

QUESTIONNAIRE CONCERNING THE PRACTICAL OPERATION OF THE 1980 CONVENTION

Wherever your replies 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.

Name of State or territorial unit:¹	Ireland
<i>For follow-up purposes</i>	
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PART I: RECENT DEVELOPMENTS²

1. Recent developments in your State

1.1 Since the 2011 / 2012 Special Commission, 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 in the legislation / rules, and, where possible, the results achieved in practice (e.g., reducing the time required to decide cases).

- No
 Yes, please specify:

Section 2(4A) of the Guardianship of Infants Act, 1964, as inserted by Section 43(c) of the Children and Family Relationship Act 2015 provides that certain un-married fathers may automatically become guardians of their children. This occurs where the un-married father has lived with the child's mother for a period of at least 12 consecutive months – three of which must be consecutive with both mother and child. This consecutive 12 month period can occur at any time until the child is 18 years old.

The above provision commenced in law on 18 January 2016 and is not retrospective. Therefore, it is possible that from 18 January 2017 certain un-married fathers have acquired guardianship over their child(ren). If there is a disagreement over whether guardianship rights have been acquired by the un-married father under this provision, either party can apply to the Irish courts for a declaration.

1.2 Please provide a brief summary of any significant decisions concerning the interpretation and application of the 1980 Convention rendered since the 2011 / 2012 Special Commission by the relevant authorities³ in your State including in the context of the 20 November 1989 United Nations Convention on the Rights of the Child and relevant regional instruments.

DPP -v- Moustafa Ismaeil [2012] IECCA 36 – Finnegan J.

Following trial in the Circuit Court, the appellant was convicted of a single count of child abduction contrary to Section 17 of the Non-Fatal Offences Against the Person Act 1997. Following the break-up of a marriage between the appellant's brother and his wife, the

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

² This Part of the Questionnaire is intended to deal primarily with the developments in law and practice relating to international child abduction and international child protection which have occurred in your State since the Sixth Meeting of the Special Commission to review the operation of the *Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction* and the *Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children* (1-10 June 2011 and 25-31 January 2012) (hereinafter "the 2011 / 2012 Special Commission"). However, if there are important matters which you consider should be raised from *prior* to the 2011 / 2012 Special Commission, please provide such information here.

³ 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 States Parties such "authorities" will be courts (*i.e.*, judicial), in some States Parties administrative authorities remain responsible for decision-making in Convention cases.

appellant abducted the couple's son and took him to live with his brother's family in Egypt. The child had been dressed as a young girl and presented as the appellant's daughter in order to evade immigration and passport control. The child now remains in Egypt with the Ismaeil family and the child's mother has only been able to visit him on a number of occasions.

The sentencing Judge described the crime as "appalling" and one demanding the full rigours of the law. In noting that a maximum sentence of 7 years was provided for under the Act, the sentencing Judge reduced the sentence by 1 year having regard to the following: the relatively good previous character of the appellant, the acknowledgment that custody may prove more onerous for him on account of his nationality and the fact that he had not presented a false account to the jury (he had not given evidence).

The Court of Criminal Appeal considered whether the offence in question was one capable of attracting the maximum sentence. The appellant made submissions to the effect that maximum sentences should only be applied where the conduct is at the highest end of seriousness capable of being envisaged for the particular offence.

However, in finding the offending calculated and intentional, and in particular the permanent nature of the child's abduction, the Court of Criminal Appeal stated that the case fell within the very worst category of offences under the section and precisely the type of case envisaged by Section 29 of the Criminal Justice Act 1999 which might have attracted a maximum sentence even on a guilty plea. The Court of Criminal Appeal noted the infringements of the mother's constitutional rights and queried whether 7 years was even a sufficient penalty for such offences. The sentence was found to be entirely proportionate and the appeal was dismissed.

1.3 Please provide a brief summary of any other significant developments in your State since the 2011 / 2012 Special Commission relating to international child abduction.

There has been extensive reform of family law in this State in recent years to place a greater emphasis on recognising the rights of the child to the society of both his or her parents. The Children and Family Relationships Act 2015, which was enacted in April 2015, is a child-centred Act which addresses the rights of children to legal security, to the care of their parents and important adults in their lives, and to equality before the law. Step-parents, civil partners and cohabiting partners can now apply for custody, or to become guardians of a child. The Act also makes it easier for grandparents and other key people in a child's life to apply for access. These reforms in family law recognise the crucial role of parents and the need for a child to maintain meaningful relationships with both parents.

