

Questionnaire concerning the Practical Operation of the 1996 Child Protection Convention

Wherever your replies to this Questionnaire make reference to domestic legislation, rules, guidance or case law relating to the practical operation of the 1996 Child Protection 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: ²	Sweden
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PART I – FOR CONTRACTING PARTIES

1. Recent developments in your State

1. Have there been any significant developments in your State regarding the **legislation** or **procedural rules** applicable in cases of international child protection? Where possible, please state the reason for the development and the results achieved in practice.

- No
 Yes

Please specify:

To clarify the Social Welfare Committee's authority in urgent situations (in accordance with the 1996 Hague Convention and the Brussels II Regulation), provisions have been introduced on September 1, 2019, the Swedish Care of Young Persons (Special Provisions) Act (SFS 1990:52) that the committee must be able to decide on immediate care, even when a Swedish Court does not have jurisdiction to order the provision of care under the Act. Please see Sections 6a, 9 and 9a in Annex 2 (translation to English of the Act with amendments entered up to and including: Swedish Code of Statutes 2019:472).

In addition, on July 1, 2020, new regulations were introduced in the Swedish Care of Young Persons (Special Provisions) Act (SFS 1990:52) regarding travel bans for children. The regulations entail that an exit ban must be decided if there is a tangible risk that a child will be taken abroad or leave Sweden with the aim of entering into marriage or a marriage-like relationship or will be genitally mutilated.

2. Please provide the three most **significant decisions concerning the interpretation and application of the 1996 Convention** recently rendered by the relevant authorities³ in your State.

Case Name	Court Name	Court Level	Brief summary of the ruling
Ö 6583-20	Supreme Court	Third	Decision to request preliminary ruling from the Court of Justice of the

² The term "State" in this Questionnaire includes a territorial unit, where relevant.

³ The term "relevant authorities" is used in this Questionnaire to refer to the judicial or administrative authorities with decision-making responsibility under the 1996 Convention. Whilst in the majority of Contracting Parties such "authorities" will be courts (*i.e.*, judicial), in some Contracting Parties administrative authorities remain responsible for decision-making in Convention cases.

			European Union , see response from the EU for further information.
7488-22	Administrative Court of Appeal in Stockholm	Second	Decision that Sweden has jurisdiction to decide on the matter of an immediate care order in accordance with Article 6.1. The children left Ukraine with their mother due to the armed conflict and they are staying in Sweden to receive protection.

3. Please provide a brief summary of **any other significant developments** in your State relating to international child protection, including any regional instruments or bilateral agreements that have been negotiated or which your State has signed and ratified or acceded to (e.g., Memorandum of Understanding on the placement of children abroad):

Not applicable.

2. Scope of application (Arts 2, 3 and 4, and C&R No 29 of 2017 SC)

4. Have competent authorities in your State experienced any challenges, or have questions arisen, in determining the scope of the 1996 Convention (e.g., which measures of protection fall within the scope of the 1996 Convention)?

- No
 Yes

Please specify:

3. Jurisdiction to take measures of protection

Habitual residence (Art. 5 and C&R No 31 of 2017 SC)

5. Have competent authorities in your State experienced any challenges when determining the habitual residence of the child in cases falling within the scope of the 1996 Convention?

- No
 Yes

Please specify:

The Swedish Central Authority has not been made aware of such challenges or questions.

International child abduction (Arts 7 and 50)

6. Have competent authorities in your State experienced any challenges, or have questions arisen, in **making a determination whether to exercise jurisdiction** in cases of wrongful removal or retention of the child?

- No
 Yes

Please specify:

In incoming cases, when there is a concern for the wellbeing of a child, the competent authorities might have to assess whether to exercise jurisdiction when it comes to

interim or long-term protective measures. The competent authorities might also have to assess if both parents have legal guardianship of the child if for example voluntary protective measures are deemed necessary (in Sweden it is mandatory for the legal guardian/s to give his / her consent for voluntary protective measures).

Pending divorce or legal separation of the child's parents (Art. 10)

7. Have competent authorities in your State experienced any challenges, or have questions arisen, in making a determination whether to exercise **jurisdiction** in cases where there is a pending divorce or legal separation of the child's parents (**Art. 10**)?

- No
 Yes

Please specify:

The Swedish Central Authority has not been made aware of such challenges or questions.

Transfer of jurisdiction (Arts 8 and 9)

8. How often have competent authorities in your State experienced cases of transfer of jurisdiction under **Articles 8 and / or 9** of the 1996 Convention?

