

ISRAEL

The applications

1. The number of applications

According to the Central Authority for Israel, they received 19 incoming return and 2 incoming access applications in 1999, making a total of 21 incoming applications. Additionally, they made 30 outgoing return and 6 outgoing access applications in that year. Altogether, therefore, the Central Authority for Israel handled 57 new applications in 1999.

2. The Contracting States which made the applications

(a) *Incoming return applications*

Requesting States

	Number of Applications	Percent
USA	11	58
Netherlands	2	11
Canada	1	5
Denmark	1	5
Finland	1	5
France	1	5
Italy	1	5
Zimbabwe	1	5
Total	19	100

Over half of all the return applications came from the USA. This is perhaps not surprising given the close connection between the two States. Apart from the USA and the Netherlands no other State made more than one application to Israel in 1999.

(b) *Incoming access applications*

There were two access applications, one from Germany and one from Sweden. Interestingly, neither of these States made return applications to Israel in the same year.

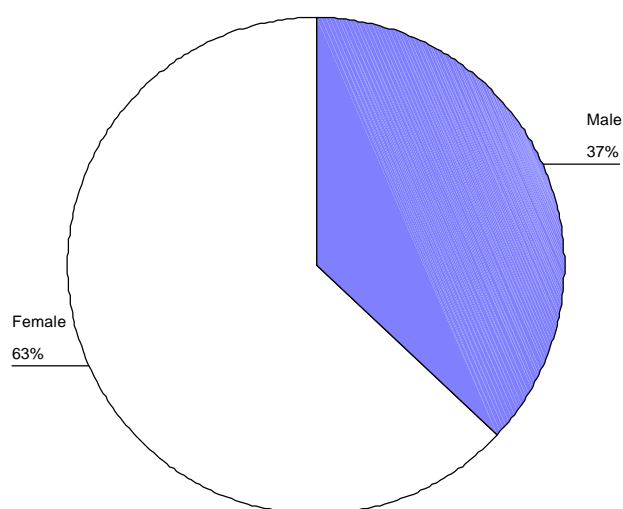
The taking person / respondent

3. The gender of the taking person / respondent

(a) *Incoming return applications*

Gender of the Taking Person

	Number	Percent
Male	7	37
Female	12	63
Total	19	100



63% of the taking persons involved in applications to Israel were female. This is similar to the global norm of 69%.

(b) *Incoming access applications*

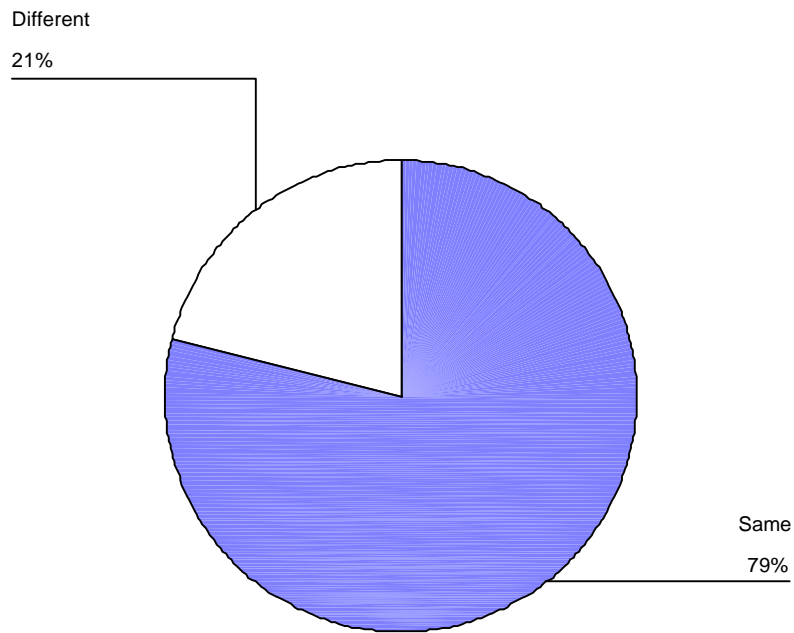
There was one male and one female respondent in the access applications.

