

Title	Compilation of responses received to the October 2022 Questionnaire on the Practical Operation of the 1996 Child Protection Convention (responses from Contracting Parties (HCCH Members and non-Members)) (updated in December 2023)
Document	Prel. Doc. No 6A REV of June 2023 – <i>available in English only with responses in the language in which they were received</i>
Author	PB
Agenda item	TBD
Mandate(s)	C&D No 16 of CGAP 2021, C&D No 15 of CGAP 2022
Objective	To share responses received until April 2023 from HCCH Members and non-Members Contracting Parties to the 1996 Child Protection Convention to Prel. Doc. No 2 of October 2022. This compilation has been updated in December 2023 to include responses from Bonaire, Saba, Sint Eustatius.
Action to be taken	For Decision <input type="checkbox"/> For Approval <input type="checkbox"/> For Discussion <input type="checkbox"/> For Action / Completion <input type="checkbox"/> For Information <input checked="" type="checkbox"/>
Annexes	N/A
Related Document(s)	Prel. Doc. No 2 of October 2022 - Questionnaire on the Practical Operation of the 1996 Child Protection Convention

Compilation of responses received to the October 2022 Questionnaire on the Practical Operation of the 1996 Child Protection Convention (responses from Contracting Parties (HCCH Members and non-Members))

Last updated: 12-12-2023

This compilation contains the responses of the following States:

Armenia, Australia, Austria, Belgium, Bonaire, Saba, Sint Eustatius, Czech Republic, Denmark, Dominican Republic, Ecuador, Estonia, European Union, Finland, France, Georgia, Germany, Honduras, Italy, Latvia, Lithuania, Nicaragua, Norway, Paraguay, Poland, Portugal, Slovakia, Spain, Sweden, Switzerland, United Kingdom (England and Wales - Judiciary), United Kingdom (Northern Ireland), United Kingdom (Scotland), United Kingdom (Wales), Ukraine, Uruguay.

1. Recent developments in your State

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

No

Australia, Austria, Bonaire, Saba, Sint Eustatius, Czech Republic, Denmark, Dominican Republic, Ecuador, Honduras, Italy, Lithuania, Nicaragua, Portugal, Switzerland, United Kingdom (Northern Ireland), United Kingdom (Scotland), United Kingdom (Wales), Uruguay

Yes

Armenia, Belgium, Estonia, European Union, Finland, France, Georgia, Germany, Latvia, Norway, Paraguay, Poland, Slovakia, Spain, Sweden, United Kingdom (England and Wales - Judiciary), United Kingdom (Wales), Ukraine

Please specify:

<p>Armenia</p>	<p>In comparison to the previous Criminal Code (adopted on April 18, 2003), the new Criminal Code (adopted on May 5, 2021) stipulates that, in addition to the general purposes of punishment, the punishment imposed on a juvenile who has committed a crime aims to ensure his/her physical well-being, mental, spiritual, moral and social normal development, to educate him/her and protect him/her from the negative influence of another person. This provision is essentially a regulation aimed at ensuring the best interests of the child", which derives directly from both the Convention on the Rights of the Child and the Beijing Rules.</p> <p>The new criminal code sets very strict thresholds for deprivation of liberty, based on the requirements of international legal acts for the protection of children's rights. In particular, the new criminal code stipulates that short-term imprisonment is assigned to a minor only when a milder punishment cannot contribute to the fulfillment of the purposes of the punishment. Short-term imprisonment is not imposed on a minor for a minor crime, as well as in the case of a first-time offense, which is a crime of medium severity. In other words, if a child commits several minor crimes, short-term imprisonment cannot be imposed. The same requirement applies if the child has committed a crime for the first time and committed a crime of medium gravity. However, if the child previously committed a serious crime, then a medium crime, this ban will not apply.</p> <p>The new Criminal Code stipulates that imprisonment for a minor is an exclusive means of punishment, which is appointed only when no other means can ensure the fulfillment of the goals of the punishment. For a minor crime, as well as for a first-time offense, which is a crime of moderate severity and is not accompanied by violence, imprisonment is not imposed on the juvenile. If the corresponding article of the Special Part of the Criminal Code does not provide for a punishment other than imprisonment for a crime of minor or medium severity, the court shall appoint a milder punishment not related to the deprivation of liberty` available in the penal system, which is applicable to the minor.</p>
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	In this regard, it should be noted that the new regulations are significantly different from the existing regulations of the previous criminal code, which allowed the juvenile to be deprived of his liberty in the case of committing a crime of minor or medium severity."
Australia	
Austria	
Belgium	<p>Signature d'un accord de coopération entre l'Etat fédéral, la Communauté flamande, la Communauté française, la Communauté germanophone et la Commission communautaire commune visant à assurer la mise en oeuvre de la Convention de La Haye du 19 octobre 1996 concernant la compétence, la loi applicable, la reconnaissance, l'exécution et la coopération en matière de responsabilité parentale et de mesures de protection des enfants et du Règlement (CE) n° 2201/2003 du Conseil du 27 novembre 2003 relatif à la compétence, la reconnaissance et l'exécution des décisions en matière matrimoniale et en matière de responsabilité parentale abrogeant le Règlement (CE) n° 1347/2000 (23.08.2018).</p> <p>La protection internationale des droits de l'enfant est une compétence mixte, partagée entre l'État fédéral et les Communautés de Belgique. De fait, les compétences de la protection de la jeunesse et du placement des enfants sont du ressort des Communautés tandis que la responsabilité parentale, le droit aux relations personnelles, l'hébergement, la tutelle et la détermination des règles de droit international privé y relatives sont des matières fédérales.</p> <p>Un accord de coopération était nécessaire pour assurer la mise en oeuvre de la Convention de La Haye du 19 octobre 1996 (et anciennement du Règlement (CE) n° 2201/2003 du Conseil européen du 27 novembre 2003). L'accord de coopération permet d'officialiser les procédures d'échanges d'informations entre les autorités belges et étrangères, portant sur la protection internationale des droits de l'enfant, et vise à en améliorer la lisibilité et l'efficacité. L'accord est aussi l'occasion d'apporter certaines précisions sur son champ d'application ou de détailler certaines procédures particulières en raison du caractère mixte des compétences.</p> <p>Adoption de la loi du 20.07.2022 portant exécution du règlement (UE) 2019/1111 du Conseil du 25 juin 2019 relatif à la compétence, la reconnaissance et l'exécution des décisions en matière matrimoniale et en matière de responsabilité parentale, ainsi qu'à l'enlèvement international d'enfants (refonte).</p>
Bonaire, Saba, Sint Eustatius	We are in process of getting the necessary experience and taking the right actions.
Czech Republic	
Denmark	
Dominican Republic	Resolution 480-2008, dated March 6, 2008, issued by the Supreme Court of Justice that establishes the Procedure to hear the request for restitution of a minor illegally transferred to the Dominican Republic, indicating that the 1980 Hague Convention on the Civil Aspects of International Child Abduction is intended to guarantee the restitution of minors transferred to any State Party or illegally retained in it, as well as to ensure that the custody and visitation rights in force in one of the States are respected in the other States Parties. Currently there is no internal rule or law that regulates the application of the 1996 Hague Convention in the Dominican Republic, we carry out its

	<p>application using the good practices that we have observed in other countries and with the procedures indicated for the protection of people. minors in our Law 136-03 that establishes the Child Protection Code.</p>
Ecuador	
Estonia	<p>Changes according to the BIIB changes in our national legislation (Code of Civil Procedure), for example about the hearing of a child.</p>
European Union	<p>Within the EU, child protection matters are primarily governed by Council Regulation (EU) 2019/1111 of 25 June 2019 on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility and on international child abduction (the Brussels IIb Regulation) [Note 1].</p> <p>As from its entry into application on 1 August 2022, the Brussels IIb Regulation repealed Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000 [Note 2] (the Brussels II a Regulation). The Brussels IIa Regulation continues to apply to decisions given in legal proceedings instituted before 1 August 2022 (see Article 100(2) of the Brussels IIb Regulation). Thus, the Brussels IIa Regulation will continue to apply to decisions issued before and even after 1 August 2022 (the latter on the condition that proceedings were instituted before that date). The Brussels IIb Regulation, similarly to its predecessor, contains rules on jurisdiction, cooperation between Central Authorities and the recognition and enforcement of judgments in matters of parental responsibility. To a large extent, the rules of this Regulation are modelled on those of the 1996 Hague Convention but there are also some differences.</p> <p>In the application by the courts of EU Member States, the rules of the Regulation prevail over those of the 1996 Hague Convention in relations between Member States, in particular jurisdiction, including in child abduction cases, recognition and enforcement, and co-operation. Specifically, the rules of the Regulation apply where children are habitually resident in the territory of an EU Member State (Article 97(1)(a) of the Brussels IIb Regulation, Article 52(2) of the 1996 Hague Convention). With regard to the recognition and enforcement of a judgment from an EU Member State in other EU Member States, the rules of the Brussels IIb Regulation prevail over those of the 1996 Hague Convention even if the child concerned has his or her habitual residence on the territory of a third State which is a contracting Party to the Convention (Article 97(1)(b) of the Brussels IIb Regulation, Article 52(2) of the Convention).</p> <p>Article 97(2) of the Brussels IIb Regulation clarifies that the 1996 Hague Convention applies in the following cases:</p> <ul style="list-style-type: none"> a) where the parties have agreed upon the jurisdiction of a court of a State Party to the 1996 Hague Convention in which this Regulation does not apply, Article 10 of that Convention shall apply, b) with respect to the transfer of jurisdiction between a court of a Member State and a court of a State Party to the 1996 Hague Convention in which this Regulation does not apply, Articles 8 and 9 of that Convention shall apply, c) where proceedings relating to parental responsibility are pending before a court of a State Party to the 1996 Hague Convention in which this Regulation does not apply at the time when a court of a Member State is seized of

	<p>proceedings relating to the same child and involving the same cause of action, Article 13 of that Convention shall apply.</p> <p>The scope of the Brussels IIb Regulation has been aligned to that of the 1996 Hague Child Protection, the term “child” has now been defined as being a person below the age of 18 years (Article 2(6) of the Brussels IIb Regulation, Article 2 of the 1996 Hague Convention). It also clarifies (recital 17 of the Brussels IIb Regulation) should avoid an overlap with the scope of the Hague Convention of 13 January 2000 on the International Protection of Adults which applies from the age of 18 years onwards.</p> <p>Article 11(2) of the Brussels IIb Regulation (similarly to Article 13(2) of the Brussels IIa Regulation) confers general jurisdiction in respect of internationally displaced or refugee children who have their habitual residence in a Member State. Article 97(1)(a) and Recital 25 of the Brussels IIb Regulation clarify that where the habitual residence of the child before the displacement was not in an EU Member State, the jurisdictional rule of the 1996 Hague Convention should apply (Article 6(1) of the 1996 Hague Convention).</p> <p>On the other hand, the 1996 Hague Convention applies in determining applicable law in matters of parental responsibility since this subject matter is not covered by the Brussels IIb Regulation, and the Regulation explicitly refers to the 1996 Hague Convention in this regard (recital 92).</p> <p>A Practice Guide on the Application of the Brussels IIb Regulation has been adopted and published by the European Judicial Network in civil and commercial matters (EJN-Civil) - European e-Justice Portal - EJN's publications (europa.eu) [Note 3]. [Note 1]: OJ L 178, 2.7.2019, p. 1–115 (BG, ES, CS, DA, DE, ET, EL, EN, FR, HR, IT, LV, LT, HU, MT, NL, PL, PT, RO, SK, SL, FI, SV). [Note 2]: OJ L 338, of 23.12.2003, p. 1. [Note 3]: The Guide will be translated and published in all EU official languages in 2023.</p>
Finland	The Council of the European Union provides a reply to this question and to the question number two.
France	<p>La loi n°2019-222 du 23 mars 2019 de réforme de la justice prévoit aux articles 373-2 al 3 et 373-2-6 les modalités d'exécution forcée des décisions fixant les modalités d'exercice de l'autorité parentale. Le juge aux affaires familiales peut, même d'office, ordonner une astreinte ou condamner le parent qui fait délibérément obstacle de façon grave ou renouvelée à l'exécution d'une décision à une amende civile d'un maximum de 10 000 euros. Le procureur saisi d'une demande d'exécution peut requérir la force publique.</p> <p>Le décret n°2019-1333 du 11 décembre 2019 introduit un article 514 au code de procédure civile qui instaure le principe de l'exécution provisoire de droit de toutes les décisions de première instance. Cependant, les décisions en matière de responsabilité parentale étaient déjà exécutoires de droit par provision auparavant, ainsi que les décisions du juge des enfants en matière de protection des mineurs.</p> <p>Le décret n°2019-57 du 30 janvier 2019 portant sur « les modalités</p>

	<p>d'évaluation des personnes se déclarant mineures et privées temporairement ou définitivement de la protection de leur famille et autorisant la création d'un traitement de données à caractère personnel relatif à ces personnes », issu de la loi asile et immigration du 10 septembre 2018, permet la création d'un fichier appui à l'évaluation de la minorité" (AEM) au sein duquel sont conservées les empreintes digitales et photographies des personnes se déclarant mineures et privées de la protection de leur famille qui ont fait l'objet d'une évaluation par un conseil départemental.</p> <p>La loi n°2022-140 du 7 février 2022 relative à la protection des enfants vise notamment à mieux protéger les mineurs non accompagnés (MNA).</p> <p>La loi modifie les critères de répartition des mineurs étrangers isolés sur le territoire, qui reposaient jusqu'ici sur un critère démographique et d'éloignement géographique.</p> <p>Deux nouveaux critères de répartition sont ajoutés (article L.221-2-2 du code de l'action sociale et des familles) :</p> <ul style="list-style-type: none"> - les spécificités socio-économiques des départements (en particulier leur niveau de pauvreté) , - et le nombre de MNA devenus majeurs pris en charge par l'aide sociale à l'enfance. <p>L'objectif est de garantir une répartition des efforts entre l'ensemble des départements et d'encourager l'accompagnement des jeunes majeurs.</p> <p>Par ailleurs, en cas de réorientation du MNA dans un nouveau département, il sera désormais interdit de réévaluer sa minorité et son état d'isolement (L.221-2-5 du code de l'action sociale et des familles). Cette mesure vise à empêcher les tentatives d'utilisation du dispositif de protection de l'enfance par des majeurs isolés.</p> <p>Enfin, les départements devront recourir au fichier d'aide à l'évaluation de la minorité et enregistrer les personnes se déclarant comme MNA, sauf lorsque la minorité est manifeste. Au risque de se voir retirer la contribution forfaitaire de l'État, les départements transmettront tous les mois au préfet leurs décisions relatives à l'évaluation des personnes se déclarant MNA (article L. 221-2-4 du CASF)."</p>
<p>Georgia</p>	<p>Georgia became a contracting state to the 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children (hereinafter "the Hague Convention") in 2014. The same year legislative amendments were introduced to the Civil Procedure Code of Georgia. In accordance with the amendments, the Ministry of Justice of Georgia was designated as a Central Authority under the 1996 Hague Convention. Besides, Article 351(20) of the Civil Procedure Code specified the obligation of the Central Authority of Georgia to cooperate with the other central Authorities in accordance with the provisions of The Hague Convention.</p> <p>On November 5, 2020, the Government of Georgia enacted an ordinance No663 which prescribes detailed rules on the rights and responsibilities of all the relevant state authorities that are involved in the referral and</p>

	<p>enforcement of the cases originated from the 1980 Hague International Child Abduction Convention and the 1996 Hague Convention. The main aim of the document is to effectively implement the principles and provisions of the 1980 and 1996 Hague Conventions and efficiently enforce the court judgments. The document prescribes the precise procedures for each relevant state agencies, which are in charge of examination, referral and enforcement of the above mentioned cases.</p> <p>In order to effectively implement The Hague Conventions of 1980 and 1996 and the ordinance No663 of the Government of Georgia, in December, 2020 and January, 2021, representatives of state authorities involved in the referral and enforcement process were trained by the Central Authority of Georgia (57 participants in total).</p>
Germany	<p>The application practice of the 1996 Hague Convention cannot be assessed without consideration of the Brussels IIa and the Brussels IIb Regulations (Regulation (EU)) 1215/2012 and Regulation (EU) 2019/1111) and the application and interpretation thereof. See further the answer of the EU. The entry into force of the EU Council Regulation (EU) 2019/1111 on August 2022 required a revision of parts of the IFLPA (International Family Law Procedure Act, find English version under http://www.gesetze-im-internet.de/englisch_intfamrvlg/index.html). There were no relevant changes to the law concerning the 1996 Convention.</p>
Honduras	
Italy	
Latvia	<p>From 1 August 2022 within the EU in international child protection matters the Brussels IIb Regulation has become applicable (see EU response to the questionnaire). In order to ensure appropriate application of the Brussels IIb Regulation, several amendments were made also to the Chapter 77.2 Cases Regarding the Wrongful Removal of Children across Borders to Latvia or Detention in Latvia" of the Civil Procedure Law. Worth mentioning is that the procedure for provisional decision on access rights to ensure contact between the child and the person seeking the return of the child has been introduced (Article 644.18A of the Civil Procedure Law) and the court's obligation to strive to reconcile the parties, and also offer to settle a dispute through mediation (where the court considers that it is possible) has been highlighted more clearly also in the child abduction cases (Article 644.19(8) of the Civil Procedure Law).</p> <p>Another significant development regarding the legislation in Latvia concerning international child protection issue are the amendments that were made in the Civil Procedure Law concerning international child abduction cases. Namely, the Law now prescribes for the Court, that has concentrated jurisdiction since 2015, to decide whether any interim / temporary decisions shall be taken, for instance, as regards the issues of access rights or prohibit to take the child out of the State. Please see the Article 644.18A of the Civil Procedure Law (The Civil Procedure Law available at: https://likumi.lv/ta/id/50500-civilprocesa-likums (not all amendments are yet translated).</p> <p>At the moment it is also being discussed that amendments shall be made to the law, governing the work of the competent authorities (Orphans and Custody Courts) in Latvia, namely, the Law on Orphan's and Custody Courts of the Republic of Latvia, authorizing authorities to request and receive</p>

	information, that, on the one hand, is necessary to ensure the protection of children rights and interests concerning international issues, particularly, care proceedings and, on the other hand, that would complement the data protection issues. (Law on Orphan's and Custody Courts available at: https://likumi.lv/ta/en/en/id/139369-law-on-orphans-and-custody-courts)."
Lithuania	
Nicaragua	The latest development was the entry into force of the 2007 Convention on April 2020, guaranteeing the right to child support.
Norway	<p>From 1 July 2018 changes entered into force in the Child Welfare Act concerning the deadlines applied to emergency care orders for children present in Norway and habitually resident in other states. The deadline for the Child Welfare Service to follow up an emergency care order with a petition to the Child Welfare Tribunal (formerly County Social Welfare Board) for their assessment and potential ruling of whether more long term measures should be implemented, is 6 weeks in cases where the child is habitually resident in Norway. If no petition has been brought before the tribunal within this deadline, the emergency care order will lapse. Previously this rule also applied to cases where the child had its habitual residence in another state. The change that came into force on 1 July 2018 introduced exceptions to this rule in the event that the Child Welfare Service has either made a request according to the 1996 Hague Convention for the state of habitual residence to implement measures of protection, or a request for the transfer of jurisdiction in the case. These changes were made to allow for the continued protection of children present in Norway, by preventing the urgent measure from lapsing during an ongoing process of co-operation under the Convention, acknowledging also that such processes might take some time to complete.</p> <p>Please note that a new Child Welfare Act entered into force on 1 January 2023 replacing the one mentioned above, and the relevant section in the new act is section 4-2.</p>
Paraguay	Instructivo de procedimiento para la aplicación de los instrumentos internacionales ratificados por la Rca. del Paraguay en materia de Restitución Internacional de Menores.
Poland	Introduction of the Act of 26 January 2018 on the performance of certain activities of the central authority in family matters in the field of legal transactions under European Union law and international agreements which has been in force since 27.08.2018. This legal act regulated the scope of activity of the Polish Central Authority in relation to acts of international law on the protection of children (including 1996 HC), as well as introduced a number of regulations in other legal acts, including the Code of Civil Procedure regarding, among others, consultation procedure for cross-border placement of children and transfer of jurisdiction.
Portugal	
Slovakia	<p>Within the EU, child protection matters are primarily governed by Council Regulation (EU) 2019/1111 of 25 June 2019 on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility and on international child abduction (the Brussels IIb Regulation)</p> <p>As from its entry into application on 1 August 2022, the Brussels IIb Regulation repealed Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of</p>

	<p>judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/20002 (the Brussels II a Regulation). The Brussels IIa Regulation continues to apply to decisions given in legal proceedings instituted before 1 August 2022 (see Article 100(2) of the Brussels IIb Regulation). Thus, the Brussels IIa Regulation will continue to apply to decisions issued before and even after 1 August 2022 (the latter on the condition that proceedings were instituted before that date).</p> <p>The Brussels IIb Regulation, similarly to its predecessor, contains rules on jurisdiction, cooperation between Central Authorities and the recognition and enforcement of judgments in matters of parental responsibility. To a large extent, the rules of this Regulation are modelled on those of the 1996 Hague Convention but there are also some differences. In the application by the courts of EU Member States, the rules of the Regulation prevail over those of the 1996 Hague Convention in relations between Member States, in particular jurisdiction, including in child abduction cases, recognition and enforcement, and co-operation. Specifically, the rules of the Regulation apply where children are habitually resident in the territory of an EU Member State (Article 97(1)(a) of the Brussels IIb Regulation, Article 52(2) of the 1996 Hague Convention). With regard to the recognition and enforcement of a judgment from an EU Member State in other EU Member States, the rules of the Brussels IIb Regulation prevail over those of the 1996 Hague Convention even if the child concerned has his or her habitual residence on the territory of a third State which is a contracting Party to the Convention (Article 97(1)(b) of the Brussels IIb Regulation, Article 52(2) of the Convention).</p> <p>The scope of the Brussels IIb Regulation has been aligned to that of the 1996 Hague Child Protection, the term “child” has now been defined as being a person below the age of 18 years (Article 2(6) of the Brussels IIb Regulation, Article 2 of the 1996 Hague Convention). It also clarifies (recital 17 of the Brussels IIb Regulation) should avoid an overlap with the scope of the Hague Convention of 13 January 2000 on the International Protection of Adults which applies from the age of 18 years onwards.</p> <p>Article 11(2) of the Brussels IIb Regulation (similarly to Article 13(2) of the Brussels IIa Regulation) confers general jurisdiction in respect of internationally displaced or refugee children who have their habitual residence in a Member State. Recital 25 of the Brussels IIb Regulation clarifies that where the habitual residence of the child before the displacement was not in an EU Member State, then the jurisdictional rule of the 1996 Hague Convention should apply (Article 6(1) of the 1996 Hague Convention).</p> <p>On the other hand, the 1996 Hague Convention applies in determining applicable law in matters of parental responsibility since this subject matter is not covered by the Brussels IIb Regulation, and the Regulation explicitly refers to the 1996 Hague Convention in this regard (recital 92).</p> <p>A Practice Guide on the Application of the Brussels IIb Regulation has been adopted and published by the European Judicial Network in civil and commercial matters (EJN-Civil) - European e-Justice Portal - EJN's publications (europa.eu).</p>
Spain	In the field of parental responsibility, in a broad sense, Spain has improved its domestic legislation in a very relevant way. In 2015, Law 4/2015, of 27 April,

on the Statute of the Victims of Crime, and Organic Law 8/2015, of 22 July, and Law 26/2015, of 28 July, both amending the system for the protection of children and adolescents, were published. Following these legal reforms, Spain moved towards comprehensive child protection regulations and, as a result, Organic Law 8/2021, of 4 June, on the comprehensive protection of children and adolescents against violence, was published. Following Organic Law 8/2021, the best interests of the child have been reinforced in the new Art. 92 of the Civil Code, and Art. 154 of the Civil Code already specifies that parental authority includes... "3º Deciding the habitual place of residence of the child, which can only be modified with the consent of both parents or, failing that, by judicial authorization". In Art. 158 of the Civil Code, section 6 has also been modified, which now adds to the protection measures already contemplated, the precautionary suspension in the exercise of parental authority and/or in the exercise of custody, the precautionary suspension of the visiting and communications regime established in a judicial decision or judicially approved agreement. The preamble of Organic Law 8/2021 also states that: "except for suspension, deprivation of parental authority or exclusive attribution of this power to one of the parents, the consent of both parents or, failing this, judicial authorization is required for the transfer of the child, regardless of the measure that has been adopted in relation to custody or guardianship, as has already been explicitly established by some autonomous communities".

With regard to joint custody, Law 16/2022, of 5 September, on the reform of the consolidated text of the Insolvency Act, published in the "BOE" no. 214, of 6 September 2022, introduced in its first final provision an amendment to section 7 of Article 92 of the Civil Code, stating that: "Joint custody shall not be applicable when either of the parents is involved in criminal proceedings initiated for attempting to harm the life, physical integrity, freedom, moral integrity or sexual freedom and indemnity of the other spouse or of the children who live with both of them. Nor will it proceed when the judge notices the existence of well-founded indications of domestic or gender violence. The existence of mistreatment of animals, or the threat of causing it, as a means of controlling or victimizing any of these persons, will also be considered". This measure was already contemplated in Art. 94.4 of the Civil Code for not establishing access in these same situations. In a recent ATS 581/2023 - 1st Chamber Supreme Court, a question of unconstitutionality has been raised with respect to the new 92.7 Civil code insofar as it is considered that, being imperative and automatic, without admitting any exception, it would be sufficient for either parent to be involved in criminal proceedings, not yet prosecuted, for joint custody to be prohibited.

In Spain, also the year 2015 marked a legislative leap in quality in the field of international legal cooperation. On 20 August 2015, Law 29/2015, of 30 July 2015, on international legal cooperation in civil matters (BOE, no. 182, of 31 July 2015) came into force, and on 23 July 2015, Law on voluntary jurisdiction no. 15/2015, 2 July, came into force (BOE 03/07/2015), which introduced such relevant novelties in the Civil Procedure Act as the new Chapter IV bis LEC, arts. 778 quater, 778 quinquies and 778 sexies on "Measures relating to the restitution or return of minors in cases of international abduction", as well as amendments to Articles 525.1 and 749.1 of the Civil Procedure Act in relation to the suppression of the possibility of provisional enforcement and in relation to the greater safeguard entrusted to the Public Prosecutor's Office.

	<p>Law 29/2015, of 30 July, on international legal cooperation in civil matters introduced into the Spanish legal system a regulation of direct judicial communications in Art. 4 and established a modern and updated regulation of the exequatur procedure. Subsequently, Law 16/2022, of 5 September, on the reform of the consolidated text of the Insolvency Act, published in the "BOE" no. 214, of 6 September 2022, has developed art. 4 of Law 29/2015 by adding four new descriptive sections on how to establish such communications, to ensure the effectiveness of the provisions contained in Regulation (EU) 2015/848, on insolvency proceedings and in line with the provisions of art. 86 of the Brussels IIb Regulation.</p> <p>At the European Union level, since 1st August 2022, Spain has been effectively applying the new Council Regulation (EU) 2019/1111 of 25 June 2019 on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility, and on international child abduction (recast) or new Regulation Brussels IIb.</p> <p>Spain had implemented the previous Regulation Brussels IIa domestically in 2015 in the Final Provision 22nd LEC on measures to facilitate the application of the Brussels IIa Regulation in Spain, but the future new legislative development of the Brussels IIb Regulation is currently pending. Only in cross-border placement of a child, the new Organic Law 8/2021 has introduced in the Organic Law 1/1996 on the protection of minors the new Articles 20 ter to 20 quinquies to regulate conditions and procedure applicable to requests for cross-border placement of children under Regulations Brussels IIa (art. 56), Brussels IIb (art. 82) and HC 19.10.1996 (art. 33).</p>
Sweden	<p>To clarify the Social Welfare Committee's authority in urgent situations (in accordance with the 1996 Hague Convention and the Brussels II Regulation), provisions have been introduced on September 1, 2019, the Swedish Care of Young Persons (Special Provisions) Act (SFS 1990:52) that the committee must be able to decide on immediate care, even when a Swedish Court does not have jurisdiction to order the provision of care under the Act. Please see Sections 6a, 9 and 9a in Annex 2 (translation to English of the Act with amendments entered up to and including: Swedish Code of Statutes 2019:472).</p> <p>In addition, on July 1, 2020, new regulations were introduced in the Swedish Care of Young Persons (Special Provisions) Act (SFS 1990:52) regarding travel bans for children. The regulations entail that an exit ban must be decided if there is a tangible risk that a child will be taken abroad or leave Sweden with the aim of entering into marriage or a marriage-like relationship or will be genitally mutilated.</p>
Switzerland	
United Kingdom (England and Wales - Judiciary)	<p>Judiciary</p> <p>The United Kingdom left the European Union. The transition period ended at 11pm GMT on 31 December 2020. Following that date, for new cases the 1996 Hague Convention is now used between the United Kingdom and EU Member States.</p> <p>The 1996 Hague Convention has been incorporated into English domestic law by the Private International Law (Implementation of Agreements) Act 2020.</p> <p>The structure of the 1996 Hague Convention is similar to the EU Council</p>

	<p>Regulation 2201/2003, known as Brussels IIa (BIIa). The provisions concerning stay and lis pendens, transfer, recognition and enforcement, placement and co-operation are similar as between BIIa and the 1996 Hague Convention. It has however, not constituted a like for like replacement.</p> <p>In particular, the 1996 Hague Convention contains no principle of perpetuatio fori by reason of Art 5(2). This is dealt with in more detail below.</p> <p>With respect to recognition and enforcement, it should be noted that the 1996 Hague Convention does not, in contrast to BIIa, make provision for automatic enforcement of contact orders without the need to seek recognition. Whilst legal aid is available on a means tested basis for recognition and enforcement (and appeals against the same) under BIIa (see the Legal Aid, Sentencing and Punishment of Offenders Act 2012 Sch. 1, para. 17(1)(c)), legal aid is not available for the same type of cases involving applications for recognition and enforcement (or related appeals) under the 1996 Hague Convention (other than via an application under the Exceptional Case Funding scheme).</p> <p>Other Hague Conventions have also assumed greater significance since the exit of the United Kingdom from the European Union. In particular:</p> <p>(a) Taking of evidence is now governed by the 1970 Hague Taking of Evidence Convention. This does not provide for “expedition”, unlike Article 9 of BIIa.</p> <p>(b) The 1965 Hague Service Convention is now effective with all EU Member States.</p> <p>A new rule has been inserted in Part 12 of The Family Procedure Rules 2010 as Chapter 6A, to provide a procedure for dealing with international child abduction return cases with a linked asylum claim, Chapter 6A covers returns under the 1980 Hague Convention, under the inherent jurisdiction and under section 8 of the Children Act 1989: https://www.legislation.gov.uk/uksi/2010/2955/part/12/chapter/6A.</p>
<p>United Kingdom (Northern Ireland)</p>	
<p>United Kingdom (Scotland)</p>	
<p>United Kingdom (Wales)</p>	<p>Following the UK’s departure from the European Union, there have been amendments to domestic legislation to reflect the fact that the EU Regulation, Brussels IIa (EC 2201/2002) no longer applies to proceedings issued in England and Wales after 11pm on 31 December 2020.</p>
<p>Ukraine</p>	<p>Since the last Special Commission meeting in 2017 the Ukrainian legislation was amended with a number of changes in the area of child protections. According to the Cabinet of Ministers of Ukraine decision the National Social Service of Ukraine was created and started its work since January 1, 2021. The National Social Service of Ukraine is the central body of the executive power, which implements a State policy in the field of social protection of the population, protection of children's rights, and a State control over compliance with the requirements of legislation during provision of social support and compliance with children's rights.</p> <p>From the January 01, 2023, the National Social Service of Ukraine is designated to be a new Central Authority of Ukraine for the purposes of the 1996 Hague Child Protection Convention replacing the Ministry of Justice of</p>

	Ukraine. Apart from this it should be mentioned that a lot of amendments to the different regulations were adopted in regard to the issues of protection of children rights regarding the children, who were displaced within Ukraine or from Ukraine to abroad because of war, protection of the children`s rights and their return to Ukraine. It is most relevant the children orphans and children, deprived of parental care. These children were placed in Ukraine in different institutions and family forms of placement.
Uruguay	

2. Please provide the three most significant decisions concerning the interpretation and application of the 1996 Convention recently rendered by the relevant authorities¹ in your State.

State	Case Name No 1	Court Name No 1	Court Level No 1	Brief summary of the ruling No 1
Armenia				
Australia	Zegna & Zegna [2015] FamCA 340	Family Court of Australia	First instance	Decision of Watts J delivered 11 May 2015 in which he interpreted the legislative equivalent of Article 10. His Honour analysed the meaning of proceedings concerning divorce, separation or annulment. Watts J disagreed with an interpretation of another single judge of the family court delivered about a year earlier (in Duckworth v Jamieson [2014] FamCA 40), where that judge preferred a broad interpretation which allowed him to exercise jurisdiction to make a protective measure contemporaneously with making final financial orders. Watts J declined to adopt that course. His Honour referred to authorities dealing with Brussels II bis and the Lagarde Report and concluded (at [63] to [67]) that the words must be construed narrowly and related to the end of the relationship and not to ancillary or related proceedings.
Austria	8 Ob 68/21i ECLI:AT:OGH002: 2012:RS01284 60 03.08.2021	Oberster Gerichtshof (OGH)	supreme	Jurisdictional rules of Regulation Brussels IIbis prevails the system of jurisdiction of 1996 Convention. No perpetuatio fori when the child changes habitual residence from AT to DK, as DK is a 1996 Convention Party, but no Member State of Brussels IIbis. Application of the Regulation even when the child is a citizen of a nonMember state
Belgium				
Bonaire, Saba, Sint Eustatius				
Czech Republic	Minor L.E.W., No. 63 Nc	District Court for Prague 9	District Court - court of	The former partner and wife of the mother (they were wed in the UK) asked the court to determine the contact of the applicant with the minor which was

¹ The term “relevant authorities” is used in this Questionnaire to refer to the judicial or administrative authorities with decision-making responsibility under the 1996 Convention. Whilst in the majority of Contracting Parties such “authorities” will be courts (i.e., judicial), in some Contracting Parties administrative authorities remain responsible for decision-making in Convention cases.

	2552/2021-134		first instance (decision was not appealed).	conceived by IVF and later adopted by applicant. The court applied the Article 16 Section 3 of the Convention based on which the applicant has parental responsibility towards the minor. The contact between the applicant and the minor was established.
Denmark	2021-74473	Agency of Family Law and Family Court of Copenhagen	1st and 2nd instance	Decision regarding a child's habitual residence, in order to determine jurisdiction. Both instances found, that the children did not have habitual residence in Denmark. Some factors considered: - Not registered in school in Denmark - Not moved their possessions to Denmark - Born and lived with one parent their entire life in another state
Dominican Republic				
Ecuador	No information	No information	No information	No information
Estonia				
European Union	Case C-572/21	Court of Justice of the European Union (CJEU)	EU	The CJEU's judgment of 14 July 2022 in Case C-572/21 ruled that a court of a Member State that is hearing a dispute relating to parental responsibility does not retain jurisdiction to rule on that dispute under the general jurisdiction based on the habitual residence of the child at the time the court is seized, where the habitual residence of the child has been lawfully transferred, during the proceedings, to the territory of a third State that is a party to the 1996 Hague Convention. This case was concerned with a court in Sweden which was hearing a dispute in matters of parental responsibility. The child, however, began to attend a boarding school on the territory of the Russian Federation. Thus, his habitual residence was lawfully transferred, during the proceedings, from an EU Member State (Sweden) to the territory of a third State that is a party to the 1996 Hague Convention (the Russian Federation). CJEU stated that under Article 8(1) of the Brussels IIa Regulation, jurisdiction in matters of parental responsibility is conferred on the courts of the Member State in which the child is habitually resident at the time the court is seized. Therefore, the court seized should not lose jurisdiction even if there is a change in the place of habitual residence of the child concerned during the proceedings. However, Article 61(a) of the same Regulation provides that, as concerns the relation with the 1996 Hague Convention, that Regulation is to

				<p>apply 'where the child concerned has his or her habitual residence on the territory of a Member State'. The CJEU pointed out that in this particular scenario the habitual residence has to be established at the time when the court having jurisdiction gives its ruling. Thus, in the given case Article 8(1) of Brussels IIa Regulation does not apply, and the provisions of 1996 Hague Convention must apply instead. The Swedish court does not retain jurisdiction to rule on that dispute under Article 8(1) of Brussels IIa Regulation if the transfer of the habitual residence has taken place before the decision was given. This judgment of the CJEU clearly states that the Brussels IIa Regulation may not be interpreted in such a way that it would require Member States to breach their obligations under the 1996 Hague Convention (see Article 52(3) of the 1996 Hague Convention and para. 39-42 of Case C-572/21).</p> <p>This judgment as well as the jurisprudence of the CJEU, i.e., the previous case-law in this area remains relevant with regard to the Brussels IIb Regulation so long as the latter Regulation does not legislate otherwise. This judgment can be found at http://curia.europa.eu/</p>
Finland				
France	30 septembre 2020 (Cass., 1 ^{ère} civ. 30 septembre 2020, n° 19-14.761)	Cour de cassation, 1 ^e chambre civile	Cour suprême	<p>au visa de l'article 5 de la Convention de La Haye du 19 octobre 1996 et de l'article 61 du règlement (CE) n° 2201/2003 du Conseil du 27 novembre 2003, la cour rappelle que les dispositions du règlement priment sur celles de la Convention de La Haye dans les seules relations entre les Etats membres. Dès lors, viole ces textes la cour d'appel qui retient la compétence des juridictions françaises alors qu'il résultait de ses constatations que la résidence habituelle de l'enfant avait été licitement transférée en cours d'instance dans un Etat partie à la Convention du 19 octobre 1996 mais non membre de l'Union européenne, de sorte que seule cette Convention était applicable.</p>
Georgia	N/A			
Germany	12 UF 60/20	OLG Hamburg	Court of 2nd instance	<p>1. A request for return" in Art. 7 of the 1996 convention is only a request under the Child Abduction Convention 1980</p> <p>2. The child's opportunity to be heard as stated in Art. 23 para. 2 b) of the 1996 Convention may be given in cases where the child has been heard by an authority that was competent for the hearing under national law and where a report of the hearing was submitted to the court. "</p>
Honduras	Amaya-Amador	N/A	N/A	Administrative measures of Protection applied to the maternal grandmother as Honduras Central Authority requested by Spain Central Authority

				(Only Administrative Authorities)
Italy				
Latvia	N/A			
Lithuania				
Nicaragua	N/A	N/A	N/A	N/A
Norway	HR-2019-1436-U	Supreme Court of Norway	Supreme Court	<p>The ruling is a decision from the Supreme Court Appeals Selection Committee, where the court sits with three judges and proceedings are written, unlike the more regular composition with five judges conducting oral hearings.</p> <p>The case concerned a parental dispute where the mother had moved abroad without the consent of the father. The decision concerns, amongst other things, an interpretation of the term "whereabouts" in article 7 no. 1 b) of the Convention, where the court concludes that it was not sufficient for the father to have knowledge about what country the child was in to fulfill this criteria, the knowledge had to be more specific regarding where the child was staying in that country. "</p>
Paraguay				
Poland				
Portugal	none			
Slovakia	C-572/21	CJEU		<p>ruled that a court of a Member State that is hearing a dispute relating to parental responsibility does not retain jurisdiction to rule on that dispute under the general jurisdiction based on the habitual residence of the child at the time the court is seised, where the habitual residence of the child has been lawfully transferred, during the proceedings, to the territory of a third State that is a party to the 1996 Hague Convention.</p> <p>This case was concerned with a court in Sweden which was hearing a dispute in matters of parental responsibility. The child, however, began to attend a boarding school on the territory of the Russian Federation. Thus, his habitual residence was lawfully transferred, during the proceedings, from an EU Member State (Sweden) to the territory of a third State that is a party to the 1996 Hague Convention (the Russian Federation). CJEU stated that under Article 8(1) of the Brussels IIa Regulation, jurisdiction in matters of parental responsibility is conferred on the courts of the Member State in which the child is habitually resident at the time the court is seised. Therefore, the court seised should not lose jurisdiction even if there is a change in the place of habitual residence of the child concerned during the</p>

				<p>proceedings. However, Article 61(a) of the same Regulation provides that, as concerns the relation with the 1996 Hague Convention, that Regulation is to apply 'where the child concerned has his or her habitual residence on the territory of a Member State'. CJEU pointed out that in this particular scenario the habitual residence has to be established at the time when the court having jurisdiction gives its ruling. Thus, in the given case Article 8(1) of Brussels IIa Regulation does not apply, and the provisions of 1996 Hague Convention must apply instead. The court of Sweden does not retain jurisdiction to rule on that dispute under Article 8(1) of Brussels IIa Regulation if the transfer of the habitual residence has taken place before the decision was given. This judgment of CJEU clearly states that the Brussels IIa Regulation may not be interpreted in such a way that it would require Member States to breach their obligations under the 1996 Hague Convention (see Article 52(3) of the 1996 Hague Convention and para. 39-42 of Case C-572/21). 15097/22 IK/mg 6 ANNEX JAI.2 LIMITE EN</p> <p>This judgment as well as the jurisprudence of the CJEU, i.e., the previous case-law in this area remains relevant with regard to the Brussels IIb Regulation so long as the the latter Regulation does not legislate otherwise.</p> <p>This judgment can be found at http://curia.europa.eu/</p>
Spain	Nº of appeal: 1879/2016	Supreme Court, Civil Chamber	Cassational level	ATS 138/2017 - ECLI:ES:TS:2017:138 ^a Judgement dated 18/01/2017: modification of definitive measures and lack of international jurisdiction.
Sweden	Ö 6583-20	Supreme Court	Third	Decision to request preliminary ruling from the Court of Justice of the European Union , see response from the EU for further information.
Switzerland	-			
United Kingdom (England and Wales - Judiciary)	London Borough of Hackney v P [2022] EWHC 1981 (Fam)	Family Division	High Court	<p>The 1996 Hague Convention applies to determine the English court's jurisdiction including where the alternative jurisdiction is a non-Contracting State.</p> <p>In the absence of the principle of perpetuatio fori in the 1996 Hague Convention, the date on which habitual residence falls to be determined for the purposes of Art 5 of the 1996 Convention is the date of the current substantive hearing.</p>
United Kingdom (Northern Ireland)				

United Kingdom (Scotland)				
United Kingdom (Wales)				
Ukraine	Ruling of 10.09.2021 case No 761/33136 /19, N 61-6050No21	Supreme Court	Court of cassation	<p>The Ruling concerns the decisions of the courts on determining the place of residence of the children. The court of first and second instances decided the case on the merits and determined the place of residence of the children with the mother in Ukraine. The defendant claimed that the courts in Ukraine had no jurisdiction to decide the case, especially bearing in mind the pending return case under the 1980 Child Abduction Convention. The Cassation Court by its Ruling decided that the conclusions of the courts about the new place of habitual residence in Ukraine were correct, bearing in mind that the children resided in Ukraine for more than 2 years and the jurisdiction had the courts in Ukraine.</p> <p>The Court recognized as well that the issues in regard of parental responsibility, its delegation, custody rights, including the right to take care of the child and, in particular, the right to determine the child's place of residence, as well as contact rights, including the right to take the child for a limited period to a place other than the child's habitual place of residence are covered by the scope of the 1996 Child Protection Convention. The Court confirms the jurisdictional rules foreseen by Article 5 and 7 of the Convention.</p>
Uruguay	“REAL MINISTERIO DE JUSTICIA Y SEGURIDAD PÚBLICA DE NORUEGA - DE L.F., L.Y.S – RESTITUCIÓN INTERNACIONAL DE MENOR”	Tribunal de Apelaciones de Familia de Primer Turno	Appeal Court	https://www.incadat.com/es/case/1529

State	Case Name No 2	Court Name No 2	Court Level No 2	Brief summary of the ruling No 2
Armenia				

