

Impact case study template (REF3b)

International Children's Law

1. Summary of the impact

The case study is concerned with the issue of international family law disputes, especially how the law affects those involved in such cases. Over the last few years, the research has had extensive impact among lawyers, mediators, judges and families. The stimulus for the research was realisation that there was a pressing need for closer professional collaborations in order to deliver improved outcomes for affected families. To this end, the Centre for Family Law and Practice (CFLP) was established at London Metropolitan University (LMU) in January 2009. Under the auspices of CFLP, interdisciplinary experts worked on these issues. CFLP assists courts, including the United Kingdom and United States Supreme Courts, with *amicus curiae* briefs based in particular on the research of Professor Marilyn Freeman, abetted by that of Dr Frances Burton.

2. Underpinning research

Professor Freeman co-directs CFLP with Frances Burton, a Barrister-Academic and Mediator with Chambers in Lincolns Inn. CFLP emerged in response to the felt need for all those connected to the issues of international Family Law and Practice to work much more closely together in order to properly serve those who are involved in these cases.

CFLP is especially concerned with international child abduction and relocation and forced marriages, themes of the Centre's inaugural conference held in June 2010 at LMU, attended by more than 150 interdisciplinary specialists from 18 jurisdictions. David Hodson, consultant at the International Family Law Group, called the conference perhaps the most important international family law conference ever to take place in England (<http://www.familylaw.co.uk/articles/david-hodson-on-international-family-law-3>).

Freeman has an international reputation for her research into international child law, developed since the late 1990s. She published her first peer-reviewed article on the effects of international child abduction in 1998, in the US-based, *Family Law Quarterly*. Until this time, while child abduction was the subject of international concern and an international legal regime had been created for its control, very little research had been undertaken on how it impacted on the families concerned, specifically the children, and thus whether the legal mechanisms for its control were appropriate and as helpful as they could be.

Freeman's research on child abduction provides new insights into the realities of abduction for the families involved. Her research informs international and domestic policy debates in this area, is used by legal practitioners during court proceedings in many different jurisdictions, and is often cited by members of the judiciary in their judgements. Knowledge gained from Freeman's research has been applied in the practical development of international law in this area. Freeman provided the academic input of an Amicus Brief in the US Supreme Court case in the seminal case of *Abbott v Abbott* in 2009, and the CFLP submitted an Amicus Brief which cites and uses Freeman's research to the US Supreme Court in the case of *Chafin* heard in December 2012. Leading and junior counsel from two of the most prominent English specialist barristers' chambers represented the CFLP *pro bono* in this important case which addresses Freeman's research concerning the welfare of children who have been abducted. Freeman was also asked to work with another specialist team of lawyers on a recent UK Supreme Court case concerning relocation, in which Freeman's research was critical. Her most recent research develops her earlier work by examining specifically the long-term effects of abduction on adults and young people who were abducted as children, an area which has not been researched on this scale before, and which Freeman is able to do because of her long-established involvement in this area, and the significant expertise which she is recognised as having by the professionals, and the families, involved in these cases.

3. References to the research

The Effects and Consequences of International Child Abduction *Family Law Quarterly*, (1998) 32, 603. (11 citations on Google Scholar as at 9 August 2013)

International Child Abduction . The Effects www.reunite.org (2006) (3 citations on Google Scholar as at 9 August).

Baroness Hale, Justice of the UK Supreme Court, referred to this research at the inaugural conference of the CFLP in 2010, expressing herself to be "very grateful" for Freeman's research because she had found "that research much more helpful, balanced, and illuminating than the research which is referred to by the United State Supreme Court in the recent case of *Abbott v Abbott* decided on the 17th May this year". So, valuable though empirical research can be, citing it in judgment is something that we judges find that we have to approach with considerable care". Baroness Hale expressed herself to be "so pleased" with Professor Freeman's *Effects of Abduction* research because it distinguishes between primary carer and other abductions which is a "hugely relevant variable in looking at the effects on the child of the abduction" and said that "someone has to assess the benefits of the research from that point of view as well". She continued: "One of the most interesting conclusions to emerge from Freeman's research on the effects of child abduction is that children abducted by their primary carers usually do not perceive the experience as one of abduction but, when abducted by their non-primary carers, they do, and it's that sort of comment that leads me to be more sceptical of the American research that was being quoted. It doesn't draw those sorts of careful distinctions. And it's the return that seems to produce the more profound effects, this is again Marilyn Freeman's research, but it is the effects of the parental conflict which seem to be the greatest problem of the children. Now, this study was of course looking at the effects on the children who were returned, but we need more research there because we need to look at the effects on the children who are not returned, who are in the same position as relocated children, but the relocation having taken place in a different context, in a different way, and that we need to compare the two to see whether doing it in one way is more or less damaging than doing it in another". Professor Freeman has now undertaken work on the links between abduction and research, and the lessons to be learned between our knowledge of both areas, as referred to by Baroness Hale in this final quote (see M. Freeman, *International Family Mobility, Relocation and Abduction, Links and Messages* *International Family Law*, March 2013 (<http://www.familylawclip.co.uk/articles/international-family-mobility-relocation-and-abduction-links-and-lessons>)).