4. The nationality of the taking person / respondent

(a) *Incoming return applications*

Taking Person Same Nationality as Requested State

	Number	Percent
Same Nationality	15	79
Different Nationality	4	21
Total	19	100



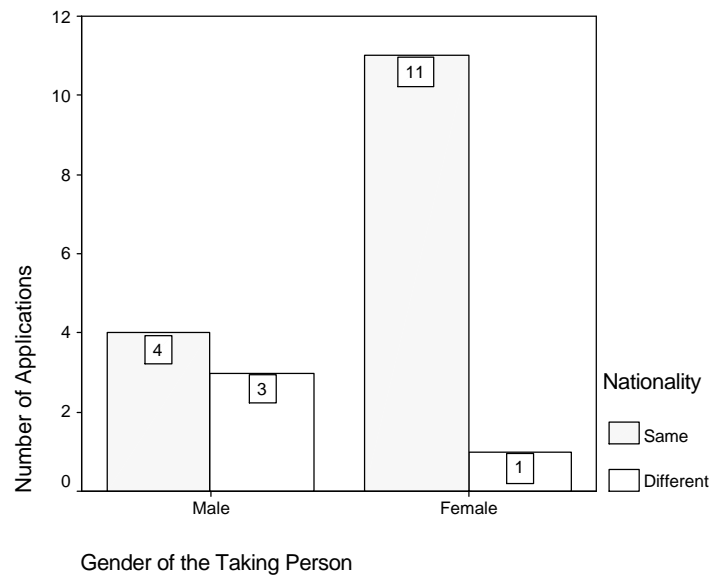
79% of taking persons were Israeli nationals. This is a much higher proportion than the global norm of 52%. Interestingly, of the 11 applications from the USA, 10 involved taking persons who were Israeli nationals.

(b) Incoming access applications

One of the two respondents in the access applications had Israeli nationality.

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

(a) Incoming return applications



57% of male taking persons had the nationality of the requested State while a staggering 92% of female taking persons were Israeli nationals, which contrasts

with the global norms. Globally, 53% of male and 52% of female taking persons had the nationality of the requested State.

(b) Incoming access applications

Unlike the situation with taking persons in return applications, the female respondent did not have Israeli nationality while the male respondent was an Israeli national.

The children

6. The total number of children

There were 33 children involved in the 19 return applications and 6 children involved in the 2 access applications. Altogether, therefore, 39 children were involved in new incoming applications received by Israel in 1999.

7. Single children or sibling groups

(a) Incoming return applications

Single Child or Sibling Group

	Number	Percent
Single Child	8	42
Sibling Group	11	58
Total	19	100

Number of Children

	Number	Percent
1 Child	8	42
2 Children	8	42
3 Children	3	16
Total	19	100

Globally, most applications, 63%, involved single children rather than sibling groups. In applications to Israel, however, more applications involved sibling groups than single children.

(b) Incoming access applications

Both the access applications involved sibling groups. One of these was a group of four children, whereas globally there were only two other applications which involved four siblings.

8. The age of the children

(a) *Incoming return applications*

Age of the Children

	Number	Percent
0-4 years	11	33
5-9 years	13	39
10-16 years	9	27
Total	33	100

The proportion of children in each of the above age categories broadly follows the global norms.

(b) *Incoming access applications*

Age of the Children

	Number	Percent
0-4 years	2	33
5-9 years	1	17
10-16 years	3	50
Total	6	100

Unusually, the majority of the children involved in the access applications were aged over 10 years old. Globally, only 29% of children were in this age category. Nevertheless, meaningful analysis is difficult given that there were only 6 children involved in these access applications.

9. The gender of the children

(a) *Incoming return applications*

Gender of the Children

	Number	Percent
Male	18	55
Female	15	45
Total	33	100

The proportion of male to female children closely follows the global norms of 53% and 47% respectively.

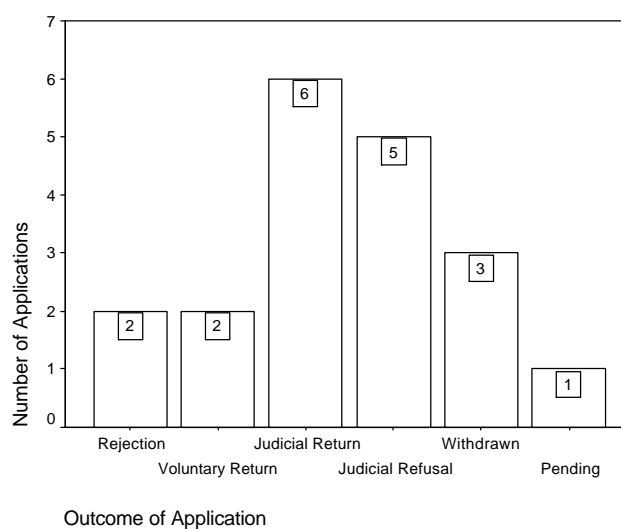
(b) Incoming access applications**Gender of the Children**

	Number	Percent
Male	1	17
Female	5	83
Total	6	100

Globally, 50% of children involved in access applications were female, while in applications to Israel five of the six children were female.

