

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.

Name of State or territorial unit: ¹	Sweden
<i>For follow-up purposes</i>	
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PART I: RECENT DEVELOPMENTS²

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:

We would like refer to the answer given by the European Union.

In Swedish law there has been a change regarding the crime of child abduction. In 2014, the penal provision on arbitrary conduct concerning a child was amended to also include situations where the child is arbitrarily retained without a good reason by one of the persons who have custody.

The government found (Govt. Bill 2013/14:120) that the criminal liability for arbitrary conduct concerning a child in cases of joint custody was not appropriately formulated. According to the government, it must be regarded so culpable to separate a child from a custodian not only by abducting it but also by otherwise retaining it that also the latter should be criminalized.

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 authorities³ 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.

There has been two relevant decisions made by the Supreme Court of Sweden:

NJA 2013 s 1143: An order to return a child to Turkey was refused based on Article 13

¹ The term "State" in this Questionnaire includes a territorial unit, where relevant.

² This Part of the Questionnaire is intended to deal primarily with the developments in law and practice relating to international child abduction 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.

³ 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.

of the Convention. Initially, the competent court had issued a final decision on return in 2010. The enforcement of the decision was not carried out due to the fact that the mother intentionally kept herself and the child away from Swedish authorities. In 2013 the mother came forward and filed a petition of retrial of the decision on return to the competent court. By that time the child had reached the age of 6 years and had been living with her mother in Sweden for more than 4 years. During that time she had met her father on only a few occasions and she had no social connection to Turkey. She had two younger brothers and a safe home environment in Sweden. After considering the circumstances of the case, the purpose of the Convention and the relevant law – including the 1989 Child Rights Convention and the European Convention on Human Rights – the court found that there was a grave risk that the return of the child would expose her to psychological harm (art 13 b), why return of the child to Turkey was refused.

NJA 2012 s 269: The Supreme court rejected the father's request of the return of two children to the Czech Republic. The court established that the children's habitual residence by at the time of the claimed wrongful retention was Czech Republic. Then, the court had to determine whether the rights of custody attributed to the father had been breached or not. The Supreme court found that an interim decision from the Czech Republic, issued after the retention of the children in Sweden, ruling that the mother and the children had the right to stay in Sweden, had the same legal effect as a subsequent consent in the meaning of art 13 a. Therefore, the Supreme court concluded that the father's request of return of the children was to be rejected.

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.

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:

There are a few countries where we have experienced challenges that seem to be systematic, especially concerning locating the child, delayed answers from the Central Authorities and the length of the procedure, mainly due to delayed court proceedings.

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

- No
 Yes, please specify:

There are a number of State Parties that do not apply the six week-rule in the majority of the cases. Also, we have experienced a few cases where there is an on-going criminal process which has put the Hague process on hold.

PART II: THE PRACTICAL OPERATION OF THE 1980 CONVENTION

3. The role and functions of Central Authorities designated under the 1980 Convention⁴

In general

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

- No

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

Yes, please specify:

In some cases there has been a delay with the reply from the other Central Authorities. Also, in some cases the information provided by the Central Authority is too limited with regard to the situation and the question asked.

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:

With regard to some Central Authorities the communication has not worked satisfactory, for example delayed replies, lack of information etc.

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:

Legal aid and representation

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?⁵

No

Yes, please specify:

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:

In most cases we do not experience any challenges with locating the child. However, with regard to a few State Parties we have experienced challenges in the requested country in locating the child, despite the fact that information has been provided.

⁵ 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 > under "Child Abduction Section" then "Special Commission meetings").

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:

Normally, the child is located by details provided in the application by the applicant. The Swedish Central Authority also has access to the Swedish population register, which may provide address information concerning the child/the parent. In cases where the child cannot be located through the details in the application or the information in the population register, the Swedish Central Authority may ask for help from the Police Authority, Migration Board or/and the Social Services.

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?⁶

- No
 Yes, please specify:

Annual meetings are held between the Nordic Central Authorities to exchange experiences and knowledge.

In March 2017 and December 2014 the Swedish Central Authority was in Brasilia and met with the Brazilian Central Authority to discuss the handling of cases and the co-operation between the two Central Authorities.

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:

Please see the answer to question 3.8.

Statistics⁷

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

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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 Swedish Central Authority has established routines for the prompt handling of these cases, including voluntary return letters, facilitating contacts with lawyers etc.

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

When we as a Central Authority is not able to proceed with a case the reason is usually that we are waiting for additional information or documentation.

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

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

With regard to delays in other State Parties, please see the answer to question 2.