- Do not know
 Never
 Rarely
 Sometimes
 Very often
 Always

If possible, please provide supplementary information:

The Swedish Central Authority keeps statistics about which Convention / Regulation a case falls under, but not statistics on which articles are applied in the individual case.

9. Has your State developed any **good practices, procedures, guidelines or protocols** to facilitate the transfer of jurisdiction?

- Yes

Please specify and provide the links to relevant documents whenever possible:

The National Board of Health and Welfare and the Family Law and Parental Support Authority have manuals/handbooks etc. that provide information to relevant professionals regarding, among other things, questions about the placement of children across national borders, questions about children who have been taken to or kept in Sweden and questions about which country is authorized to decide in certain matters. See links in Annex 1.

- No

Please specify any reasons:

4. Special types of measures of protection

Urgent measures of protection (Art. 11)

10. Have competent authorities in your State experienced any challenges, or have questions arisen, with respect to the application of **Article 11** (e.g., the definition of "urgency"; scope, nature and duration of measures)?

No

Yes, in cases of international child abduction.

If possible, please provide more details about the experience of your State using Article 11 in cases of international child abduction:

Yes, in other situations.

Please describe in which other situations a competent authority in your jurisdiction has applied Article 11:

Competent Swedish authorities have experienced challenges when requesting cooperation in some cases about interim protective measures and cooperation concerning children who are victims of human trafficking. In some cases it has been argued that such a situation does not fall under the scope of the Convention (kindly note that the experience referred to has concerned to Article 20 of the Brussels IIa Regulation, which is equivalent to Article 11 in the Convention).

Provisional measures (Art. 12)

11. Have competent authorities in your State experienced any challenges, or have questions arisen, in applying **Article 12** (e.g., definition as to what may constitute a "provisional character"; scope, nature and duration of measures)?

No

Yes

Please describe:

The Swedish Central Authority has not been made aware of such challenges or questions.

5. Applicable law (Chap. III)

12. Have competent authorities in your State experienced any challenges, or have questions arisen, in relation to the applicable law rules provided by **Articles 15, 16 and 17** of the 1996 Convention?

No

Yes

Please describe:

The Swedish Central Authority has not been made aware of such challenges or questions.

6. Recognition and enforcement

13. Have competent authorities in your State experienced any challenges, or have questions arisen, in relation to the **recognition of measures of protection**, from the perspective of the requested State?

No

Yes

Please describe:

When the competent authority in the requesting state has issued a decision of access that shall be recognised in Sweden and the decision includes that access shall take place only if supervised by the local authority (as a measure for protection of the child), local authorities have raised the question if such a decision shall be recognised as it is or if the competent Swedish authority has to issue its own decision, i.e. a mirror order.

Advance recognition (Art. 24)

14. How often have competent authorities in your State experienced cases of requests for **advance recognition**?

- Do not know
 Never
 Rarely
 Sometimes
 Very often
 Always

If possible, please provide supplementary information:

15. Have **judicial or administrative procedures, guidelines, or protocols** been adopted in your State to facilitate the application of Article 24?

- Yes, but there have been no changes since the last SC meeting
 Yes, with changes since the last SC meeting.
 Please specify:

 No

Declaration of enforceability or registration for the purpose of enforcement (Arts 26, 27 and 28)

16. In relation to the *simple and rapid procedure* for declaring enforceable or registering for the purpose of enforcement of measures of protection taken in another Contracting Party (Art. 26), what is the practice in your State?

- a) Which authority declares enforceable or registers a measure of protection taken in another Contracting Party? Please specify:

The authority authorized to handle applications for a declaration of enforceability of a decision concerning a child's person, entirely or partly, is primarily the District Court in the place in Sweden where the child is domiciled. If it can be assumed that confidentiality applies to the information needed to determine the child's domicile, enforcement may also be sought at the District Court in the place where the applicant or the counter party is domiciled. If no court is competent, the application for enforcement is handled by the Stockholm District Court.

- b) What time frames are applied to ensure that the procedure is rapid? Please explain:

Please see answer to question 15.

- c) Is legal representation required? Please explain:

Legal representation is not mandatory.

17. Are you aware of any challenges, or have questions arisen, in applying **Articles 26, 27 and / or 28** in your State?

- No
- Yes

Please describe:

The Swedish Central Authority has not been made aware of such challenges or questions.

