

**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:<sup>1</sup></b>	FEDERATIVE REPUBLIC OF BRAZIL
<i>For follow-up purposes</i>	
Name of contact person:	NATALIA CAMBA MARTINS (GENERAL-COORDINATOR/HEAD)
Name of Authority / Office:	BRAZILIAN CENTRAL AUTHORITY FOR INTERNATIONAL CHILD ABDUCTION
Telephone number:	+ 55 61 2027-9184
E-mail address:	autoridadcentral@sdh.gov.br

**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:

1) Concentration of jurisdiction in all 5 Brazilian Federal Courts, covering the whole Brazilian territory. All 1<sup>st</sup> instance judicial cases related to the 1980 Hague Convention (abduction and access cases) are ruled by a limited number of judges.

2) Since March 2016 the Federative Republic of Brazil has a new Civil Procedure Code. Although there are not any provisions referring specifically to international child abduction and access, there are improvements that can certainly impact on that cases, such as:

a) provision for a 1st hearing at the beginning of the procedure (before the rebuttal of the Respondent). The objective of the hearing is to try to reach an amicable solution.

b) reduction on the number of procedural incidents (motions and intermediate appeals) during the procedure at 1<sup>st</sup> instance.

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.

The most impressive change on the Brazilian jurisprudence noticeable at least since

<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.

2013 is the consideration that the 1-year period of article 12 has its "ad quem" term not at the commencement of the judicial procedures, but at the moment that the file has been received at the Brazilian Central Authority. This scenario has a potential effect on reducing the number of cases where the allegation regarding the settlement of the child to his/her new environment is considered.

We can find some cases - scenario almost inexistent in the past - which the request for an social and/or psychological evaluation of the child was denied by the judge, on the grounds that the article 13, I, b has not been adequately established by the respondent (taking parent).

It is also possible to observe that an adequate interpretation on the rights of custody, for the purposes of the classification of an illicit transfer/retention can be found on a higher number of cases. While there were important restrictions to the "veto power" of one parent on the reallocation of the child, we are witnessing a more comprehensive understanding on the existence and effects of the "veto power".

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.

The Brazilian Central Authority (BCA) took some important measures to expedite the procedures at the administrative level, such as:

A) ALL DOCUMENTS CAN BE TRANSMITTED TO THE BRAZILIAN CENTRAL AUTHORITY THROUGH E-MAIL (NO HARD COPIES, IN GENERAL, ARE REQUIRED);

B) MIGRATION OF ALL CASES TO AN ELECTRONIC SYSTEM, ELIMINATING ALL PAPER FILES;

C) ONCE THE REQUEST OF RETURN/ACCESS IS SENT TO THE OFFICE OF THE ATTORNEY GENERAL AND THERE IS A LEGAL OPINION IN FAVOR OF PRESENTING THE CASE TO THE COURT, THE FILE DOES NOT RETURN TO THE BCA FOR A "DECISION" ON FILING THE CASE;

D) WHENEVER POSSIBLE, THE VOLUNTARY RETURN LETTER IS SENT TO THE TAKING PARENT BY ELECTRONIC MEANS, AVOIDING THE USE OF TRADITIONAL MAIL OR HARD COPIES;

E) IF THE WHEREABOUTS OF THE CHILD IS INFORMED BY THE REQUESTING STATE AND/OR THE LEFT BEHIND PARENT, THERE IS NO NEED TO CONFIRM THE LOCATION OF THE CHILD;

F) THE ATTEMPTS BY THE BCA FOR TRYING TO REACH AN AMICABLE SOLUTION DO NOT SUSPEND OTHER MEASURES NECESSARY FOR THE DEVELOPMENT OF THE CASE;

H) THE BCA DOES NOT WAIT FOR THE ISSUANCE OF THE REPORT ON DOMESTIC VIOLENCE BY THE BRAZILIAN SECRETARIAT FOR WOMEN POLICY TO PROCEED WITH THE CASE: IF AND WHEN THIS REPORT IS PRESENTED, IT IS INCLUDED ON THE FILE, FOR EXCLUSIVE CONSIDERATION OF THE COMPETENT COURT.

