

# Questionnaire concerning the Practical Operation of the 1980 Child Abduction Convention

Wherever responses to this Questionnaire make reference to domestic legislation, rules, guidance or case law relating to the practical operation of the 1980 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.

<b>Name of State or territorial unit:</b> <sup>1</sup>	Republic of Panama
<i>For follow-up purposes</i>	
Name of contact person:	
Name of Authority / Office:	
Telephone number:	
E-mail address:	
Date:	

## PART I – PRACTICAL OPERATION OF THE 1980 CONVENTION

### Recent developments in your State<sup>2</sup>

1. Since the 2017 SC, have there been any significant developments in your State regarding the **legislation** or **procedural rules** applicable in cases of international child abduction? Where possible, please state the reason for the development and the results achieved in practice.

- No  
 Yes

Please specify:

2. Following the Covid-19 pandemic,<sup>3</sup> have there been any **improvements** that have remained in your State in the following areas, in particular in relation to the **use of information technology**, as a result of newly adopted procedures or practices applicable to child abduction cases? In each case, please describe the tools, guidelines or protocols put in place.

- a) Methods for accepting and processing return and access applications and their accompanying documentation;

By means of the 173 of 27 May 2020 agreement, the Plenary Supreme Court of Justice dictated measures and actions that allow the restoration to the system's users attention guaranteeing access to the Justice by technological process.

The use of email for internal and external communications is promoted. This allows applications for restitution from the central authority to be referred to the children's courts, which are competent to decide on applications filed by the requesting parties of Contracting States to the Convention.

There is a single Entry Register (RUE) for the presentation of documents electronically.

The electronic court file has been implemented as of 13 June 2022.

- b) Participation of the parties and the child (e.g., appearance in court proceedings, mediation);

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

<sup>2</sup> This Part of the Questionnaire is intended to deal primarily with the developments in law and practice relating to international child abduction which have occurred in your State since the Seventh Meeting of the Special Commission (SC) to review the operation of the 1980 Abduction Convention and the 1996 Child Protection Convention (held from 10 to 17 October 2017) ("2017 SC").

<sup>3</sup> This question aims to gather information about good practices that were developed in those exceptional circumstances and that will continue to be applied regardless of the pandemic.

The use of videoconferencing is promoted for the conduct of a hearing, for cases where one of the requesting party cannot be person in the judicial proceedings scheduled for each case. For the use of this modality, it must be coordinated with the Informatics of the Judicial Branch.

The participation of the minor, in accordance with Law 285 of February 15, 2022 in its article 12 numeral 3, will enjoy various judicial guarantees as a right to legal assistance during all phases of the judicial process, guaranteeing to be duly represented, the right to express opinion, to be heard, preferably directly, if not possible through means of his legal representative, the right to a short trial, with due diligence and without delay, that the protective measures that may be adopted have a fixed duration, the right to receive clear and precise information in their own language, about each of the actions that take place in their presence, as well as the content and reasons for each decision, etc.

c) Promoting mediation and other forms of amicable resolution;

The Judicial Branch has developed, with the participation and collaboration of the Regional Office of The Hague and two liaison judges of the Hague of Panama, together with the Directorate of Alternative Methods and official of the Directorate of Modernization and Institutional Development, it was possible to prepare a draft regulation of the judicial mediation service in matters of International Abduction of Minors, The name given to the final document. This document is in the stage for review and approval by the Plenary of the Supreme Court of Justice

d) Making arrangements for organising or securing the effective exercise of rights of access, including while pending return proceedings;

Yes. In general, all international restitution proceedings guarantee the direct relationship of the child unlawfully removed or retained with the requesting parent. If the father travels to the Republic of Panama and is present, after the hearing is held, face-to-face communication formulas are usually established. If the requesting parent cannot be present at the oral act, a virtual visitation regime is usually regulated during court office hours so that the first meetings between father and children are carried out with the supervision of a psychology professional. Also, weekly telephone communication is authorized at times that do not affect the daily life of the minor.

e) Obtaining evidence by electronic means;

In principle, the Central Authority receives requests for international restitution at certain times through e-mails and then sends the originals to the court that corresponds to its knowledge. The evidence submitted by means of e-mails is subject to assessment by the judge pursuant to Article 875 of the Judicial Code.

Article 32 of Law 75 of December 18, 2015 establishes the following:

Article 32. The powers, evidence and evidence that accompany the demand, response, incident or precautionary action may be digitized and sent, through the Internet, to the Electronic Judicial File, or presented together with the respective writing, in physical format, to the Single Entry Registry for digitization. If they are sent online, they must be physically presented at the Single Entry Registry (RUE) within three working days of receipt in the System; otherwise, they will be considered not presented. With the exception of the processes in which they must be presented at the hearing, in the evidentiary period the evidence must be physically presented in the Single Entry Registry (RUE), together with its reproduction in electronic format. If the evidence is not accompanied in digital format, they must be digitized in the Judicial Branch, before sending them to the Custody Center for Current Files, where they will be kept and will remain at the disposal of the court of the case until the definitive file of the process is ordered. Where there is no Custody Center for Current Records, the evidence will be kept in the court of the case.

- f) Ensuring the safe return of the child;  
Resolving requests for return, appropriate measures are taken to guarantee the safe return of the minor, such that at the time of departure from the country of the child, he or she is accompanied by an official of the Central Authority, so that no problems arise when boarding the departure flight. If the requesting parent is unable travel, the Panamanian central authority so that in turn it coordinates with the central authority of the requesting State to designate a consular officer who can safely transfer to his or her state of habitual residence. On some occasions it has been established that, when the minor arrives in his or her State, he or she will be received by the protection authorities so that it is the competent judicial authority of that State that determines what corresponds in law in favour of the child.
- g) Cooperation between Central Authorities and other authorities;  
From a Panamanian perspective, the Central Authority always keep the cooperation between all the competent and judicial authorities.
- h) Providing information and guidance for parties involved in child abduction cases;  
The initial approach from the Panamanian Central Authority is to explain the taking parent the reason why he or she haven been contacted by us. Upon request from the requesting Central Authority, this Central Authority is always willing to provide information
- i) Other, please specify.

