

International Congress on ‘Patriarchal Family Structures and Cross-Border Child Abduction and Relocation’ – Grenada, 30 October 2025

On 30 October 2025, the University of Granada hosted the International Congress on Patriarchal Family Structures and Cross-Border Child Abduction and Relocation. The event brought together academics, legal practitioners, and experts in private international law to examine the relationship between family law traditions, gendered assumptions, and the interpretation of the 1980 Hague Convention on the Civil Aspects of International Child Abduction. The congress offered a timely opportunity to revisit the legal and cultural foundations that continue to shape judicial approaches to child relocation and abduction across borders. The discussions highlighted how interpretations of the Hague Convention can sometimes reproduce, rather than dismantle, deeply rooted patriarchal models of the family.

At the heart of the conference was a critical examination of the very concept of child abduction itself, a notion that is far from unambiguous. Speakers emphasized that the traumatic impact of abduction stems from the sudden loss of the child’s familiar environment – not from the legal status of the person responsible for their care. Thus, the original purpose of the Hague Convention was to protect children from the abrupt and destabilizing rupture of their daily life. Yet, as the discussions underscored, an overly formal or mechanical application of the Convention risks inverting its protective intent: the ‘return’ remedy may, in some cases, inflict the very trauma the treaty was designed to prevent.

From Patriarchal Structures to Children’s Rights

The congress situated the debate within a broader historical reflection on the 1980 Convention, from its drafting to its more recent interpretation trends, and the evolution of family in law and society. By adopting a diachronic perspective, it is possible to trace back the patriarchal origins and structures of many contemporary assumptions that are still dominating the scene. These structures, long embedded in national civil codes, justified asymmetries in parental authority and economic power, while subordinating women and children to male control.

The discussions recalled that this proprietary conception of family relations began to be challenged only in the late twentieth century. The precious testimony of Elisa Perez Vera, that opened the Congress, offered a unique perspective in this regard. From her first-hand account of the drafting of the 1980 HCCH Convention, the document appears as a fundamental part of a broader emancipatory movement – one that seeks to replace authority with responsibility, and patriarchal protection with genuine respect for the child’s autonomy and well-being.

Addressing Gender, Violence, and Misinterpretation

Another key issue addressed at the congress was the relationship between gender-based violence and the complexities of cross-border child relocation. The conference served as an important platform for uniting experts and professionals from various fields, including international public and private law, family law, and criminal law. This collaboration fostered valuable discussions on the challenges and implications of these intertwined issues. Several speakers drew attention to cases in which mothers fleeing domestic abuse have been classified as ‘abductors’ under the Convention. Such cases expose a fundamental tension between the Convention’s protective purpose and its application in contexts of coercion and inequality.

The participants warned against the persistence of what was described as a ‘formally neutral but substantively biased’ reading of abduction cases – one that overlooks the structural power imbalances that often compel women to relocate with their children and that is far from aligned with the spirit of the 1989 UN CRC and the 2011 Istanbul Convention on preventing and combating violence against women and domestic violence.

Confronting the Needs of Women Asylum Seekers

The congress also addressed the issue of forced migration, where women asylum seekers who have been victims of gender-based violence encounter additional obstacles that heighten their vulnerability. Often, they are forced to flee, accompanied by their young children, which exposes them to the risk of being accused of international child abduction. Contributions to the congress emphasised the need for a more integrated approach to the various legal frameworks that impact the lives of these women and their children. It was emphasised that current normative frameworks continue to operate through compartmentalised logics, which, by failing to engage with one another, create areas of friction that ultimately worsen the situation of those already facing acute vulnerability. The lack of coordination between the international protection system, the measures for preventing and addressing gender-based violence, and the mechanisms for international child return was identified as a problem that requires a coherent response.

Panellists agreed that only an approach that explicitly incorporates a gender perspective and the rights of the child will allow for the development of solutions that respect the child’s safety, autonomy, and best interests, while preventing the isolated or rigid application of international conventions from reproducing dynamics of subordination and lack of protection.

Towards a Context-Sensitive Approach

In its concluding sessions, the congress explored possible reforms and interpretative strategies to reconcile the Convention's objectives with the realities of modern family life. Proposals included limiting the return remedy to clear cases of kidnapping or illicit retention that deprive a child of their stable environment and enhancing cooperation between national authorities to safeguard the continuity of care.

Overall, the Grenada congress called for a renewed understanding of cross-border child abduction – one that centres the lived experience of children, recognises the persistence of patriarchal legacies, and integrates contemporary insights on gender and violence. By revisiting the historical and normative foundations of the Hague Convention, participants invited the international legal community to move toward an interpretation that truly serves the best interests of the child.

Report drafted by Rachele Zamperini.