

## QUESTIONNAIRE CONCERNING THE PRACTICAL OPERATION OF THE 1980 CONVENTION

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

<b>Name of State or territorial unit:</b> <sup>1</sup>	Estonia
<i>For follow-up purposes</i>	
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### PART I: RECENT DEVELOPMENTS<sup>2</sup>

#### 1. Recent developments in your State

1.1 Since the 2011 / 2012 Special Commission, have there been any significant developments in your State regarding the legislation or procedural rules applicable in cases of international child abduction. Where possible, please state the reason for the development in the legislation / rules, and, where possible, the results achieved in practice (e.g., reducing the time required to decide cases).

- No  
 Yes, please specify:

In addition to the EU-coordinated position, on 03.09.2015 a new, official translation of the Convention into English was published. Until then there was only an unofficial translation, which caused interpretation issues due to faulty and misleading translation. The updated, official translation was done by a sworn translator and checked by the Central Authority and Supreme Court advisor. Hopefully this new translation will make the interpretation of the Convention easier for officials and courts.

1.2 Please provide a brief summary of any significant decisions concerning the interpretation and application of the 1980 Convention rendered since the 2011 / 2012 Special Commission by the relevant authorities<sup>3</sup> in your State including in the context of the 20 November 1989 United Nations Convention on the Rights of the Child and relevant regional instruments.

In addition to the EU-coordinated position, please be aware of the following. Since the previous Special Commission the Estonian Supreme Court has interpreted the Convention on 4 occasions.

In 2012 in its judgment No 3-2-1-109-12 the Supreme Court explained what can be considered as a wrongful removal or retention, what is the habitual residence of a child (also taking into account CJEU's judgement of 22 June 2009 in Case C-523/07). The court found that where a family has left their home country A (incl. everything they owned packed up and waiting for shipping to their new address) and intends to move to country B, but before

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

<sup>2</sup> This Part of the Questionnaire is intended to deal primarily with the developments in law and practice relating to international child abduction and international child protection which have occurred in your State since the Sixth Meeting of the Special Commission to review the operation of the *Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction* and the *Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children* (1-10 June 2011 and 25-31 January 2012) (hereinafter "the 2011 / 2012 Special Commission"). However, if there are important matters which you consider should be raised from *prior to* the 2011 / 2012 Special Commission, please provide such information here.

<sup>3</sup> The term "relevant authorities" is used in this Questionnaire to refer to the judicial or administrative authorities with decision-making responsibility under the 1980 Convention. Whilst in the majority of States Parties such "authorities" will be courts (*i.e.*, judicial), in some States Parties administrative authorities remain responsible for decision-making in Convention cases.

that is possible temporarily moves to country C, it is possible for the children to acquire habitual residence in country C very quickly if the intention of the parents was never to return to country A. Thus no wrongful retention of the children in country C is possible and thus the children cannot be returned to country A.

In 2015 in its judgment No 3-2-1-146-14 the Supreme Court explained in detail what the court should take into account when ordering return - voluntary time for return, what the bailiff should be allowed to do etc. This decision was mostly based upon the Guide to Good Practice on enforcement of return decisions.

In 2017 within a timeframe of 1 week the Supreme Court made 2 judgments No 3-2-1-176-16 and 3-2-1-179-16, where they explained how a parent can consent or acquiesce the wrongful removal. In addition, in the first judgment the also court explained how the legal costs should be bared by the parties and the State having in mind Estonia's reservation to Article 42 of the Convention.

All Supreme Court judgments can be found at <http://www.riigikohus.ee/>

1.3 Please provide a brief summary of any other significant developments in your State since the 2011 / 2012 Special Commission relating to international child abduction.

In addition, in 2012 the European Court of Human Rights found in the case M.R. and L.R. v. Estonia (application No 13420/12) that the decision to order return of a child to her home in Italy was not arbitrary. The decision can be found at <http://hudoc.echr.coe.int/>

## 2. Issues of compliance

2.1 Are there any States Parties to the 1980 Convention with whom you are having particular challenges in achieving successful co-operation? Please specify the challenges you have encountered and, in particular, whether the problems appear to be systemic.

