

<b>Title</b>	Compilation of responses received to the October 2022 Questionnaire on the 1996 Child Protection Convention (responses from HCCH Members non-Contracting Parties)
<b>Document</b>	Prel. Doc. No 6B of June 2023 – available in English only with responses in the language in which they were received
<b>Author</b>	PB
<b>Agenda item</b>	TBD
<b>Mandate(s)</b>	C&D No 16 of CGAP 2021, C&D No 15 of CGAP 2022
<b>Objective</b>	To share responses received until April 2023 from HCCH Members non-Contracting Parties to the 1996 Child Protection Convention to Prel. Doc. No 2 of October 2022
<b>Action to be taken</b>	For Decision <input type="checkbox"/> For Approval <input type="checkbox"/> For Discussion <input type="checkbox"/> For Action / Completion <input type="checkbox"/> For Information <input checked="" type="checkbox"/>
<b>Annexes</b>	N/A
<b>Related Document(s)</b>	<u><a href="#">Prel. Doc. No 2 of October 2022</a></u> - Questionnaire on the Practical Operation of the 1996 Child Protection Convention

# **Compilation of responses received to the October 2022 Questionnaire on the 1996 Child Protection Convention (responses from HCCH Members non-Contracting Parties)**

Last updated: 17-04-2023

This compilation contains the responses of the following States:

Argentina, Canada, China (Hong Kong SAR), Japan, Mexico, Panama

**1. Is your State currently considering signing and ratifying or acceding to the 1996 Child Protection Convention?**

**Yes**

Argentina, Canada, Mexico, Panama

**If possible, please provide further information:**

<b>Argentina</b>	There is currently a bill whose purpose is to modify Law 27,237, through which the official translation of the 1996 Child Protection Convention will be ratified. This project has obtained half sanction by the Chamber of Senators on October 8, 2020. Currently, it is in the Honorable Chamber of Deputies for the purpose of obtaining an opinion from the Foreign Relations Commission and of the Commission for Families, Children and Youth.
<b>Canada</b>	Canada signed the 1996 Convention on May 23, 2017. A decision regarding ratification will be made once the conditions for doing so are met.
<b>China (Hong Kong SAR)</b>	Please insert text here
<b>Japan</b>	Please insert text here
<b>Mexico</b>	For Mexico, the cooperation offered by the 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 for 3 fundamental reasons:  1. The growing number of families in which the father or mother of a child is in a country other than Mexico (mainly due to labor migration) and the difficulties that this implies for the determination of guardianship and the right of children to maintain their family relationships, 2. The interest in improving the methods of the 1980 Child Abduction Convention, provided that importance is given to the participation of children in making the final decisión, and 3. The growing number of unaccompanied migrant children who have entered Mexican territory, particularly as of 2019.
<b>Panama</b>	Secretaria Nacional de Ninez, Adolescencia y Familia (SENNIAF) has no inconvenience for ratification or accession to the treaty, being that, it contributes significantly to strengthen the systems of international cooperation for the protection of people who have not reached the age of majority, in addition, its content close to the functional competences that Law 14 of January 23, 2009, ascribes to this public entity

**No**

China (Hong Kong SAR)

**If possible, please provide further information:**

<b>Argentina</b>	Please insert text here
<b>Canada</b>	Please insert text here
<b>China (Hong Kong SAR)</b>	Please insert text here
<b>Japan</b>	Please insert text here
<b>Mexico</b>	Please insert text here
<b>Panama</b>	Please insert text here

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

No

Argentina, Canada, China (Hong Kong SAR), Mexico

Yes

Japan, Panama

Please explain:

<b>Argentina</b>	Please insert text here
<b>Canada</b>	<p>Legislation implementing the Convention at the federal level was adopted in 2019 through amendments to the Divorce Act. These amendments will be brought into effect to coincide with the coming into force of the Convention for Canada, after ratification.</p> <p>For Canada to be in a position to become party, the Convention has to be implemented at the provincial level as well, by at least one province or territory. The province of Saskatchewan has passed amendments to start aligning its domestic law with the rules of the Convention, but it will require further implementing legislation.</p> <p>Work on the implementation of the Convention at the provincial level is continuing. There are no issues of concern per se but an important challenge is the broad scope of the instrument. Because of this broad scope, the instrument may impact different disciplines and sectors both within and outside government and there may also be a challenge in determining where the Central Authorities will be located. In addition, implementation may require amendments to a number of statutes and regulations, as well as changes to administrative rules, policies and practices.</p>
<b>China (Hong Kong SAR)</b>	Please insert text here
<b>Japan</b>	for Q49 and Q50 We do not consider ratification of the 1996 Convention at present, however we are considering the consistency with the national laws and how to establish a cooperative framework for the Convention, etc.
<b>Mexico</b>	The text of the Convention is considered adequate and applicable in accordance with the Mexican legal system.
<b>Panama</b>	The matter related to the administration, conservation, or disposal of the child's assets, since the issue leads Secretaria Nacional de Ninez, Adolescencia y Familia SENNIAF, as the competent entity in matters of protection, to consider the fact of "the property" of children and adolescents that they keep under protection. It is a valuable opportunity to strengthen the comprehensive protection system aimed at protecting the patrimonial rights of children and adolescents that it reinforces with the specialized framework of Law 285 of February 15, 2022, on the integral protection of the rights of Ninez, Adolescence in Panama

