

The United Kingdom

The United Kingdom as a Contracting State has designated 3 different Central Authorities. One for England and Wales, another for Scotland and a third for Northern Ireland. The United Kingdom has also extended its treaty obligations to the dependent territories of Bermuda, the Cayman Islands, the Falkland Islands, the Isle of Man and Montserrat, all of which have separate Central Authorities. The Convention only entered into force for Bermuda and Montserrat during 1999.

The United Kingdom as a whole received 166 incoming return and 30 incoming access applications in 1999, making a total of 196 incoming applications. Additionally, there were, 134 outgoing return and 29 outgoing access applications made in that year. Altogether, therefore, the United Kingdom handled 359 new applications in 1999.

The vast majority of these applications were handled by the Central Authority for England and Wales, 90% of all incoming return and 94% of all incoming access applications. In fact the Central Authority for England and Wales handled the second most incoming applications in 1999 after the USA. Combining incoming and outgoing applications, the Central Authority for England and Wales handled the most applications globally, with 329, the USA having split incoming and outgoing applications between two separate bodies.

The applications received by England and Wales, Northern Ireland, and Scotland have been considered separately in this analysis. Of the dependent territories, only the Cayman Islands received any applications in 1999 and these are considered separately also.

Abductions between England and Wales, Scotland and Northern Ireland are dealt with under domestic legislation.¹

¹ See The Family Law Act 1986.

UK - ENGLAND AND WALES

The applications

1. The number of applications

According to the Central Authority for England and Wales, they received 149 incoming return and 25 incoming access applications in 1999, making a total of 174 incoming applications. This is second only to the USA, which received 256 applications. Indeed, based on the data we have collected applications to England and Wales accounted for 16% of all Hague applications made in 1999. Additionally the Central Authority made 126 outgoing return and 29 outgoing access applications in that year. Altogether, therefore, the Central Authority for England and Wales handled 329 new applications in 1999. Bearing in mind that in the USA incoming and outgoing applications are dealt with by different bodies, the Central Authority for England and Wales handled the greatest number of applications in 1999.

2. The Contracting States which made the applications

(a) Incoming return applications

Requesting States

	Number of Applications	Percent
USA	34	23
Australia	16	11
France	13	9
Ireland	13	9
Italy	9	6
Germany	8	5
Greece	6	4
Cyprus	6	4
Canada	5	3
Israel	5	3
Spain	5	3
South Africa	5	3
Norway	4	3
Portugal	4	3
Sweden	3	2
New Zealand	3	2
Zimbabwe	3	2
Austria	1	1
Czech Republic	1	1
Macedonia	1	1
Netherlands	1	1
Switzerland	1	1
Poland	1	1
Mauritius	1	1
Total	149	100

The table above shows that there were twice as many applications from the USA than from any other Contracting State. Australia, France and Ireland also made a high proportion of the applications.

(b) Incoming access applications

Requesting States		
	Number of Applications	Percent
Denmark	4	16
Canada	3	12
USA	3	12
Australia	2	8
France	2	8
Italy	2	8
Belgium	1	4
Czech Republic	1	4
Greece	1	4
Netherlands	1	4
Portugal	1	4
Spain	1	4
Sweden	1	4
New Zealand	1	4
Slovenia	1	4
Total	25	100

14% of applications received by England and Wales were for access. This is slightly below the global ratio of 17% access as opposed to return applications. This is perhaps indicative of the fact that other Contracting States are aware of the fact that England and Wales does not consider that Article 21 imposes duties on judicial authorities.¹

Combining return and access applications, the top 5 Contracting States which made applications to England and Wales were:²

1. USA	37
2. Australia	18
3. France	15
4. Ireland	13
5. Italy	11.

¹ *Re G (A Minor) (Enforcement of Access Abroad)* [1993] Fam 216

² Lowe and Perry, (Lowe, N. & Perry, A. "International Child Abduction – The English Experience" (1999) 48 ICLQ 127), in their analysis of 1996 cases received by the Child Abduction Unit found the top 5 Contracting States to be:

1. USA	42
2. Ireland	25
3. Australia	19
4. = Germany	9
4. = Greece	9

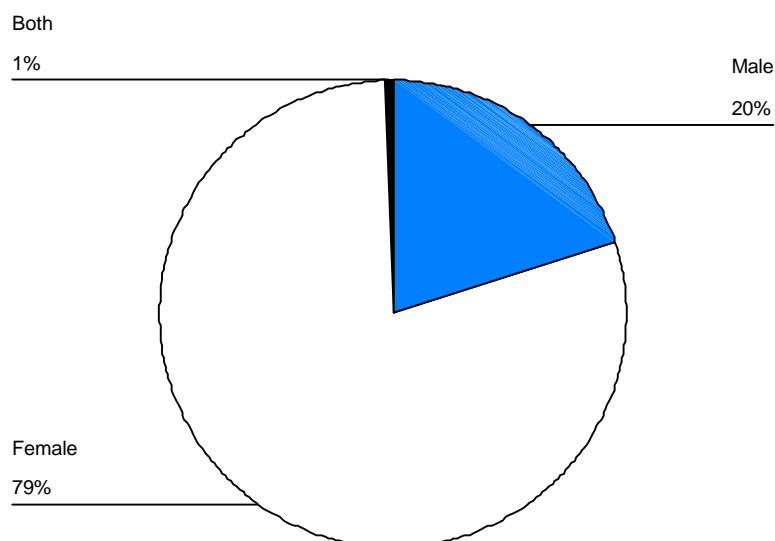
The taking person / respondent

3. The gender of the taking person / respondent

(a) Incoming return applications

Gender of the Taking Person

	Number	Percent
Male	30	20
Female	118	79
Both	1	1
Total	149	100



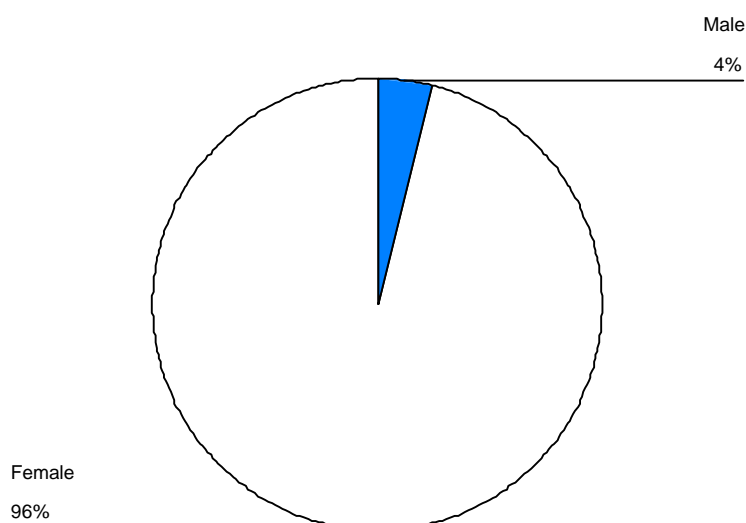
The proportion of female taking persons was higher than the global norm of 69%.³ It was also higher than the Lowe and Perry⁴ findings, which placed the number of female taking persons at 70%. Interestingly, in outgoing applications from England and Wales there were only 68% female taking persons. Indeed in applications to the USA only 58% of taking persons were female. Conversely, in applications received by England and Wales from the USA, 85% of taking persons were female. There were also differences when looking at the gender of the taking person in incoming applications, in relation to the country which made the application. All of the applications from Greece involved a female taking person, and there were also a high proportion of female taking persons from Australia at 94%. Conversely, the proportion of female taking persons in applications from Germany and Portugal was 50%, and in applications from France the proportion was 54%. It is hard however, to draw too many conclusions from these figures as many of them involved small numbers of applications.

³ In one application there were 2 people who took the child, one of whom was male and the other female.

⁴ Op cit at note 4.

(b) Incoming access applications**Gender of the Respondent**

	Number	Percent
Male	1	4
Female	24	96
Total	25	100



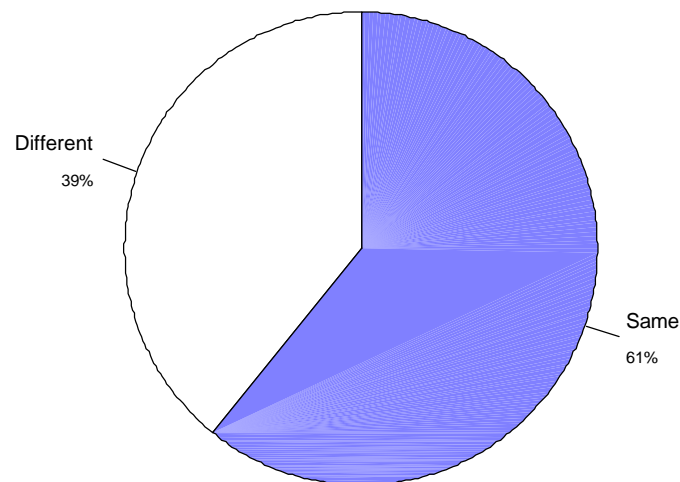
In access applications the gender difference of respondents is particularly pronounced with 96% of respondents being female. This is significantly higher than the global norm where 86% of respondents were female.

Interestingly, in both return and access applications, the proportion of female taking persons / respondents was 10% higher than the global norm.

4. The nationality of the taking person / respondent**(a) Incoming return applications⁵****Taking Person Same Nationality as Requested State**

	Number	Percent
Same Nationality	90	61
Different Nationality	58	39
Total	148	100

⁵ Additionally, in one application the nationality of the taking person was not stated.



The table and chart above show that in 61% of the applications, the taking person had the nationality of the requested State. The global norm for taking persons having the same nationality was 52%, Lowe and Perry⁶ found the norm to be 55% in their analysis of applications to England and Wales in 1996. The proportion of taking persons with the same nationality as the requested State was even higher in relation to applications to Scotland at 80%.

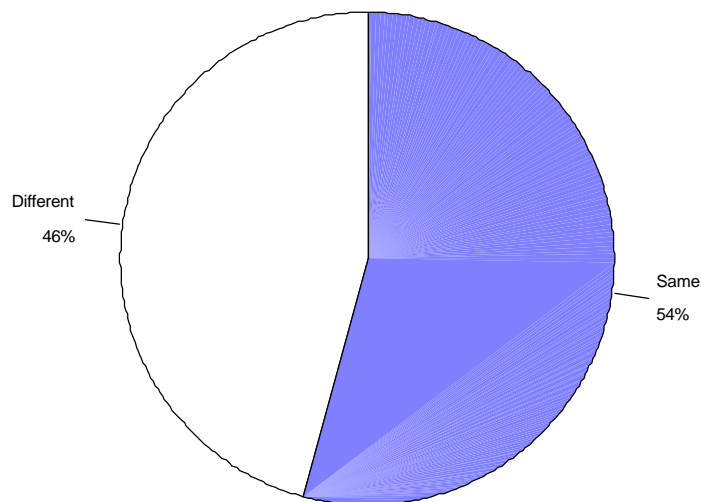
(b) Incoming access applications⁷

Respondent Same Nationality as the Requested State

	Number	Percent
Same Nationality	13	54
Different Nationality	11	46
Total	24	100

⁶ Op cit at note 4.

⁷ Additionally, in one application the nationality of the taking person was not stated.