Under section 11 of the Guardianship of Infants Act 1964, the guardian of a child may apply to the court for an order giving directions on any question affecting the welfare of the child, including the custody of, and access to, the child and the payment of maintenance. In relation to the guardianship, custody or upbringing of, or access to, a child section 3 of the Guardianship of Infants Act 1964 provides that the best interests of the child shall be the paramount consideration for the court in these proceedings. The Children and Family Relationships Act 2015 inserted a new Part V into the Guardianship of Infants Act 1964 which sets down the factors and circumstances that the court shall have regard to when determining what is in the best interests of the child. These factors include the benefit to the child of having a meaningful relationship with each of his or her parents. Section 25 of the 1964 Act also requires the court, as it thinks appropriate and practicable, to take into account the child's wishes in custody and access matters, having regard to the age and understanding of the child.

There has also been an amendment to family law legislation to assist parents who need to return to court because the other parent has breached a court order in relation to custody or access to a child. Section 56 of the Children and Family Relationships Act 2015 inserted a new section 18A into the Guardianship of Infants Act 1964 and this provides that where a parent or guardian of a child has been granted custody or access to the child under the 1964 Act, but he or she has been unreasonably denied such custody or access by another guardian or parent, that person may apply to court for an enforcement order.

2. Issues of compliance

2.1 Are there any States Parties to the 1980 Convention with whom you are having particular challenges in achieving successful co-operation? Please specify the challenges you have encountered and, in particular, whether the problems appear to be systemic.

- No
 Yes, please specify:

2.2 Are you aware of situations / circumstances in which there has been avoidance / evasion of the 1980 Convention?

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

PART II: THE PRACTICAL OPERATION OF THE 1980 CONVENTION
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3. The role and functions of Central Authorities designated under the 1980 Convention⁴

In general

3.1 Have any challenges arisen in practice in achieving effective communication or co-operation with other Central Authorities?

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

3.2 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 States Parties with whom you have co-operated?

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

3.3 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

3.4 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 you have dealt with?

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

3.5 Are you aware of any other challenges in your State, or, where cases originate in your State, in any of the requested States you have dealt with, regarding the obtaining of legal aid, advice and / or representation for either left-behind parents or taking parents?⁵

⁴ See also Section 5 below on "Ensuring the safe return of children" which involves the role and functions of Central Authorities.

⁵ See paras 1.1.4 to 1.1.6 of the "Conclusions and Recommendations of the Fifth Meeting of the Special Commission to review the operation of the *Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction* and the practical implementation of the *Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children* (30 October – 9 November 2006) (hereinafter referred to as the "[Conclusions and Recommendations of the 2006 Special Commission](#)") and paragraphs 32 to 34 of the [Conclusions and Recommendations of the Special Commission to review the operation of the Hague Convention of 19 October 1980 on Jurisdiction, Applicable law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children \(1-10 June 2011 and 25-31 January 2012\)](#)

- No
 Yes, please specify:

All applicants automatically granted legal aid without a financial contribution. The Legal Aid Board provide a prioritised service within a specialised unit in Law Centre Smithfield. The respondent in the proceedings must apply for legal aid and be subject to a merits and means test within the meaning of the Civil Legal Aid Act 1995.

Locating the child

3.6 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:

We have experienced difficulties in some cases locating the children, the cases of M, W, R and K for example.

3.7 Has your Central Authority worked with any external agencies to discover the whereabouts of a child wrongfully removed to or retained within your State (e.g., the police, Interpol, private location services)?

- No
 Yes, please share any good practice on this matter:

In such cases via the Central Authority, Gardai and information from Social Welfare and Revenue have assisted in tracking a child.

We have advised clients to seek orders in the requesting jurisdiction to track bank withdrawals. This has been used successfully in a number of UK cases. We have obtained Court Orders to check school rolls in a particular case. We use experienced summons servers who have used their skills to track and locate the Respondent in a local area.

Information exchange, training and networking of Central Authorities

3.8 Has your Central Authority shared its expertise with another Central Authority or benefited from another Central Authority sharing its expertise with your Central Authority, in accordance with the Guide to Good Practice – Part I on Central Authority Practice?⁶

- No
 Yes, please specify:
 Please insert text here

3.9 Has your Central Authority organised or participated in any other networking initiatives between Central Authorities such as regional meetings via conference call or videoconference?

