

# **INTERNATIONAL FAMILY LAW SYMPOSIUM IAFL WITH EALS AND CLA 2 September 2025**

## ***Session Resources Pack Session 4: Hague Conventions in Africa: Adoption, Abduction and Child Support Conventions***

*Tuesday 2 September 2025  
11:15 - 13:00*

## CONTENTS

- Speaker profiles Page 3-9
  - Maria Mbeneka, Commonwealth Lawyers Association
  - The Hon. Madam Justice Baratang Constance Mocumie, Judge of the Supreme Court of Appeal (South Africa)
  - Philippe Lortie, First Secretary, Hague Conference on Private International Law HCCH (Netherlands)
  - Adelaide Benneh Prempeh (Ghana)
  - Leah Kiguatha (Kenya)
  - The Hon. Associate Chief Justice Gwen Hatch of the Court of King's Bench (Family Division) (Manitoba, Canada)
  - Joëlle Schickel-Küng (Switzerland)
  
- Speaker papers Page 10-15
  - Hague Conventions in Africa - Gwen Hatch

## **MARIA MBENEKA**

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Managing Partner at Mbeneka Advocates LLP Maria Mbeneka has extensive experience in Family Law, Tech Law, Conveyancing, Intellectual Property Law and Litigation.

She has served as a member of the Cooperative Tribunal well as the Industrial Property Tribunal.

She was elected Vice President of the East Africa Law Society (EALS) (2016 -2018) and, (2018-2020) a council member at the Law Society of Kenya (LSK) Treasurer & General Member Representative; Convener of the ICT/IP Committee.

She currently serves as the Hon Treasurer, Council member for Kenya and Co-Convenor at the Commonwealth Lawyers Association (CLA). She has served on several boards of organisations some of which include the Loisaba Conservancy, Ecocapp Capital Ltd, Lawyers Hub among others.

She is the Chair of the board of Ghetto Radio Limited and served as the Chairperson of the County First Ladies Association (Kenya) from 2020 -2022; an organisation of spouses of Governors of the 47 Counties in Kenya.

**THE HON. MADAM JUSTICE BARATANG  
CONSTANCE MOCUMIE**

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Justice of the Supreme Court of Appeal since 2016 with thirty-seven years of legal experience as magistrate; prosecutor, advocate and judge of various divisions in the high courts of South Africa. She is the South African Primary Liaison Judge of The Hague Conference on Private International Law (the HCCH) and a member of the HCC International Network of Judges (HCCHINJ).

Legal qualifications: (B. Juris) (LLB) (LLM) specialising in Family Law

Presented on Parental Responsibility under the 1996 Child Protection Convention commemorating the 25th Anniversary of the HCCH 1996 Child Protection Convention and the Convention on International Child Abduction. Presented to the International Family Lawyers Association (IAFL) and the University of Western Cape on the work of the Hague Conference on Private International Law. Presented on the Convention on International Child Abduction to the Pan African Bar Association of South Africa (PABASA), the International Bar Association (IBA) and International Federation of Library Associations and Institutions.

## **PHILIPPE LORTIE**

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Philippe Lortie joined the Permanent Bureau of the Hague Conference on Private International Law (HCCH) in September 2001 as First Secretary. He is co-responsible for the International Family & Child Protection Law Division which includes the 1980 Child Abduction, 1996 Child Protection, 2000 Protection of Adults and 2007 Child Support Conventions and the 2007 Protocol on the Law Applicable to Maintenance Obligations. He is also responsible for the International Hague Network of Judges, the Judges' Newsletter and e-Justice tools supporting HCCH Conventions such as e-Country Profiles, INCADAT and iSupport.

Before joining the HCCH, from 1991 to 2001 Philippe Lortie was Legal Counsel at the Department of Justice of Canada. In that capacity, he acted as Head of Canadian delegations to the HCCH, Unidroit and UNCITRAL. Philippe Lortie is a member of the Québec Bar since 1991 and holds degrees in Civil Law (LL.L.) and Common Law (LL.B.). He also holds an LL.M. in international law.

## **Adelaide Benneh Prempeh**

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Adelaide Benneh Prempeh is a dual-qualified Barrister and Solicitor of Ghana, and England & Wales. With a legal career that extends over two decades in both jurisdictions, Adelaide has a wealth of experience in International Child Adoption, Surrogacy, Matrimonial Finance, Enforcement, Finance, and Public Law proceedings. Adelaide now practices predominantly in Ghana where she maintains a substantive Child and Family practice, often involving cross-border child law proceedings. She is often engaged as a Ghanaian Expert in the context of English Court proceedings. Her affiliations include the International Academy of Family Lawyers, the Commonwealth Lawyers Association, and the International Bar Association.

## **LEAH KIGUATHA**

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Leah is an alumna of the Georgetown University Leadership and Advocacy for Women in Africa (LAWA) Fellowship Program and an Advocate of the High Court of Kenya with over twenty years' experience and expertise in domestic and international aspects of child and family law. She is also a trained Mediator and an adjunct Lecturer at Kenya School of Law.

