



KEY THEME¹

Article 8

International child abduction

(Last updated: 28/02/2026)

Introduction

International child abduction is the removal or retention of a child outside the country of habitual residence in breach of another parent or guardian's rights of custody. In its case-law, the Court relies on the definition enshrined in Article 3 of the [Hague Convention on the Civil Aspects of International Child Abduction](#) of 25 October 1980² (hereinafter: "Hague Convention". See [Neulinger and Shuruk](#) [GC], 2010, § 105; [X v. Latvia](#) [GC], 2013, § 62; [Kupás v. Hungary](#), 2021, § 41), and the clarifications provided in its Explanatory Report ([Thompson v. Russia](#), 2021, § 59). The aim of this instrument is to prevent the abducting parent from succeeding in obtaining legal recognition, by the passage of time, of a *de facto* situation that he or she unilaterally created³ ([Maumousseau and Washington v. France](#), 2007, § 73). The Court therefore observed that the question of whether a child removal was wrongful or not within the meaning of Article 3 of the Hague Convention requires ascertaining: (1) the child's habitual residence immediately before his or her removal or retention; (2) whether the non-abducting parent had custody rights in respect of the child immediately before the removal; and (3) whether the non-abducting parent actually exercised his or her custody rights in respect of the child at the time of the removal ([Thompson v. Russia](#), 2021, § 60).

Although the extent of the Court's jurisdiction under Article 32 of the Convention is limited to matters of the interpretation and application of the Convention and the Protocols thereto ([Frisancho Perea v. Slovakia](#), 2015, § 61), the Court has clarified that, in the area of international child abduction, the obligations imposed by Article 8 of the Convention on the Contracting States must be interpreted in the light of the Hague Convention ([Ignaccolo-Zenide v. Romania](#), 2000, § 95) and those of the [Convention on the Rights of the Child](#) of 20 November 1989 ([Maire v. Portugal](#), 2003, § 72), and of the relevant rules and principles applicable in relations between the Contracting parties ([X v. Latvia](#) [GC], 2013, § 93). This approach involves a combined and harmonious application of the relevant international instruments (*ibid.*, § 94). Hence, the Court is competent to review the procedure followed by domestic courts, in particular to ascertain whether, in applying and interpreting the provisions of the Hague Convention, they have secured the guarantees of the Convention and

¹Prepared by the Registry. It does not bind the Court.

² Under this provision, "the removal or the retention of a child is to be considered wrongful where: (a) it is in breach of rights of custody attributed to a person, an institution or any other body, either jointly or alone, under the law of the State in which the child was habitually resident immediately before the removal or retention; and (b) 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".

³ The Hague Convention associates the best interests of the child with restoration of the *status quo* by means of a decision ordering the child's immediate return to his or her country of habitual residence in the event of unlawful abduction, while taking account of the fact that non-return may sometimes prove justified for objective reasons that correspond to the child's interests, thus explaining the existence of exceptions.

especially those of Article 8 of the Convention (*Thompson v. Russia*, 2021, § 51; *G.S. v. Georgia*, 2015, § 46).

In addition, the rules on child abduction contained in the *Brussels II bis Regulation*⁴, recently replaced by the *Brussels II ter Regulation*⁵, supplement for EU member States those already laid down in the Hague Convention (*Oller Kamińska v. Poland*, 2018, § 86). In this context, the Court has held that it must verify that the principle of mutual recognition between EU Member States is not applied automatically and mechanically (*Giannakopoulos v. Greece*, 2024, § 55; *Royer v. Hungary*, 2018, § 50).

Principles drawn from the current case-law

General obligation:

Where neither the Hague Convention nor the relevant EU provisions are applicable, Contracting States are obliged under Article 8 of the Convention to set up the necessary legal framework that would secure a prompt response to international child abduction (*Hromadka and Hromadkova v. Russia*, 2014, §§ 153 and 157).

Principles common to all international child abduction cases:

The decisive issue is whether the fair balance that must exist between the competing interests at stake – those of the child, of both parents, and of public order – has been struck, within the margin of appreciation afforded to States in such matters, taking into account, however, that the best interests of the child must be of primary consideration and that the objectives of prevention and immediate return correspond to a specific conception of “the best interests of the child” (*X v. Latvia* [GC], 2013, § 95; *Thompson v. Russia*, 2021, § 48; *Verhoeven v. France*, 2024, § 51).

- In cases of international child abduction, the Court has presumed, save for certain exceptions, that the best interests of the child are better served by the restoration of the *status quo* by means of a decision ordering the child’s immediate return to his or her country of habitual residence in the event of abduction. In such cases, the presumption is in favour of the prompt return of the child to the “left-behind” parent. That rule is supported by serious considerations of public order: the “abductor” parent should not be permitted to benefit from his or her own wrongdoing (*McIlwrath v. Russia*, 2017, §§ 125-126). Therefore, the specific nature of the Hague Convention proceedings requires domestic courts to rely on a presumption that an immediate return of the child to his or her habitual residence is in the child’s best interest (*M.V. v. Poland*, 2021, § 76).
- However, the Court clarified that it follows directly not only from Article 8 of the Convention but also from the Hague Convention itself, given the exceptions expressly enshrined therein, that such a return cannot be ordered automatically or mechanically (*X v. Latvia* [GC], 2013, § 98, *Byčenko v. Lithuania*, 2023, § 127). The presumption mentioned above is therefore rebuttable, and the courts thus must indeed examine the circumstances of each case so as to ensure that the elements required for the application of, *inter alia*, Articles 3 and 13 of the Hague Convention are in place (*M.V. v. Poland*, 2021, § 76).