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)?⁸

Yes

No, please indicate if such arrangements are being contemplated:

As the first instance, the District Court of Stockholm has exclusive jurisdiction regarding cases in accordance to the Convention. The decision may be appealed to the second instance, Svea Court of Appeal. Thereafter, the decision may be appealed to the Supreme Court. Leave to appeal is required for both the second and third instance.

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:

Yes, Sweden has mechanisms in place to handle return decisions within six weeks. These include the following. According to section 15 of the implemented domestic law (Act concerning Recognition and Enforcement of Foreign Decisions concerning Custody etc., and on the Return of Children) such a case shall be handled promptly. If a case has not been decided within six weeks from the application for a return decision, the court shall, upon the request of the applicant, explain the cause of the delay. According to section 16 of the Act concerning Recognition and Enforcement of Foreign Decisions concerning Custody etc., on the Return of Children the court can assign someone from the social services or another suitable person to act for the fulfillment of the person in care of the child of his or her duties, but only if it will lead to the child being returned without undue delay in the handling of the case. The person given the mission shall within the time stated by the court leave a statement of the actions taken and what else has been learned. The time shall not exceed two weeks. The time may only in exceptional circumstances be longer or prolonged. Also, the court generally tries to assist the parties in reaching an agreement. If the court decided on enforcement or return it may, without a request impose a fine, if this is thought to lead to the child being handed over without undue delay, or decide that the child should be retrieved with the help of the Police (Section 18 of the same act). If there is a risk of the child being moved out of the country or the enforcement/return otherwise obstructed the court can decide that the child shall be taken into the care of the social welfare or otherwise suitably cared for (Section 19 of the act).

Decisions (except on the payment of a penalty/fine) are effective immediately unless otherwise decided (Chapter 21, section 14 of the Children and Parents Code).

Regarding the possibility to appeal leave to appeal is required for both the second and third instance.

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:

Yes, please explain:

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

⁸ 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".

Normally, applications of return are dealt with and decided upon within 6 weeks, counted from the date the court receives the application.

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:

Yes, please explain:

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

Yes

No, please explain:

The competent court has made such direct judicial communication once regarding permission for questioning by phone.

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?

Not applicable. In general, the parties themselves provide the relevant information for the case.

5. **Ensuring the safe return of children**⁹

*Methods for ensuring the safe return of children*¹⁰

5.1 What measures has your Central Authority taken to ensure that the recommendations of the 2006 and 2011 / 2012 Special Commission meetings¹¹ regarding the safe return of children are implemented?

The measures we are doing in line with the recommendations are the following:

If the child is to leave Sweden and there is a risk for the child upon return to the other country, our Central Authority contacts the other country's Central Authority and informs them of the situation.

If the child is to return to Sweden and is at risk upon return here, our Central Authority informs relevant social authorities in order for them to prepare for the child's return.

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)?

⁹ See **Art. 7(2) h)** of the 1980 Convention.

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

¹¹ 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.

We would communicate the circumstances to the Central Authority in the requesting state, if its not already aware of the situation.

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 Social Services in each municipality are the competent authorities to asses the needs of each child in their municipality. There are a range of measures, voluntary or cohersive depending on the situation.

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:

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.

The court is the competent authority to decide weather or not Article 13 of the Convention is applicable, due to the circumstances of each case. The Swedish Central Authority does not keep data on the reasons for refusal in accordance to Article 13.

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.

Communication with the Central Authority in the requesting state would take place in such situation, if its not already aware of the same.

Also, to secure the safe return of the child we could ask for information in accordance to the Brussels II bis Regulation and 1996 Hague Convention.

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?

When a child is to be returned to the requesting state, the Swedish Central Authority would ask the Central Authority in the requesting state for a confirmation that the child has actually been returned to that state. If a parent in Sweden or a social authority wishes further information, a request in accordance to the Brussels II bis Regulation or the 1996 Convention may be made.

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:

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 Swedish Central Authority always offers to send the taking parent a voluntary letter, if this is not contrary to the expressed will of the applicant. In general, the taking parent has to respond within 1-2 weeks.

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

See question 4.2 concerning mediation.

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?¹³

- No, please explain:
 Yes, please explain:

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?¹⁴

- No
 Yes, please describe:

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:

We are not able to take a stand at the moment. However, we would welcome a discussion on the subject.

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 Practice¹⁵ to assist in implementing for the first time, or improving the practical operation of, the 1980 Convention in your State?

¹² Available on the Hague Conference website at < www.hcch.net > under "Child Abduction Section" then "Guides to Good Practice".

¹³ 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.

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

¹⁵ 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".