Relocation - The reunite Research Project www.reunite.org (2009) Baroness Hale, at the 2010 CFLP inaugural conference, said: "We know already from Marilyn Freeman's Reunite Research on Relocation that there are often seriously negative results for the left-behind parent and the family, but we know much less about the effects upon the children. As she says, "we do not know whether, in general, relocation works well for children who adapt quickly and suffer no significant emotional loss, or whether, alternatively, relocation impacts negatively and substantially on a child's life and development and, if so, in which ways. We do need much more research which can tell us some of the answers, although, my suspicion is that it will be it depends. But even knowing that is helpful and especially knowing what it depends on is the most helpful thing of the lot

International Research Evidence on Relocation: Past, Present and Future co-authored with Dr. Nicola Taylor, University of Otago, New Zealand, *Family Law Quarterly* (2010) 44(3), 317-339 (4 citations on Google Scholar as at 21 February 2013)

Relocation and the Child's Best Interests *International Family Law*, 2010 (4 citations on Google Scholar as at 21 February 2013) referred to approvingly by Wall LJ, then President of the Family Division of the High Court of London in *re W* [2011] EWCA Civ 345

University Responses to Forced Marriage and Violence Against Women in the UK: Report on a Pilot Study *International Family Law*, September 2012.

Key grants

- In September 2011, Freeman was awarded a grant of £40,000 by the Faculty of Law, Governance and International Relations (FLGIR) at LMU to assist her in her research into the *Long-Term Effects of*

International Child Abduction. The research is due to be the end of 2013.

- Freeman was awarded a grant of £4,000 by FLGIR in April 2011 to undertake research, together with Dr. Renate Klein of The Child and Woman Abuse Studies Unit at LMU, on University Responses to Forced Marriage and Domestic Violence. The research was completed in the summer of 2012.
- Freeman made a successful bid for £20,000 in July 2012 to the Forced Marriage Unit's Domestic Programme Fund (the Forced Marriage Unit is a joint initiative of the Home Office and the Foreign and Commonwealth Office) to continue the work begun in the Pilot Project. The project will be completed in autumn 2013.
- Freeman was Head of the **reunite** Research Unit for many years (**reunite** is the International Child Abduction Centre). During this time, she undertook research into The Effects of International Child Abduction published in 2006, supported by a grant from the Department for Constitutional Affairs.
- Freeman published her research on the UK-Pakistan Protocol in 2009 which was supported by a grant to the **reunite** Research Unit by the Foreign and Commonwealth Office. She also published her Relocation research in 2009 supported by a grant to the **reunite** Research Unit by the Ministry of Justice.

4. Details of the impact

Following its inauguration in January 2009, CFLP quickly attracted the attention of key international practitioners and academics working in the area of International Family Law. This interest was particularly linked to the impact of Professor Freeman's research, which has made a very significant contribution to the knowledge and practice in this area, including in relation to the lives of those affected by various related issues, including: International Child Abduction, Relocation, Forced Marriages, Mediation, Children's Rights, and Gender.

During the course of CFLP's existence and Freeman's research outputs, public awareness has undoubtedly been raised in relation both to those practising (legally and otherwise professionally), as well as those who are affected by them, that is, victims and their families. Freeman has made important contributions to scholarship in this field, producing key peer-reviewed journal articles, delivering keynote conference papers, and contributing by invitation to international policy debates. Further, her work has influenced the development and shape of the law by the effect it has had on legal practitioners and judges. It has been cited repeatedly by members of the judiciary in their judgments, still a relatively rare occurrence, which provides a cogent indication of its practical value, reach and significance both domestically and internationally. The success of the CFLP and its work has resulted in the appointment of Jacqueline Mburu as Research Assistant on the University Responses to Forced Marriage and Violence Against Women project from July 2012, and Sonalini Gunasekera, as an Intern/Research Assistant on the Long-Term Effects of Abduction project between November and December 2012.

