

Parental Child abduction and the UK-Pakistan Protocol



Foreign &
Commonwealth
Office

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Has your child been taken to or kept in Pakistan without your permission?

This leaflet will tell you what you can do, who to contact and how we can help.

* For general information on parental child abduction, please see our leaflet 'International Parental Child Abduction'.

The UK-Pakistan Protocol

In January 2003 judges from Pakistan and the UK signed the UK Pakistan Protocol on Children Matters. This is a judicial understanding which aims to secure the return of an abducted child to the country where they normally live, without regard to the nationality, culture or religion of the parents.

The judges agreed that the child's welfare is a priority and that the courts of the country where the child normally lives are usually in the best position to decide on matters of custody and where a child should live.

The Protocol asks judges to consider any existing court orders made by the courts in the child's 'home' country. The judge may then order the child to be returned to the country where they normally live. So if your child is taken to Pakistan, or does not return from a holiday there, and you have an existing residence order, or a prohibitive order against the person who has taken your child, you may be able to use the Protocol to help return your child to the UK.

Liaison judges have been appointed in both the UK and Pakistan. They will communicate with each other on individual cases to ensure that each is aware of court orders from the other's country. You should contact the Family Division of the Royal Courts of Justice to find out who the liaison judges are in each country (see page 5).

The Protocol can also be used when parents are seeking permission to take a child temporarily to Pakistan for a holiday.

It is important to note that the Protocol has not been incorporated into Pakistan law so Pakistan Judges are only able to bear the Protocol in mind and are not legally bound to abide by its provisions. Whilst the Protocol has not been made law in the UK, its provisions are in line with the usual practices of the courts, so judges can and do make orders referring to the Protocol. With these constraints in mind, the Protocol is one option for parents to discuss with their lawyers. If parents decide not to use the Protocol to seek the return of children, they will still need to decide whether to start legal proceedings in Pakistan if they cannot come to an agreement with the other parent on where their child should live. Court proceedings in custody cases can take months and sometimes years to reach a conclusion in Pakistan.

If you think your child has been abducted to Pakistan and you want to use the Protocol to try to have them returned, you should:

- > Consult a solicitor in the UK. They will be able to help you get any UK court orders that you may need. Explain to them that your child has been taken to Pakistan and that you have heard that there is a Protocol that may help you to have your child returned. The President of the Family Division at the Royal Courts of Justice has issued guidance on the implementation of the Protocol in the UK. This is available at: www.judiciary.gov.uk/about_judiciary/international/international_family.htm

- > Consult a lawyer in Pakistan. You will need to start court proceedings in Pakistan to use the Protocol, but you may not have to travel to Pakistan to do this. We can supply you with a list of lawyers in Pakistan (see note 1). Please note that there is no Legal Aid for court proceedings in Pakistan. You will therefore have to pay your own legal costs.
- > Ask your solicitor to send copies of your UK court orders and details of your court proceedings in Pakistan to the liaison judge in the UK at the Royal Courts of Justice. The contact details are at the back of this leaflet.
- > The UK liaison judge will forward these to the Pakistani liaison judge. He will draw attention to your UK court order, your court proceedings in Pakistan and your request to have your child returned to the UK.

Note 1:

Neither the Government nor the relevant British Embassy, High Commission or Consulate can make any guarantee in relation to the professional ability or character of any person or company on the list, nor can they be held responsible in any way for you relying on any advice you are given.

Who can help?

The Foreign and Commonwealth Office

We can give you information about what you can do if your child has been abducted and taken to Pakistan, or if you think that this might happen. We can also help when you are dealing with authorities overseas.

reunite

This is a charity which provides advice, information and support to parents, family members and guardians whose children have been abducted, or might be abducted and taken overseas. They can give you a list of lawyers in the UK and Pakistan with experience in family law. They also provide a mediation service to help parents reach an agreement in parental child abduction cases. They recently conducted research into the effectiveness of the Protocol. This is available at: www.reunite.org.

The police

Tell your local police station if you think your child has been abducted or is about to be. Depending on the circumstances, the person who abducts the child may have committed a crime in the UK. If there is a real and imminent threat of your child being abducted and taken overseas, the police can contact the National Ports Office and ask them to alert all UK points of departure to try to prevent the abduction. This is called a 'Port Alert'. If your child has been taken overseas but you do not know exactly where, the UK police may be able to contact Interpol. Interpol may be able to work with police forces overseas to help find your child.

Useful addresses

Office of the Head of International Family Justice
Room C101
Royal Courts of Justice
Strand
London WC2A 2LL

Lawyer:
Tel: 0207 947 7906
Fax: 0207 947 6804

Administrator:
Tel: 0207 947 7225
Fax: 0207 947 7875

Foreign and Commonwealth Office

Consular Directorate
King Charles Street
London SW1A 2AH

Tel: 020 7008 1500

www.gov.uk/international-child-abduction

reunite International Child Abduction Centre

PO Box 7124
Leicester LE1 7XX

Tel: 0116 2556 234 (advice line)

www.reunite.org



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Tell us what you think!

Giving us feedback

We welcome your views on the support we provide. They will help us to identify what we do well and what we could do better. Visit **www.gov.uk/government/organisations/foreign-commonwealth-office/about/research** for our customer satisfaction survey, or ask your local Embassy or Consulate for a copy. Information about our official complaints procedure is also on this website.

If you prefer to contact us directly our contact details are:

Consular Directorate

Foreign and Commonwealth Office
King Charles Street
London
SW1A 2AH

Email: feedback.consular.services@fco.gov.uk

Tel: +44 (0)20 7008 1500



The FCO work closely with Reunite and support them in their work but they are an independent organisation and we cannot be held responsible in any way for you relying on their advice in making any decisions about your case.



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