- a. Part I on Central Authority Practice. Please explain:
[Yes, we use it as guidance when non-frequent issues arise.](#)
- b. Part II on Implementing Measures. Please explain:
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- c. Part III on Preventive Measures. Please explain:
[See the answer to questions 8.1 a.](#)
- d. Part IV on Enforcement. Please explain:
[See the answer to questions 8.1 a.](#)

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?

[On our website \(see the link under question 9.2\) there is a link to the website of the HCCH.](#)

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

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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:

[It happens that cases are subject to media attention and publicity.](#)

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

[The Swedish Central Authority has made a brochure with information about wrongfully removed children and the Convention. The brochure, together with more relevant information, is to be found on the government's website \(please see the English version on the following link: <http://www.government.se/information-material/2016/06/children-who-are-wrongfully-removed-or-retained-in-another-country/>\). We have also had meetings with relevant Swedish authorities to inform them about the Convention, and for them to be able to spread the information further.](#)

PART IV: TRANSFRONTIER ACCESS / CONTACT AND INTERNATIONAL FAMILY RELOCATION

10. **Transfrontier access / contact**¹⁶

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:

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.

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

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;
- b. the effective exercise of rights of access; and

In some cases the right to access during a return process is not exercised in an effective way when the return procedure is delayed.

- c. the restriction or termination of access rights.

Please provide case examples where possible.

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

We would use this as guidance when in need.

11. **International family relocation**¹⁸

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:

No significant developments.

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:

We would like refer to the answer given by the European Union.

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?

We would like to see that China is invited to the Special Commission meeting in 2017.

*The "Malta Process"*¹⁹

¹⁷ Available on the Hague Conference website at < www.hcch.net > under "Child Abduction Section" then "Guides to Good Practice".

¹⁸ 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."

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?²⁰

We would like refer to the answer given by the European Union.

- 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 Hague Conventions?

- No
 Yes, please explain:

At the Swedish Central Authority we are in the initial stage of exploring what possibilities may be available in term of mediation in our outgoing child abduction cases to countries that are not parties to the 1980 or 1996 conventions. (As the Central Authority in Sweden is situated within the Ministry for Foreign Affairs, we deal also with our “non convention cases”.)

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

We would like refer to the answer given by the European Union.

<p>PART VI: TRAINING AND EDUCATION AND THE TOOLS, SERVICES AND SUPPORT PROVIDED BY THE PERMANENT BUREAU</p>
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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 Swedish Central Authority has annual meetings with the competent Swedish courts matters of common interest. (The District Court of Stockholm and the Svea Court of Appeal.

The Swedish Central Authority also participates in different events and trainings with relevant Swedish authorities (for example police/prosecutors). This improves the understanding of each others responsibilities and makes cooperation easier.

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

In general

¹⁹ 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”.

²⁰ 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”.

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 >).

Very useful, particularly the possibility to search for case law.

- c. *The Judges' Newsletter* on International Child Protection - the publication of the Hague Conference on Private International Law which is available online for free;²¹

- d. The specialised "Child Abduction Section" of the Hague Conference website (< www.hcch.net >);

Very good!

- e. INCASTAT (the database for the electronic collection and analysis of statistics on the 1980 Convention);²²

We have not used it.

- f. Providing technical assistance and training to States Parties regarding the practical operation of the 1980 and 1996 Conventions.²³ 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;

We understand that you have held regional trainings, but we have not participated so we cannot comment on that. We have however participated in the Malta process where we have very much appreciated your involvement.

- g. Encouraging wider ratification of, or accession to, the Convention(s), including educating those unfamiliar with the Convention(s);²⁴

Sweden welcomes the Permanent Bureau's work in this field.

- h. Supporting communications between Central Authorities, including maintaining their contact details updated on the HCCH website;

The contact details are very much appreciated, but it is important that they are updated. Since it does not require a lot of effort from the State Parties to update only the contact details, we would encourage frequent reminder to do so.

- 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

²¹ Available on the Hague Conference website at < 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.

²² Further information is available via the Hague Conference website at < www.hcch.net > under "Child Abduction Section" then "INCASTAT".

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

²⁴ 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.

Other

14.2 What other measures or mechanisms would you recommend:

- a. To improve the monitoring of the operation of the Conventions;
- b. To assist States in meeting their Convention obligations; and
- c. To evaluate whether serious violations of Convention obligations have occurred?

**PART VII: PRIORITIES AND RECOMMENDATIONS FOR THE SPECIAL COMMISSION
AND ANY OTHER MATTERS**

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.

We would like the problems with the length of the procedure in return matters to be discussed. It is a big problem with delays in the return proceedings which results in additional complications, for example alienation between the child the left behind parent, increasing difficulties for the child to be returned (risk for additional trauma). These kind of problems can be avoided if the time limit of six weeks is respected.

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

To stress the importance of swift proceedings.

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.