|  |  |
| --- | --- |
| Title | **Questionnaire on the Practical Operation of the 1996 Child Protection Convention** |
| Document | Prel. Doc. No 2 of October 2022 |
| Author | PB |
| Agenda Item | Item TBD |
| Mandate(s) | C&D No 15 of CGAP 2022  C&D No 16 of CGAP 2021 |
| Objective | - To obtain information on the practical operation of the 1996 Child Protection Convention  - Deadline for submitting the completed Questionnaire: **3 February 2023** |
| Action to be Taken | For Decision  For Approval  For Discussion  For Action / Completion  For Information |
| Annexes | N/A |
| Related Documents | Prel. Doc. No 1 of October 2022 – Draft Table of Conclusions and Recommendations of previous Meetings of the Special Commission (SC) on the practical operation of the 1980 Child Abduction and the 1996 Child Protection Conventions that are still relevant today  Prel. Doc. No 5 of December 2020 – 1980 Child Abduction / 1996 Child Protection Conventions: Planning for the next Special Commission meeting |

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# **Introduction**

## **Objectives and scope of the Questionnaire**

1. This Questionnaire is being circulated in preparation for the upcoming Eighth Meeting of the Special Commission (SC) on the practical operation of the 1980 Child Abduction Convention (or "1980 Convention") and the 1996 Child Protection Convention(or "1996 Convention") tentatively scheduled to take place in **October 2023** **(dates to be confirmed)**. This Questionnaire focuses on the practical operation of the 1996 Child Protection Convention; a subsequent Questionnaire will focus on the 1980 Child Abduction Convention.
2. Through the circulation of this Questionnaire, the Permanent Bureau ("PB") aims to:
3. seek information as to the practical operation of the 1996 Convention in Contracting Parties, including procedures that have been established to implement the Convention, the extent of cooperation between Contracting Parties, and the types of assistance provided to individuals;
4. identify challenges or questions that have arisen as well as good practices regarding the practical operation of the Convention;
5. identify challenges or questions that have arisen for non-Contracting Parties in the process of studying the Convention with a view to signing and ratifying or acceding to it; and
6. obtain views and comments on priority topics for discussion at the SC meeting and assist with the drawing up of an agenda for the meeting.
7. The information collected through this Questionnaire may also assist the PB in providing insights into the work carried out for the development of a Country Profile. The PB is working towards developing a Country Profile for the 1996 Convention with a view to having it adopted by the SC. In the future, the Country Profiles shall be used to indicate in further detail some of the information currently being asked in the Questionnaire.

## **Structure of the Questionnaire**

1. This Questionnaire follows, to the extent possible, the order of the Chapters in the 1996 Convention, with an additional section on special topics. Such structure is similar to the one of the previous Questionnaire circulated ahead of the Seventh Meeting of the Special Commission in 2017.[[1]](#footnote-2) This Questionnaire is comprised of two main parts:

Part I: For Contracting Parties, containing 48 questions, and

Part II: For non-Contracting Parties, containing 4 questions.

1. Whilst this Questionnaire is primarily addressed to Contracting Parties to the 1996 Convention, the PB welcomes comments from all the other invitees to the SC (*i.e.*, States which are not yet Party to the Convention, international organisations and international non-governmental organisations) in respect of items in the Questionnaire which are considered relevant.
2. The design of the Questionnaire allows the collection of both quantitative and qualitative data on the operation of the 1996 Convention. It presents different types of questions (open-ended, yes / no questions, frequency rating), which were crafted with the intention to collect meaningful data on current practices and relevant topics for the operation of the 1996 Convention.

## **Coordination for answering and submitting the Questionnaire**

1. The Questionnaire is being sent to Central Authorities with copies to members of the International Hague Network of Judges ("IHNJ") designated by Contracting Parties to the 1996 and 1980 Conventions, as well as National and Contact Organs of HCCH Members. Central Authorities and members of the IHNJ are asked to coordinate as appropriate between themselves and with other members of the judiciary to respond to the questions that pertain to competent authorities. Central Authorities are ultimately responsible for submitting the completed Questionnaire to the PB.