The Office of the Attorney General created in 2013 a group of around 60 State Attorneys that are in charge of all judicial lawsuits related to the 1980 Hague Convention, on behalf of the Brazilian Central Authority and under the coordination and supervision of the Internation Affairs Department of the Office of the Attorney General.

## 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:

Unfortunately the Brazilian Central Authority faces some difficulties on its bilateral cooperation with some States Parties of the 1980 Hague Convention.

Regarding at least two European Central Authorities, we are facing some communication difficulties, related to:

a) lack of information on the status of our outgoing cases. For example, at least in one case, although the Brazilian Central Authority sends recurrent requests for information, we are not able to have any news uptades since 2015. This difficulty is also present to our communication with at least 2 other South American State Parties;

b) on incoming cases, lack of response in a timely manner to requests of

information sent by the Brazilian Central Authority to those States Parties, even when the information is related with the social backgrounds of the child and requested under article 13, paragraph 3 of the 1980 Hague Convention;

c) on incoming cases, lack of response on a timely manner to judicial subpoenas issued by Brazilian Federal judges related to information in possession of those Central Authorities (of the country of habitual residence of the children), even when the information is related with the social backgrounds of the child and requested under article 13, paragraph 3 of the 1980 Hague Convention. This difficulty is also present to our communication with at least 2 other South American State Parties.

It is important to mention that all requests of information sent by the Brazilian Central Authority to other States Parties are relevant to gather correct information to be presented to the Brazilian Federal Courts in charge of deciding on those cases. In conclusion, that lack of responsiveness of the presentation of information after the judicial timeframe has expired may lead to negative impacts on the adequate application of the 1980 Hague Convention by Brazilian Federal Courts.

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

No

Yes, please specify:

Some States parties, instead of submitting requests of return/access under the 1980 Hague Convention seem to prefer to send rogatory letters, based on bilateral treaties, in order to have their custody orders enforced directly in Brazil.

On other occasion, one State Party sent the rogatory letter in paralel with the request of international judicial cooperation under the 1980 Hague Convention, making use of 2 different Brazilian Central Authorities and 2 different judicial procedures, that are dealt by different judicial instances. This may raise difficulties on the adequate application of the 1980 Hague Convention and, when the foreign order is internalized by the "exequatur" to the Brazilian legal system, it may lead to the understanding that the Brazilian judicial authorities have become competent for ruling on the merits of rights of custody, what is contrary to the article 16 of the 1980 Hague Convention.

We are able to identify at least one European Central Authority that has not sent at least two Brazilian outgoing cases to court, arguing that the case would be closed directly by the Requested Central Authority on the grounds of article 12 (settlement of the child to the new environment, due the fact that the 1 year time framed had elapsed) and article 13 I (b) (which, accordingly to that Requested Central Authority included the separation of siblings). All our attempts to have this administrative decision reverse - in order to have those cases sent to court were not taken into consideration.

It is also important do mention that if a State Party does not provide legal assistance to a LBP and if the LBP does not have the financial means to hire an attorney in the requested state, a Hague application would not be taken to court. Thus, this situation would characterize evasion of the Convention of 1980.

## 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 see answer to Question 2.1, above.

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

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

Yes, please specify:

Regarding other States Parties, please see answer 2.1, above.

Regarding problems within Brazil related to the adequate performance of the duties of the Brazilian Central Authority, it is important to mention that, specially due to the vast territorial extension of our country, it has been challenging to discover the whereabouts of a child on a timely manner. This task is performed, in Brazil, by the Brazilian branch of Interpol, an unit at the Federal Department of Police that, unfortunately, counts with limited material and human resources.

The Brazilian Central Authority is facing an important challenge regarding the development of the adequate environment and procedures to include transnational family mediation during the administrative phase of the cases. This BCA welcomes the share of experience and good practices from other States-Parties in this field.

As mentioned above, the Brazilian Central Authority face, at some cases, difficulties on obtaining information related to the social background of the child from other State-Parties.

