

<b>Title</b>	<b>Questionnaire on the Practical Operation of the 1980 Child Abduction Convention</b>
<b>Document</b>	Prel. Doc. No 4 of January 2023
<b>Author</b>	PB
<b>Agenda Item</b>	Item TBD
<b>Mandate(s)</b>	C&D No 15 of CGAP 2022 C&D No 16 of CGAP 2021
<b>Objective</b>	<ul style="list-style-type: none"> <li>- To obtain information on the practical operation of the 1980 Child Abduction Convention</li> <li>- Deadline for submitting the completed Questionnaire: <b>31 March 2023</b></li> </ul>
<b>Action to be Taken</b>	For Decision <input type="checkbox"/> For Approval <input type="checkbox"/> For Discussion <input type="checkbox"/> For Action / Completion <input checked="" type="checkbox"/> For Information <input type="checkbox"/>
<b>Annexes</b>	N/A
<b>Related Documents</b>	<p>Prel. Doc. No 1 of October 2022 – Draft Table of Conclusions and Recommendations of previous Meetings of the Special Commission (SC) on the practical operation of the 1980 Child Abduction and the 1996 Child Protection Conventions that are still relevant today</p> <p>Prel. Doc. No 2 of October 2022 - Questionnaire on the Practical Operation of the 1996 Child Protection Convention</p> <p>Prel. Doc. No 5 of December 2020 – 1980 Child Abduction / 1996 Child Protection Conventions: Planning for the next Special Commission meeting</p>

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## Introduction

### Objectives and scope of the Questionnaire

- 1 This Questionnaire is being circulated in preparation for the upcoming Eighth Meeting of the Special Commission (SC) on the practical operation of the 1980 Child Abduction Convention (or 1980 Convention) and the 1996 Child Protection Convention (or 1996 Convention) tentatively scheduled to take place in **October 2023 (dates to be confirmed)**. This Questionnaire focuses on the practical operation of the 1980 Convention. The Questionnaire on the 1996 Convention is available in [Prel. Doc. No 2 of October 2022](#) at the dedicated section of the HCCH website for this SC meeting.
- 2 Through the circulation of this Questionnaire, the Permanent Bureau ("PB") aims to:
  - a. seek information as to the practical operation of the 1980 Convention in Contracting Parties, including any significant developments in law or in practice in dealing with cases falling within the scope of the Convention;
  - b. identify current challenges experienced by Contracting Parties regarding the practical operation of the Convention;
  - c. obtain the views and comments of Contracting Parties on post-Convention services offered by the PB of the Hague Conference on Private International Law (HCCH) regarding the Convention;
  - d. obtain views and comments on priority topics for discussion at the October 2023 SC meeting and assist with the drawing up of an agenda for the meeting.
- 3 This Questionnaire is intended to deal with topics not covered by the [Country Profile for the 1980 Convention](#). The Country Profile provides Contracting Parties with the opportunity to submit, in a user-friendly tick-box format, the basic information concerning the practical operation of the 1980 Convention in their State and provides information of a general character on the law of the States in connection with the application of the Convention. Contracting Parties should therefore be aware that, for the purposes of the SC meeting, their answers to this Questionnaire will be read alongside their completed Country Profile. Contracting Parties are kindly requested to complete or update their Country Profile **before 17 February 2023**.

### Structure of the Questionnaire

- 4 This Questionnaire is similar in structure to the Questionnaire<sup>1</sup> circulated ahead of the Seventh Meeting of the SC on the practical operation of the 1980 Child Abduction Convention and the 1996 Child Protection Convention in 2017 ("2017 SC"). Some sections have been reorganised, and new topics added with a view to follow up on Conclusions and Recommendations (C&R) of the 2017 SC, and to identify current challenges. This Questionnaire is comprised of four main parts:

Part I: Practical operation of the 1980 Convention, containing 51 questions;

Part II: Training, education and post-Convention services provided by the PB, containing seven questions (Nos 52-58);

Part III: Non-Convention cases and non-Convention States, containing three questions (Nos 59-61);

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All HCCH documents mentioned in this Prel. Doc. are available on the HCCH website at [www.hcch.net](http://www.hcch.net) under "Child Abduction Section".

<sup>1</sup> The responses to the Questionnaire on the practical operation of the 1980 Convention circulated in January 2017 are available on the HCCH website at [www.hcch.net](http://www.hcch.net) under "Child Abduction Section", then "Special Commission meetings", then "Seventh Special Commission meeting (October 2017)".

Part IV: Priorities and Recommendations for the SC and any other matters containing four questions (Nos 62-65).

- 5 Whilst this Questionnaire is primarily addressed to Contracting Parties to the 1980 Convention, the PB welcomes comments from other States and Organisations (*i.e.*, States which are not yet Party to the Convention, international organisations and international non-governmental organisations) in respect of items in the Questionnaire which are considered relevant.
- 6 The design of the Questionnaire allows the collection of both quantitative and qualitative data on the operation of the 1980 Convention. It presents different types of questions (open-ended, yes / no questions, frequency rating), which were crafted with the intention to collect meaningful data on current practices and relevant topics for the operation of the Convention.

