

**QUESTIONNAIRE CONCERNING THE PRACTICAL OPERATION OF
THE 1996 CONVENTION**

Wherever your replies to this Questionnaire make reference to domestic legislation, rules, guidance or case law relating to the practical operation of the 1996 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	Norway
<i>For follow-up purposes</i>	
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PART I – FOR STATES PARTIES

Recent developments in your State

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 protection? Where possible, please state the reason for the development in the legislation / rules, and, where possible, the results achieved in practice.

- No
 Yes, please specify:

The Hague Convention of 1996 entered into force for Norway on July 1st 2016. In order for Norway to be able to fulfill its obligations according to the Convention, Norway on the same date introduced the 1996 Hague Convention Act. Changes and amendments were also made in several laws in national legislation, hereunder in the Child Welfare Act, the Children Act, and the Marriage Act. The ratification of the Convention and the mentioned legislative changes have given Norway a better tool for reaching good solutions in cross-border child protection cases. Since the Convention entered into force Norway has handled a considerable amount of requests under the Convention, both to and from other Contracting States.

In addition, Norway has made several changes in national legislation regarding international child abduction cases. The changes entered into force on January 1st 2016 and were made both to ensure more rapid procedures, and to strengthen the child perspective in such cases. The changes included amongst others; centralization of jurisdiction, introduction of a shorter deadline for appeal, and new procedures for when and how a child is to be heard. For further information regarding developments in the field of child abduction, please see Norway's response to the Questionnaire concerning the Hague 1980 Convention.

2. Please provide a brief summary of any significant decisions concerning the interpretation and application of the 1996 Convention rendered since the 2011 / 2012 Special Commission by the relevant authorities² in your State including in the context of the 20 November 1989 United Nations Convention on the Rights of the Child and other relevant instruments:

We would like to mention two significant decisions regarding "habitual residence" passed in 2016 and 2017, both final.

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

² The term "relevant authorities" is used in this Questionnaire to refer to the judicial or administrative authorities with decision-making responsibility under the 1996 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.

The first is a decision from the Supreme Court, case number 2016/1016, passed on November 3rd 2016.

The Supreme Court assessed whether the Child Welfare Service in Norway had jurisdiction to issue a care order for a child. The child was born in a neighboring country, and was not a Norwegian citizen. The child's mother had been in Norway since 2011, despite not having been granted a residence permit. From May to October 2013, the mother stayed in a neighboring country, where the child was born. The mother returned to Norway with the child in October 2013, and an emergency care order was issued in November the same year. The emergency care order was later replaced by a regular care order.

The Supreme Court stated that it is the child's connection to the country that is essential in determining the child's habitual residence. However, for young children the parents' connection to a state will have great impact when determining the question of the child's habitual residence. The Supreme Court did not find the fact that the child was born in another country, nor the fact that the mother stayed here illegally, to be decisive factors. They emphasized that the period of time spent in the neighboring country was temporary and that the mother chose to stay in Norway despite the denial of her application for a residence permit. In its conclusion, the Supreme court found it clear that the child had its habitual residence in Norway.

The second decision was passed by Eidsivating Court of Appeal on January 4th 2017, case number LF-2016-176627.

The question before the Court of Appeal was whether Norway had jurisdiction in a case where the parents disputed over a child's place of residence. The child in question lived half the time with its mother in Norway and half the time with its father in Sweden. The child attended a nursery school in Sweden, and had been granted a place in a nursery school in Norway. The Court of Appeal, although expressing doubts, decided that the child had habitual residence in both Norway and Sweden.

3. Please provide a brief summary of any other significant developments in your State since the 2011 / 2012 Special Commission relating to international child protection:

Since the Convention entered into force the Central Authority has worked intensively with informing the Child Welfare Services, the County Social Welfare Boards, the County Governors and Oslo District Court about the Convention and how it can be used to reach good solutions in cases regarding cross-border protection of children. Competent authorities in Norway that work directly with child welfare cases have received information regarding the Convention, both from the Ministry of Children and Equality and from the Central Authority. The Central Authority has also developed, and are still developing, a website with information about the Convention.