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:

Regarding article 16 of the 1980 Hague Convention, the lawsuits regarding the merits of rights of custody (usually initiated by the taking parent) take place at the State level. On the other hand, the return proceedings initiated by the left behind parent or directly by the BCA take place at the federal level. As there is no hierarchy among State and Federal courts in Brazil it is difficult, at some cases, to have article 16 properly applied in Brazil, although the communication between the Brazilian Central Authority and State Courts has been improving over the years.

Another challenge is that, in Brazil, the lack of payment of maintenance obligations to a child may lead, in some cases, to the issuing of a imprisonment warrant by the State Judge, usually requested by the taking parent against the left behind parent, creating potential obstacles to the provisional exercise of access rights of the left behind parent, on the Brazilian territory, while pending the return proceedings.

#### *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:

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:

The State-Parties that have presented a reservation to the provision of legal aid and advice are a continuous challenge, because generally the left behind parent has financial and even linguistic difficulties in hiring a foreign attorney. We congratulate the States-Parties that have implemented programs of total or partial legal aid and advice,

<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").

although have made such reservation. There is at least on Eastern European country, on the other hand, that have made a reservation on legal aid and refuses to provide any kind of legal assistance, ceasing to follow up the case once the attempt to mediation does not lead to an amicable solution.

Some State-Parties that have not made this reservation do not provide legal assistance to all available judicial instances, limiting the legal aid to 1 or, at most, 2 instances. This is the case of some European countries and it leads to a misrepresentation of the interests of the left behind parent.

### *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:

As Brazil has a large territorial extension, the cases in which the location of the child is unknown beforehand by the applicant, it is usually very difficult to confirm the location of the child on a timely manner. As mentioned above, the location of the child in Brazil is performed by the Brazilian Interpol, a branch of the Federal Police Department.

On the other hand, if the location of the child in Brazil is informed by the LBP, the BCA does not need to confirm the location of the child; on those cases, the voluntary letter is directly sent to the taking parent by e-mail, whenever possible, or by mail. Only in cases where there are doubts regarding the location of the child the voluntary letter is delivered to the taking parent throughout the Brazilian Interpol.

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 Brazilian Central Authority works in co-operation with Brazilian Interpol, a branch of the Federal Police Department, to locate the child. To expedite procedures, the representative of Interpol delivers the letter of voluntary return to the taking parent when the child is located, in cases where the confirmation of the location of the child is needed.

### *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:

In 2011, one member of the team of the Brazilian Central Authority volunteered to work for a couple of months at the Central Authority for England and Wales, to learn about their practices. More recently, the BCA has received delegations from other member states to share experience and discuss pending cases on many occasions, such as Japan, United States, Portugal, Switzerland, Argentina, France and Sweden.

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 Brazilian Central Authority promotes regular conference/video calls with the States-Parties with whom we have a larger amount of pending cases (such as United States and Portugal), as well as with States-Parties interested in discussing cases or other subjects related to the Hague Convention.

Regional meetings may be an adequate way to exchange information and due to

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

the similarity of legislation between Latin American countries, these meetings could become an instrument to discuss standard solutions for specific situations that pose difficulties for the correct implementation of the Convention in the region. Bilateral meetings are also often used to enhance the implementation of the Convention between Brazil and other State parties.

The BCA is fully prepared to engage on bilateral network initiatives, using technological means.

### *Statistics<sup>7</sup>*

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

The BCA has been working to produce and adapt its statistical data and send it to Incastad. We have faced some difficulties using INCASTAD, regarding the addition of new cases, although we have fully complied with the suggestion of presenting information on cases for the statistical analysis to be conducted by Professor Nigel Lowe.

### *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:

Since 2012, the BCA has adopted a full range of measures to ensure the prompt handling of cases. First, cases are received and handled in few days at the Central Authority. We have established co-operation with Interpol and the Office of the Attorney General to expedite procedures, and we have been working to implement mechanisms of alternative dispute resolution in our office.

