

Titre	Ordre du jour de la Table ronde - Demandes de retour et de droit de visite concernant des enfants relocalisés temporairement hors d'Ukraine avec un parent seulement (<i>disponible en anglais uniquement</i>)
Document	Doc. info. No 7 d'octobre 2023
Auteur	BP
Point de l'ordre du jour	VIII.5
Mandat(s)	S/O
Objectif	Partager l'ordre du jour de la Table ronde de janvier 2023 des autorités centrales d'Ukraine et de l'UE (<i>disponible en anglais uniquement</i>).
Mesures à prendre	Pour décision <input type="checkbox"/> Pour approbation <input type="checkbox"/> Pour discussion <input type="checkbox"/> Pour action / achèvement <input type="checkbox"/> Pour information <input checked="" type="checkbox"/>
Annexes	S/O
Document(s) connexe(s)	S/O

ROUNDTABLE

Return and access applications concerning temporarily relocated children outside Ukraine with an accompanying parent

Wednesday 18 January 2023

(13:30-17:30 (CET))

Background

The Permanent Bureau (PB) has recently had the opportunity to meet online with the Central Authority (CA) of Ukraine as designated under the HCCH 1980 Child Abduction and HCCH 1996 Child Protection Conventions. At the meeting, the PB was informed about the current challenges the CA of Ukraine is experiencing in processing return and access applications under the Child Abduction Convention in the light of the exceptional circumstances surrounding the international armed conflict in Ukraine.

Against this background, the CA of Ukraine expressed interest in having a roundtable with other CAs in Europe to share experiences and exchange views on such exceptional circumstances.

Noting the PB of the HCCH's general responsibility to assist Members of the Organisation and to facilitate meetings between the CAs of Contracting Parties, the PB is pleased to invite you for a roundtable discussion to touch upon the list of topics presented below.

The meeting will be held remotely via Microsoft Teams in English only. The time provided in the agenda is CET time.

Draft Agenda

The following list of topics will be treated with flexibility and may need to be modified in the light of ongoing discussions.

Wednesday 18 January 2023	
<u>13:15-13:30</u>	Connection and testing with participants
13:30-14:30	<p>1. Opening of the meeting</p> <p>1.1. Opening remarks by the PB and introduction of the participants from the CA of Ukraine</p> <p>1.2. Introduction, in alphabetical order, of CAs present <i>(please indicate whether your CA has recently dealt with return / access applications concerning children from Ukraine)</i></p> <p>1.3. Summary of current issues regarding return / access applications concerning temporarily relocated children with accompanying parents outside Ukraine, presentation by the CA of Ukraine</p> <p>1.4. Aims of the Roundtable:</p> <ul style="list-style-type: none"> - Possible solutions to locate children removed from Ukraine due to the conflict - Ways forward to avoid premature non-returns or returns based on a temporary situation in Ukraine - Ways forward to safeguard the jurisdiction based on the habitual residence of the child in Ukraine
14:30-15:00	<p>2. Discovering the whereabouts of children outside Ukraine</p> <p>2.1. Do CAs have access to information to locate children from Ukraine present in their State accompanied by a parent? See Article 31(c) of the 1996 Convention</p> <p>2.2. Do other bodies in your State have access to information to locate children from Ukraine present in your State accompanied by a parent? See Articles 30 and 31(c) of the 1996 Convention</p>
15:00-15:15	<i>Break</i>
15:15-15:45	<p>3. Temporarily relocated children outside Ukraine with accompanying parent for protection reasons because of an international armed conflict</p> <p>3.1. Is it the general understanding that in the great majority of cases such temporary relocations are not to be considered wrongful removals? If not, problems may arise with regard to Article 12 of the 1980 Convention and premature non-returns or returns based on a temporary situation in Ukraine</p> <p>3.2. What circumstances would trigger a wrongful retention in the case of such temporary relocation?</p> <p>3.3. What is the status of the children and accompanying parent in the State of refuge? Could they establish a new habitual residence under that status?</p>

<p>15:45-16:15</p>	<p>4. Return orders and their enforcement</p> <p>4.1. What could be considered a safe environment in Ukraine to which children can be returned? Can the CA of Ukraine or other bodies in Ukraine provide assistance in making that assessment?</p> <p>4.2. In your opinion, can a return order be enforceable on the condition that the environment in Ukraine is safe for the return of the child?</p>
<p>16:15-16:30</p>	<p><i>Break</i></p>
<p>16:30-16:50</p>	<p>5. Interim contact pending the return of the child</p> <p>5.1. How could it be made certain that an application for interim contact pending the return of the child to Ukraine does not result in the acquiescence of a wrongful retention?</p> <p>5.2. What assistance can the State of refuge provide for the enforcement of interim contact pending the return of the child to Ukraine?</p>
<p>16:50-17:15</p>	<p>6. Safeguarding the jurisdiction based on the habitual residence of the child in Ukraine while temporarily relocated abroad – Making use of the 1996 Convention</p> <p>6.1. Application for interim contact pending the return of the child (Art. 5 of the 1996 Convention) – Urgent <i>in absentia</i> orders will be subject to Article 23(2)(b) and (c) of the 1996 Convention</p> <p>6.2. Application for the return of the child to Ukraine the enforcement of which can be conditional to a safe environment in Ukraine (Arts 5 and 50 of the 1996 Convention) – Urgent <i>in absentia</i> orders will be subject to Article 23(2)(b) and (c) of the 1996 Convention</p> <p>6.3. Applications under 6.1. and 6.2. should take place as soon as possible with a view to protect the habitual residence of the child</p> <p>6.4. Combining the applications under 6.1. and 6.2.</p>
<p>17:15-17:25</p>	<p>7. Any other business</p>
<p>17:25-17:30</p>	<p>8. End of meeting</p>