7. Cooperation (Chap. V)

Central Authority practice

18. Are you aware of any challenges, or have questions arisen, in applying **Article 30** in your State (e.g., in relation to the timeliness of responses to requests)?

- No
- Yes

Please describe:

The Swedish Central Authority has not been made aware of such challenges or questions.

Services available

19. If your State answered the 2016 Questionnaire, please indicate whether since then there have been any changes in relation to the services provided by your Central Authority:

- No. Please proceed to question No 22
- Yes. Please continue answering the following questions

20. With the understanding that services provided by Central Authorities under the 1996 Convention may vary, does your Central Authority provide assistance to **individuals habitually resident in your State** who request it in connection with the following matters? If so, please specify the nature of the assistance provided.

Matter	Service(s) provided
a) A request to organise or secure effective exercise of rights of access in another Contracting Party (requested State) ⁴	<input type="checkbox"/> 1. None <input type="checkbox"/> 2. Assistance in obtaining information on the operation of the 1996 Convention <input type="checkbox"/> 3. Assistance in obtaining information on the relevant laws and procedures in the requested State <input type="checkbox"/> 4. 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 type="checkbox"/> 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State <input type="checkbox"/> 6. 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 type="checkbox"/> 7. Assistance in providing or facilitating the provision of legal aid and advice <input type="checkbox"/> 8. Assistance in obtaining private legal counsel or mediation services, where needed in the requested State <input type="checkbox"/> 9. Referral to other governmental and / or non-governmental organisations for assistance <input type="checkbox"/> 10. Provision of regular updates on the progress of the application

⁴ See in this context, e.g., the [Practical Handbook](#) on the Operation of the 1996 Child Protection Convention, sections 11(E)(d) and 13(B) (2014).

	<input type="checkbox"/> 11. Other, please specify:
b) A request to secure the return to your State of a child subject to international abduction where the 1980 Convention is <u>not</u> applicable	<input type="checkbox"/> 1. None <input type="checkbox"/> 2. Assistance in obtaining information on the operation of the 1996 Convention <input type="checkbox"/> 3. Assistance in obtaining information on the relevant laws and procedures in the requested State <input type="checkbox"/> 4. 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 type="checkbox"/> 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State <input type="checkbox"/> 6. Assistance in discovering the whereabouts of a child who has been wrongfully removed or retained <input type="checkbox"/> 7. Assistance in taking provisional / urgent measures of protection to prevent further harm to the child <input type="checkbox"/> 8. Assistance in securing the voluntary return of the child or in bringing about an amicable resolution of the issue <input type="checkbox"/> 9. Assistance in initiating judicial or administrative proceedings with a view to obtaining the return of the child <input type="checkbox"/> 10. Assistance in providing or facilitating the provision of legal aid and advice <input type="checkbox"/> 11. Assistance in providing such administrative arrangements as may be necessary and appropriate to secure the safe return of the child <input type="checkbox"/> 12. Assistance in obtaining private legal counsel or mediation services <input type="checkbox"/> 13. Referral to other governmental and / or non-governmental organisations for assistance <input type="checkbox"/> 14. Regular updates on the progress of the application <input type="checkbox"/> 15. Other, please specify:
c) A request to secure the return to your State of a runaway child (see Art. 31(c))	<input type="checkbox"/> 1. None <input type="checkbox"/> 2. Assistance in obtaining information on the operation of the 1996 Convention <input type="checkbox"/> 3. Assistance in obtaining information on the relevant laws and procedures in the requested State <input type="checkbox"/> 4. 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 type="checkbox"/> 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State <input type="checkbox"/> 6. Assistance in discovering the whereabouts of a runaway child <input type="checkbox"/> 7. Assistance in initiating judicial or administrative proceedings with a view to obtaining the return of the child <input type="checkbox"/> 8. Assistance in providing or facilitating the provision of legal aid and advice <input type="checkbox"/> 9. Assistance in providing such administrative arrangements as may be necessary and appropriate to secure the safe return of the child <input type="checkbox"/> 10. Assistance in obtaining private legal counsel <input type="checkbox"/> 11. Referral to other governmental and / or non-governmental organisations for assistance <input type="checkbox"/> 12. Regular updates on the progress of the application <input type="checkbox"/> 13. Other, please specify:
d) A request for a report on the situation of a child habitually resident in another	<input type="checkbox"/> 1. None <input type="checkbox"/> 2. Assistance in obtaining information on the operation of the 1996 Convention <input type="checkbox"/> 3. Assistance in obtaining information on the relevant laws and procedures in the requested State