### **Coordination for answering and submitting the Questionnaire**

- 7 The Questionnaire is being sent to Central Authorities with a copy to members of the International Hague Network of Judges ("IHNJ") designated by Contracting Parties to the 1996 and 1980 Conventions, as well as National and Contact Organs of HCCH Members. Central Authorities and members of the IHNJ are asked to coordinate as appropriate between themselves and with other members of the judiciary to respond to the questions that pertain to competent authorities. Central Authorities are ultimately responsible for submitting the completed Questionnaire to the PB.

### **Practical instructions for completion**

- a. **Use the Word version of the document:** To allow the PB to extract parts of the Questionnaire for the compilation and analysis of the responses, please use **this Word Version** of the document. Please **do not return a PDF version** of the completed Questionnaire.
  - b. **Submitting the completed Questionnaire:** You are kindly requested to send the completed Questionnaire by e-mail, in an attachment in Word format, to [secretariat@hcch.net](mailto:secretariat@hcch.net), with the following indication in the subject line of the e-mail:  
  
"2023 SC – Responses 1980 SC Questionnaire – [name of State]"
  - c. **Deadline for submitting the completed Questionnaire:** 31 March 2023
  - d. **Visibility on the HCCH website:** The PB intends, except where expressly asked not to do so, to place all the responses to this Questionnaire on the HCCH website ([www.hcch.net](http://www.hcch.net)). Therefore, please identify clearly in your message submitting the Questionnaire any responses which **should not** be made visible on the website.
- 8 Please do not hesitate to address any questions you may have to [secretariat@hcch.net](mailto:secretariat@hcch.net). Thank you for your cooperation as the PB prepares for the next meeting of the SC in 2023.

# Questionnaire concerning the Practical Operation of the 1980 Child Abduction Convention

Wherever responses to this Questionnaire make reference to domestic legislation, rules, guidance or case law relating to the practical operation of the 1980 Convention, **please provide a copy of the referenced documentation** in (a) the original language and, (b) wherever possible, accompanied by a translation into English and / or French.

Name of State or territorial unit: <sup>1</sup> <i>For follow-up purposes</i>	The Netherlands Please insert text here
Name of contact person:	Margu�rite Wieringa
Name of Authority / Office:	Central authority on International Children's Issues
Telephone number:	+31 (0)70 3706252
E-mail address:	kinderontvoering@minjenv.nl
Date:	25 September 2023

## PART I – PRACTICAL OPERATION OF THE 1980 CONVENTION

### Recent developments in your State<sup>2</sup>

1. Since the 2017 SC, have there been any significant developments in your State regarding the **legislation** or **procedural rules** applicable in cases of international child abduction? Where possible, please state the reason for the development and the results achieved in practice.

- No  
 Yes

Please specify:

The implementation of the Brussels IIb Regulation in our national legislation

2. Following the Covid-19 pandemic,<sup>3</sup> have there been any **improvements** that have remained in your State in the following areas, in particular in relation to the **use of information technology**, as a result of newly adopted procedures or practices applicable to child abduction cases? In each case, please describe the tools, guidelines or protocols put in place.

- a) Methods for accepting and processing return and access applications and their accompanying documentation;

No

- b) Participation of the parties and the child (e.g., appearance in court proceedings, mediation);

No

- c) Promoting mediation and other forms of amicable resolution;

No

- d) Making arrangements for organising or securing the effective exercise of rights of access, including while pending return proceedings;

Yes, the subject of rights of access is raised at the hearing

<sup>1</sup> The term "State" in this Questionnaire includes a territorial unit, where relevant.

<sup>2</sup> This Part of the Questionnaire is intended to deal primarily with the developments in law and practice relating to international child abduction which have occurred in your State since the Seventh Meeting of the Special Commission (SC) to review the operation of the 1980 Abduction Convention and the 1996 Child Protection Convention (held from 10 to 17 October 2017) ("2017 SC").

<sup>3</sup> This question aims to gather information about good practices that were developed in those exceptional circumstances and that will continue to be applied regardless of the pandemic.

- e) Obtaining evidence by electronic means;  
No
- f) Ensuring the safe return of the child;  
This may be a topic of discussion at the hearing
- g) Cooperation between Central Authorities and other authorities;  
NO
- h) Providing information and guidance for parties involved in child abduction cases;  
No
- i) Other, please specify.  
--

3. Please provide the three most **significant decisions concerning the interpretation and application of the 1980 Convention** rendered since the 2017 SC by the relevant authorities<sup>4</sup> in your State.

Case Name	Court Name	Court Level	Brief summary of the ruling
Please insert text here	Please insert text here	Please insert text here	Please insert text here
Please insert text here	Please insert text here	Please insert text here	Please insert text here
Please insert text here	Please insert text here	Please insert text here	Please insert text here

4. Please provide a brief summary of **any other significant developments** in your State since the 2017 SC.

The Netherlands still uses the method also known as 'the Dutch Model'. This working method is largely laid down in the Brussels IIb regulation. The Netherlands still uses this working method.

