

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.

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<i>For follow-up purposes</i>	
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PART I: RECENT DEVELOPMENTS²

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:

The Act on Child Custody and Right of Access (361/1983), which contains the procedural rules for the return proceedings in Finland, was amended in January 2016. In order to appeal the first instance court decision, a leave of appeal is needed. A petition for leave of appeal must be lodged within 14 days of the the first instance court decision. These amendments were made in order to reduce the time required to decide the cases.

In addition, we refer to the answer given by the European Union.

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 authorities³ 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 the ruling 2012:85 the Supreme Court considered inter alia whether the applicant had consented to the move of the children to Finland or at least accepted the move afterwards. The concept of consent and in which form it should be given was considered by the court. The Supreme Court ordered the children to be returned.

In the ruling 2015:44 the Supreme Court considered the habitual residence of a two

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

² 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.

³ 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.

year old child, who had been living both in Finland and in Estonia. The court considered the elements which are relevant for the habitual residence to be formed in a country. The Supreme Court did not order the child to be returned.

In the ruling 2016:65 the Supreme Court considered a return of a child in a case where the child had come to Finland with the father who had applied for asylum. The father together with the child were granted asylum, after which the mother requested the return of the child. The Supreme Court considered the meaning and significance of the asylum status in the context of the Hague 1980 Convention, as well as the grounds for refusal. The Supreme Court ordered the child to be returned.

The decisions can be found here: <http://www.finlex.fi/fi/oikeus/kko/kko/>.

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.

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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:

With some states, we have encountered problems in receiving necessary information for the applicants in their case. The information regarding the laws and procedures in the requested state and regarding the initiation of the return proceedings has sometimes been insufficient. Also, it has been unclear whether the return application is pending in the court and whether the requested Central Authority is assisting in the proceedings. Also the length of the proceedings in some states is considered a problem.

Additionally, we consider it problematic if in some states the essential concepts of the Hague 1980 Convention, such as the habitual residence are interpreted not in the context of the convention, but based on the concepts of national law.

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

- No
 Yes, please specify:

PART II: THE PRACTICAL OPERATION OF THE 1980 CONVENTION

3. **The role and functions of Central Authorities designated under the 1980 Convention**⁴

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:

In general, we are of the opinion that the cooperation between the Central Authorities is functioning well.

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

In some cases, as mentioned in the reply to the previous question, there have been delays in receiving answers from the requested Central Authorities. It is very important for the applicants to receive information about the relevant legislation and about the return proceedings in the requested state, as well as more detailed information about the proceedings in their case, e.g. who is representing them in the court, whether they need to find a lawyer privately or whether the Central Authority is able to assist, about the scheduled hearings and decisions, about the provision of legal aid and about the enforcement of the return decisions. We consider it important that the Central Authorities are proactive and share information in all stages of the proceedings.

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:

See the answer to the previous question.

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:

We consider it problematic if the requested Central Authority, based on its' own evaluation of the documentation provided by the parties, decides e.g. that the habitual residence of the child is in the requested state and, based on that evaluation is not willing to assist the applicant in the return proceedings. We see that in such situations, where e.g. the habitual residence of the child is unclear, the case should always be taken to court for a decision.

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:

In Finland, the national legislation provides for a free legal aid to all applicants in incoming return cases without a means test. Hence, the provision of legal aid is not causing any delays in proceedings in Finland.

However, we have experienced challenges in cases where a return application is sent from Finland to a requested state and the requested state cannot provide for legal aid without a means test and/or has problems in finding pro bono lawyers to represent the applicants. In some cases, finding a legal representation has taken a considerable amount of time and caused delays in the return proceedings.

If the Central Authority does not represent or assist the applicant in the return proceedings, it is important that the Central Authority informs the applicant on how to apply for legal aid and/or how to find a lawyer.

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?⁵

⁵ 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

- No
 Yes, please specify:

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:

In some cases, if the taking parent has been hiding with the child, there have been difficulties in locating the child. In those cases, the cooperation between the different authorities (police etc.) is very important.

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:

Based on the national legislation, the Finnish Central Authority can request administrative assistance from the police or from the local child welfare agency, in order to locate the child in Finland.

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?⁶

- No
 Yes, please specify:

The Central Authorities of the Nordic states meet once a year in order to discuss the operation of the 1980 Convention. The Central Authorities of the European Union Member States also meet at least once a year to discuss child abduction matters (Brussels II bis Central Authority meetings). In addition, Finland has bilateral meetings with Estonia and Russia on yearly basis. All these meetings are very useful.

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:

Statistics⁷

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

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["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 > under "Child Abduction Section" then "Special Commission meetings").

