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Review paper

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PARENTAL CHILD ABDUCTION IN THE EU

ABSTRACT

Parental child abduction happens when one parent takes a child to another country without the other parent's permission, usually during custody disputes. This issue remains a serious challenge in the European Union (EU) because it involves different legal systems that must work together, often leading to delays and inconsistent rulings. This paper explores the legal and practical difficulties of handling the cases of child abduction, focusing on existing legal frameworks, and the protection of children's rights. The EU relies on key legal tools, such as the Hague Convention on the Civil Aspects of International Child Abduction (Hague Convention, 1980) and the Brussels IIb Regulation (2019/1111), to resolve international abduction cases. These laws are designed to ensure that children are returned quickly to their country of habitual residence while protecting their rights. However, differences in how courts interpret terms the best interests of the child and grave risk of harm can cause delays and legal uncertainty, making enforcement difficult. A clear example of these challenges is the Mansour v. Slovakia case, where Slovak authorities failed to enforce the return of a child taken from Ireland. The European Court of Human Rights (ECtHR) ruled that Slovakia's delays violated the father's rights, showing how slow legal processes can unfairly decide custody disputes. To provide a broader perspective, this paper compares Slovakia's child abduction statistics with chosen EU countries and explains key terms such as child abduction, child maintenance, best interest of child to clarify their impact on international family law cases.

Key words: Child Abduction, Hague Convention, Best Interest of Child, Regulations, Case of Slovakia

1. INTRODUCTION

Child abduction occurs when a child is taken or kept in another country without permission, violating custody agreements set by law. This is defined in Article 3

of the Hague Convention on the Civil Aspects of International Child Abduction.¹In many cases, one parent removes a child from their habitual residence – the country where they lived and had their daily life without the other parent’s consent. This can lead to serious emotional, legal, and social consequences for both the child and the left-behind parent. In such situations, the child may feel torn from a familiar environment, especially if they lose contact with close relatives and friends. This kind of move can negatively affect their relationships, education, and overall feeling of safety, particularly when it happens during a dispute between parents.²

When a child is suddenly taken away from their home country, it can disrupt their sense of security and stability. According to Outline of HCCH 1980 Child Abduction Convention, being taken away from their home country or kept in another country without permission can have a negative effect on a child. A child’s habitual residence is where they lived and had their daily life before being wrongfully removed or kept away. Suddenly removing a child from their familiar environment, where they have close family and social connections, can have serious consequences. As more families move between countries, the number of international child abductions has also increased. Finding, recovering, and returning these children can be complicated and challenging.³

A key legal principle in child abduction cases is the best interests of the child. This means that courts must consider what is best for the child’s well-being when making decisions. In some cases, courts may decide that returning the child is not the best option if it would cause harm. However, delays in court decisions and enforcement can also be harmful, as seen in cases like *Mansour v. Slovakia*, where legal delays allowed the child to remain in another country permanently.⁴

Another important issue is child maintenance, which refers to financial support that a parent provides for their child’s upbringing. In international child abduction cases, child maintenance can become complicated, especially if the abducting parent moves the child to a country where enforcement is difficult.⁵

¹European Union Agency for Fundamental Rights., *Handbook on European law relating to the rights of the child*, Publications Office of the European Union, Luxembourg 2022, p. 309.

²Buck, T., *International Child Law*, Routledge-Cavendish, London 2020, p. 335.

³HCCH., *Outline – Convention of 25 October 1980 on the Civil Aspects of International Child Abduction*, 2025.,

<https://assets.hcch.net/docs/e6a6a977-40c5-47b2-a380-b4ec3a0041a8.pdf>, 1 March 2025.

⁴*Mansour v. Slovakia* [2020] ECtHR 60399/15, Judgment of 21 January 2020, <https://hudoc.echr.coe.int/eng/?i=001-200214>, 1 March 2025.

⁵Slovensko., *Maintenance*, 2023, https://www.slovensko.sk/en/lifesituation/life-situation/_maintenance/, 24 February 2025.

