



SPANISH CONSTITUTIONAL COURT
Cabinet of the President
Press Office

INFORMATION NOTE No. 6/2016

THE CONSTITUTIONAL COURT CONSIDERS THAT THE ORDER DELIVERED BY THE PROVINCIAL APPELLATE COURT OF MADRID (SECTION 22), INSTRUCTING THE RETURN OF AN UNDERAGE GIRL, DID NOT TAKE INTO ACCOUNT THE EXTENT TO WHICH SHE HAD SETTLED IN

The judgment overrules the Order instructing that the underage girl be returned to her father, upholding the appeal for constitutional protection filed by the girl's mother, to apply retrospectively from the date prior to said resolution of the Appellate Court, in order to appraise the girl's situation and weigh up the interests, particularly the extent to which she had settled into her current surroundings, given that three years had passed since she moved to Spain.

The Court was sorry for the procedural delay that preceded the filing of the appeal for constitutional protection, which now made it essential to consider the time elapsed and its effect on the girl's establishment. To do this, the Court did not analyse any matters related to the claimed abduction of the underage girl or other incidents derived from reported domestic violence.

Thus, in Point of Law 10, it literally states that "*... this Court, with the decision it is now adopting, is merely confirming that the unfortunate procedural delay related to the girl's return, in the exceptional circumstances of the case at hand, irrespective of the causes and persons responsible for said delay, cannot hinder the minor's overriding interest, overlooking how she is currently settled into her new surroundings. It is therefore necessary for this evaluation to be decisive*".

Madrid, 5 February 2016.