3. Please provide the three most **significant decisions concerning the interpretation and application of the 1980 Convention** rendered since the 2017 SC by the relevant authorities<sup>4</sup> in your State.

Case Name	Court Name	Court Level	Brief summary of the ruling
SHENITO ALEXANDER SIMONS FRUTO	Second Court of Children and Adolescents of the First Judicial Circuit of Panama	Second Court of Children and Adolescents of the First Judicial Circuit of Panama	Sentence No.446-17Flia of the twenty-second (22) of November of two thousand and seventeen (2017). Solve: First: To accede to the request for International Restitution presented by the Central Authority of the Republic of Panama, at the request of Mr. Shaw Eugene Simons, of Bermuda, with 602135244 passport, against Mrs. Doris Elizabeth Fruto Aleman, with personal identity card No.8-748-1713 and in favor of the child Shenito Alexander Simons Fruto, with personal identity card No.8-1042-2224 and identity document No.6021233798, in accordance with the reasoning set out in the motive part of this Resolution Second: Order the Restitution for Unlawful Restraint, to Bermuda, of the child Shenito Alexander Simons Fruto,

<sup>4</sup> The term “relevant authorities” is used in this Questionnaire to refer to the judicial or administrative authorities with decision-making responsibility under the 1980 Convention. Whilst in the majority of Contracting Parties such “authorities” will be courts (i.e., judicial), in some States Parties administrative authorities remain responsible for decision-making in Convention cases.

		<p>specifically to 12 Camp Hill Road, Southampton Bermuda SN03, domicile of Mr. Shaw Eugene Simons, who must present his minor son to the Court of Bermuda, as the Competent Authority of knowledge of the process of Custody, Custody and Regulation of Visits, so that it can determine what corresponds in law, in favor of the minor</p> <p>Third: To establish the obligation of Mr. Shaw Eugene Simons, to communicate within a term, not exceeding fifteen days, after the respective notifications have been filled and this resolution is duly enforced, the date, on the day and time at which he is to appear before the Court for the delivery of his minor son. And to be able to communicate Mrs. Doris Elizabeth Fruto Alemán, so that she appears at the diligence of delivery of her minor son to the father, in the stands of the Court, in compliance with the resolution of this Court.</p> <p>Fourth: Maintain the Impediment of Departure from the Country of the minor Shenito Alexander Simons Fruto, until the moment in which the diligence of delivery is carried out and thus proceed to communicate to the National Immigration Service, the lifting of the measure and the authorization of departure of the child with the parent, Mr. Shaw Eugene Simons or otherwise, the Central Authority of the Republic of Panama shall coordinate with the Bermuda Central Authority to determine the person designated as responsible for transferring the child Shenito Alexander to Bermuda and presenting him to the Competent Authority to define the Guardianship, Custody and Regulation of the minor.</p> <p>Fifth: Send an authenticated copy of this Resolution to the Central Authority of the Republic of Panama, for the pertinent purposes. And that it can send a representative official to verify the effective departure of the child Shenito Alexander Simons Fruto from our country and can provide feedback to this Authority, regarding compliance with the orders in this Resolution.</p> <p>Sixth: Establish that during the time that the execution process of this Resolution is completed, the</p>
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			<p>Communication Regulation between the child Shenito Alexander Simons Fruto and his father, Mr. Shaw Eugene Simons, developed in file 097-16, through Auto No.1497-16 of November 18, 2016, will be in force.</p>
<p>NICLAS ROCCO GALANTE RAMIREZ</p>	<p>Second Court of Children and Adolescents of the First Judicial Circuit of Panama</p>	<p>Second Court of Children and Adolescents of the First Judicial Circuit of Panama</p>	<p>Sentence No.475-21 F of December thirty (30) of two thousand and twenty-one (2021</p> <p>SOLVE:                      FIRST: ACCEDE to the request for International Restitution presented by the Central Authority of the Republic of Panama at the request of the Office of Consular Relations of the Ministry of Foreign Affairs of the Bolivarian Republic of Venezuela, at the request of Mr. IVAN ROCCO GALANTE SILVESTRI, in favor of the minor NICLAS ROCCO GALANTE RAMÍREZ, of Venezuelan nationality, and against Mrs. CLAUDIA PATRICIA RAMIREZ FLOREZ, for being duly accredited the habitual residence of the minor and having proven the illegal retention in accordance with the reasoning set forth in the motive part of this Resolution.                      SECOND: ORDERS the International Restitution to the Bolivarian Republic of Venezuela, place of habitual residence of the minor NICLAS ROCCO GALANTE RAMÍREZ, located specifically in the Bolivarian Republic of Venezuela, in the State of Caracas, Capital district, Libertador Municipality, San Pedro Parish, Valle Abajo Urbanization, Paseo los Ilustres Avenue with Orinoco Street, Los Símbolos Residences Building 1, for which he will be accompanied by Mrs. CLAUDIA PATRICIA RAMIREZ FLOREZ and her father IVAN ROCCO GALANTE SILVESTRI, who must provide the Court with a copy of the travel tickets within a period of 5 days, after the execution of this resolution, and in case of not being able to accompany her minor son the mother for justified cause, it will be the father who will assume the function of transferring his minor son to the Bolivarian Republic of Venezuela, in compliance with the provisions of the motive part.                      The Central Authority of the Republic of Panama will be informed of the day and time at which the trip of the minor</p>

