

Title	Statistical study of applications made in 2021 under the HCCH 1980 Child Abduction Convention – Questionnaire and guidelines
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Agenda Item	Item TBD
Mandate(s)	C&D No 15 of CGAP 2022
Objective	To inform Contracting States of the Statistical Study on applications made in 2021 under the HCCH 1980 Child Abduction Convention and to provide guidelines for answering the related questionnaire
Action to be taken	For Decision <input type="checkbox"/> For Approval <input type="checkbox"/> For Discussion <input type="checkbox"/> For Action / Completion <input checked="" type="checkbox"/> For Information <input type="checkbox"/>
Annex	Statistical study of applications made in 2021 under the HCCH 1980 Convention – Questionnaire in Word format (for reference only)
Related Document(s)	Questionnaire in Excel format (fillable version)

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Statistical study of applications made in 2021 under the HCCH 1980 Child Abduction Convention¹

Questionnaire guidelines

Background

The questionnaire has been developed by Professor Nigel Lowe, Victoria Stephens and the Permanent Bureau, in order to collect statistics on applications made in 2021 under the 1980 Child Abduction Convention.

This is the fifth research study to look into the operation of the Convention. It will build on the findings of previous studies of 1999, 2003, 2008 and 2015 to provide an analysis of statistical trends over a 22-year period.

The data collected in the questionnaire will be used to inform the Special Commission meeting that will take place in October 2023.

As in previous surveys, the analysis will be based on information provided by Central Authorities in particular in relation to: the number of applications received; the “taking persons” in return applications and the “respondents” in access applications; the children involved; the outcomes of the applications; and the length of time it took to reach a final outcome. A few simplifications have been made in relation to terminology, and some questions have also been removed.

Previously the online database, INCASTAT,² was used for the collection of data. For this present study, at the request of Central Authorities, the questionnaire has been created in Excel format.

The questionnaire should be completed by each Central Authority, using the guidelines below, and sent to Victoria Stephens at vst@hcch.net.

General presentation

The statistical study will focus on all applications under the 1980 Convention in 2021. This means all applications received and sent by Central Authorities in 2021 (*i.e.*, all cases that **commenced** in 2021). If your Central Authority received a case in 2020 and worked on it in 2021, it should not be included in the questionnaire.

The questionnaire should be completed in [Excel format](#). The questionnaire has the following tabs:

- **Summary 2019-2022** – this tab aims to see whether the COVID-19 pandemic had an impact on the number of applications under the Convention
- **A1 Outgoing Return 2021** – Outgoing return applications sent by Central Authorities (simplified, only requesting the number of applications sent to each Central Authority)
- **A2 Incoming Return 2021** – Incoming return cases received by Central Authorities (with detailed information on each case)
- **B1 Outgoing Access 2021** – Outgoing access applications sent by Central Authorities (simplified, only requesting the number of applications sent to each Central Authority)
- **B2 Incoming Access 2021** – Incoming access cases received by Central Authorities (with detailed information on each case)

¹ This 5th Statistical Study is made possible thanks to the generous voluntary contributions from the HCCH Members People’s Republic of China, Germany, the Philippines and the United Kingdom, and from the International Centre for Missing and Exploited Children (ICMEC) and the US Friends of the Hague Conference Foundation.

² At its meeting of 2021, according to Conclusion & Decision No 19, CGAP mandated the discontinuance of INCASTAT.

Guidelines for responding to the questionnaire

Tab 1: Summary 2019-2022

Please include the number of applications your Central Authority received and sent in each of the years indicated.

Note: If your Central Authority did not receive or send applications in any of these years, please e-mail vst@hcch.net to confirm this. In this case, you do not need to fill in the questionnaire.

Tab 2: A1 Outgoing Return Applications 2021

Please add the number of return applications your Central Authority sent to each other Central Authority in 2021.

If your Central Authority did not send any applications in 2021, please add "0" in each of the cells to confirm this.

