

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

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

<b>Name of State or territorial unit:</b> <sup>1</sup>	Lithuania
<i>For follow-up purposes</i>	
Name of contact person:	
Name of Authority / Office:	
Telephone number:	
E-mail address:	
Date:	

## PART I – PRACTICAL OPERATION OF THE 1980 CONVENTION

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

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

- No  
 Yes

Please specify:

[Please insert text here](#)

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

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

The Central Authority started accept the documents sent by e-mail and does not request to provide the hard copies of applications and accompanying documents. Most of official documents addressed to other institutions and persons are signed by electronic signature.

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

The Courts started more often to organize the court hearings via remote communication means and this often let to avoid the delay of proceedings and to reduce the litigation costs. Before Covid-19 pandemic the Courts usually were determining the mandatory physical participation of parties in court hearings.

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

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

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

- c) Promoting mediation and other forms of amicable resolution;  
The mediation is not obligatory in child abduction cases in Lithuania. The Central authority organizes the pree-trial voluntary return process with assistance of child rights protection specialists who may negotiate the agreement of parents.
- d) Making arrangements for organising or securing the effective exercise of rights of access, including while pending return proceedings;  
More often the communication between child and one of parents is determined via remote communciation means.
- e) Obtaining evidence by electronic means;  
The examination of witnesses who are living in other State quite often is organized via remote communication means.
- f) Ensuring the safe return of the child;  
No improvements in this area
- g) Cooperation between Central Authorities and other authorities;  
It was noticed that some Central Authorities started communicate via e-mails and not official letters, that makes the communication and transfer of information more expeditious
- h) Providing information and guidance for parties involved in child abduction cases;  
No improvements in this area
- i) Other, please specify.  
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3. Please provide the three most **significant decisions concerning the interpretation and application of the 1980 Convention** rendered since the 2017 SC by the relevant authorities<sup>4</sup> in your State.

Case Name	Court Name	Court Level	Brief summary of the ruling
e2-1244-912/2022	Lithuanian Court of Appeal	Second (appeal) level	The Court dismissed the request for child's return because of child's settlement, after child was living in Lithuania for 6 months. The court made the conclusion that the formal application of one or another term as a basis for making a decision on the (non)return of the child cannot unconditionally become the most important criterion in protecting the child's interests. The meaning of the one-year term specified in Article 12 of the Hague Convention must be assessed not in isolation, but in a complex context, in the context of the second paragraph of the preamble to the Hague Convention and the provisions of other international legal acts, and must be interpreted and applied not formally, but taking into

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

			account the purpose of this exception for the return of the child - to ensure protecting the interests of a child who has settled in new environment.
e2-369-1120/2022	Lithuanian Court of Appeal	Second (appeal) leve	The Court ordered the return of children and refused to apply the Art. 13 (1)(b) explaining that the applicant's religious and cultural requirements can not be recognized as the grave risk. The Court also mentioned that weakened or broken relationship between applicant and children caused by their removal, can not be considered as possible psychological harm for children.
eN2-2683-582/2020	Vilnius County Court	First instance (Order confirmed in appeal instance)	The Court decided that the child was not living in X State permanently and therefore the child's removal from X State to Lithuania can not be recorginzed as unlawful. The Court concluded that because of very young child's age (up to one year), the child's environment basically coincides with mother's environment. As the mother departed with child to X State being in maternity leave which lasts up to three child's years, and did not terminate these leave in Lithuania, the Court considered tht the mother did not have intentions to live in X State permanently.

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

Since 02/01/2017 the new amendment was established in Civil Code of the Republic of Lithuania, related to child's removal from Lithuania to other State (<https://www.e-tar.lt/portal/lt/legalAct/TAR.8A39C83848CB/asr>). The Article 3.174. p. 3 stablshes that a right to bring a minor child, whose permanent place of residence is in the Republic of Lithuania, to a foreign country for a permanent residence, is given to this parent with whom the child's permanent place of residence was established, only after receiving a written consent from the other parent. In case this other parent refuses to give such a consent, then this dispute is resolved by the court. Until this amendment there was no direct requirement set in national law, requiring to get the writtent consent of one of parents for child's relocation.

