

COUNCIL OF EUROPE

COMMITTEE OF MINISTERS

RECOMMENDATION No. R (95) 6

OF THE COMMITTEE OF MINISTERS TO MEMBER STATES

ON THE APPLICATION OF THE EUROPEAN CONVENTION
ON RECOGNITION AND ENFORCEMENT OF DECISIONS
CONCERNING CUSTODY OF CHILDREN AND ON RESTORATION
OF CUSTODY OF CHILDREN

*(Adopted by the Committee of Ministers on 7 February 1995
at the 528th meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,

Having regard to the European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children, done at Luxembourg on 20 May 1980 and The Hague Convention on the Civil Aspects of International Child Abduction, done at The Hague on 25 October 1980;

Recognising that the right of access of parents is a normal corollary to the right of custody;

Realising that a delay in the repatriation of a child may occur when neither parent is able or willing to pay for the costs of the repatriation and may result in the child being placed in care until the repatriation can take place;

Noting that Principle 4 of Recommendation No. R (91) 9 on emergency measures in family matters provides that family cases should be brought before the courts or other competent authorities and dealt with without delay;

Agreeing on the need to resolve matters relating to the repatriation of children as soon as possible and in the best interests of the children themselves,

Recommends that governments of members states:

- a. sign and ratify the European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children and The Hague Convention on the Civil Aspects of International Child Abduction as soon as possible if they have not already done so;
- b. take the necessary measures at a national and international level:
 - i. to improve the operation of transfrontier access to children;
 - ii. to secure the rapid return of a child in compliance with a court decision.