In 2016 Norway delivered its fifth and sixth periodic report to the UN Committee on the Rights of the Child, entitled "The Rights of the Child in Norway". The report describes Norway's follow-up of the UN Convention on the Rights of the Child and its two Optional Protocols. The report, in English, can be found here;

<https://www.regjeringen.no/globalassets/departementene/bld/rapport-fns-barnekonvensjon-2016.pdf>

Scope

4. Have competent authorities in your State experienced any challenges, or have questions arisen, in determining the scope of the Convention under **Article 2** (meaning of "child")_or **Article 3** (meaning of "protective measures")?

- No
 Yes, please specify:

Jurisdiction

5. Have competent authorities in your State experienced any challenges, or have questions arisen, in making a determination whether to exercise jurisdiction under **Articles 5, 6, 7 or 10**?

- No
 Yes, please specify:

There have arisen questions regarding "habitual residence" in several cases, for instants see our response to question 2. Additionally, the question of habitual residence for a newborn child has arisen where the parents stay is only temporary, more specifically whether a child's presence in a state is the crucial element in that regard.

6. Have competent authorities in your State experienced any challenges, or have questions arisen, in implementing and / or applying **Articles 8 and 9**?

- No
 Yes, please specify:

7. Have judicial or administrative procedures, guidelines or protocols been adopted in your State to facilitate the application of **Articles 8 and 9**?³

- No
 Yes, please describe them and also provide a link or attach them, preferably translated into English or French:

Procedural rules regarding transfer of jurisdiction is given in Section 5 of the 1996 Hague Convention Act.

A request from another Contracting State regarding transfer of jurisdiction to Norway is to be addressed to the Central Authority, which forwards the request to the competent authority in Norway.

Were a competent authority in Norway wishes to request transfer of jurisdiction to another Contracting State, the competent authority can address the request directly to the requested State.

According to the procedures in the 1996 Hague Convention Act, transfer of jurisdiction can be done at any stage of a case. The procedures will therefore vary based on which authority that handles the case when the question of transfer arises.

8. Have competent authorities in your State had experience with urgent measures of protection taken under **Article 11**? (See also Question No 35.)

- No
 Yes, please describe in which situations a competent authority in your jurisdiction has applied Article 11:

Urgent measures have been taken in cases regarding children that are on vacation in Norway, or where parents with children are in Norway for a limited period of time for work etc. Further, such measures have been taken in cases regarding children that have arrived in Norway unaccompanied by parents or legal guardians.

9. Have competent authorities in your State experienced any challenges, or have questions arisen, with respect to the application of **Article 11**?

- No
 Yes, please describe:

Norway has experienced a case where an urgent measure of protection was taken under Norwegian law, in accordance with the Convention Article 11, but the Contracting State where the child has its habitual residence has not follow-up with necessary measures to protect the child. Information regarding the case and the measure taken in Norway has been given to the Contracting State where the child has habitual residence, but the latter does not provide information on whether they are planning to take measures to protect the child. This creates a situation where the child has to remain in Norway, protected by an urgent measure, without Norway having jurisdiction to make a permanent decision for the protection of the child. This creates a difficult and uncertain situation for the child, and also a situation that is difficult for Norwegian authorities to handle, both legally and practically.

10. Have competent authorities in your State experienced any challenges, or have questions arisen, in applying **Articles 12, 13 or 14**?

³ See, e.g., Direct Judicial Communications - [Emerging Guidance regarding the development of the International Hague Network of Judges and General Principles for Judicial Communications \(2013\)](#).

- No
 Yes, please describe:

Applicable law

11. Have competent authorities in your State experienced any challenges, or have questions arisen, in applying **Articles 15, 16, 17 or 18**?

- No
 Yes, please describe:

12. Have competent authorities in your State experienced any challenges, or have questions arisen, in applying the other articles in **Chapter III**?

- No
 Yes, please describe them:

Recognition and enforcement

13. Have competent authorities in your State experienced any challenges, or have questions arisen, in applying **Article 23** from the perspective of the requested State?

- No
 Yes, please describe:

14. Have judicial or administrative procedures, guidelines or protocols been adopted in your State to facilitate the application of **Article 24**?