This paper explores the legal challenges of parental child abduction, including how laws are applied, and how children's rights are protected. Additionally, statistics from the Central Authority for International Child Protection (CIPC) are provided to show how many child abductions occur in Slovakia each year. The data highlights that the most involved EU countries are the Czech Republic, Austria, and Germany, as these countries have strong family ties with Slovakia, leading to frequent cross-border custody disputes.⁶

2. LEGAL FRAMEWORK

2.1. Hague Convention 1980

The world has changed in many ways since 1977, when the Permanent Bureau of the Hague Conference on Private International Law started studying international child abduction. According to Rhona Schuz, the author of *The Hague Child Abduction Convention in a Changing World*, the research led to the creation of the 1980 Convention on the Civil Aspects of International Child Abduction, which aims to protect children from the negative effects of abductions. Many changes over time have influenced international child abduction and how the return process under the Convention is applied. These include new social norms that have changed the profile of abductors, new legal rules that give more importance to the human rights of children and parents in family disputes and also the new psychological studies. Political changes around the world have also played a big role. The European Union has developed its own rules for handling child abduction cases within its member states. At the same time, more countries have joined the Convention, including Japan, Iraq, Russia, and Pakistan. These countries have different laws, politics, and cultures compared to the Western democracies that first signed the Convention.⁷

The Convention was developed at The Hague Conference on Private International Law (HCCH), on the 25th of October in 1980. The Convention has been ratified by over 100 countries, including all EU member states. Consist of 45 Articles, which primary objects are to deter international parental child abduction by ensuring the swift return of children to their habitual residence, to restore the *status*

⁶Centrum pre medzinárodnoprávnú ochranu detí a mládeže. *About - Center for the International Legal Protection of Children and Youth*, 2025 <https://www.cipc.gov.sk/index.php/en/the-center/> 1 March 2025.

⁷Schuz R., *The Hague Child Abduction Convention in a Changing World*. In: Douglas G., Murch M., Stephens V, eds. *International and National Perspectives on Child and Family Law: Essays in Honour of Nigel Lowe*, Intersentia, Brussel 2018, p. 315.

quo ante meaning returning the child to the country where they lived before the abduction, preventing a parent from gaining an advantage through wrongful removal or retention, to ensure that custody disputes are resolved in the appropriate jurisdiction, rather than being influenced by the unilateral actions of one parent, to protect the child’s best interests by reducing prolonged legal battles and ensuring continuity in their upbringing. The Convention is based on the principle that child abduction is harmful and should be prevented through international cooperation between judicial and administrative authorities.⁸

According to Outline of HCCH 1980 Child Abduction Convention, the Convention is designed to protect children from the harm caused by being taken or kept away from their home country without permission. It creates a system where countries work together to quickly return the child to their habitual residence. Although it was created before the United Nations Convention on the Rights of the Child (UNCRC), it helps put some of its rules into practice, especially those in Articles 9, 10, 11, and 35. The Convention also protects the right of parents to visit their children. It applies to children up to the age of 16 (Article 4).⁹

The 1980 Hague Convention on the Civil Aspects of International Child Abduction¹⁰ is predicated on expeditious procedures, reflecting a consensus that swift resolution serves the Convention’s deterrent purpose and the child’s welfare.¹¹ Article 11 of the Hague Convention explicitly requires judicial authorities to act “expeditiously” in return proceedings and provides that if no decision is reached within six weeks from commencement, the applicant has a right to request a statement of reasons for the delay. In practice, however, this six-week benchmark is frequently exceeded, undermining the Convention’s objective of prompt return. The European Court of Human Rights has repeatedly stressed that, in child abduction and custody matters, the adequacy of state measures is inextricably linked to their timeliness, because delays can lead to irreversible estrangement between the left-behind parent and child.¹² In *Mansour v. Slovakia*,

⁸Convention of 25 October 1980 on the Civil Aspects of International Child Abduction

⁹HCCH., *Outline – Convention of 25 October 1980 on the Civil Aspects of International Child Abduction*, 2025,

<https://assets.hcch.net/docs/e6a6a977-40c5-47b2-a380-b4ec3a0041a8.pdf>, 1 March 2025.

¹⁰Convention of 25 October 1980 on the Civil Aspects of International Child Abduction

¹¹Article 3(1) of the UN Convention on the Rights of the Child stipulates that the child’s best interests shall be a primary consideration in all actions concerning them; see Rhona Schuz, *The Hague Child Abduction Convention in a Changing World*, observing that the Convention’s emphasis on prompt return is broadly aligned with protecting children from the harms of abduction.