**3. Are there any particular issues that your State would like the SC meeting to discuss in relation to the 1996 Child Protection Convention?**

No

Argentina, China (Hong Kong SAR), Japan

Yes

Canada, Mexico, Panama

Please specify and list in order of priority:

<b>Argentina</b>	Please insert text here
<b>Canada</b>	<p>Here are the main issues Canada would like the Special Commission to discuss:</p> <ol style="list-style-type: none"> <li>1. All aspects of the relationship between the 1980 and 1996 Conventions (questions 36-39 &amp; 46 above),</li> <li>2. How are considerations related to family violence (eg. intimate partner violence and child abuse) taken into account in practice in the context of the Convention – for example, in the context of a parental child abduction, 1) in the application of Article 11 when the 13(1)(b) exception has been raised under the 1980 Convention, or 2) when the return of the child is sought through a request for the enforcement of a measure of protection made in another Contracting State,</li> <li>3. The legal and practical considerations related to the application of the Convention to kafala, in particular regarding Article 33,</li> <li>4. Best practices and challenges with regard to the recognition by operation of law and/or the enforcement of a foreign measure of protection, e.g. challenges in regard to the correct understanding of the nature and scope of the measure of protection,</li> <li>5. Best practices and challenges with regard to parental responsibility arising by operation of law under the law of another State, e.g. challenges in regard to the correct understanding of the nature and scope of the parental responsibility,</li> <li>6. Are Contracting States issuing certificates under Article 40 of the Convention, and are these certificates being used? Should the Hague Conference consider developing a model multilingual certificate?</li> <li>7. How are Contracting States meeting their obligation to have a simple and rapid procedure for the enforcement of a foreign measure of protection? Have they developed best practices?</li> <li>8. What are the important elements to consider in choosing a Central Authority under the 1996 Convention?</li> <li>9. Practical considerations relating to the collaboration and cooperation between the Central Authority and child protection authorities within one Contracting State and between Contracting States, examples of such collaboration and cooperation,</li> <li>10. Type of scenarios and questions that have been raised with regards to the protection of children's property. Whether the reservation concerning property is being relied upon by the Contracting Parties that made this reservation and if so, in which circumstances,</li> <li>11. The legal and practical considerations related to the application of Articles 8 and 9,</li> <li>12. Judicial communications and role of IHNJ judges under the 1996 Convention.</li> </ol>

<b>China (Hong Kong SAR)</b>	Please insert text here
<b>Japan</b>	Please insert text here
<b>Mexico</b>	Cooperation in the follow-up of cases on family foster care provisions that are issued in another Contracting State.
<b>Panama</b>	Regarding the international community and cooperation in the protection framework of the rights of children and adolescents, we consider it essential to implement the agreement referred to in the Apostille Convention (Article 3, Law 6 of June 25, 1990), which allows the abolition of the Requirement of Legalization for Foreign Public Documents (Apostille Convention), to reject, simplify or exempt from legalization the documents that fill diplomatic or consular channels in matters of restitution of the rights of children and adolescents in order to restore the rights in a expedite manner.

4. Do you have any observations or comments to share concerning the **Practical Handbook** on the Operation of the 1996 Child Protection Convention?

No

Argentina, Canada, China (Hong Kong SAR), Japan, Mexico

Yes

Panama

Please specify:

<b>Argentina</b>	Please insert text here
<b>Canada</b>	Please insert text here
<b>China (Hong Kong SAR)</b>	Please insert text here
<b>Japan</b>	Please insert text here
<b>Mexico</b>	Please insert text here
<b>Panama</b>	Consider developing an instrument for States to record the progress of the convention, in accordance with the guidelines contained therein and the scope of the operating manual.