

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.

Name of State or territorial unit: ¹	New Zealand
<i>For follow-up purposes</i>	
Name of contact person:	Trish Bailey
Name of Authority / Office:	Central Authority, Ministry of Justice
Telephone number:	+64 44949732
E-mail address:	patricia.bailey@justice.govt.nz

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:

Please insert text here

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.

Please insert text here

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.

Please insert text here

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:

Difference in the interpretation of what constitutes a protective measure and the

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.

extent to which measures may be imposed to facilitate a safe return is a growing concern. Some States have adopted a very broad interpretation of what constitutes a protective measure and others a very narrow interpretation. It is an issue because the lack of consistency undermines the transparency and fairness in the Convention.

If there is a broad interpretation it also undermines the Convention where countries consider substantive issues in relation to a child's care. These should only be those that are necessary to secure a child's safe return and safety on return. The difference in interpretation has the potential to undermine the primary purpose of the Convention and that the law of the contracting States relating to such rights be respected.

This raises the question whether some of the conditions imposed are now reaching into the parenting issues that were to be determined in the State of habitual residence and create an advantage to the parent who is ordered to return.

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

- No
 Yes, please specify:

In our view the delay in the determination of Hague cases causes significant risk and undermines the objectives of the Convention. The delay in States determining matters primarily due to undertaking a more in depth inquiry into matters of substance which requires significant evidence to be provided and delves into matters that properly are for determination in the requesting State calls into question the principle of mutual respect and trust between States.

PART II: THE PRACTICAL OPERATION OF THE 1980 CONVENTION

3. The role and functions of Central Authorities designated under the 1980 Convention⁴

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:

Delay in updating details on the Hague website can cause delays and require duplicate communications. Delays in responses are also a concern.

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:
 Please insert text here

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

- No
 Yes, please specify:
 Please insert text here

Legal aid and representation

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

- No
 Yes, please specify:

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

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

- No
 Yes, please specify:

[While we appreciate there are requirements or approval process to access legal assistance this does vary between States. The processes adopted in some States can cause significant delay and be quite onerous to the left behind party.](#)

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:

[Please insert text here](#)

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:

[We work collaboratively with other government agencies and departments to protect vulnerable children. We have removed obstacles to allow for the exchange of information between agencies.](#)

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:

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:

[We have attended regional meetings, meetings with the Australian Central Authority and telephone conferences with other Central Authorities.](#)

Statistics⁷

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 “[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).

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

N/A

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:

Procedures are in place to expedite applications for return. These matters are given priority in our court system

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

N/A

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:

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:

New Zealand gives priority to Hague cases. While we are not always able to comply with the six week timeframe matters are heard promptly allowing for the different complexities of individual cases.

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

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

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

Please insert text here

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:

It is our practice on receipt of an application to seek orders securing the location of the child by placing the child's name on a border alert system and for the surrender of travel documents.

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:

[At times judicial communication is used where it is considered appropriate.](#)

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:

[N/A](#)

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?

[Please insert text here](#)

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?

[The Central Authority will seek information about protective services available in the requesting State, particularly in cases in which we are not familiar with the legal system or level of State assistance/resources available in that State.](#)

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 will liaise directly, or through the international division of child protection services, with the requesting State to obtain information about notification to child protection services and/or support services available to the child and carer if they are returning with the child.](#)

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?

[It will vary depending on the State and how familiar we are with their legal system. We would ask for information about protective services and how to access those services or make notifications. The Court may seek undertakings from the left behind parent. Undertakings may include not to take or cause to be taken any behaviour or action that would cause harm or risk to the taking parent or child.](#)

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

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.

protective measures associated with return orders (**Arts 7 and 11**), in providing for their recognition by operation of law (**Art. 23**), and in communicating information relevant to the protection of the child (**Art. 34**)?

- No
 Yes, please explain:
 Please insert text here

Protection of primary carer

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

The Central Authority has liaised with the Central Authority in the requesting State to raise the particular concerns and request information and assistance how to ameliorate the concerns. The Central Authority will seek assistance from the local Embassy or Consulate in our State in obtaining information and/or travel documents or visas.

If there is perceived risk the details of return will not be released to the left behind parent so the child and carer may return and access support services prior to the left behind parent being made aware of the return.

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.

If there are concerns a notification can be made to child protection services and they will investigate or liaise with their counterparts in the requesting State.

A party who claims to be a victim of domestic violence may apply for protection orders which can be obtained at very short notice. Women's Refuge can assist a party to obtain a protection violence order.

The victim will be referred to Women's Refuge or similar organisations for support and assistance on arrival.

Assistance does vary depending on the level of risk involved.

The first case example is one where the child/ren were returned to another State.

Case 1: In this case the level of risk was considered high. The Central Authorities, in consultation with the parent seeking return of child, the mother, made arrangements to secure the child's safety pending return and also to secure a safe return of the child.

The taking parent was reluctant to comply with an order for return. Concerns were held for the child's safety and the child was uplifted and placed in foster care pending the mothers arrival.

Concerns were raised regarding the mother's safety on arrival. The father had taken to social media and was posting flyers on the street.

The details of the mother's arrival remained confidential. Arrangements were made for the mother to be assisted through immigration by the police. A translator was also present to assist. The mother was taken to accommodation where she was booked under a different name to minimise the risk of her presence being made known to the taking parent.