¹²International Bureau for Children’s Rights., *Handbook: The rights of the child in the context of police intervention*, 2022,

the ECtHR found that protracted Slovak proceedings effectively allowed the passage of time to determine the outcome of a Hague application, in violation of the State’s positive obligations under Article 8 of the European Convention on Human Rights.¹³

Despite its clear structure and objectives, the Convention’s success in practice depends on how quickly national authorities act. Delay in a child abduction situation can have consequences for the relationship between the child and the left-behind parent.¹⁴ Therefore, speed is a key element of the Convention’s framework, supported by an implicit duty on courts and administrative authorities in Contracting States to reach a decision within six weeks from the start of the proceedings.¹⁵

The Mansour case exemplifies how procedural inefficiencies and enforcement gaps can thwart the Convention. There, a father in Ireland sought the return of his two children wrongfully retained in Slovakia (their habitual residence being Ireland) under the Hague Convention and the EU’s Brussels IIa Regulation. Despite a Slovak court ordering the children’s return in 2011, the order remained unenforced for years. The abducting mother engaged in dilatory tactics—filing an extraordinary appeal (a discretionary prosecutor general’s remedy) and parallel custody proceedings while Slovak courts granted stays and repeatedly revisited the merits instead of promptly enforcing the return order.¹⁶ By the time enforcement was reconsidered, the children had been in Slovakia for over four years, leading the courts to find that a return would now contravene the children’s interests given their integration and lack of recent contact with the father.¹⁷ In condemning Slovakia’s handling, the ECtHR emphasized that the authorities, “*by a wrongful application of the substantive law and [by] the excessive length of the proceedings... enabled the issue of the return of the children to be resolved in an unendorsed and unsupervised way by the passage of time, rather than by a judicial*

https://policehumanrightsresources.org/content/uploads/2022/05/Handbook_rights_child_ENG.pdf?x62992, 25 February 2025

¹³Mansour v. Slovakia [2020] ECtHR 60399/15, Judgment of 21 January 2020, <https://hudoc.echr.coe.int/eng/?i=001-200214>, 1 March 2025.

¹⁴Buck, T., *International Child Law*, Routledge-Cavendish, London 2020, p. 345.

¹⁵Convention of 25 October 1980 on the Civil Aspects of International Child Abduction

¹⁶Markham, J., *Slovak violation of Hague Abduction Convention*. *International Family Law*, 2017, <https://www.international-divorce.com/2017/12/slovak-violation-of-hague-abduction.html>, 27 February 2025.

¹⁷Garayová, L., *Slovakia: Legal opinion on compliance of the proposal for a Council Regulation on jurisdiction, applicable law, recognition of decisions and acceptance of authentic instruments in matters of parenthood and on the creation of a European Certificate of Parenthood*, In: P. Sobczyk (Ed.), *The impact of EU law on the family law of selected Central European countries*, Instytut Wymiaru Sprawiedliwości, Warsaw 2024, p. 133–153.

decision”.¹⁸ This outcome subverted the Convention’s core purpose, effectively rewarding the abductor’s non-compliance and negating the pro forma return order.

The Mansour judgment and similar cases (such as *Hoholm v. Slovakia*, where a left-behind Norwegian parent faced nearly seven years of Slovak proceedings) reveal a pattern of delay in Slovakia’s past practice.¹⁹ Recurrent issues included multiple appeals and extraordinary remedies, confusion between custody merits and the summary return determination, and weak enforcement mechanisms. Indeed, a systemic problem was the willingness of courts to conduct fresh welfare assessments and entertain new evidence due to the time elapsed, blurring the line between a Hague return proceeding and a custody adjudication. This conflation of return and custody described by commentators as a misapplication of the child’s best interests test at the return stage tends to prolong litigation and undermine the Convention’s speedy-return principle.²⁰ Enforcement gaps further aggravated delays: in Mansour, authorities did not promptly secure the children’s hand-over when the return order first became final, allowing the mother to evade compliance. Such lapses contravene the duty of Contracting States to use all necessary measures to secure the prompt return of the child (Hague Convention art. 7).²¹ As the ECtHR noted, protraction can irreparably harm family bonds, so “urgent handling” is essential.

Slovakia’s experience prompted legal reforms. By 2016, Slovak legislation was amended to expedite Hague cases – imposing a 12-week outer time limit for return proceedings, restricting dilatory appeals, and mandating priority enforcement of return orders.²² These measures, taken in response to international and domestic judicial criticisms, aim to realign practice with the Convention’s Article 11 requirements. The Mansour case thus stands as a cautionary tale: procedural inefficiency and enforcement failures can de facto decide custody in favor of abductors, in direct tension with the Convention’s object of preventing wrongful removals from conferring tactical advantage. Compliance with Article 11’s expediency mandate is crucial to ensure that abduction disputes are resolved by

¹⁸Mansour v. Slovakia [2020] ECtHR 60399/15, Judgment of 21 January 2020, <https://hudoc.echr.coe.int/eng?i=001-200214>, 1 March, 2025.