- No
 Yes, please describe and also provide a link or attach them, preferably translated into English or French:

The Norwegian 1996 Hague Convention Act includes three sections regulating the process of recognition and enforcement of measures taken by another Contracting State. Jurisdiction to decide whether a measure is to be recognized under Article 24 has been centralized to Oslo District Court. A request for recognition shall be submitted to the Court in writing. The original measure or a certified copy of the measure that is requested recognized shall accompany the request. If the documentation mentioned above is in another language than Norwegian, the Court can demand that a Norwegian translation of the documentation is submitted.

15. Have competent authorities in your State experienced any challenges, or have questions arisen, in applying **Article 24** (e.g., in terms of procedure, formalities, time frames, etc.)?

- No
 Yes, please describe:

Norway has recently received the first request for advanced recognition according to Article 24 of the Convention, and therefore has limited experience with such cases. The questions that have arisen have been related to the internal court procedures, and has been of minor significance.

16. Please describe the "simple and rapid procedure" (see **Article 26(2)**) in place in your State for declaring enforceable or registering for the purpose of enforcement measures of protection taken in another State Party and enforceable there, in particular:

- a) Which authority declares enforceable or registers a measure of protection taken in another State Party?
- b) What time frames are applied to ensure that the procedure is rapid?
- c) Is legal representation required?

Please explain:

There is no register for measures of protection in Norway. To ensure that the demand for a simple and rapid procedure for declaring a measure enforceable under Article 26 is met, rules regarding the internal process in such cases are stipulated in the 1996 Hague Convention Act, Sections 9 and 10. The jurisdiction to declare a measure enforceable is centralized to Oslo District Court. The 1996 Hague Convention Act lays out rules for what

a request for declaring a measure enforceable must contain. The request is to be in writing. The measure in question must be submitted together with documentation showing that the measure can be enforced in the requesting state. There is no regulation of the time frames for such procedures in the 1996 Hague Convention Act. However, the District Court is well aware of the obligation regarding rapid procedures in these cases. No legal representation is required to request a measure declared enforceable. The District Court's decision can be appealed to Borgarting Court of Appeal, cf. the Dispute Act Section 29-1.

17. Are you aware of any challenges, or have questions arisen, in applying **Article 26** in your State?

- No
 Yes, please describe:

18. Are you aware of any challenges, or have questions arisen, in applying **Article 28** in your State?

- No
 Yes, please describe:

Co-operation

19. Are you aware of any challenges, or have questions arisen, in applying **Article 30** in your State (e.g., in relation to the timeliness of responses to requests)?

- No
 Yes, please describe:

We have in several cases experienced lack of confirmation from the requested state that our request has been received, even after we enquire such a confirmation. This is particularly important in urgent cases, where a child is in need of urgent protective measures.

Further, we experience variations amongst different Contracting States with regard to how rapidly requests are being handled. In several cases regular updates on cases lack. Such updates are especially important in urgent cases.

We have further experienced that some incoming requests and/or answers to our requests are unclear, both with regard to language and content, which again can result in delay in the processing of these cases.

Given the above-mentioned, we also point out that there is room for improvement in our own case handling. The Convention came into force for Norway on July 1st 2016, less than a year ago. During the first six months the Central Authority received approximately 62 request under the Convention, both to and from other Contracting States. We are however working for more efficient procedures.

20. In your view, would it facilitate the task of Central Authorities under **Article 30(2)** if States Parties provided information as to their laws and available services in relation to the practical implementation of the 1996 Convention, e.g., in the form of a Country Profile or a similar tool published on the HCCH website?

- No
 Yes, please describe the type of information that would be useful to include (e.g., information with respect to the availability of certain protective measures under internal law (e.g., in relation to **Article 3(e)**), or the procedures applied under, e.g., **Articles 23, 24, 26, 31 or 33**, or information on Central Authority services provided):

We are very positive to the creation of Country Profiles, and we suggest that such a profile includes information on the different Contracting States' system and regulations for protection of children. This would be a useful tool in our work under the Convention.

Different Contracting States use different terms for parental responsibility in their national legislation. In some cases we have experienced that it is difficult to decide whether the term used in different national legislation falls within the scope of the Convention, cf. Article 1 (2). We therefore suggest that the Contracting States provides a list of the national terms used in their legislation regarding protection of children, and what capacity and powers the different terms contains. We suggest that this is included in the Country Profile.