Tab 3: A2 Incoming Return Applications 2021

Here you should add all return applications received by your Central Authority in 2021.

1. Internal Case Reference Name or Number

For ease of reference in tracking cases, you can enter your Internal Case Reference Name or Number.

2. Receiving Central Authority

Please select the name of your Central Authority from the drop-down list.

3. Requesting Central Authority

Please select the Central Authority which sent you the application from the drop-down list.

4. The outcome

a. Final Outcome

Users should enter a final outcome for every application. If an application is still pending (including on appeal) the outcome should be marked as "Pending".

Please select the final outcome from the drop-down list (see options below):

- Case rejected by the Central Authority
- Child not traced, traced to non-Convention country or to another Convention country
- Voluntary agreement for return
- Voluntary agreement for non-return
- Judicial order – Return ordered
- Judicial order – Return refused
- Pending
- Withdrawn
- Multiple outcomes or different outcomes for different children (please specify in comment box at the end)
- Case closed due to applicant inaction
- Other (please specify in comment box at end)

More detailed information for each of these outcomes is included below:

- **Case rejected by the Central Authority**

For incoming applications for which your Central Authority is the receiving Central Authority, your Central Authority would be the rejecting Central Authority.

For example, it could be that the Central Authority rejected the case because the child involved was older than 16 years at the time of the application.

- **Child not traced, traced to non-Convention country or to another Convention country**

Please indicate one of these outcomes if the case concerned is one in which the child has not been traced, either in your State or in any other State, or the child has been traced to a non-Convention country or to a Convention country (“Convention countries” should include all Contracting States to the Convention, whether or not the Convention is in force between that State and your State).

- **Voluntary agreement for return**

Please indicate this outcome if the case is one where an agreement was reached by the parties involving the return of the child prior to, during or outside of court proceedings.

- **Voluntary agreement for non-return**

Please indicate this outcome if the case is one where an agreement was reached by the parties *not to return* the child prior to, during or outside of court proceedings.

This includes cases where access / contact was agreed, as long as the return has been refused.

- **Judicial order – return ordered**

Please indicate this outcome if the case is one where the final judicial order was for return.

- **Judicial order – return refused**

Please indicate this outcome if the case is one where the final judicial order refused return.

This includes cases where access / contact was ordered, as long as the return has been refused.

- **Case pending**

If a final outcome for the case remains pending, this option should be chosen.

Final outcomes are recorded up to 30 June 2023. Up until this point, please keep track of the outcomes in cases received by your Central Authority in 2021 and send an updated questionnaire once they are concluded.

Cases that are concluded *after* 30 June 2023 should remain recorded as “pending”.

- **Case withdrawn**

Please indicate this outcome if the case was withdrawn at any point after receiving the application.

- **Multiple outcomes or different outcomes for different children**

If there were different outcomes for different children, please choose this option and add a brief explanation in the comments box in the final column on the right.

- **Case closed due to applicant inaction**

Please indicate this outcome if the case was closed due to inaction from the applicant.

- **Other**

The “other” final outcome options include various outcomes, for example, when a child has attained the age of 16 during proceedings, or additional types of voluntary agreements have been reached. Please add a brief explanation in the comments box in the final column on the right.

b. Did the parties use mediation or other means of amicable resolution?

Please indicate whether the parties used mediation or other means of amicable resolution. Select “yes”, “no” or “don’t know” from the drop-down list.

c. Was interim access ordered or agreed?

Please indicate whether there was an agreement or order for the applicant (left-behind parent) to have contact with the child during the return proceeding. Select “yes”, “no” or “don’t know” from the drop-down list.

5. The reasons for refusal by the court

If you selected the outcome “Judicial order – Return refused”, please indicate the reasons for the judicial order refusing the return of the child. If there were multiple reasons for refusal, please tick **all** that apply.