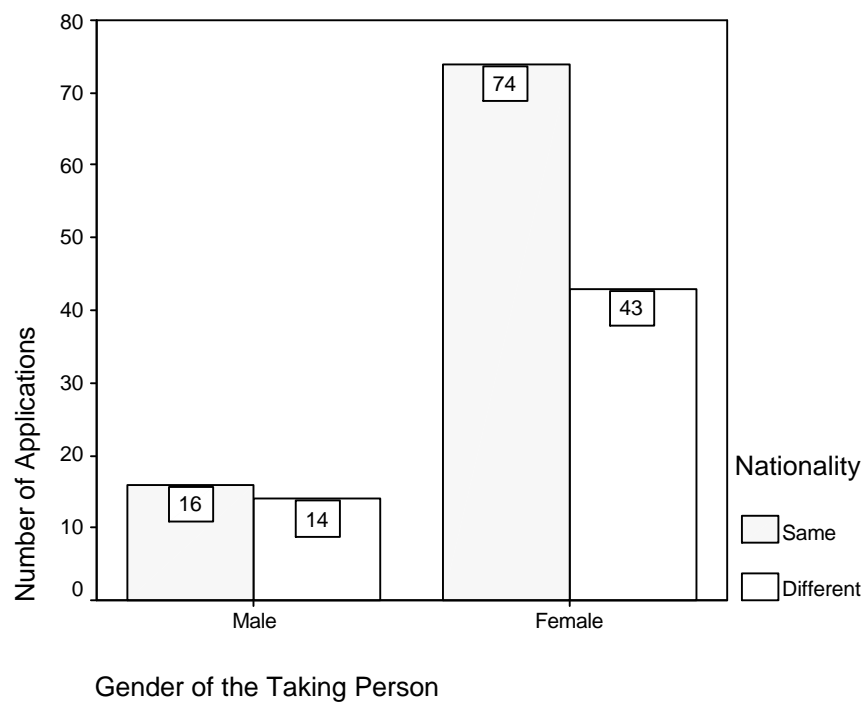


In access applications, as for return, the proportion of respondents (54%), having the nationality of the requested State was higher than the global norm, which for access was 40%.

Unlike the global picture, a majority of taking persons / respondents involved in return or access applications incoming to England and Wales had British nationality.

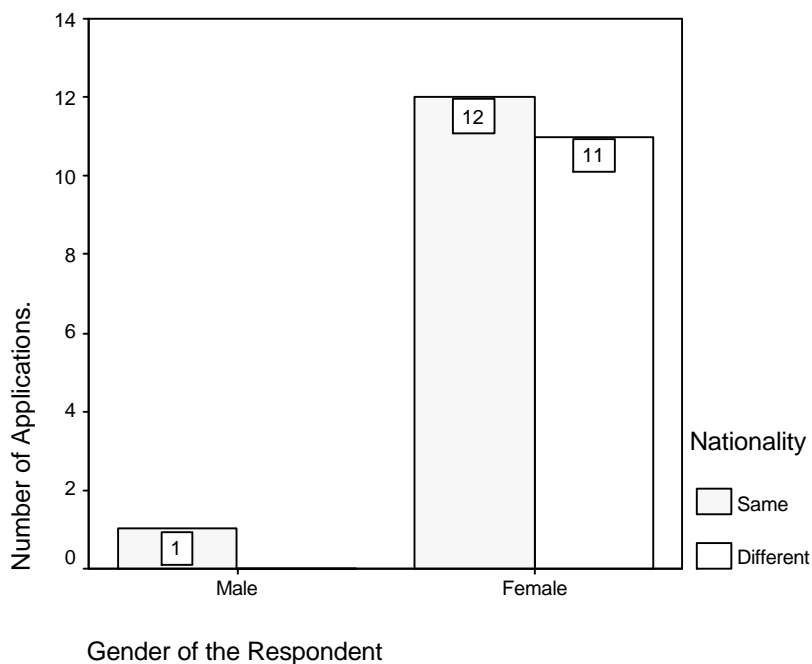
5. The gender and nationality of the taking person / respondent combined

(a) Incoming return applications



The chart above shows the combined gender and nationality of the person taking the child. It can be seen that there were proportionally more females than males who were British. Indeed, 63% of female taking persons had British nationality, compared with a global norm of 52%. Conversely, the proportion of male taking persons having the nationality of the requested State was 53% which is identical to the global norm.

(b) Incoming access applications



Globally, 38% of male taking persons and 40% of female taking persons had the nationality of the requested State. The chart above shows that in applications to England and Wales, unlike the global norms, both male and female taking persons were marginally more likely to be British nationals than nationals of any other State.

The children

6. The total number of children

There were 221 children involved in the 149 return applications and 35 children involved in the 25 access applications. Altogether, therefore, 256 children were involved in new incoming applications received by England and Wales in 1999.

7. Single children or sibling groups

(a) *Incoming return applications*

Single Child or Sibling Group

	Number	Percent
Single Child	94	63
Sibling Group	55	37
Total	149	100

The above table is consistent with the global norm where 63% of applications involved single children, but is higher than the figure found by Lowe and Perry⁸ of 59% single children.

Number of Children

	Number	Percent
1 Child	94	63
2 Children	44	30
3 Children	8	5
4 Children	1	1
5 Children	1	1
6 Children	1	1
Total	149	100

The above table shows similar figures to the global norm with 93% of applications involving just 1 or 2 children. Globally in this analysis, there were only two applications involving a sibling group of 5 children and one application involving a sibling group of 6 children. Interestingly, two of these applications were received by England and Wales.

(b) *Incoming access applications*

Single Child or Sibling Group

	Number	Percent
Single Child	16	64
Sibling Group	9	36
Total	25	100

⁸ Op cit at note 4.

Number of Children

	Number	Percent
1 Child	16	64
2 Children	8	32
3 Children	1	4
Total	25	100

The above tables show a similar pattern to the global norm, where 69% of applications involved single children.

8. The age of the children

(a) Incoming return applications

Age of the Children

	Number	Percent
0-4 years	83	38
5-9 years	93	42
10-16 years	45	20
Total	221	100

Proportionally, the figures in the above table are identical to the global norms.

(b) Incoming access applications

Age of the Children

	Number	Percent
0-4 years	9	26
5-9 years	19	54
10-16 years	7	20
Total	35	100

Fewer older children, (20%), were involved in access applications received by England and Wales, compared with the global norm of 29%.

9. The gender of the children

(a) Incoming return applications

Gender of the Children

	Number	Percent
Male	120	54
Female	101	46
Total	221	100

The proportion of male and female children is similar to the global norms of 53% and 47% respectively.

(b) Incoming access applications

Gender of the Children

	Number	Percent
Male	19	54
Female	16	46
Total	35	100

The proportion of male children is slightly higher than the global norm for access applications of 50%.

Interestingly, exactly the same proportion of male and female children were involved in return and access applications received by England and Wales.