We further suggest that the Country Profile includes information about the time

frames for the Contracting States' handling of different kinds of requests, and information about which authorities that are defined as "competent authorities" under the Convention in their State (for instance which authorities that are competent for forward requests for transfer of jurisdiction).

21. How does your Central Authority (either directly or through public authorities or other bodies) take appropriate steps under **Article 31(b)** to facilitate, by mediation, conciliation or similar means, agreed solutions for the protection of the person or property of the child in situations to which the 1996 Convention applies? Please explain:

The Central Authority can, when handling requests under the Convention, encourage mediation, conciliation or similar means. The Central Authority can refer the parties to the Norwegian Family Counselling Services for mediation, and provide information regarding the possibilities for mediation in cases before the Court in Norway.

In Practical Handbook 2014, Chapter 11, para 11.11, International Social Services (ISS) is referred to as a possible facilitator of mediation etc. under article 31 (b). The ISS do not have a Norwegian branch, which means that the Central Authority will not be able to forward requests to an ISS office in Norway. Request from the ISS in other countries can be forwarded to the Norwegian Directorate for Children, Youth and Family Affairs, which will forward the request to competent authorities in Norway.

The Central Authority in Norway has not yet had cases that have been referred to mediation or similar means.

22. Have authorities in your State experienced any challenges, or have questions arisen, in applying **Article 33** (e.g., has your State been requested to accept a child under a certain type of placement or institutional care that is not available under your internal law, or was insufficient information provided to you as the Requested State)?

- No
 Yes, please describe:

Norway has received requests for placements under Article 33 in situations where the conditions and procedures stipulated in this article are not met, and Norway underlines the importance of that these requirements are followed.

According to Article 33, it is a requirement that an authority having jurisdiction, which contemplates a placement of a child in another Contracting State, first consults with the latter State, and transmits a report on the child together with the reasons for the proposed placement. Further, Article 33 states that the decision on the placement can only be made if the requested State has consented to the placement or provision of care.

Norway has experienced requests under Article 33 on basis of a decision taken in another State, without the required pre-contact and consent. Norwegian authorities have been addressed in these matters regarding children that have entered into Norway, and the requests for placement in Norway have been introduced by the children's care-takers and/or a Central Authority.

The 1996 Hague Convention does not apply to decisions on immigration. According to Norwegian law, it is the immigration authorities, which decides whether a child has a legal residence permit. Where a placement under Article 33 is considered it is therefore of crucial importance, that the procedures in Article 33, that entail pre-contact and consent, are followed.

23. Have authorities in your State experienced any challenges, or have questions arisen, in providing or obtaining reports or information under **Articles 32, 33 or 34**?

- No
 Yes, please describe:

We have received requests where it is unclear what is requested, which Article the request is made under, and where no grounds for the request is given. Especially, we have received requests under Article 32 without supporting reasons for why the information is needed.

Further, we have experienced that we, after providing information to other Contracting States, get several additional requests from the same Contracting State for information in the same case, without reasons for why additional information is needed being given. We would appreciate supporting reasons in such cases, describing whether or not the provided information was insufficient or whether new circumstances have arisen.

In some cases where we request information, we have experienced that it takes quite a while before the request is answered. This has been a concern to us in certain urgent cases.

24. Do authorities in your State use a standard template when providing a report on the (situation of the) child under **Article 32 or 33**?

- No
 Yes, please attach the template to your response (preferably translated into English or French):

25. Have competent authorities in your State experienced any challenges, or have questions arisen, in applying **Article 35**?

- No
 Yes, please describe:

26. Does your State impose charges, as provided under **Article 38(1)**, for the provision of services under **Chapter V** (Co-operation)?

- No
 Yes, for the following types of services (e.g., translation, legal assistance):

With regard to requests from other Contracting States, Norway has so far not imposed any charges for services under Chapter V. According to national legislation, it is up to the Central Authority to decide whether charges are to be imposed or not.

27. Have authorities in your State experienced any challenges, or have questions arisen, with regard to charges provided under **Article 38(1)**?