- Child not habitually resident in requesting State
- Applicant had no rights of custody
- Art. 12 (settlement of the child)
- Art. 13(1)(a) (applicant not exercising rights of custody)
- Art. 13(1)(a) (consent)
- Art. 13(1)(a) (acquiescence)
- Art. 13(1)(b) (grave risk)
- Art. 13(2) (child's objections to return)
- Art. 20 (human rights)

If there were different reasons for different children, please add a brief explanation in the comments box in the final column on the right.

6. Key dates

a. Date the application was received by your Central Authority

Please indicate the date on which the Central Authority of your State received the application.

b. Date the application was filed in Court (if applicable)

Every jurisdiction will have a different process, but this should be the date the application was first introduced to the court system.

c. Date of final outcome (voluntary agreement or judicial decision)

Please indicate the date of the final outcome of the case (including all outcomes decided both in and outside of court).

If the case is pending an appeal, the outcome of the case should be recorded as “pending” and no date should be recorded here.

d. Was the decision or agreement enforced?

Please indicate whether the decision was enforced (e.g., the date the child left the country and returned home). If your Central Authority does not have information about enforcement, then select “don’t know”.

- Yes
- No
- Enforcement pending
- Don’t know

e. Date the decision or agreement was enforced

If known, please indicate the date on which the decision or agreement was enforced.

7. Appeals

a. Was the first instance decision appealed?

Please indicate whether a first instance decision was appealed, and if so, to what level the decision was appealed.

- Don't know
- No
- Yes – 1 level of appeal
- Yes – 2 levels of appeal
- Yes – 3 levels of appeal

b. If yes, what was the outcome of the case at first instance?

Select the outcome from the drop-down list:

- Same as the outcome on final appeal
- Different to the outcome on final appeal
- Don't know

c. Date of judicial decision at first instance

d. Date of judicial decision at second instance (if applicable)

e. Date of judicial decision at third instance (if applicable)

Please indicate the dates of the respective court decisions.

8. The applicant (the left-behind parent)

a. Relationship to the child

Please select the relationship between the applicant and the child from the drop-down list:

- Mother
- Father
- Grandparent
- Other relative
- Institution
- Other (please specify in the comments box in the final column on the right.)

If the applicant has a different relationship to different children involved in the application, please add a brief explanation in the comments box in the final column on the right.

b. Caring status

Please indicate the “caring status” of the applicant to the child. Please select the most appropriate “caring status” of the applicant from the drop-down list:

- Sole primary carer
- Joint-primary carer
- Non-primary carer

The “caring status” stems from both custody decisions and to the *de facto* position of the applicant.

If the applicant has a different “caring status” for different children involved in the application, please add a brief explanation in the comments box in the final column on the right.

The “non-primary carer” option will include the spectrum of individuals who have, for example, limited access rights to those with no care or contact nexus with a child.

9. The taking person (the alleged abductor)

a. Relationship to the child

As above, please select from the drop-down list.

b. Caring status

As above, please select from the drop-down list.

10. The children

a. The number of children

Please indicate how many children were involved in the application.

b. The age of the children

Please indicate the age of each of the children involved at the time at which the application was **received**.

11. Other comments

Please add any comments necessary to clarify the application. For example, if the outcome of the case was recorded as “other”, please specify the final outcome.

If there was a significant delay in the process, please indicate the reasons for the delay.

Tab 4: B1 Outgoing Access Applications 2021

Please add the number of access applications your Central Authority sent to each Central Authority in 2021.

If your Central Authority did not send any applications in 2021, please add “0” in each of the cells to confirm this.

Tab 3: B2 Incoming Access Applications 2021

Here you should add all access applications received by your Central Authority in 2021.

1. Internal Case Reference Name or Number

For ease of reference in tracking cases, you can enter your Internal Case Reference Name or Number.

2. Receiving Central Authority

Please select the name of your Central Authority from the drop-down list.

3. Requesting Central Authority

Please select the Central Authority which sent you the application from the drop-down list.

4. The outcome

a. Final outcome

Users should enter a final outcome for every application. If an application is still pending (including on appeal) the outcome should be marked as “Pending”.