- No  
 Yes, please specify:  
[Please insert text here](#)

2.2 Are you aware of situations / circumstances in which there has been avoidance / evasion of the 1980 Convention?

- No  
 Yes, please specify:  
[Please insert text here](#)

## PART II: THE PRACTICAL OPERATION OF THE 1980 CONVENTION

### 3. The role and functions of Central Authorities designated under the 1980 Convention<sup>4</sup>

*In general*

3.1 Have any challenges arisen in practice in achieving effective communication or co-operation with other Central Authorities?

- No  
 Yes, please specify:  
[Please insert text here](#)

3.2 Have any of the duties of Central Authorities, as set out in **Article 7** of the 1980 Convention, raised any particular problems in practice either in your State, or in States Parties with whom you have co-operated?

- No  
 Yes, please specify:  
[There are difficulties with the different interpretations of "to initiate or facilitate the institution of judicial or administrative proceedings" - while some countries really ensure](#)

<sup>4</sup> See also Section 5 below on "Ensuring the safe return of children" which involves the role and functions of Central Authorities.

that the request reaches the court, other Central Authorities just say this is the court to turn to.

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

- No  
 Yes, please specify:  
[Please insert text here](#)

#### *Legal aid and representation*

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

- No  
 Yes, please specify:  
[Please insert text here](#)

3.5 Are you aware of any other challenges in your State, or, where cases originate in your State, in any of the requested States you have dealt with, regarding the obtaining of legal aid, advice and / or representation for either left-behind parents or taking parents?<sup>5</sup>

- No  
 Yes, please specify:  
[There are countries, where it is impossible to even apply for legal aid if the applicant is not a national of that country \(while that country has not made any reservation to Article 25 of the Convention\)](#)

#### *Locating the child*

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

- No  
 Yes, please specify the challenges encountered and what steps were taken or are considered to be taken to overcome these challenges:

[The Estonian Central Authority has an ongoing case for the enforcement of a return decision, while no authority \(including the police and bailiff\) have been able to locate the child for many years. The Estonian Central Authority is quite certain the child and abducting parent left Estonia as soon as they heard of the court proceedings, but there is no way to convince the applicant parent to end the proceedings since the enforcement case is pending at the bailiff. Even if the child would be located, it is difficult to say if the enforcement would be possible due to the many years, which have passed since the return decision was made \(i.e. if it would still be in the child's best interests\).](#)

3.7 Has your Central Authority worked with any external agencies to discover the whereabouts of a child wrongfully removed to or retained within your State (e.g., the police, Interpol, private location services)?

- No  
 Yes, please share any good practice on this matter:  
[the police, Interpol, local child protection, bailiff, registries etc.](#)

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<sup>5</sup> See paras 1.1.4 to 1.1.6 of the "Conclusions and Recommendations of the Fifth Meeting of the Special Commission to review the operation of the *Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction* and the practical implementation of the *Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children* (30 October – 9 November 2006) (hereinafter referred to as the "[Conclusions and Recommendations of the 2006 Special Commission](#)") and paragraphs 32 to 34 of the "[Conclusions and Recommendations of the Special Commission to review the operation of the Hague Convention of 19 October 1980 on Jurisdiction, Applicable law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children \(1-10 June 2011 and 25-31 January 2012\)](#)" (hereinafter the "C&R of the 2011/2012 Special Commission") (available on the Hague Conference website at < [www.hcch.net](http://www.hcch.net) > under "Child Abduction Section" then "Special Commission meetings").

*Information exchange, training and networking of Central Authorities*

3.8 Has your Central Authority shared its expertise with another Central Authority or benefited from another Central Authority sharing its expertise with your Central Authority, in accordance with the Guide to Good Practice – Part I on Central Authority Practice?<sup>6</sup>

No

Yes, please specify:

The Estonian and Finnish Central Authorities meet once a year to discuss the co-operation and exchange best practices. Also once a year best practices are discussed within the remit of the Brussels IIa Regulation Central Authorities meeting during EJM meetings.

3.9 Has your Central Authority organised or participated in any other networking initiatives between Central Authorities such as regional meetings via conference call or videoconference?

No

Yes, please specify:

The annual meetings with the Finnish Central Authority, EJM meetings etc

*Statistics<sup>7</sup>*

3.10 If your Central Authority does not submit statistics through the web-based INCASTAT database, please explain why.

We submitted the requested statistics, but we have so far not had the resources to input the statistics for all years.