The mother and interpreter were taken to see the child in the presence of child welfare officers and child placed in the mothers care. The mother, child and interpreter were escorted by the police to the accommodation and remained there until the police escorted them to the airport later that night. She was assisted through immigration and departed with the child as planned.

The second case is one where the children were returning to New Zealand

Case 2: A father departed NZ with children and was believed to be in transit to a non-Hague country. The father was prevented from further flight pending determination of the Hague application in the requested State. The mother traveled to the requested State to accompany the children on return.

In this case agencies worked closely together to secure a safe return. Child Protection Services, Police, Women's Refuge and the Central Authorities worked closely together to

provide financial and emotional support to secure a return and also to provide the Court with relevant information to assist in the determination of the case.

In this case the mother and children were met at the airport on return to New Zealand by police who assisted them through immigration. The mother was then transported by Women's Refuge to a safe house. The following day the mother and children were transferred to a safe house in another city. Even though the father remained overseas there was concern the mother was still at risk from others within the community.

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 recognise the Convention is based on mutual respect and trust. As such we respect the requesting State has robust systems and processes in place to keep its citizens safe.

While we acknowledge in some cases it may be nice to know the long term situation it may be quite onerous and unnecessary as the child/ren have been returned to the State of habitual residence which has been found to be the most appropriate State to consider matters concerning the welfare and best interests of the child/ren.

A copy of the judgment will have been provided to the Central Authority and parties and may be used in court proceedings in the requesting State.

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:

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:

The methods used to reach an amicable resolution vary depending on the circumstances of the individual case.

In New Zealand Family Law practitioners are charged with a responsibility to attempt amicable resolution.

In some cases formal mediation occurs. In others it may be an exchange of proposals or round table meetings.

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:

Please insert text here

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

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

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:
[This task has been entrusted to the Central Authority at this time](#)
- Yes, please explain:
[Please insert text here](#)

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:

[New Zealand is a small island State. It is much easier to secure the location of an individual within our borders than a State with soft borders. There is the ability to place a child on the border alert system which can be obtained at short notice and has immediate effect. A border alert prevents a child leaving the country no matter what passport they may be travelling on.](#)

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:

[As the issue is not one that has been raised in the context of movement of children from New Zealand we do not have a particularly strong view.](#)

[If a travel form would assist some States in preventing wrongful removals we would be in favour of the development of a model form.](#)

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 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:

[This guide in particular has been very helpful to refer people to who ask about process and also to use when talking about processes with newly acceding States.](#)

- 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:
[Please insert text here](#)

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?

[Please insert text here](#)

8.3 Do you have any other comments about any Part of the Guide 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.

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".

No comments

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

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

No

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

[Please insert text here](#)

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

No comment at this time

PART IV: TRANSFRONTIER ACCESS / CONTACT AND INTERNATIONAL FAMILY RELOCATION

10. **Transfrontier access / contact**¹⁶

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:

[Modifications have been made to practices but no significant changes.](#)

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.

N/A

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 our experience the level of assistance provided to secure or maintain access under the 1980 Convention has sadly reduced.](#)

b. the effective exercise of rights of access; and

[Please insert text here](#)

c. the restriction or termination of access rights.

[Please insert text here](#)

Please provide case examples where possible.

[It is disappointing to have seen the level of assistance provided in access cases reduce. There appears to be a growing trend for States to reduce the level of assistance to a minimum level such as to a referral to mediation rather than providing legal assistance, than has been our experience in the past. Some States have limited the assistance provided to situations where there is no existing enforceable order for contact in the requested State. While the 1996 Convention may address some of the concerns there is limited access to legal assistance to seek enforcement of an order for access in some States which can be a deterrent to applicants to make applications.](#)

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?

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

Please insert text here

11. **International family relocation**¹⁸

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:

Please insert text here

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

Please insert text here

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

Please insert text here

*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

Please insert text here

- 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:

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."

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".

Please insert text here

- c. What is your view as to the future of the “Malta Process”?
No comment to make at this time

PART VI: TRAINING AND EDUCATION AND THE TOOLS, SERVICES AND SUPPORT PROVIDED BY THE PERMANENT BUREAU

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?

Biennial conferences are held for counsel and interested government departments including child protection services and Police. The conferences provide an opportunity to discuss issues and developments to provide consistency in approach nationally and when making a request for return.

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

In general

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

- a. The Country Profile available under the Child Abduction Section.
Very useful and a reference tool used by the CA and counsel. It would be most helpful if states updated the contact details regularly.
- b. INCADAT (the international child abduction database, available at < www.incadat.com >).

The cases are a very useful resource when issues arise that may not arise very frequently.

- 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
Please insert text here
- d. The specialised “Child Abduction Section” of the Hague Conference website (< www.hcch.net >);
A good refence site to direct people to who want information that is independent.
- e. INCASTAT (the database for the electronic collection and analysis of statistics on the 1980 Convention);²²
Please insert text here
- 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;

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).

Useful to attend seminars to keep abreast of emerging trends and for networking

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

We have experienced a large increase in Pacific states joining this Convention which is very pleasing

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

Please insert text here

- 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

Please insert text here

Other

14.2 What other measures or mechanisms would you recommend:

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

Please insert text here

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

Please insert text here

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

Please insert text here

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

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.

We support the work on the guidelines on the interpretation of Article 13(b) and look forward to receiving the report from the working group.

We are interested in the evolving definition and interpretation of what constitutes a 'protective measure' in terms of the 1980 and 1996 Conventions.

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

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.