

# 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:<sup>1</sup></b>	Honduras
<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:

However, the Honduras State through the Directorate of Childhood, Adolescence and Family DINAF since March 2022 gave an important step creating the Technical Executer of Hague Convention Unit UTECH being this specialized unite in charge of resolve the requests based on the Hague Conventions which Honduras is part of. At the same way, the DINAF through this unit will create law projects, rules, guidelines in order to have a better application of the Hague Conventions.

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;

All the documentation is tramited digitally in the Main Office regarding the Article 23 of the Convention

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

c) Promoting mediation and other forms of amicable resolution;

<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.

N/A

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

N/A

e) Obtaining evidence by electronic means;

N/A

f) Ensuring the safe return of the child;

N/A

g) Cooperation between Central Authorities and other authorities;

N/A

h) Providing information and guidance for parties involved in child abduction cases;

N/A

i) Other, please specify.

N/A

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
Chretien Cuellar	Chretien Cuellar File 23-2019	Constitutional Chamber	Mandatory face-to-face appearance before the Courthouse based on Sentence 1176-2020 of the Courthouse of the Supreme Court.
Please insert text here	Please insert text here	Please insert text here	Please insert text here
Please insert text here	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.

N/A

**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:  
Please insert text here

<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.

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:

### 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:

[Please insert text here](#)

#### 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

<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.”

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

Please insert text here

### 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:

Please insert text here

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:

As we mentioned in the Question number 1, the UTECH is promoting the protocols, guidelines, procedures and tools in order to apply in a better way the Convention of 1980. Such protocols will be elevated and applied in the Supreme Court.

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

- No  
 Yes

Please specify:

Please insert text here

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:

Recently, the DINAF through UTECH has requested a meeting with the Supreme Court to address these issues.

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?

At this moment, we do not know about any case with this kind of communication.

<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”.

## 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:

The main issue we have found is regarding the application of the Article 7 is specifically in it's literal G both in the contracting parties as in our State regarding to the obtencion of judicial is the assistance including the attorney participation. With this we referer to the legal representation to the applicants to an attorney in Courthouse

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:

The main issue we have is regarding the subsidiary application of the Procesal Civil Code and the no existence of a special law which may become more difficult the visit rights specially communication right of the parents with their children.

### 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?

- No  
 Yes

Please specify:

Particularly, in Honduras is needed the procesal representation by an attorney. Currently we do not have free legal services for representation by a legal representer before the Court. That is in our state. By the other hand in recent experiences the main challenges we had has been when we require the restitution of children who are in the United States is to found attorneys to take the cases of our citizen, even they gave a pro bono services, sometimes the cost is until \$2000 being too hard for our citizens who do not have that economic capacity to get a representer to elevate their cases a Courthouse.

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

<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”.

Please specify:

The main challenge we have is do not have free legal services for representation by a legal representer before the Court. That is in our state. By the other hand in recent experiences the main challenges we had has been when we require the restitution of children who are in the United States is to found attorneys to take the cases of our citizen, even they gave a pro bono services, sometimes the cost is until \$2000 being too hard for our citizens who do not have that economic capacity to get a representer to elevate their cases a Courthouse.

### 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:

In this case the main challenge is that the applicants just give us the name of the city where the children are located, without giving a exact address because they are unable to provide more information because either the father or the mother sustractor of the kids block every tipe of communication between the applicant, difficulting or making almost imposible to get exact information regarding location.

### 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 Central Authority through the Directorade of Childhood, Adolescence and Family DINAF locate and present directly to the address where the sustractor parent is, indicating the legal fundamentation based on the Convention and the posibilites of a voluntary return, amicable solution or continuation of the process in the Courthouse, if the sustractor parent decides a conciliation, they write an document where they record the aspects to conciliate by the sustractor parent side in order to being remited through the DINAF to the correspondent Central Authority and transmit to left behind parent.