*Prompt handling of cases*

3.11 Does your Central Authority have mechanisms in place to ensure the prompt handling of cases?

No

Yes, please specify:

The return cases are handled as priority cases by the Central Authority

3.12 If your Central Authority is experiencing delays in handling cases please specify the main reasons for these delays:

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**4. Court proceedings & promptness**

4.1 Has your State limited the number of judicial or administrative authorities who can hear return applications under the 1980 Convention (*i.e.*, concentration of jurisdiction)?<sup>8</sup>

Yes

No, please indicate if such arrangements are being contemplated:

Estonia already has a limited number of civil courts (4 county courts), thus it is not certain, whether this is necessary. However, this is also discussed within the recast of the Brussels IIa Regulation.

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

No

Yes, please explain:

The case is handled by the court on its own motion as a case on petition, the swiftest type of court procedure. Also the Central Authority, when sending the case to court always reminds the court of the type of procedure and timelines foreseen in the Convention.

<sup>6</sup> Available on the Hague Conference website at < www.hcch.net > under "Child Abduction Section" then "Guides to Good Practice". See, in particular, Chapter 6.5 on twinning arrangements.

<sup>7</sup> See paras 1.1.16 to 1.1.21 of the Conclusions and Recommendations of the 2006 Special Commission (*supra*, note 5).

<sup>8</sup> See, *The Judges' Newsletter* on International Child Protection – [Vol. XX / Summer-Autumn 2013](#) the special focus of which was "Concentration of jurisdiction under the *Hague Convention of 25 October 1980 on the civil aspects of International Child Abduction* and other international child protection instruments".

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

- No, please explain:  
Please insert text here
- Yes, please explain:  
Please insert text here

4.4 If your State is experiencing delays in handling return decisions please specify the main reasons for these delays:

Quite often as the Central Authority sends the case to court, it might take time for the parties and their representatives (including the applicant's representative) to familiarize themselves with the case, which prevents the court from handling the case as quickly as they would like. However mostly, delays are caused by the court asking for additional information from the requesting State under Article 13(3) of the Convention and receiving the information takes time. Also, quite often one of the parties requests a court hearing - it takes some time to organize a court hearing due to the rooms being booked a long time in advance for hearings in other civil cases.

4.5 Do your courts regularly order immediate protective measures when initiating the return procedure, so as to prevent a new removal and minimize the harm to the child (e.g., prohibit removal of the child from the jurisdiction, retain documentation, grant provisional access rights to the left-behind parent)?

- No, please explain:  
The court focuses on the return proceedings, however if someone requests it from the court, the court can order protective measures.
- Yes, please explain:  
Please insert text here

4.6 Do your courts make use of direct judicial communications to ensure prompt proceedings?

- Yes
- No, please explain:  
Mostly the court is in close contact with the Central Authority.

4.7 If your State has not designated a sitting judge to the International Hague Network of Judges does your State intend to do so in the near future?

- Yes
- No, please explain:  
Please insert text here

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

On numerous occasions before making a decision on return, the Estonian court has asked the Central Authority to communicate with the requesting Central Authority and their child protection authorities about the safe return of the child and respondent parent - how the safe return is ensured, how that State can protect the child and parent in cases of family violence etc. In most cases the court has been convinced that the safe return can be ensured and return has thus been ordered. However there are also cases, where it is not ordered since the court has not been convinced by the information received.

## 5. **Ensuring the safe return of children**<sup>9</sup>

*Methods for ensuring the safe return of children*<sup>10</sup>

<sup>9</sup> See **Art. 7(2) h)** of the 1980 Convention.

<sup>10</sup> Where relevant, please make reference to the use of undertakings, mirror orders and safe harbour orders and other such measures in your State.

5.1 What measures has your Central Authority taken to ensure that the recommendations of the 2006 and 2011 / 2012 Special Commission meetings<sup>11</sup> regarding the safe return of children are implemented?

While training judges on child abduction, this was a subject for discussion. Also the Central Authority is in close contact with the State-wide child protection unit created on 01.01.2016.

5.2 In particular, in a case where the safety of a child is in issue and where a return order has been made in your State, how does your Central Authority ensure that the appropriate child protection bodies in the *requesting* State are alerted so that they may act to protect the welfare of a child upon return (until the appropriate court in the requesting State has been effectively seised)?