Australia	Lynch & Hagen (No 2) [2020] FamCA 727	Family Court of Australia	Trial	<p>Decision of Rees J delivered 3 September 2020 where Her Honour made orders to request the competent authority in Norway agree to the Family Court of Australia assuming jurisdiction to take a Commonwealth personal protection measure relating to the child, who held dual Australian and Norwegian citizenship and was habitually resident in Norway. The Court considered that the child had a substantial connection with Australia on the basis of the child's indigineity, Australian citizenship, and the fact that the child was born in and had lived the first half of her life in Australia, together with the fact that the child's mother was an Australian citizen and a habitual resident of Australia.</p> <p>The Court considered the significance of the child's indigineity as a substantial connecting factor and held that the Australian court was better placed to determine the best interests of an Aboriginal child. The court requested that the Australian Central Authority request that the Norwegian Central Authority agree to the the Family Court of Australia assuming jurisdiction in respect of the matter.</p>
Austria	9 Ob 52/20t ECLI:AT:OGH0002:2012:RS012843825.11.2020	Oberster Gerichtshof (OGH)	supreme	<p>Objective of 1996 Convention: establishing a system of jurisdiction, avoiding concurring jurisdiction, habitual residence of the child as decisive moment, No application of perpetuatio fori, thus, jurisdiction might change during the proceedings, No definition of habitual residence. Autonomous interpretation in line of text, context and aims of 1996 Convention.</p> <p>Identical interpretation of "habitual residence" as in 1961 Convention and Brussel IIbis according to the identical objectives.</p>
Belgium				
Bonaire, Saba, Sint Eustatius				
Czech Republic				
Denmark	2022-69511	Agency of Family Law and Family Court of Copenhagen	1st and 2nd instance	<p>Decision regarding a child's habitual residence, in order to determine jurisdiction. Both instances found, that the children did not have habitual residence in Denmark.</p> <p>Some factors considered:</p> <ul style="list-style-type: none"> - The stay in Denmark was only temporary - The parents intentions had not been to settle permanently in Denmark
Dominican Republic				

Ecuador	No information	No information	No information	No information
Estonia				
European Union				
Finland				
France				
Georgia	N/A			
Germany	8 UF 152/19	OLG Frankfurt a. M. (8. Senat)	Court of 2nd instance	<p>I. In establishing a child's habitual residence the court has to take into account the duration, regularity and the circumstances of a stay in a member state als well as the reasons for the stay and the removal, the child's nationality, the place and the circumstances of school enrolment, the child's language skills and family and social relationships. The intention of the family to settle permanently kann be relevant.</p> <p>II. In the case of a change of the child's habitual residence from a State where the Council Regulation (EC) No 2201/2003 Regulation (Regulation 2201/2003) applies to a State where it does not apply (but where the 1996 Convention applies), there is no perpetuity of jurisdiction. Art. 8 para. 2 of the Regulation 2201/2003 does not apply. According to Art. 61 a of Regulation 2201/2003 the Regulation takes precedence over the 1996 Convention only if the child concerned is habitually resident in a State where the Regulation applies. Therefore,</p>
Honduras	Funez-Manzanare s	N/A	N/A	Administrative measures of Protection requested by the Spain Central Authority, currently analyzing a possible protection mean to the maternal sister (Only Administrative Authorities)
Italy				
Latvia				
Lithuania				
Nicaragua				
Norway	LB-2021-9259	Borgarting Court of Appeal	Court of Appeal	The case concerned the question of transfer of jurisdiction in a parental dispute of a Norwegian-Australian couple. The parents had petitioned the courts in each of their home countries. As the jurisdiction was considered to lie with Norwegian authorities, the Australian court requested the Norwegian court to transfer its jurisdiction in the matter to Australia, in accordance with Article 9 of the 1996 Hague Convention. The main background for the request was the child's ethnic background, as the mother was an aboriginal, and the Australian Court considered Australia to be better placed to assess the best interests of the child in this particular case. The Court of Appeal considered the criteria in Article 9 of

				the Convention, and after an assessment of the case concluded that jurisdiction was not to be transferred. The court emphasized that the child's cultural and ethnic background would be sufficiently highlighted through documentation, examination of the parties and witnesses, and additionally that a court appointed psychologist expert witness could be asked to assess these aspects of the case in particular, and if necessary be required to obtain additional cultural competence on the subject in their work.
Paraguay				
Poland				
Portugal	none			
Slovakia				
Spain	Nº of appeal: 5281/2019	Supreme Court, Civil Chamber	Cassational level	STS 532/2021 - ECLI:ES:TS:2021:532, judgement dated 17/02/2021. Divorce of French nationals in Spain. International jurisdiction of the Spanish courts and law applicable to the claim for alimony. Regulation (EC) No 4/2009. Hague Protocol of 23 November 2007. Application of the HC 1996 to determine the law applicable to protection measures.
Sweden	7488-22	Administrative Court of Appeal in Stockholm	Second	Decision that Sweden has jurisdiction to decide on the matter of an immediate care order in accordance with Article 6.1. The children left Ukraine with their mother due to the armed conflict and they are staying in Sweden to receive protection.
Switzerland	-			
United Kingdom (England and Wales - Judiciary)	Derbyshire CC v Another [2022] EWHC 3405 (Fam)	Family Division	High Court	Adopting a purposive interpretation of the 1996 Hague Convention, the date on which habitual residence falls to be determined for the purposes of Art 5 of the 1996 Convention is the date that the court is seised of the proceedings.
United Kingdom (Northern Ireland)				
United Kingdom (Scotland)				
United Kingdom (Wales)				
Ukraine	Ruling of 17.08.2022 case No613/118 5/19,N 61-2286CB21	Supreme Court	Court of cassation	The claimant applied to the courts of Ukraine with the claim on return of the children from the Republic of Armenia to Ukraine. He substantiated his claims by the fact that he lived together with the defendant as one family without registering the marriage. The claimant gave his consent for the children's travel

			<p>abroad together with the mother for a period of one year. After the expiration of the granted permit, the respondent did not return to Ukraine with the children, there was no contact with them. The plaintiff claimed that the removal was wrongful and the children must be returned to the father at his place of residence as soon as possible. As legal grounds for the claim, the claimant referred to the provisions of Article 11 of the 1980 Child Abduction Convention. The first instance court refused to satisfy the claim. The Appeal court delivered the new decision and also refused to satisfy the claim on return of the children based on the inappropriate methods of protecting the violated right chosen by the claimant.</p> <p>The Supreme Court considered the cassation complaint on the decisions of the courts of the first and second instances on return of the children in accordance with the 1980 Child Abduction Convention.</p> <p>By its Ruling the Court decided to cancel the decision of the Appeal court because of incorrect application of the norms of substantive and procedural law.</p> <p>The Court decided that the application of the claimant to the court corresponds to the provisions of the 1980 Child Abduction Convention.</p> <p>Also in its Ruling the Court considered the issues of Jurisdiction under 1996 Convention. In its ruling the Supreme Court, in particular, indicates that the 1996 Child Protection Convention complements and strengthens the 1980 Child Abduction Convention by establishing clear boundaries for the exercise of jurisdiction, including in exceptional cases where the return of the child is refused or not requested. The court mentioned that the 1996 Child Convention reinforces the 1980 Child Abduction Convention by emphasizing the primary role of the authorities of the Contracting State of the child's habitual residence in deciding on the measures that may be necessary for the long-term protection of the child.</p> <p>The Court pointed that under the rules of the 1996 Convention, in case of abduction, the State where the child habitually resided before the removal or retention retains jurisdiction under Article 5, subject to certain conditions under Article 7 of the 1996 Convention. The court mentioned that Article 7 of the 1996 Convention establishes the form of retention of jurisdiction of the state in which the child had his/her habitual residence before the removal or retention.</p>
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				<p>The rules of Article 6 of the 1996 Convention are applicable in cases where it is impossible to establish the place of habitual residence of the child.</p> <p>The rules on jurisdiction enshrined in the 1996 Convention introduce a general approach to the determination of jurisdiction that provides certainty for the parties and can thus help to prevent attempts to find a court of convenience" for international child abduction. The rule of Article 5 of the 1996 Convention defines the place of habitual residence of the child as the primary basis for determining jurisdiction, and encourages parents to apply to the authorities for custody, access/contact and relocation in those Contracting States where their child resides, instead of removing the child to other jurisdictions for solving such issues.</p> <p>Instead, Article 7 of the 1996 Convention provides a special rule regarding jurisdiction in cases of international child abduction. This rule aims to maintain a balance between the two ideas. First, that a person who unlawfully removes or retains a child should not benefit from a change of the authority that has jurisdiction to consider custody or access/contact case. Secondly, that the change of the child's place of residence, if a new place of residence is maintained, is a factor which cannot be ignored to such an extent as to deprive the authorities of the new State of residence of jurisdiction for an indefinite period.</p> <p>Therefore, depending on the establishment of certain circumstances of the case, in particular the habitual place of residence of the children, the court must apply one of the rules defined by the 1996 Convention on the jurisdiction. The jurisdiction is based on the binding of the permanent place of residence of the child and is resolved in each specific dispute depending on the established factual circumstances of the case."</p>
Uruguay	S. G. , P. C. c/U., M. s/Exhorto Restitución	Tribunal de Apelaciones de Familia de Primer Turno	Appeal Court	https://www.incadat.com/es/case/1511

State	Case Name No 3	Court Name No 3	Court Level No 3	Brief summary of the ruling No 3
Armenia				

Australia	State Central Authority & Handbury [2019] FAMCA 668	Family Court of Australia	Trial	Decision of Bennett J delivered on 22 August 2019, ordering the return of the child to the United Kingdom, which was determined to be the place of the child's habitual residence under the 1980 Convention. Along with the return order, Her Honour made protective orders under Article 11 of the 1996 Convention seeking recognition and enforceability of the protective orders in the United Kingdom.
Austria	1 Ob 181/20d E CLI:AT:OGH 0 002: 2011: RS01272 34 20.10.2020	Oberster Gerichtshof (OGH)	supreme	Applicable law for amendment of custody relations follows Art 15. The Court having jurisdiction applies its own Law. An Austrian Court having jurisdiction for matters of parental responsibility applies Austrian Law.
Belgium				
Bonaire, Saba, Sint Eustatius				
Czech Republic				
Denmark	2021-45590	Agency of Family Law and Family Court of Aalborg	1st and 2nd instance	Decision regarding a child's habitual residence, in order to determine jurisdiction to decide custody when the child has been wrongfully removed from Denmark. The first instance ruled that it had jurisdiction and could make a decision regarding custody over the child. The decision was appealed, but the second instance upheld the decision. Some factors considered: - The family had lived together in Denmark before the wrongful removal. - The child went to school in Denmark - The child was registered as living in Denmark
Dominican Republic				
Ecuador	No information	No information	No information	No information
Estonia				
European Union				
Finland				
France				
Georgia	N/A			
Germany	3 F 25/21	AG Hamm	Court of 1st instance	In a case under the 1996 Convention, a family court may, via the domestic liaison judge, contact a foreign liaison judge in the European Judicial Network in Civil and Commercial Matters to obtain information on the applicable foreign law and its specific interpretation.

Honduras	Avelar-Cartagena	N/A	N/A	Administrative carried out diligence in the given location by the Swiss Central Authority, finding out that the girl had been left the country to Swiss. Therefore, we made the administrative case closure.
Italy				
Latvia				
Lithuania				
Nicaragua				
Norway	LA-2018-136820	Agder Appellate Court	Appellate court	<p>The case concerned a child welfare case in which a care order had been issued for a child who lived in Norway with her mother, both Hungarian citizens. The child was born in Hungary and had lived there for the first two years of her life. The mother's parents in Hungary were potential care takers for the child. The mother was at the time of the proceedings no longer present in Norway.</p> <p>On this background, and following a petition from the Child Welfare Service, the case concerned the appellate courts review of the County Social Welfare Board and District Court's decisions to request for a transfer of jurisdiction from Norway to Hungary.</p> <p>The appellate court clarified several aspects of the process of transferring jurisdiction according to Norwegian legislation and Article 8 no. 1 of the Convention. Namely, it was concluded that the consent of a parent with parental responsibility was not necessary for a transfer of jurisdiction to take place (the mother opposed the transfer of jurisdiction). Consequently the court concluded that Hungary would be better placed to consider the best interests of the child in this particular case and decided to request for a transfer of jurisdiction to Hungary, despite the mother's opposition.</p>
Paraguay				
Poland				
Portugal	none			
Slovakia				
Spain	Nº of appeal: 8870/2021	Supreme Court, Civil Chamber	Cassational level	ATS 581/2023 - ECLI:ES:TS:2023:581A, judgment dated 11 January 2023. In this Order raising a question of unconstitutionality, the Supreme Court recalls that again "the best interests of the child" is qualified as a "primary consideration" in the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children, done at The Hague on 19 October 1996, ratified on 28 May 2010.
Sweden				

Switzerland	-			
United Kingdom (England and Wales - Judiciary)	H v R [2022] EWHC 1073 (Fam)	Family Division	High Court	Where a child ceases to be habitually resident in England during the course of proceedings, by reason of a move to a non-Contracting State, Art 5 of the 1996 Hague Convention ceases to apply and the issue of jurisdiction is governed by our domestic law. This provides that the relevant date for determining habitual residence for the purposes of jurisdiction is the date the court became seised (s.3 Family Law Act 1986).
United Kingdom (Northern Ireland)				
United Kingdom (Scotland)				
United Kingdom (Wales)				
Ukraine	Ruling of 27.02.2019 case No 752/25543/17-ц; N 61-28641cb18	Supreme Court	Court of cassation	<p>Court of first and appeal instances decided the case on the merits and determined the place of residence of the child with his mother in Ukraine. The claimant believed that since her son has been living with her in Kyiv since April 2016, the claim can be filed on the territory of Ukraine.</p> <p>The defendant claimed that the place of habitual residence of the child was in France and jurisdiction to decide the dispute on the merits belonged the court in that State. The Court by its Ruling in particular decided that the conclusions of the court about the new place of habitual residence in Ukraine were correct and the jurisdiction belongs to the Ukrainian courts.</p> <p>In this regard, the court recognized that the issues in regard of parental responsibility, as well as its delegation, custody rights, including the right to take care of the child and, in particular, the right to determine the child's place of residence, as well as contact rights, including the right to take the child for a limited period to a place other than the child's habitual place of residence are covered by the scope of the 1996 Hague Child Protection Convention. The Court mentioned that according to Article 5 of the 1996 Child Protection Convention, jurisdiction in the cases of the protection of the child belongs to the judicial or administrative authorities of the Contracting State of the child's habitual residence, taking into account Article 7, in case of change of the</p>

				habitual residence of the child to another Contracting State, the authorities of the State of the new habitual residence obtain jurisdiction.
Uruguay				

3. Please provide a brief summary of **any other significant developments** in your State relating to international child protection, including any regional instruments or bilateral agreements that have been negotiated or which your State has signed and ratified or acceded to (e.g., Memorandum of Understanding on the placement of children abroad):

Armenia	
Australia	<p>On 1 September 2021, the Family Court of Australia and the Federal Circuit Court of Australia merged into one court known as the Federal Circuit and Family Court of Australia ('FCFCOA'), pursuant to the (CTH) Federal Circuit and Family Court of Australia Act 2021.</p> <p>The Court offers a single point of entry and enables Australia to perform obligations under the Hague 1980 (Abduction), 1993 (Inter-country Adoption) and 1996 (Protection of Children) Conventions.</p>
Austria	<p>In November 2022 an agreement between the Free State of Bavaria and the Province of Salzburg concerning the placement of a child in another Member State pursuant to Art 82 Para 8 Regulation Brussels IIbis was concluded. In order to be able to carry out and follow up the procedure for placing a child in another Member State as soon as possible, the Party requesting placement will inform the receiving Party immediately in advance as soon as it is aware of the planned placement, and will provide the child's essential data.</p> <p>Exceptionally, a minor may be placed in the receiving country even before the decision on consent to the cross-border placement is taken. The urgency of the placement must be justified. It is at the risk of the requesting Party to place a child without the formal consent in the receiving country and if it turns out, that no consent can be given in accordance with Art. 82 Para 1, the child must be taken back immediately by the requesting Party.</p>
Belgium	<p>Dans le cadre de l'aide transfrontalière à la jeunesse, deux conventions ont été conclues avec le Landschaftsverband Rheinland (LVR) en 1998 et 1999. La première concerne les placements transfrontaliers de jeunes de la Communauté germanophone dans des institutions du LVR. La seconde concerne la mise en œuvre de prestations d'aide à la jeunesse par la Communauté germanophone en faveur de jeunes allemands qui résident dans la Communauté germanophone.</p> <p>Les deux conventions ont dû être révisées en raison de l'évolution des dispositions légales nationales et européennes. Les conventions ont été finalisées en 2021 et adoptées par le gouvernement de la Communauté germanophone ainsi que par les instances compétentes du LVR et signées le 6 mai 2022 par les parties contractantes.</p>
Bonaire, Saba, Sint Eustatius	<p>We are in the process of getting the necessary experience. Additionally we are promoting our name recognition as the Central Authority CN (Caribbean Netherlands, consisting of Bonaire, Eustatia and Saba). Especially in connection with our collaborating partners and the Court.</p>
Czech Republic	<p>Political statement on the protection of displaced children from Ukraine in the context of Russia's war of aggression against Ukraine was issued by the</p>

	<p>Council of the EU in June 2022. https://www.consilium.europa.eu/media/57634/st10827-en22.pdf</p>
Denmark	n/a
Dominican Republic	<p>Until now we have not had experience of cases that have been presented before the Courts or courts in the Dominican Republic for the application of the 1996 Hague Convention, all the cases that we have received or requested regarding this agreement are previously known. administratively by the Dominican Central Authority, without the need to authorize the judicial actors in the processes.</p> <p>The cases that we have known of applying the La Hay Convention of 1966 have been very few, and thanks to the good collaboration with the Central Authorities of the other State we have been able to obtain the best solution in those cases, basically with the exchange of social studies. and other investigations with the objective of placing the children with their other relatives abroad, or to reunite families in our country.</p>
Ecuador	
Estonia	<p>1996 Convention is applied in cross-border cases and there has not been any significant cases concerning the interpretation and application of the convention that we would be aware of yet.</p> <p>As an example we would refer to a Tallinn Circuit Court case, where the court analyzed the jurisdiction in a case where the habitual residence of the child was in Norway and decided that the Estonian Courts did not have the jurisdiction in that case. Further, the court mentioned the possibility of requesting the assumption of jurisdiction under article 8 of the Convention but stated that there is no evidence that would allow Estonia to assume jurisdiction in that case.</p>
European Union	
Finland	-
France	<p>Le règlement n°2019/1111 du Conseil du 25 juin 2019 relatif à la compétence, la reconnaissance et l'exécution des décisions en matière matrimoniale, et en matière de responsabilité parentale, ainsi qu'à l'enlèvement international d'enfants (refonte), dit Bruxelles II ter" est entré en vigueur le 1er août 2022. Ce règlement est applicable entre les Etats membres de l'Union Européenne et prime sur les prévisions de la convention de 1996 (article 97) pour régler les relations en matière de compétence des juridictions, reconnaissance et exécution des décisions en matière matrimoniale et responsabilité parentale.</p> <p>Cependant, le règlement renvoie aux règles de la convention de 1996 (considérant 92) pour définir la loi applicable en matière de responsabilité parentale. L'instrument prévoit également son articulation avec la convention de 1996, notamment aux articles 95 et 97. Les deux instruments retiennent la même définition de l'enfant comme âgé de moins de 18 ans (considérant 18 et article 2). Il invite également les Etats membre à désigner la même autorité centrale pour l'application des deux instruments (considérant 72).</p> <p>Le décret 2023-25 du 25 janvier 2023 a été adopté pour adapter le droit français à la refonte du règlement."</p>
Georgia	N/A

Germany	Germany adheres to the relevant international treaties and European law. Furthermore, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth issued a Statement on the protection of the Rights of Ukrainian Refugee Children and Youth" in June 2022 and endorsed the "Political Statement on the Protection of Displaced Children from Ukraine in the Context of Russia's War of Aggression against Ukraine" by the Presidency of the Council of European Union. "
Honduras	N/A
Italy	
Latvia	<p>National instrument has been developed by signing inter-institutional cooperation document on 14 December 2017 (so called Memorandum of Understanding) on the protection of the rights of minor Latvian nationals abroad. The document was concluded between the Ministry of Justice (Central Authority for 1996 Convention), the Ministry of Foreign Affairs, the Ministry of Welfare, the Ombudsman, the State Inspectorate for the Protection of Children's Rights and the Latvian Orphan's and Custody Court Employees' Association. The document (only in Latvian) is available at: https://www.tm.gov.lv/lv/media/2401/download?attachment</p> <p>The document was developed due to lack of common understanding on the role of each involved partner/ institution that had eventually led to the unfavourable practice that has developed so far when institutions provided uncoordinated assistance to individuals. The document, therefore, foresees and determines the competence/ role and intervention possibilities of each Latvian institution participating in protecting the rights of children of Latvian nationals abroad. In fact, on 14 December 2022, having reviewed the cooperation of Latvian authorities, it has been concluded that it has significantly improved, further necessary steps have been also identified.</p> <p>Furthermore, considering that protection of the rights of minor Latvian nationals abroad has been a topical issue since 2014, the relevant actions has been taken periodically to improve the insurance of Latvian children abroad. That also includes development of guidelines for Latvian parents taking care/ raising children abroad. At the moment guidelines have been developed for the United Kingdom, Ireland, Germany, Norway, Sweden, Iceland and Denmark. These are countries where a significant part of Latvian diaspora has relocated. The competent authorities have also consulted and communicated with the named countries to produce the guidelines in best possible manner. The guidelines (only in Latvian) are available at: https://www.tm.gov.lv/lv/informacija-par-bernu-tiesibu-aizsardzibu-arvalstis</p>
Lithuania	-
Nicaragua	N/A
Norway	
Paraguay	
Poland	
Portugal	none
Slovakia	
Spain	The integration of the HC 1996 into the Spanish legal system is very clearly reflected in the current wording of Articles 9.4 and 9.6 of the Civil Code. These precepts establish that the law applicable to the content of filiation, by nature or by adoption, and to the exercise of parental responsibility, will be determined in accordance with the Hague Convention of October 19, 1996,

	<p>on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children. It is also stated that the law applicable to the protection of children will be determined in accordance with the Hague Convention of 19 October 1996. As indicated above, the most relevant novelty in this field has been the entry into application on August 1, 2022 of the new Brussels IIb Regulation insofar as it establishes a new relationship with the 1996 Hague Convention in its new Article 97.</p>
Sweden	Not applicable.
Switzerland	-
United Kingdom (England and Wales - Judiciary)	
United Kingdom (Northern Ireland)	None
United Kingdom (Scotland)	
United Kingdom (Wales)	None although a memorandum would be desirable because of the issues associated with the assessment and placement of children in kinship care (addressed further below).
Ukraine	<p>On April 11, 2022 the Agreement between the Ministry of Social Security and Labour of the Republic of Lithuania and the Ministry of Social Policy of Ukraine on cooperation in the field of protection of children affected by the war in Ukraine due to the Russian Federation's armed aggression was concluded. The agreement provides for mechanisms and tools to support children who have been forced to leave for Lithuania, as well as to ensure their return to Ukraine after the end of active hostilities. The Ministry of Social Policy of Ukraine is in negotiation with the EU countries as well as other countries which hosted the children from Ukraine the possibility of concluding the bilateral agreements on exchange of information concerning the unaccompanied and separated children and guarantees of their return to Ukraine after end of martial law.</p>
Uruguay	

2. Scope of application (Arts 2, 3 and 4, and C&R No 29 of 2017 SC)

4. Have competent authorities in your State experienced any challenges, or have questions arisen, in determining the scope of the 1996 Convention (e.g., which measures of protection fall within the scope of the 1996 Convention)?

No

Austria, Belgium, Bonaire, Saba, Sint Eustatius, Denmark, Dominican Republic, Ecuador, Estonia, Finland, Georgia, Germany, Honduras, Italy, Latvia, Lithuania, Paraguay, Poland, Portugal, Slovakia, Spain, Sweden, United Kingdom (Scotland), Ukraine, Uruguay

Yes

Australia, Bonaire, Saba, Sint Eustatius, Czech Republic, France, Nicaragua, Norway, Switzerland, United Kingdom (England and Wales - Judiciary), United Kingdom (Wales)

Please specify:

Armenia	
Australia	Noting the long title of the Convention, we think that use of a different shorthand title might assist to promote the various measures of protection that fall within the scope of the Convention, for example the '1996 Convention'. The reference to protection" in the title of the 1996 Convention may lead those who are not familiar with the Convention to assume that it is a Convention concerning only measures for the personal protection of children in a public child protection sense rather than the Convention's much wider purposes of providing rules between and for contracting states as to which state can make decisions about a child, applicable law and the recognition and enforcement of orders, including in respect of parental responsibility."
Austria	
Belgium	
Bonaire, Saba, Sint Eustatius	Youth Care Bonaire has asked us questions about a mother who travelled to Colombia, taking her kids with her while being under supervision of youth care. There has also been a case in which we sought contact with the child protection organisation in Venezuela concerning the repatriation of a minor.
Czech Republic	Questions concerning the application of the Convention in relation to the bilateral agreement with other member state - e. g. the Czech Republic has bilateral agreement with Ukraine in civil matters. The agreement also covers relationship between children and their parents, however unlike the Convention, it does not contain any specific provisions concerning the refugees and unaccompanied children.
Denmark	
Dominican Republic	Our internal legislation on the protection of minors also establishes the age of 18 to constitute a minority, from that age people are considered adults. The 1996 Hague Convention has basically served to guarantee the rights to reunification of minors with their families residing in a place other than their habitual residence. We work on matters that are excluded from the scope of application of this agreement using other means and agreements drawn up by the Hague Conference on Private International Law that the Dominican Republic has ratified.
Ecuador	

Estonia	
European Union	
Finland	In the Finnish Central Authority, we have not been made aware of challenges or questions in relation to these articles.
France	<p>La coopération en matière familiale au sein de l'Union Européenne se fonde sur les règlements (CE) n°2201/2003 "Bruxelles II bis" et, depuis le 1er août 2022, (UE) n°2019/1111 "Bruxelles II ter". Ces instruments priment sur l'application de la convention de La Haye de 1996 sur la protection des enfants dans les relations entre Etats Membres. L'essentiel de la coopération familiale en matière de protection des enfants en France se fonde sur les règles européennes précitées. La convention de La Haye de 1996 trouve son application dans les relations entre la France et des Etats signataires tiers à l'Union Européenne, ce qui représente une part limitée des demandes de coopération et des litiges. Eu égard au caractère résiduel de ces contentieux, l'autorité centrale française n'a pas de retour spécifique de juridictions sur des difficultés ou questions pour la détermination du champ d'application de la convention de 1996.</p> <p>Toutefois, l'autorité centrale constate dans sa pratique quotidienne que la convention de 1996 est mal connue des magistrats français chargés de la protection de l'enfance et des problématiques de responsabilité parentale, contrairement aux règlements européens qui sont bien mieux connus du fait d'une application plus fréquente.</p> <p>Par ailleurs, l'autorité centrale française a constaté que le terme "protection" peut poser des difficultés d'interprétation pour les dispositions relatives à la coopération :</p> <ul style="list-style-type: none"> -l'article 31 est relatif à la localisation d'un enfant lorsqu'il a « besoin de protection » , -l'article 32, b) évoque la possibilité de demander aux autorités d'un autre Etat d'examiner l'opportunité de prendre des mesures « tendant à la protection de la personne ou des biens de l'enfant » , -l'article 34 évoque la possibilité de transmission d'informations utiles « pour la protection de l'enfant ». <p>Dans ces dispositions, la « protection » semble viser des situations dans lesquelles l'enfant se trouve dans une situation préoccupante ou une situation de danger. L'autorité centrale s'interroge sur la signification à donner au terme protection dans ces articles, et donc sur l'étendue de la coopération qu'elle doit mettre en oeuvre. En effet, les conseils départementaux, sollicités pour réaliser les rapports sur ce point, interviennent habituellement sur le critère de "danger" pour l'enfant, qui est plus restrictif, ce qui peut être source de confusion lorsqu'ils sont sollicités dans le cadre de la Convention de 1996."</p>
Georgia	
Germany	
Honduras	
Italy	
Latvia	
Lithuania	
Nicaragua	The competent authorities, including the Central Authority, have had little experience in the application of the Convention.

Norway	<p>Questions have arisen concerning the scope of the Convention in relation to article 4 b, that excludes decisions on adoption, measures preparatory to adoption, or the annulment or revocation of adoption", in particular in cases under Article 34.</p> <p>In the Norwegian Child Welfare Legislation, adoption is one of the available protective measures. It is a measure that is rarely used, but when it is used it is most commonly in cases where a child has already been placed in foster care for a long period of time. In such cases, the Child Welfare Service is responsible for the follow up of both the child and the parents, based on the principle of the best interest of the child. They will also be responsible for assessing whether an adoption could be necessary and in the best interest of the child. As the Child Welfare Service needs to take all relevant information into account in all of its decisions, there is a somewhat organic transition between instances when the child welfare service needs information from another for purposes that fall outside the scope of Article 4 b, and for purposes that fall within the scope of the article.</p> <p>It is worth noting that these questions have arisen in both incoming and outgoing cases under the Convention, as we have also received requests from other states similar to the ones described above, where the information requested is both needed for other purposes, and for purposes concerning a possible adoption. It can be challenging to distinguish between the different reasoning behind requests for information in these cases.</p> <p>Furthermore, in addition to the cases where it's difficult to distinguish the reasons behind a request, questions also arise cases where the need for information from another state is based solely on a purpose that falls within the scope of Article 4 b. As described above, adoption is available as a protective measure in Norwegian legislation, however it is subject to strict scrutiny by the Child Welfare Tribunal and courts, due to the gravity of the measure. Consequently it is essential for the authorities to do everything possible to get in contact with parents that are abroad, or to gather necessary information about parents. As the 1993 Hague Convention on adoptions is not applicable in such cases, the result of excluding the cases from the 1996 Hague Convention is that the authorities are left inadequate options to best secure the rights of the parents in cases where an adoption might be in the best interest of the child. "</p>
Paraguay	
Poland	
Portugal	
Slovakia	
Spain	
Sweden	
Switzerland	<p>La notion de mesure" au sens de la Convention est en principe à interpréter de manière large (cela ressort des travaux préparatoires), toutefois, tous les États ne sont pas d'accord sur la portée exacte de cette notion, notamment sur la question de savoir si celle-ci comprend également les décisions en matière de garde et droits de visite. Notre autorité centrale est d'avis que oui, d'autres ont une interprétation plus restrictive de cette notion. Loin d'être une question purement académique, elle cause parfois des problèmes dans la pratique. "</p>

United Kingdom (England and Wales - Judiciary)	<p>Judiciary</p> <p>Following the exit of the United Kingdom from the European Union, a question arose as to whether the 1996 Hague Convention now provides the jurisdictional framework for public law child protection proceedings in relation to children, in place of BIIa. In <i>London Borough of Hackney v P</i> [2022] EWHC 1981 (Fam), the High Court determined that care orders under Part IV of the Children Act 1989 fall within the scope of the 1996 Hague Convention and that the 1996 Hague Convention is now the jurisdictional framework for public law child protection proceedings under the 1989 Act.</p> <p>An issue has arisen as to the proper scope of Article 11. This is referred to further below.</p> <p>ICACU</p> <p>Article 2: the ICACU continues to receive outgoing co-operation requests from local authorities (social welfare authorities) (a local authority is a competent authority) in England arising out of child protection concerns about an unborn child (for example where the local authority has held a pre-birth child protection conference and may be considering issuing care proceedings once the child is born). The ICACU is not able to transmit these requests to the other central authority as there is not yet a child, the ICACU will try to put the local authority in touch with the competent authorities in the requested State and/or notify the requested central authority that a request for co-operation will be made once the child is born and that the request will be urgent.</p> <p>From experience, the term 'measures of protection' appears open to quite wide interpretation and the ICACU has had to make decisions about scope.</p> <p>By way of illustration on outgoing requests, the ICACU has been asked by the local authority (competent authority) to seek information from other central authorities with regard to unaccompanied asylum seeking young people currently residing in England. In these cases, the local authority has already established the child's age to be over 18 but the young person has disagreed with that assessment and maintained that they are a child, on balance it was felt that such requests were not within scope primarily because the focus was not one of child protection but rather obtaining reports/evidence to confirm the young person's legal age in order to challenge their asylum application and/or to support the local authority's defence to an application for judicial review of their decision-making brought by the young person.</p>
United Kingdom (Northern Ireland)	
United Kingdom (Scotland)	
United Kingdom (Wales)	<p>We have received a referral from a local authority seeking assistance with an issue of the recognition of a Welsh adoption order in an EU Member State. It appeared that the competent authorities considered that this measure fell within the scope of the Convention and fell to be recognised under this instrument.</p>
Ukraine	
Uruguay	

3. Jurisdiction to take measures of protection

Habitual residence (Art. 5 and C&R No 31 of 2017 SC)

5. Have competent authorities in your State experienced any challenges when determining the habitual residence of the child in cases falling within the scope of the 1996 Convention?

No

Austria, Bonaire, Saba, Sint Eustatius, Czech Republic, Ecuador, Estonia, Finland, Georgia, Honduras, Lithuania, Nicaragua, Paraguay, Poland, Portugal, Switzerland, United Kingdom (Scotland), United Kingdom (Wales), Ukraine
Uruguay

Yes

Australia, Belgium, Denmark, Dominican Republic, France, Germany, Italy, Latvia, Norway, Slovakia, Spain, Sweden, United Kingdom (England and Wales - Judiciary)

Please specify:

Armenia	
Australia	<p>In Shinton & Ward [2022] FCWAM 39, Magistrate Andrews considered whether the 1996 Convention applied to an order contravention application brought by the father in circumstances where the child was habitually resident in another country.</p> <p>Her Honour followed the decisions of Bennett J in Chan & Wiu [2010] FamCA 615 and Kent J in Keehan v Keehan (2019) 60 FamLR 276 and concluded that the father’s order contravention application cannot be classed as Commonwealth personal protection measures, and that the Convention and the provisions of s111CD did not apply. Her Honour held that order contravention proceedings are directed to ensuring compliance with existing orders, as distinct from seeking to define or alter the existing rights to which Article 3 refers. Her Honour determined the court had jurisdiction under the provisions of the Family Law Act to determine the father's applications for contravention of the parenting orders,</p>
Austria	
Belgium	<p>1/ Certaines juridictions belges saisies de demandes en mesures urgentes et provisoires concernant des enfant originaires d'Ukraine se sont interrogées sur la base juridique de leur compétence. L'application de l'article 6 de la CLH de 1996 leur a été rappelée.</p> <p>2/ Dans un dossier, les services sociaux et autorités judiciaires d'un Etat ont demandé le rapatriement d'enfants en Belgique sans indiquer de fondement légal sur pied de la Convention de la Haye de 1996 et sans prendre contact au préalable avec leur autorité centrale. La demande a été transmise directement aux services sociaux belges. Dans ce dossier, une mesure de protection de la famille avait été prise en Belgique mais elle n'avait pas pu être mise en œuvre en raison de la fuite de la famille vers l'Etat requérant. Les autorités belges considéraient que les autorités de l'Etat sur le territoire duquel els enfants vaient été trouvés devaient préalablement se poser la question de la résidence habituelle des enfants et devaient pendre des mesures de protection, à tout le moins urgentes et ce, en application de la</p>

	<p>Convention.</p> <p>En effet, l'exercice de leur compétence aurait eu pour bénéfice d'entamer le travail social ce qui aurait permis à la famille de reprendre ses marques et de développer un projet à plus long terme dans l'Etat requérant (où elle souhaitait s'établir). L'avantage de cette proposition étant de maintenir l'unité familiale (les autorités de l'Etat requérant souhaitant rapatrier les enfants sans leur maman) garantie par les articles 9 de la Convention internationale relative aux droits de l'enfant et 8 de la Convention européenne des droits de l'homme, de respecter l'exercice de l'autorité parentale de la maman et de ne pas agir dans la précipitation, ce qui semblait dans l'intérêt des enfants. Par ailleurs, une fois le projet de la famille clarifié, la Belgique pouvait alors éventuellement reprendre sa compétence si le retour de la famille se révélait être dans l'intérêt des enfants.</p>
Bonaire, Saba, Sint Eustatius	That is something that we haven't experienced as yet.
Czech Republic	
Denmark	<p>The difficulties have become apparent in situations where a family has moved from one convention state (A) by joint decision to another (B), and where one parent and child then return to the state of departure (A) after a short stay in the state (A) without the consent of the other parent. The issue has been whether the short stay amounted to a change of habitual residence from state (A) to state (B). In these cases there might arise conflicting decisions on jurisdiction.</p> <p>The Agency of Family Law has also experienced challenges in connection with cases concerning children, where the family have habitual residence in more than one convention state.</p>
Dominican Republic	We have had some difficulties in determining the habitual residence of minors, when they are very young at birth, and have spent a very short time in the state requesting the return, and their parents have habitual residence in different countries..
Ecuador	
Estonia	
European Union	
Finland	In the Finnish Central Authority, we have not been made aware of challenges or questions in relation to these articles.
France	<p>Des difficultés sont apparues concernant l'articulation entre la présente Convention et le règlement n°2201/2003 Bruxelles II bis", en cas de changement licite de la résidence habituelle en cours d'instance d'un Etat membre de l'UE vers un Etat non-membre de l'UE mais partie à la Convention.</p> <p>Le changement de for compétent en cours d'instance qui peut en résulter sur le fondement de l'article 5 § 2 de la Convention en raison de la nouvelle résidence habituelle de l'enfant a pu poser difficulté à des juridictions. L'application de cette règle a notamment donné lieu à l'arrêt précité (point 2) de la 1e chambre civile de la cour de cassation le 30 septembre 2020 (n°19-14.761), qui rappelle que le changement licite de résidence en cours d'instance vers un Etat adhérent à la convention de 1996, non membre de l'UE, entraîne un changement de juridiction compétente. L'autorité centrale a également été sollicitée dans ce cadre par des magistrats qui se trouvaient en</p>

	<p>difficulté pour déterminer l'instrument applicable et leur compétence.</p> <p>Par ailleurs, une autre difficulté peut aussi provenir de la détermination de la résidence habituelle en cas de résidence alternée de part et d'autres de la frontière. L'autorité centrale française a été saisie à plusieurs reprises de cette difficulté, qui n'est pas prévue dans la Convention. "</p>
Georgia	
Germany	<p>Problems arose in determining the state of habitual residence of cross-border commuters. With regard to refugee children, in some cases it is difficult to assess when and under which circumstances those children establish habitual residence in the country of refuge, especially when return to their home country is intended.</p>
Honduras	
Italy	<p>The Italian supreme Court is about to decide whether and how the criterion of the habitual residence of the child, established by art. 5 of the Convention, should be linked with the provisions of art. 4 of the same Convention where: the child's habitual residence is in a contracting State which judicial authority has already ruled on the custody and placement and the subject matter of the proceedings before the Italian judicial authority is limited to the application for maintenance of the child for the noncustodial parent.</p> <p>The same supreme Court was lodged to decide whether in case of delivering, in different contracting States, of two decision on custody occurs always a conflict of competence, to be solved by lis pendens principles, or the applications and the consequent rulings could be consistent where the child has changed habitual residence from one to other contracting States.</p>
Latvia	<p>At first it was challenging to determine how the rules of the 1996 Convention applies in relation to refugee children from Ukraine. However, later the situation was confirmed with the Central Authority of Ukraine. Also, the assistance of European Judicial Network and HCCH PB was very useful to resolve issues.</p>
Lithuania	
Nicaragua	
Norway	<p>Questions might arise in cases where parents travel out of Norway where the intention and motivation seemingly is to avoid possible protective child welfare measures. These cases might give rise to some situations that can be challenging to categorise, for example in cases where parents travel out of the country and the motivation is to avoid the Child Welfare Service in Norway, in these cases they can move between several countries and it can therefore be difficult to assess the habitual residence of the child.</p> <p>Furthermore, difficult assessments have arisen in cases where a child travels back and forth between two countries frequently, possibly living in a split custody situation close to the border, with one parent in each country.</p> <p>Please also see section 4.10. below.</p>
Paraguay	
Poland	
Portugal	
Slovakia	
Spain	<p>The question of habitual residence as an autonomous concept which is based on the application of national and international law and treaties and which</p>

	has to be decided on a case-by-case basis raises general problems of application, as is shown by the extensive case law of the Court of Justice of the European Union in preliminary rulings concerning the Brussels IIa Regulation, the parameters of which are similar to those of the 1996 Hague Convention on habitual residence.
Sweden	The Swedish Central Authority has not been made aware of such challenges or questions.
Switzerland	
United Kingdom (England and Wales - Judiciary)	Judiciary One of the key challenges with respect to determining the habitual residence of subject children has been the question of ascertaining the date for determining habitual residence for the purposes of Art 5 of the 1996 Convention. That question is currently the subject of conflicting decisions in the High Court (see above).
United Kingdom (Northern Ireland)	
United Kingdom (Scotland)	
United Kingdom (Wales)	
Ukraine	
Uruguay	

International child abduction (Arts 7 and 50)

6. Have competent authorities in your State experienced any challenges, or have questions arisen, in making a determination whether to exercise jurisdiction in cases of wrongful removal or retention of the child?