### Issues of compliance

5. Has your State faced any particular **challenges with other Contracting Parties** to the 1980 Convention in achieving successful cooperation? Please specify the challenges that were encountered and, in particular, whether the problems appear to be systemic.

- No
- Yes

Please specify the challenges encountered:  
our State experiences challenges with other Contracting Parties that appear to be systemic, such as very lengthy procedures, multiple appeals and structural failure to comply with the enforcement of 1980 return decisions.

6. Are you aware of situations or circumstances in which there has been **avoidance or improper application** of the 1980 Convention as a whole or any of its provisions in particular?

- No
- Yes

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<sup>4</sup> The term “relevant authorities” is used in this Questionnaire to refer to the judicial or administrative authorities with decision-making responsibility under the 1980 Convention. Whilst in the majority of Contracting Parties such “authorities” will be courts (*i.e.*, judicial), in some States Parties administrative authorities remain responsible for decision-making in Convention cases.

Please specify:  
[Please insert text here](#)

## Addressing delays and ensuring expeditious procedures

7. The 2017 SC encouraged States to review their procedures (including, where applicable, at the Central Authority, judicial, enforcement and mediation / other alternative dispute resolution - “ADR” phases)<sup>5</sup> in order to identify possible sources of delay and implement the adjustments needed to secure shorter time frames consistent with Articles 2 and 11 of the Convention. Please indicate any identified sources of delay at the following phases:

### Central Authority

- No  
 Yes  
 Procedure not yet revised

If the answer to the above is YES, please share any measures that have been implemented to address the delays:

### Judicial proceedings

- No  
 Yes  
 Procedure not yet revised

If the answer to the above is YES, please share any measures that have been implemented to address the delays:

### Enforcement

- No  
 Yes  
 Procedure not yet revised

If the answer to the above is YES, please share any measures that have been implemented to address the delays:

[Please insert text here](#)

### Mediation / ADR

- No  
 Yes  
 Procedure not yet revised

If the answer to the above is YES, please share any measures that have been implemented to address the delays:

[Please insert text here](#)

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<sup>5</sup> See C&R No 4 of the 2017 SC, “The Special Commission acknowledges that some States have made progress in reducing delays and encourages States to review their procedures (including, where applicable, at the Central Authority, judicial, enforcement and mediation / ADR phases) in order to identify possible sources of delay and implement the adjustments needed to secure shorter time frames consistent with Articles 2 and 11 of the Convention.”



## Court proceedings and promptness

8. Does your State have mechanisms in place to deal with return decisions within six weeks (e.g., production of summary evidence, limitation of appeals, swift enforcement)?

- No  
 Yes

Please specify:

Our entire procedure is designed to ensure that it is as swift as possible, we apply a so called "Pressure cooker system". For example, we have one centralised court, one appeal possibility and fixed six-week deadlines for each stage of the procedure.

9. If the response to question 8 above is "No", does your State contemplate implementing mechanisms to meet the requirement of prompt return under the 1980 Convention (e.g., procedures, bench-books, guidelines, protocols)?

- No  
 Please specify:  
 Please insert text here

- Yes  
 Please specify:  
 Please insert text here

10. Do the courts in your State make use of direct judicial communications<sup>6</sup> to ensure prompt proceedings?

- No  
 Yes

Please specify:

The starting point is that the hearing will be held physically. Exceptionally, the hearing will take place online or hybrid using the appropriate means of communication

11. If your State has not designated a judge to the International Hague Network of Judges (IHNJ) does your State intend to do so in the near future?

- No  
 Yes

Please specify:

Our State has designated a Judge to the IHNJ.

12. Please comment upon any cases ( where your State was the requested State) in which the judge (or decision-maker) has, before determining an application for return, communicated with a judge or other authority in the requesting State regarding the issue of the child's safe return. What was the specific purpose of the communication? What was the outcome?

There has been no such case yet.

## The role and functions of Central Authorities designated under the 1980 Convention

### In general

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<sup>6</sup> For reference, see "Direct Judicial Communications - Emerging Guidance regarding the development of the International Hague Network of Judges and General Principles for Judicial Communications, including commonly accepted safeguards for Direct Judicial Communications in specific cases, within the context of the International Hague Network of Judges".

13. Have any of the duties of Central Authorities, as set out in **Article 7** of the 1980 Convention, raised any particular problems in practice either in your State, or in Contracting Parties with which your State has cooperated?

- No  
 Yes

Please specify:

Please insert text here

14. Has your Central Authority encountered any challenges with the application of **any of the 1980 Convention provisions**? If so, please specify.

- No  
 Yes

Please specify:

Please insert text here

### Legal aid and representation

15. Do the measures your Central Authority takes to provide or facilitate the provision of legal aid, legal advice and representation in return proceedings under the 1980 Convention (**Art. 7(2)(g)**) result in delays in proceedings either in your own State, or, where cases originate in your State, in any of the requested States that were dealt with?

