

ROMANIA

The applications

1. The number of applications

According to the Central Authority in Romania, they received 9 incoming return and 1 incoming access application in 1999, making a total of 10 incoming applications.

2. The Contracting States which made the applications

(a) *Incoming return applications*

Requesting States

	Number of Applications	Percent
Hungary	2	22
USA	2	22
France	1	11
Germany	1	11
Ireland	1	11
Turkey	1	11
Iraq	1	11
Total	9	100

2 of the applications received by Romania came from neighbouring Hungary. Interestingly, however, Hungary received no applications from Romania in the same year. Notwithstanding that they were not Contracting States to the Convention in 1999, Turkey and Iraq both made an application to Romania. Similarly, an application was received from Germany despite the fact that Germany has not recognised the accession of Romania, and consequently the Convention is not in force between the two States.

(a) *Incoming access application*

The incoming access application was also received from Hungary.

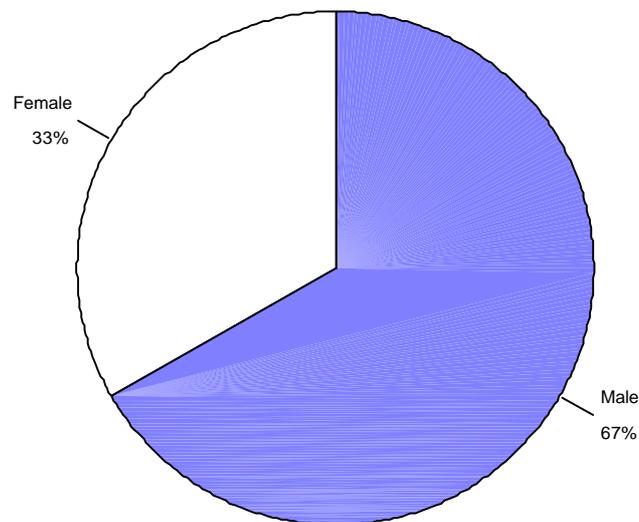
The taking person / respondent

3. The gender of the taking person / respondent

(a) *Incoming return applications*

Gender of the Taking Person

	Number	Percent
Male	6	67
Female	3	33
Total	9	100



As the table and chart above show, 33% of taking persons to Romania were females, which is well below the global norm of 69%. It is also markedly different to neighbouring Hungary where all taking persons were females.

(b) Incoming access application

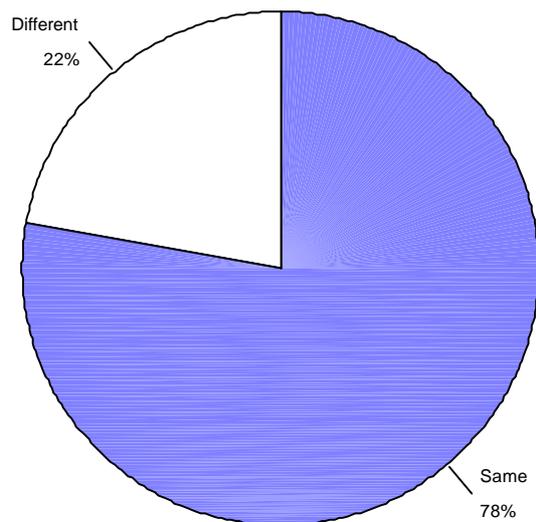
The respondent in the access application was female.

4. The nationality of the taking person / respondent

(a) Incoming return applications

Taking Person Same Nationality as Requested State

	Number	Percent
Same Nationality	7	78
Different Nationality	2	22
Total	9	100



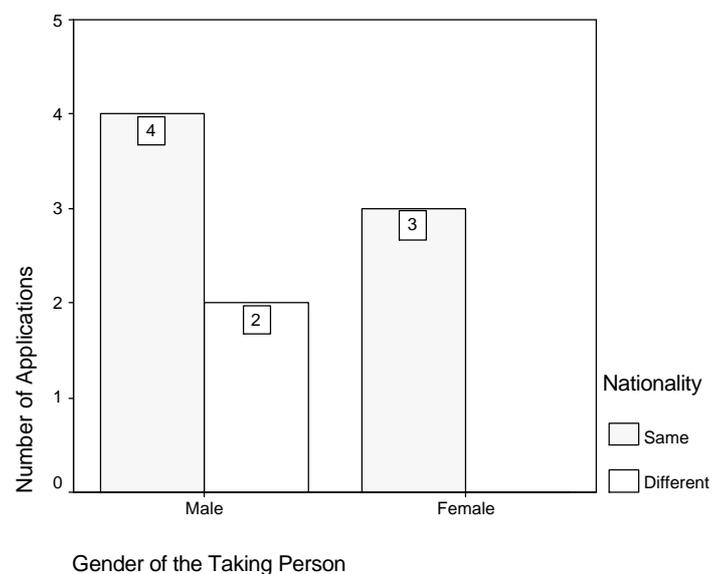
Globally 52% of taking persons had the nationality of the requested State, while in applications to Romania, 78% of taking persons had Romanian nationality. In neighbouring Hungary, all taking persons had Hungarian nationality.