<p>Contracting Party (e.g., a child returned as a result of child abduction proceedings or a child who has moved as a result of a relocation) (see Art. 32(a))</p>	<p><input type="checkbox"/> 4. 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</p> <p><input type="checkbox"/> 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State</p> <p><input type="checkbox"/> 6. Other, please specify: Please insert text here</p>
<p>e) A request that the competent authorities of another Contracting Party decide on the recognition or non-recognition of a measure taken in your State (see Art. 24)</p>	<p><input type="checkbox"/> 1. None</p> <p><input type="checkbox"/> 2. Assistance in obtaining information on the operation of the 1996 Convention</p> <p><input type="checkbox"/> 3. Assistance in obtaining information on the relevant laws and procedures in the requested State</p> <p><input type="checkbox"/> 4. 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</p> <p><input type="checkbox"/> 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State</p> <p><input type="checkbox"/> 6. Assistance in obtaining private legal counsel</p> <p><input type="checkbox"/> 7. Regular updates on the progress of the request</p> <p><input type="checkbox"/> 8. Other, please specify:</p>
<p>f) A request that the competent authorities of another State Party declare enforceable or register for the purpose of enforcement measures taken in your State (see Art. 26)</p>	<p><input type="checkbox"/> 1. None</p> <p><input type="checkbox"/> 2. Assistance in obtaining information on the operation of the 1996 Convention</p> <p><input type="checkbox"/> 3. Assistance in obtaining information on the relevant laws and procedures in the requested State</p> <p><input type="checkbox"/> 4. 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</p> <p><input type="checkbox"/> 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State</p> <p><input type="checkbox"/> 6. Assistance in obtaining private legal counsel</p> <p><input type="checkbox"/> 7. Regular updates on the progress of the request</p> <p><input type="checkbox"/> 8. Other, please specify:</p>

21. With the understanding that services provided by Central Authorities under the 1996 Convention may vary, if your Central Authority were to receive a request of assistance from **another Central Authority** on behalf of an individual residing abroad, in connection with the following matters, please specify the nature of the assistance that your Central Authority provides or would provide if the situation were to arise.

Matter	Service(s) provided
<p>a) A request to organise or secure effective exercise of rights of access in another Contracting Party (requested State)⁵</p>	<p><input type="checkbox"/> 1. None</p> <p><input type="checkbox"/> 2. Assistance in obtaining information on the operation of the 1996 Convention</p> <p><input type="checkbox"/> 3. Assistance in obtaining information on the relevant laws and procedures in the requested State</p> <p><input type="checkbox"/> 4. 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</p>

⁵ See in this context, e.g., the [Practical Handbook](#) on the Operation of the 1996 Child Protection Convention, sections 11(E)(d) and 13(B) (2014).

	<ul style="list-style-type: none"> <input type="checkbox"/> 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State <input type="checkbox"/> 6. 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 type="checkbox"/> 7. Assistance in providing or facilitating the provision of legal aid and advice <input type="checkbox"/> 8. Assistance in obtaining private legal counsel or mediation services, where needed in the requested State <input type="checkbox"/> 9. Referral to other governmental and / or non-governmental organisations for assistance <input type="checkbox"/> 10. Provision of regular updates on the progress of the application <input type="checkbox"/> 11. Other, please specify: Please insert text here
<p>b) A request to secure the return to your State of a child subject to international abduction where the 1980 Convention is <u>not</u> applicable</p>	<ul style="list-style-type: none"> <input type="checkbox"/> 1. None <input type="checkbox"/> 2. Assistance in obtaining information on the operation of the 1996 Convention <input type="checkbox"/> 3. Assistance in obtaining information on the relevant laws and procedures in the requested State <input type="checkbox"/> 4. 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 type="checkbox"/> 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State <input type="checkbox"/> 6. Assistance in discovering the whereabouts of a child who has been wrongfully removed or retained <input type="checkbox"/> 7. Assistance in taking provisional / urgent measures of protection to prevent further harm to the child <input type="checkbox"/> 8. Assistance in securing the voluntary return of the child or in bringing about an amicable resolution of the issue <input type="checkbox"/> 9. Assistance in initiating judicial or administrative proceedings with a view to obtaining the return of the child <input type="checkbox"/> 10. Assistance in providing or facilitating the provision of legal aid and advice <input type="checkbox"/> 11. Assistance in providing such administrative arrangements as may be necessary and appropriate to secure the safe return of the child <input type="checkbox"/> 12. Assistance in obtaining private legal counsel or mediation services <input type="checkbox"/> 13. Referral to other governmental and / or non-governmental organisations for assistance <input type="checkbox"/> 14. Regular updates on the progress of the application <input type="checkbox"/> 15. Other, please specify: Please insert text here
<p>c) A request to secure the return to your State of a runaway child (see Art. 31(c))</p>	<ul style="list-style-type: none"> <input type="checkbox"/> 1. None <input type="checkbox"/> 2. Assistance in obtaining information on the operation of the 1996 Convention <input type="checkbox"/> 3. Assistance in obtaining information on the relevant laws and procedures in the requested State <input type="checkbox"/> 4. 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 type="checkbox"/> 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State <input type="checkbox"/> 6. Assistance in discovering the whereabouts of a runaway child <input type="checkbox"/> 7. Assistance in initiating judicial or administrative proceedings with a view to obtaining the return of the child <input type="checkbox"/> 8. Assistance in providing or facilitating the provision of legal aid and advice

