

107<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. CON. RES. 69

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IN THE SENATE OF THE UNITED STATES

MARCH 22, 2001

Received

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## CONCURRENT RESOLUTION

Expressing the sense of the Congress on the Hague Convention on the Civil Aspects of International Child Abduction and urging all Contracting States to the Convention to recommend the production of practice guides.

Whereas 20 years ago, the Hague Convention on the Civil Aspects of International Child Abduction was a bold step forward to provide a uniform process for resolving international child abduction cases;

Whereas over the past 2 decades, the Convention has had increasingly important and positive effects and has grown

in terms of the number of Contracting States and the level of interest of other nations;

Whereas there has been an increase of multinational marriages and a corresponding increase of international abductions of children by parents;

Whereas as travel becomes faster and easier, and as multinational marriages become more common, the Convention is more significant than ever;

Whereas on 2 occasions, the International Centre for Missing and Exploited Children and the National Center for Missing and Exploited Children have convened professionals and experts in international child abduction to examine their experiences with the Convention;

Whereas on both occasions, the participants affirmed their overwhelming commitment to the Convention, but were also unified in the conclusion that there are serious shortcomings in its implementation;

Whereas the shortcomings include—

(1) a lack of awareness by policy makers and the general public of the Convention and of the problem of international child abduction, making the successful resolution of cases more difficult;

(2) the fact that, in too many instances, the process for resolving an international child abduction is too slow;

(3) a lack of uniformity in the interpretation of the Convention from nation to nation;

(4) the fact that key exceptions provided in the Convention to ensure reason and common sense have in some cases ceased to be viewed as exceptions, have instead become the rule, and are frequently used as justifications for not returning abducted children;

(5) the increasing difficulty of enforcing access rights for parents under Article 21 of the Convention;

(6) the need of parents for significant personal financial resources to obtain legal representation and proceed under the Convention and, in many places, the lack of assistance for parents who do not have such resources;

(7) a serious lack of training, knowledge, and experience for judges in international child abduction cases, because there are too many courts hearing these cases and in most instances few such cases for each court; and

(8) in many instances, the lack of enforcement of court orders for the return of children;

Whereas the Permanent Bureau of The Hague Conference on Private International Law has made significant contributions to the implementation of the Convention but recognizes that more needs to be done; and

Whereas the International Centre for Missing and Exploited Children has promised to support an effort to produce practice guides to provide a framework for applying the Convention: Now, therefore, be it

1        *Resolved by the House of Representatives (the Senate*  
2 *concurring), That—*

3            (1) it is the sense of the Congress that—

4            (A) the original intent of the Hague Con-  
5            vention on the Civil Aspects of International  
6            Child Abduction—to provide a uniform process  
7            for resolving international child abduction  
8            cases—is more important than ever;

9            (B) practice guides should be developed for  
10           the Convention that build on recognized best

1 practices under the Convention and provide a  
2 framework for applying the Convention;

3 (C) the Convention itself need not be modi-  
4 fied;

5 (D) the practices identified and included in  
6 the practice guides should not be legally binding  
7 on Contracting States to the Convention and  
8 should be based on research and the advice of  
9 experts to help ensure the most effective proc-  
10 ess possible;

11 (E) the practice guides should be developed  
12 in 3 stages: comparative research and consulta-  
13 tions, meetings of expert committees to develop  
14 drafts, and consideration of the drafts by a fu-  
15 ture Special Commission; and

16 (F) the Permanent Bureau of The Hague  
17 Conference on Private International Law should  
18 organize the process of developing the practice  
19 guides; and

20 (2) the Congress urges all Contracting States to  
21 the Convention to adopt a resolution recommending  
22 that—

23 (A) the Permanent Bureau of The Hague  
24 Conference on Private International Law  
25 produce and promote practice guides to assist

1 in the implementation and operation of the  
2 Convention; and

3 (B) such a proposal to produce practice  
4 guides be adopted by the Fourth Special Com-  
5 mission at The Hague in March 2001.

Passed the House of Representatives March 22,  
2001.

Attest:

JEFF TRANDAHL,

*Clerk.*