**Issues of compliance**

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

- No
- Yes

Please specify the challenges encountered:  
Please insert text here

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

- No  
 Yes

Please specify:

[Please insert text here](#)

### Addressing delays and ensuring expeditious procedures

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

#### Central Authority

- No  
 Yes  
 Procedure not yet revised

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

[Please insert text here](#)

#### Judicial proceedings

- No  
 Yes  
 Procedure not yet revised

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

[Please insert text here](#)

#### Enforcement

- No  
 Yes  
 Procedure not yet revised

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

[Please insert text here](#)

#### Mediation / ADR

- No  
 Yes  
 Procedure not yet revised

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

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

Please insert text here

### Court proceedings and promptness

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

- No  
 Yes

Please specify:

The Law on the implementation of European Union and international legislation regulating civil procedures (Art. 7 p. 5) determines that the request for child return has to be considered within term set in Art. 24 of Regulation Brussels IIb (<https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.331603/asr>).

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

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

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

- No  
 Yes

Please specify:

We do not know the child return cases in our State where the Court would use the direct judicial communication. Usually if needed the Court request the Central Authority to obtain required information / confirmation or etc. from authorities of other State.

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

- No  
 Yes

Please specify:

The judge who considers the child return case decides to request the judge of IHNJ for assistance or not, but we believe that in case the assistance of Central Authorities would be insufficient, the judge would contact the judge of IHNJ.

12. Please comment upon any cases ( where your State was the requested State) in which the judge (or decision-maker) has, before determining an application for return, communicated with a judge

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

or other authority in the requesting State regarding the issue of the child's safe return. What was the specific purpose of the communication? What was the outcome?

There are no such cases.

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

### In general

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

- No  
 Yes

Please specify:

Please insert text here

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

- No  
 Yes

Please specify:

Please insert text here

### Legal aid and representation

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

- No  
 Yes

Please specify:

The persons requesting for child return in Lithuania are eligible for free legal aid without examination of their financial situation and etc. It means that every person has the right to lodge to Central Authority (or State Guaranteed Liagl Aid Service) the application for free legal aid and this application is considered in 7 working days.

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

- No  
 Yes

Please specify:

In some Countries the left behind parents have struggles to get the free legal aid for court proceeding. For example, the person receives the list of attorneys who declared that they agree to provide the free legal assistance but in fact after contacting them,

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

the attorneys do not agree to represent the applicant for free, to take the case or the applicant is requested to pay for other litigation fees quite big amount of money.

### Locating the child

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

- No  
 Yes

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

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

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

The Lithuanian Central Authority request the child rights protection specialists of Territorial Divisions to locate the child / confirm the child's location and to secure the voluntary return of the child. We also made the list of mediators competent in international family law and able to mediate in different languages. However, the pre-trial mediation is not obligatory in Lithuania in child abduction cases (contrary than in other family disputes considered in courts).

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

Please specify:

The Central Authority did not review the procedures of mediation services or ADR in the framework of international child abduction cases. But we invited the mediators having particular competence in international family law and able to mediate in different languages to consent their contact details would be shared with persons involved in child abduction cases.

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

Please provide comments:

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

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

No  
Please explain:  
Please insert text here

Yes  
Please explain:  
The pre-trial mediation in family disputes is obligatory in Lithuania and is organized by State Guaranteed Legal Aid Service. This authority, if needed, can organize them mediation in different languages (if one of persons involved in dispute is the citizen of other country / does not speak Lithuanian). However, the child abduction cases are considered in Lithuania in non-contentious proceeding and therefore the pre-trial mediation is not obligatory in these proceedings.

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

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

Please explain:  
The Court obliges the Central Authority of Lithuania to obtain the required information about the protective measures available in the requesting State from the competent authorities of requesting State.