Please select the final outcome from the drop-down list:

- Case rejected by the Central Authority
- Child not traced, traced to non-Convention country or to another Convention country
- Voluntary agreement for access / contact
- Judicial order – access / contact ordered
- Judicial order – access / contact rejected
- Pending

- Withdrawn
- Different outcomes for different children (please specify in comment box at the end)
- Case closed due to applicant inaction
- Other (please specify in comment box at end)

More detailed information for most of these outcomes is included above in the section on incoming return applications. Information on the outcomes specific to access applications can be found below:

- **Voluntary agreement for access / contact**

Please indicate this outcome if the case is one where an agreement was reached by the parties regarding access / contact arrangements prior to, during or outside of court proceedings.

- **Judicial order – access / contact ordered**

Please indicate this outcome if the case is one where the final judicial order was for contact between the applicant and the child.

- **Judicial order – access / contact refused**

Please indicate this outcome if the case is one where the final judicial order refused contact between the applicant and the child.

b. Did the parties use mediation or other means of amicable resolution?

Please indicate whether the parties used mediation or other means of amicable resolution. Select “yes”, “no” or “don’t know” from the drop-down list.

5. Key dates

a. Date the application was received by your Central Authority

Please indicate the date on which the Central Authority of your State received the application.

b. Date the application was filed in Court (if applicable)

Every jurisdiction will have a different process, but this should be the date the application was first introduced to the court system.

c. Date of final outcome (voluntary agreement or judicial decision)

Please indicate the date of the final outcome of the case (including all outcomes decided both in and outside of court).

If the case is pending an appeal, the outcome of the case should be recorded as “pending” and no date should be recorded here.

6. Appeals

a. Was the first instance decision appealed?

Please indicate whether a first instance decision was appealed, and if so, to what level the decision was appealed.

Please select from the drop-down list:

- Don’t know
- No
- Yes – 1 level of appeal
- Yes – 2 levels of appeal
- Yes – 3 levels of appeal

b. If yes, what was the outcome of the case at first instance

Select the outcome from the drop-down list:

- Same as the outcome on final appeal
- Different to the outcome on final appeal
- Don't know

c. Date of judicial decision at first instance

d. Date of judicial decision at second instance (if applicable)

e. Date of judicial decision at third instance (if applicable)

Please indicate the dates of the respective court decisions.

7. The applicant

a. Relationship to the child

Please select the relationship between the applicant and the child from the drop-down list:

- Mother
- Father
- Other relative
- Other (please specify in the comments box in the final column on the right.)

If the applicant has a different relationship to different children involved in the application, please add a brief explanation in the comments box in the final column on the right.

b. Caring status

Please indicate the "caring status" of the applicant to the child. Please select the most appropriate "caring status" of the applicant from the drop-down list:

- Sole primary carer
- Joint-primary carer
- Non-primary carer

The "caring status" stems from both custody decisions and to the *de facto* position of the applicant.

If the applicant has a different "caring status" for different children involved in the application, please add a brief explanation in the comments box in the final column on the right.

The "non-primary carer" option will include the spectrum of individuals who have, for example, limited access rights to those with no care or contact nexus with a child.

8. The respondent

a. Relationship to the child

As above, please select from the drop-down list.

b. Caring status

As above, please select from the drop-down list.

9. The children

a. The number of children

Please indicate how many children were involved in the application.

b. The age of the children

Please indicate the age of each of the children involved at the time at which the application was received.

10. Other comments

Please add any comments necessary to clarify the application. For example, if the outcome of the case was recorded as “other”, please specify the final outcome.

If there was a significant delay in the process, please indicate the reasons for the delay.

ANNEX

Statistical study of applications made in 2021 under the HCCH 1980 Child Abduction Convention

Questionnaire

The fillable version of the questionnaire in Excel format is available [here](#).

A1 Outgoing Return Applications 2021

Please complete the spreadsheet with the number of return applications your Central Authority sent to other countries.

