



This article is the first in a four-part series analyzing the latest decisions from the Commission for the Control of INTERPOL's Files (CCF). Here, we examine how the CCF applies INTERPOL's rules on Red and Yellow Notices in parental child abduction cases.

New CCF Decision on the Limit and Function of INTERPOL Notices in Parental Child Abduction Cases

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The Commission for the Control of INTERPOL's Files (CCF) issued a pivotal decision in early 2025 concerning the use of Red and Yellow Notices in cases involving parental custody disputes and the international transfer of minor children.ⁱ The decision confirms that Red Notices cannot be used to circumvent cross-border custody disputes. It also offers a more structured framework for evaluating Yellow Notices, emphasizing the importance of custody rulings in these cases.

Red Notices: INTERPOL's 2022 Policy in Practice

Since 2022, INTERPOL's General Secretariat has imposed specific restrictions on the issuance of Red Notices for parental child abduction.ⁱⁱ Under the General Secretariat's framework, a Red Notice cannot be issued if there are conflicting custody rulings from courts in two different countries and:

1. Both parents have participated in legal proceedings in both jurisdictions; or
2. The custody dispute is subject to Hague Convention proceedings that granted custody to the parent targeted by the Red Notice request.

This policy aims to prevent Red Notices from being used to override custody rulings across jurisdictions. It has remained unclear, however, whether the CCF would align its jurisprudence with the Secretariat's guidelines. This newly published decision is the first decision to explicitly confirm that the CCF fully adheres to the General Secretariat's policy when assessing Red Notices for parental child abduction.

In the case at hand, a Red Notice had been issued against a father accused of abducting his two children by failing to return them to their mother after traveling

internationally. The central issue was the existence of conflicting custody rulings from courts in two INTERPOL member countries. In one country, the father and mother initially shared joint custody, but after the father failed to return the children, a court awarded sole custody to the mother in his absence. In the other country, where the father was residing, he was granted sole custody through a judicial order, following legal proceedings in which the mother actively participated. The father's absence from the proceedings in the first country was due to extradition proceedings in the second, but he later engaged in the legal process and raised his custody rights in the context of the criminal proceedings.

The CCF found that the custody dispute had been fully litigated in both jurisdictions, with both parents having had the opportunity to present their arguments. Because both parents participated in the proceedings, the CCF determined that the case fell within the scope of a family matter under Article 83(1)(a)(i) of INTERPOL's Rules on the Processing of Data (RPD), making the retention of the Red Notice inconsistent with INTERPOL's rules.

This ruling explicitly confirms the CCF's adherence to INTERPOL's 2022 policy, reinforcing that Red Notices cannot be used to manipulate custody disputes across borders. For legal practitioners handling parental child abduction cases, this decision highlights the importance of:

- Documenting custody rulings from all relevant jurisdictions;
- Demonstrating both parents' participation in legal proceedings; and
- Identifying any Hague Convention proceedings that impact the custody dispute.

Yellow Notices: Impact of Custody Rulings

This decision also refines the CCF's approach to Yellow Notices in parental child abduction cases by explicitly linking the concept of a child's location to their legal custody status. Historically, the Commission has assessed the validity of a Yellow Notice based on whether it continues to serve its intended function—typically, locating a missing person or identifying someone unable to identify themselves.

A frequent argument for challenging a Yellow Notice has been to establish that the child's location is already known to national authorities, rendering the notice obsolete. For example, in a 2017 case,ⁱⁱⁱ the CCF found that a Yellow Notice no longer served a purpose once authorities in two countries had communicated the



child's exact location. This was the case even though the child was not in the applicant parent's custody. Similarly, in 2018,^{iv} the CCF determined that where national authorities consistently knew the child's location and maintained communication, the notice had fulfilled its objective. The Commission noted, however, that the notice could remain active if the child traveled internationally, introducing a more flexible interpretation of when a Yellow Notice should be maintained.

In fact, the Commission's long-standing position is that a Yellow Notice may still be deemed necessary where the child's *exact* location is unknown and the possibility of cross-border movement exists. The CCF upheld this reasoning in a 2024 decision,^v ruling that a Yellow Notice remained valid because, although authorities had general knowledge of the child's location, their precise whereabouts had not been confirmed, and there was a continued risk of international travel.

The newly published 2025 decision adds a new layer of analysis here: the legal custody of the child. In the case under review, the applicant had been granted custody of his children in one country, while the other parent had obtained a conflicting custody ruling in a different country. Authorities in both countries had shared the children's location with each other and confirmed they were residing with the applicant in the country where he had been awarded custody.

The CCF examined whether, under Article 90 of the RPD, the children could still be considered "missing," given that Yellow Notices are issued to locate individuals whose whereabouts are unknown to police. The Commission ultimately determined that since the applicant had legal custody of the children and their exact location was known to authorities, there were no factual grounds to consider the children missing. The NCB that issued the Yellow Notices failed to explain why the Yellow Notices were still needed despite being aware that the children were under the applicant's lawful guardianship. On this basis, the Commission ruled that the Yellow Notices no longer served a valid purpose under the RPD.

Rather than signaling a shift in jurisprudence, this decision clarifies and strengthens the CCF's framework for evaluating Yellow Notices by explicitly linking a child's location to their legal custody status. Instead of treating these as separate factors, the Commission now recognizes that if a court has lawfully granted custody to a parent in one jurisdiction and authorities confirm the child's residence with that parent, a Yellow Notice may no longer be justified—even if a conflicting custody ruling exists elsewhere.



For practitioners, this ruling provides a stronger legal foundation for deletion requests, reinforcing the need to demonstrate not only that the child’s exact location is known but also that their residency is legally recognized.

ⁱ [CCF, Decision Excerpt No. 01 \(2025\), “Purpose, Family Matter, International Interest and Seriousness, Ne bis in idem.”](#)

ⁱⁱ [INTERPOL, List of Specific Offences for which Red Notices may not be Issued \(Jan. 28, 2022\).](#)

ⁱⁱⁱ [CCF, Decision Excerpt No. 16 \(2017\), “Family Matter, Lawfulness-Validity of Proceedings.”](#)

^{iv} [CCF, Decision Excerpt No. 09 \(2018\), “Family Matter.”](#)

^v [CCF, Decision Excerpt No. 01 \(2024\), “Purpose, Family Matter, International Interest and Seriousness, Due Process.”](#)