		<p>NICLAS ROCCO GALANTE RAMÍREZ must be made, for which he must be presented to the court during business hours and then transferred to the Tocumen International Airport, guaranteeing the safe return to his country of habitual residence. The Central Authority of Panama shall coordinate with the Venezuelan Central Authority so that, once the minor arrives in the Bolivarian Republic of Venezuela, he or she may be received by the authority for the protection of children and adolescents of that State, so that he or she may be presented to the judicial authority that hears the process of the Family Coexistence Regime so that it may determine, what corresponds in law, in terms of the parental relationship of the minor with his parents.</p> <p>THIRD: ESTABLISH that in the event that Mrs. CLAUDIA PATRICIA RAMIREZ FLOREZ, does not comply with the provisions of the previous point, the necessary steps will be taken for the location and delivery of the minor NICLAS ROCCO GALANTE RAMÍREZ, to his father, for his respective transfer to the Republic of Venezuela. In case of absence of the parents, it will be delivered to the Central Authority of Panama so that in turn it is delivered to a diplomatic official designated by the Venezuelan Central Authority, so that it can carry out the respective transfer to its country of habitual residence, be placed under the orders of the competent authority in matters of protection, to be presented before the Judge who hears the process of Family Coexistence Regime, in order to resolve what corresponds in law.</p> <p>FOURTH: MAINTAIN the impediment of departure that currently weighs on the minor NICLAS ROCCO GALANTE RAMÍREZ, until the moment in which his departure from the territory of the Republic of Panama towards the Bolivarian Republic of Venezuela is verified, under the parameters established in the previous point.</p> <p>FIFTH: IMPOSE the obligation on Mrs. CLAUDIA PATRICIA RAMIREZ FLOREZ, to cover the expenses of the return trip of her son NICLAS ROCCO GALANTE RAMÍREZ, to her place of habitual residence, located in the Bolivarian</p>
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		<p>Republic of Venezuela, under Article 26 of the Hague Convention of 1980. SIXTH: IMPOSE on Mrs. CLAUDIA PATRICIA RAMIREZ FLOREZ, the obligation to appear together with her son NICLAS ROCCO GALANTE RAMÍREZ, on Mondays and Wednesdays each week, at three in the afternoon (3:00 p.m.), while the minor remains in the territory of the Republic of Panama, before the Interdisciplinary Team of the Court that has the competence of this process at that time, who must prepare reports on this appearance and present it directly to said Office. In the event that any of the indicated days is non-working, according to our legislation, Mrs. RAMIREZ FLOREZ will present the child at eight in the morning (8:00 a.m.) of the immediately following business day. If an appeal is lodged against this decision, this measure of protection of law and legal certainty must be complied with by the mother according to the formulas previously proposed. SEVENTH: SEND an authenticated copy of this decision to the Central Authority of the Republic of Panama, represented by the General Directorate of Legal Affairs and Treaties of the Ministry of Foreign Affairs, who must carry out the pertinent proceedings, to accompany the minor NICLAS ROCCO GALANTE RAMÍREZ to the airport for his return trip to his country of habitual residence, in order to certify the departure of the minor from the territory of the Republic of Panama, in addition to carrying out the pertinent coordination procedure with the Central Authority of the Bolivarian Republic of Venezuela in order to designate a consular agent for the transfer of the minor NICLAS ROCCO GALANTE RAMÍREZ when neither of the parents can accompany the child for his return to his country of habitual residence. Likewise, to coordinate the pertinent with the authorities of the Bolivarian Republic of Venezuela, so that once the minor NICLAS ROCCO GALANTE RAMÍREZ returns, he is received by the competent authority in matters of protection in Venezuela in order to be presented before the competent authority to determine</p>
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			what corresponds in law on the coexistence and parental relationship of the minor with his parents. EIGHTH: ORDER the closure and archiving of the file, once the procedures have been completed, after annotating its departure in the respective book.
	Please insert text here	Please insert text here	Please insert text here

4. Please provide a brief summary of **any other significant developments** in your State since the 2017 SC.

### Issues of compliance

5. Has your State faced any particular **challenges with other Contracting Parties** to the 1980 Convention in achieving successful cooperation? Please specify the challenges that were encountered and, in particular, whether the problems appear to be systemic.

- No  
 Yes

Please specify the challenges encountered:

The locations of the minor sometimes is challenging and also not taking into account article 11

6. Are you aware of situations or circumstances in which there has been **avoidance or improper application** of the 1980 Convention as a whole or any of its provisions in particular?

- No  
 Yes

Please specify:

Please insert text here

### Addressing delays and ensuring expeditious procedures

7. The 2017 SC encouraged States to review their procedures (including, where applicable, at the Central Authority, judicial, enforcement and mediation / other alternative dispute resolution - “ADR” phases)<sup>5</sup> in order to identify possible sources of delay and implement the adjustments needed to secure shorter time frames consistent with Articles 2 and 11 of the Convention. Please indicate any identified sources of delay at the following phases:

#### Central Authority

- No  
 Yes  
 Procedure not yet revised

If the answer to the above is YES, please share any measures that have been implemented to address the delays:

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<sup>5</sup> See C&R No 4 of the 2017 SC, “The Special Commission acknowledges that some States have made progress in reducing delays and encourages States to review their procedures (including, where applicable, at the Central Authority, judicial, enforcement and mediation / ADR phases) in order to identify possible sources of delay and implement the adjustments needed to secure shorter time frames consistent with Articles 2 and 11 of the Convention.”



**Judicial proceedings**

- No  
 Yes  
 Procedure not yet revised

If the answer to the above is YES, please share any measures that have been implemented to address the delays:

Please insert text here

**Enforcement**

- No  
 Yes  
 Procedure not yet revised

If the answer to the above is YES, please share any measures that have been implemented to address the delays:

Please insert text here

**Mediation / ADR**

- No  
 Yes  
 Procedure not yet revised

If the answer to the above is YES, please share any measures that have been implemented to address the delays:

**Court proceedings and promptness**

8. Does your State have mechanisms in place to deal with return decisions within six weeks (e.g., production of summary evidence, limitation of appeals, swift enforcement)?

- No  
 Yes  
 Please specify:

as soon as it is determine that the Judicial process is necessary, all the relevant information and documentation is provided to the authority for them to treat the international restitution cases within the 6 weeks

9. If the response to question 8 above is “No”, does your State contemplate implementing mechanisms to meet the requirement of prompt return under the 1980 Convention (e.g., procedures, bench-books, guidelines, protocols)?

- No  
 Please specify:  
 Please insert text here  
 Yes  
 Please specify:  
 Please insert text here

10. Do the courts in your State make use of direct judicial communications<sup>6</sup> to ensure prompt proceedings?

- No  
 Yes

Please specify:  
 the implementation of technological communication

11. If your State has not designated a judge to the International Hague Network of Judges (IHNJ) does your State intend to do so in the near future?