- No  
 Yes

Please specify:

Please insert text here

16. Are you aware of any other challenges in your State, or, where cases originate in your State, in any of the requested States your Central Authority has dealt with, regarding the **obtaining of legal aid, advice and / or representation for either left-behind parents or taking parents**?<sup>7</sup>

- No  
 Yes

Please specify:

For some left behind parents obtaining legal representation in the Netherlands is complicated and can take a longer period of time. This may be caused by a language barrier on the side of the left behind parent.

### Locating the child

17. Has your Central Authority encountered any **challenges with locating children** in cases involving the 1980 Convention, either as a requesting or requested State?

- No  
 Yes

Please specify the challenges encountered and what steps were taken or are considered to be taken to overcome these challenges:

Please insert text here

<sup>7</sup> See paras 1.1.4 to 1.1.6 of the C&R of the Fifth Meeting of the SC to review the operation of the 1980 Child Abduction and the practical implementation of the 1996 Child Protection Convention (30 October – 9 November 2006) (2006 SC C&R) and paras 32 to 34 of the C&R of the Sixth Meeting of the SC to review the operation of 1980 and 1996 Conventions (1-10 June 2011 and 25-31 January 2012) (2012 SC C&R), available on the HCCH website at [www.hcch.net](http://www.hcch.net) under “Child Abduction Section” then “Special Commission meetings”.

## Voluntary agreements and bringing about an amicable resolution of the issues

18. How does your Central Authority (either directly or through any intermediary) take, or is considering taking, appropriate steps under **Article 7(c)** to bring about an amicable resolution of the issues? Please explain:

When an application for the return of a child is received, the taking parent receives a letter from the Central Authority in which he/she is urged to voluntarily cooperate in the return of the child. In this letter information is also provided on the importance of coming to an amicable solution and the use of mediation. This information including a leaflet of the Dutch Mediation Bureau with the possibilities of Cross Border Mediation in the Netherlands is sent to the taking and left behind parent.

19. In the case that your Central Authority offers mediation services, or other alternative dispute resolution methods to bring about an amicable resolution of the issues, has your Central Authority reviewed these procedures in the light of the framework of international child abduction cases (e.g., by providing trained, specialised mediators, including with cross-cultural competence and necessary language skills<sup>8</sup>)?

Please specify:

In the Netherlands mediation services are provided not by the Central authority but by the Dutch Mediation Bureau which is an independent part of the Center for International Child Abduction. Cross border mediations in Child abduction cases (handled by the Dutch Mediation Bureau) are subsidized by the Dutch Ministry of Justice and Security.

20. Should the services mentioned in the question above not yet be provided, does your Central Authority intend to provide them in the future?

Please provide comments:

Please insert text here

21. Has your State considered, or is it in the process of considering, the establishment of a central service for international family mediation to facilitate access to information on available mediation services and related issues for cross-border family disputes involving children?<sup>9</sup>

No

Please explain:

Please insert text here

Yes

Please explain:

Please insert text here

## Ensuring the safe return of children<sup>10</sup>

22. How does the competent authority in your State obtain information about the protective measures available in the requesting State when necessary to ensure the safe return of the child?

Please explain:

<sup>8</sup> For reference, please see the recommendation in the Guide to Good Practice on Mediation, item 3.2, paras 98-105, "Specific training for mediation in international child abduction cases", available on the HCCH website at [www.hcch.net](http://www.hcch.net) under "Child Abduction Section" then "Guides to Good Practice".

<sup>9</sup> As it has been encouraged in the Guide to Good Practice on Mediation, Chapter 4, on "Access to Mediation". paras 114-117. See also 2011 / 2012 SC C&R at para. 61.

<sup>10</sup> See Art. 7(2)(h) of the 1980 Convention.

Our Central Authority will provide such information to the competent authority.

23. If requested as a safe return measure (e.g., in accordance with the 1996 Convention), would your Central Authority be in a position to provide, either directly or through intermediaries, a report on the situation of the child after a certain period of time after the return?

- No  
 Yes

Please specify:

on request we can provide this through the Dutch Child Care and Protection Board.

### Information exchange, training and networking of Central Authorities

24. Has your Central Authority shared experiences with other Central Authority(ies), for example by organising or participating in any networking initiatives such as regional meetings of Central Authorities, either in person or online? <sup>11</sup>

- No  
 Yes

Please specify:

We share experiences regularly with other Central Authorities, our Authority also participates in the European Judicial Network.

### Case management and collection of statistical data on applications made under the Convention

25. Has your Central Authority developed any protocols or internal guidelines for the processing of incoming and outgoing cases?

- No  
 Yes

Please specify and share the relevant instruments whenever possible:  
 we have internal guidelines

26. Does your Central Authority operate a case management system for processing and tracking incoming and outgoing cases?

- No  
 Yes

Please specify:

27. Does your State collect statistical data on the number of applications made per year under the 1980 Convention (e.g., number of incoming and / or outgoing cases)?<sup>12</sup>

- No  
 Yes

In case this information is publicly made available, please share the links to the statistical reports:

<sup>11</sup> See, in particular, Chapter 6.5, on twinning arrangements, of the Guide to Good Practice – Part I – Central Authority Practice, available on the HCCH website at [www.hcch.net](http://www.hcch.net) (see path indicated in note 8).