A2 Incoming Return Applications 2021

1. Internal Case Reference Name or Number

2. Receiving Central Authority

Your Central Authority (drop down list of all Central Authorities)

- Albania
- Andorra
- Argentina
- Armenia
- Australia
- Austria
- Bahamas
- Barbados
- Belarus
- Belgium
- Belize
- Bolivia (Plurinational State of)
- Bosnia and Herzegovina
- Brazil
- Bulgaria
- Burkina Faso
- Canada - Central Authority Unknown
- Canada - Alberta
- Canada - British Columbia
- Canada - Manitoba
- Canada - New Brunswick
- Canada - Newfoundland and Labrador
- Canada - Nova Scotia
- Canada - Nunavut
- Canada - Ontario
- Canada - Prince Edward Island
- Canada - Quebec
- Canada - Saskatchewan
- Canada - Northwest Territories
- Canada - Yukon Territory
- Chile
- China - Hong Kong SAR
- China - Macao SAR

- Colombia
- Costa Rica
- Croatia
- Cuba
- Cyprus
- Czech Republic
- Denmark
- Dominican Republic
- Ecuador
- El Salvador
- Estonia
- Fiji
- Finland
- France
- Gabon
- Georgia
- Germany
- Greece
- Guatemala
- Guinea
- Guyana
- Honduras
- Hungary
- Iceland
- Iraq
- Ireland
- Israel
- Italy
- Jamaica
- Japan
- Kazakhstan
- Latvia
- Lesotho
- Lithuania
- Luxembourg
- Malta
- Mauritius
- Mexico
- Monaco
- Montenegro
- Morocco
- Netherlands
- New Zealand
- Nicaragua
- North Macedonia
- Norway
- Pakistan
- Panama
- Paraguay
- Peru
- Philippines

- Poland
- Portugal
- Republic of Korea
- Republic of Moldova
- Romania
- Russian Federation
- Saint Kitts and Nevis
- San Marino
- Serbia
- Seychelles
- Singapore
- Slovakia
- Slovenia
- South Africa
- Spain
- Sri Lanka
- Sweden
- Switzerland
- Thailand
- Trinidad and Tobago
- Tunisia
- Turkmenistan
- Türkiye
- Ukraine
- United Kingdom - Central Authority Unknown
- United Kingdom - Anguilla
- United Kingdom - Bermuda
- United Kingdom - Cayman Islands
- United Kingdom - England and Wales
- United Kingdom - Isle of Man
- United Kingdom - Jersey
- United Kingdom - Montserrat
- United Kingdom - Northern Ireland
- United Kingdom - Scotland
- United States of America
- Uruguay
- Uzbekistan
- Venezuela (Bolivarian Republic of)
- Zambia
- Zimbabwe

3. Requesting Central Authority

Central Authority which sent you the application (drop down list of all Central Authorities, as above.)

4. The outcome

a. Final outcome (select option):

- Case rejected by the Central Authority
- Child not traced, traced to non-Convention country or to another Convention country
- Voluntary agreement for return

- Voluntary agreement for non-return
- Judicial order – Return ordered
- Judicial order – Return refused
- Pending
- Withdrawn
- Multiple outcomes or different outcomes for different children (please specify in comment box at the end)
- Case closed due to applicant inaction
- Other (please specify in comment box at end)

b. Did the parties use mediation or other means of amicable resolution (select option):

- Yes
- No
- Don't know

c. Was interim access ordered or agreed? (select option):

- Yes
- No
- Don't know

5. The reasons for refusal by the court (if applicable, tick all that apply)

- a. Child not habitually resident in requesting State
- b. Applicant had no rights of custody
- c. Art. 12 (settlement of the child)
- d. Art. 13(1)(a) (applicant not exercising rights of custody)
- e. Art. 13(1)(a) (consent)
- f. Art. 13(1)(a) (acquiescence)
- g. Art. 13(1)(b) (grave risk)
- h. Art. 13(2) (child's objections to return)
- i. Art. 20 (human rights)
- j. Comments (e.g. different reasons for different children)