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

Please specify:

No, the mechanism that we use in Honduras trough DINAF as Central Authority is the detailed in the previos answer N° 18, if this conciliation step fails in Administrative Campus once the caso is elevated to the Courthouse, in this stage the judge again asks the parties to get an amicable resolution or a conciliation. If this fails, it continues at judicial process

<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".

until to obtain a resolution which determinates the restitution or not of the child of the process.

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:

Yes, as we detailed in the answer N| ° 18 and 19.

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:

In this case we have not consider it yet because previously to the application of these methods Honduras through DINAF is prioritizing to the creation of special laws, guidelines, protocols and tools to the correct application of the 1980 Convention.

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 the cases that have been taken during the 1980 Convention application we have not seeing the need to the application of protection mesures, although if it is necessary to applicate mesures we would request the protection mesures availables in the requestin state.

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:

The Central Authority of Honduras, through DINAF, carries out follow-up reports through psychosocial studies requested by any contacting Central Authority.

### 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

<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.

<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).

Please specify:

The most recent meeting establishing network initiatives was on October 2022 with US Central Authority who came to visit Honduras. This event was organized and coordinated together with the Regional Office for Latin America and the Caribbean (ROLAC) and the participation of the Central Authority of Paraguay; Nicaragua and Brasil virtually. With US Central Authority we keep meeting virtually once a month to speak about the cases, good practices application and experiences exchanges.

### 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:

We currently have a guide for the application of the 1980 Convention, however, it is under review. Likewise, DINAF, as the Central Authority, is promoting the creation of a special law for the application of the 1980 Convention both in the Administrative Campus and in the Courthouse.

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

- No  
 Yes

Please specify:

DINAF as Central Authority designed has guidelines, process and procedures to the management of cases in the application of 1980 Convention as a requesting state and as a required state. It is cheked that each application comes with the requirements based on the Article 8. Met these requirements we assigned the correspondent file number and we give this file to the follow up officcer for it processing.

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  
 Yes

In case this information is publicly made available, please share the links to the statistical reports:

UTECH has a register and data base of incoming cases and resolved cases per each year.

### 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

<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.

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



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)	<input checked="" type="checkbox"/> 1. Assistance in obtaining information on the operation of the 1980 Convention <input checked="" type="checkbox"/> 2. Assistance in obtaining information on the relevant laws and procedures in the requested State <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 <input checked="" type="checkbox"/> 4. Transmission of the request to the Central Authority or to the competent authorities in the requested State <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 <input checked="" type="checkbox"/> 6. Assistance in providing or facilitating the provision of legal aid and advice <input type="checkbox"/> 7. Assistance in obtaining private legal counsel or mediation services, where needed in the requested State <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: <a href="#">Please insert text here</a>
A request of assistance to organise or secure effective exercise of rights of access in <b>your State</b> (as requested State)	<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

<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"/> 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: Please insert text here
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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:  
Both our national legislation of Honduras as the Child Rights Convention of 1989 guarantees the child right to be listened. In this sense, such as the DINAF officials as Courthouse officials attends to the maturity of the child to be listened determining those extrens through psycosotial tests wich will determine if the child has been manipulated by any of the parents or if this has the enough maturity to know and pronounce the process.

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:  
Based on the principles and normatives in the Childhood Honduras Code and the Child Rights Convention regarding the child rights to be listened and give his opinion in this kind of procedures.

**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:

Currently Honduras Central Authority attending the article 8 complemented with the established in the article 7 of the convention activates its inter-institutional mechanisms specifically with the Registro Nacional de las Personas NRP, the obtaining of IDs, both requestings people or the child which are objects in a international restitution both as requesting state as required state.

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

### 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:

Based on the best interest of the child and complemented by article 13 of 1980 Convention, Honduras judges in several cases determinated non procedent the international restitution requestings, determining the huge challenge that we have as State is the need of the unification of judges criteria regarding the application of the 1980 Convention the creation of guidelines, protocols and special laws to the correct and unified application of the 1980 Convention

<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.”