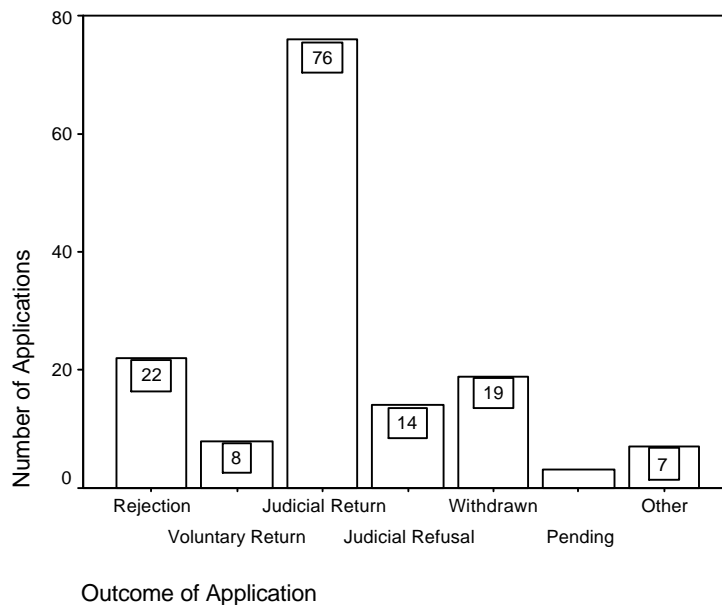
The outcomes

10. Overall outcomes

(a) Incoming return applications

Outcome of Application

	Number	Percent
Rejection	22	15
Voluntary Return	8	5
Judicial Return	76	51
Judicial Refusal	14	9
Withdrawn	19	13
Pending	3	2
Other	7	5
Total	149	100

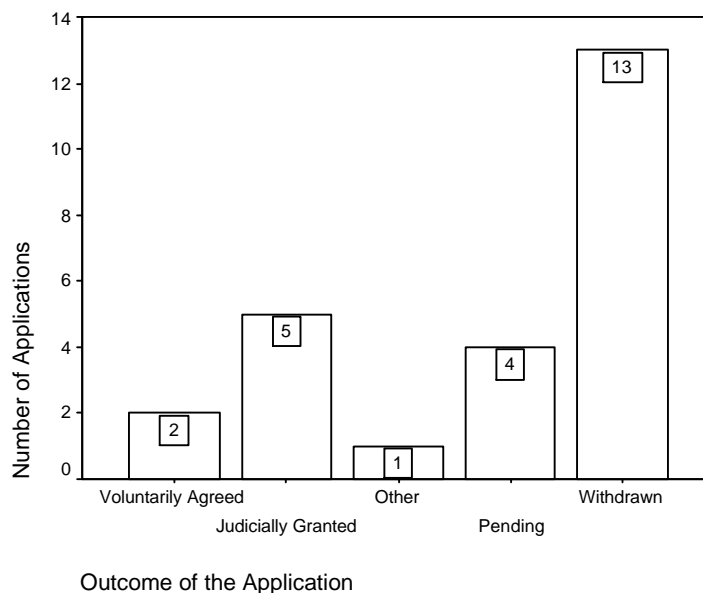


The above table and chart show the outcomes of each application.⁹ Proportionally, the most common outcome for an application was a judicial return, at 51%. This was higher than the global average of 32%. Conversely, the proportion of voluntary returns at 5% was much lower than the global norm of 18%. Nevertheless, due to the high number of judicial returns, the overall return rate was 56%, which was higher than the global norm of 50%. The system in England and Wales is court based and 60% of applications went to court. Of these, 84% resulted in a judicial return, which is higher than the global norm of 74%. Interestingly, the second highest outcome in England and Wales was a rejection (15%), which is higher than the global norm of 11%. It is also worth noting that the proportion of pending applications (2%) was low compared with the global norm (9%), However, these figures are accurate as at 30th June 2001 and therefore the fact that there are 3 cases still pending at this time may give pause for thought.

⁹ In the 7 applications categorised as 'other', access was either ordered or agreed.

(b) Incoming access applications**Outcome of the Application**

	Number	Percent
Rejection by the Central Authority	0	0
Access Voluntarily Agreed	2	8
Access Judicially Granted	5	20
Access Judicially Refused	0	0
Other	1	4
Pending	4	16
Withdrawn	13	52
Total	25	100



It is interesting that there were no applications in which access was refused. However, access was only granted or voluntarily agreed in 28% of the applications. There was a high proportion of withdrawn applications, amounting to 52% of the overall number of access applications, which is the highest proportion of all Contracting States analysed. There were also 4 applications which were still pending and as the information is accurate as at 30th June 2001 this may give pause for concern. The figures also highlight that in contrast to return applications the system is rather less efficient in handling access applications.

11. The reasons for rejection

(a) *Incoming return applications*

Reason for Rejection by the Central Authority

	Number	Percent
Child over 16	0	0
Child Located in Another Country	11	50
Child Not Located	5	23
Applicant Had No Rights of Custody	1	5
Other	5	23
More Than One Reason	0	0
Total	22	101

The above table shows the reasons for rejection. A noticeably high number, indeed half of all rejected cases, were rejected because the child was located in another country. A third of all cases rejected on this basis in our global analysis were applications received by England and Wales. Why this may be so is not clear, one theory is that it may be the result of stop-over flights, where the Central Authority may be called upon to seek return of children being taken from one country to another and landing briefly in England. Five cases were rejected because the child was not located at all.

12. The reasons for judicial refusal

(a) *Incoming return applications*¹⁰

Reason for Judicial Refusal

	Number	Percent
Child Not Habitually Resident in Requesting State	2	15
Applicant had No Rights of Custody	1	8
Article 12	2	15
Article 13 a Not Exercising Rights of Custody	0	0
Article 13 a Consent	0	0
Article 13 a Acquiescence	0	0
Article 13 b	4	31
Child's Objections	2	15
Article 20	0	0
More Than One Reason	2	15
Other	0	0
Total	13	100

The above chart shows the reasons why applications were refused. 46% of the applications that were refused were based on Article 13 defences. Four cases were refused on the basis of Article 13 b and two cases were refused on the basis of objections by children over 11. Given the strict interpretation of Article 13 b adopted by the English courts, it is a little surprising that more cases were refused on this ground than any other. Notwithstanding the relatively high number of judicial refusals, proportionally the percentage of refusals at just 9% is below the global norm of 11%.

¹⁰ Additionally there was 1 application where the reason for refusal was not stated.