	<input type="checkbox"/> 9. Assistance in providing such administrative arrangements as may be necessary and appropriate to secure the safe return of the child <input type="checkbox"/> 10. Assistance in obtaining private legal counsel <input type="checkbox"/> 11. Referral to other governmental and / or non-governmental organisations for assistance <input type="checkbox"/> 12. Regular updates on the progress of the application <input type="checkbox"/> 13. Other, please specify: Please insert text here
<p>d) A request for a report on the situation of a child habitually resident in another Contracting Party (e.g., a child returned as a result of child abduction proceedings or a child who has moved as a result of a relocation) (see Art. 32(a))</p>	<input type="checkbox"/> 1. None <input type="checkbox"/> 2. Assistance in obtaining information on the operation of the 1996 Convention <input type="checkbox"/> 3. Assistance in obtaining information on the relevant laws and procedures in the requested State <input type="checkbox"/> 4. 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 type="checkbox"/> 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State <input type="checkbox"/> 6. Other, please specify: Please insert text here
<p>e) A request that the competent authorities of another Contracting Party decide on the recognition or non-recognition of a measure taken in your State (see Art. 24)</p>	<input type="checkbox"/> 1. None <input type="checkbox"/> 2. Assistance in obtaining information on the operation of the 1996 Convention <input type="checkbox"/> 3. Assistance in obtaining information on the relevant laws and procedures in the requested State <input type="checkbox"/> 4. 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 type="checkbox"/> 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State <input type="checkbox"/> 6. Assistance in obtaining private legal counsel <input type="checkbox"/> 7. Regular updates on the progress of the request <input type="checkbox"/> 8. Other, please specify: Please insert text here
<p>f) A request that the competent authorities of another Contracting Party declare enforceable or register for the purpose of enforcement measures taken in your State (see Art. 26)</p>	<input type="checkbox"/> 1. None <input type="checkbox"/> 2. Assistance in obtaining information on the operation of the 1996 Convention <input type="checkbox"/> 3. Assistance in obtaining information on the relevant laws and procedures in the requested State <input type="checkbox"/> 4. 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 type="checkbox"/> 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State <input type="checkbox"/> 6. Assistance in obtaining private legal counsel <input type="checkbox"/> 7. Regular updates on the progress of the request <input type="checkbox"/> 8. Other, please specify: Please insert text here

Mediation, conciliation or similar methods (Art. 31(b))

22. How does your Central Authority (either directly or through public authorities or other bodies) take appropriate steps under **Article 31(b)** to facilitate, by mediation, conciliation or similar means, agreed solutions for the protection of the person or property of the child in situations to which the 1996 Convention applies?

Please explain:

There are regulations about different kinds of information and cooperation talks, and mediation at different stages in the processes in family matters.

For example, the municipality where the child is domiciled offers information and cooperation talks, which are free of charge for the parents. The purpose of the informational talks is to give the parents relevant information that can make it easier for them at an early stage to find the solution that is best for the child in matters of custody, contact and residence. During the information talks, the parents are informed about the legal regulations regarding these issues, what a court process can achieve and how such a process can affect the child. Cooperation talks are designed for parents to try to make them reach an agreement concerning the custody, contact and residence of the child. In incoming cases, the Swedish Central Authority informs about these possibilities. With regard to information and cooperation talks, the Swedish Central Authority can also assist in the initial contact with the municipality where the child is domiciled.