⁴ Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000.

⁵ Council Regulation (EU) 2019/1111 of 25 June 2019 on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility, and on international child abduction (recast).

- The concept of the best interests of the child must be evaluated in the light of the exceptions provided for by the Hague Convention, which concern the passage of time (Article 12), the conditions of application of the Hague Convention (Article 13 (a)) and the existence of a “grave risk” (Article 13 (b)), and compliance with the fundamental principles of the requested State relating to the protection of human rights and fundamental freedoms (Article 20). This task falls in the first instance to the national authorities of the requested State, which have, *inter alia*, the benefit of direct contact with the interested parties. In fulfilling their task under Article 8, the domestic courts enjoy a margin of appreciation which, however, remains subject to European supervision (*Thompson v. Russia*, 2021, § 51).
- The domestic authorities must act expeditiously (*M.V. v. Poland*, 2021, § 76). Proceedings relating to the return of an abducted child, including the enforcement of the final decisions, require urgent handling as the passage of time can have irremediable consequences for relations between the child and the parent with whom the child does not live (*Carlson v. Switzerland*, 2008, § 69, *Özmen v. Turkey*, 2012, § 96, *G.K. v. Cyprus*, 2023, § 53). Article 11 of the Hague Convention requires the judicial or administrative authorities concerned to act expeditiously in proceedings for the return of children, and any failure to act for more than six weeks may give rise to a request for a statement of reasons for the delay (*Maire v. Portugal*, 2003, § 74, *Makhmudova v. Russia*, 2020, § 67).

State obligations in cases introduced by the parent whose child has been abducted (complaints about the content of the return order):

Cases concerning requests for a return order

By operation of Article 3 of the Hague Convention, the courts of the country where a child is removed or retained are to carry out proceedings aimed at establishing whether the removal or retention has been wrongful and, unless there are circumstances preventing the child’s return within the meaning of Article 13 or 20 of the Hague Convention, to order the return of the child to his or her country of habitual residence (Article 12 of the Hague Convention). In the European Union this is subject to the provisions of Article 11 §§ 2 – 8 of the Brussel II *bis* Regulation⁶ (*López Guió v. Slovakia*, 2014, § 89).

- In some cases, the Court held that the decision of the domestic courts dismissing a request for the return of the child amounted to an interference with the applicant’s right to respect for his or her family life (*G.N. v. Poland*, 2016, § 50, *Royer v. Hungary*, 2018, § 52, *Adžić v. Croatia (no. 2)*, 2019, § 79, *Vladimir Ushakov v. Russia*, 2019, § 87, *Michnea v. Romania*, 2020, § 40, *Z v. Croatia*, 2022, § 81). In others, the Court noted that, in the case of an international child abduction, the primary interference with the applicant’s right could not be attributed to an action or omission by the respondent State, but rather to the action of the other parent, a private individual. That action nevertheless placed the respondent State under a positive obligation to secure for the applicant his or her right to respect for his family life, which included taking measures under the Hague Convention with a view to ensuring his prompt reunification with his child (*G.N. v. Poland*, 2016, §§ 47-48, *Kupás v. Hungary*, 2021, §§ 44-45, *Thompson v. Russia*, 2021, §§ 55-56, *P.D. v. Russia*, 2022, § 38).
- There is no automatic or mechanical application of a child’s return once the Hague Convention has been invoked, as indicated by the recognition in that instrument of a number of exceptions (Articles 12, 13 and 20), based on objective considerations concerning the actual person of the child and its environment, thus showing that it is for the court hearing the case to adopt an *in concreto* approach to each case (*Kupás v. Hungary*, 2021, § 50).

⁶ Please note that Article 11 §§ 2 – 8 of the “Brussel II *bis* Regulation” has been recently replaced by Articles 22-29 of the “Brussel II *ter* Regulation” – see above, note 5.