The Central Authority requests the requesting Central Authority to inform the child protection authorities of the return order and its contents. If needed the State-wide child protection unit could take contact with their contacts in the requesting State.

5.3 Where there are concerns in the requested State regarding possible risks for a child following a return, what conditions or requirements can the relevant authority in your State put in place to minimise or eliminate those concerns?

The local child protection officials and State-wide child protection unit can be contacted, which can use all the measures available in the Child Protection Act (available in English: <https://www.riigiteataja.ee/en/eli/530122016001/consolide> ). If needed the child protection officials or the State-wide unit can turn to the court to request protection measures to be taken.

#### *Use of the 1996 Convention to ensure a safe return*

5.4 If your State is not Party to the 1996 Convention, is consideration being given to the possible advantages of the 1996 Convention in providing a jurisdictional basis for urgent protective measures associated with return orders (**Arts 7 and 11**), in providing for their recognition by operation of law (**Art. 23**), and in communicating information relevant to the protection of the child (**Art. 34**)?

- No  
 Yes, please explain:  
[Please insert text here](#)

#### *Protection of primary carer*

5.5 Are you aware of cases in your State where a primary carer taking parent, for reasons of personal security (*e.g.*, domestic or family violence, intimidation, harassment, etc.) or others, has refused or has not been in a position to return with the child to the requesting State? How are such cases dealt with in your State? Please explain and provide case examples where possible.

Yes, in those cases it has been analyzed whether returning without the primary carer is in the best interests of the child or puts the child at risk within the meaning of Article 13(1)(b) of the Convention. For example, in one case the primary carer was not able to return since she did not have a valid visa and she in any case refused to return due to family violence. During the return proceedings the court ordered numerous experts to give their opinions on how return without the primary care giver would affect the child (in this case it was decided, that this gives grounds for non-return under Article 13(1)(b) ).

5.6 In particular, would your authorities consider putting in place measures to protect the primary carer upon return in the requesting State as a mean to secure the safe return of the child? Please explain and provide case examples where possible.

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<sup>11</sup> See the [Conclusions and Recommendations](#) of the Special Commission of 2006 (*supra*. note 5) at paras 1.1.12 and 1.8.1 to 1.8.2 and 1.8.4 to 1.8.5 and the Appendix to the Conclusions and Recommendations and the Conclusions and Recommendations of the 2011 / 2012 Special Commission (*supra*. note 5).at paras 39-43.



No information available, but basically it should be possible to put in place measures to protect the primary carer according to the Code of Civil Procedure (available in English: <https://www.riigiteataja.ee/en/eli/510012017004/consolide> ).

#### Post-return information

5.7 In cases where measures are put in place in your State to ensure the safety of a child upon return, does your State (through the Central Authority, or otherwise) attempt to monitor the effectiveness of those measures upon the child's return? Would you support a recommendation that States Parties should co-operate to provide each other with follow-up information on such matters, insofar as is possible?

The Central Authority usually does not monitor cases after return has taken place. However, child protection officials have once asked to be kept updated with the case after the return and asked for social reports. This kind of recommendation might be helpful.

5.8 If your State is not Party to the 1996 Convention, is consideration being given to the possible advantages of the 1996 Convention in providing a jurisdictional basis for requesting a report on the situation of the child upon return to the State of habitual residence (**Art. 32-(a)**)?

- No  
 Yes, please explain:  
Please insert text here

## 6. Voluntary agreements and mediation

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

With each received case, if the applicant agrees, the case is sent to the local child protection officials, who try to assert the location of the child, meet with the respondent, explain how the Convention works and the request received. They also ask the respondent if they would agree to return voluntarily and if so, on what conditions, or if they would agree to participate in family mediation.

6.2 In what ways have you used the "Guide to Good Practice on Mediation"<sup>12</sup> for the purpose of implementing the 1980 Convention in your State? Please explain:

See reply to the question 6.1. Also the guide was distributed to courts, child protection officials, family mediators. Numerous trainings were organized for child protection officials etc, where the guide was presented and handed out.