Placement and provision of care abroad (Art. 33)

23. Have authorities in your State experienced any challenges, or have questions arisen, in relation to:

- a) the **scope of application of Article 33** (e.g., in case of placement with relatives, migrant children)

Please provide further details, if possible:

The Swedish Central Authority has seen a few cases, both incoming and outgoing, that children have been placed without Article 33 consultations. It has in those cases not been discovered until for example the requesting country asks for social reports, protective measures etc. or a relative tries to exercise guardianship for the child and is denied this by competent Swedish authorities.

The Swedish Central Authority has also been made aware of a few cases where children have been placed in so called summer camps, but when looking further into the situations it becomes obvious that the children are being provided care, education and rehabilitation, and during extended periods of time, so that it seems to be equivalent to a cross-border placement. It has also been discovered that officers from authorities in the country of origin are exercising public agency / authority while in Sweden with the children, which is not allowed.

Kindly note that some of the cases have fallen under the equivalent article in the Brussels II.

- b) **time frames** of consultations under Article 33

Please provide further details, if possible:

- c) the availability of **equivalent measures** of protection in the other Contracting Party or differences in the applicable domestic legislation

Please provide further details, if possible:

- d) **financial costs** involved in the placement / provision of care abroad

Please provide further details, if possible:

The Swedish Central Authority has experienced that competent authorities sometimes find it challenging to assess which country should pay for the costs for the placement of a child and other costs for the child's upkeep, which according to the requesting country's

law and regulations should be paid by the competent authority. The same obligations might not exist according to Swedish laws and regulations. This is especially so in long-term placement where the child might eventually change his / her domicile and a transfer of jurisdiction follows.

- e) other **practical issues** arising from the placement / provision of care abroad (e.g., documentation, immigration matters)

Please provide further details, if possible:

- f) other issues relating to Article 33.

Please specify:

In a very few cases (incoming and outgoing), the competent authorities have raised concerns that requests might be a matter of adoption or a way to migrate the child, rather than a placement of the child.

24. Have **judicial or administrative procedures, guidelines, or protocols** been adopted in your State to deal with the placement procedure under Article 33?

- No
 Yes

Please describe and also provide a link or attach any relevant documents, preferably translated into English or French:

In incoming cases: Chapter 6 Section 11a in the Social Services Act. In outgoing cases: Chapter 6 Section 11b in the Social Services Act

The National Board of Health and Welfare has manuals/handbooks etc. that provide information to relevant professionals regarding, among other things, questions about the placement of children across national borders and questions about which country is authorized to decide in certain matters. See links in Annex 1.

25. After the placement of the child abroad to another Contracting Party, does your State seek **follow up information on the situation** of that child?

- No
 Yes

Please describe:

The Social Welfare Committee may place a child in another country only if:

1. it is best for the child to be placed there, especially considering the child's attachment to the other country,
2. the child's attitude towards the placement has been clarified as far as it is possible,
3. the child's guardian and, if the child has turned 15, the child's consent to the placement,
4. the Social Welfare Committee through an agreement with the relevant authority in the country where the child is to be placed has made it possible to follow up the placement, and
5. the country has a satisfactory system in terms of supervision.

The Social Welfare Committee must therefore have an agreement with the competent authority in the country where the child is to be placed on how the placement is to be followed up. The Social Welfare Committee must be able to follow-up how the placement continues after it has started.

Reports (Arts 32, 33 and 34)

26. Have authorities in your State experienced any challenges, or have questions arisen, in providing or obtaining reports or information under **Article 32, 33 or 34**?

- No
 Yes

Please describe:

The Swedish Central Auhtority has not been made aware of such challenges or questions.

27. Do authorities in your State use a standard template when providing a report on the (situation of the) child under Article 32 or 33?

- No
 Yes

Please attach the template to your response (preferably translated into English or French):

Assistance from the authorities of another Contracting Party

28. Have competent authorities in your State experienced any challenges, or have questions arisen, in applying **Article 35**?

- No
 Yes

Please describe:

The Swedish Central Auhtority has not been made aware of such challenges or questions.

29. Have judges in your State used direct judicial communications in cases falling under the 1996 Convention?

- No
 Yes

Please specify in relation to which specific matters (e.g., transfer of jurisdiction, placement of a child)::

Questions of jurisdiction, and recognition and enforcement.