13. The reasons for judicial refusal and the gender of the taking person

(a) Incoming return applications

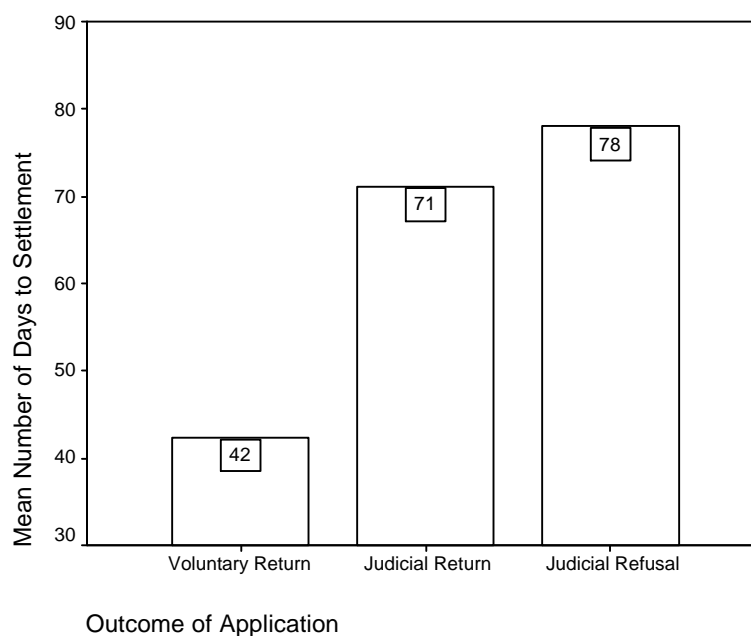
Count		Gender of the Taking		Total
		Male	Female	
Child Not Habitually Resident in Requesting State			2	2
Applicant had No Rights of Custody			1	1
Article 12			2	2
Article 13 b			4	4
Child's Objections	1		1	2
More Than One Reason			2	2
Total		1	12	13

The table above shows that only one application was refused where the taking person was male (8%). Given that 20% of taking persons in applications to England and Wales were males, this was a relatively low proportion.

Speed

14. The time between application and outcome

(a) Incoming return applications



The chart above shows the mean number of days taken from application to outcome. Judicial returns took a mean average of 71 days which is considerably faster than the global norm of 107 days. Judicial refusals took an average of 78 days, which is also fast when compared with the global mean of 147 days. Voluntary returns occurred quickest of all (42 days as against a global norm of 84 days). This was no doubt because applications are sent to court within a short period of time and therefore if voluntary decisions are to be reached, they must occur quickly.

	Outcome of Application		
	Voluntary Return	Judicial Return	Judicial Refusal
Mean	42	71	78
Median	18	43	60
Minimum	0	1	23
Maximum	133	570	158
Number of Cases	8	75	14

The chart above shows the number of cases, for which we had information regarding timing, the mean and median time taken to reach final outcome, and the minimum and maximum. The table shows that while some cases were handled extremely quickly, with the fastest judicial return taking just one day from initial application, and the fastest judicial refusal taking just 23 days, other cases were slow, one judicial return taking well over a year to reach completion at 570 days. Overall, for all three outcomes analysed, and with the exception of one or two cases, the system in England and Wales operates incredibly quickly.

(b) Incoming access applications

Timing to Voluntary Settlement

	Number	Percent
0-6 weeks	0	0
6-12 weeks	1	50
3-6 months	0	0
Over 6 months	1	50
Total	2	100

Timing to Judicial Decision

	Number	Percent
0-6 weeks	0	0
6-12 weeks	1	20
3-6 months	0	0
Over 6 months	4	80
Total	5	100

The tables above show that no access decision was reached in under 6 weeks and most court decisions (80%), took over 6 months, compared with a global norm of 71% taking over 6 months to reach a conclusion. While the numbers are small, it is important to consider that 16% of applications were still pending, which is indicative of the greater length of time taken in access cases as opposed to return. Previous research has found that access applications generally take considerably longer than return applications.¹¹

18. Appeals

(a) Incoming return applications

There were only two appealed cases which is a low proportion considering that 90 applications went to court. Globally, 14% of court cases were appealed, while the proportion in England and Wales was just 2%. This is perhaps due to the fact that there is no automatic right to appeal. Both of the appeal cases were judicial returns, one of which was concluded even with an appeal in 7 weeks. The other case took much longer, over 36 weeks. With such a small number of appeal cases, it is difficult to draw any meaningful conclusions from these figures.

¹¹ Lowe, N and Perry, A. "The Operation of the Hague and European Conventions on International Child Abduction Between England and Germany, Part 1" [1998] IFL 8 at 11.

UK - SCOTLAND

The applications

1. The number of applications

According to the Central Authority for Scotland, they received 10 incoming return and 3 incoming access applications in 1999, making a total of 13 incoming applications. Additionally, they made 5 outgoing return but no outgoing access applications in that year. Altogether, therefore, the Central Authority for Scotland handled 18 new applications in 1999.

2. The Contracting States which made the applications

(a) *Incoming return applications*

Requesting States

	Number of Applications	Percent
USA	4	40
Australia	2	20
Italy	2	20
Norway	1	10
New Zealand	1	10
Total	10	100

As with applications to England and Wales, most came from the USA, and then from Australia. While 9% of applications to England and Wales were from Ireland, there were no applications from Ireland to Scotland.

(b) *Incoming access applications*

There were three access applications, each from a different Contracting State, Canada, France and New Zealand. Only New Zealand made both a return and an access application to Scotland in 1999.

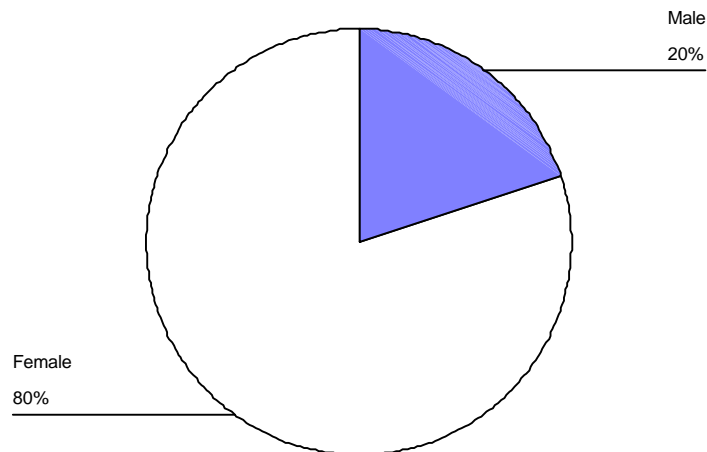
The taking person / respondent

3. The gender of the taking person / respondent

(a) *Incoming return applications*

Gender of the Taking Person

	Number	Percent
Male	2	20
Female	8	80
Total	10	100



The table and chart above show that 80% of taking persons in return applications to Scotland were female. This is over 10% higher than the global norm of 69%. In applications to England and Wales, the proportion of female taking persons was also higher than the global norm at 79%. Conversely, in applications to Northern Ireland, only 50% of taking persons were females. Interestingly, in outgoing applications from Scotland the percentage of female taking persons was also 80%, while in outgoing applications from England and Wales, the proportion of female taking persons was just 68%.