All paperwork is electronically handled by the BCA, and can be accessed by all case officers from any internet-connected computer, tablet or mobile. Once the request is processed by the BCA and the request is sent to the Brazilian Office of the Attorney General, a legal opinion is issued within some days. The case is then filed before court. Recently the BCA eliminated a stage on the administrative procedure of the requests related to the analysis of the OGA's legal opinion by the BCA, in order to "agree" or "disagree" with the submission of the case to the competent court.

As mentioned, the voluntary return letter is sent to the taking parent by electronic means, avoiding the use of traditional mail or hard copies, when possible. If the whereabouts of the child is previously informed by the applicant, the BCA does not need to confirm the location of the child.

Since June 2016 the BCA's attempts related to mediation do not suspend the adoption of all other measures needed to the adequate development of the case. Also, since that date, the BCA does not suspend the proceedings, waiting for the issuance of a Report on Domestic Violence by the Brazilian Secretariat for Women Policy. Once the report is presented, it is included on the file, for exclusive consideration of the competent judicial authority.

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

The main cause for delays during the administrative stage of the procedures that are conducted by the BCA is related to the location of the child, when it is not known or informed beforehand by the LBP.

The BCA also faces an important challenge when dealing with the cases where there is important information, documents or clarification needed to proceed with the administrative or the legal analysis (by the OAG). These information are requested by the BCA to the foreign Central Authority and, in some cases, the latter does not provide the information on a timely manner.

## **4. Court proceedings & promptness**

<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).

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:  
[Please insert text here](#)

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:

[A proposal of new legislation to reduce the number of procedural incidents \(motions and appeals, for example\), has been discussed in Brazil, in the past. Although this draft legislation partially encompasses measures to expedite the return judicial procedures, the proposal depends on a constitutional amendment, requesting very strong political efforts, as it is a very uncommon procedure.](#)

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:

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

[Unfortunately, the main cause for delays in handling return decision is found at the judicial stage. Judicial procedures in Brazil usually take a long time, with a considerable amount of procedural incidents, such as motions and appeals, at the parties' disposal.](#)

[The concentration of jurisdiction was achieved on all 5 Regional Federal Courts, comprising all cases at 1<sup>st</sup> instance. The BCA keeps encouraging those courts to adopt concentration of jurisdiction also at 2<sup>nd</sup> instance. Brazil has a large amount of requests been filed every year, due to its position mainly as a Requested State. Furthermore, Brazilian judges still ask for the production of a large amount of documental and expert's evidence, with a large production of reports from psychologists and social case workers to inform the Judge on the decision regarding the return. Although we can detect some improvements, some Judges view those Hague cases as custody disputes.](#)

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:  
[Please insert text here](#)  
 Yes, please explain:

[Usually, on the request of the BCA and the OAG, judges issue orders for the taking parent not to leave the city, retaining all travel documents of the taking parent and the child. As Brazil has a very strong exit control of minors, the name of the child is also included on the Federal Police Migration Registry, prohibiting the child to leave the country \(specially throughout airports\).](#)

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

- Yes  
 No, please explain:

[Not usually, although there were few cases in which judges have been in contact to ensure the safe return of the child or to have information on the safeguards that can be](#)

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<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".

imposed on behalf of the child (or the taking parent), if he/she is returned. It is important to mention that there is no legal provision allowing (or detailing) direct communication of Brazilian Judicial authorities with foreigner Judicial authorities on the Brazilian legal system.

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?

In one recent case, the Brazilian judge talked to the judge in another member state to explain a custody decision in favor of the left behind parent after the judge from that state, when deciding about the return, has used a psychological report performed within the Brazilian procedure to deny the return of the child to Brazil, reversing the custody to the taking parent.

In an outgoing case, the Brazilian Judge (entitled with the custody ongoing proceedings in Brazil), received a telephone call from the foreign judge in charge of the return proceedings. The foreign judge was asking for information on the safeguards that could be imposed by the Brazilian custody judge, in favor of the child, once the child returns to Brazil. Unfortunately, the return of the child was ordered only months after this communication.

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

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

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?

Regarding paragraphs 39-43 of the Conclusions and Recommendations of the 2011/2012 Special Commission, the BCA is in a position, as a Requesting State, to provide, with the collaboration of the local agencies of child protection, information on measures of protection of children, as well as criminal convictions and social workers' reports. Regarding medical reports of the child, authorization of the legal representative of the child is required.