### 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**)
- (b) providing for the recognition of urgent protective measures by operation of law (**Art. 23**)  
Please insert text here
- (c) providing for the advance recognition of urgent protective measures (**Art. 24**)  
Please insert text here
- (d) communicating information relevant to the protection of the child (**Art. 34**)  
Please insert text here
- (e) making use of other relevant cooperation provisions (e.g., **Art. 32**)  
Please insert text here
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:  
DINAF through the UTECH petitioned by a contracting party of the 1996 Convention makes the belong follow up of the case making the psychological or social tests regarding to a concrete case.

### 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:  
In this kind of cases we processes the application as any other application of international restitution. At the moment to elevate the case to the Courthouse, will be the judge who is going to decides if the international restitution processes or not based on in the article 13 of the Convention and the proofs presented for the case.
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?

<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 explain and provide case examples where possible:

Yes, but this would be in concordance and articulated with the Central Authority of the requesting state in effect that the protection measures given in the sentence which order the child restitution could remain in the requesting state until this considers that the vulneration situation for which the protection measures. An example would be in the cases where the taking parent argues have been violated psicoligical o phisically, filing complaints before the Honduras Authority without acredits a kind of complaints from the origin state where they were with the child, attending to this example and if the restitution of the child procedess and is ordered taking into account the complaints from the taking parent, would be necessary the application of protection measures and those would be applicable during the restitution process and them keep in the habitual residence state while the authorities can investigate the complaints made by the taking parent.

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:

At this moment Honduras state has not ordered protection measures in the processed cases

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

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

Yes

Please describe such procedures, if possible:

It is made through the Chancellery, Human Rights Ministry and National Migration Institute. The families which would like to request this protection measure should request to the Chancellery and Human Rights Ministry to give the process to the mentioned request.

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:

Please insert text here

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

Please explain:

By the official social network of the DINAF and through the local news.

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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 most recent meeting establishing network initiatives was on October 2022 with US Central Authority who came to visit Honduras. This event was organized and coordinated together with the Regional Office for Latin America and the Caribbean (ROLAC) and the participation of the Central Authority of Paraguay; Nicaragua and Brasil virtually; regarding the impact that such conference had, was the inter-institutional link designation to a better exchange of information. By other way, in Courthouse it was agree the creation of guidelines, laws and protocolos were to a more effective application of th 1980 Convention

### 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.

Please insert text here

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

Please insert text here

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

Please insert text here

- d. The specialised "Child Abduction Section" of the HCCH website ([www.hcch.net](http://www.hcch.net));

Please insert text here

- 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;

- f. Encouraging wider ratification of, or accession to, the 1980 (and 1996) Conventions, including educating those unfamiliar with the Convention(s);<sup>21</sup>

Please insert text here

<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.

<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.

- 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.

Please insert text here

- 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.

Please insert text here

- 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.

Please insert text here

### **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.

Please insert text here

- b. Part II on Implementing Measures.

Please insert text here

- c. Part III on Preventive Measures.

Please insert text here

- d. Part IV on Enforcement.

Please insert text here

- e. Part V on Mediation

Please insert text here

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

Please insert text here

- 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?

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<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”.



Currently Honduras State through of the UTECH/DINAF as Central Authority is working at the public policys to ensure the general knowledge of the 1980 Convention and the documents of the Convention with the good practices guide. As well, we are making close up with the relevant authorities to create spaces for debats and capacitation regarding the application of this Convention to the officers who works in those intitutions.

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

Please insert text here

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?

Please insert text here

### Other

58. What other measures or mechanisms would you recommend:

a. to improve the monitoring of the operation of the 1980 Convention;

Please insert text here

b. to assist States in meeting their Convention obligations; and

A closer accompanied from the local or regional offices in order to have more capacitation and the possibility of advisory by such offices officer or experts designed by them in order to elaborate, writing and creation of special laws in the application to the 1980 and 1996 Conventions.

c. to evaluate whether serious violations of Convention obligations have occurred?

Please insert text here

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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".

## 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:

[Please insert text here](#)

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:

[Please insert text here](#)

### 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:

[Please insert text here](#)

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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:

Yes, the lack of access to a free legal representation for the applicant with low resources.

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

Please specify:

Please insert text here

### **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:

Please insert text here

### **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:

Please insert text here