- No  
 Yes

Please specify:  
 Not applicable

12. Please comment upon any cases ( where your State was the requested State) in which the judge (or decision-maker) has, before determining an application for return, communicated with a judge or other authority in the requesting State regarding the issue of the child’s safe return. What was the specific purpose of the communication? What was the outcome?

yes, and it was usefull to understand the law in certain state to determine the best interest of the minor.

## The role and functions of Central Authorities designated under the 1980 Convention

### In general

13. Have any of the duties of Central Authorities, as set out in **Article 7** of the 1980 Convention, raised any particular problems in practice either in your State, or in Contracting Parties with which your State has cooperated?

- No  
 Yes

Please specify:

14. Has your Central Authority encountered any challenges with the application of **any of the 1980 Convention provisions**? If so, please specify.

- No  
 Yes

Please specify:  
 Please insert text here

### Legal aid and representation

15. Do the measures your Central Authority takes to provide or facilitate the provision of legal aid, legal advice and representation in return proceedings under the 1980 Convention (**Art. 7(2)(g)**) result in delays in proceedings either in your own State, or, where cases originate in your State, in any of the requested States that were dealt with?

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<sup>6</sup> For reference, see “Direct Judicial Communications - Emerging Guidance regarding the development of the International Hague Network of Judges and General Principles for Judicial Communications, including commonly accepted safeguards for Direct Judicial Communications in specific cases, within the context of the International Hague Network of Judges”.

- No  
 Yes  
 Please specify:  
[Please insert text here](#)

16. Are you aware of any other challenges in your State, or, where cases originate in your State, in any of the requested States your Central Authority has dealt with, regarding the **obtaining of legal aid, advice and / or representation for either left-behind parents or taking parents?**<sup>7</sup>

- No  
 Yes  
 Please specify:

### Locating the child

17. Has your Central Authority encountered any **challenges with locating children** in cases involving the 1980 Convention, either as a requesting or requested State?

- No  
 Yes  
 Please specify the challenges encountered and what steps were taken or are considered to be taken to overcome these challenges:  
[By means of the Executive Decree 222 that regulates the application of the Law 22 10 December 1993, determines how to better proceed with the Convention by providing all the tools to request and receive the assistance from our security bodies, however as a requesting State, it is understood that not all Central Authorities have the capability to request such assistance.](#)

### Voluntary agreements and bringing about an amicable resolution of the issues

18. How does your Central Authority (either directly or through any intermediary) take, or is considering taking, appropriate steps under **Article 7(c)** to bring about an amicable resolution of the issues? Please explain:

The Judicial Branch has developed, with the participation and collaboration of the Hague Regional Office and two liaison judges of the Hague of Panama in conjunction with the Directorate of Alternative Methods and the Directorate of Modernization and Institutional Development, it was possible to prepare a draft protocol for the judicial mediation service in matters of international abduction of minors. The name given to the final document. This document is in the stage for review and approval by the Plenary of the Supreme Court of Justice.

19. In the case that your Central Authority offers mediation services, or other alternative dispute resolution methods to bring about an amicable resolution of the issues, has your Central Authority reviewed these procedures in the light of the framework of international child abduction cases (e.g.,

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<sup>7</sup> See paras 1.1.4 to 1.1.6 of the C&R of the Fifth Meeting of the SC to review the operation of the 1980 Child Abduction and the practical implementation of the 1996 Child Protection Convention (30 October – 9 November 2006) (2006 SC C&R) and paras 32 to 34 of the C&R of the Sixth Meeting of the SC to review the operation of 1980 and 1996 Conventions (1-10 June 2011 and 25-31 January 2012) (2012 SC C&R), available on the HCCH website at [www.hcch.net](http://www.hcch.net) under “Child Abduction Section” then “Special Commission meetings”.

by providing trained, specialised mediators, including with cross-cultural competence and necessary language skills<sup>8</sup>)?

Please specify:

The Judicial Branch has initiated the study on the offer of mediation services through the alternative methods centers available to it for the referral of cases of international child abduction to mediation, in such a way that it has taken steps for the elaboration of a protocol developing a pilot project to implement mediation to the application of the Convention on International Child Abduction of 1980. since 2019.

20. Should the services mentioned in the question above not yet be provided, does your Central Authority intend to provide them in the future?

Please provide comments:

Since 2019, the Judicial Branch has been carrying out through the National Directorate of Alternative Methods of Conflict Resolution study, consultations, meetings with judges at the national level with the collaboration of the regional office of the Hague Conference and the Directorate of modernization and institutional development of the Judicial Branch to develop a draft protocol to refer cases of international restitution, that are considered as processes of greater complexity, but with the intention that they be resolved in advance in order to reduce the deadlines, avoid integration and reduce the impact of children illegally detained or transferred.

It is important to add that from the beginning the Central Authority was invited by the organizers of these working meetings to participate, being represented by Mr. Saul Jaramillo, who after attending meetings and the inter-institutional workshop said that the executive could support the project initiated by the Judicial Branch of Panama to give official status to the document, if required. In this context, I clarify that what is elaborated is of a judicial nature and not administrative, so the interest of maintaining the essence of it was reaffirmed.

21. Has your State considered, or is it in the process of considering, the establishment of a central service for international family mediation to facilitate access to information on available mediation services and related issues for cross-border family disputes involving children?<sup>9</sup>

- No  
Please explain:  
Please insert text here
- Yes  
Please explain:  
Please insert text here

### Ensuring the safe return of children<sup>10</sup>

22. How does the competent authority in your State obtain information about the protective measures available in the requesting State when necessary to ensure the safe return of the child?

Please explain:

In general, if it is necessary to adopt some protection measure to guarantee the safe return of the child to his habitual residence, it has been used as a communication channel the Central Authority of Panama, which has acted as an intermediary to obtain the respective

<sup>8</sup> For reference, please see the recommendation in the Guide to Good Practice on Mediation, item 3.2, paras 98-105, "Specific training for mediation in international child abduction cases", available on the HCCH website at [www.hcch.net](http://www.hcch.net) under "Child Abduction Section" then "Guides to Good Practice".