- No
 Yes, please describe:

28. With the understanding that services provided by Central Authorities under the 1996 Convention may vary, does your Central Authority provide assistance to **individuals** habitually resident in your State who request it in connection with the following matters? If so, please specify the nature of the assistance provided.

a) A request to organise or secure effective exercise of **rights of access** in another State Party (requested State)⁴

1. None
 2. Assistance in obtaining information on the operation of the 1996 Convention
 3. Assistance in obtaining information on the relevant laws and procedures in the requested State
 4. Establishment of contact with the Central Authority and / or the competent authorities in the requested State to find out the kind of assistance such authorities could provide
 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State
 6. Assistance in initiating judicial or administrative proceedings with a view to making arrangements for organising or securing the effective exercise of rights of access
 7. Assistance in providing or facilitating the provision of legal aid and advice
 8. Assistance in obtaining private legal counsel or mediation services, where needed in the requested State
 9. Referral to other governmental and / or non-governmental organisations for assistance
 10. Provision of regular updates on the progress of the application
 11. Other, please specify:

Providing information on the possibility to contact the Norwegian

⁴ See in this context, e.g., the [Practical Handbook](#) on the Operation of the 1996 Child Protection Convention, sections 11(E)(d) and 13(B) (2014).

Embassy/Consulate in the country where the child resides to get a list of lawyers practicing in the State in question, if such information has not been received from the Central Authority in the requested State.

- b) A request to secure the return to your State of a child subject to **parental abduction** where the 1980 Convention is not applicable

- 1. None
- 2. Assistance in obtaining information on the operation of the 1996 Convention
- 3. Assistance in obtaining information on the relevant laws and procedures in the requested State
- 4. Establishment of contact with the Central Authority and / or the competent authorities in the requested State to find out the kind of assistance such authorities could provide
- 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State
- 6. Assistance in discovering the whereabouts of a child who has been wrongfully removed or retained
- 7. Assistance in taking provisional / urgent measures of protection to prevent further harm to the child
- 8. Assistance in securing the voluntary return of the child or in bringing about an amicable resolution of the issue
- 9. Assistance in initiating judicial or administrative proceedings with a view to obtaining the return of the child
- 10. Assistance in providing or facilitating the provision of legal aid and advice
- 11. Assistance in providing such administrative arrangements as may be necessary and appropriate to secure the safe return of the child
- 12. Assistance in obtaining private legal counsel or mediation services
- 13. Referral to other governmental and / or non-governmental organisations for assistance
- 14. Regular updates on the progress of the application
- 15. Other, please specify:

Providing information to the parent on the possibility of recognition and enforcement of decisions regarding parental responsibility, custody and the child's place of residence taken in Norway.

Providing information to the parent that it is punishable by law to abduct a child, and that there can be issued an international arrest warrant for the abducting parent if the left-behind parent wants to contact the police.

Providing information to the left-behind parent that he/she will be entitled to free legal aid in abduction cases.

Providing information to the left-behind parent that social benefits to the abducting parent can be stopped when a child is abducted from Norway.

- c) A request to secure the return to your State of a **runaway child** (see **Article 31 c)**)

- 1. None
- 2. Assistance in obtaining information on the operation of the 1996 Convention
- 3. Assistance in obtaining information on the relevant laws and procedures in the requested State
- 4. Establishment of contact with the Central Authority and / or the competent authorities in the requested State to find out the kind of assistance such authorities could provide
- 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State
- 6. Assistance in discovering the whereabouts of a runaway child
- 7. Assistance in initiating judicial or administrative proceedings with a view to obtaining the return of the child
- 8. Assistance in providing or facilitating the provision of legal aid and advice
- 9. Assistance in providing such administrative arrangements as may be necessary and appropriate to secure the safe return of the child

- 10. Assistance in obtaining private legal counsel
- 11. Referral to other governmental and / or non-governmental organisations for assistance
- 12. Regular updates on the progress of the application
- 13. Other, please specify:

Providing information to the Norwegian Embassy in the country where the child is present, if the child is a Norwegian citizen.