No

Austria, Belgium, Bonaire, Saba, Sint Eustatius, Czech Republic, Denmark, Ecuador, Estonia, Finland, France, Georgia, Honduras, Italy, Latvia, Lithuania, Nicaragua, Paraguay, Poland, Portugal, Spain, Switzerland, United Kingdom (Scotland), United Kingdom (Wales), Ukraine, Uruguay

Yes

Australia, Dominican Republic, Germany, Norway, Slovakia, Sweden, United Kingdom (England and Wales - Judiciary)

Please specify

Armenia	
Australia	Although not a challenge relating to the exercise of jurisdiction per se, the Full Court of the Federal Circuit and Family Court made statements in Hays & Department of Communities and Justice [2023] FedCFamC1A 3, which may be relevant. The Court stated that the 1980 Convention was not an appropriate mechanism to obtain the return of the children given the 'intricacies' of child abduction convention matters and the length of time proceedings tend to take, noting delays caused by the appointment of an ICL, obtaining a Family Report, and the potential for appeals to the Full Court and High Court. The Full Court appeared to be of the view that the registration of overseas orders in Australia would have been a more efficient course of action. However, the

	<p>court ultimately upheld the orders made under the Child Abduction Convention.</p> <p>The 1980 Convention is a forum prescriptive treaty. A return application is not preconditioned on any disagreement about forum. The proceedings are directed to the return of the child to the place of the child's state of habitual residence, which is generally considered to be the jurisdiction in which parents have access to relevant evidence. Although initiation of proceedings in the state of habitual residence or the state in which the child is present may be a consequence of a return application it is largely irrelevant to the determination of a return application. An exception to this is where a taking parent cannot return to the state of the child's habitual residence to participate effectively in parenting proceedings and this is alleged to constitute an intolerable situation exception (Art.13b) or where the inability to participate in parenting proceedings is alleged to be contrary to fundamental freedom of the requested state (Art.20). Otherwise, the institution of proceedings may, in some sense, inform the exercise of the discretion to refuse return which arises if, and only if, an exception to return is made out.</p> <p>It is not always the experience that the timely appointment of an independent children's lawyer ("ICL") or the requirement for a social science report delays the disposition of return proceedings. Indeed, both have the capacity to expedite the disposition of return proceedings.</p> <p>The initiating application in the proceeding to which reference is made was filed on 8 April 2022. On 12 April 2022, it was ordered, inter alia, that an ICL be appointed in sufficient time to:</p> <ol style="list-style-type: none"> a. be able to speak to the children (a boy aged 12 years and a girl aged 8 years), b. to obtain and familiarise themselves with any social science evidence in relation to the children in the parenting proceedings in the United Kingdom and any statements or records held by the police or prosecuting authorities in the United Kingdom in relation to the interaction of the parents with each other and with the children, c. make recommendations about what interim parenting orders for access or communication between the requesting parent and the children ought be made, d. cause relevant subpoenas to issue, and e. investigate the preparedness of the parents to undertake a specialised Hague mediation. The taking parent (father) was required to file and serve his response and evidence in opposition to the return application by 28 April 2022. On 29 April 2022, a social science report was ordered to be prepared in relation to each child and in particular to cover:- <ol style="list-style-type: none"> a. an explanation to the child of the nature of these Hague return proceedings and, in particular, that it is not a final decision about with whom the child will live or in which country the child will live, b. the child's apparent emotional functioning and any acute distress or indicators that the child requires immediate expert assessment or mental health treatment, c. what (if any) objections each child has to returning to the United Kingdom, d. whether any such objection shows a strength of feeling beyond the mere
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	<p>expression of a preference or of ordinary wishes, e. whether the child has attained an age and degree of maturity, at which it is appropriate to take account of his/her views, and f. whether, in the opinion of the Court Child Expert, there are other factors to be considered in according weight to the view/objection of each child, g. whether returning the child to the United Kingdom (where the courts are seized of parenting proceedings) contrary to any objection by the child, would be harmful to the child and, if so, how and what steps (if any) can be taken to ameliorate such harm, h. what communication (if any) each child should have with the mother while the child is in Australia.</p> <p>The social science report was published on 3 June 2022. The hearing commenced on The taking parent challenged the jurisdictional grounds (rights of custody & habitual residence) and invoked all of the exceptions to return. It is not that the 1980 Convention, or the legislation which gives expression to the Convention in Australia, is 'intricate' it is merely that the taking parent in this case argued every available point and very many points which were not available.</p> <p>The choice of remedy is in the hands of the applicant (here the left behind parent). Had the left behind parent proceeded with recognition and enforcement under Chapter IV of the 1996 Convention, those proceedings are not automatically expedited within the court system (unlike return applications). Furthermore, on the facts of the case referred to, habitual residence would have been controversial in the context of Article 23(2)(a) of the 1996 Convention. Finally, there is no jurisprudence in Australia as to the interpretation of best interests of the child under Article 23 (2)(d) or of Article 28 insofar as it provides that enforcement takes place [...] to the extent provided by such law, taking into consideration the best interest of the child. There is every likelihood that the left behind parent would have sought to oppose both registration using Article 23 (2)(d) and enforcement under Article 28 by seeking to argue best interests principles with the resultant delay in hearing and appeals.</p>
Austria	
Belgium	
Bonaire, Saba, Sint Eustatius	That is something that we haven't experienced as yet.
Czech Republic	
Denmark	
Dominican Republic	En las situaciones descritas en la preg
Ecuador	
Estonia	
European Union	
Finland	In the Finnish Central Authority, we have not been mabe aware of challenges or questions in relation to these articles.
France	Eu égard à l'application privilégiée de la convention de La Haye de 1980 sur les aspects civils de l'enlèvement international d'enfants dans les situations de déplacement illicite, en lien avec les règlements Bruxelles II bis" et "Bruxelles II ter" au sein de l'Union Européenne, la mise en œuvre de la convention de 1996 dans ces situations est très résiduelle. Ainsi, l'autorité centrale française n'a pas eu connaissance de défis dans la mise en œuvre de

	<p>la convention de 1996 dans ces situations.</p> <p>Elle a toutefois eu connaissance d'une situation de déplacement illicite d'enfants entre la France et l'Inde, qui n'est pas partie aux conventions de 1980 et 1996, dans laquelle le juge français saisi s'est fondé sur l'article 50 de la convention de 1996, visant son application universelle, et sur le droit français pour fonder sa compétence et ordonner le retour des enfants. "</p>
Georgia	
Germany	When a child was brought to Germany due to armed conflicts in their home state with consent of the left-behind parent and later this consent was revoked, questions arose as to whether the child is illegally retained in Germany in case of non-return.
Honduras	
Italy	
Latvia	
Lithuania	
Nicaragua	
Norway	The Supreme Court of Norway's decision with the reference HR-2022-207-A, which will be described more detailed in the 1980-questionnaire, concerned jurisdiction and child abduction issues. The court concluded that in the event that a family has travelled out of Norway legally, and a Child Welfare Tribunal (formerly known as County Social Welfare Board) later on issues a care order for the child (based on jurisdiction arising from Art. 5), that the continued stay abroad would constitute a wrongful retention according to both the 1980 and 1996 Conventions.
Paraguay	
Poland	
Portugal	
Slovakia	
Spain	
Sweden	In incoming cases, when there is a concern for the wellbeing of a child, the competent authorities might have to assess whether to exercise jurisdiction when it comes to interim or long-term protective measures. The competent authorities might also have to assess if both parents have legal guardianship of the child if for example voluntary protective measures are deemed necessary (in Sweden it is mandatory for the legal guardian/s to give his / her consent for voluntary protective measures).
Switzerland	
United Kingdom (England and Wales - Judiciary)	<p>Judiciary</p> <p>The English court has considered the issue of a wrongful repudiatory" retention and how it is established: Re C (Children) (Rev 1) [2018] UKSC 8 (14 February 2018). The court decided, at [50], that repudiatory retention is possible in law. How it is established is set out, at [51]. It was decided that there "must ... be some objectively identifiable act or statement, or combination of such, which manifests the denial, or repudiation, of the rights of custody of the left-behind parent. A declaration of intent to a third party might suffice, but a privately formed decision would not, without more, do so", It was also decided that it was not necessary that "the repudiation must be communicated to the left-behind parent". The court considered the relationship between such a wrongful retention and the acquisition of habitual residence and the potential effect on the application of the 1980</p>

	<p>Convention: e.g [14]. The court appreciated that there was a tension between the date of any repudiatory retention and the question of habitual residence. As expressed in a text book: "It is possible that if the identified date of repudiatory retention is later, the children may have already acquired habitual residence in the destination State, in which case, the retention will not be wrongful under Article 3. On the other hand, if the identified date is earlier, it is possible that the children may have become settled earlier if proceedings are not brought within the 12-month period set out in Article 12".</p> <p>The issue has arisen of the relationship between the 1951 UN Refugee Convention (and the relevant European Union Directives) and the 1980 Abduction Convention: G v G [2021] UKSC 9 (19 March 2021) and G (A Child: Child Abduction) [2020] EWCA Civ 1185 (15 September 2020). These cases considered the effect of an asylum claim by the taking parent and/or the child on an application under the 1980 Hague Convention. The Supreme Court decided, at [130], that a child "who can objectively be understood as being an applicant [for refugee status or other international protection] is entitled to rely on article 7 of the Procedures Directive which ensures non-refoulement of a refugee who is awaiting a decision so that a return order cannot be implemented pending determination by the Secretary of State". The Court of Appeal decided, obiter, that the grant of asylum created a bar to returning a child under the 1980 Convention: see [118]-[127]. [MoJ Note: In the extract above, the reference to "the Secretary of State" is to the Home Secretary (Interior Minister).]"</p>
United Kingdom (Northern Ireland)	
United Kingdom (Scotland)	
United Kingdom (Wales)	
Ukraine	
Uruguay	

Pending divorce or legal separation of the child's parents (Art. 10)

7. Have competent authorities in your State experienced any challenges, or have questions arisen, in making a determination whether to exercise **jurisdiction** in cases where there is a pending divorce or legal separation of the child's parents (Art. 10)?

No

Australia, Austria, Belgium, Bonaire, Saba, Sint Eustatius, Czech Republic, Denmark, Dominican Republic, Ecuador, Estonia, Finland, France, Georgia, Germany, Honduras, Italy, Latvia, Lithuania, Nicaragua, Norway, Paraguay, Poland, Portugal, Slovakia, Spain, Sweden, Switzerland, United Kingdom (England and Wales - Judiciary), United Kingdom (Scotland), United Kingdom (Wales), Uruguay

Yes

No responses

Please specify:

Armenia	
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Australia	
Austria	
Belgium	
Bonaire, Saba, Sint Eustatius	We haven't experienced such cases as yet. We have no information if such challenges have been brought before the Court in the BES.
Czech Republic	
Denmark	
Dominican Republic	
Ecuador	
Estonia	
European Union	
Finland	In the Finnish Central Authority, we have not been made aware of challenges or questions in relation to this article.
France	L'autorité centrale française n'a pas eu connaissance de défis particuliers sur ce point, dans le cadre de l'application de la convention de 1996.
Georgia	
Germany	
Honduras	
Italy	
Latvia	
Lithuania	
Nicaragua	
Norway	
Paraguay	
Poland	
Portugal	
Slovakia	
Spain	The new parameters under art. 97 Brussels IIb Regulation will help to get through these topics. Connected to this type of question, it is relevant to stress that the judgement CJEU of 14 July 2022, delivered for a preliminary ruling in Case C-572/21, held that Article 8(1) of the Brussels IIa Regulation, read in conjunction with Article 61(a) thereof, must be interpreted as meaning that a court of a Member State seized of a dispute in matters of parental responsibility does not have jurisdiction to hear and determine the case. Brussels IIa, read in conjunction with Article 61(a) thereof, must be interpreted as meaning that a court of a Member State seized of a dispute concerning parental responsibility has no jurisdiction to rule on that dispute under Article 8(1) of that Regulation where the habitual residence of the child concerned has been lawfully transferred, in the course of the proceedings, to the territory of a non-member State which is a party to the 1996 Hague Convention. This seems to be consistent with the EU legislator's intention not to undermine the provisions of the HC 1996.
Sweden	The Swedish Central Authority has not been made aware of such challenges or questions.
Switzerland	
United Kingdom (England and Wales - Judiciary)	

United Kingdom (Northern Ireland)	
United Kingdom (Scotland)	
United Kingdom (Wales)	
Ukraine	not available
Uruguay	

Transfer of jurisdiction (Arts 8 and 9)

8. How often have competent authorities in your State experienced cases of transfer of jurisdiction under Articles 8 and / or 9 of the 1996 Convention?

Do not know

Belgium, Bonaire, Saba, Sint Eustatius, Ecuador, France, Spain, Sweden, United Kingdom (Scotland)

Never

Dominican Republic, Honduras, Nicaragua, Paraguay, Uruguay

Rarely

Australia, Austria, Czech Republic, Denmark, Estonia, Finland, Georgia, Italy, Latvia, Lithuania, Portugal, Slovakia, Ukraine

Sometimes

Germany, Norway, Poland, Switzerland, United Kingdom (England and Wales - Judiciary), United Kingdom (Wales)

Very often

No responses

Always

No responses

If possible, please provide supplementary information:

Armenia	
Australia	<p>Since last Questionnaire, the Australian courts have considered the following cases:</p> <p>In Lynch & Hagen (No 2) [2020] FamCA 727, the then Family Court of Australia made orders to request the competent authority in Norway to agree to the Family Court of Australia assuming jurisdiction to take a Commonwealth personal protection measure relating to the child, who held dual Australian and Norwegian citizenship and was habitually resident in Norway. The court considered that the child had a substantial connection with Australia on the basis of the child's indigeneity, Australian citizenship, and the fact that the child was born in and had lived the first half of her life in Australia, together</p>

	<p>with the fact that the child's mother was an Australian citizen and a habitual resident of Australia. The court considered the significance of the child's indigeneity as a substantial connecting factor and held that the Australian court were better placed to determine the best interests of an Aboriginal child. The court asked the Australian Central Authority to request that the Norwegian Central Authority agree the the Family Court of Australia assuming jurisdiction of the matter.</p> <p>In Kubat & Kubat [2019] FamCA 671, the then Family Court of Australia made parenting orders in relation to four children, one of whom was present and habitually resident in Turkey at the time of the hearing. The court ordered the parents seek to have the Orders registered in Turkey on the basis that the Orders have effect as child protection measures in Turkey pursuant to the 1996 Convention.</p> <p>The ACA currently has an incoming Article 8 request to transfer jurisdiction on foot, referred from a European Central Authority.</p>
Austria	
Belgium	
Bonaire, Saba, Sint Eustatius	We haven't experienced such cases as yet. However the Court might have a different experience. We will discuss this with the court in the near future.
Czech Republic	
Denmark	In 2022 we had 2 outgoing (one of each) and 3 incoming cases (One article 8 request and two article 9 requests).
Dominican Republic	
Ecuador	
Estonia	We have had 2 cases with Norway where Estonian court was asking for jurisdiction.
European Union	
Finland	
France	<p>La France ne dispose pas de données statistiques spécifiques à l'application de la convention de 1996 dans les litiges concernés. L'autorité centrale intervient en application de l'article 31 pour renseigner les juridictions sur le mécanisme de transfert de compétence des articles 8 et 9 de la Convention et transmettre les demandes de transfert de compétence. La mise en œuvre de cette procédure concerne essentiellement les mesures de protection des enfants (suivi éducatif, placement en institution) ou de tutelles mineur (défaillance ou absence de titulaires de l'autorité parentale), pour permettre un retour dans le pays d'origine, le rapprochement avec les titulaires de l'autorité parentale ou assurer la continuité du suivi dans le cadre d'un déménagement. L'autorité centrale constate cependant des délais de traitement longs de ces demandes, tant par les juridictions françaises que les juridictions étrangères, qu'elle attribue essentiellement à la méconnaissance de ce mécanisme par les juridictions.</p> <p>Il est par ailleurs relevé que les articles 8 et 9 ne permettent un transfert de compétence que dans un seul sens : de l'état de la résidence habituelle du mineur vers un état subsidiairement compétent. il n'y a pas d'article permettant de transférer la compétence d'un état ayant exercé sa compétence sur un fondement subsidiaire vers l'état de la résidence habituelle. Par ailleurs, les fors de l'article 8.2 ne sont pas, en soi, des critères primaires de compétences. A titre de comparaison, la difficulté ne se pose pas</p>

	avec les règles des règlements Bruxelles II bis" (article 15) et "Bruxelles II ter" (Articles 12 et 13). "
Georgia	In 2021, Georgia received a request from the Republic of Latvia to transfer jurisdiction over minors (Georgian citizens). As a result of an effective communication and coordination between the guardianship and custodianship authority and the Central Authority of Georgia, the competent court of Latvia granted the right of custody of the minors to the grandmother living in Georgia, and the jurisdiction on the protection of the minors was transferred to Georgia.
Germany	Most cases concern the transfer of jurisdiction within EU Member States, therefore transfer of jurisdiction regimes under EU Regulations (Brussels IIa/IIb) are primarily applicable. Only in a minority of cases, the 1996 Convention is applicable. Problems primarily occur in the area of custody proceedings initiated because of child endangerment. For instance, the national procedural law of some states does not allow the court to initiate proceedings because of child endangerment. It requires an application to the court by a specific body in the state, e.g. by the public prosecutor in Belgium or the child protection authority (Raad voor de kindbescherming") in the Netherlands. However, these are not authorities that take the measures within the meaning of the 1996 Convention (or the Brussels IIa or Brussels IIb Regulation with parallel problems), so that jurisdiction cannot be passed on to them."
Honduras	
Italy	
Latvia	It shall be noted that as stated before, the protection of the rights of minor Latvian nationals abroad has been a topical issue since 2014 and therefore on few occasions in order to promote the placement of the Latvian child into Latvian out-of-family care, the tool of requesting to transfer the jurisdiction had been used to achieve the goal.
Lithuania	Usually the case transfer of jurisdiction cases are under the Council Regulation (EC) 2019/1111 of 25 June 2019 on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility, and on international child abduction (recast)
Nicaragua	
Norway	From 2019-2022 we have registered 9 cases, this includes both incoming and outgoing cases, and both cases resulting in a transfer of jurisdiction and cases not resulting in a transfer. The cases have been related to child welfare cases and parental disputes.
Paraguay	
Poland	
Portugal	
Slovakia	The transfer of jurisdiction is in general very rare, but if it happens, the legal basis is usually EU regulation, less often the HCCH Convention.
Spain	There are serious problems at the international and national level of retrieving statistics that are not available in the detail needed to answer such questions.
Sweden	The Swedish Central Authority keeps statistics about which Convention / Regulation a case falls under, but not statistics on which articles are applied in the individual case.
Switzerland	Une dizaine de cas par an qui nous sont connus (données fournies par les autorités centrales cantonales), probablement plus mais nous ne disposons

	pas de chiffres précis car, en tant qu'autorité centrale fédérale, nous ne sommes pas impliqués.
United Kingdom (England and Wales - Judiciary)	<p>Judiciary</p> <p>The court has more experience of transfers of jurisdiction under Article 15 of BIIa: e.g. Re N (Children) [2016] UKSC 15 (13 April 2016).</p> <p>Incoming and Outgoing Requests under Articles 8 and 9 occur regularly but not frequently. Precise statistics are not available.</p> <p>An older example of an outgoing request under Article 9 is: M and L (Children), 1996 Hague Convention [2016] EWHC 2535 (Fam).</p> <p>An example of a request under Article 8 is: Re A and another (children) (transfer of proceedings to Romania) (No. 1) [2021] EWHC 3703 (Fam) and Re A and another (children) (transfer of proceedings to Romania) (No.2)[2021] EWHC 3702 (Fam).</p> <p>An example of an incoming request is: Child and Family Agency of Ireland v other [2021] EWHC 1774 (Fam).</p> <p>An example of the problems which can occur is: Re Y (A Minor) (Brussels II Revised: Jurisdiction after Article 15 Transfer) [2021] EWFC 107.</p>
United Kingdom (Northern Ireland)	
United Kingdom (Scotland)	
United Kingdom (Wales)	Transfers of jurisdiction may arise in public law proceedings where, for example, children are moved to another Contracting State to avoid social services / court intervention.
Ukraine	The requests on transfer of jurisdiction arrive rarely (approximately 2-3 times per year). Some of cases are not related to the competence of courts. The Guardianship Authorities have competence to decide certain cases, in particular on custody, on access (in internal cases), on determining the child's place of residence under the provisions of the Family Code of Ukraine when there is no dispute. Thus, not all requests on transfer of jurisdiction are transferred to the court. Some requests were sent to the Guardianship Authorities for consideration and making decisions.
Uruguay	

9. Has your State developed any **good practices, procedures, guidelines or protocols** to facilitate the transfer of jurisdiction?

Yes

Australia, Belgium, Denmark, Latvia, Norway, Paraguay, Poland, Slovakia, Sweden, United Kingdom (England and Wales - Judiciary), United Kingdom (Wales), Ukraine

Please specify and provide the links to relevant documents whenever possible:

Armenia	
Australia	Australia has implementing legislation to give effect to the Convention's transfer of jurisdiction provisions. Refer to section 111CG of the Family Law Act 1975 (Cth)

Austria	
Belgium	Recours au Réseau judiciaire européen et au Réseau international de juges de La Haye. Ces réseaux sont composés de points de contact dans les autres Etats parties qui peuvent fournir des informations ou communiquer les coordonnées des autorités compétentes qui peuvent/veulent prendre connaissance de l'affaire, le cas échéant.
Bonaire, Saba, Sint Eustatius	
Czech Republic	
Denmark	As the Central Authority, we have created some standardized guidance letters (guidelines) on the application of the articles, we have an application form that the municipality can use and a website with guidance on the convention in general. English website: https://english.boernebortfoerelse.dk/international-social-cases
Dominican Republic	
Ecuador	
Estonia	
European Union	
Finland	
France	<p>L'autorité centrale française a réalisé une fiche pratique à l'intention des juges des enfants afin d'explicitier le recours aux articles 8 et 9 de la convention.</p> <p>Le processus formel de mise en œuvre des transferts de compétence peut susciter des questionnements de la part des juridictions. En l'état, l'autorité centrale française recommande aux juridictions de suivre le processus suivant :</p> <ol style="list-style-type: none"> 1. rédaction d'une demande de transfert de compétence sans forme imposée, explicitant les motifs de la demande 2. formalisation de l'acceptation ou du refus du transfert de compétence par le juge requis sous forme d'une décision 3. dans l'hypothèse d'une acceptation de la demande, prononcé d'une décision de dessaisissement par le juge requérant (en cas de demande de dessaisissement) ou par le juge requis (en cas de demande d'exercice de la compétence). <p>L'autorité centrale remarque que des transferts de compétence sont sollicités de manière assez automatique par certaines juridictions françaises et/ou étrangères, notamment dans les régions frontalières habituées au mouvement des requérants de part et d'autre de la frontière, alors même que les situations ne relèvent pas de ce cadre. Il s'agit essentiellement de cas de modification licite de la résidence habituelle de l'enfant en cours d'instance, qui entraînent une modification de la juridiction compétente ne nécessitant pas la mise en œuvre de la procédure de tranfert (alors que l'hypothèse des articles 8 et 9 est que le juge sollicitant le transfert est toujours compétent eu égard à la résidence habituelle de l'enfant et le juge sollicité pas compétent sur ce critère).</p> <p>Dans ces hypothèses, la pratique de l'autorité centrale française peut simplement consister à permettre de faire le lien entre les deux juridictions pour faciliter la transmission des pièces du dossier au juge qui se trouve finalement compétent pour connaître de l'affaire, sans avoir recours aux articles 8 et 9 qui supposent un formalisme particulier.</p>

	L'autorité centrale française s'interroge sur l'opportunité de prévoir un cadre juridique spécifique pour la transmission des pièces des dossiers dans ces situations, éventuellement via les autorités centrales.
Georgia	
Germany	
Honduras	
Italy	
Latvia	<p>In 2015 the methodological recommendations/ guidelines "Aspects of actions of the Orphan's and Custody Court in cross-border family cases related to the evaluation of potential child carers in Latvia" were developed by the Ministry of Justice, the Ministry of Welfare and the State Inspectorate for the Protection of Children's Rights.</p> <p>The guidelines also contain notion on transfer or jurisdiction, in fact, a few sample has been also added to the guidelines. Later, additional samples/ examples were developed and are sent to the competent authority upon request. Though the guidelines relates mostly to the EU Regulation, we are of the opinion that the same also applies to the 1996 Convention to some extent.</p> <p>Furthermore, as mentioned above, on 14 December 2022, Latvian children protection authorities concluded that the guidelines shall be amended, wherewith it is anticipated that the guidelines will provide for more detailed assistance as regards cross-border family and children matter. (The guidelines (and examples) are available only in Latvian at: https://www.bti.gov.lv/lv/metodiskie-ieteikumi-barintiesas-ricibas-aspekti-parrobezu-gimenes-lietas-kas-saistitas-ar-potencialo-bernu-aprupetaju-latvija-izvertesanu)"</p>
Lithuania	
Nicaragua	
Norway	<p>The rules concerning transfer of jurisdiction are currently stipulated in the 1996 Hague Convention Act. The current rules provide some guidance concerning the specific procedures of a transfer of jurisdiction, such as what authority in Norway is the competent one and how to petition for a transfer of jurisdiction, but this is limited to the relevant sections of the act describing the rules. No other materials exist besides the legislation and its preparatory works.</p> <p>However, a regulation concerning the transfer of jurisdiction is currently under development. When and if the regulation enters into force it will presumably provide more detailed guidance about the procedures for the competent authorities involved. The timeline for the development is currently not fixed.</p>
Paraguay	Protocolo y Ruta de Intervención de Restitución Internacional de Niños, Niñas y Adolescentes en Paraguay
Poland	Article 1106.5-7 of the Polish Code of Civil Procedure came in force since 27.08.2018. This provision regulates in detail the procedure of Polish courts for the transfer or assumption of jurisdiction
Portugal	
Slovakia	There is no specific legislation or a guideline for the procedure of the courts in such cases, however a certain good practice has been developed throughout

	the years - mainly in relation to the form of decisions and eventual appeals, correct order of the decisions (usually there are more subsequent and related court decisions involved) etc.
Sweden	The National Board of Health and Welfare and the Family Law and Parental Support Authority have manuals/handbooks etc. that provide information to relevant professionals regarding, among other things, questions about the placement of children across national borders, questions about children who have been taken to or kept in Sweden and questions about which country is authorized to decide in certain matters. See links in Annex 1.
Switzerland	
United Kingdom (England and Wales - Judiciary)	<p>Judiciary Guidance (brief) has been issued by the President of the Family Division in April 2016: https://www.familylaw.co.uk/docs/pdf-files/Judicial_guidance_-_cross-border_transfer.pdf</p> <p>Incoming requests from Contracting States are typically routed through our Central Authority and then passed to the High Court Judge responsible for international family justice, who deals with the application in accordance with the provisions of The Family Procedure Rules 2010 governing those applications. Outgoing requests are also typically sent through our Central Authority.</p> <p>The Family Procedure Rules 2010 Part 12 Chapter 6 provide specific procedural rules for applications relating to the 1996 Hague Convention. (see https://www.legislation.gov.uk/ukSI/2010/2955/part/12/chapter/6/made)</p> <p>The following statutory instrument also applies: Parental Responsibility and Measures for the Protection of Children (International Obligations) (England and Wales and Northern Ireland) Regulations 2010 (SI 2010/1898). It contains provisions requiring an outgoing application under Article 9 by a Local Authority to be made through the court (Regulation 4) and permits a court to withdraw a request under Article 8 (Regulation 3).</p> <p>In the case of <i>Re A and another (Children)(Transfer of Proceedings to Romania)(No.1)</i> [2021] EWHC 3703 (Fam) the High Court examined the operational provisions of the 1996 Hague Convention in respect of transfer and their relationship with the domestic provisions of the Family Procedure Rules 2010. The judgment considers the nature and scope of the evidence required to determine an application to request another Contracting State to assume jurisdiction.</p> <p>From experience, expeditious determination of a request is critical. In addition, if the child is not in the State requesting, or which is being requested, to assume jurisdiction experience shows that, if jurisdiction is assumed, arrangements will probably need to be made for the child to move to that jurisdiction. In other words, difficulties can be caused if the child is not in the State in which proceedings are taking place.</p> <p>ICACU There have been requests for transfers of jurisdiction to deal with matters relating to the property of the child. Generally these requests focus on jurisdictional issues where the child concerned is habitually resident in England and the property is in the requesting State. In one case where there</p>

	were no England and Wales proceedings in which such a request could be dealt with, ICACU referred the case to a Hague Network Judge who arranged a hearing of the court's own motion and made the necessary order.
United Kingdom (Northern Ireland)	
United Kingdom (Scotland)	
United Kingdom (Wales)	The Welsh Government has updated its practical guidance on the operation of the 1996 Hague Convention for local authorities - https://www.gov.wales/handling-cross-border-child-protection-cases
Ukraine	The draft Law of Ukraine on amendments of the Ukrainian legislation on the issues of the international judicial cooperation was developed by the Ministry of Justice of Ukraine (registration number 4428). The draft Law, in particular contains changes concerning the issue of transfer of jurisdiction. The draft Law determines the order of application with the request to the foreign court on transfer the jurisdiction as well as the procedure of consideration requests of foreign courts on transfer the jurisdiction. The draft Law is under the consideration of the Parliament (Verhovna Rada of Ukraine). The draft was adopted in the first reading in February, 2022, and is waiting for adoption as the Law.
Uruguay	

No

Austria, Bonaire, Saba, Sint Eustatius, Czech Republic, Dominican Republic, Ecuador, Estonia, Finland, Georgia, Germany, Honduras, Italy, Lithuania, Nicaragua, Portugal, Spain, Switzerland, United Kingdom (Northern Ireland), United Kingdom (Scotland), Uruguay

Please specify any reasons:

Armenia	
Australia	
Austria	No demand, due to rarity.
Belgium	
Bonaire, Saba, Sint Eustatius	We are in the process of executing a protocol in order to cover all raising issues.
Czech Republic	
Denmark	
Dominican Republic	We have not had that experience in cases requested for the application of the 1996 Hague Convention, that is the reason
Ecuador	We are now in the process to implement an interinstitutional procedures for this kind of process.
Estonia	Very few experience with that yet.
European Union	
Finland	
France	
Georgia	
Germany	A preliminary informal inquiry via the liaison judge to clarify jurisdiction in the other state and the agreement of the foreign court to take over the procedure has proven to be very helpful and expedites the duration of the procedure. For instance, a court reported a case where the child was supposed to be in danger in the custody of both parents. The foreign court was informed via the

	liaison judges. Direct communication is now also laid down in Art. 86 para. 2 lit. a Brussels IIb Regulation.
Honduras	The requests that are directed to the state of Honduras are low. Thus, the Honduras Central Authorities has not seen the need of creating guideline, protocols or special laws to process the 1996 Hague Convention
Italy	The incoming and outgoing requests for the transfer of jurisdiction are immediately processed by forwarding it to Italian Courts or other Central Authorities
Latvia	
Lithuania	The transfer of jurisdiction procedure happens smoothly, according to the articles of the Convention.
Nicaragua	Due to the limited experience in the application of the Convention, the need to create a protocol has not arisen. The number of cases would not justify the drafting of a procedural document.
Norway	
Paraguay	
Poland	
Portugal	none
Slovakia	
Spain	At the EU level, such issues have been addressed by the practical guides produced by the European Commission on the Brussels IIa and Brussels IIb Regulations and Spain takes advantage of that practical guides.
Sweden	
Switzerland	-
United Kingdom (England and Wales - Judiciary)	
United Kingdom (Northern Ireland)	
United Kingdom (Scotland)	
United Kingdom (Wales)	
Ukraine	
Uruguay	

4. Special types of measures of protection

Urgent measures of protection (Art. 11)

10. Have competent authorities in your State experienced any challenges, or have questions arisen, with respect to the application of **Article 11** (e.g., the definition of "urgency"; scope, nature and duration of measures)?

No

Austria, Belgium, Bonaire, Saba, Sint Eustatius, Czech Republic, Denmark, Ecuador, Finland, Georgia, Germany, Italy, Latvia, Lithuania, Nicaragua, Paraguay, Poland, Portugal, Slovakia, Spain, Switzerland, United Kingdom (Scotland), Ukraine, Uruguay

Yes, in cases of international child abduction.

Australia, Dominican Republic, Honduras, United Kingdom (England and Wales - Judiciary), United Kingdom (Wales)

If possible, please provide more details about the experience of your State using Article 11 in cases of international child abduction:

Armenia	
Australia	In situations where overseas courts make undertakings (as opposed to orders) relating to protection of children or their property that Australian courts may not be able to register as they may not be considered Commonwealth Measures of Protection. Parents seeking to register agreements reached overseas instead of consent orders.
Austria	
Belgium	
Bonaire, Saba, Sint Eustatius	
Czech Republic	
Denmark	
Dominican Republic	The Dominican central authority acts in the administrative field to hear cases of illegal retentions, always in accordance with article 11, however, some judicial authorities exceed the suggested time to hear cases of urgency, for various reasons: Delay in setting hearings , delay in issuing sentences in the first degree or instance in the Court, ETC.
Ecuador	
Estonia	
European Union	
Finland	
France	
Georgia	
Germany	According to German jurisdiction and literature cases of child abduction generally are urgent" (see OLG München, judgment of 15.01.2015, 12 UF 1821/14 and Wiedemann in: Münchener Kommentar zum FamFG, 3. Aufl. 2019, Art. 11 KSÜ Rn. 8)."
Honduras	Currently, the state of Honduras does not have any special law or protocol that could be applicable at the judicial level. Therefore, the processing of cases takes more time than the Hague Convention establishes.
Italy	
Latvia	
Lithuania	
Nicaragua	
Norway	
Paraguay	
Poland	
Portugal	
Slovakia	

Spain	Statistically speaking, it is not possible to cite cases where only HC 1996 is applicable to resolve a return case and Article 11 has been used in the State of refuge to order the return of the child as an urgent measure or cases where the State of habitual residence has agreed to return the child and that decision is to be enforced in the State of refuge by the application of Articles 7 and 26 of HC 1996. However, this second possibility seems very safe and unproblematic in legal terms.
Sweden	
Switzerland	
United Kingdom (England and Wales - Judiciary)	<p>Judiciary The Supreme Court considered whether a summary return order to a non-1980 Convention State was within article 11: J (A Child) (Rev 2) [2015] UKSC 70 (25 November 2015). It was decided, at[38], that It would be extraordinary if, in a case to which the 1980 Convention did not apply, the question of whether to order the summary return of an abducted child were not a case of “urgency” even if it was ultimately determined that it was not “necessary” to order the return of the child”.</p> <p>Questions have arisen as to what measures fall within the scope of Article 11 in particular in the context of return orders under the 1980 Child Abduction Convention. Is an undertaking to the court in England and Wales capable of being a measure within Article 11? Must the measure be one which is within the scope of the 1996 Convention such that it will not include, for example, a provision in respect of maintenance or the provision of accommodation. "</p>
United Kingdom (Northern Ireland)	
United Kingdom (Scotland)	
United Kingdom (Wales)	
Ukraine	
Uruguay	

Yes, in other situations.

Bonaire, Saba, Sint Eustatius, Estonia, France, Germany, Norway, Sweden, United Kingdom (England and Wales - Judiciary), United Kingdom (Wales)

Please describe in which other situations a competent authority in your jurisdiction has applied Article 11:

Armenia	
Australia	
Austria	
Belgium	
Bonaire, Saba, Sint Eustatius	In this specific case a mother wanted to take her child to another country while a child protection measure was needed.
Czech Republic	
Denmark	
Dominican Republic	
Ecuador	

Estonia	In Pärnu County Court there was a case where a parent asked for an interim protection regulation for an access schedule for the duration of proceedings. The question arose as to whether to apply the 1980 or the 1996 Convention, given that the preconditions for both Conventions were fulfilled.
European Union	
Finland	
France	<p>Le juge français fait application de l'article 20 du règlement Bruxelles II bis" ou de l'article 15 du règlement "Bruxelles II ter" pour prononcer des mesures provisoires. Les services du parquet sollicités ont indiqué se fonder de préférence sur les dispositions nationales du code civil pour leur compétence à raison de la localisation de l'enfant sur le territoire national, peu important sa nationalité ou l'existence potentielle d'une résidence habituelle située dans un autre Etat partie à la convention. En revanche, l'autorité centrale française a pu être sollicitée pour la mise en oeuvre de mesures provisoires prononcées sur le fondement de l'article 11 dans d'autres Etats signataires de la convention de 1996.</p> <p>Les juridictions méconnaissent parfois le régime des articles 11 et 12 de la convention de 1996 qui permet de prendre des mesures provisoires et conservatoires, notamment en cas d'urgence. Il n'est notamment pas toujours connu que dans ce cadre les mesures prises cessent dès lors que le juge compétent à raison du lieu de la résidence habituelle de l'enfant statue, et croient parfois à tort que le juge étranger qui prend des mesures de protection dans le cadre de ces articles se reconnaît compétent au fond. L'autorité centrale française remarque enfin que la distinction entre les mesures prévues par l'article 11 ("urgence") et 12 ("mesures provisoires") n'est pas évidente pour les juridictions qui les appliquent de manière interchangeable. Il pourrait être utile de clarifier la différence des régimes et des mesures pouvant être prises sur le fondement de l'un ou de l'autre article.</p> <p>"</p>
Georgia	
Germany	<p>The definition and interpretation of the term urgency" is elusive.</p> <p>Frequently, it is difficult to assess whether foreign authorities cannot decide in time. Problems also arise to the scope of measures that are possible. Furthermore, not all of the courts are aware of the fact that if the child is present in their state, they may have international jurisdiction under Art. 11 of the 1996 Convention and that they should clearly state in their decision what they base their international jurisdiction on, so that it is clear whether the mechanism of Art. 11 para. 2 of the 1996 Convention applies. Courts do not always inform each other of the measures taken. Then, the later court might have no knowledge that a (preliminary) measure already exists."</p>
Honduras	
Italy	
Latvia	
Lithuania	
Nicaragua	
Norway	<p>Questions have arisen with respect to the application of Article 11, both in incoming and outgoing cases.</p> <p>Namely, in cases where the competent Norwegian authorities assess that a child is present in Norway and habitually resident in another state, but the</p>

competent authorities of the state of the presumed habitual residence have a different assessment of the child's habitual residence. In such cases, the Norwegian competent authorities will have legal grounds and jurisdiction only to implement urgency measures in accordance with Article 11. However, if the competent authorities of both Norway and the other state assess that the child is habitually resident in the co-operating state, a sort of jurisdictional vacuum arises when the competent authorities have different assessments that are in conflict.

This can be a challenge for Norwegian competent authorities, where they risk a lack of national legal grounds to protect the child, as there are mainly only urgency protective measures available to them. Furthermore, this can be a challenge when there are different competent authorities, as mentioned above in section 1.1. of the form, the Child Welfare Service are competent to implement urgency measures, but they must petition the Child Welfare Tribunal for more long term measures. The tribunal's assessment will be independent of the Child Welfare Service's views. Furthermore, in such situations the question can arise whether Article 6 of the Convention is at all applicable when two states' authorities have conflicting views in their assessments of the habitual residence.

Another side of these questions are highlighted due to the nature of Norwegian national legislation for protective measures. In addition to the rules relating to children present in Norway and habitually resident abroad (see section 1.1. above), there is national legislation concerning children that are present abroad and habitually resident in Norway. In these latter cases, national Norwegian legislation only provides limited legal grounds for protective measures. The protective measures that are available in these situations are sections 5-1 and 6-2 of the Child Welfare Act (section 5-1 is a traditional care order, and section 6-2 is a placement based on the child's behaviour challenges), both of these measures are more long term, and not emergency measures. The competent authority to decide on these measures is the Child Welfare Tribunal, following an ordinary process consisting of court like proceedings with evidentiary hearings and with both the public party and the private parties (parents, child) being represented by lawyers. Such proceedings necessarily take time, and they require a substantial factual and evidentiary basis for the tribunal to assess the case.

Consequently, the challenge arises in cases where the competent authorities of another state has implemented urgent measures of protection for a child in accordance with Article 11, and expect Norwegian competent authorities to quickly return the child to Norway. As the Child Welfare Service doesn't have legal grounds to implement urgent measures for children not present in Norway, there might be no legal grounds for the Child Welfare Service to assist in returning the child to Norway, as requested by the other State. This results in the child having to remain in the other state while for example a potential care order process (section 5-1) is commenced in Norway. As such a process takes time and requires substantial amounts of information from and about the parties, this can be challenging. Furthermore, it doesn't necessarily follow from the fact that urgent measures have been implemented in one state, that there are grounds or need for a care order in Norway. Consequently, Norwegian authorities can be lacking the necessary tools" to act according to the other state's expectations.

	This latter challenge is caused by national legislation, but from our experience such legislation differs in the contracting states. The fact that Norway has these somewhat limited legal grounds in these cases can be a challenge for states that have implemented Article 11 measures for children habitually resident in Norway, and measures that possibly also have been implemented following a notice of concern from Norway concerning the child in question."
Paraguay	
Poland	
Portugal	
Slovakia	
Sweden	Competent Swedish authorities have experienced challenges when requesting cooperation in some cases about interim protective measures and cooperation concerning children who are victims of human trafficking. In some cases it has been argued that such a situation does not fall under the scope of the Convention (kindly note that the experience referred to has concerned to Article 20 of the Brussels IIa Regulation, which is equivalent to Article 11 in the Convention).
Switzerland	
United Kingdom (England and Wales - Judiciary)	Judiciary In Derbyshire CC v Another [2022] EWHC 3405 (Fam) (see above) the court made an interim care order under Article 11, giving care of the children to the state Local Authority, in respect of children present in England. The situation was considered to be urgent and the children to be in need of protection because one of the children had sustained an unexplained stab wound while in the care of their parents in England.
United Kingdom (Northern Ireland)	
United Kingdom (Scotland)	
United Kingdom (Wales)	
Ukraine	
Uruguay	

Provisional measures (Art. 12)

11. Have competent authorities in your State experienced any challenges, or have questions arisen, in applying Article 12 (e.g., definition as to what may constitute a "provisional character"; scope, nature and duration of measures)?

No

Australia, Austria, Belgium, Bonaire, Saba, Sint Eustatius, Czech Republic, Denmark ,Dominican Republic, Ecuador, Estonia, Finland, Georgia, Germany, Honduras, Italy, Latvia, Lithuania, Nicaragua, Norway, Paraguay, Poland, Portugal, Slovakia, Spain, Sweden, Switzerland, United Kingdom (England and Wales - Judiciary), United Kingdom (Scotland), United Kingdom (Wales), Ukraine, Uruguay

Yes

France

Please describe:

Armenia	
Australia	
Austria	
Belgium	
Bonaire, Saba, Sint Eustatius	That is something that we haven't experienced as yet.
Czech Republic	
Denmark	
Dominican Republic	We have not had experience of cases that have provisional measures issued in the Dominican Republic..
Ecuador	
Estonia	
European Union	
Finland	In the Finnish Central Authority, we have not been made aware of challenges or questions in relation to this article.
France	Mêmes observations que pour le point 10.
Georgia	
Germany	
Honduras	
Italy	
Latvia	
Lithuania	
Nicaragua	
Norway	
Paraguay	
Poland	
Portugal	
Slovakia	
Spain	
Sweden	The Swedish Central Authority has not been made aware of such challenges or questions.
Switzerland	
United Kingdom (England and Wales - Judiciary)	
United Kingdom (Northern Ireland)	
United Kingdom (Scotland)	
United Kingdom (Wales)	
Ukraine	
Uruguay	

5. Applicable law (Chap. III)

12. Have competent authorities in your State experienced any challenges, or have questions arisen, in relation to the applicable law rules provided by **Articles 15, 16 and 17** of the 1996 Convention?

No

Australia, Austria, Belgium, Bonaire, Saba, Sint Eustatius, Czech Republic, Dominican Republic, Ecuador, Estonia, Finland, France, Georgia, Germany, Honduras, Italy, Latvia, Lithuania, Nicaragua, Paraguay, Poland, Portugal, Slovakia, Spain, Sweden, Switzerland, United Kingdom (England and Wales - Judiciary), United Kingdom (Scotland), United Kingdom (Wales), Ukraine, Uruguay

Yes

Denmark, Norway

Please describe:

Armenia	
Australia	
Austria	
Belgium	
Bonaire, Saba, Sint Eustatius	
Czech Republic	
Denmark	Only in relation to articles 16 and 17. It is mainly with regards to the parties providing documentation for their marriage (conducted in another state) and subsequent possible recognition or non-recognition of said marriage in Denmark.
Dominican Republic	Our legislation also establishes and recognizes the provisions contained in the articles indicated in this question.
Ecuador	
Estonia	
European Union	
Finland	In the Finnish Central Authority, we have not been made aware of challenges or questions in relation to these articles.
France	L'autorité centrale française n'a pas eu connaissance de défis particuliers sur ce point, dans le cadre de l'application de la convention de 1996.
Georgia	
Germany	
Honduras	
Italy	
Latvia	
Lithuania	
Nicaragua	
Norway	<p>Mainly, we experience that the rules on applicable law in Article 16 are not well known, which is a challenge.</p> <p>In addition, we can mention that the authorities are currently undertaking a review of rules and procedures relating to registration of parental responsibility in the National Population Register. The background of the revision is that more than 15 000 are currently registered without known parental responsibility. One of the goals of the revision is to implement rules that makes it possible to register parental responsibility that is acknowledged in Norway in accordance with articles 15,16 and 17 of the Convention.</p>

Paraguay	
Poland	
Portugal	
Slovakia	
Spain	
Sweden	The Swedish Central Authority has not been made aware of such challenges or questions.
Switzerland	
United Kingdom (England and Wales - Judiciary)	
United Kingdom (Northern Ireland)	
United Kingdom (Scotland)	
United Kingdom (Wales)	
Ukraine	
Uruguay	

6. Recognition and enforcement

13. Have competent authorities in your State experienced any challenges, or have questions arisen, in relation to the **recognition of measures of protection**, from the perspective of the requested State?