6.3 Has your State considered or is it in the process of considering the establishment of a Central Contact Point for international family mediation to facilitate access to information on available mediation services and related issues for cross-border family disputes involving children, or has this task been entrusted to the Central Authority?<sup>13</sup>

- No, please explain:  
Please insert text here

- Yes, please explain:

This is the task of the Central Authority, although all info on family mediation can be found on the webpage of the Estonian Association of Mediators (<http://www.lepitus.ee>) and on the e-Justice portal ([https://e-justice.europa.eu/content\\_crossborder\\_family\\_mediation-372-ee-et.do?member=1](https://e-justice.europa.eu/content_crossborder_family_mediation-372-ee-et.do?member=1) )

## 7. Preventive measures

<sup>12</sup> Available on the Hague Conference website at < [www.hcch.net](http://www.hcch.net) > under "Child Abduction Section" then "Guides to Good Practice".

<sup>13</sup> As it has been encouraged in the Guide to Good Practice on Mediation, Chapter 4, on "Access to Mediation". par. 114-117. See also Conclusions and Recommendations of the 2011 / 2012 Special Commission (*supra*. note 5) at par. 61.

7.1 Has your State taken steps to advance the development of a travel form under the auspices of the International Civil Aviation Organisation?<sup>14</sup>

No

Yes, please describe:

The Ministry of Foreign Affairs has developed a recommended form for a parent to give permission for the child's travels. It can be found: [http://vm.ee/sites/default/files/article-filefield/lapsega\\_reisimise\\_nousoleku\\_naidisvorm.pdf](http://vm.ee/sites/default/files/article-filefield/lapsega_reisimise_nousoleku_naidisvorm.pdf)

7.2 Regardless of whether the International Civil Aviation Organisation adds the development of a travel form to its work programme, would your State support the development of a non-mandatory model travel form under the auspices of the Hague Conference?

Yes

No, please explain:

[Please insert text here](#)

## **8. The Guide to Good Practice under the 1980 Convention**

8.1 In what ways have you used the Parts of the Guide to Good Practice<sup>15</sup> to assist in implementing for the first time, or improving the practical operation of, the 1980 Convention in your State?

a. Part I on Central Authority Practice. Please explain:

[When there are difficult cases, which we are trying to figure out solutions to the GTGP I is consulted.](#)

b. Part II on Implementing Measures. Please explain:

[Like suggested in Chapter 10 of the GTGP II the Central Authority is always trying to train, prepare materials etc for the judges, child protection officials, attorneys etc dealing with the 1980 Convention cases.](#)

c. Part III on Preventive Measures. Please explain:

[Some of the suggestions of the GTGP III have been taken into account \(children have separate documents etc\). We are still considering whether and how other suggestions could be taken into account.](#)

d. Part IV on Enforcement. Please explain:

[GTGP IV has been distributed to courts and bailiffs, it is consulted where enforcement is needed. The Estonian Supreme Court has also refer to it in it's decision explaining what info should be contained in a return decision for it to be enforceable.](#)

8.2 How have you ensured that the relevant authorities in your State have been made aware of, and have had access to, the Guide to Good Practice?

[Where possible, we have distributed GTGP-s, but there are also links to them in the courts' intranet. We also refer to relevant GTGPs when making applications to the child protection officials, to bailiffs etc.](#)

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

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## **9. Publicity and debate concerning the 1980 Convention**

9.1 Has the 1980 Convention given rise to (a) any publicity (positive or negative) in your State, or (b) any debate or discussion in your national parliament or its equivalent?

No

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

[Please insert text here](#)

<sup>14</sup> See the Conclusions and Recommendations of the 2011 / 2012 Special Commission (*supra*. note 5) at par. 92.

<sup>15</sup> All Parts of the Guide to Good Practice under the 1980 Convention are available on the Hague Conference website at < [www.hcch.net](http://www.hcch.net) > under "Child Abduction Section" then "Guides to Good Practice".



9.2 By what methods does your State disseminate information to the public about the 1980 Convention?

Press releases made by the Ministry, trainings, but also there is a lot of info for the citizens (including request form and instructions on filling it in) on [www.juristaitab.ee](http://www.juristaitab.ee)

<b>PART IV: TRANSFRONTIER ACCESS / CONTACT AND INTERNATIONAL FAMILY RELOCATION</b>
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**10. Transfrontier access / contact<sup>16</sup>**

10.1 Since the 2011 / 2012 Special Commission, have there been any significant developments in your State regarding Central Authority practices, legislation, procedural rules or case law applicable in cases of transfrontier contact / access?