¹⁹Hoholm v. Slovakia [2021] ECtHR 35632/13, Judgment of 15 June 2021 <https://hudoc.echr.coe.int/eng?i=001-210568>, 7 March 2025.

²⁰Hague Conference on Private International Law., *The implementation and operation of the 1980 Hague Child Abduction Convention: A guide to good practice – Part V: Mediation*, 2013, <https://assets.hcch.net/docs/f672f082-bed0-4679-9840-ad857d0d9411.pdf>, 5 March 2025.

²¹Convention of 25 October 1980 on the Civil Aspects of International Child Abduction

²²Garayová, L., *The protection of families in the Slovak legal system*. In T. Barzó& B. Lenkovic (Eds.), *Family protection from a legal perspective*, Ferenc Mádl Institute of Comparative Law & Central European Academic Publishing, Budapest 2021, pp. 221-254.

law rather than by the passage of time. More about the impact of the Convention on Slovakia and case law in more detail can be found in subsequent sections of this study.

2.2. The Brussels IIb Regulation (2019/1111)

Within the European Union, the Hague Convention’s operation has been supplemented and reinforced by uniform jurisdictional rules – initially the Brussels IIa Regulation (Council Regulation (EC) No 2201/2003)²³ and, more recently, its recast, the Brussels IIb Regulation (Council Regulation (EU) 2019/1111).²⁴ These instruments apply to child abductions between EU Member States, providing additional procedures to secure prompt returns and the recognition of orders, with one notable exception: Denmark has an opt-out from EU Justice and Home Affairs matters and is not bound by these Regulations. (Denmark did conclude a separate agreement to apply Brussels IIa, but it did not adopt Brussels IIb, meaning that abduction cases involving Denmark continue to be governed solely by the Hague Convention framework without the recast Regulation’s enhancements.) In all other Member States, Brussels IIa was in force from 2005 until mid-2022, after which Brussels IIb became applicable to new cases.

Brussels IIa expressly covered international child abduction as part of its parental responsibility provisions, and it strengthened the Hague Convention’s objectives in several ways. First, it reiterated the need for speedy proceedings, effectively incorporating the six-week guideline for deciding return applications. Second, Article 11 of Brussels IIa introduced specific obligations for intra-EU abductions: the court in the State of refuge must give the child (if mature enough) an opportunity to be heard, and if the court refuses to return the child under a Hague Convention exception, it must transmit its decision and case file to the child’s state of habitual residence without delay (Brussels IIa, art. 11(6)–(7)). This sets up what has been called a “second chance” mechanism: the authorities in the home Member State can then re-examine custody and, notwithstanding the foreign non-return order, issue a fresh judgment requiring the child’s return. Under Article 11(8) of Brussels IIa, such a judgment overrides the non-return decision and is directly enforceable across the EU.

²³ 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 (Brussels IIa)

²⁴ 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 (Brussels IIb)

In practice, this means that an abducting parent cannot foreclose the custody determination by securing a non-return from the asylum state’s court; the final word lies with the courts of the child’s habitual residence, reflecting the principle of mutual trust among EU judiciaries. Notably, a return order emanating from the home state under this procedure is enforced without *exequatur* (no further legalization) in the other Member State, via a uniform certificate procedure. The Court of Justice of the EU has upheld this system, emphasizing that Brussels IIa aims to prevent a wrongful removal from creating an unfair jurisdictional advantage for the abducting parent (sometimes referencing the *effet utile* of the Hague Convention within the Union).

The recast regulation (also called Brussels IIbis recast or Brussels IIter) became fully applicable on 1 August 2022, replacing Brussels IIa for new cases. Brussels IIb retains the fundamental structure of its predecessor regarding child abduction, but introduces refinements to improve efficiency and child-centric procedures. For example, Brussels IIb continues to prioritize expedited handling of return cases and the hearing of the child, but it also abolishes *exequatur* for all decisions in matters of parental responsibility (streamlining cross-border enforcement even further). It enhances cooperation by requiring designated Central Authorities in each Member State to assist with the operation of the Regulation and by standardizing forms for cross-border family procedures. Importantly, Brussels IIb preserves the override mechanism for non-return orders, while tightening certain procedural timelines and ensuring that courts better coordinate Hague and EU law obligations. One notable change is that Brussels IIb imposes a clearer duty to give the child a genuine opportunity to express his or her views, in line with Article 21 of EU Charter of Fundamental Rights and Article 12 UNCRC, before deciding on return or custody (a response to concerns that children’s voices be heard in abduction cases). The recast also clarifies rules on jurisdiction to deter “rush to court” scenarios for instance, it refines the definition of a child’s habitual residence and the continuity of jurisdiction rules in abduction contexts. With Denmark not participating in Brussels IIb, a Denmark-related abduction (e.g. child taken from Denmark to Germany or vice versa) does not benefit from these EU mechanisms. In such cases, the left-behind parent must rely solely on the 1980 Hague Convention process, since Brussels IIb’s special enforcement provisions and mutual recognition rules do not apply.