With respect to direct judicial communications, please see answer above. During the judicial return proceedings, judicial authorities give regard to the impact on a child of the violence committed by one parent against the other.

Considering the 2006 Conclusions and Recommendations, it is important to mention that the BCA has a psychologist among its staff. Whenever possible, the BCA promotes the participation of psychologists during the enforcement of return orders. The BCA also includes the participation of its psychologist along with judicial experts appointed by the Federal courts in psychological evaluations. Moreover, it is common to request the assistance of social service local units to support the return of the child.

The BCA is in a position to co-operate to provide information in respect of legal, financial, protection and other resources in Brazilian territory, facilitating the contact with these bodies, when appropriate.

The use of protective measures has increased among Brazilian Judges, specially throughout undertaking imposed on the LBP and conditions (in general to be fulfilled by the authorities of the Requesting State). Most of those conditions/undertakings have been dully

<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.

<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.



implemented, although in at least one recent case with an European country the condition of grating a mirror order was not fulfilled, neither by the LBP nor by the Requesting Central Authority, and once the child returned to her country of habitual residence, the provisional condition on the custody of the child was modified by the judicial authority of the Requesting State.

The BCA informs LBPs of the implications of instituting criminal proceedings including their possible adverse effects on achieving the return of the child. In cases of voluntary return of the child to the country of habitual residence, the BCA engages in close cooperation with the local authorities, as well as with the foreign Central Authority to abandon all charges against the parent. The BCA also informs the left-behind parent of the alternative means available to resolve the dispute amicably. The BCA is also analysing the possibility of providing mediation services to Hague cases. It has been an important challenge for us to sensibilize some foreign authorities about the need of removing all the obstacles for the participation of the taking parent in custody proceedings after a child's return.

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 BCA works closely with the Requesting State Central Authority, throughout all steps of the procedure. All judicial steps and measures are duly and timely informed to the Requesting Central Authority. At the point when a return decision is reached, the BCA and the Requesting Central Authority engage, in general, in a intensive exchange of communications, regarding the fulfilment of the conditions for the return that are imposed by the Brazilian Jduges in most cases (safeguards and mirror orders, for example).

It has become, at some extent, common practice to organize return orders in advance, but the BCA has effectively conducted the enforcement of return orders even in situations when they are issued by Federal courts without a reasonable timeframe for organizing the necessary arrangements. Positive outcomes in the enforcement of return orders are results of good cooperation with other Central Authorities and local consular offices.

Our office works in close cooperation with the Office of the Attorney General, police departments and child protection bodies. When a child returns it is a standard procedure to grant the necessary assistance within the constraints imposed by the Requested State, although in at least one specific case the mirror order was not provided by the foreign authorities.

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 Brazilian experience in returning a child to his/her place of habitual residence, when there are concerns in the requested State regarding possible risks for a child following a return is not very significant. Among these few cases, the main concerns of the Judges are related to: immigration status (and issuing visas) of the TP and the child on their return; legal aid for the TP to discuss the custody of the child; financial support to the TP, related, for example, to lodging and maintance, to be provided by the LBP and/or the public assistance authorities of the place of habitual residence.

*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:

One of the priorities of the BCA is to study and discuss the viability of Brazil becoming a member state of the 1996 Convention.

*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.

In the majority of incoming cases to Brazil the taking parent presents allegations on violence against other members of the family other than the child. Unfortunately, most of those cases, although the TP does not present adequate support evidence, are being ruled by the Brazilian Courts, in favor of the taking parent, dismissing the return proceedings. We can ascertain that, in some of those cases, there is a misuse of the grave risk exception by taking parents. In almost all cases - where the allegation of domestic violence has been presented or not - Brazilian Courts insist on producing evidence not only on the risks of returning the child, but also regarding the potential settlement of the child to the new environment.

In cases when the TP alleges that she/he is not in a position to return with the child, the BCA tries to engage the LBP and/or diplomatic authorities to accompany the child back to the country of habitual residence.

