

# Convention on the Civil Aspects of International Child Abduction

**Summary:** This instrument was drafted to ensure the **prompt return of children** who have been abducted from their country of habitual residence or wrongfully retained in a contracting state not their country of habitual residence, expeditious return of a child internationally abducted from one member nation to another, and to preserve whatever status quo child custody arrangement existed immediately before an alleged wrongful removal or retention thereby deterring a parent from crossing international boundaries in search of a more sympathetic court. The instrument applies to **any child who habitually resided in the territorial jurisdiction of a State Party.**

**Article 1** provides the objectives of the convention: to secure the prompt return of children wrongfully removed to or retained in any Contracting State; and to ensure that rights of custody and of access under the law of one Contracting State are effectively respected in the other Contracting States.

**Article 3** provides for when the removal or the retention of a child is to be considered wrongful: if it is in breach of rights of custody of the State in which the child was habitually resident immediately before the removal or retention; and at the time of removal or retention those rights were actually exercised, either jointly or alone, or would have been so exercised but for the removal or retention.

**Article 4** provides that the Convention shall apply to any child who was habitually resident in a Contracting State immediately before any breach of custody or access rights. The Convention shall cease to apply when the child attains the age of 16 years.

**Article 5** defines "rights of custody" – rights relating to the care of the person of the child and, in particular, the right to determine the child's place of residence; and "rights of access" shall include the right to take a child for a limited period of time to a place other than the child's habitual residence.

**Article 6** mandates that State Parties shall create a Central Authority to supervise and expedite the process of returning unlawfully taken children.

**Article 7** relates specific measures Central Authorities shall take to ensure the prompt return of children unlawfully removed. **Article 8** provides the procedures that states shall have in place for claiming that a child has been unlawfully removed.

**Articles 9 through 20** address the responsibility of State Parties and procedures to be followed following a determination that a child has been unlawfully removed.

**Article 36** provides that nothing in this Convention shall prevent two or more Contracting States, in order to limit the restrictions to which the return of the child may be subject, from agreeing among themselves to derogate from any provisions of this Convention which may imply such a restriction.

Adoption: 25 October 1980

Entry into force: 1 December 1983

Access status [here](#).

Access full text [here](#).