- No
 Yes, please specify:
 Please insert text here

Statistics⁷

3.10 If your Central Authority does not submit statistics through the web-based INCASTAT database, please explain why.

Please insert text here

Prompt handling of cases

(hereinafter the "C&R of the 2011/2012 Special Commission") (available on the Hague Conference website at < www.hcch.net > under "Child Abduction Section" then "Special Commission meetings").

⁶ Available on the Hague Conference website at < www.hcch.net > under "Child Abduction Section" then "Guides to Good Practice". See, in particular, Chapter 6.5 on twinning arrangements.

⁷ See paras 1.1.16 to 1.1.21 of the Conclusions and Recommendations of the 2006 Special Commission (*supra*. note 5).

3.11 Does your Central Authority have mechanisms in place to ensure the prompt handling of cases?

No

Yes, please specify:

We aim to acknowledge incoming and outgoing applications and action them as soon as possible.

3.12 If your Central Authority is experiencing delays in handling cases please specify the main reasons for these delays:

Please insert text here

4. **Court proceedings & promptness**

4.1 Has your State limited the number of judicial or administrative authorities who can hear return applications under the 1980 Convention (*i.e.*, concentration of jurisdiction)?⁸

Yes

No, please indicate if such arrangements are being contemplated:

Please insert text here

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

No

Yes, please explain:

Cases are given priority, there is a weekly call over and these are summary proceedings.

4.3 If your response to the previous question 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 explain:

Please insert text here

Yes, please explain:

Please insert text here

4.4 If your State is experiencing delays in handling return decisions please specify the main reasons for these delays:

Delays can be caused by issues such as the conduct of the respondent, delays in the respondent applying for legal aid and being granted same and the availability of a judge to hear the matter. Other matters such as receipt of relevant documentation from the requesting State, translation of key documentation, pleadings and instructions, difficulties in service, delay in the respondent instructing a Solicitor.

If the views of the Child are sought we must await the report of the psychologist. Obtaining an affidavit of Laws can significantly delay the proceedings. We have experienced difficulties in identifying an appropriate lawyer to prepare the Affidavit. Assistance in identifying suitable Lawyers by the Central Authority of the requesting State would materially improve the process and lead to greater efficiencies.

4.5 Do your courts regularly order immediate protective measures when initiating the return procedure, so as to prevent a new removal and minimize the harm to the child (*e.g.*, prohibit removal of the child from the jurisdiction, retain documentation, grant provisional access rights to the left-behind parent)?

No, please explain:

Please insert text here

Yes, please explain:

Yes in all cases, either by way of an undertaking from the Respondent or by way of an ex-parte Court Order, the Court will prohibit the removal of the child from the

⁸ See, *The Judges' Newsletter* on International Child Protection – [Vol. XX / Summer-Autumn 2013](#) the special focus of which was "Concentration of jurisdiction under the *Hague Convention of 25 October 1980 on the civil aspects of International Child Abduction* and other international child protection instruments".

jurisdiction. If there is a flight risk this may include Orders directed to the Air and Port Authorities. The Applicant is entitled to apply for interim access. In many cases access will be arranged without recourse to a Court application.

4.6 Do your courts make use of direct judicial communications to ensure prompt proceedings?

Yes

No, please explain:

[Please insert text here](#)

4.7 If your State has not designated a sitting judge to the International Hague Network of Judges does your State intend to do so in the near future?

Yes

No, please explain:

[Please insert text here](#)

4.8 Please comment upon any cases (whether your State was the requesting or 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?

[Please insert text here](#)

5. **Ensuring the safe return of children**⁹

*Methods for ensuring the safe return of children*¹⁰

5.1 What measures has your Central Authority taken to ensure that the recommendations of the 2006 and 2011 / 2012 Special Commission meetings¹¹ regarding the safe return of children are implemented?

[The Irish High Court as a matter of course seek undertakings from the applicant, such as financial undertakings. The Courts can make mirror orders.](#)

5.2 In particular, in a case where the safety of a child is in issue and where a return order has been made in your State, how does your Central Authority ensure that the appropriate child protection bodies in the *requesting* State are alerted so that they may act to protect the welfare of a child upon return (until the appropriate court in the requesting State has been effectively seised)?

