

Re U (Abduction: Nigeria) [2010]

[2010] EWHC 1179 (Fam); [2011] 1 FLR 354

14/05/2010

Barristers

Henry Setright KC
Private: David Williams QC

Court

Family Division

Practice Areas

International Children Law

Summary

In the non Hague Convention case, the mother abducted her children from their home in Nigeria and brought them to England. The mother alleged that she was a victim of domestic violence. The father, who was willing to make a range of significant undertakings, applied to the court for summary return of the children under inherent jurisdiction.

Facts

The issues were the degree of protection against domestic violence available to the mother under Nigerian law, the recognition and enforcement in Nigeria of any order made by the English court and the nature of children proceedings in Nigeria.

Held

Summary return ordered. The relevant state within Nigeria had enacted domestic violence legislation and protection would be available to mother and it was clear that the welfare principle was paramount in Nigeria. In addition the father was prepared to arrange and pay for separate accommodation, and to pre-register a version of his undertakings with the Nigerian court, including something akin to a penal notice in case of breach. The father was also prepared to prepay money to lawyers to represent the mother in Nigerian proceedings.

The judge had talked directly to a senior Nigerian judge with help of Thorpe LJ's International Family Justice Office.

Permission

Family Law Week 