In summary, Brussels IIa and IIb both affirm that within the EU, a wrongful removal or retention should not result in a slower or weaker response than under the Hague system – indeed, the Regulations augment the Convention by closing procedural loopholes. The EU regime underscores that the prompt return of the child, or alternatively a swift definitive custody adjudication by the home state, is

essential to serve the child's best interests and to dissuade abductions.²⁵ The contrast between the EU framework and the delays seen in cases like Mansour is stark: where EU law applies, Member States are legally bound to tighter deadlines and cooperative measures to avoid protracted litigation. Nonetheless, the efficacy of these instruments still hinges on national courts' diligence. As seen in Slovak practice before reforms, even the best legal framework can falter if procedural inefficiencies, expansive interpretations of Hague exceptions, or lackluster enforcement undermine the spirit of urgency that the Convention and Brussels Regulations demand. The ongoing challenge is to ensure that domestic authorities throughout the EU give real effect to the six-week rule and related duties, thereby upholding the Convention's goals and the child's right to a prompt resolution of their family situation.

2.3. Convention on the Rights of the Child (UNCRC, 1989)

Is the United Nation Convention on the Rights of the Child relevant for a child abduction? We can consider that the Convention on the Rights of the Child aligns with our article on parental child abduction by emphasizing the best interests of the child and the right to maintain contact with both parents. Although the UNCRC does not specifically regulate international child abduction, several of its key provisions are relevant to the Hague Convention (1980) and Brussels IIb Regulation (2019/1111).²⁶

According to Article 3 of CRC Convention, the best interests of the child should always come first in any decision involving children. This idea is also in the 1980 Hague Convention, which helps return children to their home country to avoid unnecessary changes in their lives. According to Article 9, children have the right to stay in contact with their parents, and they should not be separated unless it is necessary for their well-being. In child abduction cases, this supports returning the child quickly to their home country so they can keep a relationship with both parents. According to Article 12, children have the right to express their views in legal cases that affect them.²⁷ The Brussels IIb Regulation (2019/1111) also

²⁵U.S. Department of State. *Diplomacy for families: Resolving international parental child abduction*, 2023, <https://2021-2025.state.gov/diplomacy-for-families-resolving-international-parental-child-abduction/>, 26 February 2025.

²⁶Convention on the Rights of the Child

²⁷*Ibid.*

strengthens this by making sure courts listen to children’s opinions in custody and abduction cases.²⁸

While the UNCRC does not directly regulate international parental child abduction, it provides essential normative guidance that complements instruments like the 1980 Hague Convention and the Brussels IIb Regulation. Central among its provisions is Article 3(1), which establishes that “*in all actions concerning children... the best interests of the child shall be a primary consideration.*”²⁹ This principle is not merely aspirational but has evolved into a binding interpretative standard in both domestic and international child law.³⁰ This standard not only informs national custody decisions but also shapes the interpretation and application of international instruments such as the 1980 Hague Convention and EU regulations concerning cross-border family disputes. It compels decision-makers—including administrative authorities and judges—to ensure that all measures taken in the context of cross-border family disputes give primary weight to the child’s welfare.³¹

In the context of child abduction proceedings, this principle plays a dual role: first, as a justification for the Convention’s presumption of return, and second, as the rationale behind narrow exceptions to that presumption—particularly where there is a grave risk of harm or the child objects to being returned. The drafters of the 1980 Hague Convention anticipated this convergence, viewing the swift return of the child to their habitual residence as typically consistent with their best interests, in line with the subsidiarity and continuity principles. However, as academic commentary suggests, tensions may arise when courts stretch the best interests test to justify prolonged procedures or refusals to return, thereby undermining the Convention’s protective function.³²

²⁸Council 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 (Brussels IIb)

²⁹Convention on the Rights of the Child

³⁰Eekelaar, J.; Tobin, J., *Art. 3: The best interests of the child*, In: J. Tobin (Ed.), *The UN Convention on the Rights of the Child: A commentary*. Oxford University Press, Oxford 2019, p. 51-78.

³¹Mol, C.; Schuthof, F., *Comparing the decision-making rights of adults with declining cognitive abilities with those of children*, *Utrecht Law Review*, 20(2), Utrecht 2024, p. 24–39.

