking any measures after the child has been wrongfully removed or retained, carefully consider whether such measures may complicate the task of the court entertaining the application for return.

INTERNATIONAL JUDICIAL COLLABORATION

11. This conference supports the continuing work of the Permanent Bureau to strengthen and extend international judicial collaboration.

THE HAGUE, 30 October 2003