

**QUESTIONNAIRE CONCERNING THE PRACTICAL OPERATION OF  
THE 1980 CONVENTION**

Wherever your replies to this Questionnaire make reference to domestic legislation, rules, guidance or case law relating to the practical operation of the 1980 Convention, **please provide a copy of the referenced documentation** in (a) the original language and, (b) wherever possible, accompanied by a translation into English and / or French.

<b>Name of State or territorial unit:</b> <sup>1</sup>	Czech Republic
<i>For follow-up purposes</i>	
Name of contact person:	Markéta Nováková
Name of Authority / Office:	Office for Intl. legal protection of Children
Telephone number:	+420 542 215 443
E-mail address:	marketa.novakova@umpod.cz

**PART I: RECENT DEVELOPMENTS<sup>2</sup>**

**1. Recent developments in your State**

1.1 Since the 2011 / 2012 Special Commission, have there been any significant developments in your State regarding the legislation or procedural rules applicable in cases of international child abduction. Where possible, please state the reason for the development in the legislation / rules, and, where possible, the results achieved in practice (e.g., reducing the time required to decide cases).

- No  
 Yes, please specify:

On January 1st 2014 a number of new civil law acts entered into force, including new Civil Code (Act No. 89/2012 Coll., CC), new Private International Law Act (Act No. 91/2012 Coll., PILA) and new Act on Special Court Proceedings (Act No. 292/2013 Coll., SCPA). The translation into English, French, German and Russian of the first two above mentioned acts are publicly available at this website: <http://obcanskyzakonik.justice.cz/index.php/home/zakony-a-stanoviska/preklady/english>.

In general, the international and European rules on child protection remained untouched by the new acts. However, some new national provisions were inspired by the Hague Conventions and Brussels IIa Regulation.

The rules on return proceedings moved from the Civil Procedural Code to the Act on Special Court Proceedings. Except of minor changes, the rules remained untouched.

1.2 Please provide a brief summary of any significant decisions concerning the interpretation and application of the 1980 Convention rendered since the 2011 / 2012 Special Commission by the relevant authorities<sup>3</sup> in your State including in the context of the 20 November 1989 United Nations Convention on the Rights of the Child and relevant regional instruments.

Decision of the Constitutional Court No II. ÚS 378/17 dated 9<sup>th</sup> May 2017 - Art. 13 b)

The Constitutional Court found the breach of fair trial principle in a return proceeding, where neither the first-instance-court nor the appellate court adequately checked the risk of serious harm which was mentioned in opinions of several experts (psychologist, psychiatrist, pedagogue). The courts of lower instances did not consider these opinions as objective evidence, as they were done solely on the request of one party (the abductor). This fact was, in the opinion of the Constitutional Court, insufficient for the conclusion that the return would

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

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

not expose the child to the risk of serious harm. The best interest of the child requires in such situation the ex officio activity of the court in order to examine the potential risk (e.g. through an independent expert evidence).

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

Please insert text here

## 2. Issues of compliance

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

No

Yes, please specify:

Spain - the problems with delays at the Central Authority. The initiation of return proceeding (i.e. lodging of a return application to the court) depends on the opinion of the State Attorney and in some cases the case had not been filed to the relevant court in 1 year period.

Uzbekistan - the inactivity of the Central Authority; the non-respecting of Art. 7, no assistance in filing the case to the relevant court. In this case even the Permanent Bureau was requested for assistance.

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

No

Yes, please specify:

In some States there are remarkable problems with enforcement of the return orders. Even if the return had been ordered, there are no effective instruments to order the enforcement of it.

## PART II: THE PRACTICAL OPERATION OF THE 1980 CONVENTION

### 3. The role and functions of Central Authorities designated under the 1980 Convention<sup>4</sup>

*In general*

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

No

Yes, please specify:

Some Central Authorities do not use the modern means of communication. They insist on sending of requests by mail and they do not start any action before they receive the file by mail. This can cause remarkable delays (up to a couple of weeks).