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

No  
 Yes  
Please specify:  
If we would receive such request, we would be able to request our Territorial Division to check child's wellbeing and to provide us with report about child's situation, if needed.

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

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

No  
 Yes  
Please specify:  
Our specialists participate in person in all meetings organized by HccH. We also participated on 18/01/2023 (online) in the Roundtable discussion with Central Authority of Ukraine, regarding return and access applications concerning temporarily relocated children outside Ukraine.

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

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

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



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

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

- No  
 Yes

Please specify and share the relevant instruments whenever possible:

We have issued and confirmed by Director of Central Authority order No BV-9 dated 07/01/2021 the description of procedure of processing the applications under Hague Convention. Moreover, our authority currently is on the way of starting to apply the Process Management and therefore currently we are preparing the process of processing of applications under Hague Convention (<https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/41fda341572511eba1f8b445a2cb2bc7?jfwid=bj9qo6uqy>).

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

- No  
 Yes

Please specify:

All documents and applications (received and sent) are registered in system for documents management DBSIS. The applications (incoming and outgoing) are also registered in our database of applications under Hague Convention VTAITIS. We are in process of preparing now the new one database system for tracking incoming and outgoing cases.

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

- No  
 Yes

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

The detailed statistical information is available in the annual reports of State Child Rights Protection and Adoption Service (<https://vaikoteises.lrv.lt/lt/administracine-informacija/ataskaitos/metines-veiklos-ataskaitos>)

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

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

- No  
 Yes

Please specify:

In 2018 the State Child Rights Protection and Adoption Service (the Central Authority) was reorganized. As the consequence the divisions of child rights protection services

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

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

under the Municipalities were connected to State Child Rights Protection and Adoption Service and became the Territorial divisions of Central Authority. But this did not make the significant impact on cases of transfrontier access,

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

- No
- Yes

Please specify:

We noticed the different national legislation of other States related to access rights under Hague Convention. For example - the State X refused to assist in making arrangements for applicant's access rights to child living in State X because such rights were not granted by Lithuanian Court decision. The applicant was advised to apply to Court of State X according to domestic law of State X, without assistance of Central Authorities.

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

- No
- Yes

Please specify:

In such cases we provide the assistance in trying to negotiate the agreement between child's parents for access rights, and in case an agreement can not be reached we facilitate the institution of proceeding in Lithuanian competent Court for applicant's access rights.

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

Position	Services provided
A request of assistance to organise or secure effective exercise of rights of access in <b>another Contracting Party</b> (as requesting State)	<ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> 1. Assistance in obtaining information on the operation of the 1980 Convention</li> <li><input checked="" type="checkbox"/> 2. Assistance in obtaining information on the relevant laws and procedures in the requested State</li> <li><input checked="" type="checkbox"/> 3. Establishment of contact with the Central Authority and / or the competent authorities in the requested State to find out the kind of assistance such authorities could provide</li> <li><input checked="" type="checkbox"/> 4. Transmission of the request to the Central Authority or to the competent authorities in the requested State</li> <li><input checked="" type="checkbox"/> 5. Assistance in initiating judicial or administrative proceedings with a view to making arrangements for organising or securing the effective exercise of rights of access</li> <li><input checked="" type="checkbox"/> 6. Assistance in providing or facilitating the provision of legal aid and advice</li> <li><input checked="" type="checkbox"/> 7. Assistance in obtaining private legal counsel or mediation services, where needed in the requested State</li> <li><input type="checkbox"/> 8. Referral to other governmental and / or non-governmental organisations for assistance</li> <li><input checked="" type="checkbox"/> 9. Provision of regular updates on the progress of the application</li> <li><input type="checkbox"/> 10. Other, please specify: Please insert text here</li> </ul>