(b) Incoming access applications

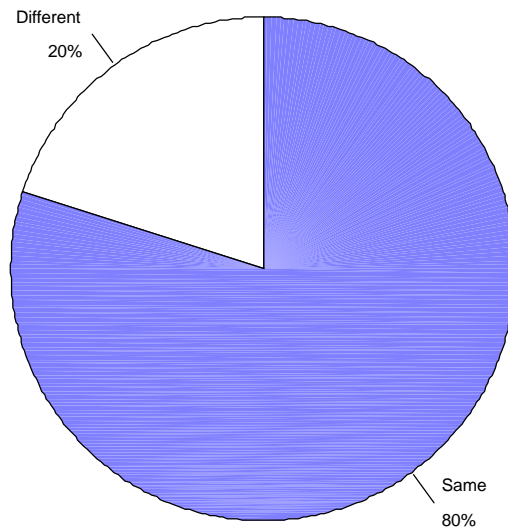
In the access applications, two of the respondents were known to be female. The gender of the other respondent was not stated.

4. The nationality of the taking person / respondent

(a) Incoming return applications

Taking Person Same Nationality as Requested State

	Number	Percent
Same Nationality	8	80
Different Nationality	2	20
Total	10	100



While the global norm of taking persons having the nationality of the requested State was 52%, the above table shows that the figure in Scotland was 80%. There was also a similar, but less pronounced trend, in applications to England and Wales where 60% of taking persons had British nationality. This suggests that taking persons coming to the United Kingdom were likely to be British nationals.

(b) Incoming access applications

Unlike the return applications, none of the respondents involved in applications to Scotland had British nationality.

5. The gender and nationality of the taking person combined

(a) Incoming return applications



Both of the male taking persons, and 75% of the female taking persons had British nationality. Globally, 53% of male and 52% of female taking persons were nationals of the requested State.

The children

6. The total number of children

There were 19 children involved in the 10 return applications and 6 children involved in the 3 access applications. Altogether, therefore, 25 children were involved in new incoming applications received by Scotland in 1999.

7. Single children or sibling groups

(a) *Incoming return applications*

Single Child or Sibling Group

	Number	Percent
Single Child	4	40
Sibling Group	6	60
Total	10	100

Number of Children

	Number	Percent
1 Child	4	40
2 Children	4	40
3 Children	1	10
4 Children	1	10
Total	10	100

Unusually, more sibling groups than single children were involved in applications to Scotland. Globally, 63% of applications involved single children. In applications to Scotland there were also proportionally more sibling groups of more than 2 children, 2 out of 10 applications as opposed to a global norm of 7%. The number of applications is, however, too small to draw meaningful conclusions.

(b) *Incoming access applications*

Each access application involved a sibling group of 2 children. Globally, 69% of applications for access involved single children.

8. The age of the children

(a) *Incoming return applications*

Age of the Children

	Number	Percent
0-4 years	3	16
5-9 years	10	53
10-16 years	6	32
Total	19	100

The above table shows that there were proportionally more older children involved in applications to Scotland than in the global analysis, 32% as opposed to 21%. Globally, 38% of children were aged under 5 years, whereas in applications to Scotland only 16% of children were in this age category.

(b) *Incoming access applications*

Age of the Children

	Number	Percent
0-4 years	1	17
5-9 years	4	67
10-16 years	1	17
Total	6	100

4 of the 6 children involved in access applications were aged between 5 and 9 years old. Globally, 50% of applications involved children in this age category.

9. The gender of the children

(a) *Incoming return applications*

Gender of the Children

	Number	Percent
Male	10	53
Female	9	47
Total	19	100

The proportion of male to female children was identical to the global norms

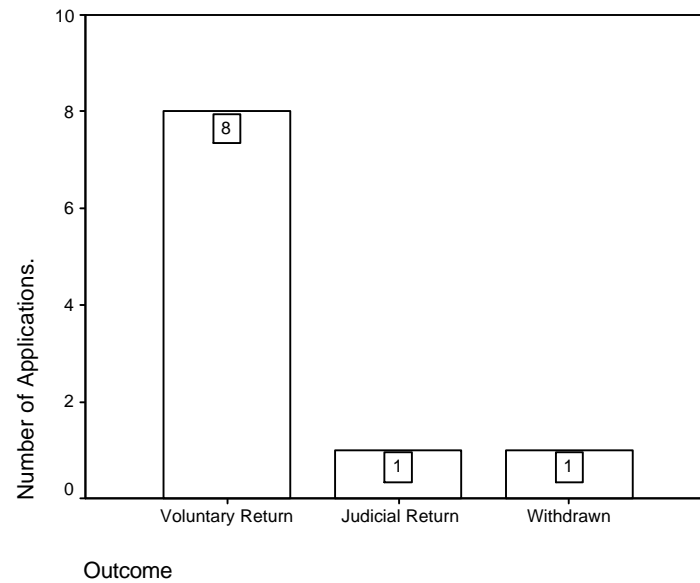
(a) Incoming access applications**Gender of the Children**

	Number	Percent
Male	2	33
Female	4	67
Total	6	100

There were more female children involved in access applications than the global norm of 50%. However, the numbers are small and it is therefore hard to draw meaningful conclusions from these figures.

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

	Number	Percent
Rejection	0	0
Voluntary Return	8	80
Judicial Return	1	10
Judicial Refusal	0	0
Withdrawn	1	10
Pending	0	0
Other	0	0
Total	10	100



The outstanding feature of the chart and table above, is that 80% of applications resulted in a voluntary return compared with the global norm of 18%. Indeed there were proportionally more voluntary returns made in applications to Scotland than any other Contracting State analysed in this report. It is also a stark contrast to the situation in England and Wales where just 5% of applications resulted in a voluntary return. In Scotland there is a system to encourage voluntary returns which involves writing to the taking person and giving them a two week period in which to come to a voluntary arrangement. Looking at the chart above, it would seem that this method is efficient in producing voluntary returns. It is noticeable that in all applications the child was returned except for one withdrawn application. There were no rejections or refusals and no cases were still pending.

