

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.

Name of State or territorial unit:¹	Finland
<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 State²

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:

The Act on Child Custody and Right of Access (361/1983) contains the procedural rules for the return proceedings in Finland. There hasn't been any significant developments regarding the legislation and procedural rules.

2. Following the Covid-19 pandemic,³ 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;

Email and electronic attachments are used as main method of accepting and processing applications and documents. These methods have been in use prior COVID and their utilisation has increased.

b) Participation of the parties and the child (e.g., appearance in court proceedings, mediation);
No such changes/improvements.

c) Promoting mediation and other forms of amicable resolution;

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 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").

³ 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.

No changes.

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

No changes.

e) Obtaining evidence by electronic means;

No such changes/improvements.

f) Ensuring the safe return of the child;

No changes.

g) Cooperation between Central Authorities and other authorities;

Cooperation functions more proficiently electronically and increasing amount of countries accepts return application as email`s attachment.

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

The Finnish Ministry of Justice has an updated child abduction information kit, which can be found from here (in English):

<https://oikeus.fi/en/index/mattersand/00c1wj0fo.html>

This information kit is mostly focused on cases where the child has been wrongfully taken from Finland to a foreign country or has not been returned from a foreign country back to Finland. The information kit has been prepared to provide information and instructions to parents, lawyers working on child abduction cases and the authorities.

i) Other, please specify.

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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 authorities⁴ in your State.

Case Name	Court Name	Court Level	Brief summary of the ruling
H 20/2457	The Court of Appeal of Helsinki	First instance in child abduction matters	The mother and the child applied for asylum in Sweden. The Swedish immigration authority ruled that the asylum applications should be handled in Finland and ordered the mother and the child to be turned to Finland. The mother and the child moved to Finland without the father`s permission. The Finnish CA received the request for return from the applicant father through the Swedish Central Authority on December 2020. The case was taken to Court of Appeal of Helsinki, which handles the child abduction matters in Finland as a first instance, The Court of Appeal decided that the child will not be returned to Sweden. One of the main arguments

⁴ 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.

			for the refusal for the return was that the mother had followed the Swedish Migration Authority`s decision when moving to Finland so the removal could not be seen unlawful.
H 23/84	Helsinki Court of Appeal	First instance court in child abduction matters	The mother and children came to Finland due act of war in Ukraine in March 2022 and receive temporary protection in Finland. The father, who was married with the mother, stayed in Ukraine and had given his consent for the mother and children to leave Ukraine to Finland and stay there during war time in Ukraine. The mother applied for divorce in Ukranian court and they were granted in October 2022. The Finnish CA received the request for return from the applicant father through Ukranian CA on December 2022. The case was taken to Helsinki Court of Appeal, first instance court in child abduction cases in Finland. The Court of Appeal rejected the application. Main grounds of the decision were that the father has consented to the children to leave Ukraine and locate in Finland during the acts of war in Ukraine. The acts of war were still ongoing. The fathers return application was based on the divorce of the parents. The Court of Appeal considered that the father could not effectively withdraw his given consent for the children residing in Finland on the grounds which he had presented in his return application. Hence, it was not considered unlawful to not return the children. The Court of Appeal also noted, that as the divorce proceeding were dealt with in Ukraine, also possible dispute on childrens custody, residence or access,would be intended to be resolved in Ukraine.

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

No significant developments.

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:

With some states, we have encountered problems in receiving necessary information for the applicants in their case. The information regarding the laws and procedures in the requested state and regarding the initiation of the return proceedings has sometimes been insufficient. Also, it has been unclear whether the return application is pending in the court and whether the requested Central Authority is assisting in the proceedings. Also the length of the proceedings in some states is considered a problem.

Additionally, it has been sometimes challenging to receive responses from some States. We have not received receipt of request, updates about the status of the case and sometimes the information received has been outdated.

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)⁵ 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:

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:

Enforcement

No

⁵ 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.”

- 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:

Mediation / ADR

- No
 Yes
 Procedure not yet revised

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

Court proceedings and promptness

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

- No
 Yes

Please specify:

The cases are prioritised and processed speedily. We do not have any specialised mechanisms in place.

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:

- Yes
Please specify:

10. Do the courts in your State make use of direct judicial communications⁶ to ensure prompt proceedings?

- No
 Yes

Please specify:

Yes, if needed. In Finland, the Helsinki Court of Appeal is the only first instance court for return applications. We have specialised judges, however, the amount of these judges is limited. The proceedings are usually very prompt.