³²Garayová, L., *Protecting children's rights in the age of digitalisation: Legal implications for the best interests of the child*, *Pakistan Journal of Life and Social Sciences*, 22(2), Multan 2024, p. 7351–7366.

2.4. Council of Europe Law

Under Council of Europe law, there are conventions that help prevent child abduction and ensure children are returned if taken illegally – the European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody, and the Convention on Contact concerning Children. The European Court of Human Rights (ECtHR) handles child abduction cases and usually follows the Hague Convention when interpreting Article 8 of the European Convention on Human Rights (ECHR). The ECtHR also considers what is best for the child before making a decision, considering the best interest of child really important.³³ The Article 8 of ECHR will also be important for our presented case – *Mansour v. Slovakia*.

3. CASE STUDY – MANSOUR V. SLOVAKIA³⁴

Mr. Rafat Mansour, a Slovak citizen living in Ireland, took Slovakia to the European Court of Human Rights (ECtHR), claiming that the Slovak authorities failed to return his children to Ireland under the Hague Convention (1980) and Brussels II bis Regulation, violating his right to family life (Article 8 ECHR) due to long court delays and lack of enforcement. Mr. Mansour, a Slovak national, married a Slovak woman in 2004, and they settled in Ireland. The couple had two children, born in 2006 and 2008, both of whom were Irish nationals. On 6 January 2011, the mother took the children to Slovakia but did not return to Ireland, leading to a custody dispute between the parents. Mr. Mansour later filed a legal case in Slovak courts, arguing that the children had been wrongfully retained in Slovakia. In 2011, Mr. Mansour asked Slovak courts to return his children to Ireland, arguing that it was their habitual residence under the Hague Convention and Brussels II bis Regulation. The courts agreed and ordered the children's return, but the mother refused to comply. In 2012, Mr. Mansour started enforcement proceedings, but the Michalovce District Court delayed the case after the mother challenged the return order. Even though the Slovak Prosecutor General rejected her appeal, courts later declared the return order unenforceable in 2013 due to procedural issues. Frustrated with the delays, Mr. Mansour took his case to the Slovak Constitutional Court in 2013, which ruled in his favor in 2015, stating that Slovak authorities had violated his parental rights and their international legal duties. However, by this time, courts argued that too much time had passed and

³³HCCH., *Outline – Convention of 25 October 1980 on the Civil Aspects of International Child Abduction*, 2025.,

<https://assets.hcch.net/docs/e6a6a977-40c5-47b2-a380-b4ec3a0041a8.pdf>, 1 March 2025.

³⁴*Mansour v. Slovakia* [2020] ECtHR 60399/15, Judgment of 21 January 2020, <https://hudoc.echr.coe.int/eng?i=001-200214>, 1 March, 2025.

that the children had already adapted to Slovakia. In 2016, Slovak courts refused to enforce the return order, citing psychological reports showing the children were settled. Mr. Mansour filed two more constitutional complaints in 2016 and 2017. The court ruled in his favor again, saying that the four-year delay had violated his right to family life (Article 8 ECHR) and his right to a fair trial (Article 6 ECHR). He was awarded damages, but by then, the children had remained in Slovakia for years, and the courts refused to act further. The European Court of Human Rights (ECtHR) ruled that Slovakia violated Mr. Mansour's right to family life under Article 8 of the European Convention on Human Rights (ECHR). The court found that Slovak authorities failed to take the necessary steps to enforce the return order, allowing the children to stay in Slovakia. Because of the long legal delays, the case was decided by the passage of time rather than judicial enforcement, which went against the purpose of the Hague Convention (1980). The ruling also criticized Slovakia's legal system, which allowed unnecessary procedural obstacles, extraordinary appeals, and misinterpretation of legal rules, making the enforcement of return orders ineffective. The ECtHR highlighted that parental child abduction cases must be handled urgently, as delays harm both the left-behind parent and the child's well-being. In Mr. Mansour's case, the delays led to the loss of meaningful contact with his children. As a result of these failures, the ECtHR awarded Mr. Mansour €10,000 in damages for emotional distress and €5,400 to cover legal costs and expenses. This judgment serves as a warning that courts must act quickly and efficiently in child abduction cases to prevent similar violations in the future.³⁵

