

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	Georgia
<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:

In 2011, the Central Authority of Georgia (Public International Law Department of the Ministry of Justice of Georgia) elaborated amendments to the Civil Code of Georgia and Civil Procedure Code of Georgia for the effective implementation of the Convention. As to the procedural part, a new chapter was added to the Civil Procedure Code of Georgia on the Special Aspects of Return or Exercise the Right to Access with a Wrongfully Removed or Retained Child. According to this legislative amendment, two courts in Tbilisi and Kutaisi (Tbilisi and Kutaisi City Courts and Appeal Courts) are designated to study the cases under this Convention. In addition, the 6-week period was determined for the courts to decide the cases and the 2-week period was determined for the appeal. The legislative amendments entered into force on 6 June, 2011.

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.

In 2013-2017 (June) the competent Georgian courts dealt with 7 cases of the international child abduction/retention. In these decisions, the courts particularly emphasized the importance of defending the best interests of the child. The competent Georgian courts stated, that they primarily follow the principle, according to which the child should not be perceived as an object of protection, but as a subject whose rights have to be acknowledged and protected. In addition, during the process of reviewing the case, the courts analyzed the

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.

psychological state of the minor and the estimated results in the case of the minor's return to the requesting state.

In two cases, the court stated, that the children (12 years old in one case, 8 and 11 years old in another case) had attained an age and the degree of maturity and took into account their opinion.

In one case, the Court stated that the "grave risk" test, which is enshrined in Article 13 of the 1980 Hague Convention, shall be interpreted narrowly. In addition, the court suggested, that the opinion of the child, which is based on the favor of free time and entertainment and is not based on the actual needs of the minor, shall not be taken into account as the justification of the refusal for the return of the child.

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.

The Central Authority of Georgia has elaborated the Draft Referral and Enforcement Mechanism on the child abduction/retention cases and the realization of the rights of access. The main aim of the document is to effectively implement the principles and provisions of the 1980 Hague Convention and efficiently enforce the court judgments. The document prescribes the precise procedures for each relevant state agencies, which are in charge of examination, referral and enforcement of the above mentioned cases. The Referral and Enforcement mechanism will be adopted in the nearer future.

In addition, the Central Authority of Georgia has developed the National Guideline on the implementation of the 1980 Hague Convention for Georgian judges and the representatives of other authorities involved in the examination/enforcement proceedings of the above mentioned cases. The Guideline describes the basic legal aspects of the 1980 Hague Convention and international/national practice of the relevant provisions of this international treaty.

The Central Authority of Georgia in close cooperation with EU and GIZ has developed the training module for judges and their assistants regarding the implementation issues of the 1980 Hague Convention. The training will be carried out in Autumn, 2017.

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:
[Please insert text here](#)

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

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

PART II: THE PRACTICAL OPERATION OF THE 1980 CONVENTION

3. **The role and functions of Central Authorities designated under the 1980 Convention**⁴

In general

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

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

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

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:
[Please insert text here](#)

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:
[Please insert text here](#)

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:
[Please insert text here](#)

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:
[Please insert text here](#)

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:
[Generally, there are no challenges with regard to the locating of the child, although, in some cases, if the applicant does not have an accurate information about the child's whereabouts, this may cause some delays in the locating process.](#)

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:
[If the whereabouts of the child is unknown, the Central Authority always contacts the Ministry of Internal Affairs of Georgia, which is in charge of locating the minor.](#)

Information exchange, training and networking of Central Authorities

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").

3.8 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:

In September, 2016 the delegation of Georgia (consisted of the representatives of the Georgian Central Authority (Ministry of Justice), the Ministry of Internal Affairs of Georgia and the LEPL - Social Service Agency of the Ministry of Labor, Health and Social Affairs of Georgia) visited the office of the Hague Conference on International Private Law, the Central Authority of the Netherlands (Ministry of Justice and Security) and the Hague District Court to share the experience regarding the examination of the child abduction/retention/rights to access cases and the enforcement of the court decisions.