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?

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

- No
 Yes

Please specify:

Finland has designated a judge to the International Hague Network of Judges

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?

The court has communicated (with the help of the Central Authority) with the Social Welfare Authority of the requesting state in order to find out the protective measures that could be applied to ensure the safe return of the children. The answer was given promptly and the children were returned.

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:

In general, we are of the opinion that the cooperation between the Central Authorities is functioning well.

In some cases there have been delays in receiving answers from the requested Central Authorities. It is very important for the applicants to receive information about the relevant legislation and about the return proceedings in the requested state, as well as more detailed information about the proceedings in their case, e.g. who is representing them in the court, whether they need to find a lawyer privately or whether the Central Authority is able to assist, about the scheduled hearings and decisions, about the provision of legal aid and about the enforcement of the return decisions. We consider it important that the Central Authorities are proactive and share information in all stages of the proceedings.

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:

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:

In Finland, the national legislation provides for a free legal aid to all applicants in incoming return cases without a means test. Hence, the provision of legal aid is not causing any delays in proceedings in Finland.

However, we have experienced challenges in cases where a return application is sent from Finland to a requested state and the requested state cannot provide for legal aid without a means test and/or has problems in finding pro bono lawyers to represent the applicants. In some cases, finding a legal representation has taken a considerable amount of time and caused delays in the return proceedings.

If the Central Authority does not represent or assist the applicant in the return proceedings, it is important that the Central Authority informs the applicant on how to apply for legal aid and/or how to find a lawyer.

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?**⁷

- No
 Yes

Please specify:

Locating the child

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

- No
 Yes

Please specify the challenges encountered and what steps were taken or are considered to be taken to overcome these challenges:

In some cases, if the taking parent has been hiding with the child, there have been difficulties in locating the child. In those cases, the cooperation between the different authorities (police etc.) is very important.

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:

Once the Finnish Central Authority receives a new return application, it is sent without delay to a lawyer who represents the applicant in the case. The lawyer, as the first step, contacts the taking parent and inquires for/negotiates the possibility for a voluntary return. The lawyer can also assist if the parents wish to negotiate an agreement.

⁷ 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 under “Child Abduction Section” then “Special Commission meetings”.

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 skills⁸)?

Please specify:

-

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:

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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?⁹

No

Please explain:

Yes

Please explain:

Ensuring the safe return of children¹⁰

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:

The court could ask assistance from the Central Authority, use direct judicial communication, or ask the parties of the case.

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:

Finnish Social Welfare authorities can provide report on request. The Central Authority does not initiate requests.

Information exchange, training and networking of Central Authorities

⁸ 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 under "Child Abduction Section" then "Guides to Good Practice".

⁹ 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.

¹⁰ See Art. 7(2)(h) of the 1980 Convention.

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? ¹¹

- No
 Yes

Please specify:

Annual Nordic meetings and Finland-Estonia meetings in person.

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:

Central Authority has produced internal guidelines and flowcharts on incoming and outgoing cases.

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

- No
 Yes

Please specify:

Finnish Central Authority operates with electronic system.

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)?¹²

- No
 Yes

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

Finnish Central Authority gathers statistics internally. Statistics are not published, but on request they are served.

Transfrontier access / contact¹³

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

- No
 Yes

Please specify:

¹¹ 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 (see path indicated in note 8).

¹² 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.

¹³ See C&R Nos 18-20 of the 2017 SC.

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:

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?¹⁴

- No
- Yes

Please specify:

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 another Contracting Party (as requesting State)	<ul style="list-style-type: none"> <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 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 request of assistance to organise or secure effective exercise of rights of access in your State (as requested State)	<ul style="list-style-type: none"> <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 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 checked="" type="checkbox"/> 4. Assistance in obtaining private legal counsel or mediation services available in your State <input checked="" 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:

¹⁴ 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.”

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:

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:

The views of the child on the subject of the return, the maturity of the child, parental influence on the child's statements, the child's circumstances in both states (family, school, hobbies etc.). The elements depend on the case, and the court can specify and ask for information that is relevant for the application.

34. Are there 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:

The Supreme Court of Finland has stated in its decision KKO 2021:93 what information must be provided to the child when seeking the views of the child in a child abduction case.

