

India not ready to sign the Hague treaty

The government is not yet ready to sign the Hague treaty on inter-country abduction of children by parents fleeing a bad marriage, said a senior official of the Ministry of Women and Child Development (WCD).

There has been immense pressure from the U.S. on the government to sign the treaty though the government has long held the view that the decision could lead to harassment of women escaping marital discord or domestic violence.

“The government is not yet ready to sign the Hague treaty. If at all we do, we will follow the Japan example and put safeguards in place before acceding to the Hague treaty,” said the official on condition of anonymity.

‘Political decision’

“This is not a unilateral decision my Ministry can take. It has to be a political decision this government needs to take. We have sent the report to the Ministry of External Affairs and other Ministries, and we are waiting for a reaction from them,” WCD Minister Maneka Gandhi said.

The Hague Convention is a multi-national treaty that seeks to protect children wrongfully removed by one of the parents from the custody of the other parent.

A committee constituted by the Centre to examine legal issues involved in international parental abduction submitted its report in April, opposing a central provision of the Hague Convention. It said that the criterion of habitual residence of the child, which is used to determine whether the child was wrongfully removed by a parent as well as to seek the return of the child to the country of habitual residence, was not in the best interest of the child.

Nodal body

It also recommended setting up of a Child Removal Disputes Resolution Authority to act as a nodal body to decide on the custody of the child as well as a model law to deal with such disputes.

However, the government is contemplating assigning the National Commission for Protection of Children the responsibility to adjudicate on such cases along with a judicial expert.

While the government had decided in late 2016 that it will not sign the Hague treaty, later it appointed a panel to prepare a report indicating that there was some rethinking within the government on the matter.

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