3.2 Have any of the duties of Central Authorities, as set out in **Article 7** of the 1980 Convention, raised any particular problems in practice either in your State, or in States Parties with whom you have co-operated?

No

Yes, please specify:

Lack of an effective system of legal aid for the left-behind parents; long terms in cooperation with Central Authorities; impossibility to use the modern communication means (e-mails) in communication with some Central Authorities.

3.3 Has your Central Authority encountered any challenges with the application of any of the 1980 Convention provisions? If so, please specify.

No

Yes, please specify:

The system of provisions on legal aid.

*Legal aid and representation*

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

3.4 Do the measures your Central Authority takes to provide or facilitate the provision of legal aid, legal advice and representation in return proceedings under the 1980 Convention (**Art. 7(2)-(g)**) result in delays in proceedings either in your own State, or, where cases originate in your State, in any of the requested States you have dealt with?

- No  
 Yes, please specify:

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

- No  
 Yes, please specify:

In some States, including the Czech Republic, the means test for purpose of free or reduced legal aid can cause delays in the return proceeding. If the application to the court has to be filed exclusively by a state authority (Central Authority, State Attorney etc.), there could be delay in considering the circumstances of the case.

#### *Locating the child*

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

- No  
 Yes, please specify the challenges encountered and what steps were taken or are considered to be taken to overcome these challenges:

[Please insert text here](#)

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

- No  
 Yes, please share any good practice on this matter:  
[Police, local social services, social security administration](#)

#### *Information exchange, training and networking of Central Authorities*

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

- No  
 Yes, please specify:  
[The Czech Central Authority regularly meet other Central Authorities on bilateral basis \(e.g. bilateral workshops or meetings\).](#)

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

- No  
 Yes, please specify:  
[In May 2017 the Czech Central Authority organized a meeting of CA of the "most frequent partner" States where experience was exchanged and also the colleagues had opportunity to discuss the details of cooperation and cases on bilateral meetings.](#)

<sup>5</sup> See paras 1.1.4 to 1.1.6 of the "Conclusions and Recommendations of the Fifth Meeting of the Special Commission to review the operation of the *Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction* and the practical implementation of the *Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children* (30 October – 9 November 2006) (hereinafter referred to as the "[Conclusions and Recommendations of the 2006 Special Commission](#)") and paragraphs 32 to 34 of the [Conclusions and Recommendations of the Special Commission to review the operation of the Hague Convention of 19 October 1980 on Jurisdiction, Applicable law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children \(1-10 June 2011 and 25-31 January 2012\)](#) (hereinafter the "C&R of the 2011/2012 Special Commission") (available on the Hague Conference website at < [www.hcch.net](http://www.hcch.net) > under "Child Abduction Section" then "Special Commission meetings").

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

The representatives of the Czech Central Authority took part as speakers at the meeting of German "abduction" judges in September 2016.

### Statistics<sup>7</sup>

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

[Please insert text here](#)

### Prompt handling of cases

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

No

Yes, please specify:

The Czech Central Authority employs the modern means of communication. It initiates the first steps immediately (within 7 days at the latest) after receiving only an e-mail request from the requesting Central Authority (Art. 16 announcement, location of the child, cooperation with local social services, sending of voluntary return letter etc.).

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

[Please insert text here](#)

## 4. **Court proceedings & promptness**

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

Yes

No, please indicate if such arrangements are being contemplated:

[Please insert text here](#)

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

No

Yes, please explain:

There are special provisions on return proceedings in Section 478 - 491 of the Act on Special Court Proceedings. The court has to schedule the hearing within 3 weeks from initiating of the proceedings. The court shall issue an order within 6 weeks from initiating of the proceedings. If the court issues an order later it has to explain the reasons in the justification of the order. The 1<sup>st</sup> instance court shall forward the appeal to the court of appeal within 7 days from the filing an appeal. The court of appeal shall issue an order within 30 days from receiving the file. The extraordinary means of appeal are not allowed - there is only 2 instance proceeding. In very difficult cases the complaint to the Constitutional Court can be filed.