<sup>12</sup> In the Country Profile for the 1980 Child Abduction Convention, question No 23(e), States are asked to inform whether statistics related to applications under the Convention are publicly available. Please note that, at its meeting of 2021, according to Conclusion & Decision (C&D) No 19, the Council on General Affairs and Policy (CGAP) mandated the discontinuance of INCASTAT.

<https://www.rijksoverheid.nl/documenten/jaarverslagen/2020/04/29/centrale-autoriteit-internationale-kinderaangelegenheden--jaarrapportage-2019>

**Transfrontier access / contact<sup>13</sup>**

28. Since the 2017 SC, have there been any significant developments in your State regarding Central Authority practices, legislation, procedural rules or case law applicable in cases of transfrontier access / contact?

- No
  - Yes
- Please specify:  
Please insert text here

29. Has your Central Authority encountered any problems as regards cooperation with other States in making arrangements for organising or securing the effective exercise of rights of access / contact?

- No
  - Yes
- Please specify:  
In some States the Central authority doen not handle these cases and the parent should go directly to the Court in that State. Some CA's have a limited role in these cases such as the Dutch CA.

30. Has your State had any challenges, or have questions arisen, in making arrangements for organising or securing the effective exercise of rights of access / contact under **Article 21** when the application was *not* linked to an international child abduction situation?<sup>14</sup>

- No
  - Yes
- Please specify:  
Please insert text here

31. In the case of access / contact applications under **Article 21**, which of the following **services** are provided by your Central Authority?

Position	Services provided
A request of assistance to organise or secure effective exercise of rights of access in <b>another Contracting Party</b> (as requesting State)	<ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> 1. Assistance in obtaining information on the operation of the 1980 Convention</li> <li><input checked="" type="checkbox"/> 2. Assistance in obtaining information on the relevant laws and procedures in the requested State</li> <li><input checked="" type="checkbox"/> 3. Establishment of contact with the Central Authority and / or the competent authorities in the requested State to find out the kind of assistance such authorities could provide</li> <li><input checked="" type="checkbox"/> 4. Transmission of the request to the Central Authority or to the competent authorities in the requested State</li> <li><input type="checkbox"/> 5. Assistance in initiating judicial or administrative proceedings with a view to making arrangements for organising or securing the effective exercise of rights of access</li> <li><input checked="" type="checkbox"/> 6. Assistance in providing or facilitating the provision of legal aid and advice</li> <li><input checked="" type="checkbox"/> 7. Assistance in obtaining private legal counsel or mediation services, where needed in the requested State</li> </ul>

<sup>13</sup> See C&R Nos 18-20 of the 2017 SC.

<sup>14</sup> According to C&R No 18 of the 2017 SC, “The Special Commission agrees that an application to make arrangements for organising or securing the effective exercise of rights of access / contact under Article 21 can be presented to Central Authorities, independently of being linked or not, to an international child abduction situation.”

	<input type="checkbox"/> 8. Referral to other governmental and / or non-governmental organisations for assistance <input checked="" type="checkbox"/> 9. Provision of regular updates on the progress of the application <input type="checkbox"/> 10. Other, please specify:  <p style="text-align: center;">Please insert text here</p>
<p>A request of assistance to organise or secure effective exercise of rights of access <b>in your State</b> (as requested State)</p>	<input checked="" type="checkbox"/> 1. Providing information on the operation of the 1980 Convention and / or the relevant laws and procedures in your State <input type="checkbox"/> 2. Assistance in initiating judicial or administrative proceedings with a view to making arrangements for organising or securing the effective exercise of rights of access <input checked="" type="checkbox"/> 3. Assistance in providing or facilitating the provision of legal aid and advice <input checked="" type="checkbox"/> 4. Assistance in obtaining private legal counsel or mediation services available in your State <input checked="" type="checkbox"/> 5. Referral to other governmental and / or non-governmental organisations for assistance <input type="checkbox"/> 6. Regular updates on the progress of the application <input type="checkbox"/> 7. Other, please specify: <p style="text-align: center;">Please insert text here</p>

32. Should your State also be a Contracting Party to the 1996 Convention, are you aware of any use being made of **provisions of the 1996 Convention**, including those under Chapter V, **in lieu of or in connection with an application under Article 21** of the 1980 Convention?

- No
- Yes

Please specify:  
 Please insert text here

### Special topics

#### Obtaining the views of a child in a child abduction case

33. When obtaining the views of a child in a child abduction proceeding in your State’s jurisdiction, what are the elements normally observed and reported by the person hearing the child (e.g., expert, judge, guardian *ad litem*? (E.g., the views of the child on the procedures, the views of the child on the subject of return, the maturity of the child, any perceived parental influence on the child’s statements)?

Please explain:  
 the examples are included in this question.

34. Are there are any procedures, guidelines or principles available in your State to guide the person (e.g, expert, judge, guardian *ad litem*) in seeking the views of the child in a child abduction case?