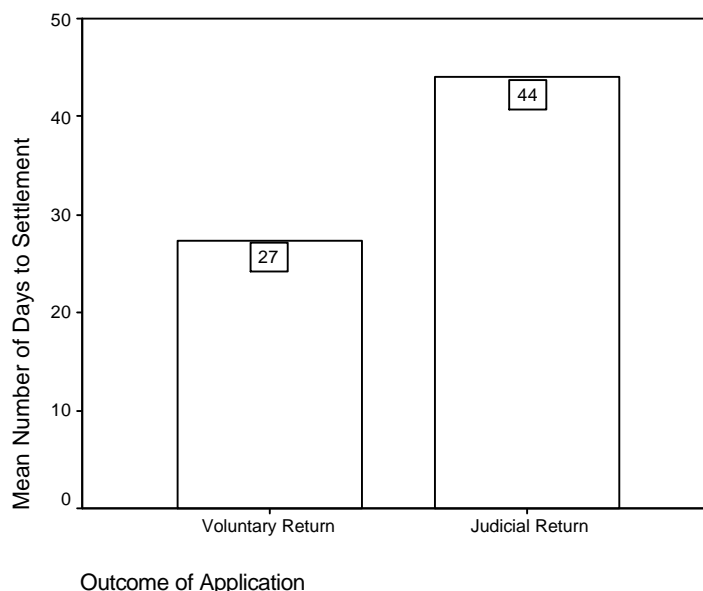
(b) Incoming access applications

In 1 application access was judicially granted. In another access was voluntarily agreed and the third application was withdrawn.

Speed

11. The time between application and outcome

(a) *Incoming return applications*



The one judicial return was concluded within 44 days. Most interesting is the time taken for resolution of applications that were voluntarily returned. There were 5 such applications for which we had data on timing, and the mean average length of time taken to reach a voluntary settlement was 27 days. The fastest resolution was concluded in 1 day, the slowest took 44 days. This was considerably quicker than the global mean of 84 days. The length of time taken for all applications to reach conclusion in Scotland fell more or less within the six-week period implied in Article 11 of the Convention, and Scotland was one of the fastest jurisdictions in this analysis.

(b) *Incoming access applications*

The timing is not known for the one judicially granted access application. The application where access was voluntarily agreed took over 6 months.

12. Appeals

None of the judicial decisions were appealed.

UK – NORTHERN IRELAND

The applications

1. The number of applications

According to the Central Authority for Northern Ireland, they received 6 incoming return and 1 incoming access application in 1999, making a total of 7 incoming applications. Additionally, they made 3 outgoing return but no outgoing access applications in that year. Altogether, therefore, the Central Authority for Northern Ireland handled 10 new applications in 1999.

2. The Contracting States which made the applications

(a) Incoming return applications

Requesting States

	Number of Applications	Percent
Ireland	4	67
Germany	1	17
Greece	1	17
Total	6	100

4 of the 6 applications were made by Ireland. A similar trend has been found in relation to other neighbouring States such as Australia and New Zealand and the United States and Mexico. Interestingly, while 4 applications came from Ireland, only 1 of the 38 applications received by Ireland was made by Northern Ireland.

(b) Incoming access application

The access application was sent by Denmark.

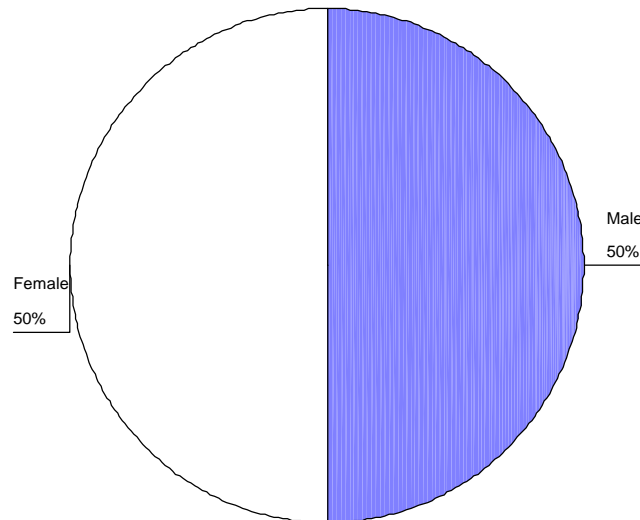
The taking person / respondent

3. The gender of the taking person / respondent

(a) Incoming return applications

Gender of the Taking Person

	Number	Percent
Male	3	50
Female	3	50
Total	6	100



3 of the 6 applications involved female taking persons, compared with a global norm of 69%. Applications to other parts of the United Kingdom, namely, England and Wales and Scotland involved, respectively, 79% and 80%, female taking persons. Consequently, despite the small numbers involved, the pattern in applications to Northern Ireland appears to be different to the pattern in the rest of the United Kingdom. The pattern is also different to Ireland where 82% of applications involved female taking persons.

(b) Incoming access application

The respondent in the access application was female.

4. The nationality of the taking person / respondent

Information regarding nationality was not available from the data received from Northern Ireland.

The children

5. The total number of children

There were 15 children involved in the 6 return applications and 1 child involved in the 1 access application. Altogether, therefore, 16 children were involved in new incoming applications received by Northern Ireland in 1999.

6. Single children or sibling groups

(a) Incoming return applications

Single Child or Sibling Group

	Number	Percent
Single Child	2	33
Sibling Group	4	67
Total	6	100

Number of Children

	Number	Percent
1 Child	2	33
2 Children	2	33
4 Children	1	17
5 Children	1	17
Total	6	100

Globally, 63% of applications involved single children, while in Northern Ireland the proportion of applications involving single children was just 33%. As with neighbouring Ireland, at 53%, the proportion of applications involving single children was below the global norm. It is also unusual that 2 of the 6 applications involved sibling groups of more than 2 children, whereas globally only 7% of applications involved more than 2 children.

(b) Incoming access application

The access application involved a single child.

