

FRANCE

The applications

1. The number of applications

According to the Central Authority for France, they received 42 incoming return and 15 incoming access applications in 1999, making a total of 57 incoming applications. Additionally, they made 43 outgoing return and 7 outgoing access applications in that year. Altogether, therefore, the Central Authority for France handled 107 new applications in 1999.

2. The Contracting States which made the applications

(a) Incoming return applications

Requesting States

	Number of Applications	Percent
Germany	6	14
UK - England and Wales	6	14
USA	5	12
Canada	4	10
Italy	4	10
Spain	3	7
Switzerland	3	7
Australia	2	5
Netherlands	2	5
Finland	1	2
Israel	1	2
Norway	1	2
Sweden	1	2
UK - Scotland	1	2
Mexico	1	2
Mauritius	1	2
Total	42	100

As may have been expected, France received the most applications for return from two of its neighbours, Germany and England and Wales.

(b) Incoming access applications**Requesting States**

	Number of Applications	Percent
Germany	3	20
Italy	3	20
Denmark	2	13
Australia	1	7
Canada	1	7
Israel	1	7
Netherlands	1	7
Spain	1	7
USA	1	7
Poland	1	7
Total	15	100

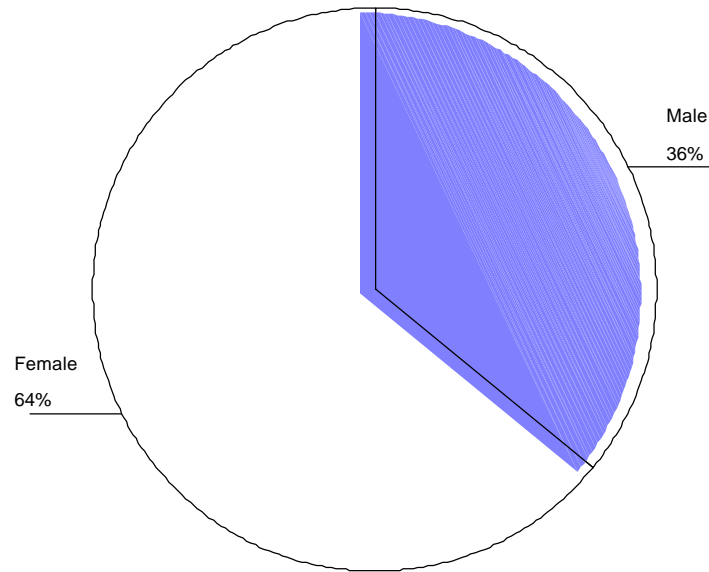
The highest number of access applications were received from two countries which border France, Germany and Italy, surprisingly no access applications were received from England and Wales.

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

1. Germany 9
2. Italy 7
3. England and Wales 6
4. USA 6
5. Canada 5

The taking person / respondent**3. The gender of the taking person / respondent****(a) Incoming return applications****Gender of the Taking Person**

	Number	Percent
Male	15	36
Female	27	64
Total	42	100

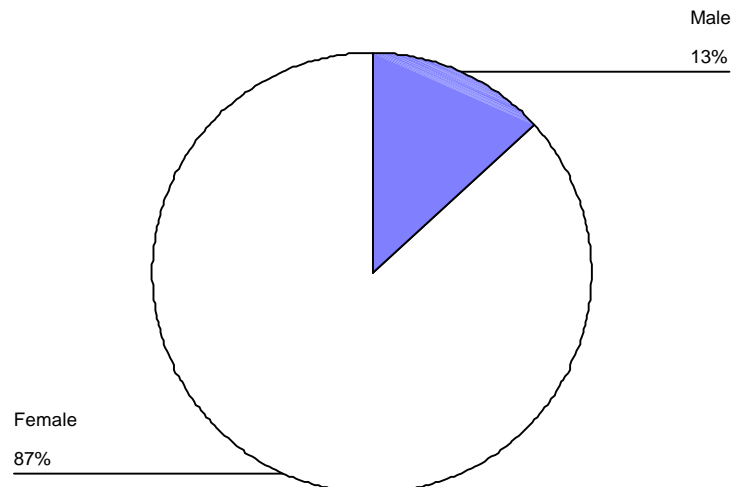


The percentage of female taking persons, 64%, is below the global norm of 69%. Interestingly, the proportion of taking persons in other Western European States was also below the global norm, such as in Spain, 61%, and Portugal and Switzerland at 55%.