<sup>9</sup> As it has been encouraged in the Guide to Good Practice on Mediation, Chapter 4, on "Access to Mediation". paras 114-117. See also 2011 / 2012 SC C&R at para. 61.

<sup>10</sup> See Art. 7(2)(h) of the 1980 Convention.

answers for each case. For example, if the minor is unable to travel with his or her parents, the collaboration of a consular or diplomatic agent of the requesting State is sought to ensure that the child arrives safely and is handed over to the appropriate person, who may be a relative or a judicial or administrative authority. Who shall have the power to determine with whom the minor is to live, until the merits of the proceedings that are or are processed in that State are resolved.

23. If requested as a safe return measure (e.g., in accordance with the 1996 Convention), would your Central Authority be in a position to provide, either directly or through intermediaries, a report on the situation of the child after a certain period of time after the return?

- No  
 Yes

Please specify:

Please insert text here

### Information exchange, training and networking of Central Authorities

24. Has your Central Authority shared experiences with other Central Authority(ies), for example by organising or participating in any networking initiatives such as regional meetings of Central Authorities, either in person or online?<sup>11</sup>

- No  
 Yes

Please specify:

Please insert text here

### Case management and collection of statistical data on applications made under the Convention

25. Has your Central Authority developed any protocols or internal guidelines for the processing of incoming and outgoing cases?

- No  
 Yes

Please specify and share the relevant instruments whenever possible:

Please insert text here

26. Does your Central Authority operate a case management system for processing and tracking incoming and outgoing cases?

- No  
 Yes

Please specify:

Please insert text here

27. Does your State collect statistical data on the number of applications made per year under the 1980 Convention (e.g., number of incoming and / or outgoing cases)?<sup>12</sup>

- No

<sup>11</sup> See, in particular, Chapter 6.5, on twinning arrangements, of the Guide to Good Practice – Part I – Central Authority Practice, available on the HCCH website at [www.hcch.net](http://www.hcch.net) (see path indicated in note 8).

<sup>12</sup> In the Country Profile for the 1980 Child Abduction Convention, question No 23(e), States are asked to inform whether statistics related to applications under the Convention are publicly available. Please note that, at its meeting of 2021, according to Conclusion & Decision (C&D) No 19, the Council on General Affairs and Policy (CGAP) mandated the discontinuance of INCASTAT.

- Yes  
In case this information is publicly made available, please share the links to the statistical reports:  
[it is not public domain](#)

**Transfrontier access / contact<sup>13</sup>**

28. Since the 2017 SC, have there been any significant developments in your State regarding Central Authority practices, legislation, procedural rules or case law applicable in cases of transfrontier access / contact?

- No
- Yes  
Please specify:  
[Please insert text here](#)

29. Has your Central Authority encountered any problems as regards cooperation with other States in making arrangements for organising or securing the effective exercise of rights of access / contact?

- No
- Yes  
Please specify:  
[Please insert text here](#)

30. Has your State had any challenges, or have questions arisen, in making arrangements for organising or securing the effective exercise of rights of access / contact under **Article 21** when the application was *not* linked to an international child abduction situation?<sup>14</sup>

- No
- Yes  
Please specify:  
[Please insert text here](#)

31. In the case of access / contact applications under **Article 21**, which of the following **services** are **provided by your Central Authority**?

Position	Services provided
A request of assistance to organise or secure effective exercise of rights of access in <b>another Contracting Party</b> (as requesting State)	<ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> 1. Assistance in obtaining information on the operation of the 1980 Convention</li> <li><input checked="" type="checkbox"/> 2. Assistance in obtaining information on the relevant laws and procedures in the requested State</li> <li><input checked="" type="checkbox"/> 3. 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</li> <li><input checked="" type="checkbox"/> 4. Transmission of the request to the Central Authority or to the competent authorities in the requested State</li> <li><input checked="" type="checkbox"/> 5. Assistance in initiating judicial or administrative proceedings with a view to making arrangements for organising or securing the effective exercise of rights of access</li> <li><input checked="" type="checkbox"/> 6. Assistance in providing or facilitating the provision of legal aid and advice</li> <li><input type="checkbox"/> 7. Assistance in obtaining private legal counsel or mediation services, where needed in the requested State</li> </ul>

<sup>13</sup> See C&R Nos 18-20 of the 2017 SC.

<sup>14</sup> According to C&R No 18 of the 2017 SC, “The Special Commission agrees that an application to make arrangements for organising or securing the effective exercise of rights of access / contact under Article 21 can be presented to Central Authorities, independently of being linked or not, to an international child abduction situation.”

	<input type="checkbox"/> 8. Referral to other governmental and / or non-governmental organisations for assistance <input checked="" type="checkbox"/> 9. Provision of regular updates on the progress of the application <input type="checkbox"/> 10. Other, please specify:  <p style="text-align: center;">Please insert text here</p>
<p>A request of assistance to organise or secure effective exercise of rights of access <b>in your State</b> (as requested State)</p>	<input checked="" type="checkbox"/> 1. Providing information on the operation of the 1980 Convention and / or the relevant laws and procedures in your State <input checked="" type="checkbox"/> 2. Assistance in initiating judicial or administrative proceedings with a view to making arrangements for organising or securing the effective exercise of rights of access <input checked="" type="checkbox"/> 3. Assistance in providing or facilitating the provision of legal aid and advice <input type="checkbox"/> 4. Assistance in obtaining private legal counsel or mediation services available in your State <input type="checkbox"/> 5. Referral to other governmental and / or non-governmental organisations for assistance <input checked="" type="checkbox"/> 6. Regular updates on the progress of the application <input type="checkbox"/> 7. Other, please specify: <p style="text-align: center;">Please insert text here</p>

32. Should your State also be a Contracting Party to the 1996 Convention, 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?