- d) A request for a **report on the situation of a child** habitually resident in another State Party (e.g., a child returned as a result of child abduction proceedings or a child who has moved as a result of a relocation) (see **Article 32 a**)

- 1. None
- 2. Assistance in obtaining information on the operation of the 1996 Convention
- 3. Assistance in obtaining information on the relevant laws and procedures in the requested State
- 4. Establishment of contact with the Central Authority and / or the competent authorities in the requested State to find out the kind of assistance such authorities could provide
- 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State
- 6. Other, please specify:

- e) A request that the competent authorities of another State Party decide on the **recognition or non-recognition** of a measure taken in your State (see **Article 24**)

- 1. None
- 2. Assistance in obtaining information on the operation of the 1996 Convention
- 3. Assistance in obtaining information on the relevant laws and procedures in the requested State
- 4. Establishment of contact with the Central Authority and / or the competent authorities in the requested State to find out the kind of assistance such authorities could provide
- 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State
- 6. Assistance in obtaining private legal counsel
- 7. Regular updates on the progress of the request
- 8. Other, please specify:

Providing information regarding legal representation by informing the parent that the Norwegian Embassy/Consulate in the requested state can be contacted for a list of lawyers that can be used, given that this is needed and has not been provided by the Central Authority in the requested state.

- f) A request that the competent authorities of another State Party **declare enforceable or register for the purpose of enforcement** measures taken in your State (see **Article 26**)

- 1. None
- 2. Assistance in obtaining information on the operation of the 1996 Convention
- 3. Assistance in obtaining information on the relevant laws and procedures in the requested State
- 4. Establishment of contact with the Central Authority and / or the competent authorities in the requested State to find out the kind of assistance such authorities could provide
- 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State
- 6. Assistance in obtaining private legal counsel
- 7. Regular updates on the progress of the request
- 8. Other, please specify:

Providing information regarding legal representation by informing the parent that the Norwegian Embassy/Consulate in the requested state can be contacted for a list of lawyers that can be used, given that this is needed and has not been provided by the Central Authority in the requested state.

29. With the understanding that services provided by Central Authorities under the 1996 Convention may vary, if your Central Authority were to receive a request of assistance from **another Central Authority** on behalf of an individual residing abroad, in connection with the following matters, please specify the nature of the assistance that your Central Authority provides or would provide if the situation was to arise.

a) A request to organise or secure effective **exercise of rights of access**

- 1. None
- 2. Providing information on the operation of the 1996 Convention and / or the relevant laws and procedures in your State
- 3. Assistance in initiating judicial or administrative proceedings with a view to making arrangements for organising or securing the effective exercise of rights of access
- 4. Assistance in providing or facilitating the provision of legal aid and advice
- 5. Assistance in obtaining private legal counsel or mediation services available in your State
- 6. Referral to other governmental and / or non-governmental organisations for assistance
- 7. Regular updates on the progress of the application
- 8. Other, please specify:

Facilitation of contact with the parent residing in Norway to get his/her view on the request from the other parent, and urge for co-operation. Providing information regarding the possibilities for mediation, and who to contact in this regard. Providing information regarding the legal process for establishing right to access, and the possibility for free legal aid in this regard.

b) A request to secure the return to the State of habitual residence of a child subject to parental abduction where the 1980 Convention is not applicable

- 1. None
- 2. Providing information on the operation of the 1996 Convention and / or the relevant laws and procedures in your State
- 3. Assistance in discovering the whereabouts of a child who has been wrongfully removed or retained
- 4. Assistance in taking provisional measures of protection to prevent further harm to the child
- 5. Assistance in securing the voluntary return of the child or in bringing about an amicable resolution of the issue
- 6. Assistance in initiating judicial or administrative proceedings with a view to obtaining the return of the child
- 7. Assistance in providing or facilitating the provision of legal aid and advice
- 8. Assistance in providing such administrative arrangements as may be necessary and appropriate to secure the safe return of the child
- 9. Assistance in obtaining private legal counsel or mediation services
- Referral to other governmental and / or non-governmental organisations for assistance
- 10. Regular updates on the progress of the application
- 11. Other, please specify:

Providing information regarding the possibility of recognition and enforcement of decisions regarding parental responsibility, custody and the child's place of residence taken in the State of the child's habitual residence.