[In a recent case of K the High Court used Article 11 of the Hague Convention 1996 on jurisdiction, applicable law, recognition enforcement and cooperation in respect of parental responsibility and measures for the protection of children to make an interim order by which the children remained in the custody of the respondent until further order from the requesting State .](#)

5.3 Where there are concerns in the requested State regarding possible risks for a child following a return, what conditions or requirements can the relevant authority in your State put in place to minimise or eliminate those concerns?

[The Court in a return will where necessary lift the In Camera rule to permit notification of relevant parties and agencies. Where Social Services in Ireland are involved in the case, they will communicate with their counterparts in the requesting State. We are aware in certain cases that Social Services from the requesting State have travelled to collect the children from this jurisdiction.](#)

Use of the 1996 Convention to ensure a safe return

⁹ See **Art. 7(2) h** of the 1980 Convention.

¹⁰ Where relevant, please make reference to the use of undertakings, mirror orders and safe harbour orders and other such measures in your State.

¹¹ See the [Conclusions and Recommendations](#) of the Special Commission of 2006 (*supra*. note 5) at paras 1.1.12 and 1.8.1 to 1.8.2 and 1.8.4 to 1.8.5 and the Appendix to the Conclusions and Recommendations and the Conclusions and Recommendations of the 2011 / 2012 Special Commission (*supra*. note 5).at paras 39-43.

5.4 If your State is not Party to the 1996 Convention, is consideration being given to the possible advantages of the 1996 Convention in providing a jurisdictional basis for urgent protective measures associated with return orders (**Arts 7 and 11**), in providing for their recognition by operation of law (**Art. 23**), and in communicating information relevant to the protection of the child (**Art. 34**)?

- No
 Yes, please explain:
[Please insert text here](#)

Protection of primary carer

5.5 Are you aware of cases in your State where a primary carer taking parent, for reasons of personal security (e.g., domestic or family violence, intimidation, 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.

[In a case from 2013 of L, the court found for reasons of the Respondent's mental health, that if she was forced to return, this would put the children in an intolerable situation and therefore the Court refused to make an order for return in that case.](#)

5.6 In particular, would your authorities consider putting in place measures to protect the primary carer upon return in the requesting State as a mean to secure the safe return of the child? Please explain and provide case examples where possible.

[The protection of the primary carer on return is a matter for the requesting jurisdiction. For the requested jurisdiction to become involved in these matters would essentially embrace a welfare investigation in the jurisdiction least suited to undertake such an investigation and provide the respondent with an unwarranted and real advantage. We are aware that in some cases the Irish High Court granted a stay on the order for return to allow the respondent seek Protective Orders in the Requesting State.](#)

Post-return information

5.7 In cases where measures are put in place in your State to ensure the safety of a child upon return, does your State (through the Central Authority, or otherwise) attempt to monitor the effectiveness of those measures upon the child's return? Would you support a recommendation that States Parties should co-operate to provide each other with follow-up information on such matters, insofar as is possible?

[From our perspective, child welfare is a matter for the states to which children are returned.](#)

5.8 If your State is not Party to the 1996 Convention, is consideration being given to the possible advantages of the 1996 Convention in providing a jurisdictional basis for requesting a report on the situation of the child upon return to the State of habitual residence (**Art. 32-(a)**)?

- No
 Yes, please explain:
[Please insert text here](#)

6. Voluntary agreements and mediation

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

[From the perspective of the legal representatives for the applicants, we would regularly assist in reaching settlements where it was in the best interests of the child. Mediation and early settlement of applications is actively canvassed and facilitated by Legal Aid Board Staff](#)

and lawyers. This may be through voluntary return or alternate access or custody arrangements.

6.2 In what ways have you used the "Guide to Good Practice on Mediation"¹² for the purpose of implementing the 1980 Convention in your State? Please explain:

We have established a pilot mediation project with the Irish Family Mediation service. We are facilitated with a prioritised appointment. There is no cost to either party. To date we have referred a number of cases where mediation has been instrumental in a successful resolution between the parties.

6.3 Has your State considered or is it in the process of considering the establishment of a Central Contact Point for international family mediation to facilitate access to information on available mediation services and related issues for cross-border family disputes involving children, or has this task been entrusted to the Central Authority?¹³

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

7. Preventive measures

7.1 Has your State taken steps to advance the development of a travel form under the auspices of the International Civil Aviation Organisation?¹⁴

- No
- Yes, please describe:
Please insert text here

7.2 Regardless of whether the International Civil Aviation Organisation adds the development of a travel form to its work programme, would your State support the development of a non-mandatory model travel form under the auspices of the Hague Conference?