- No
- Yes

Please specify:  
 Please insert text here

### Special topics

#### Obtaining the views of a child in a child abduction case

33. When obtaining the views of a child in a child abduction proceeding in your State’s jurisdiction, what are the elements normally observed and reported by the person hearing the child (e.g., expert, judge, guardian *ad litem*? (E.g., the views of the child on the procedures, the views of the child on the subject of return, the maturity of the child, any perceived parental influence on the child’s statements)?

Please explain:

At the time of ordering a hearing procedure for a minor, it is usually carried out by the judge with the assistance of a psychologist from the interdisciplinary team if necessary, since each court of Children and Adolescents has these specialized professionals. The opinions that each child can give is observed his spontaneity, naturalness, his maturity at the time of building and expressing his ideas, know if the child was informed by the abductor about the change of residence, his parental ties, his impressions about the environment where he is residing in the requested State. In addition, any other matter that the child wishes to present at the time of expressing his or her opinion according to each case is recorded.

34. Are there are any procedures, guidelines or principles available in your State to guide the person (e.g, expert, judge, guardian *ad litem*) in seeking the views of the child in a child abduction case?

- No
- Yes

Please specify:

In accordance with Law 285 of February 15, 2015, which creates the system of guarantees and protection of the rights of children and adolescents, they establish a catalogue of rights, legal, administrative and judicial guarantees. Within which the right to be heard, to a short procedure, with due diligence and without undue delay, the right to form one's opinion, to express oneself freely and to be heard at all stages of the judicial process is recognized, preferably directly and, if this is not possible or contrary to their rights, through appropriate legal representatives. The right to express oneself and to be heard in one's own language and language. The right to receive from the judge and the other participants in the proceedings clear and precise information in their own language, about the meaning of each of the actions that take place in their presence, as well as the content and reasons for each decision.

Children are provided with free legal assistance in accordance with article 834 of the Family Code.

## Article 15

35. As requesting State (outgoing applications), how often have judicial or administrative authorities in your State received requests for Article 15 decisions or determinations?

- Do not know
- Never
- Rarely
- Sometimes
- Very often
- Always

36. As requested State (incoming applications), how often have judicial or administrative authorities in your State requested Article 15 decisions or determinations?

- Do not know
- Never
- Rarely
- Sometimes
- Very often
- Always

37. Please indicate any good practices your State has developed to provide as complete as possible information in the return applications as required under Article 8 with a view to speed up proceedings?

Please indicate:

Requesting as much information to the parent left behind to determine de habitual residency ie. scholarship details, medical chart.

38. Considering C&R No 7 of the 2017 SC,<sup>15</sup> what information do you suggest adding to the Country Profile for the 1980 Convention, either as requested State or requesting State in relation to Article 15?

Please insert your suggestions:

N/A

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<sup>15</sup> See C&R No 7: "The Special Commission recommends amending the Country Profile for the 1980 Convention to include more detailed information on the Article 15 procedure. It is further recommended that an Information Document on the use of Article 15 be considered with, if necessary, the assistance of a small Working Group."



## Relationship with other international instruments on human rights

39. Has your State faced any challenges, or have questions arisen, in processing international child abduction cases where there was a **parallel refugee claim** lodged by the taking parent?

- No  
 Yes

If possible, please share any relevant case law or materials that are relevant to this type of situation in your State or, alternatively, a summary of the situation in your State:

Please insert text here

- Do not know

40. Has the concept of the **best interest of the child** generated discussions in your State in relation to child abduction proceedings? If it is the case, please comment on any relevant challenges in relation to such discussions.

- No  
 Yes

Please provide comments:

Please insert text here

## Use of the 1996 Convention<sup>16</sup>

41. If your State is not Party to the 1996 Convention, is consideration being given to the possible advantages of the 1996 Convention (please comment where applicable below):

(a) providing a jurisdictional basis for urgent protective measures associated with return orders (**Arts 7 and 11**)

yes

(b) providing for the recognition of urgent protective measures by operation of law (**Art. 23**)

yes

(c) providing for the advance recognition of urgent protective measures (**Art. 24**)

yes

(d) communicating information relevant to the protection of the child (**Art. 34**)

direct communication with child authority SENNI AF

(e) making use of other relevant cooperation provisions (e.g., **Art. 32**)

yes

42. If your State is a Party to the 1996 Convention, does your State make use of the relevant cooperation provisions (e.g., Art. 32) to provide, if requested, either directly or through intermediaries, a report on the situation of the child after a certain period of time after the return?<sup>17</sup>

- No  
 Yes

Please specify:

<sup>16</sup> For this part of the Questionnaire, the [Practical Handbook on the Operation of the 1996 Child Protection Convention](#) can provide helpful guidance, available on the HCCH website at [under "Child Protection Section"](#).

<sup>17</sup> See C&R No 40 of the 2017 SC: "The Special Commission notes that many Central Authorities may provide certain degrees of assistance (both when the 1980 Convention and / or the 1996 Convention apply), both to individuals within their own State and to foreign Central Authorities on behalf of an individual residing abroad. Requests for assistance may encompass such matters as: securing rights of access; the return of children (both when the 1980 Convention and / or the 1996 Convention apply); the protection of runaway children; reporting on the situation of a child residing abroad; post-return reports for children returned to their habitual residence; the recognition or non-recognition of a measure taken abroad (advanced recognition); and, the enforceability of a foreign measure of protection." (Emphasis added.)

Please insert text here

### Primary carer and protective measures

43. Are you aware of any cases in your State where a primary carer taking parent, for reasons of personal security (e.g., domestic or family violence, intimidation, coercive control, harassment, etc.) or others, has refused or has not been in a position to return with the child to the requesting State? How are such cases dealt with in your State?

Please explain and provide case examples where possible:

NO

44. Would the authorities of your State consider putting in place measures to protect the primary carer upon return in the requesting State if they were requested as a means to secure the safe return of the child?

Please explain and provide case examples where possible:

Yes

45. In cases where the return order was issued together with a protective measure to be implemented upon return, are you aware of any issues encountered by your State in relation to the enforcement of such protective measures?