## **Practical instructions for completion**

1. **Use the Word version of the document**: To allow the PB to extract parts of the Questionnaire for the compilation and analysis of the responses, please use **this** **Word Version** of the document. Please **do not return a PDF version** of the completed Questionnaire.
2. **Submitting the completed Questionnaire**: You are kindly requested to send the completed Questionnaire by e-mail, in an attachment in Word format, to [secretariat@hcch.net](mailto:secretariat@hcch.net), with the following indication in the subject line of the e-mail:

"2023 SC – Responses 1996 SC Questionnaire – [name of State]"

1. **Deadline for submitting the completed Questionnaire**: 3 February 2023
2. **Visibility on the HCCH website**: The PB intends, except where expressly asked not to do so, to place all the responses to this Questionnaire on the HCCH website ([www.hcch.net](http://www.hcch.net)). Therefore, please identify clearly in your message submitting the Questionnaire any responses which **should not** be made visible on the website.
3. Please do not hesitate to address any questions you may have to [secretariat@hcch.net](mailto:secretariat@hcch.net). Thank you for your cooperation as the PB prepares for the next meeting of the SC in 2023.

**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]](#footnote-3)** | Please insert text here |
| *For follow-up purposes* | |
| Name of contact person: | Please insert text here |
| Name of Authority / Office: | Please insert text here |
| Telephone number: | Please insert text here |
| E-mail address: | Please insert text here |

# **PART I – FOR CONTRACTING PARTIES**

## **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:  Please insert text here |

1. Please provide the three most **significant decisions concerning the interpretation and application of the 1996 Convention** recently rendered by the relevant authorities[[3]](#footnote-4) in your State.

|  |  |  |  |
| --- | --- | --- | --- |
| Case Name | Court Name | Court Level | Brief summary of the ruling |
| Please insert text here | Please insert text here | Please insert text here | Please insert text here |
| Please insert text here | Please insert text here | Please insert text here | Please insert text here |
| Please insert text here | Please insert text here | Please insert text here | Please insert text here |

1. 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):

|  |
| --- |
| Please insert text here |

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

1. 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:  Please insert text here |

## **Jurisdiction to take measures of protection**

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

1. 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:  Please insert text here |

### **International child abduction** (Arts 7 and 50)

1. 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:  Please insert text here |

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

1. 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:  Please insert text here |

### **Transfer of jurisdiction** (Arts 8 and 9)

1. 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:

|  |
| --- |
| Please insert text here |

1. 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:  Please insert text here |
|  | No |
|  | Please specify any reasons:  Please insert text here |

## **Special types of measures of protection**

### **Urgent measures of protection** (Art. 11)

1. 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: |
|  | Please insert text here |
|  | Yes, in other situations. |
|  | Please describe in which other situations a competent authority in your jurisdiction has applied Article 11: |
|  | Please insert text here |

### **Provisional measures** (Art. 12)

1. 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:  Please insert text here |

## **Applicable law** (Chap. III)

1. 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:  Please insert text here |

## **Recognition and enforcement**

1. 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:  Please insert text here |

### **Advance recognition** (Art. 24)

1. How often have competent authorities in your State experienced cases of requests for a**dvance recognition**?

Do not know

Never

Rarely

Sometimes

Very often

Always

If possible, please provide supplementary information:

|  |
| --- |
| Please insert text here |

1. 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:  Please insert text here |
|  | No |

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

1. 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?
2. Which authority declares enforceable or registers a measure of protection taken in another Contracting Party? Please specify:

|  |
| --- |
| Please insert text here |

1. What time frames are applied to ensure that the procedure is rapid? Please explain:

|  |
| --- |
| Please insert text here |

1. Is legal representation required? Please explain:

|  |
| --- |
| Please insert text here |

1. 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:  Please insert text here |

## **Cooperation** (Chap. V)

### **Central Authority practice**

1. 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:  Please insert text here |

### **Services available**

1. 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 |

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

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

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

1. 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:

|  |
| --- |
| Please insert text here |

### **Placement and provision of care abroad** (Art. 33)

1. Have authorities in your State experienced any challenges, or have questions arisen, in relation to:
2. the **scope of application of Article 33** (*e.g*., in case of placement with relatives, migrant children)

Please provide further details, if possible:

|  |
| --- |
| Please insert text here |

1. **time frames** of consultations under Article 33

Please provide further details, if possible:

|  |
| --- |
| Please insert text here |

1. 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:

|  |
| --- |
| Please insert text here |

1. **financial costs** involved in the placement / provision of care abroad

Please provide further details, if possible:

|  |
| --- |
| Please insert text here |

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

Please provide further details, if possible:

|  |
| --- |
| Please insert text here |

1. other issues relating to Article 33.