6. Key dates

- a. Date the application was received by your Central Authority
- b. Date the application was filed in Court (if applicable)
- c. Date of final outcome (voluntary agreement or judicial decision)
- d. Was the decision or agreement enforced?
 - Yes
 - No
 - Enforcement pending
 - Don't know
- e. Date the decision or agreement was enforced

7. Appeals

- a. Was the first instance decision appealed?
 - Don't know
 - No
 - Yes – 1 level of appeal

- Yes – 2 levels of appeal
- Yes – 3 levels of appeal
- b. If yes, what was the outcome of the case at first instance?
 - Same as the outcome on final appeal
 - Different to the outcome on final appeal
 - Don't know
- c. Date of judicial decision at first instance
- d. Date of judicial decision at second instance (if applicable)
- e. Date of judicial decision at third instance (if applicable)

8. The applicant (the left-behind parent)

- a. Relationship to the child (select option):
 - Mother
 - Father
 - Grandparent
 - Other relative
 - Institution
 - Other (please specify)
- b. Caring status
 - Sole primary carer
 - Joint-primary carer
 - Non-primary carer

9. The taking person (the alleged abductor)

- a. Relationship to the child (select option):
 - Mother
 - Father
 - Grandparent
 - Other relative
 - Institution
 - Other (please specify)
- b. Caring status
 - Sole primary carer
 - Joint-primary carer
 - Non-primary carer

10. The children

- a. The number of children
- b. Age of child 1
- c. Age of child 2
- d. Age of child 3
- e. Age of child 4
- f. Age of child 5

11. Other comments

B1 Outgoing Access Applications 2021

Please complete the spreadsheet with the number of access applications your Central Authority sent to other countries.

B2 Incoming Access Applications 2021**1. Internal Case Reference Name or Number****2. Receiving Central Authority**

Your Central Authority (drop down list of all CAs, as above)

3. Requesting Central Authority

Central Authority which sent you the application (drop down list of all CAs, as above)

4. The outcome**a. Final outcome (select option):**

- Case rejected by the Central Authority
- Child not traced, traced to non- Convention country or to another Convention country
- Voluntary agreement for access/contact
- Judicial order – access / contact ordered
- Judicial order – access / contact refused
- Pending
- Withdrawn
- Different outcomes for different children (please specify in comment box at the end)
- Case closed due to applicant inaction
- Other (please specify in comments box at the end)

b. Did the parties use mediation or other means of amicable resolution? (select option):

- Yes
- No
- Don't know

5. Key dates

- a. Date the application was received by your Central Authority
- b. Date the application was filed in Court (if applicable)
- c. Date of final outcome (voluntary agreement or judicial decision)

6. Appeals**a. Was the first instance decision appealed?**

- Don't know
- No
- Yes – 1 level of appeal
- Yes – 2 levels of appeal
- Yes – 3 levels of appeal

- b. If yes, what was the outcome of the case at first instance
 - Same as the outcome on final appeal
 - Different to the outcome on final appeal
 - Don't know
- c. Date of judicial decision at first instance
- d. Date of judicial decision at second instance (if applicable)
- e. Date of judicial decision at third instance (if applicable)

7. The applicant

- a. Relationship to the child (select option):
 - Mother
 - Father
 - Other relative
 - Other (please specify)
- a. Caring status
 - Sole primary carer
 - Joint-primary carer
 - Non-primary carer

8. The respondent

- a. Relationship to the child (select option):
 - Mother
 - Father
 - Other relative
 - Other (please specify)
- b. Caring status
 - Sole primary carer
 - Joint-primary carer
 - Non-primary carer

9. The children

- a. The number of children
- b. Age of child 1
- c. Age of child 2
- d. Age of child 3
- e. Age of child 4
- f. Age of child 5

10. Other comments (free text)