

**HAGUE CONVENTION OF 25 OCTOBER 1980
ON THE CIVIL ASPECTS OF INTERNATIONAL CHILD ABDUCTION**

STANDARD QUESTIONNAIRE FOR NEWLY ACCEDING STATES

response from: [Cabo Verde]

date of response: [07/11/2023]

I Implementing legislation

(a) Is implementing legislation necessary to bring the Convention into force in domestic law?

No.

(b) If so, has the necessary legislation been enacted, and is it in force? *(Please provide a copy or indicate where copies of the legislation may be obtained.)*

II Locating children

Please indicate the agencies involved and the processes available for the location of missing children in your country:

To locate missing children, competent authorities may request the collaboration of any public or private entity, especially police authorities. We have a National Interpol office, which can use all their tools to help in this aspect.

III Central Authority

(a) The designation and contact details of the Central Authority (please note that this information will be added to the relevant webpage of the Hague Conference website):

**Departamento Central de Cooperação e Direito Comparado (DCCDC) da
Procuradoria-Geral da República**

Achada Santo António, Praia, Cabo Verde.

CP 268

Telefone 00238 2615749;

Fax. 00238 2616884

Email: autoridade@pgr.gov.cv;

www.ministeriopublico.cv

(b) Contact persons within the Central Authority, languages spoken, contact details for each (see remark at (a) above):

Elisa Mendes - Prosecutor

Email: elisa.mendes@pgr.gov.cv;

Telephone: 00238 9982533/00298 5164789

Languages spoken: portuguese or english

(c) Please indicate measures taken to ensure that the Central Authority is in a position to carry out the functions set out in Article 7 of the Convention:

So far, the Prosecutor who works at the Central Authority has carried out self-training, with the support of the best practices manual made available by the Secretariat. However, she has already started contacts with the Central Authority of Portugal and Brazil, which speak the same language, for the purposes of training and exchanging experiences.

IV Judicial procedures

(a) Which courts/administrative bodies within your system have been given jurisdiction to consider applications for return orders (and questions of access) under the Convention?

No special Court has been designated for the Convention. According to our judicial organization, specialized family courts can be created. However, taking into account our territorial division, only 2 of the 17 existing Courts in the country have specialized family courts, which will be competent for Convention issues and all others aspects related to minors. In other districts, judges have generic jurisdiction.

(b) What measures exist to ensure that return applications will be dealt with expeditiously at first instance and on appeal?

The law establishes that cases relating to minors are urgent and must be decided even during judicial holidays. (article 134 of the Child and Adolescent Statute)

(c) What facilities are available to foreign applicants to assist them in bringing their applications before the courts, and in particular is legal aid available and, if so, on what conditions?

When the application is submitted to the Central Authority and there is a need to present it to the court, the documents will be forwarded to the prosecutor who is at the competent Court, to initiate the competent action, on behalf of the minor. Therefore, the Public Prosecutor's Office will act on behalf of the minor. But if the applicant also wants to have a more active participation in the process and does not have the financial means, he or she can request legal aid.

V Enforcement procedures

What procedures and measures exist for the enforcement of:

(a) a return order?

When a return order is issued and if necessary, the intervention of the police authorities may be requested for its enforcement. Therefore, if there is non-compliance with the return decision, the Court may order the intervention of police forces and the coordination of competent institutions, to carry out the decision.

(b) a contact/access order?

There may also be recourse to coercive/police forces to implement an access order.

VI Substantive law

(a) What are the legal criteria by which custody and contact determinations are made?

Parental authority over minors is attributed to both parents. If they do not live together, during the first 6 years of life custody is given primarily to the mother. However, the superior interests of the minor may dictate otherwise. The parent who does not have custody will have the right to contact the child and if the parents do not agree on this issue, the Court will decide the specific terms of this right of access.

(b) Is there a difference in the legal status of mothers and fathers in custody or contact cases?

Until the age of 6, primary custody is assigned to the mother, unless special circumstances suggest another solution. From that age onwards, the determining factor is the best interests of the child both when determining custody and contact.

VII Social services and child protection services

Please describe the services which exist for the assessment, care and protection of children in the context of international child abduction:

The Institute for Children and Adolescents is the main social service that exists for the purpose of protecting children in general. In addition to having reception centers, there are social technicians and psychologists who accompany children whenever necessary or requested by the judicial authorities

Please indicate the services available for the protection (if necessary) of returning children, as well as the services available (including legal advice and representation) to a parent accompanying the child on return:

Child protection is guaranteed by the Public Prosecutor's Office (which has as one of its responsibilities the representation of minors), the Institute for Children and Adolescents and the police authorities, if necessary. In terms of advice, the Public Prosecutor's Office also has this role, providing the necessary legal clarifications. The Public Prosecutor's Office also represents minors in

court, seeking their best interests. In relation to parents, they can request legal sponsorship from the Bar Association.

VIII Information and training

What measures are being taken to ensure that persons responsible for implementing the Convention (e.g. judges and Central Authority personnel) have received appropriate information and training?

(Note: the Permanent Bureau may be contacted for information in relation to forms of assistance which may be available for this purpose.)

Contacts have already been established with the Central Authorities of Brazil and Portugal, with the aim of organizing training actions for all authorities with competence in the matter, mainly judges, prosecutors and central authority. Furthermore, contact has also been established with the Secretariat, for the purposes of collaboration, as far as possible, with these training actions