- No
- Yes

Please specify:  
 When appointing a special trustee, the court will include targeted questions in the order

### Article 15

35. As requesting State (outgoing applications), how often have judicial or administrative authorities in your State received requests for Article 15 decisions or determinations?

- Do not know  
 Never  
 Rarely  
 Sometimes  
 Very often  
 Always

36. As requested State (incoming applications), how often have judicial or administrative authorities in your State requested Article 15 decisions or determinations?

- Do not know  
 Never  
 Rarely  
 Sometimes  
 Very often  
 Always

37. Please indicate any good practices your State has developed to provide as complete as possible information in the return applications as required under Article 8 with a view to speed up proceedings?

Please indicate:

Our Central authority works with application forms which provide all the necessary information.

38. Considering C&R No 7 of the 2017 SC,<sup>15</sup> what information do you suggest adding to the Country Profile for the 1980 Convention, either as requested State or requesting State in relation to Article 15?

Please insert your suggestions:

none

### Relationship with other international instruments on human rights

39. Has your State faced any challenges, or have questions arisen, in processing international child abduction cases where there was a **parallel refugee claim** lodged by the taking parent?

- No  
 Yes

If possible, please share any relevant case law or materials that are relevant to this type of situation in your State or, alternatively, a summary of the situation in your State:

Please insert text here

- Do not know

40. Has the concept of the **best interest of the child** generated discussions in your State in relation to child abduction proceedings? If it is the case, please comment on any relevant challenges in relation to such discussions.

- No  
 Yes

<sup>15</sup> See C&R No 7: “The Special Commission recommends amending the Country Profile for the 1980 Convention to include more detailed information on the Article 15 procedure. It is further recommended that an Information Document on the use of Article 15 be considered with, if necessary, the assistance of a small Working Group.”

Please provide comments:  
Please insert text here

### Use of the 1996 Convention<sup>16</sup>

41. If your State is not Party to the 1996 Convention, is consideration being given to the possible advantages of the 1996 Convention (please comment where applicable below):

(a) providing a jurisdictional basis for urgent protective measures associated with return orders (**Arts 7 and 11**)

Please insert text here

(b) providing for the recognition of urgent protective measures by operation of law (**Art. 23**)

Please insert text here

(c) providing for the advance recognition of urgent protective measures (**Art. 24**)

Please insert text here

(d) communicating information relevant to the protection of the child (**Art. 34**)

Please insert text here

(e) making use of other relevant cooperation provisions (e.g., **Art. 32**)

Please insert text here

42. If your State is a Party to the 1996 Convention, does your State make use of the relevant cooperation provisions (e.g., Art. 32) to provide, if requested, either directly or through intermediaries, a report on the situation of the child after a certain period of time after the return?<sup>17</sup>

No

Yes

Please specify:

Please insert text here

### Primary carer and protective measures

43. Are you aware of any cases in your State where a primary carer taking parent, for reasons of personal security (e.g., domestic or family violence, intimidation, coercive control, harassment, etc.) or others, has refused or has not been in a position to return with the child to the requesting State? How are such cases dealt with in your State?

Please explain and provide case examples where possible:

The court examines the grounds for refusal and if this is the case, i.e. Article 13(1)(b) of the Convention, then a request for return will be rejected, unless the situation of Article 27(3) of the Brussels II-ter Regulation arises.

44. Would the authorities of your State consider putting in place measures to protect the primary carer upon return in the requesting State if they were requested as a means to secure the safe return of the child?

<sup>16</sup> For this part of the Questionnaire, the [Practical Handbook on the Operation of the 1996 Child Protection Convention](#) can provide helpful guidance, available on the HCCH website at [under "Child Protection Section"](#).

<sup>17</sup> See C&R No 40 of the 2017 SC: "The Special Commission notes that many Central Authorities may provide certain degrees of assistance (both when the 1980 Convention and / or the 1996 Convention apply), both to individuals within their own State and to foreign Central Authorities on behalf of an individual residing abroad. Requests for assistance may encompass such matters as: securing rights of access; the return of children (both when the 1980 Convention and / or the 1996 Convention apply); the protection of runaway children; reporting on the situation of a child residing abroad; post-return reports for children returned to their habitual residence; the recognition or non-recognition of a measure taken abroad (advanced recognition); and, the enforceability of a foreign measure of protection." (Emphasis added.)



Please explain and provide case examples where possible:

The court has not faced such a case before. The court will act within the scope of the law.

45. In cases where the return order was issued together with a protective measure to be implemented upon return, are you aware of any issues encountered by your State in relation to the enforcement of such protective measures?

- No  
 Yes

Please explain and distinguish between such measures being recognised and enforced under the 1996 Convention:

Please insert text here

46. In cases where the return order was issued together with an undertaking given by either party to the competent authority of the requested State, are you aware of any issues encountered by your State in relation to the enforcement of such undertakings?

- No  
 Yes

Please specify:

Please insert text here

47. If your State is a Contracting Party to the 1996 Convention, is Article 23 of that Convention being used or considered for the recognition and enforcement of undertakings given by either party while returning a child under the 1980 Convention?