4. CHILD ABDUCTION IN SLOVAKIA

4.1. Center for the International Legal Protection of Children and Youth

The Centre for International Legal Protection of Children and Youth (CIPC) is a Slovak state authority responsible for legal matters concerning children and youth in Slovakia. Its powers and responsibilities are defined by Act No. 305/2005 Coll. on Social Protection of Children and Social Guardianship and other related laws. CIPC is also the designated authority for implementing international conventions and EU laws in this area. Its main goal is to protect and uphold children's rights internationally. The CIPC focuses on the best interests of the child and carefully evaluates each case, taking into account the child's unique situation and needs.³⁶

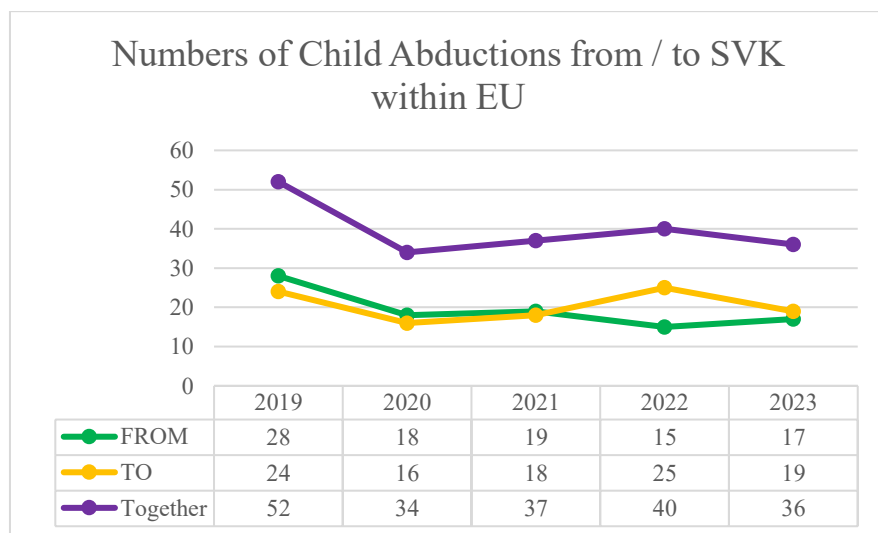
³⁵Mansour v. Slovakia [2020] ECtHR 60399/15, Judgment of 21 January 2020, <https://hudoc.echr.coe.int/eng/?i=001-200214>, 1 March, 2025.

³⁶Centrum pre medzinárodnoprávnu ochranu detí a mládeže. *About - Center for the International Legal Protection of Children and Youth*, 2025, <https://www.cipc.gov.sk/index.php/en/the-center/> 1 March 2025.

The CIPC primarily provides free legal aid in civil law and assists with various international family law matters. It helps recover child maintenance through international treaties, EU laws, or reciprocal agreements and ensures the return of wrongfully removed or retained children under the Hague Convention. The organization also supports parents in matters related to custody and visitation rights and offers mediation services for international adoptions following the Hague Convention on Intercountry Adoption. Additionally, CIPC provides consultations on cases within its authority and facilitates cooperation with foreign authorities on cross-border legal matters. To support families effectively, CIPC has a team of lawyers and psychologists ready to offer affordable assistance and expert advice.³⁷

4.2. Child Abduction statistics in Slovakia

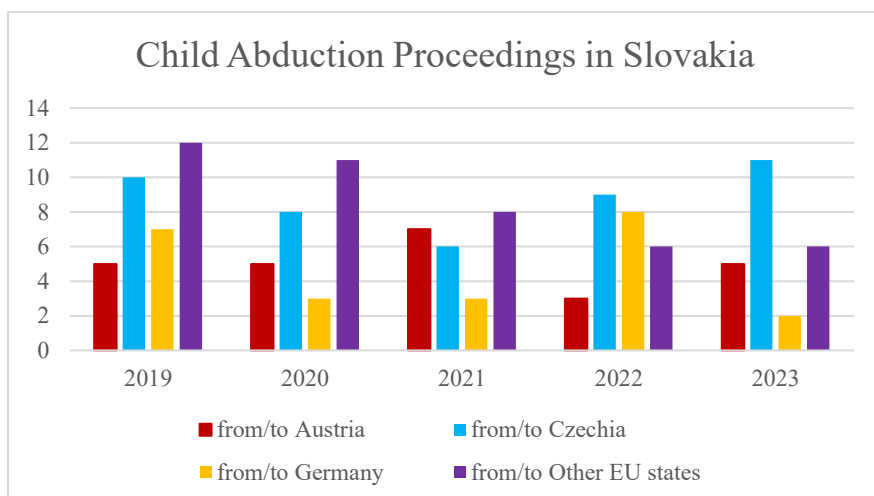
According to the Annual Reports on the Activities of the Center for the International Legal Protection of Children and Youth for the Years 2019-2023, there are several proceedings of child abduction within the EU. These statistics focuses on the cases of Slovakia and other EU countries.