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.

This BCA believes that the more information the Brazilian Courts may receive on the protection measures that are available and that can be put in place in favor of the child or the TP once the return order is enforced, the better they will be able to rely on the Convention and its mechanism of prompt return.

It is very common to have, in the Brazilian return decision, safeguards in favor of the TP. In some instances, those safeguards are conditions to the enforcement of the return order - and there is at least one case on our records in which the number and complexity of the conditions imposed by the Brazilian judge for the return was so high that it became impossible to enforce the return decision.

The main challenge with these safeguards (imposed by the Judicial authority of the Requested State) seems to be the lack of direct enforcement they have at the Requesting State.

*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?

Unfortunately, the BCA does not usually receive any information about the cases after the return of the child, but we would fully support such a recommendation for follow-up information to be provided after the return of a child.

We have faced some difficulties in past cases, where the return to the State of habitual residence of the child was ordered and, months later, the Brazilian Judge has asked information on the social situation of the returned child. At that case, the foreign Central Authority did not seem interested in collaborate with the BCA, mentioning that the case had already been closed. At some cases, the Brazilian return order is granted on a provisional basis (while pending an appeal, for example), and until a final decision is reached, the case cannot be closed at the BCA (we strongly suggest the Requesting Central Authority not to close the case). Pending a final decision, it is very common that the Court keeps asking the BCA to provide follow-up information on the social situation of the child after his/her return. So, it is crucial to us, to keep our Judges confident about the adequacy of the prompt return mechanism envisaged by the Hague Convention, and also that the other State Party keeps engaged on the post-return cooperation.

When problems arise or when situations of non compliance with agreements established before the return of the minor occur, the BCA immediately contacts the foreign Central Authority and, when needed, requests the assistance of the Ministry of Foreign Affairs to provide support, and to follow-up the case.

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 see 5.4.

## 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:

When a case is received, the Brazilian Central Authority sends a letter for the taking parent explaining that a mediated agreement and voluntary return is preferable to a judicial procedure and offering help to find an amicable solution to the dispute. In case the parents are interested in an agreement, the Central Authority may help mediating the dispute.

The BCA is considering the possibility of providing mediation services to Hague Cases, directly. We welcome the share of best practices of other States-Parties on this subject.

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:

The Brazilian Central Authority has been trying to facilitate amicable agreements since 2005. The one change that made after the Guide was to obtain training in mediation and a cross-border mediator of one of its members and the understanding that the officer who helps mediating an agreement should not be the same to handle the case after that. Moreover, we are now paying more attention to not disclose information exchanged by the parties during the mediation process.

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:

The Brazilian Central Authority has one certified cross-border mediator (MiKK, Missing Children Europe) in its team, the coordinator for child abduction, and is planning to expand its service, providing such training for other officers. There is no cost involved in this service from Brazil's side, but a big difficulty is to find a mediator in another state to co-mediate without costs to the parties.

In 2016, a bill on mediation entered into force in Brazil, and it is expected that a rise in the search for mediation services will occur in the next months/years. Currently, there is no private central point, as mediation mainly is practiced withing the Judiciary, during judicial procedures.

The BCA is in a position to establish a Central Contact Point for international family mediation on child abduction and access.

## 7. Preventive measures

<sup>12</sup> Available on the Hague Conference website at < 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:

There is already the obligation, imposed on parents, to sign a Travel Authorization Form, for minors travelling abroad alone or with just one of the parents. It is a legal rule, imposed by the National Council of Justice. As a consequence, it is very difficult for a child to leave Brazil without the authorization of both parents or, in certain cases, with a judicial authorization. Recently, this authorization was included in the child's passport - with the agreement of both parents - and it is not necessary to get a form for every travel. In case one of the parents decides he/she does not wish to keep this authorization, the passport of the child is also cancelled.

