



IAFL Introduction to European Family Law Conference

23 & 24 October 2025

Thursday, 23rd October 2025: 10:15 -11:45

Between borders and best interest: Child Protection in a Multi-Level legal framework

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Prof. Dr. Henrike von Scheliha

Assistant Professor of Civil Law, Family & Inheritance Law

Bucerius Law School

Hamburg

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Profile

Henrike von Scheliha holds the Junior Professorship for Civil Law, in particular Family and Inheritance Law since, June 2024. Previously from 2022 on, she was a research assistant at the Federal Constitutional Court in the department of Federal Constitutional Judge Prof. Dr. Henning Radtke in Karlsruhe. She studied law at the Universität zu Köln and Université Paris I (Panthéon Sorbonne) within the French-German Law Degree Programme (DFM). In 2017, she passed her First State Examination. Afterwards she was a research assistant to Prof. Dr. Dr. h.c. Barbara Dauner-Lieb. In 2019 she received her doctorate at the Universität zu Köln with a dissertation on „Family autonomy and autonomous family“. After her legal traineeship in Cologne and Brussels, she passed her Second State Examination in 2021.

Soma Kölcsényi

IAFL FELLOW

ZHK Zöld-Horváth-Kölcsényi Law Firm

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2008 – member of the Budapest and Hungarian Bar Associations

2014 – fellow of the International Academy of Family Lawyers (IAFL)

2015 – expert delegate to the European Judicial Network

2019 – Central European Mediation Institute – Vice President

2023 – International Academy of Family Lawyers European Chapter - Vice President

2023 – Mikk eV Ambassador

professional expertise

cross border divorce and family litigation lawyer, practitioner

Ministry of Justice (Hungary) - member of the mediation workgroup

Ministry of Justice (Hungary) - member of the workgroup for family law procedure reform

registered mediator (Hungarian registry)

Budapest Bar Association – Academy of Lawyers, lecturer and co-head of family law division

Szent István University – ADR course, lecturer

Budapest Metropolitan University - ADR course, lecturer

Judges for Mediation Association – non-judicial member

latest publications:

2023 ORAC – Commentary to the Brussels II ter Regulation (1111/2019/EU)

2025 Family Law – A Global Guide From Practical Law by Thomson Reuters – co-author (Hungary)

Sandra Strahm

Schwärzler Attorneys at Law Ltd

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Profile:

Sandra Strahm completed her studies in Lucerne. After working for the courts, lawyers' offices and public authorities, she was admitted to the bar of the Canton of St. Gallen. Since then she has been working as an attorney and advises and litigate mainly in the areas of family and inheritance law, but also in contract and criminal law. In addition to divorce, her areas of practice also include family law disputes concerning children of unmarried couples. She is also involved in international settlements concerning visitation and maintenance law.

Carolina Marín Pedreño

IAFL FELLOW

Dawson Cornwell

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London

England



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Profile:

Carolina is a cross qualified Spanish Abogado (2003) and Solicitor (2006). She is the Head of the Children's Department at Dawson Cornwell, a leading family law firm based in London.

Her specialisations include all aspect of the international movement of children, child protection, recognition and enforcement of foreign orders, family formation and assisted reproduction rights.

Carolina has been awarded "*International Lawyer of the Year*" and The Times "*Lawyer of the Week*". She was selected by the USA Embassy in London to participate in their world-renowned International Visitors Leadership Programme. She is consistently ranked by Chambers & Partners and The Legal 500 and is highly sought after as "one of the foremost international children's lawyers".

Carolina has acted in many of the leading cases in the field of international family law, including cases in the Supreme Court of the United Kingdom, the European Court of Human Rights, and the Inter-American Courts of Human Rights.

Carolina is also a lecturer and author, contributing with many articles on international family law and a manual in Spanish on child abduction. She is co-author of Family Law Children's Right to Identity, Selfhood and International Family Law published by Edward Elgar. She is the editor of the Anthology on Human Rights from Different Regions published by LexisNexis for UIA.

Carolina is the former President of the Westminster & Holborn Law Society in London, Former elected Vice President of IAFL, Vice President of AIJUDEFA and President of the Family Commission of UIA.

Carolina's native language is Spanish. She speaks English and Italian.