8. General provisions

Article 40 Certificates

30. How often have competent authorities in your State issued **Article 40 certificates** indicating the capacity in which a person having parental responsibility or entrusted with the protection of the child's person or property is entitled to act and the powers conferred upon him or her?

- Do not know
 Never
 Rarely
 Sometimes
 Very often
 Always

31. Has your State experienced any challenges, or have questions arisen, in relation to **requests under Article 40**?

- No
 Yes

Please describe:

The Swedish Central Authority has not been made aware of any requests under Article 40. However, no specific authority has been appointed in Sweden to issue such certificates.

Issues in relation to the property of the child (Arts 55 and 60)

32. How often have competent authorities in your State dealt with **measures for the protection of the property of the child by using the framework of the Convention?**

- Do not know
 Never
 Rarely
 Sometimes
 Very often
 Always

If possible, please provide supplementary information:

According to Swedish law, as a general rule, a Chief Guardian has a role according to monitor parents management of a child's property or assets above a certain amount of monetary value. It's a way to make sure that the child's parents/custodians do not misuse the child's property. Likewise, as a general rule, an agreement that may lead to a child incurring debts must be approved by the child's parents (guardians) and by the municipality's Chief Guardian, or Chief Guardian's Board in order to be valid (Chapter 13 Section 12 in the Children and Parents Code).

In the last two years, the Swedish Central Authority's experience is that there has been an increase of questions from competent Swedish authorities, i.e. Chief Guardians in different municipalities, about the matter of property of and debts for a child, and if transfer of its competence (monitoring role), to a possible competent authority, equivalent to the Swedish Chief Guardian in the requested state, fall under the scope of the 1996 Hague Convention (and the Brussels II Regulation). The question usually arise when the Swedish Enforcement Agency or the Chief Guardian has received information that a child has moved from Sweden with his / her parents and the Chief Guardian becomes unable to fulfill its monitoring role. It seems however that the equivalent supervision is not always available in other countries and hence it is difficult to transfer jurisdiction for this purpose. The Swedish Central Authority has in these cases forwarded the Chief Guardian's requests as a notification of concern for the child. The question in a broader perspective seems to be if the monitoring role falls under the 1996 Hague Convention.

9. Special topics

International family relocation

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

- Yes
 Please describe such procedures, if possible:

- No
Please describe how the authorities deal with international family relocation cases, if possible:

34. Are you aware of any use being made of Article 24, which provides for advance recognition, in lieu of or in connection with international family relocation?

- No
 Yes
Please explain:
The Swedish Central Authority has handled general questions, but has not received applications under Article 24.

35. Are you aware of any use being made of other provisions of the 1996 Convention in cases where a parent wishes to relocate with his or her child to another State?

- No
 Yes
Please explain:
General questions in accordance with article 30 from contracting states assisting parents before a planned relocation to Sweden. The questions are usually concerning legislation, and procedures for registration and recognition of custody decisions at relevant Swedish authorities.

There are also examples of requests from competent authorities in the requesting state for social reports. Information may be sought about a new Swedish partner of the child's parent (legal guardian) and if the home environment of the new partner is suitable, before the family relocates from the requesting state to Sweden.

Children subject to international abduction

36. Have authorities in your State experienced any challenges, or have questions arisen, in relation to the application of the 1996 Convention (e.g., Art. 50) in cases of child abduction where the 1980 Convention was not applicable (see Questions 20(b) and 21(b) above)?

- No
 Yes
Please describe:
The Swedish Central Authority has not been made aware of such challenges or questions.

37. In cases of child abduction where both the 1980 Convention and the 1996 Convention were applicable, have authorities in your State made use of provisions under the 1996 Convention (e.g., Art. 50) in addition to or instead of provisions of the 1980 Convention?

- No
 Yes
Please specify the provisions and explain:

38. In cases of child abduction, whether or not the 1980 Convention is applicable, have authorities in your State used the cooperation provisions in Chapter V of the 1996 Convention to determine whether adequate measures of protection are available in the State of the habitual residence of the child (e.g., to facilitate the safe return of the child)?

- No
 Yes

Please explain:

This kind of cooperation occurs now and then in cases where 1980 Hague Convention is applicable. The Swedish Central Authority has mainly experience of outgoing cases when competent Swedish authorities have been asked to cooperate to provide information relevant for the child's protection upon return. Such requests have been made within the framework of the 1980 Hague Convention, sometimes with reference to Brussels II.