No

Austria, Belgium, Bonaire, Saba, Sint Eustatius, Czech Republic, Denmark, Dominican Republic, Ecuador, Estonia, Finland, Georgia, Honduras, Italy, Lithuania, Nicaragua, Paraguay, Poland, Portugal, Slovakia, Spain, United Kingdom (Scotland), United Kingdom (Wales), Uruguay

Yes

Australia, France, Germany, Latvia, Norway, Sweden, Switzerland, United Kingdom (England and Wales - Judiciary)

Please describe:

Armenia	
Australia	As noted in the previous Questionnaire, the ACA occasionally receives requests to register orders for arrangements that simply cannot work, for example, for contact to occur weekly over weekends. We sometimes receive requests for the registration of surrogacy orders, which are specifically excluded from the Convention by Art.4. Parents whose children were born through a surrogacy arrangement point to the fact that many surrogacy orders also deal with the attribution of parental responsibility, which, of course, is one of the measures within the scope of the Convention.
Austria	
Belgium	
Bonaire, Saba, Sint Eustatius	
Czech Republic	

Denmark	
Dominican Republic	
Ecuador	
Estonia	
European Union	
Finland	
France	Des difficultés pratiques peuvent se poser pour la reconnaissance de mesures étrangères en matière de protection des mineurs qui n'ont pas d'équivalent en France et dont il est attendu qu'elles y soient mises en oeuvre. On peut par exemple citer les mesures de curatelle de surveillance des relations personnelles suisses (inconnues du droit français) ou les mesures prises en matière de tutelle des mineurs en Suisse qui nécessitent souvent une nouvelle saisine du juge français (juge des enfants ou juge des tutelles mineurs) car elles ne peuvent être reconnues et exécutées en France sans faire l'objet d'une nouvelle décision judiciaire française, en raison de conceptions différentes de l'autorité parentale et de sa dévolution, et l'absence de dispositifs juridiques similaires (notamment pour l'organisation de la tutelle des mineurs, qui suppose une incapacité ou absence des titulaires de l'autorité parentale en France, alors qu'elle est possible en Suisse même si les titulaires de l'autorité parentale sont en mesure de l'exercer). Les autorités françaises compétentes doivent donc prendre une nouvelle décision, autonome, en application du droit français, qui prend en compte la décision étrangère.
Georgia	
Germany	A German court might order a protection measure in combination with a divorce decision according to national jurisdiction rules (so called Joinder, see for instance sec. 137 of the German Act on Proceedings in Family Matters and in Matters of Non-contentious Jurisdiction find English version under https://www.gesetze-im-internet.de/englisch_famfg/), however, not in accordance with Art. 10 of the Convention. This results in the refusal of recognition under Art. 23 para. 2 lit. a) of the Convention. Problems also very frequently arise in the context of recognition of foreign decisions under Article 23 para. 2 lit. b) in child custody proceedings because of the strict German standard applying to child hearings. Courts reported refusals of recognition concerning a custody and an access decision in Denmark but the exact circumstances are not yet known.
Honduras	
Italy	
Latvia	Previously rather domestic problems were encountered mostly with the local institutions responsible for example, for social benefits, registering the child etc, because of lack of knowledge on international regulation and the fact that there are different legal systems (mostly non-European, i.e. United Kingdom). Namely, on a few occasions there were some difficulties to determine the equivalent in Latvian legal framework that would correspond to the Order issued by a foreign Court. Nonetheless, through the raising of awareness performed by the Central Authority, problems had been resolved. In case of similar problems, the Central Authority gets involved, explaining the matter.
Lithuania	
Nicaragua	
Norway	With relation to recognition and enforcement, the question of the distinction between the two and their different usage when effectuating a decision of a

	<p>measure of protection has arisen in several cases. The main challenge has been to distinguish between in which situations it is sufficient with the recognition of a foreign decision to effectuate a protective measure, and in which situations it is necessary to obtain a declaration of enforceability and/or subsequent enforcement proceedings according to Article 26 to be able to effectuate a protective measure.</p> <p>Concerning protective measures such as decisions on custody and access between parents, this is not necessarily particularly challenging as the need for enforcement normally naturally follows from the one parent potentially not respecting the measure in a conflict with the other parent. However, concerning protective measures taken by child welfare authorities in another state, there are limited national legislation and guidelines concerning the processing of such cases in Norway. One challenge especially arises when a parent objects to the acknowledgement of a child welfare measure. In these cases it is the competent authorities in another state that has the care of the child, and asks for acknowledgement. The question is whether the parent(s) objection means that Article 26 (and 28) are necessary to have a measure effectuated by the Norwegian Child Welfare Service. Please also see the response in section 16 below.</p>
Paraguay	
Poland	
Portugal	
Slovakia	
Spain	
Sweden	<p>When the competent authority in the requesting state has issued a decision of access that shall be recognised in Sweden and the decision includes that access shall take place only if supervised by the local authority (as a measure for protection of the child), local authorities have raised the question if such a decision shall be recognised as it is or if the competent Swedish authority has to issue its own decision, i.e. a mirror order.</p>
Switzerland	<p>Il est souvent nécessaire de rappeler aux autorités requérantes qu'il est important de préciser le contenu de la mesure à reconnaître, plutôt que de se limiter à donner le titre" de la mesure. Lorsque les autorités compétentes connaissent le contenu effectif de la mesure, elles peuvent traiter de manière plus efficace une demande de reconnaissance et exécution. "</p>
United Kingdom (England and Wales - Judiciary)	<p>Judiciary</p> <p>Not under the 1996 Convention but issues have arisen under BIIA when a substantial period of time has elapsed between the date of the order and the application for recognition/enforcement. Should the court enforce the order or conduct a substantive welfare assessment? Is the latter option a review of the merits? There is a tension between the two options which can be significantly affected by the length of time since the order was made.</p> <p>Examples under BIIA are: E (Bia: Recognition And Enforcement) (Rev 1) [2020] EWCA Civ 1030 (04 August 2020), and A (A Child), Re (Enforcement of A Foreign Order) [2022] EWCA Civ 904 (01 July 2022).</p>
United Kingdom (Northern Ireland)	
United Kingdom (Scotland)	

United Kingdom (Wales)	
Ukraine	No information is available
Uruguay	

Advance recognition (Art. 24)

14. How often have competent authorities in your State experienced cases of requests for advance recognition?

Do not know

Belgium, Bonaire, Saba, Sint Eustatius, Finland, France, Italy, Paraguay, Spain, United Kingdom (Scotland)

Never

Dominican Republic, Ecuador, Estonia, Georgia, Latvia, Lithuania, Portugal, United Kingdom (England and Wales - Judiciary), United Kingdom (Wales), Ukraine, Uruguay

Rarely

Austria, Czech Republic, Denmark, Germany, Honduras, Nicaragua, Norway, Poland, Slovakia, Sweden, Switzerland

Sometimes

Australia

Very often

No responses

Always

No responses

If possible, please provide supplementary information:

Armenia	
Australia	Australian courts have used Article 24 for advance recognition of parenting orders in an overseas court of competent jurisdiction, particularly where parents are seeking relocation orders. Refer also to question 34.
Austria	As Austrian Law gives no opportunity for in-advance-orders, requests are very rare and never successful.
Belgium	
Bonaire, Saba, Sint Eustatius	We asked the court for information, as we have no knowledge of the subject.
Czech Republic	
Denmark	We had one request in 2022.
Dominican Republic	
Ecuador	

Estonia	
European Union	
Finland	
France	L'autorité centrale française ne dispose pas de données statistiques spécifiques à l'application de la convention de 1996 dans les litiges concernés.
Georgia	
Germany	
Honduras	
Italy	
Latvia	
Lithuania	
Nicaragua	
Norway	<p>It follows from the national legislation implementing the Convention (The Norwegian Hague 1996 Convention Act) that a party might request such advance recognition directly before the courts, without involving the Central Authority. The Central Authority therefore has no statistics on these requests.</p> <p>From the court that has centralized jurisdiction in these matters, Oslo District Court, we have received feedback that to their knowledge they have had one case the last two years, and a total of two cases since 2017. They are however working on improvements on identification of these cases for better registration and routing to specialized judges.</p> <p>They furthermore informed us that there has also been three cases since 2017 regarding both recognition (Article 23/24) and declaration of enforceability (Article 26).</p>
Paraguay	
Poland	
Portugal	
Slovakia	
Spain	The exequatur system designed in Spain under Law 29/2015, of 30 July, on international legal cooperation in civil matters, provides for various forms of recognition, such as incidental, partial, and even the possibility of adaptation of measures with equivalent effects in the event that a decision contains a measure that is unknown in the Spanish legal system, but there is no regulated figure that fits exactly in the provisions of the model of recognition of Art. 24 of the HC 1996 (preventive action only for measures to be dealt with in a national contentious procedure).
Sweden	
Switzerland	Nous n'avons pas de chiffres à ce sujet.
United Kingdom (England and Wales - Judiciary)	Judiciary reply: Never ICACU :There may be instances of this, but these would usually form part of a wider 1980 Hague case and so are not separately recorded and nor would the ICACU necessarily know about them.
United Kingdom (Northern Ireland)	
United Kingdom (Scotland)	
United Kingdom (Wales)	

Ukraine	
Uruguay	

15. Have judicial or administrative procedures, guidelines, or protocols been adopted in your State to facilitate the application of Article 24?

Yes, but there have been no changes since the last SC meeting

Denmark, Norway, United Kingdom (England and Wales - Judiciary)

Yes, with changes since the last SC meeting.

United Kingdom (Wales)

Please specify:

Armenia	
Australia	
Austria	
Belgium	
Bonaire, Saba, Sint Eustatius	
Czech Republic	
Denmark	
Dominican Republic	
Ecuador	
Estonia	
European Union	
Finland	
France	
Georgia	
Germany	
Honduras	
Italy	
Latvia	
Lithuania	
Nicaragua	
Norway	
Paraguay	
Poland	
Portugal	
Slovakia	
Spain	
Sweden	
Switzerland	
United Kingdom (England and Wales - Judiciary)	

United Kingdom (Northern Ireland)	
United Kingdom (Scotland)	
United Kingdom (Wales)	
Ukraine	
Uruguay	

No

Australia, Austria, Belgium, Bonaire, Saba, Sint Eustatius, Czech Republic, Dominican Republic, Ecuador, Estonia, Finland, France, Georgia, Germany, Honduras, Italy, Latvia, Lithuania, Nicaragua, Paraguay, Poland, Portugal, Slovakia, Spain, Sweden, Switzerland, United Kingdom (Northern Ireland), Ukraine, Uruguay

Declaration of enforceability or registration for the purpose of enforcement (Arts 26, 27 and 28)

16. In relation to the *simple and rapid procedure* for declaring enforceable or registering for the purpose of enforcement of measures of protection taken in another Contracting Party (Art. 26), what is the practice in your State?

a) Which authority declares enforceable or registers a measure of protection taken in another Contracting Party? Please specify:

Armenia	
Australia	<p>A request to register overseas court orders in Australia may be made to the ACA by an applicant or an overseas Central Authority. If the request is in accordance with the Convention, the foreign court orders are registered by the Registrar of the relevant registry of the Federal Circuit and Family Court of Australia.</p> <p>The Federal Circuit and Family Court of Australia and the Family Court of Western Australia register the court orders as foreign measures, enforceable pursuant to regulation 12 of the Family Law (Child Protection Convention) Regulations 2003 or under similar state legislation [New South Wales (s25, Child Protection (International Measures) Act 2006), Queensland (s25, Child Protection (International Measures) Act 2003), and Tasmania (s25, Child Protection (International Measures) Act 2003 (TAS))]. Please refer to the attached legislation.</p> <p>Once registered under the Commonwealth Regulations, the foreign measure has the same effect as a Commonwealth measure pursuant to regulation 12(2) of the Regulations. Once registration has been effected, the registrar will provide a certified copy of the registered order. This is then sent to the applicant or their legal representative (if they have one).</p> <p>An overseas child order registered in a court under section 70G of the Family Law Act 1975 has the same force and effect as if it were an order made by that court under Part VII of the Act.</p>
Austria	The Courts declare enforceability
Belgium	Le Tribunal de la famille et de la jeunesse (art 23 du Code de droit international privé).

Bonaire, Saba, Sint Eustatius	There will be legal proceedings initiated. We don't have experience yet in procedures as mentioned in arts. 26, 27 and 28 as yet.
Czech Republic	District courts. Local jurisdiction is based on the residence of the child,
Denmark	There are different authorities in Denmark who declare a measure enforceable or register a measure, it depends on the measure of protection.
Dominican Republic	Our national legislation on child protection establishes that decisions issued in other states can be validated by specialized courts for minors.
Ecuador	The judicial and administrative authorities.
Estonia	Have not had experience, but
European Union	
Finland	In Finland, the jurisdiction in these matters is concentrated: All requests for recognition and enforcement under the 1996 Hague Convention are tried in the District Court of Helsinki as the first instance.
France	La loi n°2019-222 du 23 mars 2019 de programmation 2018-2022 et de réforme pour la justice a fusionné les tribunaux d'instance (TI) et de grande instance (TGI) situés dans une même commune depuis le 1er janvier 2020 pour former le tribunal judiciaire. La demande tendant à faire déclarer une décision exécutoire doit être formée, par voie d'assignation, devant le tribunal judiciaire du lieu de résidence du défendeur ou du lieu où doit s'exécuter la mesure.
Georgia	Law of Georgia on Private International Law deals with the issues of international jurisdiction, recognition, enforcement, legal assistance in civil and commercial matters including family law and defines the rules of procedure and functions of competent authorities. Based on Article 68 of the law of Georgia on Private International Law the Supreme Court of Georgia is authorised to recognise foreign decisions on the protectional measures.
Germany	The implementing legislation for the simple and rapid procedure" pursuant to Art. 26 (2) can be found in sec. 16-23 IFLPA (see question 1). The applicant may obtain the endorsement of enforcement in a simple and effective ex parte procedure, see sec. 18 (1), 20, 23 IFLPA. The competent court (see sec. 10, 12 IFLPA) shall order that the title be furnished with the endorsement of enforcement, in giving the reasons it is - as a rule - sufficient to make reference to the Convention, see sec. 20 (1) IFLPA. The endorsement of enforcement is then to be granted by the registry clerk, see sec. 23 (1) IFLPA. "
Honduras	The Central Authority
Italy	Courts of appeal
Latvia	An application for the recognition or recognition and enforcement of a ruling of a foreign court shall be submitted for examination to a district (city) court based on the place of enforcement of the ruling or also based on the declared place of residence of the defendant, but if none, place of residence or legal address of the defendant (According to Article 638(1) of the Civil Procedure Law).
Lithuania	Lithuanian Court of Appeal
Nicaragua	The declaration or recognition of an enforcement is a jurisdictional power, although, under the Convention, it must be requested before the Central Authority.
Norway	The jurisdiction to declare a measure enforceable is centralized to Oslo District Court.
Paraguay	Poder Judicial
Poland	District courts
Portugal	Portuguese Courts

Slovakia	Court (always) - District Court, usually the one in which district the child in question is residing at the time of the enforcement - Act No. 97/1963 on Private International and Procedural Law: Art. 67 (3): A foreign decision which does not require recognition by a special court ruling under this Act, an international treaty or a legally binding act of the European Union shall be recognised by the Slovak court ordering its execution or issuing a mandate for execution, if such a decision does not require execution, it shall be recognised by the Slovak authority by taking it into account as if it were a decision of a Slovak court." "
Spain	This is a matter governed in Spain by Law 29/2015, of 30 July, on international legal cooperation in civil matters, published in "BOE" no. 182, of 31/07/2015. According to art. 52:" 1. Jurisdiction to hear applications for exequatur corresponds to the Courts of First Instance of the domicile of the party against whom recognition or enforcement is sought, or of the person to whom the effects of the foreign judicial decision refer. Alternatively, territorial jurisdiction shall be determined by the place of enforcement or by the place where the judgment is to produce its effects, in the latter case the court of first instance before which the application for exequatur is brought shall have jurisdiction. 2. The jurisdiction of the Commercial Courts to hear applications for exequatur of foreign judgments relating to matters within their jurisdiction shall be determined in accordance with the criteria laid down in paragraph 1. 3. If the party against whom the exequatur is sought is subject to insolvency proceedings in Spain and the foreign judgment has as its object some of the matters within the jurisdiction of the insolvency judge, jurisdiction to hear the application for exequatur shall correspond to the insolvency judge and shall be dealt with by the insolvency proceedings. 4. The Spanish court shall control ex officio the objective competence to hear these proceedings.
Sweden	The authority authorized to handle applications for a declaration of enforceability of a decision concerning a child's person, entirely or partly, is primarily the District Court in the place in Sweden where the child is domiciled. If it can be assumed that confidentiality applies to the information needed to determine the child's domicile, enforcement may also be sought at the District Court in the place where the applicant or the counter party is domiciled. If no court is competent, the application for enforcement is handled by the Stockholm District Court.
Switzerland	En Suisse, l'autorité compétente pour une procédure de reconnaissance et exécution d'une décision étrangère est déterminée par le droit cantonal. Si le droit cantonal n'a pas désigné une autre autorité, en principe la reconnaissance d'une mesure de protection au sens de la Convention relève de la compétence du tribunal ou de l'autorité de protection de l'enfant qui serait compétent en la matière dans le canton de résidence de l'enfant ou de la personne concernée (ou alors dans le canton où la décision est invoquée).
United Kingdom (England and Wales - Judiciary)	The court.
United Kingdom (Northern Ireland)	Royal Courts of Justice
United Kingdom (Scotland)	Judiciary at the request of Social Services

United Kingdom (Wales)	<p>The Family Court. The procedure is as follows</p> <ul style="list-style-type: none"> • an application is made to the Principal Registry of the Family Division (Central Family Court) on Form C69 with the relevant fee (or fee exemption), subject to eligibility. • The application needs to be supported by a sworn statement, which exhibits the original copy of the order, or an authenticated copy of the order in respect of which recognition / enforcement is sought, officially translated. • The Practice Direction to the Family Procedure Rules 2010 PD 31A sets out what the statement needs to contain. • After filing these documents, usually, the application will be served on the child's parents (or anyone else who has parental responsibility) by the court • A District Judge in the Central Family Court may then make an order confirming that the order is recognised / registered for enforcement. • That order can be appealed, usually within 1 month of being served with the application for recognition. • Appeals against orders for recognition are heard in the High Court.
Ukraine	<p>Courts of general jurisdiction of Ukraine may declare enforceable the foreign court decision. The local Office on Children Issues may recognize the decision delivered by the foreign authority on children issues (except court decisions) without special procedure and in the sense of Article 5 of the 1996 Convention accepts jurisdiction to take their own measures directed to the protection the person or property of a child.</p>
Uruguay	<p>In Uruguay, only final sentences of conviction follow the exequatur process before the Supreme Court of Justice. Precautionary sentences that establish protective measures are recognized by First Instance Courts in family matters.</p>

b) What time frames are applied to ensure that the procedure is rapid? Please explain:

Armenia	
Australia	<p>Once the request for registration of orders has been received and is accepted by the ACA, it will usually only require, at most, a couple of weeks for the orders to be registered.</p> <p>In Australia, the Hague Network Judges, Justice Jill Williams (associate.justicewilliams@fcfcoa.gov.au) and Justice Victoria Bennett (associate.justicebennett@fcfcoa.gov.au) can be useful in expediting the registration of a protective measure and invite communications from other Network Judges in this regard.</p>
Austria	<p>There have never been problems with the timeframe.</p>
Belgium	<p>La procédure utilisée est la procédure du référé". La législation ne prévoit toutefois pas de délai. "</p>
Bonaire, Saba, Sint Eustatius	<p>In case necessary we can file a Court case on a short days notice.</p>
Czech Republic	<p>No time frames are prescribed by law.</p>
Denmark	<p>It depends on which authority is the relevant one. The Central Authority can assist in establishing contact with the relevant Danish authority. An article 26 request concerning parental responsibility decision can be filled by the Central Authority with the relevant family court.</p>
Dominican Republic	<p>It will depend on the speed with which the Court hears and issues a sentence to validate foreign decisions.</p>
Ecuador	<p>There is no regulations about times.</p>
Estonia	

European Union	
Finland	The national legislation provides for that these cases are considered urgent.
France	Aucun délai spécifique.
Georgia	Under Article 351 20 (2) of the Civil Procedure Code of Georgia relevant court has 6 week period to render decision on the protectional measures.
Germany	There is no time frame.
Honduras	The state of Honduras is currently working in the process of development in a more efficient manner in order to apply the 1996 Hague Convention.
Italy	There are no provisions about procedure's time frame. In general, the decisions are issued quite quickly (about a couple of months from the judicial application, depending on the single Courts workload), but sometimes the need to serve abroad the application to the respondent delays the procedure.
Latvia	A decision to recognise and enforce a ruling of a foreign court or a decision to refuse the application shall be taken by a judge sitting alone on the basis of the submitted application and the documents attached thereto within 10 days after initiation of the case without inviting the parties (Article 640 of the Civil Procedure Law).
Lithuania	Approximately 1-2 months.
Nicaragua	There are two deadlines, according to national law: 1. urgent 2. Non-urgent: The interested party is notified of the measure and on the third day after the notification a hearing is held and the measure is resolved. According to articles 460 and 461 of Law 870: Family Code.
Norway	There is no regulation of the time frames for such procedures in the 1996 Hague Convention Act. However, the obligation regarding rapid procedures in these cases is also highlighted in the preparatory works to the Act. The court with centralized jurisdiction for these cases, Oslo District Court, has informed us that these cases are highly prioritized, often with a time frame of a week or less for a declaration of enforceability to be issued. The time frame will also depend on which procedure is needed in the specific case, especially the need for contradiction.
Paraguay	Plazo Judicial
Poland	No time frames are set in the law
Portugal	These cases are considered urgent cases, according to the Portuguese law
Slovakia	No limits. However, the judge must (at least 24 hours prior to the enforcement) organize the enforcement and schedule the time frame for any step to be taken and also for a party to fulfill the decision voluntarily (prior to the enforcement) - details are comprised in a binding Decree No 207/2016 of the Ministry of Justice of the Slovak Republic, which also applies to the enforcement of foreign decisions
Spain	The procedure is fairly streamlined but allowing for two possible levels of appeal could lengthen the duration of the proceedings. Basically, the application for recognition and the application for enforcement may be joined in the same document. However, enforcement will not take place until a decision has been taken on the exequatur. The adoption of precautionary measures may be requested, in accordance with the provisions of the Law on Civil Proceedings, to ensure the effectiveness of the judicial protection sought. The claim and documents presented shall be examined by the court clerk, who shall issue a decree admitting the claim and transferring it to the defendant so that he may oppose it within a period of thirty days. Once the opposition has been formalised or once the period for doing so has elapsed

	without it having been formalised, the court shall rule by means of an order as appropriate within a period of ten days. The Public Prosecutor's Office shall always intervene in these proceedings, to which end it shall be notified of all the proceedings. An appeal may only be lodged against the order of exequatur in accordance with the provisions of the Civil Procedure Act. If the order appealed against is upheld, the court may suspend enforcement or make such enforcement subject to the provision of the appropriate security. Against the decision handed down by the Provincial Court in the second instance, the party entitled to do so may lodge an extraordinary appeal for procedural infringement or an appeal in cassation in accordance with the provisions of the Code of Civil Procedure.
Sweden	Please see answer to question 15.
Switzerland	Les délais sont en principe rapides, mais cela dépend notamment de l'urgence de l'exécution de la mesure et de la complexité de la situation juridique.
United Kingdom (England and Wales - Judiciary)	No specific time frame.
United Kingdom (Northern Ireland)	
United Kingdom (Scotland)	As soon as practicably possible
United Kingdom (Wales)	There are no designated time frames but the rules allow flexibility in the documentary requirements - see https://www.familylawweek.co.uk/site.aspx?i=ed131787
Ukraine	<p>The Civil Procedural Code of Ukraine establishes the general principle on reasonableness of the terms of consideration of the case by the court. The Civil Procedural Code of Ukraine does not determine the special terms of consideration the cases on recognition of the foreign court decision.</p> <p>Articles 120-121 of the Civil Procedural Code establish that the period for performance of procedural actions shall be established by law, and if such period is not determined by a law, it shall be established by the court. The court shall set reasonable period for implementing the procedural actions. A period shall be reasonable if it provides for the sufficient time, taking into account the circumstances of the case, to implement the procedural action, and corresponds to the task of civil proceedings.</p> <p>Pursuant to Article 210 of the Civil Procedural Code of Ukraine the court shall begin consideration of the case on the merits no later than sixty days from the date of opening the proceedings, and in case of extension of the period of preparatory proceedings, the court shall begin consideration no later than the next day from the date of expiration of such period. The court shall consider the case on the merits within thirty days from the date of commencement of the hearing on the merits. The Ruling on recognition and enforcement can be challenged in a way and terms as for the ordinary court Rulings (in appeal and in the Supreme court in order and terms which are established by the Civil Procedural Code of Ukraine).</p>
Uruguay	The few cases we had, lasted less than a month.

c) Is legal representation required? Please explain:

Armenia	
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Australia	<p>Legal representation is not required for the registration process where a request to register orders is made to the ACA. Foreign measures may be lodged directly with the Federal Circuit and Family Court of Australia or the Family Court of Western Australia and the applicant may elect to have legal representation to assist them to do so, however this is not required.</p> <p>Individuals seeking to enforce the orders, once registered, must do so in proceedings initiated at their own expense, for which they may choose to engage legal representation.</p>
Austria	Legal representation is not mandatory.
Belgium	La représentation par un avocat n'est pas légalement obligatoire mais elle est souhaitable afin de s'assurer que la demande déposée respecte les exigences légales.
Bonaire, Saba, Sint Eustatius	No, however a legal advisor would be recommendable.
Czech Republic	Legal representation is not required.
Denmark	Legal representation can be required in some cases. It is for the relevant court to decide if legal representation is needed.
Dominican Republic	Yes. The Dominican Central Authority supports this effort, to guide or assist the case as appropriate to the situation of the casio
Ecuador	It is not necessary because the state provides advisory when is needed.
Estonia	Court will appoint a legal representative for the child. The applicant and the defendant can have a legal representative but do not have to. They can also apply for state legal aid.
European Union	
Finland	Legal representation is not required and the applicants rarely have lawyers to represent them.
France	La représentation par avocat est obligatoire.
Georgia	No.
Germany	Legal representation is not required, sec. 18 (2) IFLPA in conjunction with sec. 10 (1), 114 (1), 111, 151 of the Act on Proceedings in Family Matters and in Matters of Non-Contentious Jurisdiction.
Honduras	No, regarding the application of the measures of protection, the Central Authority attending to a concrete case, employs such measures and temporally takes the legal representation of children under protection measures.
Italy	Yes: both declaration of enforceability and enforcement procedures are judicial procedures, in which the legal representation is mandatory.
Latvia	No.
Lithuania	No, it not required, cases are heard in written hearings.
Nicaragua	Yes, according to law 870 "Codigo de Familia", legal representation is required to appear in court. "
Norway	No, legal representation is not required.
Paraguay	Si, se requiere representación legal por disposiciones legales
Poland	Legal representation is not required
Portugal	no
Slovakia	Not required, but recommended. In case of conflict of interest between the parents, the child has a guardian ad litem appointed by the court.
Spain	Yes. Parties must be represented by Procurador and defended by a Lawyer.
Sweden	Legal representation is not mandatory.

Switzerland	Le droit suisse ne prévoit pas l'obligation de se faire représenter par un avocat pour une procédure de reconnaissance et exécution. Néanmoins, dès lors qu'il s'agit d'une procédure judiciaire, il est en principe conseillé de se faire représenter par un avocat.
United Kingdom (England and Wales - Judiciary)	No.
United Kingdom (Northern Ireland)	
United Kingdom (Scotland)	Social Services would request measures of protection from the Court if they considered it necessary
United Kingdom (Wales)	Legal representation is not required. Legal aid is not available for applications for recognition / enforcement under the 1996 Hague Convention unless obtained through exceptional funding routes.
Ukraine	The legal representation is not obligatory but is preferable.
Uruguay	Yes, though in case the applicant does not have a private attorney, a public attorney is appointed by the judge, free of charge.

17. Are you aware of any challenges, or have questions arisen, in applying Articles 26, 27 and / or 28 in your State?

No

Australia, Austria, Bonaire, Saba, Sint Eustatius, Czech Republic Denmark Dominican Republic Ecuador Estonia, Finland, France, Georgia, Germany, Honduras, Italy, Latvia, Lithuania, Nicaragua, Paraguay, Poland, Portugal, Slovakia, Spain, Sweden, United Kingdom (England and Wales - Judiciary), United Kingdom (Northern Ireland), United Kingdom (Scotland), United Kingdom (Wales), Ukraine, Uruguay

Yes

Belgium, Norway, Switzerland

Please describe:

Armenia	
Australia	
Austria	
Belgium	Des difficultés ont été rencontrées lorsqu'un tribunal étranger mandate", par décision judiciaire, un service social belge pour superviser une situation ou organiser un droit de visite "médiatisé". Même si la décision étrangère est reconnue de plein droit en Belgique des difficultés pratiques se posent. D'une part, les services belges compétents ne peuvent pas être valablement mandatés par une autorité étrangère (problème de financement notamment) et d'autre part, une difficulté liée à l'emploi des langues peut se poser (supervision à Bruxelles de contacts entre un parent et un enfant parlant allemand alors que personne au sein du centre désigné n'est en mesure de comprendre cette langue)."
Bonaire, Saba, Sint Eustatius	Up to date we haven't encountered any problems regarding the above mentioned articles.
Czech Republic	
Denmark	
Dominican Republic	

Ecuador	
Estonia	
European Union	
Finland	In the Finnish Central Authority, we have not been made aware of challenges or questions in relation to these articles
France	
Georgia	
Germany	
Honduras	
Italy	
Latvia	
Lithuania	
Nicaragua	
Norway	<p>Reference is made to section 6.13, and the question concerning effectuating protective measures based only on recognition, or whether a declaration of enforcement or an enforcement is necessary.</p> <p>Further, there is also the question of the extent of contradiction in such cases, balanced against the need for a simple and rapid procedure. The question of which procedure to imply, and the extent of contradiction to allow is especially challenging in very urgent cases. An example is where an infant under public care has been abducted to Norway from another Contracting state, and the competent authorities in this state asks for the return of the child based on an acknowledgment/enforcement of a care order.</p>
Paraguay	
Poland	
Portugal	
Slovakia	
Spain	
Sweden	The Swedish Central Authority has not been made aware of such challenges or questions.
Switzerland	<p>Il peut s'avérer difficile de définir ce qui constitue des actes d'exécution" au sens de l'art. 26. La reconnaissance de plein droit (donc sans procédure particulière) ne vaut que lorsque des actes d'exécution ne sont pas nécessaires. Autrement il est nécessaire de passer par la procédure de reconnaissance et exécution classique, qui peut durer plusieurs mois voire années. Il n'y a à notre connaissance pas encore de jurisprudence sur cette notion d'actes d'exécution.</p> <p>Exemple: un enfant de nationalité de l'État B réside habituellement dans l'État A. L'autorité compétente de l'État A a placé l'enfant auprès d'une famille d'accueil et nommé un curateur à l'enfant. Or, le curateur doit obtenir le renouvellement des documents de voyage de l'enfant, les autorités de l'État B lui disent que pour pouvoir obtenir le renouvellement des documents de l'enfant, il faut qu'il fasse reconnaître la mesure de curatelle dans l'État B, afin que la mesure puisse être enregistrée. Est-ce que l'inscription de la mesure de curatelle prononcée dans l'État A dans un registre de l'État B, condition pour l'obtention par le curateur du renouvellement des documents de voyage de l'enfant est effectivement un acte d'exécution? Cela nous paraît</p>

	disproportionné. Il s'agit d'un exemple tiré de la pratique de nos autorités centrales cantonales, qui s'est produit plusieurs fois. "
United Kingdom (England and Wales - Judiciary)	Judiciary Not of a general nature save for the issue of delay and the lapse of time which has arisen under BIIa, as referred to above, and can be expected to arise under the 1996 Convention as well Another issue which has arisen under BIIa and can also be expected to arise under the 1996 Convention is when the order which is being enforced contains provisions which have no equivalent in English domestic law and/or contains provisions which are not enforceable. An example of the latter is: In re M (Children) (Contact: Enforcement of Foreign Order) [2017] EWCA Civ 891 The court decided, at [70], that the English court had no power to order a competent child welfare authority of the Kingdom of Great Britain" to supervise contact as required by the Estonian court order. "
United Kingdom (Northern Ireland)	
United Kingdom (Scotland)	
United Kingdom (Wales)	
Ukraine	
Uruguay	

7. Cooperation (Chap. V)

Central Authority practice

18. Are you aware of any challenges, or have questions arisen, in applying **Article 30** in your State (e.g., in relation to the timeliness of responses to requests)?

No

Australia, Austria, Denmark, Dominican Republic, Estonia, Finland, Georgia, Honduras, Italy, Lithuania, Nicaragua, Norway, Paraguay, Poland, Portugal, Slovakia, Spain, Sweden, United Kingdom (Northern Ireland), United Kingdom (Scotland), Ukraine, Uruguay

Yes

Belgium, Bonaire, Saba, Sint Eustatius, Czech Republic, Ecuador, France, Germany, Latvia, Switzerland, United Kingdom (England and Wales - Judiciary), United Kingdom (Wales)

Please describe:

Armenia	
Australia	Some Australian state jurisdictions have experienced challenges with sourcing criminal histories via the co-operation provisions. The ACA has generally found overseas Central Authorities responsive to requests.
Austria	
Belgium	Certaines autorités centrales répondent à ces demandes dans un délais très long voire ne répondent pas ou ne fournissent pas une réponse utile". "

Bonaire, Saba, Sint Eustatius	We are aware of the challenges we may face, however we haven't dealt with them yet. We have good corporation with the Central Auhorithy in The Netherlands.
Czech Republic	The cooperation under this Article should be interpreted as broadly as possible. If there is a need in one State to get some information concerning the child in another State, the cooperation should be quick and helpful because there is usually no other chance to get necessary information. The cooperation should be based on mutual trust between the Central Authorities.
Denmark	
Dominican Republic	
Ecuador	The communication with other Central Authorities is not efficient .
Estonia	
European Union	
Finland	In general we consider that the cooperation between the Central Authorities is functioning well. In some cases, it has been challenging to understand the measures taken in or requested by the other State Party in connection to specific requests, as the legislation and procedures differ in each state.
France	Les coordonnées (courrier électronique et postal) des autorités centrales ne sont pas toujours à jour ou faciles à trouver.
Georgia	
Germany	Generally, cooperation between Central Authorities runs smoothly and effectively. However, some Central Authorities reply with a certain delay, on rare occasions the German Central Authority does not receive any reply at all. As for communication via e-mail, it has proven quite effective if Central Authorities provide a collective e-mail adress that can be used instead of individual adresses linked to a particular employee. This practice avoids difficulties caused by turnover of staff.
Honduras	The State of Honduras has recently created through Direccion de Niñez, Adolescencia y Familia (DINAF), la Unidad Tecnica Ejecutora de los Convenios de la Haya (UTECH), which is in charge of the Hague Convention process. Thus, the timeframe of responses of the requests are being measured from this year on.
Italy	
Latvia	Indeed very often replies are not received in due times. Usually, it takes about 3 months to receive information. There have also been cases when reports had been received only after multiple reminders. As requested State, the response are usually provided within a month or if the same due date would ne longer, according updates are being sent. Confirmation of receipt also is not received on every case.
Lithuania	
Nicaragua	
Norway	
Paraguay	
Poland	
Portugal	
Slovakia	

Spain	
Sweden	The Swedish Central Authority has not been made aware of such challenges or questions.
Switzerland	D'après notre expérience, la collaboration avec les autres Autorités centrales et avec les autorités compétentes des autres Etats varie énormément. Il y a notamment des Autorités centrales qui ont des délais de réponse très longs et qui refusent de communiquer par téléphone (voire même par courriel). Cela rend la collaboration moins efficace et directe. En outre, la quantité d'informations reçues après ce laps de temps n'est pas toujours suffisante à un traitement approprié des dossiers.
United Kingdom (England and Wales - Judiciary)	<p>ICACU The ICACU has acquired more experience of working under the auspices of the 1996 Hague Convention as more countries have joined and additionally as a result of greater reliance on the Convention following the UK's exit from the EU.</p> <p>Following on from the response given in 2016, the absence of timeframes for providing a response to a request for co-operation still makes it difficult for the ICACU to manage the expectations of competent authorities here and abroad. For example, the ICACU receives many requests for co-operation from English local authorities for information from another State because there are care proceedings about the child. In England, there is a statutory requirement that care proceedings must be concluded within 26 weeks of the date of issue of the proceedings. The Family Court can extend that time limit but only where it is necessary to enable the court to resolve the proceedings justly, an extension of time is an exception to the general rule.</p> <p>The ICACU continues to reap the benefits of its co-operation request form which most of the competent authorities in England are now familiar with and use. This has resulted in more focused/relevant requests and has helped with turnaround and throughput. Despite this, the ICACU has found a general reluctance of competent authorities to refer to the accompanying guidance and they therefore include questions in the request form that are outside the scope of the Convention (e.g. a request for criminal record checks). This can lead to delay.</p> <p>The ICACU notes that there are differences between Contracting States as to what information can be shared under the 1996 Hague Convention (e.g. seeking copy reports from child protection proceedings in another State might be classed by some States as a request under the Hague Evidence Convention whereas other Contracting States will assist). Assistance and level of co-operation will vary from State to State.</p>
United Kingdom (Northern Ireland)	
United Kingdom (Scotland)	
United Kingdom (Wales)	<p>It is sometimes difficult to provide competent authorities in Wales with information about when co-operation requests will be responded to by overseas authorities due to a lack of timescales for doing so. This may arise particularly in the context of public law care proceedings which are meant to operate within a statutory timeframe of 26 weeks.</p> <p>At a more general level, different countries interpret their competence under</p>

	<p>the Convention in different ways - some countries for example consider that all requests for co-operation must be routed through the Convention, others permit direct co-operation between competent authorities.</p> <p>Feedback on case outcome - it would be helpful if there was a greater awareness of sharing outcomes. We can ask competent authorities to share with us the outcome of proceedings so that we can share this with overseas Central Authorities. However, it should be noted that Central Authorities are limited to an extent in discovering the outcome by the information provided by competent authorities and we cannot access this information independently.</p>
Ukraine	
Uruguay	

Services available

19. If your State answered the 2016 Questionnaire, please indicate whether since then there have been any changes in relation to the services provided by your Central Authority:

No. Please proceed to question No 22

Australia, Austria, Bonaire, Saba, Sint Eustatius, Denmark, Dominican Republic, Ecuador, Estonia, Finland, France, Georgia, Germany, Honduras, Latvia, Lithuania, Nicaragua, Portugal, Spain, Sweden, Switzerland, United Kingdom (England and Wales - Judiciary), United Kingdom (Scotland), Ukraine, Uruguay

Yes. Please continue answering the following questions

Belgium, Czech Republic, Norway, Paraguay, Slovakia

20. With the understanding that services provided by Central Authorities under the 1996 Convention may vary, does your Central Authority provide assistance to **individuals habitually resident in your State** who request it in connection with the following matters? If so, please specify the nature of the assistance provided.

a) A request to organise or secure effective exercise of **rights of access** in another Contracting Party (requested State)

1. None

No responses

2. Assistance in obtaining information on the operation of the 1996 Convention

Belgium, Czech Republic, Dominican Republic, Italy, Norway, Poland, Slovakia, United Kingdom (Northern Ireland)

3. Assistance in obtaining information on the relevant laws and procedures in the requested State

Belgium, Czech Republic, Dominican Republic, Italy, Norway, Paraguay, Slovakia, Spain, United Kingdom (Northern Ireland)

4. 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

Belgium, Bonaire, Saba, Sint Eustatius, Czech Republic, Dominican Republic, Italy, Norway, Paraguay, Poland, Slovakia, Spain, United Kingdom (Northern Ireland), United Kingdom (Wales)

5. Transmission of the request to the Central Authority or to the competent authorities in the requested State

Belgium, Bonaire, Saba, Sint Eustatius, Czech Republic, Dominican Republic, Paraguay, Poland, Slovakia, United Kingdom (Northern Ireland), United Kingdom (Wales)

6. Assistance in initiating judicial or administrative proceedings with a view to making arrangements for organising or securing the effective exercise of rights of access

Dominican Republic, Paraguay, United Kingdom (Northern Ireland)

7. Assistance in providing or facilitating the provision of legal aid and advice

Dominican Republic, Paraguay, Poland, United Kingdom (Northern Ireland)

8. Assistance in obtaining private legal counsel or mediation services, where needed in the requested State

Belgium, Czech Republic, United Kingdom (Northern Ireland)

9. Referral to other governmental and / or non-governmental organisations for assistance

Czech Republic, Norway, Slovakia, United Kingdom (Northern Ireland), United Kingdom (Wales)

10. Provision of regular updates on the progress of the application

Belgium, Czech Republic, Dominican Republic, Norway, Paraguay, Slovakia, United Kingdom (Northern Ireland), United Kingdom (Wales)

11. Other

Norway

Please specify:

Armenia	
Australia	
Austria	
Belgium	
Bonaire, Saba, Sint Eustatius	
Czech Republic	Assistance in applying for legal aid in another state is provided by the Ministry of Justice.
Denmark	
Dominican Republic	
Ecuador	
Estonia	
European Union	

Finland	
France	
Georgia	
Germany	
Honduras	
Italy	
Latvia	
Lithuania	
Nicaragua	
Norway	Providing information on the possibility to contact the Norwegian Embassy/Consulate in the country where the child resides to get a list of lawyers practicing in the State in question, if such information has not been received from the Central Authority in the requested State.
Paraguay	
Poland	
Portugal	
Slovakia	
Sweden	
Switzerland	
United Kingdom (England and Wales - Judiciary)	
United Kingdom (Northern Ireland)	
United Kingdom (Scotland)	
United Kingdom (Wales)	
Ukraine	
Uruguay	

b) A request to secure the return to your State of a child subject to **international abduction** where the 1980 Convention is not applicable

1. None

No responses

2. Assistance in obtaining information on the operation of the 1996 Convention

Belgium, Czech Republic, Italy, Norway, Poland, Slovakia, United Kingdom (Northern Ireland), United Kingdom (Wales)

3. Assistance in obtaining information on the relevant laws and procedures in the requested State

Belgium, Czech Republic, Dominican Republic, Italy, Norway, Paraguay, Slovakia, Spain, United Kingdom (Northern Ireland), United Kingdom (Wales)

4. 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

Belgium, Czech Republic, Dominican Republic, Italy, Norway, Paraguay, Poland, Slovakia, Spain, United Kingdom (Northern Ireland), United Kingdom (Wales)

5. Transmission of the request to the Central Authority or to the competent authorities in the requested State

Czech Republic, Dominican Republic, Norway, Paraguay, Poland, Slovakia, United Kingdom (Northern Ireland), United Kingdom (Wales)

6. Assistance in discovering the whereabouts of a child who has been wrongfully removed or retained

Belgium, Czech Republic, Dominican Republic, Italy, Paraguay, Slovakia, United Kingdom (Northern Ireland)

7. Assistance in taking provisional / urgent measures of protection to prevent further harm to the child

Belgium, Czech Republic, Dominican Republic, Italy, Paraguay, Slovakia, United Kingdom (Northern Ireland)

8. Assistance in securing the voluntary return of the child or in bringing about an amicable resolution of the issue

Czech Republic, Dominican Republic, Italy, Paraguay, Slovakia, United Kingdom (Northern Ireland)

9. Assistance in initiating judicial or administrative proceedings with a view to obtaining the return of the child

Dominican Republic, Paraguay, United Kingdom (Northern Ireland)

10. Assistance in providing or facilitating the provision of legal aid and advice

Belgium, Dominican Republic, Paraguay, United Kingdom (Northern Ireland)

11. Assistance in providing such administrative arrangements as may be necessary and appropriate to secure the safe return of the child

Czech Republic, Dominican Republic, Paraguay, Slovakia, United Kingdom (Northern Ireland)

12. Assistance in obtaining private legal counsel or mediation services

Czech Republic, United Kingdom (Northern Ireland)

13. Referral to other governmental and / or non-governmental organisations for assistance

Belgium, Czech Republic, Dominican Republic, Norway, Slovakia, United Kingdom (Wales)

14. Regular updates on the progress of the application

Belgium, Czech Republic, Dominican Republic, Italy, Norway, Paraguay, Slovakia, United Kingdom (Northern Ireland), United Kingdom (Wales)

15. Other

Belgium, Poland

Please specify:

Armenia	
Australia	
Austria	
Belgium	Il s'agit de réponses hypothétiques. En effet, notre Autorité centrale n'a jamais été confronté à cette situation.
Bonaire, Saba, Sint Eustatius	
Czech Republic	Assistance in applying for legal aid in another state is provided by the Ministry of Justice.
Denmark	
Dominican Republic	
Ecuador	
Estonia	
European Union	
Finland	
France	
Georgia	
Germany	
Honduras	
Italy	
Latvia	
Lithuania	
Nicaragua	
Norway	Providing information on different aspects of a child abduction case such as possibility of legal aid, police assistance, legal recourses etc.
Paraguay	
Poland	Referral to Polish Consulate
Portugal	
Slovakia	
Sweden	
Switzerland	
United Kingdom (England and Wales - Judiciary)	
United Kingdom (Northern Ireland)	
United Kingdom (Scotland)	
United Kingdom (Wales)	
Ukraine	
Uruguay	

c) A request to secure the return to your State of a runaway child (see Art. 31(c))

1. None

No responses

2. Assistance in obtaining information on the operation of the 1996 Convention

Belgium, Czech Republic, Dominican Republic, Italy, Norway, Paraguay, Poland, Slovakia, United Kingdom (Northern Ireland), United Kingdom (Wales)

3. Assistance in obtaining information on the relevant laws and procedures in the requested State

Belgium, Czech Republic, Dominican Republic, Italy, Norway, Paraguay, Poland, Slovakia, Spain, United Kingdom (Northern Ireland), United Kingdom (Wales)

4. 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

Belgium, Czech Republic, Dominican Republic, Italy, Norway, Paraguay, Poland, Slovakia, Spain, United Kingdom (Northern Ireland), United Kingdom (Wales)

5. Transmission of the request to the Central Authority or to the competent authorities in the requested State

Belgium, Czech Republic, Dominican Republic, Italy, Paraguay, Poland, Slovakia, Spain, United Kingdom (Northern Ireland), United Kingdom (Wales)

6. Assistance in discovering the whereabouts of a runaway child

Belgium, Czech Republic, Dominican Republic, Italy, Paraguay, Slovakia, Spain, United Kingdom (Northern Ireland)

7. Assistance in initiating judicial or administrative proceedings with a view to obtaining the return of the child

Paraguay, United Kingdom (Northern Ireland)

8. Assistance in providing or facilitating the provision of legal aid and advice

Dominican Republic, Paraguay

9. Assistance in providing such administrative arrangements as may be necessary and appropriate to secure the safe return of the child

Czech Republic, Dominican Republic, Paraguay, Slovakia, Spain, United Kingdom (Northern Ireland)

10. Assistance in obtaining private legal counsel

No responses

11. Referral to other governmental and / or non-governmental organisations for assistance

Belgium, Czech Republic, Dominican Republic, Norway, Slovakia, United Kingdom (Northern Ireland), United Kingdom (Wales)

12. Regular updates on the progress of the application

Belgium, Czech Republic, Dominican Republic, Italy, Norway, Paraguay, Slovakia, Spain, United Kingdom (Northern Ireland), United Kingdom (Wales)

13. Other

Czech Republic

Please specify:

Armenia	
Australia	
Austria	
Belgium	
Bonaire, Saba, Sint Eustatius	
Czech Republic	Assistance in applying for legal aid in another state is provided by the Ministry of Justice.
Denmark	
Dominican Republic	
Ecuador	
Estonia	
European Union	
Finland	
France	
Georgia	
Germany	
Honduras	
Italy	
Latvia	
Lithuania	
Nicaragua	
Norway	
Paraguay	
Poland	
Portugal	
Slovakia	
Sweden	
Switzerland	
United Kingdom (England and Wales - Judiciary)	
United Kingdom (Northern Ireland)	
United Kingdom (Scotland)	
United Kingdom (Wales)	
Ukraine	
Uruguay	

d) A request for a report on the situation of a child habitually resident in another Contracting Party (e.g., a child returned as a result of child abduction proceedings or a child who has moved as a result of a relocation) (see Art. 32(a))

1. None

Spain

2. Assistance in obtaining information on the operation of the 1996 Convention

Belgium, Czech Republic, Dominican Republic, Italy, Norway, Paraguay, Poland, Slovakia, United Kingdom (Northern Ireland), United Kingdom (Wales)

3. Assistance in obtaining information on the relevant laws and procedures in the requested State

Belgium, Czech Republic, Dominican Republic, Italy, Norway, Paraguay, Poland, Slovakia, United Kingdom (Northern Ireland), United Kingdom (Wales)

4. 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

Belgium, Czech Republic, Dominican Republic, Italy, Norway, Paraguay, Poland, Slovakia, United Kingdom (Northern Ireland), United Kingdom (Wales)

5. Transmission of the request to the Central Authority or to the competent authorities in the requested State

Belgium, Czech Republic, Dominican Republic, Italy, Paraguay, Poland, Slovakia, United Kingdom (Northern Ireland), United Kingdom (Wales)

6. Other

Please specify:

Armenia	
Australia	
Austria	
Belgium	
Bonaire, Saba, Sint Eustatius	
Czech Republic	
Denmark	
Dominican Republic	
Ecuador	
Estonia	
European Union	
Finland	
France	
Georgia	

Germany	
Honduras	
Italy	
Latvia	
Lithuania	
Nicaragua	
Norway	
Paraguay	
Poland	
Portugal	
Slovakia	
Sweden	
Switzerland	
United Kingdom (England and Wales - Judiciary)	
United Kingdom (Northern Ireland)	
United Kingdom (Scotland)	
United Kingdom (Wales)	
Ukraine	
Uruguay	

e) A request that the competent authorities of another Contracting Party decide on the recognition or non-recognition of a measure taken in your State (see Art. 24)

1. None

United Kingdom (Northern Ireland)

2. Assistance in obtaining information on the operation of the 1996 Convention

Belgium, Czech Republic, Dominican Republic, Italy, Norway, Paraguay, Poland, Slovakia, United Kingdom (Northern Ireland), United Kingdom (Wales)

3. Assistance in obtaining information on the relevant laws and procedures in the requested State

Belgium, Czech Republic, Dominican Republic, Italy, Norway, Poland, Spain, United Kingdom (Northern Ireland), United Kingdom (Wales)

4. 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

Belgium, Czech Republic, Dominican Republic, Italy, Norway, Paraguay, Poland, Spain, United Kingdom (Northern Ireland), United Kingdom (Wales)

5. Transmission of the request to the Central Authority or to the competent authorities in the requested State

Belgium, Czech Republic, Dominican Republic, Norway, Paraguay, Poland, United Kingdom (Northern Ireland)

6. Assistance in obtaining private legal counsel

Belgium

7. Regular updates on the progress of the request

Czech Republic, Dominican Republic, Norway, Paraguay, United Kingdom (Northern Ireland), United Kingdom (Wales)

8. Other

Norway

Please specify:

Armenia	
Australia	
Austria	
Belgium	
Bonaire, Saba, Sint Eustatius	
Czech Republic	Assistance in applying for legal aid in another state is provided by the Ministry of Justice.
Denmark	
Dominican Republic	
Ecuador	
Estonia	
European Union	
Finland	
France	
Georgia	
Germany	
Honduras	
Italy	
Latvia	
Lithuania	
Nicaragua	
Norway	Providing information regarding legal representation by informing the parent that the Norwegian Embassy/Consulate in the requested state can be contacted for a list of lawyers that can be used, given that this is needed and has not been provided by the Central Authority in the requested state.
Paraguay	
Poland	
Portugal	
Slovakia	
Sweden	
Switzerland	

United Kingdom (England and Wales - Judiciary)	
United Kingdom (Northern Ireland)	
United Kingdom (Scotland)	
United Kingdom (Wales)	
Ukraine	
Uruguay	

f) A request that the competent authorities of another State Party declare enforceable or register for the purpose of enforcement measures taken in your State (see Art. 26)

1. None

No responses

2. Assistance in obtaining information on the operation of the 1996 Convention

Belgium, Czech Republic, Dominican Republic, Italy, Norway, Paraguay, Poland, Slovakia, United Kingdom (Northern Ireland), United Kingdom (Wales)

3. Assistance in obtaining information on the relevant laws and procedures in the requested State

Belgium, Czech Republic, Dominican Republic, Italy, Norway, Paraguay, Poland, Spain, United Kingdom (Northern Ireland), United Kingdom (Wales)

4. 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

Belgium, Czech Republic, Dominican Republic, Italy, Norway, Paraguay, Poland, Spain, United Kingdom (Northern Ireland), United Kingdom (Wales)

5. Transmission of the request to the Central Authority or to the competent authorities in the requested State

Belgium, Czech Republic, Dominican Republic, Norway, Paraguay, Poland, United Kingdom (Northern Ireland), United Kingdom (Wales)

6. Assistance in obtaining private legal counsel

Belgium, United Kingdom (Northern Ireland)

7. Regular updates on the progress of the request

Belgium, Czech Republic, Dominican Republic, Norway, Paraguay, United Kingdom (Northern Ireland), United Kingdom (Wales)

8. Other

Norway

Please specify:

Armenia	
Australia	
Austria	
Belgium	
Bonaire, Saba, Sint Eustatius	
Czech Republic	Assistance in applying for legal aid in another state is provided by the Ministry of Justice.
Denmark	
Dominican Republic	
Ecuador	
Estonia	
European Union	
Finland	
France	
Georgia	
Germany	
Honduras	
Italy	
Latvia	
Lithuania	
Nicaragua	
Norway	Providing information regarding legal representation by informing the parent that the Norwegian Embassy/Consulate in the requested state can be contacted for a list of lawyers that can be used, given that this is needed and has not been provided by the Central Authority in the requested state.
Paraguay	
Poland	
Portugal	
Slovakia	
Sweden	
Switzerland	
United Kingdom (England and Wales - Judiciary)	
United Kingdom (Northern Ireland)	
United Kingdom (Scotland)	
United Kingdom (Wales)	
Ukraine	
Uruguay	

21. With the understanding that services provided by Central Authorities under the 1996 Convention may vary, if your Central Authority were to receive a request of assistance from **another Central Authority** on behalf of an individual residing abroad, in connection with the following matters, please

specify the nature of the assistance that your Central Authority provides or would provide if the situation were to arise.

a) A request to organise or secure effective exercise of rights of access in another Contracting Party (requested State)

1. None

No responses

2. Assistance in obtaining information on the operation of the 1996 Convention

Belgium, Czech Republic, Dominican Republic, Italy, Norway, Paraguay, Poland, Slovakia, United Kingdom (Northern Ireland)

3. Assistance in obtaining information on the relevant laws and procedures in the requested State

Belgium, Czech Republic, Dominican Republic, Italy, Norway, Paraguay, Poland, Slovakia, Spain, United Kingdom (Northern Ireland), United Kingdom (Wales)

4. 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

Belgium, Czech Republic, Dominican Republic, Norway, Paraguay, Poland, Slovakia, United Kingdom (Northern Ireland), United Kingdom (Wales)

5. Transmission of the request to the Central Authority or to the competent authorities in the requested State

Czech Republic, Dominican Republic, Norway, Paraguay, Slovakia, United Kingdom (Northern Ireland), United Kingdom (Wales)

6. Assistance in initiating judicial or administrative proceedings with a view to making arrangements for organising or securing the effective exercise of rights of access

Dominican Republic, Paraguay, Poland, United Kingdom (Northern Ireland)

7. Assistance in providing or facilitating the provision of legal aid and advice

Belgium, Czech Republic, Dominican Republic, Paraguay, Poland, Slovakia, United Kingdom (Northern Ireland)

8. Assistance in obtaining private legal counsel or mediation services, where needed in the requested State

Czech Republic, United Kingdom (Northern Ireland)

9. Referral to other governmental and / or non-governmental organisations for assistance

Czech Republic, Dominican Republic, Norway, Slovakia, United Kingdom (Northern Ireland), United Kingdom (Wales)

10. Provision of regular updates on the progress of the application

Czech Republic, Dominican Republic, Norway, Paraguay, Slovakia, United Kingdom (Northern Ireland), United Kingdom (Wales)

11. Other

Norway

Please specify:

Armenia	
Australia	
Austria	
Belgium	Il s'agit de réponses théoriques. En effet, notre Autroité centrale n'a que peu d'expérience. Les demandes relatives au droit de visite sont plutôt traitées en application de l'article 21 de la Convention de 1980.
Bonaire, Saba, Sint Eustatius	
Czech Republic	The Czech CA cannot represent the applicants in the court proceedings and cannot recommend them a specific attorney at law. The CA aims to reinforce the child participation in its cases.
Denmark	
Dominican Republic	
Ecuador	
Estonia	
European Union	
Finland	
France	
Georgia	
Germany	
Honduras	
Italy	
Latvia	
Lithuania	
Nicaragua	
Norway	Facilitation of contact with the parent residing in Norway to get his/her view on the request from the other parent, and urge for co-operation. Providing information regarding the possibilities for mediation, and who to contact in this regard. Providing information regarding the legal process for establishing right to access, and the possibility for free legal aid in this regard.
Paraguay	
Poland	
Portugal	
Slovakia	
Sweden	
Switzerland	
United Kingdom (England and Wales - Judiciary)	
United Kingdom (Northern Ireland)	

United Kingdom (Scotland)	
United Kingdom (Wales)	
Ukraine	
Uruguay	

b) A request to secure the return to your State of a child subject to international abduction where the 1980 Convention is not applicable

1. None

No responses

2. Assistance in obtaining information on the operation of the 1996 Convention

Belgium, Czech Republic, Dominican Republic, Italy, Norway, Paraguay, Poland, Slovakia, United Kingdom (Northern Ireland), United Kingdom (Wales)

3. Assistance in obtaining information on the relevant laws and procedures in the requested State

Belgium, Czech Republic, Dominican Republic, Italy, Norway, Paraguay, Poland, Slovakia, Spain, United Kingdom (Northern Ireland), United Kingdom (Wales)

4. 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

Belgium, Czech Republic, Dominican Republic, Norway, Paraguay, Poland, Slovakia, United Kingdom (Northern Ireland), United Kingdom (Wales)

5. Transmission of the request to the Central Authority or to the competent authorities in the requested State

Czech Republic, Dominican Republic, Norway, Paraguay, Poland, Slovakia, United Kingdom (Northern Ireland), United Kingdom (Wales)

6. Assistance in discovering the whereabouts of a child who has been wrongfully removed or retained

Belgium, Czech Republic, Dominican Republic, Norway, Paraguay, Slovakia, United Kingdom (Northern Ireland), United Kingdom (Wales)

7. Assistance in taking provisional / urgent measures of protection to prevent further harm to the child

Belgium, Czech Republic, Dominican Republic, Paraguay, Slovakia, United Kingdom (Northern Ireland)

8. Assistance in securing the voluntary return of the child or in bringing about an amicable resolution of the issue

Czech Republic, Paraguay, Slovakia, United Kingdom (Northern Ireland)

9. Assistance in initiating judicial or administrative proceedings with a view to obtaining the return of the child

Dominican Republic, Paraguay, United Kingdom (Northern Ireland)

10. Assistance in providing or facilitating the provision of legal aid and advice

Belgium, Czech Republic, Dominican Republic, Paraguay, Slovakia, United Kingdom (Northern Ireland), United Kingdom (Wales)

11. Assistance in providing such administrative arrangements as may be necessary and appropriate to secure the safe return of the child

Czech Republic, Dominican Republic, Paraguay, Slovakia, United Kingdom (Northern Ireland), United Kingdom (Wales)

12. Assistance in obtaining private legal counsel or mediation services

Czech Republic, United Kingdom (Northern Ireland), United Kingdom (Wales)

13. Referral to other governmental and / or non-governmental organisations for assistance

Czech Republic, Dominican Republic, Norway, Slovakia, United Kingdom (Northern Ireland), United Kingdom (Wales)

14. Regular updates on the progress of the application

Czech Republic, Dominican Republic, Norway, Paraguay, Slovakia, United Kingdom (Northern Ireland), United Kingdom (Wales)

15. Other

Belgium

Please specify:

Armenia	
Australia	
Austria	
Belgium	Il s'agit de réponses hypothétiques. En effet, notre Autorité centrale n'a jamais été confrontée à cette situation.
Bonaire, Saba, Sint Eustatius	
Czech Republic	The Czech CA cannot represent the applicants in the court proceedings and cannot recommend them a specific attorney at law. The Czech CA aims to promote the child participation in its cases
Denmark	
Dominican Republic	
Ecuador	
Estonia	
European Union	
Finland	
France	
Georgia	

Germany	
Honduras	
Italy	
Latvia	
Lithuania	
Nicaragua	
Norway	
Paraguay	
Poland	
Portugal	
Slovakia	
Sweden	
Switzerland	
United Kingdom (England and Wales - Judiciary)	
United Kingdom (Northern Ireland)	
United Kingdom (Scotland)	
United Kingdom (Wales)	
Ukraine	
Uruguay	

c) A request to secure the return to your State of a runaway child (see Art. 31(c))

1. None

No responses

2. Assistance in obtaining information on the operation of the 1996 Convention

Belgium, Czech Republic, Dominican Republic, Italy, Norway, Paraguay, Poland, Slovakia, United Kingdom (Wales)

3. Assistance in obtaining information on the relevant laws and procedures in the requested State

Belgium, Czech Republic, Dominican Republic, Italy, Norway, Paraguay, Poland, Slovakia, United Kingdom (Northern Ireland), United Kingdom (Wales)

4. 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

Belgium, Czech Republic, Dominican Republic, Norway, Paraguay, Poland, Slovakia, Spain, United Kingdom (Northern Ireland), United Kingdom (Wales)

5. Transmission of the request to the Central Authority or to the competent authorities in the requested State

Belgium, Czech Republic, Dominican Republic, Norway, Paraguay, Poland, Slovakia, Spain, United Kingdom (Wales)

6. Assistance in discovering the whereabouts of a runaway child

Czech Republic, Dominican Republic, Italy, Norway, Paraguay, Slovakia, Spain, United Kingdom (Northern Ireland), United Kingdom (Wales)

7. Assistance in initiating judicial or administrative proceedings with a view to obtaining the return of the child

Dominican Republic, Paraguay, United Kingdom (Northern Ireland)

8. Assistance in providing or facilitating the provision of legal aid and advice

Belgium, Czech Republic, Paraguay, United Kingdom (Northern Ireland)

9. Assistance in providing such administrative arrangements as may be necessary and appropriate to secure the safe return of the child

Belgium, Czech Republic, Dominican Republic, Paraguay, Spain, United Kingdom (Northern Ireland), United Kingdom (Wales)

10. Assistance in obtaining private legal counsel

Belgium, Czech Republic, Dominican Republic, United Kingdom (Northern Ireland), United Kingdom (Wales)

11. Referral to other governmental and / or non-governmental organisations for assistance

Belgium, Czech Republic, Dominican Republic, Norway, Slovakia, United Kingdom (Northern Ireland), United Kingdom (Wales)

12. Regular updates on the progress of the application

Belgium, Czech Republic, Norway, Paraguay, Slovakia, United Kingdom (Northern Ireland), United Kingdom (Wales)

13. Other

No responses

Please specify:

Armenia	
---------	--

Australia	
Austria	
Belgium	
Bonaire, Saba, Sint Eustatius	
Czech Republic	The Czech CA cannot represent the applicants in the court proceedings and cannot recommend them a specific attorney at law. The CA aims to promote the child participation in its cases
Denmark	
Dominican Republic	
Ecuador	
Estonia	
European Union	
Finland	
France	
Georgia	
Germany	
Honduras	
Italy	
Latvia	
Lithuania	
Nicaragua	
Norway	
Paraguay	
Poland	
Portugal	
Slovakia	
Sweden	
Switzerland	
United Kingdom (England and Wales - Judiciary)	
United Kingdom (Northern Ireland)	
United Kingdom (Scotland)	
United Kingdom (Wales)	
Ukraine	
Uruguay	

d) A request for a report on the situation of a child habitually resident in another Contracting Party (e.g., a child returned as a result of child abduction proceedings or a child who has moved as a result of a relocation) (see Art. 32(a))

1. None

No responses

2. Assistance in obtaining information on the operation of the 1996 Convention

Belgium, Czech Republic, Dominican Republic, Italy, Norway, Paraguay, Poland, Slovakia, United Kingdom (Northern Ireland), United Kingdom (Wales)

3. Assistance in obtaining information on the relevant laws and procedures in the requested State

Belgium, Czech Republic, Dominican Republic, Italy, Norway, Paraguay, Poland, Slovakia, United Kingdom (Northern Ireland), United Kingdom (Wales)

4. 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

Belgium, Czech Republic, Dominican Republic, Italy, Norway, Paraguay, Poland, Slovakia, United Kingdom (Northern Ireland), United Kingdom (Wales)

5. Transmission of the request to the Central Authority or to the competent authorities in the requested State

Belgium, Czech Republic, Dominican Republic, Italy, Norway, Slovakia, United Kingdom (Northern Ireland), United Kingdom (Wales)

6. Other

Italy

Please specify:

Armenia	
Australia	
Austria	
Belgium	
Bonaire, Saba, Sint Eustatius	
Czech Republic	
Denmark	
Dominican Republic	
Ecuador	
Estonia	
European Union	
Finland	
France	
Georgia	
Germany	
Honduras	
Italy	Update on the progress of application

Latvia	
Lithuania	
Nicaragua	
Norway	
Paraguay	
Poland	
Portugal	
Slovakia	
Sweden	
Switzerland	
United Kingdom (England and Wales - Judiciary)	
United Kingdom (Northern Ireland)	
United Kingdom (Scotland)	
United Kingdom (Wales)	
Ukraine	
Uruguay	

e) A request that the competent authorities of another Contracting Party decide on the recognition or non-recognition of a measure taken in your State (see Art. 24)

1. None

No responses

2. Assistance in obtaining information on the operation of the 1996 Convention

Belgium, Czech Republic, Dominican Republic, Italy, Norway, Paraguay, Poland, Slovakia, United Kingdom (Wales)

3. Assistance in obtaining information on the relevant laws and procedures in the requested State

Belgium, Czech Republic, Dominican Republic, Italy, Norway, Poland, United Kingdom (Northern Ireland), United Kingdom (Wales)

4. 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

Dominican Republic, Norway, Paraguay, Poland, Spain, United Kingdom (Northern Ireland)

5. Transmission of the request to the Central Authority or to the competent authorities in the requested State

Dominican Republic, Norway, Paraguay, Poland

6. Assistance in obtaining private legal counsel

Belgium, United Kingdom (Wales)

7. Regular updates on the progress of the request

Dominican Republic, Norway, Paraguay

8. Other

No responses

Please specify:

Armenia	
Australia	
Austria	
Belgium	
Bonaire, Saba, Sint Eustatius	
Czech Republic	
Denmark	
Dominican Republic	
Ecuador	
Estonia	
European Union	
Finland	
France	
Georgia	
Germany	
Honduras	
Italy	
Latvia	
Lithuania	
Nicaragua	
Norway	
Paraguay	
Poland	
Portugal	
Slovakia	
Sweden	
Switzerland	
United Kingdom (England and Wales - Judiciary)	

United Kingdom (Northern Ireland)	
United Kingdom (Scotland)	
United Kingdom (Wales)	Under domestic procedural rules, applications for recognition / enforcement need to be initiated by an individual who is seeking recognition / enforcement, and cannot be initiated by, for example, the central authority. Procedural rules require the individual to prepare a statement and the court determines the application (see above)
Ukraine	
Uruguay	

f) A request that the competent authorities of another Contracting Party declare enforceable or register for the purpose of enforcement measures taken in your State (see Art. 26)

1. None

No responses

2. Assistance in obtaining information on the operation of the 1996 Convention

Belgium, Czech Republic, Dominican Republic, Italy, Norway, Paraguay, Poland, Slovakia, United Kingdom (Northern Ireland), United Kingdom (Wales)

3. Assistance in obtaining information on the relevant laws and procedures in the requested State

Belgium, Czech Republic, Dominican Republic, Italy, Norway, Paraguay, Poland, United Kingdom (Northern Ireland), United Kingdom (Wales)

4. 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

Dominican Republic, Norway, Paraguay, Poland, Spain, United Kingdom (Northern Ireland)

5. Transmission of the request to the Central Authority or to the competent authorities in the requested State

Dominican Republic, Norway, Paraguay, Poland, United Kingdom (Northern Ireland)

6. Assistance in obtaining private legal counsel

Belgium, United Kingdom (Wales)

7. Regular updates on the progress of the request

Dominican Republic, Norway, Paraguay, United Kingdom (Northern Ireland)

8. Other

No responses

Please specify:

Armenia	
Australia	
Austria	
Belgium	
Bonaire, Saba, Sint Eustatius	
Czech Republic	
Denmark	
Dominican Republic	
Ecuador	
Estonia	
European Union	
Finland	
France	
Georgia	
Germany	
Honduras	
Italy	
Latvia	
Lithuania	
Nicaragua	
Norway	
Paraguay	
Poland	
Portugal	
Slovakia	
Sweden	
Switzerland	
United Kingdom (England and Wales - Judiciary)	
United Kingdom (Northern Ireland)	
United Kingdom (Scotland)	
United Kingdom (Wales)	
Ukraine	
Uruguay	

Mediation, conciliation or similar methods (Art. 31(b))

22. How does your Central Authority (either directly or through public authorities or other bodies) take appropriate steps under **Article 31(b)** to facilitate, by mediation, conciliation or similar means, agreed solutions for the protection of the person or property of the child in situations to which the 1996 Convention applies?

Please explain:

Armenia	
Australia	<p>The ACA provides details of suitable agencies who can provide mediation in the context of international family law disputes. We often refer parents to International Social Service Australia (ISS), which is an organisation funded by the Attorney-General's Department. The ACA does not cover any costs of mediation under 1996 Convention cases. ISS may be able to provide legal advice, information, counselling, mediation and referrals to other support services at the expense of the parents.</p> <p>The Australian Central Authority does not participate in mediation of return cases but facilitates the parties to do so provided that mediation runs parallel to, and does not delay, the expeditious determination of the return application.</p> <p>The Australian Central Authority, by itself and through its delegations to State Central Authorities, participates in and encourages education of stakeholders around the benefits of and acquisition of particular skills for cross border mediation. A conference attended by central authorities, lawyers, our IHNJs, social scientists, independent children's lawyers and mediators proved particularly effective in promoting the concept of mediation of these intractable, high conflict matters. If there is no agreement reached between the taking parent and the left behind parent as to whether the child will be returned, the expectation is that the parents will mediate conditions of return, parenting arrangements in the event of return, parenting arrangements in the event of non-return. The Central Authority and presiding judges recognise that specialised Hague mediation must be carefully timetabled and supported to coincide with information necessary to test viability of conditions to return.</p>
Austria	Facilitating mediation is a core competence of the Family Courts and the assistant social workers (for example Family Court Assistance and Child and Youth Welfare Service).
Belgium	Notre Autorité centrale n'exerce aucune compétence en matière de médiation. Les personnes intéressées sont redirigées vers la Commission Fédérale de médiation: https://www.cfm-fbc.be/fr Si une partie (ou plusieurs) ne peut pas payer les frais liés à la médiation elle peut bénéficier de l'aide juridique totalement ou partiellement gratuite d'un médiateur en faisant appel à un médiateur agréé par la Commission fédérale de médiation. Notre Autroité centrale pourra également orienter les personnes qui souhaitent obtenir l'aide juridique pour entreprendre un processus de médiation.
Bonaire, Saba, Sint Eustatius	No measures have been taken as yet because the topic still has to be discussed internally.
Czech Republic	The mediation for the cases of Czech CA is provided by Mediation and Education Centre Brno (within its capacity) for free. Mainly in the cases where the CA was appointed guardian ad litem in the proceedings at the Czech courts, the CA also provides the facilitated interview. Aim of this interview is to inform the parents on the position of the CA, on probable decision of the

	court, on the child's opinion and the impact of the case on the child's best interest.
Denmark	Depending on the type of case, the relevant authority will consider the appropriate steps relating to the matter.
Dominican Republic	The Dominican Central Authority has technical teams of people who do social work and lawyers, they can try to talk with the people involved in the case who are in our country, to reach friendly or conciliation agreements in the case.
Ecuador	Usually, there is no interest on mediation or conciliation from one of the parts.
Estonia	We usually either contact the local child protection or inquire ourselves from parties whether they would be interested in conciliation or family mediation. We can also help facilitate initial contact with the Mediators Union.
European Union	
Finland	<p>The Finnish Central Authority can forward the application/request to the competent social welfare authority who is competent in assisting the parents in mediation, if the parents wish so. The services of the social welfare authority are free of charge.</p> <p>The courts also offer in court mediation. There is a special mediation model for the family matters. In the hearings the judges try to further the agreed solutions between the parents.</p>
France	<p>Jusqu'à la fin de l'année 2021, le ministère de la Justice français disposait en son sein d'une cellule de médiation familiale internationale, susceptible d'intervenir dans le cadre d'une médiation gratuite pour parvenir à une solution amiable du litige si celui-ci présente un caractère transfrontalier.</p> <p>Depuis la réorganisation de la cellule de médiation, le ministère de la Justice français a constitué une liste de médiateurs disposant de compétences linguistiques, inter-culturelles et juridiques nécessaires à la résolution des litiges familiaux internationaux.</p> <p>Ce département poursuit, le développement de partenariats avec des organismes de médiation, et des projets de formation de médiateurs aux spécificités des litiges transfrontières en matière familiale et de protection de l'enfance, afin d'étoffer son offre, notamment avec des médiateurs conventionnés qui tarifient leur intervention en fonction des ressources des personnes concernées, selon un barème national.</p>
Georgia	The Central Authority of Georgia offers mediation to the parties and provides information on both the application of the 1996 Convention and the procedure/consequences of dispute resolution through the judicial channels. In order to successfully complete the mediation, a social worker/psychologist may be involved in the process to resolve the ongoing dispute between the parties through amicable resolution of conflict.
Germany	In the context of Art. 7 para. 2 lit. c) of the 1980 Hague Child Abduction Convention and Art. 55 (e) Brussels IIa Regulation/ Art.79 (g) Brussels IIb Regulation, mediation is offered by the German Central Authority to applicants on a regular basis. If applicant and respondent both show an interest in mediation, the German Central Authority is supported by third party mediators and cooperates closely with a non profit organization (MiKK e.V.), that helps to facilitate the mediation. The German Central Authority contacts the competent court in 1980 Hague Convention proceedings in order to ensure that no undue delay is caused by mediation and that the results

	<p>achieved can be incorporated into the court order where appropriate. Although the German Central Authority does not offer such specific service in the context of the 1996 Convention, they provide information also in this context on request.</p>
Honduras	<p>We do not have protocols or guidelines to conciliation processes framed in the 1996 Hague Convention. However, the state of Honduras is currently working in the process of development in a more efficient manner in order to apply the 1996 Hague Convention.</p>
Italy	<p>Since there are only very few private organizations providing for specialized cross-border family mediation services, Italian Central Authority, when an alternative dispute resolution is required and/or appears possible, invites the juvenile social services to arrange it.</p>
Latvia	<p>Pursuant Section 2 of the Latvian Mediation Law, its purpose is to lay down the judicial preconditions to promote the use of mediation as an alternative way for the settlement of disputes by facilitating harmonisation of social relationship. According to this provision, mediation may be used for the settlement of disputes in pre-trial proceedings as well as in judicial proceedings. Mediation Law contains provisions arising from Directive 2008/52/EC of the European Parliament and the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters but, as explained below, its scope is much larger, covering the main legal aspects regarding the use of mediation.</p> <p>The Ministry of Justice in collaboration with the Council of Certified Mediators, has implemented project “State co-financed family mediation “. It allows to provide support for families to solve their disputes affecting children. Within the project each family could receive up to 5 hours of State paid sessions (for 60 minutes each), provided by certified mediators. Since 2022 family could receive up to 7 hours of State paid mediation session if the party to the conflict is recognized as poor or low-income in accordance with the law. Parents, guardians or children’s caretakers could apply even if the proceedings had already been initiated in court and there were a wide range of disputes that could be solved by means of mediation (e.g. parents’ rights of access, children’s maintenance, education, place of residence).</p> <p>Mediation Law is available at: https://likumi.lv/ta/en/en/id/266615-mediation-law.</p> <p>Additional information on project (only in Latvian) available at: https://sertificetimediatori.lv/mediacijas-pakalpojumi-gimenes-stridurisasana/</p>
Lithuania	<p>It really depends on what the situation and problem of the case is. According to the Article (31 (b), our Service only has experience by collaborating on child's inheritance matters, when there is a need to find the child's and his parent's whereabouts in another member state to inform that parent about his duty to accept or refuse to accept the inheritance on behalf of the child.</p>
Nicaragua	<p>In relation to child protection measures, an awareness-raising process is carried out beforehand. If the parties are willing, an agreement proposal is made and sent to the Requesting Authority for approval.</p>
Norway	<p>In cases concerning access between a parent and a child, the Norwegian Central Authority can send a letter to the parent in Norway encouraging</p>

	<p>them to come to an amicable solution with the parent abroad. Please also note that mediation in most cases is an obligatory step before bringing a parental dispute before the Norwegian courts. The Norwegian Central Authority will refer the person to the correct mediation authorities when contacted about such cases.</p>
Paraguay	<p>Conversación o reuniones virtuales con los Estados contratantes, intervenciones directas con el equipo multidisciplinarios.</p>
Poland	<p>Polish Central Authority shall provide interested parties with information on the possibility of amicable resolution of the case, including mediation. However facilitating mediation remains in competence of the courts.</p>
Portugal	<p>In Portugal Public Mediation Services are available. The public authorities to take appropriate steps are the Family Courts and the local child protection services. The local protection services can promote agreements for the protection of children.</p>
Slovakia	<p>Central authority provides consultation via psychologist to reach amicable solution or provide mediator from professional association, if the situation allows such approach. Furthermore, the matter is consulted with the competent social bodies with competence in matters of social and legal protection of children and social guardianship which take measures concerning the social-legal protection of children and social guardianship.</p>
Spain	
Sweden	<p>There are regulations about different kinds of information and cooperation talks, and mediation at different stages in the processes in family matters.</p> <p>For example, the municipality where the child is domiciled offers information and cooperation talks, which are free of charge for the parents. The purpose of the informational talks is to give the parents relevant information that can make it easier for them at an early stage to find the solution that is best for the child in matters of custody, contact and residence. During the information talks, the parents are informed about the legal regulations regarding these issues, what a court process can achieve and how such a process can affect the child. Cooperation talks are designed for parents to try to make them reach an agreement concerning the custody, contact and residence of the child. In incoming cases, the Swedish Central Authority informs about these possibilities. With regard to information and cooperation talks, the Swedish Central Authority can also assist in the initial contact with the municipality where the child is domiciled.</p>
Switzerland	<p>Les autorités compétentes pour la protection de l'enfant en Suisse ont une approche de base axée sur l'intérêt de l'enfant et sur la collaboration avec et entre les parties. Lorsque cela est possible et dans l'intérêt de l'enfant, les autorités compétentes cherchent donc en principe des solutions consensuelles, et cela non seulement dans les cas d'application de la CLaH 96. Cela est surtout possible dans des dossiers concernant le droit de visite ou les responsabilités parentales. En vertu de la législation suisse applicable, l'Autorité centrale suisse a en outre mis en place un réseau d'experts comprenant des spécialistes en médiation, avec lesquels elle entretient des contacts réguliers et qu'elle ainsi que les autorités suisses compétentes peuvent contacter en cas de besoin.</p>
United Kingdom (England and Wales - Judiciary)	<p>Judiciary The Family Procedure Rules 2010, Part 3, contains provisions dealing with non-court dispute resolution. These include a duty on the court to encourage and facilitate the use of non-court dispute resolution": rule 3.2.</p>

	<p>Reunite runs a mediation scheme in appropriate international parental child abduction cases in the Family Division of the High Court.</p> <p>ICACU If the matter is in the family court under the 1996 Hague Convention, whether the parties could mediate is usually considered as part of private law proceedings. The ICACU has no direct involvement with mediation. "</p>
United Kingdom (Northern Ireland)	This is not a Central Authority matter. This would be a matter for the Competent Authorities to provide input.
United Kingdom (Scotland)	
United Kingdom (Wales)	If mediation / conciliation is sought, we would signpost to appropriate organisations. no requests
Ukraine	The Ministry of Justice of Ukraine as the Central authority did not receive requests to take appropriate steps to facilitate by mediation, conciliation or similar means agreed solutions for protection of the person or property of the child to which the 1996 Convention applies. The Law "On Mediation" was adopted on November 16, 2021.
Uruguay	<p>If what is requested is a matter subject to mediation, our Central Authority would contact the defendant to reach to an amicable solution. If the mediation succeeded, then we filed the agreement to Court for judicial approval.</p> <p>If what is requested is a matter subject to conciliation, Judges would try to reach an amicable solution between the parties, and if succeed, the agreement would be approved by the Court.,</p>

Placement and provision of care abroad (Art. 33)

23. Have authorities in your State experienced any challenges, or have questions arisen, in relation to:

a) the scope of application of Article 33 (e.g., in case of placement with relatives, migrant children)

Bonaire, Saba, Sint Eustatius, Czech Republic, Dominican Republic, France, Germany, Latvia, Nicaragua, Norway, Spain, Sweden, Switzerland, United Kingdom (England and Wales - Judiciary), United Kingdom (Wales)

Please provide further details, if possible:

Armenia	
Australia	<p>Australia has experienced challenges relating to identity documentation and customary adoption evidence, for countries where they do not undertake formal adoptions, or documentation is not able to be sourced. The evidence is required due to having to satisfy regulations relating to parental custody prior to the grant of a visa for a minor.</p> <p>Requests for cooperation to provide assessments may be received without preliminary issues being fully determined, such as appropriate immigration pathways for entry and ability to remain on a permanent basis (see below).</p>
Austria	
Belgium	

Bonaire, Saba, Sint Eustatius	It is something we haven't experienced as yet.
Czech Republic	The domestic legal order does not allow placement of the child into the foster care or care of other person who lives abroad. The change of relevant law is planned which would remove this rule and should be effective from 1. 1. 2024.
Denmark	
Dominican Republic	Central authorities that reject the application of this article in cases of reunification of the minor with their extended relatives.
Ecuador	
Estonia	
European Union	
Finland	
France	<p>Il convient de préciser qu'au sein de l'Union européenne, les demandes d'approbation avant placement dans un autre Etat (à l'exclusion de ceux ordonnés dans le cadre pénal) sont régies par les dispositions de l'article 56 du règlement n°2201/2003 Bruxelles II bis" et de l'article 82 du règlement n°2019/1111 "Bruxelles II ter". Les dispositions de la convention ne s'appliquent donc que dans les relations entre la France et les Etats contractants hors Union européenne.</p> <p>Il est à noter que l'autorité centrale française a compétence pour agréer le placement transfrontière sur le fondement de l'article 33 de la Convention de La Haye de 1996 (Département de l'entraide de la direction des affaires civiles et du sceau) n'est pas la même Autorité Centrale que celle compétente pour agréer le placement en vertu des articles 56 du règlement "Bruxelles II bis" et 82 du règlement "Bruxelles II ter (Direction de la protection judiciaire de la jeunesse).</p> <p>Enfin, dans le cadre des placements transfrontière sur le fondement de la Convention, il est souvent question de savoir si la demande de rapport de suivi du placement transfrontière relève de l'article 33 ou de l'article 34.</p> <p>Sur les kafalas : Il existe deux types de kafalas : la kafala judiciaire et la kafala adoulaire. Or, la convention de La Haye de 1996 ne fait pas de distinction entre les deux. L'autorité centrale française considère que la kafala adoulaire ne rentre pas dans le cadre de l'article 33 de la convention de La Haye de 1996. En effet, cette disposition ne s'applique que dans les situations où l'autorité compétente de l'Etat d'origine de l'enfant décide effectivement de prononcer la kafala. Or, ce n'est pas le cas des kafalas adoulaire, assimilables à un contrat, et qui même homologuées par le juge, ne produisent pas les mêmes effets qu'une kafala judiciaire. Or il arrive que l'autorité centrale française soit saisie de demandes sur le fondement de l'article 33 de la convention pour des kafalas adoulaire, ce qui pose difficulté en l'absence de position claire dans la convention. "</p>
Georgia	
Germany	Questions arose as to the necessity of consultation in cases of placement with relatives since under some domestic laws such placements are not considered placements" in a legal meaning. Also the question whether a consultation procedure is required for a short-term stay (for example for vacation purposes) rises regularly. For unaccompanied minor refugees normally

	guardianship is ordered and in the following the minors are placed in an institution, which means Art. 33 of the 1996 Convention is not applicable."
Honduras	
Italy	
Latvia	As regards the EU regulation: if and to what extent educational placements" falls under the scope of application "
Lithuania	
Nicaragua	It is important to note that there have been few cases under the 1996 Convention. Nevertheless, the Central Authority, as the institution responsible for the protection of children, applies protection measures in the case of foreign requests from countries that are not parties to the Convention.
Norway	Questions have arisen regarding the distinguishment between a placement as a protective measure decided by competent authorities, and a private placement agreed upon by the persons with parental responsibility and the care taker. The distinguishment is important due to the obligatory procedures under Article 33, please see below under letter f.
Paraguay	
Poland	
Portugal	
Slovakia	
Sweden	<p>The Swedish Central Authority has seen a few cases, both incoming and outgoing, that children have been placed without Article 33 consultations. It has in those cases not been discovered until for example the requesting country asks for social reports, protective measures etc. or a relative tries to exercise guardianship for the child and is denied this by competent Swedish authorities. The Swedish Central Authority has also been made aware of a few cases where children have been placed in so called summer camps, but when looking further into the situations it becomes obvious that the children are being provided care, education and rehabilitation, and during extended periods of time, so that it seems to be equivalent to a cross-border placement. It has also been discovered that officers from authorities in the country of origin are exercising public agency / authority while in Sweden with the children, which is not allowed.</p> <p>Kindly note that some of the cases have fallen under the equivalent article in the Brussels II.</p>
Switzerland	<p>Le premier grand défi concernant l'art. 33 CLaH 96 est celui de faire connaître son existence et ses exigences aux autorités compétentes des Etats contractants. Le cas du fait accompli - donc dans lequel l'enfant est placé en Suisse par une autorité étrangère sans consultation préalable des autorités suisses - se produit trop souvent et il implique un travail de rattrapage important dans un laps de temps très court si les autorités suisses veulent agir de manière conforme à l'intérêt de l'enfant. Cela n'est pas acceptable que des autorités étrangères placent des enfants en Suisse sans informer les autorités compétentes, et surtout sans avoir évalué ne serait-ce que le milieu d'accueil de l'enfant.</p> <p>Un autre défi est le fait accompli qui se crée lorsqu'une autorité étrangère ordonne ou ratifie ce que dans certains pays on appelle la délégation de l'exercice de la responsabilité parentale à une personne autre que les parents. Dans les pays connaissant ce système, cette mesure ne constitue pas un placement d'enfant, donc aucune demande selon l'art. 33 n'est transmise au</p>

	<p>préalable. En vertu du droit suisse, même le tuteur (qui a au moins autant de droits que la personne à laquelle l'exercice de la responsabilité parentale a été déléguée) doit demander à l'autorité compétente une autorisation en tant que personne qui accueille l'enfant. Une demande selon l'art. 33 de la Convention est à notre avis nécessaire dans ce genre de cas, surtout car l'autorité qui prononce la mesure n'a aucun moyen d'évaluer le milieu d'accueil en Suisse. Il est arrivé à plusieurs reprises que les autorités suisses doivent placer l'enfant en foyer ou famille d'accueil car la personne à laquelle l'exercice de la responsabilité parentale avait été déléguée n'était pas à même de s'occuper de l'enfant.</p> <p>En outre, les requêtes selon l'art. 33 sont souvent formulées de manière imprécise et ne contiennent de loin pas assez d'informations concernant l'enfant et les motifs du placement.</p>
United Kingdom (England and Wales - Judiciary)	<p>Judiciary Following the previous Special Commission we have adopted the approach that all placements, save for a placement with a parent, are potentially within the scope of Article 33, unless we are informed otherwise by the relevant authority in the other State.</p> <p>ICACU Where English local authorities (competent authorities) are seeking information with a view to potentially placing a child overseas, they are encouraged to ask when they make their initial request for co-operation whether the placement (if positively assessed) is in scope of Article 33 and what the process is (to obtain consent) if the Family Court decides that the placement is in the best interests of the child. The ICACU does/will from time to time remind its competent authorities that it is a matter for the requested state to advise on whether consent to place the child in their jurisdiction is needed/has been given and that depends on the view taken by the requested state of the nature of the proposed placement, not the view taken by the requesting state.</p>
United Kingdom (Northern Ireland)	
United Kingdom (Scotland)	
United Kingdom (Wales)	<p>Competent authorities in Wales do not always know whether the type of placement contemplated will require Article 33 consent. A common outcome at the end of public law care proceedings is a placement with a relative under a private law order (e.g. a Special Guardianship Order or Child Arrangements Order). It is understood that a number of contracting states require that their consent be sought to placements of this nature - it would be helpful to know which states require Article 33 consent for private law kinship placement, and what their procedures are for this so as to provide fuller information to competent authorities.</p>
Ukraine	
Uruguay	

b) time frames of consultations under Article 33

Australia, Belgium, Denmark, Dominican Republic, Italy, Latvia, Lithuania, Nicaragua, Norway, Spain, Switzerland, United Kingdom (England and Wales - Judiciary), United Kingdom (Wales)

Please provide further details, if possible:

Armenia	
Australia	<p>Australia has experienced significant challenges in situations where the overseas Central Authority has not consulted with the Australian Central Authority within a reasonable timeframe. The Australian Central Authority has experienced circumstances where court orders have been made by an overseas court without the prior knowledge of the ACA, which poses significant pressures for Australia, as the requested State, to implement the placement, which also potentially has negative impacts on the welfare of the child.</p> <p>One example is where the Requesting State made a request to the ACA seeking information about the process and timeframe for completing a kinship assessment. The ACA was advised in the initial request that a court hearing was scheduled to take place four days after receipt of the request by the ACA, advising the ACA that in the absence of a response from the ACA, the Requesting authority would, at the hearing, seek a 12 week timeline for the relevant Australian authorities to make the suitability assessment.</p> <p>Requests have been made to the ACA for the placement of child(ren) in Australia long after the child(ren) have been cared for in Australia. By the time the request is made, the child(ren) had been residing in Australia for several years. Such requests have meant that there was no opportunity for meaningful consultation or consent. In these matters, it appears that assessments regarding the appropriateness of placement of the child in Australia had not been conducted via the Central Authorities, and therefore Australia was not provided with an opportunity for consultation or consent prior to the placement.</p> <p>The ACA was also made aware of a case when advised that the overseas court was about to issue an order permanently placing the child into the care of an Australian family. The child was to be placed with an extended family member (and their family) that the child had never met. In that case, the child’s eligibility for a visa had not been considered and it also emerged that that child did not have a passport and no ability to obtain one for a range of complex reasons. The proposed placement in Australia was going to be a significant adjustment for the child. The ACA asked the overseas Requesting authority request the court to consider making interim orders (rather than a final order). The ACA also asked that a ‘plan B’ be developed, just in case, to ensure that arrangements were in place if the placement did not work out. The court kindly made those interim orders. Sadly however, the child and the family failed to adjust and the plan B had to be put into effect and the child returned to out of home care in the other jurisdiction. However, the fact that there had been significant consultation between the overseas Requesting authority and Australian authorities (between the interim orders being made and the placement occurring) meant that the child’s transition back to the overseas jurisdiction was able to be managed as smoothly as possible in the obviously difficult circumstances.</p> <p>in another matter the request came from an overseas Requesting authority in 2018. The relevant Australian State Central Authority provided details of external assessors and advised that the requirements of articles 33 and 37</p>

	would need to be followed. In December 2019, with no further contact from the overseas Requesting authority in the interim, the ACA was asked to register orders in respect of the same child. The ACA discovered that the child was already in Australia (on a visa that would only permit the child to stay until the age of 18).
Austria	
Belgium	Les délais pour obtenir une réponse peuvent être très longs et dépendent également des places disponibles au sein des institutions.
Bonaire, Saba, Sint Eustatius	Not applicable yet.
Czech Republic	
Denmark	We have experienced that requests are sent immediately before the placement is to be effected in Denmark or immediately before the requesting authority is to make a decision on this. Due to sometimes complex investigations on i.e. possible foster family, the request cannot be processed in time.
Dominican Republic	Central Authority in the Requested State does not comply with the urgency consideration established in Article 11 of the Agreement
Ecuador	
Estonia	
European Union	
Finland	
France	
Georgia	
Germany	
Honduras	
Italy	The necessary social evaluations involved in the cross-border placements, made by overloaded local social services, are sometimes not rapid
Latvia	Please see answer to question No. 18
Lithuania	as there are no timeframes in the Convention and it is left for the member state's discretion, sometimes there are collaboration problems because different states have different timeframes.
Nicaragua	One of the challenges in providing the results of the actions taken is the lack of information for locating the children and/or family members.
Norway	As the Norwegian legislation poses additional criteria for a placement across borders (please also see below under letter f), we have experienced some challenges related to the time frame of the process. We have for example experienced that the additional Norwegian criteria that there has to be a signed agreement between the competent authorities that regulates numerous aspects of the placement can raise legal questions in the requested state, in particular related to which authority is the competent one to enter into such an agreement.
Paraguay	
Poland	
Portugal	
Slovakia	
Sweden	
Switzerland	L'extrême lenteur du traitement des demandes sous l'art. 33 dans certains Etats rend la procédure quasiment inutile.