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

8. The Guide to Good Practice under the 1980 Convention

8.1 In what ways have you used the Parts of the Guide to Good Practice¹⁵ to assist in implementing for the first time, or improving the practical operation of, the 1980 Convention in your State?

- a. Part I on Central Authority Practice. Please explain:
The Guide is indispensable to all practitioners in underpinning good practice in this area and assisting in the monitoring and evaluation of outcomes.
- b. Part II on Implementing Measures. Please explain:
Ibid.
- c. Part III on Preventive Measures. Please explain:
Ibid.
- d. Part IV on Enforcement. Please explain:
Ibid.

¹² Available on the Hague Conference website at < www.hcch.net > under "Child Abduction Section" then "Guides to Good Practice".

¹³ As it has been encouraged in the Guide to Good Practice on Mediation, Chapter 4, on "Access to Mediation". par. 114-117. See also Conclusions and Recommendations of the 2011 / 2012 Special Commission (*supra*. note 5) at par. 61.

¹⁴ See the Conclusions and Recommendations of the 2011 / 2012 Special Commission (*supra*. note 5) at par. 92.

¹⁵ All Parts of the Guide to Good Practice under the 1980 Convention are available on the Hague Conference website at < www.hcch.net > under "Child Abduction Section" then "Guides to Good Practice".

8.2 How have you ensured that the relevant authorities in your State have been made aware of, and have had access to, the Guide to Good Practice?

The Guide to Good Practice is distributed to all stakeholders in The Hague process as and when revisions are made available.

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

No observations

9. **Publicity and debate concerning the 1980 Convention**

9.1 Has the 1980 Convention given rise to (a) any publicity (positive or negative) in your State, or (b) any debate or discussion in your national parliament or its equivalent?

No

Yes, please indicate the outcome of this debate or discussion, if any:

From time to time, parliamentary questions are asked of The Minister for Justice & Equality regarding international child abduction, who's ministry includes responsibility for the 1980 Hague convention.

9.2 By what methods does your State disseminate information to the public about the 1980 Convention?

Through the website of the Department of Justice & Equality.

PART IV: TRANSFRONTIER ACCESS / CONTACT AND INTERNATIONAL FAMILY RELOCATION
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10. **Transfrontier access / contact**¹⁶

10.1 Since the 2011 / 2012 Special Commission, have there been any significant developments in your State regarding Central Authority practices, legislation, procedural rules or case law applicable in cases of transfrontier contact / access?

No

Yes, please explain:

See 1.1

10.2 Please indicate any important developments in your State, since the 2011 / 2012 Special Commission, in the interpretation of **Article 21** of the 1980 Convention.

Please insert text here

10.3 What problems have you experienced, if any, as regards co-operation with other States in respect of:

a. the granting or maintaining of access rights;

No observations

b. the effective exercise of rights of access; and

No observations

c. the restriction or termination of access rights.

No observations

Please provide case examples where possible.

No observations

¹⁶ See the [Conclusions and Recommendations](#) of the 2006 Special Commission (*supra.* note 5) at paras 1.7.1 to 1.7.3.

10.4 In what ways have you used the "General Principles and Guide to Good Practice on Transfrontier Contact Concerning Children"¹⁷ to assist in transfrontier contact / access cases in your State? Can you suggest any further principles of good practice?

No observations

11. International family relocation¹⁸

11.1 Since the 2011 / 2012 Special Commission, have there been any significant developments in your State regarding the legislation, procedural rules or case law applicable to international family relocation? Where possible, please explain these developments in the legislation, procedural rules or case law:

The Central Authority does not deal with applications for relocation.

PART V: NON-CONVENTION CASES AND NON-CONVENTION STATES

12. Non-Convention cases and non-Convention States

12.1 Are there any States that you would particularly like to see become a State 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:

No observations

12.2 Are there any States which are not Parties to the 1980 Convention or not Members of the Hague Conference that you would like to see invited to the Special Commission meeting in 2017?

No observations

*The "Malta Process"*¹⁹

12.2 In relation to the "Malta Process":

a. Do you have any comment to make on the "Principles for the Establishment of Mediation Structures in the context of the Malta Process" and the accompanying Explanatory Memorandum?²⁰

No observations

b. Have any steps been taken towards the implementation of the Malta Principles in your State and the designation of a Central Contact Point, in order to better address cross-border family disputes over children involving States that are not a Party to the 1980 and 1996 Hague Conventions?

