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Divorce from a Foreigner. Belarusian Women Take Their Children Home and Accused of Abduction

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People usually envy women who marry foreigners. At the same time, few people think about what happens when the marriage breaks up for some reason. Who takes the custody of the children? Litigation related to the “abduction” of children from husbands has become increasingly common in the legal practice.



The author of this op-ed is Yelena Zhdanovich, Managing Partner of the Law and Family Mediation Law Office, lawyer of the Minsk City Bar Association, mediator, and coach of the Mediation and Negotiation Center.

When there is conflict in a family or when it comes to divorce or separation, children often become the objects of the parents’ “hostilities”. It is good when adults are able to negotiate. However, emotional stress, resentment, unwillingness to communicate often pushes to drastic action - **to take a child and go to another country** (usually it is the home country).



A vivid example is the case when a Belarusian wife returns with her children to Belarus. As a rule, a foreign father contacts our Ministry of Justice, informing about the abduction.

Life examples

A woman from Minsk, a medical worker, met a resident of one of the Scandinavian countries a few years ago and left Minsk to live with him. The man refused to register the marriage. They lived together for more

than 10 years, they had two daughters. The woman adapted in the foreign country, learned its language, got a job in a private clinic.

When the children started to grow up, **the father began to make claims to the mother concerning the children:** for example, that she did not take her daughters (2 and 5 years old) to gay parades, raised her voice at children when they didn't obey, etc.

The father did not like that the children's mother went to the Orthodox church on weekends and blessed the children when they left the house. Such actions are regarded there as religious fanaticism. The father complained to psychologists, to social services protecting the rights of children. All of the "violations" of the mother mentioned above were potential grounds for taking her children away from her.

Understanding these prospects, during her next visit to Minsk, **the woman decided not to return to the country of the permanent residence of the father.**

He filed a statement to the local police, court, as well as to the Belarusian court containing claims for the return of the children to country of their permanent residence.

What is the court guided by?

As a rule, such disputes are considered under **the Hague Convention on the Civil Aspects of International Child Abduction**, which has been ratified by the Belarusian party.

The court investigates whether the child was abducted and carefully examines all the circumstances of the family's life, the departure from the country and living conditions in Belarus.



In the example above, the court ruled that the children would remain with their mother in Belarus. An important argument for protecting the mother and her interests was that the children are citizens of the Republic of Belarus, have permanent registration in their mother's apartment in Minsk, and are socially adapted for living in Belarus.

No compromise

In general, decisions on such disputes cannot suit both sides. This can only be an agreement concluded between parents, which must be voluntary and thoughtful.

So, recently **we represented the interests of a foreign citizen who requested the return of his wife and children from Belarus to America.** The children were born and had lived there for a long time.

We invited the parties to the dispute to negotiate and reach an agreement. The couple decided that the children would live with their mother until they were 10 and could make their own decision.

The agreement described in detail how the father would communicate with the children (how many times a week communication through Skype, meetings would take place, as well as their duration, venue, including holidays, vacations, etc.).

Such a resolution of the dispute served the interests of children, whose parents lived in different countries, as much as possible. Therefore, I am always for dialogue between parents.