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Russia to join Hague Abduction Convention

Tags: Child Abduction, Russia, Commentary, Society

Maria Domnitskaya

Mar 30, 2011 16:15 Moscow Time



Nina Ostanina. Photo: RIA Novosti

A draft law on joining the Hague Convention on the Civil Aspects of International Child Abduction has been submitted to the Lower House of the Russian Parliament. The convention paves the way for protecting Russian children from abduction and bringing those who violate the convention to justice.

The convention was concluded in The Hague in October 1980. At present, 82 countries, including the majority of the CIS member countries and the Baltic States are party to the convention. The convention ensures prompt return of children who have been abducted from their country of habitual residence or wrongfully retained in a contracting state that has joined it. It also helps to honour the rights of guardianship over children and provides access to divorced parents to communicate with them.

Lately, noisy scandals linked to children of mixed families of Russians and foreigners have cropped up one after another. Russia has no bilateral agreements on mutual judicial assistance on civil affairs with the majority of states, which detain children born to such families.

When Russia joins the convention, it will get an opportunity to defend children born to parents of mixed marriages, Russians married to foreigners, says a member of the Lower House committee handling the issues of family, women and children, Nina Ostanina. The deputy emphasizes that this concerns problematic situations like that of the actress Natalya Zakharova who has been denied access to her daughter Masha living in France for several years.

"There are precedents with a positive outcome. For one, a Belarus sick girl, who underwent medical treatments in Italy, was detained by an Italian family because they liked her. However, the child was returned to Belarus following a verdict by a court in Genoa in line with the convention. In fact, Belarus is a participant of the

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convention,” Nina Ostanina said.

At present, none of the verdicts issued by foreign courts concerning Russian children can be used in Russia. However, when Russia joins the convention it will get an opportunity to use them. It has been proved that it's no easy task to implement the convention. The key task before Russia is to set up a central body to implement the convention in the country. It is entitled to assist in searching for children who have been abducted by parents and in the implementation of the decisions by foreign courts. It's unclear which ministry will undertake these functions, Education, Justice or some other ministry. The final step will be educating Russian judges, who will be specialized in examining such cases, by experts in international law.

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