39. In cases of child abduction, have competent authorities in your State taken measures of protection under Article 11, as an alternative to measures of protection in the form of mirror orders or undertakings, to facilitate the safe return of the child?

- No
 Yes

Please explain:

According to Swedish law (Section 19 in Lag (1989:14) om erkännande och verkställighet av utländska vårdnadsavgöranden m.m. och om överflyttning av barn), there is the possibility to request the court to consider if a child shall be taken into immediate care by the social authority if there is an imminent risk that the child will be taken out of the country or if an enforcement of a return order is otherwise more difficult.

With regard to abduction cases, Sweden has concentrated jurisdiction to Stockholm District Court. The Court does not try such protective measures ex officio. The applicant therefore has to state the demand for protective measures, for the Court to decide on the matter.

Stockholm District Court has informed that such measures have not been demanded for many years.

Unaccompanied and separated children⁶ and emergency situations (Art. 6)

40. How often have competent authorities in your State dealt with **cases involving refugee children, internationally displaced children, or children whose habitual residence cannot be established** by using the framework of the 1996 Convention?

- Do not know
 Never
 Rarely
 Sometimes
 Very often
 Always

If possible, please provide supplementary information:

41. Where the **habitual residence of a child present in your State could not be established**, have authorities in your State used any of the cooperation provisions of the 1996 Convention in determining the child's place of habitual residence?

⁶ In relation to this section of the Questionnaire, see [Prel. Doc. No 7 of February 2020](#), "The application of the 1996 Child Protection Convention to unaccompanied and separated children".

- No
 Yes
 Please specify:
 Articles 34 and 36.

42. Have competent authorities in your State had experience with providing assistance to **discover the whereabouts of children** that went missing due to disturbances occurring in their State of habitual residence by using the framework provided by the 1996 Convention?

- No
 Yes
 Please specify:
 Sweden has not yet received any requests for this purpose under the 1996 Hague Convention in individual cases.

43. Have **procedures, guidelines, or protocols** been adopted in your State to deal with the protection of unaccompanied or separated children in the context of the 1996 Convention?

- No
 Yes
 Please describe and also provide a link or attach any relevant documents, preferably translated into English or French:

44. In emergency situations, such as a humanitarian crisis, have authorities in your State experienced any challenges, or have questions arisen, in regard to the **exchange of information** among authorities of the Contracting Parties, in particular taking into account Articles 36 and 37 of the 1996 Convention?

The Swedish Central Authority has not been made aware of such challenges or questions.

45. Are you aware of whether **Preliminary Document No 7 of February 2020, “The application of the 1996 Child Protection Convention to unaccompanied and separated children”**, has been brought to the attention of the competent authorities in your State?

- No
 Yes
 Please specify:

International access / contact cases involving children

46. Should your State also be a Contracting Party to the 1980 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?⁷

- No
 Yes
 Please explain:

⁷ The Explanatory Report (Lagarde) on the 1996 Convention notes that cooperation under Art. 35(1) between authorities of States Parties with respect to rights of access “serves in a certain way to complete and reinforce the co-operation, which is not always effective, provided for the same purpose between Central Authorities” under Art. 21 of the 1980 Convention. Explanatory Report, para. 146 (1997).

We have some examples of questions about the possibility to use either or both Article 26 in the 1996 Convention and Article 21 in the 1980 Hague Convention in both in incoming and outgoing cases concerning access.

Practical Handbook

47. Do you have any observations or comments to share concerning the **Practical Handbook** on the Operation of the 1996 Child Protection Convention?

- No
 Yes

Please specify:

It is our experience at the Swedish Central Authority that the Practical Handbook is very valuable and useful.

Agenda items for the next SC meeting

48. Are there any **particular issues** that your State would like the SC meeting to discuss in relation to the 1996 Convention? Please specify and list in order of priority:

PART II – FOR NON-CONTRACTING PARTIES

49. Is your State currently considering **signing and ratifying or acceding to the 1996 Child Protection Convention**?

- Yes
If possible, please provide further information:
[Please insert text here](#)
- No
If possible, please provide further information:
[Please insert text here](#)

50. In considering how your State would **implement the 1996 Child Protection Convention**, have you encountered any **issues of concern**?

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

51. Are there any **particular issues** that your State would like the SC meeting to discuss in relation to the 1996 Child Protection Convention?

- No
- Yes
Please specify and list in order of priority:
[Please insert text here](#)

52. Do you have any observations or comments to share concerning the **Practical Handbook** on the Operation of the 1996 Child Protection Convention?

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