

General Information	
Ministerial Decision Type	Miscellaneous
Report Title	Extending UK acceptance of Jamaica's accession to 1980 Hague Convention
Minister	Home Affairs
Signatory	Minister
Lead Department	Justice and Home Affairs (JHA)
Lead Directorate	Justice and Home Affairs (JHA)
Ministerial Decision Summary: Public or Absolutely/Qualified Exempt	Public Select if more than one Absolutely/Qualified Exemption.
Date decision made if different to date 'Ministerial Decision Summary' signed.	19/06/2023
Report and Supplemental Report Details	
Report Author	External Relations Officer
Date of Report	19/06/2023
Supplementary Report Title <i>(If applicable)</i>	Extending UK acceptance of Jamaica's accession to 1980 Hague Convention
Supplementary Report Author <i>(If applicable)</i>	Insert Official Title Only.
Date of Supplementary Report <i>(If applicable)</i>	Select Date of Supplemental Report.
Ministerial Decision Report: Public or Absolutely/Qualified Exempt	Select if more than one Absolutely/Qualified Exemption.
Relevant Case/Application/URN <i>(Only complete if making a decision related to an appeal/case/application)</i>	Insert Relevant Case/Application.
Relevant Proposition Number <i>(Only complete if presenting Comments or if lodging an Amendment)</i>	Insert P. number.
Relevant Scrutiny Report <i>(Only complete if presenting a ministerial response)</i>	Insert S.R. number.
Associated Law(s) and/or Subordinate Legislation	N/A
Action required if recommendation agreed	Officers are to arrange for the UK's acceptance of Jamaica's accession to 1980 Hague Convention to be extended to Jersey.

Resource Implications	There are no new financial and/or manpower implications.
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Introduction

The Hague Convention on the Civil Aspects of International Child Abduction (the “**1980 Hague Convention**”) is a multilateral treaty which seeks to protect children from the harmful effects of abduction across international borders by providing a procedure to secure their prompt return. The 1980 Hague Convention was ratified by the UK in 1986 and subsequently extended to Jersey in 2005.

The 1980 Hague Convention is automatically in force between the original States that signed the 1980 Hague Convention. However, States that signed subsequently must have their accession accepted by other State Parties for it to be in force between them. The UK Government’s longstanding practice has been to assess the ability of the acceding state to operate the 1980 Hague Convention before accepting its accession. The UK currently operates the 1980 Hague Convention with 79 countries.

Jamaica has recently acceded to the 1980 Hague Convention. In order for the 1980 Hague Convention to be enforced between UK and Jamaica, the UK must declare its acceptance of Jamaica’s accession. This is done by depositing the declaration to the Ministry of Foreign Affairs in the Netherlands.

Under the 1980 Hague Convention, the UK is able to notify the Ministry of Foreign Affairs in the Netherlands that its acceptance of Jamaica’s accession is also to be extended to Jersey.

The last time the UK accepted an accession to the 1980 Hague Convention was for the Dominican Republic. There was no response issued for the extension of this acceptance to Jersey.

Recommendation

Other

The Minister is recommended to instruct officers to request extension of the UK’s acceptance of Jamaica’s accession to 1980 Hague Convention to Jersey.

Detail

Background

Extension of the UK’s acceptance of Jamaica’s accession to 1980 Hague Convention to Jersey is considered a positive and uncontroversial decision for the Minister to make. The accession of Jamaica does not provide any adverse developments for the implementation of the 1980 Hague Convention in Jersey and acceptance should provide additional protection for any children who may be abducted from Jersey to Jamaica.

The UK are content with Jamaica’s compliance with the provisions of the 1980 Hague Convention. A benchmarking assessment of Jamaica’s 1980 Hague Convention compliance undertaken by the UK Government is attached in *Annex A*. The UK Government intend to accept Jamaica’s accession to the 1980 Hague Convention.

The UK have no concerns about the independence of the judiciary, right to a fair trial, and equal access to justice in Jamaica. UK officials, members of the judiciary, and partner NGOs have conducted training on the administrative and legal implementation of the 1980 Hague Convention with Jamaican officials and are satisfied they have set up effective systems to locate, protect, and return abducted children in accordance with the terms of the 1980 Hague Convention. Jamaican judicial proceedings have largely returned to their usual timeframe since the pandemic. Measures remain within Jamaican legislation and Court proceedings to hold extraordinary ‘sittings’ for child protection cases (including 1980 Hague Convention return cases), to facilitate a quicker verdict.

Ministerial Office Ministerial Decision Report



The Safeguarding Team at the Law Officers Department deal with requests under the 1980 Hague Convention. The Safeguarding Team have confirmed that from a practical perspective it is likely to be helpful to have the acceptance of Jamaica's ratification extended to Jersey on the basis that it should facilitate the application of the provisions of the treaty between Jersey and Jamaica should they be required.

There is no requirement to amend legislation as a result of this decision.

The Minister for Home Affairs is recommended to agree to acceptance of Jamaica's accession. The provisions of the treaty cover methods of return of abducted children, which would sit with the Minister for Home Affairs, as would reciprocal arrangements from a third jurisdiction.