United Kingdom (England and Wales - Judiciary)	ICACU Local authorities are encouraged to make requests for consent as soon as practicable in view of 26 week statutory timeframe for care proceedings here in England (and Wales). If an Article 33 request is received by ICACU, it is transmitted to the relevant local authority to make a decision on consent but the ICACU cannot require the local authority to respond within a specified time.
United Kingdom (Northern Ireland)	
United Kingdom (Scotland)	
United Kingdom (Wales)	We are unable to provide competent authorities with information about timeframes for the Article 33 procedure which can have a consequential impact on the proceedings, particularly in a public law context due to the statutory timeframes for proceedings.
Ukraine	
Uruguay	

c) the availability of **equivalent measures** of protection in the other Contracting Party or differences in the applicable domestic legislation

Australia, Belgium, Nicaragua, Norway, Spain, Switzerland, United Kingdom (England and Wales - Judiciary), United Kingdom (Wales)

Please provide further details, if possible:

Armenia	
Australia	It would be helpful if an overview with links to the relevant legal and legislative process in other Contracting States was made available
Austria	
Belgium	Certaines mesures existantes à l'étranger n'existent pas en Belgique et il est parfois impossible de trouver une mesure équivalente. Notamment, l'institution du "gezinsvoogd / tuteur de famille" n'existe pas en droit belge. Le droit belge prévoit uniquement la supervision de mineur ou de situation familiale par un service d'aide à la jeunesse mais pas la désignation d'un "tuteur" pour la famille. "
Bonaire, Saba, Sint Eustatius	Not applicable yet.
Czech Republic	
Denmark	
Dominican Republic	
Ecuador	
Estonia	
European Union	
Finland	
France	
Georgia	
Germany	
Honduras	
Italy	
Latvia	
Lithuania	

Nicaragua	No comments due to lack of application.
Norway	Questions have arisen concerning measures that have no equivalent in the Norwegian system. In particular this relates to protective measures that entail a transfer of the parental authority and the custody of a child to other persons than the parents. In such cases it can be difficult for Norwegian authorities to distinguish between whether the situation is a transfer of parental authority that should be recognised under Article 23, or a cross border placement that would have to follow the procedure under Article 33 and the additional requirements under Norwegian legislation (please see below under letter f), in particular the requirement of consent from the parent(s). In the cases we have experienced, such measures that entail both a transfer of the parental authority and the custody of the child have rarely been voluntary. As there are no equivalent measures in Norwegian legislation, it can be challenging to categorise the measure, and consequently to assess whether it needs to fulfill the additional requirements of an article 33 procedure.
Paraguay	
Poland	
Portugal	
Slovakia	
Sweden	
Switzerland	v. deuxième partie de la réponse 23 a).
United Kingdom (England and Wales - Judiciary)	Judiciary This can arise. For example, a Special Guardianship Order under section 14A of the Children Act 1989, which gives parental responsibility to an adult other than a parent, sometimes has no direct equivalent in other jurisdictions.
United Kingdom (Northern Ireland)	
United Kingdom (Scotland)	
United Kingdom (Wales)	
Ukraine	
Uruguay	

d) financial costs involved in the placement / provision of care abroad

Belgium, Spain, Nicaragua, Sweden, Switzerland

Please provide further details, if possible:

Armenia	
Australia	
Austria	
Belgium	L'organisation de la prise en charge financière d'un placement au sein d'une institution belge ordonné par un tribunal étranger est souvent difficile.
Bonaire, Saba, Sint Eustatius	Not applicable yet.
Czech Republic	
Denmark	
Dominican Republic	
Ecuador	
Estonia	
European Union	
Finland	
France	
Georgia	
Germany	
Honduras	
Italy	
Latvia	
Lithuania	
Nicaragua	In Nicaragua there are no finance charges or payments for placement or application of measurement.
Norway	
Paraguay	
Poland	
Portugal	
Slovakia	
Sweden	The Swedish Central Authority has experienced that competent authorities sometimes find it challenging to assess which country should pay for the costs for the placement of a child and other costs for the child's upkeep, which according to the requesting country's law and regulations should be paid by the competent authority. The same obligations might not exist according to Swedish laws and regulations. This is especially so in long-term placement where the child might eventually change his / her domicile and a transfer of jurisdiction follows.
Switzerland	Il est important de clarifier à l'avance qui va soutenir les coûts liés au placement.
United Kingdom (England and Wales - Judiciary)	
United Kingdom (Northern Ireland)	

United Kingdom (Scotland)	
United Kingdom (Wales)	
Ukraine	
Uruguay	

e) other **practical issues** arising from the placement / provision of care abroad (e.g., documentation, immigration matters)

Australia, Belgium, Czech Republic, Ecuador, France, Germany, Spain, Nicaragua, Slovakia, United Kingdom (England and Wales - Judiciary)

Please provide further details, if possible:

Armenia	
Australia	<p>See example above at Q23b where the child's eligibility for a visa had not been considered and the child did not have a passport/no ability to obtain one for complex reasons, prior to orders being made by the overseas court for the child's permanent placement in Australia.</p> <p>Parties often make enquiries/commence processes too late in relation to securing the relevant visa for a child prior to placement of the child in Australia. This creates difficulties when it comes to the practical placement of a child in Australia after consent has been sought and court orders made. It is imperative that visa eligibility (or citizenship/citizenship by descent) is confirmed at the earliest possible stage.</p>
Austria	
Belgium	<p>L'Autorité centrale et les autorités compétentes en matière de protection de la jeunesse n'exercent aucune compétence en matière d'accès au territoire. Nous avons été ainsi confrontés à des situations où les accords nécessaires en vertu de l'article 33 avaient été obtenus, la question du financement était réglée mais le placement a du être retardé en raison de la difficulté d'obtenir un droit de séjour pour l'enfant dans l'état d'accueil.</p>
Bonaire, Saba, Sint Eustatius	Not applicable yet.
Czech Republic	Problematic practical arrangement regarding the handing over of the child and transporting the child abroad. There should be some time when the child can get used to the new environment including the new caregivers.
Denmark	
Dominican Republic	
Ecuador	There are challenges with the institutions involved in the process, as is not clear how to implement certain regulations or to interpret the Convention.
Estonia	
European Union	
Finland	
France	<p>Sur les kafalas : l'autorité centrale française est également confrontée à des saisines trop tardives de demande d'approbation, eu égard au degré d'avancement de la procédure de kafala dans le pays requérant. En effet, à la date de la transmission de la demande d'approbation, la procédure de kafala est souvent déjà très avancée dans l'Etat requérant (le futur kafil s'est même parfois déjà vu confier provisoirement l'enfant). Or, pour donner son</p>

	<p>approbation, l'autorité centrale française saisit les services sociaux français territorialement compétents (conseils départementaux) afin qu'un rapport social en vue d'une kafala concernant les futurs kafils soit rendu.</p> <p>L'approbation est donnée sur la base de ce rapport, dont la réalisation peut prendre un certain temps. Dans ce contexte, l'autorité centrale française a suggéré à ses homologues de solliciter son approbation le plus en amont possible de la procédure, et en tout état de cause avant l'audience devant le juge compétent, afin de ne pas bloquer la kafala lors de son stade final et de ne pas pénaliser les requérants.</p>
Georgia	
Germany	<p>The placement of minors in Germany and the associated consultation procedure pursuant to Art. 33 of the 1996 Convention is governed by the implementing legislation in sec. 45-47 IFLPA (see supra question 1). According to sec. 45 IFLPA competence for the consentment lies with the supra-local agency responsible for the public youth welfare service and requires to be approved by the competent family court according to sec. 47 IFLPA. In this context, it occurred that the placement decision was made prior to the completion of the consultation procedure and thus in derogation of the procedure provided for in Art. 33 of the 1996 Convention in conjunction with sec. 45-47 IFLPA. This led - inter alia - to further problems i.e. to obtain a visa for the respective child. Cases of Kafala may also raise difficult legal issues. For example, the foster parents regularly apply for adoption after a child has been placed in or moved to Germany. It is unclear whether the consent of the biological parents to the placement through Kafala also includes their consent to adoption.</p>
Honduras	
Italy	
Latvia	
Lithuania	
Nicaragua	No comments due to lack of application.
Norway	
Paraguay	
Poland	
Portugal	
Slovakia	<p>Competenet authorities did not consult the placement of the child in a foster family or institutional care, or the provision of care by kafala or an analogous institution with the Central Authority or other competent authority of the receiveing state.</p>
Sweden	
Switzerland	
United Kingdom (England and Wales - Judiciary)	<p>Judiciary Resolving immigration issues can cause difficulties.</p> <p>As part of judicial training, judges are requested to address all issues, including immigration, as early as possible in the proceedings.</p> <p>ICACU The ICACU is aware that immigration issues and issues about the provision of travel documents may arise but is unable to assist with resolving such issues. In such instances local authorities are referred to the relevant consular</p>

	authorities for assistance. The local authority may also seek their own legal advice about resolution of such issues.
United Kingdom (Northern Ireland)	
United Kingdom (Scotland)	
United Kingdom (Wales)	
Ukraine	
Uruguay	

f) other issues relating to Article 33.

Belgium, Finland, France, Italy, Nicaragua, Norway, Spain, Sweden, United Kingdom (England and Wales - Judiciary), United Kingdom (Wales), Ukraine

Please specify:

Armenia	
Australia	
Austria	
Belgium	La majorité des demandes de placements transfrontaliers gérées par les autorités belges le sont en application du Règlement européen Bruxelles IIbis/IIter et non par la Convention de 1996.
Bonaire, Saba, Sint Eustatius	Not applicable yet.
Czech Republic	The suitability of the habitation regime in the country where the decision is made to ensure a smooth and stress-free transition of the child to a new environment.
Denmark	
Dominican Republic	
Ecuador	
Estonia	According to the Social Insurance Board there have been no cases yet under art 33
European Union	
Finland	There can be differences in legislation and procedures in the requesting and requested state which need to be taken into account. These requests can be challenging and require cooperation and dialogue between the competent authorities.
France	Il apparaît que certaines juridictions françaises comme étrangères méconnaissent les formalités de l'article 33 lorsqu'elles ordonnent des placements de l'étranger vers la France ou de la France vers l'étranger, ce qui peut créer des situations complexes (ex. : demandes a posteriori de transmission d'informations sur la situation de la famille dans l'Etat où a été réalisé le placement alors qu'il n'y a eu aucune concertation préalable entre les autorités concernées quant au placement)
Georgia	
Germany	
Honduras	
Italy	Since there are no specific rules, in the domestic legislation, on the proceedings filed under article 33, in some cases the judicial Authority does

	not issue an explicit decision of approval/endorsement/consent of the placement, which indeed appear necessary according to the prevalent interpretation. Italian central Authority does not have any autonomous power to provide for it.
Latvia	
Lithuania	
Nicaragua	No comments due to lack of application.
Norway	<p>Questions have arisen concerning the habitual residence of children placed abroad. The Child Welfare Service has legal responsibility for a child that is being placed abroad. The fact that the child's habitual residence at a certain point may change (altering the jurisdiction) can however represent a challenge for the the Child Welfare Service due to the lack of predictability of when/if a transfer of jurisdiction will happen.</p> <p>We have also experienced challenges in cases where the procedure under Article 33 is not followed, and Norwegian Authorities are requested (either for an approval of the placement or supervision of the placement etc.) after the child is already placed in Norway. If the procedures are not followed, there are limited possibilities for retro-actively approving a placement. Subsequently, such an approach might therefore render the placement impossible.</p> <p>In addition to the requirements in Article 33, Norwegian national legislation impose some further requirements for placements under Article 33 of the Convention. These additional criteria are presented in Section 3-3 of the Child Welfare Act. The main additional criteria is that the placement has to be voluntary (consent from the parent(s) and children above 12 years of age). Further, a child may only stay in a specific foster home or institution in Norway if the conditions in Section 3-3 first paragraph are met and the child has been granted a residence permit by the authorities in Norway.</p> <p>Norwegian authorities also receive different inquiries from other states, foundations, organisations and private individuals concerning the criteria for very short term placements in Norway of children in care abroad. The duration of such proposed placements can range from a few weeks to a few months, seemingly comparable to vacations. The requirements and processes of Article 33 and Section 3-3 of the Child Welfare Act will however apply to any placement in Norway no matter the duration. This might be a challenge for foreign actors that are interested in commencing such short term placements, due to the time frame and somewhat complex process.</p> <p>Kafala placements have also given rise to the question, as to whether Norwegian legislation allows for Kafala placements in Norway under Article 33. This legal uncertainty makes it difficult for competent authorities to process requests for such placements into Norway.</p>
Paraguay	
Poland	
Portugal	
Slovakia	
Spain	As it was answered under question nº 1, in cross-border placement of a child, the new Organic Law 8/2021 has introduced in the Organic Law 1/1996 on the protection of minors the new Articles 20 ter to 20 quinquies to regulate

	conditions and procedure applicable to requests for cross-border placement of children under Regulations Brussels IIa (art. 56), Brussels IIb (art. 82) and HC 19.10.1996 (art. 33).
Sweden	In a very few cases (incoming and outgoing), the competent authorities have raised concerns that requests might be a matter of adoption or a way to migrate the child, rather than a placement of the child.
Switzerland	
United Kingdom (England and Wales - Judiciary)	.Judiciary We have experience of a small number of cases in which courts and other authorities have not complied with the requirements of Art 33 in respect of outgoing placements. This is being addressed as a ongoing judicial training issue.
United Kingdom (Northern Ireland)	
United Kingdom (Scotland)	
United Kingdom (Wales)	We are not always able to tell domestic competent authorities whether the overseas central / competent authorities will accept their 'report on the situation of the child' as part of the Article 33 request or whether the overseas authority will want to undertake their own assessment of whether the placement is in the child's best interests under Article 33. This has a consequential impact on timescales, and the prospective carers experiences of being assessed (and may lead to them undergoing multiple assessments by different bodies).
Ukraine	The Ministry of Justice of Ukraine as the Central authority did not receive the requests under Article 33 of the 1996 Convention.
Uruguay	

24. Have judicial or administrative procedures, guidelines, or protocols been adopted in your State to deal with the placement procedure under Article 33?

No

Austria, Bonaire, Saba, Sint Eustatius, Czech Republic, Dominican Republic, Ecuador, Estonia, France, Georgia, Honduras, Italy, Lithuania, Nicaragua, Portugal, Slovakia, Ukraine, Uruguay

Yes

Australia, Belgium, Denmark, Finland, Germany, Norway, Paraguay, Poland, Spain, Sweden, Switzerland, United Kingdom (England and Wales - Judiciary), United Kingdom (Wales)

Please describe and also provide a link or attach any relevant documents, preferably translated into English or French:

Armenia	
Australia	Australian legislation contains provisions on Article 33 co-operation, specifically in relation to seeking the consent of a Contracting State prior to placement of a child. See s111CU Family Law Act 1975 (Cth), s32 of the Child Protection (International Measures) Act 2006 (NSW), s31 of the Child Protection (International Measures) Act 2003, s31 of the Child Protection (International Measures) Act 2003 (TAS). Please refer to the attached legislation.
Austria	

Belgium	Voir le protocole d'accord du 23/08/2018 (voir point 1.3) https://www.ejustice.just.fgov.be/mopdf/2019/05/22_1.pdf#Page121 (p. 48653 et s.)
Bonaire, Saba, Sint Eustatius	We are conscious that our counterpart, the Dutch Central Authority, has developed a protocol, which we don't have yet.
Czech Republic	
Denmark	As Central Authority, we have created some standardized guidance letters (guidelines) on the application of the articles, we have an application form that the municipality can use and a website with guidance on the convention in general. English website: https://english.boernebortfoerelse.dk/international-social-cases
Dominican Republic	
Ecuador	
Estonia	
European Union	
Finland	The Ministry of Social Affairs and Health has published a guideline for the municipalities in year 2018 (Kuntainfo 5/2018). This guideline aims to clarify international child welfare situations. Please find the guideline attached (unfortunately only in Finnish): https://stm.fi/documents/1271139/6195033/Kuntainfo_5-2018_verkkoon.pdf/418ff4ce-aa36-4ed5-8740-7f151251ccb3/Kuntainfo_5-2018_verkkoon.pdf
France	
Georgia	
Germany	Sec. 45-47 IFLPA (see supra question 1). The Federal Working Group of supra-local agencies responsible for public youth welfare service has published a comprehensive guideline on the cross-border placement of children and youths pursuant to Art 33 of the 1996 Convention and the (then) Art. 56 Brussels-IIa Regulation: http://www.bagljae.de/assets/downloads/143_verfahren-bei-grenzueberschreitenden-unterbringungen.pdf The International Social Service has also published a guideline on the cross-border placement of children: https://www.deutscher-verein.de/de/uploads/empfehlungen-stellungnahmen/2022/dv-19-21_auslandsmassnahmen.pdf
Honduras	The state of Honduras is currently working in the process of development in a more efficient manner in order to apply the 1996 Hague Convention.
Italy	
Latvia	Please see answer to question 9.
Lithuania	
Nicaragua	
Norway	Section 3-3 of the Child Welfare Act, as mentioned above, encompasses some additional requirements, and also provides some indications to how an Article 33 procedure should be executed. No other extensive materials for this purpose exist.
Paraguay	Protocolo y ruta de intervención de Niñas, Niños y Adolescentes en Paraguay
Poland	Article 579.4 of the Polish Code of Civil Procedure regulates the consultation procedure for the incoming requests for consent to the placement. The

	<p>condition for consent to placement are indicated in the Article 35a of the Act on family support and foster care system of June 9, 2011 (Journal of Laws No. 149, item 887) https://e-justice.europa.eu/38621/EN/crossborder_placement_of_a_child_including_foster_family?POLAND&member=1</p>
Portugal	
Slovakia	
Spain	<p>Aside from our national domestic law implimenting art. 33 HC 1996, at the EU level, such issue has been addressed by the practical guides produced by the European Commission on the Brussels IIa and Brussels IIb Regulations and Spain takes advantage of that practical guides and the work developed by the EJN-civil (information sheets and material unde e-Justice Portal.</p>
Sweden	<p>In incoming cases: Chapter 6 Section 11a in the Social Services Act. In outgoing cases: Chapter 6 Section 11b in the Social Services Ac</p> <p>The National Board of Health and Welfare has manuals/handbooks etc. that provide information to relevant professionals regarding, among other things, questions about the placement of children across national borders and questions about which country is authorized to decide in certain matters. See links in Annex 1.</p>
Switzerland	<p>Sur notre site internet, nous avons publié un aide-mémoire sur le placement international d'enfant à des fins de protection, ainsi qu'un formulaire modèle de requête (www.bj.admin.ch > Société > Protection internationale des enfants > Placement international d'enfants: https://www.bj.admin.ch/bj/fr/home/gesellschaft/kinderschutz/hksue.html).</p> <p>Dans nos lignes directrices nous soulignons tout particulièrement la question suivante: lorsqu'une autorité reçoit une demande selon l'art. 33, il y a trois aspects à vérifier – lieu de placement, questions pratiques (migratoires et coûts), et le projet en tant que tel (intérêt de l'enfant, subsidiarité du placement à l'étranger).</p>
United Kingdom (England and Wales - Judiciary)	<p>Judiciary</p> <p>The Parental Responsibility and Measures for the Protection of Children (International Obligations) (England and Wales and Northern Ireland) Regulations 2010, regulation 13 requires a Local Authority to provide a report as required by Article 33. https://www.legislation.gov.uk/uksi/2010/1898/regulation/13/made The Family Procedure Rules 2010 deal with incoming requests in rule 12.69 and outgoing requests in rule 12.70. https://www.justice.gov.uk/courts/procedure-rules/family/parts/part_12</p> <p>ICACU</p> <p>In 2012 the Department for Education (England) issued non-statutory advice to local authorities in England: 'Cross-border child protection cases: the 1996 Hague Convention Departmental advice for local authorities, social workers, service managers and children's services' lawyers The advice is available in English at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/280834/The_1996_Hague_Convention.pdf It includes advice for local authorities about handling Article 33 requests.</p>

	The Family Procedure Rules 2010, rules 12.69 and 12.70 make provision in respect of Article 33 requests. They are available in English here: https://www.justice.gov.uk/courts/procedure-rules/family/parts/part_12#IDAQZV1 .
United Kingdom (Northern Ireland)	
United Kingdom (Scotland)	
United Kingdom (Wales)	<p>There are two sources of guidance / procedure :</p> <p>The Parental Responsibility and Measures for the Protection of Children (International Obligations) (England and Wales and Northern Ireland) Regulations 2010 Reg 13 require that if a local authority in England and Wales or a Northern Ireland authority is contemplating placing a child in another Contracting State, within the meaning given by Article 33 of the Convention, they must provide a report to the Central Authority, or other competent authority, of the other Contracting State in accordance with Article 33(1) of the Convention.</p> <p>There is also the following non--statutory guidance Handling cross-border child protection cases A “Key Steps” guide for local authorities, health boards and NHS trusts in Wales October 2021 https://www.gov.wales/sites/default/files/publications/2022-01/handling-cross-border-child-protection-cases.pdf</p>
Ukraine	
Uruguay	

25. After the placement of the child abroad to another Contracting Party, does your State seek follow up information on the situation of that child?

No

Austria, Denmark, Estonia, Finland, France, Honduras, Lithuania, Nicaragua, Poland, United Kingdom (England and Wales - Judiciary), Ukraine, Uruguay

Yes

Australia, Belgium, Bonaire, Saba, Sint Eustatius, Czech Republic, Dominican Republic, Ecuador, Georgia, Germany, Italy, Norway, Portugal, Slovakia, Spain, Sweden, Switzerland, United Kingdom (Northern Ireland), United Kingdom (Scotland), United Kingdom (Wales)

Please describe:

Armenia	
Australia	The ACA has sometimes sought such information, particularly in respect of more challenging placements.
Austria	If the jurisdiction is with the Court and Child Welfare Authority of another State, there is nothing more to do in Austria.
Belgium	Il arrive que le tribunal qui a ordonné le placement à l'étranger maintient sa compétence et sollicite des informations sur le suivi du placement. Cela se produit, généralement, dans le cadre de situation où le retour de l'enfant sur le territoire belge est envisagé à plus ou moins court terme. Lorsque le

	placement est envisagé à long terme, le tribunal fait régulièrement suivre la demande de placement à l'étranger d'une demande de transfert de compétence.
Bonaire, Saba, Sint Eustatius	We haven't experienced such a situation yet, however if we happen to run across such a case we will request a follow up.
Czech Republic	Depends on the circumstances of the case.
Denmark	
Dominican Republic	Solo en caso de ser necesario, o a solicitud de la parte interesada.
Ecuador	Through the central authority we request information to follow up the situation of the child.
Estonia	
European Union	
Finland	
France	
Georgia	The Central Authority of Georgia request follow up information on the situation of the child placed abroad in every 6 months (taking into account the individual circumstances of the case, the monitoring period is determined) based on Article 32 (a) of the 1996 Hague Convention. .
Germany	The Youth Welfare Office supervises placements, courts do not seek follow-up-information.
Honduras	The state of Honduras is currently working in the process of development in a more efficient manner in order to apply the 1996 Hague Convention.
Italy	Some juvenile Courts require beforehand for reports on a regular basis.
Latvia	The general procedure stipulates that the Orphan's and Custody court, which has made a placement decision, must ensure that the child's rights and legally protected interests are respected throughout the placement. This obligation also applies to situations where the child has relocated a foreign country. However, this obligation must be considered in connection with the jurisdiction provided for in Articles 5-10 of the 1996 Convention. The authorities also use the cooperation tool (reports under the Article 30) to be updated on the protection of children rights abroad at least shortly after the relocation.
Lithuania	
Nicaragua	
Norway	<p>Firstly, one of the additional requirements under Section 3-3 of the Child Welfare Act concerns the need for an agreement between Norwegian and foreign authorities detailing, among other things, the regulation of supervision of the placement. Information from such supervision will be sought followed up by the Norwegian authority responsible for the placement.</p> <p>Secondly, when a child is under the care of the Norwegian Child Welfare Service, it has an obligation to follow up on the situation of the child, and this will apply to placements abroad as well.</p>
Paraguay	
Poland	
Portugal	Usually the requesting Family Court submits a request pursuant article 32º
Slovakia	In Slovakia, if a court placed a child to a foster care, they are legally obliged to check the child's wellbeing and social situation once in 6 months. This concerns domestic case, with no cross-border element. However, is a Slovak court places the child to a foreign country according to the Convention, the

	court usually tried to check the placement as well (tending to obey the above described legal obligation).
Spain	
Sweden	<p>The Social Welfare Committee may place a child in another country only if:</p> <ol style="list-style-type: none"> 1. it is best for the child to be placed there, especially considering the child's attachment to the other country, 2. the child's attitude towards the placement has been clarified as far as it is possible, 3. the child's guardian and, if the child has turned 15, the child's consent to the placement, 4. the Social Welfare Committee through an agreement with the relevant authority in the country where the child is to be placed has made it possible to follow up the placement, and 5. the country has a satisfactory system in terms of supervision. <p>The Social Welfare Committee must therefore have an agreement with the competent authority in the country where the child is to be placed on how the placement is to be followed up. The Social Welfare Committee must be able to follow-up how the placement continues after it has started.</p>
Switzerland	Cela peut arriver, suivant la situation et la durée du placement.
United Kingdom (England and Wales - Judiciary)	
United Kingdom (Northern Ireland)	Upon receiving a request from the Competent Authority.
United Kingdom (Scotland)	It is our understanding that Social Services from both States, continue to liaise for a period of time to ensure the child has settled.
United Kingdom (Wales)	Only if follow up information is requested by the competent authority which arranged the placement.
Ukraine	
Uruguay	We haven't had any cases applying art. 33

Reports (Arts 32, 33 and 34)

26. Have authorities in your State experienced any challenges, or have questions arisen, in providing or obtaining reports or information under Article 32, 33 or 34?

No

Austria, Bonaire, Saba, Sint Eustatius, Dominican Republic, Ecuador, Estonia, Georgia, Honduras, Italy, Lithuania, Nicaragua, Poland, Portugal, Slovakia, Sweden, United Kingdom (Northern Ireland), United Kingdom (Scotland), Ukraine, Uruguay

Yes

Australia, Belgium, Czech Republic, Denmark, Finland, France, Germany, Latvia, Spain, Norway, Switzerland, United Kingdom (England and Wales - Judiciary), United Kingdom (Wales)

Please describe:

Armenia	
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Australia	<p>Requests from overseas Central Authorities are often made under a very short time frame. One of our State Central Authorities (a child protection agency) regularly uses Article 34 to obtain overseas child protection histories of children. They find that many State Parties are sending that material through without issue, while others do not send anything.</p> <p>In particular, under Article 33, requests are often made with limited information such that the Australian Central Authority involved is unable to make a meaningful judgement.</p> <p>Additionally, requests for assessments and background reports from overseas are sometimes made with very short time expectations and little explanation is provided about the overseas legal process.</p>
Austria	
Belgium	<p>Il est très difficile d'obtenir des rapports auprès de certains Etats parties. Par ailleurs, il est parfois également difficile de connaître la nature de l'autorité à la source du rapport (service de police, brigade spécialisée, service social, etc) et ses compétences pour prendre des mesures de protection. Enfin, il est parfois très difficile d'obtenir des informations sur le système national de protection de la jeunesse.</p>
Bonaire, Saba, Sint Eustatius	
Czech Republic	<p>The authorities of the requesting state turn to the CA directly, not through their CA. Sometimes long application processing times occur. The reports sometimes are very brief and do not address all the asked questions.</p>
Denmark	<p>Danish law obliges the municipalities to notify another municipality in Denmark in cases of concern for an unborn child. Hence, the Danish Central Authority sometimes receives requests from municipalities that would like to notify another state when a pregnant woman has moved abroad, and the municipality is worried for her unborn child. However, the convention does not give jurisdiction to make such a notification until the child is born.</p>
Dominican Republic	
Ecuador	
Estonia	
European Union	
Finland	<p>Requests may be expressed in very general manner making it difficult to grasp the core of the request. Also sometimes the exact scope of the request has remained unclear. Also some requests have concerned matters which do not fall within jurisdiction or power of a Finnish national authority and due this cannot be fulfilled by them. Sometimes in practice there are challenges in access to information or data.</p>
France	<p>Les remarques formulées dans le précédent questionnaire sur l'interprétation de l'article 34 sont toujours d'actualité : Cette disposition a posé des problèmes d'interprétation. En effet, la notion d'« information utile pour la protection de l'enfant » est difficile à cerner. S'agit-il de toute information quelle qu'elle soit nécessaire à l'appréciation de la situation par les autorités compétentes pour prendre des mesures de protection? S'agit-il uniquement des informations relatives à un enfant dans une situation préoccupante ? Peut-il s'agir d'une information relative à un parent susceptible d'accueillir l'enfant chez lui, à titre principal ou dans le cadre d'un droit de visite ?</p> <p>Par ailleurs, il est indiqué que l'autorité requise doit transmettre les</p>

	<p>informations qu'elle « détient ». Cela signifie-t-il qu'elle n'a pas à faire des investigations pour obtenir lesdites informations, mais uniquement à rechercher celles dont les autorités françaises disposent déjà ?"</p> <p>Dans le prolongement de cette remarques, une difficulté se pose s'agissant des demandes tendant à l'évaluation de la situation au domicile d'un parent ou l'un proche chez lequel l'enfant ne réside pas en vue de modifier un régime de responsabilité parentale ou de protection. Ces demandes sont assez fréquentes mais non expressément prévues par les articles 32 (rapport sur la situation de l'enfant ou l'opportunité de mesures de protection dans l'Etat de résidence), 34 (communication de toute information lorsqu'une mesure de protection est envisagée) ou 35 (assistance pour l'exercice effectif des droits de visite) de la convention de 1996.</p> <p>Lorsqu'on ne se trouve pas dans la situation précise d'un droit de visite de l'article 35, la pratique est d'interpréter de manière large la notion de "mesure de protection" pour baser ce rapport sur l'article 34. Il pourrait être utile de clarifier le fondement juridique qui permet l'évaluation de la situation d'un parent/proche avec l'enfant ne réside pas dans un pays étranger.</p> <p>Avant d'envisager un placement, il est souvent utile d'obtenir des informations via un rapport social, sans savoir à ce stade si le placement est ou non pertinent. Le fondement de telles demandes n'est pas toujours évident entre les dispositions générales des articles 32 et 34 ou le fondement spécifique au placement de l'article 33.</p> <p>Un échange de vue entre les Etats contractants sur ces points serait être utile pour harmoniser les pratiques des autorités centrales. "</p>
Georgia	
Germany	The diversity of requests under Art. 32 to 34 of the 1996 Convention sometimes entails difficulties. It may be difficult to determine what kind of information is requested and if the request falls within the scope of the Convention. This, however, seems to be inevitable to a certain degree given the different systems of family law and protective measures in the respective Contracting States. In general, communication between Central Authorities runs smoothly and helps to clarify remaining uncertainties within a short period of time.
Honduras	The state of Honduras has successfully accomplished with the requests of information or reports required by other central authorities.
Italy	
Latvia	Sometimes provided reports do not fully correspond to raised issues. Very often the provided information is rather thin.
Lithuania	
Spain	
Nicaragua	
Norway	We have experienced challenges when receiving requests for information that span very broad. For example the request can concern collection of information from other institutions/actors than authorities - such as former and current employers of a parent residing in Norway. We are unable to comply with these parts of the requests, as we can only collect information from other authorities.

	Furthermore, it can be challenging when the request is for any other relevant information" or similar, in which case the Central Authority has a limited ability to pinpoint the relevant authorities and collect information. Lastly, (comprehensive) requests for health information can be challenging due to the information being particularly sensitive, and the assessment of the relevance of and need for the information weighed against the right to privacy and rules of confidentiality might prove challenging. "
Paraguay	
Poland	
Portugal	
Slovakia	
Spain	
Sweden	The Swedish Central Authority has not been made aware of such challenges or questions.
Switzerland	La distinction entre les rapports sociaux tombant sous le coup de la CLaH 96 (art. 32 et 34 notamment) et ceux qui pourraient sortir du champ d'application de celle-ci (notamment un rapport portant sur les capacités parentales en procédure de divorce, en dehors de toute mesure de protection) n'est pas toujours facile à faire. Il y a en effet des cas limites ou simplement difficiles à juger. Ainsi il est arrivé plusieurs fois qu'une demande de rapport social soit refusée car l'Autorité centrale requise considèrerait que la requête sortait du champ d'application de la CLaH 96, alors que le rapport social était nécessaire à la prise d'une mesure de protection. Nous avons trouvé que le fait d'expliquer exactement en quoi le rapport social requis est nécessaire à la prise d'une mesure de protection de l'enfant aide à dissiper les malentendus, mais il serait souhaitable d'éclaircir une fois la question. La délimitation avec l'entraide internationale en matière d'obtention de preuves peut être difficile. Souvent les requêtes en provenance de l'étranger ne sont pas assez précises. Cela ne rend pas seulement difficile la détermination si le cas tombe effectivement sous la CLaH 96, mais rend aussi difficile la rédaction des rapports sociaux.
United Kingdom (England and Wales - Judiciary)	<p>ICACU</p> <p>From experience, the ICACU has found it useful for the requesting state to make it clear in its initial request that it may be seeking consent in the event of a favourable report being received (to avoid unnecessary delay). Further discussion and clarity around what constitutes 'consent' would be helpful (e.g. that a favourable report in itself does not provide a 'green light' for placement)</p> <p>Art 32b can present difficulty because under English law, a child's property is held in trust. When the ICACU receives a request about a child's property the ICACU will suggest that the requesting authority seeks their own independent advice from a legal practitioner in England. Request numbers remain low.</p> <p>The ICACU has found that the term 'Measures of protection' can have a fairly wide interpretation (e.g. incoming requests where a non-custodial parent appears to be trying to circumvent the traditional legal channels for gaining access to a child/ren in England by requesting welfare checks from our public authorities when it is not clear what the child protection concerns are and where the primary aim appears to be to re-establish contact with the child/ren (more common where there have perhaps been 1980 Hague return proceedings or earlier custody proceedings)).</p>

	<p>The ICACU is sometimes challenged by incoming requests where unaccompanied asylum seeking children have escaped the country to which they have been relocated under the European relocation scheme and that country then seeks information/assistance in locating the child. More generally the ICACU is unable to assist without clear location identifiers as England does not have a recognised means of logging its residents (e.g. there is no population register).</p> <p>Some of our competent authorities indicate that there are possible practical and resource difficulties in obtaining for the purpose of responding to an Article 43 request where the child's habitual residence is in the requesting state and the child is not present in their area.</p>
United Kingdom (Northern Ireland)	
United Kingdom (Scotland)	
United Kingdom (Wales)	<p>Article 34 of the 1996 Hague Convention is often used by competent authorities in Wales to request assessments of potential kinship carers in other Contracting States. In this context we have experienced the following challenges:</p> <ul style="list-style-type: none"> - The requested Contracting State may charge for an assessment under Article 34 where this cannot be undertaken in-house - The requested Contracting State may not consider that parenting / kinship assessments fall within the scope of Article 34. - We are aware that some Contracting States will not provide assessments under this provision and ask that these requests be redirected and assessments conducted by independent social workers instead . - Equally some Contracting States require that all requests for the assessment of a parent / relative as an alternative carer for a child be directed through the Central Authority, but are not required to cover the matters requested by the competent authority - this may give rise to tensions over the content and timescales for assessment as national law requires that parental / kinship assessments cover certain matters and there are designated timeframes for proceedings. - Inconsistency in the provision of record checks under Article 34 which may be limited by national laws around privacy / data protection and mean that it is not always possible for competent authorities to access the information they require from overseas. - We are aware of situations where assessments are sought in relation to a named family member, and overseas authorities will then seek to assess other family members without the knowledge and consent of the requesting competent authority. Sharing information in sensitive cases in this manner may impact on the proceedings.
Ukraine	
Uruguay	

27. Do authorities in your State use a standard template when providing a report on the (situation of the) child under Article 32 or 33?

No

Australia, Austria, Bonaire, Saba, Sint Eustatius, Czech Republic, Denmark, Ecuador, Estonia, Finland, France, Georgia, Germany, Honduras, Italy, Lithuania, Nicaragua, Norway, Poland, Portugal, Slovakia, Spain, Sweden, Switzerland, United Kingdom (England and Wales - Judiciary), United Kingdom (Scotland), United Kingdom (Wales)

Yes

Belgium, Dominican Republic, Latvia, United Kingdom (Northern Ireland), Ukraine

Please attach the template to your response (preferably translated into English or French)::

Armenia	
Australia	<p>One of our State Central Authorities (a child protection agency) has indicated that they use their own template. They have indicated that something more standardised, particularly for the purposes of Article 32 would be useful. They have also noted that some overseas States are using private agencies to undertake assessments when that authority would prefer that requests came to the Central Authority, at least in the first instance.</p> <p>Another State Central Authority (also a child protection agency) has indicated that as other States usually have specific questions they would like answered in relation to the particular child their report will be directed towards answering those and then providing any other comments they consider important for ensuring decisions are made in the child's best interests.</p> <p>Given these conflicting views we would suggest that perhaps a general template could be developed as a guide upon which to base these reports.</p> <p>Australia would be happy to provide redacted versions of these reports if they could be of use in designing such a template.</p>
Austria	
Belgium	Pour la Communauté germanophone: Voir Zustimmungsantrag für eine Unterbringung in Ostbelgien" ci-joint. Les Communautés française et flamande n'ont pour leur part pas de modèle standard."
Bonaire, Saba, Sint Eustatius	We will like to have a template and will work on one accordingly.
Czech Republic	
Denmark	
Dominican Republic	
Ecuador	
Estonia	
European Union	
Finland	
France	
Georgia	
Germany	
Honduras	
Italy	
Latvia	As regards cross-border issues with prospective outcome following the placement within Latvia (for example, by the other parent, relative, foster family etc.) ISS (https://www.iss-ssi.org/index.php/en/) Kinship Placement template is being used. Please see the Attachment No. 1.

	In case foreign authority request to complete their own template/ formular, the same is appreciated and proceed accordingly.
Lithuania	
Nicaragua	
Norway	
Paraguay	
Poland	
Portugal	
Slovakia	
Spain	
Sweden	
Switzerland	
United Kingdom (England and Wales - Judiciary)	
United Kingdom (Northern Ireland)	Attachment included ion response email.
United Kingdom (Scotland)	
United Kingdom (Wales)	
Ukraine	A template of the certificate on investigation of the living conditions is approved by the Resolutions of the Cabinet of Ministers of Ukraine of 24.09.2008 No866 "Issues of Activities of the Guardianship Authorities related to the Child's Rights Protection" (is availavle in Ukrainian language). A template of the certificate on evaluation of the needs of the family is approved by the Order of the Ministry of Social Policy of Ukraine No 1005 of July 13, 2018 (is availavle in Ukrainian language).
Uruguay	

Assistance from the authorities of another Contracting Party

28. Have competent authorities in your State experienced any challenges, or have questions arisen, in applying Article 35?

No

Australia, Austria, Bonaire, Saba, Sint Eustatius, Czech Republic, Denmark, Dominican Republic, Ecuador, Finland, France, Georgia, Honduras, Italy, Latvia, Lithuania, Nicaragua, Norway, Poland, Portugal, Spain, Sweden, United Kingdom (England and Wales - Judiciary), United Kingdom (Northern Ireland), United Kingdom (Scotland), United Kingdom (Wales), Ukraine, Uruguay

Yes

Belgium, Estonia, Germany, Slovakia, Switzerland

Please describe:

Armenia	
----------------	--

Australia	The access provisions in the 1996 Convention are more specific to those in the 1980 Convention. However, the use of those processes require parties to undertake domestic proceedings to seek access rights in the country of the child's habitual residence at their own expense. They helpfully allow evidence to be provided about a parent residing overseas to enable an informed decision to be reached on the question of access.
Austria	
Belgium	Le délai pour obtenir ce rapport peut être très long.
Bonaire, Saba, Sint Eustatius	
Czech Republic	
Denmark	
Dominican Republic	
Ecuador	
Estonia	Pärnu County Court notified that in one case with Ukraine, Ukraine notified that: "In view of the ongoing aggression of the Russian Federation against Ukraine, Ukraine hereby informs the Depositary [...] of the inability to guarantee the fulfilment by the Ukrainian side of obligations [under the above Convention] to the full extent for the period of the armed aggression of the Russian Federation and the martial law in place in the territory of Ukraine until complete termination of the encroachment upon the sovereignty, territorial integrity and inviolability of Ukraine."
European Union	
Finland	
France	L'autorité centrale française n'a pas eu connaissance de défis particuliers sur ce point, dans le cadre de l'application de la convention de 1996.
Georgia	
Germany	In rare occasions difficulties arose when authorities of the requesting state did order protective measures (e.g. access to the child in a special environment and/or supervised by YWO) that are unknown in / to the requested state.
Honduras	
Italy	
Latvia	
Lithuania	
Nicaragua	
Norway	
Paraguay	
Poland	
Portugal	
Slovakia	
Spain	
Sweden	The Swedish Central Authority has not been made aware of such challenges or questions.
Switzerland	Les défis posés par l'application de l'art. 35 CLaH 96 ne sont pas différents de ceux posés par l'application de l'art. 21 CLaH 80. La question de la mise en œuvre des droits de visite est une problématique réelle et importante, ainsi que compliquée, mais malheureusement elle n'a pas encore donné lieu à des discussions approfondies

United Kingdom (England and Wales - Judiciary)	But see 17 above.
United Kingdom (Northern Ireland)	
United Kingdom (Scotland)	
United Kingdom (Wales)	
Ukraine	
Uruguay	

29. Have judges in your State used direct judicial communications in cases falling under the 1996 Convention?

No

Denmark, Dominican Republic, Ecuador, Estonia, France, Georgia, Honduras, Latvia, Lithuania, Nicaragua, Poland

Yes

Australia, Austria, Belgium, Czech Republic, Finland, Germany, Norway, Portugal, Slovakia, Spain, Sweden, Switzerland, United Kingdom (England and Wales - Judiciary), United Kingdom (Wales), Ukraine, Uruguay

Please specify in relation to which specific matters (e.g., transfer of jurisdiction, placement of a child)::

Armenia	
Australia	<p>The Australian courts have used direct judicial communication in several matters since the previous Questionnaire. Direct judicial communication was most often used by the court to facilitate obtaining a declaration of enforceability or registration of Orders for the purpose of enforcement.</p> <p>For example, in the orders made by Bennett J on 11 January 2022 in the Department of Communities and Justice & Bamfield (No 2) [2022] FedCFamC1F 2, the court noted that the parties consented to direct judicial communication between the Australian and Belgian judges designated for the International Hague Network of Judges for the purpose of obtaining simple and rapid enforcement of the interim parenting arrangements included in her orders under the 1996 Convention in Belgium in relation to a 1980 Convention matter.</p> <p>In Kubat & Kubat [2019] FamCA 671, the then Family Court of Australia made Orders that there be direct judicial communication to facilitate the enforcement of the Australian court Orders in relation to one of the children, who was present and habitually resident in Turkey.</p>
Austria	Yes, via our Hague Liaison Judge.
Belgium	Notamment dans le cadre des transferts de compétence.
Bonaire, Saba, Sint Eustatius	We are not aware but will request the Court for additional information.