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:

- assistance for returning parent, with information and support;
- assistance in ensuring respect for undertakings;
- help of Interpol to locate the child;
- provision of information to applicant parents;
- letter of voluntary return is sent to taking parent offering help in settling an amicable agreement;
- acknowledgement form to incoming cases;
- education.

b. Part II on Implementing Measures. Please explain:

Please insert text here

c. Part III on Preventive Measures. Please explain:

Please insert text here

d. Part IV on Enforcement. Please explain:

- Co-operation with Interpol to locate the child, in case they disappear after the return order is issued;
- Retention of passports is always asked to the Court when the case is filed;
- The BCA works to inform judges about the importance of an expedite decision in the higher courts when a return order is pending an appeal decision.
- Help to expedite the issuance of travel documents, when necessary;
- Co-operation between different bodies to ensure the safety of the child;
- When possible, the BCA helps providing a psychologist to assist at the time of the return.

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?

<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 > under "Child Abduction Section" then "Guides to Good Practice".

Information on the Guide of Good Practices is generally included on legal petitions of the Office of the Attorney General, directed to the Judges. The BCA is analysing the possibility of translating Parts I-IV of the Guide to Good Practices - Child Abduction Convention to portuguese, in order to make its language available to all Brazilian practioners, academia and individuals.

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

Not at the present moment.

## **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:

As a result of highly publicised cases in the local press, the Hague Convention became a well known legal instrument. However, fierce debate in the press and in Congress following the outcome of some difficult cases also led to the perception, to some Congressmen, media vehicles and members of the academia that the Convention should be re-discussed and regulated in order to improve its implementation. Some extreme positions include the denunciation of the treaty and enhanced protection of Brazilian taking parents, against the return of children from Brazil to other States.

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

Through websites, press interviews, seminars and debates with the participation of administrative and judicial authorities. It should be mentioned that in the judicial sphere permanent groups for the study of the Hague Convention of 1980 were established. The issue of child abduction was also introduced in regular programs of many universities. The Brazilian Central Authority has been trying to promote the 1980 Convention by participating in lectures, seminars, press interviews, academic papers and debates around the country. A new seminar for judges and judicial operators of the Hague Convention is being envisaged. In 2015, there was also a Seminar promoted by the Superior Court of Justice and the HCCH and many controversial issues involving the implementation of the Convention were discussed.

<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:

In recent years, a better understanding of the scope of article 21 was developed among practioners, which is reflected at the case, as there was a lot of difficulty in indentifying in which cases an access request could be accepted. Currently, the Central Authority supports the request for provisional access of any of the family members to the child, as this may help to keep their relationship.

Unfortunately, some Brazilian Judicial agencies still have some difficulties on the differences between the scope of article 21 and the discussion on the merits os custody, access and parental responsibility.

<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.

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.

Please see above.

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;  
Difference in the interpretation of concepts in difference states; difficulties to grant access of justice to the requesting party, lack of response from the Central Authority.
- b. the effective exercise of rights of access; and  
same as above
- c. the restriction or termination of access rights.  
same as above

Please provide case examples where possible.  
In one case, there was a lack of response from the requested State.

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?

The BCA has been, since 2016, intensifying its efforts on the (re)establishment of contact between the child and the members of his/her family, considering the child's rights included on the UN Convention on the Rights of Children. Besides the efforts directly related to requests on access and taking into consideration the considerable length of time that those cases remain in courts, the BCA, alongside with the OAG, is systematically requesting courts ruling return cases to determine the access of the LBP to the child, whenever possible in a weekly basis, by virtual means (telephone, e-mail, Skype, etc.) and throughout in-person visits, when the LBP wishes to come to Brazil during the return proceedings.

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

The Hague Convention is progressively becoming a very known international instrument in Brazil. As a consequence, there is a tangible raise of awareness regarding the international reallocation of children.

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

### **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

<sup>17</sup> Available on the Hague Conference website at < 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."

Convention and encourage ratification of, or accession to, the Convention in those States?  
Please explain:

China  
Suriname  
Azerbaijan  
India  
Jordan  
Saudi Arabia  
Vietnam

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?

Lebanon  
Cape Verde  
Angola  
Guyana  
Haiti  
Cuba  
Nigeria  
Cameroon

*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>

The BCA is very interested in the experience of the States-Parties engaged at the Malta Process, as well as we are in a position to designate a Central Contact Point for international family mediation on child abduction and access.