- Whether the case is examined under negative or positive obligations, the Court must satisfy itself that the decision-making process leading to the adoption of the impugned measures was fair and allowed those concerned to present their case fully, and that the best interests of the child were defended. In particular, Article 8 imposes on the domestic authorities a particular procedural obligation in this respect: when assessing an application for a child's return, the courts must make a ruling giving specific reasons in the light of the circumstances of the case (*Michnea v. Romania*, 2020, §§ 38-39, and *Vilenchik v. Ukraine*, 2017, § 47). This will enable the Court, whose task is not to take the place of the national courts, to carry out the European supervision entrusted to it (*X v. Latvia* [GC], 2013, § 107). The Court has held many times that it cannot question the assessment of the domestic authorities, unless there is clear evidence of arbitrariness (*Royer v. Hungary*, 2018, § 60).
- Insufficient reasoning in a ruling dismissing or accepting objections to the return of a child under the Hague Convention would be contrary to the requirements of Article 8 of the Convention (*X v. Latvia* [GC], 2013, § 106-107, *Blaga v. Romania*, 2014, § 70, *G.S. v. Georgia*, 2015, § 48). Due consideration of such allegations, demonstrated by reasoning of the domestic courts that is not automatic and stereotyped, but sufficiently detailed in the light of the exceptions set out in the Hague Convention, which must be interpreted, is necessary (*Michnea v. Romania*, 2020, § 52, *Thompson v. Russia*, 2021, § 53). This requirement also applies *mutatis mutandis* to reasoning regarding the issue of the applicability of the Hague Convention (*Z v. Croatia*, 2022, § 87). In this context, the domestic authorities are also required to consider the appropriateness of hearing the children, either directly or otherwise, in order, if necessary, to rule against it by a reasoned decision (*M.P. and Others v. Greece*, 2025, §§ 100-02).
- When the domestic courts carried out a genuine and objective evaluation of the alleged risk of the child's return and gave sufficiently reasoned decisions justifying the application of the exception to the child's return, no breach of Article 8 would occur (*Vilenchik v. Ukraine*, 2017, § 51, *Royer v. Hungary*, 2018, § 61, *Kupás v. Hungary*, 2021, § 61, and *P.D. v. Russia*, 2022, § 45).
- The Court cannot satisfactorily make such an assessment without determining whether the decision-making process, seen as a whole, provided an applicant with the requisite protection of his or her interests (*Adžić v. Croatia (no. 2)*, 2019, § 83).
- In a number of its judgments, the Court has found a violation of Article 8, *inter alia*, in view of the excessive length of the Hague Convention proceedings (see *G.S. v. Georgia*, 2015, § 66, *Ferrari v. Romania*, 2015, § 56, *G.N. v. Poland*, 2016, § 68, *M.V. v. Poland*, 2021, § 73). The delays in the procedure alone may also enable the Court to conclude that the authorities did not comply with their positive obligations under the Convention given the requirement of expedition which lies at the core of the Hague Convention procedure (*Adžić v. Croatia*, 2015, §§ 96-99, *Vilenchik v. Ukraine*, 2017, § 56, *M.V. v. Poland*, 2021, § 74).
- A finding by the Court that there has been a violation of Article 8 in dismissing a return request under the Hague Convention cannot be interpreted as requiring the respondent State to return the child to his or her place of habitual residence at the moment of the Court's ruling (*G.N. v. Poland*, 2016, § 72, *K.J. v. Poland*, 2016, § 76, *R.S. v. Poland*, 2016, § 74, *Adžić v. Croatia (no. 2)*, 2019, § 96, *Z v. Croatia*, 2022, § 94).

Cases concerning a return order to the place of habitual residence, adopted by the domestic authorities from where the child was abducted

In cases of the type being examined here, what is at issue is an act or the lack of one by the State authorities (*Mansour v. Slovakia*, 2017, § 53). When the abducting parent does not comply with the return order voluntarily and an applicant initiates proceedings for judicial enforcement, the

respondent State's positive obligation is engaged and, in particular, it becomes incumbent on the enforcement courts to carry out the enforcement proceedings provided for by national law, the Hague Convention, and, as the case may be, other international norms (*ibid.*, § 57).

- Given that the relationship between parents and children is protected under the Article 8 of the Convention by notions of family life, an individual's inability to maintain this relationship calls for action by the authorities in line with their positive obligations to adopt measures to reunite, or help re-establish contact between, child and parent (*Ignaccolo-Zenide v. Romania*, 2000, § 95, *Chabrowski v. Ukraine*, 2013, § 107, *Tzioumaka v. Greece*, 2024, §§ 79-80).
- In such cases, it must be assessed whether the national authorities took all steps that could reasonably be demanded of them to facilitate the execution of the return order (*Mansour v. Slovakia*, 2017, § 54, *Tzioumaka v. Greece*, 2024, § 82) taking into account the special circumstances of the case (*M.R. and D.R. v. Ukraine*, 2018, § 54).
- When it comes to enforcing decisions concerning the return of a child, the understanding and cooperation of all concerned is always an important factor (*Ignaccolo-Zenide v. Romania*, 2000, § 94). However, the absence of cooperation on the part of the abducting parent does not absolve the authorities of their responsibility to do everything necessary to facilitate the child's reunion with the other parent (*Tzioumaka v. Greece*, 2024, § 87). Furthermore, when difficulties arise, it is up to the competent authorities to impose appropriate sanctions, even on their own motion, in respect of this lack of cooperation and, while coercive measures against children are not, in principle, desirable in this sensitive area, recourse to sanctions should not be ruled out in the event of manifestly unlawful behaviour on the part of the person with whom the child is living (*Maumousseau and Washington v. France*, 2007, § 83). Even if the domestic legal order does not allow for effective sanctions, each Contracting State must equip itself with an adequate and sufficient legal arsenal to ensure compliance with the positive obligations imposed on it by Article 8 and the other international agreements it has chosen to ratify (*Severe v. Austria*, 2017, § 98).
- Requests concerning the return of children in the context of child abduction cases call, by their very nature, for a speedy decision (*Mansour v. Slovakia*, 2017, § 56). The Hague Convention recognises this fact because it provides for a range of measures to ensure the prompt return of children: its Article 11 requires the judicial or administrative authorities concerned to act expeditiously to ensure the return of children and any failure to act for more than six weeks may give rise to the necessity to provide reasons for the delay (*Maumousseau and Washington v. France*, 2007, § 83, *Severe v. Austria*, 2017, § 102).
- A change in the relevant facts may exceptionally justify the non-enforcement of a final return order. However, the Court must be satisfied that the change of relevant facts was not brought about by the State's failure to take all measures that could reasonably be expected to facilitate the execution of the return order (*Sylvester v. Austria*, 2003, § 63, *M.R. and D.R. v. Ukraine*, 2018, § 65, *Makhmudova v. Russia*, 2020, § 68). In particular, in the event of non-enforcement of the return order due to a change in circumstances, the Court further examines whether the domestic courts' findings as to a grave risk were caused by the passage of time and, if so, to whom, the parties and/or the authorities, the passage of time argument is attributable (*Severe v. Austria*, 2017, § 115). If it is attributable to the domestic authorities, this will lead to a finding of a violation of Article 8 of the Convention.