- No  
 Yes

Please specify:

Please insert text here

- N/A

48. In cases where measures are ordered in your State to ensure the safety of a child upon return, does your State (through the Central Authority, competent Court or otherwise) attempt to monitor the effectiveness of those measures upon the child's return?

- No  
 Yes

Please specify:

Please insert text here

### International family relocation<sup>18</sup>

49. Has your State adopted specific procedures for international family relocation?

- Yes

Please describe such procedures, if possible:

- No

<sup>18</sup> See the C&R of the 2006 SC at paras 1.7.4-1.7.5, C&R No 84 of the 2012 SC, and C&R No 21 of the 2017 SC, the latter of which says: "The Special Commission recalls the importance of securing effective access to procedures to the parties in international family relocation cases. In this regard, the Special Commission notes that: i) mediation services may assist the parties to solve these cases or prepare for outcomes; ii) the Washington Declaration of 25 March 2010 on Cross-border Family Relocation may be of interest to competent authorities, in particular in the absence of domestic rules on this matter. The Special Commission recommends joining the 1996 Convention."

Please describe how the authorities deal with international family relocation cases, if possible:  
Please insert text here

### Publicity and debate concerning the 1980 Convention

50. Considering any potential impact on its practical operation, has your State had any recent publicity (positive or negative) or has there been any debate or discussion in your national parliament or its equivalent about the 1980 Convention?

- No  
 Yes

Please indicate the outcome of this debate or discussion, if any:

The outcome is that the Dutch Parliament requested the Dutch Government to better assist Dutch nationals who are victims of International Child abduction and to more actively address other Member States to the compliance of the Hague Convention 1980.

51. By what methods does your State disseminate information to the public and raise awareness about the 1980 Convention?

Please explain:

For this task there is an independent foundation subsidized by the Ministry of Justice, namely the Centre for International Child Abduction

## PART II – TRAINING, EDUCATION AND POST-CONVENTION SERVICES

### Training and education

52. Please provide below details of any training sessions / conferences organised in your State to support the effective functioning of the 1980 Convention, and the influence that such sessions / conferences have had:

Please provide details:

annual lectures provided by the Center for International Child Abduction, meetings organized by the Court and training sessions.

### The tools, services and support provided by the PB

53. Please comment or state your reflections on the specific tools, services and support provided by the PB to assist with the practical operation of the 1980 (and 1996) Conventions, including:

a. The Country Profile available under the Child Abduction Section, including the addition and / or revision of its questions.

very useful

b. INCADAT (the international child abduction database, available at [www.incadat.com](http://www.incadat.com)).

very useful

c. *The Judges' Newsletter* on International Child Protection - the HCCH publication which is available online for free;<sup>20</sup>

very helpful

d. The specialised “Child Abduction Section” of the HCCH website ([www.hcch.net](http://www.hcch.net));

very well accessible

e. Providing technical assistance and training to Contracting Parties regarding the practical operation of the 1980 (and 1996) Conventions. Such technical assistance and training may involve persons visiting the PB or, alternatively, may involve the PB (including through its Regional Offices) organising, or providing assistance with organising, national and international judicial and other seminars and conferences concerning the Convention(s) and participating in such conferences;

Very important for acceding states to implement the convention in an proper way

f. Encouraging wider ratification of, or accession to, the 1980 (and 1996) Conventions, including educating those unfamiliar with the Convention(s);<sup>21</sup>

very important

g. Supporting communications between Central Authorities, including maintaining updated contact details on the HCCH website or intervening to facilitate contact in cases where obstacles arise.

<sup>20</sup> Available on the HCCH website at under “Child Abduction Section” and “Judges’ Newsletter on International Child Protection”. For some volumes of *The Judges’ Newsletter*, it is possible to download individual articles as required.

<sup>21</sup> Which again may involve State delegates and others visiting the PB or, alternatively, may involve the PB organising, or providing assistance with organising, national and international judicial and other seminars and conferences concerning the 1980 (and 1996) Conventions and participating in such conferences.

very important

- h. Supporting communications among Hague Network Judges and between Hague Network Judges and Central Authorities, including maintaining a confidential database of up-to-date contact details of Hague Network Judges or intervening to facilitate contact in cases where obstacles arise.

very important

- i. Responding to specific questions raised by Central Authorities, Hague Network Judges or other operators regarding the practical operation or interpretation of the 1980 (and 1996) Conventions.

very helpful

### **Guides to Good Practice under the 1980 Convention**

- 54. For any of the Guides to Good Practice<sup>22</sup> which you may have used to assist in implementing for the first time, or improving the practical operation of, the 1980 Convention in your State please provide comments below:

- a. Part I on Central Authority Practice.

Part I of the Guide to Good Practice was gratefully used in 2011 when orientating on the new role of the Central Authority. This was because representation of the left behind parent in Court by the Central Authority was abolished and transferred to the bar of lawyers.

- b. Part II on Implementing Measures.