The 1<sup>st</sup> instance orders are preliminarily enforceable.

4.3 If your response to the previous question is No, does your State contemplate implementing mechanisms to meet the requirement of prompt return under the 1980 Convention (*e.g.*, procedures, bench-books, guidelines, protocols)?

No, please explain:

[Please insert text here](#)

Yes, please explain:

[Please insert text here](#)

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

[Please insert text here](#)

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

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

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

No, please explain:

[Please insert text here](#)

Yes, please explain:

[The court can order the monitoring of child's movement at the territory of the Czech Republic, prohibit the removal of the child from the territory of the Czech Republic without the consent of the court or order a measure in order to prevent breach of personal relations between the child and the left-behind parent \(usually the court orders access regulation\).](#)

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

Yes

No, please explain:

[The court usually requests the assistance of Central Authorities which is usually faster.](#)

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

Yes

No, please explain:

[Please insert text here](#)

4.8 Please comment upon any cases (whether your State was the requesting or requested State), in which the judge (or decision-maker) has, before determining an application for return, communicated with a judge or other authority in the requesting State regarding the issue of the child's safe return. What was the specific purpose of the communication? What was the outcome?

[The Czech judge requested information from a Canadian judge in case where there was a criminal charge against the abducting parent in Canada. The Canadian liaison judge informed that there were no reasons to worry about the safe return of the child because of this criminal charge. Based on this information the Czech court ordered the return of the child together with abducting parent. Immediately after the return to Canada the abducting parent was detained, the child was removed and delivered to left-behind parent. Since then the abducting parent \(the primary carer of the child\) has had no access to the child even if this abducting parent has been released and the criminal proceedings has not been finished yet.](#)

## 5. **Ensuring the safe return of children**<sup>9</sup>

*Methods for ensuring the safe return of children*<sup>10</sup>

5.1 What measures has your Central Authority taken to ensure that the recommendations of the 2006 and 2011 / 2012 Special Commission meetings<sup>11</sup> regarding the safe return of children are implemented?

[The undertakings to ensure the safe return of the child are applied quite often.](#)

[The Central Authority promoted and provided free mediation to the parties.](#)

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

[The Czech Central Authority relies on cooperation of the Central Authority of requesting State.](#)

<sup>9</sup> See **Art. 7(2) h)** of the 1980 Convention.

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

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

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

The Czech Central Authority can alert the local social authority or even the local court to establish adequate arrangements.

*Use of the 1996 Convention to ensure a safe return*

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

No

Yes, please explain:

Please insert text here

*Protection of primary carer*

5.5 Are you aware of cases in your State where a primary carer taking parent, for reasons of personal security (e.g., domestic or family violence, intimidation, harassment, etc.) or others, has refused or has not been in a position to return with the child to the requesting State? How are such cases dealt with in your State? Please explain and provide case examples where possible.

In general the relevant Czech court orders the taking parent (primary carer) to return the child. Only when this parent does not return the child voluntarily (based on the court decision) in set time, the left-behind parent can apply for enforcement and is entitled to deliver the child to the habitual residence. If the taking parent – primary carer refuses the return with the child for the reasons of family violence etc., the Court can order undertakings which enable the taking parents to return safely to the habitual residence of the child. The usual undertakings are: providing of separate apartment, not removing of the child from the care of taking parent (until the relevant court decides on custody arrangement), payment of an amount for maintenance of the child and taking parent, payment of travel expenses.

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

The Czech court can in these cases order the undertakings towards the left-behind parent.

*Post-return information*

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

Yes, the Czech Central Authority co-operates with local social services in order to monitor the situation of the child upon return. The Czech Republic would strongly support providing the follow-up information.

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

No

Yes, please explain:

Please insert text here

**6. Voluntary agreements and mediation**

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

The Czech Central Authority provides mediation for free. The mediation can be provided personally or online, in Czech or in some foreign languages (English, German).

The Czech Central Authority can also organize case conferencing where the situation of the child is discussed with parents, other relatives, involved authorities and specialists (school, physician, social worker, psychologist, therapist, NOGs etc.).