Currently, Leah works as the Lead Counsel at Kiguatha & Company Advocates, a Nairobi Law Firm specializing in child and family law and real estate law.

**THE HON. ASSOCIATE CHIEF JUSTICE  
GWEN B. HATCH**

**Manitoba Court of King's Bench  
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Associate Chief Justice Gwen Hatch was appointed to the Manitoba Court of King's Bench (Family Division) in June 2013, and was appointed Associate Chief Justice of the Family Division in May 2020. She is Chair of the Child Protection Oversight and Implementation Committee and the Triage Implementation Committee of the Family Division. Associate Chief Justice Hatch is Chair of the Judicial Committee on Inter-jurisdictional Child Protection of the Canadian Judicial Council. She also serves on the Judicial Independence Committee of the Canadian Judicial Council.



## **JOËLLE SCHICKEL-KÜNG**

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Co-Head of Private International Law Unit  
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Joëlle Schickel-Küng is Deputy Head of the Private Law Division and Co-Head of the Private International Law Unit (PIL Unit), Federal Office of Justice of Switzerland. She is a trained lawyer and has been working for over 15 years in the Swiss government on issues of cross-border child protection. As Co-Head of the PIL Unit she is in charge of the child protection and family law area which includes the Central Authority function under the Hague Conventions of 1993 (intercountry adoptions), 1996 (international child protection) and 1980 (international child abduction). She served as Chair of the Experts' group on the Parentage/ Surrogacy Project of the HCCH (2016-2022).



## DIRECT JUDICIAL COMMUNICATIONS IN CHILD ABDUCTION CASES

**The Honourable Associate Chief Justice Gwen Hatch**

International Family Law Symposium IAFL with EALS and CLA  
Nairobi  
September 2, 2025

1

- 1980 Hague Convention on the Civil Aspects of International Child Abduction cases
- Inter-jurisdictional and International non-Hague cases

2

2

- Role of the International Liason Judge
- Benefits of Direct Judicial Communications

3

3

- International child protection cases
- Inter-jurisdictional child-related proceedings:
  - parental abductions
  - custody and access disputes

4

4

- Direct Judicial Communication Safeguards
- Emerging Guidance Regarding the Development of the International Hague Network of Judges: General Principles for Judicial Communication, Hague Conference on Private International Law Permanent Bureau

5

5

### Direct Judicial Communications:

- General
- Case Specific

6

6

## Request to Initiate Inter-jurisdictional Canadian or International Judicial Communication Form

***“Inter-jurisdictional” communication:*** This form is intended to be sent by the requesting Judge in province/territory A to their jurisdiction’s JCICP Judge, who will then forward same to the JCICP Judge in province/territory B for that judge to respond or provide to the appropriate judge in their jurisdiction.

***“International” communication:*** This form is intended to be sent by the **requesting Judge** to their provincial/territorial JCICP Judge, who will then **forward** it to **one of Canada’s three judges (Chair and Vice-Chairs of JCICP)** on the **International Hague Network of Judges (IHNJ)**, who will **use the information in the form** when preparing their **request letter to the foreign IHNJ Judge**. That request letter will be copied to the requesting JCICP Judge and the requesting judge in the province/territory (if applicable), as will any responsive communications. (p.2)

7

7

### Information Required

- **Date**
- **To:** Specify name of the Judicial Committee for Inter-jurisdictional Child Protection (**JCICP**) **member** for your province/territory
- **From:** Specify name of **requesting judge**, with contact details including Court name and Centre and address, along with judge’s telephone number and email address
- **Reference:** Specify **name of court proceeding**, court file number, and court centre

“I wish to **communicate** with a **judge** [or name of specific judge, if applicable] **of** [specify **Court** and province/territory/**country**] respecting the above **proceeding.**” (p. 1)

8

8

- **The proceeding involves:** Specify nature of the proceeding
  - **I am not aware of any pending proceeding in:** Specify Court and/or province /territory/country
- OR**
- I understand there is a pending proceeding in:** Specify Court and location and/or province/territory/country
- **I do not know the** name of the proceeding and/or the court file number
- OR**
- **I understand the proceeding has the following name and court file number:** Specify (p.1)

9

9

## Issues for Judicial Communication

**I want to have a judicial communication to discuss the following issue(s):** Specify issues, which may include:

- Status/scheduling of the pending case in the other jurisdiction;
- Clarification of laws and procedures in the other jurisdiction or country;
- Availability of protective orders or related services for a child or parent;
- Availability of legal aid or legal assistance;
- Impact/recognition of undertakings made to, or return order conditions made by, our Court;
- Mechanisms to enforce orders made by our Court;
- Any impediments in the other jurisdiction to a parent's return or participation in Court proceedings (e.g. immigration issues, criminal charges). (p.2)