Part II served as source of inspiration with regard to the decision to concentrate jurisdiction in cases of international child abduction as well as international child protection in the Court in The Hague. Besides this the Court's authority was introduced to suspend the operation of decisions under appeal. Thirdly the recommendation was followed to limit the possibilities of appeal to only open appeal.

- c. Part III on Preventive Measures.

Part III inspired the Netherlands Central Authority to support the Center for International Child Abduction to develop information for the purpose of preventing child abduction and to assist parents in their efforts to prevent child abduction. Further the Center was provided with means to develop a system of cross border mediation. Thirdly cooperation between the Center, the Central Authority and the Royal Military Police resulted in the development of a form for consent for a parent to travel with a child. Please insert text here

- d. Part IV on Enforcement.

With regard to Part IV of the Guide to Good Practice, legal instruments are in place to protect the child during the return proceedings. Secondly the Cooperation protocol regarding mandatory enforcement of the return order in international child abduction cases was developed.

- e. Part V on Mediation

Please insert text here

- f. Part VI on Article 13(1)(b)

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<sup>22</sup> All Parts of the Guide to Good Practice under the 1980 Convention are available on the HCCH website at [www.hcch.net](http://www.hcch.net) under "Child Abduction Section" then "Guides to Good Practice".

Please insert text here

g. Transfrontier Contact Concerning Children – General Principles and Guide to Good Practice  
Please insert text here

55. How has your Central Authority ensured that the relevant authorities in your State have been made aware of, and have had access to the Guides to Good Practice?

By informing them of the existence of the Guides.

56. Do you have any other comments about any Part of the Guide to Good Practice?

No

57. In what ways have you used the *Practitioner’s Tool: Cross-Border Recognition and Enforcement of Agreements Reached in the Course of Family Matters Involving Children*<sup>23</sup> to assist in improving the practical operation of the 1980 Convention in your State?

Please insert text here

## Other

58. What other measures or mechanisms would you recommend:
- a. to improve the monitoring of the operation of the 1980 Convention;  
Intervention by the Permanent Bureau when States do not comply with the Conventions.
  - b. to assist States in meeting their Convention obligations; and  
Practical training and recommendations
  - c. to evaluate whether serious violations of Convention obligations have occurred?  
To establish a group of experts or to introduce monitoring reports every five years.

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<sup>23</sup> The *Practitioner’s Tool* is available at the HCCH website at [www.hcch.net](http://www.hcch.net) under “Child Abduction Section” then “Guides to Good Practice”.

## **PART III – NON-CONVENTION STATES**

59. Are there any States that you would particularly like to see become a Contracting Party to the 1980 Convention? If so, what steps would you suggest could be taken to promote the Convention and encourage ratification of, or accession to, the Convention in those States?

Please explain:

60. Are there any States which are not Party to the 1980 Convention or not Members of the HCCH that you would like to see invited to the SC meeting in 2023?

Please indicate:

### **The “Malta Process”<sup>24</sup>**

61. Do you have any suggestions of activities and projects that could be discussed in the context of the “Malta Process” and, in particular, in the event of a possible Fifth Malta Conference?

Please explain:

The Netherlands supports the Malta Process.

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<sup>24</sup> The “Malta Process” is a dialogue between certain Contracting Parties to the 1980 and 1996 Conventions and certain States which are not Parties to either Convention, with a view to securing better protection for cross-border rights of contact of parents and their children and addressing the problems posed by international abduction between the States concerned. For further information see the HCCH website at [www.hcch.net](http://www.hcch.net) under “Child Abduction Section” then “Judicial Seminars on the International Protection of Children”.

## **PART IV – PRIORITIES AND RECOMMENDATIONS FOR THE 2023 SC AND ANY OTHER MATTERS**

### **Views on priorities and recommendations for the SC**

62. Are there any particular issues that your State would like the SC meeting to discuss in relation to the 1980 Convention?

Please specify and list in order of priority if possible:

Acces between the child and the left behind parent during the request for return procedure;

The provision of legal aid to parents, which differs from State to State;

Some States require legalization, sworn translations and sworn affidavits of documents regarding the procedure for the return of the child, in spite of what is mentioned in article 23 of the Convention;

Duration of the procedures: in some States it takes a long time before the receipt of an application for the return of a child is acknowledged and before a procedure at the Court is started, which is not in the interest of the child;

Enforcement: After a Court has ordered the return of the child, it takes a long time, if at all, before the child is actually returned to the State of its habitual residence;

The one year term: Localization of the child, as meant in article 7 under a. has in some States a low priority and sometimes leads to the exceeding of the one year term within which a court procedure can be started for the return of the child.

63. Are there any proposals your State would like to make concerning any particular recommendation to be made by the SC?

Please specify:

Please insert text here

### **Bilateral meetings**

64. Should your State be interested in having bilateral meetings during the SC meeting, please indicate, for the PB's planning purposes, an estimate of how many States with which it intends to meet:

Please insert number:

4

### **Any other matters**

65. States are invited to comment on any other matters which they may wish to raise at the 2023 SC meeting concerning the practical operation of the 1980 Convention.

Please provide comments:

Please insert text here