⁶ 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.

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

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:

In the Finnish Central Authority, there are internal procedures for both incoming and outgoing cases, in order to ensure that all cases are handled promptly.

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)?⁸

- Yes
 No, please indicate if such arrangements are being contemplated:

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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:

In the national legislation, there are specific procedural rules concerning return proceedings and appeal. The time limit of six weeks is also incorporated into the legislation and the court usually gives the decision within that time limit.

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:
 Yes, please explain:

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

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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:

There have not been such requests in the proceedings in Finland. However, they would be considered, if requested.

- Yes, please explain:

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⁸ 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".

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

- Yes
 No, please explain:

There have not been cases where direct judicial communication would have been used. However, Helsinki court appeal as the first instance court in the return matters considers the direct judicial communication as a positive tool.

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:

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?

5. **Ensuring the safe return of children**⁹

*Methods for ensuring the safe return of children*¹⁰

5.1 What measures has your Central Authority taken to ensure that the recommendations of the 2006 and 2011 / 2012 Special Commission meetings¹¹ regarding the safe return of children are implemented?

We cooperate with the other (requesting or requested) Central Authority and based on our national legislation, we can request assistance from the local social welfare authorities, in order for them to take the necessary measures for safeguarding the safe return.

The Central Authority has also assisted in some practical matters, such as visa issues, if the applicant parent has difficulties in coming to collect the child.

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 can, upon the request of the court deciding on the return matter or on its own initiative, contact the requesting Central Authority and ask for the safeguards and measures for a safe return to be taken in the requesting state, in order for the enforcement authorities to be able to proceed with the enforcement of the return order. The cooperation between the Central Authorities is important.

In one case where the return to the applicant parent was considered a risk to the child, the competent social welfare authorities in the requesting state were contacted via the Central Authorities and they assisted in organising the safe return. However, social welfare authorities may not have financial resources for travelling.

⁹ See **Art. 7(2) h)** of the 1980 Convention.

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

¹¹ 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.

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?

Our local social welfare authority can inform about their services and if needed, be prepared to take measures to protect the child upon his/her arrival to Finland. These measures could include child protection measures, safe homes, support in finding an apartment to the returning parent etc.

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:

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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.

If the child is to be returned from Finland to another state, we can request assistance from the requesting Central Authority, in order to find a solution to the matter.

If the child is to be returned to Finland, the competent local social welfare authority could assist with the return e.g. in giving information about the safe homes where the family could go upon their arrival, if needed, and about other related services they can offer to the families.

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.

We do not have experience of such cases.

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?

We do not have experience of such cases. Generally, we do not monitor the case after the return has taken place.

However, in general, we see that it would be recommended that the requesting Central Authority would assist in organising the access rights etc to the parent who is not with the child. It may be that in those situations the abducting parent has difficulties in organising any access rights and in having any contact with the child. Also in situations where the court does not order the child to be returned, the Central Authorities should assist the left-behind parent in remaining in contact with the child, where possible.

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:

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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:

Once the Finnish Central Authority receives a new return application, it is sent without delay to a lawyer who represents the applicant in the case. The lawyer, as the first step, contacts the taking parent and inquires for/negotiates the possibility for a voluntary return. The lawyer can also assist if the parents wish to negotiate an agreement.

In Finland, we have a modern and functional legislation on mediation in family disputes. However, it is not used in child abduction matters, but it is available for the parents in cross-border access cases.

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

The Guide is distributed to all authorities working with the child abduction matters.

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?¹³

- No, please explain:
 Yes, please explain:

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7. **Preventive measures**

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

- No
 Yes, please describe:

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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:

We would welcome a discussion on this topic.

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

¹² Available on the Hague Conference website at < www.hcch.net > under "Child Abduction Section" then "Guides to Good Practice".

¹³ 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.

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

8.1 In what ways have you used the Parts of the Guide to Good Practice¹⁵ 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:

It has been used in order to evaluate and develop the Central Authority work and practice in child abduction matters.

In some demanding cases, we have referred to the Guide to define what is expected from the Central Authorities and what is considered good cooperation.

b. Part II on Implementing Measures. Please explain:

It has been used in trainings and has been distributed to the participants of the trainings.

c. Part III on Preventive Measures. Please explain:

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d. Part IV on Enforcement. Please explain:

It has been distributed to the relevant authorities. For instance, the Parliamentary ombudsman has referred to the Guide to Good Practice in one decision concerning good practice in the enforcement of a return decision.

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?

The guide has been distributed to all authorities working with child abduction related issues and it has been taken up in training sessions and meetings.

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

Academic researchers have been using the Guide and have referred to it.