7. The age of the children

(a) Incoming return applications

Age of the Children

	Number	Percent
0-4 years	4	27
5-9 years	7	47
10-16 years	4	27
Total	15	100

Like the global picture, the greatest proportion of children were aged between 5 and 9 years old. Unlike the global picture, the proportion of children in each of the other age categories was identical at 27%. Globally, 38% of children were aged between 0 and 4 years old and 21% were aged between 10 and 16 years.

(b) Incoming access application

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

8. The gender of the children

(a) Incoming return applications

Gender of the Children

	Number	Percent
Male	7	47
Female	8	53
Total	15	100

47% of the children involved in applications to Northern Ireland were males. Globally, 53% of children were male.

(b) Incoming access application

The child involved in the access application was male.

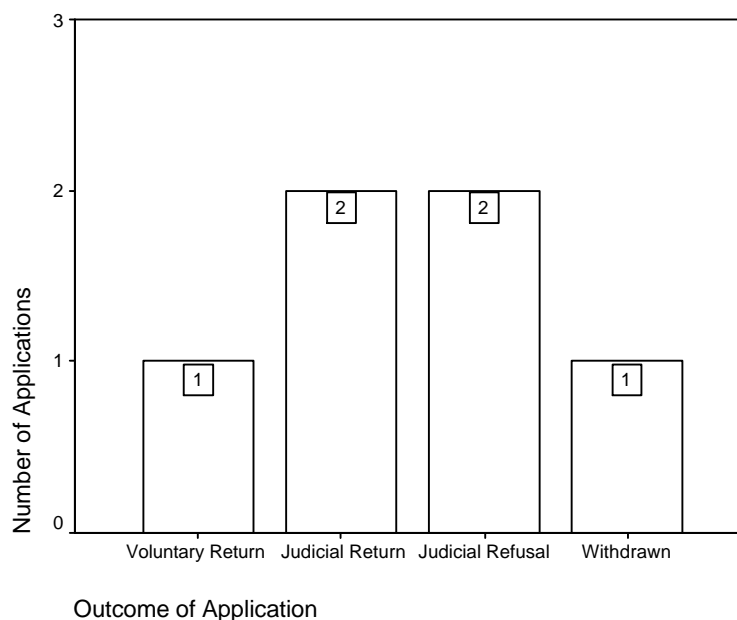
The outcomes

9. Overall outcomes

(a) Incoming return applications

Outcome of Application

	Number	Percent
Rejection	0	0
Voluntary Return	1	17
Judicial Return	2	33
Judicial Refusal	2	33
Withdrawn	1	17
Pending	0	0
Other	0	0
Total	6	100



4 of the 6 applications went to court, 2 of which resulted in decisions to return the children, and 2 in decisions to refuse to return, whereas globally, 74% of applications going to court resulted in a judicial return. There was 1 voluntary return making an overall return rate of 3 out of 6 applications, identical to the global norm of 50%. No applications were rejected and no applications were pending. The Northern Irish system for handling abduction applications is

essentially court based, which is similar to the system in England and Wales. Conversely, in Scotland 80% of applications resulted in a voluntary return.

(b) Incoming access application

The access application was rejected because the child was located in another country.

10. The reasons for judicial refusal

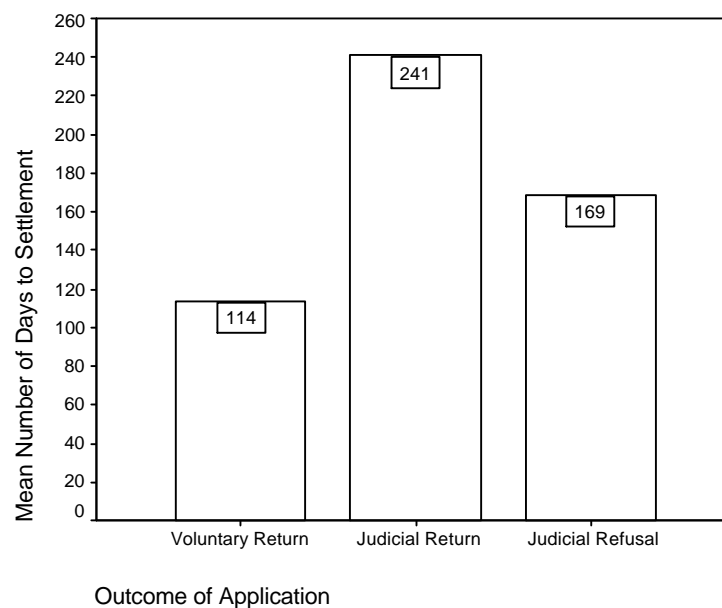
(a) Incoming return applications

There were two applications where return was refused. In one case the refusal was based on the fact that the child was not habitually resident in the relevant State. In the other case, the refusal was based on Article 12 and Article 13 b.

Speed

11. The time between application and outcome

(a) Incoming return applications



The chart above shows that in contrast to England and Wales and Scotland, applications to Northern Ireland were generally handled slowly. The 1 voluntary agreement was reached after 114 days. One judicial return was concluded in 78 days, the other 404 days. The 2 judicial refusals took 137 days and 201 days respectively to be concluded. All the mean times are slower than the global means of 84 days for voluntary settlements, 107 days for judicial returns and 147 days for judicial refusals.

12. Appeals

None of the judicial decisions were appealed.

UK – CAYMAN ISLANDS

The applications

1. The number of applications

According to the Central Authority for the Cayman Islands, they received 1 incoming return and 1 incoming access application in 1999, making a total of 2 incoming applications. They made no outgoing applications either for return or for access in that year.

2. The Contracting States which made the applications

Both the return and access applications came for the USA.

The taking person / respondent

3. The gender of the taking person / respondent

The taking person in the return application was female while the respondent in the access application was male.

4. The nationality of the taking person / respondent

Both the taking person and the respondent had the nationality of the requested State.

The children

5. The total number of children

There was 1 child involved in the return application and 1 child involved in the access application. Both applications therefore involved single children.

6. The age of the children

Both the children were aged between 10 and 16 years old.

7. The gender of the children

The child involved in the return application was female, while the other child was male.

The outcomes

8. Overall outcomes and speed

The return application ended in a judicial return just 24 days after the date of the application. Conversely the access application was still pending on receipt of the data in May 2001.