<https://korkeinoikeus.fi/en/index/ennakkopaatokset/shortsummariesofselectedprecedentsinenglish/2021/kko202193.html>

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:

We provide as complete as possible information.

38. Considering C&R No 7 of the 2017 SC,¹⁵ 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:

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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:

- 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:

Use of the 1996 Convention¹⁶

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**)

¹⁵ 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."

¹⁶ 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"](#).

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

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

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

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?¹⁷

No

Yes

Please specify:

Finnish Social Welfare authorities can provide report on request. The Central Authority does not initiate requests.

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:

These cases are very rare. If necessary, the Police and the Social Welfare authorities could be involved.

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

Please explain and provide case examples where possible:

We do not have any information on this.

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:

We do not have any information on this.

¹⁷ 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.)

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:

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:

- 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:

The wellbeing and safety of a child is considered in the return procedure. In addition to the enforcement officials the Social Welfare officials could be present.

International family relocation¹⁸

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

- Yes

Please describe such procedures, if possible:

The immigration authorities are responsible of such procedures.

- No

Please describe how the authorities deal with international family relocation cases, if possible:

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:

¹⁸ 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."

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

Please explain:

The Finnish Ministry of Justice has an updated child abduction information kit, which can be found from here (in English):

<https://oikeus.fi/en/index/mattersand/00c1wj0fo.html> Please see Question 1. h)

PART II – TRAINING, EDUCATION AND POST-CONVENTION SERVICES

Training and education

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

Please provide details:

The Central Authority has organised training/info sessions to the judges and attorneys.

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.

The Finnish Central Authority has well-established practices in the Child Abduction cases. When necessary, we use the Country Profiles.

- b. INCADAT (the international child abduction database, available at www.incadat.com).

When necessary, we use the INCADAT.

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

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- d. The specialised "Child Abduction Section" of the HCCH website (www.hcch.net);

When necessary, we use the Child Abduction Section.

- 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;

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

Finland and the HCCH have Africa cooperation in this regards.

- 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.

²⁰ 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.

²¹ 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.

The Finnish Central Authority has provided updated contact details. We wish that all the Central Authorities regularly update their contact details.

- 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.

We consider that the Hague Network Judges network is beneficial.

- 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.

We consider that this has been functioning well.

Guides to Good Practice under the 1980 Convention

- 54. For any of the Guides to Good Practice²² 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.

The Finnish Central Authority has well-established practices in the Child Abduction cases. When necessary, we use the Guides to Good Practice.

- b. Part II on Implementing Measures.

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- c. Part III on Preventive Measures.

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- d. Part IV on Enforcement.

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- e. Part V on Mediation

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

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

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

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²² All Parts of the Guide to Good Practice under the 1980 Convention are available on the HCCH website at www.hcch.net under "Child Abduction Section" then "Guides to Good Practice".

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*²³ to assist in improving the practical operation of the 1980 Convention in your State?

-

Other

58. What other measures or mechanisms would you recommend:

- a. to improve the monitoring of the operation of the 1980 Convention;
Especially obtaining detailed information on statistics can be challenging as the Finnish Central Authority's statistical system is not as detailed as required to fill the statistical forms.
- b. to assist States in meeting their Convention obligations; and
The Finnish Central Authority wishes to encourage active discussion with the States that have challenges in meeting their Convention obligations.
- c. to evaluate whether serious violations of Convention obligations have occurred?

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²³ The *Practitioner's Tool* is available at the HCCH website at 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:

According to the Finnish Ministry for Foreign Affairs statistics, annually most of the cases are to Iraq. Even though Iraq has acceded the Hague 1980 Child Abduction Convention, the Convention is not in force between Iraq and Finland. Due to before said, cases to Iraq are challenging to solve and authorities means to assist are very limited. In principle, the amicable solution between the parents is the only way getting the child to return back to his/her country of residence. Hopefully in the future Iraq shall take all appropriate measures to ensure the achievement of the purpose and the goals of the Convention.

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:

There are no specific countries, that the MFA would wish to access to Convention. The Finnish MFA has so few cases to the non-convention countries.

The “Malta Process”²⁴

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:

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²⁴ 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 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:

Currently, the situation related to Ukraine and Russia concerns us.

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

Please specify:

-

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:

1 (Ukraine)

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:

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