Cases concerning requests for a residence order by the parent of child from the country of abduction

In general, issues of custody and access are not to be intertwined in Hague Convention proceedings (*Maumousseau and Washington v. France*, 2007, § 69, *Rinau v. Lithuania*, 2020, § 193).

- In such cases, the Court applies the principles established in cases concerning child custody and parents' contact rights (*Byčenko v. Lithuania*, 2023, § 102).
- The fact that a child was previously abducted by one of his or her parents must be given due importance when taking subsequent decisions on child custody or contact rights. However, this does not mean that that fact is necessarily decisive: when taking any such decisions: the domestic authorities must assess the entirety of the relevant circumstances and take the final decision in accordance with the best interests of the child (*ibid.*, § 128).
- The domestic authorities have an obligation to take appropriate steps in a speedy manner to facilitate the execution of the residence order (*Edina Tóth v. Hungary*, 2018, § 54).

Cases concerning a return order obtained by parent in the country of abduction

In similar cases, the authorities of the country to which the child has been abducted have an obligation to take all measures they could reasonably have been expected to take in order to give effect to the applicant's family rights recognised by the judicial decisions adopted in the country from which the child has been abducted (*M.A. v. Austria*, 2015, § 111, *Oller Kamińska v. Poland*, 2018, § 89, *M.K. v. Greece*, 2018, § 82).

- Where the case concerns relations between EU Member States, the domestic authorities have an obligation to act swiftly to recognise (*Veres v. Spain*, 2022, §§ 80-81) and enforce (*Oller Kamińska v. Poland*, 2018, § 89) the return order, as required under EU law. As regards the recognition of return orders, the Court has held that, unlike proceedings brought under the Hague Convention or Article 11 of the Brussels II *bis* Regulation, where domestic courts are required to rule on a case no later than six weeks after an application has been lodged, the Brussels II *bis* Regulation does not set out a specific time-limit for the national courts to rule on the recognition of a judgment given in another EU member State. However, Article 31 of the Brussels II *bis* Regulation clearly states that the court is to give its decision without delay. Accordingly, the domestic courts are expected to deal swiftly with applications lodged under that Regulation (*Veres v. Spain*, 2022, § 81).
- In other cases, the authorities must recognise and enforce the return order in accordance with the other applicable international instruments (*Cavani v. Hungary*, 2014, § 55).
- The Court has held that specific, streamlined proceedings may be required for the enforcement of return orders, whether under the Hague Convention or the Brussels II *bis* Regulation. Moreover, as long as the return decision remains in force, the presumption stands that return is also in the interests of the child (*Oller Kamińska v. Poland*, 2018, § 96).

State obligations in cases lodged by the abducting parent (complaints about the enforcement of the return order):

In cases lodged by the abducting parent, the Court has recognised that the decision ordering the child's return to his or her place of habitual residence constitutes an interference with an applicant's right to respect for his or her family life (*Voica v. Romania*, 2020, § 54; *G.K. v. Cyprus*, 2023, § 41; *Verhoeven v. France*, 2024, § 54), even if the order for return has not been enforced (*Šneersone and Kampanella v. Italy*, 2011, § 88; *Y.S. and O.S. v. Russia*, 2021, § 86).

When a child has been abducted by a parent, and the other parent requests a return order, the Court must establish whether the applicant's objections to the immediate return were genuinely considered by the domestic courts, whether the decisions were reasoned and sufficiently detailed in the light of the exceptions set out in the Hague Convention and whether the courts satisfied themselves that adequate safeguards were available in the country of return (*G.K. v. Cyprus*, 2023, § 45).

