



INTERNATIONAL CHILD ABDUCTION AND FUNDAMENTAL RIGHTS OF THE CHILD IN A RECENT JUDGEMENT OF THE EUROPEAN COURT OF HUMAN RIGHTS

With this paper the Author aims to underline the importance of the ECtHR judgment in the case *X v. Latvia*.

This judgment represents a further step towards the affirmation of the principle that there is a violation of the Article 8 of the ECHR in a case where the national decision, allowing the abduction of a child, is consistent with the letter of the Hague Convention on the Civil Aspects of the International Child Abduction but is not respectful of the principle of the best interest of the child, assessed in the concrete case in question.

In *X v. Latvia* the Court considered that there was a violation of the ECHR, since the Latvian courts had not complied with the procedural requirements of Article 8, because they had refused to take into consideration an arguable allegation of a “serious risk” to the child in the event of her return to the country of origin.

The Author explores also the prior ECtHR case-law on the matter, where the Court stopped its control over the conformity of the national judgment to the Convention on the Civil Aspects of the International Child Abduction at a formal level (so called “extrinsic control”).

In this paper the Author also notes that the Court considered that the ECHR and the Hague Convention on the Civil Aspects of International Child Abduction had to be applied in a combined and harmonious manner. Furthermore, the system of protection of the best interest of the child should be based on a conventionally oriented reading of the Hague Convention.

(Abstract by the editorial staff)