Source: Annual Reports on the Activities of the Center for the International Legal Protection of Children and Youth for the Years 2019-2023³⁸

³⁷Centrum pre medzinárodnoprávnú ochranu detí a mládeže. About - Center for the International Legal Protection of Children and Youth, 2025, <https://www.cipc.gov.sk/index.php/en/the-center/> 1 March 2025.

³⁸Centrum pre medzinárodnoprávnú ochranu detí a mládeže. Annual Reports on the Activities of the Center for the International Legal Protection of Children and Youth for the



Source: Annual Reports on the Activities of the Center for the International Legal Protection of Children and Youth for the Years 2019-2023³⁹

Years 2023, <https://www.cipc.gov.sk/wp-content/uploads/2024/04/Vyrocna-sprava-2023.pdf>, 27 February 2025.

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³⁹Centrum pre medzinárodnoprávnu ochranu detí a mládeže. Annual Reports on the Activities of the Center for the International Legal Protection of Children and Youth for the Years 2023, <https://www.cipc.gov.sk/wp-content/uploads/2024/04/Vyrocna-sprava-2023.pdf>, 27 February 2025.

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The highest number of child abduction proceedings involves Austria, Czechia and Germany, with significantly more cases compared to other EU countries. These three states have strong family and migration ties with Slovakia, which may explain the higher frequency of cross-border parental disputes.

5. CONCLUSION

Parental child abduction is a serious problem in the European Union, affecting both children and left-behind parents. While international laws like the Hague Convention (1980) and the Brussels IIb Regulation (2019/1111) are meant to help solve these cases quickly, slow court processes, legal loopholes, and different interpretations of the law often cause delays. The *Mansour v. Slovakia* case showed how legal delays can change the outcome of a custody case, making it impossible for the left-behind parent to get their child back.

The *Mansour v. Slovakia* case highlights how judicial delays and poor enforcement of international agreements can weaken parental rights and affect custody disputes. The Slovak authorities failed to act quickly, making it impossible for Mr. Mansour to have his children returned to Ireland. By the time the courts ruled, the children had already settled in Slovakia, and the return was seen as being against their best interests. This case shows how long legal processes can unfairly decide custody disputes by letting time determine the outcome instead of proper legal enforcement. This ruling puts pressure on Slovakia and other EU countries to handle international parental child abduction cases more efficiently. It serves as an important reminder that courts must act fast to comply with the Hague Convention (1980) and the Brussels IIb Regulation (2019/1111). The ECtHR judgment in *Mansour v. Slovakia* can be considered as a landmark ruling that calls for urgent reforms in Slovakia's legal system. It emphasizes the need for faster and more effective legal procedures to ensure that international child abduction cases are handled fairly, and that parents' rights are protected.⁴⁰

Centrum pre medzinárodnoprávnu ochranu detí a mládeže. Annual Reports on the Activities of the Center for the International Legal Protection of Children and Youth for the Years 2020, <https://www.cipc.gov.sk/wp-content/uploads/2024/02/vyrocná-správa-CIPC-2020.pdf>, 27 February 2025.

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⁴⁰*Mansour v. Slovakia* [2020] ECtHR 60399/15, Judgment of 21 January 2020, <https://hudoc.echr.coe.int/eng?i=001-200214>, 1 March, 2025.

One of the biggest challenges is that courts in different countries interpret key legal terms differently. Terms like habitual residence, best interests of the child, and grave risk of harm do not always have the same meaning everywhere, which can lead to confusing and unfair decisions. While the Hague Convention’s goal is to return children quickly to their home country, some courts delay the process because of legal appeals and concerns about the child’s well-being. This often leaves children in legal limbo and makes it harder for parents to maintain their relationship with them.

Slovakia, like other EU countries, struggles with enforcing return orders. Statistics from the Central Authority for International Child Protection (CIPC) show that most child abduction cases in Slovakia involve the Czech Republic, Austria, and Germany, as many families have strong ties across these borders. This shows the need for better cooperation between countries to make sure child abduction cases are handled fairly and quickly.

To fix these problems, courts must act faster, reduce unnecessary legal delays, and make sure child abduction cases are treated as urgent matters. Stronger cooperation between EU countries, better enforcement of legal time limits, and clearer rules will help parents and children get fair and consistent decisions. By improving these processes, the EU can make sure that international child abduction cases follow the principles of the Hague Convention, Brussels IIb Regulation, and the UN Convention on the Rights of the Child.

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