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Migration, abduction and children's rights: the relevance of children's rights and the European supranational system to child abduction cases with immigration components

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Propositions relating to the dissertation

**PROPOSITIONS RELATING TO THE DISSERTATION
MIGRATION, ABDUCTION AND CHILDREN'S RIGHTS**

*The relevance of children's rights and the European supranational
system to child abduction cases with immigration components*

by Simona Florescu

1. It is the triangle parent-child-state which makes children's rights unique.
2. A child rights-based approach requires that decision-makers identify the content of the rights and balance them against competing considerations.
3. Individual children rights inform the discretionary areas of the Child Abduction Convention.
4. Immigration considerations brought as defences to return the child within the Child Abduction Convention call into question the capacity of the country of habitual residence to protect the child upon return.
5. The closeness of the parent-child bond determines the intensity of the scrutiny of the immigration considerations brought as defences to return the child.
6. Immigration considerations contextualise the defences to return as they may be indicative of power imbalances and/or domestic violence in the country of habitual residence.
7. Globalisation, and the interaction between family and immigration laws, call for an increased focus on effective cross-border contact.
8. A supranational legal framework, such as the European one, is capable to offset some of the imbalances caused by immigration and increase the capacity of the system to protect children upon return.
9. The jurisdiction of the European supranational Courts in family matters is complementary. The systems approach and the focus on individual rights jointly contribute to effective fundamental rights protection.

10. The outcome of a child rights-based approach in decision-making may differ from the policy objectives; this does not necessarily call into question the validity of the policy objectives.
11. A supranational legal framework could improve decision-making for international families.
12. Details create the big picture.