(b) Incoming access applications

Gender of the Respondent

	Number	Percent
Male	2	13
Female	13	87
Total	15	100



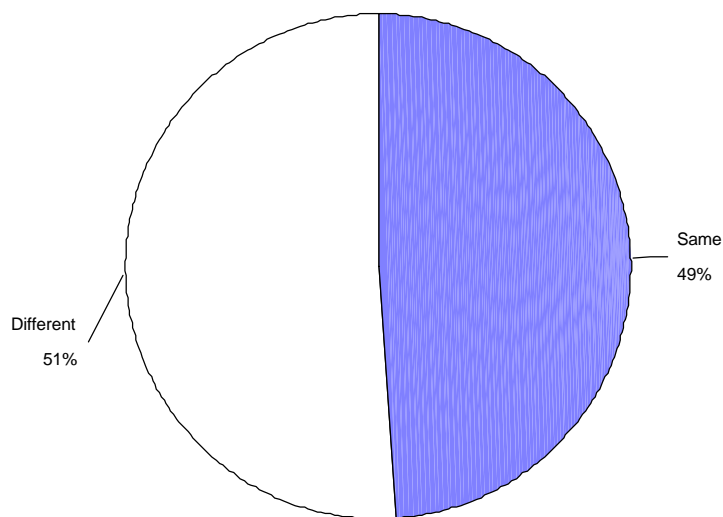
87% of respondents in access applications were female, which is similar to the global norm of 86%.

4. The nationality of the taking person / respondent

(a) *Incoming return applications*¹

Taking Person Same Nationality as Requested State

	Number	Percent
Same Nationality	20	49
Different Nationality	21	51
Total	41	100



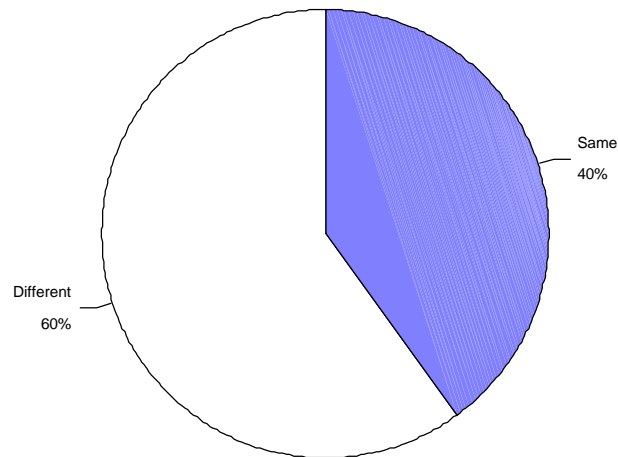
The proportion of taking persons having the nationality of the requested State is broadly similar to the global average; 49% as against 52%.

(b) *Incoming access applications*

Respondent Same Nationality as the Requested State

	Number	Percent
Same Nationality	6	40
Different Nationality	9	60
Total	15	100

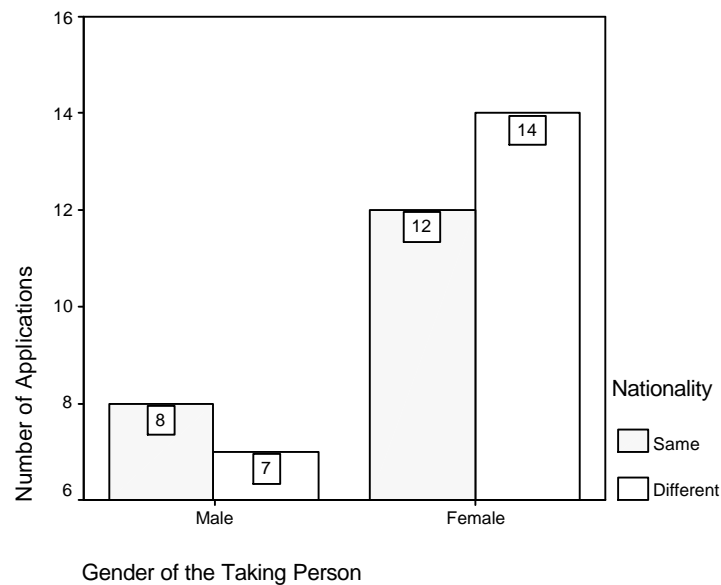
¹ Additionally, in 1 application, the nationality of the taking person was not stated.