Czech Republic	The Czech courts experienced some cases where communication with a foreign judge (or court) was necessary. The communication channels" depend on specific practical circumstances. The liaison "Hague" judges help e.g. with some transfers of jurisdiction or communication between judges in return proceedings. "
Denmark	
Dominican Republic	
Ecuador	
Estonia	
European Union	
Finland	Finnish judges have used direct communications with their colleagues in other States via e-mail and phone for example in cases of transfer of jurisdiction, parental responsibility and access to a child.
France	L'autorité centrale française n'a pas eu connaissance de demande de communication judiciaire directe dans des dossiers relevant de la convention de 1996. Ce type de dispositif est davantage mis en œuvre dans le cadre des règlements n°2201/2003 du 27 novembre 2003, Bruxelles II bis", n°2019/1111 du 25 juin 2019, "Bruxelles II ter"."
Georgia	
Germany	Between 2018-2022 (since the last SC) both liaison judges of the IHNJ received the following requests concerning solely the 1996 Convention (cases under Brussels IIa/IIb Regulation and 1996 Convention are not listed): - 7 requests concerning jurisdiction under Art. 7 of the Convention - 2 requests concerning transfer of jurisdiction under Art. 8 of the Convention - 16 requests concerning the custody situation under Art. 16 of the Convention - 2 requests concerning urgent protection measures under Art. 11 of the Convention - 2 requests concerning jurisdiction under Art. 13 of the Convention - 4 requests concerning recognition and refusal of recognition under Art. 23 of the Convention - 2 requests concerning declaration of enforceability under Art. 26 of the Convention
Honduras	
Italy	Do not know
Latvia	
Lithuania	
Nicaragua	
Norway	The Network judges have informed us that it has been used in some cases. Direct communication was for example used in one case concerning transfer of jurisdiction, to obtain greater insight into the process of jurisdiction transfer in the court system in the (potentially) requested state.
Paraguay	
Poland	
Portugal	Sometimes
Slovakia	
Spain	Although we do not have statistical data or specific cases, the truth is that there is no inconvenience for the use in Spain under HC 1996 of the Direct Judicial Communications that are specifically developed in the Law on International Legal Cooperation in Civil Matters 29/2015, of 30 July, which in

	its article 4 generally empowers all judges and courts to establish direct judicial communications.
Sweden	Questions of jurisdiction, and recognition and enforcement.
Switzerland	Dans tous les domaines relevant de la Convention.
United Kingdom (England and Wales - Judiciary)	<p>Judiciary Direct Judicial Communications have been used both to consider the operation of the 1996 Convention generally and to consider its operation in specific cases.</p> <p>These have included: transfer of jurisdiction, the application of article 33, information about proceedings including the scope of proceedings, any orders which have been made and evidence from the proceedings, information about how to procure the recognition/enforcement of an order.</p> <p>A recent example is between England and Greece which concerned a parental responsibility order made by a Greek court. The basis of jurisdiction was not clear because the children are habitually resident in England and Wales. The following information was requested:</p> <p>(a) Whether the understanding of the English court that the court of first instance in Greece has exercised a concurrent interim jurisdiction in respect of the children based on urgency and had granted interim relief was correct.</p> <p>(b) The current stage reached in proceedings before the court of first instance in Greece.</p> <p>(c) Whether the matter has been listed for further hearing in Greece, and if so the date and purpose of that hearing.</p> <p>(d) The anticipated timescale for the determination of the proceedings.</p> <p>A response was received giving comprehensive answers to each of these questions.</p>
United Kingdom (Northern Ireland)	
United Kingdom (Scotland)	
United Kingdom (Wales)	The Office of International Family Justice is used for judicial liaison in relation to cases in Wales.
Ukraine	There are 2 judges in the Hague Network of Judges, they have contact with their colleagues from the States Parties of the 1996 Convention on different issues.
Uruguay	<p>Yes, they had Direct Judicial communications:</p> <p>Either in cases when it was solely applied to the 96 Convention or combined with the 80 Convention, DJC was made to gather information from the requesting State's Liaison Judge of the International Network of Judges of the Hague Conference, on the subject of the protective measures available in their country.</p> <p>Besides, internal DJC was also established between the Liaison Judge and Judges of the First Instance in a Family Court of the jurisdiction of Uruguay, concerning the request for information under art. 34 of the 1996 Hague Convention.</p>

8. General provisions

Article 40 Certificates

30. How often have competent authorities in your State issued **Article 40 certificates** indicating the capacity in which a person having parental responsibility or entrusted with the protection of the child's person or property is entitled to act and the powers conferred upon him or her?

Do not know

Belgium, Bonaire, Saba, Sint Eustatius, Ecuador, Finland, Germany, Italy, Latvia, Nicaragua, Poland, Spain, Sweden, United Kingdom (Northern Ireland)

Never

Australia, Dominican Republic, Georgia, Honduras, Lithuania, Paraguay, United Kingdom (England and Wales - Judiciary), United Kingdom (Scotland), United Kingdom (Wales), Ukraine, Uruguay

Rarely

Austria, Czech Republic, Estonia, France, Norway, Slovakia, Switzerland

Sometimes

Portugal

Very often

Denmark

Always

No responses

31. Has your State experienced any challenges, or have questions arisen, in relation to **requests under Article 40?**

No

Australia, Austria, Belgium, Bonaire, Saba, Sint Eustatius, Czech Republic, Dominican Republic, Ecuador, Estonia, Finland, France, Georgia, Germany, Honduras, Italy, Latvia, Lithuania, Nicaragua, Paraguay, Poland, Portugal, Slovakia, Spain, Sweden, United Kingdom (England and Wales - Judiciary), United Kingdom (Wales), Ukraine, Uruguay

Yes

Denmark, Norway, Switzerland

Please describe:

Armenia	
Australia	
Austria	
Belgium	
Bonaire, Saba, Sint Eustatius	As far as we are aware, it has not happened before.
Czech Republic	

Denmark	In some cases it is not possible to make the certificate, because the child is either born in another state or has moved from Denmark to another country. In those cases it is difficult to determine the custody status.
Dominican Republic	
Ecuador	
Estonia	
European Union	
Finland	
France	L'autorité centrale française n'a pas eu connaissance de défis particuliers sur ce point, dans le cadre de l'application de la convention de 1996.
Georgia	
Germany	
Honduras	
Italy	
Latvia	
Lithuania	
Nicaragua	
Norway	<p>The competent authority in Norway for issuing these certificates are the County Governors. They have provided us with feedback that they rarely issue such certificates. It has been done in a handful of cases, but we do not have exact numbers.</p> <p>The County Governor in Oslo and Viken has reported that there are several questions arisen in their work with these certificates. They report that it can be challenging to assess whether there are sufficient grounds to issue a certificate, and also that it can be challenging to assess foreign documents, both their veracity and whether they are issued by the competent authority. They have also reported difficulties with assessing the rules and legislation of the state(s) where the child previously had its habitual residence.</p>
Paraguay	
Poland	
Portugal	
Slovakia	
Spain	
Sweden	The Swedish Central Authority has not been made aware of any requests under Article 40. However, no specific authority has been appointed in Sweden to issue such certificates.
Switzerland	Nous avons constaté une certaine réticence à l'établissement d'un certificat selon l'art. 40: en effet, spécialement si l'enfant a résidé à l'étranger et en l'absence de décisions récentes sur l'autorité parentale, il est difficile pour une autorité suisse de vérifier avec certitude quels sont la qualité et les pouvoirs conférés à une personne qui dit être titulaire de l'autorité parentale afin de pouvoir les certifier. Si une procédure est pendante ou si une décision vient d'être rendue concernant la qualité et les pouvoirs du titulaire de l'autorité parentale, cela est plus simple
United Kingdom (England and Wales - Judiciary)	
United Kingdom (Northern Ireland)	

United Kingdom (Scotland)	
United Kingdom (Wales)	
Ukraine	
Uruguay	

Issues in relation to the property of the child (Arts 55 and 60)

32. How often have competent authorities in your State dealt with measures for the protection of the property of the child by using the framework of the Convention?

Do not know

Belgium, Bonaire, Saba, Sint Eustatius, Ecuador, Italy, Spain, Paraguay, United Kingdom (Scotland)

Never

Australia, Denmark, Dominican Republic, Estonia, Georgia, Honduras, Lithuania, Nicaragua, United Kingdom (England and Wales - Judiciary), United Kingdom (Wales), Ukraine, Uruguay

Rarely

Austria, Czech Republic, France, Germany, Latvia, Poland, Portugal, Slovakia, Sweden, Switzerland

Sometimes

Finland, Norway

Very often

No responses

Always

No responses

If possible, please provide supplementary information:

Armenia	
Australia	Australia has not had any matters relating to the property of the child under Arts 55 and 60, and has not made a reservation under these provisions.
Austria	
Belgium	
Bonaire, Saba, Sint Eustatius	
Czech Republic	
Denmark	
Dominican Republic	
Ecuador	
Estonia	
European Union	
Finland	

France	L'autorité centrale française ne dispose pas de données statistiques spécifiques à l'application de la convention de 1996 dans les litiges concernés. Ce type de contentieux est par ailleurs assez résiduel dans le cadre de la protection des enfants.
Georgia	
Germany	
Honduras	The Central Authority of Honduras up to date has not received any request based on the article 55 under the 1996 Hague Convention.
Italy	
Latvia	Sometimes when issued had overlapped with inheritance issues. There have also been cases where information on banc account of a deceased parent's had been requested from foreign State. On a few occasions it was necessary to inform the guardian of the child that the prospective inheritance matter was announced in a foreign country.
Lithuania	
Nicaragua	
Norway	Norway has not made any reservations under articles 55 or 60. We have had some examples of co-operation under the Convention in matters concerning the protection of the property of a child. This has mainly been related to cases where the Norwegian authorities have been responsible for safeguarding the economical assets of a child (for example awarded damages after criminal cases), and when the child has moved abroad. Co-operation has been necessary to be able to transfer the assets to the child or the authorities of the new habitual residence. In some cases this has been challenging as there has not been an equivalent system in the other state, resulting in difficulties with proceeding with the transfer.
Paraguay	
Poland	
Portugal	
Slovakia	
Spain	
Sweden	According to Swedish law, as a general rule, a Chief Guardian has a role according to monitor parents management of a child's property or assets above a certain amount of monetary value. It's a way to make sure that the child's parents/custodians do not misuse the child's property. Likewise, as a general rule, an agreement that may lead to a child incurring debts must be approved by the child's parents (guardians) and by the municipality's Chief Guardian, or Chief Guardian's Board in order to be valid (Chapter 13 Section 12 in the Children and Parents Code). In the last two years, the Swedish Central Authority's experience is that there has been an increase of questions from competent Swedish authorities, i.e. Chief Guardians in different municipalities, about the matter of property of and debts for a child, and if transfer of its competence (monitoring role), to a possible competent authority, equivalent to the Swedish Chief Guardian in the requested state, fall under the scope of the 1996 Hague Convention (and the Brussels II Regulation). The question usually arise when the Swedish Enforcement Agency or the Chief Guardian has received information that a child has moved from Sweden with his / her parents and the Chief Guardian becomes unable to fulfill its monitoring role. It seems however that the

	equivalent supervision is not always available in other countries and hence it is difficult to transfer jurisdiction for this purpose. The Swedish Central Authority has in these cases forwarded the Chief Guardian's requests as a notification of concern for the child. The question in a broader perspective seems to be if the monitoring role falls under the 1996 Hague Convention.
Switzerland	Exemple: demande concernant des mesures de protection des biens de l'enfant qui étaient en place selon le droit de l'ancienne résidence habituelle (p. ex. demande de relevés de solde, administration des biens des enfants).
United Kingdom (England and Wales - Judiciary)	
United Kingdom (Northern Ireland)	
United Kingdom (Scotland)	
United Kingdom (Wales)	
Ukraine	
Uruguay	

9. Special topics

International family relocation

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

Yes

Austria, Bonaire, Saba, Sint Eustatius, Finland, Honduras, Lithuania, Paraguay, Spain

Please describe such procedures, if possible:

Armenia	
Australia	
Austria	If there is no agreement between the parents, a court decision can be requested. To secure the decision, the court can also order a ban on leaving (ne exeat") the country with the child. "
Belgium	
Bonaire, Saba, Sint Eustatius	According to the civil law of the BES as incorporated in book 1 of the Civil Code (Burgerlijk Wetboek), the parent left behind needs permission if he/she also had the parental authority over the child. The permission needs to be explicitly written.
Czech Republic	
Denmark	
Dominican Republic	
Ecuador	
Estonia	
European Union	
Finland	The Finnish Aliens Act (301/2004) includes specific provisions according to which a residence permit may usually be issued on the basis of family ties to family members of Finnish, EU or third country nationals regardless of the status of the sponsor living in Finland. A residence permit may usually be

	issued to a person who belongs to the nuclear family of the person living in Finland (the sponsor). Other persons outside the nuclear family may be granted a residence permit on the basis of family ties in certain specific circumstances defined in law, but only if the sponsor is a Finnish citizen or has been granted international protection. As a rule, a person applying for a residence permit in Finland on the basis of family ties must have secure means of support in Finland. The applicant lodges the application before entering Finland either in a Finnish mission abroad or online.
France	
Georgia	
Germany	
Honduras	Dirección de Niñez, Adolescencia y Familia (DINAF) along with the National Institute of Migration are the entities in charge of the process of asylum and refuge for international families relocation in the state of Honduras.
Italy	
Latvia	
Lithuania	If the particular family has been known to our Service, and we get information that this particular family has relocated and changed their residence, our Service (if there is a need) applies to that state's central authority asking to assess the family and evaluate whether there are any child protection issues in that family.
Nicaragua	
Norway	
Paraguay	se ha adoptado medidas para la reunificación de familias, en coordinación con la OIM, (Organización Internacional para las Migraciones).
Poland	
Portugal	
Slovakia	
Spain	In Spain, Organic Law 8/2021, of 4 June. Ref. BOE-A-2021-9347, has modified the Civil Code clarifying the cases of relocation. The preamble of the Organic Law 8/2021 states that: "except in the case of suspension, deprivation of parental authority or exclusive attribution of such authority to one of the parents, the consent of both parents or, failing that, judicial authorization is required for the relocation of the minor, regardless of the measure that has been adopted in relation to his/her guardianship or custody, as has already been explicitly established by some Autonomous Communities". Furthermore, the new Art. 154 of the Civil Code states that parental authority includes... "3º Deciding the habitual place of residence of the minor, which may only be modified with the consent of both parents or, failing that, by judicial authorization". These new legal amendments consolidate previous consistent judicial practice and in terms of case law, we can cite the STS, First Civil Chamber, 748/2014, 11 December, can be cited as relevant.
Sweden	
Switzerland	
United Kingdom (England and Wales - Judiciary)	
United Kingdom (Northern Ireland)	

United Kingdom (Scotland)	
United Kingdom (Wales)	
Ukraine	
Uruguay	

No

Australia, Belgium, Czech Republic, Denmark, Dominican Republic, Ecuador, Estonia, France, Georgia, Germany, Italy, Latvia, Nicaragua, Norway, Poland, Portugal, Slovakia, Sweden, Switzerland, United Kingdom (Wales), Ukraine, Uruguay

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

Armenia	
Australia	As with other parenting arrangements, where international relocation is in issue, Australia encourages the parties to agree on the best outcome for their children. Where a relocation matter progresses to the Australian courts, the court will examine a range of issues in deciding which parenting orders are appropriate. In deciding these matters, the paramount consideration is always what is in the best interests of the child.
Austria	
Belgium	
Bonaire, Saba, Sint Eustatius	
Czech Republic	The cases are dealt with within the standard legal framework.
Denmark	
Dominican Republic	The Central Authority, making use of good cooperation practices with other central authorities of the Requesting or Requested State, uses the embassies or consulates of both nations to carry out the procedures related to the transfer of minors. We carry out investigations of a social nature to the relatives of the minor who will be relocated internationally, and we share the results of these investigations to make the best decision in relation to the principle of the best interests of the child.
Ecuador	
Estonia	
European Union	
Finland	
France	
Georgia	
Germany	
Honduras	
Italy	
Latvia	
Lithuania	
Nicaragua	
Norway	
Paraguay	
Poland	

Portugal	
Slovakia	
Sweden	
Switzerland	Il n'y a pas de procédure spécifique en ce qui concerne le déménagement international des familles.
United Kingdom (England and Wales - Judiciary)	Judiciary As with all decisions with respect to the upbringing of a child, the child's welfare is the court's paramount consideration: section 1(1) Children Act 1989. The court takes into account all relevant factors, in particular those set out in section 1(3) of the Children Act 1989.
United Kingdom (Northern Ireland)	
United Kingdom (Scotland)	
United Kingdom (Wales)	
Ukraine	This information is not available.
Uruguay	

34. Are you aware of any use being made of Article 24, which provides for advance recognition, in lieu of or in connection with international family relocation?

No

Austria, Belgium, Czech Republic, Denmark, Dominican Republic, Ecuador, Estonia, France, Georgia, Germany, Honduras, Italy, Latvia, Lithuania, Nicaragua, Paraguay, Poland, Portugal, Slovakia, Spain, Sweden, United Kingdom (England and Wales - Judiciary), United Kingdom (Scotland), United Kingdom (Wales), Ukraine, Uruguay

Yes

Australia, Bonaire, Saba, Sint Eustatius, Finland, Norway, Switzerland

Please describe:

Armenia	
Australia	<p>Refer also to question 14.</p> <p>In Jefford & Jefford [2022] FedCFamC1F 539, The Federal Circuit and Family Court of Australia made parenting orders granting the mother with sole parental responsibility for all major long-term issues" (as defined in s4(1) of the Family Law Act 1975 (Cth)) in relation to the children. The court ordered that the mother was to be restrained from relocating the children's residence outside Australia until, and conditional on her filing and serving on the father an affidavit verifying that she had requested a decision from a competent jurisdiction in the UK about the recognition of the orders in the UK pursuant to Article 24 of the 1996 Convention, together with obtaining a declaration of registration and enforceability of the orders in the UK pursuant to Article 26. Similar orders were made by the then Family Court of Australia in Lane & Armstrong [2018] FamCA 424.</p> <p>In Mannix & Mannix [2020] FamCA 81, the then Family Court of Australia made orders contingent on the mother serving on the father and Independent Children's Lawyer documentary proof that she had requested a decision from</p>

	<p>a court of competent jurisdiction in Northern Ireland about recognition of the orders in Northern Ireland (Article 24) and a declaration of registration and enforceability of the orders under Article 26.</p> <p>The then Family Court of Australia made similar orders in <i>Contadini & Georgiou</i> [2018] FamCA 701, where the court ordered that the mother was to make relevant enquiries for the purpose of determining whether the court was able to make a proposed order that she obtain recognition of the orders in Country B under Article 24 of the 1996 Convention. Such enquiries were to be made during the period of adjournment.</p>
Austria	
Belgium	
Bonaire, Saba, Sint Eustatius	As far as we were able to verify there has been a measure of authority pronounced by a judge.
Czech Republic	
Denmark	
Dominican Republic	
Ecuador	
Estonia	
European Union	
Finland	The district courts can give a decision on the recognition of a foreign custody decision. The apostille (/legalisation) is requested, except between the other EU Member States and, in general, between the Nordic countries.
France	
Georgia	
Germany	
Honduras	
Italy	
Latvia	
Lithuania	
Nicaragua	
Norway	The case concerned a family living in another contracting state. One of the parents approached Norwegian authorities with information about plans to move to Norway with the child, provided that the court of the child's habitual residence decided to grant the parent in question custody and permission to relocate abroad with the child. The parent further informed us that the court seized in this parental dispute had set as a criteria for its decision to be valid that a guarantee could be provided by Norwegian authorities that the decision as a whole would be respected (e.g. the access regulation relating to the remaining parent). The parent subsequently received a decision for advanced recognition from Oslo District Court, so that this criteria was fulfilled and the mechanism thus allowed for international family relocation.
Paraguay	
Poland	
Portugal	
Slovakia	
Spain	
Sweden	The Swedish Central Authority has handled general questions, but has not received applications under Article 24.

Switzerland	Il arrive qu'avant d'octroyer l'autorisation de déplacer la résidence d'un enfant dans un autre État, le tribunal étranger saisi demande au parent gardien d'obtenir la reconnaissance anticipée d'une mesure dans le futur État de résidence.
United Kingdom (England and Wales - Judiciary)	
United Kingdom (Northern Ireland)	
United Kingdom (Scotland)	
United Kingdom (Wales)	
Ukraine	
Uruguay	

35. Are you aware of any use being made of other provisions of the 1996 Convention in cases where a parent wishes to relocate with his or her child to another State?

No

Austria, Belgium, Denmark, Ecuador, Estonia, Finland, France, Georgia, Germany, Honduras, Italy, Latvia, Lithuania, Nicaragua, Norway, Poland, Portugal, Slovakia, Spain, Switzerland, United Kingdom (England and Wales - Judiciary), United Kingdom (Northern Ireland), United Kingdom (Scotland), United Kingdom (Wales), Ukraine, Uruguay

Yes

Australia, Bonaire, Saba, Sint Eustatius, Czech Republic, Dominican Republic, Paraguay, Sweden

Please explain:

Armenia	
Australia	The use of the recognition and enforcement provisions is the most common type of request and such requests are often made in anticipation of a relocation to another jurisdiction. We receive such requests in both incoming and outgoing cases. Often the recognition and enforcement provisions are used in combination with Article 26 to seek a declaration of registration and enforceability of orders on an overseas court of competent jurisdiction.
Austria	
Belgium	
Bonaire, Saba, Sint Eustatius	We are aware of the fact that there have been cases whereby a parent requested permission to the judge to travel with the minor to another country.
Czech Republic	The provisions concerning the jurisdiction, applicable law are frequently used.
Denmark	
Dominican Republic	There are situations in which the father of the family requests to the Court the rights of guardianship and custody of the minor person, in these cases the Court requests the Dominican Central Authority to be able to process applications abroad to evaluate the place where the person will live minor with the minor. applicant parent. In these cases, the Dominican Central Authority requests the Central Authority of the state where the minor will be

	transferred to carry out these evaluations and social work studies in the new home where the minor and his parents will reside abroad.
Ecuador	
Estonia	
European Union	
Finland	
France	
Georgia	
Germany	
Honduras	
Italy	
Latvia	
Lithuania	
Nicaragua	
Norway	
Paraguay	Convenio de la Haya sobre los aspectos civiles de la sustracción internacional de menores
Poland	
Portugal	
Slovakia	
Spain	
Sweden	<p>General questions in accordance with article 30 from contracting states assisting parents before a planned relocation to Sweden. The questions are usually concerning legislation, and procedures for registration and recognition of custody decisions at relevant Swedish authorities.</p> <p>There are also examples of requests from competent authorities in the requesting state for social reports. Information may be sought about a new Swedish partner of the child's parent (legal guardian) and if the home environment of the new partner is suitable, before the family relocates from the requesting state to Sweden.</p>
Switzerland	
United Kingdom (England and Wales - Judiciary)	It may be that use is being made of article 11.
United Kingdom (Northern Ireland)	
United Kingdom (Scotland)	
United Kingdom (Wales)	
Ukraine	
Uruguay	

Children subject to international abduction

36. Have authorities in your State experienced any challenges, or have questions arisen, in relation to the application of the 1996 Convention (e.g., Art. 50) in cases of child abduction where the 1980 Convention was not applicable (see Questions 20(b) and 21(b) above)?

No

Australia, Austria, Belgium, Bonaire, Saba, Sint Eustatius, Czech Republic, Denmark, Dominican Republic, Ecuador, Estonia, Finland, France, Georgia, Germany, Honduras, Italy, Latvia, Lithuania, Nicaragua, Norway, Paraguay, Poland, Portugal, Slovakia, Spain, Sweden, Switzerland, United Kingdom (Northern Ireland), United Kingdom (Scotland), United Kingdom (Wales), Ukraine, Uruguay

Yes

No responses

Please describe:

Armenia	
Australia	<p>Although we have not experienced any challenges, we note a case relating to determining jurisdiction. In <i>Salamon & Salamon</i> [2021] FedCFamC1F 140, the mother and father had consented to one of their children being resident in Russia for a period of a year, at the least. The child had been residing with his maternal grandparents in Russia and the mother had issued a Power of Attorney to the grandparents authorising them to act as guardians of the child in Russia. The father initiated a civil case in Russia against the maternal grandparents and the mother regarding the return of the child from Russia to Australia pursuant to the 1996 Convention, with the father claiming that the child had been illegally retained on the territory of the Russian Federation and should be returned to the place of permanent residence, Australia. The District court in Russia held that the father’s claims were not satisfied on the basis that the child had been residing in Russia for over a year and had fully adapted to the social and educational environment. The District court also considered that the father was not deprived of his ability to exercise his parental rights in other ways. The District court’s decision was upheld on appeal.</p> <p>The Federal Circuit and Family Court of Australia’ considered whether it had jurisdiction to consider the orders sought by the father, being orders in relation to the care of the child, which would be considered to be a ‘Commonwealth Personal Protection Measure’ under the Family Law (Child Protection Convention) Regulations 2003. The FCFA noted it would have jurisdiction if the child was present in Russia, but habitually resident in Australia, and considered the issue of the relevant time at which habitual residence is to be determined, which it held was at the date of the hearing. The court held that the child was not habitually resident in Australia but rather in the Russian Federation, and that it therefore did not have power to exercise the jurisdiction sought by the father.</p>
Austria	
Belgium	
Bonaire, Saba, Sint Eustatius	

Czech Republic	
Denmark	
Dominican Republic	
Ecuador	
Estonia	
European Union	
Finland	
France	L'autorité centrale française n'a pas eu connaissance de défis particuliers sur ce point, dans le cadre de l'application de la convention de 1996. Les dossiers d'enlèvement illicites d'enfant sont très majoritairement traités sur le fondement de la convention de La Haye de 1980 eu égard au grand nombre d'Etats contractants, et à défaut sur le fondement des conventions bilatérales en vigueur entre la France et des pays non parties à la convention de la Haye de 1980. Les dispositions de la convention de '996 s'appliquent ainsi de manière très résiduelle.
Georgia	
Germany	
Honduras	
Italy	
Latvia	
Lithuania	
Nicaragua	
Norway	
Paraguay	
Poland	
Portugal	
Slovakia	
Spain	Statistically speaking, it is not possible to cite cases where only HC 1996 is applicable to resolve a return case and Article 11 has been used in the State of refuge to order the return of the child as an urgent measure or cases where the State of habitual residence has agreed to return the child and that decision is to be enforced in the State of refuge by the application of Articles 7 and 26 of HC 1996. However, this second possibility seems very safe and unproblematic in legal terms.
Sweden	The Swedish Central Authority has not been made aware of such challenges or questions.
Switzerland	
United Kingdom (England and –ales - Judiciary)	Judiciary See Re J, referred to in answer 10 above, The relationship between the 1996 Convention and the English'court's inherent jurisdiction was considered in Re I-L (children) (1996 Hague Child Protection Convention: inherent jurisdiction) [2019] EWCA Civ 1956. It was decided that, when the 1996 Convention is applicable, the court could not exercise its inherent jurisdiction unless that was permitted by the 1996 Convention and it was not in that case.
United Kingdom (Northern Ireland)	
United Kingdom (Scotland)	

United Kingdom (Wales)	
Ukraine	
Uruguay	

37. In cases of child abduction where both the 1980 Convention and the 1996 Convention were applicable, have authorities in your State made use of provisions under the 1996 Convention (e.g., Art. 50) in addition to or instead of provisions of the 1980 Convention?

No

Czech Republic, Denmark, Dominican Republic, Finland, Georgia, Honduras, Italy, Latvia, Lithuania, Paraguay, Slovakia, Sweden, United Kingdom (Northern Ireland), United Kingdom (Scotland)

Yes

Australia, Austria, Belgium, Bonaire, Saba, Sint Eustatius, Ecuador, Estonia, France, Germany, Nicaragua, Norway, Portugal, Spain, Switzerland, United Kingdom (England and Wales - Judiciary), United Kingdom (Wales), Ukraine, Uruguay

Please specify the provisions and explain:

Armenia	
Australia	<p>Australian court sometimes make orders under Article 11 on the basis that they are urgent in nature if they are considered necessary to ensure the safe return of a child under the 1980 Convention.</p> <p>Where a party seeks to enforce orders made in the country of habitual residence, in the country where the children are present while abduction proceedings are on foot this can create complexities in resolution of the abduction proceedings.</p> <p>One request was made by the country where the children had been retained, pursuant to the 1980 Hague convention. The request was for the purpose of obtaining answers to a raft of questions, including those not applicable to activities or functions undertaken by the agency. The request was subsequently amended to include articles 30 and 32 of the 1996 Child Protection Convention relevant to providing assessments of the home environment and background checks in respect of the retained children. Reference was also made to Article 50 and the ability to invoke provisions for the purposes of obtaining the return of a child who has been wrongfully removed or retained.</p>
Austria	Recognition and enforcement of a foreign judgement regarding custody.
Belgium	<p>1/ Dans certaines situations où l'enfant faisait l'objet d'un suivi par les autorités compétentes en matière de protection de la jeunesse, préalablement à son déplacement par l'un de ses parents, les autorités compétentes ont sollicité un rapport sur la situation de(s) enfant(s) et l'éventuelle prises de mesures de protection en urgence en parallèle de la demande de retour formulée par l'autre parent.</p> <p>2/ Il est arrivé également que, inquiet pour la sécurité de ses enfants, le parent requérant lui-même sollicite un rapport sur les conditions de vie de(s) enfants(s) et, l'adoption, le cas échéant, de mesures de protection d'urgence en parallèle de la demande de retour.</p>

Bonaire, Saba, Sint Eustatius	We have experienced a case where a minor was abducted and taken to the United States of America. The Central Authority of the Netherlands assisted us in this case.
Czech Republic	
Denmark	
Dominican Republic	
Ecuador	We always use for child abduction the 1980 but if we need to have a expedite result we apply the 1996 one in special cases.
Estonia	Same as question 10
European Union	
Finland	
France	<p>L'autorité centrale et les juridictions françaises interrogées constatent que dans les cas de déplacement où les conventions de 1980 et 1996 trouvent à s'appliquer, il est quasi-systématiquement fait application des seules dispositions de la convention de 1980.</p> <p>Dans les situations de déplacement illicite d'un enfant confié à un service de protection de l'enfance, il a peut être fait application de la convention de 1996 pour faire rapatrier l'enfant en exécution de la décision de placement, plutôt que d'avoir recours à la convention de 1980.</p>
Georgia	
Germany	<p>In child abduction cases, Art. 16 of the 1996 Convention is relevant for the determination of the illegality of the removal/retention, especially when the child has been living in different states before the removal/retention.</p> <p>Sometimes a report on the situation of the abducted child before the abduction, including the family history and intervention of social services or existing court orders on the custody situation, is requested under Art. 32 of the 1996 Convention.</p> <p>Moreover, sometimes communication between authorities is established under the 1996 Convention. If authorities of the state of habitual residence see a grave risk of the abducted child's wellbeing, they inform the authorities of the state where the child has been abducted to about the possible risk and request them to consider (provisional) protection measures on their own behalf under Art. 34, 32 of the 1996 Convention. In these cases, return is handled as a protective measure under Art. 34 of the 1996 Convention. In most cases, following the request, the competent authorities in the state of abduction clarify the situation. In case of a grave risk, frequently the child is taken into care by authorities in the state of abduction and picked up by competent authorities of the state of habitual residence.</p> <p>In some cases, when a return decision under the 1980 Hague Convention could not be obtained, left-behind parents could obtain a custody decision ordering the handover of the child to themselves and enforce this decision under the 1996 Convention.</p>
Honduras	
Italy	Not expressly
Latvia	
Lithuania	

Nicaragua	In the process of child custody, protection measures were applied for the placement of family and emotional resources, and later international restitution was processed.
Norway	<p>When a case concerning child abduction arises in relation to a state that is party to both conventions, the Norwegian Central Authority often asks the receiving state which of the conventions will be the most efficient mechanism for return in light of the specific circumstances in the individual case.</p> <p>In one case where the abducting parents (the child was abducted from public care) were arrested following an international warrant, and the child therefore was taken into temporary public care, the authorities of that state advised that recognition and/or enforcement of a Norwegian decision in accordance with the 1996 Convention would be more efficient than starting a 1980 Convention return process. Such a 1996 process could in that case be incorporated in the already ongoing proceedings relating to the temporary placement of the child.</p>
Paraguay	
Poland	
Portugal	Portugal had a small number of return cases when the requesting State was not part of the H80
Slovakia	
Spain	In some cases HC 1996 is used in conjunction with HC 1980 in cases of safe return providing provisional measures to be recognized and enforced in the Country of habitual residence.
Sweden	
Switzerland	La manière de procéder dépend de la situation concrète. Lorsque les deux conventions ont vocation à s'appliquer, l'Autorité centrale suisse (en collaboration avec l'Autorité centrale cantonale du canton concerné) discute en principe avec l'Autorité centrale de l'autre Etat contractant afin de déterminer laquelle des deux conventions est apte à obtenir le résultat souhaité le plus rapidement/efficacement possible. Il est en effet arrivé qu'on applique les dispositions de la CLaH 96 aussi bien en sus qu'en lieu et place de la CLaH 80, cela reste cependant plutôt une exception.
United Kingdom (England and Wales - Judiciary)	<p>Judiciary</p> <p>The court has made use of the provisions of Article 11, as referred to above, when making a return order under the 1980 Convention.</p> <p>The court considered the relationship between the 1980 Convention and the 1996 Convention in <i>Uhd v McKay (Abduction: Publicity)</i> [2019] EWHC 1239 (Fam). The court made a return order under the 1980 Convention but considered, at [75], that the 1996 Convention provides an alternative source of relief for the father" through the enforcement of an order made by the Australian court.</p> <p>In <i>Re S (a child) (abduction: Hague Convention or BIIa)</i> [2018] EWCA Civ 1226, whilst, at [39], acknowledging that it would be "unwise to be unduly prescriptive", it was considered, at [47], that "absent a good reason to the contrary, the better course is for the court to defer making a return order until an application under the 1980 Convention has been determined in the other Member State" (for the reasons given at [48]). This was in respect of BIIa but it might also be applied to a case under the 1996 Convention.</p>

	However, it may well be that the court in England and Wales has made a summary return order under the 1996 Convention for the return of children to England but, at present, we cannot provide a reported example "
United Kingdom (Northern Ireland)	
United Kingdom (Scotland)	
United Kingdom (Wales)	
Ukraine	The Courts in their decisions sometimes refer to the provisions of both Conventions in the motivational part of the decision.
Uruguay	In a case where a child was abducted to Uruguay, and the judge who ordered the return of the child to the State of habitual residence, had establish protective messuares under art. 11 of the 1996 Convention.

38. In cases of child abduction, whether or not the 1980 Convention is applicable, have authorities in your State used the cooperation provisions in Chapter V of the 1996 Convention to determine whether adequate measures of protection are available in the State of the habitual residence of the child (e.g., to facilitate the safe return of the child)?

No

Belgium, Czech Republic, Denmark, Dominican Republic, Ecuador, Honduras, Italy, Latvia, Paraguay, Poland, Portugal, Slovakia, United Kingdom (Northern Ireland), Ukraine,

Yes

Australia, Austria, Bonaire, Saba, Sint Eustatius, Estonia, Finland, France, Georgia, Germany, Lithuania, Nicaragua, Norway, Spain, Sweden, Switzerland, United Kingdom (Wales), Uruguay

Please explain:

Armenia	
Australia	Such inquiries are usually handled by direct discussion between the relevant Central Authorities for the Abduction Convention involved in the matter. It is common for information about protection measures to be provided by the overseas Central Authority and put before the Australian court. We provide similar information for provision to overseas courts in outgoing matters. In one case, a request for cooperation was sought by the requested state to provide background information on the children prior to making a decision on the return of the children. Articles 30 and 32 were relied on to facilitate the request and provide the relevant documentation and information. Reference was also made to Article 31 c) of the 1996 Convention whereby assistance can be provided on request from a competent authority in locating missing children in need of protection.
Austria	As the 1996 Convention entered into force between AT and the Russian Federation long before the 1980 Convention, some cases were handled on the basis of the 1996 Convention.
Belgium	
Bonaire, Saba, Sint Eustatius	This was one of our few cases where we received assistance of the Dutch Central Authority.
Czech Republic	

Denmark	
Dominican Republic	
Ecuador	
Estonia	Courts have used this opportunity to make a request during the proceedings to make sure the child has appropriate conditions to return to.
European Union	
Finland	Competent impartial court who considers and decides about the return of the child may ask for information when the court considers this necessary.
France	<p>L'autorité centrale française utilise la convention de 1996, concomitamment à la convention de 1980, notamment pour obtenir un rapport sur la situation de l'enfant (art. 32).</p> <p>Les juridictions peuvent solliciter la mise en œuvre d'une coopération sur ce fondement afin de sécuriser le retour de l'enfant dans son pays de résidence habituelle, lorsque des inquiétudes sur la prise en charge apparaissent. La convention de 1996 est utilisée à ce titre avec les pays non membres de l'Union Européenne.</p>
Georgia	In some cases, the Court has successfully applied the Chapter V of the 1996 Hague Convention and verified the living conditions of the child in the country to which the child is to be returned, in order to reach a final decision on international child abduction cases.
Germany	no specification possible
Honduras	
Italy	Information are required in the return or access proceedings without recalling 1996 Convention
Latvia	
Lithuania	Quite often the Courts, hearing the cases for child's return, oblige our Service to request the other States's Central Authority to provide the information / confirmation, that adequate measures of protection are available in the State of habitual residence of the child.
Nicaragua	Spite of, in Nicaragua the applicability of the Convention is scarce, protection measures for safe return have been used outside the application of the Convention in cases of children at risk abroad.
Norway	In several cases where children have been abducted or have run away from their placement in public care in Norway, the competent Norwegian authorities have commenced the process by either requests for localisation (Article 31 c), notices of concern (Article 36) or general requests for co-operation. In these cases, as mentioned above, we often ask for advice of the other state's authorities concerning which convention to use. Such initial requests or notices have contributed to the localisation and return of children in several cases.
Paraguay	
Poland	
Portugal	
Slovakia	
Spain	Yes as a possibility but we do not have statistical data
Sweden	This kind of cooperation occurs now and then in cases where 1980 Hague Convention is applicable. The Swedish Central Authority has mainly experience of outgoing cases when competent Swedish authorities have been asked to cooperate to provide information relevant for the child's protection

	upon return. Such requests have been made within the framework of the 1980 Hague Convention, sometimes with reference to Brussels II.
Switzerland	Cela arrive, mais surtout lorsque la collaboration avec les autorités (centrale et compétentes) de l'autre Etat contractant en question est excellente, autrement, le fait de mélanger" l'application de deux conventions peut facilement compliquer et ralentir la procédure. "
United Kingdom (England and Wales - Judiciary)	Not known
United Kingdom (Northern Ireland)	
United Kingdom (Scotland)	
United Kingdom (Wales)	The Welsh Government has not specifically dealt with such requests but we are aware of their use in England and Wales.
Ukraine	
Uruguay	

39. In cases of child abduction, have competent authorities in your State taken measures of protection under Article 11, as an alternative to measures of protection in the form of mirror orders or undertakings, to facilitate the safe return of the child?

No

Austria, Belgium, Czech Republic, Denmark, Dominican Republic, Ecuador, Estonia, Finland, Germany, Honduras, Latvia, Lithuania, Norway, Paraguay, Poland, Portugal, Slovakia, Sweden, United Kingdom (Wales), Ukraine

Yes

Australia, France, Georgia, Italy, Nicaragua, Spain, Switzerland, United Kingdom (England and Wales - Judiciary), Uruguay

Please explain:

Armenia	
Australia	These are routinely used in our 1980 Convention matters. In the Department of Communities and Justice & Bamfield (No 2) [2022] FedCFamC1F 2, the orders made by Bennett J the court noted the interim parenting arrangements were deemed 'urgent orders' under Article 11, and so they would be recognised in Belgium. The parties also consented to direct judicial communication between the Australian and Belgian International Hague Network of Judges to ensure simple and rapid enforcement of the order.
Austria	Unaccompanied and separated children and emergency situations (Art. 6)
Belgium	
Bonaire, Saba, Sint Eustatius	
Czech Republic	
Denmark	
Dominican Republic	
Ecuador	
Estonia	

European Union	
Finland	
France	De manière marginale certaines juridictions statuant sur le retour de l'enfant ont indiqué avoir organisé sur ce fondement un régime transitoire pour faciliter le retour dans l'attente de la décision du juge compétent en l'Etat de résidence habituelle.
Georgia	<p>In this regard, an emphasis shall be given to the Article 351 (10) of Civil Procedure Code of Georgia under which the applicant is authorized to file a claim to the court, before the court delivers a final judgment on Child Abduction case, to issue:</p> <ul style="list-style-type: none"> a) An order restricting removal of the child, b) An order placing the child with the relevant person or institution, c) An order to locate the child by means of appropriate state authorities, d) Any other order that the applicant may deem appropriate according to the provisions of the Hague Convention. <p>Furthermore, under Article 9 (c) of “the referral and enforcement procedures for the return of a wrongfully removed or retained child or exercise of the right of access to the child” and Article 17 (6(b) of the law of Georgia “on Police” the Police, upon the request of the Central authority or a court order, is authorized to ensure the prevention of the crossing of the state border of Georgia by a child wrongfully removed/retained in the period of commencement of the proceedings by the Central authority until the execution of the court decision on International Child Abduction.</p> <p>Moreover, it is crucial to highlight that until the enforcement of the legally effective court decision on the return of a child wrongfully removed to Georgia/wrongfully retained in Georgia, or on the return of a child wrongfully removed from the territory of Georgia/wrongfully retained in another contracting state of Hague Convention, a person under 16 years of age may be refused a passport/travel passport/travel document/neutral travel document to be issued to him/her, on the basis of a motion of a Central Authority unless otherwise provided for by the legislation of Georgia or the court decision.</p> <p>Additionally, until the enforcement of the legally effective court decision on the return of a person under 16 years of age wrongfully removed to Georgia/retained in Georgia, the validity of a passport/travel passport/travel document/neutral travel document issued to such a person may be suspended, and the measure of suspension may be cancelled on the basis of a motion of the Central Authority, unless otherwise provided for by the legislation of Georgia or the court decision.</p>
Germany	
Honduras	
Italy	Although usually remains not specified the legal framework of the emergency measures applied in return proceedings filed under article 8 of the 1980 Convention
Latvia	
Lithuania	
Nicaragua	the lifting of immigration restrictions or criminal measures for the entry of children with their parents is requested.
Norway	

Paraguay	
Poland	
Portugal	
Slovakia	
Spain	As it was previously said, in some cases HC 1996 is used in conjunction with HC 1980 in cases of safe return providing provisional measures to be recognized and enforced in the Country of habitual residence, but mirror orders and undertakings are figures not used in continental law systems.
Sweden	<p>According to Swedish law (Section 19 in Lag (1989:14) om erkännande och verkställighet av utländska vårdnadsavgöranden m.m. och om överflyttning av barn), there is the possibility to request the court to consider if a child shall be taken into immediate care by the social authority if there is an imminent risk that the child will be taken out of the country or if an enforcement of a return order is otherwise more difficult.</p> <p>With regard to abduction cases, Sweden has concentrated jurisdiction to Stockholm District Court. The Court does not try such protective measures ex officio. The applicant therefore has to state the demand for protective measures, for the Court to decide on the matter.</p> <p>Stockholm District Court has informed that such measures have not been demanded for many years.</p>
Switzerland	Il est déjà arrivé que des mesures de protection en vertu de l'art. 11 soient prises dans des cas d'enlèvement afin de faciliter le retour - notamment volontaire - de l'enfant.
United Kingdom (England and Wales - Judiciary)	Judiciary Yes, in many cases the court has included measures in a return order on the basis that they are within Article 11. As referred to above, these have included undertakings.
United Kingdom (Northern Ireland)	
United Kingdom (Scotland)	
United Kingdom (Wales)	
Ukraine	
Uruguay	https://www.incadat.com/es/case/1511 https://www.incadat.com/es/case/1529

Unaccompanied and separated children² and emergency situations (Art. 6)

40. How often have competent authorities in your State dealt with cases involving refugee children, internationally displaced children, or children whose habitual residence cannot be established by using the framework of the 1996 Convention?

Do not know

Bonaire, Saba, Sint Eustatius, France, Paraguay, United Kingdom (Scotland), Ukraine

² In relation to this section of the Questionnaire, see [Prel. Doc. No 7 of February 2020](#), "The application of the 1996 Child Protection Convention to unaccompanied and separated children".