Assistance in contacting the Child Welfare Service with information that a child has been abducted, so that they can assess the situation and the need for urgent measures of protection for the child.

c) A request to secure the return of a runaway child (see **Article 31 c**)

- 1. None
- 2. Providing information on the operation of the 1996 Convention and / or on the relevant laws and procedures in your State
- 3. Assistance in discovering the whereabouts of a runaway child
- Assistance in initiating judicial or administrative proceedings with a view to obtaining the return of the child
- 4. Assistance in providing or facilitating the provision of legal aid and advice
- Assistance in providing such administrative arrangements as may be necessary and appropriate to secure the safe return of the child
- 5. Assistance in obtaining private legal counsel
- 6. Referral to other governmental and / or non-governmental organisations for assistance
- 7. Regular updates on the progress of the application
- 8. Other, please specify:

Assistance in contacting the Child Welfare Service if the child is assumed to be without proper care and there is a concern for the child's wellbeing.

- d) A request for a report on the situation of a child habitually resident in your State (e.g., a child returned as a result of child abduction proceedings or a child who has moved as a result of a relocation) (see **Article 32 a**)

- 1. None
- 2. Providing information on the operation of the 1996 Convention and / or on the relevant laws in your State
- 3. Preparing and transmitting the requested report
- 4. Transmission of the request to the competent authorities in your State
- 5. Other, please specify:

- e) A request that the competent authorities of your State decide on the recognition or non-recognition of a measure taken in another State Party (see **Article 24**)

- 1. None
- 2. Providing information on the operation of the 1996 Convention and / or relevant laws in your State
- 3. Transmission of the request to the competent authorities in your State
- 4. Assistance in obtaining private legal counsel
- 5. Other, please specify:

- f) A request that the competent authorities of your State declare enforceable or register for the purpose of enforcement measures taken in another State Party (see **Article 26**)

- 1. None
- 2. Providing information on the operation of the 1996 Convention and / or relevant laws in your State
- 3. Transmission of the request to the competent authorities in your State
- 4. Assistance in obtaining private legal counsel
- 5. Other, please specify:

30. Where the habitual residence of a child present in your State cannot be established, have authorities in your State used any of the provisions of **Chapter V** in determining the child's place of habitual residence?

- No
- Yes, please specify:

31. Are you aware of any challenges, or have questions arisen, in applying any other provisions under **Chapter V** in your State?

- No

Yes, please describe:

32. Have judges in your State used direct judicial communications in cases falling under the 1996 Convention?

No

Yes, please specify in relation to which specific matters (e.g., transfer of jurisdiction, placement of a child):

General provisions

33. Has your State experienced any challenges, or have questions arisen, in relation to requests under **Article 40** for the delivery of a certificate indicating the capacity in which a person having parental responsibility or entrusted with protection of the child's person or property is entitled to act and the powers conferred upon him or her?

No

Yes, please describe:

34. Which authorities in your State are competent to issue such certificates? Please specify:

The County Governor

Special categories of children

Children subject to international parental abduction

35. Have authorities in your State experienced any challenges, or have questions arisen, in relation to the application of the 1996 Convention in cases of child abduction where the 1980 Convention was not applicable (see Question Nos 28 b) and 29 b) above)?

No

Yes, please describe:

36. In cases of child abduction where both the 1980 Convention and the 1996 Convention were applicable, have authorities in your State made use of provisions under the 1996 Convention in addition to or instead of provisions of the 1980 Convention?

No

Yes, please specify the provisions and explain:

In one case, Norwegian competent authorities initially tried to request both recognition and enforcement according to the 1996 Convention, and return of the child according to the 1980 Convention. However, the requested State decided to postpone the handling of the request made under the 1996 Convention until a decision regarding the request for the return had been taken. The request according to the 1980 Convention was later withdrawn, and the request according to the 1996 Convention is still pending.

37. In cases of parental child abduction, whether or not the 1980 Convention is applicable, have authorities in your State used the co-operation provisions in **Chapter V** of the 1996 Convention to determine whether adequate measures of protection are available in the State of the habitual residence of the child (e.g., to facilitate the safe return of the child)?