- No  
 Yes, please explain:  
[Please insert text here](#)

10.2 Please indicate any important developments in your State, since the 2011 / 2012 Special Commission, in the interpretation of **Article 21** of the 1980 Convention.

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10.3 What problems have you experienced, if any, as regards co-operation with other States in respect of:

- a. the granting or maintaining of access rights;  
[The level of assistance in granting access rights is very different - some States refuse to handle such cases.](#)
- b. the effective exercise of rights of access; and  
[Again the level of assistance is very different - some only refer to an attorney, others communicate with child protection officials and / or send the case to court if needed.](#)
- c. the restriction or termination of access rights.  
[no practice.](#)

Please provide case examples where possible.  
[Please insert text here](#)

10.4 In what ways have you used the "General Principles and Guide to Good Practice on Transfrontier Contact Concerning Children"<sup>17</sup> to assist in transfrontier contact / access cases in your State? Can you suggest any further principles of good practice?

[This GTGP has been used by courts in granting access rights in cases with an international element.](#)

**11. International family relocation<sup>18</sup>**

11.1 Since the 2011 / 2012 Special Commission, have there been any significant developments in your State regarding the legislation, procedural rules or case law applicable to international

<sup>16</sup> See the [Conclusions and Recommendations](#) of the 2006 Special Commission (*supra.* note 5) at paras 1.7.1 to 1.7.3.

<sup>17</sup> Available on the Hague Conference website at < [www.hcch.net](http://www.hcch.net) > under "Child Abduction Section" then "Guides to Good Practice".

<sup>18</sup> See the Conclusions and Recommendations of the 2006 Special Commission meeting at paras 1.7.4 to 1.7.5:  
 "1.7.4 The Special Commission concludes that parents, before they move with their children from one country to another, should be encouraged not to take unilateral action by unlawfully removing a child but to make appropriate arrangements for access and contact preferably by agreement, particularly where one parent intends to remain behind after the move.  
 1.7.5 The Special Commission encourages all attempts to seek to resolve differences among the legal systems so as to arrive as far as possible at a common approach and common standards as regards relocation."

family relocation? Where possible, please explain these developments in the legislation, procedural rules or case law:

No.

<b>PART V: NON-CONVENTION CASES AND NON-CONVENTION STATES</b>
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## **12. Non-Convention cases and non-Convention States**

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

Please see [EU-coordinated position](#).

12.2 Are there any States which are not Parties to the 1980 Convention or not Members of the Hague Conference that you would like to see invited to the Special Commission meeting in 2017?

Please see [EU-coordinated position](#).

*The "Malta Process"*<sup>19</sup>

12.2 In relation to the "Malta Process":

a. Do you have any comment to make on the "Principles for the Establishment of Mediation Structures in the context of the Malta Process" and the accompanying Explanatory Memorandum?<sup>20</sup>

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b. Have any steps been taken towards the implementation of the Malta Principles in your State and the designation of a Central Contact Point, in order to better address cross-border family disputes over children involving States that are not a Party to the 1980 and 1996 Hague Conventions?

No

Yes, please explain:

[Please insert text here](#)

c. What is your view as to the future of the "Malta Process"?

[Please see EU-coordinated position](#).

<b>PART VI: TRAINING AND EDUCATION AND THE TOOLS, SERVICES AND SUPPORT PROVIDED BY THE PERMANENT BUREAU</b>
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## **13. Training and education**

13.1 Can you give details of any training sessions / conferences organised in your State to support the effective functioning of the 1980 Convention, and the influence that such sessions / conferences have had?

<sup>19</sup> The "Malta Process" is a dialogue between certain States Parties to the 1980 and 1996 Conventions and certain States which are not Parties to either Convention, with a view to securing better protection for cross-border rights of contact of parents and their children and addressing the problems posed by international abduction between the States concerned. For further information see the Hague Conference website at < [www.hcch.net](http://www.hcch.net) > under "Child Abduction Section" then "Judicial Seminars on the International Protection of Children".

