The role of the 1996 Convention in international custody, access and relocation cases

- family conflict, the 1996 Convention and ISS -

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case 1

- An unmarried couple lives in Germany, when the children are two and four years old the couple separates. Arrangements on contact are made at court. One year later the mother moves with both children to Switzerland. The father does not insist on a return but after some months finds it more and more difficult to get in contact with the children. He turns to his youth welfare service for advice and support.
Case 2

- Two young children – the parents are married, the mother is Russian, the father is German. The family lives in Germany. The parents often have quarrels; the mother feels lonely; she feels left alone by the father. The father thinks that she doesn’t make any efforts, that she should take up contact with people in the neighbourhood instead of always being in touch with her family in Russia. During the holidays, the mother travels with the children to Russia. From there she informs the father that she won’t come back. She asks him not to take up contact with the children for one year to enable them to adapt in their new environment more easily.
How does the Convention help?

Remaining Problems?

The Convention can be only as good as it is known to the public
Welcome to the website of the German Branch of International Social Service,
the Central Contact Point for Cross-border Family Conflicts
("Zentrale Kontaktstelle für grenzüberschreitende
Kinderrechtskonflikte" – ZANK).

When parents separate, the lives of all persons involved are often dominated by lots of arguments and fights. Above all, the children are the subject of disputes between their parents. The question to whom legal custody should be given, or how the right of access is to be carried out, preoccupies the minds of the parents as well as social work professionals and, last but not least, the children. Finding a solution can be even more difficult if one of the parents is staying in another country, if different laws apply, or if there are different cultural concepts and behavior patterns. Cases of conflict resolution demonstrate that such conflicts are sometimes highly escalating. Such situations pose a particular challenge to all persons involved – both from the personal and the professional aspect.

Upon request of the Federal Government, the German Branch of International Social Service, in its function as Central Contact Point for Cross-border Family Conflicts (ZANK), would like to give you some information on this website about the particularities and possible options in cases of cross-border family conflicts.

The target group of the services we offer are all those who are or may be dealing with such conflicts: parents, staff members of youth welfare offices, judges, and lawyers.

You are welcome to call us. We will give you information and advice, free of charge, on the further steps to be taken, to help you find a solution in the best interests of the weakest ones trapped in the conflict: the children.
Hague Central Contact Point Mediation

• Non-Contracting States to the Convention

• Contact point for individuals, mediators, professionals

• Information on mediation as such (the costs, different models, implementation)

• Contacts with mediators and legal advice, if required

• Network building and cooperation between experts
ZANK: Fields of Activity

- Child abduction from and to Germany (Contracting States/Non-Contracting States to the Hague Abduction Convention)
- Child custody
- Right of access (Contracting /Non-Contracting States to the Hague Abduction Convention)

Approach: oriented towards the best interests of the child
Service offered:
Counselling and advice **free of charge**, information, coordination of professionals and individuals

- Information (legal provisions, culture, other systems, contact persons, mediation)
- Prevention, De-escalation/mediation
- Coordination of measures (youth welfare office, police, Central Authority, mediation etc.)
- To develop /expand a network of professional agencies
- Conferences / training seminars (professional discussions)
827 ZAnK-Intakes 2014 - 25 TOP countries out of 103 countries
www.ZAnK.de/kinder
• Why an NGO?

• Why a governmental mandate?
  • many „good advisors“
  • credibility
  • relief of workload for other organizations
And why ISS?

- long experience / expertise
- International network > 100 countries
- Impartial
- Child centered solutions
- Mediation Oriented Approach
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