Introduction to European Family Law Conference

Between borders and best interest: Child Protection in a Multi-Level legal framework

23 – 24 October 2025



INTERNATIONAL CHILD ABDUCTION AND PROTECTION OF CHILDREN

- Prof. Dr. Henrike Von Scheliha (Hamburg, Germany)
- Carolina Marín Pedreño (London, England & Wales + Spain)
- Sandra Strahm (Zürich, Switzerland)
- Soma Kölcsényi (Budapest, Hungary)



BACKGROUND OF THE CASE

- The case concerns two children, age 10 and 12
- Parents separated years ago, disputes about residence rights
- Factually the mother was the primary caretaker, kids went to school in Hamburg, and regularly visited the father in Denmark, father got a new spouse and children from the newer marriage
- Father took the children to Denmark without mother's consent → possible child abduction/retention (§ 235 German Criminal Code).



BACKGROUND OF THE CASE

- Subsequently, several sets of court proceedings took place in both Germany and Denmark, each concerning custody as well as the surrender or return of the children.
- In October 2021, the Higher Regional Court in Germany with jurisdiction over the matter provisionally transferred sole rights of determination of the children's residence to the mother (on the grounds that residing with the mother better corresponded to the children's best interests) and ordered the father to surrender the children.
- The mother then applied in Denmark for recognition, a declaration of enforceability, and enforcement of the aforementioned surrender order. After hearing the children, the competent District Court in Denmark, in December 2021, refused enforcement of the German decision, declaring it inadmissible.



ADVISING CLIENTS

- What legal instruments are available for left behind parents in YOUR jurisdiction?
- What procedural steps should courts follow when there are parallel custody and return proceedings in different countries?
- How should courts coordinate when one country issues an interim residence decision and another refuses enforcement?
- In your experience, what factors most commonly lead to conflicting court outcomes in cross-border child cases?



BACKGROUND OF THE CASE

- In February 2023, the Danish District Court found that although the children had been wrongfully removed to Denmark, their return to Germany was barred by § 11 Nos. 2 and 3 of the Danish Child Abduction Act, which correspond in substance to Article 13(1)(b) and Article 13(2) of the Hague Convention.



ADVISING CLIENTS

- How do you interpret the threshold "grave risk of physical or psychological harm" in Article 13(1)(b)? What concrete harms typically meet that threshold?
- What types of evidence have proven most persuasive in grave-risk claims (medical reports, police records, expert psychological assessments, child interviews)?
- How should courts weigh a child's expressed fear or objection to return under Article 13(1)(b), especially for older children?
- Should the child's testimony ever be decisive on grave-risk claims, and what safeguards ensure their statements are reliable and non-coercive?



BACKGROUND OF THE CASE

- children ended up back in Hamburg on New Year's Eve 2023/24 under uncertain circumstances → also possible child abduction (§ 235 German Criminal Code).
- OLG (High Court) Hamburg (Jan 2024): interim order, immediate return of the children to the father.
- OLG Hamburg (Feb 2024): jurisdiction under the 1996 Hague Child Protection Convention → Denmark.
- Federal Constitutional Court (Apr 2024): constitutional complaint inadmissible/unfounded, no "super-appeal," although the lack of a child hearing was problematic.



ADVISING CLIENTS

- How do you interpret the phrase "grave risk of physical or psychological harm" in Article 13(1)(b) — what concrete harms meet that threshold in your practice?
- What standard of proof do you apply when assessing a grave-risk claim (balance of probabilities, clear and convincing, or other), and why?
- Which types of evidence do you find most persuasive (medical records, police reports, expert psychological assessments, child interviews), and how do you weigh them?
- Must the alleged risk be imminent at the time of return, or can prospective/future risks satisfy Article 13(1)(b)?
- How do you distinguish bona fide grave-risk allegations from tactical or unsubstantiated claims intended to prevent return?



ADVISING CLIENTS

- What role should a child's expressed wishes and testimony play in grave-risk determinations, particularly for older children?
- When experts disagree, how do you assess and resolve conflicting psychological or forensic opinions?
- Given the Convention's emphasis on prompt returns, how do you balance urgency with the need for thorough investigation into serious safety concerns?
- How should domestic child protection measures in the receiving state (e.g., available services, supervision) affect your Article 13(1)(b) analysis?
- Would you support model guidelines or authoritative commentary on Article 13(1)(b) to promote consistency across courts — and what key points should such guidance include?
- Does child abduction/retention constitute a crime in your jurisdiction? If yes, what is the likely penalty?



THANK YOU FOR YOUR ATTENTION!