<sup>20</sup> The Principles and Explanatory Memorandum were circulated to all Hague Conference Member States and all States participating in the Malta Process in November 2010. They are available on the Hague Conference website at < [www.hcch.net](http://www.hcch.net) > under "Child Abduction Section" then "Judicial Seminars on the International Protection of Children".

The Central Authority has held numerous trainings on the 1980 Convention to judges, court staff, attorneys and lawyers, bailiffs, social workers and child protection officials. They have all been very welcomed and happy about the materials received during the trainings. Many people, who took part of the trainings, said it's good to know who to contact in these rare and difficult cases.

#### **14. The tools, services and support provided by the Permanent Bureau**

*In general*

14.1 Please comment or state your reflections on the specific tools, services and support provided by the Permanent Bureau to assist with the practical operation of the 1980 and 1996 Conventions, including:

- a. The Country Profile available under the Child Abduction Section.  
Very useful in cases, where you are preparing a case to a country, where you have little practice so far.
- b. INCADAT (the international child abduction database, available at < www.incadat.com >).  
Used from time-to-time, but time consuming and sometimes not very user-friendly
- c. *The Judges' Newsletter* on International Child Protection - the publication of the Hague Conference on Private International Law which is available online for free;<sup>21</sup>  
Contains very interesting and helpful articles. Not sure whether there is a notification/ news letter sent to readers each time a new issue comes out?
- d. The specialised "Child Abduction Section" of the Hague Conference website (< www.hcch.net >);  
Most often used by the Central Authority. User-friendly, contains a lot of information.
- e. INCASTAT (the database for the electronic collection and analysis of statistics on the 1980 Convention);<sup>22</sup>  
Too time consuming to use it on a yearly basis.
- f. Providing technical assistance and training to States Parties regarding the practical operation of the 1980 and 1996 Conventions.<sup>23</sup> Such technical assistance and training may involve persons visiting the Permanent Bureau or, alternatively, may involve the Permanent Bureau organising, or providing assistance with organising, national and international judicial and other seminars and conferences concerning the Convention(s) and participating in such conferences;  
Always highly interesting and helpful!
- g. Encouraging wider ratification of, or accession to, the Convention(s), including educating those unfamiliar with the Convention(s);<sup>24</sup>  
In order for the Convention to really work, the more accessions, the better.
- h. Supporting communications between Central Authorities, including maintaining their contact details updated on the HCCH website;  
Most important - otherwise the Convention would not work
- i. Supporting communications among Hague Network Judges and between Hague Network Judges and Central Authorities, including maintaining a confidential database of up-to-date contact details of Hague Network Judges

<sup>21</sup> Available on the Hague Conference website at < www.hcch.net > under "Child Abduction Section" and "Judges' Newsletter on International Child Protection". For some volumes of *The Judges' Newsletter*, it is possible to download individual articles as required.

<sup>22</sup> Further information is available via the Hague Conference website at < www.hcch.net > under "Child Abduction Section" then "INCASTAT".

<sup>23</sup> Such technical assistance may be provided to judges, Central Authority personnel and / or other professionals involved with the practical operation of the Convention(s).

<sup>24</sup> Which again may involve State delegates and others visiting the Permanent Bureau or, alternatively, may involve the Permanent Bureau organising, or providing assistance with organising, national and international judicial and other seminars and conferences concerning the Convention(s) and participating in such conferences.

Also important for everyday work.

*Other*

14.2 What other measures or mechanisms would you recommend:

- a. To improve the monitoring of the operation of the Conventions;  
[Please insert text here](#)
- b. To assist States in meeting their Convention obligations; and  
[Please insert text here](#)
- c. To evaluate whether serious violations of Convention obligations have occurred?  
[Please insert text here](#)

<p style="text-align: center;"><b>PART VII: PRIORITIES AND RECOMMENDATIONS FOR THE SPECIAL COMMISSION AND ANY OTHER MATTERS</b></p>
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**15. Views on priorities and recommendations for the Special Commission**

15.1 Which matters does your State think ought to be accorded particular priority on the agenda for the Special Commission? Please provide a brief explanation supporting your response.

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15.2 States are invited to make proposals concerning any particular recommendations they think ought to be made by the Special Commission.

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**16. Any other matters**

16.1 States are invited to comment on any other matters which they may wish to raise concerning the practical operation of the 1980 Convention.

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