Never

Denmark, Dominican Republic, Georgia, Uruguay

Rarely

Australia, Ecuador, Honduras, Nicaragua, Norway, Spain, United Kingdom (Northern Ireland), United Kingdom (Wales)

Sometimes

Austria, Belgium, Estonia, Finland, Latvia, Sweden

Very often

Czech Republic, Estonia, Germany, Italy, Poland, Portugal, Slovakia, Switzerland, United Kingdom (England and Wales - Judiciary)

Always

No responses

If possible, please provide supplementary information:

Armenia	
Australia	The ACA recently received a co-operation request in relation to a child who is from a displaced persons camp.
Austria	Due to the war in the Ukraine we have several requests for contact rights, regarding Ukrainian refugee children staying in Austria that have been submitted from Third countries. Some of these cases are handled on the basis of the 1996 Convention.
Belgium	L'Autorité centrale belge a récemment eu connaissance de cas concernant des mineurs ukrainiens réfugiés en Belgique. Nous ne disposons toutefois pas d'information sur le nombre de demandes de ce type (concernant des mineurs ukrainiens ou autres) qui auraient été traitées.
Bonaire, Saba, Sint Eustatius	
Czech Republic	Lot of cases caused by the Russian aggression against Ukraine.
Denmark	
Dominican Republic	
Ecuador	
Estonia	From the start of the war in Ukraine in February 2022 (unaccompanied minor children and unaccompanied children). As of February 2022, 55 unaccompanied minor children have been reported to the Social Insurance Board (SKA). Currently 28 unaccompanied minor children are in the country (countries of origin Ukraine, Russia, Afghanistan). They have been referred by SKA to substitute care services, paid for by SKA. Also, Ministry of Justice knows of at least 365 cases where the court's have appointed a temporary guardian for children from Ukraine who are in Estonia without a guardian. We have been notifying Ukraine of the decisions. As Estonia has also the bilateral agreement with Ukraine, we additionally to H1996 co-operate under the agreement.
European Union	

Finland	
France	L'autorité centrale française ne dispose pas de données statistiques spécifiques à l'application de la convention de 1996 dans les litiges concernés.
Georgia	
Germany	
Honduras	Dirección de Niñez, Adolescencia y Familia (DINAF) along with the National Institute of Migration are the entities in charge of the process of asylum and refuge for international families relocation in the state of Honduras.
Italy	Protection measures were hugely applied to young refugees from Ukraine
Latvia	<p>As regards refugee issue with Ukraine, as the Central Authority, the Ministry of Justice is involved only sometimes because the issue is coordinated mostly directly between the Ministry of Welfare, the State Inspectorate for the Protection of Children's Rights and the Latvian Orphan's and Custody Courts.</p> <p>The Central Authority is addressed in situations where the minor refugee relocates to another State and no additional information has been provided, wherewith concerns as regards the protection of children rights are raised.</p> <p>Please see also the Law on Assistance to Ukrainian Civilians available in English at: https://likumi.lv/ta/en/en/id/330546-law-on-assistance-to-ukrainian-civilians</p>
Lithuania	
Nicaragua	
Norway	This provision was more rarely used before the recent invasion of Ukraine, after which we have seen some more cases where this provision was applicable. The Norwegian Central Authority has in its role of providing guidance to Child Welfare Services, referred to this provision as possible grounds for jurisdiction for children coming from Ukraine. We do however not have numbers indicating the actual usage of this provision as grounds for jurisdiction in subsequent decisions or proceedings.
Paraguay	
Poland	This is connected with the Russia's military aggression against Ukraine in February 2022
Portugal	
Slovakia	
Spain	
Sweden	
Switzerland	Question malheureusement d'actualité à cause du conflit en Ukraine. La collaboration sous la CLaH 96 est efficace dans ces cas.
United Kingdom (England and Wales - Judiciary)	Judiciary We do not have statistics but there are many cases in which public law care proceedings are commenced by a Local Authority under the Children Act 1989 in respect of unaccompanied minors.
United Kingdom (Northern Ireland)	We are aware of 1 case with Ukraine.
United Kingdom (Scotland)	
United Kingdom (Wales)	
Ukraine	This information is not available. There are more than 1 thousand Services on Children Issues which were created in each territorial community on the territory of Ukraine. It is obvious that periodically they deal with such

	categories of children, but as the Central authority we did not obtain any information about how often and on the territory of which territorial community such case took place.
Uruguay	

41. Where the habitual residence of a child present in your State could not be established, have authorities in your State used any of the cooperation provisions of the 1996 Convention in determining the child's place of habitual residence?

No

Austria, Belgium, Bonaire, Saba, Sint Eustatius, Denmark, Dominican Republic, Ecuador, Estonia, Finland, France, Honduras, Italy, Latvia, Nicaragua, Paraguay, Poland, United Kingdom (Wales), Uruguay

Yes

Czech Republic, Germany, Lithuania, Norway, Portugal, Spain, Sweden, Switzerland, Ukraine

Please specify:

Armenia	
Australia	N/A
Austria	
Belgium	
Bonaire, Saba, Sint Eustatius	We cannot give an answer to this question since we are not aware if such a situation happened in the past.
Czech Republic	Requests pursuant Article 34
Denmark	
Dominican Republic	
Ecuador	
Estonia	Up to now, it has been generally possible to establish the children's habitual places of residence (the Police and Border Guard Board carries out the initial procedures at the border).
European Union	
Finland	
France	L'autorité centrale française n'a pas été sollicitée pour mettre en œuvre de la coopération dans cette situation sur le fondement de la convention de 1996. La coopération dans ce domaine concerne surtout les pays de l'Union Européenne et s'effectue sur la base des règlements n°2201/2003 du 27 novembre 2003, Bruxelles II bis", et n°2019/1111 du 25 juin 2019, "Bruxelles II ter".
Georgia	There was no such case in practice.
Germany	When the state of habitual residence is not known but there are indications for a specific state, a request under Art. 31 lit. c) of the 1996 Convention is made.
Honduras	
Italy	Never received such requests
Latvia	
Lithuania	We apply to the state's from which the child travelled central authority.
Nicaragua	

Norway	<p>In one case Norwegian authorities commenced co-operation with other states relating to exchange of information of the family's travel history and other information to be able to co-operate towards an assessment of where the habitual residence of the child was established.</p> <p>However, the outcome of the co-operation was that Norwegian competent authorities and the competent authorities of the other state differed in their assessments of the habitual residence based on the exchanged information. Please see section 4.10. above for further notes relating to such issues.</p>
Paraguay	
Poland	
Portugal	
Slovakia	
Spain	Yes as a possibility but we do not have specific data to share.
Sweden	Articles 34 and 36.
Switzerland	Surtout les dispositions du chapitre sur la coopération.
United Kingdom (England and Wales - Judiciary)	Not known
United Kingdom (Northern Ireland)	
United Kingdom (Scotland)	
United Kingdom (Wales)	
Ukraine	The Central authority did not receive such requests.
Uruguay	

42. Have competent authorities in your State had experience with providing assistance to **discover the whereabouts of children** that went missing due to disturbances occurring in their State of habitual residence by using the framework provided by the 1996 Convention?

No

Austria, Bonaire, Saba, Sint Eustatius, Czech Republic, Denmark, Dominican Republic, Ecuador, Estonia, Honduras, Italy, Lithuania, Nicaragua, Norway, Paraguay, Poland, Sweden, United Kingdom (Wales), Uruguay

Yes

Belgium, Finland, France, Georgia, Germany, Latvia, Portugal, Spain, Switzerland, Ukraine

Please specify:

Armenia	
Australia	As noted above we have recently received our first request of this kind.
Austria	
Belgium	<p>La coopération a eu lieu dans le cadre européen (Règlement 2201/2003) mais aurait pu avoir lieu, de la même manière en application de la Convention de La Haye de 1996.</p> <p>Il s'agissait de mineurs étrangers non accompagnés, originellement accueillis dans un Etat européen, qui avaient fugué.</p> <p>Plus récemment, l'Autorité centrale belge a également été saisie de demandes de localisation de mineurs d'origine ukrainienne.</p>
Bonaire, Saba, Sint Eustatius	See above answer.
Czech Republic	
Denmark	
Dominican Republic	
Ecuador	
Estonia	
European Union	
Finland	<p>The Finnish Aliens Act (301/2004) requires that the location of the parents of an unaccompanied minor asylum seeker, or some other person responsible for his or her guardianship, is traced if possible. The objective of tracing is to re-establish contact between the minor asylum seeker and his or her guardian residing outside Finland. In the case that the child has gone missing, Finnish authorities provide assistance to discover the whereabouts of the child if the child can be specified.</p> <p>Due to the data protection legislation the authorities cannot provide information on a child if she/he cannot be specified.</p>
France	<p>La coopération sur ce fondement a pu être mise en œuvre s'agissant des enfants pouvant se trouver en France en raison de la situation en Ukraine. L'autorité centrale a été saisie d'une vingtaine de dossiers au cours de l'année 2022. La difficulté principale est de retrouver la trace de ces mineurs sur le territoire français avec des informations parcellaires (parfois même sans copie des pièces d'identité ou d'un acte de naissance), ce qui entraîne nécessairement un allongement des diligences des autorités compétentes</p>

	françaises saisies dans le cadre d'une demande de coopération. Par ailleurs, d'autres pays sollicitent sur les fondements joints du règlement de Bruxelles et de la Convention de La Haye de 1996 la localisation de famille de mineurs non accompagnés relocalisés dans leur pays dans le cadre du programme européen correspondant. Ces demandes ne peuvent toutes être prises en compte en raison des informations parcellaires et de leur nombre qui conduit pour le moment à ne solliciter des opérations de localisation qu'en présence d'éléments concrets sur la présence d'un ou plusieurs proches sur le territoire national. L'adéquation de l'instrument dans le cas de figure des flux migratoires importants en Europe se pose, en raison des moyens limités des autorités centrales pour gérer ce type de demande.
Georgia	The Guardianship and Custodianship Authority of Georgia, with the help of the Central Authority of Georgia, actively cooperates with Ukraine in order to provide all the necessary services to children left without their custodians.
Germany	The German Central Authority is authorised to request information from other authorities regarding personal data as well as requesting police enforcement authorities to investigate in order to ascertain the whereabouts of a child (see sec. 7 International Family Law Procedure Act). In practice, this often leads to useful results.
Honduras	
Italy	
Latvia	For example, on 28 November 2022 the letter was received from the Central Authority of Ukraine with the request to inform about all known cases involving the children from Ukraine, which were separated with their legal representatives from Ukraine, due to the different reasons, including the cases of placement of the children in the institutions because of separation with the accompanied person, etc. Accordingly, on 13 January 2023 the Central Authority for Latvia, having consulted the Ministry of Welfare and the State Inspectorate for Protection of Children's Rights, provided information about Ukrainian children under the age of 18, for whom extraordinary guardianship has been established and an extraordinary guardian has been appointed in Latvia (data protected file, containing information on the children, was attached).
Lithuania	
Nicaragua	
Norway	
Paraguay	
Poland	
Portugal	
Slovakia	
Spain	
Sweden	Sweden has not yet received any requests for this purpose under the 1996 Hague Convention in individual cases.
Switzerland	v. réponse à la question 40.
United Kingdom (England and Wales - Judiciary)	Not known
United Kingdom (Northern Ireland)	
United Kingdom (Scotland)	

United Kingdom (Wales)	
Ukraine	The Central authority received requests on establishing the child`s whereabouts, especially during the last year. Because of the war launched by russia a lot of children left the territory of Ukraine. In some cases the measures of protection of the children were taken by the competent authorities of the State of their location. Late some of these children returned to Ukraine. In some cases their whereabouts in Ukraine were unknown. The competent foreign authorities applied to the CA with the requests about confirming the children`s arrival to Ukraine, establishing their whereabouts and taking the measures of protection in case of necessity. The Central Authority took measures to establish the children`s whereabouts in Ukraine In case, the information provided is not enough or the child is supposed to be relocated from the territories where hostilities were taking place or the territory temporary occupied the information of the addressof registration of a child may be requested from the Register of the Internally Displaced Persons.
Uruguay	

43. Have procedures, guidelines, or protocols been adopted in your State to deal with the protection of unaccompanied or separated children in the context of the 1996 Convention?

No

Australia, Austria, Czech Republic, Denmark, Dominican Republic, Ecuador, Finland, Georgia, Honduras, Italy, Latvia, Lithuania, Nicaragua, Norway, Paraguay, Portugal, Sweden, United Kingdom (Northern Ireland), United Kingdom (Wales), Ukraine, Uruguay

Yes

Belgium, Bonaire, Saba, Sint Eustatius, Estonia, European Union, France, Germany, Poland, Slovakia, Spain, Switzerland

Please describe and also provide a link or attach any relevant documents, preferably translated into English or French:

Armenia	
Australia	<p>Although not necessarily specific to the 1996 Convention, Australia is a party to the seven core international human rights law treaties and, specifically, ratified the Convention on the Rights of the Child (CRC) on 17 December 1990.</p> <p>Australia also ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OPAC) on 26 September 2006 and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OPSC) on 8 January 2007.</p> <p>Australia`s obligations under the CRC and the Optional Protocols, including the protection of children`s rights in humanitarian situations, are implemented through a range of legislation policies and programs at the Commonwealth, state and territory levels.</p> <p>All Australian Ministers and Departments share a responsibility for protecting and promoting the rights of children. Matters such as education, child</p>

	<p>protection, healthcare, and youth justice primarily fall within the constitutional responsibility of states and territories, as a result many of them have Ministers for children and youth. The National Children’s Commissioner (the Commissioner) monitors the national implementation of the Convention on the Rights of the Child, and reports on the enjoyment and exercise of human rights by children and young people. The Commissioner conducts inquiries into children’s issues, makes submissions to other inquiries and undertakes projects involving children’s rights, such as youth dialogues and education projects. The Commissioner consults widely with children and young people and their representatives.</p>
Austria	
Belgium	<p>Le service des Tutelles est chargé de mettre en place une tutelle spécifique pour les mineurs étrangers non accompagnés. Ce service est rattaché au Service public fédéral Justice afin de garantir son indépendance par rapport à différentes instances, comme l’Office des étrangers, rattaché au SPF Intérieur, qui gère l’accès au territoire, le séjour, l’établissement et l’éloignement des étrangers. Le service des Tutelles se compose de juristes, sociologues, assistants sociaux, assistants administratifs, chauffeurs et accompagnateurs. Les mineurs sont généralement signalés au service des Tutelles par la police ou par l’Office des étrangers. La plupart d’entre eux arrivent en Belgique sans document d’identité ou de séjour. Le service des Tutelles les identifie et, en cas de doute concernant leur âge, organise un test médical. Dans le cadre de la prise en charge de ces mineurs, le service prend contact avec les centres d’hébergement et leur désigne un tuteur qui sera chargé de leur représentation et de la défense de leurs intérêts. Le service des Tutelles, dans l’exercice de ses compétences, veille à ce qu’une solution durable soit trouvée pour les mineurs.</p>
Bonaire, Saba, Sint Eustatius	<p>We work in close cooperation with our chain partners (Youth Care, Royal Military Police, IND: Internal Naturalization Service and Public Prosecution).</p>
Czech Republic	
Denmark	
Dominican Republic	
Ecuador	
Estonia	<p>1. Act on Granting International Protection to Aliens - general grounds for granting international protection to aliens. Accessible at https://www.riigiteataja.ee/en/eli/530082022008/consolide 2. Social Welfare Act - substitute care and aftercare. https://www.riigiteataja.ee/en/eli/519012023004/consolide 3. Family Law Act - representation and guardianship. https://www.riigiteataja.ee/en/eli/516112022006/consolide</p> <p>Social Insurance Board has also drawn up internal guidance materials/working process descriptions for dealing with unaccompanied minors who are aliens.</p>
European Union	<p>The European Judicial Network on civil and commercial matters has published information and a collection of useful materials relating to civil judicial cooperation in the context of children from Ukraine. The “Children from Ukraine — civil judicial cooperation” webpage is available on the e-Justice Portal in all EU languages and provides: - a summary of the legal rules that apply to judicial cooperation in cross-border cases involving Ukrainian children (i.e. questions of jurisdiction, applicable law, recognition of decisions, and cooperation between authorities), - relevant information on Ukrainian family law, - useful links and resources. The information is intended for</p>

	judges, lawyers, notaries, and central authorities, as well as child protection officials and others dealing with the registration of children arriving in EU Member States.
Finland	There have been discussions on the topic, however, procedures, guidelines, or protocols have not been adopted. The Council of the European Union provides an additional reply to this question.
France	<p>La création, diffusion et accompagnement du guide de bonnes pratiques en matière d'évaluation de la minorité et de l'isolement, publié le 23 décembre 2019, auprès des personnels des services départementaux, permettant une nette amélioration de la qualité des évaluations (lien : https://solidarites-sante.gouv.fr/IMG/pdf/guide-de-bonnes-pratiques-en-matiere-d-evaluation-de-la_minorite-et-de-l-isolement.pdf).</p> <p>La création d'un guide sur l'identification et la protection des victimes de traite des êtres humains. La mission interministérielle pour la protection des femmes contre les violences et la lutte contre la traite des êtres humains (MIPROF) a réuni, dans le cadre du second plan d'action national contre la traite des êtres humains (TEH) 2019-2021, un groupe de travail interministériel et multi partenarial afin d'élaborer ce guide. Publié en septembre 2022, il a pour ambition d'apporter des réponses concrètes aux questions que se posent les différents acteurs qui interviennent tout au long du parcours des victimes de TEH. Il vise à développer une culture commune à tous les professionnels et faciliter le partenariat, pour mieux comprendre les mécanismes de la traite, améliorer le repérage, l'identification, l'accueil et l'accompagnement des victimes. (lien:https://www.egalite-femmes-hommes.gouv.fr/sites/efh/files/2022-10/Lidentification-et-la-protection-des-victimes-de-traite-des-etres-humains-guide-de-formation-octobre-2022-def.pdf)</p> <p>La création d'un guide de bonnes pratiques portant sur la première évaluation des besoins de santé – au cours de la période d'accueil provisoire d'urgence - des personnes se déclarant comme mineures et privées de la protection de leur famille (MNA). Un groupe de travail multi-partenarial, piloté par la direction générale de la santé et la direction générale de la cohésion sociale, et composé de représentants du ministère de la santé et de la prévention, du secrétariat d'Etat chargé de l'enfance, du ministère de la Justice (direction de la protection judiciaire de la jeunesse), de représentants de conseils départementaux, d'agences régionales de santé, et de professionnels de santé a élaboré ce guide, à destination plus particulièrement des professionnels chargés de l'accompagnement des personnes se présentant comme MNA. Il précise les modalités d'organisation de l'évaluation des besoins en santé et recense les informations relatives aux droits des personnes se déclarant MNA.</p> <p>Concernant les MNA en provenance d'Ukraine, le 1er avril 2022, une note interministérielle (ministère de la Justice, collectivités territoriales, ministère de l'Intérieur, ministère de la santé et des solidarités et secrétariat d'Etat à l'enfance) à destination de l'ensemble des acteurs pouvant recevoir des mineurs ukrainiens et une note du ministère de la Justice à destination des acteurs de la justice ont été publiées. Elles présentent les différentes situations des mineurs à leur arrivée sur le territoire national et clarifient le cadre juridique applicable : mineur arrivé seul, sans accompagnant , mineur accompagné par une institution ou un adulte référent , mineur non</p>

	<p>accompagné en transit vers un parent résidant dans un autre Etat membre de l'Union européenne. Une attention particulière a été portée au repérage des situations de traite des êtres humains (note jointe). Cette note a en outre été complétée par une fiche pratique rappelant plus particulièrement les dispositions de la convention de La Haye du 19 octobre 1996 concernant la compétence, la loi applicable, la reconnaissance, l'exécution et la coopération en matière de responsabilité parentale et de mesures de protection des enfants et les moyens mis à disposition des autorités compétentes françaises pour obtenir des informations sur la situation de mineurs ukrainiens se trouvant en France.</p> <p>La création d'un guide sur l'identification et la protection des victimes de traite des êtres humains. La mission interministérielle pour la protection des femmes contre les violences et la lutte contre la traite des êtres humains (MIPROF) a réuni, dans le cadre du second plan d'action national contre la traite des êtres humains (TEH) 2019-2021, un groupe de travail interministériel et multi partenarial afin d'élaborer ce guide. Publié en septembre 2022, il a pour ambition d'apporter des réponses concrètes aux questions que se posent les différents acteurs qui interviennent tout au long du parcours des victimes de TEH. Il vise à développer une culture commune à tous les professionnels et faciliter le partenariat, pour mieux comprendre les mécanismes de la traite, améliorer le repérage, l'identification, l'accueil et l'accompagnement des victimes. (lien:https://www.egalite-femmes-hommes.gouv.fr/sites/efh/files/2022-10/Lidentification-et-la-protection-des-victimes-de-traite-des-etres-humains-guide-de-formation-octobre-2022-def.pdf)</p>
Georgia	
Germany	see EU answer and above question 3.
Honduras	
Italy	Some Juvenile Courts arranged protocols referred to refugees children from Ukraine
Latvia	
Lithuania	
Nicaragua	
Norway	
Paraguay	
Poland	<p>On 12.03.2022 the Polish authorities introduced a set of laws regulating the situation of refugees from Ukraine. Article 25 regulates the situation of a minor who resides on the territory of Poland unaccompanied by their legal guardians. In such a situation a person who practically takes care of a minor (a family member, a teacher etc.) may submit the application to the court to be appointed as „a temporary guardian” (everyday care/representation of a minor).</p> <p>https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20220000583/U/D20220583Lj.pdf</p>
Portugal	
Slovakia	The European Judicial Network on civil and commercial matters has published information and a collection useful materials relating to civil judicial cooperation in the context of children from Ukraine. The “Children from Ukraine — civil judicial cooperation” webpage is available on the e-Justice Portal in all EU languages and provides:

	<ul style="list-style-type: none"> – a summary of the legal rules that apply to judicial cooperation in cross-border cases involving Ukrainian children (i.e. questions of jurisdiction, applicable law, recognition of decisions, and cooperation between authorities), – relevant information on Ukrainian family law, – useful links and resources. <p>The information is intended for judges, lawyers, notaries, and central authorities, as well as child protection officials and others dealing with the registration of children arriving in EU Member States.</p>
Spain	At the EU level, such issue has been addressed by the practical guides produced by the European Commission on the Brussels IIa and Brussels IIb Regulations and Spain takes advantage of that practical guides and the work developed by the EJM-civil (information sheets and material under e-Justice Portal).
Sweden	
Switzerland	<p>Pas spécialement dans le contexte de la Convention, la Conférence suisse des directrices et des directeurs cantonaux des affaires sociales a publié une Fiche d'information concernant les enfants d'Ukraine ayant besoin de protection (v. https://www.kokes.ch/fr/documentation/recommandations/protection-des-mineurs-ukraine).</p> <p>En outre, la même Conférence avait publié, en 2016, des Recommandations relatives aux enfants et aux jeunes mineurs non accompagnés dans le domaine de l'asile (v. https://www.sodk.ch/fr/themen/migration/requerants-dasile-mineurs-non-accompagnes-mna/).</p>
United Kingdom (England and Wales - Judiciary)	Not under the 1996 Hague Convention
United Kingdom (Northern Ireland)	
United Kingdom (Scotland)	
United Kingdom (Wales)	
Ukraine	
Uruguay	

44. In emergency situations, such as a humanitarian crisis, have authorities in your State experienced any challenges, or have questions arisen, in regard to the **exchange of information** among authorities of the Contracting Parties, in particular taking into account Articles 36 and 37 of the 1996 Convention?

Armenia	
Australia	During crisis there have been challenges associated with satisfying the Australian Regulations with regards to parental custody, where documentation is unavailable or unsafe to obtain.
Austria	The exchange of information has been difficult with the Russian Federation lately.
Belgium	Notre Autorité centrale n'a pas d'information à ce sujet.
Bonaire, Saba, Sint Eustatius	We have encountered hurricane Irma on the island of St. Maarten, where hundreds of minors without parents/custody had to be accommodated. As mentioned in the previous answer we had a close cooperation with the chain partners. In response to these evacuations an MOU was issued between the guardianship councils of Bonaire, Saba, St. Eustatius, Curacao, Aruba and St. Maarten in order to protect the minors in case such a situation repeats itself.
Czech Republic	Overload of the concerned Central Authority.
Denmark	n/a
Dominican Republic	
Ecuador	We haven't had these kind of cases with authorities from the Contracting Parties. As country we do have cases with countries that are not part of the Convention such as Panama, Mexico and United States. Therefore, it would be easier to activate protection measures for children if they were part of the Convention.
Estonia	For example: In the case of an unaccompanied minor alien from a third country, the court asked the local authority to contact the young person's family to ascertain the parents' opinion on the establishment of guardianship, prior to granting it. The Social Security Board asked the local authority to reply to the court that it would not be in the best interest of the minor to make an enquiry, as the young man had applied for international protection, one of the elements of which is that no formal enquiries may be made to the country of origin if this could endanger the children and their parents in the home country.
European Union	
Finland	According to the Finnish data protection legislation the Finnish authorities cannot provide personal data or whereabouts of children who have applied for temporary or international protection in Finland. Information can be exchanged only on a general level. If the child's identity is specified in the inquiry, this information can be provided to the authorities. As mentioned above, Finnish authorities do trace the parents or another guardian of the child that has applied for temporary protection or asylum in Finland.
France	L'autorité centrale française n'a pas eu connaissance de difficultés sur ce point.
Georgia	No
Germany	no
Honduras	The state of Honduras up to date has not received requests regarding the articles 36 and 37 of the 1996 Hague Convention.
Italy	No
Latvia	The authorities have experienced challenges in relation to the provision of protection of children fleeing the war in Ukraine. It has been challenging to

	<p>establish the proper ways of communication with the Ukrainian authorities due to the fact that the country is currently in the state of war, the number of Ukrainian people fleeing the war is fluctuating very much, there is insufficient time to undergo all the regular procedures, to acquire the necessary legal documentation issued by Ukrainian authorities (this is difficult especially when there is a large group of international protection seekers entering the country). For example one of the questions that has arisen is related to the amount of information that Latvian competent authorities should provide to the Ukrainian authorities, what are the proper channels of communication and sharing of information (which is the Latvian competent authority, should the central authorities be involved, which Ukrainian authority is the addressee) etc.</p>
Lithuania	No.
Nicaragua	No experience
Norway	
Paraguay	Si, han surgido preguntas con respecto al intercambio de informaciones en especial para el traslado de niños, niñas y adolescentes en tiempo de pandemia
Poland	No, however at the beginning of the war in Ukraine, for obvious reasons, there was a break in communication with Ukrainian CA (that lasted a month and a half)
Portugal	No
Slovakia	Usually there is no problem
Spain	
Sweden	The Swedish Central Authority has not been made aware of such challenges or questions.
Switzerland	Non.
United Kingdom (England and Wales - Judiciary)	
United Kingdom (Northern Ireland)	We have no information to provide. No questions have arisen with the Central Authority.
United Kingdom (Scotland)	No
United Kingdom (Wales)	No but the co-operation provisions have been used in the context of children who have sought refuge from the war in Ukraine.
Ukraine	<p>Because of war, thousands of Ukrainian children were transferred to different states of the world, mostly to the European states. They become the seekers for protection in the hosting States. It should be taken into account that some of them travelled with the parents (one of the parents), relatives or legal representatives and some of them appeared abroad without their legal representatives from Ukraine or were separated with them due to the different reasons.</p> <p>In this regard for the competent Ukrainian authorities is extremely important to be aware about all children abroad, all cases of the separation with the legal representative or placement to the child care institutions in the host states. This information is requested with the aim to take the measures of protection of the child, taking into account each particular case. The issue of obtaining information about all Ukrainian children abroad as well as their safe return after the end of the protection period is one of the most important</p>

	<p>topics for discussion on the all levels with the participation of the representatives of different competent authorities and bodies, including Ministry of Justice of Ukraine, Ministry for Foreign Affairs, Ministry of Social Police of Ukraine, National Social Service of Ukraine, etc. The provisions of the 1996 Convention became the legal ground for co-operation of the Ukrainian competent Offices on Children Issues with the Child Protection Services in different Contracting States of the 1996 Convention as regard obtaining information on the situation of the children, measures of protection that were taken or recognition of the measures of protection that had already been taken in Ukraine in particular cases. In November 2022 the Ministry of Justice of Ukraine acting as the Central authority based on the application on the National Social Service of Ukraine had applied with the request to the Central authorities in Europe in order to obtain information about all known cases involving the children from Ukraine, which were separated with their legal representatives from Ukraine, due to the different reasons, including the cases of placement of the children in the institutions because of separation with the accompanied person, etc.</p> <p>Only several States provided information, some of them gave only the general information about the situation with the accompanied children, some States (Latvia, Lithuania, and Switzerland) provided the full list of all known Ukrainian children. A number of Contracting states of the 1996 Convention informed that they could not provide the requested information. The main ground for refusal was the legislation on personal data protection.</p>
Uruguay	No

45. Are you aware of whether Preliminary Document No 7 of February 2020, “The application of the 1996 Child Protection Convention to unaccompanied and separated children”, has been brought to the attention of the competent authorities in your State?

No

Austria, Belgium, Czech Republic, Denmark, Dominican Republic, Ecuador, Estonia, Finland, Germany, Honduras, Italy, Latvia, Lithuania, Nicaragua, Norway, Paraguay, Poland, Portugal, Sweden, United Kingdom (England and Wales - Judiciary), United Kingdom (Northern Ireland), United Kingdom (Scotland), United Kingdom (Wales), Ukraine, Uruguay

Yes

Australia, Georgia, Slovakia, Switzerland

Please specify:

Armenia	
Australia	Preliminary Document 7 on the application of the 1996 Child Protection Convention was circulated to Australia's Hague Liaison Judges and to various Australian Government agencies for comment. Comments received were subsequently provided to the Permanent Bureau.
Austria	
Belgium	
Bonaire, Saba, Sint Eustatius	
Czech Republic	

Denmark	
Dominican Republic	
Ecuador	
Estonia	
European Union	
Finland	
France	
Georgia	Judges/relevant state authorities have access to all documents related to the practical operation of 1996 Convention including Preliminary Document No 7.
Germany	We are not aware.
Honduras	
Italy	
Latvia	
Lithuania	
Nicaragua	Not mentioned
Norway	
Paraguay	
Poland	
Portugal	
Slovakia	
Spain	
Sweden	
Switzerland	Les autorités centrales cantonales, qui renseignent les autorités compétentes, ont été informées.
United Kingdom (England and Wales - Judiciary)	
United Kingdom (Northern Ireland)	
United Kingdom (Scotland)	
United Kingdom (Wales)	
Ukraine	
Uruguay	

International access / contact cases involving children

46. Should your State also be a Contracting Party to the 1980 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?³

No

³ The [Explanatory Report](#) (Lagarde) on the 1996 Convention notes that cooperation under Art. 35(1) between authorities of States Parties with respect to rights of access “serves in a certain way to complete and reinforce the co-operation, which is not always effective, provided for the same purpose between Central Authorities” under Art. 21 of the 1980 Convention. Explanatory Report, para. 146 (1997).

Belgium, Bonaire, Saba, Sint Eustatius, Denmark, Dominican Republic, Ecuador, Estonia, Finland, Georgia, Honduras, Italy, Latvia, Lithuania, Norway, Paraguay, Poland, Portugal, Slovakia, Spain, United Kingdom (England and Wales - Judiciary), United Kingdom (Scotland), Ukraine, Uruguay

Yes

Australia, Austria, Czech Republic, France, Germany, Sweden, Switzerland, United Kingdom (Wales)

Please explain:

Armenia	
Australia	<p>The ACA regularly receives requests for the registration of orders under the Family Law (Child Protection Convention) Regulations 2003 and similar requests in outgoing matters. Many orders are registered in Australia under that regime, avoiding the need for parents to make an application seeking contact with a child under Australia's domestic law framework.</p> <p>The Australian Central Authority only offers mediation in relation to applications for access under the 1980 Convention so the ability to enforce a registered order can be advantageous.</p>
Austria	Application depends on the request of the applicant, if there is already a judgement concerning access, it might be enforceable and replaces a request for establishing a contact order pursuant Art 21 of the 1980 Convention.
Belgium	
Bonaire, Saba, Sint Eustatius	Due to lack of experience we cannot state an opinion as yet.
Czech Republic	The provisions concerning jurisdiction and applicable law are used. The cooperation provisions are also being used.
Denmark	
Dominican Republic	
Ecuador	
Estonia	
European Union	
Finland	
France	<p>Lorsque l'autorité centrale française sollicite ou est sollicitée pour une coopération en matière de droit de visite, c'est le plus souvent sur le fondement de l'article 21 de la convention de La Haye du 25 octobre 1980, plutôt que sur celui de la convention de 1996. En effet, il constitue un cadre plus propice à la mise en oeuvre d'une coopération efficace dans la mesure où il donne aux autorités centrales désignées des missions qui sont obligatoires, à l'inverse de celles de la convention de 1996 qui sont souvent facultatives. L'autorité centrale française saisie uniquement sur le fondement de la convention de 1996, pourrait envisager d'accorder sa coopération en l'absence d'autre instrument applicable.</p>
Georgia	
Germany	see above question 37.
Honduras	
Italy	
Latvia	
Lithuania	

Nicaragua	Nicaragua is a contracting party to both Conventions and the means are provided to ensure compliance.
Norway	
Paraguay	
Poland	
Portugal	
Slovakia	
Spain	
Sweden	We have some examples of questions about the possibility to use either or both Article 26 in the 1996 Convention and Article 21 in the 1980 Hague Convention in both in incoming and outgoing cases concerning access.
Switzerland	Hormis les cas dans lesquels on applique l'art. 35 CLaH 96 (qui restent rares car l'art. 21 est plus connu et utilisé), nous avons connaissance de quelques demandes de reconnaissance de décisions étrangères concernant le droit de visite faites en se basant sur les dispositions de la CLaH 96. Cependant, la reconnaissance d'une décision étrangère réglant la question des droits de visite est difficile: en effet, soit la décision a été prise par une autorité étrangère alors que le requérant résidait dans cet Etat et l'enfant dans un autre (la compétence de l'autorité de l'Etat requérant n'est donc en principe pas donnée), soit la décision a été prise alors que le requérant et l'enfant résidaient encore dans l'Etat requérant mais l'enfant a depuis changé son lieu de résidence habituelle (la situation a donc certainement changé et la décision prise avant le déménagement dans l'Etat requis n'est probablement plus adaptée à la situation actuelle).
United Kingdom (England and Wales - Judiciary)	ICACU Generally access is progressed under Article 21 of the 1980 Hague Convention, one reason being that legal aid is available for such cases. Once an Article 21 case is referred to a solicitor, the solicitor will take instructions from the applicant to progress the case and the ICACU would not necessarily be sighted on all steps in progression of the case.
United Kingdom (Northern Ireland)	
United Kingdom (Scotland)	
United Kingdom (Wales)	We have highlighted the use of these provisions in one case where a parent sought access with a child in a Contracting State to both instruments.
Ukraine	
Uruguay	

Practical Handbook

47. Do you have any observations or comments to share concerning the **Practical Handbook** on the Operation of the 1996 Child Protection Convention?

No

Australia, Austria, Belgium, Bonaire, Saba, Sint Eustatius, Czech Republic, Denmark, Dominican Republic, Ecuador, Estonia, Finland, France, Georgia, Germany, Honduras, Italy, Latvia, Lithuania, Nicaragua, Norway, Poland, Portugal, Slovakia, United Kingdom (Northern Ireland), United Kingdom (Scotland), Ukraine, Uruguay

Yes

Paraguay, Spain, Sweden, Switzerland, United Kingdom (England and Wales - Judiciary), United Kingdom (Wales)

Please specify:

Armenia	
Australia	
Austria	
Belgium	
Bonaire, Saba, Sint Eustatius	
Czech Republic	
Denmark	
Dominican Republic	
Ecuador	
Estonia	
European Union	
Finland	
France	
Georgia	
Germany	
Honduras	
Italy	
Latvia	
Lithuania	
Nicaragua	
Norway	
Paraguay	
Poland	
Portugal	
Slovakia	
Spain	It is an excellent handbook
Sweden	It is our experience at the Swedish Central Authority that the Practical Handbook is very valuable and useful.
Switzerland	Il est utile et utilisé.
United Kingdom (England and Wales - Judiciary)	Judiciary It is an excellent and invaluable guide to the operation of the 1996 Convention. ICACU We consider this to be a useful resource tool especially for any state parties that have recently acceded to the Convention but consider that some of the illustrative examples are rather removed from the reality of practical operation of the Convention. The majority of the ICACU's case work under the Convention arises out of child protection proceedings or concerns rather than out of private law proceedings between parents..
United Kingdom (Northern Ireland)	
United Kingdom (Scotland)	

United Kingdom (Wales)	Most requests for co-operation made to the Welsh Government come from local authorities who are seeking assistance in the context of public law child protection proceedings. However, these situations are not widely discussed in the Practical Handbook. It would be helpful if there was further consideration of the operation of the Convention to facilitate the placement of children in other Contracting States in kinship care.
Ukraine	
Uruguay	

Agenda items for the next SC meeting

48. Are there any particular issues that your State would like the SC meeting to discuss in relation to the 1996 Convention? Please specify and list in order of priority:

Armenia	
Australia	<p>In light of the challenges experienced by the Australian & State Central Authorities, as raised above in relation to Q23, we would appreciate if the consultation requirements under Article 33 of the Convention could be raised and discussed at the SC meeting. We also think it would be beneficial to discuss the practical aspects of any proposed placement, including visa and passport issues. These issues are important when considering the placement of children into the care of a person in another country, and Contracting States should ensure that the consultation requirements of the Convention are met, and that other matters such as immigration status are thoroughly considered and resolved at an early stage.</p> <p>More broadly, Australia considers the Convention establishes an important framework for the recognition and enforcement of protection measures between Contracting States. This framework should be seen as an integral part of the global system for the protection of children, particularly in cases of international child relocation and children who are in out of home care.</p> <p>We understand that the Permanent Bureau is undertaking work on e-country profiles for the 1996 Convention. The availability of country profiles will be a significant advantage in managing future cases.</p> <p>We seek that each contracting state be urged to establish simple and rapid procedures as required by Article 26(2) if they have not already done so and, in a way, that the IHNJ for that jurisdiction can have some visibility of the process.</p>
Austria	
Belgium	
Bonaire, Saba, Sint Eustatius	Not yet. We are still lacking the needed experience with the Central Authority.
Czech Republic	
Denmark	
Dominican Republic	
Ecuador	
Estonia	No
European Union	
Finland	-

France	<p>- Clarification de la portée des articles 32 à 35 et échange sur les pratiques des autorités centrales pour identifier les fondements juridiques les mieux adaptés aux différentes demandes</p> <p>-Clarification du champ d'application et des mesures de protection concernées par les articles 11 et 12</p> <p>-la définition de la notion de mesures de protection prises en application de la Convention" au sens des articles 32 à 35 (cf réponse à la question 26)</p> <p>- Réflexion sur l'utilité de prévoir le transfert de documents/dossiers dans le cadre des changements de compétence en cours d'instance qui ne relèvent pas du transfert de compétence.</p> <p>-Réflexion sur l'opportunité d'établir des fiche "profil des Etats" pour la convention de 1996 (notamment sur les contacts des autorités centrales, procédures d'exécution, systèmes de protection de l'enfance...) "</p>
Georgia	It will be relevant for the SC meeting to pay particular attention to the practical experience of the member states on the use of mediation and the transfer of jurisdiction within the framework of the 1996 Convention.
Germany	- transfer of jurisdiction/consultation - definition and interpretation of the term urgency" in Art. 11 of the 1996 Convention - inter-relation of the 1996 Convention and the 1980 Convention in child-abduction cases."
Honduras	Can the protection measure established in the 1996 convention being invoked in parallel or together with the 1980 and 2007 Hague Conventions?
Italy	Sometimes, in incoming crossborder placement proceedings, a duplication of requests may occur. In particular, the request under article 33 is preceded by a preliminary application filed under article 34 to obtain information on the hosting foster family or institution. In such cases, the competent Authority first requires for information needed to decide on the placement, and then is obliged to obtain the authorisation from the State of destination's Authority, forwarding a new application based on the decision issued on the grounds of information reported. Therefore, it would be better to file immediately only one request made under article 33 when the placement is contemplated.
Latvia	No
Lithuania	Child's placement procedure, inheritance questions.
Nicaragua	
Norway	<p>We are interested in exploring views on the relationship between the 1996 Hague Convention and the the EU's General Data Protection Regulation (GDPR).</p> <p>Several of the contracting parties to the 1996 Hague Convention are not EU/EEC members, and would therefore be considered third countries under the regulation. Consequently, the requirements of the GDPR chapter V are to be met for a transfer of personal information to such third countries to be in accordance with the regulation.</p> <p>Article 96 of the GDPR provides the following text: International agreements involving the transfer of personal data to third countries or international organisations which were concluded by Member States prior to 24 May 2016, and which comply with Union law as applicable prior to that date, shall remain in force until amended, replaced or revoked."</p> <p>We are interested in the interpretation of this provision in relation to the 1996 Hague Convention, and whether states have assessed that Article 96 implies that a basis for transfer according to the regulation's Chapter V isn't</p>

	<p>needed in cases where personal data is transferred to a third country. Alternatively, whether Article 96 has been considered to imply that previously concluded agreements can fulfill the conditions in Article 46 no. 2 letter a or Article 48 of the GDPR.</p> <p>Furthermore, we are interested in whether, in the context of the 1996 Hague Convention, other states have concluded that a basis for transfer in accordance with Chapter V of the GDPR is necessary for transfers of personal data to third countries, and in that case what basis for transfer has been used and on what grounds. "</p>
Paraguay	con respecto a la forma de ejecución de una resolución extramjera
Poland	
Portugal	
Slovakia	
Spain	
Sweden	
Switzerland	<p>- La notion de mesure de protection selon la Convention. - La délimitation entre les rapports sociaux tombant sous le coup des art. 32 et 34 et ceux qui pourraient sortir du champ d'application de la Convention de 1996 et devraient faire l'objet de l'entraide internationale en matière d'obtention de preuves). - La notion d'acte d'exécution au sens de l'art. 26. - Certificat art. 40, notamment son établissement en l'absence de registres de l'autorité parentale. - Application de l'art. 33 en cas de délégation de l'exercice de la responsabilité parentale à une personne autre que le père ou la mère.</p>
United Kingdom (England and Wales - Judiciary)	<p>Judiciary</p> <ol style="list-style-type: none"> 1. The relevant date for determining whether the court has jurisdiction. Is it the date when the court is seised or the date when the court is making a substantive order? What happens when the child's habitual residence changes between those dates? How does this fit with the lis pendens provisions under Article 13 which refer to at the time of the commencement of the proceedings"? 2. The application of Article 11 and its scope. Does it apply to undertakings? What measures are and are not within its scope? 3. The relationship between the 1980 Convention and the 1996 Convention. Is it better for the issue of return to be determined under the 1980 Convention, when both Conventions apply, or is such deference not appropriate? Does it depend on the particular case including, for example, the ability of the left-behind parent to enforce an order in the other State? 4. The issue of timeliness/expedition in dealing with requests under Articles 8 and 9 and other issues relevant to their operation including whether the child moves if a transfer is accepted and the provision of information/evidence. 5. The issue of timeliness/expedition generally. 6. The effect of delay on the enforcement of an order, in particular when a substantial period of time has elapsed between the making of the order and the application for enforcement in the State where the child has become habitually resident (and which, therefore, has substantive jurisdiction).

	<p>7. How to make full use of the International Hague Network of Judges, through meetings, direct judicial communications and otherwise, to support the effective operation of the 1996 Hague Convention in general and for the determination of specific cases.</p> <p>ICACU 1) How other countries interpret Article 30 2) Any feedback on the ICACU co-operation request form and its usefulness from the perspective of the requested State 3) A discussion on the interplay between the co-operation chapters of Hague 1996 and Article 7 of the 1980 Hague Convention (during abduction/access proceedings) might be fruitful - in particular, when or if it would be more appropriate to use Hague 1996 instead of Article 7 1980 Hague? The ICACU has concerns about seeking further information/protective measures under the 1996 Hague - especially if this is ahead of a 1980 application - as this might give the taking parent advance notice and lead to further flight. "</p>
<p>United Kingdom (Northern Ireland)</p>	<p>None</p>
<p>United Kingdom (Scotland)</p>	
<p>United Kingdom (Wales)</p>	<p>1. The Article 33 procedure. A means of sharing information as to the national procedures and requirements under this provision so that we can provide fuller information to competent authorities contemplating a placement in another Contracting State. This could include (a) which types of placement do and do not require Article 33 consent (e.g. private law placements with relatives) (b) what the national procedures are upon receiving an Article 33 request (c) timescales for the determination of the request. 2. Assessments of potential alternative carers for a child - do these fall within the scope of the 1996 Hague Convention co-operation provisions? Is this exclusively a matter which falls to be considered under the co-operation provisions or can competent authorities co-operate directly? It would be helpful if there was some consideration of this issue.</p>
<p>Ukraine</p>	<p>The scope of Article 6 of the 1996 Convention and its applicability in cases where the authorities of the State of the permanent residence of a refugee child are functioning and issue its decisions or issued before the displacement of a child. Whether Article 6 is applicable when a child is displaced but received the permanent protection and not a refugee status. Application of Article 11 of the 1996 Convention. Elaboration and implementation of the template forms of response on the requests concerning the child's whereabouts, living conditions and report on the social situation of the child. Protection of personal data and enforcement of the 1996 Convention.</p>
<p>Uruguay</p>	