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

<p>A request of assistance to organise or secure effective exercise of rights of access <b>in your State</b> (as requested State)</p>	<p><input checked="" type="checkbox"/> 1. Providing information on the operation of the 1980 Convention and / or the relevant laws and procedures in your State</p> <p><input checked="" type="checkbox"/> 2. Assistance in initiating judicial or administrative proceedings with a view to making arrangements for organising or securing the effective exercise of rights of access</p> <p><input checked="" type="checkbox"/> 3. Assistance in providing or facilitating the provision of legal aid and advice</p> <p><input checked="" type="checkbox"/> 4. Assistance in obtaining private legal counsel or mediation services available in your State</p> <p><input checked="" type="checkbox"/> 5. Referral to other governmental and / or non-governmental organisations for assistance</p> <p><input type="checkbox"/> 6. Regular updates on the progress of the application</p> <p><input type="checkbox"/> 7. Other, please specify: Please insert text here</p>
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32. Should your State also be a Contracting Party to the 1996 Convention, are you aware of any use being made of **provisions of the 1996 Convention**, including those under Chapter V, **in lieu of or in connection with an application under Article 21** of the 1980 Convention?

- No  
 Yes

Please specify:

The cases for access rights are considered in district Courts of Lithuania, under the place of residence of child. In these proceedings participate the specialists of our Territorial divisions.

## Special topics

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

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

Please explain:

Usually the person hearing the child's views is seeking to record in documents as much information as could. All child's words are recorded, if the child does not mention, then the interviewing persons asks politely about child's willingness to live in one or other Country, relationship with parents, the last meeting with requesting parent. It Should be noted that very often the child's behaviour is also described - whether the child is brave, or seems like feels uncomfortably, in what language the child speaks and etc.

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

- No  
 Yes

Please specify:

We have only the training material for child rights protections specialists who participate in civil and criminal proceedings and hear child's views. But currently our Central Authority bought the service, when the competent specialists would prepare the detailed guidelines for child rights protection specialists and provide the trainings for a hearing of child's view.

**Article 15**

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

- Do not know  
 Never  
 Rarely  
 Sometimes  
 Very often  
 Always

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

- Do not know  
 Never  
 Rarely  
 Sometimes  
 Very often  
 Always

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

Please indicate:

We have the approved by our Central Authority form of application under Hague Convention. This form of application is available on our website (<https://vaikoteises.lrv.lt/lt/paslaugos/administracines-paslaugos/prasymai>), and includes all basic and required information. We also provide in our website quite detailed information on procedures applicable in child abduction cases, required documents and the assistance could be provided by Central Authority.

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

Please insert your suggestions:

None.

**Relationship with other international instruments on human rights**

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

- No  
 Yes

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

[Please insert text here](#)

- Do not know

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

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

- No  
 Yes

Please provide comments:  
 Please insert text here

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

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

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

Please insert text here

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

Please insert text here

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

Please insert text here

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

Please insert text here

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

Please insert text here

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

- No  
 Yes

Please specify:

We have never received such requests, but we would provide report of situation of the child after the return, if would be requested.

### Primary carer and protective measures

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

Please explain and provide case examples where possible:

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

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

Very often taking parents make allegations of domestic violence, harassment and etc. The Lithuanian Court considering the child abduction cases usually carefully investigates such allegations, but requests to prove these allegations by evidences (police checks, transcripts of correspondence, witness statements etc.). We have non-return decisions, made because of proved left behind parents violence against taking parents and other inappropriate behaviour in presence of child.

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

Please explain and provide case examples where possible:

No.

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

No

Yes

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

[Please insert text here](#)

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

No

Yes

Please specify:

[Please insert text here](#)

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

No

Yes

Please specify:

[Please insert text here](#)

N/A

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

No

Yes

Please specify:

[The Courts of Lithuania have never applied the measures.](#)

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

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

Yes

Please describe such procedures, if possible:

The Article 3.174. p. 3 of Civil Code of the Republic of Lithuania establishes that a right to bring a minor child, whose permanent place of residence is in the Republic of Lithuania, to a foreign country for a permanent residence, is given to this parent with whom the child's permanent place of residence was established, only after receiving a written consent from the other parent. In case this other parent refuses to give such a consent, then this dispute is resolved by the court. It means, that the parent who wish to move with child for permanent living to other country, has to get the consent of other parent. in case such consent was not given, the parent willing to move to other country, has to request the Court to give the permission to take the child to other country without the consent of other parent.