- The domestic authorities must deal with applications for the child’s return under the Hague Convention effectively and expeditiously, in line with the procedural requirements under Article 8 and not in an automatic fashion, paying particular attention to the best interests of the child but also the rights of the parent (*F.D. and H.C. v. Portugal*, 2025, § 82).
- The factors capable of constituting an exception to the child’s immediate return, particularly where they are raised by one of the parties to the proceedings, must genuinely be taken into account by the requested court. That court must then make a decision that is sufficiently reasoned (*X v. Latvia* [GC], 2013, § 106, *X v. the Czech Republic*, 2023, § 74). Both a refusal to take account of objections to the return capable of falling within the scope of Articles 12, 13 and 20 of the Hague Convention and insufficient reasoning in the ruling dismissing such objections would be contrary to the requirements of Article 8 of the Convention and also to the aim and purpose of the Hague Convention. Due consideration of such allegations, demonstrated by the reasoning of the domestic courts that is not automatic and stereotyped, but sufficiently detailed in the light of the exceptions set out in the Hague Convention, which must be interpreted strictly, is necessary. This will also enable the Court, whose task is not to take the place of the national courts, to carry out the European supervision entrusted to it (*X v. Latvia* [GC], 2013, § 107).
- The parent who opposes the child’s return, arguing that it would constitute “a grave risk” for the child within the meaning of Article 13 (b) of the Hague Convention, has the burden of substantiating any allegation of specific risks (*G.K. v. Cyprus*, 2023, § 46, and *Voica v. Romania*, 2020, § 66). Once that burden has been satisfied, it is for the domestic courts to carry out meaningful checks, enabling them to either confirm or exclude the existence of a “grave risk” (*Y.S. and O.S. v. Russia*, 2021, § 94). The Court examines whether there is any indication of arbitrariness in the manner in which the domestic courts assessed the allegations of grave risk made by an applicant, and whether they undertook an in-depth assessment of the circumstances brought before them, in the light of the best interests of the child (*Voica v. Romania*, 2020, § 71; *Verhoeven v. France*, 2024, §§ 58 and 65; *F.D. and H.C. v. Portugal*, 2025, §§ 75 and 82-83).
- The exceptions to return under the Hague Convention must be interpreted strictly (*Rouiller v. Switzerland*, 2014, § 73). Thus, the harm referred to in Article 13 (b) of that Convention cannot arise solely from the separation from the parent who was responsible for the wrongful removal or retention. Indeed, the notion of “grave risk” cannot be read, in the light of Article 8 of the Convention, as including all the inconveniences linked to the experience of return: the exception provided for in Article 13 (b) concerns only the situations which go beyond what a child might reasonably bear (*Y.S. and O.S. v. Russia*, 2021, § 95, *G.K. v. Cyprus*, 2023, § 48, *Verhoeven v. France*, 2024, § 53).
- As the Preamble to the Hague Convention provides for the children’s return “to the State of their habitual residence”, the domestic courts must satisfy themselves that adequate safeguards are convincingly provided in that country, and, in the event of a known risk, that tangible protection measures are put in place (*X v. the Czech Republic*, 2023, § 74, *G.K. v. Cyprus*, 2023, § 40).
- Article 13 (b) of the Hague Convention requires that account is taken of a child’s views if the judge finds that the child has attained a sufficient degree of maturity. The domestic courts must therefore give reasons for their decision not to interview the child on account of his or her young age (*G.K. v. Cyprus*, 2023, § 51). In any case, the domestic courts may be called upon to examine other aspects of the child’s circumstances, in addition to the child’s stated wishes, before exercising their discretion to refuse to order a return (*Voica v. Romania*, 2020, § 69. The child’s opposition cannot be decisive (*Raw and Others v. France*, 2013, § 94).
- An extensive delay in the return proceedings might entail a procedural breach of Article 8 of the Convention (*G.K. v. Cyprus*, 2023, § 52).

Noteworthy examples

Complaints about the content of the return or residence order

- *Rinau v. Lithuania*, 2020 – unfairness of the return proceedings under the Hague Convention on account of the political pressure exercised on the domestic courts and the child-care authorities and of the fact that the respondent State had been providing legal and financial support to the abducting parent.
- *Y.S. and O.S. v. Russia*, 2021 – domestic court’s failure to genuinely take into account allegations of “grave risk” of harm or exposure to an intolerable situation in returning an abducted child under the Hague Convention to a conflict zone in eastern Ukraine.
- *P.D. v. Russia*, 2022 – domestic courts’ refusal of the applicant’s request for his daughter’s return to Switzerland under the Hague Convention based on a genuine and objective evaluation of alleged risk of child’s return.
- *Z v. Croatia*, 2022 – domestic courts’ lack of relevant and sufficient reasons for refusing to order the return of the applicant’s children to Germany, after retention by their mother in Croatia, through finding the Hague Convention inapplicable.
- *Byčenko v. Lithuania*, 2023 – domestic courts’ refusal to make a residence order in the applicant’s favour in respect of his son following the child’s unlawful removal from Lithuania by his mother based on an in-depth examination of the family situation and on the best interests of the child; applicant sufficiently involved in the proceedings.
- *G.K. v. Cyprus*, 2023 – domestic courts’ order for the return of a child from Cyprus to the USA under the Hague Convention following removal by its mother, the applicant, based on a thorough examination of applicant’s objections to child’s return, including allegations of violence perpetrated by the father. The Court found that the delay in proceedings, albeit regrettable, did not entail a disproportionate interference with applicant’s Article 8 rights.
- *P.N. v. Czech Republic*, 2023 – removal of the applicant’s children, by their mother, from the Czech Republic to the United States, and failure on the part of the applicant to institute proceedings under the Hague Convention. The Court considered that the subsequent decision of the Czech courts to confirm the children’s residence in the United States was based on the need to respect the best interests of the child.
- *Verhoeven v. France*, 2024 – domestic courts’ order for the return of the child from France to Japan under the Hague Convention based on a proper assessment of the circumstances, aimed at serving the best interests of the child, after having excluded the existence of any risk.