Please specify:

|  |
| --- |
| Please insert text here |

1. 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:  Please insert text here |

1. 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:  Please insert text here |

### **Reports** (Arts 32, 33 and 34)

1. 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:  Please insert text here |

1. 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):  Please insert text here |

### **Assistance from the authorities of another Contracting Party**

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

|  |  |
| --- | --- |
|  | No |
|  | Yes |
|  | Please describe:  Please insert text here |

1. 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)::  Please insert text here |

## **General provisions**

### Article 40 Certificates

1. 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

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

|  |  |
| --- | --- |
|  | No |
|  | Yes |
|  | Please describe:  Please insert text here |

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

1. 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:

|  |
| --- |
| Please insert text here |

## **Special topics**

### International family relocation

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

|  |  |
| --- | --- |
|  | Yes |
| Please describe such procedures, if possible:  Please insert text here |
|  | No |
| Please describe how the authorities deal with international family relocation cases, if possible:  Please insert text here |

1. 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:  Please insert text here |

1. 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:  Please insert text here |

### Children subject to international abduction

1. 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:  Please insert text here |

1. 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:  Please insert text here |

1. 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:  Please insert text here |

1. 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:  Please insert text here |

### Unaccompanied and separated children[[6]](#footnote-7) and emergency situations (Art. 6)

1. 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:

|  |
| --- |
| Please insert text here |

1. 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?

|  |  |
| --- | --- |
|  | No |
|  | Yes |
|  | Please specify:  Please insert text here |

1. 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:  Please insert text here |

1. 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:  Please insert text here |

1. 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?

|  |
| --- |
| Please insert text here |

1. 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:  Please insert text here |

### **International access / contact cases involving children**

1. 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]](#footnote-8)

|  |  |
| --- | --- |
|  | No |
|  | Yes |
|  | Please explain:  Please insert text here |

### **Practical Handbook**

1. 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 |

### **Agenda items for the next SC meeting**

1. 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:

|  |
| --- |
| Please insert text here |

# **PART II – FOR NON-CONTRACTING PARTIES**

1. 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 |

1. 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 |

1. 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 |

1. 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 |

1. The responses to the Questionnaire on the practical operation of the 1996 Convention circulated in December 2016 are available at this link <https://www.hcch.net/en/publications-and-studies/details4/?pid=6550&dtid=33>. [↑](#footnote-ref-2)
2. The term “State” in this Questionnaire includes a territorial unit, where relevant. [↑](#footnote-ref-3)
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. [↑](#footnote-ref-4)
4. See in this context, *e.g.*, the [Practical Handbook](https://assets.hcch.net/docs/eca03d40-29c6-4cc4-ae52-edad337b6b86.pdf) on the Operation of the 1996 Child Protection Convention, sections 11(E)(d) and 13(B) (2014). [↑](#footnote-ref-5)
5. See in this context, *e.g.*, the [Practical Handbook](https://assets.hcch.net/docs/eca03d40-29c6-4cc4-ae52-edad337b6b86.pdf) on the Operation of the 1996 Child Protection Convention, sections 11(E)(d) and 13(B) (2014). [↑](#footnote-ref-6)
6. In relation to this section of the Questionnaire, see [Prel. Doc. No 7 of February 2020](https://assets.hcch.net/docs/4a6f76b4-71f9-44be-ab0d-311588fdde06.pdf), “The application of the 1996 Child Protection Convention to unaccompanied and separated children”. [↑](#footnote-ref-7)
7. The [Explanatory Report](https://assets.hcch.net/upload/expl34.pdf) (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). [↑](#footnote-ref-8)