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:

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

There is information and a brochure on child abduction available in the Finnish Ministry of Justice webpage.

The Central Authority personnel participate in trainings as lecturers and the Central Authority cooperates with other authorities in the field, in order inter alia to spread information about the Convention.

PART IV: TRANSFRONTIER ACCESS / CONTACT AND INTERNATIONAL FAMILY RELOCATION

10. Transfrontier access / contact¹⁶

¹⁵ All Parts of the Guide to Good Practice under the 1980 Convention are available on the Hague Conference website at < www.hcch.net > under "Child Abduction Section" then "Guides to Good Practice".

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

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:

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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;

In some cases, it has been difficult to receive information on the procedures in some countries (e.g. whether the applicant can receive free legal assistance, how the access proceedings can be initiated in that country and whether mediation is available). It seems that in some countries, the services of the Central Authorities in these matters are very limited.

- b. the effective exercise of rights of access; and

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- c. the restriction or termination of access rights.

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Please provide case examples where possible.

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

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11. International family relocation¹⁸

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

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PART V: NON-CONVENTION CASES AND NON-CONVENTION STATES

12. Non-Convention cases and non-Convention States

¹⁷ Available on the Hague Conference website at < www.hcch.net > under "Child Abduction Section" then "Guides to Good Practice".

¹⁸ 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."

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:

We refer to the answer given by the European Union.

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?

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*The "Malta Process"*¹⁹

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?²⁰

We refer to the answer given by the European Union.

- 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:

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

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<p>PART VI: TRAINING AND EDUCATION AND THE TOOLS, SERVICES AND SUPPORT PROVIDED BY THE PERMANENT BUREAU</p>
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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?

A seminar in 2013 with a special focus on the cooperation between the Finnish and Russian authorities in child abduction matters. Yearly meetings since then either in Finland or in Russia.

Training sessions for family law judges and lawyers specialised in family law matters. We have also contributed to information sessions of various actors in the field, for instance "The Finnish Association of Abducted Children".

¹⁹ 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 > under "Child Abduction Section" then "Judicial Seminars on the International Protection of Children".

²⁰ 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 > under "Child Abduction Section" then "Judicial Seminars on the International Protection of Children".

The Central Authority has updated the information regarding child abduction in the MoJ website (www.om.fi). The information is also available in Swedish and in English. The updated brochure on child abduction is planned to be ready in autumn.

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.

The Country Profiles are useful in order to receive general information on the legislation and procedures in a specific State Party.

- b. INCADAT (the international child abduction database, available at < www.incadat.com >).

INCADAT is the most important tool in assisting with the uniform application of the Convention.

- c. *The Judges' Newsletter* on International Child Protection - the publication of the Hague Conference on Private International Law which is available online for free;²¹

- d. The specialised "Child Abduction Section" of the Hague Conference website (< www.hcch.net >);

The up-to-date contact information of the Central Authorities is very important (incl. the email address(es) of the Central Authority). Equally important is the access to the relevant legislation of the States Parties. It is helpful that all relevant information is gathered in one place.

- e. INCASTAT (the database for the electronic collection and analysis of statistics on the 1980 Convention);²²

- f. Providing technical assistance and training to States Parties regarding the practical operation of the 1980 and 1996 Conventions.²³ 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;

We find this very important, both for the acceding states and for the State Parties.

- g. Encouraging wider ratification of, or accession to, the Convention(s), including educating those unfamiliar with the Convention(s);²⁴

²¹ 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.

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

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

²⁴ 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.

We consider this positive.

- h. Supporting communications between Central Authorities, including maintaining their contact details updated on the HCCH website;

This is really important, see the answer to 14.1.d.

- 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

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Other

14.2 What other measures or mechanisms would you recommend:

- a. To improve the monitoring of the operation of the Conventions;

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- b. To assist States in meeting their Convention obligations; and

We find it important that when a new state accedes to the Convention, enough support and information is given during the accession, in order for the new State Party to amend the national legislation, for the authorities in that country to become aware of the essential concepts, as well as of the tools available for the states (e.g. INCADAT). In addition, training and seminars to competent authorities in the new State Party are very useful, in order for the authorities to get acquainted with the key principles and concepts (e.g. the habitual residence) of the Hague 1980 Convention.

It is important that the newly acceded states designate a Central Authority and draft necessary implementing legislation.

International seminars where good practices are shared can be useful.

- c. To evaluate whether serious violations of Convention obligations have occurred?

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PART VII: PRIORITIES AND RECOMMENDATIONS FOR THE SPECIAL COMMISSION AND ANY OTHER MATTERS
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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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