Complaints about the enforcement of the return order

- *M.A. v. Austria*, 2015 – failure of the Austrian authorities, the country to which the child had been abducted, to take swift measures to recognise and enforce a return order adopted by the Italian authorities, the country from which the child had been abducted.
- *Oller Kamińska v. Poland*, 2018 – failure of the Polish authorities to act swiftly to enforce Irish judgments ordering the return of the child to Ireland, as required under EU law.
- *Edina Tóth v. Hungary*, 2018 – failure of the Hungarian authorities, country from which the child had been abducted and in which a residence order in the applicant’s favour had been adopted, to make adequate and effective efforts to assist the applicant in her attempt to have her child returned to her with a view to exercising her parental rights.

- *Makhmudova v. Russia*, 2020 – failure of the Russian authorities to ensure the enforcement of an order of return of the applicant’s children to Estonia under the Hague Convention after removal by their father (see also *M.R. and D.R. v. Ukraine*, 2018).
- *Veres v. Spain*, 2022 – excessive length of recognition and enforcement proceedings in respect of the return order of the applicant’s child to Hungary under Brussels IIa Regulation.
- *X v. the Czech Republic*, 2023 – enforcement of the return order of the applicant’s child to the USA under the Hague Convention undertaken in compliance with the Article 8 procedural requirements and which realised a fair balance between the competing interests at stake.
- *Tzioumaka v. Greece*, 2024 – domestic authorities’ failure to pursue adequate and timely actions to enforce the applicant’s right to the return of her children, therefore favouring the children’s integration into their new environment and thus decisively contributing to the consolidation of a *de facto* situation contrary to the applicant’s Article 8 rights.
- *F.D. and H.C. v. Portugal*, 2025 – domestic authorities’ failure to fulfil obligations under the Hague Convention by enforcing a Schengen seek and find order for the automatic return of child to mother with exclusive custody, without judicial proceedings and any risk assessment, contrary to the applicants’ rights under Article 8.

International child abduction under other Articles of the Convention

In the majority of the cases, the Court examines alleged shortcomings in international child abduction proceedings under the procedural limb of Article 8 of the Convention and finds that there is no need to examine them separately under Article 6 (see, for example, *Sylvester v. Austria*, 2003, § 77, *Raw and Others v. France*, 2013, § 97, *Chabrowski v. Ukraine*, 2013, § 112, *Rouiller v. Switzerland*, 2014, § 78). Similarly, in many cases the Court found that there was no need to examine separately the complaints raised under Article 13 of the Convention (see, for example, *Hromadka and Hromadkova v. Russia*, 2014, § 174, *McIlwrath v. Russia*, 2017, § 152, *Veres v. Spain*, 2022, § 91).

However, the Court has also reiterated the difference in the nature of the interests protected by Articles 6 and 8 of the Convention. While Article 6 affords a procedural safeguard, namely the “right to a court” in the determination of one’s “civil rights and obligations”, Article 8 serves the wider purpose of ensuring proper respect for, *inter alia*, family life. The difference between the purposes pursued by the respective safeguards in Articles 6 and 8 may, in the light of the particular circumstances, justify the examination of the same set of facts under both Articles (*McIlwrath v. Russia*, 2017, § 144).

In some cases, accordingly, the Court considered that the domestic courts’ failure to have sufficient regard to an applicant’s objections to the return of the child under the Hague Convention were directed at the merits of the dispute, and fell to be assessed under Article 8, while the complaints that there were shortcomings in the domestic proceedings had to be considered under Article 6 (*Andersena v. Latvia*, 2019, §§ 65-66; see also *Adžić v. Croatia (no. 2)*, 2019, § 31).

See for example:

- *Hoholm v. Slovakia*, 2015: violation of Article 6 § 1 on account of the unreasonable length of the proceedings instituted under the Hague Convention.
- *Adžić v. Croatia (no. 2)* 2019: violation of Article 6 § 1 on account of the lack of an oral hearing in proceedings instituted under the Hague Convention.

Recap of general principles

- [X v. Latvia](#) [GC], 2013, §§ 92-108: Court's methodology in international child abduction cases;
- [Makhmudova v. Russia](#), 2020, §§ 62-68: recap of the general principles concerning the enforcement of return orders (see also [V.P. v. Russia](#), 2014, §§ 142-147);
- [Thompson v. Russia](#), 2021, §§ 46-53: recap of the general principles concerning the assessment of an application for return made under the Hague Convention.

Further references

Case-law guides:

- [Guide on Article 8](#)
- [Guide on the Rights of the child](#)

Other key themes:

- [Representation of the child before the ECHR](#)
- [Right of the child to be heard in domestic proceedings on family matters](#)

International law:

- [Explanatory Report](#) by E. Pérez-Vera, published by The Hague Conference on Private International Law (HCCH) in 1982

KEY CASE-LAW REFERENCES

Leading cases:

- *Neulinger and Shuruk v. Switzerland* [GC], no. 41615/07, ECHR 2010 (violation of Article 8 in the event of the enforcement of the return order; no need to examine the complaint under Article 6);
- *X v. Latvia* [GC], no. 27853/09, 26 November 2013 (violation of Article 8 on account of the manner in which the request for return was decided).

