

**Question for written answer E-003695/2020  
to the Commission**

Rule 138

**Ignazio Corrao (NI), Eleonora Evi (NI), Piernicola Pedicini (NI)**

**Subject:** Legal child abduction in the heart of Europe and indifference of the Commission

In its answer to Question E-000605/2020 the Commission does not address the issue properly and, in actual fact, endorses child abductions in Europe.

In the case referred to in the question, the parents' intentions were – as they both testified – to raise the child in the family's habitual place of residence, i.e. Italy, and the purpose of the trip to Greece was solely in order to give birth. Therefore, the examples and reasoning set out in the Commission's answer are not relevant.

The mother also confirmed in court that she had agreed to return to Italy, only subsequently to unilaterally disregard that agreement by staying with the child in Greece against her husband's wishes, forcing him to take legal action.

The fact of considering retention under such circumstances to be 'lawful' has led, as a direct consequence, to the loss of the father's right of custody.

The Court of Justice itself confirmed that the 'best interests of the child' were being seriously endangered in view of the ongoing separation from her father at a developmentally sensitive age.

In view of this, can the Commission clarify:

1. whether or not childbirth in a country other than the country of habitual residence and a subsequent change in the mother's intentions may have constituted wrongful retention of the newborn/infant at the time;
2. what legislative text defines the notion of 'best interests of the child' as well as that of 'habitual residence as an autonomous concept'?

**Supporter<sup>1</sup>**

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<sup>1</sup> This question is supported by a Member other than the authors: Rosa D'Amato (NI)