In May, 2017 with the representative of the Georgian Central Authority (Ministry of Justice of Georgia) visited the Central Authority of the Republic of Austria to introduce the Austrian model and experience. The main aim of the study visit was to share the expertise with regard to the prompt examination of the child abduction/retention/rights to access application, as well as the effective fulfillment of the obligations under the 1980 Hague Convention.

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 insert text here

Statistics⁷

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

N/A

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:

Although, there is no exact timeframe set for the prompt handling of the cases, the Central Authority of Georgia takes effective steps to ensure that the referral of the application to the competent Georgian Court or the requested Central Authority is not delayed. In addition, according to the draft Referral and Enforcement Mechanism, a 6-week period is determined for the Central Authority to examine and refer the case to the above mentioned authorities.

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

The Georgian Central Authority may experience the delays, when:

- 1) the parties are reluctant to cooperate with the Central Authority and/or other relevant state agencies;
- 2) there are some difficulties in locating the child's whereabouts;
- 3) the application submitted to the Central Authority does not contain enough information/evidence in order to commence the proceedings under the 1980 Hague Convention and the left-behinded parent does not provide the Central Authority with the requested information in a timely manner.

4. Court proceedings & promptness

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).

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:
[Please insert text here](#)

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

- No
 Yes, please explain:
[According to Article 351-14 of the Civil Procedure Code of Georgia, the competent Georgian courts have up to 6 weeks to examine and decide the case. If the court does not render the decision within 6 weeks from the date of commencement of the proceedings, in accordance with Article 11 of the 1980 Hague Convention, the Central Authority of Georgia is empowered to request the information from the court regarding the reasons for the delay.](#)

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

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

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

[For example, the complexity of the particular case, the motion of the disputing party/parties to postpone the court hearing.](#)

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

- No, please explain:
[Please insert text here](#)
 Yes, please explain:
[Taking into account the case circumstances, the court orders the protective measures in order to prevent a new removal and minimize the harm to the child. According to Article 351-10 of the Civil Procedure Code of Georgia, upon the petition of the applicant, the court is empowered to issue the protective orders, including, an order restricting the removal of the child.](#)

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

- Yes
 No, please explain:
[The Georgian Central Authority actively cooperates with the national court system in order to designate Georgian judges to the International Hague Network of Judges.](#)

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

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".

the child's safe return. What was the specific purpose of the communication? What was the outcome?

N/A

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?

In accordance with the recommendations of the Special Commission meetings, the Central Authority of Georgia facilitates the realization of the rights to access in accordance with Article 21 of the 1980 Hague Convention. If the safe return of the child may be at danger, the Central Authority alerts the appropriate national agencies, as well as the relevant authorities of the requesting state. In addition, the Central Authority of Georgia is empowered to coordinate the taking of the urgent protective measures in accordance with Article 11 of the 1996 Hague Convention.

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

The Central Authority of Georgia contacts the Central Authority of the requesting state and provides with the relevant information on the case circumstances and the measures taken by the competent Georgian authorities, as well as the concerns of the Georgian Central Authority. In parallel with the official correspondence, the contact can be made via the e-mail and phone.

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 Central Authority of Georgia contacts the Central Authority of the requesting state and provides with the relevant information on the case circumstances and the measures taken by the competent Georgian authorities, as well as the concerns of the Georgian Central Authority. In parallel with the official correspondence, the contact can be made via the e-mail and phone.

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:
 N/A

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,

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.

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.

N/A

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.

In case of necessity, the relevant national authorities will take measures within their field of competence to protect the primary carer of the child. In addition, the Central Authority of Georgia will contact the Central Authority of the requesting state to coordinate the further steps for the safe return of the above mentioned person.

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?

In case of necessity, the Georgian Central Authority contacts the Central Authority of the requesting state in order to get the follow-up information. In our opinion, the cooperation between states with regard to the provision with the follow-up information is vitally important.