No

Yes

Please explain and distinguish between such measures being recognised and enforced under the 1996 Convention:

Please insert text here

46. In cases where the return order was issued together with an undertaking given by either party to the competent authority of the requested State, are you aware of any issues encountered by your State in relation to the enforcement of such undertakings?

No

Yes

Please specify:

Please insert text here

47. If your State is a Contracting Party to the 1996 Convention, is Article 23 of that Convention being used or considered for the recognition and enforcement of undertakings given by either party while returning a child under the 1980 Convention?

No

Yes

Please specify:

Please insert text here

N/A

48. In cases where measures are ordered in your State to ensure the safety of a child upon return, does your State (through the Central Authority, competent Court or otherwise) attempt to monitor the effectiveness of those measures upon the child's return?

No

Yes

Please specify:

Please insert text here

**International family relocation<sup>18</sup>**

49. Has your State adopted specific procedures for international family relocation?

- Yes  
Please describe such procedures, if possible:  
Please insert text here
- No  
Please describe how the authorities deal with international family relocation cases, if possible:  
Please insert text here

**Publicity and debate concerning the 1980 Convention**

50. Considering any potential impact on its practical operation, has your State had any recent publicity (positive or negative) or has there been any debate or discussion in your national parliament or its equivalent about the 1980 Convention?

- No  
 Yes  
Please indicate the outcome of this debate or discussion, if any:  
at the moment there is a Law 569 is revising all the existing obligations of the Central Authority

51. By what methods does your State disseminate information to the public and raise awareness about the 1980 Convention?

Please explain:

The Judicial Branch, through one of its Liaison judges, through the Sapiencia Magazine has published articles referring to the Hague Convention of 1980, on civil aspects of international child abduction. for June 2011. An article on the International Network of Judges for the 1980 Hague Convention on International Child Abduction was published in March 2014. By June 2022, the topic The Serious Risk Exception in the Hague Convention of 1980 will be published in the magazine Sapiencia.

Similarly, officials of the Central Authority and liaison judge have been invited to participate in master's programs in private universities (Latin University of Panama,) to explain about the operation of the Agreement and the Central Authority As for public university (National University of Panama) a liaison judge has participated in seminars such as updating days in 2017, at the regional university center of San Miguelito in November 2017, 2021, and 2022. Similarly in the Regional University Center of the Province of Los Santos in May 2019. And at the National Bar Association of Panama, in a forum on International Restitution: Challenges, application and consequences in the Pandemic for October 2021 in virtual mode through the Zoom platform.

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<sup>18</sup> See the C&R of the 2006 SC at paras 1.7.4-1.7.5, C&R No 84 of the 2012 SC, and C&R No 21 of the 2017 SC, the latter of which says: "The Special Commission recalls the importance of securing effective access to procedures to the parties in international family relocation cases. In this regard, the Special Commission notes that: i) mediation services may assist the parties to solve these cases or prepare for outcomes; ii) the Washington Declaration of 25 March 2010 on Cross-border Family Relocation may be of interest to competent authorities, in particular in the absence of domestic rules on this matter. The Special Commission recommends joining the 1996 Convention."

## PART II – TRAINING, EDUCATION AND POST-CONVENTION SERVICES

### Training and education

52. Please provide below details of any training sessions / conferences organised in your State to support the effective functioning of the 1980 Convention, and the influence that such sessions / conferences have had:

Please provide details:

The central authority has participated with the Judicial Branch through the Higher Institute of the Judiciary of Panama in a seminar on International Child Abduction, which was held on March 27 and 28, 2017 where the Regional Office of the Hague Conference was collaborated. The objective of this event was to develop the procedural legal content related to the application of regulations and good practices, which regulate the obligations of the jurisdictional authorities, in relation to the international abduction of minors projecting perspectives of solutions. Topics such as the role of the central authority, the role of the competent judge, the safe return of the child, the channels of information available to obtain information and make quick decisions, procedural delays and their approach were addressed.

In addition, case workshops were held from the perspective of a common law judge and a civil judge.

In September 2017 and 2018, the School of the Public Ministry Dr. Clara González de Behringer held a training day and a congress on civil, agrarian and family affairs for its officials and the general public where a liaison judge developed the topic International Restitution of minors and its effects.

On October 4, 5, and 6, 2017 and September 25 and 26, 2018, the Superior Institute of the Judiciary of Panama, Doctor Cesar Augusto Quintero Correa of the Judicial Branch, developed an update seminar on children and adolescents, The International restitution of person in development and growth being one of the topics.

On September 13, 2019, a workshop meeting was held for judges of Children and Adolescents at the national level, administrative officials of the Judicial Branch and the Ministry of Foreign Affairs for the establishment of a roadmap for the elaboration of a protocol for referral of cases to mediation in international restitution processes in light of the Convention on Civil Aspects of International Return of Children of 1980

### The tools, services and support provided by the PB

53. Please comment or state your reflections on the specific tools, services and support provided by the PB to assist with the practical operation of the 1980 (and 1996) Conventions, including:

- a. The Country Profile available under the Child Abduction Section, including the addition and / or revision of its questions.

It is useful for a better understanding of the scenario

- b. INCADAT (the international child abduction database, available at [www.incadat.com](http://www.incadat.com)).

It is helpful and a friendly website

- c. *The Judges' Newsletter* on International Child Protection - the HCCH publication which is available online for free;<sup>20</sup>

it keep us up to date with any relevant situation or information, it is a good tool

<sup>20</sup> Available on the HCCH website at under "Child Abduction Section" and "Judges' Newsletter on International Child Protection". For some volumes of *The Judges' Newsletter*, it is possible to download individual articles as required.