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

The Guide to Good Practice on Mediation inspired the practice of the Czech Central Authority which started to propose and provide mediation on regular basis in almost all incoming abduction cases and - if possible - also in outgoing abduction cases and access cases. Also the participation of the child in mediation process is strongly supported. The Czech Central Authority now works on the EU Project concerning participation of the child and the participation in mediation process is an important issue in this project.

---

<sup>12</sup> Available on the Hague Conference website at < [www.hcch.net](http://www.hcch.net) > under "Child Abduction Section" then "Guides to Good Practice".

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

No, please explain:

The Central Authority already provides mediation in abduction cases and other cross-border cases.

Yes, please explain:

Please insert text here

## 7. **Preventive measures**

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

No

Yes, please describe:

Please insert text here

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

Yes

No, please explain:

Please insert text here

## 8. **The Guide to Good Practice under the 1980 Convention**

8.1 In what ways have you used the Parts of the Guide to Good Practice<sup>15</sup> to assist in implementing for the first time, or improving the practical operation of, the 1980 Convention in your State?

a. Part I on Central Authority Practice. Please explain:

Please insert text here

b. Part II on Implementing Measures. Please explain:

Please insert text here

c. Part III on Preventive Measures. Please explain:

Please insert text here

d. Part IV on Enforcement. Please explain:

Please insert text here

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

The Guides are mentioned in all trainings and lectures provided by the Czech Central Authority, Ministry of Justice or liaison judge for judges, social workers, consular officers, NGOs etc.

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

Please insert text here

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

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

No

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

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

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

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

Please insert text here

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

The Central Authority representatives provide or take part in trainings or conferences and workshops for the specialists - social workers, judges, consular officers, NGOs. The Czech Central Authority placed many information on their website [www.umpod.cz](http://www.umpod.cz), mainly in Czech and partly in English language.

<b>PART IV: TRANSFRONTIER ACCESS / CONTACT AND INTERNATIONAL FAMILY RELOCATION</b>
--

**10. Transfrontier access / contact<sup>16</sup>**

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

No

Yes, please explain:

[Promoting and providing of mediation by the Czech Central Authority.](#)

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

[Please insert text here](#)

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

- a. the granting or maintaining of access rights;  
[Please insert text here](#)
- b. the effective exercise of rights of access; and  
[Please insert text here](#)
- c. the restriction or termination of access rights.  
[Please insert text here](#)

Please provide case examples where possible.

[Please insert text here](#)

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

The Czech Central Authority promotes amicable solution of access cases and provides free mediation. The latest practice has focused on the participation rights of the child, especially discovering the child's view and informing of the child on the proceedings, depending on his/her age and maturity.

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

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

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

<sup>17</sup> Available on the Hague Conference website at < [www.hcch.net](http://www.hcch.net) > under "Child Abduction Section" then "Guides to Good Practice".

<sup>18</sup> See the Conclusions and Recommendations of the 2006 Special Commission meeting at paras 1.7.4 to 1.7.5:

"1.7.4 The Special Commission concludes that parents, before they move with their children from one country to another, should be encouraged not to take unilateral action by unlawfully removing a child but to make appropriate arrangements for access and contact preferably by agreement, particularly where one parent intends to remain behind after the move.

1.7.5 The Special Commission encourages all attempts to seek to resolve differences among the legal systems so as to arrive as far as possible at a common approach and common standards as regards relocation."

Since 01-01-2014 there is completely new Civil Code in the Czech Republic. The Section 858 explicitly states that parental responsibility includes determining the place of child's residence.

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

### 12. Non-Convention cases and non-Convention States

- 12.1 Are there any States that you would particularly like to see become a State Party to the 1980 Convention? If so, what steps would you suggest could be taken to promote the Convention and encourage ratification of, or accession to, the Convention in those States? Please explain:

China, India, States of Middle East and Northern Africa (especially Egypt, Tunisia).