Other cases under Article 8:

- *Ignaccolo-Zenide v. Romania*, no. 31679/96, 25 January 2000 (violation of Article 8 on account of the enforcement of the return order).
- *Sylvester v. Austria*, nos. 36812/97 and 40104/98, 24 April 2003 (violation of Article 8 on account of the enforcement of the return order; no need to examine the complaint under Article 6);
- *Maire v. Portugal*, no. 48206/99, ECHR 2003-VII (violation of Article 8 on account of the conduct and outcome of the return proceedings);
- *Maumousseau and Washington v. France*, no. 39388/05, 6 December 2007 (no violation of Article 8 on account of the enforcement of the return order; no violation of Article 6 § 1);
- *Carlson v. Switzerland*, no. 49492/06, 6 November 2008 (violation of Article 8 on account of the conduct and outcome of the return proceedings);
- *Šneerson and Kampanella v. Italy*, no. 14737/09, 12 July 2011 (violation of Article 8 on account of the Italian courts' order for the child, the second applicant, to be returned to Italy; no violation of Article 8 on account of the first applicant's absence from the hearing of the Rome Youth Court);
- *Özmen v. Turkey*, no. 28110/08, 4 December 2012 (violation of Article 8 on account of the enforcement of the return order);
- *Chabrowski v. Ukraine*, no. 61680/10, 17 January 2013 (violation of Article 8 on account of the enforcement of the return order; no need to examine the complaint under Article 6);
- *Raw and Others v. France*, no. 10131/11, 7 March 2013 (violation of Article 8 on account of the enforcement of the return order; no need to examine the complaints under Article 6 and Article 13 taken in conjunction with Article 8);
- *López Guió v. Slovakia*, no. 10280/12, 3 June 2014 (violation of Article 8 on account of the manner in which the request for return was decided);
- *Blaga v. Romania*, no. 54443/10, 1 July 2014 (violation of Article 8 on account of the manner in which the request for return was decided; violation of Article 6);
- *Rouiller v. Switzerland*, no. 3592/08, 22 July 2014 (no violation of Article 8 on account of the conduct of the proceedings leading to the adoption of a return order; no need to examine the complaint under Article 6);
- *V.P. v. Russia*, no. 61362/12, 23 October 2014 (violation of Article 8 on account of the enforcement of the return order);
- *Cavani v. Hungary*, no. 5493/13, 28 October 2014 (violation of Article 8 on account of the enforcement of the return order);
- *Hromadka and Hromadkova v. Russia*, no. 22909/10, 1 December 2014 (violation of Article 8 on account of the conduct of the proceedings for the return; no need to examine the complaint under Article 13);

- *M.A. v. Austria*, no. 4097/13, 15 January 2015 (violation of Article 8 on account of the enforcement of the return order);
- *Adžić v. Croatia*, no. 22643/14, 12 March 2015 (violation of Article 8 on account of the conduct of the return proceedings);
- *Ferrari v. Romania*, no. 1714/10, 28 April 2015 (violation of Article 8 on account of the conduct of the return proceedings; inadmissibility of the complaints under Article 14 and under Article 17 – manifestly ill-founded);
- *R.S. v. Poland*, no. 63777/09, 21 July 2015 (violation of Article 8 on account of the conduct and outcome of the return proceedings);
- *G.S. v. Georgia*, no. 2361/13, 21 July 2015 (violation of Article 8 on account of the conduct and outcome of the return proceedings);
- *K.J. v. Poland*, no. 30813/14, 1 March 2016 (violation of Article 8 on account of the outcome of the proceedings for the child’s return under the Hague Convention and the decision-making process; inadmissibility of the complaint under Article 8 on account of the domestic courts’ failure to issue an interim contact order – manifestly ill-founded);
- *Frisancho Perea v. Slovakia*, no. 383/13, 21 July 2015 (violation of Article 8 on account of the conduct and outcome of the return proceedings);
- *G.N. v. Poland*, no. 2171/14, 19 July 2016 (violation of Article 8 in respect of the outcome of the Hague Convention proceedings and the decision-making process; inadmissibility of the complaint under Article 8 in respect of the domestic courts’ failure to secure the applicant’s contact right – manifestly ill-founded);
- *McIlwrath v. Russia*, no. 60393/13, 18 July 2017 (violation of Article 8 on account of the conduct and outcome of proceedings for recognition and enforcement of a divorce decision and for a residence order; no violation of Article 6; no need to examine the complaint under Article 13; inadmissibility of the complaint under Article 8 in respect of the issues decided in the decision of the City Court of 19 January 2012 – non-exhaustion of domestic remedies);
- *Severe v. Austria*, no. 53661/15, 21 September 2017 (violation of Article 8 on account of the enforcement of the return order);
- *Vilenchik v. Ukraine*, no. 21267/14, 3 October 2017 (no violation of Article 8 as regards the manner in which the applicant’s claim under the Hague Convention was examined on the merits; violation of Article 8 as regards the requirement of promptness of the Hague Convention proceedings);
- *Mansour v. Slovakia*, no. 60399/15, 21 November 2017 (violation of Article 8 on account of the enforcement of the return order);
- *Oller Kamińska v. Poland*, no. 28481/12, 18 January 2018 (violation of Article 8 on account of the enforcement of the return order);
- *Edina Tóth v. Hungary*, no. 51323/14, 30 January 2018 (violation of Article 8 on account of the enforcement of a residence order; no need to examine the complaints under Article 6 and under Article 13);
- *M.K. v. Greece*, no. 51312/16, 1 February 2018 (no violation of Article 8 on account of the conduct and outcome of the return proceedings);
- *Royer v. Hungary*, no. 9114/16, 6 March 2018 (no violation of Article 8 on account of the conduct and outcome of the return proceedings);
- *M.R. and D.R. v. Ukraine*, no. 63551/13, 22 May 2018 (violation of Article 8 on account of the enforcement of the return order);
- *Vladimir Ushakov v. Russia*, no. 15122/17, 18 June 2019 (violation of Article 8 on account of the outcome of the return proceedings);