The outcomes**10. Overall outcomes****(a) Incoming return applications****Outcome of Application**

	Number	Percent
Rejection	2	11
Voluntary Return	2	11
Judicial Return	6	32
Judicial Refusal	5	26
Withdrawn	3	16
Pending	1	5
Total	19	100



The proportion of cases which resulted in a judicial return, at 32%, is identical to the global norm, while the proportion of voluntary returns at 11% is below the

global norm of 18%. Combining judicial and voluntary returns, there was an overall return rate of 42% which is below the global average of 50%. Almost 58% of applications to Israel went to court, 45% of which ended in a judicial refusal, and 55% in a judicial return. This differs from the global position where 74% of applications which went to court resulted in a judicial return. The overall refusal rate of 26% is much higher than the global norm of 11%. The proportion of applications which were rejected and withdrawn are similar to the global norms. As of May 2001 one application was still pending.

(b) *Incoming access applications*

Both of the incoming access applications were withdrawn.

11. The reasons for rejection

(a) *Incoming return applications*

One application was rejected because the child was found to be in an area controlled by the Palestinian Authority. The other application was rejected because the child was not habitually resident in the requesting State. However, the application was then brought directly before the court and by agreement of the parties the court ordered the return of the child to the requesting State.

12. The reasons for judicial refusal

(a) *Incoming return applications*

Three of the five refused applications were refused on the basis of more than one reason. In one case the child was not habitually resident in the requesting State and there was Article 13a consent. In the second case the refusal was based on Article 13b and the objections of a 10 year old child. The third case was refused because of Article 13a consent and Article 13a acquiescence. A fourth case was refused solely on the grounds of Article 13a acquiescence and the reason given in the fifth case is not clear.

13. The reasons for judicial refusal and the gender of the taking person

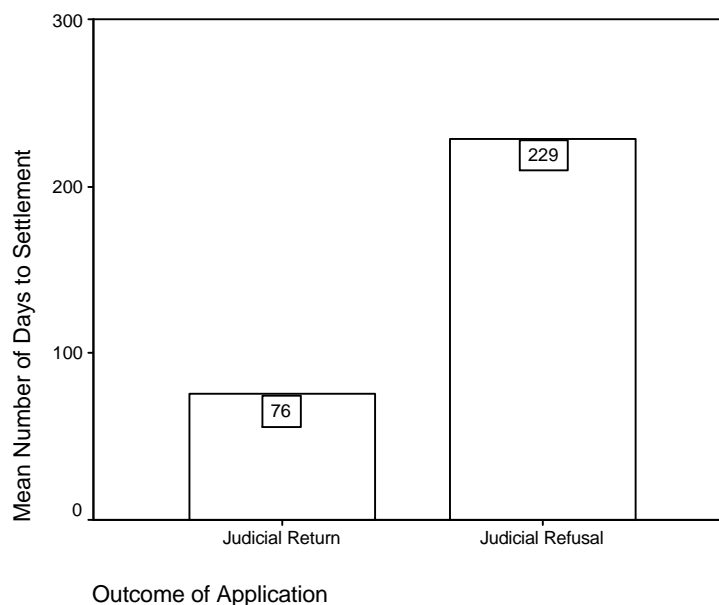
(a) *Incoming return applications*

All five of the applications which were judicially refused involved a female taking person. This is disproportionate to the proportion of applications, 63%, which involved a female taking person.

Speed

14. The time between application and outcome

(a) *Incoming return applications*



Timing was available on 5 of the 6 judicial returns, 4 of the 5 judicial refusals and neither of the voluntary returns. On average it took 76 days from application to outcome in the judicially returned cases. This is faster than the global average speed of 107 days. Conversely, the judicially refused cases took an average time of 229 days, which is considerably slower than the global average speed of 147 days. The times given here are for final judicial settlement and include six cases which went to appeal. Three of these ended in judicial return and thus the average time of 76 days is incredibly quick. Three others ended in judicial refusal.

	Outcome of Application	
	Judicial Return	Judicial Refusal
Mean	76	229
Median	75	164
Minimum	43	111
Maximum	131	476
Number of Cases	5	4

The chart above shows the mean, the median, the minimum and the maximum number of days from application to final outcome.

(b) *Incoming access applications*

Both the access cases were withdrawn and therefore timing was not stated.

15. Appeals

(a) *Incoming return applications*

Globally only 14% of cases going to court were appealed, while in applications to Israel this proportion was higher at 55%. Four of the six appeal cases were decisions to return and two were decisions refusing return. Three of the four appealed return decisions were upheld on appeal, the fourth ended in a judicial refusal. Both the judicial refusals at first instance were upheld on appeal. We have information on timing for two of the three judicial returns at appellate level. These were both decided relatively quickly, that is in 43 and 75 days respectively. The three judicial refusals on appeal took an average of 268 days from application to final conclusion. Globally, judicial returns on appeal took an average of 208 days and judicial refusals on appeal took an average of 176 days. Consequently, judicial return cases to Israel were determined considerably quicker than the global average, while judicial refusals were considerably slower, albeit that there were only a small number of cases.