No

¹⁷ Available on the Hague Conference website at < www.hcch.net > under "Child Abduction Section" then "Guides to Good Practice".

¹⁸ See the Conclusions and Recommendations of the 2006 Special Commission meeting at paras 1.7.4 to 1.7.5: "1.7.4 The Special Commission concludes that parents, before they move with their children from one country to another, should be encouraged not to take unilateral action by unlawfully removing a child but to make appropriate arrangements for access and contact preferably by agreement, particularly where one parent intends to remain behind after the move. 1.7.5 The Special Commission encourages all attempts to seek to resolve differences among the legal systems so as to arrive as far as possible at a common approach and common standards as regards relocation."

¹⁹ The "Malta Process" is a dialogue between certain States 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 Hague Conference website at < www.hcch.net > under "Child Abduction Section" then "Judicial Seminars on the International Protection of Children".

²⁰ The Principles and Explanatory Memorandum were circulated to all Hague Conference Member States and all States participating in the Malta Process in November 2010. They are available on the Hague Conference website at < www.hcch.net > under "Child Abduction Section" then "Judicial Seminars on the International Protection of Children".

Yes, please explain:
Please insert text here

- c. What is your view as to the future of the “Malta Process”?
No observations

**PART VI: TRAINING AND EDUCATION AND
THE TOOLS, SERVICES AND SUPPORT PROVIDED
BY THE PERMANENT BUREAU**

13. Training and education

13.1 Can you give 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?

Training as required by Central Authority staff. Updates as required on legal developments relating to the Convention provided to staff responsible for its implementation. Participation in the International Hague Network of Judges.

14. The tools, services and support provided by the Permanent Bureau

In general

14.1 Please comment or state your reflections on the specific tools, services and support provided by the Permanent Bureau to assist with the practical operation of the 1980 and 1996 Conventions, including:

- a. The Country Profile available under the Child Abduction Section.
No observations
- b. INCADAT (the international child abduction database, available at < www.incadat.com >).
No observations
- c. *The Judges’ Newsletter* on International Child Protection - the publication of the Hague Conference on Private International Law which is available online for free;²¹
No observations
- d. The specialised “Child Abduction Section” of the Hague Conference website (< www.hcch.net >);
No observations
- e. INCASTAT (the database for the electronic collection and analysis of statistics on the 1980 Convention);²²
No observations
- f. Providing technical assistance and training to States Parties regarding the practical operation of the 1980 and 1996 Conventions.²³ Such technical assistance and training may involve persons visiting the Permanent Bureau or, alternatively, may involve the Permanent Bureau organising, or providing assistance with organising, national and international judicial and other seminars and conferences concerning the Convention(s) and participating in such conferences;
No observations

²¹ Available on the Hague Conference website at < www.hcch.net > 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.

²² Further information is available via the Hague Conference website at < www.hcch.net > under “Child Abduction Section” then “INCASTAT”.

²³ Such technical assistance may be provided to judges, Central Authority personnel and / or other professionals involved with the practical operation of the Convention(s).

- g. Encouraging wider ratification of, or accession to, the Convention(s), including educating those unfamiliar with the Convention(s);²⁴
No observations
- h. Supporting communications between Central Authorities, including maintaining their contact details updated on the HCCH website;
No observations
- i. 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
No observations

Other

- 14.2 What other measures or mechanisms would you recommend:
- a. To improve the monitoring of the operation of the Conventions;
No observations
 - b. To assist States in meeting their Convention obligations; and
No observations
 - c. To evaluate whether serious violations of Convention obligations have occurred?
No observations

**PART VII: PRIORITIES AND RECOMMENDATIONS FOR THE SPECIAL COMMISSION
AND ANY OTHER MATTERS**

15. Views on priorities and recommendations for the Special Commission

15.1 Which matters does your State think ought to be accorded particular priority on the agenda for the Special Commission? Please provide a brief explanation supporting your response.

No observations

15.2 States are invited to make proposals concerning any particular recommendations they think ought to be made by the Special Commission.

No observations

16. Any other matters

16.1 States are invited to comment on any other matters which they may wish to raise concerning the practical operation of the 1980 Convention.

No observations

²⁴ Which again may involve State delegates and others visiting the Permanent Bureau or, alternatively, may involve the Permanent Bureau organising, or providing assistance with organising, national and international judicial and other seminars and conferences concerning the Convention(s) and participating in such conferences.