No

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

Please insert text here

**Publicity and debate concerning the 1980 Convention**

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

No

Yes

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

Please insert text here

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

Please explain:

We publish information about the 1980 Convention in website (<https://vaikoteises.lrv.lt/lt/veiklos-sritys/vaiko-teisiu-apsauga/tarptautine-apsauga/neteisetas-vaiko-isvezimas>). The Central Authority also has a channel on YouTube platform, where publish the short videos - consultations for society about different questions (<https://www.youtube.com/@vaikoteisiuapsaugosirivaik4249>), and the public account on Facebook (<https://www.facebook.com/vaikoteises.ivaikinimas>).

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



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

### Training and education

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

Please provide details:

In 2019 the online training "The family law" for lawyers, organized by the National Judicial Administration, in cooperation with the Council of Europe's European human rights education program for lawyers "HELP in EU".

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

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

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

The information on Country Profile is very useful when we have to cooperate with countries with which we have no cooperation experience.

- b. INCADAT (the international child abduction database, available at [www.incadat.com](http://www.incadat.com)). It is useful tool for lawyers.

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

Please insert text here

- d. The specialised "Child Abduction Section" of the HCCH website ([www.hcch.net](http://www.hcch.net)); This is useful section where all most important information can be find in one place.

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

We really appreciate the trainings organized by PB and find them as important contribution to correct and effective State's practical operation of Conventions.

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

We are on position that as many as possible countries should ratificate or accede to Conventions, so that the cooperation with that countries could take place, and the information on the national regulation of other countries could be know, the good practice of cooperation could be shared.

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

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



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

Please insert text here

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

Please insert text here

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

This practice is useful.

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

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

- a. Part I on Central Authority Practice.

We used this part of practice guide as a basis of our description of procedure of processing the applications under Hague Convention.

- b. Part II on Implementing Measures.

Please insert text here

- c. Part III on Preventive Measures.

Please insert text here

- d. Part IV on Enforcement.

Please insert text here

- e. Part V on Mediation

Please insert text here

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

We use the information and advice of this part of practice guide in providing the conclusions for the Courts considering the child abduction cases and for the training of our staff. The Courts considering the child abduction cases as we know as well uses and cite the provisions of Guide of Good Practice.

- g. Transfrontier Contact Concerning Children – General Principles and Guide to Good Practice

Please insert text here

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

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

Please insert text here

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

No.

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

We have not used it yet

### Other

58. What other measures or mechanisms would you recommend:

- a. to improve the monitoring of the operation of the 1980 Convention;  
To make more often the surveys and to publish the results. It can help identify the weak areas and difficulties in operating the Convention.
- b. to assist States in meeting their Convention obligations; and  
As often as possible to organize the events in order the States could share the experience and good practice, ask the questions and get new ideas on improvement of their operation.
- c. to evaluate whether serious violations of Convention obligations have occurred?

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

## PART III – NON-CONVENTION STATES

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

Please explain:

China, India, as we had a reports of children abducted to these countries but were not able to assist in these matters. However, we assume that the national regulation of parental responsibility of these countries may be very different from EU and other contacting countries, so the operation of Convention in these countries could have serious challenges.

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

Please indicate:

Please insert text here

### The “Malta Process”<sup>24</sup>

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

Please explain:

No suggestions

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

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

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

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

Please specify and list in order of priority if possible:

No

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

Please specify:

No

### **Bilateral meetings**

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

Please insert number:

2-3

### **Any other matters**

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

Please provide comments:

Please insert text here