- 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:

The BCA is in a position to designate a Central Contact Point

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

Brazil is really interested in knowing more about the Malta Process, as we have had difficult cases with states that are not members of the 1980 Convention.

<p><b>PART VI: TRAINING AND EDUCATION AND THE TOOLS, SERVICES AND SUPPORT PROVIDED BY THE PERMANENT BUREAU</b></p>
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<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 > 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 > under "Child Abduction Section" then "Judicial Seminars on the International Protection of Children".

### **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?

The Brazilian Central Authority has been trying to promote the 1980 Convention by participating in lectures, seminars and public debates around the country. In 2006, a seminar for judges was promoted, with results that exceeded the expectations, as many judges changed their minds about the objectives of the Convention. In 2010, the BCA also promoted a seminar, where it was a brochure that was just released was handed-out providing explanations to LPBs on how to present a child abduction application, bringing lights on the international child abduction conventions. In 2015, there was also a seminar promoted by the Superior Court of Justice and the HCCH where many controversial issues involving the implementation of the Convention were discussed. A future new seminar is being envisaged. The Head of the BCA has been invited to 5 preparatory courses to Judges, organized by the Judge´s School of 4 Regional 2<sup>nd</sup> Instance Courts (in a total of 5).

Those seminars helped to improve the perception about the importance of expeditious proceedings when dealing with child abductions cases. All international and regional meetings have played an important role in the development of the Convention´s implementation. In Brazil, the BCA and the OAG have tried to promote the best knowledge on the conclusions and recommendations approved by the Hague Conference whenever possible.

### **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.  
It is a very relevant tool to get information about the other country.
- b. INCADAT (the international child abduction database, available at < www.incadat.com >).
- 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> Useful document, providing information on recent developments as well as legal practice.
- d. The specialised "Child Abduction Section" of the Hague Conference website (< www.hcch.net >);  
Frequently accessed by the BCA.
- e. INCASTAT (the database for the electronic collection and analysis of statistics on the 1980 Convention);<sup>22</sup>  
The BCA has been working to produce and adapt its statistical data to send it to Incasdat. We have faced some difficulties using INCASTAD, regarding the addition of new cases. We are interested on receiving training on INCASTAD.
- 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

<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".



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;

The BCA is in a position to cooperate to the HCCH efforts to provide technical assistance and training to other States-Parties, specially the newly acceding and States that are interested on acceding to the Hague Convention.

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

The BCA is in a position to cooperate with the HCCH efforts to provide technical assistance and training to other States-Parties, specially the newly acceding and States that are interested on acceding to the Hague Convention.

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

We are satisfied with the HCCH work in this regard.

- 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

Brazil is interested in knowing the experience of other State-Parties on designating their liason judges and if there is such a thing as a length and conditions for their mandate.

*Other*

14.2 What other measures or mechanisms would you recommend:

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

Encouraging a closer co-operation between Central Authorities in exchanging information regarding the cases and ensuring safeguards and undertakings will be complied with.

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

Providing information on the social background of the child at the State of habitual residence;

Encouraging a closer co-operation between Central Authorities in exchanging information regarding the cases in a timely manner.

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

<b>PART VII: PRIORITIES AND RECOMMENDATIONS FOR THE SPECIAL COMMISSION AND ANY OTHER MATTERS</b>
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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.

Brazil is very much concerned with the enforcement of agreements and conditions imposed by judges for the return of children, as well as the undertakings.

Another issue of concern is the interpretation of article 13 (b), specially with regards to violence against others members of the child´s family.

The BCA considers crucial the exchange of best practices, between Central Authorities, on the of mediation on Hague cases.

There shall be an adequate implementation of article 13(3) of the Hague Convention,

<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.

increase of communication regarding the social backgrounds of the child (13 3) - the issuing, by the Requesting Central Authority or other competent authority of the child's habitual residence, of information on the social background of the child. The BCA would also like to suggest the prioritization of the post-return issues.

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

[Please insert text here](#)

**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.

[Please insert text here](#)