(b) Incoming access application

The respondent in the access application had Romanian nationality.

5. The gender and nationality of the taking person combined

(a) Incoming return applications



All female taking persons had Romanian nationality, while two-thirds of the male taking persons had Romanian nationality. Globally, 53% of males and 52% of females had the nationality of the requested State.

The children

6. The total number of children

There were 11 children involved in the 9 return applications and 1 child involved in the 1 access application. Altogether, therefore, 12 children were involved in new incoming applications received by Romania in 1999.

7. Single children or sibling groups

(a) *Incoming return applications*

Single Child or Sibling Group

	Number	Percent
Single Child	7	78
Sibling Group	2	22
Total	9	100

Number of Children

	Number	Percent
1 Child	7	78
2 Children	2	22
Total	9	100

78% of applications to Romania involved single children compared with a global norm of 63%. No application involved more than two siblings.

(b) *Incoming access application*

There was one child involved in the incoming access application.

8. The age of the children

(a) *Incoming return applications*

Age of the Children

	Number	Percent
0-4 years	4	36
5-9 years	2	18
10-16 years	5	45
Total	11	100

Whereas globally, the largest proportion of children, 42%, were aged between 5 and 9 years old, the proportion in applications to Romania was just 18%. Conversely, while globally, the smallest proportion of children were aged between 10 and 16 years, 21%, in applications to Romania 45% of children were in this age category.

(b) Incoming access application

The one child involved in the access application was aged between 5 and 9 years old.

9. The gender of the children**(a) Incoming return applications****Gender of the Children**

	Number	Percent
Male	3	27
Female	8	73
Total	11	100

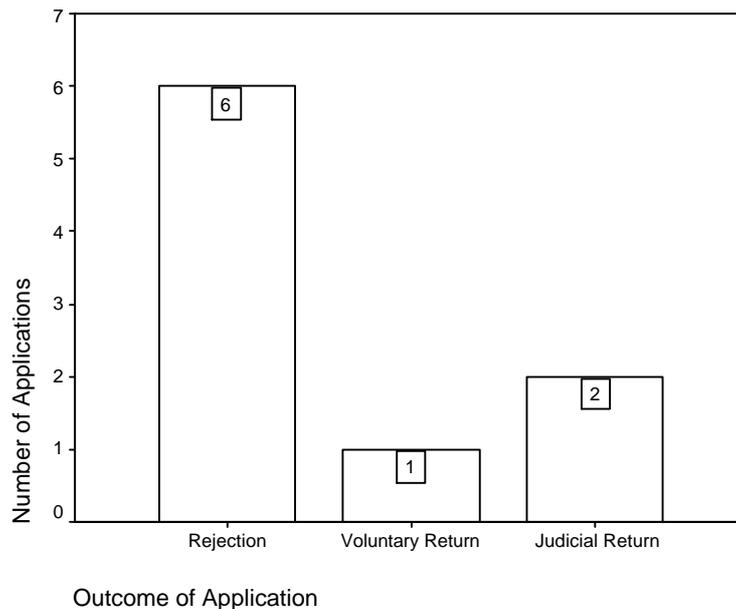
Globally, marginally more male children, 53%, were involved in applications than female children. Conversely, in applications to Romania 73% of children were female.

(b) Incoming access application

The child involved in the access application was male.

The outcomes**10. Overall outcomes****(a) Incoming return applications****Outcome of Application**

	Number	Percent
Rejection	6	67
Voluntary Return	1	11
Judicial Return	2	22
Judicial Refusal	0	0
Withdrawn	0	0
Pending	0	0
Other	0	0
Total	9	100



It is immediately noticeable that a majority of applications were rejected, 6 of the 9 applications received. At a proportion of 67% this is a much higher rejection rate than the global norm of 11%. It is the second highest proportion of all the Contracting States analysed, Colombia rejecting 3 out of 4 applications received. All the cases which were not rejected resulted in the return of the child. No case resulted in a judicial refusal and no cases were still pending.

(b) Incoming access application

The access application resulted in access being granted by the courts. The applicant father then applied for the return of the child in November 2000, this case is still pending before the Romanian courts.

11. The reasons for rejection

(a) Incoming return applications

Half of the applications which were rejected were rejected on the basis that the Convention was not in force between Romania and the requesting State at the time of the wrongful removal or retention. These States were Germany, Turkey and Iraq. A fourth application was rejected because the removal was not considered unlawful and a fifth application was rejected because the request for return was not fulfilled. The final case was rejected on the grounds of diplomatic immunity.

Speed

12. The time between application and outcome

(a) Incoming return applications

The application which resulted in a voluntary resolution was concluded in 195 days which is considerably slower than the global norm of 84 days. Timing was only available on one of the judicial returns which was concluded in 126 days,

which is also slower than the global norm of 107 days. The other judicial return decision was pending enforcement.

(b) *Incoming access application*

The access application took over 6 months from initial application to the grant of access by the courts.