Freeman is an internationally-renowned authority in international child law, was a long-term member of the Legal Working Group advising the All-Party Parliamentary Committee on International Child Abduction until its recent dissolution, and has been approached to become involved with the successor to that group. She publishes widely and is regularly invited to address both national and international conferences on her work, often as keynote speaker, and to participate in multi-disciplinary working groups operating in her areas of expertise. She was invited to address the prestigious International Judicial Conference on Cross Border Family Relocation, Washington DC, March 2010, where she co-presented a paper detailing the global research in this area for the international experts in attendance which has become a welcome resource concerning the available conflicted research in this area. The written and broadcast media have been keen to disseminate information about Freeman's research and associated activities.

Baroness Hale of Richmond, a former academic and a member of the Supreme Court with a keen interest in the development of Family Law, is the very active Patron of the CFLP and is often involved in its activities. Lord Justice Thorpe, Head of International Family Justice, England and Wales, is an important supporter of the CFLP and Professor Freeman's work. Many academics and researchers are keen to contribute to the work of CFLP, and many attended the inaugural CFLP Summer School on Children and the Law in 2010.

The CFLP's on-line, peer-reviewed journal continues the aim of bringing together the academic and practical perspectives of Family Law. It has an editorial board which includes key academics, lawyers, and judges. The regard in which the CFLP and Professor Freeman are held by the international community is evidenced in the success of the multi-disciplinary international inaugural conference which the CFLP held in 2010 on the linked themes of International Child Abduction, Forced Marriage and Relocation, and the overwhelming response to the follow-up conference in July 2013 on Parentage, Equality and Gender, which attracted over 200 delegates. The Call for Papers for the 2013 conference received approximately 150 responses, with accepted presentations from 25 different countries, and renowned academics and researchers so eager to participate that a waiting list had to be created for speaking places.

Sources to corroborate the impact

1. Details of Amicus Curiae brief filed in *Abbott v Abbott* and intervention of CFLP in *I (A Child)* [2009] UKSC 10 <http://www.familylawweek.co.uk/site.aspx?i=ed50871>
http://www.4pb.com/index.php?item_id=1610 <http://www.familylawweek.co.uk/site.aspx?i=ed58902>
<http://www.familylawweek.co.uk/site.aspx?i=ed45906>
2. Pakistan Protocol research
http://www.hcch.net/index_en.php?act=text.display&tid=113
3. Cairo Roundtable <http://www.official-documents.gov.uk/document/cm78/7805/7805.pdf>
4. Inaugural conference, and The London Conclusions and Resolutions
<http://www.familylaw.co.uk/articles/david-hodson-on-international-family-law-3>
http://www.hcch.net/index_en.php?act=text.display&tid=140
<http://globaljusticeinitiative.wordpress.com/2010/08/19/conclusions-and-resolutions-published-from-inaugural-conference-on-child-abduction>
5. BBC reports:
http://news.bbc.co.uk/1/hi/today/newsid_8774000/8774819.stm on CFLP's inaugural conference
http://www.bbc.co.uk/blogs/pm/2011/09/child_abduction.shtml on Freeman's current abduction research
<http://news.ffblog.net/child-abduction.html>
6. Specialist firm of family lawyers in South Africa which holds annual conference in conjunction with University of Western Cape.
7. Former Director of reunite, the leading NGO on International Child, now a mediator on the practical use and importance of Freeman's research in resolution of intractable international family mobility cases.
8. Former Deputy Secretary General of The Hague Conference on Private International Law, regarding the esteem in which Freeman's research is held, and the contribution it has made to international debate and policy.
9. Counsel, 4 Paper Buildings, on Freeman's research. (The UK's largest chambers of family law barristers. We provide practical, expert legal advice, and effective and assured advocacy, through the courts, other forms of dispute resolution and through direct access)
10. Editor of peer-reviewed journal, *International Family Law*, published by Jordan Publishing (As well as dealing with practical issues affecting lawyers' case work, *International Family Law* looks at some of the deeper issues concerning the rationale and jurisprudence of existing law. International family law reform can best go forward when practitioners and academics learn from and communicate with each other <http://www.jordanpublishing.co.uk/publications/family-law/international-family-law>).