No

Yes, please explain:

Norway has in one case requested another Contracting State for co-operation under Article 30 in order to facilitate the safe return of a child abducted to the latter state. The child was abducted to a territory which the 1980 Convention is not extended to, but where the 1996 Convention is applicable. The abductor was incarcerated and the child temporarily placed in foster care in the requested state. The left behind parent started a process in Norway to get an interim decision for full parental responsibility, and it was planned to request this decision to be enforced in the requested state in accordance with Article 26 and 28. This was communicated to the abductor, who then consented to the return of the child. The safe return was facilitated through co-operation between the Central Authorities and other competent authorities in both Norway and the requested state. The

left behind parent was granted full parental responsibility in the interim order, but due to the consent and the co-operation in facilitating the return of the child, it was not necessary to actually request the decision to be enforced.

38. In cases of parental child abduction, have competent authorities in your State taken measures of protection under **Article 11**, as an alternative to measures of protection in the form of mirror orders or undertakings, to facilitate the safe return of the child? (See also Question No 5.)

- No
 Yes, please explain:

Children subject to international relocation

39. Are you aware of any use being made of provisions of the 1996 Convention in cases where a parent wishes to relocate with his or her child to another State?

- No
 Yes, please explain:

International access / contact cases involving children

40. Are you aware of any use being made of provisions of the 1996 Convention, including those under **Chapter V**, in lieu of or in connection with an application under **Article 21** of the 1980 Convention?⁵

- No
 Yes, please explain:

Unaccompanied, separated, and internationally displaced children

41. Are you aware whether authorities in your State have used the provisions of the 1996 Convention in relation to the protection of internationally displaced children (such as refugee children, trafficked children, sexually exploited children, or unaccompanied children) and / or children whose habitual residence cannot be established?

- No
 Yes, please specify:

The 1996 Convention has been used for co-operation between the Central Authorities in a case regarding unaccompanied children in Norway. The case is still pending. For a more detailed description, please see our response to question 9.

Miscellaneous

42. Is there any other comment that your State wishes to make relating to the practical operation of the 1996 Convention? If so, please specify:

PART II – FOR NON-STATES PARTIES

43. Is your State currently considering signing and ratifying or acceding to the 1996 Convention?

- No
 Yes

44. In considering how your State would implement the 1996 Convention, have you encountered any issues of concern?

- No

⁵ The [Explanatory Report](#) (Lagarde) on the 1996 Convention notes that co-operation under Article 35(1) between authorities of States Parties with respect to rights of access “serves in a certain way to complete and reinforce the co-operation, which is not always effective, provided for the same purpose between Central Authorities” under Article 21 of the 1980 Convention. Explanatory Report, paragraph 146 (1997).

Yes, please explain:

PART III – FOR BOTH STATES PARTIES AND NON-STATES PARTIES

45. Are there any particular issues that your State would like the Special Commission meeting to discuss in relation to the 1996 Convention? Please specify and list in order of priority:

1. The importance of requests under the Convention being handled promptly and efficiently, and also the importance of providing the requested state with confirmation of receipt and regular updates. Special emphasize should be on the importance of rapid procedures in cases regarding recognition and enforcement. Norway has in one case experienced that a young child has been left in a very difficult situation in a foreign country whilst the process for recognition and enforcement in the requested State has taken more than three months. The process is still pending.

2. Emphasis should also be given to situations where a State takes urgent measures of protection under Article 11, but the State of habitual residence does not respond to requests for co-operation and/or does not take any measures of protection for the child. Difficult situations occur when/if the State where the child is present is left to wait until habitual residence changes before further, more long term measures can be taken, and the child will for a long period of time be left in an uncertain situation.

3. The importance of following the procedures set out in the Convention, e.g. in placement of a child in another Contracting State under Article 33, and the importance of competent authorities in each States being informed about the duties and the procedures under the Convention. The Special Commission should consider discussing the Central Authorities' important role in making the Convention known to relevant authorities in their state in order to avoid cases where the rules set out in the Convention are not being followed.

4. Whether a database containing decisions on the interpretation and application of the 1996 Convention could be established, or whether INCADAT could expand to containing decisions regarding the 1996 Convention.

46. Do you have any observations or comments to share concerning the Practical Handbook on the Operation of the 1996 Child Protection Convention? Please specify:

The Practical Handbook has proved to be a very useful tool for us when applying the Convention.