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

Please insert text here

*The "Malta Process"*<sup>19</sup>

- 12.2 In relation to the "Malta Process":

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

Please insert text here

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

No

Yes, please explain:

Please insert text here

- c. What is your view as to the future of the "Malta Process"?

Please insert text here

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

### 13. Training and education

- 13.1 Can you give details of any training sessions / conferences organised in your State to support the effective functioning of the 1980 Convention, and the influence that such sessions / conferences have had?

The representatives of the Czech Central Authority and the Ministry of Justice provide regularly trainings for judges, social workers, consular officers, NGOs. The Central Authority

<sup>19</sup> The "Malta Process" is a dialogue between certain States Parties to the 1980 and 1996 Conventions and certain States which are not Parties to either Convention, with a view to securing better protection for cross-border rights of contact of parents and their children and addressing the problems posed by international abduction between the States concerned. For further information see the Hague Conference website at < www.hcch.net > under "Child Abduction Section" then "Judicial Seminars on the International Protection of Children".

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

completes the EU funded project "Participation rights of the Child in the Agenda of the Office for International legal protection of Children" which also includes the promoting of children's participation in abduction and access proceedings.

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

##### *In general*

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

- a. The Country Profile available under the Child Abduction Section.  
[Very useful](#)
- b. INCADAT (the international child abduction database, available at < [www.incadat.com](http://www.incadat.com) >).  
[Very useful](#)
- c. *The Judges' Newsletter* on International Child Protection - the publication of the Hague Conference on Private International Law which is available online for free;<sup>21</sup>  
[Very useful](#)
- d. The specialised "Child Abduction Section" of the Hague Conference website (< [www.hcch.net](http://www.hcch.net) >);  
[Very useful and often used](#)
- e. INCASTAT (the database for the electronic collection and analysis of statistics on the 1980 Convention);<sup>22</sup>  
[Please insert text here](#)
- f. Providing technical assistance and training to States Parties regarding the practical operation of the 1980 and 1996 Conventions.<sup>23</sup> Such technical assistance and training may involve persons visiting the Permanent Bureau or, alternatively, may involve the Permanent Bureau organising, or providing assistance with organising, national and international judicial and other seminars and conferences concerning the Convention(s) and participating in such conferences;  
[Please insert text here](#)
- g. Encouraging wider ratification of, or accession to, the Convention(s), including educating those unfamiliar with the Convention(s);<sup>24</sup>  
[Please insert text here](#)
- h. Supporting communications between Central Authorities, including maintaining their contact details updated on the HCCH website;  
[Please insert text here](#)
- i. Supporting communications among Hague Network Judges and between Hague Network Judges and Central Authorities, including maintaining a confidential database of up-to-date contact details of Hague Network Judges  
[Please insert text here](#)

##### *Other*

14.2 What other measures or mechanisms would you recommend:

- a. To improve the monitoring of the operation of the Conventions;  
[Please insert text here](#)
- b. To assist States in meeting their Convention obligations; and

<sup>21</sup> Available on the Hague Conference website at < [www.hcch.net](http://www.hcch.net) > under "Child Abduction Section" and "Judges' Newsletter on International Child Protection". For some volumes of *The Judges' Newsletter*, it is possible to download individual articles as required.

<sup>22</sup> Further information is available via the Hague Conference website at < [www.hcch.net](http://www.hcch.net) > under "Child Abduction Section" then "INCASTAT".

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

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

Please insert text here

- c. To evaluate whether serious violations of Convention obligations have occurred?  
Please insert text here

<b>PART VII: PRIORITIES AND RECOMMENDATIONS FOR THE SPECIAL COMMISSION AND ANY OTHER MATTERS</b>
--

**15. Views on priorities and recommendations for the Special Commission**

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

Undertakings and measures to ensure the safe return - the question of recognition and enforcement of such measures in the State of return.

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

Please insert text here

**16. Any other matters**

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

We would appreciate a general discussion on reasons which motivate parents to "abduct" their children nowadays, as we feel, that the social, technical as well as legal environment has significantly changed since 1980.