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:
 N/A

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:

In order to ensure the prompt and effective resolution of the dispute, before submitting the case file to the competent court, the Central Authority actively encourages parties to reach the agreement without using the judicial proceedings. Apart from the official communication means, the Central Authority contacts the parties either by phone and/or e-mail in order to quicken the process and proposes a meeting (when the party/parties are in Georgia) within 2-3 days after receiving of the application. If the party/parties so agree, the representatives of the Central Authority meet them and pass the relevant information on the circumstances and the possible outcomes of the case as well as the general procedures under the 1980 Hague Convention. In addition, the representatives of the Central Authority of Georgia also inform the requesting Central Authority on the developments of the case and the steps taken in order to encourage the parties to settle the dispute amicably without referring the case file to the court.

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:

The Guide to Good Practice is a very important tool to facilitate the friendly settlement of the dispute between the parties. It gives a lot of useful information on how does the

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

mediation work for the child abduction cases. In cooperation with the GIZ, the document is being translated into Georgian language and will be available to the practitioners, as well as the general public.

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:
However, this issue might be discussed in the near future.
- Yes, please explain:
Please insert text here

7. **Preventive measures**

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

- No
- Yes, please describe:
Please insert text here

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

- Yes
- No, please explain:
Please insert text here

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

8.1 In what ways have you used the Parts of the Guide to Good Practice¹⁵ to assist in implementing for the first time, or improving the practical operation of, the 1980 Convention in your State?

- a. Part I on Central Authority Practice. Please explain:
The document clearly describes the general functions and responsibilities of the main actors involved in the process of the examination of the 1980 Hague Convention, as well as the general recommendations with regard to the effective implementation of the above mentioned international treaty, it is widely used by the Central Authority of Georgia in order to improve the relevant national legislation and/or practice.
- b. Part II on Implementing Measures. Please explain:
See above.
- c. Part III on Preventive Measures. Please explain:
See above.
- d. Part IV on Enforcement. Please explain:
See above.

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?

With the assistance of EU and GIZ, the parts of the Guide to Good Practice is being translated into Georgian language and will be disseminated among the judges and other representatives of the relevant state authorities, as well as the general public.

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".

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

N/A

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:

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

The general information regarding the application of the 1980 Hague Convention, the Explanatory Report of Elisa Perez-Vera, the application forms and the national implementing legislation is available on the website of the Ministry of Justice of Georgia: <http://justice.gov.ge/Ministry/Index/302>. In addition, upon request, the representatives of the Central Authority of Georgia deliver the relevant information on the operation of the 1980 Hague Convention.

PART IV: TRANSFRONTIER ACCESS / CONTACT AND INTERNATIONAL FAMILY RELOCATION

10. Transfrontier access / contact¹⁶

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:

In 2011, the Central Authority of Georgia elaborated amendments to the Civil Code of Georgia and Civil Procedure Code of Georgia for the effective implementation of the Convention. As to the procedural part, a new chapter was added to the Civil Procedure Code of Georgia on the Special Aspects of Return or Exercise the Right to Access with a Wrongfully Removed or Retained Child. According to this legislative amendment, two courts in Tbilisi and Kutaisi (Tbilisi and Kutaisi City Courts and Appeal Courts) were designated to study the cases under this Convention. In addition, the 6-week period was determined for the courts to decide the cases and the 2-week period was determined for the appeal. The legislative amendments entered into force on 6 June, 2011.

The Central Authority of Georgia has elaborated the Draft document on Referral and Enforcement Mechanism on child abduction/retention cases and the realization of the rights of access. The main aim of the document is to effectively implement the principles and provisions of the 1980 Hague Convention and efficiently enforce the court judgments. The document prescribes the precise procedures for each relevant state agencies, which are in charge of examination, referral and enforcement of the above mentioned cases. The Referral and Enforcement mechanism will be adopted in the nearer future.

In addition, the Central Authority of Georgia has developed the National Guideline on the implementation of the 1980 Hague Convention for Georgian judges and the representatives of other authorities involved in the examination/enforcement proceedings of the above mentioned cases. The Guideline describes the basic legal aspects of the 1980 Hague Convention and international/national practice of the relevant provisions of this international treaty.