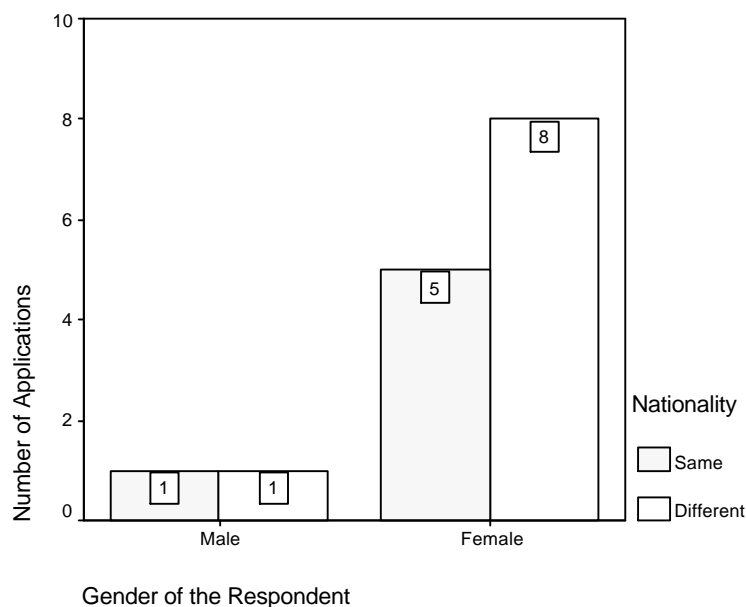
For access applications the proportion of respondents having the nationality of the requested State was identical to the global norm at 40%.

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

(a) Incoming return applications



53% of male and 46% of female taking persons in return applications to France were of the same nationality as the requested State compared with a global rate of 53% of males and 52% of females having the nationality of the requested State.

(b) Incoming access applications

50% of male and 39% of female respondents had the nationality of the requested State compared with the global pattern of 38% and 40% respectively.

The children**6. The total number of children**

There were 57 children involved in the 42 return applications and 20 children involved in the 15 access applications. Altogether, therefore, 77 children were involved in new incoming applications received by France in 1999.

7. Single children or sibling groups**(a) Incoming return applications****Single Child or Sibling Group**

	Number	Percent
Single Child	30	71
Sibling Group	12	29
Total	42	100

Number of Children

	Number	Percent
1 Child	30	71
2 Children	10	24
3 Children	1	2
4 Children	1	2
Total	42	100

There was a greater proportion of single children (71%) involved in applications made to France compared with the global norm of 63%.

(b) Incoming access applications**Single Child or Sibling Group**

	Number	Percent
Single Child	10	67
Sibling Group	5	33
Total	15	100

Number of Children

	Number	Percent
1 Child	10	67
2 Children	5	33
Total	15	100

For access applications the proportion of single children was almost the same as the global norm; 67% as opposed to 69%.

8. The age of the children**(a) Incoming return applications****Age of the Children**

	Number	Percent
0-4 years	20	35
5-9 years	22	39
10-16 years	15	26
Total	57	100

A higher proportion of children, 26%, were aged between 10 and 16 years, compared with the global norm of 21%.

(b) Incoming access applications**Age of the Children**

	Number	Percent
0-4 years	8	40
5-9 years	10	50
10-16 years	2	10
Total	20	100

Whereas globally, 21% of the children in access applications were aged between 0 and 4 years, and 29% were aged between 10 and 16 years, the proportion of children in these age categories in applications made to France were 40% and 10% respectively. Interestingly, this pattern is contrary to the global norm, with access applications generally involving older children compared with return applications.

9. The gender of the children

(a) *Incoming return applications*

Gender of the Taking Person

	Number	Percent
Male	38	67
Female	19	33
Total	57	100

Two thirds of the children (67%) were male, which was significantly higher than the global norm of 53%.

(b) *Incoming access applications*

Gender of the Children

	Number	Percent
Male	9	45
Female	11	55
Total	20	100

The proportion of male children involved in access applications was marginally below the global norm of 50%, which contrasts to the position in return applications.