- *Rinau v. Lithuania*, no. 10926/09, 14 January 2020 (violation of Article 8 on account of the conduct and outcome of the return proceedings);
- *Voica v. Romania*, no. 9256/19, 7 July 2020 (no violation of Article 8 on account of the conduct and outcome of the return proceedings);
- *Michnea v. Romania*, no. 10395/19, 7 July 2020 (violation of Article 8 on account of the conduct and outcome of the return proceedings);
- *Makhmudova v. Russia*, no. 61984/17, 1 December 2020 (violation of Article 8 on account of the enforcement of the return order);
- *Y.S. and O.S. v. Russia*, no. 17665/17, 15 June 2021 (violation of Article 8 on account of the conduct and outcome of the return proceedings);
- *Thompson v. Russia*, no. 36048/17, 30 March 2021 (violation of Article 8 on account of the conduct and outcome of the return proceedings);
- *M.V. v. Poland*, no. 16202/14, 1 April 2021 (violation of Article 8 as regards the manner in which the applicant's claim under the Hague Convention was examined on the merits and as regards the requirement of promptness of the Hague Convention proceedings; inadmissibility of the complaint under Article 8, as regards the domestic court's failure to issue an interim contact order – manifestly ill-founded; inadmissibility of the complaint under Article 14 taken in conjunction with Article 8 – manifestly ill-founded);
- *Kupás v. Hungary*, no. 24720/17, 28 October 2021 (no violation of Article 8 on account of the conduct and outcome of the return proceedings);
- *P.D. v. Russia*, no. 30560/19, 3 May 2022 (no violation of Article 8 on account of the conduct and outcome of the return proceedings);
- *Z v. Croatia*, no. 21347/21, 1 September 2022 (violation of Article 8 on account of the conduct and outcome of the return proceedings; inadmissibility of the complaint under Article 6 § 1 – non-compliance with the six-month time-limit);
- *Veres v. Spain*, no. 57906/18, 8 November 2022 (violation of Article 8 on account of the length of the recognition and enforcement proceedings of residence orders; no need to examine the complaint under Article 13);
- *Byčenko v. Lithuania*, no. 10477/21, 14 February 2023 (no violation of Article 8 on account of the conduct and outcome of the return proceedings; inadmissibility of the complaint under Article 14 taken in conjunction with Article 8 – non-exhaustion of domestic remedies);
- *G.K. v. Cyprus*, no. 16205/21, 21 February 2023 (no violation of Article 8 on account of the conduct and outcome of the return proceedings);
- *X v. the Czech Republic*, no. 64886/19, 20 March 2023 (no violation of Article 8 on account of the conduct and outcome of proceedings for allowing enforcement of the decision to return);
- *P.N. v. Czech Republic*, no. 44684/14, 8 June 2023 (no violation of Article 8 on account of the conduct and outcome of proceedings for setting the children's residence abroad);
- *Verhoeven v. France*, no. 19664/20, 28 March 2024 (no violation of Article 8 on account of the conduct and outcome of the return proceedings);
- *Tzioumaka v. Greece*, no. 31022/20, 9 April 2024 (violation of Article 8 on account of the enforcement of custody decisions);
- *Giannakopoulos v. Greece*, no. 20503/20, 3 December 2024 (no violation of Article 8 on account of the conduct and outcome of the return proceedings);
- *F.D. and H.C. v. Portugal*, no. 18737/18, 7 January 2025 (violation of Article 8 on account of the enforcement of a seek and find order and the return of the child without Hague proceedings being initiated);

- *M.P. and Others v. Greece*, no. 2068/24, 9 September 2025 (violation of Article 8).

International child abduction under other Articles:

- *Hoholm v. Slovakia*, no. 35632/13, 13 January 2015 (violation of Article 6 § 1 both taken alone and in conjunction with Article 13, on account of the unreasonable length of the proceedings instituted under the Hague Convention);
- *Adžić v. Croatia (no. 2)*, no. 19601/16, 2 May 2019 (violation of Article 6 § 1; violation of Article 8);
- *Andersena v. Latvia*, no. 79441/17, 19 September 2019 (violation of Article 6 with respect to the right of adversarial proceedings and equality of arms; no violation of Article 8).