10

10

- **Optional: I have attached the following documents relevant to this proceeding:**  
Specify
- **I would like the judicial communication to take place via** (specify telephone, videoconference platform, etc, taking any court protocols into account) **on** (specify proposed **dates** or **time period**). **Arrangements may be made by contacting** (specify contact person with contact details).
- **Counsel for the parties, (specify), are aware that I am making this request and will be invited to attend the judicial communication with their clients. (Revise as appropriate if a self-represented party is involved.)**
- I understand that if a **judicial communication** does take place for this proceeding, it should **be recorded**. I also understand that I am to **advise you of the details of same and the outcome**. Specify name of requesting judge. (p.2)

11

11

## Request to Initiate Inter-jurisdictional Canadian or International Judicial Communication Form

**Request to Initiate Inter-jurisdictional Canadian or International Judicial Communication**

This form is to be used to:

- initiate a request for inter-jurisdictional judicial communication respecting a particular pending case in Canadian inter-provincial/territorial situations;
- OR
- initiate a request for international judicial communication respecting a particular pending case, including those related to the *Hague Convention on the Civil Aspects of International Child Abduction* or non-Hague international child custody enforcement legislation.

The process related to both situations is described at the end of this document.

Date: \_\_\_\_\_

To: \_\_\_\_\_  
(Specify name of the Judicial Committee for Inter-jurisdictional Child Protection (JCICP) number for your province/territory)

From: \_\_\_\_\_  
(Specify name of requesting Judge, with contact details including Court name and Centre and address, along with Judge's telephone number and email address)

Ref: \_\_\_\_\_  
(Specify name of Court proceeding, Court file number, and Court Centre)

I wish to communicate with \_\_\_\_\_ (specify either "a Judge" or name the specific Judge, if applicable) of \_\_\_\_\_ (specify Court and province/territory/country) respecting the above proceeding.

The proceeding involves \_\_\_\_\_ (Specify name of the proceeding)

- I am not aware of any pending proceedings in \_\_\_\_\_ (Specify Court and/or province/territory/country)
- OR
- I understand there is a pending proceeding in \_\_\_\_\_ (Specify Court and location and/or province/territory/country)
- I do not know the \_\_\_\_\_ (Specify name of the proceeding and/or the Court file number)
- OR
- I understand the proceeding has the following name and Court file number (Specify): \_\_\_\_\_

I want to have a judicial communication to discuss the following issue(s): \_\_\_\_\_

**Optional:** I have attached the following documents relevant to this proceeding: \_\_\_\_\_

I would like the judicial communication to take place via \_\_\_\_\_ (Specify telephone, videoconference platform, etc., taking any Court protocols into account) on \_\_\_\_\_ (Specify proposed dates or time period)

Arrangements may be made by contacting \_\_\_\_\_ (Specify contact person with contact details)

Counsel for the parties, \_\_\_\_\_ (specify), are aware that I am making this request and will be invited to attend the judicial communication with their clients. (Revise as appropriate if a self-represented party is involved)

I understand that if a judicial communication does take place for this proceeding, it should be recorded. I also understand that I am to advise you of the details of same and the outcome.

\_\_\_\_\_  
(Specify name of requesting Judge)

Version 2021-03

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**"International" communication:** This form is intended to be sent by the requesting Judge to their provincial/territorial JCICP Judge, who will then forward it to one of Canada's three judges (Chair and Vice-Chairs of JCICP) on the International Hague Network of Judges (IHJ), who will use the information in the form when preparing their request letter to the foreign IHJ Judge. That request letter will be copied to the requesting JCICP Judge and the requesting judge in the province/territory (if applicable), as will any responsive communication.

**Final note:** In completing the form, judges should also consider the two applicable judicial communication documents that are contained in the National Judicial Institute's *Hague Conventions (International Child Abduction) Electronic Bench Book*. See Section IV, items C and D, and Section IX, Appendix C – *Recommended Practice for Court to Court Judicial Communication*, and Appendix H – *How to Communicate with a Judge in Another Jurisdiction*.

<sup>1</sup>Specify issues, which may include:

- Items outstanding of the pending case in the other jurisdiction;
- Clarification of laws and procedures in the other jurisdiction or country;
- Availability of persons either to attend services for a child or parent;
- Availability of legal aid or legal assistance;
- Support services of understanding made to, or on, either or other conditions made by, one Court;
- Mechanisms to enforce orders made by one Court;
- Any requirements in the other jurisdiction to a parent's return or participation in Court proceedings (e.g. investigation issues, criminal charges).

Note: Section B.4. of the *Recommended Practice for Court to Court Judicial Communication* or Section IX, Appendix C of the *National Judicial Institute (Hague) Conventions (International Child Abduction) Electronic Bench Book* identifies a number of possible issues to be discussed in an inter-jurisdictional judicial communication. Also, consider any specific direction or protocols of one Court.

12

12