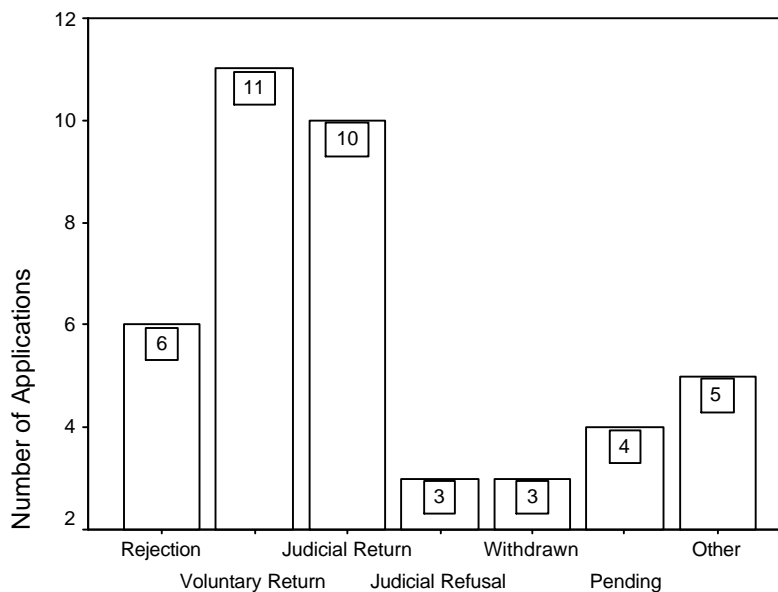
The outcomes

10. Overall outcomes

(a) *Incoming return applications*

Outcome of Application

	Number	Percent
Rejection	6	14
Voluntary Return	11	26
Judicial Return	10	24
Judicial Refusal	3	7
Withdrawn	3	7
Pending	4	10
Other	5	12
Total	42	100



Outcome of Application

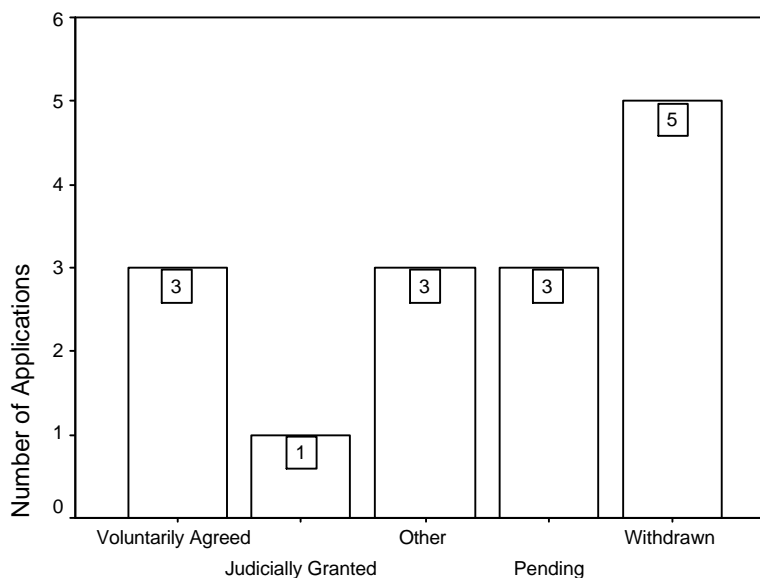
Compared with the global norm fewer children were judicially returned, 24% of applications as opposed to 32%, however, a higher percentage of applications resulted in a voluntary return, 26% compared with 18% globally. Overall, therefore, 50% of applications resulted in the child being returned which is identical to the global norm. On the other hand, few applications, 7%, were judicially refused compared with the global norm of 11%. Of the 13 cases which went to court, 77% ended in return being ordered which compares favourably with the global norm of 74% of court orders resulting in the return of the child. The proportion of rejected cases at 14% is higher than the global norm of 11% while the proportion of withdrawn applications at 7%, is below the global norm of 14%. It is to be noted that 4 applications were still pending at 30th June 2001 which may give pause for thought.

Three of the 'other' outcomes resulted in the child being returned and including these cases 57%, of applications resulted in the return of the child.