- d. The specialised “Child Abduction Section” of the HCCH website ([www.hcch.net](http://www.hcch.net)); friendly website. to promote internally the use for a better understanding
- e. Providing technical assistance and training to Contracting Parties regarding the practical operation of the 1980 (and 1996) Conventions. Such technical assistance and training may involve persons visiting the PB or, alternatively, may involve the PB (including through its Regional Offices) organising, or providing assistance with organising, national and international judicial and other seminars and conferences concerning the Convention(s) and participating in such conferences;  
agree
- f. Encouraging wider ratification of, or accession to, the 1980 (and 1996) Conventions, including educating those unfamiliar with the Convention(s);<sup>21</sup>  
agree
- g. Supporting communications between Central Authorities, including maintaining updated contact details on the HCCH website or intervening to facilitate contact in cases where obstacles arise.  
  
agree
- h. Supporting communications among Hague Network Judges and between Hague Network Judges and Central Authorities, including maintaining a confidential database of up-to-date contact details of Hague Network Judges or intervening to facilitate contact in cases where obstacles arise.  
agree
- i. Responding to specific questions raised by Central Authorities, Hague Network Judges or other operators regarding the practical operation or interpretation of the 1980 (and 1996) Conventions.  
agree

### **Guides to Good Practice under the 1980 Convention**

54. For any of the Guides to Good Practice<sup>22</sup> which you may have used to assist in implementing for the first time, or improving the practical operation of, the 1980 Convention in your State please provide comments below:
- a. Part I on Central Authority Practice.  
contacting the taking parent first for a mediation
  - b. Part II on Implementing Measures.  
Possible communications have been made between the central authorities at the request of the courts for children and adolescents during the restitution process with the intention of making practical and legal arrangements necessary for the safe return of the child. These arrangements are preferably provided before the restitution order is issued.

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<sup>21</sup> Which again may involve State delegates and others visiting the PB or, alternatively, may involve the PB organising, or providing assistance with organising, national and international judicial and other seminars and conferences concerning the 1980 (and 1996) Conventions and participating in such conferences.

<sup>22</sup> All Parts of the Guide to Good Practice under the 1980 Convention are available on the HCCH website at [www.hcch.net](http://www.hcch.net) under “Child Abduction Section” then “Guides to Good Practice”.

c. Part III on Preventive Measures.

During the visits made by the parent who has requested for return, precautionary measures have been taken to prevent the child from being illegally removed again. Follow-ups are carried out with members of the interdisciplinary team to know how the child is doing, who is guaranteed all his or her rights. That we are not subjected to any mistreatment. Measures have been taken before allowing a transfer, permits for the departure of children abroad declaring their habitual residence in the Republic of Panama, a date of return is required and the minor must be presented to the Court to be certified in order to be aware of compliance with the orders issued.

The cooperation of non-issuance of passports or documents has been requested through the central authority when minors have more than one nationality.

d. Part IV on Enforcement.

Please insert text here

e. Part V on Mediation

this is the first approach as central authority always keeping the best interest of the minor

f. Part VI on Article 13(1)(b)

Law 285 15 february 2022 creates the Guaranty system and integral protection of the minors rights

g. Transfrontier Contact Concerning Children – General Principles and Guide to Good Practice

Please insert text here

55. How has your Central Authority ensured that the relevant authorities in your State have been made aware of, and have had access to the Guides to Good Practice?

In the first instance, since 2005, the judicial body has reproduced the first guides to good practice on the application of the 1980 Convention so that all judges of children and adolescents could receive them in paper version. The guides of good practices of mediation, execution and cross-border contact have been made known through the seminars held by the Judicial School, today called the Higher Institute of the Judiciary of Panama, with the collaboration of the regional office of the Hague Conference and the Liaison Judges.

56. Do you have any other comments about any Part of the Guide to Good Practice?

NO

57. In what ways have you used the *Practitioner's Tool: Cross-Border Recognition and Enforcement of Agreements Reached in the Course of Family Matters Involving Children*<sup>23</sup> to assist in improving the practical operation of the 1980 Convention in your State?

as Central Authority, we fulfill and request all necessary action for a good application to the Hague Convention

## Other

58. What other measures or mechanisms would you recommend:

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<sup>23</sup> The *Practitioner's Tool* is available at the HCCH website at [www.hcch.net](http://www.hcch.net) under "Child Abduction Section" then "Guides to Good Practice".

- a. to improve the monitoring of the operation of the 1980 Convention;  
Educational service for a better understanding of all articles
- b. to assist States in meeting their Convention obligations; and  
share good practice between all Central Authorities
- c. to evaluate whether serious violations of Convention obligations have occurred?  
again, sharing live cases will help determine the best application of the Hague Convention

## PART III – NON-CONVENTION STATES

59. Are there any States that you would particularly like to see become a Contracting Party to the 1980 Convention? If so, what steps would you suggest could be taken to promote the Convention and encourage ratification of, or accession to, the Convention in those States?

Please explain:

N/A

60. Are there any States which are not Party to the 1980 Convention or not Members of the HCCH that you would like to see invited to the SC meeting in 2023?

Please indicate:

N/A

### The “Malta Process”<sup>24</sup>

61. Do you have any suggestions of activities and projects that could be discussed in the context of the “Malta Process” and, in particular, in the event of a possible Fifth Malta Conference?

Please explain:

no at the moment

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<sup>24</sup> The “Malta Process” is a dialogue between certain Contracting Parties to the 1980 and 1996 Conventions and certain States which are not Parties to either Convention, with a view to securing better protection for cross-border rights of contact of parents and their children and addressing the problems posed by international abduction between the States concerned. For further information see the HCCH website at [www.hcch.net](http://www.hcch.net) under “Child Abduction Section” then “Judicial Seminars on the International Protection of Children”.



## **PART IV – PRIORITIES AND RECOMMENDATIONS FOR THE 2023 SC AND ANY OTHER MATTERS**

### **Views on priorities and recommendations for the SC**

62. Are there any particular issues that your State would like the SC meeting to discuss in relation to the 1980 Convention?

Please specify and list in order of priority if possible:

No

63. Are there any proposals your State would like to make concerning any particular recommendation to be made by the SC?

Please specify:

No at the moment

### **Bilateral meetings**

64. Should your State be interested in having bilateral meetings during the SC meeting, please indicate, for the PB's planning purposes, an estimate of how many States with which it intends to meet:

Please insert number:

yes

### **Any other matters**

65. States are invited to comment on any other matters which they may wish to raise at the 2023 SC meeting concerning the practical operation of the 1980 Convention.

Please provide comments:

N/A