The Central Authority of Georgia in close cooperation with EU and GIZ has developed the training module for judges and their assistants regarding the implementation issues of the 1980 Hague Convention. The training will be carried out in autumn, 2017.

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

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.

Since 2011, no incoming/outgoing application was made regarding the realization of the rights to access.

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;
N/A
- b. the effective exercise of rights of access; and
N/A
- c. the restriction or termination of access rights.
N/A

Please provide case examples where possible.
N/A

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?

Since 2011, no incoming/outgoing application was made regarding the realization of the rights to access. However, the Guide to Good Practice remains as a very useful tool regarding the facilitation of the realization of the access rights.

11. International family relocation¹⁸

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:

N/A

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:

In general, the increasing number of the contracting states will facilitate the better application of the 1980 Hague Convention in practice.

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?

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."

N/A

The "Malta Process"¹⁹

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

N/A

- 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:

[Please insert text here](#)

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

N/A

<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 Central Authority of Georgia in close cooperation with EU and GIZ developed the training module for judges and their assistants regarding the implementation issues of the 1980 Hague Convention. The training will be carried out in autumn, 2017.](#)

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

In general

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

- a. The Country Profile available under the Child Abduction Section.

[This document is very useful to get acquainted with the application of the 1980 Hague Convention in the other contracting states. It is a great opportunity for the Central Authorities to learn about the specific practical details regarding the operation of the 1980 Hague Convention upon filing the request for the return of the child/realization of the access rights.](#)

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".

- b. INCADAT (the international child abduction database, available at < www.incadat.com >).
This is a very useful tool for every actor involved in the examination process of the relevant cases as it contains the information on the interpretation of the particular provisions of the 1980 Hague Convention by various national and international courts.
- 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
This is very useful tool for the judges and other professionals in order to get the relevant information on the various topics, including, the relevant national legislation/practice of the other contracting states.
- d. The specialised "Child Abduction Section" of the Hague Conference website (< www.hcch.net >);
This is a helpful tool as it contains the useful information on the implementation of the 1980 Hague Convention. For example, the updated list and contact information of the Central Authorities; the status table of the 1980 Hague Convention; the relevant publications on the child abduction issues, etc.
- e. INCASTAT (the database for the electronic collection and analysis of statistics on the 1980 Convention);²²
This is an important tool for the Hague Conference on Private International Law to collect the multiple types of information from the various jurisdictions and make the evidence-based recommendations to the state parties.
- 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;
It is a perfect tool for exchanging the information about the best practice towards the implementation of the 1980 and 1996 Hague Conventions and, in result, improving the relevant national legislation/practice.
- g. Encouraging wider ratification of, or accession to, the Convention(s), including educating those unfamiliar with the Convention(s);²⁴
In general, the increasing number of the contracting states will facilitate the better application of the 1980 Hague Convention in practice.
- h. Supporting communications between Central Authorities, including maintaining their contact details updated on the HCCH website;
This is very important, as it facilitates the swift and efficient coordination between the respective Central Authorities and encourages the effective implementation of the main aims and objectives of the 1980 Hague Convention.
- 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
N/A

Other

14.2 What other measures or mechanisms would you recommend:

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.

- a. To improve the monitoring of the operation of the Conventions;
N/A
- b. To assist States in meeting their Convention obligations; and
N/A
- c. To evaluate whether serious violations of Convention obligations have occurred?
The encouragement of the dialogue and cooperation between the two states by the Hague Conference on Private International Law.

**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.

- 1) The clarification of the "grave risk" exception in the process of the examination of the 1980 Hague Convention cases by the competent administrative/judicial authorities;
- 2) The further facilitation of the cooperation between the Central Authorities of the state parties to the 1980 Hague Convention;
- 3) The highlighting of the importance of the application of the 1996 Hague Convention provisions in the child abduction/retention/realization of the rights to access cases.

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

N/A

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.

N/A