(b) Incoming access applications

Outcome of the Application

	Number	Percent
Rejection by the Central Authority	0	0
Access Voluntarily Agreed	3	20
Access Judicially Granted	1	7
Access Judicially Refused	0	0
Other	3	20
Pending	3	20
Withdrawn	5	33
Total	15	100



Outcome of the Application

Unlike the global norm of 34% of access applications being concluded by judicial order (either granting or refusing access), there was only one judicial determination of an access application in France. Four applications resulted in access being granted or agreed and at 27% this is below the global norm of 43%. A large proportion of applications (33%) were withdrawn which is above the global norm of 26%. There was also a large proportion of applications which were still pending, 20% as opposed to a global norm of 13%. All these cases were still pending at 30th June 2001 which may give pause for thought.

The 'other' outcomes were: the applicant decided to change her application to an application to return; in another case the court granted access with respect to one child and the parents reached a voluntary agreement regarding the other child; and in the third case the child had not been located but the application had not been formally rejected.

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	2	33
Child Not Located	3	50
Applicant Had No Rights of Custody	1	0
Other	0	0
Total	6	100

5 out of the 6 rejections were based on the location of the child.

12. The reasons for judicial refusal

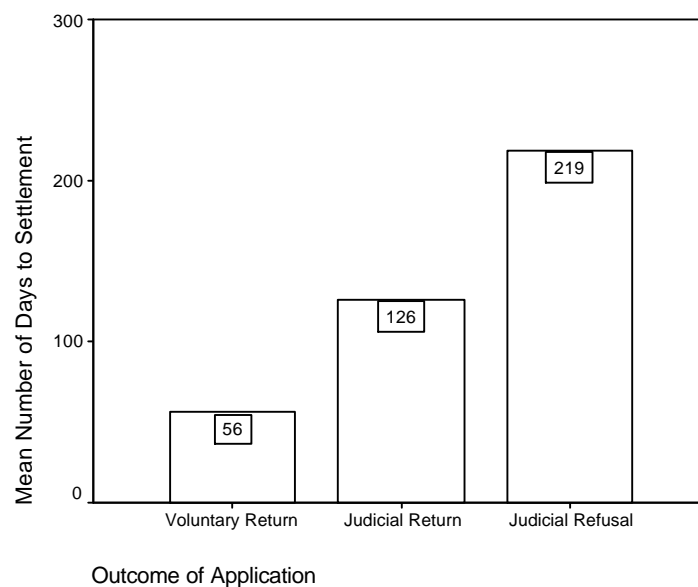
(a) *Incoming return applications*

One application was refused because the applicant had no rights of custody. The other two applications were both refused on the basis of Article 13 b. Globally, this latter reason was the basis for 21% of all refused applications. Interestingly, none of the refusals were based on the child's objections.

Speed

13. The time between application and outcome

(a) *Incoming return applications*



There were 10 voluntary returns for which timing was stated and these were concluded faster than the global mean average, 56 days compared with 84 days. Conversely, judicial decisions took considerably longer than the global norms. Globally, the mean period of time for a judicial decision to return was 107 days, but for France this was 126 days. However 3 out of these 10 orders were made at the appellate level.² Data was only available for 2 of the 3 judicial refusals, (one of which was an appellate decision).³ One case took 285 days and the other, the appellate decision, took 152 days.

² See below.

³ See below.

	Outcome of Application		
	Voluntary Return	Judicial Return	Judicial Refusal
Mean	56	126	219
Median	22	120	219
Minimum	0	14	152
Maximum	183	307	285
Number of Cases	10	10	2

(b) Incoming access applications

Timing to Voluntary Settlement

	Number	Percent
0-6 weeks	0	0
6-12 weeks	1	33
3-6 months	0	0
Over 6 months	2	67
Total	3	100

As with the global picture, a high proportion, 2 out of the 3 voluntary settlements, took over 6 months to resolve.

The judicial decision also took over 6 months to reach a conclusion.

14. Appeals

(a) Incoming return applications

Four decisions were made at appellate level. In 3 a return order was made but in the fourth return was refused. The mean number of days for an appellate order to return was 201 days, as against a global norm of 208 days. The judicial refusal was concluded in 152 days as against the global norm of 176 days.