

INTRODUCTION

The purpose of this book is to set out International Conventions Affecting Children that can be relied upon by the child practitioner in legal submissions before respective courts. It is hoped this book will be used in any State whose jurisprudence recognises the importance of such international Conventions in their own decision-making process, whether such States have incorporated such Conventions or are as yet just signatories of them.

I also acknowledge the excellence of the volume edited by Geraldine Van Bueren, *International Documents on Children*, though distinguish it and *International Conventions Affecting Children* in that I have tried to amass solely those Conventions that have direct bearing in legal practice.

It would fortunately appear that more Conventions are coming into being in order to reinforce a legal standard affecting children and to attempt to ensure uniformity between States and legal systems, which is of equal importance. Particularly in European Countries the comity and competence of similar legal jurisdictions has allowed a variety of such Conventions to actually work in practice rather than simply be left as a threshold requirement regarding standards of behaviour towards children that is seldom applied. The same can begin to be said globally.

The Hague Convention on Intercountry Adoption 1993 ensures that a child placed for adoption by applicants in another State will not have to endure a duplicate adoption process in their home and receiving country, with the additional safeguard that the applicants will have been deemed appropriate as prospective parents in their home country prior to the process getting underway, ensuring that the immigration authorities will also consider immigration status, all within the single umbrella of one such international Convention. Similarly, The Hague Convention on the Civil Aspects of International Child Abduction now has some fifty-eight signatory countries with the expectation of proper enforcement of the return of abducted children to their place of habitual residence unless stringent Defences are proven to prevent an expedited return.

The Brussels and Lugano Conventions assist in the arena of maintenance with mutual enforcement considerations and processes, with the Dublin Convention attempting at least to ensure consistency in respect of asylum seekers within the European Union. The Worst Forms of Child Labour Convention 1999 and the Geneva Convention Relative to the Protection of Civilian Persons in Time of War 1949 might not be as esoteric as some might assume, as they have direct

bearing in countries which lack the regulation of systems and norms of behaviour, even within a legal process, that other practitioners take for granted: persistent Conventions that are assumed with care, remind the practitioner of the requirement of standards and safeguards at all times, especially when even most Western States find themselves in breach of the expected standard within the UN Convention on the Rights of the Child 1993, let alone other less-sophisticated States.

As such then, this book seeks to set out such necessary Conventions and to actually remind practitioners to be confident in using them in their respective domestic courts. Change can come about if more reluctant Judges are forced to consider submissions regarding Conventions, if only to remind themselves of the wider influence they might have, even within their domestic systems.

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